

TRANSNET



ENVIRONMENTAL IMPACT



MANAGEMENT SERVICES

ISSUES AND RESPONSES REPORT:

ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL MANAGEMENT PROGRAMME FOR THE PROPOSED NEW OVERVAAL TUNNEL AND ASSOCIATED INFRASTRUCTURE IN MPUMALANGA PROVINCE

EIMS Ref: 0963
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Leaders in Environmental Management

RICHARDS BAY COAL LINE - PROPOSED NEW OVERVAAL TUNNEL

Issues and Responses Report

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REVISION AND AMENDMENTS

Date	No.	Description Of Revision Or Amendment
12/01/2015	0	Issues and Responses Report - Draft Scoping Report
19/03/2015	1	Issues and Responses Report - Final Scoping Report

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LIST OF ABBREVIATIONS

BID	Background Information Document
CA	Competent Authority
CPA	Communal Property Association
EIA	Environmental Impact Assessment
EAP	Environmental Assessment Practitioner
EIAR	Environmental Impact Assessment Report
I&AP	Interested and Affected Party (ies)
IRR	Issues and Responses Report
NEMA	National Environmental Management Act (Act No. 107 of 1998)
PPP	Public Participation Process
SR	Scoping Report

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1. INTRODUCTION

This Issues and Response Report (IRR) has been compiled as an appendix to the Final Scoping Report for the Transnet Richards Bay Coal Line: Proposed New Overvaal Tunnel. This IRR outlines the Public Participation Process (PPP) followed for an Integrated Environmental Authorisation (EA) and a Waste Management Licence Application. Environmental Impact Management Services (Pty) Ltd (EIMS) was appointed by Transnet SOC Limited (the Applicant) as an independent Environmental Assessment Practitioner (EAP) to assist in undertaking a PPP, conducting an Environmental Impact Assessment (EIA) and submitting an EIA Report and an Environmental Management Programme (EMPr) in support of the EA application for the construction of the proposed New Overvaal Rail Tunnel and associated infrastructure next to the existing tunnel near the town of Ermelo in the Mpumalanga Province.

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the new Constitution that provides: "*The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement*". This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and especially the National Environmental Management Act (Act 107 of 1998, NEMA) and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as..."a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently" (Greyling, 1999, p. 20). From this definition, it can be seen that the input of the public is regarded as very important indeed.

The Public Participation Process (PPP) is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

✎ During the Scoping Phase:

- Raise issues of concern and suggestions for enhanced benefits;
- Verify that their issues have been recorded;
- Assist in identifying reasonable alternatives; and
- Provide relevant local information and knowledge to the environmental assessment.

✎ During the Environmental Impact Assessment (EIA) Phase:

- Contribute relevant local information and knowledge to the environmental assessment;
- Verify that their issues have been considered in the EIA process; and
- Comment on the findings of the environmental assessments.

✎ During the decision-making phase:

- Obtain information on the outcome, i.e. the competent authority's decision, and how and by when the decision can be appealed.

This IRR lists all verbal and written issues raised by I&APs and stakeholders during the 30-day initial registration and comment period of the Scoping Phase (29th October 2013 to 27th November 2013), as well as the Draft Scoping Report public review period (12th January 2015 to 23rd February 2015). A breakdown of the PPP is given within the remaining sections of this IRR.

2. METHODOLOGY

The PPP follows the requirements of Section 54 of GNR 543 promulgated under the National Environmental Management Act (Act 107 of 1998).

2.1. IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES

Key I&APs referred to in this IRR include all identified key stakeholder groups (e.g. ward councilors, municipalities, government departments and NGOs). The Key I&APs were mostly pre-identified but some were registered during the site visits and at the initial public meetings (See Appendix 7 for the Key I&AP database).

There are various landowners in the vicinity of the proposed study area. In an effort to ensure that all potentially affected landowners are identified and included in this PPP, the contact details of all of the landowners within the study area were identified. Landowner contact details were obtained via the following processes:

- ✎ A Windeed search was conducted to obtain the contact details of the affected landowners, where available;
- ✎ Where the property was owned by a company, a CIPRO search was carried out to identify the owners and details; and
- ✎ Identified during site visits and at focus group and public meetings.

A few landowners belonging to the Bambanani - Sakhisizwe Communal Property Association requested to be registered during the initial site visit, and additionally at the focus group meeting. Please refer to Appendix 8 for the full landowner database.

2.2. NOTICES, ADVERTISEMENTS AND BACKGROUND INFORMATION DOCUMENT

This section provides details on the notifications that were distributed as part of the process to date.

2.1.1. INITIAL NOTIFICATION

Notification during the initial notification component of the PPP of this project was undertaken as follows:

- Two advertisements (in English and Afrikaans) were placed in the Highveld Tribune newspaper on the 29th of October 2013 (See Appendix 1 for proof of advertisement);
- 30 x A2 size correx notices (10 in English, 10 in Afrikaans, and 10 in IsiSwati) were placed at key points in and around the proposed study area (See Appendix 2 for proof of site notices);
- A3 size posters (in English, Afrikaans, and IsiSwati) were placed at local public places (See Appendix 2 for proof of posters);
- A Background Information Document (BID) was prepared, distributed, and made available on the EIMS website, for registered Interested and Affected Parties (I&APs);
- A4 pamphlets (in English, Afrikaans and IsiSwati) and BIDs (in English) were distributed to local landowners and land occupiers within the proposed study area;
- Notification letters, faxes and emails were distributed to all pre-identified Key I&APs such as government organisations, NGOs, ward councillors, district and local municipalities and other organisations that might be affected (See Appendix 3 for proof of key I&AP initial notification); and
- As many affected landowners as possible were identified and written notification and BIDs were distributed to them (See Appendix 4 for proof of landowner initial notification).

