

N2 WILD COAST TOLL HIGHWAY PROJECT

MINUTES OF AUTHORITIES COORDINATION COMMITTEE MEETING NUMBER 19

Date: 19 May 2021

Time: 08h30

Venue: Microsoft Teams - Online

No.	Item	Action
1.	<u>OPENING AND WELCOME</u>	
1.1	<p>Opening Mr Drew (NMA Effective Social Strategists) opened the meeting and welcomed everybody present. <i>Refer to attendance register for list of attendees</i></p>	
1.2	<p>Apologies Apologies were given for Mr Willis (SANBI), Ms Gxumisa (SANRAL) and Mr Mokhanya (ECPHRA). Mr Seoka Lekota from DFFE Biodiversity Conservation has replaced Stanley Tshitwamulomoni, Ms Skumsa Ntshanga – DFFE Chief Director Biodiversity Management and Planning is attending the meeting for the first time, Mr Shadrack Nkuna - Director: Criminal Enforcement at DMRE has replaced Thabang Mogapi who was the acting director at the request of Nqobile Khanyile - Regional Manager DMRE KwaZulu-Natal. Mr Nkuna was unable to attend this meeting and is being represented by Mr Aaron Kharivhe.</p>	
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. 18 on 3 March 2021</u>	
4.1	<p><i>Item 4.1: A letter from the ACC / EMC should be sent to the N2WCTH Political Oversight Committee requesting the establishment of the task team on the control of illegal structures by the Eastern Cape Socio Economic Consultative Council (ECSECC) as soon as possible.</i></p> <p>Mr Drew said that this letter, which also included a request for the POC to expedite the approval of the ECSDF, was sent to SANRAL.</p> <p>Mr McLachlan (SANRAL) said that a meeting of the POC was scheduled for the following day, 20 May, in Port St Johns but this had been postponed the previous day, 18 May, as the chairperson was no longer available and it will now be rescheduled as a virtual meeting within the next week or so.</p> <p>It was agreed that the letter would be sent to the POC and tabled at the next meeting as it is critical that the ECSDF is gazetted and SPLUMA is rolled out with stakeholders along the Wild Coast so that enforcement on the illegal developments can commence and that this can be coordinated by the task team to be established by ECSECC.</p>	SANRAL
4.2	<p><i>Item 4.5: The participants in the illegal sand mining task team meeting of 19 February to request DMRE to convene a follow-up meeting so that the momentum can be maintained.</i></p> <p>Mr Drew said Mr Gabula (DEDEAT) reported that follow up was made with the DMRE representative Ms Mogapi and that DEDEAT, through Mr Stegman and Mr Ndlovu, submitted a report to DMRE identifying all illegal sand mining cases, with geographic references, for their attention. He said the DMRE Regional Manager in Port Elizabeth and the Regional Mining Development Environmental Committee (REMDEC) are handling matters relating to licensing and</p>	

