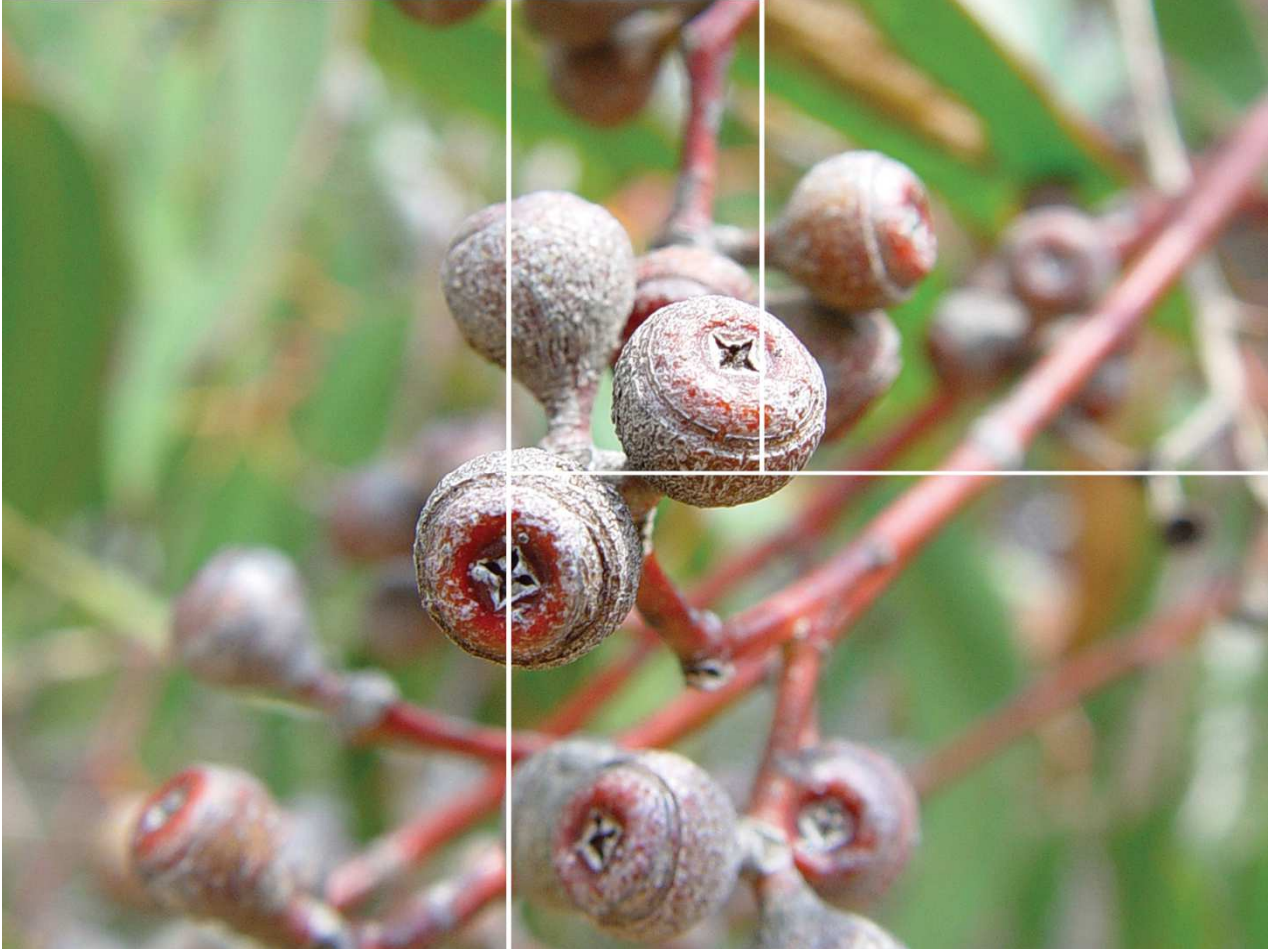




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**Environmental Impact Assessment:
The Proposed Upgrade and new
Construction related to the
Development of the Swaziland Rail
Link Project, for the Davel Rail Yard in
Mpumalanga (DEA Reference
14/12/16/3/3/2/551**

2 June 2014

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Issues and Response Report

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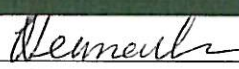
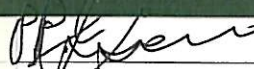
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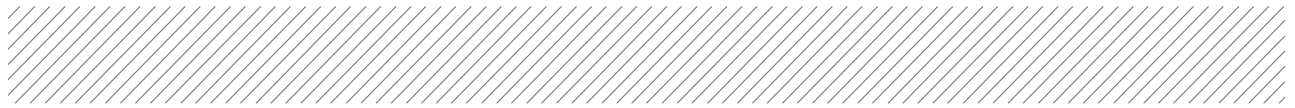
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1 Comments received during the Public Meetings and Focus Group Meetings

1.1 Public meeting Davel Primary School

STAKEHOLDER MEETING	VENUE	TIME	TOTAL PEOPLE ATTENDED	FEEDBACK RECEIVED
1 August 2013	Davel Primary School	17:00-19:00	113 (Refer to Annexure L of Appendix C)	Yes

1.1.1 ISSUES RAISED AND RESPONSE

NOTE commentators did not introduce themselves prior to asking their questions. Therefore no commentator details are included below.

