



## **SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED**

**PROPOSED ROAD UPGRADE OF THE NATIONAL ROUTE (N1) SECTION 17  
BETWEEN WESTLEIGH AND HEININGSPRUIT, FEZILE DABI DISTRICT  
MUNICIPALITY, FREE-STATE PROVINCE**

**DEFF REFERENCE NUMBER: 14-12-16-3-3-1-2312**

## **COMMENTS AND RESPONSES REPORT**

**APRIL 2021**

**Prepared For:**

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## DOCUMENT DESCRIPTION

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<b>Client:</b>	iX Engineers
<b>Applicant:</b>	South African National Roads Agency Soc Limited
<b>Report name:</b>	Comments and Responses Report for the Proposed Road Upgrade of the National Route (N1) Section 17 between Westleigh and Heiningspruit, Fezile Dabi District Municipality, Free-State Province
<b>Report type:</b>	Consultation Report
<b>Project name:</b>	Proposed Road Upgrade of the National Route (N1) Section 17 between Westleigh and Heiningspruit, Fezile Dabi District Municipality, Free-State Province
<b>IDS Project number:</b>	IDS 307
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14<sup>th</sup> April 2021

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20<sup>th</sup> April 2021

## EXECUTIVE SUMMARY

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This Comments and Response Report (CRR) provides the recorded issues of concern, suggestions and other comments expressed by stakeholders during the public participation period of the proposed upgrade of the Proposed Road Upgrade of the National Route (N1) Section 17 between Westleigh and Heiningspruit, Fezile Dabi District Municipality, Free-State Province.

The public participation period was conducted from the 3<sup>rd</sup> March 2021 to 6<sup>th</sup> April 2021, as per the legislated 30-day commenting period. The following public holidays were excluded from the commenting period;

Human Rights Day	Sunday	21 <sup>st</sup> March 2021
Human Rights Day Observed	Monday	22 <sup>nd</sup> March 2021
Good Friday	Friday	2 <sup>nd</sup> April 2021
Easter Day	Sunday	4 <sup>th</sup> April 2021
Family Day	Monday	5 <sup>th</sup> April 2021

According to Regulation 19 (b) of the NEMA EIA Regulations, 2014, in the event that significant changes are added to the BAR or EMP, the applicant must, within 90 days of receipt of application by the Competent Authority, submit to the Competent Authority, (b) a notification in writing that the basic assessment report, inclusive of specialist reports, an EMP, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the Competent Authority, as significant changes have been made and that the revised reports will be subjected to another public participation process of at least 30 days. In response to the requirement to amend the Draft BAR and provide IAP's with additional time to comment on the application, the public participation period has been undertaken during the period of 1<sup>st</sup> December 2020 to 21<sup>st</sup> January 2021.

This report includes comments from the following parties;

- Department of Environmental Affairs, Forestry and Fisheries (DEFF) dated 21<sup>st</sup> September 2020;
- Department of Environmental Affairs, Forestry and Fisheries (DEFF) dated 7<sup>th</sup> April 2020;
- Free State Department of Water and Sanitation dated 11<sup>th</sup> September 2020;
- Basson Olivier & Cotetsee Attorneys on behalf of Mrs. Anette Wege dated 15<sup>th</sup> September 2020 received on the 23<sup>rd</sup> September 2020; and
- South African Heritage Resources Agency, October 2020.
- South African Heritage Resources Agency, April 2021.

The EAP has provided responses to the comments received as reflected in this Report.

## COMMENTS AND RESPONSES

### Department of Environmental Affairs, Forestry and Fisheries

ORGANISATION	CONTACT PERSON	DATE OF COMMENT	COMMENTS, ISSUES, AND SUGGESTIONS RAISED BY STAKEHOLDERS	RESPONSE
Department of Environmental Affairs, Forestry and Fisheries	Ms. Thulisile Nyalunga Email: tnyalunga@environment.gov.za	21 <sup>st</sup> September 2020	In both the application form and draft BAR, for all activities applied for, you are requested to describe the portion of the proposed project to which the applicable listed activity relates i.e. the dimension/square meterage of the culverts must be provided to enable the department to make a determination on whether or not they do indeed trigger the applied for listed activity.	Please refer to Table 7_ <b><i>New water uses crossing watercourse</i></b> and Table 8_ <b><i>New Water Uses within 500m of a wetland</i></b> of the Final BAR.
			Under activity 12 of GNR 324 your activity description speaks to the removal of 20 hectares of indigenous vegetation which might occur within CBAs. However, based on the findings of the biodiversity specialist assessment undertake for the proposed and the fact that most of the proposed upgrade will occur within an existing road reserve the department cannot make sense of the activity description provided for this activity. You are reminded to go through all activities description provided in both the BAR and application form and to ensure that they are linked to their respective listed activities and findings by the specialist studies.	The mention of 20 hectares was erroneous. The clearance of an area of <b>300 square meters or more</b> of indigenous vegetation is anticipated during construction and <b><u>not 20 hectares.</u></b>

