

# INDEPENDENT EXTERNAL PEER REVIEW REPORT

## ***OF:***

THE BASIC ASSESSMENT REPORT AND APPENDICES  
FOR THE PROPOSED FLOOD DAMAGE REPAIRS TO  
STRUCTURES ON MR309 IN SEWEWEEKSPOORT  
PASS, WESTERN CAPE

## ***CLIENT:***

HATCH AFRICA (PTY) LTD.

## ***PREPARED BY:***



**CORNERSTONE**  
ENVIRONMENTAL CONSULTANTS

**7 AUGUST 2017**

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<i>Name of the project</i>	<i>Basic Assessment (BA) for the flood damage repairs to structures on MR309 in Seweweekspoort Pass, Western Cape</i>
<i>Country where the project is to be located</i>	<i>South Africa</i>
<i>Name of proponent</i>	<i>Western Cape Government: Department of Transport and Public Works</i>
<i>Name of company which compiled the BA report</i>	<i>Hatch Africa (Pty) Ltd.</i>
<i>Version and Date that the BA report was completed</i>	<i>H351019-00000-121-066-0002, Rev. A. August 2017</i>
<i>Name of reviewer</i>	<i>Pieter de Villiers</i>
<i>Date of review</i>	<i>7 August 2017</i>

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## 1. STRUCTURE OF REVIEW FORM

This review form allows the reviewer to assess the Basic Assessment Report (BAR) for the proposed Seweweekspoort Infrastructure project in a systematic and structured way, both in terms of process and content. This review did not include the review of grammatical errors, spelling mistakes or similar errors, which is the responsibility of Hatch's internal project reviewers.

An explanation of the grading system used in the review is provided in Section 2 below.

This is followed by the detailed review form, Section 3 **Table 1**, which is based on Section 3 of Appendix 1 of the Environmental Impact Assessment Regulations of 2014, GN R982, as amended:

- Scope of Assessment and content of Basic Assessment Reports.

## 2. EXPLANATION OF REVIEW NOTATION

1. For each question posed in the Review Form, the reviewer considers whether the information is relevant to the proposed project or not. If not, the question is ignored and marked as **N/A**, and the reviewer proceeds to the following question;

2. If the information is relevant, that section of the BA report and specialist studies are read, to establish whether the information provided is:

- **Complete (C)**: all information required for decision-making is available. No additional information is required even though more information might exist;
- **Acceptable (A)**: the information presented is incomplete, but the omissions do not prevent the decision-making process from proceeding;
- **Inadequate (I)**: the information presented contains major omissions. Additional information is necessary before the decision-making process can proceed.

## 3. NARRATIVE REPORT (REVIEWERS GENERAL OPINION OF THE BA REPORT)

### 3.1. Introduction

The Western Cape Government: Department of Transport and Public Works has appointed Hatch Africa (Pty) Ltd. as consulting engineers on the project and Hatch's Environmental Services Group to undertake an environmental authorisation process for the proposed upgrade of certain infrastructure on Main Road 309 (the Seweweekspoort), which connects Zoar in the south to Laingsburg in the north.

Certain listed activities, in terms of the Environmental Impact Assessment (EIA) Regulations of 2014, as amended, will be "triggered" as a result of the proposed upgrades and hence a Basic Assessment (BA) Process needs to be undertaken to assess the impacts of the proposed upgrades on the environment and to obtain environmental authorisation.

Because Hatch is the consulting engineers for the proposed project and their Environmental Services Group has been appointed (through a tender process) as the Environmental Assessment Practitioners (EAPs) on the project, Hatch requested that the BAR and its appendices be externally peer reviewed to confirm their Environmental Services Group's independency.

This review is thus focussed on answering that directive.

**In view of the foregoing, the reviewer has focussed solely on whether the Basic Assessment Report has fulfilled the explicit provisions of Appendix 1 of the EIA Regulations, 2014, No 982 of 4 December 2014.**

**The review does not attempt to comment on the legality of the process, constitutional considerations, administrative issues, the merits of the project, the validity of public comments or whether it should be approved or not.**

### 3.2. Methodology for the review

The following documents were submitted by Hatch for review:

- Draft Basic Assessment Report and its Appendices.

