



Transnet National Ports Authority

Environmental Management

Addendum to the Environmental Screening Report

For: Transnet National Ports Authority

Project Name: Bayhead and Langeberg Road Upgrade

Author: Karabo Chuene

Project Sponsor: Mpumi Dweba

Project Manager: Asanda Dube

Project Number: 3426331

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01	23/03/2022	01	Karabo Chuene	Gugu Buthelezi	Mduduzi Langa

SIGNATORIES:

Prepared by: 
Karabo Chuene

23/03/2022
Date

Reviewed by: 
Gugulethu Buthelezi

23/03/2022
Date

Approved by: 
Mduduzi Langa

30/03/2022
Date

Supported by: 
Asanda Dube

25/03/2022
Date

Supported by: 
Mpumi Dweba

31/03/2022
Date



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Table 1: Abbreviations and Definitions

Abbreviation	Definition
EA	Environmental Authorisation
EMPr	Environmental Management Programme
FEL	Front End-Load
KZN	KwaZulu Natal
NEMA	National Environmental Management Act, Act 107 of 1998
TEU	Twenty-Foot Equivalent Unit
TIA	Traffic Impact Analysis
TNPA	Transnet National Ports Authority
PLP	Project Lifecycle Process
PDU	Project Delivery Unit
SHE	Safety Health & Environment
SPLUMA	Spatial Planning and Land Use Management Act, Act 16 of 2013
WUL	Water-Use License



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1. Introduction

The purpose of the report is to document and address the outcomes of the FEL 2 Gate Review meeting that was held on the 07 June 2021. The report is also intending to identify the project's Legislative and sustainability risks which will be outlined in the sustainability risks and opportunities register, and the legislative review section. The legislative review was carried out against Environmental legal framework particularly the Spatial Planning and Land Use Management Act 16 of 2013 (hereafter referred as SPLUMA), National Environmental Management Act 107 OF 1998 (NEMA) and its Specific Environmental Management Acts and the National Water Act No 36 of 1998. The report presumes some of the environmental approvals are likely to be obtained during the FEL 3 phase of the project and/or prior execution phase. Detailed environmental processes will be outlined at FEL 3 once the project scope is refined.

The environmental site inspection was undertaken on the 02nd of March 2022 to assist with the description of the environment that may be directly or indirectly affected by the proposed project. An inspection was conducted by TNPA Environmental Specialists and the Project Manager. All the environmental and social aspects shall be taken into consideration during the design and the implementation of the proposed development.

