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Head of Department
Western Cape Government: Department of Infrastructure
(Transport Infrastructure Branch)
11 Leeuwen Street
CAPE TOWN
8000

Attention: Ms. Louise Buys

E-mail: Louise.buys@westerncape.gov.za
Tel: 082 730 7792

Dear Madam,

COMMENT ON DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED REMOVAL AND REPLACEMENT OF EXISTING ROAD AND CULVERT INFRASTRUCTURE LOCATED ALONG DIVISIONAL ROAD (DR) 1602 KM 8.48, KLEINPLAAS ROAD, CROSSING FARM 338 AND PORTION 6 OF FARM 220 IN MOSSEL BAY LOCAL MUNICIPALITY, GARDEN ROUTE DISTRICT.

1. The Draft Basic Assessment Report ('DBAR'), dated May 2026, compiled and submitted by your appointed registered Environmental Assessment Practitioner ('EAP'), Ms. Betsy Ditchm (EAPASA REG: 2020/1480) and assisted by candidate EAP, Ms. Jessica Gossman (EAPASA REG: 2022/6154) of *Sharples Environmental Services CC ("SES")*, as received by this Directorate: Development Management (Region 3) ('this Directorate'), on 29 April 2026, refers.
2. This Directorate has reviewed the DBAR and provides the following comments:

2.1 Proposed Development

The proposed development entails the removal and replacement of the existing flood-damaged causeway and associated road infrastructure along Divisional Road (DR) 1602 (Kleinplaas Road) at km 8.48, where the route crosses the Varings Rivier on Farm 338 and Portion 6 of Farm 220, within the Mossel Bay Local Municipality, Western Cape. The proposed project forms part of a larger scope of work that is not included in the DBAR. The proposed project forms part of the overarching project of flood damage repairs on Main Road 355 (Seven Passes). This DBAR is only concerned with proposed removal and replacement of existing road and culvert infrastructure located along DR 1602 KM 8.48, Kleinplaas Road.

The proposed development involves the construction of a new, realigned bridge and approach road section positioned immediately south of the existing crossing. The total length of the realigned section, including the causeway and its approach roads, will be approximately 100 – 150 meters. The roadway width will be approximately 6.2 meters and the bridge structure 4 meters between guide blocks, overall development footprint width of the bridge will be approximately 15 meters. The current road reserve is 20 meters wide, with the construction working corridor

extending 3 meters beyond the road footprint on either side for machinery access and material handling.

To maintain traffic during construction, a temporary deviation road will be established north of the new alignment. The proposed temporary deviation road will be approximately 42 meters in length and 4 meters in width. The footprint of the temporary deviation road within the watercourse is estimated at approximately 180m² and 3 meter working buffer will be applied around the working area. Total working area for the proposed project will be approximately 1 646m², which will extend approximately 233m² out of the existing road reserve.

2.2 *Carrying out listed activities without obtaining an Environmental Authorisation:*

During early May 2026 the Western Cape Province was subject to heavy rainfall which led to flooding throughout the Garden Route District and flood damage to property, structure and infrastructure. As you are aware, the Western Cape Government: Department of Infrastructure notified this Department on 9 June 2026 about damage to road and drainage infrastructure between km 0-km 21.56 on DR01602, Grootbrakrivier and requested the competent authority to issue a Verbal Directive in terms of Section 30A (1) of National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA"). As such, a verbal directive was issued to the DOI by the Competent Authority on the 9 of June 2026 to carry out listed activities without obtaining an Environmental Authorisation.

The proposal which was communicated to this Department was/is to reinstate the damaged infrastructure, reinstate the watercourse(s) and flow paths and to provide erosion protection to protect infrastructure from future damages along this section of DR01602.

As this application (DEADP Ref. 16/3/3/1/D6/29/0022/26) has yet to be decided and the written confirmation of the request for the oral request for a Verbal S30A Directive was not specific about the exact works at km 8.48 on DR01602.

You are required to provide clarity on the following:

- Whether any physical works have been commenced with at km 8.48.
This must include recent photographic evidence of the site prior to any works which may have been undertaken after the recent May 2026 flood event; and comparative photo material of the works that have been undertaken since 9 June 2026 (*if any).

