



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

DMR 10

Private Bag X 54307, Durban, 4000, 333 Anton Lembede Street, 3rd Floor Durban Bay House, Durban
Tel: (031) 335 9600, Fax: (031) 305 5801 Email: nomonde.qhwaya@dmr.gov.za
Reference: KZN30/5/1/3/2/00070BP

BY HAND

THE MANAGER

TRANSNET NATIONAL PORTS AUTHORITY

P O BOX 1027

DURBAN

4000

ATTENTION : Mr Nelson Mbatha

EMAIL : Nelson,Mbatha@transnet.net

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) 1998, AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014, AS AMENDED FOR OFFSHORE SAND MINING FOR DEVELOPMENT WITHIN THE PORT OF DURBAN, WITHIN ETHEKWINI MUNICIPALITY, KWAZULU NATAL.

With reference to the abovementioned application, please be advised that the Department of Mineral Resources has decided to **grant** an environmental authorisation in terms of NEMA, 1998 as amended.

In terms of Regulation 15 of GNR 982, December 2014 as amended an Environmental Assessment Practitioner (EAP) must identify whether a basic assessment or scoping & EIR process must be applied to the application taking into account any notices published in terms of section 24D of the Act. As per the application form dated 12 August 2016, the EAP (NEMAI Consulting) has identified that a full EIA process must be applied.

The following listed activity in GNR 984, December 2014 as amended was identified:

Activity 17

“Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)”.

The environmental authorisation is hereby only granted for Activity 17 of GNR 984, December 2014 as amended as the other listed activities are not applicable to or triggered by this operation.

In terms of regulation 4(2) of GNR 982, December 2014, you are instructed to notify all registered interested and affected parties (I&AP's), in writing within 14 (fourteen) calendar days, from the date of the Department's decision in respect of your application. The relevant information regarding the lodgement of an appeal must be provided as per the provisions of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal must also be submitted to the Department of Mineral Resources (KwaZulu Natal Regional Office), within 20 days from the date of this notification. Such appeal must be lodged as prescribed by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:

Appeal to the Department of Environmental Affairs:

Attention : Directorate: Appeals and Legal Review

Email : appeals@environment.gov.za

By post : Private Bag X 447
Pretoria
0001

By hand : Environmental House
473 Steve Biko Road
Arcadia
Pretoria
0083

Copy of the lodged appeal to the Department of Mineral Resources:

Attention : Regional Manager: KwaZulu Natal Region

By facsimile : (031) 305 5801

E-mail : nqobile.khanyile@dmr.gov.za

By post : Private Bag X54307
Durban
4000

By hand : 333 Anton Lembede Street
3rd Floor Durban Bay House
Durban
4000

In the event that you decide to appeal the decision, you must comply with the National Appeal Regulations of 2014 in relation to notification of all registered interested and affected parties. A copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Yours Sincerely



REGIONAL MANAGER: MINERAL REGULATION

KWAZULU NATAL REGIONAL OFFICE

DATE: 02/07/2018



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Tel: (031) 335 9600, Fax : (031) 305 5801 Email: nomonde.qhwaya@dmr.gov.za

Reference: KZN30/5/1/3/2/00070BP Enquiries: Ms. N E Qhwaya

ENVIRONMENTAL AUTHORISATION

Reference number	KZN 30/5/1/3/2/00070BP
Last amended	First issue
Holder of environmental authorisation	Transnet National Ports Authority
Location of activity	An offshore sand winning for development within the Port of Durban

ACRONYMS

NEMA	National Environmental Management Act (Act 107 of 1998)
BAR	Basic Assessment Report
DEPARTMENT	Department of Mineral Resources
EA	Environmental Authorisation
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
BAR	Basic Assessment Report
I&AP's	Interested and Affected Parties
MPRDA	Mineral and Petroleum Resources Development Act, (Act 28 of 2002), as amended
NEMPAA	National Environmental Management: Protected Areas Act (Act 57 of 2003)
PPE	Personnel protective equipment
Public Participation Process	PPP
SAHRA	South African Heritage Resource Agency

DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this EA, that the applicant is authorised to undertake the **NEMA EIA** listed activities specified below. Details regarding the basis on which the Department reached this decision are set out in **Annexure “1”** of this EA.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by the provisions of NEMA, as amended, the Department hereby grants an EA to Transnet National Authority with the following contact details –

Mr Nelson Mbatha
Quayside Road, Port Entrance 3
Suite 124
Ocean Terminal Building
Durban
4000

Tel No : 031 361 8738
Email : Nelson.Mbatha@transnet.net

to undertake the following activities listed in the **EIA Regulations, GNR R984, December 2014:-**

Activity 17 *“Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)”.*

Detailed specifications of the activity are as follows:

Mining Right Application	
Area to be transformed:	359.8ha
A	29°51'50.636708"S; 31°41'56.5188"E
B	29°52'13.029995"S; 31°4'16.328564"E
C	29°51'14.072976"S; 31°05'38.205261"E
D	29°51'54.207095"S; 31°5'54.498875"E
E	29°52'40.037115"S; 31°4'15.988057"E
F	29°52'13.029995"S; 31°4'16.328564"E

The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental conditions).

