

## DEA PRE APPLICATION MEETING – N3 UPGRADE BATCH 2 BASIC ASSESSMENT PROCESS

## MEETING NOTES

Location: SANRAL offices – Pretoria  
Date and Time: 23 April 2018, 10.30am

**Present:**

Coenrad Agenbach (CA)– Department of Environmental Affairs (DEA)  
Adika Rambally (AR) - DEA  
Mahlatshe Shubane (MS)- DEA  
Herman Alberts (HA) - DEA  
Ravi Ronny (RR) – SANRAL  
Mpati Makoa (MMA) – SANRAL  
Mogole Mphahlele (MM)- SANRAL  
Ashleigh McKenzie (AM)– ACER (Africa)  
John Richardson (JR) – Terratest (Pty) Ltd  
Vicki King (VK) – Metamorphosis

**Presentations:**Ravi – N3 Upgrade Overview

Infrastructure Development Act

SIP 2

Cato Ridge Logistics Hub

Safety motivation

Take into account future port development etc.

Increase to 4 lanes in each direction, some areas 5 lanes. (Climbing lane)

Median - concrete barrier

Looking at asphalt vs concrete

Detail designs are in progress on all packages

8 packages under Phase 1 - R10,5 billion

Background and status quo of Basic Assessments (Ashleigh)

Previous applications in 2010. In 2012 submitted new applications, they lapsed and were closed after 2014.

2015 pre - application meeting held for ACER's projects. 6 Basic Assessments (BAs) running in two batches. Batch 1 (BA1 & BA2) which are sections of N2 and N3 between Durban and Key Ridge currently in progress. Batch 2 (BAs 3- 6) from Hammarsdale to Market road due to commence. No applications for any of the BAs have yet been submitted yet. Separate to Batch 2 (BAs 3-6) will be for the Market Road Interchange, for which SANRAL is still considering appointment of a new EAP.

Project announcement proposed for BA3-6 (batch 2) in May this year.

Cato Ridge Logistics Hub Consortium propose a new interchange on the N3 near the D12 – overpass. A 2,1km distance is required between 2 interchanges for safety. Should this go ahead, SANRAL will have to close the east facing ramps of the existing Cato Ridge interchange to meet safety standards. The existing interchange is not in the right position to cater for existing and proposed land uses and the new CRLH IC is being designed to do so. SANRAL will however not fully decommission the existing interchange, but will have to close both eastern ramps.

Mining, air quality and waste permits are not part of these Basic Assessments. Any borrow pits quarries, batching plants or waste disposal permits required will be done in separate processes.

Services will need to be re aligned in places.

Specialists have been appointed to update their 2012 reports.

Fuel pipelines - Transnet pipelines will need to be moved out of the road reserve in some places. Transnet wants SANRAL to construct the pipelines and then they will switch over. DEA has confirmed it is not a Listing 2 activity (Ashleigh to provide Coenrad with the relevant email). Lynnfield Park - SANRAL looking at possibility that they will not need to relocate the pipe. Correspondence was sent to DEA with regard to clarity on the pipelines. Ashleigh will forward the query to Mahlatse. Coenrad asked - is SANRAL able to move services? - Ravi - usually agreed that it is SANRAL's responsibility. Transnet want SANRAL to construct pipe. Triggers removal of vegetation only. Pipeline at Solomon Mahlangu - 500m length, others are shorter - 80m or so.

Questions:

Q - Funding - Tolling?

A - Environmental process for batch 2 was delayed due to uncertainty of funding. However construction on the critical sections of the N3 will commence, while SANRAL will engage with National Treasury on the funding model for the non-critical sections as well as the future operations and maintenance costs. Consideration will therefore be given for a possible mixed funding option. However it was made clear, should there be any possibility of tolling, the intent to toll process shall be followed in terms of the SANRAL Act which is separate to the environmental process.

Q - Who from DEA is assigned for first 2 BAs?

A - Millicent and Olivia were involved.

DEA comment - DEA need to coordinate the previous 2 and these processes. DEA decision - equal work distribution- application comes to admin and they will look at workload and allocate projects - cannot predict who will be the case officers. That's why they will find out who is dealing with previous applications for consistency. All within the 1 Chief Directorate.

