

Our Ref: J31459

DEA Reference Number: 14/12/16/3/3/1895



25 February 2014

Cape Town

14 Kloof Street
Cape Town 8001
PO Box 3965
Cape Town 8000

Dear Interested and Affected Party

Tel: +27 21 469 9100
Fax: +27 21 424 5571
Web: www.gibb.co.za

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF A THIRD TIPPLER AND ASSOCIATED INFRASTRUCTURE AT THE PORT OF SALDANHA WITHIN SALDANHA LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

You are hereby notified that Transnet SOC Ltd. was granted environmental authorisation for the proposed construction of a Third Tippler and associated infrastructure at the port of Saldanha, on **14 February 2014**. The following listed activities have been authorised:

The following listed activities have been authorised in terms of the above legislation:

Government Notice	Listed Activities
R.544 of 2010	23 & 28
R 546 of 2010	4

Reasons for the decision are provided in Annexure A.

In terms of Chapter 7 of the EIA Regulations, 2010 (Government Notice No. R543 of 2010), should any interested or affected party wish to appeal, a Notice of Intention (NoI) to appeal must be lodged within twenty (20) days of the date of the decision (by **Thursday, 06 March 2014**). The appellant is also required to provide Transnet SOC Ltd, through GIBB (Pty) Ltd and the DEA with a copy of the NoI to appeal. A NoI is available from the DEA website at www.environment.gov.za.

Further to the aforementioned regulation, an appeal must be submitted within 30 days after the lapsing of the 20 days contemplated indicated above. Please refer to the appeal procedure in Annexure 2 below for the steps that must be followed in terms of Chapter 7 of the EIA Regulations.

The notice of intention to appeal, as well as the appeal must be lodged with:

The Department of Environmental Affairs (DEA)

The Minister of Water and Environmental Affairs

By Facsimile: (012) 320-7561

By Post: Private Bag X447, Pretoria, 0001; or

By Hand: 2nd Floor, Fedsure Building, North Tower, Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets, Pretoria



GIBB Holdings Reg: 2002/019792/02
Directors: R. Vries (Chairman), Y. Frizlar, B. Hendricks, M. Mayat
GIBB (Pty) Ltd, Reg: 1992/007139/07 is a wholly owned subsidiary of GIBB Holdings.
A list of divisional directors is available from the company secretary.



A copy of the environmental authorisation can be accessed on the GIBB website (<http://projects.gibb.co.za/Projects/Port-of-Saldanha-Proposed-Tipler-3>) or obtained on request from the GIBB Public Participation Office at the contact details provided below.

GIBB Public Participation Office

Attention: Jethro Jacobs

Tel: (021) 469 9100 (Mon – Fri 09h00 – 16h00)

Fax: (086) 242 0278

Post: Box 3965, Cape Town, 8000

Email: orextippler@gibb.co.za



Should you require further information, please do not hesitate to contact us.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R. Heydenrych'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Reuben Heydenrych
Mega Projects Team Manager
For GIBB (Pty) Ltd

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 BAR dated September 2013 and received by the Department on 01 October 2013, the additional information received by the Department on 26 November 2013;
- b) The comments received from the organs of state and interested and affected parties as included in the BAR dated September 2013;
- c) Mitigation measures as proposed in the BAR dated September 2013;
- d) The information contained in the specialist studies contained within Appendix D1-D2 of the BAR dated September 2013; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 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 taken the need of the project into consideration;
- c) The BAR dated September 2013 identified all legislation and guidelines that have been considered in the preparation of the BAR dated September 2013;
- d) The methodology used in assessing the potential impacts identified in the BAR dated September 2013 and the specialist studies have been adequately indicated; and
- 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 BAR dated September 2013 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 BAR dated September 2013 is accurate and credible ; and
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified 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 proposed 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

Annexure B: Appeal Procedures

APPEAL PROCEDURES

APPEAL PROCEDURE IN TERMS OF CHAPTER 7 OF GN. NO. R. 543 OF 18 JUNE 2010 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Application of this Chapter

58. (1) This Chapter applies to decisions that –
- (a) are subject to an appeal to the MEC in terms of Section 43 (1), (2) or (3) of the Act; and
 - (b) were taken by an organ of state acting under delegation in terms of Section 42 or 42A of the Act in the exercise of a power or duty vested by the Act or these Regulations in a competent authority.

Notices of intention to appeal

60. (1) A person affected by a decision referred to in Regulation 60 (1) who wishes to appeal against the decision, must submit a notice of intention to appeal with the MEC, or delegated organ of state, as the case may be, within **twenty (20) days** after the date of the decision.
- (2) If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within ten **(10) days** of having submitted the notice contemplated in subregulation (1), with-
- (a) a copy of the notice referred to in subregulation (1); and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the MEC and where and for what period the appeal submission will be available for inspection by such person or organ of state.
- (3) If the appellant is a person other than an applicant, the appellant must provide the applicant within ten **(10) days** of having lodged the notice contemplated in subregulation (1) with-
- (a) a copy of the notice referred to in subregulation (1); and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- (4) The MEC or delegated organ of state, may, as the case may be, in writing, on good cause extend the period within which a notice of intention to appeal must be submitted.

Submission of appeals

61. (1) An appeal lodged must be submitted to the appeal authority as indicated in Section 43 of the Act.
- (2) An appeal must be-
- (a) submitted in writing; and
 - (b) accompanied by-
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal and which is not in the possession of the MEC or designated organ of state;
 - (iii) a statement by the appellant that Regulation 60 (2) or (3) has been complied with together with copies of the notices referred to in that Regulation; and
 - (iv) the prescribed appeal fee, if any.

- (3) The appellant must take into account any guidelines applicable to appeals as contemplated in Section 24J of the Act.

Time within which appeals must be lodged

64. (1) An appeal as contemplated in Regulation 61(1), must be submitted within **thirty (30) days** after the lapsing of the **twenty (20) days** contemplated in Regulation 60(1).

- (2) The MEC or designated organ of state, as the case may be, may, in writing, on good cause extend the period within which an appeal must be submitted.