

GAS TRANSMISSION PIPELINE AND ASSOCIATED INFRASTRUCTURE, NIGEL, GAUTENG PROVINCE

COMMENTS AND RESPONSES REPORT

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The Basic Assessment process for the Gas Transmission Pipeline and Associated Infrastructure near Nigel, Gauteng Province was announced on Tuesday, 04 June 2019. Comments received since the announcement are captured in the Comments and Responses Report (C&RR). The Basic Assessment Report is being made available for a 30-day review and comment period from **Thursday, 20 June 2019** to **Monday, 22 July 2019** and comments received during this review and comment period will be included in the C&RR of the Final Basic Assessment Report for submission to the Gauteng Department of Agriculture and Rural Development.

NOTE:

In terms of the EIA Regulations of December 2014 (as amended on 07 April 2017, Regulation 44(1)), please note that the comments raised and responses provided at the various Focus Group Meetings held during the 30-day review period of the Basic Assessment Report have not been captured in this Comments and Responses Report. The minutes of the meetings are attached as **Appendix E5**.

ABBREVIATIONS / ACRONYMS

BA	Basic Assessment	BAR	Basic Assessment Report
CoE	City of Ekurhuleni	C&RR	Comments and Responses Report
DAFF	Department of Agriculture, Forestry and Fisheries	DEMS	Disaster and Emergency Management Services
DRDLR	Department of Rural Development and Land Reform	I&AP	Interested and Affected Party

1. WRITTEN COMMENTS RECEIVED DURING BASIC ASSESSMENT ANNOUNCEMENT PHASE

1.1. ORGANS OF STATE

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>Thank you for the notification. Please register the City of Ekurhuleni as an Interested and Affected Party.</p> <p>Once the report is available for comment, please submit one (1) hard copy and one (1) CD to the following address:</p> <p>FOR ATTENTION: Mrs Nomvula Flara Acting Divisional Head: Legislative Compliance Environmental Resource & Waste Management Department City of Ekurhuleni Edenvale Civic Centre Cnr Hendrik Potgieter & Van Riebeeck Street Edenvale (C/O Sifiso Ndwandwe – Room 201)</p>	<p>Anél Hietbrink Environmental Assessment Practitioner Environmental Resource and Waste Management Department CoE</p> <p>E-mail: 04-06-2019</p>	<p>The information regarding the BAR submission was acknowledged and has been submitted as requested. Proof of submission included in Appendix E4.</p>
2.	<p>Supported.</p>	<p>Sandra du Rand Executive Manager Proactive Services Emergency Services DEMS</p> <p>E-mail: 04-06-2019</p>	<p>The support toward the comment submitted by the Environmental Resource and Waste Management Department of CoE was acknowledged (refer to Appendix E4).</p>

NO.	COMMENT	RAISED BY	RESPONSE
3.	<p>The Department of Agriculture, Forestry and Fisheries would like to register as an interested and affected party. If the proposed activities will be conducted on land that is still under the provisions of the Subdivision of Agricultural Land Act, Act 70 of 1970 a formal application should be lodged with the Department for formal comments to be issued. Therefore, provide the Department with title deeds, locality map which shows the surrounding areas in order to open your application.</p>	<p>Lufuno Sithomola Land Use Officer Directorate: Land Use and Soil Management DAFF E-mail: 04-06-2019</p>	<p>The DAFF's request submitted was acknowledged.</p> <p>It can be confirmed that no portion of property affected by the proposed pipeline falls under the provision of the Subdivision of Agricultural Land Act as the proposed gas pipeline runs for its entirety in the road reserve and no application would therefore be required to be lodged.</p> <p>Attempts were made to confirm whether this project affects any subdivisions as stipulated with DAFF, however the project team was not successful with its attempts. A formal response will be given in the Final Basic Assessment Report, once received</p>
4.	<p><u>LAND CLAIMS ENQUIRY — PORTION 3, 6, 41, 42, 44, 46, 74, 75, 76 & REMAINDER OF THE FARM GROOTFONTEIN 165. REGISTRATION DIVISION IR, GAUTENG</u> We refer to your land claim enquiry dated 04 June 2019.</p> <p>We confirm that there is/are an existing land claims against the Property lies. The claims were lodged as per attached list.</p> <p>The claim was lodged in terms of the Restitution of Land Rights Amendment Act, 2014 (Act No 15 of 2014) ("the Amendment Act") which, amongst others, reopened the lodgement of claims for a period of five years.</p> <p>The validity of the Amendment Act was challenged in the Constitutional Court. The Constitutional Court found the Amendment Act to be invalid because of the failure of Parliament to facilitate public</p>	<p>C Benyane Chief Director: Office of the Regional Land Claims Commission – Gauteng Province Letter: 18-06-2019</p>	<p>This information was acknowledged and forwarded to the applicant for further discussions.</p>

