



nelson mandela bay
M U N I C I P A L I T Y

**PROCEDURE FOR APPLYING FOR THE
MANAGEMENT OF FACILITIES HANDLING BULK
ORE WITHIN NELSON MANDELA BAY
MUNICIPALITY**

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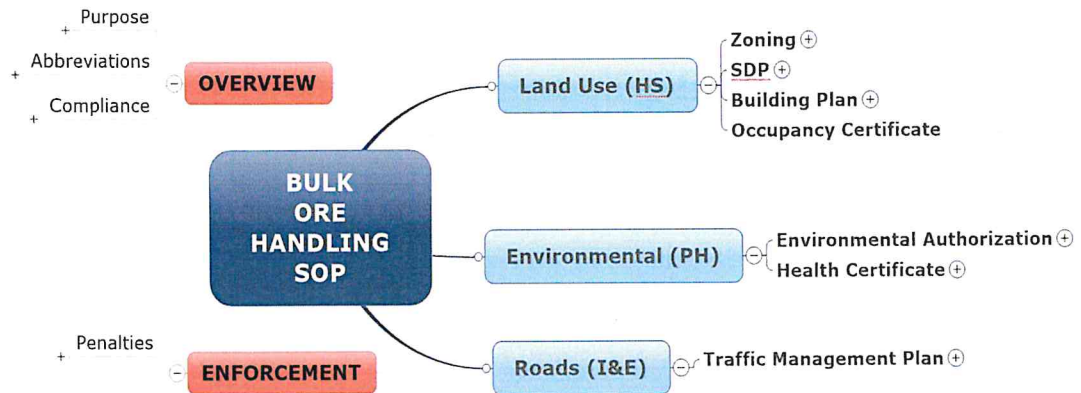
ACRONYMS

EA	Environmental Authorisation
EMP	Environmental Management Plan
GLA	Gross Lettable Area
HC	Health Certificate
HS	Human Settlements
I&E	Infrastructure & Engineering
NMBM	Nelson Mandela Bay Municipality
OC	Occupation Certificate
PH	Public Health
Port	Port of Ngqura and Port of Port Elizabeth
SDP	Site Development Plan
SOP	Standard Operating Procedure
TMP	Traffic Management Plan
TIA	Traffic Impact Assessment
TIS	Traffic Impact Statement
R&T	Roads and Transport

1. PURPOSE

To provide for a Standard Operating Procedure (SOP) for the management of facilities handling bulk ore within Nelson Mandela Bay Municipality (NMBM).

2. DIAGRAMMATIC OVERVIEW



3. RATIONALE FOR THE SOP

Based on the growing demand for bulk ore export over the past few years, combined with the limited stockpile areas at the Port Elizabeth Port, ore operators are now utilising the Markman Industrial area for bulk storage. As most of these operators are unregulated in terms of NMBM bylaws, it has resulted in excessive levels of dust pollution as well as having a negative impact on surrounding municipal road networks. Given the large volumes of ore handled, and the growth in facilities utilizing road transportation from stockpiling facilities to quayside handling facilities, a Standard Operating Procedure (SOP) for the management of facilities handling bulk ore within NMBM became necessary.

The SOP provides a summary of the compliance procedures for the management of bulk ore handling facilities in the spatial context of NMBM.

The compliance procedures are multi-faceted and are overseen by different Directorates within NMBM, as set out in sections as follows:

Section A: Environmental Health Compliance (Public Health Directorate)

Section B: Land Use Compliance (Human Settlements)

Section C: Roads

Section D: Enforcement

SECTION A: ENVIRONMENTAL HEALTH COMPLIANCE (PUBLIC HEALTH DIRECTORATE)

Detailed procedures to obtain a health certificate is set out below.

NOTE: When more than 100 000 tons of bulk ore is stored/stock piled then the NEMA process is triggered. The procedures for this are excluded from this SOP.

