

## **SANRAL's PROPOSED CAPACITY IMPROVEMENTS TO THE N2 & N3 WITHIN THE ETHEKWINI METROPOLITAN MUNICIPALITY, KZN**

**Record of Meeting with Ethekwini Metro Department of Human Settlements, SANRAL and ACER, held 22 September 2016, 10.00 am at eThekwini Human Settlements, Shell House Building, 221 Anton Lembede St. Durban.**

### **Attendance:**

- Nomalungelo Moroka (NM) eThekwini Human Settlements , Planning
- Bongeka Luthuli (BL) Strategic Spatial Planning Branch, Development Planning
- Phumani Zondi (PZ) MAJV (SANRAL Service Provider)
- Zinhle Yengwa (ZY) MAJV (SANRAL Service Provider)
- Dudley Mbambo (DM) SANRAL - Eastern Region
- Ashleigh Mckenzie (AM) ACER (Africa) Environmental Consultants
- Duncan Keal (DK) ACER (Africa) Environmental Consultants

### **1. Purpose of Meeting**

- Discuss impacts of the project on informal settlements encroaching on the national road reserve and the management thereof between eThekwini and SANRAL.
- Clarify best means of notification of informal settlement residents as part of the EIA process.

### **2. Project Background & status quo of EIA process**

- This project has SIP2 status.
- The Application for Environmental Authorisation is being handled by ACER as two concurrent Basic Assessments under the 2014 EA Regulations:
  - BASIC ASSESSMENT 1:** Capacity Upgrades to the N2 (Edwin Swales to Wiggins Road) and N3 (EB Cloete to Paradise Valley) including expansion of EB Cloete and Solomon Mahlangu Interchanges and provision of temporary access for construction below Westville and Paradise Valley viaducts.*
  - BASIC ASSESSMENT 2:** Capacity Upgrades to the N3 (Paradise Valley to Key Ridge) including provision of temporary access for construction below the Umhlatuzana Viaduct.*
- The national roads are operating at full capacity. SANRAL undertook traffic studies which indicate the need for provision of extra lanes and extra capacity on interchanges. A preliminary design was undertaken which has now moved on to detailed design stage. Extra lanes will be provided, with expansion confined to the median and the existing road reserve. However in places, additional land will be required. Proposed widening will make provision for traffic demand up to 2037. Construction unlikely to commence before 2020. No tolls will be required on the current sections of interest as the road is already tolled and/or funding has been procured. There are also plans to upgrade the N3 from Key Ridge on to Pietermaritzburg but funding not finalised and the EIA applications have not yet started for this section. EThekwini Transport Authority is aware of this project as has been involved with SANRAL in the planning stages.
- Maps of the project were displayed, showing the proposed sections of N2 and N3 to be widened, the extent of the proposed road widening (which will occur mostly within the existing road reserve) and the areas where expansion beyond the road reserve will be required.
- The EIA process has started with project announcement begun July 2016, including media adverts, site notices, Background Information Documents to key stakeholders & government departments, notification of directly affected landowners, etc. A public open day was held during August 2016.

- A draft Basic Assessment Report is in the process of being compiled and will be submitted to the national Department of Environmental Affairs, along with the Application, at the same time will be circulated for Public review (envisaged timing = early 2017).
- Landowners and occupiers of land adjacent to the project site must be informed of the project, as required in the EIA process. ACER seeks advice on best way to do this so as not to compromise eThekweni's plans regarding these settlements and to try and prevent land invasion on the road reserve (in anticipation of possible relocation/provision of better accommodation).
- It is noted that ACER's role is confined to the EIA process and notification of I&APs. Further consultation and actions relating to possible relocation of informal settlements and other collaboration between SANRAL and eThekweni is the responsibility of SANRAL.

