

N2 WILD COAST TOLL HIGHWAY PROJECT

MINUTES OF AUTHORITIES COORDINATION COMMITTEE MEETING NUMBER 17

Date: 18 November 2020

Time: 08h30

Venue: Microsoft Teams - Online

No.	Item	Action
1.	<u>OPENING AND WELCOME</u>	
1.1	Opening Mr Drew (NMA Effective Social Strategists) opened the meeting and welcomed everybody present. <i>Refer to attendance register for list of attendees</i>	
1.2	Apologies Apologies were given for Mr Ricketts (DEDEAT) and Mr Willis (SANBI).	
2.	<u>ADOPTION OF AGENDA</u>	
2.1	The agenda was adopted as a suitable guide for the proceedings of the meeting without any amendments or additions.	
3.	<u>ADOPTION OF PREVIOUS MINUTES</u>	
3.1	The minutes were adopted as an accurate reflection of the proceedings of the previous meeting without any amendments or additions.	
4.	<u>MATTERS ARISING</u>	
	<u>Matters Arising from the Minutes of ACC Meeting No. 16 on 19 August 2020</u>	
4.1	<i>Item 4.2: The letter on the control of illegal structures along the N2 corridor will be presented to the N2 Wild Coast Toll Highway Political Oversight Committee meeting the following day and will be sent to all the members of the POC and Technical Committee which includes the relevant Heads of Departments and Municipal Managers.</i> Mr McLachlan (SANRAL) said the letter was tabled and discussed by the MECs and mayors and it was agreed that a task team would be established comprising the HODs of the relevant departments and the MMs of the municipalities to address the issue. The Eastern Cape Socio Economic Consultative Council (ECSECC) was requested to establish the task team but it has not been done yet due to difficulties in coordinating the different members calendars. The discussion in the POC also indicated that this issue needs to be addressed through the Eastern Cape Spatial Development Framework (ECSDF) and the relevant MSDFs. Mr Gabula (DEDEAT) said that the ECSDF is always referenced in the current review of MSDFs but he has never seen a copy of it and he is not sure whether it has been gazetted yet. Mr Drew will contact Mrs Somfongo from COGTA to determine the status of the ECSDF.	SANRAL
4.2	<i>Item 5.3: The method statement for replanting the grassland plants into the no-go areas around the Mtentu bridge site was sent to SANRAL for approval.</i> Ms Songxaba (SANRAL) said SANRAL is currently in discussions with SANBI regarding the replanting of these grassland plants.	NMA
4.3	<i>Item 5.6: Ms Mei to make arrangements for a site visit with SLR.</i> Ms Mei (SANBI) went to Msikaba South on 8 September to visit the plant holding area. She was pleased to see that the horticulturalist working there is very dedicated and the plants are flourishing and appear to be very healthy although they have grown quite big and some will need to be replanted or transferred to larger bags. She is currently considering taking a team of about 10 people to replant the grassland species in the no-go areas around the bridge site in early	SANRAL / SANBI