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			Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only activities applicable to the development must be applied for and assessed.	The applicability of the applied Listed Activities are detailed in the EA form and <b>Section 2.1. Activities being applied for in the Final BAR.</b>
			If the activities applied for in the application form differ from those mentioned in the Final BAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <a href="http://www.environment.gov.za/documents/forms">http://www.environment.gov.za/documents/forms</a> .	Noted.
			<p>The BAR has investigated two options in the concept design state, namely a 4-lane undivided single carriageway with a median barrier, or a 4-lane divided dual carriageway road. However, the draft BAR is not clear, and does not explain why the 4-lane divided dual carriageway road is not the preferred option when compared against the other option investigated.</p> <p>You are requested provide a detailed explanation as to why option 1 is the preferred option and why other options is not preferred.</p>	<p>As it was found that a 4-lane dual carriageway road is the economically preferred option and also has a number of other important advantages, it was recommended that this option be further developed in the preliminary and detail design phases of the project. Motivation for this recommendation is the following:</p> <ul style="list-style-type: none"> <li>• As far as capacity is concerned, a 4-lane facility will be adequate for the medium traffic growth scenario of 3-4% over the chosen design period.</li> <li>• The HDM4 Economic Analysis of the project alternatives proved that there is a definite economic benefit for the proposed 4-lane dual carriageway over the alternative option of upgrading the road to</li> </ul>



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				<p>a 4-lane undivided single carriageway with a median barrier.</p> <ul style="list-style-type: none"> <li>An important conclusion from the safety analysis is that the potential risk for crashes will be reduced significantly with a 4-lane facility, particularly if the upgrade is to a dual carriageway with total physical separation of traffic streams in both directions. The dual carriageway also provides a recovery area in the median.</li> <li>Accommodation of traffic can be done much safer if the Dual Carriageway option is implemented, with less disruption of existing traffic flow, less congestion and lower road user costs during construction.</li> <li>The N1 route immediately south of Kroonstad is presently being upgraded to a 4 lane dual carriageway. It is a logical conclusion that traffic will eventually increase further northwards towards Gauteng and the same type of facility will be appropriate as far as route continuity is concerned.</li> <li>The recommended 4-lane Dual Carriageway can be implemented without any changes to existing overpass bridges required as far as opening widths underneath the bridges are concerned.</li> </ul>



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			It has been noted that in the screening tool the following specialist studies: noise, traffic and geo-tech were identified for inclusion in the assessment report. None of the aforementioned specialist studies were undertaken. You are requested to motivate in the assessment report, and provide reasons for not undertaking and or commissioning the noise, traffic and geo-technical assessments.	<p>The geotechnical and traffic assessments have been included in the <b>Final BAR_ Appendix G_ Specialist reports</b>.</p> <p>A motivation for not undertaking a Noise Impact Assessment has been attached in <b>Appendix G_ Specialist reports_ Noise Impact</b></p>												
			It has been noted that the coordinates provided are for start and end points. You are requested to provide GPS coordinates for each alternative site. Indicate the start, middle and end points of the activity.	<p>There are no site alternatives.</p> <p>The middle point of the proposed site has been included on the locality map in the Final BAR. For ease of reference, this information is provided below;</p> <table border="1"> <thead> <tr> <th></th> <th>Latitude (S)</th> <th>Longitude (E)</th> </tr> </thead> <tbody> <tr> <td>Starting Point</td> <td>27°36'31.73"S</td> <td>27°15'38.60"E</td> </tr> <tr> <td>Middle point</td> <td>27°30'42.19"S</td> <td>27°18'56.26"E</td> </tr> <tr> <td>End Point</td> <td>27°25'22.47"S</td> <td>27°22'36.09"E</td> </tr> </tbody> </table>		Latitude (S)	Longitude (E)	Starting Point	27°36'31.73"S	27°15'38.60"E	Middle point	27°30'42.19"S	27°18'56.26"E	End Point	27°25'22.47"S	27°22'36.09"E
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End Point	27°25'22.47"S	27°22'36.09"E														
			You are requested to provide a detail motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location.	Please refer to <b>Section 3.3_Need and Desirability of the Final BAR</b> .												
			No details of the specialists that prepared the specialist reports including their curriculum vitae you are referred to Appendix 6 (1)(1) of the EIA Regulations, 2014 as amended).	Specialist CV's and specialist declarations of independence are included in the <b>Final BAR_ Appendix G_ Specialist reports</b>												