1. ENVIRONMENTAL AUTHORISATION AND ATMOSPHERIC EMISSION LICENCE

- 1.1 Should an activity associated with the bulk ore handling trigger a listed activity in terms of the National Environmental Management Act (Act 107 of 1998), an environmental authorization will be required.
- 1.2 Should an activity associated with the bulk ore handling trigger a listed activity in terms of the National Environmental Management: Air Quality Act (Act 39 of 2004) (NEMAQA):
 - a) An environmental authorization is required from the Provincial Department of Economic Development, Environmental Affairs & Tourism (DEDEAT).
 - b) A Provisional Atmospheric Emission License (PAEL) or Atmospheric Emission License (AEL) is required from the Nelson Mandela Bay Municipality (Public Health Directorate), as the competent licensing authority.
 - c) Subcategory 5.1 of the NEMAQA will be triggered if the storage facilities are designed to hold more than 100 000 tons inclusive of buildings, containers, yard stockpiles, and outside a facility.

2. HEALTH CERTIFICATE

Submission of the EMP must be made at Public Health Division, 13th Floor Lillian Diedericks Building (former Brister House), Govan Mbeki Avenue, telephone 041 5065462/ 041 5065413 (Environmental Health Sub Directorate: Air Pollution and Noise Control Unit)

Contact Person: Ms BUYISWA DELIWE

To obtain a Health Certificate the following must be submitted to Public Health for approval:

- 2.1 **An EMP:** The EMP must include, as a minimum:
 - a) Enterprise Details.
 - b) A Zoning Certificate issued by Human Settlements.
 - c) Location and extent of the facility together with description of surrounding land use (within 5 km radius).
 - d) Legible map(s), satellite image(s) or aerial photograph(s) in colour. Graphics must be clear, labelled and, where applicable, should include a true north arrow and scale.
 - e) Detailed description of operations on site. Include a process flow diagram and points of emissions.
 - f) Description and quantification of fugitive emissions for area and line sources at the facility.
 - g) Impact of enterprise on the receiving environment:
 - i. Analysis of emissions impact on human health.
 - ii. Dispersion modelling exercise must be undertaken.
 - iii. Analysis of emissions impact on the environment.
 - h) Sources and management of dust emissions.
 - i) Dustfall monitoring programme.
 - j) Line management responsibilities and reporting (EMP Management Actions).
 - k) Sources and management of water pollution together with storm water layout plan.
 - l) Water quality monitoring.
 - m) Noise pollution.
- 2.2 **Site Plan:** An overall site plan of the bulk ore handling facility indicating building to be used and clearly identifying bulk storage volumes.
- 2.3 **Routes Plan:** A plan of the routes used for transportation of bulk ore within the NMBM boundary, from mine to the site in NMBM and from site to Port, loaded and unloaded.
- 2.4 **A Communication Plan**, including:
 - i. A reporting channel to NMBM (airpoll@mandelametro.gov.za).
 - ii. Process for reporting damage to Municipal infrastructure. Damaged infrastructure must be reported on the 0800 20 5050 line or the Municipal cellphone app.
- 2.5 **Method Statements** for:
 - i. Discharge of bulk ore in the Port.
 - ii. Loading and discharge procedures on site.
 - iii. Usage of public areas.
 - iv. Onsite and offsite storm water management plan.

- v. Dust measurement procedures at the storage site and during the transport of the ore to storage site as well as post off-load as transport exit site.
 - vi. Incident mitigation procedures in the event of an accident or spillage.
 - vii. Procedures for the inspection of routes to be used by trucks.
- 2.6 **Procedure for format and submission of monthly monitoring report**, including: dust monitoring, route monitoring, route cleaning and non-conformance statements.
- 2.7 **A valid occupation certificate**. PH will only accept and review an EMP for buildings approved by Council (approved building plans) and for which Occupation Certificates have been issued.

A declaration stating that the information is accurate must be made by the applicant.

The EMP must be conducted by an independent and suitably qualified environmental assessment practitioner who will be required to declare his/her independence

The Health Certificate will be processed within 60 days of the date of receipt of the EMP.

