



the dedet

Department:
Economic Development, Environment and Tourism
MPUMALANGA PROVINCIAL GOVERNMENT

**Basic assessment report in terms of the
Environmental Impact Assessment Regulations, 2010, promulgated in terms of the
National Environmental Management Act, 1998(Act No. 107 of 1998), as amended.**

File Reference Number:

(For applicant / EAP to complete)

1723n-285

Project Title:

The re-alignment of a Provincial road R575 (P127-2) and the closure of a portion of R575 (P127-2).

Name of Responsible Official:

Martha Seshweni (Case officer)

NEAS Reference Number:

(For official use only)

Date Received:

Kindly note that:

1. Required information must be typed within the spaces provided in the form. The size of the spaces provided is not necessarily indicative of the amount of information to be provided. Tables can be extended as each space is filled with typing.
2. Where applicable **black out** the boxes that are not applicable in the form.
3. An incomplete report may be returned to the applicant for revision.
4. The use of "not applicable" in the report must be done with circumspection because if it is used in respect of material information that is required by the competent authority for assessing the application, it may result in the rejection of the application as provided for in the regulations.
5. All reports (draft and final) must be submitted to the Department at the address of the relevant **DISTRICT OFFICE** given below or by delivery thereof to the relevant **DISTRICT OFFICE**. Should the reports not be submitted at the relevant district office, they will not be considered.
6. No faxed or e-mailed reports will be accepted.
7. One copy of the draft version of this report must be submitted to the relevant district office. The case officer may request more than one copy in certain circumstances.
8. **Copies of the draft report must be submitted to the relevant State Departments / Organs of State for comment.** In order to give effect to Regulation 56(7), proof of submission/delivery of the draft documents to the State Departments / Organs of State must be attached to the draft version of this report.
9. Unless protected by law, all information in the report will become public information on receipt by the competent authority. Any interested and affected party should be provided with the information contained in this report on request, during any stage of the application process.
10. All specialist reports must be appended to this document, and all specialists must complete a declaration of independence, which is obtainable from the Department.

HEAD OFFICE (18 Jones Street, Nelspruit)	EHLANZENI DISTRICT (50 Murray Street, Nelspruit)	NKANGALA DISTRICT (Pavilion Centre, Cnr Botha & Northey Streets, Witbank)	GERT SIBANDE DISTRICT (13 De Jager Street, Ermelo)
Attention: Directorate: Environmental Impact Management Private Bag X 11215 Nelspruit, 1200 Tel: (013) 759 4000 Fax: (013) 759 4165	Attention: Directorate: Environmental Impact Management Private Bag X 11215 Nelspruit, 1200 Tel: Fax:	Attention: Directorate: Environmental Impact Management P. O. Box 7255 Witbank, 1035 Tel: Fax:	Attention: Directorate: Environmental Impact Management P. O. Box 2777 Ermelo, 2351 Tel: Fax:

SECTION A: BACKGROUND INFORMATION

Project applicant:	Shanduka Coal (Pty) Ltd		
Trading name (if any):	Shanduka Coal (Pty) Ltd		
Contact person:	Sunil Mungaroo		
Physical address:	Shanduka Coal (Pty) Ltd, Middelburg		
Postal address:	Shanduka Coal (Pty) Ltd, P.O. Box 272, Middelburg		
Postal code:	1050	Cell:	
Telephone:	(013) 244 8153	Fax:	086 666 5548
E-mail:	sunil.mungaroo@shandukacoal.com		

Environmental Assessment Practitioner: Contact person: Postal address: Postal code: Telephone: E-mail: Qualifications: Professional affiliations (if any):	EndemicVision Environmental Services		
	Chrizette Neethling		
	Private Bag X 507, Suite 130, Kathu, 8446		
	8446	Cell: Fax:	082 658 6078
	022 482 1049		086 590 7261
	cdn@endemicvision.co.za		
	ND Nature Conservation. BSC Honours. BA Environmental Management. NC Business Management		
	IAIA; LARSSA; AZEF; SSSA; GSSA		

SECTION B: DETAILED DESCRIPTION OF THE PROPOSED ACTIVITY

Describe the activity, which is being applied for, in detail. The description must include the size of the proposed activity (or in the case of linear activities, the length) and the size of the area that will be transformed by the activity.

The project arises out of numerous need and desirability aspects related to the general road users and Shanduka Coal Pty (Ltd). In essence the existing Keiskamma road will be widened, upgraded to a three (3) lanes road, signalized with turning lanes and a four lane bridge (as appose to a two (2) lane road and bridge). The existing R575 will be closed and become part of the mining right area. This road will be available for industrial vehicle use and other use, but closed to public. A portion (approx 500 meters) will be mined in about 4 years.

The provincial road P127-2 (R575) cuts through the mining reserve of Shanduka Coal Pty (Ltd) and will soon severely restrict mining operations and sterilize a strip of coal reserve. The provincial road P127-2 (R575) runs through the Uitkyk / Townlands reserve and will need to be relocated to free up reserves. Underground Mining of this portion of the reserve is unfeasible and will only allow for 10% of the reserve to be accessed. The mineral rights and authorisation required to mine this portion is already in place and held by Shanduka Mine. Currently mine vehicles conveyor belts are crossing this public road as operations are taking place both sides simultaneously. Coal dust and mist in the area reduce visibility and increase the risk of serious accidents given the slow moving heavy vehicles, the faster moving traffic at intersections. Due to legislation, a 500m radius should be cleared in the event of blasting and the road is inside this area with resulting delays to traffic as mining expand. The main drive for the closure of this section of the P127-2 (R575) and deviation along the Keiskamma Drive can therefore be attributed to:

Traffic Volume Increase

- Traffic increased by an average of approximately 40% over the period of 2010 to 2013.

Upgrade road condition and safety

- Mine vehicles are crossing this public road as operations are taking place both sides and simultaneously.
- Coal dust and mist in the area reduce visibility and increase the risk of serious accidents given the slow moving heavy vehicles
- Following upgrade, the road will be safer than currently and will be in a better condition requiring less maintenance in the short term

Colliery expansion

- The provincial road P127-2 (R575) cuts through the mining reserve of Shanduka Coal and will soon severely restrict mining operations and sterilize a strip of coal reserve.

The need to relocate entrance road

- Shanduka Coal is one of the collieries in the area with access to the mine gained from the

R575.

- The relocation of the plant is deemed necessary as the plant is currently located in the area demarcated for new opencast mining activities. The new opencast mining area will extend to either side the R575 road. This requires alteration of the access to the mine via the R575 as well as allow for additional traffic from future mining.

Construction activities include demolition of the municipal Keiskamma Drive from the crossing at the R575 North-eastward towards the crossing with Dr Mandela Drive, followed by the construction of a new, wider provincial road in place of the demolished road. The newly constructed road will be named R575 and will become a provincial road as the old R575 will be decommissioned. The diverted R575 will cater for two lanes of traffic in the one direction and one lane of traffic in the other direction with a four lane rail bridge crossing as appose to the current two lane rail bridge crossing. The new R575 will be 4.58 kilometres in length. The total footprint of the project is 107 266 m² and the total footprint of the existing road 69 277 m². The total extension of the road (extra meters added to the original road) on average is 5.5 meters where a lane and shoulder was added. Because of the diversion commuters travelling from Middelburg straight along the R555 will drive an additional 0.88km, and from the N4 to Witbank the road will be 2.3km longer. The intersections will have an extra turning lane in order to ease the traffic flow.