As stated above, one of the main purposes of an external peer review is to determine whether the information provided in the BAR is adequate to make an informed decision. With this goal in mind, the *modus operandi* of the

Reviewer is to concentrate on the information provided in the report, as this is the sole basis on which the I&APs and the competent authority can make their decisions. The comments made below are therefore confined to what is written in the BAR.

It should be noted that the review focuses on the content of the Draft BAR, as this is the document which will be read by most of the stakeholders and decision-makers. However, the specialist reports were also examined to ensure that their findings are sound and their conclusions have been accurately reflected in the main report.

### 3.3. Detailed appraisal of the Basic Assessment report

**Table 1:** Detailed appraisal of the Basic Assessment report

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
(a) details of— (i) the EAP who prepared the report; and (ii) the expertise of the EAP, including a curriculum vitae;	I	Add a section for <b>Item ii</b> in the BAR. The SACNASP certificate of the EAP has expired.	The SACNASP certificate which is included in Appendix F of the BAR is the current certificate which was issued in 2010. These certificates do not have expiry dates.  The additional information (in terms of item ii requested by the reviewer) has been included in section 1.1 of the BAR.
(b) the location of the activity, including: (i) the 21 digit Surveyor General code of each cadastral land parcel;	C		Complete – no further action required
(ii) where available, the physical address and farm name;	C		Complete – no further action required
(iii) where the required information in items (i) and (ii) is not available, the coordinates of the boundary of the property or properties;	C		Complete – no further action required
(c) a plan which locates the proposed activity or activities applied for as well as associated structures and infrastructure at an appropriate scale; or, if it is— (i) a linear activity, a description and coordinates of the corridor in which the proposed activity or	C		Complete – no further action required

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
<p>activities is to be undertaken; or</p> <p>(ii) on land where the property has not been defined, the coordinates within which the activity is to be undertaken;</p>			
<p>(d) a description of the scope of the proposed activity, including—</p> <p>(i) all listed and specified activities triggered and being applied for; and</p>	<b>C</b>	Make sure that the Application form lists the same activities.	Hatch have amended the application form to list the relevant activities triggered by the proposed project. The application form will be submitted together with the BAR following the 30-day public participation period in line with the advice received from the case officer at DEADP.
<p>(ii) <u>a description of the activities</u> to be undertaken including associated structures and infrastructure</p>	<b>A</b>	<p>Consider expanding the activity description and add a Figure in the BAR to indicate what such a structure might look like.</p> <p>The BAR does not describe each site individually, and what type of infrastructure will be constructed at each site. It is my opinion that a description of the works at each site must be provided.</p>	26 figures describing the site and proposed activities to be conducted at each site along the MR309 have been included in section 1.2 of the BAR.
<p>(e) a description of the policy and legislative context within which the development is proposed including—</p> <p>(i) an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to this activity and have been considered in the preparation of the report; and</p> <p>(ii) how the proposed activity complies with and responds to the legislation and policy context, plans, guidelines, tools</p>	<b>C</b>		Complete – no further action required

