



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/2009

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

Dear Ms King

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CAPACITY UPGRADES TO THE N3 FROM THE CATO RIDGE INTERCHANGE (KM 19.4) TO LYNNFIELD PARK (KM 30.6), ETHEKWINI OUTER WEST, MKHAMBATHINI AND MSUNDUZI LOCAL MUNICIPALITIES, KWAZULU-NATAL**

The draft Basic Assessment Report (BAR) dated March 2019 and received by this Department on 11 March 2019 refer.

This Department has the following comments on the abovementioned application:

- i. Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- ii. 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.environment.gov.za/documents/forms>.
- iii. Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR.
- iv. Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- v. The Public Participation Process (PPP) must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended).
- vi. The final BAR must contain a comment and response report with all the comments provided during the PPP and the corresponding responses from the Environmental Assessment Practitioner (EAP) and Applicant to those comments.
- vii. Please provide a full description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 1 (2) (e) and 3 (1) (h) (i) of the EIA Regulations, 2014 (as amended).

- viii. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1 of the EIA Regulations, 2014 (as amended).
- ix. In accordance with Appendix 1 (3) (1) (a) of the EIA Regulations, 2014 (as amended), the following details must be submitted:
  - the EAP who prepared the report; and
  - the expertise of the EAP to carry out EIA procedures;
- x. The final BAR must provide the four corner coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- xi. You are further reminded that the final BAR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of BARs in accordance with Appendix 1 and Regulation 19(1) of the EIA Regulations, 2014 (as amended).
- xii. An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process must be included in the final BAR.
- xiii. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

The Environmental Management Programme (EMPr) to be submitted as part of the final BAR must comply with all the requirements in terms of the content of EMPrs in accordance with Appendix 4 of the EIA Regulations, 2014 (as amended).

The EMPr must also include the following:

- i. All recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.
- ii. An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- iii. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.

The EAP must provide detailed and written motivation if any of the above requirements are not required by the proposed development and not included in the EMPr.

Furthermore, it must be reiterated that, should an application for Environmental Authorisation be subject to the provisions of Chapter II, Section 38 of the National Heritage Resources Act, Act 25 of 1999, then this Department will not be able to make nor issue a decision in terms of your application for Environmental Authorisation pending a letter from the pertinent heritage authority categorically stating that the application fulfils the requirements of the relevant heritage resources authority as described in Chapter II, Section 38(8) of the National Heritage Resources Act, Act 25 of 1999. Comments from SAHRA and/or the provincial department of heritage must be provided in the BAR.

You are requested to submit two (2) electronic copies (1 CD and 1 USB) and two (2) hard copies of the BAR to the Department as per Regulation 19(1) of the EIA Regulations, 2014 (as amended).

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

Further note that in terms of Regulation 45 of the EIA Regulations, 2014 (as amended), this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of the these Regulations, unless an extension has been granted in terms of Regulation 3(7).

Yours faithfully



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Letter signed by: Mr Coenrad Agenbach**

**Designation: Deputy Director: Strategic Infrastructure Developments**

**Date: 11/04/2019**

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