<p>4.4</p> <p>4.5</p> <p>4.6</p>	<p>December.</p> <p><i>Item 5.7: The TOPS permit for Mtentu needs to be renewed.</i></p> <p>Mr Drew said the permit was renewed and a copy was sent to all the relevant people by SLR.</p> <p><i>Item 5.8: The illegal sand mining on the Msikaba Haul Road South will be covered in the EMC presentation by EIMS</i></p> <p>Mr Drew said this was covered in the presentation by EIMS at the last EMC meeting.</p> <p>Mr Kriel (ECO – Msikaba section) said that no additional structures had been observed on the latest site visit but the illegal sand mining was still continuing.</p> <p><i>Item 5.11: SANRAL to award new tenders for the Mtentu site for security, the provision of toilets and the ongoing maintenance of the site.</i></p> <p>Mr McLachlan said those tenders were awarded and contractors are now working on both banks of the Mtentu.</p>	
<p>5.</p> <p>5.1</p>	<p><u>OTHER ISSUES / GENERAL</u></p> <p>Mr McLachlan said he would like to discuss the potential for using excess spoil from the construction work to rehabilitate areas where illegal sand mining has taken place. This could be possible where the sand mining is not taking place in a river in which case it would require an environmental authorisation.</p> <p>Mr De Villiers (DEDEAT) said that all the illegal sand mines need to be identified with coordinates and mapped using GIS. DMR must then be brought on board in terms of enforcement because this falls under their mandate. DEFF are the other key role player as they issued the environmental authorisation for the N2WCTH. DEDEAT will also attend any meetings regarding sand mining. If there is a way for SANRAL to assist with rehabilitation then that should be encouraged but authorisation for the rehabilitation must first be provided by DMR.</p> <p>Mr Drew said that the difficulty in getting DMR involved is that they are very under resourced and were not even able to send a representative to the ACC and EMC meetings in the past so the likelihood of getting them to do the policing of illegal sand mines in Pondoland is very small.</p> <p>Mr Gabula said that rather than wait for DMR to act, a plan should be developed to identify illegal sand mines and determine ways to block access to the sites and talk to the local communities.</p> <p>Mr McLachlan asked whether DMR need to be involved if an illegal sand mine has never been authorised and whether the rehabilitation could therefore not be dealt with through the environmental authorities. He said it is practically impossible to prevent access to the sites because it is communal land and there are no fences and the miners drive their trucks anywhere where there is sand. It is also unlikely that the local communities and traditional leadership will ever support measures to prevent illegal sand mining because it is one of the few locally based 'business' sectors that generates cash flow and employment. In the three local municipalities there are probably 200 to 300 locally owned trucks involved in illegal sand mining with each one employing a driver and a couple of labourers. Payments are also made to the local headman or chief for every load that is taken out. It is part of the way of life in the area and although you may get tacit support in a meeting it is unlikely there would be any follow-up or action taken.</p> <p>Mr De Villiers said that if illegal mining is taking place then DMR is the responsible authority in terms of enforcement and there was a court ruling that confirmed this. There is also a duty of care responsibility in terms of NEMA for both DEDEAT and DEFF and that is why they should both be involved in any task team established to address this problem. There is a new DMR general manager, Ms Nqobile Khanyile, who can be approached for assistance.</p> <p>Mr Drew said Ms Khanyile can also be approached regarding a new ACC / EMC representative from DMR as they are an important stakeholder who are no longer represented at meetings.</p> <p>Mr Gabula said that ECPTA could assist with any information from their site analysis report if they have identified any illegal mining operations in the offset areas.</p> <p>Mr Nombembe (ECPTA) said the report discusses this problem in detail as a number of illegal</p>	<p>NMA</p>

