

MINUTES OF MEETING



CLIENT : KwaZulu-Natal Department of Transport
PROJECT : Sani Pass Road Upgrade – Phase 2 (&3)
PROJECT No : J27344
PURPOSE : Project Meeting No. 2 (DEAT)
PLACE : SSI – Boardroom
DATE & TIME : 27 March 2008
MINUTE TAKER : 08h30 – 11h00

NAME	REPRESENTING	E-MAIL ADDRESS	DISTRIBUTION
PRESENT			
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APOLOGIES

None

ADDITIONAL DISTRIBUTION

None

Minuted by: Rashieda Davids

Approved by: Russell Stow

Item No.	Comment By	Comment	Response By	Response	Action
1.	OPENING DISCUSSIONS				
1.1.	RS	Welcomed all and noted that the pre-application meeting will be conducted informally. Thanked DEAT for attending and indicated that the purpose of the meeting was to discuss the Environmental Impact Assessment (EIA) process to be followed and the public participation process (PPP) required. The meeting was also to inform the client (Department of Transport – DoT) and the project engineers of the EIA process to follow.			
1.2.	RS	Introduced himself and requested that all attendees introduce themselves.	All	All attendees provided their name and stated the organisation they represented.	
2.	PROJECT BACKGROUND				
2.1.	EG	<p>Provided the background to the project describing the original 3 Phases now grouped into 1 and 2 & 3 combined and provided the group with a description of the proposed project and the brief from the client. The brief is to upgrade the existing gravel road to a hard surface, of which km14 – km25 is to be 7m wide and km25 to k33m 6m wide. E.G. pointed out that limiting factors may require deviations from these proposed widths, depending on geology, physical and environmental aspects of the Pass. He further noted that a host of challenges from design to construction exist and that the intention is to meet the challenges in an integrative way, including the environmental considerations in the design process.</p> <p>The client and project recognise that the project falls within a World Heritage Site and therefore has additional special requirements.</p>			
3.	PROJECT DISCUSSION				
3.1.	DS	Queried the relationship of the project to the border post application.	RS / GF	Noted that the project is a separate application and explained that the EIA for Phase 1 was undertaken by ACER, was already approved and the construction has commenced. The EIA for the border post was also undertaken by ACER. However, this EIA process is still underway.	

Item No.	Comment By	Comment	Response By	Response	Action
3.2.	EG	Noted with regard to road width, the impact that the road is currently having on the surrounding environment, particularly at top of the Pass. Stated that the intention is to minimise impacts as far as possible through the design of the road.	RS	Queried what would be done on parts of the road where there is no space to construct a drop zone.	
		The design cannot include large fills and the intention is therefore to cut into the slope as far as possible to minimise filling down slope. EG further explained that blasting will have to take place but will be done by a specialist in a way that minimises the explosion but cracks the rock so that it can be removed.	EG	Responded that the design team is currently looking at the slopes, gradients and rock types of sections of the road and where slope cutting will take place. The 6m road plus the drop zone will amount to the road reserve being 10.5m. Drop zones will not be used everywhere and will be used as the last option.	
3.3.	DS	Noted a concern about the visual impact of development and more particularly blasting.	EG	Responded that blasted areas would be adequately revegetated and remediated. Alan Parrock, a geotechnical specialist, has looked at a product called pernean, which gives a browning effect when sprayed on concrete to make it a brown rock-like colour. For the retaining walls, terramesh may be used, with rocks from the area. Visual appeal will be given due consideration when designing structures such as retaining walls	
3.4.	GF	Noted that the design team will be looking at sections of the road and providing individual solutions for particular sections and rock types.	EG	Agreed, and noted that plans can be shown to the attendees at the site visit to follow the next day. E.G. further noted that the plans are not complete and that the design would probably change six or seven times due to each section being considered individually.	
3.5.	GF	Queried whether any geotechnical investigations have been undertaken and noted that one of the most important things in the design process would be geotechnical considerations. Queried whether DoT has agreed to a geotechnical specialist being on site throughout the construction of the road.	EG	Responded that the design team have gone to site and compiled a proposed cross section and a proposal for the vertical slope. Certain members would go out to do further investigations such as stability investigations etc. The idea is to have a geotechnical specialist on site during construction that can feed into different scenarios along the route. The DoT has already agreed to the utilisation of Alan Parrock (previously mentioned) on this project.	

