



**EIA REFERENCE:** 16/3/3/6/7/1/B3/28/1156/19  
**DATE OF ISSUE:** 9 April 2020

The Director  
Department of Transport and Public Works  
Private Bag X9185  
**CAPE TOWN**  
8000

**Attention: Mr M Haider**

E-mail: [Mehdi.Haider@westerncape.gov.za](mailto:Mehdi.Haider@westerncape.gov.za)

Dear Sir

**COMMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT ("BAR") FOR THE PROPOSED WIDENING AND UPGRADING OF MAIN ROAD 201 (WEMMERSHOEK ROAD), PAARL**

1. The pre-application BAR and the letter dated 24 February 2020, as received by the Department on 25 February 2020 and the Departmental letter issued on 2 March 2020, refer.
2. The Department is of the understanding that the proposal entails the widening and upgrading of Main Road 201 to two lanes in each direction. The proposed work also entails the upgrading and expansion of existing storm water structures. Twenty-seven culverts will be replaced and or upgraded. Three of the culverts are located within rivers. A seep wetland and a depression wetland will also be impacted by the proposed development.
3. Following a review of the information submitted to this Department, the Department has the following comments:
  - 3.1. It is noted under Section D: Applicable listed activities, the portion of the proposed development to which the applicable activity relates in both Activity 12 and Activity 48 as defined in Listing Notice ("LN") 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), is for the same components of the development. Note that Activity 12 and Activity 48 as defined in LN1 of the NEMA EIA Regulation, 2014 (as amended) cannot be triggered for the same components. The development either entails the construction of a structure at a location where there has not been a structure before or the existing structure is replaced with a bigger structure. You are requested to reassess the applicability of the two aforementioned activities and to either include amended reasoning for their inclusion into the follow up report or to amend the section to only include the relevant activity.
  - 3.2. It is noted that your reasoning for including Activity 12 as defined in LN3 of the NEMA EIA Regulations, 2014 is due to the proposed development resulting in the clearance of more than 300m<sup>2</sup> of Critical Biodiversity Areas ("CBA"). It is assumed that this reasoning is included as the Botanical Specialist states that at least 0,14ha of critically endangered habitat (page 68 of the Botanical Assessment). Please note that to date no CBAs has been adopted by this Department. Therefore Activity 12 as defined in terms of LN3 of the NEMA EIA Regulation, 2014 will not be applicable to the proposed development.

- 3.3. Further to the above, it is noted that the Botanical Specialist states that at least 0,14ha of critically endangered vegetation will be lost as a result of the development. It further states the construction activities could result to the loss of approximately 0,5ha. You are required to confirm whether the 0,5ha referred to above relates only to the critically endangered vegetation that will be lost or whether it relates to all the natural vegetation that will be lost i.e. indigenous vegetation located within ecosystems classified as critically endangered as well as vulnerable. A statement from the Botanical Specialist in this regard must be obtained.
- Note:
- Should it only refer to the clearance of indigenous vegetation located within an ecosystem classified as critically endangered, you will be required to confirm the construction footprint to which Activity 12 as defined in terms of LN3 of the NEMA EIA Regulation, 2014 (as amended) relates.
  - You will also be required to request a statement from the Botanical Specialist indicating the total extent of indigenous vegetation (vulnerable and critically endangered) that will be lost due to the proposed development.
- 3.4. It is noted that as part of the development that certain access roads will be realigned. You are required to elaborate on the realigned access roads within your project description i.e. size of the realigned road in terms of length and width, the amount of natural vegetation that will be cleared as part of the realignment of the access road. You are also required to indicate the coordinates of the realigned access roads within the relevant section of the BAR.
- 3.5. It is noted that the Freshwater Specialist Report on page ii under Management Summary refers to 43 culverts that will need to be upgraded. It is however noted that the replacement and / or upgrading of only 27 culverts are proposed as part of this development proposal. You are required to provide this Department with clarity with regards to this discrepancy.
- 3.6. It is noted that a Water Use Licence in terms of Section 21(c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998) will be required and that application has been submitted to the relevant water authority. Please note that you are required to provide this Department with proof of submission as well as a copy of the submitted documentation.
- 3.7. It is noted that the site does not only entail the current road reserve area, but also include portions of adjacent properties onto which the road reserve will be extended. You are required to specifically obtain comment in the form of consent from the land owners onto which the road reserve will be extended and also from land owners were their access roads will be closed and / or realigned.
- 3.8. All original signed declarations (applicant, environmental assessment practitioner and specialists) must be included in the in-process BAR.
- 3.9. All comments received during the Public Participation Process must be included in the final BAR.
- 3.10. The recommendations and mitigation measures made by the Specialist Studies and relevant authorities must be incorporated into the in-process BAR and Environmental Management Programme, where appropriate.
4. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application.

5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.

Yours faithfully

pp *Chetsee*

**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING**

Cc: (1) Ms C Becker (Guillaume Nel Environmental Consultants (Pty) Ltd)  
(2) Ms C Winter (Drakenstein Municipality)

Fax: (021) 870 1873

E-mail: [cindy.winter@drakenstein.gov.za](mailto:cindy.winter@drakenstein.gov.za)