



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road · Arcadia · Pretoria,  
Tel (+ 27 12) 399 9372

NEAS: DEA/EIA/0000988/2012

DEA Reference: 14/12/16/3/3/2/275

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Mr. Theunis Steenkamp  
Transnet Capital Projects  
P.O. Box 38163, Point  
**DURBAN**  
4069

Tel: (031) 361 1481

E-mail: Theunis.steenkamp@transnet.net

### PER FACSIMILE / EMAIL

Dear Mr Steenkamp

**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545: THE PROPOSED DEEPENING, LENGTHENING AND WIDENING OF BERTHS 203 TO 205 AT PIER 2 CONTAINER TERMINAL, PORT OF DURBAN, KWAZULU-NATAL PROVINCE.**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By post: Private Bag X447  
Pretoria  
0001; or

By hand: Environment House  
Steve Biko Road,  
Arcadia  
Pretoria

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

**Appeals must be submitted in writing to:**

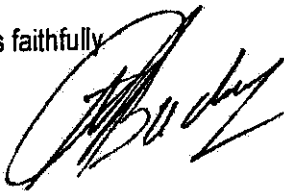
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-399-9356

Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@environment.gov.za)

The authorised activities must not commence within twenty (20) days of the date of signature of the environmental authorisation. Further, please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, an appeal under Section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

Yours faithfully



**Mr Ishaam Abader**  
**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

Date:

21/01/2015

CC:	Ms Vanessa Brueton	Nemai Consulting	Tel: 011 781 1730	Email: <a href="mailto:VanessaS@nema.co.za">VanessaS@nema.co.za</a>
	Mr. Yugesni Govender	KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development	Tel: 031 302 2888	Email: <a href="mailto:yugesni.govender@kzndae.gov.za">yugesni.govender@kzndae.gov.za</a>
	Ms Chumisa Thengwa	eThekweni Municipality	Tel: 031 311 75 17	Email: <a href="mailto:thengwac@durban.gov.za">thengwac@durban.gov.za</a>

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs (DEA)).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of Intention to appeal within 20 days of the date of the EA. with the Minister of Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. An appeal must be:-
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.





**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

**THE DEEPENING, LENGTHENING AND WIDENING OF BERTHS 203 TO 205 AT PIER 2  
CONTAINER TERMINAL, PORT OF DURBAN, KWAZULU-NATAL PROVINCE.**

**eThekwinl Metropolitan Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/2/275</i>
<b>NEAS reference number:</b>	<i>DEA/EIA/0000988/2012</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Transnet Capital Projects</i>
<b>Location of activity:</b>	<i>KWAZULU-NATAL PROVINCE: Within the eThekwinl Metropolitan Municipality at the Port of Durban</i>

This environmental authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

### TRANSNET CAPITAL PROJECTS

with the following contact details –

Mr. Theunis Steenkamp  
Transnet Capital Projects  
P.O. Box 38163, Point  
**DURBAN**  
4069

Tel: (031) 361 1481


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Cell: (083) 455 6301

E-mail: [Theunis.steenkamp@transnet.net](mailto:Theunis.steenkamp@transnet.net)




to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 9:</u></p> <p>The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -</p> <p>(i) with an internal diameter of 0,36 metres or more; or</p> <p>(ii) with a peak throughput of 120 litres per second or more,</p> <p>excluding where:</p> <p>a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</p> <p>b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.</p>	<p>The construction of approximately 2000m of storm water pipes; which exceed 0.36m in diameter.</p>
<p><u>GN R. 544 Item 14:</u></p> <p>The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding</p> <p>(i) the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour;</p> <p>(ii) the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies;</p> <p>(iii) the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks.</p>	<p>The construction within coastal public property to:</p> <p>a) Lengthen berth 203 eastwards by 100m (involving the removal of the Ro-Ro ramp) and lengthen berth 205, westwards by 215m (involving the demolition of the current South-East corner as well as excavation of a portion of the central sandbank).</p> <p>b) Widening of berth 203 to 205 through the construction of a new Quay wall approximately 50m seawards.</p> 