ISSUE	RESPONSE
Is the 200 meter buffer referred to by the social specialist on both sides of the railway line?	The 200 meter buffer applies only to the [area assessed through the] Social Impact Assessment. It is 100 metres on either side of the railway line. The 200 meter is not the rail reserve owned by Transnet that is required for the operation, maintenance and construction of the railway line.
What was the rationale for the proposed route options currently being investigated?	A very detailed concept study that was done by Transnet included the screening of four highly conceptual routes. Two of these, were discarded as non-feasible at an early stage. The remaining 2 routes were recommended for further study; with the indication that proposed route as presented in the Scoping report (the Davel – Lothair – Sidvokodvo link) is technically feasible and presents a sound option.
As the railway line is commencing in Davel and will cater for coal transportation, is there a possibility that the railway line could result in the establishment of mines in the Davel area.	Transnet is a freight and transport logistic company and therefore, the new rail line will provide for coal transportation plus other identified commodities. [The purpose of proposed railway line is to provide logistical support for the transport of general freight and not the establishment of new mines. The likelihood of coal being transported on this line is very low].
Many young people attending the meeting are unemployed and have attended the meeting because they are seeking jobs. Clarity is required on how the hiring of employees will take place. For instance will Transnet consider employment of individuals with disabilities, do they require only people with qualifications.	Of importance for Transnet is to create benefits for society where possible. In total this project is estimated to create 6100 jobs, for all construction work required from Davel through Swaziland up to Nsezi. In South Africa an estimated 3400 jobs will be created and in Swaziland approximately 2700 jobs. Transnet's policy for the use of local labour will make provision for the use of labourers from the local communities. When contractors have been appointed it will be required that the labourers for those contractors are employed from the local community. This project will involve both skilled and unskilled

ISSUE	RESPONSE
	labour, where practical and opportunity allows people with disabilities will be considered for employment. It is labour intensive as it is railway infrastructure and it is therefore anticipated that the local community will benefit. [Every procurement event as of October 2013, is reviewed by the Supplier Development (SD) Department within Transnet. The SD department investigates the opportunities for Job creation, small business promotion and rural integration, amongst other for the particular tender. The tender is provided to the open market with a SD pre-qualification, where the tenderers are required to provide Transnet with a plan on how to they will contribute to the SD objectives. The SD plan is made a contractual obligation and is monitored on a monthly basis. As per the Transnet Supply Chain policy Transnet shall ensure that procurement of construction related works, goods or services for expansion of its ports, rail and pipelines infrastructure happens in a manner that creates sustainable jobs for South Africans. Procurement operation and maintenance services of the infrastructure shall be done in a manner that supports sustainable job creation particularly among the previously disadvantaged members of the South African society. This issue was also identified in the Social Impact Assessment (refer Annexure E of Appendix C) and the mitigation measures proposed have been included in Section 8 of the final EIR].
A major issue for the local community is that in the past promises have been made for the provision of jobs on such projects as this railway link, and then once construction commenced labourers from elsewhere were appointed and the local community did not benefit. It is therefore requested that the promises made at this meeting materialise. Transnet is requested to consider the beneficiation of elders and the local crèches as part of the project.	Transnet has established a specialist unit charged with administering and executing its social investment strategy, the Transnet Foundation. The Transnet team will engage with the Foundation on the issues raised for their consideration. [Transnet have indicated that this has been done].
The community requires the transfer of skills during the implementation of this project in order to benefit in the long term.	The project will provide opportunities for skilled and unskilled labour. [It is recommended to Transnet that the transfer of skills be made a requirement of the contract between Transnet and the contractor. This issue was also identified in the Social Impact Assessment (refer Annexure E of Appendix C) and the mitigation measures proposed have been included in Section 8 of the final EIR].
Are there any employment opportunities available currently as part of the EIA Process.	There are no opportunities available as part of the EIA Process with the exception of possibly 1 or 2 temporary jobs created during the Social Impact Assessment survey, where the Social Scientist will make use of 1 or 2 individuals from the local community to assist with completion of the questionnaires by the local community members. This opportunity is temporary and the completion of the questionnaires usually takes no longer than 1 week. [Aurecon subsequently appointed two people for one week to assist with

ISSUE	RESPONSE
<p>What does the 2 billion Rand labour value make provision for as was stipulated in the presentation relating to the socio economic benefits of the project</p>	<p>completion of the questionnaires by the local community members in Davel].</p> <p>This includes money being ploughed into the community as well as for example supplies sourced from the community. For instance if you require to set up a construction camp you will require materials such as fences, toilet facilities, accommodation facilities and these can possibly be sourced from the local community. It is estimated that 1.7 billion Rand of the total contribution will be in the form of salaries. Where possible materials for the actual construction of the railway line, such as sleepers, ballast and concrete can be sourced from local suppliers.</p> <p>Furthermore as the railway line will be diesel operated and an estimated 65 million litres of fuel will be required per annum to run the trains, some of that fuel can be sourced from local companies.</p> <p>Potential for sourcing materials from local suppliers must be investigated to determine whether viable.</p>
<p>What is the date for commencement of construction</p>	<p>There are two processes that need to be considered in terms of timeframes. Firstly the EIA Process which is currently underway. Transnet cannot commence with construction until the EIA Process is finalised and an Environmental Authorisation has been issued by the Competent Authority. This process is anticipated to be finalised by March 2014. Therefore Transnet anticipates that should the project be approved that construction can only commence mid next year (2014), this date is also still dependent on the detailed designs to be given by the engineers. The new Swazi link will need to be constructed first. [The Final EIR was submitted to the Competent Authority in March 2014. Construction is therefore anticipated to commence October 2014].</p>
<p>The request is made that once hiring of labourers commences, that the persons responsible for the hiring should not be from the local community but rather that Transnet and Aurecon be responsible for the hiring of labourers.</p>	<p>Noted. This requirement will be considered further and recommendations will be included in the Environmental Management Programme. [Transnet's policy for the use of local labour will make provision for the use of labourers from the local communities. When contractors have been appointed it will be required that [a portion of] the labourers for those contractors are employed from the local community].</p> <p>Aurecon has been appointed to conduct the Environmental Impact Assessment only and will not be responsible for any employment appointments.</p>
<p>Work through the community development worker Mrs Nomimi Kumalo when information and reports are required to be made available to the community.</p>	<p>Noted. The contact details of Mrs Kumalo has been obtained (refer to Annexure F of Appendix C).</p>
<p>If you are employed once construction commences will that employment be applicable to construction on all sections of the railway line (for instance will it extend into Swaziland).</p>	<p>An important socio economic benefit of the project relates to the provision of job opportunities to the local communities where the construction is taking place. If labourers for instance, from Davel, continue construction into Swaziland it is anticipated to create</p>