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			<p>You are required to include the details and expertise of the EAP in the EIA including a curriculum Vitae in order to comply with the requirements of Appendix 1 of the NEMA EIA Regulations, 2014 as amended.</p>	<p>See <b>Appendix I_ Other information.</b></p>
			<p>Locality map provided on does not meet the minimum requirements. Please provide a locality map which indicates the following:</p> <ul style="list-style-type: none"> <li>➤ An accurate indication of the project site position</li> <li>➤ Closest town</li> <li>➤ Road access from all major roads in the area</li> <li>➤ Road names or numbers of all major roads as well as roads that provide access to the site (s)</li> <li>➤ All roads within a 1 km radius of the site or alternative sites; and</li> <li>➤ A north arrow; and a legend</li> </ul>	<p>The locality map has been amended and included in the Final BAR referenced as <b>Figure 1_Locality Map.</b></p>
			<p>Provide a sensitivity map which indicates all the sensitive areas associated with the site, including, but not limited to:</p> <ul style="list-style-type: none"> <li>➤ The 1:100 year flood line;</li> <li>➤ Ridges;</li> <li>➤ Cultural and historical features;</li> <li>➤ Areas with indigenous vegetation (even if it is degraded or infested with alien species)</li> <li>➤ Critical biodiversity areas; and</li> <li>➤ Watercourses</li> </ul>	<p>The sensitivity map has been amended and included in the Final BAR: <b>Figure 22: Environment Sensitivity Map.</b></p>





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			<p>It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property falls within geographically designated areas in terms of numerous GN R 324 activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.</p>	<p>All relevant Departments have been consulted and their details are reflected in the IAP database_ <b>Appendix E_9_ Copy of the register of I&amp;APs</b>. Comments and responses to IAP's have been included in Appendix <b>E_7_Comments from I&amp;APs on Basic Assessment (BA) Report</b> the Final BAR.</p>
			<p>You are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a commissioner of oaths) as per Appendix 1 (3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:</p> <ul style="list-style-type: none"> <li>(i) An undertaking under oath or affirmation by the EAP in relation to:</li> <li>(ii) The correctness of the information provided in the reports;</li> <li>(iii) The inclusion of comments and inputs from stakeholders and I&amp;Aps;</li> <li>(iv) The inclusion of inputs and recommendations from the specialist reports where relevant; and</li> <li>(v) Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties”</li> </ul>	<p>The EAP declaration has been included in the Final BAR_ <b>Appendix I_ Other information</b>.</p>



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			Copies of all comments received during the draft BAR comment period, and a comment and response report which contains all comments and responses provided to all comments and issues raised during the public participation process for the draft BAR. Please note that comments received from this Department must also form part of the comment and response report.	Comments and responses to IAP's have been included in Appendix <b><i>E_7_Comments from I&amp;APs on Basic Assessment (BA) Report</i></b> the Final BAR.
			Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction (including Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the final BAR.	Comments and responses to IAP's have been included in Appendix <b><i>E_7_Comments from I&amp;APs on Basic Assessment (BA) Report</i></b> the Final BAR.
			Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43& 44 of the EIA Regulations 2014, as amended.	Comments and responses to IAP's have been included in Appendix <b><i>E_7_Comments from I&amp;APs on Basic Assessment (BA) Report</i></b> the Final BAR.
			<p>The EMPr must also include the following:</p> <ul style="list-style-type: none"> <li>• All recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.</li> <li>• An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessments process.</li> <li>• Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas</li> </ul>	Noted.



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			from construction impacts including the direct or indirect spillage of pollutants.	
			Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1 (3)(1)(q) of the NEMA EIA Regulations, 2014 as amended.	Please refer to <b>Section 8.2.2: Period for which the Environmental Authorisation is required</b> in the Final BAR.  The construction period is 36 months and should commence around January 2023. The Applicant requires the Environmental Authorisation to be valid for a period of five years.
			<p><b>General</b></p> <p>You are further reminded to comply with Regulation 19 (1)(a) of the NEMA Regulations 2014, as amended, which states that: “where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority”</p> <p>(a) A basic assessment report inclusive of specialist reports, an EMPr , and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority”.</p> <p>Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with</p>	Noted.



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			<p>Regulations 19 (b) of the NEMA EIA Regulations 2014 as amended, which states: “the applicant must, within 90 days of receipt of the application by the competent authority submit to the competent authority- (b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or where applicable a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised reports, or EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days”.</p>	