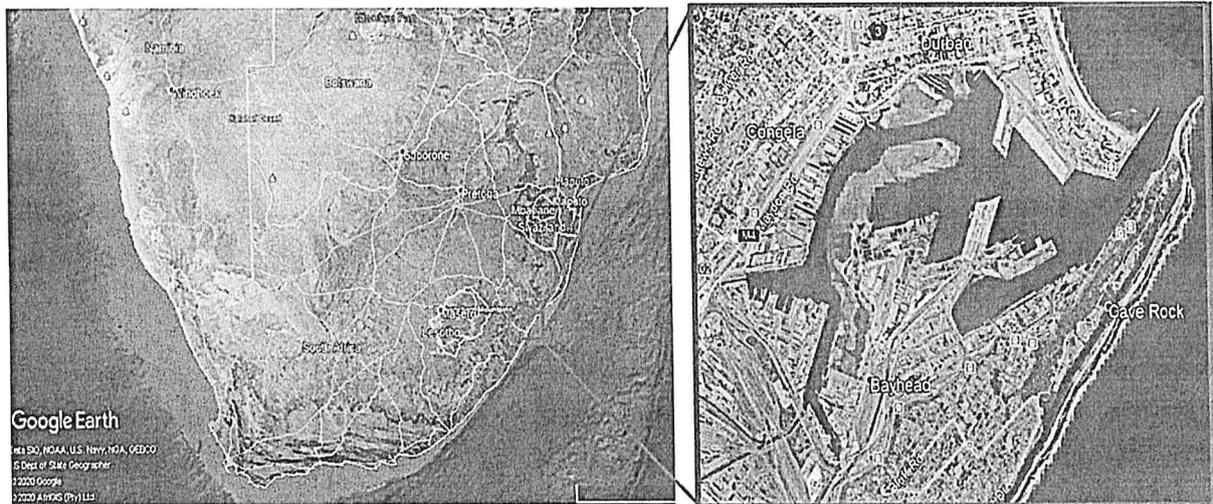


Figure 1: Satellite image showing the location of Port of Durban



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2. Background

The Port of Durban is located on the east coast of KwaZulu-Natal within the eThekweni Municipality. The Port of Durban consists of multiple precincts that handle different commodities such as, Liquid bulk, Automotive, Dry bulk, etc. The Bayhead Road and Langeberg are the only road link to the major container terminals and other terminals at the Port of Durban. Bayhead road has two major intersections, South Coast Road at the start (west), four minor intersections in between the next major intersection which is Langeberg Road (east). Bayhead Road continues onto Pier 1 and Iran Road intersects with Bayhead Road in between Langeberg Road and Pier 1. Figure 1 below shows the location of the Port of Durban and the Bayhead area which located on the southern part of the port. The volume of road freight has significantly increased over the past few years placing mounting pressure on transportation infrastructure, leading to traffic congestion. In particular, the road network within the eThekweni region, especially near the Port of Durban, experiences severe congestion with no viable alternatives.

The consequences thereof are longer travel times, higher operating costs, an increase in gas emissions, employees arriving late for work, deliveries being delayed, missed appointments, and higher transportation costs. These factors inevitably impact on communities around the port and have a negative impact on the economy. The port of Durban Decongestion Task Team which comprises of all role players (Transnet Operating Divisions, Terminal Operators, Truck Associations, Shipping Lines, Cargo Owners, Local Authority etc) in the freight movement within the port has been setup to collaborate on efforts to mitigate congestion. The decongestion Task Team has three major focus areas which include:

- Understanding stakeholders outside of Transnet and devising interventions that they can embrace, that will help them better synchronize their port activities with role players.
- Improving Transnet efficiencies across all the operating divisions related to the port.
- Longer term interventions which entail development projects aimed at further minimizing port and road congestion.

In line with the third item above, the purpose of this project is to mitigate this congestion through the upgrading of Bayhead Road and Langeberg Roads by lane widening. Surface failures have also been noted on the road. It is assumed to be as a result of heavy traffic on the roads mainly trucks. The project will also look into assessing and upgrading of the aging infrastructure in conjunction with alleviating the congestion on Bayhead road and Langeberg road.



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3. Purpose of the report

The environmental department together with other project support disciplines were approached and requested to prepare the FEL 2 Gate Review reports for the proposed Bayhead and Langeberg Road Upgrade. The environmental discipline received pending green status from the Gate Review panel and they were requested to address the following issues:

- The Environmental Screening Report must be signed off by the SHE Manager.
- In the Environmental Screening Report, there is mention that the road will be constructed beyond the port limits, the team must ensure that they get confirmation if there are any legal ramifications in increasing the development footprint of the port that exceed beyond the port limits.
- The team must also take into consideration that developing over undeveloped land might trigger local bylaws with regards to the demarcated areas.

The purpose of the addendum to the environmental screening report is to address all the outstanding issues from the previous Gate Review as outlined above and provide information on the environmental legal requirements associated with the scope of work for the proposed upgrade of the Bayhead and Langeberg Road, in Port of Durban.

4. Project Scope

The scope of works is summarized as follows:

- a) Validation of existing traffic studies on Bayhead and Langeberg roads, including analysis of road network and connectivity.
- b) Conduct a Traffic Impact Analysis (TIA) that will incorporate the new TNPA Port Development Plan (i.e. Durban Logistics HUB).
- c) Review the recommendations on the best access strategy at intersections along Bayhead and Langeberg Road.
- d) Geometric designs for Bayhead and Langeberg roads lane widening.
- e) Structural designs for road over river/rail crossings (deck & pier designs).



