



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia · PRETORIA

DEA Reference: 14/12/16/3/3/1/1884

Enquiries: Matlhodi Mogorosi

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Mr Steve Gillham
Umgeni Water
PO Box 9
PIETERMARITZBURG
3200

Tel: (033) 341 1164
Email: Steve.gillham@umgeni.co.za

PER MAIL / E-MAIL

Dear Mr Gillham

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), AS AMENDED (NEMA); GOVERNMENT NOTICES. R982, R983 AND R985, AS AMENDED: LOWER UMKHOMAZI BULK WATER SUPPLY SCHEME – CONSTRUCTION OF THE NGWADINI WEIR, ABSTRACTION WORKS AND PIPELINE, WITHIN THE UMDONI LOCAL AND ETHEKWINI METROPOLITAN MUNICIPALITIES, KWAZULU-NATAL PROVINCE

With reference to the above application, please be advised that the Department has decided to grant an environmental authorisation to you. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed.

Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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:

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 Street
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the NEMA, 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 any activity authorised in the EA 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.

Yours faithfully



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

Date: 04/09/2018

CC:	Ms. S Gerber	Nemai Consulting CC	Tel: 011-781-1730	Email: samanthag@nemai.co.za
	Ms M Padayachee	KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs: South Region	Tel: 033-343-8495	Email: mavis.padayachee@kznedtea.gov.za
	Mr X Luthuli	Umdoni Local Municipality	Tel: 039-976-1202	Email: mmoffice@umdoni.gov.za
	Ms D van Rensburg	eThekweni Metropolitan Municipality	Tel: 031-311-7136	Email: Diana.VanRensburg@durban.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

Lower uMkhomazi Bulk Water Supply Scheme – Construction of the Ngwadini Weir, Abstraction Works and Pipeline, within the Umdoni Local and eThekwini Metropolitan Municipalities, KwaZulu-Natal Province

Ugu District Municipality
eThekwini Metropolitan Municipality

Authorisation register number:	14/12/16/3/3/1/1884
Last amended:	<i>First issue</i>
Holder of authorisation:	UMGENI WATER
Location of activity:	KWAZULU-NATAL PROVINCE: <i>Within Umdoni Local and eThekwini Metropolitan Municipalities</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.

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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 the Department hereby authorises –

UMGENI WATER

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Steve Gillham

Umgeni Water

PO Box 9

PIETERMARITZBURG

3200

Tel: (033) 341 1164

Cell: (083) 453 0240

E-mail: Steve.gillham@umgeni.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 & 3 (GN R. 983 & 985):

Listed activities	Activity/Project description
<p><u>GN R983 Item 9:</u></p> <p><i>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; or</i></p> <p><i>(ii) with a peak throughput of 120 litres per second or more;</i></p>	<p>A pipeline, approximately 1150m in length, will pump water from the Ngwadini weir and abstraction works to the Ngwadini off-channel storage (OCS) Dam. Details of the pipeline to fill the OCS dam are provided below:</p> <p>Pipeline: Flow - (M³/d in 18hours) - 65M³/d</p> <p>Velocity - 1.273m/s</p> <p>Length -1150m</p> <p>Diameter - DN1000</p>
<p><u>GN R983 Item 12:</u></p> <p><i>The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p>	<p>Various infrastructure within 32m from watercourse(s) and within a watercourse, including:</p> <ul style="list-style-type: none"> • Weir and abstraction works (which will be built on the uMkhomazi River); • Pipeline; and • Access roads.
<p><u>GN R983 Item 19:</u></p>	

Listed activities	Activity/Project description
<i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i>	Construction of various infrastructure within watercourse(s), including: <ul style="list-style-type: none"> • Weir and abstraction works; and • Access road. This will result in the excavating, dredging and infilling within a watercourse of more than 10m ³ .
<u>GN R983 Item 24:</u> <i>The development of a road— (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i>	The new access road to be constructed will be approximately 1270m in length and approximately 8m in width, where no reserve exists.
<u>GN R983 Item 30:</u> <i>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</i>	The developments will fall within areas of KZN Ecological Support Areas Areas (ESA). In addition, multiple plant species of conservation importance were identified on site by the Ecological Specialist.
<u>GN R985 Item 4:</u> <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres. d. KwaZulu-Natal 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;</i>	The developments will fall within areas of KZN ESA areas.
<u>GN R985 Item 14:</u> <i>The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</i>	The construction of various infrastructure will occur within watercourse(s) or within 32m of a watercourse, including: <ul style="list-style-type: none"> • Weir and abstraction works; • Pipeline; and