Listed activities	Activity/Project description
	<p>c) Deepening of the berth basin, approach channel and turning basin through dredging to increase the current depth from -12.8m CDP (Chart Datum Point) to -17m CDP.</p> <p>d) Excavation for the trench for the quay wall structure to -20m CDP for the new quay length from Berth 203 to 205.</p> <p>Quay Wall alternative, construction of the Caissons would take place at Bayhead Lot 10 which is Coastal Public Property.</p>
<p><u>GN R. 544 Item 16:</u></p> <p>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –</p> <ul style="list-style-type: none"> <li>(i) fixed or floating jetties and slipways;</li> <li>(ii) tidal pools;</li> <li>(iii) embankments;</li> <li><b>(iv) rock revetments or stabilising structures including stabilising walls;</b></li> <li>(v) buildings of 50 square metres or more; or</li> <li><b>(vi) infrastructure covering 50 square metres or more –</b></li> </ul> <p>but excluding</p> <ul style="list-style-type: none"> <li>(a) if such construction or earth moving activities will occur behind a development setback line;</li> </ul>	<p>Construction and earth-moving activities within the Port of Durban to:</p> <ul style="list-style-type: none"> <li>a) Lengthen berth 203 eastwards by 100m (involving the removal of the Ro-Ro ramp) and lengthen berth 205, westwards by 215m (involving the demolition of the current South-East corner as well as excavation of a portion of the central sandbank).</li> <li>b) Widening of berth 203 to 205 through the construction of a new Quay wall approximately 50m seawards</li> <li>c) Deepening of the berth basin, approach channel and turning basin through dredging to increase the</li> </ul>

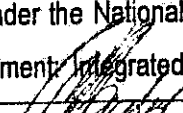
Listed activities	Activity/Project description
<p>or</p> <p>(b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;</p> <p>(c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or</p> <p>(d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.</p>	<p>current depth from -12.8m CDP j(Char Datum Point) to -17m CDP.</p> <p>d) Excavation of the trench for the quay wall structure to -20m CDP for the new quay length from Berth 203 to 205.</p> <p>e) In an Estuary.</p> <p>In the case of the Caisson Quay Wall alternative, construction of the Caissons would take place at Bayhead Lot 10 which is within 100m of the Durban Bay estuary</p>
<p><u>GN R. 544 Item 18:</u></p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</p> <p>(i) a watercourse;</p> <p>(ii) the sea;</p> <p>(iii) the seashore;</p> <p>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-</p> <p>but excluding where such Infilling, depositing, dredging, excavation, removal or moving</p> <p>(i) is for maintenance purposes undertaken in</p>	<p>Infilling of more than 5 cubic metres of material (mixture of suitable dredged material and imported sand):</p> <p>a) Between the current Quay wall and the new Quay wall within the Port of Durban to extend Berth 203 to 205 approximately 50m seawards and the cells of the quay wall structure.</p> <p>b) In an estuary.</p> <p>c) Deepening of the berth basin, approach channel and turning basin through dredging to increase the current depth from -12.8m CDP (Chart Datum Point) to -17m CDP.</p> <p>d) Excavation of the trench for the quay wall structure to -20m CDP for the</p>




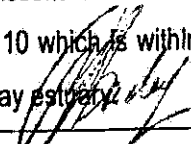
Listed activities	Activity/Project description
<p>accordance with a management plan agreed to by the relevant environmental authority; or</p> <p>(ii) occurs behind the development setback line.</p>	<p>new quay length from Berth 203 to 205.</p> <p>Depositing of dredge material at an offshore disposal site (which will require a Dumping at sea permit).</p>
<p><u>GN R. 544 Item 27:</u></p> <p>The decommissioning of existing facilities or infrastructure, for -</p> <p>(i) electricity generation with a threshold of more than 10MW;</p> <p>(ii) electricity transmission and distribution with a threshold of more than 132kV;</p> <p>(iii) nuclear reactors and storage of nuclear fuel;</p> <p>(iv) activities, where the facility or the land on which it is located is contaminated ;</p> <p>(v) storage, or storage and handling, of dangerous goods of more than 80 cubic metres;</p> <p>but excluding any facilities or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, or Notice No. 543 of 2010.</p>	<p>The decommissioning of the Straddle Crane parking lot (adjacent to Berth 205) which has been used for the storage of dangerous goods (diesel and hydraulic fluid) within decommissioned Straddle cranes.</p>
<p><u>GN R. 544 Item 28:</u></p> <p>The expansion of existing facilities for any process or activity where such expansion will result in the need for a new, or amendment of, an existing permit or license in terms of national or provincial legislation governing the release of emissions or</p>	<p>The expansion of Berths 203 to 205 will include the dredging of approximately 4.22 million cubic metres of dredge material which will be disposed at an offshore disposal site.</p> 

