

NOTICE OF AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND A WATER USE AUTHORISATION FOR THE PROPOSED KWAHLOKHOLOKO SUB-SUPPLY AREA (SSA) 1, PHASE 2 WATER SUPPLY PROJECT, UMLALAZI LOCAL MUNICIPALITY, KING CETSHWAYO DISTRICT MUNICIPALITY, KWAZULU-NATAL



Terratest Ref No. 41863
July 2022



NOTIFICATION SHEET

1. INTRODUCTION

Terratest (Pty) Ltd has been appointed by Eyethu Engineers (Pty) Ltd, on behalf the King Cetshwayo District Municipality (KDCM), to render the environmental services required for the proposed Kwahlokhloko Sub-Supply Area (SSA) 1, Phase 2, Water Supply Project. The location of the proposed project is approximately 4km North of the Eshowe Central Business District (CBD), within the Umlalazi Local Municipality (Wards 9, 10, 26 and 27), King Cetshwayo District Municipality. The project is located proposed within the jurisdiction of the Mpungose and Mpehlela Tribal Authorities.

Based on the National Environmental Management Act, 1998 (No. 107 of 1998) (NEMA) Environmental Impact Assessment (EIA) Regulations (2014), as amended, an independent Environmental Assessment Practitioner (EAP) who will adhere to the Environmental Regulations and undertake the applicable environmental applications for the project had to be appointed. Terratest (Pty) Ltd is the appointed EAP in this regard. Terratest (Pty) Ltd will be undertaking the Basic Assessment (BA) Process (in order to obtain an Environmental Authorisation) and the necessary Water Use Authorisation (WUA) process (in order to obtain either a Water Use Licence or a General Authorisation) for the proposed development. The relevant role-players for both processes are detailed in **Table 1**.

Table: Role-players for proposed development

ROLE-PLAYER	BA	WUA
APPLICANT	King Cetshwayo District Municipality  KING CETSHWAYO DISTRICT MUNICIPALITY	
ENVIRONMENTAL ASSESSMENT PRACTITIONER	Terratest (Pty) Ltd  terratest Geotechnical, Environmental & Earth Science Consultants	
COMPETENT AUTHORITY	KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs (EDTEA)	Department of Water and Sanitation (DWS)

ROLE-PLAYER	BA	WUA
	 <p>edtea Department : Economic Development, Tourism and Environmental Affairs PROVINCE OF KWAZULU-NATAL</p>	 <p>water & sanitation Department: Water and Sanitation REPUBLIC OF SOUTH AFRICA</p>

2. PROJECT DESCRIPTION

The proposed development entails the construction of water pipelines, and a new reservoir as follows:

- ❖ **DN (i.e. diameter) 500mm pipe:** Total of ±10km, from existing reservoir R1-1 in Kwahloko SSA (co-ordinates 28°50'43.82"S; 31°27'31.87"E), up to the new reservoir R1-2;
- ❖ **DN 400mm:** Total of ±4 km, partly in shared trench with DN500 and running from the new reservoir towards the existing reservoir R2-1 (coordinates 28°48'2.81"S; 31°32'33.41"E) in Habeni;
- ❖ **DN315 pipe:** ±1.2km (in shared trench with DN500 and DN 400) from new reservoir R1-2 in a westerly direction, pipe will cater for future project; and
- ❖ **New Reservoir R1-2:** co-ordinates 28°49'52.85"S; 31°32'22.54"E, in KwaMphehlela, capacity of 1.55ML.

Figure 1 presents the Locality Map for the proposed project.