Approval for the project is required from the Department of Economic Development, Environment and Tourism, Mpumalanga and a basic Environmental Impact Assessment (ESIA) completed in terms of the National Environmental Management Act (No. 107 of 1998) (NEMA) and associated Environmental Impact Assessment (EIA) Regulations GN.R544 (as amended).

The listed activities triggered by this development are:

- **Activity number 11 (xi) of GN.R.544:** The construction of infrastructure or structures covering 50 square meters or more where such construction occurs within a watercourse or within 32 meters of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.
- **Activity number 47 (i) of GN R.544:** The widening of a road by more than 6 meters, or the lengthening of a road by more than 1 kilometre: where the existing reserve is wider than 13, 5 meters.

The following specialists reports were completed for the environmental impact assessment:

- Air quality assessment, Appendix D1
- Heritage impact assessment, Appendix D2
- Ecological scan and wetland assessment, Appendix D3
- Traffic investigation, Appendix D4

SECTION C: PROPERTY/SITE DESCRIPTION

Provide a full description of the preferred site alternative (farm name and number, portion number, registration division, erf number etc.):

The linear activity will pass through the following farms:

Landowner:	Steve Tshwete Local Municipality
Farm & Portion Number:	Remainder of Portion 4 of Farm Uitkyk 290 JS
Landowner:	Transnet Ltd
Farm & Portion Number:	Portion 6 of Farm Uitkyk 290 JS
Landowner:	Government of the Republic of South Africa
Farm & Portion Number:	Middelburg Town & Townlands 287 JS
Landowner:	BHP Billiton Energy Coal South Africa Ltd
Farm & Portion Number:	Portion 2 of Farm Uitkyk 290 JS
Landowner:	Risen Son Ministries
Farm & Portion Number:	Portion 19 of Farm Elandspruit 291

Indicate the position of the activity using the latitude and longitude of the centre point of the preferred site alternative. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS84 spheroid in a national or local projection. The position of alternative sites must be indicated in Section B of this document.

Latitude (S):		Longitude (E):	
25°	50'4.42"S	29°	25'26.64"E

In the case of linear activities:

- Starting point of the activity
- Middle point of the activity
- End point of the activity

Latitude (S):		Longitude (E):	
25°	50'4.42"S	29°	24'25.06"E
25°	49'11.95"S	29°	25'26.64"E
25°	47'52.71"S	29°	25'30.88"E

SITE OR ROUTE PLAN:

See Appendix A submitted as part of this Environmental Impact Assessment.

SITE PHOTOGRAPHS:

See Appendix B submitted as part of this Environmental Impact Assessment

FACILITY ILLUSTRATION:

See Appendix C submitted as part of this Environmental Impact Assessment

SECTION D: BASIC ASSESSMENT REPORT

Prepare a basic assessment report that complies with Regulation 22 of the Environmental Impact Assessment Regulations, 2010. The basic assessment report must be attached to this form and must contain all the information that is necessary for the competent authority to consider the application and to reach a decision contemplated in Regulation 25, and must include:

(Checklist for official use only)

1.	A description of the environment that may be affected by the proposed activity and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.	
2.	An identification of all legislation and guidelines that have been considered in the preparation of the basic assessment report.	
3.	Details of the public participation process conducted in terms of Regulation 21(2)(a) in connection with the application, including – (i) the steps that were taken to notify potentially interested and affected parties of the proposed application; (ii) proof that notice boards, advertisements and notices notifying potentially interested and affected parties of the proposed application have been displayed, placed or given; (iii) a list of all persons, organisations and organs of state that were registered in terms of regulation 55 as interested and affected parties in relation to the application; and (iv) a summary of the issues raised by interested and affected parties, the date of receipt of and the response of the EAP to those issues;	
4.	A description of the need and desirability of the proposed activity;	
5.	A description of any identified alternatives to the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity;	
6.	A description and assessment of the significance of any environmental impacts, including— (i) cumulative impacts, that may occur as a result of the undertaking of the activity or identified alternatives or as a result of any construction, erection or decommissioning associated with the undertaking of the activity; (ii) the nature of the impact; (iii) the extent and duration of the impact; (iv) the probability of the impact occurring; (v) the degree to which the impact can be reversed; (vi) the degree to which the impact may cause irreplaceable loss of resources; and (vii) the degree to which the impact can be mitigated;	
7.	Any environmental management and mitigation measures proposed by the EAP;	
8.	Any inputs and recommendations made by specialists to the extent that may be necessary;	
9.	A draft environmental management programme containing the aspects contemplated in regulation 33;	
10.	A description of any assumptions, uncertainties and gaps in knowledge;	
11.	A reasoned opinion as to whether the activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation	
12.	Any representations, and comments received in connection with the application or the basic assessment report;	
13.	The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants;	
14.	Any responses by the EAP to those representations, comments and views;	
15.	Any specific information required by the competent authority; and	
16.	Any other matters required in terms of sections 24(4)(a) and (b) of the Act.	

The basic assessment report must take into account -

- (a) any relevant guidelines; and
- (b) any departmental policies, environmental management instruments and other decision making instruments that have been developed or adopted by the competent authority in respect of the kind of activity which is the subject of the application.

* In terms of Regulation 22(4), the EAP managing the application must provide the competent authority with detailed, written proof of an investigation as required by section 24(4)(b)(i) of the Act and motivation if no reasonable or feasible alternatives, as contemplated in subregulation 22(2)(h), exist.

Have reasonable and feasible alternatives been identified, described and assessed?	YES	NO
If NO, the motivation and investigation required in terms of Regulation 22(4) must be attached as an Appendix to this document		

SECTION E: CONSULTATION WITH OTHER STATE DEPARTMENTS

Provide a list of all State Departments / Organs of State that have been consulted and registered as interested and affected parties, and to whom draft reports have been submitted for comment. **Proof of submission / delivery of the draft report to all State Department / Organs of State must be attached to this document.**