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3.6.	RR	Stated that the project team must bear in mind that there may be a need to close off certain portions of the Pass due to access issues and that construction activities cannot be undertaken outside of the road reserve.	EG	Showed an aerial photograph of the top of the road and stated that there will be a need to work outside of the road reserve in certain area. The approval for work outside of the road reserve is to be managed within the Record of Decision (ROD) should the EIA application be successful.	
3.7.	DS	Stated that any work outside of the road reserve should be taken into account in the Environmental Management Plan (EMP) for the construction phase. The ROD to be issued will state that the client/contractor must adhere to the EMP. This would be preferred rather than to write specifics in terms of work outside the road reserve into the ROD, since any changes to the ROD later would require PPP.	GF	Responded that the potential to do work outside of the road reserve will also be incorporated into the EIA process and interested and affected parties (IAPs) will be informed on any potential changes.	
3.8.	EG	Noted that there may be certain areas where streams are crossed and depending on the required turning circles of vehicles, the realignment of certain sections of road may be needed. The road will be designed for 7-ton trucks, but how it would get policed is not known. Stated that the intention is to combine the required turning circles with picnic or viewing sites.			
3.9.	RS	Queried the design team's proposed roll out of the construction phase.	EG	Responded that the project will be split into two contracts, one for km14–km25 and the other for km25–33 but that there may be combined work at certain places. Core contractors will be needed on site that will take on the risks and manage them according to the Occupational Health and Safety Standards. Risks include the recovering of vehicles that may have fall down the slope, oil spills, managing crushers, batching of concrete and hauling in of concrete among others. The use of the old (current) border post as a campsite is being considered, and it would have a batching plant. Required rehabilitation would therefore be limited to this area. However, other required rehabilitation will include re-vegetation along the road.	

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3.10.	GF	Questioned what type of surface will be used for the road.	EG	Responded that the design team haven't decided the type of surface to be used as yet. Different options are being considered, including foam bitumen, where mixing takes place off site and material is brought on site and then paved. Phase 1 is using foam bitumen and the design team will look at how successful that method is. Other options include asphalt (won't use tar) and concrete. The primary focus is to keep water out of the top layer of the road. Blasting prior to laying of the road layers may be done to crack the subsurface layers to allow water to drain way from below the road.	
3.11.	RS	Queried how much of the road reserve would need to be excavated to build the road.	EG	Responded that this will depend on the nature of the particular section of road under consideration.	
3.12.	GF	Noted that contractor's method statements would need to be identified early in the process.	DS	Responded that method statements can sometimes be vague. The EMP must rather be the main document to comply to instead of method statements.	
			EG	Added that method statements come from the contractor to state how he will comply with the EMP and a risk assessment of the method statement is then done. The project team should rather not be prescriptive to the contractor on how to undertake certain work as the contractor may have a better way to do things.	
3.13.	DS	Noted that the project team must be careful to not to give contractor too much leeway and that the EMP must be very detailed. The engineers must provide insight into the EMP.			
3.14.	EG	Noted that there will be drilling and compressors on site during construction that will create noise but that this cannot be avoided.	DS	Responded that the project team needs to be clear on how impacts will be managed on site.	
3.15.	GF	Noted that the project is not about rehabilitating the area outside of the road servitude e.g. down the side of the mountain around the road that has been previously damaged.			
3.16.	EG	Stated that through blasting, rock material will end up down slope. Blasting companies that have a good track record will therefore be utilised and will be properly informed on the criteria and limitations to the methods chosen for blasting.	DS	Responded that whatever areas are damaged through blasting or other means would have to be rehabilitated.	

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3.17.	RR	Stated that accommodating traffic / road use during construction is a challenge and must be discussed in the PPP to find and agree on possible solutions.	EG	Responded that the brief from client is that traffic flow must not be restricted throughout the construction phase. The extreme situation would be to close the road for six months to allow for the construction to finish faster but this is obviously not a realistic option, but noted that that would take more time to manage traffic and environmental factors should the road stay open during construction. One possible solution as an example, is to close the road for 2–3 hours per day or for it to be open 2–3 days per week. This has to be decided in conjunction with the IAPs.	
3.18.	RS	Questioned whether the construction would work in completed sections or whether various components would be constructed along the length of the project site?	EG	Responded that it is more likely that one team would be doing various forms of construction activities and that construction will be undertaken section by section.	
3.19.	RR	Highlighted that client wants to road to be finished by 2010.	EG	Responded that this deadline still needs to be discussed with the client.	
			LK	Stated that the project team must discuss timeframes with Sibuniso Mbhele of DOT.	
3.20.	RS	Noted that extensive PPP will be required to avoid appeals.	GF	Responded that, realistically, there will be appeals.	
			DS	Added that if the EIA follows due process, appeals can easily be dealt with and the Minister would not hold up the appeals.	
4.	EIA PROCESS DISCUSSION				
4.1.	RS	Noted the listed activities as per the GN R386 and R 387 of the National Environmental Management Act (NEMA) EIA Regulations that are relevant to the project.	DS	Noted that a permit from the Air Pollution Department will also be required.	
4.2.	EG	Pointed out that the road reserve would be minimum of 15m on either side.	LK	Confirmed that the minimum road reserve for a National Road is 30m.	
4.3.	DS	Stated that a full EIA must be undertaken if one activity is listed in R387 and that all relevant activities should be applied for.			

