



REFERENCE: 16/3/3/6/7/1/B3/28/1156/19
ENQUIRIES: Ms Lorretta Osborne
DATE OF ISSUE: 2019 -05- 15

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

Attention: Mr M Haider

E-mail: Mehdi.Haider@westerncape.gov.za

Dear Sir

COMMENT ON NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014 (AS AMENDED) FOR THE PROPOSED WIDENING AND UPGRADING OF MAIN ROAD 201 (WEMMERSHOEK ROAD), PAARL

1. The document dated 26 April 2019, as received by the Department on the same day and the Departmental letter issued on 6 May 2019, refer.
2. Following a review of the information submitted to this Department, we note the following:
 - 2.1. The proposal entails the widening and upgrading of Main Road 201 to two lanes in each direction.
 - 2.2. The proposed works will also entail the upgrading and expansion of existing storm water structures.
 - 2.3. Forty-three culverts will be replaced and/ or upgraded of which five are located within watercourses.
 - 2.4. A total of five watercourses are located at different locations on the site.
 - 2.5. An application in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998) for a Water Use Licence ("WUL") is required.
 - 2.6. Historically the site would have been covered by the vegetation types Swartland Alluvium Fynbos, which is critically endangered in terms of Section 52 of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004) and Boland Granite Fynbos, which is vulnerable in terms of Section 52 of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004).
3. The following must be taken into consideration:
 - 3.1. The Department notes that the Department of Water and Sanitation ("DWS") will be consulted with respect to the requirement for a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA"). In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations.

- 3.2. The applicant intends to apply for Activity 19 of Listing Notice 1. The Department recommends that a Maintenance Management Plan ("MMP") forms a component of the Operational Environmental Management Plan. Please be advised that the MMP relates to the aforementioned listed activity only.
- 3.3. The applicant intends to apply for Activity 12 of Listing Notice 1 and Activity 4 of Listing Notice 3. Note that the aforementioned activities will not be applicable to the proposed development since the proposal is for the widening and upgrading of a road. However, should new structures form part of the proposed development, it must be clearly stated in the pre-application Draft Basic Assessment Report ("BAR") and in the application form.
- 3.4. Please be reminded that when the formal application form is submitted to the Department, the original applicant's declaration, as well as the declaration for the Environmental Assessment Practitioner must be included.

Process

4. After considering the information provided in the Notice of Intent, the Department concurs that the proposed development constitutes listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).
5. A Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.
6. You are advised that when undertaking the Basic Assessment process, you must take into account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (<http://eadp-westerncape.kznsshf.gov.za/your-resource-library>). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:
 - Circular EADP 0028/2014: One Environmental Management System.
 - Guideline for the Review of Specialist Input in the EIA process (June 2005).
 - Guideline for Environmental Management Plans (June 2005).
 - Guideline on Alternatives (March 2013).
 - Guideline on Need and Desirability (March 2013).
 - Guideline for involving a Visual and Aesthetic Specialist (June 2005).
7. Please ensure the BAR and Environmental Management Programme contain all information requirements outlined in Appendices 1 and respectively of the EIA Regulations 2014 (as amended). Omission of any required information may result in the application for Environmental Authorisation being refused.

Public Participation

8. A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner's discretion at what stage the requirements of Regulation 41 are met, whether during the proposed application (pre-application) process or formal application process. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR.
9. Should a PPP, which includes the circulation of the pre-application BAR for comment, be undertaken prior to submission of an Application Form to the Department, in terms of Regulation 40, the pre-application BAR may also be submitted to the Department for

commenting purposes. Please ensure a minimum of two printed copies of the pre-application draft BAR is submitted to the Department for commenting purposes.

10. In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014 (as amended), any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. **Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation.** Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the BAR, as well as the Cape Winelands District Municipality.
11. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.
12. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested of the outcome of the application

13. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

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