



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER E-MAIL / MAIL

Dear Ms McKenzie

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CAPACITY IMPROVEMENTS TO THE NATIONAL ROUTE 3 (N3) FROM PARADISE VALLEY TO KEY RIDGE, INCLUDING PROVISION OF ACCESS FOR CONSTRUCTION BELOW UMHLATUZANA VIADUCT WITHIN ETHEKWINI METROPOLITAN (INNER & OUTER WEST) MUNICIPALITY, KWAZULU-NATAL PROVINCE

The draft Basic Assessment Report (BAR) dated December 2019 and received by this Department on 12 February 2020 refer.

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

(a) Listed Activities

- 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. The EAP must ensure that the project description clearly outlines all activities as part of the proposed upgrade and that the impacts of the proposed upgrade is clearly indicated and assessed in the final BAR.

(b) Public Participation Process

- i. 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 (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the final BAR.
- ii. 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.
- iii. The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.

(c) Environmental Management Programme

- i. The EMP must also include the following:

- All recommendations and mitigation measures recorded in the final BAR and the specialist studies conducted.
- An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- 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.

General

The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final BAR.

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 specialist reports, an EMPr, and where applicable a closure plan, 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.”*

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(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 basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, 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 basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised reports or, EMPr or, where applicable, a closure plan 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 Environmental Affairs

Signed by: Ms Olivia Letlalo

Designation: Deputy Director: Prioritised Infrastructure Projects

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