Item No.	Comment By	Comment	Response By	Response	Action
4.4.	RT	<p>Stated that the road reserve would generally be 30m wide, except where wider widths are required to cater for cut slopes.</p> <p>The Sani Pass is defined as a Provincial Main Road, which is normally standard at 30m width. However, the road is actually a declared road, Main Road 318, that goes up to the border. DOT National has an interest in the road because it is a National Road. DOT likes to have involvement in a road for at least one km up to the border. DOT National has therefore put forward some funding to the project. However, at this stage it is a Provincial Road.</p>			
4.5.	RS	<p>Questioned who the landowner of the road is.</p> <p>Will follow up with Roger Porter of EKZNW.</p>	EG	Responded that a deed search could be done and that he thinks that the road is owned by the government.	
			DS	Stated that there is a Section 21 company established to act on behalf of the landowner and is appointed by the Minister.	
			RT	Stated that he understood that Ezemvelo KZN Wildlife (EKZNW) are the custodians of the land but questioned if the land is not administered under DEAT since it is a World Heritage Site.	
			DS	Responded that if the land is under the control of DEAT, then DEAT would appoints a body to act as custodians. In this case, the appointed custodians could be EKZNW.	
4.6.	RT	Stated that the land is not registered under KZN DoT.			
4.7.	DS	<p>Stated with regard to PPP, that one national advertisement and one in the small local newspapers would be required.</p> <p>For any future notices, only IAPs who registered would need to be notified.</p>	RD	Added that the EIA team would then only notify registered IAPs of the availability of draft Scoping Report (dSR) and draft Environmental Impact Report (dEIR).	
4.8.	RS	Noted that a meeting with EKZNW has taken place and that a meeting with tour operators had been arranged for the near future.			
4.9.	RD	Queried whether SAHRA is to be included as a key authority to comment on the EIA process.	RS	Responded that Amafa takes role of SAHRA in KZN.	

Item No.	Comment By	Comment	Response By	Response	Action
4.10.	RS	Questioned whether the Scoping public meeting could be held after the dSR has been released for public comment?	DS	Yes. Noted that DEAT would also like to review the dSR report and not just receive the final Scoping Report (fSR). The reports need to be sent internally to DEAT's biodiversity specialists. DEAT would thus also request changes to the dSR if necessary. DS noted that the EIA does not need to allow for public comment on the fSR.	
4.11.	RS	Queried whether specialist studies can be pre-empted and commissioned prior to approval of the fSR by the DEAT?	DS	Responded that this will not be a problem and that the DEAT would be notified on the initiation of specialist studies.	
4.12.	RS	Stated that the EIA team would keep key stakeholders notified on specialist studies to be undertaken.	DS	Responded that DEAT would like that. Noted that DEAT would like to meet with EIA consultants after the completion of reports to allow consultants to take DEAT through the final document. This meeting will have to take place in Pretoria and the client does not have to attend.	
4.13.	DS	Noted that all correspondence from the EIA team should be addressed to the Director of Environmental Impact Evaluation at DEAT.			
4.14.	CT	Requested a list of activities that will be applied for to allow him to apply his mind to these while on site.	RS	Responded that he will provide the list as requested.	
4.15.	DS	Stated that DME applications should be initiated soon if required.	EG	Responded that permits for borrow pits have already been acquired through the Phase 1 applications. However, cut material will be utilised in fill areas as necessary.	
5.	Project issues				
5.1.	RS	Noted the issues that were raised at the meeting with EKZMW and that the project involves an upgrade of an existing road.	DS	Stated that it must be made clear in the application that the project is an upgrade.	
			EG		
5.2.	EG	Although it is an upgrade of an existing road, there may be a need to deviate from the existing road alignment at certain	RR	Responded that he has discounted this option as it would require an approximately 60m wide fill.	