*If no physical activities have been undertaken yet at km 8.48 on DR01602, this must be clearly communicated to this Department.
- What the specific extent of the works are that have been/will be undertaken in terms of the Section 30A Directive issued on 9 June 2026.
- Please demonstrate how this application should be integrated in this Basic Assessment process.

It is acknowledged that where an Environmental Authorisation may have been issued for any of the sites in the Garden Route District, for which a Verbal Section 30A Directive was orally requested after the May 2026 flood damage, that the extent of such a Verbal Directive would be limited to the clearing the site of debris to make it safe and to re-establish access, including the development of a temporary bypass road within the road reserve to provide access. However, in this case the environmental authorisation has not been issued, and the oral request for the verbal Directive in terms of Section 30A(1) did not specific that the proposed development described in section 2.1 above, would be undertaken.

2.3 Specialist Studies and Compliance Statements

It is emphasised that the BAR and supporting specialist studies must comply with the legislated minimum information and reporting requirements. Therefore, all identified specialist studies must be complied with in full, meaning that each specialist study or compliance statement must be undertaken and comply with the minimum information requirements set out in the Protocol for the applicable Theme.

It may be possible for a single person to undertake the entire specialist assessment and reporting for more than one Protocol, for example the Terrestrial Biodiversity, Terrestrial Plant Species themes. Please note that the partial assessment/reporting of a specific theme by two or more different persons in separate reports, will not be accepted, even if there may be a level of overlap in the different specialist disciplines. *The exception may be where two or more different specialists undertake the assessment of the different 'taxa' identified under the animal species theme.

Where a single person will be undertaking more than one assessment of the themes identified in the screening tool report (STR), it must be ensured that—

- the person undertaking such specialist assessments and reporting, must be appropriately registered with SACNASP for each of the respective Protocols, and that he/she provides the necessary proof hereof in the BAR;
- the assessment and reports address all the minimum information requirements, as specified in the respective protocols for each of the relevant themes the person will be responsible for assessing and reporting on, and
- where a single report will be submitted (i.e., two themes are combined in a single report), such a document must clearly separate the information on the minimum information requirements of the respective protocols to avoid any ambiguity, and the report must clearly demonstrate how each aspect has been addressed. If the latter is not evident, the report will be rejected. It is recommended that each Protocol be dealt with as a separate 'chapter' in such a combined report.

Where the Protocol requires that specialists with a field of practice relevant to the taxonomic group ("taxa") for which the assessment is required, and two or more different specialists (persons) must be appointed to undertake the assessment of that theme (i.e., animal species theme), the respective taxa reports may be combined in a single report; however, the information on the minimum information requirements of the protocol must be addressed by each specialist to avoid any ambiguity, and the report must clearly demonstrate how each taxa has been addressed and the specialist has signed off on the relevant information. If the latter is not evident, the report will be rejected. It is recommended that the report for each taxa rather be submitted as a separate document; however, where a combined document is submitted that each taxa is dealt with as a separate 'chapter' in such a combined report.

Considering the above, the following comment is provided on certain specialist's studies.

2.3.1 Site-Specific Verification Report ("SSVR")

A combined Site Specific Verification Report ("SSVR") (SES Ref: CT6/SSVR/04/26) dated April 2026), was submitted together with the DBAR, as stipulated in the respective Protocols. The SSVR for the certain of the themes do not fully comply with the minimum report content requirements set out in the applicable Protocol. Certain discrepancies have been identified between the SSVR and the actual reports. The Protocol requires that the site sensitivity verification must be undertaken by an environmental assessment practitioner (EAP) or a specialist. The combined SSVR which has been appended to the DBAR is incomplete as it does not address all the respective themes in full by the relevant specialists.

It is noted that the Animal Species Sensitivity Rating was identified as "High" within the Screening Tool Report. The specialist who was appointed to undertake the site sensitivity verification for the Animal Species theme (faunal and avifauna) was Mr. Mokgatla Molepo of MORA Ecological Services (Pty) Ltd., Mr Molepo disputed the sensitivity rating and confirmed it to be "Low" and found that a compliance statement will suffice for the assessment of this theme. However, although the specialist, Mr. Molepo undertook the ground-truthing inspection for the site sensitivity verification on 29 and 30 October 2023 for the theme in its entirety, only an avi-faunal assessment has been submitted by Mr Molepo, there is no Animal species report from him on the other applicable taxa appended to the DBAR corroborating Mr. Molepo's findings in the site sensitivity report. Therefore, it is questionable that the sensitivity rating was correctly disputed for all animal species taxa.