ISSUE	RESPONSE
	conflict within local communities in Swaziland who may feel that it is unfair that workers from outside their community has been provided with the work
Can Transnet sponsor transport for a community project which is currently underway to construct classrooms.	Transnet has the Transnet Foundation which deals with social corporate investment. The request will be referred to the Foundation for further consideration. These processes need to be facilitated through the Community Development Workers and they will be contacted accordingly. [Transnet have indicated that this has been done].
What are the number of employment opportunities available for each work package (how many jobs will be available in Davel, how many in Lothair).	The number of employment opportunities can only be determined once the detailed engineering design is completed. This process has commenced and numbers can be provided once they become available. [In total this project is estimated to create 6100 jobs, for all construction work required from Davel through Swaziland up to Nsezi. In South Africa an estimated 3400 jobs will be created and in Swaziland approximately 2700 jobs. Transnet's policy for the use of local labour will make provision for the use of labourers from the local communities. When contractors have been appointed it will be required that [a portion of] the labourers for those contractors are employed from the local community].
How long will the construction period of the Swaziland Rail Link last?	It is anticipated to take approximately 27 months.

2 Comments received during Initial Notification Period

COMMENTS RECEIVED DURING INITIAL NOTIFICATION PERIOD			
ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
Kindly proceed to register AFGRI Operations Limited as an Interested & Affected Party and submit all further documentation directly to Mr Pierre Hattingh. Take note that we will not be in a position to provide you with our comments and/or concerns before the deadline date of 10 July 2013, and therefore hereby request an extension of said date of submission.	Mr Pierre Hattingh, Legal Counsel AFGRI	Email 05/07/2013	<ul style="list-style-type: none"> • AFGRI Operations Limited has been registered as Interested and Affected Party and is included on the landowner database (refer to Annexure F of Appendix C). • The AFGRI has been notified of the availability of the Draft Scoping Report and have been afforded a 40 day comment period to review and submit comments on the Report.
Requested to be registered.	Mr Johan Celliers – Transvaalse Landbou Unie	Email July 2013	<ul style="list-style-type: none"> • Mr Celliers has been registered and will be notified of the release of any Reports and receive invitations to any public meetings (refer to Annexure F of Appendix C).
Requested to be registered and to receive information	Mr Eckart Kohlyn- TWKagri	Email July 2013	<ul style="list-style-type: none"> • Mr Kohlyn has been registered and was invited to attend

COMMENTS RECEIVED DURING INITIAL NOTIFICATION PERIOD			
ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
regarding meetings.			the public meeting in Davel and the meeting with the Lothair Farmers Association (refer to Annexure F of Appendix C).
Requested to be registered as an Interested and Affected Party.	Mr Thinus Potgieter – TWK Group including Shiselweni Forestry Limited in Swaziland	Email 19/07/2013	<ul style="list-style-type: none"> The TWK Group has been registered as an I&AP and will be notified of the release of any Reports and receive invitations to any public meetings (refer to Annexure F of Appendix C). The contact details of the Shiselweni Forestry Limited have been forwarded to Lang Mitchell Associates in Swaziland, the consultants managing the Environmental Impact Assessment for the portion of the project which is located within the borders of Swaziland.
Legal crossing of people over the border between South Africa and Swaziland <i>via</i> Immigration.	Mrs Janet Vorster Department of Home Affairs – Nerston POE	Email 08/07/2013	The comment was forwarded to Transnet and Swaziland Railway. It was confirmed by Swaziland Railway that they have an agreement with the Department of Home Affairs in RSA for drivers to cross legally into RSA. Transnet confirmed that they have a plan in place to deal with the same issue.

3 Comments received on Draft Scoping Report

COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT			
ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
Please ensure that the HIA assesses impacts to all heritage resources (including but not limited to archaeology, paleontology, graves and structures). The HIA must comply with SAHRA's Minimum Standards for Impact Assessments.	South African Heritage Resource Agency	Reply received following upload of documentation onto the SAHRIS website	The comment received from SAHRA has been forwarded to the specialist consultant responsible for conducting the Heritage Impact Assessment. The Heritage Impact Assessment has been submitted to SAHRA for comment. A paleontological study has been undertaken for the Mpumalanga section of the project and submitted to SAHRA.

COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>Domestic animals moving around the proposed rail way line.</p> <p>Need for proper fencing and barricading-special significant birds around the area. High growing grass next to the rail way line.</p>	<p>Elias Ncogwane</p>	<p>Email 21/08/2013</p>	<p>The impact of increased rail traffic on wildlife, domestic animals and cattle is a significant issue which will require effective mitigating measures by Transnet. Proposals must be determined by Transnet in collaboration with the design engineering team and in particular also the scheduling team. The matter will be investigated further and mitigating measures will be included in the Draft EIA Report and EMPr. Refer to the EMPr included in Appendix E of the DSR which provides specification regarding the implementation of fencing to protect sensitive areas / species and property.</p> <p>As per the findings of the Ecological Assessment included in Annexure A of Appendix B 'Any loss of systems could possibly result in the loss of species of special concern within the habitats as a result of their destruction during the construction phase. Changes in the hydrological region in the operational phase, could limit the presence of these species, should surface water flows be diverted. This would then limit the potential formation of the required habitats (fauna and flora).</p> <p>However, no flora and fauna species of special concern were evident during the study within the wetland or water course areas, as well as the terrestrial habitats, possibly due to the intensity of farming, housing and rail infrastructure already found in the study area. The lack of any rainfall also seemed to precluded the early growth or appearance of species known to occur in the area (Appendix 2 of the Ecological Assessment attached in Annexure A of Appendix B) so as precautionary step, it is important that all wetland areas are retained and allowed to function, as a number of protected species listed by</p>

COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
			<p>the Mpumalanga Nature Conservation Act (Act 10 of 1998) (Appendix 3) do occur within the region'.</p> <p>The following mitigation measures have been included in the EMPr to limit the impacts to habitat, faunal, avi-faunal and flora species:</p> <ul style="list-style-type: none"> • A search and rescue operation for both plants and fauna (particularly reptiles) must be initiated prior to the commencement of any construction once the required permits are in place. Applications must be submitted to the Department of Agricultural, Fisheries and Forestry (DAFF) and the Provincial Department of the Mpumalanga Department of Economic Development, Environment and Tourism (DEDET). • Construction activities should not exceed the proposed construction boundaries by more than 15 m to avoid the secondary impact of construction and increasing the areas that would require clearing and rehabilitation
<p>You are requested to consider/address the following when compiling the report:</p> <ol style="list-style-type: none"> 1. Compliance with Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) 2. The Act makes provision for the conservation of the natural agricultural resources of South Africa through: <ul style="list-style-type: none"> ○ Maintaining the production of land; ○ Combating and preventing erosion 	The Department of Agriculture, Forestry and Fisheries – TS Mabunda	Email 23/08/2013	<ol style="list-style-type: none"> 1. Acknowledgement of comment. The Ecological Assessment (refer Annexure A of Appendix B) took the CARA status of the flora into account during the assessment. It is also referenced in Section 2.1.3 of the FEIR. 2 and 4. Refer to Appendix E, the Environmental Management Programme which includes mitigation measures to limit impacts to vegetation and watercourses. 3. Affected wetlands were delineated which included an investigation of the soil conditions. As a majority of the construction will occurring within an existing servitude, it was not deemed necessary to undertake a detailed soil study for

COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<ul style="list-style-type: none"> ○ Preventing the weakening or destruction of the water sources; ○ Protecting the vegetation ○ Combating of weeds and invader plants <p>3. Detailed soil study for all the farms / properties as well as sensitive areas that will be negatively impacted by the project.</p> <p>4. Mitigation measures to be applied in order to minimize the negative impact.</p> <p>5. Pre and post land use on the properties to be affected by the project.</p> <p>6. A detailed rehabilitation plan to be implemented during and after completion of the project.</p> <p>7. Consider soils/ lands with low to poor potential for the project.</p>			<p>the area.</p> <p>5. As a majority of the construction will be occurring within an existing servitude, there is no change in land use.</p> <p>6. Rehabilitation measures included in the EMPr specify measures to combat the spread of weeds and invader plants during the construction and operational phases as well as measures to prevent erosion. Transnet is also required to compile an operational / maintenance plan which addresses the issue of alien and/or invasive species and the overall preservation of the environment once the railway line is operational.</p> <p>7. The Davel Yard upgrades are proposed within existing railway servitudes. A small portion of land not belonging to Transnet will be required near the north eastern boundary of the pan to widen the loop of the railway line over a distance of approximately 300 m. The Ecological Assessment included under Annexure A of Appendix B considered the impacts of the alignment to watercourses.</p>
<p><i>[Comment has been translated from Afrikaans]</i></p> <p>We were invited by Aurecon to submit our concerns regarding certain aspects of the project. Note that we as land owners of the Farms Uitzicht and Tweefontein have no objection to the proposed upgrades.</p> <p>Our concern relates to the neglect and decline of other</p>	<p>Mr J.H and J.H Jacobsz</p> <p>Land owners Portion 3 and 16 Uitzicht as well as a portion of Uitzicht situated adjacent to the Davel town. Portions 1,2 and 3 Tweefontein.</p>	<p>Letter dated 23/08/2013</p>	<p>The comment and input is appreciated.</p> <p>1. The suggestion for the implementation of oxidation ponds has been forwarded to the engineers for consideration as a mitigating measure to form part of the Storm water Management Plan. Storm water management measures are included in the EMPr. Note that storm water management mitigation measures and designs will also be included in the</p>

COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>areas in Mpumalanga where projects of a similar scale have been undertaken. We refer to the Steenkoolspruit between Kriel and Malahlene where the water used for drinking by cattle has become polluted by chemicals and can no longer be used. We also refer to the area close to Woestalleen near Middelburg where the grazing areas have been polluted severely by coal dust especially those areas situated downwind of the NW wind direction.</p> <p>1. The topography of the town Davel is unique as it is located exactly on the watershed of the Vaal and Olifantsriver catchment area. If pollution starts at such a topographical location it poses a major threat to lower lying areas forming part of the catchment. We therefore wish to request in the light of this potential pollution risk that the use of oxidation ponds be considered. The ponds will allow for polluted runoff to stabilise and for the solids to settle before the cleaner run off is discharged into the river systems.</p> <p>2. With reference to pollutions risks, also take note of the location of the Davel Primary school which currently has 480 learners. The school is located in the ruling wind direction namely NW of Davel station and dust pollution could result in a negative impact to the learners at the school.</p> <p>3. With reference to the Farms we wish to state that for the past 150 years since 1862 farming on these farms have been undertaken by the same families. The sustainability of these farming activities is totally dependent on the health of the environment in which these activities are being operated. Impacts to the environment will result in impacts</p>			<p>Water Use License application for review and approval by the Department of Water Affairs. Should a need arise to employ such measures, the most effective storm water management measure will be identified and implemented. Measures have been included in the Project Design Criteria to ensure runoff is not contaminated.</p> <p>2. The potential dust pollution impact on the learners at the Davel Primary school was forwarded to the specialists conducting the Air Pollution Assessment for consideration in their investigation. Mitigation measures to reduce impacts to air quality have been included in the EMP. Also refer to Annexure F of Appendix B for a copy of the Air Quality Impact Assessment which was undertaken and identified specific measures to reduce impacts during the construction and operational phases of the project.</p> <p>3. This comment has been recorded.</p> <p>4. 'According to the Mucina and Rutherford (2006) Vegmap, two regional vegetation types are present along the rail line route (Figure 2). These include:</p> <ul style="list-style-type: none"> • Soweto Highveld Grassland (Gm 8) • Eastern Temperate Freshwater Wetland (Azonal – Azf 3) <p>Both these vegetation types are listed by the Biodiversity Act, 2004 as Vulnerable. However, little of the natural vegetation remains within the study area, due to the impacts already listed (housing, grazing and farming), together with the present road and rail infrastructure. Thus not only has the</p>

COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>to the farming activities.</p> <p>4. The grassland grazing area is described as 'Soweto Highveld grassland' which is unique due to its species composition. From past impact assessments the area has been categorised as 'Irreplaceable'. We insist that the contractors should conduct their activity within the 36 metre rail reserve.</p> <p>5. Another serious issue is the potential fire hazards. Should the construction activity take place between the months of April to September the contractors must make provision for the control and prevention of fires. This is crucial as the area falls under the rules and regulations of the Fire Protection Association.</p> <p>6. With reference to the flora on our properties you should take note of the presence of the rare species <i>Euphorbia clararoides</i> also known as 'Vingerpol' or 'Honderdjaarplantjie'. One of these plants can be found in the servitude strip which provides access to the rail reserve. The relocation of this portion of the servitude could contribute to the protection of this rare species. We are currently protecting this plant with the use of some rocks but with the increase in traffic this will become ineffective.</p> <p>7. With further reference to this strip of the servitude; from the Davel-Hendrina tar road to the existing rail reserve the reserve strip crosses two land portions. It is currently not fenced and access onto the farm property is not controlled. The possibility of providing a direct connection from the road</p>			<p>environment been impacted upon (loss of species diversity) but a large degree of habitat fragmentation has also occurred' [information extracted from the Ecological Assessment included in Annexure A of Appendix B].</p> <p>5. The concern regarding fire protection is a significant issue which has been raised by various affected parties. Firebreaks and protection have been taken up in the EMPr. The request has been put to Transnet to consider joining the local Fire Associations and this consideration has also been captured in the EMPr.</p> <p>6. The information was passed on to the ecological specialist for investigation during their flora assessment. The following mitigation measures have been included in the EMPr to limit the impacts to habitat, faunal, avi-faunal and flora species:</p> <ul style="list-style-type: none"> • A search and rescue operation for both plants and fauna (particularly reptiles) must be initiated prior to the commencement of any construction once the required permits are in place. Applications must be submitted to the Department of Agricultural, Fisheries and Forestry (DAFF) and the Provincial Department of the Mpumalanga Department of Economic Development, Environment and Tourism (DEDET). • Construction activities should not exceed the proposed construction boundaries by more than 15 m to avoid the secondary impact of construction and increasing the areas that would require clearing and rehabilitation <p>7. This information pertaining to the strip of the servitude, from the Davel-Hendrina tar road to the existing rail reserve has been given through to the design engineers. Measures for</p>

COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>reserve to the rail reserve is achievable and will serve to eliminate the uncontrolled access issue over the long term.</p> <p>8. There is a need for only one crossing, at the point where the Tweefontein farm road crosses the railway at the Estancia dirt road exit. The width of the crossings should consider the size of farming equipment.</p> <p>9. Take note of two graves from the 1919's located in the rail reserve. One is located in the siding known as Mooivlei and the other in the Koringkraal siding reserve. Relocation of these graves may be required. Koringkraal is also of historical importance in terms of the initial settlement of the areas' population.</p> <p>10. We are not certain about the extent of your impact assessment and therefore wish to bring these matters to your attention.</p> <p>11. Over the past 150 years we have seen many stations and railway lines come and go which is indicative of the temporary nature of such projects. We wish to emphasise the importance of creating a project which provides room for the various parties to create a long term workable solution.</p> <p>12. We request the details of an ombudsman whom we can contact should a conflict situation arise.</p>			<p>ensuring proper access at all crossings will be discussed with the relevant landowners during negotiations. Types of crossings to be established will be cognisant of existing land use and equipment that need to pass.</p> <p>8. The location and size of the level crossings will be dealt with directly by Transnet.</p> <p>9. Burial places were identified during the Heritage Impact Assessment (HIA). Refer to Annexure H of Appendix B for a copy of the specialist report which provides the location of these sites. Should it be necessary to relocate the graves the appropriate legal process will be followed as described in the HIA.</p> <p>10. The issues mentioned in this comment have been captured and investigated.</p> <p>11. The authors are thanked for their comments which contribute to the Environmental Impact Assessment investigation.</p> <p>12. We take note of the comment regarding the ombudsman. The EMPr makes provision for the contact details of the contractor, contractor's liaison officer (CLO) and the ECO to be prominently displayed on site during construction.</p>
<p>The following organs of state were notified (refer to Annexure H of Appendix C); however no comment was received:</p> <ul style="list-style-type: none"> • Department of Public Works • Eskom 			

COMMENTS RECEIVED ON THE DRAFT SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<ul style="list-style-type: none"> • Provincial Roads Authority • MDEDET • Msukaligwa Local Municipality • Mpumalanga Tourism and Parks Agency • Mpumalanga Department of Water Affairs • Gert Sibande District Municipality • Department of Agriculture and Rural Development • Mkhondo Local Municipality 			

4 Comments received after submission of Final Scoping Report

COMMENTS RECEIVED AFTER SUBMISSION OF FINAL SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>MTPA requires that during the terms of reference used for Scherman Colloty & Associates, the ecological study must include the MTPA Minimum requirements document as well as the Mpumalanga Biodiversity Sector Plan (Lotter, 2013) as guidelines to establish the sensitivities on the proposed and alternative route.</p> <p>The route from Davel to the Swazi border bypasses the proposed Chrissiesmeer Protected Environment, and Ramsar Site. Aurecon must ensure that they take note of restrictions with regards to the buffer zone.</p>	Mpumalanga Tourism and Parks Agency – Mr F.N. Krige	Correspondence received 02/09/2013	<p>The comment received from MTPA was forwarded to the ecologist in order to ensure that the Ecological Assessment adheres to the requirements.</p> <p>The Davel Yard project does not extend into the protected area. Refer to the Ecological Assessment Report in Annexure A of Appendix B which specifies the affected areas as per the MBCP categories (highly significant, important & necessary and no natural habitat remaining)</p>
<p>1. General</p> <p>1.1 You are informed that these comments and</p>	Department of Water Affairs – Mr S Shabangu	Correspondence dated 09/09/2013	<p>General comments are noted.</p> <p>WULA application will be submitted for activities which trigger</p>

