



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1841

Enquiries: Mr Lunga Dlova

Telephone: (012) 399 8524 **E-mail:** LDlova@environment.gov.za

Ms Beverly Nokuthula Mcinga
Airports Company of South Africa SOC Limited
PO Box 57701
LA MERCY
KwaZulu Natal Province
4407

Tel number: (032) 436 6596
Email address: Nokuthula.Mcinga@airports.co.za

PER EMAIL / MAIL

Dear Ms Mcinga

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GNR. 325, 326 & 327 FOR THE PROPOSED CONSTRUCTION OF APRON STANDS AND EXPANSION OF THE BRAVO TAXIWAY AT KING SHAKA INTERNATIONAL AIRPORT, 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 4(2) of the Environmental Impact Assessment Regulations 2014, as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) 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.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria, 0083; or
By post: Private Bag X447,

Pretoria, 0001;

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal 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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: *12/04/2018*

cc	Samantha Moodley	EAP: DMT Kai Batla (Pty) Ltd	Tel: 011 781 4548	Email: Samantha.Moodley@dm-group.com
	Daine van Rensberg	EThekweni Municipality	Tel: 031 311 7136	Email: vanrensbergd@durban.gov.za
	Mavis Padayachee	KZN Department of Economic Development, Tourism & Environmental Affairs	Tel: 033 264 2572	Email: Mavis.Padayachee@kznedtea.gov.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014 as amended (Regulations)

The construction of apron stands and expansion of the bravo taxiway at King Shaka International Airport, KwaZulu Natal Province

eThekwini Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1841</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Airports Company South Africa SOC Ltd.</i>
Location of activity:	<i>KWAZULU NATAL PROVINCE: On Portions 5, 6, 7,8, 9, 10 and 11, Ward 58 at La Mercy Airport within the eThekwini Municipality.</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 2014 as amended, the Department hereby authorises -

AIRPORTS COMPANY SOUTH AFRICA SOC LTD.

with the following contact details –

Ms Beverly Nokuthula Mcinga
Airports Company of South Africa SOC Limited
PO Box 57701
LA MERCY
KwaZulu Natal Province
4407

Tel number: (032) 436 6596
Email address: Nokuthula.Mcinga@airports.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in GN R325, GN R326 and GN R327 of 07 April 2017 (the Regulations) to carry out the following activities:

Listed activities	Activity/Project description
<p><u>GN R327 Activity 61:</u> <i>"The expansion of airports where the development footprint will be increased."</i></p>	<p>The applicant, ACSA has proposed the construction of 4 new apron stands to accommodate wide body aircraft at the King Shaka International Airport (KSIA). Part of the development will include the extension of one of the taxiways at the airport.</p>
<p><u>GN R325: Activity 7:</u> <i>"The development of aircraft landing strips and runways 1,4 kilometres and shorter, in:</i> <i>d. KwaZulu-Natal</i> <i>vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;"</i></p>	<p>The proposed extension of the Bravo Taxiway's total length will be 1300m.</p>
<p><u>GN R325: Activity 12:</u> <i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i> <i>d. KwaZulu-Natal:</i> <i>v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;"</i></p>	<p>Vegetation will be cleared from the remote stand site. The greatest areas to be cleared will be in Alternatives 1. There will also be vegetation clearing in the path of the Bravo Taxiway.</p>

as described in the Basic Assessment Report (BAR) dated January 2018 at:

KwaZulu Natal Province

Farm name and number: La Mercy Airport 15124

Ward: 58

Nearest town: La Mercy

SG 21 Digit Code(s):

Portion No.	La Mercy Airport 15124																					
5	N	0	F	U	0	0	0	0	0	0	0	0	1	5	1	2	4	0	0	0	0	5
6	N	0	F	U	0	0	0	0	0	0	0	0	1	5	1	2	4	0	0	0	0	6
7	N	0	F	U	0	0	0	0	0	0	0	0	1	5	1	2	4	0	0	0	0	7
8	N	0	F	U	0	0	0	0	0	0	0	0	1	5	1	2	4	0	0	0	0	8
9	N	0	F	U	0	0	0	0	0	0	0	0	1	5	1	2	4	0	0	0	0	9
10	N	0	F	U	0	0	0	0	0	0	0	0	1	5	1	2	4	0	0	0	1	0
11	N	0	F	U	0	0	0	0	0	0	0	0	1	5	1	2	4	0	0	0	1	9

Project Location (King Shaka International Airport Co-ordinates)		Latitude (S)	Longitude (E)
Apron stand	Alternative 1 (Preferred): 2 & 2 Remote Stand (option C)	29° 36.856'S	31° 6.665'E
Taxiway	Alternative 2 (Preferred)	29° 36.648'S	31° 7.178'E

- for the proposed construction of apron stands and expansion of the bravo taxiway at King Shaka International Airport, KwaZulu Natal Province, hereafter referred to as "the property".

