

APPENDIX A: DFFE CORRESPONDENCE

Lucille Behrens

From: Thulisile Nyalunga <Thulisile.Nyalunga@dffe.gov.za>
Sent: 12 May 2025 12:51 PM
To: Lucille Behrens
Cc: Thabile Sangweni; Sindiswa Dlomo; Mike Cohen
Subject: RE: 2025-05-0009

Dear Lucille

The Department has determined that a pre-application meeting is not required. You can apply to the Department.

Regards
 Thulisile

From: EIA Applications <EIAApplications@dffe.gov.za>
Sent: Wednesday, 07 May 2025 14:23
To: Thulisile Nyalunga <Thulisile.Nyalunga@dffe.gov.za>
Cc: Thabile Sangweni <Thabile.Sangweni@dffe.gov.za>; Sindiswa Dlomo <Sindiswa.Dlomo@dffe.gov.za>; Lucille Behrens <lucille.behrens@gmail.com>; Lucille Behrens <lucille@environmentcen.co.za>; Mike Cohen <steembok@aerosat.co.za>
Subject: 2025-05-0009

Dear Thulisile,

Please note that you have been allocated an application:

Type of Application: Pre-Application Meeting Request;
Reference Number: 2025-05-0009
Date Received: 07/05/2025;
Action Required: Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set

EIA Applications
 Integrated Environmental Authorisations
 Department of Forestry, Fisheries and the Environment

Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to EIAAdmin@dffe.gov.za.

You are advised that this mailbox has a 48 hour response time.

Please note that this mailbox has a 5mb mail limit. No zip files are to be attached in any email

From: Lucille Behrens <lucille.behrens@gmail.com>
Sent: Wednesday, 07 May 2025 08:36
To: EIA Applications <EIAApplications@dffe.gov.za>
Cc: Mike Cohen <steembok@aerosat.co.za>; Lucille Behrens <lucille@environmentcen.co.za>
Subject: Request for Pre-Application Meeting for Bayhead and Langeberg Road Upgrades Port of Durban

Good morning

Please find attached cover letter and Pre-Application Meeting Request Form for the proposed Bayhead and Langeberg Road Upgrade at the Port of Durban, eThekweni Metropolitan Municipality, KwaZulu Natal.

Please acknowledge receipt and contact us should you have any queries.

Kind regards

Lucille



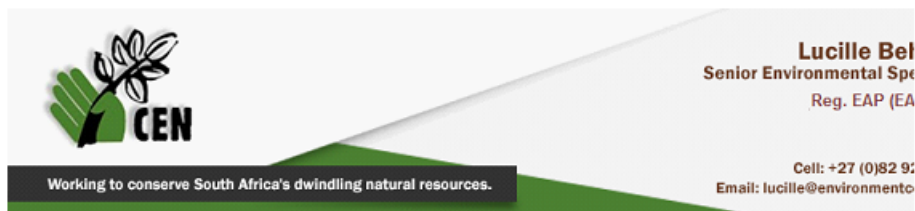
jemma@environmentcen.co.za

From: Lucille Behrens <lucille@environmentcen.co.za>
Sent: Friday, 17 April 2026 18:00
To: EIAApplications@dffe.gov.za
Cc: Ephron Maradwa; Mike Cohen; Jemma
Subject: Application for EA and Draft Assessment Report for Bayhead and Langeberg Road Upgrades
Attachments: Proof of submission of application DBAR Bayhead Langeberg Road Upgrades.pdf

Good afternoon

Please note that an application has been uploaded onto the NEAS system for the BAYHEAD AND LANGEBERG ROAD UPGRADES AT THE PORT OF DURBAN, eTHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU NATAL. The submission includes the Application Form and Draft Basic Assessment Report. Please find attached proof of upload.