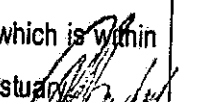
Listed activities	Activity/Project description
<p>pollution, excluding where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p>	<p>A Dumping permit will be necessary for such offsite disposal under the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008).</p>
<p><u>GN R. 544 Item 40:</u>          The expansion of</p> <ul style="list-style-type: none"> <li>(i) jetties by more than 50 square metres;</li> <li>(ii) slipways by more than 50 square metres; or</li> <li>(iii) buildings by more than 50 square metres</li> <li>(iv) infrastructure by more than 50 square metres</li> </ul> <p>within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding where such expansion will occur behind the development setback line.</p>	<p>Expansion of Infrastructure will occur within a watercourse.</p> <p>Please note that this activity was included due to the ambiguity in the definition of 'estuary in GN. R 544 of 18 June 2010. This activity has been included and assessed as part of the EIA process.</p>
<p><u>GN R. 544 Item 43:</u>          The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there would be no increase in the development footprint or throughput capacity of the port or harbour.</p>	<p>Expansion of Berth 203 to 205 through construction in coastal public property to:</p> <ul style="list-style-type: none"> <li>a) Lengthen berth 203 eastwards by 100m (involving the removal of the Ro-Ro ramp) and lengthen berth 205, westwards by 215m (involving the demolition of the current South-East corner as well as excavation of a portion of the central sandbank).</li> <li>b) Widening of berth 203 to 205 through the construction of a new Quay wall approximately 50m</li> </ul>

Listed activities	Activity/Project description
	<p>seawards</p> <p>c) Deepening of the berth basin, approach channel and turning basin through dredging to increase the current depth from -12.8m CDP (Chart Datum Point) to -17m CDP.</p> <p>d) Excavation of the trench for the quay wall structure to -20m CDP for the new quay length from Berth 203 to 205.</p> <p>These activities are aimed at improving the efficiency of Berths 203 to 205.</p> <p>In the case of the Caisson Quay Wall alternative, construction of the Caissons would take place at Bayhead Lot 10 which is Coastal Public Property.</p>
<p><u>GN R, 544 Item 45:</u></p> <p>The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –</p> <ul style="list-style-type: none"> <li>(i) fixed or floating jetties and slipways;</li> <li>(ii) tidal pools;</li> <li>(iii) embankments;</li> <li>(iv) rock revetments or stabilising structures including stabilising walls;</li> <li>(v) buildings by more than 50 square metres;</li> <li>(vi) infrastructure by more than 50 square metres;</li> </ul>	<p>Expansion of Berth 203 to 205 through construction and earth-moving activities within the Port of Durban to:</p> <ul style="list-style-type: none"> <li>a) Lengthen berth 203 eastwards by 100m (involving the removal of the Ro-Ro ramp) and lengthen berth 205, westwards by 215m (involving the demolition of the current South-East corner as well as excavation of a portion of the central sandbank).</li> <li>b) Widening of berth 203 to 205 through the construction of a new</li> </ul>

