

BACKGROUND INFORMATION DOCUMENT & INVITATION TO COMMENT:
Proposed construction of the Transnet Freight Rail New Brighton - Swartkops Security Wall,
Port Elizabeth; Eastern Cape Province.
DEA Ref: 14/12/16/3/3/1/1299

February 2015

INTRODUCTION

Notice in terms of the National Environmental Management Act (Act 107 of 1996) is hereby given of the intention of the Transnet Freight Rail (TFR) to construct a concrete security wall from the New Brighton yard to Swartkops in iBhayi, Ward 60.

The scope of the engineering works includes the construction of a 6 km concrete wall. Steel spikes will be bolted along the length of the wall to prevent anyone from climbing over it and entering the TFR property.

The proposed security wall will be constructed in close proximity to a wetland occurring on the site. This activity triggers sections (c) impeding or diverting the natural flow of the watercourse and (i) altering the bed, banks, course and characteristics of a water course under the NWA. Therefore a water use authorisation in terms of the National Water Act (Act 36 of 1998) sections 21 (j) and (c) will be applied for.

PROJECT LOCATION

The concrete security wall will span from the New Brighton TFR yard to Swartkops in iBhayi, Ward 60. (Figure 2).

NEED FOR THIS PROJECT

The need for the security wall came about when the Qaqawuli informal settlement began encroaching on TFR's property which not only resulted in financial losses due to theft and vandalism, but also poses a safety threat to dwellers of the informal settlement due to the proximity to the railway lines.

LEGAL REQUIREMENTS

National Environmental Management Act (Act 107 of 1998) Section 24(5) stipulates that "listed activities" require environmental authorization.

The project is likely to trigger the following requirements in terms of Listing Notices No.1 which requires environmental authorization by means of a Basic Assessment Process:

GN R544 (11) The construction of (xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

GN R544 (18) The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from (i) a watercourse

STAGES IN BASIC ASSESSMENT

This Basic Assessment study will commence with an application to the Department of Economic Development Environmental Affairs & Tourism (DEDEAT) for Environmental Authorisation of the proposed project.

A Public Participation process and reporting on the outcome of the Basic Assessment, then follows (Figure 1).

A draft Basic Assessment Report (BAR) will be compiled which will comprehensively describe the activities and impacts that the project may have on the receiving environment, including specialist reports and details from the PPP process. The draft BAR and Environmental Management Programme (EMPr) will be submitted for a 40 day public comment period.

Subsequent to the review and commenting period, a final BAR will be compiled for submission to DEDEAT. This will include all public comments and response to issues raised by I&APs.

Once the authorities have made a decision on the environmental application, all registered I&APs will be notified accordingly and given the opportunity to appeal against the decision, should they so wish.

PUBLIC PARTICIPATION PROCESS

Crucial to the Basic Assessment process is the input from Interested and Affected Parties (I&APs) and hence the

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public are encouraged to register as I&APs for this project.

The NEMA regulations require that I&APs send comments regarding the proposed project in writing so that a paper trail can be maintained throughout the BA process. Registered I&APs will be kept informed of project progress throughout the BA process (Figure 1).

WAY FORWARD

Should you wish to express your views regarding this proposed development, please send us your written comments. The names of all registered I&APs, together with the comments received will be incorporated into the Comments and Responses Report and will be submitted to DEA.

Please submit your name, contact information (address, telephone number, e-mail address, postal address) and written comments to the contact person below.

Contact

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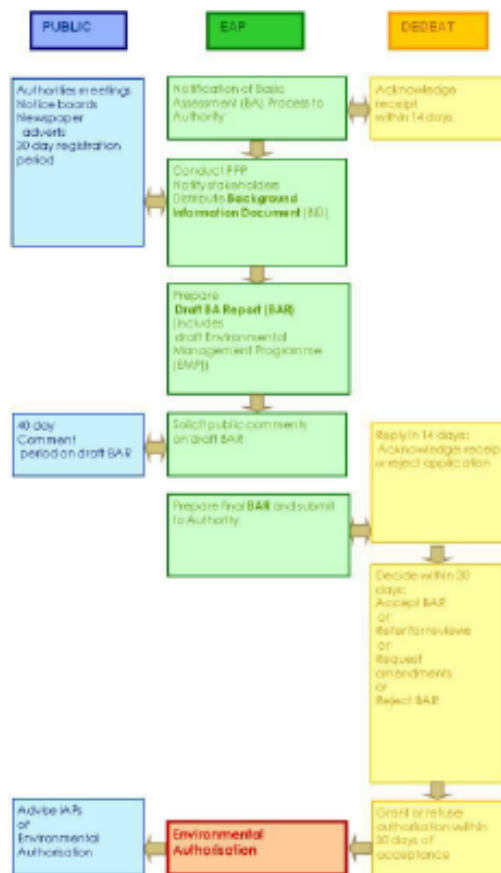


Figure 1. Environmental Basic Assessment Process including public participation.

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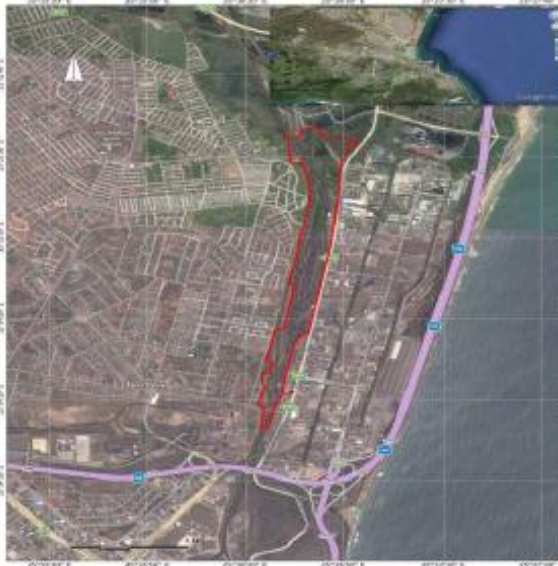


Figure 2: Locality map of the construction of the Transnet Freight Rail New Brighton - Swartkops Security Wall, Port Elizabeth; Eastern Cape Province.