The proposed scope of work will cover the following:

The fully serviced Apron Stand offerings will include (but not be limited to) the following services:

- Fixed electrical ground power (FEGP);
- Fuel hydrant pits;
- Stand number indicator boards (SNIB);
- Stand Entry Guidance System (SEGS);
- Floodlights;
- Fire hydrant (American style or as specified by ACSA);
- Emergency stop buttons (for SEGS and fuel);
- Emergency fixed line telephone;
- Fuel/oil spill kits;
- CCTV;
- Baggage interface systems;
- Mini substations (serving multiple stands; as required);

- Pre-conditioned air;
- Communications cabinet; and
- Back of stand slot drain infrastructure (to convey stormwater runoff into existing pollution control system).

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Alternative 1 (2 & 2 Remote Stand) for the construction of apron stands and Alternative 2 for the expansion of the bravo taxiway at King Shaka International Airport, KwaZulu Natal Province, with the above coordinates is approved.
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. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. 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.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

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 14 (fourteen) 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 the National Appeal Regulations, 2014;
 - 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.

Commencement of the activity

11. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
12. 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/ies until such time that the appeal has been finalised

Management of the activity

13. The Environmental Management Programme (EMPr), submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.

Frequency and process of updating the EMPr

14. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.

15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 326. The updated EMPr must be subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
17. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.326. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
18. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 326.

Monitoring

19. The holder of the authorisation must appoint an experienced 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 the approved EMPr.
 - 19.1. The ECO must be appointed before commencement of any authorised activities.
 - 19.2. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
 - 19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 19.4. 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.

Recording and reporting to the Department

20. 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 at the following e-mail address: DirectorCompliance@environment.gov.za
21. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
22. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 326.
23. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
24. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and 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 the approved EMPr.
25. 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.

Notification to authorities

26. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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.

Operation of the activity

27. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

28. 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

29. The extent of construction works must be limited to the development footprint and the designated buffer area.
30. Areas to be cleared need to be clearly marked and clearing of vegetation must only take place within these demarcated areas.
31. A qualified biodiversity specialist must be appointed and tasked to do the following:
 - a. Identify any features which require permit applications prior to their removal or destruction. All permits must be obtained prior to the feature being removed or destroyed.
 - b. Identify and rescue indigenous vegetation to be replanted during rehabilitation phase.
 - c. Identify and clear alien vegetation to retain nutrients for indigenous vegetation.
32. Topsoil stockpiles must be protected against wind, erosion and seeds, i.e. by use of shade cloth/netting. Topsoil stockpiles should not exceed 2 meters in height and all exposed earth should be rehabilitated promptly with suitable vegetation to stabilize soil. In addition, sloped areas must be temporarily stabilised during construction using geotextiles.
33. The storm water management system must be implemented during construction. In addition, hydrology management measures detailed in the existing EMP for KSIA, as per the Record of Decision requirements must be implemented.
34. The applicant must ensure that the King Shaka International Airport Air Quality Management Plan (AQMP) is implemented in accordance with the KSIA's Record of Decision and priority pollutants that impacts on human health must also be monitored.
35. All aspects and mitigation measures identified in the Environmental Management Programme must be strictly adhered to.

36. The construction and operation of the stands and taxiway must be consistent with the requirements of the King Shaka International Airport Record of Decision (RoD) with respect to the management and implementation of Conservation Area.
37. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

38. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 38.1. at the site of the authorised activity;
 - 38.2. to anyone on request; and
 - 38.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
39. National government, provincial government, local authorities or committees appointed in terms of the conditions of this 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/her 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: 12/04/2018


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
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 BAR dated January 2018 and received on 01 February 2018;
- b) Mitigation measures as proposed in the BAR dated January 2018 and the EMPr;
- c) 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 Operational Environmental Management Programme and the mitigation measures proposed.
- b) The methodology used in assessing the potential impacts identified in the BAR dated January 2018 have been adequately indicated.
- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 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 January 2018 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) EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the BAR. The EMPr will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities 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 activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.