The notices, adverts and written notification afforded I&APs the opportunity to submit their issues/queries/concerns to EIMS, and the EIMS contact person, contact number, email and fax details were clearly stated on these notifications. Comments/concerns and queries were encouraged to be submitted in either of the following manners:

- Electronically (fax, email)
- Telephonically, or
- Written letters.

All comments received by EIMS are submitted to the competent authorities for consideration and decision making.

2.1.2. DRAFT SCOPING REPORT NOTIFICATION

Notification regarding the availability of the Draft Scoping Report (DSR), a component of the PPP, was given in the following manner:

- Notification letters (English, Afrikaans and isiZulu), faxes, and/or emails were distributed to all I&APs (pre-identified key I&APs as well as I&APs registered during the initial notification period (See Appendix 5 for proof of key I&AP DSR notification); and

- ✎ All affected landowners within the study area boundary were notified (See Appendix 6 for proof of landowner DSR notification).

Written notification afforded all I&APs the opportunity to submit their issues/queries/concerns on the Proposed Development and the content of the DSR. The contact person, contact number, email and faxes were clearly stated on the distributed notifications. I&APs were encouraged to submit their comments/concerns and queries in either of the following manners:

- ✎ Electronically (fax, email);
- ✎ Telephonically; and/or
- ✎ Written letters.

Copies of the DSR were made available at public venues and online (see Table 1 below for details) for perusal and comment by all I&APs. Comments received from I&APs to date are included in this IRR (See Appendix 10 for copies of correspondence) to be submitted to the DEA for consideration towards the decision making as part of the Final Scoping Report submission.

2.1.3. PUBLIC AND FOCUS GROUP MEETING NOTIFICATIONS

Two public meetings were held on the 28th January 2015 as described in Section 2.3 below. Notification regarding the scheduled public meetings was given as part of the DSR availability notification, as follows:

- ✎ Notification letters (English, Afrikaans and isiZulu), faxes, and/or emails were distributed to all I&APs (pre-identified key I&APs, as well as I&APs registered during the initial notification period (See Appendix 5 for proof of key I&AP public meetings notification); and
- ✎ All affected landowners within the study area boundary were notified (See Appendix 6 for proof of landowner public meetings notification).

A invitation for a focus group meeting on the 27th January 2015 was extended to the Bambanani - Sakhisizwe community, this was done telephonically (as the community does not have access to facsimile and email facilities) through a representative of the community Mr. Jacob Ndinisa.

Table 1 below summarises the PPP carried out to date.

TABLE 1: OPPORTINITIES PROVIDED FOR PUBLIC PARTICIPATION

Public Participation Phase			
Action	Description	Publication/Place	Date
	Newspaper	Highveld Tribune Newspaper (in	29 October 2013.

Initial Public Notification (announcement of project).	Advertisements.	English and Afrikaans).	
	Landowner Notification.	Landowners were notified via email, fax and/or post.	09 October 2013.
	Placement of site notices.	Thirty A2 correx site notices (10 in English, 10 in Afrikaans, and 10 in IsiSwati) were placed at key locations within the application area.	24 October 2013.
	Placement of posters.	Thirty A3 notices (10 in English, 10 in Afrikaans, and 10 in IsiSwati) were placed at key locations within the proposed study area (the village of Sheepmoor & the town of Ermelo).	24 October 2013.
	Distribution of A4 notices.	A4 pamphlets and BIDs were distributed to local landowners and land occupiers in and around the proposed study area.	24 October 2013.
	Distribution of written notification to key I&APs and other stakeholders.	I&APs were notified via e-mail, fax and/or post.	29 October 2013.
Announcement for Public Review of Draft Scoping Report (DSR).	Availability of the DSR for public review and the public/focus group meetings.	Notification of availability of DSR and details on the DSR focus group/ public meetings was distributed to all registered I&APs via e-mail, fax and/or post.	12 January 2015.
Scoping focus group and public	Scoping focus group meeting with Bambanani -	A focus group meeting to present and discuss the finding	27 January 2015.

meetings.	Sakhisizwe community.	of the Scoping Phase and the associated DSR was conducted with the community at their property. Outstanding queries from the initial meeting were also revisited.	
	Scoping public meeting.	Two public meetings (at the Overvaal guest house and at the Sheepmoor community hall) were undertaken to present and discuss the findings of the Scoping Phase and the associated DSR.	28 January 2015.
Announcement for public review of Final Scoping Report (FSR).	Availability of the FSR for public review.	Notification of availability of FSR will be distributed to all registered I&APs via e-mail, fax and/or post.	19 March 2015.

2.3. PUBLIC MEETINGS

During the initial notification period of the proposed project, two public meetings were held on the 14th November 2013. The first meeting was held at the Overvaal Guesthouse from 10h00 until 12h00 and the second meeting was held at the B. Maseko Primary School Hall in Sheepmoor from 14h00 until 16h00. During the public meetings, numerous concerns and queries were expressed and these were recorded in the minutes (See Appendix 9 for focus group and public meeting minutes as well as attendance registers).

Furthermore, during the review period of the DSR, two public meetings were conducted on the 28th January 2015. The first public meeting took place at the Overvaal Guesthouse between 10h00 and 12h00, and the second meeting was at the Sheepmoor Community Hall between 13h00 and 15h00. During the public meetings, the EAP presented the findings of the DSR prior to opening the floor for comments, concerns and/or queries. The attendance registers and minutes of the meetings are presented in Appendix 9 of this IRR.

2.4. FOCUS GROUP MEETINGS

During the initial notification period of the proposed project, one focus group meeting was arranged with landowners of the Bamabanani - Sakhisizwe Communal Property Association on the 13th November 2013, prior to the initial public meetings held on the 14th November 2013. The focus group meeting was held in Maviristad at the

Bambanani - Sakhisizwe community representative's premises. The concerns, queries, comments and suggestions raised by the attendees of the focus group meeting were recorded and included in minutes of the said meeting, and are included in Appendix 9.

