



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/1/1/97

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Ms Tamryn Johnson  
Aurecon  
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CAPE TOWN  
8000

Email: Tamryn.Johnson@aurecongroup.com

### PER FACSIMILE / MAIL

Dear Ms Johnson

#### **APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014, WITH RESPECT TO THE PROPOSED MAINTENANCE AND REPAIRS OF INFRASTRUCTURE ELEMENTS AT ST. HELENA HARBOUR WITHIN THE SALDANHA LOCAL MUNICIPALITY OF THE WEST COAST DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE**

The Department confirms having received the Applicability Checklist and supporting documentation for the abovementioned project on 15 February 2017.

Your attention is therefore drawn to the listed activities as defined in terms of the NEMA EIA Regulations, 2014, as defined in GN R983, R984 and R985 of 04 December 2014. Based on the information provided, you've indicated that the proposed maintenance and repairs of infrastructure at St. Helena Harbour will involve the following:

- Repair concrete structures including sealing and grouting  
Concrete repairs will be undertaken on Jetty 2 as well possible minor repairs on other concrete infrastructure elements, i.e. the main slipway, jetties 1, 3 and 4 and the Coastal Quay. This will include resealing and grouting of concrete on these structures.
- Repairs to wooden jetties  
The repairs to Timber Quay 1 shall focus on the superstructure, namely the timber deck planks, bollards and fenders. The existing substructure, concrete piles and timber support beams, shall remain. The repairs shall entail the disconnection or "pilling up" of the deck planks showing severe surface damage and either being completely replaced or simply turned over and laid with the present underside facing upwards. Prior to relaying the suitable planks the planks shall be cleaned and sanded.

Whilst undertaking the repairs to the timber deck the existing steel bollards shall be sandblasted and repainted as part of the routine maintenance of the bollards. Maintenance and repairs of the existing tyre fenders shall be undertaken in conjunction with the above. This will include the checking of the fender supports and integrity of the tyre. If it is found that a tyre fender shows excessive wear then it shall be replaced with a similar fender size and if the fender support/fixity is not satisfactory then this shall be improved.

- Main slipway and recreational boat launch maintenance

Repairs and maintenance of both the main slipway and recreational boat launch shall be undertaken. The mechanical components to be inspect and repaired (if necessary) on the main slipway include the winch, power pack, cable/rope and cradle. With regards to the recreational boat launch the winch and cable/rope shall be inspect and repaired if required. Due to the specialist nature of the mechanical components the planned approach is to provide the specialist contractors the opportunity to inspect the equipment, assess the condition and maintenance requirements of the equipment and then provide detailed method statements for the required works during Tender Stage.

Concrete repairs to the slipway support beams and ramp will also be undertaken where necessary. This will include resealing and grouting of concrete on these structures. An inspection of the main slipway rails will be conducted to assess the current condition of the rails and the extent of the repairs required, if at all necessary. In addition to the above it has been identified that the fire fighting system at the main slipway should be assessed and improved due to the potential safety hazard. Therefore the proposed repair works include the implementation of 2 or 3 additional fire hydrants, a new booster point and a fire tender point/connection.

- Shore crane maintenance:

The planned approach for the maintenance of the existing shore crane located on Jetty 2 is to provide the specialist contractors the opportunity to inspect the equipment, assess the condition and maintenance requirements of the crane and then provide detailed method statements for the required works during Tender Stage.

- Repair and supply of fresh water to the fish cleaning facility

The planned repairs for the supply of water to the fish cleaning facility include the provision of two 5,000 litre storage tanks ("Jo-Jo") fed from municipal supply as well as a booster pump to ensure pressurised washing water for the fish cleaning process.

- Routine dredging of Harbour Basin

Dredging of the harbour basin is a standard maintenance requirement for harbour operations, and should occur regularly to ensure the proper functioning of the port activities. This maintenance activity has been neglected in the St Helena Bay Harbour in recent years. It has been determined that up to 11,500 m<sup>3</sup> of sediment will need to be dredged within the harbour basin to previously charted depths, and future routine dredging activities will be necessary as a standard maintenance practice for the harbour.

Results of a Sediment Specialist Study undertaken in November 2016 by Lwandle Technologies (Pty) Ltd indicated that the mean values for cadmium, chromium, copper, nickel and zinc are above the low action level target values on the National Action List for dredge disposal with cadmium, nickel and zinc values exceeding the respective probable effect concentrations for the Benguela Current Large Marine Ecosystem (BCLME) region. These concentrations are not present at levels that have been deemed to produce acute or chronic effects on human health or on sensitive marine organism's representative of the local marine ecosystem. The study further suggests that the levels recorded are not localised to the harbour and it is likely that the whole bay naturally displays elevated levels.