Organisation	Name	Surname	Fax Number	Cellphone	Telephone	Postal Address	E-mail
The Department of Environmental Affairs	Martha	Seshweni		27732113915			mmseshweni@mpg.gov.za
Steve Tshwete Municipality	J. A.	Victor	013-249-7160		013- 249 7282	PO Box 14, Middelburg, 1050	jvictor@stevetshwetelm.gov.za
Steve Tshwete Municipality	Eric	Ratshipfumo		27761224623			entanganedzeni@stevetshwetelm.gov.za
Mpumalanga Department of Roads and Transport	Dancy	Malatji	013-766-9713	27829210490	013-766-8525	Private Bag X 11310	dmalatji@mpg.gov.za
Mpumalanga Department of Roads and Transport			013-243-2111	27824913766	013-283-7011	Private Bag x 1800, Middelburg	
Steve Tshwete Municipality	Willie	Fouche	013-249-7263	27828056480	013-243-2550	PO Box 14, Middelburg, 1050	mmoffice@stevetshwetelm.gov.za
Steve Tshwete Municipality	Solly	Links	013-249-7077		013-249-7275	PO Box 14, Middelburg, 1050	slinks@stevetshwetelm.gov.za
Steve Tshwete Municipality	JD	Maree	013-249-7257	27824422212			jmaree@stevetshwetelm.gov.za
Steve Tshwete Municipality	Keitumetse	Masemola				PO Box 14, Middelburg, 1050	
Steve Tshwete Municipality	ITM	Mahlangu	013-249-7072	27828065009	013-249-7261	PO Box 14, Middelburg, 1050	mayor@stevetshwetelm.gov.za
Trans African Concessions (Pty) Limited	Reggy	Nkosi	013-752-6934	27769115520	013-755-3316		RNkosi@tracn4.co.za
SANRAL	Victoria	Bota	012-844-8200	27738717551	012-426-6200	PO Box 415, Pretoria, 0001	Botav@nra.co.za
Nkangala District Municipality	Vusi	Mahlongu			013-249-2161		mahlangumv@nkangaladm.gov.za
Nkangala District Municipality	Solly	Links			013-249-2161		linkss@nkangaladm.gov.za
Department of Public Works, Roads & Transport	Peter	Sonemann	086 - 611 1848	27824597978	013 - 766 8528		psonemann@mpg.gov.za
Transnet Ltd	Deon	van Niekerk					Gideon.vanNiekerk@transnet.net

SECTION E: APPENDICES

The following appendices must be attached to the basic assessment report as appropriate:

Appendix A: Site plan(s)

Appendix B: Photo catalogue

Appendix C: Facility illustration and construction procedures

Appendix D: Specialist reports;

D1: Air quality assessment

D2: Heritage impact assessment

D3: Ecological scan and wetland assessment

D4: Traffic assessment

Appendix E Stakeholder engagement records, including comments and response report

Appendix F Environmental Management Plan report

Appendix G Environmental Impact Assessment Report

EXECUTIVE SUMMARY

This initial phase of the Environmental Investigation Process was conducted from the appointment of the EAP on the 23rd of July 2013 in the Middelburg area. Shanduka Coal (Pty) Ltd. is busy with mining operations west of Middelburg. The provincial road P127-2 (R575) cuts through the mining reserve of Shanduka Coal and will soon severely restrict mining operations and sterilize a strip of coal reserve. The public participation process was advertised locally and regionally in the printed media, on site and amongst the neighbours and Government Departments. The immediate neighbours of the property were contacted specifically and requested to participate in a Public Meeting. The South African National Roads Agency (SANRAL), the Local Municipality and the District Municipality were also informed of the assessment and requested to participate where possible in the evaluation and assessment process. The Impact Assessment investigated the significance of impacts, alternative options and mitigation measures where applicable. This report also includes an Environmental Impact Assessment (EIA) and Environmental Management Programme (EMP) according to the appendices attached to this submission. A number of Specialist Studies were undertaken to gather information for the compilation of this report. These studies include information on the hydrology, soils, air quality, traffic and Biodiversity of the site. See Appendix D for detailed copies in this regard. The Draft Basic Assessment Report will be made available for comment at the Middelburg Public Library, the offices of developer on site, and to all individuals and departments that registered, and/or were possibly affected by the development proposal. Comments received will be recorded and included in the Issues and Responses Report in Appendix E. This basic Environmental Impact Assessment (ESIA) was completed in terms of the National Environmental Management Act (No. 107 of 1998) (NEMA) and associated Environmental Impact Assessment (EIA) Regulations GN.R544 (as amended). Approval for the project is required from the Department of Economic Development, Environment and Tourism, Mpumalanga.

SECTION D1: DESCRIPTION OF THE ENVIRONMENT THAT MAY BE AFFECTED BY THE PROPOSED ACTIVITY AND THE MANNER IN WHICH THE GEOGRAPHICAL, PHYSICAL, BIOLOGICAL, SOCIAL, ECONOMIC AND CULTURAL ASPECTS OF THE ENVIRONMENT MAY BE AFFECTED BY THE PROPOSED ACTIVITY.

See appendix G for environmental and social baselines.

SECTION D2: AN IDENTIFICATION OF ALL LEGISLATION AND GUIDELINES THAT HAVE BEEN CONSIDERED IN THE PREPARATION OF THE BASIC ASSESSMENT

Legislation and guidelines that are being considered for the environmental impact assessment process are as follows:

Constitution of the Republic of South Africa (No. 108, 1996):

The Constitution is the supreme law of South Africa, against which all other laws are measured. It sets out a number of fundamental environmental rights, which include:

The Environmental Clause:

Section 24 of the Constitution outlines the basic framework for all environmental policy and legislation: It states that everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Access to Information:

Section 32 of the Constitution provides that everyone has the right of access to any information held by the State or another juristic person, and that is required for the exercise or protection of any rights.

Fair Administrative Action:

Section 33 of the Constitution provides for the right to lawful, reasonable and procedurally fair administrative action.

Enforcement of Rights and Administrative Review:

Section 38 of the Constitution guarantees the right to approach a court of law and to seek legal relief in the case where any of the rights that are entrenched in the Bill of Rights are infringed or threatened.

National Environmental Management Act (No. 107, 1998):

The National Environmental Management Act (NEMA) is South Africa's overarching environmental legislation. The Act gives meaning to the right to an environment that is not harmful to health or well-being, entrenched in Section 24 of the Constitution of the Republic of South Africa, Act 108 of 1996. The National Environmental Management Act (NEMA, Act No. 107 of 1998) establishes a set of

principles, which all authorities (organs of State) have to consider when exercising their powers, for example during the granting of permits. These include the following:

- Development must be sustainable.
- Pollution must be avoided or minimised and remedied.
- Waste must be avoided or minimised, reused or recycled.
- Negative impacts must be minimised.
- Responsibility for the environmental consequences of a policy, project, product or service applies throughout its life cycle.

NEMA further provides for an equitable access to natural resources, environmental protection and the formulation of environmental management frameworks. The Act is underpinned by the global concept of sustainable development. The interpretation, administration and application of NEMA are guided by fundamental principles of sustainable development, provided in Chapter 1 of the Act. "Development must be socially, environmentally and economically sustainable" (s 2(3)) and requires the consideration of all relevant factors, which are elaborated by eight sub-principles".

These principles include:

- The polluter pays principle (s 2(4) (p)).
- The public trust doctrine (s2 (4) (o)).
- The equitable access to natural resources (s 2(4) (d)).

Section 24 of the Act states that all activities that may significantly affect the environment and require authorisation by law must be assessed prior to their approval.

The Act goes on to list the requirements for an assessment. These include:

- The environment likely to be affected by the activity and viable alternatives.
- Cumulative effects and their potential significance.
- Mitigation measures including the "no go" option.

Section 28(1) states that "every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring". If such degradation/pollution cannot be prevented, then appropriate measures must be taken to minimise or rectify such pollution. These measures may include:

- Assessing the impact on the environment.
- Informing and educating employees about the environmental risks of their work and ways of minimizing these risks.
- Ceasing, modifying or controlling actions which cause pollution/degradation.
- Containing pollutants or preventing movement of pollutants.
- Eliminating the source of pollution.
- Remedying the effects of the pollution.