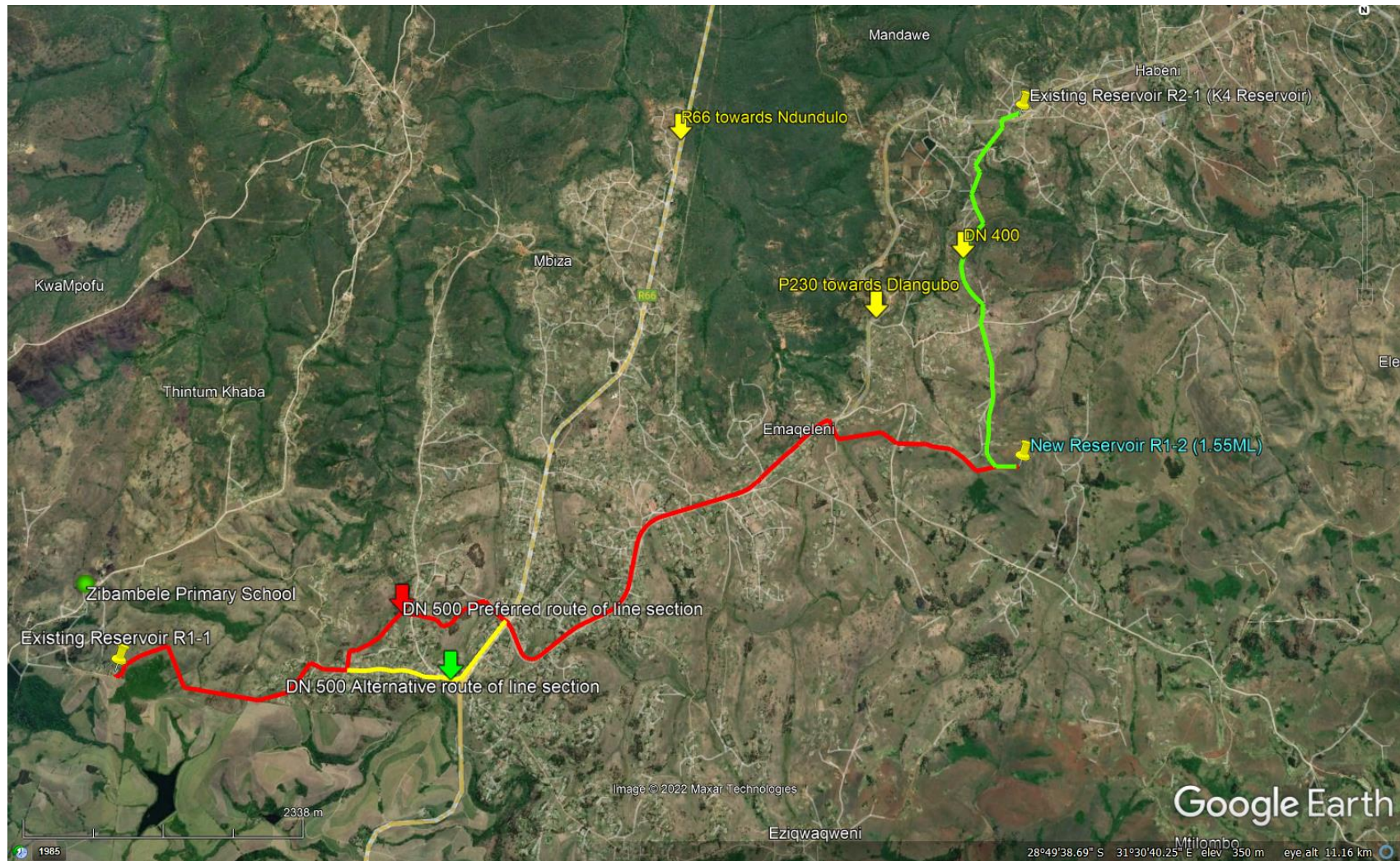


Figure 1: Locality Map for the proposed development

3. THE ENVIRONMENTAL LEGAL FRAMEWORK

The BA as well as the WUA processes required for the project stem from legislative requirements for activities that are triggered based on the following:

- ❖ Chapter 5 of the NEMA, 1998 (Act No. 107 of 1998) as amended and the associated EIA Regulations, 2014, as amended; and
- ❖ Part 6 or 7 of the National Water Act, 1998 (Act No. 36 of 1998)

The processes will be undertaken concurrently and include the undertaking of various specialist studies.

3.1 BA based on EIA Regulations (2014, as amended)

In accordance with the National Environmental Management Act (Act 107 of 1998) and the EIA Regulations (2014, as amended), the triggered Listed Activities and **reasons for the trigger** are presented in this section as follows:

- ❖ **Listing Notice 1: Activity 9:** *The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—*
 - (i) *with an internal diameter of 0,36 metres or more; or*
 - (ii) *with a peak throughput of 120 litres per second or more;**excluding where—*
 - (a) *such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or*
 - (b) *where such development will occur within an urban area.*
 - **The proposed pipeline length will be a total of approximately 14.3 km (i.e. 14 300m) and will be for the bulk transportation of water outside an urban area and in some areas outside a road reserve. The internal diameters of the pipes will be 500mm and 400mm respectively (i.e. 0.5m and 0.4m).**
- ❖ **Listing Notice 1, Activity 19:** *“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.”*
 - **Construction through watercourses will necessitate the movement of more than 10m³ of material or more, into or out of a watercourse.**

Additional triggered activities may be identified as the project progresses and will be indicated in the Application for Environmental Authorisation which will be submitted to the EDTEA.

The Basic Assessment process illustrated in **Figure 2** will take a total of 197 days (i.e., 6.5 months) to complete and includes the current initial Public Participation phase as well as the review periods of the Draft and Final Basic Assessment Reports.