ORGANISATION	CONTACT PERSON	DATE OF COMMENT	COMMENTS, ISSUES, AND SUGGESTIONS RAISED BY STAKEHOLDERS	RESPONSE
Department of Environmental Affairs, Forestry and Fisheries	Ms. Thulisile Nyalunga Email: tnyalunga@environment.gov.za	7 <sup>th</sup> April 2021	a) Please ensure that the final BAR complies with the requirements of this Department's comments, on the initial draft BAR, dated 21 September 2020.	a) The EAP has considered and addressed the comments received on the 21st September 2020 and 7th April 2021. Comments received in both instances have been summarised and responded to in <b>Appendix E_6 Comments and Responses Report</b> .
			b) In Table 6 of the BAR, under Listed Activity 56 of Listing Notice 1, ii is stated that the existing (3-lane) carriageway will be upgraded to a four (4) lane faciity. Please also indicate, in meters, approximately how much the existing road will be widened by.	<p><b>Existing road specifications</b></p> <p>The existing 3-lane carriageway (future north-bound carriageway) is approximately 13,7m wide (surfaced width), consisting alternatively of two lanes in one direction and one lane in the opposite direction to provide passing opportunities.</p> <p><b>Proposed 4-lane divided dual carriageway specifications</b></p> <p>Each carriageway will consist of 2 x 3,7m lanes plus a 3,0m outside shoulder (2,5m surfaced) and a 1,6m inside shoulder (1,0m surfaced).</p>
			c) Please ensure that all relevant listed activities are applied for, are specific and can be Jinked to the development activity or infrastructure as described in the project description. Only activities applicable to the development must be applied for and assessed.	The applicability of the applied Listed Activities is detailed in the EA form and <b>Section 2.1. Activities being applied for in the Final BAR</b> .



		<p>d) If the activities applied for in the application form differ from those mentioned in the Final BAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <a href="http://www.environment.gov.za/documents/forms">http://www.environment.gov.za/documents/forms</a>.</p>	Noted.
		<p>e) The report indicates that a portion of the road is situated within the Ngwathe Local Municipality. Please update the relevant section of the application form to include the details of this second municipality.</p>	The relevant section of the EA of has been amended to include this information.
		<p>f) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 324 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.</p>	<p>Noted. The relevant Authorities have been listed in the IAP database and have been consulted with as per Appendix <b>E_7_Comments from I&amp;APs on Basic Assessment (BA) Report</b> the Final BAR.</p> <p>Please refer to <b>Figure 5: Cadastral map of the Final BAR</b> for a graphical illustration of the municipal boundaries in relation to the project.</p> <p><b>Table 10: Property description</b> of the Final BAR details the cadastral information of the associated properties in each Municipality.</p>
		<p>g) Please ensure that details of the specialists that prepared the specialist reports, including their curriculum vitae and specialist declarations of independence, are included in the final BAR. You are referred to Appendix 6 (1) (1) (a)-(b) of the EIA Regulations, 2014, as amended).</p>	Specialist CV's and specialist declarations of independence are included in the <b>Final BAR_ Appendix G_ Specialist reports</b>



		h) Please ensure that the details and expertise of the EAP, including a curriculum vitae, is included in the final BAR, in order to comply with the requirements of Appendix 1 of the NEMA EIA Regulations, 2014, as amended.	The EAP declaration has been included in the Final BAR_ <b>Appendix I_ Other information.</b>
		i) Please ensure that an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) is included in the final BAR, per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include: (i) "an undertaking under oath or affirmation by the EAP in relation to: (ii) the correctness of the information provided in the reports; (iii) the inclusion of comments and inputs from stakeholders and I&APs; (iv) the inclusion of inputs and recommendations from the specialist reports where relevant; and (v) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties'.	The EAP declaration has been included in the Final BAR_ <b>Appendix I_ Other information.</b>
		j) Please ensure that a Locality Map which indicates the following is included in the final BAR: > an accurate indication of the project site position > closest town(s); > road access from all major roads in the area; > road names or numbers of all major roads as well as the roads that provide access to the site(s); > all roads within a 1km radius of the site or alternative sites; > a north arrow; and > a legend.	The locality map has been amended and included in the Final BAR referenced as <b>Figure 1_Locality Map.</b>



		<p>k) The final BAR must include a Sensitivity Map which indicates all the sensitive areas associated with the site, including, but not limited to:</p> <ul style="list-style-type: none"> <li>&gt; the 1 :100 year flood line;</li> <li>&gt; ridges;</li> <li>&gt; cultural and historical features;</li> <li>&gt; areas with indigenous vegetation (even if it is degraded or infested with alien species);</li> <li>&gt; critical biodiversity areas; and</li> <li>&gt; watercourses.</li> </ul>	<p>The sensitivity map has been amended and included in the Final BAR: <b>Figure 22: Environment Sensitivity Map.</b></p>
		<p>l) Copies of all comments received during the draft BAR comment period; and a comment and response report which contains all comments received and responses provided to all comments and issues raised during the public participation process for the draft BAR. Please note that comments received from this Department must also form part of the comment and response report.</p>	<p>Comments and responses to IAP's have been included in Appendix <b>E_7_Comments from I&amp;APs on Basic Assessment (BA) Report</b> the Final BAR.</p>
		<p>m) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&amp;APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the final BAR.</p>	<p>Comments and responses to IAP's have been included in Appendix <b>E_7_Comments from I&amp;APs on Basic Assessment (BA) Report</b> the Final BAR.</p>
		<p>n) Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended.</p>	<p>Comments and responses to IAP's have been included in Appendix <b>E_7_Comments from I&amp;APs on Basic Assessment (BA) Report</b> the Final BAR.</p>