National Water Act (No. 36, 1998):

The Act details the management of South Africa's water resources in terms of utilisation and duty of care to prevent water pollution. The act further details the legislation pertaining to the pollution of water reserves (surface and ground water) and the remediation/rehabilitation thereof.

Mpumalanga Nature Conservation Act (No. 10, 1998):

An Act to consolidate and amend the laws relating to nature conservation within the Province and to provide for matters connected therewith. This Act makes provision with respect to nature conservation in the Mpumalanga Province. It provides for, among other things, protection of wildlife, hunting, fisheries, protection of endangered fauna and flora as listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the control of harmful animals, freshwater pollution and enforcement. The Mpumalanga Parks Board, established by section 2 of the Eastern Transvaal Parks Board Act, 1995, shall be responsible for the administration of the Act.

Conservation of Agricultural Resources Act (No. 43, 1983):

This Act provides for control over the utilization of the natural agricultural resources of the Republic in order to promote the conservation of the soil, the water sources and the vegetation and the combating of weeds and invader plants; and for matters connected therewith.

National Environmental Management: Biodiversity Act (No.10, 2004):

To provide for, inter alia, the management and conservation of South Africa's biodiversity, to protect species and ecosystems. The Act also covers alien and invasive species and genetically modified organisms that pose a threat to biodiversity.

The objectives of this Act are to within the framework of the National Environmental Management Act to provide for:

- The management and conservation of biological diversity within the Republic and of the components of such biological diversity.
- The use of indigenous biological resources in a sustainable manner.
- The fair and equitable sharing among stakeholders of benefits arising.
- To give effect to ratified international agreements relating to biodiversity.
- To provide for co-operative governance in biodiversity management and conservation.
- To provide for a South African national biodiversity institute to assist in achieving these objectives of this act.

National Roads Act (No. 7. 1998):

To make provision for a national roads agency for the Republic to manage and control the Republic's national roads system and take charge, amongst others, of the development, maintenance and rehabilitation of national roads within the framework of government policy; for that purpose to provide for the establishment of The South African National Roads Agency Limited, a public company wholly owned by the State; to provide for the governance and management of that company ("the Agency") by a board of directors and a chief executive officer, respectively, and to define the Agency's powers and functions and financial and operational accountability, and regulate its functioning; to prescribe

measures and requirements with regard to the Government's policy concerning national roads, the declaration of national roads by the Minister of Transport and the use and protection of national roads; to repeal or amend the provisions of certain laws relating to or relevant to national roads; and to provide for incidental matters.

Advertising on Roads and Ribbon Development Act (No. 21, 1940)

To regulate the display of advertisements outside certain urban areas at places visible from public roads, and the depositing or leaving of disused machinery or refuse and the erection, construction or laying of structures and other things near certain public roads, and the access to certain land from such roads.

National Heritage Resources Act (No. 25, 1999):

The protection and management of South Africa's heritage resources are controlled by the National Heritage Resources Act (Act No. 25 of 1999). The enforcing authority for this act is the South African National Heritage Resources Agency (SAHRA). In terms of the Act, historically important features such as graves, trees, archaeology and fossil beds are protected. Similarly, culturally significant symbols, spaces and landscapes are also afforded protection.

In terms of Section 38 of the National Heritage Resources Act, SAHRA can call for a Heritage Impact Assessment (HIA) where certain categories of development are proposed. The Act also makes provision for the assessment of heritage impacts as part of an EIA process and indicates that if such an assessment is deemed adequate, a separate HIA is not required.

Legal Requirement to Comply with:

According to the National Heritage Resources Act (Section 38(8)), such an assessment has to meet the requirements of the relevant heritage authority.

The following requires the approval of SAHRA:

- Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised
- The construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length.
- Any development or other activity which will change the character of a site-
Exceeding 5 000 m² in extent; or involving three or more erven or divisions thereof which have been consolidated within the past five years.
- The costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority.
- The re-zoning of a site exceeding 10 000 m² in extent.
- Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must at the very earliest stages of initiating such a development notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

Occupational Health and Safety Act (No. 85, 1993):

To provide for the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery; the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; to establish an advisory council for occupational health and safety; and to provide for matters connected therewith.

Promotion of Access to Information Act (No 2, 2000):

To give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith.

Electricity Regulation Act (No. 4, 2006):

To establish a national regulatory framework for the electricity supply industry; to make the National Energy Regulator the custodian and enforcer of the national electricity regulatory framework; to provide for licences and registration as the manner in which generation, transmission, distribution, trading and the import and export of electricity are regulated; and to provide for matters connected therewith.

National Environment Management: Waste Act, 2008 (No 59 of 2008):

To reform the law regulating waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development.

- To provide for institutional arrangements and planning matters.
- To provide for national norms and standards for regulating the management of waste by all spheres of government.
- To provide for specific waste management measures.
- To provide for the licensing and control of waste management activities.
- To provide for the remediation of contaminated land.
- To provide for the national waste information system.
- To provide for compliance and enforcement.
- To provide for matters connected therewith.

Section 24 of the National Environmental Management Act (1998) requires that activities that require authorization or permission by law which may significantly affect the environment, must be considered, investigated and assessed prior to their implementation and reported to the organ of state charged by law with authorizing, permitting, or otherwise allowing the implementation of an activity. The EIA process is the tool used to apply for authorization from the regulating authority for the relevant activities identified that may impact on the environment.

SECTION D3: DETAILS OF THE PUBLIC PARTICIPATION PROCESS CONDUCTED IN TERMS OF REGULATION 21(2) (a) IN CONNECTION WITH THE APPLICATION

The Public Participation Process was planned and facilitated by the independent assessment service provider (EndemicVision Environmental Services);

Stakeholder engagement was based on the National Environmental Management Act (Act. No 107 of 1998) *and* industry best practice guideline by Department of Environmental Affairs and Development Planning, Guideline on Public Participation 2009. Guidance to stakeholder engagement in further phases will be based on the suggestions that will be made in the Environmental Management Plan (EMP) on the basis of the outcome of the stakeholder engagement process and the subsequent environmental authorisation.

Chapter 1 of the NEMA outlines the principles of environmental management, several pertaining to public participation; and

The EIA Regulations promulgated in June 2012 in GN R543, Chapter 6 specify the minimum requirements for public participation in a BA under NEMA:

The minimum requirements for public participation in a BA under NEMA requiring public participation are sections 21, 22, 23, 24 and 54.

The public participation process commenced on the 2013/10/18/ and the provisional list of stakeholders were notified via SMS Notifications of its commencement.

Up to date a key stakeholder list has been compiled to determine the key stakeholders that will be engaged in the public participation process. This stakeholder list will continuously be updated throughout the participation process.

Communication documents have been drafted and distributed to the general public and identified stakeholders via electronic mail or other requested methods. This includes the Background Information Document (BID); posters and advertisements. The public was also notified of the availability of the documents via SMS Notifications.

The BID contains the following information:

A simplified description of the proposed project, and a rationale for it,

A map indicating the extent of the proposed project area,

The Basic Assessment Process and Stakeholder Engagement Process to be followed,

An invitation to register as an I&AP and to participate in the Basic Assessment Process and Public Participation Process and,

A description of how and when stakeholders can contribute during the environmental authorisation and Public Participation Process.