<p>they have planned workshops with the affected communities. He said DMRE can explain to the ACC how they operate as they have various units at national and regional level dealing with issues like enforcement and mining development and it is important to understand how they operate.</p> <p>Mr Kharivhe (DMRE) said that a meeting between DMRE, DEDEAT and ECPTA was held the previous Friday, 14 May, to discuss the illegal sand mining on the Wild Coast. He said that he is based in the national office in Pretoria and there are two regional offices in the Eastern Cape in Port Elizabeth and Mthatha. The Mthatha office was part of the meeting together with himself. He said that DMRE had indicated that the sand mining taking place in the area was being undertaken illegally in an area where there was a legal permit holder who is unable to commence operations due to the illegal activity. A meeting was scheduled for the following day, 20 May, to engage with the illegal operators as the traditional authority and SAPS had requested DMRE to first engage with the perpetrators before commencing with enforcement. An Operation Phakisa enforcement operation is scheduled for the area during the following week and the first week of June and these illegal sand mining sites will be monitored and if illegal activity is encountered then criminal enforcement will take place.</p> <p>Mr De Villiers (DEDEAT) said it is good news that DMRE is now on board and will be taking action in the area. He said he was recently on a flight over the area and there is extensive illegal activity taking place in the area on both sides of the Mtentu and Msikaba Rivers. Of particular concern is the illegal activity in the areas earmarked for biodiversity offset as part of the BOA. He said it is likely that most of the illegal operators will have been tipped off about Operation Phakisa and will therefore not be found during the operation and it will require a continual effort from DMRE and numerous follow-up operations to bring the situation under control. He said he is DEDEAT's coordinator in terms of Operation Phakisa in the Eastern Cape and difficulties have arisen previously because DMRE have not been involved and there was nobody available to lay charges against illegal sand miners. It is therefore important that DMRE remain on board and maintain a continual presence in the area.</p> <p>Ms Ntshanga (DFFE - Biodiversity Conservation) said that DFFE - Biodiversity Conservation have engaged with DMRE regarding illegal sand mining on the Wild Coast due to the sensitivity of the environment in that area and they support the meeting tomorrow and Operation Phakisa that will follow. She said that at a meeting with DMRE two weeks ago DFFE - Biodiversity Conservation raised concern around the mining licence that was issued and requested a copy of the EIA report and the biodiversity specialist report to determine whether there are any issues relating to the biodiversity in that area and she is still awaiting a copy of these reports.</p> <p>Mr Gabula asked Mr Kharivhe how DMRE plan to move forwards with the illegal sand mining task team as he is based in Pretoria. He asked whether the DMRE Mthatha regional office would be tasked with running it and whether they have the personnel to carry out enforcement in the area.</p> <p>Mr Kharivhe said that going forwards, Mr Nkuna, although based in Pretoria, would take part in the meetings and he would delegate people from the Eastern Cape regional offices to carry out enforcement.</p> <p>Mr Fredericks (SLR) said that Mr Kharivhe mentioned a sand mining permit that had been issued and requested to know the location this was for.</p> <p>Mr Drew said Mr Kharivhe indicated that most of the illegal sand mining was taking place in places where a permit had been issued but it was reported previously that there are at least 200 illegal sand mining sites along the Wild Coast. He asked how many permits have been issued.</p> <p>Mr Kharivhe said he is only aware of one sand mining permit that has been issued for this area. He said a sand mining permit can only be issued for a maximum of 5 ha of land and he will follow up and provide the exact details of where the permit is located. He said he would also follow up with the DMRE Port Elizabeth regional office to determine whether any other sand mining permits have been issued in the area.</p> <p>Mr Drew said that if only one legal permit has been issued in the area and there are 200 illegal sand mining sites, there is clearly a huge problem and DMRE will have to come up with a strategy on how they are going to address this. He said in the Mkambathi area the traditional authority has set up an office where people must go to make payment before they can mine for sand and the traditional authorities will therefore be a key stakeholder who must be engaged on this matter. He said that the ACC will await feedback on what happens at the meeting the following day and on Operation Phakisa the following week and the illegal sand mining task team should then meet to</p>	<p><i>DMRE / DEDEAT</i></p> <p><i>DFFE-BC</i></p> <p><i>DMRE</i></p> <p><i>DMRE / DMRE</i></p> <p><i>DMRE / DEDEAT /</i></p>
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<p>4.3</p> <p>4.4</p>	<p>determine how to move forwards based on the results of these engagements.</p> <p><i>Item 5.1: The service provider for the temporary plant holding areas will re-bag the TOPS species first followed by the larger trees which will be re-bagged from 4 litre to 10 litre bags.</i></p> <p>Mr Fredericks said that the service provider has started with the re-bagging and the process is ongoing. Most of the tree saplings have already been re-bagged and in terms of the TOPS they are currently busy with the Encephalartos species.</p> <p><i>Item 5.1: In the Mkambathi area the Rural Agro-Industries Finance Initiative (RAFI) wants to establish a beef feedlot project in the proposed offset area and ECPTA is investigating who RAFI has been talking to and will engage with all the relevant stakeholders to reach a solution.</i></p> <p>Mr Nombembe (ECPTA) said RAFI had been engaging with the Mkambathi community but there are two community trusts in Mkambathi and they had dealt with the trust that does not have a title deed. RAFI decided not to continue with the project based on the complex dynamics in the area.</p> <p>Mr De Villiers said there have been proposals for cattle feed lots in the Mkambathi area for many years and while it may not necessarily be an inappropriate use of the land, any such project must be done through the BOA. This case illustrates why it is important to declare the offset areas as protected environments as soon as possible so that illegal developments cannot take place in these areas. In the Msikaba area new plots have been marked out recently and ECPTA is investigating who has issued the permission to occupy while in the Mbotyi forest over the past weekend some people were arrested with 17 grain bags full of cycads, bulbs and other rare plants.</p> <p>Mr Mapiya (ECPTA) asked all the authorities on the ACC who have people working in the area to be vigilant and report any illegal activities to ECPTA, DEDEAT or DFFE Forestry as soon as they become aware of such activities.</p> <p>Mr De Villiers said he wanted to report that the DFFE Minister Barbara Creecy has recently re-established the Wild Coast Illegal Development Task Team, which was defunct for a number of years. There are two chairpersons with Mr De Villiers being appointed as one of them. The other from DFFE must still be appointed. He said this is another important coordinating structure to tackle illegal developments and land grabs along the Wild Coast. The task team's mandate is to monitor illegal development along the entire Wild Coast from the high watermark to 1 km inland.</p> <p>Mr Drew said that this is an important development and Mr McLachlan should raise this at the next POC meeting because the task team to be established by ECSECC to address illegal development should not duplicate the work of the task team re-established by Minister Creecy. He said they may be able to work together and complement each other's efforts and share resources.</p>	<p>ECPTA</p> <p>All</p> <p>SANRAL</p>
<p>5.</p> <p>5.1</p> <p>5.2</p>	<p><u>OTHER ISSUES / GENERAL</u></p> <p>Mr Lekota (DFFE - Biodiversity Conservation) said that in terms of dealing with the illegal developments taking place in the Wild Coast Corridor, and also the legal developments which are still to happen, it is critical that the ECSDF is approved so that the land use planning in that area can be properly managed.</p> <p>Mr Gabula said it is important to take a broad perspective when looking at the problem of spatial planning and land use management because there are various competing land use demands from the communities, municipalities, provincial government and national government, and these all need to be coordinated under one plan which is the ECSDF. The ECSECC task team on illegal development should be led by EC COGTA or National COGTA, together with DALRRD as these are the departments that are responsible for SPLUMA. All the other stakeholders like the municipalities, other government departments like DEDEAT, ECPTA, DFFE Forestry and DMRE together with structures like the Wild Coast Illegal Development Task Team can then be brought on board under their guidance. He said in the very near future there will be a big collision between all these competing land uses and they need to be dealt with through the mechanisms of SPLUMA. He said even the biodiversity offset areas need to be dealt with through SPLUMA so that they can be gazetted in terms of the municipal processes for approving land development. He said it is a complex problem and the problems are increasing on the ground day by day so it is extremely important that the ECSDF is gazetted and that this task team is established to coordinate all land use development in the area through SPLUMA.</p> <p>Mr Lekota asked about the current status of the BOA implementation plan and when it will be</p>	