		o) Please attach a copy of the approval of the public participation plan to the final BAR.	Please refer to <b>Appendix E_10_Public Participation Plan</b> in the Final BAR.
		p) You are further reminded that the final BAR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of basic assessment reports and EMPr in accordance with Appendix 1, Appendix 4 and Regulation 19(1) (a) of the Environmental Impact Assessment Regulations (2014), as amended.	Noted.
		q) The EMPr must also include the following: <ul style="list-style-type: none"> <li>• All recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.</li> <li>• An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.</li> <li>• Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.</li> </ul>	Noted.
		r) Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1 (3)(1) (q) of the NEMA EIA Regulations, 2014, as amended.	<p>Please refer to <b>Section 8.2.2: Period for which the Environmental Authorisation is required</b> in the Final BAR.</p> <p>The construction period is 36 months and should commence around January 2023. The Applicant requires the Environmental Authorisation to be valid for a period of five years.</p>



### Free State Department of Water and Sanitation

ORGANISATION	CONTACT PERSON	DATE OF COMMENT	COMMENTS, ISSUES, AND SUGGESTIONS RAISED BY STAKEHOLDERS	RESPONSE
Free State Department of Water and Sanitation	Mr. George Nel Email: NelG@dws.gov.za	14 <sup>th</sup> September 2020	<p>The Department of Water and Sanitation has no objection towards the proposed project on condition that the following is adhered to:</p> <ul style="list-style-type: none"> <li>The applicant has to ensure that the storm water run-off has to be directed away from the site to ensure the separation of clean and dirty water.</li> </ul>	Noted.
			<ul style="list-style-type: none"> <li>No activities may take place, without the necessary authorisation from this Department, within a horizontal distance of 100 m from any watercourse or estuary or within a 500 m radius from a delineated boundary of any wetland or pan.</li> </ul>	The Applicant is currently undertaking a water use authorization application for the project.
			<ul style="list-style-type: none"> <li>The project should be sited, designed and managed so that the quality of surface and groundwater in the vicinity are not degraded by runoff, leaching or seepage from the site or waste utilization areas;</li> </ul>	Noted.
			<ul style="list-style-type: none"> <li>Zero discharge of contaminated surface water.</li> </ul>	Noted.
			<ul style="list-style-type: none"> <li>Monitoring must take place on a continuous basis to ensure the above.</li> </ul>	Noted.



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			<ul style="list-style-type: none"> <li>The storage of material, chemicals, fuels, etc. must not pose a risk to the surrounding environment and this includes surface and groundwater resources. Temporary bunds must also be constructed around chemical or fuel storage areas to contain possible spillages. Such storage areas must be fenced to prevent unauthorized access into the area. The maintenance of vehicles and equipment used for any purpose during the prospecting activity will take place only in the maintenance yard area.</li> </ul>	Noted.
			<ul style="list-style-type: none"> <li>The applicant must comply with all the conditions of the National Water Act (Act 36 of 1998).</li> </ul>	Noted. The Applicant is currently undertaking a water use authorization application for the project.
			<ul style="list-style-type: none"> <li>Registration of water uses under Section 21 of the NWA is compulsory</li> </ul>	Noted. The Applicant is currently undertaking a water use authorization application for the project.
			<ul style="list-style-type: none"> <li>The proposed operation must not contravene Government Notice 704 (4 June 1999, vol. 408, No.20119) regarding the 'Regulations on use of water for mining and related activities aimed at the protection of water resources', in terms of the NWA.</li> </ul>	Noted.
			<ul style="list-style-type: none"> <li>In terms of Section 22 of the NWA a person may only use water without a licence:               <ul style="list-style-type: none"> <li>➢ If that water use is permissible under Schedule 1.</li> <li>➢ If that water use is permissible as a continuation of an existing lawful use.</li> </ul> </li> </ul>	Noted. The Applicant is currently undertaking a water use authorization application for the project.



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			<ul style="list-style-type: none"> <li>➤ If that water use is permissible in terms of a General Authorisation issued under Section 39 of the NWA.</li> <li>• In terms of Section 4(1) of the NWA a person may use water from a water resource for purposes such as reasonable domestic use, domestic gardening, animal watering, firefighting and recreational use, as set out in Schedule 1.</li> </ul> <p>To apply for authorisation and registration of water uses the responsible official can be contacted.</p>	
<b>Free State Department of Water and Sanitation</b>	Mr. George Nel Email: NelG@dws.gov.za	7 <sup>th</sup> April 2021	The same correspondence applies dated 14 <sup>th</sup> September 2020	In May 2020, IDS lodged the Water Use Licence Application with the Free-State Department of Water and Sanitation for the proposed road upgrade. A pre-application meeting enquiry was submitted to the DWS and was acknowledged with a proposed date for the meeting. On the 4 August 2020, the pre- application meeting was conducted with DWS and the following was noted as a wayforward; <ul style="list-style-type: none"> <li>• Submission of an Updated water use table;</li> <li>• Inclusion of a Risk Assessment per culvert and bridge affected;</li> <li>• Information regarding the water abstraction as per Section 21 (a); and</li> <li>• Submission of Concept plans for culverts.</li> </ul> A critical component of the meeting was the inclusion of Section 21 (a) for water abstraction. As a result, the need for a hydrocensus was noted as critical to advise the water sources triggering Section