Listed activities	Activity/Project description
<p>(vii) facilities associated with the arrival and departure of vessels and the handling of cargo;</p> <p>(viii) piers;</p> <p>(ix) inter- and sub-tidal structures for entrapment of sand;</p> <p>(x) breakwater structures;</p> <p>(xi) coastal marinas;</p> <p>(xii) coastal harbours or ports;</p> <p>(xiii) structures for draining parts of the sea or estuary;</p> <p>(xiv) tunnels; or</p> <p>(xv) underwater channels –</p> <p>where such expansion will result in an increase in the development footprint of such facilities</p> <p>but excluding where such expansion occurs:</p> <p>(a) behind a development setback line; or</p> <p>(b) within existing ports or harbours where there will be no increase in the</p>	<p>Quay wall approximately 50m seawards</p> <p>c) Deepening of the berth basin, approach channel and turning basin through dredging to increase the current depth from -12.8m CDP (Chart Datum Point) to -17m CDP.</p> <p>d) Excavation of the trench for the quay wall structure to -20m CDP for the new quay length from Berth 203 to 205.</p> <p>In the case of the Caisson Quay Wall alternative, construction of the Caissons would take place at Bayhead Lot 10 which is within 100m of the Durban Bay estuary.</p>
<p><u>GN R. 545 Item 5:</u></p> <p>The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No. 544 of 2010 or included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p>	<p>The construction of the new quay wall for of Berths 203 to 205 will include the dredging of approximately 4.22 million cubic metres of dredge material which will be disposed at an offshore disposal site.</p> <p>A Dumping permit will be necessary for such offsite disposal under the National Environmental Management: Integrated</p> 

Listed activities	Activity/Project description
	Coastal Management Act, 2008 (Act No. 24 of 2008).
<p><u>GN R. 545 Item 24:</u>                      Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of:</p> <ul style="list-style-type: none"> <li>(i) facilities associated with the arrival and departure of vessels and the handling of cargo;</li> <li>(ii) piers;</li> <li>(iii) inter- and sub-tidal structures for entrapment of sand;</li> <li>(iv) breakwater structures;</li> <li>(v) coastal marinas;</li> <li>(vi) coastal harbours or ports;</li> <li>(vii) structures for reclaiming parts of the sea;</li> <li>(viii) tunnels; or</li> <li>(ix) underwater channels;</li> </ul> <p>but excluding —</p> <ul style="list-style-type: none"> <li>(a) activities listed in activity 16 in Notice 544 of 2010,</li> <li>(b) construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line;</li> <li>(c) where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or</li> </ul>	<p>Construction and earth-moving activities within the Port of Durban to:</p> <ul style="list-style-type: none"> <li>a) Lengthen berth 203 eastwards by 100m (involving the removal of the Ro-Ro ramp) and lengthen berth 205, westwards by 215m (involving the demolition of the current South-East corner as well as excavation of a portion of the central sandbank).</li> <li>b) Widening of berth 203 to 205 through the construction of a new Quay wall approximately 50m seawards.</li> <li>c) Deepening of the berth basin, approach channel and turning basin through dredging to increase the current depth from -12.8m CDP (Chart Datum Point) to -17m CDP.</li> <li>d) Excavation of the trench for the quay wall structure to -20m CDP for the new quay length from Berth 203 to 205.</li> </ul> <p>In the case of the Caisson Quay Wall alternative, construction of the Caissons would take place at Bayhead Lot 10 which is within 100m of the Durban Bay estuary.</p> 

Listed activities	Activity/Project description
(d) where such construction or earth moving activities takes place for maintenance purposes.	
<p><u>GN R. 546 Item 16:</u>                      The construction of:</p> <ul style="list-style-type: none"> <li>(i) jetties exceeding 10 square metres in size;</li> <li>(ii) slipways exceeding 10 square metres in size;</li> <li>(iii) buildings with a footprint exceeding 10 square metres in size; or</li> <li>(iv) infrastructure covering 10 square metres or more</li> </ul> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> <p>(a) In KwaZulu-Natal Province:</p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> </ul>	<p>Construction and earth-moving activities within the Port of Durban to:</p> <ul style="list-style-type: none"> <li>a) Lengthen berth 203 eastwards by 100m (involving the removal of the Ro-Ro ramp) and lengthen berth 205, westwards by 215m (involving the demolition of the current South-East corner as well as excavation of a portion of the central sandbank).</li> <li>b) Widening of berth 203 to 205 through the construction of a new Quay wall approximately 50m seawards</li> <li>c) Deepening of the berth basin, approach channel and turning basin through dredging to increase the current depth from -12.8m CDP (Chart Datum Point) to -17m CDP.</li> <li>d) Excavation of the trench for the quay wall structure to -20m CDP for the new quay length from Berth 203 to 205.</li> </ul> <p>Berths 203 to 205 are adjacent to the Durban Bay Estuary. In the case of the Caisson Quay Wall alternative, construction of the Caissons would take place at Bayhead Lot 10 which is within 100m of the Durban Bay estuary.</p> 

