



# forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
**REPUBLIC OF SOUTH AFRICA**

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## **PER MAIL / E-MAIL**

Dear Mr Maduray

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED IMPROVEMENT OF ALEXANDRIA ON NATIONAL ROUTE R72 SECTION 1 KM 48.70 TO KM 49.62 AND SECTION 2 KM 0.00 KM 2.76, WITHIN WARD1 AND 2 OF THE NDLAMBE LOCAL MUNICIPALITY, EASTERN CAPE.**

The amended draft Basic Assessment Report (BAR) dated July 2023 and application form, received by this Department on 25 July 2023; refer.

This letter serves to inform you that the following information must be included to the final BAR:

#### **1. Listed Activities**

- a) The EAP must ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only activities applicable to the development must be applied for and assessed.
- b) If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.dffe.gov.za/documents/forms>.
- c) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the final BAR.
- d) The listed activities represented in the final BAR and the application form must be the same and correct. Ensure that the description of the listed activities includes the totalled amount of the thresholds triggered.
- e) You are required to confirm whether systematic biodiversity plans or bioregional plans are adopted by the competent authority. There are certain activities in Listing Notice 3 that requires that Bioregional Plans to be adopted.
- f) It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process, as the development property possibly falls within geographically designated areas in terms of Listing Notice 3 Activities. Written comments must be obtained from the

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relevant authorities (or proof of consultation if no comments were received) and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided. Please also ensure that the potential impacts on the affected Critical Biodiversity Areas and Ecological Support Areas are fully assessed in the final BAR.

- g) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

## 2. Layout & Sensitivity Maps

Please provide a layout map which indicates the following:

- The intended road and pedestrian safety areas.
- Show the additional capacity within the existing road.
- Show the intended Kwanonqubela intersection.
- Show the existing road and intersections and bridges if any.
- The extent of the widening road and its curves.
- All supporting onsite infrastructure, if any.
- The location of sensitive environmental features on site e.g., CBAs, wetlands, drainage lines, etc., that will be affected by the proposed upgrade and also Buffer areas and all “no-go” areas.

## 3. Specialist Assessments

- a) The EAP must ensure that all required specialist studies are recommended and assessed.
- b) Specialist studies to be conducted must provide a detailed description of their methodology, as well as all other associated infrastructures that they have assessed and are recommending for the authorisation.
- c) The specialist studies must also provide a detailed description of all limitations to their studies.
- d) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.
- e) A Traffic Impact Assessment study is recommended.**

## 4. Environmental Management Programme

- a) You are required to comply with the content of the EMPr in terms of Appendix 4 of the NEMA EIA Regulations, 2014, as amended.
- b) It must be emphasised that the final BAR **must include a final layout map and EMPr** which adheres to specialist recommendations as well as the identified no-go areas. Failure to provide a final layout map and EMPr may be detrimental to the decision-making process.

## General

Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority”* *iwk*

Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.”*

Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries & the Environment**  
**Signed by: Mr Wayne Hector**  
**Designation: Deputy Director: Prioritised Infrastructure Projects**  
**Date: 24/08/2023**

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