COMMENTS RECEIVED AFTER SUBMISSION OF FINAL SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>recommendations are only applicable to the specified property(s) and it cannot be conducted anywhere else other than on the property on the Davel Rail Yard. Additionally note that these comments do not exempt you to comply with any other legislation(s) applicable to the proposed activity(ies);</p> <p>1.2 Special care and treatment as well as duty of care should be complied with as required by Section 19 of the National Water Act, 1998 (NWA) and section 28 of the National Environmental Management Act of 1998 (NEMA) and specify the environmental management plan and mitigation measures;</p> <p>1.3 You are informed that by law, this property(ies) where this recommendations, comments and water uses will be applicable must be made available for inspection by an authorised person in terms of Section 124 and 125 of the National Water Act, 1998 (Act 36 of 1998) hereafter referred to as the Act.</p> <p>2. Water use entitlement</p> <p>2.1 During the operation/occupancy phase, there should be no maintenance workshops within 100 metres from the edge of any watercourse including wetlands unless authorised. Moreover no stockpile of any material will/is allowed within the sensitive areas and regulated areas referred to by the National Water Act, Act 36 of 1998. Otherwise a section 21 (c) and (i) authorisation is required.</p>			<p>sections 21 (c), (i) and (g) of the National Water Act for construction activity at the Davel Yard and its immediate surrounds. These applications fall within two catchments namely the Olifants Water Management area [B11A quaternary catchment] and the Upper Vaal Management area [C11A, C11F quaternary catchment].</p> <p>A WULA is required as construction activity and the storage of fuel will take place within 500 m of the pan situated in Davel.</p> <p>Storm water management design measures have been described in the EMP for the Davel Yard upgrade and these management measures will be included in the WULA application documentation for review and approval by DWA.</p> <p>No crossings are required as part of the Davel Yard upgrade.</p> <p>As the Davel Yard is an existing facility water supply will be from the existing facility. No abstraction license is required.</p>

COMMENTS RECEIVED AFTER SUBMISSION OF FINAL SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>2.2 For any developments what will cross a watercourse design crossings to span across the watercourses to protect the water resource. Otherwise where it is impossible to stretch over apply for all the relevant Section 21 water uses as per the National Water Act.</p> <p>2.3 Exercise measures to protect and conserve the water resources by removing existing alien plants and discourage recruitment and re-colonisation of the alien plants at and around the disturbed areas.</p> <p>2.4 Identify the source of water supply and apply for all the necessary approvals thereof to avoid delayed water use approvals.</p> <p>2.5 Water saving and conserving technologies should be used at most.</p> <p>2.6 Any degraded/damaged watercourses must be rehabilitated to encourage its functionality.</p> <p>3. Services</p> <p>3.1 Storm water Management</p> <p>3.1.1 A storm water management plan and mitigations together with details regarding erosion control measures should be developed and adhered to and it should be approved by the relevant local authority before construction commences if necessary.</p>			

COMMENTS RECEIVED AFTER SUBMISSION OF FINAL SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>3.1.2 Appropriate measures should be implemented to avoid or minimize damming or ponding of water, as well as soil erosion.</p> <p>3.1.3 The storm water drainage should not concentrate flow and should have multiple discharge points to diffuse flow, at discharge points monitoring should be done in respect of erosion control and energy dissipaters should be implemented where needed.</p> <p>3.1.4 All reasonable measures must be taken to prevent the introduction of storm water runoff containing waste or waste water emanating from the area of development into a watercourse, it must be collected and disposed properly</p> <p>3.1.5 Appropriate measures should be taken to ensure that the development and its associated storm water if possible is managed to improve but it does not alter</p> <ul style="list-style-type: none"> • The Present Ecological State (PES) of the watercourse; • The Ecological Importance and Sensitivity of the watercourse • The river banks stability resulting from erosion 			
<p>1. I am the farmer of the farm Vogelfontein and purchased the farm in 2005 because the previous owner said there</p>	<p>MFF Aucamp – owner Ptn 2</p>	<p>Correspondence received</p>	<p>1. to 4. The comments made by the I&AP have been noted</p>

COMMENTS RECEIVED AFTER SUBMISSION OF FINAL SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>was no train traffic anymore.</p> <p>2. I farm with cattle and where the railway lines were there is now veldgrass for my cattle.</p> <p>3. The railway lines were stolen when I bought the farm and the remaining lines were stolen by thieves who broke down the fences and would go in with lorries at night. I found my cattle in the road amongst the traffic the next morning.</p> <p>4. The thieves also caused big veld fires when they were cutting and chopping the railway lines to transport them</p> <p>5. Cattle thieves chased the cattle on the lines to Breyten</p> <p>6. There are no servitudes registered for railway lines.</p> <p>7. This is a big concern for me because all of the issues notes above and because my water supply for my cattle is in the vlei and we pump the water to a hill on the other side where the railway line was to supply water in the other camps for my cattle.</p> <p>8. We were on holiday therefore my late response</p> <p>9. I do not want the railway line on my farm. Can the line not rather go from Davel to Ermelo to Lothair. My farm is at Estancia.</p>	and 4 Vogelfontein 245-IS	24/09/2013	<p>and recorded.</p> <p>5. This issue was also identified in the Social Impact Assessment (refer Annexure E of Appendix C) and the mitigation measures proposed have been included in Section 8 of the final EIR.</p> <p>6. The land constituting the railway line/ reserve was expropriated in 1904 for railway purposes. Transnet has full ownership of Ptn 23 (ptn of Ptn 4) of Farm Vogelfontein 245 IS which is held vide Title Deed T6134/2012. Portion of Portion 2 is held by Expropriation Notice 680/1904. (<i>Title Deed & Expropriation Notice attached</i>) Notwithstanding the fact that the rail line was stolen Transnet at no stage disposed of the land and has a legal right to resume train operations over the said properties should the need arise. It is important to note that the line in question forms part of the secondary network which Government earmarks to revitalise in order to stimulate rural economic development.</p> <p>7. Transnet will provide a culvert through which the water pipe will be channelled to the adjoin portion of land.</p> <p>8. Although received late, comments have been captured in the Issues and Response report.</p> <p>9. The land constituting the rail line as indicated in paragraph 6 above is owned by Transnet Soc Ltd and forms part of an existing rail network dating back to 1904. We can therefore not accede to the request to have the line removed.</p>
<p>The following organs of state were notified (refer to Annexure I of Appendix C); however no comment is known to have been received:</p>			