Listed activities	Activity/Project description
<p><u>GN R. 546 Item 24:</u></p> <p>The expansion of</p> <p>(a) jetties where the jetty will be expanded by 10 square metres in size or more;</p> <p>(b) slipways where the slipway will be expanded by 10 square metres or more;</p> <p>(c) buildings where the buildings will be expanded by 10 square metres or more in size; or</p> <p>infrastructure where the</p> <p>(d) infrastructure will be expanded by 10 square metres or more</p> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> <p>(a) In KwaZulu-Natal Province:</p> <p>i. In an estuary;</p>	<p>Expansion of Berth 203 to 205 through construction and earth-moving activities within the Port of Durban to:</p> <p>a) Lengthen berth 203 eastwards by 100m (involving the removal of the Ro-Ro ramp) and lengthen berth 205, westwards by 215m (involving the demolition of the current South-East corner as well as excavation of a portion of the central sandbank).</p> <p>b) Widening of berth 203 to 205 through the construction of a new Quay wall approximately 50m seawards</p> <p>c) Deepening of the berth basin, approach channel and turning basin through dredging to increase the current depth from -12.8m CDP (Chart Datum Point) to -17m CDP.</p> <p>d) Excavation of the trench for the quay wall structure to -20m CDP for the new quay length from Berth 203 to 205.</p> <p>Berths 203 to 205 are adjacent to the Durban Bay Estuary. In the case of the Caisson Quay Wall alternative, construction of the Caissons would take place at Bayhead Lot 10 which is within 100m of the Durban Bay estuary.</p> 

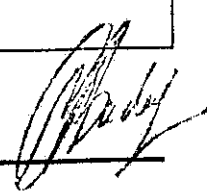
as described in the amended Environmental Impact Assessment Report dated 05 August 2014 at:

Project Component - Lot 10	Latitude (S)	Longitude (E)
Corner 1	29°53'14.27"	31° 0'12.60"
Corner 2	29°53'16.19"	31° 0'24.13"
Corner 3	29°53'37.06"	31° 0'15.22"
Corner 4	29°53'34.00"	31° 0'4.49"

Project Component - Berth 203 to 205	Latitude (S)	Longitude (E)
Corner 1	29°52'41.93"	31° 0'38.46"
Corner 2	29°52'38.70"	31° 1'28.58"
Corner 3	29°53'0.12"	31° 1'19.00"
Corner 4	29°53'3.38"	31° 0'44.81"

Project Component - Dredge Footprint	Latitude (S)	Longitude (E)
Corner 1	29°52'38.22"	31° 0'40.65"
Corner 2	29°52'23.29"	31° 1'35.74"
Corner 3	29°52'1.05"	31° 1'39.19"
Corner 4	29°52'0.21"	31° 1'55.79"
Corner 5	29°52'21.74"	31° 2'4.58"
Corner 6	29°52'28.32"	31° 3'5.12"
Corner 7	29°52'43.28"	31° 2'19.96"
Corner 8	29°52'33.78"	31° 1'59.05"
Corner 9	29°52'47.58"	31° 0'43.96"

Project Component - Sandbank Extension	Latitude (S)	Longitude (E)
Corner 1	29°52'30.61"	31° 0'49.19"
Corner 2	29°52'13.37"	31° 1'42.98"
Corner 3	29°52'25.49"	31° 1'40.14"
Corner 4	29°52'37.54"	31° 0'51.51"





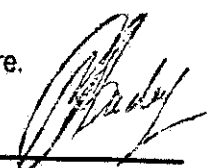
Project Component - Sandwinning Area 1a	Latitude (S)	Longitude (E)
Comer 1	29°51'51.09"	31° 4'16.32"
Comer 2	29°51'13.52"	31° 5'33.11"
Comer 3	29°51'24.47"	31° 5'38.54"
Comer 4	29°52'13.48"	31° 4'16.01"

Project Component - Dredge Disposal Site	Latitude (S)	Longitude (E)
Comer 1	29°52'2.06"	31° 6'35.88"
Comer 2	29°53'1.31"	31° 8'35.06"
Comer 3	29°54'11.30"	31° 7'34.53"
Comer 4	29°53'8.92"	31° 5'36.69"

- for the deepening, lengthening and widening of berths 203 to 205 at Pier 2, Container Terminal at the Port of Durban within the eThekweni Municipality in the KwaZulu-Natal Province, hereafter referred to as "the property".