### 3. Informal settlements affected by the project

- Informal settlements affected were identified by ACER and engineers from the map and GPS co-ordinates provided by NM prior to the meeting. Note the 500 m buffer shown on ACERs maps was for the water use licence and is not a requirement in terms of identifying affected parties.
- Affected settlements are:
  - **Ensimbini 2** (area on/in road reserve near near Cadolowig Way, Cato Manor, on eastern side of N2 [SNA Engineers Contract])
  - **Palmiet Zone 1**, (western side of N2 near Wandsbeck Rd Bridge) [SNA Engineers Contract]
  - **Palmiet Zone 2** (western side of N2 near Clare Rd Bridge) [SNA Engineers Contract]

### 4. Ethekwini & SANRAL general strategies wrt informal settlements

- Ethekwini is dealing with a backlog of 400 000 houses. Informal settlements are prioritised in terms of the extent of their environmental constraints and other criteria. Some are upgraded in situ and others relocated if the land they are on is not develop-able.
- Engagement with community structures essential during the planning process to avoid failure of intervention and to ensure buy-in with respect to ringfencing, households to be relocated, the terms and destination of relocation, prevention of further influx into current settlement, etc.
- For relocation, suitable land is identified by eThekweni that 1) can be developed for housing and 2) located as close as possible to the existing settlement.
- Ethekwini generally replaces a shack for a shack.
- Ethekwini has not initiated any process with respect to the above affected settlements.
- In formal areas, SANRAL generally buys out the land they need and the owner is compensated at market value. PZ noted that in Traditional Settlement Areas, where the structure must be removed from the road reserve, SANRAL usually replaces the informal structure with a RDP house.
  - **Post-meeting note:**
    - *The absence of proof of ownership and/or Permission to Occupy for residents of informal settlements presents a challenge in implementing the above process. Therefore there is a need to develop a process with the Municipality for the relocation of the structures falling within the SANRAL road reserve. Through that process, appropriate funding mechanisms would be identified.*
- SANRAL owns the property of the road reserve and as the landowner, involves itself only with respect to houses inside the road reserve, not outside of the road reserve.
- **In some cases it is possible for SANRAL to amend the road reserve and re-design, in order to avoid removal of structures. This will have to be checked.**
- **NM suggested that a possible solution is that Ethekwini identifies and provides the land and SANRAL provides the building materials/funds the structures.**
- Ethekwini is prepared to fast track the relocation process by identifying available land, appointing service providers to determine if it is develop-able (timing possibly one year or less).

### 5. Recommended actions (eThekweni and SANRAL) to deal with affected settlements

The following was discussed and agreed at the meeting:

- SANRAL to quantify exact number of structures within affected road reserve at the three identified locations. **[SANRAL ( DM) & SNA]**
- Ethekwini to provide recent aerial photography and the shapefile of the informal settlements to SANRAL, to enable accurate quantification. **[ eThekwini (NM)]**
- SANRAL to determine if these structures within the road reserve can be avoided by redesigning and amending the road reserve. **[SANRAL (DM) & SNA]**
- If structures have to be relocated, SANRAL and Ethekwini to meet further and agree on:
  - **Community liaison** Person(s) responsible for community liaison and dealing with the correct community structures to ensure a smooth process.
  - **Ringfencing:** Effecting the process of ringfencing the settlement and prevention of further influx, in consultation with the community structures. SANRAL could consider fencing off the structures in the interim.
  - **Security management:** Responsibilities regarding prevention of further influx. SANRAL could consider visible demarcation measures such as fencing the road reserve. Ethekwini has a land invasion section that deals with mushrooming settlements.
  - **Timeframes:** To be determined.  
**[SANRAL (DM) & eThekwini (NM)]**

#### **6. Recommended actions re informing residents of informal settlements, as part of the EIA process**

The following was discussed and agreed at the meeting:

- ACER could proceed with notification of the affected settlements, working via the ward councillors, but first wait until the number of structures has been determined and councillors briefed by Ethekwini. **ACER**
- NM will brief the relevant councillors on this matter before ACER approaches them (note that councillors have received project information so should know about the EIA process already). **[ eThekwini (NM)]**

#### **7. Recommended actions re wider collaboration between SANRAL and eThekwini**

- DM recommended that eThekwini provide the full GIS layer of informal settlements to SANRAL so that they can forward plan for any future projects affecting informal settlements in the metro. **[SANRAL (DM) & eThekwini (NM)]**
- NM to provide the BNG specifications to SANRAL (DM). **[eThekwini (NM)]**
- It was also suggested that SANRAL meet with the relevant Ethekwini Heads of Department to discuss the project, given its SIP2 status and mitigate possible future miscommunication. **SANRAL (DM)**
- Shapefiles for the N2 and N3 upgrades to be provided to eThekwini , specifically NM and BL. **SANRAL (DM)**