The posters and advertisements indicate that EndemicVision Environmental Services for JK Consulting, on behalf of Shanduka Coal, has initiated community meetings for the road deviation that will take place on the R575. Furthermore, it indicates that the purpose of extending the R575 road, the activities that will be undertaken, as well as the fact that a BA will be completed in terms of the National Environmental Management Act (No 107 of 1998) (NEMA) and associated Environmental Impact Assessment (EIA) Regulations. Lastly the advertisement will specify that JK Consulting has appointed EndemicVision Environmental Services to conduct the Basic Assessment and Public Participation Process for the project. Subsequently stakeholders have been invited to register as I&APs and to participate in the process.

Advertisements, posters and flyers have been placed in various neighbouring and national newspapers (The Middelburg Observer, The Daily Sun, The Star and Die Beeld) and at strategically positioned sites such as the local municipalities, other public offices and the site where the activity is to be undertaken. Advertisements have been circulated every two weeks in local and national newspaper which will be placed in English, Afrikaans and Zulu. With each placement of an advertisement the public was notified of it via SMS Notifications.

Notices of the project will also be placed at and near the project site and flyers will be handed out at intersections near the project area once a week for two weeks. This process will provide the I&APs to raise issues of concern and suggestions for enhanced benefits

A regulatory waiting period of 30 days has been given for stakeholders to register as interested and/or affected (I&APs).

Following this a local community meeting took place with the local stakeholders at the Midbus Building in Middelburg on the 2013/11/06. At the local meeting I&AP's issues have been recorded and considered before submitting the Draft Basic Assessment Report (DBAR) and EMP to the Competent Authority for review.

The DBAR and EMP will be made available for a period of 40 days for public comment and review. During this period the public meeting(s) will take place and consultation with the local community will take place through these meetings.

At the end of the public review period of the DBAR and the EMP, the final BAR will be updated and incorporate the issues raised by the community. The public will then be given a 14 day period to review and provide additional comments on the Final BAR. Registered I&APs will be notified by sms, mail/email of the availability of the Final BAR and EMP for public comment. Upon closure of the commenting period, additional comments will be received and submitted as an addendum with the Final BAR and EMP to the competent and commenting authorities of Mpumalanga's Provincial Department of Environmental Affairs.

In line with the EIA Regulations a 30 day regulatory period is then set out in which the Competent Environmental Authority will accept or reject the final BAR and EMP. All I&APs will be notified within 12 days of the decision of authorisation and appeals procedure.

SECTION D4: A DESCRIPTION OF THE NEED AND DESIRABILITY OF THE PROPOSED ACTIVITY

The Need and Desirability of the project is detailed in terms of four aspects:

Colliery expansion

The provincial road P127-2 (R575) runs through the Uitkyk / Townlands reserve and will need to be relocated to free up reserves. The provincial road P127-2 (R575) cuts through the mining reserve of Shanduka Coal and will soon severely restrict mining operations and sterilize a strip of coal reserve.

The need relocate entrance road

Due to the relocation of the wash plant and the offices new access and haul roads will be constructed between the open cast areas and the workshops and supporting infrastructure.

Upgrade road condition and safety

It is proposed that this route be upgraded to accommodate the additional traffic and that improvements be made. Mine vehicles are crossing this public road as operations are taking place both sides and simultaneously. Coal dust and mist in the area reduce visibility and increase the risk of serious accidents given the slow moving heavy vehicles, the faster moving traffic as well as the crossing operation.

Following upgrade, the road will be safer than currently and will be in a better condition requiring less maintenance in the short term.

SECTION D5: A DESCRIPTION OF ALTERNATIVES TO THE PROPOSED ACTIVITY THAT ARE FEASIBLE AND REASONABLE, INCLUDING THE ADVANTAGES AND DISADVANTAGES THAT THE PROPOSED ACTIVITY OR ALTERNATIVES WILL HAVE ON THE ENVIRONMENT AND THE COMMUNITY THAT MAY BE AFFECTED BY THE ACTIVITY.

BACKGROUND

Alternative roads are technically evaluated according to various aspects to ensure the best possible selection is made given practical constraints. In this regard the following background is important. The Mid-Wit Load Control Centre (LCC) was commissioned in 2002. It was initially located on a coal deposit, and was subsequently moved some 800 m east in the middle of 2007 to allow the Graspan Colliery to mine the coal underneath and around the LCC.

Mining activity in the area is still expanding, and once again existing infrastructure has become a constraint. It is now proposed to close and reroute the portion of the R575 between the intersections with D2141 and the R555 to allow the area under and adjacent to the road reserve to be mined.

The routing options for R575 are shown on the Locality Map below. They are:

- Routing Option A: Existing road (do not reroute R575)
- Routing Option B: Reroute R575 around the west of the mine (new road)
- Routing Option C: Reroute R575 via existing road D2141 (Keiskamma Dr) and Tafelberg Rd back to R555.

The rerouting of R575 will not only disrupt the general flow of traffic, but also the operation of the weigh-in-motion (WIM) screeners, directing office and access of the Mid-Wit LCC. For this reason SANRAL requested that a study be conducted to ensure that the required action associated with the chosen routing option be taken to allow sustained operation of the Mid-Wit LCC and the N4 Corridor Load Control Strategy as a whole. The objective of this document is to identify, discuss and recommend the most practical and feasible way to accommodate the Mid-Wit LCC should the existing R575 be closed.

The assessment of alternatives was undertaken according to NEMA EIA guidelines (2006), and Western Cape Provincial Government requirements for best practice.



Figure 1: Locality map of routing options

Alternatives for roads, intersections, power sources and burrow pits were further evaluated according to the National Environmental Impact Assessment guidelines (2006 - Western Cape Government guidelines on best practice).

ALTERNATIVE TYPE	Road	Intersections	Power	Burrow Pit
(a) the property on which, or location where, it is proposed to undertake the activity;	Develop road on municipal property, private property or mine property. Alternative used: Municipal property, mine property and private property - no true alternative property options.	Shanduka Townlands Colliery intersection must be on municipal / Shanduka property. A new access is required. Sight distance on a turn is the minimum requirement to determine location. Further than this, there is flexibility. Current alternative include municipal, private and Shanduka landownership		Consider in situ soils from geotechnical analysis. Develop quarry for road construction and bridge widening. Geotechnical results to determine in situ soils available November 2013. Current alternative used: Commercial available sources and in situ if possible.
(b) the type of activity to be undertaken;	The Afrox gas pipeline will be left as it is and a new road will be constructed on the route of Keiskamma Drive in other words, Keiskamma Drive will be upgraded to a three lane roadway. List possible alternatives and choice (upgrade existing road on its own. Construct new road and maintain existing road. Construct new road and demolish existing road. Current alternative: Construct new road and maintain existing.		Electricity needed for signals at intersections.	
(c) the design or layout of the activity;	Three options were considered (see road alternative feasibility sheet) The chosen option is towards the east of the existing P127-2 (R575). It deviates to the east at Keiskamma Drive just south of the rail-over-road bridge and follows the existing surfaced road D2141 until it intersects at Dr Mandela Drive with a road-over-rail link to the existing road P154-3 (R555).	All major and minor intersections are existing intersections VS create new intersections. Only one new intersection will be created for Shanduka Townsend access.		
(d) the technology to be used in the activity;		Alternatives are: None, Stop streets and upgrade to signalling. Alternatives employed: signalling for two of the major intersections and stop streets for minor intersections. Intersection areas will be asphalt material.	Municipal power, Solar Power. To be finalised in detail design.	