COMMENTS RECEIVED AFTER SUBMISSION OF FINAL SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<ul style="list-style-type: none"> • Eskom • SANRAL • Department of Agriculture, Forestry and Fisheries • MDEDET • Department of Mineral Resources • Department of Public Works • Msukaligwa Local Municipality • Mkhondo Local Municipality • Department of Land Affairs • Gert Sibande District Municipality • Department of Home Affairs • Mpumalanga House of Traditional Leaders 			

5 Comments received after the submission of Final Amended Scoping Report

COMMENTS RECEIVED AFTER SUBMISSION OF FINAL AMENDED SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
Please keep me updated in the Swaziland Rail Link project	Mr Bradley Gibbons - Field Officer, Threatened Grassland Species Programme Endangered Wildlife Trust	Correspondence received 04/11/2013	Mr Gibbons has been included on the I&AP database and will be afforded an opportunity to comment on the Draft EIA Report.

The following organs of state were notified (refer to **Annexure I of Appendix C**); however no comment is known to have been received:

COMMENTS RECEIVED AFTER SUBMISSION OF FINAL AMENDED SCOPING REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
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- Eskom
- SANRAL
- Department of Agriculture, Forestry and Fisheries
- MDEDET
- Department of Public Works
- Msukaligwa Local Municipality
- Mkhondo Local Municipality
- Department of Land Affairs
- Gert Sibande District Municipality
- Department of Home Affairs
- Mpumalanga House of Traditional Leaders

6 Comments received during Public Meetings and Focus Group Meetings

6.1 Public Meeting: Davel Primary School

STAKEHOLDER MEETING	VENUE	TIME	TOTAL PEOPLE ATTENDED	FEEDBACK RECEIVED	ATTENDEES: PROJECT TEAM		
23 January 2014	Laerskool Davel	17:15 to 19:30	184	Comments and questions asked by the community.	Pieter Botha	Aurecon	PB
					Sizwe Mabadi	Aurecon	SM
					Noeleen Greyling	Aurecon	NG
					Elise Vermeulen	Aurecon	EV
					Brian Sokutu	Transnet	BSo
					Biance Smith	Transnet	BS
					Stehan Boucher	Transnet	SB
					Jane Khomari	Transnet	JK
					Ntokoza Gama	Transnet	NGa

6.1.1 Issue raised and response

NOTE commentators did not introduce themselves prior to asking their questions. Therefore no commentator details are included below.

ISSUE	COMMENTATOR/RESPONDER	RESPONSE
Question posed to Transnet: Has the scope of work been compiled, in terms of expected start date and duration of the project been compiled?	Response from Transnet (BSO)	Transnet explained that the FEL3, which is the feasibility stage of the project, is still underway. This involves undertaking a series of engineering and technical studies (eg. geotechnical studies). Transnet plan to have the business case report completed by August/September 2014 which will be presented to the principals at Transnet. A decision on whether the project will continue is expected to occur in October 2015.
What is required from the community in order to get environmental authorisation?	Response from Aurecon (PB)	Aurecon requested that the community review the Draft Environmental Impact Report (DEIR), as it is in more detail than what was in the presentation, paying particular attention to the recommended mitigation measures. The community was encouraged to provide any comments or suggestions of alternate mitigation measures. It was explained to the community that all suggestions would be investigated to determine whether they are acceptable. Outcomes of these investigations will be included in the final report.
Comment from the Chairperson of SANCO: He mentioned that his interest on the project was based on how the project is going to benefit the community and he could see from the presentation, specifically the social assessment that there would be lots of benefit to the community. He congratulated Aurecon on a job well done and encouraged the company to continue with the good work.	Commentator: Chairperson of SANCO:	Noted. Aurecon thanked the Chairperson for the kind words.
How long does it take to get a response from Department of Environmental Affairs (DEA) after the Final EIR has been submitted?	Response from Aurecon (PB)	It was explained that once all the comments have been received and included, the final EIR is sent back to the Community Development Worker where the community is able to review the report over a 30 day period.
There was an appeal to Transnet to empower upcoming businesses as well as the employment of youth. Based on this a question	Response from Transnet (BSO)	Transnet confirmed that this will not be the last meeting held in the community before the commencement of the project. The meeting in question was only to focus on the EIA. Meetings will be held specifically focussing on jobs and opportunities for the community.

ISSUE	COMMENTATOR/RESPONDER	RESPONSE
<p>was raised as to the availability of jobs from Transnet for the project? There was also a concern as to how Transnet was going to ensure that small businesses in the community would benefit and not outside contractors?</p>		<p>The Transnet Commercial Stream is in the process of creating guidelines which will be brought to the community to explain what opportunities (ie for services, suppliers) are available. The focus of the guidelines will be on the empowering of the youth and the growth of small businesses. Transnet confirmed that as they are still at the feasibility stage they only have limited answers [Every procurement event as of October 2013, is reviewed by the Supplier Development (SD) Department within Transnet. The SD department investigates the opportunities for Job creation, small business promotion and rural integration, amongst other for the particular tender. The tender is provided to the open market with a SD pre-qualification, where the tenderers are required to provide Transnet with a plan on how they will contribute to the SD objectives. The SD plan is made a contractual obligation and is monitored on a monthly basis. As per the Transnet Supply Chain policy Transnet shall ensure that procurement of construction related works, goods or services for expansion of its ports, rail and pipelines infrastructure happens in a manner that creates sustainable jobs for South Africans. Procurement operation and maintenance services of the infrastructure shall be done in a manner that supports sustainable job creation particularly among the previously disadvantaged members of the South African society].</p>
<p>A concern was raised as to how children would get to school as the railway line currently cuts the town in two. There was an appeal for one or more bridges to be built over the railway line to ensure the safe passage of pedestrians.</p>	<p>Response from Aurecon (PB)</p>	<p>Noted. Previous proposals have focused on agricultural crossings. Pedestrian crossings would be considered as part of the design. It was suggested that the community assist Transnet in the location of the bridges.</p>
<p>A request was made that there be a large emphasis on dust control specifically during the strong August winds.</p>	<p>Response from Aurecon (PB)</p>	<p>Noted. Aurecon confirmed that mitigation measures for dust suppression have been included in the Environmental Management Programme (EMPr). Aurecon stated that the Contractor is bound to follow the mitigation measures in the EMPr during construction</p>
<p>Confirmation was required as to whether the yard in question would be a shunting yard or just line?</p>	<p>Response from Transnet (SB)</p>	<p>Transnet confirmed that it would be a shunting yard.</p>
<p>What is the likelihood of the project not taking</p>	<p>Response from Aurecon (PB)</p>	<p>Aurecon is confident that the information provided and the mitigation measures</p>