SECTION B: LAND USE COMPLIANCE (HUMAN SETTLEMENT DIRECTORATE)

Storage of any bulk ore (including manganese ore) is possible under certain zoning categories as prescribed in terms of the zoning scheme regulations applicable in the NMBM area.

1. ZONING

- 1.1 Storage of bulk ore must take place on a property zoned according to the applicable zoning scheme.
- 1.2 A Zoning Certificate may be obtained at Land Planning Division, 3rd Floor Lillian Diedericks Building (former Brister House), Govan Mbeki Avenue, telephone 041 506 3324
- 1.2 If the property is not zoned appropriately a rezoning application will need to be submitted to the NMBM for approval.
- 1.3 Standard Operating Procedures for the submission of a rezoning application are available on the municipal website at <http://www.nelsonmandelabay.gov.za/documentslist?catID=77>.
- 1.4 Enquiries can also be directed to lpadmin@mandelametro.gov.za.

2. SITE DEVELOPMENT PLAN (SDP)

- 2.1 Approval for a Site Development Plan may be required in cases where it is a condition of zoning approval, in cases where new buildings are to be submitted, in terms of existing use rights (floor space) or when an existing building is being converted to another use.
- 2.2 Submission of a SDP must be made at Land Planning Division, 3rd Floor Lillian Diedericks Building (former Brister House), Govan Mbeki Avenue, telephone 041 506 3324.
- 2.3 The following documentation must be submitted to HS for compliance with the Standard Operating Procedure:
 - 2.3.1 Site Development Plan:
 - a) Detailing where operations will take place.
 - b) Facilities must be enclosed to mitigate bulk ore impacts on adjoining properties.
 - c) Vehicle and pedestrian access and circulation.
 - d) Position of all services.
 - e) Method of disposing stormwater, stormwater management system must have storm-water capture pits.
 - f) Height and coverage.
 - g) Indication of external finishes to be used in buildings.
 - h) Siting of all buildings and parking areas.

- i) Be to a scale of not less than 1:200. If the development proposed is so extensive as to require a smaller scale, to a scale of 1:500.
 - 2.3.2 Environmental Operational Management Plan (EOMP).
 - 2.3.3 Health Certificate obtained from Public Health, 14th floor Lillian Diedericks Building, Govan Mbeki Ave, Central
 - 2.3.4 Traffic Management Plan (TMP).
- 2.4 The SDP, that complies with all the required documents, and has been walked through the system for comments / inputs from all relevant sector departments, can be processed within 1 month once the EMP and TMP is completed, and the health certificate is issued by the NMBM.

3. BUILDING PLANS

- 3.1 Upon approval of the SDP, building plans must be submitted to the NMBM showing uses in terms of the approved SDP.
- 3.2 Building Plans must be submitted at the Information Centre, Ground Floor, Lillian Diedericks Building, Govan Mbeki Avenue
- 3.3 Building Plan approval takes approximately 10 days.

4. OCCUPATION CERTIFICATE

- 4.1 An Occupation Certificate for the use of buildings for bulk ore must be issued in terms of the National Building Regulations and Building Standards Act 103 of 1977 before operations can commence.