### **Realignments**

CA- Any re-alignments for the BAs 3-6?

A – Confirmed there will be none. Only realignment is for Key Ridge which is a BA under a different EAP (Terratest)

### **Noise**

AM Q - Noise - what about operational noise? There are no listed activities triggered with regard to noise during operation, however SANRAL is investigating mitigation measures.

CA - you will have to assess operational noise in terms of the baseline noise levels and the increased noise levels from the development.

RR - We are assessing it but costs of noise barriers would be massive.

CA - need to look at baseline and consider options as there will be appeals based on this.

AM – construction noise is being assessed.

JR - Existing road - existing noise impacts – preliminary noise assessment undertaken 2014 for Key Ridge. Findings showed that narrower road, more congestion - therefore more noise than after it is widened. So do we have to look in more detail?

CA - generalize for existing road - and need to show baseline and predicted noise and possible mitigation and costs etc. New interchanges and alignment - new receptors etc. Work from the baseline and look at significance of noise increases.

JR – noise levels are already above SANS specs and predicted increase will be approximately 5%.

CA –this must be noted and documented - be aware that there will be appeals. Sufficient information required so that everyone knows. Is it about the significance of the impacts.

AM - Not lane increase that increases noise - just the incremental issues associated with increase in traffic volumes over time and lane widening encroaching closer to some residences etc.

MS - Beware the chickens - DEA have had applications blocked due to noise issues. Recall of the previous SANRAL application for the truck weighbridge facility at Camperdown and the appeal regarding the chicken farm.

CA - closer receptors due to being one lane closer etc. People will ask and we need to be able to provide answers.

Comment - information must be sufficient for decision making process so that DEA do not have to look for new information for an appeal.

AM- proposed upgrade and logistics hub and rail - may result in less noise with less heavy vehicles.

MM - is there a traffic assessment for the hub? Can draw information from that for the BA.

AM - Noise assessment will be updated and possible increases assessed.

### **Public Participation**

AM - PPP - media, lots of properties and property owners. ACER have done their best to obtain up to date information on property owners - but cannot always obtain the correct contact information. Thus, written notice to all property owners is not possible. ACER would like sign off from DEA on the public participation plan –they have requested this but not received it to date.

CA - can only do what we are mandated to do - DEA cannot give you approval to deviate. DEA must comply with the requirements of the Regulations. DEA must be sure that ACER has done everything which is reasonable- people use this as a basis for appeal. Follow Appendix 4 to the letter or if ACER cannot do so then they must do what is legally defensible. DEA will not sign off. DEA recognize that it is a problem.

MM - classify the stakeholders - go to the associations etc - formal bodies and try to cover them as groupings. Then you can demonstrate effort - with adverts etc so that DEA can make decisions on that basis.

AM –ACER sends letters to all addresses, if a letter is returned –they will send an SMS. Only a few that they cannot get hold of.

DEA - pass ‘reasonable man’ test and have a record of everything. Need to demonstrate what has been done. Cannot regulate an attitude to a project!!

JR –Suggests that ACER put site notice on the individual properties if you cannot contact the property owner.

AM - site notices - SANRAL do not allow site notices on the National Road. Approval from DEA to put notices in community facilities etc.

DEA - what was the response to the previous notification process for the 2 BAs already undertaken?

AM - many general comments received and also from the people whose properties are affected as they are contacted directly. Not many people at the open days. Planning 3 open days for the new BAs. Afternoons until 7pm. All engineers for all sections will be present.

CA - agree that you cannot put notices on the roads. Advertising boards? Fliers at Toll booths?? (Not allowed). Cannot use the electronic boards either. - What is reasonable and defensible.

Ravi - SANRAL - Facebook page etc.

DEA - put reasoning for what advertising can and cannot be done into reports. Also consider pamphlets to the residents.

## Alternatives

AM –.