During the review period of the DSR, an invitation for a focus group meeting was extended to the Bambanani - Sakhisizwe community which was subsequently accepted. The focus group meeting took place at the Bambanani Sakhisizwe community representative's premises on the 27th January 2015, prior to the public meetings scheduled for the 28th January 2015. The EAP presented the findings of the DSR followed by an opportunity for the attendee to provide their comments, concern, queries regarding the presentation and the project. The attendees were further given the opportunity to discuss outstanding matters from the initial focus group meeting. All comments, queries and/or concerns were recorded and are presented in the minutes included in Appendix 9.

3. ISSUES RAISED

Table 2 below represents the issues and comments raised during both the initial notification and the DSR comment periods. Please refer to Appendix 10 for copies of all correspondence.

TABLE 2: ISSUES AND RESPONSES TABLE

**PROPOSED NEW OVERVAAL TUNNEL ENVIRONMENTAL IMPACT ASSESSMENT
ISSUES AND RESPONSES REPORT**

Name	Date	Method	Issue	Response
INITIAL NOTIFICATION				
PARTICIPATION/REGISTRATION				
Mr. I. Vorster – AFGRI Operations	2013/10/10	Telephone	EIMS received a phone call from Mr. Vorster from AFGRI Operation requesting that further correspondence regarding this project should be addressed to him and not to Mr. Wiid as Mr. Wiid is out of the country.	EIMS responded to Mr. Vorster via email and thanked him for contacting us. Notification initially sent to Mr. Wiid was attached to the email. EIMS updated the AFGRI Operation's contact details from Mr. Wiid to Mr. Vorster's details.
Mr. D.J. Johnstone – Msukaligwa Local Municipality: Fire Protection	2013/10/29	Email	The proposed project will be done within the jurisdiction area of the local authority of Msukaligwa Municipality. As the controlling authority in term of the fire brigade service act, we would like to be registered as an interested and affected party. My details are DJ Johnstone – Chief Fire Officer, Cell:	EIMS thanked Mr. D.J. Johnstone for responding to the project's initial notification. Mr. Johnstone has been registered for this project and his contact details have been added to the Interested and Affected Parties (I&APs) database.

072 546 0454, Office: 017 801 3402, Fax:
017 801 3851,
djohnstone@msukaligwa.gov.za or
jacod.johnstone@gmail.com

Ms. Nini Mtongana – South African Heritage Resources Agency	2013/11/07	Email	Thank you for the hard copy submission titled 'Construction of the Proposed New Overvaal Tunnel in the Mpumalanga Province' that you have posted to SAHRA. Please note that from 1 April 2013, SAHRA no longer accepts any hard copy submissions, or submissions via e-mail. All submissions for which SAHRA comment is requested, must be done via our online information system – the South African Heritage Resources Information System (SAHRIS). Attached please find instructions on how to register on SAHRIS and how to create a case for your project on SAHRIS.	EIMS thanked Ms. Nini Mtongana for responding to the notification, EIMS is registered on SAHRIS and will add this project as requested for SAHRA's comments.
Mr. Steve Keighley-Smith – Basil Read	2013/11/14	Email	Please could you register me as an Interested and Affected Party. I spent 6 months of my life working on the original tunnel construction in 1974.	EIMS thanked Mr. Steve Keighley-Smith for contacting us, Mr. Keighley-Smith has been registered and added to the project's Interested and Affected Party database. His previous involvement in the construction of the existing tunnel and input will be highly valuable for this

Ms. Marita Stoop – Mpumalanga Department of Agriculture, Rural Development and Land Affairs	2013/11/15	Email	Kindly also register Mr. Jan Venter (Department of Agriculture) Private Bag X9019, as an interested party, also on all future developments in Mpumalanga.	project. EIMS thanked Ms. Marita Stoop for her input. EIMS let Ms. Stoop know that Mr. Jan Venter has been added to the key stakeholder database for this proposed development and he will be included in future projects within the Mpumalanga Province.
Birdlife South Africa Policy and Advocacy	2013/11/15	Email	Thank you for your letter and fax dated 29 October 2013 informing us of the EIA process for the construction of the proposed new Overvaal Tunnel, Mpumalanga (EIMS Ref 0963). We would like to register as an I&AP for this project.	EIMS thanked Birdlife South Africa for responding to the initial notification about the proposed project and let them know that Birdlife South Africa has been registered as an Interested and Affected Party.
Ms. Tshenolo Mdakane – Department of Rural Development and Land Reform- Spatial Development Planning	2014/01/31	Email and Letter	The Department of Rural Development and Land Reform (DRDLR) would like to convey its gratitude to EIMS for notifying the Department about the project. Kindly register the DRDLR as an Interested and Affected Party (I&AP) for this project with the following details: Name: Tshepiso Monnakgota Designation: Town and Regional Planner Contacts: 012 312 8681	EIMS thanked Ms. Tsenolo Mdakane for the Department's continued engagement and letter regarding the proposed project. EIMS has updated the Interested and Affected Party database with the information provided.