	<p>sand mining sites are present in the offset areas. Addressing the illegal sand mining is an important part of the rehabilitation plans because sand mining leads to erosion and the approach will be to identify designated areas where sand mining can take place that does not impact on the integrity of the ecosystems of the biodiversity offset receiving areas because it is impossible as Mr McLachlan pointed out to eradicate illegal sand mining altogether.</p> <p>Mr Lepono (ECO – Mtentu section) said there is an office on the Mkambathi road next to the turn off to the haul road to the old Aveng site camp which deals with sand mining and water extraction. There is a sign outside to this effect and people go there and make payments to enable them to mine sand and if people do not pay then they are issued with fines.</p> <p>Mr Mapiya (ECPTA) confirmed that this office is operated by the traditional authority for the Khanyayo AA and serves to illustrate Mr McLachlan's point that illegal sand mining is an integral part of the local economy administered unofficially through the traditional authorities.</p> <p>Mr De Villiers said the people who can assist the task team from DEDEAT Alfred Nzo and OR Tambo regions are the coastal conservation officers who can help to identify the illegal sand mining sites and the environmental empowerment services officials who can conduct education and awareness campaigns in the local communities about the issues relating to sand mining.</p> <p>It was agreed that a task team would be established and Mr Gabula would lead the process with assistance from Mr De Villiers and Ms Tshetu to draw up a Terms of Reference and Action Plan for the task team which would also comprise representatives from DEFF and ECPTA and would eventually be headed by DMR when it is brought on board. The DEDEAT coastal conservation officers would conduct the in situ assessment of illegal sand mining activity in the three municipalities of Port St John's, Ingquza Hill and Mbizana.</p>	DEDEAT
5.2	<p>Mr Drew said that a letter was sent on 1 October by the plant search and rescue service provider for Mtentu indicating that the community on the Mtentu North side had been requesting payment for the water used in the plant holding areas and he asked whether this matter had been resolved.</p>	SLR
5.3	<p>Mr Fredericks said he had not heard anything further on this matter and thus assumes it has been resolved but he would follow up with the service provider for confirmation.</p>	SLR
	<p>Mr Drew said that a letter was sent by Richard Spoor Attorneys registering a complaint from the Zoleka family in Bekela village alleging trespass on their property to install survey pegs without their permission. He requested an update on how the issues in this area are being addressed.</p> <p>Mr McLachlan said the Amadiba Traditional Council established a committee comprising all local stakeholders including the business forums, the Amadiba Crisis Committee, community trusts, traditional leaders and councillors. SANRAL had two meetings with the committee where it was agreed and understood that the route was comparatively assessed through an open and independent EIA process and the route cannot be changed as it has been approved in the Environmental Authorisation issued for the project by DEFF. Most of the issues seem to be due to a lack of information or misinformation. The committee was tasked with meeting with the communities and SANRAL would assist if necessary. That process now seems to have stalled and COGTA may have to be brought on board to assist in getting the process moving again. In terms of the pegging incident an access agreement was reached with the community and the technical team were accompanied by a representative of the traditional authority. The hole that was dug was a test pit that was filled in again and marked with a peg in order to be able to locate it again and the hole was far away from the homestead of the family who made the complaint although it does appear to be within the area they were given permission to occupy. Those areas have not been mapped yet as the land acquisition team has not been able to work in that area. It was a minor incident that was used by the Amadiba Crisis Committee to generate publicity.</p>	
6.	<p><u>WAY FORWARD AND CLOSURE</u></p>	
6.1	<p>Mr Drew said that a decision would be taken on the timing and nature of the next ACC and EMC meetings during the EMC meeting. He then closed the meeting.</p> <p>The dates for the 2021 ACC and EMC meetings are as follows:</p> <ul style="list-style-type: none"> • Wednesday 3 March 2021 • Wednesday 19 May 2021 • Wednesday 18 August 2021 • Wednesday 17 November 2021 	NMA

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ATTENDANCE REGISTER

 Julian Drew renamed the meeting to N2 Wild Coast Toll Highway - Authorities Coordination Committee Meeting Number 17.

November 18, 2020

-  Sizakele Gabula joined the meeting.
-  GP Kriel joined the meeting.
-  mossie joined the meeting.
-  Nomama Mei joined the meeting.
-  Nenekazi Songxaba (SR) joined the meeting.
-  Nyiko Nkosi joined the meeting.
-  Mpati Makoa (HO) joined the meeting.
-  Craig Mclachlan (SR) joined the meeting.
-  Tsepo Lepono joined the meeting.
-  Nomi Muthialu joined the meeting.
-  Fuad Fredericks joined the meeting.
-  Dr Danie Smi (Guest) joined the meeting.
-  Mogole joined the meeting.
-  siviwe.shwababa joined the meeting.
-  Div DeVilliers joined the meeting.
-  Sakhiwo Nombembe joined the meeting.
-  Joyi Vuyisa (Guest) joined the meeting.
-  Ntombekhaya Somfongo joined the meeting.
-  Vuyani Mapiya joined the meeting.
-  Mbulelo (Guest) joined the meeting.
-  Miyelani Ngobeni (Guest) joined the meeting.
-  Mongezi Langa (Guest) joined the meeting.