<p>5.3</p> <p>5.4</p> <p>5.5</p>	<p>submitted to DFFE for review and comment.</p> <p>Mr Mphahlele (SANRAL) said that ECPTA has submitted the BOA implementation plan to SANRAL who will go through it and then sign off on the document so that it becomes the final BOA implementation plan. DFFE provided input into the document and these comments were taken into account. The final document will be shared with all relevant stakeholders including DFFE.</p> <p>A discussion ensued on the process that was followed in developing the BOA implementation plan. A meeting of the main parties, ECPTA, SANRAL, DEDEAT, DFFE Forestry and DFFE Biodiversity Conservation was suggested to discuss the BOA implementation plan and iron out any issues.</p> <p>Mr Mphahlele said that he is concerned that the ACC is losing focus because the ToR are very clear on what the ACC should focus on. The meetings are dominated by issues which are related to the Wild Coast in general more than on issues related directly to the N2WCTH project. Illegal sand mining was taking place long before the project began and will continue long after the road has been completed and should therefore not take over the whole meeting so that the meeting over runs. The responsible departments have a platform outside of the ACC to address this issue and if there are no pertinent issues which are directly related to the project, then there is no need to prolong the meeting.</p> <p>Mr Drew said the purpose of the ACC is to discuss and coordinate government cooperation around project related issues and it is fair to say that the illegal sand mining and illegal developments are accelerating because the N2 is being built. The ACC is not trying to solve all these issues but rather trying to get the correct forums established so that they can address these issues. Once the forums are up and running they will deal with their issues but may report from time to time on specific issues in the ACC meetings.</p> <p>Mr McLachlan said he sits on the Eastern Cape Infrastructure Delivery and Asset Working Group and in April they were given a presentation by COGTA on the ECSDF and as he understood it the document has been legally adopted and must now be implemented.</p> <p>Mr Drew said that Mrs Somfongo was in the meeting earlier but appears to have left and she would have been able to confirm this. If she attends the EMC meeting she can clarify the status of the ECSDF.</p> <p>Mr McLachlan said he also sits on the Wild Coast Corridor Development Working Committee and he has attended a few preliminary meetings discussing the scope and preparing an MOU. It is being led by ECSECC and the other two primary members are the Eastern Cape Rural Development Agency (ECRDA) and the Municipal Infrastructure Support Agent (MISA). Also on the committee are the Coega Development Corporation (CDC), SANRAL, DBSA, the Housing Development Agency (HDA) and SALGA. At the previous meeting he asked whether DEDEAT and DFFE should not also be on the committee but the majority of members felt that they are stakeholders who will be consulted with when necessary and should not form part of the committee. Currently the focus is on the Port St Johns Smart City and associated projects like the small craft harbour but eventually it will be looking at the whole Wild Coast corridor with Port St Johns as the primary node.</p> <p>Mr De Villiers said it is critical that DEDEAT and DFFE are represented on this committee as they are responsible for issuing the environmental authorisations for developments and so many projects fail to materialise due to environmental issues. Most of the area around Port St Johns is indigenous forest so it is also critical that DFFE Forestry is represented on the committee.</p> <p>Ms Ntshanga said that both DEDEAT and DFFE Biodiversity Conservation have done extensive work, both in terms of land use planning and developing biodiversity planning tools, for the Wild Coast area which is an area of international significance in terms of its biodiversity. If uncontrolled and unsustainable development is allowed to take place then the very tourism that is supposed to underpin the economy in this area will be destroyed. Operation Phakisa at a provincial level has a strong focus on the Wild Coast and the Biodiversity and Tourism Operation Phakisa at a national level also considers key areas in the Wild Coast so it is very important for DEDEAT and DFFE to be represented on this committee.</p> <p>Mr Nombembe said ECPTA has two mandates which are biodiversity conservation and tourism, both of which are key components of the Port St Johns area. Mr Mapiya, as the regional manager in the OR Tambo and Alfred Nzo regions, should also be represented on the committee.</p>	<p>SANRAL / ECPTA / DEDEAT / DFFE-BC / DFFE-F</p>
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	Mr Drew said that Mr McLachlan should forward him the details of the chairperson and Secretariat for the committee and then he will forward it to Mr Nombembe, Ms Ntshanga and Mr De Villiers, who can then write to the committee and request that they become members.	SANRAL NMA
5.6	Mr McLachlan said that SANRAL was approached by a developer who is interested in establishing a nursery and they have been allocated land close to the road to Cutwini. They are looking at subsistence farming in the area and cash crops like macadamia nuts. He had a meeting with them and explained that they would have to avoid the BOA offset areas. He also had discussions with the Magwa Tea Estate who are trying to get the surrounding communities to diversify and plant vegetables as they want to establish a vegetable processing plant as part of the tea factory. This will assist with food security and the development of local small-scale farming.	
5.7	Ms Ntshanga said that DFFE Biodiversity Conservation has been engaging with the Presidency regarding biodiversity offset policy and there has recently been signoff on the socio-economic impact assessment, which was a policy requirement, which means that there will soon be movement on the National Biodiversity Offset Guidelines. She will make these available after the meeting for members information.	DFFE-BC
6.	<u>WAY FORWARD AND CLOSURE</u>	
6.1	Mr Drew said the next ACC meeting would take place online on 18 August 2021. He then thanked everybody for their attendance and closed the meeting.	