			Tmonnakgotla@ruraldevelopment.gov.za	
			Name: Tshepo Shongwe Designation: Assistant Planner Contacts: 013 755 3499 TDShongwe@ruraldevelopment.gov.za	
Mr. Stephen Keighley-Smith – Mott Macdonald PDNA	2014/02/17	Email	I registered as an Interested and Affected Party when I was working for Basil Read Construction. I am now working for Mott Macdonald PDNA. Please could you delete my previous e-mail address and replace it with the new address below. Please forward me any correspondence that you have sent out for the project so far.	EIMS thanked Mr. Stephen Keighley-Smith for his continued involvement and for letting them know about the changes in his contact details, EIMS has updated the information accordingly. EIMS let Mr. Keighley-Smith know that to date there have not been any additional or new information distributed besides the initial notification letter and Background Information Document. EIMS informed Mr. Keighley-Smith that the Draft Scoping Report will be available soon and the notification (with details of where it will be available and the duration of the commenting period) will be distributed to all registered Interested and Affected Parties such as yourself.
Mr. Robyn van Heerden –	2015/01/19	Email	We hereby which to request that you	EIMS thanked Mr. Robyn van Heerden

AFGRI Operations Limited			<p>register us, AFGRI Operations Limited, as an interested or affected party.</p> <p>Name: AFGRI Operations Limited Contact: Robyn van Heerden, robyn.vanheerden@afgri.co.za Tel: 011 0632954.</p> <p>Comments: to follow after receipt of draft scoping report.</p> <p>Will you please also forward us the draft scoping report.</p>	<p>for responding to the notification. EIMS sent Mr. van Heerden an email to confirm that he has been registered as an Interested and Affected party (I&AP) as requested.</p> <p>EIMS let Mr. van Heerden know that the Draft Scoping Report (DSR) is a large document and thus cannot be sent via email. It is however available on the EIMS website (www.eims.co.za), the Ermelo Public Library, and Sheepmoor Community Hall.</p> <p>EIMS asked Mr. van Heerden to contact the office should he have any further queries or have difficulties in accessing the DSR.</p>
Mr. Orbert Mulaudzi – Gert Sibande District Municipality: Intern Town and Regional Planner	2015/01/27	Email	Please could you register Mr. P.B. Nkosi (Town and Regional Planner) and Mr. O. Mulaudzi (Intern Town and Regional Planner) as Interested and Affected parties representing Gert Sibande District Municipality.	EIMS thanked Mr. Orbert Mulaudzi for contacting EIMS and let him know that that he and Mr. Nkosi have been registered as Interested and Affected Parties (I&APs) for the New Overvaal Tunnel EIA project as requested.
Mr. NP Makgalemele –	2015/02/20	Emailed	I hereby acknowledge receipt of your letter	EIMS thanked Mr. NP Makgalemele for

<p>Department of Rural Development and Land Reform: Deputy Director General Spatial Planning and Land Use management</p>	<p>Letter</p>	<p>dated 29 October 2014.</p> <p>The Department of Rural Development and Land Reform (DRDLR) would like to convey its gratitude for being notified about the application for environmental authorisation for the above mentioned project. As the deadline for inputs/comments has already passed, the Department would like to apologise for not responding in time.</p> <p>Based on the above, the Department would not be able to make inputs at this stage. However, the Department would like to be notified of anything related to the project in the future.</p>	<p>his communication. EIMS let Mr. Makgalemele know that the Department will be kept informed as the project progresses and further reports are released.</p>	
<p>ESKOM SPECIFIC ISSUES</p>				
<p>Ms. Lungile Motsisi – Eskom Holdings SOC Limited: Land Management</p>	<p>2013/11/13 Telephone</p>	<p>Ms. Lungile Motsisi from Eskom phoned EIMS in response to the notification regarding the proposed second Overvaal tunnel. She requested the property information for farm Buhrmansvallei, in particular the farm number. EIMS provided Ms. Motsisi with the farm number and</p>	<p>The input from Eskom was noted by EIMS.</p>	

included all portions related to the said farm.

EIMS asked Ms. Motsisi to (if possible) provide EIMS with shapefiles of Eskom lines in the vicinity of the study area for future inclusion on project maps and consideration during alternative consideration and assessments.

Ms. Motsisi thanked EIMS and although she will not be attending the public meeting/s on the 14th November 2013, she stated that she would submit Eskom comments by the 27th November 2013 (deadline for public comment).

Ms. Lungile Motsisi – Eskom Holdings SOC Limited: Land Management	2013/11/14	Email	<p>EIMS received comment from Ms. Lungile Motsisi pertaining to the following:</p> <ul style="list-style-type: none"> ✎ Eskom’s Transmission (Tx) Lines and vacant servitude that might be affected by the EA application; ✎ An extract map of Eskom’s Tx’s GI System showing the powerlines that might be affected by the EA 	The conditions provided by Eskom were noted by EIMS.
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- application;
- ✎ General terms and conditions that must be complied with regarding blasting;
 - ✎ The Applicant's adherence to all relevant environmental legislation. Any cost incurred by Eskom Tx as a result of non-compliance will be charged to the applicant;
 - ✎ Eskom Tx's consent does not relieve the Applicant from obtaining the necessary statutory, land owner or municipal approvals;
 - ✎ All work within Eskom's servitude areas shall comply with the relevant Eskom earthing standards in force at the time;
 - ✎ No construction or excavation work shall be executed within 27.5 metres from any Eskom powerline structure;
 - ✎ If Eskom Tx has to incur any expenditure in order to comply with statutory clearance or other regulations as a result of the

applicant's activities or because of the presence of his equipment or installation within the servitude restriction area, the applicant shall pay such costs to Eskom Tx on demand;

- ✎ Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilized so as to prevent erosion. The measures taken shall be to Eskom Tx's requirements;
- ✎ Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the applicant, his/her agent, contractors, employees, successors in title and assignee. The applicant indemnifies Eskom Tx against loss,

claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom Tx's services or apparatus or otherwise. Eskom Tx will not be held responsible for damage to the applicant's equipment;

- ✎ No mechanical equipment, including mechanical excavations or high lifting machinery, shall be used in the vicinity of Eskom Tx's apparatus and/or services, without prior written permission having been granted by Eskom Tx. If such permission is granted the applicant must give at least fourteen working days notice prior to the commencement of work. This allows for the arrangements to be made for supervision and/or precautionary instructions to be issued by the Lines and Servitudes Manager;