<p>(e) the operational aspects of the activity; and</p>	<p>Alternatives are: Shanduka, Municipal or Provincial operational maintenance. This road joins a provincial road and displaces the provincial road; therefore although the existing road is municipal, province will be responsible for maintenance. Existing provincial operational standards is applied and maintained. (camber, turns, storm water)</p>			
<p>(f) The option of not implementing the activity</p>	<p>The No-Go Option - The assessment of alternatives must at all times include the "no-go" option as a baseline against which all other alternatives must be measured. The option of not implementing the activity must always be assessed and to the same level of detail as the other feasible and reasonable alternatives. The "no-go" option is taken to be the existing rights on the property and this includes all the duty of care and other legal responsibilities that apply to the owner of the property. For example, one cannot state that the "no-go" option for a vacant piece of land will result in further degradation or alien plant invasion, as the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) requires that the landowner keeps their land clear of alien invasive plants, and Section 28 of the NEMA, "Duty of Care", states that reasonable measures must be taken to prevent pollution or degradation from occurring, continuing or reoccurring. All the applicable permits must be in place for a land use to be an existing right (the no-go/default) e.g. the zoning of Agriculture does not mean land can be cultivated as the no-go option, as other approvals must first be obtained.</p>			

It is important to note that if the "no go" option is taken it poses some constraints for the area as a whole and not only the mining reserve that will be accessed now or at a later stage considering coal markets.

The current road is in close vicinity of active mining activities. Consequently, mining vehicles, earthworks and blasting poses safety and environmental risks to road users. These activities are increasing and expanding. The current road condition is relatively poor with no road shoulder in some places, no heavy vehicle turning lanes and intersections using stop streets result in congestion during peak traffic times.

Road maintenance and upgrading is outstanding for this area with limited funds and capacity to provide this in the near future should the project not go ahead.

SECTION D: 6: A description and assessment of the significance of any environmental impacts, including—

- (i) Cumulative impacts that may occur as a result of the undertaking of the activity or identified alternatives or as a result of any construction, erection or decommissioning associated with the undertaking of the activity;
- (ii) The nature of the impact;
- (iii) The extent and duration of the impact;
- (iv) The probability of the impact occurring;
- (v) The degree to which the impact can be reversed;
- (vi) The degree to which the impact may cause irreplaceable loss of resources; and
- (vii) The degree to which the impact can be mitigated.

SEE APPENDIX G FOR AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT and the table below for summary of possible impacts and related mitigation measures

Description		Impact Evaluation		Residual Impact	
Aspect	Project Phase	Impact Type	Impact Magnitude	Significance (Pre-mitigation)	Residual Significance (Post-mitigation)
Dust Emissions	Construction Impact	Direct Negative	LOW	MINOR	NEGLIGIBLE
	Operational Impact	Indirect Negative	LOW	NEGLIGIBLE	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Air Quality	Construction Impact	Direct Negative	LOW	MINOR	NEGLIGIBLE
	Operational Impact	Direct Negative	LOW	NEGLIGIBLE	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Noise	Construction Impact	Direct Negative	MINOR	MINOR	NEGLIGIBLE
	Operational Impact	Direct Negative	LOW	NEGLIGIBLE	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Waste Residue and Effluent	Construction Impact	Direct Negative	LOW	LOW	MINOR
	Operational Impact	Indirect Negative	MINOR	MINOR	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Archaeological and Heritage resources	Construction Impact	Indirect Negative	MINOR	MINOR	NEGLIGIBLE
	Operational Impact	Indirect Negative	MINOR	NEGLIGIBLE	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Biodiversity: Plant Species and Diversity	Construction Impact	Direct Negative	MINOR	MINOR	NEGLIGIBLE
	Operational Impact	Direct Negative	NEGLIGIBLE	NEGLIGIBLE	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Biodiversity: Habitat and Ecological Structure	Construction Impact	Direct Negative	MEDIUM	LOW	NEGLIGIBLE
	Operational Impact	Direct Negative	NEGLIGIBLE	NEGLIGIBLE	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Biodiversity: Faunal Species and Diversity	Construction Impact	Indirect Negative	MINOR	MINOR	NEGLIGIBLE
	Operational Impact	Indirect Negative	NEGLIGIBLE	NEGLIGIBLE	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Landscape Functioning Connectivity	Construction Impact	Indirect Negative	LOW	MINOR	NEGLIGIBLE
	Operational Impact	Indirect Negative	LOW	LOW	MINOR
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Health and Safety	Construction Impact	Direct Negative	LOW	MINOR	NEGLIGIBLE
	Operational Impact	Direct Negative	MINOR	MINOR	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Traffic	Construction Impact	Direct Negative	MEDIUM	LOW	MINOR
	Operational Impact	Direct Negative	MEDIUM	MINOR	MINOR
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Socio- Economic	Construction Impact	Direct, positive impact.	LOW	MINOR	NEGLIGIBLE
	Operational Impact	Direct, indirect and induced positive impact.	MINOR	MINOR	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Wetlands	Construction Impact	Indirect Negative	MEDIUM	MODERATE	LOW
	Operational Impact	Indirect Negative	MEDIUM	MINOR	NEGLIGIBLE
	Decommissioning Closure Impact	Not Applicable	Not Applicable	Not Applicable	Not Applicable

SECTION D: 7: ANY ENVIRONMENTAL MANAGEMENT AND MITIGATION MEASURES PROPOSED BY THE EAP.

SEE APPENDIX F FOR PROPOSED MITIGATION MEASURES.

SECTION D: 8: ANY INPUTS AND RECOMMENDATIONS MADE BY SPECIALISTS TO THE EXTENT THAT MAY BE NECESSARY.

SEE APPENDIX D FOR SPECIALISTS REPORTS.

SECTION D: 9: A DRAFT ENVIRONMENTAL MANAGEMENT PROGRAM CONTAINING THE ASPECTS CONTEMPLATED IN REGULATION 33.

SEE APPENDIX F FOR AN ENVIRONMENTAL MANAGEMENT PROGRAM.

SECTION D: 10: A DESCRIPTION OF ANY ASSUMPTIONS, UNCERTAINTIES AND GAPS IN KNOWLEDGE.

The main assumption of concern is the source of building material. The assumption by engineers is that all construction will occur with in situ soils only, without the need for a quarry to harvest building material. If additional material is required it will be commercially obtained from a legal source. It is uncertain to what extent this will influence the financial feasibility of the project. The concern is that a quarry may become necessary at some stage in the project and then additional environmental impacts will be the result.

Uncertainty of the informal settlement status and recognition affect the project approach to indirect impacts on the informal settlement. The municipal Integrated Development Plan and Spatial Development Framework are silent on this small settlement.

SECTION D: 11: A REASONED OPINION AS TO WHETHER THE ACTIVITY SHOULD OR SHOULD NOT BE AUTHORIZED, AND IF THE OPINION IS THAT IT SHOULD BE AUTHORIZED, ANY CONDITIONS THAT SHOULD BE MADE IN RESPECT OF THE AUTHORIZATION.