It is noted that a compliance statement assessment was undertaken by Ms. Megan Smith and Ms. Edmari Lewis of *Enviroworks* (dated November 2023). No SSVR was provided by Ms Megan Smith for the animal species taxa not assessed by Mr. Molepo (i.e., avifauna).

This discrepancy must be explained and addressed in the BAR.

2.3.2 Plant Species, Animal Species and Terrestrial Biodiversity Theme Compliance Statement

A combined report for the three themes has been prepared by Ms. Megan Smith and Ms. Edmari Lewis of *Enviroworks* (dated November 2023) and is appended as Appendix G2 to the DBAR. To reiterate, the specialist who has completed the specialist input on these themes has not undertaken the SSVR or provided an SSVR which complies with the minimum information requirements of the Protocol together with their reports.

The following concerns/shortcomings are highlighted:

- The relevant reports do not comply with the minimum information requirements set out in the respective Protocols for the Animal Species Theme or Plant Species Theme (i.e., refer to Government Notice No. 1150 in Government Gazette No. 43855 of 30 October 2020, as amended by Government Notice No. 3717 in Government Gazette No. 49028 of 28 July 2023).

Note: The Protocol was amended prior to the date of the site inspections and the compliance assessment report being compiled. The amended Protocol has introduced specific requirements which must be addressed. The cross-reference checklist for specialist assessment included in the reports are incomplete.

- The date on which the site was inspected is more than two and a half years ago (31 months). It is unclear whether the report is still fully applicable to site as no confirmation cover letter has been appended.
- The report includes data for two sites namely: Site 4 - DR1633 km 3.35, Varings River – Jonkershoek and Site 8 - DR1602 km 8.5, Varings River. It is understood that the information for Site 8 corresponds to this application.

The reports fail to demonstrate which species were indeed found on the site, and only provide a list of species which potentially may occur on the reference sites or close to the site itself.

Although there is a certain level of distinction between the two sites in the report, the information in Appendix B: Table 7 Plant species recorded on the reference sites and Appendix C: Table 8 Potential animal species that can be found on the reference site and immediate surrounds, do not highlight which information is applicable to the site on DR01602 (km 8.48).

Furthermore, the information on sensitive species has not been provided to the Competent Authority and the report merely states that it is "classified". Please note that the Screening Tool Report (appended as "Appendix I" to the DBAR) provides clear guidance that where only a sensitive plant unique number or sensitive animal unique number is provided in the screening report and an assessment is required, the environmental assessment practitioner (EAP) or specialist is required to email SANBI at eiadatarequests@sanbi.org.za listing all sensitive species with their unique identifiers for which information is required. The name has been withheld as the species may be prone to illegal harvesting and must be protected. SANBI will release the actual species name after the details of the EAP or specialist have been documented. It appears that the specialist has failed to follow this process as no information is provided in the report, or whether the specific species have been found. Only providing generalised statements/conclusions without substantiating the data, is not deemed to comply with the protocol.

(A similar procedure must be followed for the animal species for which a unique number has been assigned).

- The Animal Species section of the report fails to demonstrate to which taxonomic group ("taxa") the assessment applies, and whether the person has the relevant experience in the field of practice relevant to the taxa. It is acknowledged that Appendix B and C do provide a list of taxa (animal species) which may potentially occur on reference sites. This does not adequately address the requirements of the Protocol to demonstrate that the person has the relevant experience, more specifically in the field of practice relevant to the taxonomic groups ("taxa") for which the assessment is being undertaken.

- **Requirements of the Specialist**

The compliance statement must be prepared by a SACNASP registered specialist under one of the two fields of practice (Zoological Science or Ecological Science).