The recommendations of the Sediments Specialist Study were that the disposal of dredged material from the harbour may only commence following the formal assessment of sediment toxicity risks. The most suitable location for the dredged sediment to be deposited is yet to be determined, but it is proposed that the dredged sediment will be removed and deposited offshore in accordance with a specific Dredging and Dumping at Sea Maintenance Management Plan.

- Removal of Sunken Vessels

Four sunken vessels and one abandoned vessel on the main slipway will be removed from the harbour. Due to the specialist nature of sunken vessel removal works, the planned approach is to request detailed Method Statements from the Specialist Service Providers during the tender process. These Method

Statements will be evaluated with particular emphasis placed on Environmental Management Plans and Safety Management Plans, which will include a plan for reuse, scraping and/or disposal.

The Department has evaluated the submitted document and wishes to advise as follows:

**Activity R983 Item 12**

*The development of –*

- (viii) jetties exceeding 100 square metres in size;*
- (ix) slipways exceeding 100 square metres in size;*

*Where such development occurs –*

- (a) within a watercourse;*
- (b) in front of a development setback; or*
- (c) if no development setback exists, within 32 m of a watercourse, measured from the edge of a watercourse;*

*Excluding –*

*(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.*

The activity is not triggered due to that the proposed the proposed work is not a new development, but entails the repair and/or maintenance of existing concrete jetties/quays, timber quays, one existing main slipway and one recreational boat launch within the harbour. Further the proposed works will not increase the existing footprint of the jetty/quay structures, main slipway or boat launch or the harbour.

**GN R 983 Item 15**

*The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding –*

- (i) the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*
- (ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;*
- (iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of the development and where indigenous vegetation will not be cleared; or*
- (iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies.*

The proposed work is not a new development. It does however entail the repair and/or maintenance of existing structures within the harbour jurisdiction. The works will not increase the existing footprint of the structures or the harbour. Therefore, the activity is not triggered.

**GN R 983 Item 17**

*Development –*

- (i) in the sea;*
- (ii) in an estuary;*
- (iii) within the littoral active zone;*
- (iv) in front of a development setback; or*
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;*

*In respect of –*

- (a) fixed or floating jetties and slipways;*
- (b) tidal pools;*
- (c) embankments;*
- (d) rock revetments or stabilising structures including stabilising walls;*
- (e) buildings of 50 square metres or more; or*

*(f) infrastructure with a development footprint of 50 square metres or more --*

*But excluding --*

*(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*

*(bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;*

*(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared; or*

*(dd) where such development occurs within an urban area*

The activity is not triggered since the proposed is not a new development. The proposed work entails the repair and/or maintenance of existing concrete jetties/quays, timber quays, one existing main slipway and one recreational boat launch within the harbour. In addition, there will be no increase to the existing footprint of the jetty/quay structures, main slipway or boat launch or the harbour

**GN R 983 Item 19**

*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 of more than 5 cubic metres from -*

*(i) a watercourse;*

*(ii) the seashore; or*

*(iii) 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 –*

*But excluding where such infilling, depositing, dredging, excavation, removal or moving –*

*(a) will occur behind a development setback;*

*(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or*

*(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.*

Since the proposed dredging is for maintenance purposes, the exclusion clause applies; therefore the activity is not triggered. However, a maintenance management plan must be compiled and submitted to this Department for review and approval before commencement of any dredging activities.

**GN R 983 Item 49**

*The expansion of -*

*(i) jetties by more than 100 square metres;*

*(ii) slipways by more than 100 square metres;*

*(iii) buildings by more than 100 square metres;*

*(iv) boardwalks by more than 100 square metres; or*

*(v) infrastructure or structures where the physical footprint is expanded by 100 square metres or more;*

*Where such expansion or expansion and related operation occurs –*

*(a) within a watercourse;*

*(b) on front of a development setback;*

*(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;*

*Excluding –*

*(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*

*(bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;*

- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;*
- (dd) where such expansion occurs within an urban edge; or*
- (ee) where such expansion occurs within existing roads or road reserves.*

The proposed work entails the repair and/or maintenance of existing harbour structures within the harbour jurisdiction and the footprints of the existing structures will not be expanded. Therefore, this activity is not triggered as the exclusion applies.