The authorised development will consist of the following components:

- The westward lengthening of Berth 205 by 176m;
- The eastward lengthening of Berth 203 by 100m;
- The seaward widening of Berths 203 to 205 by 50m;
- The deepening of the Berth channel, approach channel, and vessel turning basin from the current -12.7m CDP to -16.5m CDP;
- The excavation of a trench to -19m CDP (Caisson option only).
- The construction of caissons, storage of sheet piles or pre-casting of elements of the Deck on Pile at Bayhead Lot 10;
- The offshore disposal of dredge material;
- The offshore sand winning for infill material; and
- The installation of new Ship to Shore (STS) cranes and associated infrastructure.



## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred Dredge Footprint Alternative 3H using the Caisson Quay Wall for the deepening, lengthening and widening of Berths 203 to 205 at Pier 2, Container Terminal, Port of Durban, KwaZulu-Natal Province with the above-mentioned co-ordinates as indicated in the final EIAR dated 01 August 2013 and the amended EIAR dated 05 August 2014 is hereby authorised. Offshore Sand Winning will take place within Area 1 and dredging will be contained within a sub-area (Area 1a) within Area 1.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

### **Notification of authorisation and right to appeal**

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and
  - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

### **Management of the activity**

12. The Environmental Management Programme (EMPr) submitted as part of the application for EA must be amended to include monitoring activities undertaken and be submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the amended EIAR dated 05 August 2014 must be incorporated as part of the EMPr. Once approved, the EMPr must be implemented and adhered to.

### **Monitoring**

13. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this

environmental authorisation are implemented and to ensure compliance with the provisions of an approved EMPr.

- 13.1. The ECO must be appointed before commencement of any authorised activities.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 13.5. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Recording and reporting to the Department**

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of an approved EMPr.
17. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Commencement of the activity**

18. The authorised activity must not commence within twenty (20) days of the date of signature of the environmental authorisation.
19. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached

thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

#### **Notification to authorities**

20. Not less than fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

#### **Operation of the activity**

21. Not less than fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

#### **Site closure and decommissioning**

22. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

#### **Specific conditions**

23. Construction areas must be clearly demarcated and clear signage must be erected during the construction phase. Only approved areas must be used for storage and cement mixing.
24. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the provincial heritage agency, in accordance with the applicable legislation.
25. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options.
26. Dredge Footprint Alternative 3H which was found to result 0.8% net gain in habitat (with a 55.2% increase in shallow sub-tidal habitat and 4.8% increase in low intertidal habitat) of the Central Sandbank habitat in Durban Bay must be implemented. The Central Sandbank extension must be undertaken as set out in the Feasibility Study (FEL 3) for the extension of the Central Sandbank

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Engineering Risk Assessment, Reference number ZAA 1370 | RPT | 040 REV D, dated 06 January 2014 and compiled by ZAA Engineering Projects and Naval Architecture (Pty) Ltd.

27. Baseline monitoring must be undertaken as described in the Ecological Risk Assessment pertaining to the creation of Estuarine Habitat in Durban Bay by extension of the Central Sandbank Report dated January 2014 and compiled by CSIR and Anchor Environmental. The baseline thresholds of acceptable change for each of the aspects described in this report must be derived from ecological baseline data that will be collected over a period of 12-24 months prior to the commencement of the authorised development.
28. The created portion of the Central Sandbank habitat must emulate existing sandbanks in terms of structure, granulometry and hydrodynamic characteristics.
29. The habitat must be created in an area where natural recruitment and colonisation of local species will occur.
30. Local sediments must be used as far as practicable.
31. Sediments that are to be unavoidably removed from the Central Sandbank must be used as a final capping over the new sandbank habitat.
32. The Central Sandbank extension must be stable in the long term and provide an extended habitat for the existing marine life species in the Central Sandbank area.
33. The following conditions, *inter-alia*, regarding pollution and turbidity during the dredging must be implemented:
  - 33.1. Floating containment silt curtains must be provided, temporarily anchored at the bottom into the base of the sandbank and extending up the sides. At the top of the sandbank a shallow curtain must be provided which will be supported on floats at high tide. These must form a number of individual paddocks that will be used sequentially for sand deposition and to restrict movement of the more turbid water until it has settled.
  - 33.2. Grading and composition of the sand selected for reclaim and sandbank extension must match that of the existing sandbank as closely as possible. The material must be free of excessive clay, organic matter or other detritus.
  - 33.3. Pumping must be controllable in rate so that it can be slowed if turbidity levels rise. It is expected that pumping can be maximized over both high and low tide periods, but must be reduced as tidal flows in both directions increase. In particular turbidity during tidal flows away from the sandbank and towards the new basin must be strictly controlled to prevent sand flowing back into the newly dredged areas.
34. Monitoring during the Central Sandbank Extension and Dredging must be undertaken as per CSIR and Anchor Environmental (2014) requirements.