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

Transnet National Authority submitted an application for an EA for listed activities in the NEMA EIA Regulations 2014 as amended.

Only Activity 17 of GNR 984, December 2014 (as amended) is authorised under this EA.

NEMA Environmental Consulting was appointed to undertake Scoping Report and EIR process as required by Regulation 21 - 23 of the EIA Regulations, December 2014.(as amended)

2. 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 application form received by the Department on 12 August 2016.
- b) The information contained in the EIR received by this Department on 05 May 2017.
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014 as amended.
- d) The Public Participation Process (PPP) attached as Appendix K and L of the EIR

3. Key factors considered in making the decision

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

- a) A sufficient PPP was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014(as amended).

- b) The environmental impacts associated with the proposed activity will be addressed by the implementation of proposed mitigation measures outlined in the EIR compiled by Nema Environmental Consulting.
- c) The proposed offshore sand winning will be undertaken using a Trailing Suction Dredger, which may either be a Trailing Suction Dredger or Trailing Suction Hopper Dredger.
- d) The following specialist studies have been conducted and are attached as Appendices F2, F3 and F4 of the EIR:-

1. Underwater heritage impact assessment (study conducted by African Centre for Heritage Activities and attached as F2). The findings of the Underwater Heritage Impact Assessment revealed that: There is one definite Maritime and Underwater Cultural Heritage site in alternative 2. Alternative 1 has lower Maritime and Underwater Cultural Heritage site potential. There are clusters of magnetic anomalies within Alternative 2. No impact on heritage sites, features or objects can be allowed without a valid permit from SAHRA. The specialist reasoned opinion is that work can continue in the Alternative 1 sand winning area, as long as the mitigation measures are implemented.

2. Wave Modelling Study (Conducted by ZAA Engineering Projects and Naval Architecture (Pty) Ltd and attached as appendix F3)

The study reveal that sand winning from the two sites analysed, will have a negligible effect on the coastal wave climate. There are no negative impacts along the adjacent coastline that have been identified during the course of this study, as a result of the reduction in wave heights that will occur adjacent to the beach with the proposed dredging for sand winning.

3. Geophysical and Sediment Sampling Survey (Conducted by Council for Geoscience and attached as appendix F4) According to specialist own opinion the most favourable area for sand winning in area 1 is \pm 800m wide corridor of adjacent to the western boundary of the survey area. The lack of reef exposure, close proximity to the harbour entrance, the sparse nature of debris accumulations and availability of adequate sediment thickness (3-4m) are criterion which support this statement. The lack of reef exposure, sparse distribution of debris and almost regional availability of thick unconsolidated sediment deposits in Area 2, makes the borrow site suitable for sand winning.

4. Findings

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

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Two offshore sand winning sites have been identified. Alternative Site 1 occurs approximately 1.2km east of the Port of Durban harbour mouth and is approximately 110ha in size. Alternative site 2 occurs south of alternative site 1 and is approximately 250 ha.
- c) The material will be used by Transnet for developments within the Port of Durban
- d) The PPP complied with Chapter 6 of the EIA Regulations, GNR 982, December 2014 (as amended)
- e) The Regional Manager in consideration of the aspects below as well as this Annexure and Annexure 2 i.e.
 - Section 66 of the Public Finance Management Act (Act 1 of 1999) relating to issuing of guarantees by a public entity;
 - The exemption granted on the 25th June 2004 by the Minister to Transnet SOC Ltd in terms of section 106 of the Mineral & Petroleum Resources Development Act 28 of 2002 (Act 28 of 2002);
 - Chapter 5 of National Environmental Management Act (Act 107 of 1998) as amended;
 - Section 24P of the National Environmental Management Act (act 107 of 1998) read with the Financial Provisioning Regulations 2015,

concluded that financial provision in this instance was not applicable and that the controls put in place by Transnet as well as the conditions of the Environmental Authorisation in Annexure 2 were sufficient to provide for the remediation of environmental impacts as and when they occurred.