Kind regards
 Lucille



Lucille Behrens

From: Lydia Kutu <lydia.kutu@environmentcen.co.za>
Sent: 20 April 2026 10:18 AM
To: lucille@environmentcen.co.za
Cc: Thulisile Nyalunga; EIAAdmin; Salome Mambane
Subject: 14/12/16/3/3/1/3289

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION FORM FOR ENVIRONMENTAL AUTHORISATION (BASIC ASSESSMENT PROCESS) AND DRAFT BASIC ASSESSMENT REPORT FOR THE BAYHEAD AND LANGEBERG ROAD UPGRADES AT THE PORT OF DURBAN, eTHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU NATAL PROVINCE.

The Department confirms having received the Application Form and Draft Basic Assessment Report for Environmental Authorisation for the abovementioned project on 17 April 2026. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

Kindly note that your application for Environmental Authorisation falls within the ambit of an application applied for in terms of Part 2 of Chapter 4 of the EIA Regulations, 2014, as amended. You are therefore referred to Regulation 19 of the EIA Regulations, 2014 as amended.

Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested & Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but **must** be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.

Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Kind Regards,
 Lydia Kutu
 Integrated Environmental Authorisations:
 Coordination, Strategic Planning and Support
 Tel: 031 261 1234

To God be the Glory!!!



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag 3447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 309 9000, Fax: +27 85 625 1045

DFFE Reference: 14/12/16/3/3/1/3289
Enquiries: Ms Thufsile Nyalunga

Ms Lucille Behrens
CEN Integrated Environmental Management (IEM) Unit
140 Kruger Gardens,
62 Admiralty Way
Summerstrand
GQEERHA
6001

Telephone Number: +27 82 922 1645
Cell phone Number: +27 82 922 1645
Email Address: lucille@environmentcen.co.za

PER MAIL / E-MAIL

Dear Ms Behrens

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED BAYHEAD AND LANGEBERG ROAD UPGRADES AT THE PORT OF DURBAN, ETHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU NATAL PROVINCE

The application for environmental authorisation and the draft Basic Assessment Report (BAR) dated April 2026 and received by this Department on 17 April 2026, refer.

This letter serves to inform you that the following information must be included to the Final BAR:

a) **Listed Activities, Application Form, and Project Description**

- (i) You have applied for Activity 19 of Listing Notice 1 "the infilling or depositing of any material weighing more than 10 cubic meters into a watercourse, or the dredging, excavation, removal, or moving of soil, sand, shells, shell grit, pebbles, or rock weighing more than 10 cubic meters from a watercourse". Please provide the exact cubic metres that will be infilled or deposited into a watercourse.
- (ii) You have applied for activity 12 of Listing Notice 3 "the clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation". You are required to specify the exact number of hectares of indigenous vegetation that will be cleared.
- (iii) You have applied for activity 18 of Listing Notice 3 "the widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre". Please specify the precise dimensions of the road that needs to be widened.



Batho pele – putting people first

Department van Bosbou, Visserie en die Omgewing • Department of Forestry, Fisheries and the Environment • Umhlango wezembalihi, zokuThiya nezodokulo • (IsiE zambelini), ezakulabo nokufungileyo • Umhlango wezembalihi, Ezakulabo Nezembali • Igama ye Omhlanga, Sontekisi le Thulagane • Lefafane le Mvula, Maphucane be thile le Thulagane • Lefafane le Qhaga, Dithale le Thulagane • Ukhosi Lenzemkomo, Thintini Nenzemkomo • Mafutsho we zulu: Umhlango wezembalihi, Umhlanga-ho-ho, Umhlanga ye Gathini, Umphucane le Mvula. The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not for the purpose of direct or indirect discrimination. The information is collected by the Information Regulator in terms of the POPI Act, and/or relevant legislation and/or applicable security, on compliance with the provisions of a lawful information of choice.