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
frameworks, and instruments;			
(f) a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location;	<b>A</b>	Section 1.4 should rather be called Need and Desirability. Expand on this section and refer to the specific requirements, as needed in f.	The heading for section 1.4 has been updated to reflect this. The reviewer recommended that the alternatives section be moved to follow on from Section 1.5 (Need and desirability of the project). This has been included by Hatch. The reviewer recommended that the two Deviation Route alternatives mentioned by the specialist be included under 'Alternative 1' in the bar report. This has been included by Hatch. The reviewer recommended that the coordinates of each proposed structure along the MR309 be included under section 1.7 (location of activity as per section 3(b)(i)-(iii)) if the BAR. This has been inserted as Table 1-2.
(g) a motivation for the preferred site, activity and technology alternative;	<b>A</b>	Expand on this section and refer to the specific requirements, as needed in g.	This has been included in the 'need and desirability' section (section 1.4) in the BAR
(h) a full description of the process followed to reach the proposed preferred alternative within the site, including —	<b>I</b>	Expand on this section and refer to the specific requirements, as needed in g. Include reference to the deviation route alternatives as described in the botanical report etc.	The reviewer recommended that the two Deviation Route alternatives mentioned by the specialist be included under 'Alternative 1' in the bar report. This has been included by Hatch.
(i) details of all the alternatives considered;	<b>I</b>	All alternative options have not been discussed in the BAR.	There are only two alternatives. One is the no-go and the other is Alternative 1 which is to proceed with the upgrades. This has been

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
			described in detail in the BAR.
(ii) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;	<b>C</b>	Make sure that your order of events are described accurately, i.e. there was a public participation process (PPP) undertaken before the advert went out etc.	This has been corrected in the BAR report.
(iii)a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;	<b>N/A yet</b>		
(iv) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;	<b>C</b>		Complete – no further action required
(v) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts— (aa) can be reversed; (bb) may cause irreplaceable loss of resources; and (cc) can be avoided, managed or mitigated;	<b>I</b>	The impact assessment tables only considers Alternative 1 and the no-go alternative.  The deviation routes, Alternatives A and B, were evaluated in the botanical assessment and should have been evaluated/reflected in the BAR impact tables as well.	This has been included in Table 6.1 of the BAR.
(vi) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with	<b>C</b>		Complete – no further action required



Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
the alternatives;			
(vii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;	<b>C</b>		Complete – no further action required
(viii) the possible mitigation measures that could be applied and level of residual risk;	<b>C</b>		Complete – no further action required
(ix) the outcome of the site selection matrix;	<b>C</b>	Just make sure that all sites have been mentioned, i.e. temporary deviation route alternatives.	The reviewer recommended that the two Deviation Route alternatives mentioned by the specialist be included under 'Alternative 1' in the bar report. This has been included by Hatch
(x) if no alternatives, including alternative locations for the activity were investigated, <u>the motivation for not considering such</u> ; and	<b>C</b>		Complete – no further action required
(xi) a concluding statement indicating the preferred alternatives, including preferred location of the activity;	<b>A</b>	I am of the opinion that for each site, this question must have been answered. Table 5-1 can be included in the BAR.	The reviewer recommended that the coordinates of each proposed structure along the MR309 be included under section 1.7 (location of activity as per section 3(b)(i)-(iii)) if the BAR. This has been inserted as Table 1-2.
(i) a full description of the process undertaken to identify, assess and rank the impacts the activity will impose on the preferred location through the life of the activity, including—	<b>A</b>	Section 1.7: It is only once the botanical report is read that the deviation route alternatives become apparent. The botanist actually assessed two alternatives for the deviation routes and these should have been explained in the Alternatives section as well.	The reviewer recommended that the two Deviation Route alternatives mentioned by the specialist be included under 'Alternative 1' in the bar report. This has been included by Hatch. In addition to this, the