It is the opinion of the EAP that the activity should be authorized with the requirement to comply with all mitigation measures and supply proof of such compliance during and after the project. Conditions for authorization can be found in Appendices G and F.

SECTION D: 12: ANY REPRESENTATIONS, AND COMMENTS RECIEVED IN CONNECTION WITH THE APPLICATION OR THE BASIC ASSESMENT REPORT.

See comments and response table inserted below:

Comments, issues and suggestions raised up to and including 15 November 2013		
Comments, issues and suggestions raised up to and including 15 November 2013	Commentator	Response
Initial identification of law issues in the process. Query was to acquire all available documentation. All permissions and authorizations acquired.	Athol Stroud	It is still early in the process, but all available documents will be made available.
Abide by provincial legislation (Mpumalanga and SA Roads Act). Municipality is not authorized to close road, since it's not a municipal road. If a road is more than 30yrs old it becomes a public road.	Athol Stroud	That's why we have this process and it's still early, so we will stick to their process and problems will be identified.
Why is this only a meeting to honour an improperly advertised process? Is this meeting a waste of my time?	Kobus Terblanche	All issues will be given the necessary attention, so all your questions will be answered.
2 years ago Shanduka wanted to close the road and they failed to do so. What were the reasons for this?	Barry Viviers	Not sure why the process was stopped in the past. Special attention will be given to the matter in order to report back on the next meeting.
I feel that the public was not sufficiently informed and that my guests will have a problem navigating to my lodge if the road changes.	Barry Viviers	The public was well informed in newspapers etc. We did more than lawfully required of an EAP to perform the public. Shanduka will sit down with Barry and see what can be done.
Why are SANRAL and the municipality not present at the meeting?	Athol Stroud	We are not sure, but we will see to it that they attend the meeting on the 20th.
130 million was proposed by SANRAL to upgrade the R757. So where is the upgrade?	Athol Stroud	We should let SANRAL respond to that.
Was there a proper traffic count done? the increase in traffic will push vehicles down Coetzee street.	Athol Stroud	Yes. Data will be made available.
Do we have an impact study and what can we expect from it?	Kobus Terblanche	Yes we do have an impact study. Study will be available.
Who and when will road be closed?	Barry Viviers	Construction will commence end 2013, early 2014
This road will be demolished forever. The public will lose in this situation because the road belongs to the public.	Cam Farlane	It is possible that the road will be reconstructed after decommissioning
What compensation will the community receive?	Barry Viviers	The public will receive a new, upgraded road with a minimum of 3 lines as well as two upgraded intersections
Would it be possible for Shanduka Coal to rather use the 50% road maintenance contribution towards a Health Clinic?	Athol Stroud	Request noted
Has an application for closure been submitted?	Cam Farlane	Once designs is finalised, an application will be submit.
Do you have the mining rights to mine this area?	Cam Farlane	This area belongs to the state but we are allowed to mine.
Has road counts been done?	Barry Viviers	Yes. Road counts have been conducted in 2010 and 2013. Road counts will also been conducted in 2014 and 2015 in order to monitor the change.
The provincial road will divert traffic away from the weighbridge?	General Queries during distribution of BID	a. The current roads already allow for diversion away from the weighbridge and number of roads and current layout of weighbridge and roads remain the same. A way in motion (WIM) is an option to divert certain trucks back to weighbridge. There are currently numerous already in places for this weighbridge. Another one can be added to the diverted route.
What is the definition of a closed R 575 road?	General Queries during distribution of BID	a. A closed road will be de-proclaimed and no longer function as provincial road. b. A closed road is no longer available for public use. c. This road will be used by the mine only d. Part of the road will be mined over.

Residential development will receive increased traffic along the diverted road	General Queries during distribution of BID	a. Yes, expected increase cannot be accurately projected because of differential traffic flow. Traffic counts will be conducted before and after the construction phase.
How much longer will the road be to work?	General Queries during distribution of BID	a. From N4 to Witbank the road will be 2.3km longer. b. Straight along R555 into town will be 0.88km longer.
Will the informal settlement residence be relocated?	General Queries during distribution of BID	a. The widening of the road will not directly impact the residents b. The old road becomes a service road that will give them and other industries access to the new road. c. The diverted road will be constructed towards the north of the road; the informal settlement is situated towards the south of the road.
Landowner to negotiate access: 20 November. Portion 19/291 (pastor Belcher) must be completed. And Frank Glazer (Portion 17/314)	General Queries during distribution of BID	Noted
Can the roads be mined underground to prevent loss of road?	General Queries during distribution of BID	a. Underground mining will only recover one coal seam. Open cast mining will recover 4 coal seams b. Approximately 400 meters of the existing road will be mined (mining expected within next 3 years).
Will less mining traffic be on the roads?	General Queries during distribution of BID	a. Townlands traffic portion of the Shanduka mine traffic will be using the old R575, alleviating mine traffic from existing road marginally.

INTERESTED AND AFFECTED PARTIES AND OTHER ROLE PLAYERS WHICH RECORD THE VIEWS OF THE PARTICIPANTS.

The following Minutes of meeting are inserted as part of the current public participation process that will continue throughout the project. This is the initial engagement meeting held 06 November 2013.

Minutes of Meeting

R 575 Deviation Project
Public Participation Meeting 01
6 November 2013



Project:	Proposed road deviation of R555 and upgrade of alternative route R575.	
Purpose:	<ul style="list-style-type: none"> Identify Stakeholders Registration of Interested & Affected Parties Present Project Overview To provide platform for engagement 	
Date:	Time:	Venue:
06/11/2013	18:00	Busmid auditorium (Middelburg)

Present	Company	Details
Chrizzette Neethling	Eves	cdn@endemicvision.co.za 0826586078
Ryno Plenaar	Eves	rp@endemicvision.co.za 0767778773
Gerhard Kruger	Eves	gk@endemicvision.co.za 0742052967
Athol Stroud	Middelburg Consumers Forum	middelburgconsumers@gmail.com 0783995743
Cam Farlane	Middelburg Consumers Forum	0832823659@mtelnet.co.za 0832823659
Kobus Bouwer	J&G	bouwerk@jgi.co.za 0824146509
Mark Cunney	Shanduka Coal	Mark.cunney@shandukacoal.com 0833205232
Kobus Terblanche	Middelburg resident	pomkoo@lantic.net 0832506653
Barry Viviers	Olifants River Lodge	
Hugo Grobler	Shanduka Coal	Hugogrobler@shandukacoal.com 0132448010
Sunil Mungaroo	Shanduka Coal	Sunil.mungaroo@shandukacoal.com 0794954930
Molefe Monkene	Shanduka Coal	Molefe.marokane@shandukacoal.com 0836553370

1

OPENING AND WELCOME

Chrizzette Neethling (Eves): The team and role of EndemicVision as independent, objective facilitator is introduced. The specific dates of when public participation commenced and why this meeting is being held is explained. Individuals attending the meeting stand up and introduce themselves.