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- f) Validation of road condition assessment (determine road defects and degree of failure)
- g) Pavement designs for Bayhead and Langeberg roads.
- h) Design of the road furniture i.e. signage, guardrails etc.
- i) Road traffic signaling design.
- j) Road landscaping and sidewalk design.
- k) Design of Civil infrastructure i.e. Stormwater drainage, and other services.
- l) Design of Electrical infrastructure
- m) Additional Geotechnical investigations
- n) The upgrade of Bayhead-South Coast Road Intersection:
- Design of one left slip lane, approximately 3.5 m wide, on Bayhead Road, and one signalized left turn lane on the South Coast (Crabtree) Road approach to the intersection, approximately 3.5 m wide.
 - Design for widening of the road-over-rail bridge under Bayhead Road.
 - Design of vertical retaining structures along the Bayhead- and South Coast (Crabtree) Road approaches.
 - Detailed design of new pavement layers.
 - Design the storm water drainage facilities.
 - Specification of guardrails and fencing where/if required.
 - Design of temporal lane configuration for the accommodation of traffic during construction.
 - Design for the protection and/or relocation of existing services as required.
 - Specification of appropriate road markings and road signs.
 - Design pedestrian facilities along the approach and crossing.
- o) The upgrade of the Bayhead-Langeberg Road Intersection with dedicated left turn slip lanes into Langeberg Road.
- Design of an additional left slip lane approximately 3.5 m wide at the intersection, and further amendments to the existing road configuration into the Port, which will allow for two dedicated freight lanes.
 - Design of new pavement layers.



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- Design for the storm water drainage facilities.
- The proposal and design of fencing where/if required.
- Design for temporal lane configuration for the accommodation of traffic during construction.
- Design for the protection and/or relocation of existing services as/where required.
- The design and specification of appropriate road markings and road signs in accordance with the upgraded road layout.

5. BASELINE DATA COLLECTION

The environmental site inspection was undertaken on the 02nd of March 2022 to assist in the description of the environment that may be directly or indirectly affected by the proposed project. An inspection was conducted by TNPA Environmental Specialists together with the Project Manager.. All the environmental and social aspects shall be taken into consideration during the design and the implementation of the proposed development.

6. ENVIRONMENTAL AUTHORISATION PERMITS AND LICENCES

The following pieces of legislation were perused to determine the requirements for the proposed upgrade of Bayhead and Langeberg Road, the detailed scope of work of the project was assessed against the following legal provisions:

National Environmental Management Act (107 of 1998):

Environmental Impact Regulations of 2014 (Listing Notice 1, 2 and 3) as amended;

National Environmental Management Waste Act (59 of 2008)

List of Waste Management Activities: GN 921 of 2013 as amended by GN 633 OF 2015

National Environmental Management Air Quality Act (39 of 2004)

List of Activities & associated minimum emission standards identified in terms of section 21 of NEM: AQA (39):
GN 893 of 2013

National Water Act 36 of 1998

Water uses as defined in section 21



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National Environmental Management: Biodiversity Act 10 2004

List of Critically Endangered;

Endangered; vulnerable and protected species

National Heritage Resources Act 25 of 1999

Section 34 and 36

Spatial Planning and Land Use Management Act 16 of 2013

Section 25

6.1. ANTICIPATED ENVIRONMENTAL AUTHORISATION TRIGGERS

National Environmental Management Act 108 of 1998

Environmental Impact Assessment Regulations of 2014 as amended;

The scope of work for the proposed Upgrade of Bayhead and Langeberg Road was assessed against the listing notifications as stipulated into the 2014 EIA Regulations as amended.

The following table provides the anticipated Environmental authorisation triggers that should be investigated during FEL 3 phase when the project scope is refined.