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- (iv) Please ensure that all relevant listed activities are applied for, are specific, and can be linked to the development activity or infrastructure as described in the project description.

b) Specialist Assessments

- (i) The screening tool identified the following specialist studies: Agriculture Impact Assessment, Civil Aviation, Defence Archaeological and Cultural Heritage Impact Assessment, Palaeontology Impact Assessment, Terrestrial Biodiversity Impact Assessment, Aquatic Biodiversity Impact Assessment and the Animal Plant Species Assessment. Please include a table in the FBAR summarising the specialist studies required by the Screening Tool, a column indicating whether these studies were conducted or not, and a column with motivation, where applicable, for any studies not conducted.
- (ii) Specialist studies to be conducted must provide a detailed description of their methodology, as well as all other associated infrastructures that they have assessed and are recommending for the authorisation. Please include a table indicating the preferred options/alternatives recommended by the specialists.
- (iii) The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- (iv) All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.
- (v) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.
- (vi) Please indicate in the BAR, any recommendations of the EAP or specialists, which are to be included as conditions of authorisation, per Appendix 13(3)(1)(n).
- (vii) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.

c) Locality and Sensitivity map

The report must provide the following:

- (f) A copy of the final preferred layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
- Locations for the culverts and bridges;
 - Permanent laydown area footprint;
 - Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - Wetlands, drainage lines, rivers, streams and water crossings of roads and cables indicating the type of bridging structures that will be used;
 - The location of sensitive environmental features on site e.g. CBAs, ESA, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
 - Buffer areas;

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- Buildings, including accommodation;
 - All "no-go" areas; and
 - A north arrow and legend/key, to enable the Department to interpret the layout map.
 - (ii) An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
 - (iii) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.
- d) **Undertaking of an Oath**
- (i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended.
- e) **Public Participation Process**
- (i) The following information must be included in the FBAR:
 - You stated that the Draft BAR will be available on the website of CEN IEM Unit, <http://www.environmentcen.co.za>. Please indicate where the hard copies of the Draft Basic Assessment Report (BAR) were made available for public review during the public participation period. The locations must be accessible to Interested and Affected Parties (I&APs) and clearly communicated in the public participation documentation.
 - A register to the competent authority, which must include the names, contact information, and addresses of registered IAPs.
 - You are advised to show an attempt made for the consultation i.e., having meetings with the local communities or their leaders or an investigation of their existence in the area.
 - Please ensure to reach out to illiterate, disabled, and other disadvantaged I&APs.
 - Copies of all comments received during the draft BAR comment period.
 - A comment and response report which contains all comments received and responses provided to all comments and issues raised during the public participation process for the draft BAR. Please note that comments received from this Department must also form part of the comment and response report.
 - (ii) Please ensure that all issues raised, and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are addressed.
 - (iii) Proof of correspondence with the various stakeholders (including this **Department's Directorate: Biodiversity Conservation**) must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- f) **Environmental Management Programme**
- The EMP must also include the following:
- (i) All recommendations and mitigation measures recorded in the BAR and the specialist studies.
 - (ii) Measures to protect other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
 - (iii) The frequency for the auditing of compliance with the conditions of the EA and EMP and for the submission of such compliance reports to the competent authority.
 - (iv) A layout map and environmental sensitivity map, indicating any no-go areas and environmental sensitive areas and features identified during the assessment process. The access roads (including GPS coordinates) must also be indicated.

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- (v) In addition to the above, the EMP must comply with Appendix 4 of the EIA Regulations, 2014, as amended.
- (vi) The following were recommended to be incorporated in the EMP: An Alien Invasive Plant Control Plan, Stormwater Management, Rehabilitation Plan, measures to prevent oil, fuel and / or hydrocarbons from entering nearby watercourses or cause groundwater contamination.

General

Please also ensure that the Final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded (for activities without operational aspects) as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: "Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority: (a) a basic assessment report, inclusive of any specialist reports, an EMP, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority."

Should there be significant changes or new information that has been added to the BAR or EMP, which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: "the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation 1(a) and that the revised documents will be subjected to another public participation process of at least 30 days."

Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



Dr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Ms Sindiswa Dlomo
Designation: Deputy Director: National Integrated Authorisation
Date: 14/05/2026

cc: Mr Johnny Mokheeseng	TRANSNET SOC Limited
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