SECTION C: ROADS

1. TRAFFIC MANAGEMENT PLAN

- 1.1 All bulk ore handling operations must have a traffic management plan (TMP) approved by Roads and Transport (R&T). The TMP must include:
 - a) Volumes: A description of volumes to be handled, projected time frames, the mode of transportation, and the number of trucks to be used.
 - b) Routes to be used must be described and specified on a route map. The routes must include all routes from mine to site in NMBM and from site to Port, loaded and unloaded. These route maps will be included in either the Traffic Impact Statement (TIS) or Traffic Impact Assessment (TIA).
- 1.2 A Traffic Impact Statement (TIS) or Traffic Impact Assessment (TIA) must be submitted or can be requested upon the discretion of the NMBM official for any additional activities on applicable erf/stand. A general guide is 500m² gross leasable area for a TIS and 1000m² gross leasable area for a TIA.
- 1.3 For sites within Markman Township, the TMP must reference and align to the Master TIA for Markman Township.
- 1.4 Bulk ore must be transported safely. Trucks, loaded or unloaded, must be cleaned before exiting any handling facility where it loaded or unloaded bulk ore. This is to prevent rocks and dust coming off the trailers and falling onto the road.
- 1.5 Road Cleaning Schedule. A roster must be worked out amongst the hauliers to keep the roads clean from bulk ore rocks. This roster must be submitted monthly to Public Health Division, 13th Floor Lillian Diedericks Building (former Brister House), Govan Mbeki Avenue, telephone 041 5065462/ 041 5065413 (Environmental Health Sub Directorate: Air Pollution and Noise Control Unit) Contact Person: Ms BUYISWA DELIWE
- 1.6 A material handling plan must make provision for:
 - a) Sweeping and cleaning of trucks at site and port.
 - b) A sweeping log to be retained on all vehicles and signed on exit of port and site.
 - c) Weigh bridge records to be always retained on the vehicle.
 - d) Stacking areas identified at the port and site which do not encroach on public space.

- e) Dust suppression measures for loading and unloading of trucks.
- f) Dust suppression measures for surface dust on the trucks when driving on the road.
- 1.7 Trucks transporting bulk ore must be clearly the name of the company that it is transporting for (like the yellow numbers for the mines).
- 1.8 Trucks transporting bulk ore must not overload their maximum weight and the load on the truck must be evenly spread across all axels.
- 1.9 No truck will be allowed to park or stack on road verges or in the public roadway.
- 1.10 Violating traffic rules and regulations will result in fines and possible impoundment of the vehicle/s.
- 1.11 There must be co-ordination with the off-loading in the harbor and the stockpiling site so that no trucks are backed-up onto public roads.
- 1.12 Trucks must have mudguard flaps at all wheels.
- 1.13 All trucks must be roadworthy.

SECTION D: ENFORCEMENT

Non-compliance in terms of the regulatory requirements will lead to legal proceedings or penalties being applied to either the **operator** of facilities or the **transporter** in accordance with: (or both) for the following types of offences:

- a) Deviation from approved routes, except for vehicle maintenance, road-worthy assessments, re-fuelling, and road closures due to flooding, civil unrest or road accidents.
- b) Vehicle stacking on public areas.
- c) Deviation from an approved Traffic Management Plan.
- d) Overload of vehicles.
- e) Unsafe transport.
- f) Unevenly distributed loads.
- g) Non-compliance with Traffic By-Laws.
- h) Non-compliance with relevant Environmental Health By-Laws.
- i) Non-compliance with the conditions of the Health Certificate.
- j) Non-compliance with the Problem Buildings By-Law.
- k) Offences in terms of the National Building Regulations and Standards Act 103 of 1977.
- l) Non-compliance with a Zoning Scheme Regulations.

SECTION E: CHECKLIST

Below checklists outline the submission requirements Compliance herewith will speed up approval processes.

1. EMP SUBMISSION CHECKLIST

Point of entry: Public Health, 13th Floor Lillian Diedericks Building (former Brister House), Govan Mbeki Avenue, telephone 041 5065462/ 041 5065413 (Environmental Health Sub Directorate: Air Pollution and Noise Control Unit)

Contact Person: Ms BUYISWA DELIWE

DESCRIPTION	✓
1) EMP that includes	
a) Enterprise details.	
b) Location and extent of the facility together with description of surrounding land use (within 5 km radius).	
c) Legible map(s), satellite image(s) or aerial photograph(s) in colour. Graphics must be clear, labelled and, where applicable, should include a true north arrow and scale.	