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				<p>21 (a). IDS was then appointed to conduct the hydrocensus which is currently being undertaken.</p> <p>2. MITIGATION MEASURES The proposed mitigation measures will be incorporated into the Final EMPr.</p>

**Community member: Basson Oliver & Coetzee Attorneys on behalf of Mrs Annete Wege**

ORGANISATION	CONTACT PERSON	DATE OF COMMENT	COMMENTS, ISSUES, AND SUGGESTIONS RAISED BY STAKEHOLDERS	RESPONSE
<b>Basson Oliver &amp; Coetzee Attorneys</b>	Ms. Audrey Coetzee Email: admin@bocprok.co.za	23 <sup>rd</sup> September 2020	<p><b>1. Location</b></p> <p>We are of the opinion that in the specific case of our client, unrestricted access of construction vehicles and workers onto the farm land and adjacent or surrounding areas were not considered at all. Our client is most vulnerable to be impacted negatively due to the fact that a residential house is located within approximately 100 meters from an intended borrow pit.</p> <p>It is uncertain which borrow pit is applicable to our client's property due to the fact that the various reports differ on the borrow pit number. Kindly provide clarity in this regard.</p>	<p>The Environmental Impact Assessment process to be conducted for the borrow pit will address access to the borrow pit should Farm Leeukuil 409 Portion 0 be considered as a borrow pit site.</p> <p>Part of the process is consultation which will be with the respective owner.</p> <p>Please see below references from the reports to the earmarked borrow pit on farm Leeukuil 409 Portion 0;</p> <p>Socio-economic impact assessment Report=BP9</p>



			<p>Our client is certain that blasting might cause structural damage to the residential house and outbuildings and the negative financial impact hereof was not studied at all.</p> <p>The borrow pit and the N1 is approximately 8km apart. The negative impact that this might have on our client's property is of great concern and needs to be investigated properly. A clear indication of how construction vehicles intend to travel to and from the borrow pit has not been supplied and the impact thereof has not been taken into account in the drafting of the report.</p> <p>Our client cannot agree with the report which states that any nuisance impacts related to noise and dust are likely to be temporary and localised in nature. The project is planned for a very lengthy period and the borrow pit is in close proximity of the dwelling. This will impact our client's quality of living and she will basically reside on a construction site, same which is unacceptable.</p>	<p>Avifauna, Water Resource and Biodiversity Reports=<b>BP8</b></p> <p>At the inception stage, Farm Leeukuil 409 Portion 0 was earmarked for investigation, however confirmation has not been received from SANRAL to commence further investigation.</p> <p>At the inception stage, Farm Leeukuil 409 Portion 0 was earmarked for investigation, however confirmation has not been received from SANRAL to commence any further investigation.</p> <p>It must be noted that the Draft BAR addresses the nuisance impacts related to the road upgrade activity and not the mining activities. For the road upgrade activity, dust suppression is deemed efficient during construction for dust. The current noise levels on the N1 will not surpass the anticipated noise levels for construction activities. Considering the 8km distance from the N1, the anticipated noise levels produced during construction are therefore low. Mitigation measures related to noise are provided on the Draft Environmental Management Programme.</p>
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			<p><b>2. Size</b></p> <p>The existing borrow pit is currently about 2ha in size. According to the report 17 hectares will be required. Details of the location of the 17 hectares are not available. Our client strongly objects hereto.</p>	<p>The 17ha noted in the specialists report has been incorrectly reported as the size of the borrow pit. This is the size of the farm not the size of the borrow pit.</p> <p>At the inception stage, Farm Leeukuil 409 Portion 0 was earmarked for investigation, however confirmation has not been received from SANRAL to commence any further investigation.</p> <p>Your comments will be carried through to this phase should we get confirmation.</p>
			<p><b>3. Rehabilitation</b></p> <p>It is clear from the current state of the borrow pit that proper rehabilitation was not attended to in the past. Our client is hesitant to believe that same will be attended to in future.</p>	<p>In the event that this site is selected as the borrow pit site, the Environmental Impact Assessment Report must include a rehabilitation plan supported by a financial provision as per National Environmental Management Act: Regulations: Financial provision for prospecting, exploration, mining or production operations.</p>
			<p><b>4. Financial impact</b></p> <p>Our client's daughter is farming on the Farm Klein Leeukuil. Her main source of income is generated from sheep farming. Our client is greatly concerned that the proposed project will have a negative impact on her income. The project poses the risk of theft, possible disease due to dust and noise, loss of grazing land and various other risks that will negatively impact the sheep farming.</p>	<p>Further to the description of the financial impact, can we assume "proposed project" is referring to the development of the borrow pit?</p> <p>If so,</p>