Listed activities	Activity/Project description
<p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs— (a) within a watercourse; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; d. KwaZulu-Natal 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>• Access road.</p> <p>The developments will fall within areas of KZN ESA areas within a watercourse and within 32m from a watercourse.</p>

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

Farm Name: Alexandra Native Location No 1 16457; and

Farm Name: Umlazi Native Location 4676

21 Digit SG code:

N	0	E	T	0	0	0	0	0	0	0	1	7	4	4	8	0	0	0	0	0
N	0	E	T	0	0	0	0	0	0	0	0	4	6	7	6	0	2	2	0	4

Pipeline	Latitude	Longitude
Starting point of activity	30°08'12.5314"S	30°35'38.6791"E
Middle point of activity	30°08'09.2359"S	30°35'56.0729"E
End point of activity	30°08'20.8705"S	30°36'05.2908"E
Ngwadini Weir	Latitude	Longitude
Starting point of activity	30°08'10.4522"S;	30°35'36.0546"E
Middle point of activity	30°08'11.3492"S;	30°35'36.5968"E
End point of activity	30°08'12.1535"S;	30°35'37.1429"E
Abstraction Point	Latitude	Longitude
	30°08'12.4559"S	30°35'38.0967"E
Access Road	Latitude	Longitude
Starting point of activity	30°08'13.0266"S	30°35'37.5047"E

Middle point of activity	30°08'04.2584"S	30°35'55.0974"E
End point of activity	30°08'10.8772"S	30°36'10.1823"E

the location indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the Lower uMkhomazi Bulk Water Supply Scheme (LUBWSS): Ngwadini Weir, Abstraction Works, pipeline and access road, within the Umdoni Local and eThekweni Metropolitan Municipalities, KwaZulu-Natal Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- An abstraction works with weir and pump canals, with a footprint of approximately 2500m², to fill the Ngwadini Off-Channel Storage (OCS) Dam (part of a separate application) during the summer periods of excess flow. The Ngwadini Weir and abstraction works will be built on the uMkhomazi River. The layout for the Ngwadini weir and abstraction works includes for a fishway on the downstream side of the pump canals to facilitate the passage of fish;
- A pipeline, approximately 1150m in length, to pump water from the Ngwadini weir and abstraction works to the Ngwadini OCS Dam. The construction servitude for the pipeline will be 25m from the centreline on each side. For the river crossings, reinforced concrete bedding and backfill will be used for the length of the pipeline, submerged under each river crossing; and
- A new access road, approximately 1270m in length and approximately 8m in width, to access the Ngwadini weir and abstraction works, as well as the Ngwadini OCS DAM during the construction and operational phases of the project. Most of the road will need to be constructed, while small sections are existing roads that require upgrading. The construction servitude for the road will be 12m from the edge of the road.

The Ngwadini OCS Dam forms part of a separate application, and is therefore not included in the scope of this authorised project.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The Ngwadini Weir and Abstraction Works configuration/layout **Option 2:** Abstraction works with weir and pump canals, for the Lower uMkhomazi Bulk Water Supply Scheme - Ngwadini Weir, Abstraction Works and Pipeline, within the Umdoni Local and eThekweni Metropolitan Municipalities, KwaZulu-Natal Province, is approved as per the geographic coordinates cited at the table reflected on page 6 above.
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. Construction must be completed within 5 years of the commencement of the activity on site.

9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. 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.
11. The notification referred to must –
- 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. 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 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 strictly adhered to.

Frequency and process of updating the EMPr

14. The approved EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 21 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. 982. The updated EMPr must have been 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.982. 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. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