- ✎ No work shall commence unless Eskom Tx has received the applicant's written acceptance of the condition specified in this letter of consent within 30 days of the date of this letter and or before commencement of any work;
- ✎ Eskom's Tx's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with;
- ✎ Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The applicant shall maintain the area concerned to Eskom Tx's satisfaction. The applicant shall be liable to Eskom Tx for the cost of any remedial action which has to be carried out by Eskom Tx;
- ✎ The clearances between Eskom Tx's live electrical equipment and the proposed construction work

shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (act 85 of 1993);

- ✎ Equipment shall be regarded electrically live and therefore dangerous at all times.
- ✎ In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom Tx will not approve the erection of houses, or structures occupied or frequented by human beings, under the powerlines or within the servitude restriction area;
- ✎ Eskom Tx may stipulate any additional requirements to eliminate any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom Tx plant;

✎ It is required of the applicant to familiarize himself with all safety hazards related to Electrical plant;

Please note that your application was also forwarded to Eskom Distribution Mpumalanga OU (The land Development, P.O. Box 223, Witbank, 1035) for comments and direct reply to you. The contact person is Mr. Milton Moloko who can be contacted at Tel. No. 073 555 8570.

FAUNA

Birdlife South Africa Policy and Advocacy	2013/11/15	Email	We note that part of the proposed tunnel falls within the Grassland Biosphere Reserve SA125, an Important Bird and Biodiversity Area (IBA). The avifaunal investigation should take due cognizance of this IBA.	EIMS let Birdlife South Africa know that the comment regarding the Important Bird and Biodiversity Area has been noted and the Ecology specialists will be accordingly informed.
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ACKNOWLEDGEMENT OF RECEIPT OF INTIAL NOTIFICATION

Ms. Nontobeko Lukhele – Gert Sibande District Municipality: Municipal Health Service	2013/10/29	Facsimile	The organization of the district hereby acknowledges the receipt of the notification to Interested and Affected Parties regarding an Environmental Authorisation Application:	This was noted by EIMS.
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			Construction of the Proposed New Overvaal Tunnel dated, 29 October 2013.	
Ms. Nokuthula Skhosana – Ministry of Water and Environmental Affairs	2013/10/30	Email	On behalf of the Minister of Water and Environmental Affairs, Mrs B.E.E. Molewa, MP, I hereby acknowledge receipt of your correspondence dated 29 October 2013.	This was noted by EIMS.
			The content has been noted and will be brought to the attention of the Minister.	
Ms. YN Phosa – Mpumalanga Department of Economic Development, Environment and Tourism: Office of the MEC	2013/11/04	Facsimile	Application for Environmental Authorisation for the Construction of the proposed New Overvaal Tunnel, in Mpumalanga Province: Your correspondence in respect of the abovementioned subject received by this office on the 30 th October 2013 is acknowledged. The matter is receiving attention and we will revert back to you in due course.	This was noted by EIMS.
Ms. Busisiwe Khoza – National Department of Labour	2013/10/30	Email	EIMS received an email from Ms. Busisiwe Khoza from the Department of Labour acknowledging receipt of notification. In the email, Ms. Busisiwe stated that the notification format is wrong and attached a form for EIMS to complete and send back for stamp.	Ms. Busisiwe Khoza was advised that this project is still in its initial stages of the EIA process. Construction will only commence once all relevant approvals are obtained. The correct notification form as received from Ms. Khoza will be forwarded to Transnet to complete and

submit prior to the commencement of construction.

GENERAL ISSUES

Mr. Jacob Ndinisa – Bambanani - Sakhisizwe community member	2013/10/28	Telephone	<p>EIMS received a telephone call from Mr. Jacob Ndinisa representing the Bambanani Sakhisizwe Communal Property (CPA) in response to a meeting with Transnet on the 25th of October 2013. According to Mr. Ndinisa, after deliberations regarding the proposed venue for the public meeting planned for the 14th November 2013, the community is uncomfortable with the public meeting being held in Sheepmoor. Mr. Ndinisa stated that there are lingering unresolved issues between his community and neighbouring communities and should the Bambanani - Sakhisizwe community members attend the meeting in Sheepmoor, there is likely to be a disruption to the planned meeting.</p>	<p>Mr. Jacob Ndinisa was read the summary of the telephone record and confirmed it represents his comments. A focus group meeting was subsequently scheduled and held with Mr. Ndinisa and the Bambanani - Sakhisizwe community members on the 13th November 2013.</p>
			<p>Furthermore, Mr. Ndinisa stated that his community has previously been victims of not being consulted and as their land will be</p>	

directly affected by the proposed project, they are requesting that a meeting be held at their own farm rather than having to attend at other landowners' properties. Mr Ndinisa mentioned that should they be granted the meeting, the community would feel respected if the meeting is held on the same day as others or before.

Bambanani – Sakhisizwe community member	2013/11/13	Focus group meeting	What is the purpose of the medical assessment? A medical assessment was undertaken for a previous Transnet project, however none of those who were involved in the medical assessment were appointed for the job. The contractor brought his own labour force from Ermelo and other areas far from the site.	The primary purpose of undertaking medical test is to establish how fit one is for a particular job. A follow up on the matter will be undertaken to try and establish why local labour was not used during construction as this is Transnet policy to give preference to community(ies) closest to the construction area.
Sheepmoor community member	2013/11/14	Public meeting	Will the railway line transport passengers in future? This would be very helpful means of transport to the surrounding community.	Transnet only deals with the transportation of goods and not passengers, therefore the Richards Bay railway line will never transport passengers.