N2 WILD COAST TOLL HIGHWAY AUTHORITIES COORDINATION COMMITTEE MEETING NUMBER 19

Date: 19 May 2021
Time: 08h30
Venue: Online Microsoft Teams Meeting

ATTENDANCE REGISTER

 Julian Drew named the meeting to N2 Wild Coast Toll Highway - Authorities Coordination Committee Meeting Number 19 .

Wednesday, 19 May 2021

 Meeting started 05/19 8:22 am

-  Tsepo Lepono (External) has temporarily joined the chat.
-  Portia Makitla (Guest) has temporarily joined the chat.
-  GP Kriel (External) has temporarily joined the chat.
-  Skumsa Ntshanga (Guest) has temporarily joined the chat.
-  Nenekazi Songxaba (Guest) has temporarily joined the chat.
-  Nyiko Nkosi (External) has temporarily joined the chat.
-  Mpati Makoa (HO) (External) has temporarily joined the chat.
-  Fuad Fredericks (External) has temporarily joined the chat.
-  Craig Mclachlan (SR) (External) has temporarily joined the chat.
-  "\\\\"Mossie (Guest)\\\\\\" has temporarily joined the chat.
-  Sakhwo Nombembe (External) has temporarily joined the chat.
-  Nomama Mei (Guest) has temporarily joined the chat.
-  Sizakele Gabula (Guest) has temporarily joined the chat.
-  Div DeVilliers (Guest) has temporarily joined the chat.
-  Seoka Lekota (External) has temporarily joined the chat.
-  Mogole Mphahlele (HO) (External) has temporarily joined the chat.
-  Thembakazi Tshetu (Guest) has temporarily joined the chat.
-  Aaron Kharivhe (Guest) has temporarily joined the chat.
-  Nomi Muthialu (Guest) has temporarily joined the chat.
-  Ntombekhaya Somfongo (External) has temporarily joined the chat.
-  "Mbulelo Sonqishe (Guest)\\\\\\\\\\\\\\\\\\" has temporarily joined the chat.
-  Dr Danie Smit" (Guest) has temporarily joined the chat.
-  Mongezi Langa (External) has temporarily joined the chat.
-  Vuyani Mapiya (Guest) has temporarily joined the chat.