Table-01: 2014 EIA Regulations Listing Notice 1 published in Government Notice 983

<i>Activity number</i>	<i>Description</i>	<i>Project Applicability</i>
9)	The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water— (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where— (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or	The Bayhead and Langeberg road upgrade will include the design and construction of the storm water drainage facilities. The project location falls with urban area therefore this activity will not be



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<i>Activity number</i>	<i>Description</i>	<i>Project Applicability</i>
	railway line reserve; or (b) where such development will occur within an urban area.	triggered.
12)	<p>The development of—</p> <ul style="list-style-type: none"> (i) canals exceeding 100 square metres in size; (ii) channels exceeding 100 square metres in size; (iii) bridges exceeding 100 square metres in size; (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size; (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size; (vi) bulk storm water outlet structures exceeding 100 square metres in size; (vii) marinas exceeding 100 square metres in size; (viii) jetties exceeding 100 square metres in size; (ix) slipways exceeding 100 square metres in size; (x) buildings exceeding 100 square metres in size; (xi) boardwalks exceeding 100 square metres in size; or (xii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours <p>that will not increase the development footprint of the port or</p>	exclusion applies



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Activity number	Description	Project Applicability
	<p>harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(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;</p> <p>(dd) where such development occurs within an urban area;</p> <p>[or]</p> <p>(ee) where such development occurs within existing roads, [or] road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
19)	<p>The infilling or depositing of any material of more than [5] 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than [5] 10 cubic metres from [–(i)] a watercourse; [(ii) the seashore; or</p> <p>(iii)the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or estuary, whichever distance is the greater—]</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p>	Exclusion applies



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<i>Activity number</i>	<i>Description</i>	<i>Project Applicability</i>
	<p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) 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.</p>	
19) A	<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 of more than 5 cubic metres from—</p> <p>(i) the seashore;</p> <p>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</p> <p>(iii) the sea; —</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(f) will occur behind a development setback;</p> <p>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p>	<p>The proposed works for the expansion of the bridge(s) is likely to fall within the estuarine functional zone</p>



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<i>Activity number</i>	<i>Description</i>	<i>Project Applicability</i>
	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.	
45)	<p>The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure—</p> <ul style="list-style-type: none"> (i) has an internal diameter of 0,36 metres or more; or (ii) has a peak throughput of 120 litres per second or more; <p>and</p> <ul style="list-style-type: none"> (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more; <p>excluding where such expansion—</p> <ul style="list-style-type: none"> (aa) relates to transportation of water or storm water within a road reserve or railway line reserve; or (bb) will occur within an urban area. 	The proposed storm water drainage facilities to be constructed parallel to the bayhead road falls within an industrial area in the urban environment. Therefore, exclusion applies.
48)	<p>The expansion of—</p> <ul style="list-style-type: none"> (i) canals where the canal is expanded by 100 square metres or more in size; (ii) channels where the channel is expanded by 100 square metres or more in size; (iii) bridges where the bridge is expanded by 100 square metres or more in size; (iv) dams, where the dam, including infrastructure and water surface area, is expanded by 100 square metres or more in size; 	The proposed scope of works for the expansion of the Bayhead Road is more than 100 square metres.



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Activity number	Description	Project Applicability
	<p>(v) weirs, where the weir, including infrastructure and water surface area, is expanded by 100 square metres or more in size;</p> <p>(vi) bulk storm water outlet structures where the bulk storm water outlet structure is expanded by 100 square metres or more in size; or</p> <p>(vii) marinas where the marina is expanded by 100 square metres or more in size;</p> <p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p> <p>where such expansion [or expansion and related operation] occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding—</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p>	



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Table 02: 2014 EIA Regulations Listing Notice 3 published in Government Notice 985

<i>Activity number</i>	<i>Description</i>	<i>Project Applicability</i>
14)	<p>The development of—</p> <p>(i) canals exceeding 10 square metres in size ;</p> <p>(ii) channels exceeding 10 square metres in size;</p> <p>(iii) bridges exceeding 10square metres in size;</p> <p>(iv) dams, where the dam,</p> <p>Including infrastructure and water surface area exceeds 10 square metres in size;</p> <p>(v) weirs, where</p> <p>the weir, including infrastructure and water surface area exceeds 10 square metres in size;</p> <p>(vi) bulk storm water outlet structures exceeding 10 square metres in size;</p> <p>(vii) marinas exceeding 10square metres in size;</p> <p>(viii) jetties exceeding 10 square metres in size;</p> <p>(ix) slipways exceeding 10 square metres in size;</p> <p>(x) buildings exceeding 10 square metres in size;</p> <p>(xi) boardwalks exceeding 10 square metres in size; or</p>	<p>The upgrade of Bayhead-South Coast Road Intersection including the road landscaping and sidewalk, stormwater drainage, and other services such as widening of the road-over-rail bridge under Bayhead Road works are likely to take place within an Estuarine functional zone exceeding ... however the exclusion applies</p>