REQUEST FOR INFORMATION

Bambanani – Sakhisizwe community member	2013/11/13	Focus group meeting	Please provide a copy of a map of the Bambanani - Sakhisizwe farm property indicating the current boundaries in order to establish the current demarcation of the community's land and that belonging to Transnet.	EIMS provided the community member with a copy of the locality map illustrating the proposed site in relation to Bambanani - Sakhisizwe's farm property.
Ms. Jenna Lavin – South African Heritage Resources Agency	2013/12/12	SAHRIS	<p>Thank you for submitting this case to SAHRA for assessment. Please note that insufficient information has been provided to SAHRA to make comment as required in terms of Section 38(8) of the National Heritage Resources Act. Please ensure that the following is completed before SAHRA can comment further:</p> <ul style="list-style-type: none"> ✎ The area proposed for the tunnel must be mapped on SAHRIS using the mapping tool provided on page 3 of the application. ✎ More detailed information regarding the proposed infrastructure of the development (eg. BID Document, BAR document or Scoping Document) must be uploaded on SAHRIS. 	EIMS thanked Ms. Jenna Lavin for her response and indicated that detailed information regarding the proposed development will be populated on SAHRIS as and when more information is available.

			I look forward to receiving this information before commenting further.	
Ms. Tshiamo Berlington – Mpumalanga Department of Agriculture, Rural Development and Land Reform	2014/01/23	Telephone	Ms. Tshiamo Berlington informed EIMS that the BID she received is not very clear. She asked if she could be sent another copy. She also asked if any reports were available for review so that the Department can have more information to prepare a report for comment.	EIMS suggested sending Ms. Tshiamo Berlington an electronic copy of the BID via email if her inbox allows large files. Tshiamo provided EIMS with her email address. EIMS explained that the project is still in the Scoping phase and that once the Draft Scoping Report is available for review and comment, EIMS will notify all I&APs of where the report will be available for review.
Mr. Meshack Nkosi – Mpumalanga Tourism and Parks Agency	2015/02/04	Email	Thanks for the attached presentation and we are hoping to share information with the ecologist as that will also assist us on our endeavour to have the property declared as a Protected Environment.	Mr. Meshack Nkosi contact details was forwarded to the Ecology specialist and the presentation of the public meeting (in PDF) was attached as requested.

EMPLOYMENT ISSUES

Bambanani – Sakhisizwe community member	2013/11/13	Focus group meeting	Who should benefit from job opportunities in the area? Is it the local community or people from other areas?	It is the local community that should benefit more from the project. First preference regarding job opportunities should be given to the local community based on the availability of skills (whereby there is need for skilled, semi-skilled and
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un-skilled labour) before other people/communities can be considered. Because the community is small in size it is anticipated that the majority of the local community seeking employment will be absorbed during construction. A recommendation will be included in the Environmental Management Programme that encourages the contractor to consider hiring local labour where possible and depending on the skills required as per existing Transnet policy.

All comments raised by the community will be included in the Issues and Response Report that will be submitted to the competent authority for them to be able to take informed decision.

Bambanani – Sakhisizwe community member	2013/11/13	Focus group meeting	What will happen if the responsible person regarding the appointments of the previous project is found guilty as a result of the follow-up on what resulted in the community members who undertook the medical assessment not being offered jobs?	Internal processes are available within Transnet to resolve such issues and dealing with those that have contravened Transnet rules and regulations.
Bambanani – Sakhisizwe community member	2013/11/13	Focus group	Since the tunnel is below the property of the	People that are undertaking maintenance

meeting Bambanani - Sakhisizwe Communal Property Association, we feel we should at least benefit from the project and the operation of the tunnel.

are the contractors appointed by Transnet to undertake the maintenance of the railway line. These contractors probably already have their teams in place and are likely to use the same teams for all follow up maintenance tasks. The local community is encouraged to get jobs from any Transnet opportunities to try and develop themselves during the duration of that particular opportunity by acquiring various/additional skills from the other team members that can be used in the future to explore other Transnet opportunities.

This project is scheduled to run for 24 months during construction. The community should bear in mind that the job opportunities will be for only that period of 24 months. The local community should use the opportunity to learn new skills within that 24 months construction period that will help in the future for other jobs after the Transnet project is completed.

Sheepmoor member	community	2013/11/14	Public meeting	How will the contractor undertake the hiring process for construction? Will the contractor bring his own labour force or source his labour from the local communities?	The hiring process will depend on the number of skilled, semi-skilled and non skilled labour requirements by the contractor. However, it is Transnet's policy that first preference be given to the local community members that have the required skills for the available jobs. It is anticipated that the majority of the labour will be drawn from the local community, unless the required skills are not available within the local communities.
Sheepmoor member	community	2013/11/14	Public meeting	What is the estimated number of people envisaged to be hired for this development at this stage?	It is the responsibility of the contractor to decide on the number of labour and skills required, therefore the number is not known at this stage.

LAND ISSUES

Bambanani - community member	Sakhisizwe	2013/11/13	Focus group meeting	What is the size of the servitude required for the project?	The size of the servitude is 30 metres. No extra land is required above the tunnel. The same servitude of 30 metres will be utilised for Transnet services. Only the area underground where the additional tunnel will be constructed is expected to be wider than 30 metres, meaning that additional land beyond the 30 metre
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Bambanani - Sakhisizwe community member	2013/11/13	Focus group meeting	<p>What is the process of negotiation for the land between Transnet and the affected community?</p> <p>A land negotiator visited to introduce the possibility of compensation where extra land is required by Transnet for the proposed new tunnel. The land negotiator promised to come back to at a later stage for further discussions and negotiations during the EIA process.</p>	<p>servitude will be required underground.</p> <p>The Land Aquisition team is responsible for the negotiations process, and issues regarding land negotiations can only be undertaken with them.</p>
Mr. van der Meulen - Affected landowner	2013/11/14	Public meeting	<p>Please clarify the proposed location for the contactors camps and lay down areas.</p>	<p>The contractor to be appointed for the construction of the new tunnel will choose their preferred location to place their construction camp and lay down areas, so these are unknown at present even though there are areas that Transnet has identified as likely for these activities. The selected location will then be indicated to Transnet for approval.</p>
Bambanani - Sakhisizwe community member	2013/11/13	Focus group meeting	<p>What will happen if on the maps it is realized that Transnet has over the years used land beyond their boundary/servitude?</p>	<p>It is not possible that Transnet could have used the community's land without any negotiations and agreement between the two parties.</p>