			<p>The project will cause for our client to not have use of 17 hectares of land for a period of at least five years and even after rehabilitation this portion of the farm will be of little to no value.</p> <p>Our client is of the opinion that the proposed project will make it impossible for her to generate an income and to continue farming with sheep. All livestock will have to be sold. Money spent on infrastructure such as electrical fencing, cameras and building of facilities will be lost. The circumstances will lead to an infringement of various rights as contemplated in the Bill of Rights.</p>	<p>At the inception stage, Farm Leeukuil 409 Portion 0 was earmarked for investigation, however confirmation has not been received from SANRAL to commence any further investigation.</p>
			<p><b>5. Crime</b></p> <p>According to the impact study report the Koppies Police Station was approached for crime statistics, however nobody was available at the police station during the specialist site visit. This is a major component of any impact study and we are of the opinion that this is unacceptable. This construes a lack in the supposed study.</p> <p>The project poses a direct negative impact on our clients business, due to the influx of job seekers and an increase in crime are a definite negative factor. Our client is extremely concerned about crime on her person, assets and property. The proposed project will expose our client and her business on her farm completely.</p>	<p>The impact study has noted the challenge with the Koppies Police Station and has also noted this as a high risk to the project with regards to crime in the area which was raised as a concern during consultations with adjacent farm owners to which inclusive of Mr Anthony Whitfield. A mitigation measure was provided on page 45 of the report which states that only occasional maintenance workers are expected in the area. This is must be stressed out and enforced by the contractor.</p> <p>In addition the following is recommended;</p> <ul style="list-style-type: none"> <li>SANRAL could assist the LMs by employing and deploying more police officers in areas where they are needed (such as along the road during the upgrade, or in the PACs where an influx of job-seekers have been noted, for</li> </ul>





				<p>example). Alternatively, the proponent could assist the LMs with initiating programmes aimed at encouraging voluntary workers to patrol particular areas (especially during the construction period). Establishing a community policing forum could also be considered especially for the PAFs.</p> <ul style="list-style-type: none"> <li>▪ Changes in crime patterns will need to be monitored in consultation with the local police and community policing forums;</li> <li>▪ Particular roads should be fenced and access to particular road networks should be monitored and controlled. Gates should be considered for particular road networks, and particular access routes should be denied for unauthorised individuals or vehicles;</li> <li>▪ Farm-owners should always be consulted (and permission should be given by owners where relevant) prior to the construction or upgrading of any road(s);</li> <li>▪ Traffic in and out of the project area should be monitored. This should be discussed with the PAFs and their labourers.</li> </ul> <p>Particular criteria need to be developed for the recruitment of security personnel (for the construction phase. As far as possible, security</p>
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				<p>personnel should be recruited from the surrounding communities. This should allow them to distinguish between the local population and outsiders. Security personnel need to be properly trained in the use of force and, most importantly, appropriate conduct towards PAFs and their labourers.</p>
			<p><b>6. History</b>            During the 1890's a similar project continued on the farm. The previous owner suffered severe damages and financial losses due to construction vehicles running over and killing various farm animals. Our client is concerned that history will repeat itself and therefore regard construction vehicles around the dwelling as a major risk factor.</p>	<p>The current land use of the farm is noted and will be reported as such to SANRAL during the identification and selection process of the borrow pit sites prior to lodgement of the environmental authorisation process. This concern will greatly influence SANRAL's decision towards identifying Farm Leeukuil as a potential borrow pit site.</p>
			<p><b>7. Duration</b>            The details on the duration of the project, access to the borrow pit, construction work and possible rehabilitation is unclear and not supplied.</p>	<p>For the road upgrade activity, it is anticipated that the project, that is, the construction upgrade of the N1 will take a period of 36 months.</p>
			<p><b>8. Security Risk</b>            The personal circumstances of our client's daughter residing in the house, within close proximity from the borrow pit poses a major risk.</p> <p>When taking into consideration the negative impact of the project will have on our project will have on our client's specific circumstances we are of the opinion that proper security arrangements must be have been investigated.</p>	<p>At the inception stage, Farm Leeukuil 409 Portion 0 was earmarked for investigation, however confirmation has not been received from SANRAL to commence any further investigation. Therefore, IDS cannot comment at this stage, on your concern.</p>