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<i>Activity number</i>	<i>Description</i>	<i>Project Applicability</i>
	<p>(xii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>(c) dams or weirs, where the dam or weir including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a Development setback; or</p> <p>(c) if no Development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>d. KwaZulu-Natal</p> <p>i. In an estuarine functional zone;</p> <p>ii. Community Conservation Areas;</p> <p>iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. A protected area identified in terms of NEMPAA, excluding conservancies;</p>	



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Activity number	Description	Project Applicability
	<p>v. World Heritage Sites;</p> <p>vi. Sites or areas identified in terms of an international convention;</p> <p>vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>ix. Core areas in biosphere reserves;</p> <p>x. Outside urban areas:</p> <p>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA</p> <p>or from the core area of a biosphere reserve; or</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>xi. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p>	



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<i>Activity number</i>	<i>Description</i>	<i>Project Applicability</i>
	<p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or</p> <p>(cc) Areas seawards of the development setback line or within 100 metres from the high-water</p>	
18)	<p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>d. KwaZulu-Natal</p> <p>i. Trans-frontier protected areas managed under international conventions;</p> <p>ii. Community Conservation Areas;</p> <p>iii. Biodiversity Stewardship Programme Biodiversity Agreement areas;</p> <p>iv. World Heritage Sites;</p> <p>v. In an estuarine functional zone;</p> <p>vi. A protected area identified in terms of NEMPAA;</p> <p>vii. Sites or areas identified in terms of an international convention;</p>	<p>Widening of the road-over-rail bridge under Bayhead Road, will be on an estuarine functional zone</p>



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<i>Activity number</i>	<i>Description</i>	<i>Project Applicability</i>
	<p>viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>ix. Core areas in biosphere reserves;</p> <p>x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>xii. Outside urban areas:</p> <p>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark</p>	



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The environmental legal ramifications that may be associated with the project should the Port development footprint be increased; the exclusions will not be applicable. In essence, if the development footprint is extended, an Environmental Assessment process must be initiated. Over and above the environmental legislative requirements should the proposed development overlap outside port boundaries, the project team will also have to contact all the landowners which does not belong to Transnet for the possible land purchases.

6.2 Specific Environmental Management Acts

i. National Water Act, Act 36 of 1998.

The table below highlights the water uses activities as per the National Water Act 36 of 1998 that should be investigated during FEL 3 phase when the project scope is refined.

Table 03: Water Use Activities as per Section 21(a)-(k) of the National Water Act 36 of 1998

<i>Applicable Section(s)</i>	<i>Water Uses</i>	<i>Project Applicability</i>
21 (a)-(k)	<p>For the purposes of this Act. water use includes—</p> <ul style="list-style-type: none"> (a) taking water from a water resource: (b) storing water: (c) impeding or diverting the flow of water in a watercourse: (d) engaging in a stream flow reduction activity contemplated in section 36; (e) engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1): (f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit: (g) disposing of waste in a manner which may detrimentally impact on a water resource; 	<p>It is highlighted in the scope of work that there will be work done on the road over the canal bridge, should the bridge also be expanded to accommodate increased traffic volumes as per scope therefore the activity will trigger in controlled activities as listed in Section 21c of the National Water Act, Act 36 of 1998. This includes the impeding or diverting the flow of water in a watercourse and altering</p>