**GN R 983 Item 52**

*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 ports or harbours where there will be no increase in the development footprint of the port or harbour and excluding activities listed in activity 23 in Listing Notice 3 of 2014, in which case that activity applies*

The activity is not triggered since the proposed work entails the repair and/or maintenance of existing harbour structures within the harbour jurisdiction and the footprints of the existing structures will not be expanded.

**GN R 983 Item 54**

*The expansion of facilities –*

- (i) in the sea;*
- (ii) in an estuary;*
- (iii) within the littoral active zone;*
- (iv) in front of a development setback; or*
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;*

*In respect of –*

- (a) fixed or floating jetties and slipways;*
- (b) tidal pools;*
- (c) embankments;*
- (d) rock revetments or stabilising structures including stabilising walls;*
- (e) buildings where the building is expanded by 50 square metres or more; or*
- (f) infrastructure where the development footprint is expanded by 50 square metres or more –*

*But excluding –*

- (aa) expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or*
- (bb) where such expansion occurs within an urban area.*

The activity is not triggered since the proposed repair and/or maintenance of the existing concrete jetties/quays, timber quays, one existing main slipway and one recreational boat launch within the harbour and the proposed works will not increase the existing footprint of the jetty/quay structures, main slipway, boat launch or the harbour.

**GN R 983 Item 55**

*Expansion –*

- (i) in the sea;*
- (ii) in an estuary;*
- (iii) within the littoral active zone;*
- (iv) in front of a development setback; or*
- (v) if no development setback exists, within a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever is the greater;*

*In respect of –*

- (a) facilities associated with the arrival and departure of vessels and the handling of cargo;
- (b) piers;
- (c) inter and sub-tidal structures for entrapment of sand;
- (d) breakwater structures;
- (e) coastal marinas;
- (f) coastal harbours or ports;
- (g) tunnels;
- (h) underwater channels;

*But excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.*

The activity is not triggered since the proposed repair and/or maintenance of the existing concrete jetties/quays, timber quays, one existing main slipway and one recreational boat launch within the harbour and the proposed works will not increase the existing footprint of the jetty/quay structures, main slipway, boat launch or the harbour

**GN R 983 65**

*The expansion and related operation of an island, anchored platform or any other permanent structure on or along the seabed, where the expansion will constitute an increased development footprint, excluding expansion of facilities, infrastructure or structures for aquaculture purposes.*

This activity is not triggered since the repair and/or maintenance of the existing harbour structures within the harbour jurisdiction and the footprints of the existing structures will not be expanded.

**GN R 984 Item 14**

*The development and related operation of –*

- (i) an island;
- (ii) anchored platform; or
- (iii) any other structure or infrastructure on, below or along the sea bed;

*Excluding –*

- (a) development of facilities, infrastructure or structures for aquaculture purposes; or
- (b) the development of temporary structures or infrastructure where such structures will be removed within 6 weeks of the commencement of the development and where indigenous vegetation will not be cleared.

The proposed work entails the repair and/or maintenance of existing structures within the harbour basin. There are no proposals to develop or operate any new structures or infrastructure on, below or along the seabed. The activity is therefore not triggered.

**GN R 984 Item 26**

*Development –*

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

*In respect of –*

- (a) facilities associated with the arrival and departure of vessels and the handling of cargo;
- (b) piers;
- (c) inter-and sub-tidal structures for entrapment of sand;
- (d) breakwater structure;
- (e) coastal marinas;

- (f) coastal harbours or ports;*
- (g) tunnels; or*
- (h) underwater channels;*

*But excluding the development of structure within existing ports or harbours that will not increase the development footprint of the port or harbour.*

The activity is not triggered since the proposed repair and/or maintenance of existing harbour structures is within the harbour jurisdiction and the footprints of the existing structures will not be expanded. The proposed works includes structural repair work to concrete jetties, timber quays, the main slipway repair facility, recreational boat launch and marine furniture (bollards and fenders).

**GN R 985 Item 14**

*The development of –*

- (viii) jetties exceeding 10 square metres in size;*
- (ix) slipways exceeding 10 square metres in size;*
- (x) buildings exceeding 10 square metres in size;*
- (xi) boardwalks exceeding 10 square metres in size;*
- (xii) infrastructure or structures with a physical footprint of 10 square metres or more;*

*Where such development occurs –*

- (a) within a watercourse;*
- (b) in front of a development setback; or*
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;*

*excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*

*(f) In Western Cape:*

*i. Outside urban areas, in:*

- (aa) a protected area identified in terms of NEMPAA, excluding conservancies;*
- (bb) National Protected Area Expansion Strategy Focus areas;*
- (cc) World Heritage Site;*
- (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;*
- (ee) Sites or areas listed in terms of an International Convention;*
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;*
- (gg) Core areas in biosphere reserves; or*
- (hh) Areas on the estuary site of the development setback line or in an estuarine functional zone where no such setback line has been identified.*

Based on the information provided, no Critical Biodiversity Areas (CBA), or formal Protected Areas exists in close proximity to the harbour. An aquatic Other Ecological Support Area (ESA) Buffer is located within the harbour jurisdictional boundary however not in the immediate vicinity of the proposed works. As such, the Department is of the opinion that the activity not is triggered.