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- 35 Risk assessments must be carried out on all aspects of the work as defined in more detail in Method Statement 1370 –MS-003.
- 36 There must be no disturbance of the Little Lagoon Area, or the existing central sandbank, except where it must be dredged for the extension of Berth 203-205.
- 37 The Climate change response mitigation measures provided in section 5.2 of the amended EIAR report dated 05 August 2014 must be implemented. Monitoring must include both the construction phase and the operational phase of the project.
- 38 Mitigation measures regarding climate change must be taken into account as per the Feasibility Study (FEL 3) of the Effects of Climate Change on Engineering Design, Reference number ZAA 1370 | RPT | 028 REV F, dated 23 January 2014 and compiled by ZAA Engineering Projects and Naval Architecture (Pty) Ltd.
- 39 The extended Central Sandbank must remain at least as stable as the existing sandbank when subjected to the anticipated consequences of global warming; including in particular changes in sea level and increased frequency and intensity of storm surges.
- 40 A monitoring and evaluation plan with regards to climate change adaptation must be compiled and submitted to the Directorate: Climate Change Adaptation –Natural Resources for the attention of Mr Sibonelo Mbanjwa, Tel: 012 399 9175, email [SMbanjwa@environment.gov.za](mailto:SMbanjwa@environment.gov.za) for approval prior to the commencement of any construction activities:
- 40.1. The monitoring and evaluation plan must *inter-alia*:
- 40.1.1. take into consideration climate change projection work done in the country, specifically work done in Durban area around sea level rise and climate change adaptation response;
  - 40.1.2. be informed by the IPCC, National Research on Climate Change (Long Term Adaptation Scenarios flagship Research (LTAS) and the Durban Adaptation Response;
  - 40.1.3 integrate input from Climate Change Unit of the eThekweni Municipality and address issues of relevance as their input;
  - 40.1.4 address immediate response capacity to unanticipated scenarios before it affects the development;
  - 40.1.5 provide proactive mitigation measures (as opposed to re-active measures-fix after the damage) to manage the potential damage to Central Sandbank extension due to inclement weather, wind, waves currents and storm surge;
  - 40.1.6 provide proactive mitigation and adaptation measures (as opposed to re-active measures-fix after the damage) to manage the potential damage to the Central
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- Sandbank extension due to Climate Change resulting, inter-alia, in changes in sea level and increase in frequency and severity of storm surge;
- 40.1.7 not only consider the past climate trends but also projected future climate change scenarios;
- 40.1.8 indicate when the sea level rise projections are in line with the projections used by the eThekweni Municipality and when they are not must consider the climate change projections based on the LTAS done by this Department.
- 40.1.9 include weather information or climate information for the Durban Port which must be recorded quarterly. The method of adapting in cases where the current measures are proven inadequate must be detailed. This must include the construction and operation phase of the development.
- 41 The holder of the authorisation must establish an Environmental Monitoring Committee (EMC) with clear terms of reference as described below in the Integrated Environmental Management Information Series 21: Environmental Monitoring Committees, 2005 (DEAT) prior to the commencement of any construction activities.
- 41.1 The EMC must consist of but is not limited to the following:
- 41.1.1. A chairperson as described in 41.2 below
  - 41.1.2 The relevant authorities whom have jurisdiction over the Port of Durban
  - 41.1.3 Representatives of the public
  - 41.1.4 Representatives of statutory bodies
  - 41.1.5 Representatives of non-governmental organisations (NGO)
  - 41.1.6 Environmental Control Officer (ECO) (once appointed in terms of condition 13 above); and
  - 41.1.7 Representative of the holder of the authorisation
  - 41.1.8 The EMC must meet on a quarterly basis
- 41.2 The EMC must appoint an independent chairperson who has people and project management skills
- 41.3 The EMC must report to the Director: Integrated Environmental Authorisations of the Department of Environmental Affairs on a quarterly basis and the report must include matters as described in condition 41.4 of this EA.
- 41.4 The purpose of the EMC is to execute the following:
- 41.4.1 To monitor and audit compliance to the conditions of this EA, environmental legislation and an approved EMPr.