19. The holder of the authorisation must appoint an experienced independent 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 at Directorcompliance@environment.gov.za.
- 19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a 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 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 at Directorcompliance@environment.gov.za.
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. 982.
23. The holder of the authorisation must, in addition, submit an environmental audit report 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. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
30. The following buffer zones, applicable only to secondary activities such as laydown yards and stockpiles, must be implemented for the wetland systems on site:
- 30.1. for the abstraction works and weir: a buffer zone of 55m from the wetlands during the construction phase.
 - 30.2. for the access road: a buffer zone of 29m and 15m from the wetlands for the construction and operational phases respectively; and
 - 30.3. for the pipeline: a buffer zone of 15m from the wetlands for the construction and operational phases.
 - 30.4. The above recommended buffer zones must be strictly adhered to during the construction phase of the project, with exception of the primary activities and structures required to traverse a watercourse viz. the abstraction works, access road and pipeline, including structures such as culverts for drainage lines and the weir structure itself. These primary activities can take place in the prescribed buffer zone. Any secondary / supporting aspects and activities, such as laydown and mixing yards, not required to be within the buffer area must adhere to the buffer zone.
31. A fishway must be incorporated into the abstraction works and weir, in order to facilitate the movement of fish species. The fishway must adhere to the detailed design requirements of the Aquatic and Wetland Specialist as specified on page 91 and 92 of the approved EMPr dated May 2018.
32. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
33. A botanist must be appointed to perform a final walkthrough of the alignment to identify sensitive plant species, and assist in identifying the areas that require protection.
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34. A permit for either removing or disturbing of the *Sclerocarya birrea* subsp. *Caffra* (Marula tree) along the pipeline route must be obtained from Department of Agriculture, Forestry and Fisheries before, if required, before construction commences.
35. A permit to remove Specially Protected Indigenous Plants must be obtained from Ezemvelo KZN Wildlife. The removal must occur during the summer months and with due care, by a qualified botanist or similarly qualified individual, and the plants must be relocated into areas with the same aspect, soil conditions and elevation to ensure that the relocations are successful.
36. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species if required and a copy of such permit/s must be submitted to the Department for record keeping. Copies of the permit/s must be included in the final EMPr to be submitted to this Department for approval before commencement of construction activities.
37. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the approved EMPr must be implemented to reduce the risk of erosion and the invasion of alien species.
38. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
39. A Phase 2 Heritage Impact Assessment (HIA) must be undertaken when the areas for the access road and pipeline are cleared of vegetation to allow access to them. This must be done by a heritage specialist with experience with grave relocations. The Phase 2 study must be submitted to Amafa KwaZulu-Natal and the South African Heritage Resources Agency SAHRA for commenting and approval. If it is decided that the graves identified in the Phase 1 HIA and any others found during the Phase 2 HIA should be relocated, the relevant legal and regulatory heritage requirements must be adhered to.
40. The relevant heritage approvals must be obtained from Amafa for the demolition or alteration of the dilapidated structures found during the Phase 1 HIA, if required.
41. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, Amafa and SAHRA must be alerted immediately, and a professional archaeologist or palaeontologist (depending on the finds), must be contacted as soon as possible to inspect the findings.
42. 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.

Waste, which is not authorised for disposal on site as part of the approved development, must be dealt with according to relevant legislation or the Department's policies and practices.

43. The holder of environmental authorisation must prevent the occurrence of nuisance conditions or health hazards.

General

44. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 44.1. at the site of the authorised activity;
 - 44.2. to anyone on request; and
 - 44.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
45. 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: 01/09/2018



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 May 2018;
- b) The comments received from eThekweni Metropolitan Municipality; the Department of Agriculture, Forestry & Fisheries; the Department of Water & Sanitation; and Ezemvelo KZN Wildlife as included in the BAR dated May 2018;
- c) Mitigation measures as proposed in the BAR dated May 2018 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the BAR;
- e) The findings of the site visit that was undertaken on 08 August 2018; and
- f) 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 findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need and desirability of the project was fully motivated. The current water resources supplying the South Coast of KwaZulu-Natal are insufficient to meet the projected water demands. The Upper and Middle South Coast are currently supplied by water from local rivers and dams, augmented by the Mgeni System. The Mgeni System is the main water source that supplies about six million people and industries in the eThekweni Municipality, uMgungundlovu District Municipality (DM), Msunduzi Local Municipality (LM), and a small portion of Ugu District Municipality. These municipal areas comprise the economic powerhouse of KwaZulu-Natal. Umgeni Water is pursuing the project as a scheme for domestic water supply to the South Coast. Augmentation of the water resources

supplying the South Coast is urgently needed to both relieve the load on the Umgeni Water supply system, and to meet growing water demands along the South Coast of KZN

- c) The BAR dated May 2018 identified all legislation and guidelines that have been considered in the preparation of the BAR dated May 2018.
- d) The methodology used in assessing the potential impacts identified in the BAR dated May 2018 and the specialist studies have been adequately indicated.
- e) 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 May 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) According to the independent Environmental Assessment Practitioner, the information contained in the BAR dated May 2018 is accurate and credible.
- 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 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.

Annexure 2: Locality Plan