The report has been signed off by Ms. Megan Smith (SACNASP No.130295 Pr.Nat.Sci – Ecological Science) and "co-authored" by Ms. Edmari Lewis (Candidate Nat. Sci No. 47171 – Environmental Sciences), at the time of completing the report. The Natural Sciences Professions Act No. 27 of 2003 ("NSPA") the SACNASP provides that only Professional Natural Scientists may undertake and sign off on the submission of a specialist report. Whereas a Candidate Natural Scientists can only perform work under the supervision and control of a registered Professional Natural Scientist. This has been confirmed in the SACNASP's *Legal and Compliance Practise Note* (SAC20225/001PN). However, the relevant Protocols specify that the compliance statement must be prepared by a SACNASP registered specialist in specific fields of practise, namely—

- **Animal species theme** – within the field of practice in the Zoological Science or Ecological Science;
- **Plant species theme** - within the field of practice in the Botanical Science or Ecological Science.

Even though the SACNASP must still finalise their formal document on the "Identification of Work" to regulating the practice of natural scientific professions, ensure public protection, and maintaining high standards of professional and ethical conduct, the Protocols clearly restrict the work to specifically registered professionals.

It is not apparent that the Candidate undertaking the specialist assessments and reporting, under the supervision of the Professional Scientist, is/was appropriately registered with SACNASP for either of the respective Protocols. It is apparent that the field of practise in Environmental Sciences is different to the requirement and not permitted by the Protocols. It is also unclear from the report to what extent the Candidate has undertaken the work or compiled the report, which raises the question if they can be accepted.

For the Department to accept the respective reports, the registered Professional Natural Scientist must clarify the above, update the report where necessary and demonstrate that the reports comply with the regulatory requirements.

2.3.3 Animal Species (Avifauna) Compliance Statement

It is noted that Mr. Mokgatla Molepo of *MORA Ecological Services (Pty) Ltd.*, undertook the ground truthing for the site sensitivity verification on 29 and 30 October 2023 for this theme. The compliance statement only addresses an avifauna study and not a complete faunal study as per the SSVR undertaken by Mr Molepo.

The following concerns/shortcomings are highlighted:

- The report does not comply with the minimum information requirements set out in the Protocols for the Animal Species Theme (i.e., in Government Notice No. 1150 in Government Gazette No. 43855 of 30 October 2020, **as amended** by Government Notice No. 3717 in Government Gazette No. 49028 of 28 July 2023). The cross-reference checklist for specialist assessment included in the report is incomplete.
- The report includes data for two sites namely: Site 4 - DR1633 km 3.35, Varings River – Jonkershoek and Site 8 - DR1602 km 8.48, Varings River. It is understood that the information for Site 8 corresponds to this application
- The date on which the site was inspected is more than two and a half years ago (31 months). It is unclear whether the report is still fully applicable to site as not confirmation cover letter has been appended.

The specialist is required to update the report, address the above matters and demonstrate that the report complies with the regulatory requirements.

2.4 Environmental Management Programme ("EMPr")

In accordance with Section 24N of NEMA and the EIA Regulations, 2014, the applicant is required to submit an Environmental Management Programme ("EMPr") with the BAR. The contents of such an EMPr must meet the requirements outlined in Appendix 4 of the EIA Regulations, 2014.

The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management

arrangements after implementation (auditing). It must be submitted together with the BAR. When compiling the EMPr.

3. *Submission of Basic Assessment Report*

The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations, 2014, and must also include and address any information requested in any previous correspondence in respect of this matter.

Please be reminded that in accordance with Regulation 19 of the EIA Regulations, 2014, the Department hereby stipulates that the BAR (which has been subjected to public participation) must be submitted to this Department for decision within **90 days** from the date of receipt of the application by the Department. However, if significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

In light of the comments provided, the EAP must demonstrate in the “comment & responses report” how Regulation 19(1)(b) has been considered.

If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of the EIA Regulations, 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted.

NOTE: Furthermore, in accordance with Environmental Impact Assessment best-practice, the EAP is required to notify all registered Interested and Affected Parties including the authorities identified in the Public Participation Plan of the submission of the FBAR and to make the document available to them. This will provide such parties an opportunity to review the document and how their issues were addressed.

4. Please note that it is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
6. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully

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HEAD OF COMPONENT:

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES (REGION 3)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

(reference: 16/3/3/1/D6/29/0022/26)

Copied to: EAP: Betsy Ditcham
Cand. EAP: Jessica Gossman

E-mail: betsy@sesc.net
E-mail: jessica@sesc.net