ISSUE	COMMENTATOR/RESPONDER	RESPONSE
place?	Response from Transnet (SB)	suggested will be sufficient for DEA to make an informed decision to issue the relevant authorisation. Transnet reminded the community that not only is environmental approval necessary for the project to continue but funding is also required. Transnet stated that funding should not be a problem as it is on the National Agenda however it will depend on the economy at the time.
How long will employment last and does Transnet have any plans to develop the skills of the people in the local community?	Response from Transnet (JK)	Transnet confirmed that they will be holding other meetings later in the project to discuss both training and job opportunities. At this stage it was suggested that any concerns the community have with regards to employment opportunities be raised with the community development worker.
The issue of notification of meetings was raised as the community was not happy with the notification process. Community stated that they received short notice about meetings. There were concerns that people had not been registered as stakeholders.	Response from Aurecon (PB) Response from Transnet (BS)	Aurecon apologised for the late notification of the meetings and explained that it is difficult to get information to the community which is why Aurecon used the community development worker to help distribute the information. Aurecon reinforced that the communication with the community is invaluable. Aurecon explained that information could be sent directly to individuals via post should postal addresses be provided. When asked if there was a better way of distributing information, the community said that communication with the community development worker was an internal issue which the community would deal with. The suggestion of sms notifications made by Transnet was turned down by the community. The community responded that they were happy to hear that communication was being made with the community development worker and reiterated that they would sort out the communication problems with community development worker internally. The community development worker responded that it was her understanding that it was Aurecon's responsibility to notify the community directly as Aurecon had access to relevant email addresses. The chairperson from SANCO intervened and suggested that the community development worker be informed of meetings at least one week in advance after which she would distribute the information to the community.
What is the status of the project in Swaziland?	Response from Transnet (SB)	Transnet reported that the same amount of effort was being placed into the section of the project which runs through Swaziland. The construction start date had not yet been determined but construction of new infrastructure would be prioritised.

7 Comments received on the Draft Environmental Impact Report

COMMENTS RECEIVED ON DRAFT ENVIRONMENTAL IMPACT REPORT			
ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
All registered I&AP's as well as organs of state were notified of the availability of the Draft Environmental Impact Report available for public review (refer to Annexure O of Appendix C). Aurecon is not aware of any comments received during this time.			

8 Comments received on the submission of the Final Environmental Impact Report

COMMENTS RECEIVED ON FINAL ENVIRONMENTAL IMPACT REPORT			
ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>SAHRA provided the following interim comment:</p> <p>SAHRA is unable to issue a final comment on the likely impact of the proposed development on the heritage resource as insufficient information has been provided. As such SAHRA requires that:</p> <ul style="list-style-type: none"> • Due to the likely impact to significant paleontological heritage, a field – based paleontological impact assessment be conducted. This assessment must include a protocol for chance. • The informal burial grounds identified in the heritage assessment may not be impacted by the proposed development and should be clearly demarcated throughout the construction phase. A Conservation Management Plan for the continued preservation of the burials must be drafted. • Any impact to the identified structures requires a 	SAHRA – Jenna Lavin	Letter in an email on 22/05/2014	<p>On receiving these interim comments from SAHRA on 22 May 2014, Aurecon uploaded the documents to the SAHRIS website under the relevant case file number.</p> <p>Aurecon requested SAHRA that as the final EIR had been submitted to the department they send the response directly to the department, sending Aurecon a copy.</p>

COMMENTS RECEIVED ON FINAL ENVIRONMENTAL IMPACT REPORT

ISSUES AND COMMENTS RAISED	COMMENTATOR/S	SOURCE	RESPONSE
<p>permit from the Mpumalanga Provincial Heritage Authority.</p>			
<p>On reviewing the relevant documentation SAHRA provided the following comment:</p> <ul style="list-style-type: none"> • Due to the likely impact to significant paleontological heritage, a field – based paleontological impact assessment be conducted. This assessment must include a protocol for chance. • The informal burial grounds identified in the heritage assessment may not be impacted by the proposed development and should be clearly demarcated throughout the construction phase. A Conservation Management Plan for the continued preservation of the burials must be drafted. • Any impact to the identified structures requires a permit from the Mpumalanga Provincial Heritage Authority. <p>It is noted that the Desktop Paleontological Impact Assessment submitted to SAHRA on 22 May 2014 does not satisfy the above requirement as communicated by SAHRA.</p>	<p>SAHRA – Jenna Lavin</p>	<p>Letter in an email on 26/05/2014</p>	<p>Aurecon has enquired with SAHRA if the requirement for a Phase 1 Palaeontological Impact Assessment can be included as follows in the EMPr:</p> <ul style="list-style-type: none"> • <i>A Phase 1 palaeontological impact assessment (PIA) must be done at the onset of construction before construction activities can impact on potential palaeontological assests and;</i> • <i>A Phase 2 PIA must be conducted where fossils are discovered during the Phase 1 PIA.</i> <p>Aurecon is still awaiting feedback from SAHRA.</p>
<p>All registered I&AP's as well as organs of state were notified of the submission of the Final Environmental Impact Report available to the department (refer to Annexure P of Appendix C). Except for SAHRA, Aurecon is not aware of any other comments received.</p>			



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