Chrizzette Neethling (Eves): The role of interested and affected parties in the environmental and social impact assessment is explained. Exact dates were presented of the process to date:

Submission of Application forms to DEDET	28 August 2013
Receipt of DEDET acknowledgement and reference number	30 August 2013
Middelburg Observer Advertisement	01 October 2013
Background Information document distribution along R575	02 October 2013
Beeld (Afr & Eng) Advertisement; Middelburg Observer Advertisement; SMS Notification of project	18 October 2013
Daily Sun Advertisement	24 October 2013
Electronic invitation to public meeting – all initially identified and registered I&AP	23 October 2013
Placement of Posters / Distribution of flyers at main intersection	05 November 2013
Distribution of Background Information documents along R575	05 November 2013
Public Meeting 01: Initial introduction of project	06 November 2013
I&AP registration (from 18 October 2013 advertisements throughout process)	16 November 2013 20 November 2013
Distribution of Draft Basic Assessment Report to all registered I&AP	16 November 2013
Electronic notification of meeting & documents; SMS notification of meeting & documents	16 November 2013
Public Meeting 02: Discussion of Project and Impacts	20 November 2013
Distribution of Final Basic Assessment Report and Management Plans for comment to all interested and affected parties (considering holiday period)	20 January 2013

Athol Stroud (Middelburg Consumers Forum): The language in the brochure is misleading. It should be called a re-routing and not a deviation. It is not English. Not against development per-se, but if it affects the health of the town I am against it. Trucks generate dust that kills people, my wife and son recently died because of it.

3

Chrizzette Neethling (Eves): Continues with presentation on project overview

Barry Viviers (Olifants River Lodge): Two years ago Shanduka wanted to close the road and they failed to do so. What were the reasons for this? Also, I feel that the public was not sufficiently informed and that my guests will have a problem navigating to my lodge if the road changes.

Chrizzette Neethling (Eves): Not sure why the process was stopped in the past. Special attention will be given to the matter in order to report back on the next meeting.

Kobus Bouwer (Jeffares and Green): Explains the implications of added length to the route using the original plans. The proposed upgraded R575 will be 2.3km further than the existing R555.

Barry Viviers (Olifants River Lodge): The road is under the jurisdiction of SANRAL. If they are not here we are wasting our time. If all the interested and affected parties are not at the meeting we will have a disaster.

Chrizzette Neethling (Eves): The public was well informed in newspapers, etc. We did more than lawfully required of an EAP to inform the public. Chrizzette then continues with the project overview in the presentation and stated the project location is 5 km outside Middelburg on the erf portion Uitkyk.

Athol Stroud (Middelburg Consumers Forum): The road is not 5 km outside Middelburg. Aerorand is within 5km of the road.

Chrizzette Neethling (Eves): Presentation continues with the description of project Rationale.

TRAFFIC VOLUME INCREASE

Traffic increased by an average of approximately 40,1% over the period of 2010 to 2013.

UPGRADE ROAD CONDITION AND SAFETY

Mine vehicles are crossing this public road as operations are taking place both sides and simultaneously.

Coal dust and mist in the area reduce visibility and increase the risk of serious accidents given the slow moving heavy vehicles. Following upgrade, the road will be safer than currently and will be in a better condition requiring less maintenance in the short term.

COLLIERY EXPANSION

The provincial road P127-2 (R575) cuts through the mining reserve of Shanduka Coal and will soon severely restrict mining operations and sterilize a strip of coal reserve.

4

THE NEED TO RELOCATE ENTRANCE ROAD

Shanduka Coal is one of the collieries in the area with access to the mine gained from the R575.

The relocation of the plant is deemed necessary as the plant is currently located in the area demarcated for new opencast mining activities. The new opencast mining area will extend to either side the R575 road. This requires alteration of the access to the mine via the R575 as well as allow for additional traffic from future mining.

Chrizzette Neethling (Eves): Presentation continues with the proposed Project Design:

- Design standards of the Mpumalanga Department of Roads and Transport.
- The design speeds are 100km/h.
- Minimum distance between intersections is 800m.
- Decommissioning, but retention of the (current) municipal R575 road.
- New deviation will be the R575 and will become a Provincial road.

Chrizzette Neethling (Eves): Presentation continues with other permissions. In a special council meeting on 26 April 2012 with the Municipality, approval for closure of R575 was received subject to the following points:

- That lanes lost are compensated for in new construction.
- That road over rail bridge be upgraded to four lanes.
- The Dr Mandela & John Magagula Intersection be designed to reduce accidents and congestion.
- That heavy vehicles be prohibited from entering Aerorand via John Magagula road by means of a filter.
- Traffic lights be installed at the two major intersections (Dr Mandela (575) / R555 & Dr Mandela (575) / Johan Magagula (DR2141, Kelskamma, Bosmansdampad)).
- After public participation process, budget approval must be presented to technical division in line with IDP.
- That provincial approval is obtained for construction.
- Agreement between Shanduka and Council that all above conditions are met before road closure.
- Detail designs to be submitted to Engineering department before commencement.
- That Shanduka shall assist council with road maintenance.
- If traffic increase by 10% after construction, Shanduka will contribute 50% of maintenance costs.

Mark Cunney (Shanduka Coal): There are other mining companies that will utilize this road as well, but none of them are available to contribute towards this project.

Cam Farlane (M.C.F): It is only Shanduka Coal that will benefit from the mining of coal in this R575 area.

Athol Stroud (Middelburg Consumers Forum): Would it be possible for Shanduka Coal to rather use the 50% road maintenance contribution towards a Health Clinic?

5

Sunil Mungaroo (Shanduka Coal): Request noted.

Cam Farlane (Middelburg Consumers Forum): Has an application for closure been submitted?

Kobus Bouwer (J&G): Once designs is finalised, an application will be submitted.

Cam Farlane (M.C.F): Do you have the mining rights to mine this area?

Sunil Mungaroo (Shanduka Coal): Shanduka Coal have a mining right and an approved environmental management plan to mine the area. The surface rights belong to the municipality, but the mineral rights belong to Shanduka.

Barry Viviers (Ollifants River Lodge): What compensation will the community receive?

Kobus Bouwer (J&G): The public will receive a new, upgraded road with a minimum of 3 lanes as well as two upgraded intersections. An only left slip line and only right turn line will be constructed with the two forward moving lanes. This design is not necessarily required by traffic law, but Shanduka requested the engineers to construct it in this way to ease traffic congestion.

Barry Viviers (Ollifants River Lodge): Has traffic counts been done?

Kobus Bouwer (J&G): Yes. Traffic counts have been conducted in 2010 and 2013. Road counts will also be conducted in 2014 and 2015 in order to monitor the change.

Athol Stroud (Middelburg Consumers Forum): In addition to maintain a better traffic flow, limit all access roads to the R575 and construct a four line carriage road instead of a three line. Let's ensure best traffic practices for the next eight to ten years.

Next Meeting: Public Participation Meeting 02, Wednesday, 20 November 2013.

END OF MEETING

6

SECTION D: 14: ANY RESPONSES BY THE EAP TO THOSE REPRESENTATIONS, COMMENTS AND VIEWS.

See above comments and response report

SECTION D: 15: ANY SPECIFIC INFORMATION REQUIRED BY THE COMPETENT AUTHORITY.

No specific information requested to date.

SECTION D: 16: ANY OTHER MATTERS REQUIRED IN TERMS OF SECTIONS 24(4) (a) AND (b) OF THE ACT.

Not applicable currently, most recent regulations applied to project (NEMA Regulations 2010)