SAFETY AND SECURITY CONCERNS

Mr. Van der Meulen - 2013/11/14 Affected landowner	Public meeting	The security around the area surrounding the existing tunnel is of great concern, e.g. livestock theft, gangsters, un-monitored movement along railway line and surrounding farm properties.	Contracts will be drawn between the contractor and Transnet within which the issues of security during construction will be addressed.
Mr. van der Meulen - 2013/11/14 Affected landowner	Public meeting	It is suggested that the construction area must be closed/ fenced off in order to avoid easy access to the surrounding properties/farms by the contractor teams	The suggestion was noted.

WATER ISSUES

Mr. van der Meulen - 2013/11/14 Affected landowner	Public meeting	Potential use of farmers' water for the development will be a concern. It will leave the local farmers with not enough water for their farm activities. The existing tunnel is collecting water from the vicinity of the tunnel and surrounding properties and pumping it to the other areas near Sheepmoor. thereby leaving the area near the existing tunnel with little or no water for their use.	This was noted by EIMS.
Mr. Arie Greyling – AFGRI Operations	2013/11/14 Public meeting	Mr. Arie Greyling requested that pre-construction and post construction	This was noted by EIMS and the request was forwarded to Transnet.

assessment of water quantity and quality be undertaken to provide a baseline to determine if there are any changes/ impacts on the water level, water quality, and the condition of the surrounding infrastructure after construction.

Mr. Robert Zwane - Affected landowner	2013/11/14	Public meeting	Mr. Robert Zwane was concerned about the impact on water resources within his property whereby previous development activities in the area had resulted in a shortage of water within his farm.	This was noted by EIMS.
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DESTRUCTION TO EXISTING INFRASTRUCTURE

Mr. van der Meulen - Affected landowner	2013/11/14	Public meeting	Mr. van der Meulen was concerned about the destruction of farm fences by contractors which will result in livestock moving from one farm to another.	This was noted by EIMS.
Arie Greyling – AFGRI Operations	2013/11/14	Public meeting	Potential impacts on the silos is a great concern for AFGRI.	This was noted by EIMS.
Robert Zwane – Affected landowner	2013/11/14	Public meeting	Mr. Robert Zwane was concerned about damages to fencing and the fences erected for previous developments not being strong enough especially to keep livestock within the properties.	This was noted EIMS and the contact details of Mr. Robert Zwane's attorneys (Strauss Attorneys) were included in the key stakeholder database.

				Mr. Zwane provided EIMS with the contact details of his attorneys (Strauss Attorneys) in the event that he cannot be reached for future correspondence and notifications.	
Sheepmoor member	community	2013/11/14	Public meeting	Should the results of the initial specialist assessments indicate that construction of the tunnel will not have any impacts on the surrounding community/ies and infrastructure, what will happen if such impacts only start to show months or years after construction?	The competent authority, in this case the Department of Environmental Affairs, will always intervene in cases where the approved EMPr is not properly implemented or in cases where the construction has negative impacts to the local community. The required specialist assessments will look at several aspects in detail in order to avoid, minimise or mitigate impacts resulting from the proposed development/project.

COMPENSATION

Ms. Nonhlahla Nhlapho – Mpisikazi member	community	2013/11/14	Public meeting	Is there procedure to be followed regarding compensation for farmers/landowners whose land is affected by the proposed construction?	A Transnet representative, Mr. Dave van Rooyen, (from Land Acquisition) will be leading with the land negotiations. Some of the landowners were engaged 2 weeks prior to the public meeting to brief them about the process. However, not all the affected landowners have been engaged yet. EIMS will provide Transnet with the
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contact details for Ms. Nhlapho for further correspondence.

SKILLS DEVELOPMENT

Sheepmoor member	community	2013/11/14	Public meeting	Will the proposed project offer programmes for skill development to the local community/ies.	There will be opportunities for programmes to be put in place to develop skills. The community is also encouraged to try and acquire different/additional skills during the 24 month period of construction to help them for other future job opportunities.
Sheepmoor member	community	2013/11/14	Public meeting	Will such programmes offer certificates to those trained?	Certificates will be offered to those in training.

WASTE MANAGEMENT

Bambanani – community member	Sakhisizwe	2013/11/13	Focus group meeting	Where will waste material from the tunnel be stored or disposed of during construction?	Transnet engineers are still investigating the best method to be used for safe disposal of soil waste material from the tunnel. The details will likely be available in March 2014 and will be provided in the form of a report once available.
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SOCIAL LABOUR PLANS AND BENEFITS FOR THE COMMUNITY

Sheepmoor member	community	2013/11/14	Public meeting	<p>Will there be any social labour plans for the local community as a result of the proposed project?</p> <p>What benefits can the community anticipate from Transnet?</p>	<p>There will be benefits to the community, however it will be easier if there are existing NGO's with which to align beneficial programmes for the community rather than dealing with individuals.</p>
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HEALTH AND SAFETY

Sheepmoor member	community	2013/11/14	Public meeting	<p>What will be the implications in cases where one gets injured during construction with only a contract for 24 months?</p>	<p>The contractor will be responsible for hiring of labour and not Transnet. It is a requirement by Transnet that the contractor has a health and safety management system and procedures in place. It is also the legal requirement to have the safety system in place and when there is an accident there are proper procedures in place to be followed.</p>
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DUST POLLUTION