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
		Why was one deviation route alternative preferred above the other etc.?	impacts for both route deviations have been included in Table 6.1 of the BAR.
(i) a description of all environmental issues and risks that were identified during the environmental impact assessment process; and	<b>C</b>		Complete – no further action required
(ii) an assessment of the significance of each issue and risk and an indication of the extent to which the issue and risk could be avoided or addressed by the adoption of mitigation measures;	<b>A</b>	Make sure that the issues, risks and mitigation measures from specialist studies are correctly copied into the BAR, for e.g. No-go alternative's impacts on Water Resources (Table 6-1). The freshwater report did assess some – see page 68, but is reflected as N/A in impact tables.	This has been corrected and inserted into the BAR under the Impact Assessment Section.
(j) an assessment of each identified potentially significant impact and risk, including—		These aspects are all included in the impact tables. The contents, however, need to be double checked to see if it were correctly copied from the specialist studies, as already mentioned above.	This has been corrected and inserted into the BAR under the Impact Assessment Section
(i) cumulative impacts;	<b>C</b>		Complete – no further action required
(ii) the nature, significance and consequences of the impact and risk;	<b>C</b>		Complete – no further action required
(iii) the extent and duration of the impact and risk;	<b>C</b>		Complete – no further action required
(iv) the probability of the impact and risk occurring;	<b>C</b>		Complete – no further action required
(v) the degree to which the impact and risk can be reversed;	<b>C</b>		Complete – no further action required
(vi) the degree to which the impact and risk may cause irreplaceable loss of resources; and	<b>C</b>		Complete – no further action required
(vii) the degree to which the impact and risk can be avoided, managed or mitigated;	<b>C</b>		Complete – no further action required
(k) where applicable, a summary of the findings	<b>I</b>	The specialist studies' findings were not summarized in the BAR, The	The main findings have been summarized in

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
and impact management measures identified in any specialist report complying with <b>Appendix 6</b> to these Regulations and an indication as to how these findings and recommendations have been included in the final report;		<p>recommendations/mitigation measures were, however, included.</p> <p>One cannot merely state that the reader must refer to the specialist studies attached for the full content. It is the Environmental Assessment Practitioner's duty to present these, usually technical reports, to the reader in an easy to understand manner or in layman's terms.</p> <p>As stated before, the information provided in the BAR must be adequate for the competent authority to make an informed decision and is the sole basis on which the interested and affected parties (I&amp;As) and the competent authority can make their decisions.</p> <p>It should be noted that the review focuses on the content of the Draft BAR, as this is the document which will be read by most of the stakeholders and decision-makers. However, the specialist reports were also examined to ensure that their findings are sound and their conclusions have been accurately reflected in the main report.</p>	chapter 3 of the BAR and a summary of the impacts have been included in section 6.2. Since this project involves the upgrade to various structures along the pass, it is not expected that there would be substantial findings as in the case of a Greenfields development. Hatch are of the opinion that the summaries provided in the report are adequate.
(I) an environmental impact statement which contains—			
(i) a summary of the key findings of the environmental impact assessment;	<b>A</b>	The statements made in the summary must be read carefully and reconsidered if needed, for e.g. one cannot state that there will not be any impacts. What about the deviation roads that will be constructed that will have a definite impact on critical biodiversity areas (CBAs) etc.?	This has been corrected in the BAR
(ii) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and	<b>I</b>	A sensitivity map has been included but this map does not show each site's sensitivities as required in <b>I(ii)</b> .	The sensitivity map shows the overall sensitivity for the pass which is more or less consistent over the entire length of the road. It would be very challenging to include detailed sensitivities for all 27 structure localities on one map. Specifics of each site have been included in the BAR report under section 1.2 which details each site where proposed activities are planned.

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
(iii) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives;	I	The statement only refers to some of the positives of the project. Negative impacts and risks must be included.	The Impact Statement in Section 6.4 has been updated to also reflect negative impacts and risks.
(m) based on the assessment, and where applicable, impact management measures from specialist reports, the recording of the proposed impact management outcomes for the development for inclusion in the EMPr;	A	These have been included in Section 7: Recommendations. A copy and paste error occurred and the botanist's findings must be copied in full.	This has been corrected in the BAR
(n) any aspects which were conditional to the findings of the assessment either by the EAP or specialist which are to be included as conditions of authorisation;	I	Add the following aspects (n, o, p, q etc.) in a section called Conclusion.	A conclusion section has been included in the BAR as Section 7.4.
(o) a description of any assumptions, uncertainties, and gaps in knowledge which relate to the assessment and mitigation measures proposed;	I	If there are none, state it. Do not leave any questions open for interpretation.	The assumptions, limitations and gaps highlighted by the various environmental specialists have been included in section 6.2 of the BAR.
(p) a reasoned opinion as to whether the proposed activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation;	C	Add the following aspects (n, o, p, q etc.) in a section called Conclusion.	Complete – no further action required
(q) where the proposed activity does not include operational aspects, the period for which the environmental authorisation is required, the date on which the activity will be concluded, and the post construction monitoring requirements finalised;	N/A		