**GN R 985 Item 23**

*The expansion of –*

- (viii) jetties where the jetty is expanded by 10 square metres or more in size;*
- (ix) slipways where the slipway is expanded by 10 square metres or more in size;*

- (x) buildings where the building is expanded by 10 square metres or more in size;*
- (xi) boardwalks where the boardwalk is expanded by 10 square metres or more in size;*
- (xii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more in size;*

*Where such development occurs –*

- (a) within a watercourse;*
- (b) in front of a development setback adopted in the prescribed manner; or*
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;*

*excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*

*(f) In Western Cape:*

*i. Outside urban areas, in:*

- (aa) a protected area identified in terms of NEMPAA, excluding conservancies;*
- (bb) National Protected Area Expansion Strategy Focus areas;*
- (cc) World Heritage Site;*
- (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;*
- (ee) Sites or areas listed in terms of an International Convention;*
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;*
- (gg) Core areas in biosphere reserves; or*
- (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.*

Since no existing structures will be expanded, the activity is not triggered.

Based on the information provided by you, this Department is of the opinion that the proposed development does not constitute any listed activities as defined in terms of the NEMA EIA Regulations, 2014. However, it triggers the exclusion clause as per Activity 19 of GN R.983, which states that a Maintenance Management Plan (MMP) must be submitted to the Department for approval before commencement of the related maintenance activities. You are therefore requested to submit the MMP for approval before commencement of the proposed work for the maintenance and repair of infrastructure elements at St Helena Harbour.

Should any revision of your development comprise any other activities that constitute a listed activity/ies as defined in GN R983, R984 and R985 of 04 December 2014 an Application for Environmental Authorisation must be lodged with the relevant Competent Authority prior to the commencement with construction activities. Be reminded that the onus on applicant to determine all applicable listed activities that would require Environmental Authorisation prior to the commencement of the construction activities.

In addition to above, the Department further advises that you confirm the applicability of Listing Notice 3 (GN R.985) activities with the Western Cape Department of Environmental Affairs and Development Planning (DEADP).

Additionally, we wish to bring to your attention that the 'NEMA Applicability Form' is no longer available online as it was removed from the Departmental website. The onus is on the Applicant/EAP to ascertain whether activities are listed or not. However, if there are any specific EIA queries related to the proposed development you may email it to [EIAadmin@environment.gov.za](mailto:EIAadmin@environment.gov.za) and if you have any EIA Regulation related interpretation queries you may email them to [IQ@environment.gov.za](mailto:IQ@environment.gov.za).



You are hereby reminded of Section 24F of the NEMA which states that no activity may commence prior to an Environmental Authorisation being granted by the Competent Authority. In this regard, the MMP must be approved before any repair and maintenance works can commence.

This department reserves the right to revise or withdraw its comments or to request further information from you should new information on this matter become available.

Yours faithfully



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Letter signed by: Ms Sindiswa Dlomo**

**Designation: Acting Director: Integrated Environmental Authorisations**

**Date: 06/03/2017**

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|----|------------------|----------------------------|--------------------------|
| Cc | Mr Vuyo Ngonyama | Department of Public Works | Vuyo.ngonyama@dpw.gov.za |
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Ms. S. Dlomo  
Control Grade A: Public Sector

Dear S. Dlomo

### **APPOINTMENT AS ACTING DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATION FOR THE PERIOD 06/02/2017 to 17/03/2017**

I hereby inform you that I have decided to appoint you as the Acting Director: Integrated Environmental Authorization (IEA) for the period of 06/02/2017 to 17/03/2017 whilst the post of Director: Integrated Environmental Authorization is vacant.

All the correspondence and other documents that are usually sign by the Director: Integrated Environmental Authorization must be signed under Acting Director: Integrated Environmental Authorization during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely,

Mr Ishaam Abader  
DDG: LACE  
Date: 02.03.17

#### **ACKNOWLEDGEMENT**

I ~~ACCEPT~~ / DO ~~NOT~~ ACCEPT appointment  
as Acting Director: IEA

Signed: 

Date: 06/02/2017