Mr. van der Meulen		2013/11/14	Public meeting	<p>Mr. van der Meulen Requested that proper measures be implemented to minimize potential dust pollution expected during tunnel excavation.</p>	<p>This was noted by EIMS.</p>
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PALAEONTOLOGY AND HERITAGE

Ms. Jenna Lavin – South African Heritage Resources Agency	2014/01/20	SAHRIS and Letter	<p>Thank you for submitting the Information Background for the proposed construction of a new Overvaal rail tunnel parallel to and approximately 20m south of the existing Overvaal tunnel, which is approximately 30km south east of Ermelo on the Transnet Richards Bay coal line, in Mpumalanga Province.</p> <p>In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999), any proposed development that requires an application in terms of NEMA or the MPRDA must have an assessment of impacts to heritage resources completed as part of the application process. The relevant heritage authority must determine whether the assessment done in terms of impacts to heritage resources satisfies our requirements and must provide comments re recommendations to the decision-making authority.</p> <p>According to the submitted documentation, the additional line is intended to increase</p>	The request was noted by EIMS. A Heritage Impact assessment will be conducted as part of the Impact Assessment stage.
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the capacity of rail transportation to the coast through Mpumalanga.

It is noted that the area proposed for development is underlain by geology known for its significant paleontological heritage. It is therefore likely that the proposed development will impact negative on significant paleontological resources. As such, SAHRA requires that a Heritage Impact Assessment be conducted.

This heritage impact assessment must assess the impact of the proposed development on all heritage resources including, but not limited to, paleontological heritage. This assessment must not only assess impacts in terms of the development footprint, but must also assess broader, indirect impacts to heritage that may result from the proposed development.

A Paleontological Field assessment study must be undertaken to assess whether or not the development will impact upon

significant paleontological resources. This assessment must identify any impacts, must propose appropriate mitigation strategies as well as provide a protocol for chance finds during the construction phase of the proposed development. If necessary a Phase 2 rescue operation might be required (see www.palaeontologicalsociety.co.za).

Any other heritage resources that may be impacted such as archaeology, built structure, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewsapes must also be assessed.

This assessment must satisfy SAHRA's minimum requirements for impact assessments must comply with the requirements in Section 38(8) of the NHRA and as such, this assessment must provide recommendations regarding the mitigation of any identified indirect and direct impacts

to heritage resources.

SAHRA looks forward to receiving this assessment before commenting further on this proposed development.

DRAFT SCOPING REPORT

ACKNOWLEDGEMENT OF RECEIPT OF DRAFT SCOPING REPORT NOTIFICATION

Mr. Daniel Jacobus Johnstone – Msukaligwa Fire Protection Association: Chief Fire Officer	2015/01/09	Email	We hereby confirm receipt of the Draft EIA scoping information.	The acknowledgement of receipt of the Draft Scoping Report was noted by EIMS.
Ms. Cilia C de Jesus – Mpumalanga Tourism and Parks Agency	2015/01/09	Email	I hereby acknowledge receipt hereof: availability of Draft Scoping Report.	The acknowledgement of receipt of the Draft Scoping Report was noted by EIMS.
Mr. Vela Mngwengwe – Department of Rural Development and Land Reform	2015/01/12	Email	The Draft Scoping Report availability notification was distributed by Mr Vela Mngwengwe to his colleagues as follows: This is for your attention, in case you have comments on the report.	The correspondence within the said Department regarding the Draft Scoping Report was noted by EIMS.

MEETINGS

Mr. Jacob Ndinisa –	2015/01/22	Telephone	During the telephonic conversation Mr. EIMS contacted Mr. Jacob Ndinisa to
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Bambanani - Sakhisizwe
community member

Ndinisa informed EIMS that yesterday the community was visited by the Crime and Intelligence Unit from the Sheepmoor Police, and this was in response to a complaint of harassment from Transnet. Mr. Ndinisa stated that the Crime and Intelligence Unit will also be attending the planned focus group meeting on the 27 January 2015 in order to get clarification on the matter between the Bambanani - Sakhisizwe community and Transnet (this includes matters pertaining to land ownership in relation to the project's study area).

Mr. Ndinisa also informed EIMS that he tried to contact Mr. Dave van Rooyen from Transnet to discuss the matter but Mr. van Rooyen informed him that he is not at liberty to discuss the matter with him. Furthermore, Mr. Ndinisa let EIMS know that he was asked how he found out about the project, he informed the Crime and Intelligence Unit that he was introduced to the project through correspondence and

follow up on his previous requests for an agenda breakdown regarding the arranged focus group meeting with the community. It was agreed that the agenda and meeting outline will be presented to the attendees prior to commencement with the presentation at the focus group meeting to take place on the 27th January 2015.

notifications from EIMS and gave them the EIMS public participation manager's contact details.

Arie Greyling – AFGRI Operations Limited	2015/01/26	Email	Is there a meeting on the 28 January 2015 in connection with the proposed tunnel? If so, where will it be held?	As per telephonic conversation, two public meetings will be held on the 28 th January 2015 for the Transnet Overvaal tunnel EIA project. The first meeting will be held at the Overvaal Gastehuis from 10h00 to 12h00. The second meeting will be held at the Sheepmoor Community Hall from 13h00 to 15h00.
Bambanani - Sakhisizwe community members	2015/01/27	Focus group meeting	All comments and queries raised at the focus group meeting are contained in the meeting's minutes under Appendix 9.	
Landowners and Sheepmoor community members	2015/01/28	Public meetings	All comments and queries raised at the public meetings (Overvaal Guesthouse and Sheepmoor community hall) are contained in the meeting's minutes under Appendix 9.	