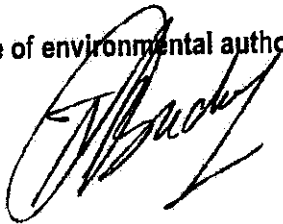
- 41.4.2 To make recommendations to the Director :EIA on issues related to the monitoring and auditing of the activity implementation to advise the Department on issues related to non-conformance reports (NCR) raised against the holder of the authorisation by the ECO
- 41.4.3 The EMC must decide on the requirements for membership should a need arise to review the constituency of the EMC. Any change must be communicated to the Department.
- 41.4.4 The EMC must take care of the performance monitoring of the ECO In terms of implementation of the conditions of this EA under the auspices of the EMC chairperson since the ECO has to report to the EMC.
- 41.4.5 The EMC, in conjunction with the ECO and the holder of the authorisation must maintain a complaints register.
- 41.5 All costs associated with the functioning of the EMC and the secretariat services of the EMC must be borne by the holder of the authorisation.
- 41.6 The terms and reference for the EMC must in addition to the scope of work detailed in 41.4 of this EA, clearly set out roles and responsibilities related to logistical arrangements, administration and financial arrangements associated with the functioning of the EMC.
- 41.7 The roles, responsibilities and constitution of the EMC must be re-considered and re-established with new terms of reference for the operational phase of the development.
- 42 The competent authority will by written notice, providing the reasons for the suspension, to the holder of an environmental authorisation suspend with immediate effect this environmental authorisation if there are reasonable grounds for believing that the contravention or non-compliance with a condition of this environmental authorisation or an approved EMPr is causing harm to the environment or suspension of the authorisation is necessary to prevent harm or further harm to the environment.

#### General

- 43 A copy of this environmental authorisation and an approved EMPr must be kept at the property where the activity will be undertaken. The environmental authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who undertakes work at the property.

- 44 The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* of the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 45 National government, provincial government, local authorities or committees appointed in terms of the conditions of this environmental authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 21 JANUARY 2015



**Mr Ishaam Abader**

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

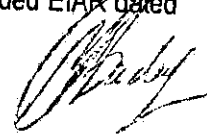
In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the final EIAR dated 01 August 2013 and the amended EIAR 05 August 2014 ;
- b) The comments received from organs of state and interested and affected parties as included in the final Scoping Report (SR) dated June 2012, the final EIAR dated 01 August 2013 and the amended EIAR dated 05 August 2014;;
- c) The sense of balance of the negative and positive impacts and proposed mitigation measures as provided in the final EIAR dated 01 August 2013, the amended EIAR 05 August 2014 and the EMPr;
- d) The information contained in the specialist studies contained in the final EIAR dated 01 August 2013 and the amended EIAR 05 August 2014; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

### 2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project was well explained and the Department considered the need of the project.
- c) The final EIAR dated 01 August 2013 and the amended EIAR 05 August 2014 identified the relevant legislation and guidelines that have been considered in the preparation of the EIAR.
- d) The methodology used in assessing the potential impacts identified in the amended EIAR dated 05 August 2014 and the specialist studies have been adequately indicated.



- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

### 3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of Impacts are detailed in the final EIAR dated 01 August 2013 and the amended EIAR 05 August 2014 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the final EIAR dated 01 August 2013 and the amended EIAR 05 August 2014 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR and will be amended so as to manage the identified site specific environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