Item No.	Comment By	Comment	Response By	Response	Action
		points. Parts of the road may be go straight though the sharp curves at the top of the Pass and that those areas can be filled with cut material from other parts of the road.	DS	Responded that realignment must be done carefully taking into account that much of the cut material needs to be disposed of.	
5.3.	RS	Noted disturbance of vegetated areas outside of the 7m alignment may take place through construction. However, as noted earlier, people must not expect that the entire Pass will be rehabilitated.	DS	Responded that it should be clearly stated what the responsibility of the project is. Doing any rehabilitation over and above will be seen favourably by the public.	
5.4.	RS	Noted that the major issues of the project are stormwater management (drainage), erosion control and damage to the Pass. These issues are not allowing South Africa to meet its conservation targets and World Heritage Status requirements may not be met. The World Heritage Site could lose its status if the road continues to cause damage.			
5.5.	DS	Stated that DEAT will write as a condition of the ROD that penalties will be imposed for transgressions to the EMP. Added that the EMP must be practical with penalties. For example, working areas must not be too large but must be practical to work in.	RS	Queried how the penalty system works.	
			EG	Noted that penalties must be part of the EMP and not the contract document itself.	
5.6.	RS	Noted that extraction of water from the river would be needed for construction purposes and that the volumes to be extracted must be identified. Points of extraction and the methods of extraction also need to be identified. DWAF would need to be involved in this process.			
5.7.	RS	Further noted from the issues raised by EKZNW that the main activities would occur at the top of the Pass, namely, vehicles turning around and people crossing the border into Lesotho. This may require the provision of facilities at the top of the Pass.	DS	Responded that the EIA must be very specific in the Application to deal with the problem of providing facilities at the top.	
			EG	Responded that the people going to the top of the road are not going there to look at the road but to look at the WHP and Lesotho. It is therefore not DOT's responsibility to provide tourism facilities, but rather EKZNW.	
5.8.	RS	Stated that had been a request form EKZNW that services (water piping and electrical conduits) planned to be installed	EG	Responded that this will have to be raised with DOT.	

Item No.	Comment By	Comment	Response By	Response	Action
		along the Pass later be included in the project now.	DS	Responded that it will be useful to look at this now to make it easier for a later stage. Noted that whenever work is done in a protected area, it is preferred that services be kept in one corridor.	
5.9.	RS	<p>Noted the following with regard to PPP as raised in the EKZNW meeting:</p> <ul style="list-style-type: none"> • The right people should be involved in media activities e.g. Sani Saunter, Wilderness Action Group, Di Dold, Steven Piper, Elsa Pooley, Berg Watch, Municipality, Mountain Club etc • Taxi operators are an important consideration and noted that taxi operators would not have problem with the road being upgraded, but with the road being closed • Some IAPs are completely opposed to the project • More rescues of amateurs who are now able to access the Pass summit freely but are not equipped to deal with the weather, would be required • Numbers of people and vehicles using the Pass will increase and limiting numbers by controlling access at the border post should be considered. 	DS	Responded that the EIA team be sensitive to what IAPs and that adequate time,(in whatever form e.g. meetings, presentations, correspondence) is given to attend to their concerns.	
			EG	Stated that people living at the top of the Pass must also be included in the PPP.	
			GF	Responded that these people would be captured in the national media notice and notice boards	
			RS	Added that the EIA team will rely on BCOCC to gather the right names of people to speak to at the top of the Pass and in Lesotho. The Taxi association would also be consulted.	
5.10.	RS	Noted that is was requested by EKZNW that an Environmental Control Officer be appointed (ECO) early in the project and that the ECO be on site every day.	DS	Responded that the ECO is not needed on site everyday but that a member of the construction team be made responsible to identify environmental problems be on site daily, and contact the ECO. In addition, local people can also be involved to identify environmental problems on site.	
5.11.	EG	Stated that, from a visual perspective, stepped gabion baskets should be used. Further the switchbacks will have a visual impact as they are visible from a distance.			
5.12.	EG	Stated that Sibuniso Mbhele of DOT is the client representative and would be contacted to discuss using DOT's website to make the EIA Reports available to the IAPs.			
5.13.	RR	Queried the duration of validity of the ROD after it has been issued.	DS	Responded that the ROD is valid for a two year period. Should additional time be needed to commence construction, a request must be sent to DEAT who would then extend the validity.	RD

Item No.	Comment By	Comment	Response By	Response	Action
6.	MEETING CLOSURE				
6.1.	RS	Closed the meeting and thanked all for attending.			