Alternatives considered are not route alternatives, but there are technical alternatives such as configuration of interchanges and accesses, and surfacing (pavement). The engineers go through many design iterations through the planning processes which it is beyond the EAPs scope to document. A general summary will however be provided.

## Timeframes

Timeframes - first 2 BAs (Batch 1) available before end July (public review and application submissions). Does DEA want draft at same time as public review?

DEA - Send out for public comment and send report to them with application. At least DEA can then raise any significant issues within the timeframe.

AM- When would DEA like to undertake the site visit?  
DEA will wait for draft report and then do site visit.

CA- when will second batch be lodged?

AM - end this year or early next year

DEA –Do the upgrades affect any Comrades or cycle races  
AM – No - those races are not on the national roads

DEA - what about contractors camps - have they been identified?

AM – No. JR – For Key Ridge, they have started to look at areas for construction camps.

RR - usually leave this to the contractors. However if there is any Sanral owner land available this is made available to the contractor.

AM - all will be in the road reserve and areas for construction. Will be limited to these areas. The EMP will also offer advise on where to put lay down areas and where is sensitive and may not be disturbed.

## John presentation - Key Ridge

Started 2012 - put on hold in 2014 and revitalized 2018.

Viaduct alternative favorable.

SANRAL has purchased all of the land for the realignment. - not yet gazetted as road reserve. Therefore in terms of the triggers is it considered road reserve yet or not until gazetted?

DEA - Must be gazetted.

JR - This is a really long process - do we apply for those trigger listed activities? If SANRAL own it.

CA - send an email and they will formulate a response. Send to IQ help desk copy CA etc in.

All to note: Taxi association stopped work at the Hammarsdale Interchange. Ensure that they are on databases for all future upgrades.

DEA - Major impact of construction – Proposed option is to put both directions onto one carriage way and work on other.

Query trigger LN2 - Activity 27. Considered to require an EIA. SANRAL states that this is inconsistent. Want to do the sections which do not trigger EIA first whilst doing the EIA.

Specialist studies - JR - which ones need to be updated? Biodiversity/riparian has been updated. Heritage/Geotechnical don't need to be updated. Visual/noise? (2013). Road safety? Social - should be updated. - DEA to confirm once the specialists have reviewed and made a statement about the current applicability of the previous studies.

Comment - Engineering and road safety not considered to be independent specialist studies. SANRAL studies.

DWS WULA - GA - wetland assessment report - landowner and forms.

DEA specialist studies - old info - get specialists to review and check that it is current. Statement to say that it is still relevant. Concern if design has changed - impacts or receptors might have changed. Is it still relevant and applicable? Social will have to be updated. Visual and noise - depends on what they assessed. JR- No change in area assessed. Geotechnical - no change.

DEA - 2012 - specialist study requirements revised - check that they comply.

CA - Risk assessments for spills?

JR - accidents, not spillages specifically. The design was revised to keep both viaducts as same level.

DEA - Basic Assessment form no longer applicable. report in terms of Appendices.

SANRAL - what was the trigger query with road reserves?

A - Trigger relating to working within a watercourse outside a road reserve.

SANRAL - road reserve query on implications - John to respond.

DEA –Requested information on the Market road section of the upgrade

JR –Terratest (Pty) Ltd is not confirmed as the EAP as yet and are therefore not able to provide all the detail.

It was agreed to wait for the EAP appointment to be finalized prior to presentation to DEA.

#### Actions and confirmations:

- CA requested VK to distribute notes for comments. –within 3 weeks of the meeting.
- Email from JR with regard to specialists and road reserve trigger to DEA (IQ Help Desk).
- ACER will re send letter re transnet fuel pipelines (Mahlatse - Copy CA). 2 applications and BARs within next approx 2 months.
- Confirm all together there will be 5 BARs (incl Market Road) and 1 Scoping/EIA.
- Make sure EAPs know all the requirements.
- Follow Regulations and ensure a defensible process.
- Any queries - send to DEA - contact them if in doubt.
- Timeframe for submission of Batch 2 Bas –most likely beginning of next year.
- Site visit after receipt of draft reports.
- Could do after receipt of first two? Will do all at once.

Meeting closed at 1pm.