		<p><b>9. General</b></p> <p>The proposed development will have a significant impact on our client's environmental rights and we vehemently disagree with the report in particular the fact that no loss of access to resources or loss of amenity is anticipated and furthermore that the proposed development is not anticipated to unduly or significantly impact on people's environmental rights due to the nature and location of the development.</p> <p>Our client is of the opinion that these impacts cannot be reversed and may cause irreplaceable loss of resources, same which cannot be avoided, managed or mitigated.</p> <p>The Holistic principle as defined by NEMA and specifically the best practicable environmental option will not be honoured unless a proper investigations is launched and an improved report is supplied. The project can have major adverse effects and various prejudicial impacts on our client's financial, physical and emotional well-being.</p> <p>In the event that the project proceeds on the basis as per current planning our client will not hesitate to invoke herself on the 'polluter pays principal'.</p> <p>The report is drafted in general and did not make provision for the specific impact it will have on the various different people, land owners and landscapes that will be impacted by the project. Specific details on the mitigation or enhancement measures to be taken is unclear.</p> <p>In an attempt to taking a holistic and cumulative stance we therefore request an in depth investigation into alternatives, specifically with regards to the relevant borrow pit.</p>	<p>The concerns discussed herewith will be discussed with SANRAL to further inform SANRAL's decision to the way forward pertaining to the development of the borrow pits on Farm Klein Leeukuil</p>
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			We therefore request that the project, specifically with regards to the borrow pit on the Farm Klein Leeukuil, must be reconsidered, replanned and relocated.	
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**Community member: Mrs Ilze Venter**

ORGANISATION	CONTACT PERSON	DATE OF COMMENT	COMMENTS, ISSUES, AND SUGGESTIONS RAISED BY STAKEHOLDERS	RESPONSE
Farm Nooitgedacht 509	Mrs. Ilze Venter Cell phone: 082 952 5692 Email: Ilze153@outlook.com	19 <sup>th</sup> January 2021	As local property owners bordering the proposed road upgrade we request a Security Plan to form part of the conditions for the environmental authorisation. The security plan must then be enforced into the contractor to be appointed. The contractor must also vet all employees against the SAPS records. In addition, the contractor must play an active role in the area policing forum.	No comment required.

**Fezile Dabi District Municipality**

ORGANISATION	CONTACT PERSON	DATE OF COMMENT	COMMENTS, ISSUES, AND SUGGESTIONS RAISED BY STAKEHOLDERS	RESPONSE
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<b>Fezile Dabi District Municipality</b>	Mr. Mcebo Mkhathwa Email: mcebom@feziledabi.gov.za	9 <sup>th</sup> October 2020	<ul style="list-style-type: none"> <li>Fezile Dabi District Municipality has noted and appreciates to be given the opportunity to make comments on the draft basic assessment for the above mentioned project. We would like to formally submit that there won't be comments from the municipality at this point. Hopefully in the future we will have ample time to review such documentation.</li> </ul>	No comment required.
			<ul style="list-style-type: none"> <li>Please keep us on the loop on any developments regarding this project.</li> </ul>	IDS will keep Fezile Dabi District Municipality on the register of I&APs for future communications regarding the proposed development.

### South African Heritage Resources Agency (SAHRA)

ORGANISATION	CONTACT PERSON	DATE OF COMMENT	COMMENTS, ISSUES, AND SUGGESTIONS RAISED BY STAKEHOLDERS	RESPONSE
<b>South African Heritage Resources Agency (SAHRA)</b>	Sityhilelo Ngcatsha Email: sngcatsha@sahra.org.za	October 2020	<p>The SAHRA APM unit notes the heritage specialist reports along with the recommendations provided therein. It is noted however that the Palaeontological Impact Assessment report does not give detailed results of the field survey and discussion.</p> <p>The results of the assessment must be clearly stated in the field observation section. There are no clear details of where the borrow pits will be mined and the impacts it will have on paleontological heritage. It is noted that hard rock mining will be part of the development, however, the report does not discuss the rock unit to be affected and the types of fossils that could potentially be hosted in it.</p>	The Report has been amended to address the comments made by the Department. The Report is attached to this BAR and has been uploaded onto the SAHRA portal.



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			<p>The report must therefore be amended to include written results of the assessment and more images of the development footprint must be added to the PIA along with images of the area where mining will take place. The summary of the report must include the results of the assessment along with the conclusion.</p>	
<p><b>South African Heritage Resources Agency (SAHRA)</b></p>	<p>Sityhilelo Ngcatsha Email: sngcatsha@sahra.org.za</p>	<p>13<sup>th</sup> April 2021</p>	<p>The comments made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:</p> <p>The Final BAR and EMPr must be submitted to SAHRA for record purposes;</p>	<p>1. The comments provided by SAHRA in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and will be included in the Final BAR and EMPr as stipulated below.</p> <ul style="list-style-type: none"> <li>• 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development provided that no borrow pits are established.</li> <li>• 38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;</li> <li>• 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Sityhilelo Ngcatsha/Phillip Hine 021</li> </ul>





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				202 8654) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;