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
<p>(r) an undertaking under oath or affirmation by the EAP in relation to –</p> <p>(i) the correctness of the information provided in the reports;</p> <p>(ii) the inclusion of comments and inputs from stakeholders and I&amp;APs;</p> <p>(iii) the inclusion of inputs and recommendations from the specialist reports where relevant; and</p> <p>(iv) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties; and</p>	I	This form (EAP declaration) is not attached to the BAR.	This will be signed and attached to the BAR which will be submitted to the Department.
<p>(s) where applicable, details of any financial provision for the rehabilitation, closure, and ongoing post decommissioning management of negative environmental impacts;</p>	N/A		
<p>(t) any specific information that may be required by the competent authority; and</p>	C	None indicated in the report and therefore it is assumed that none is required.	Complete – no further action required
<p>(u) any other matters required in terms of section 24(4)(a) and (b) of the Act.</p>	A	The EIA Regulations of 2014 prescribes the content of a basic assessment report in Appendix 1. It is suggested that the BAR's content follow the "order" of Appendix 1.	Complete – no further action required
<p>(2) Where a government notice <i>gazetted</i> by the Minister provides for the basic assessment process to be followed, the requirements as indicated in such a notice will apply.</p>	C		Complete – no further action required
<p>Has <b>Appendix 4</b>, Content of the Environmental Management Programme</p>	C	<p>Section 1.2 in the EMPr indicates that the requirement of Appendix 4 has been met.</p> <p><b>Note:</b> the EMPr has not been reviewed for</p>	Complete – no further action required

Content of BAR	Judgement (C/A/I)	Comments	Hatch response to comments
(EMPr) been complied with?		the correctness of content, grammatical errors etc. within each section.	
Has <b>Appendix 6</b> , Specialist Reports, been complied with?	<b>C</b>		Complete – no further action required

#### 4. Conclusion

Appendix 1 of the Environmental Impact Assessment (EIA) Regulations of 2014, GN R982, as amended, describes the information required in a Basic Assessment Report.

In view of this, our review has found that the BAR for the proposed project is not acceptable because there are gaps in the information that was provided, for example, the specialist studies' were not summarized in the BAR and too many **I** and **A** ratings have been noted.

The competent authority may reject the BAR, or request that the BAR be updated with the relevant information in compliance with Appendix 1. This may result in the extension of the project time line and perhaps the lapse of the specified time frames in terms of the EIA Regulations of 2014.

**The overall report is graded as follows: (tick one box)**

	<b>Excellent:</b> The EIA report contains everything required for decision-making on the project. There are no gaps.
	<b>Good:</b> The EIA report contains most of the information required as far as it is relevant in the particular circumstances of the project; any gaps are relatively minor.
	<b>Satisfactory:</b> The information presented is not complete; there are significant omissions but in the context of the proposed project, these are not so great as to prevent a decision being made on whether the project should be allowed to proceed.
<b>X</b>	<b>Inadequate:</b> Some of the information has been provided, but there are major omissions; in the context of the proposed project these must be addressed before a decision on whether the project should be allowed to proceed can be taken.
	<b>Poor:</b> The information required has not been provided or is far from complete and, in the context of the proposed project, the omissions must be addressed before a decision on whether the project should be allowed to proceed can be taken.

#### 5. Recommendations

- The BAR (and EMPr) for the proposed project will need to be in full compliance with Appendix 1 and 4, respectively, of the requirements of EIA Regulations of 2014, as amended.
  - Follow the sequence and sections of Appendix 1 in the BAR and make sure that the required information is included in the BAR;
  - Add to, or revise, the sections of the BAR that are indicated in Table 1 above.
- The EMPr contents must be in line with the contents of the BAR and relevant to the specific project.