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<i>Applicable Section(s)</i>	<i>Water Uses</i>	<i>Project Applicability</i>
	(h) disposing in any manner of water which contains waste from. or which has been heated in. any industrial or power generation process; (i) altering the bed, banks. course or characteristics of a watercourse: (j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of the activity or for the safety of people: and (k) using water for recreational purposes,	the bed, banks, course or characteristics of a watercourse. In this regard a General Authorisation or Water Use Licence will be required.

ii. National Environmental Management: Waste Act, Act 59 of 2008

The proposed project will not trigger any listed activity prescribed under the National Environmental Management: Waste Act, Act 59 of 2008 and thus a Waste License will not be required.

iii. National Environmental Management Biodiversity Act, 10 of 2004

The project will have an impacts on some green fields areas therefore, vegetation clearing and other project activities shall be minimised at project sites

iv. National Heritage Resources Act, 25 of 1999

None of the resources that are of heritage importance were observed on site, however should they be encountered on given time on site the AMAFA authorities will be notified and should the need be, the Heritage permit will be applied accordingly.

The impacts on the heritage sites middens, graves, archaeological sites or any structure of heritage importance shall be avoided as far as reasonable practicable.



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6.3 Spatial Planning and Land Use Management Act 16 of 2013

Through Section 156 of the constitution the eThekweni Municipality is mandated to minimise the impact on the local environment published its Land Use Scheme. Should the extension of the bridges as part of the Bayhead and Langeberg Road Upgrade overlaps outside of the port boundaries, the TNPA may be required to acquire approval from the eThekweni Municipality Council.

The following is an extract from the scheme pertaining to permissible land uses and indicating the controls and limitations relating to the use and development of land protected under the D'MOSS layer:

- a) No person shall, within a D'MOSS controlled area (as defined in clause 1) develop any land, or excavate or level any site, or remove any natural vegetation from, or erect any structure of any nature whatsoever, dump on or in or carry out any work upon such site without having first obtained the prior approval of the Council in terms of this sub-clause.
- b) No such approval shall be given unless the Head: Development Planning Environment and Management, after due examination, and subject to such conditions as he/she may specify, is satisfied that any such development, erection or other work referred to in paragraph (a) hereof can be carried out without materially and/or temporarily degrading, destroying, or negatively impacting on the integrity of the biodiversity and/or environmental goods and services found or generated within the said area.
- c) For the purpose of any examination referred to in paragraph (b), the applicant shall, where required by the Head: Development Planning Environment and Management submit such plans or other supporting documentation as the Head: Development Planning Environment and Management may require. Without affecting the generality of the afore going, such plans and supporting documentation/ registered may be required by the Head: Development Planning Environment and Management to be certified as being correct by an appropriately recognized / registered Environmental Consultant.
- d) The conditions referred to in paragraph (b) hereof may be such as to:-
 - i. restrict the form or nature of the building or structure;
 - ii. limit the size and/or shape of the building or structure;
 - iii. prescribe or restrict the materials of which the building or structure; is to be constructed;

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- iv. determine the sitting of any building or structure and of any soak pits or other drainage works;
- v. prohibit or control any excavation on the site, the construction of any roadways, paths and other garden features;
- vi. prohibit or control the removal of any natural vegetation;
- vii. control any other aspects which the Head: Development Planning Environment and Management considers to be desirable

7. ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPR)

Section 28 of NEMA states:

- Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

This section makes it obligatory that duty of care is taken to prevent harm to the environment. This will be satisfied in the project through the implementation of the EMPr. The proposed Bayhead and Langeberg road upgrade is anticipated to trigger the environmental authorisation as per 2014 EIA regulations therefore the project will be subjected to the EMPr.

The primary objective of the EMPr is to identify the roles and responsibilities of the project team, manage potential environmental risks and opportunities during the execution phase. It is the framework for identifying environmental aspects and impacts, and environmental controls and processes to be implemented by the project proponent and contractors in carrying out their respective responsibilities throughout the project lifecycle.

8. CONCLUSION

After thorough investigation there are potential activities applicable to the project that may necessitate the need for Water-use License, and Environmental Authorisations from the authorities. Details of the processes to be followed will be unveiled once the project scope is refined.