	<p>involvement as required by the Constitution. The Amendment Act ceased to be law on 28 July 2016.</p> <p>The Constitutional Court ordered that the claims that were lodged between 1 July 2014 and 27 July 2016 are validly lodged, but it interdicted the Commission from processing those claims until the Commission has finalised the claims lodged by 31 December 1998 or until Parliament passes a new law providing for the re-opening of lodgement of land claims. Parliament was given until 27 July 2018 to pass such a law.</p> <p>Parliament has so far not been able to pass new legislation and has instead approached the Constitutional Court for an extension until 29 March 2019 and the application was rejected. As a result the Commission will, unless directed otherwise by Constitutional Court, not be processing claims lodged between 1 July 2014 until 27 July 2016 until all the claims lodged on or before 31st December 1998 are finalised and or a new Act is passed by Parliament and signed into law by the President. In the meantime, the Commission through the Chief Land Claims Commissioner has been ordered to report the progress of all the outstanding land claims on six months basis for monitoring by the court.</p> <p>The Commission will contact you directly and communicate widely once we have been granted permission to begin dealing with these claims.</p> <p>For further enquiries please contact: Solomon Maruma at solomon.marumadrdlr.bov.za, telephone 012 310 6588</p>		
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	<p>Edith Mokgoko at Edith.mokqokodrdlr.00v.za, telephone 012 310 6573</p>		
<p>5.</p>	<p><u>LAND CLAIMS ENQUIRY— PORTION 31 OF THE FARM VARKENSFONTEIN 169, REGISTRATION DIVISION IR, GAUTENG</u></p> <p>We refer to your letter dated 04 June 2019</p> <p>We confirm that as at the date of this letter no land claims appear on our database in respect of the Property. This includes the database for claims lodged by 31 December 1998; and those lodged between 1 July 2014 and 27 July 2016 in terms of the Restitution of Land Rights Amendment Act, 2014.</p> <p>Whilst the Commission takes reasonable care to ensure the accuracy of the information it provides, there are various factors that are beyond the Commission's control, particularly relating to claims that have lodged but not yet been gazetted such as:</p> <ol style="list-style-type: none"> 1. Some Claimants referred to properties they claim dispossession of rights in land against using historical property descriptions which may not match the current property description; and 2. Some Claimants provided the geographic descriptions of the land they claim without mentioning the particular actual property description they claim dispossession of rights in land against. <p>The Commission therefore does not accept any liability whatsoever if through the process of further</p>	<p>C Benyane Chief Director: Office of the Regional Land Claims Commission – Gauteng Province</p> <p>Letter: 18-06-2019</p>	<p>This information was acknowledged and forwarded to the applicant for further discussions.</p>

	<p>investigation of claims it is found that there is in fact a land claim in respect of the above property.</p> <p>If you are aware of any change in the description of the above property after 19 June 1913 kindly supply us with such description so as to enable us to do a further search.</p> <p>In conclusion, please note that enquiries should be forwarded to Desiree Kgole who could be reached at the following contact details: Tel: (012) 310-6578 or via e-mail at Desiree.Kgole@drdlr.gov.za</p>		
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1.2. STAKEHOLDERS AND INTERESTED AND AFFECTED PARTIES

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>I would like to register our company for the above-mentioned project advertised in the Heraut Newspaper. Our company is Foukar Construction based in Nigel. Kindly inform me if I should forward our business profile.</p> <p>Contact details is 0783905844/0787951532</p>	<p>Heidi Fourie Foukar Construction</p> <p>E-mail: 14-06-2019</p>	<p>Acknowledged and confirmed registration of representative for Foukor Construction as an I&AP on the project database.</p> <p>The Basic Assessment process notification letter was attached to the acknowledgement e-mail, including the formal registration and comment form and was informed that they will be notified of the availability of the Basic Assessment Report as soon as it is available.</p> <p>Savannah Environmental is conducting the environmental studies for this proposed pipeline project – should the company's business profile be forwarded, it will be submitted to the Applicant as Savannah Environmental does not deal with the construction of the pipeline.</p>
2.	<p>We saw your advert on Herault newspaper that if you are looking for more information about the project and we should send our details.</p>	<p>Enock Mzwakhe UAPO Foundation</p> <p>E-mail: 18-06-2019</p>	<p>Request for information acknowledged and the notification letter sent to registered I&APs announcing the BA process was attached to the acknowledgement e-mail. Mr Mzwakhe was also informed that the BAR will be made available for review and comment as from Thursday, 20 June 2019 and that he will be notified of the availability accordingly.</p>