DESCRIPTION	✓
d) Detailed description of operations on site. Include a process flow diagram and points of emissions.	
e) Description and quantification of fugitive emissions for area and line sources at the facility.	
f) Impact of enterprise on the receiving environment: i) Analysis of emissions impact on human health. ii) Dispersion modelling exercise must be undertaken. iii) Analysis of emissions impact on the environment.	
g) Sources and management of dust emissions.	
h) Dustfall monitoring programme.	
i) Line management responsibilities & reporting (emp management actions).	
j) Sources and Management of Water Pollution together with storm water layout plan.	
k) Water quality monitoring.	
l) Noise pollution	
2) Site Plan An overall site plan of the bulk ore handling facility indicating building to be used and clearly identifying bulk storage volumes.	
3) Routes Plan A plan of the routes used for transportation of bulk ore within the NMBM boundary, from mine to the site in NMBM and from site to Port, loaded and unloaded.	
4) Communication Plan including: i) A reporting channel to NMBM (airpoll@mandelametro.gov.za) ii) Process for reporting damages to Municipal Infrastructure	
5) Method Statements for: a) Discharge of bulk ore in the Port. i) Loading and Discharge procedures on site. ii) Usage of Public Areas. iii) Storm water Management Plan. iv) Dust measurement procedures. v) Incident mitigation procedures in the event of an accident or spillage. vi) Procedures for the inspection of routes to be used by trucks.	

2. TOWN PLANNING SUBMISSION CHECKLIST

Town Planning, 3rd floor Lillian Diedericks Building, Govan Mbeki Ave, Central

N O	REQUIREMENT	YES / NO	RECOMMENDED ACTION
1	Is the zoning in place (Industrial 2/Industrial 3 in terms of PE Scheme)?		If No: Rezoning application must be submitted for consideration by Human Settlements. Refer to the Standard Operating Procedures for the submission of a rezoning application are available on the municipal website at http://www.nelsonmandelabay.gov.za/documentslist?catID=77 . Enquiries can also be directed to lpmadmin@mandelametro.gov.za. If Yes: the application may proceed to the next step on the checklist.
2	Are there any existing illegal structures or uses on-site?		If No: The application may proceed to the next step of the checklist. If Yes: The illegal structures or uses on-site must be formalised before the application may proceed to the next stage of the checklist.
3	Is the proposed Activity classified as noxious use?		If No: The application may proceed to the next step of the checklist. If Yes: an SDP approval will be required in terms of Clause 3.15 of the Port Elizabeth Zoning Scheme. See requirements below as part of SDP submission:

3. SITE DEVELOPMENT PLAN FORMAL SUBMISSION CHECKLIST

NO	REQUIRED	YES / NO	RECOMMENDED ACTION
1	Will an SDP approval be required?		<p>If No: The application may proceed to the next step of the checklist.</p> <p>If Yes: a written confirmation stipulating documents / authorization required as part of formal SDP submission to be issued by Town Planning a written confirmation stipulating documents / authorization required as part of formal SDP submission to be issued by Town Planning:</p> <p>Such documents/authorizations to include:</p> <ol style="list-style-type: none"> 1. EMP. 2. Health Certificate from Public Health. 3. Description of Operations detailing the dust measurement procedures which include a Waste Management Plan. 4. Traffic Management Plan or an approved TIA. 5. Any other documentation as deemed necessary by Town Planning.

2	SITE DEVELOPMENT PLAN		✓
a)	Detailing where operations will take place.		
b)	Facilities to be closed for bulk ore to mitigate dustfall.		
c)	Vehicle and pedestrian access and circulation.		
d)	Position of all services.		
e)	Method of disposing stormwater.		
f)	Height and coverage.		
g)	Indication of external finishes to be used in buildings.		
h)	Siting of all buildings and parking areas.		
i)	Be to a scale of not less than 1:200. If the development proposed is so extensive as to require a smaller scale, to a scale of 1:500.		

3	APPROVED OR ENDORSED BY PUBLIC HEALTH		✓
a)	Health Certificate (Issued by Public Health)		
b)	Description of Operations (Detailing the dust measurement procedures and must include a waste management plan)		
c)	Traffic Management Plan (Approved or endorsed by Road and Stormwater Division)		

4	BUILDING PLANS		✓
a)	Approved SDP as per Clause 3.15.1 of the PE Scheme, if required		
b)	Health Certificate from Public Health		

Signature: 

Date: 31/08/22

Mpho Pebane
Acting Executive Director: EDTA