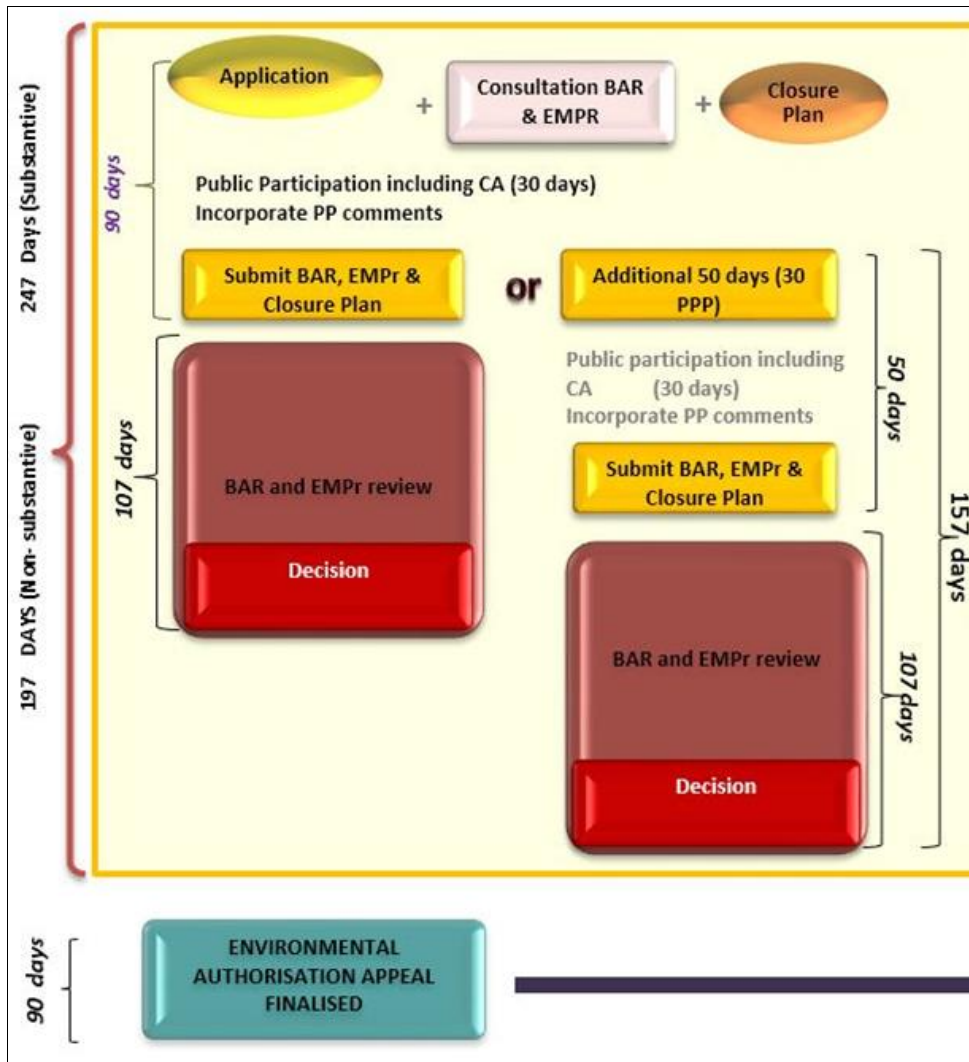


Figure 2: Basic Assessment process

3.2 WUA based on National Water Act (Act 39 of 1998)

In accordance with the National Water Act (Act 39 of 1998), the following Water Uses are triggered:

- ❖ **Section 21 (c)** - Impeding or diverting the flow of water in a watercourse; and
- ❖ **Section 21 (i)** - Altering the bed, banks, course or characteristics of a watercourse.

Based on the above noted legislation, an Application for a Water Use Authorisation will be made. This will either be a General Authorisation (GA) or a Water Use Licence (WUL). *The GA process will take no more than four (4) months (timeframes are currently not legislated) to complete and the WULA will take twelve (12) months based on legislated timeframes.*

4. PUBLIC PARTICIPATION PROCESS

The Public Participation Process (PPP), as promulgated in terms of Chapter 6 of the EIA Regulations, as amended, is a fundamental process whereby the project developer, technical

team, government authorities, Interested and Affected Parties (IAPs) can engage in an informed decision-making process.

Key activities to be undertaken as part of Public Participation Process include:

- ❖ Identification of key stakeholders, authorities and municipalities, environmental groups and members of the public who may be interested in, or may be affected by the proposed development;
- ❖ Compilation of a Notification Letter for distribution to IAPs (**this document**);
- ❖ Placement of an advertisement in a newspaper applicable to the region notifying the public of the proposed activity;
- ❖ Placement of on-site posters detailing the activity and contact details of the Environmental Assessment Practitioner;
- ❖ Recording all IAP comments and presenting such comments, as well as responses provided by the EAP, in a full Comment and Response Report;
- ❖ Circulating the Draft Basic Assessment Report to all registered IAPs for a 30-day review and comment period; and
- ❖ Submitting the Final Basic Assessment Report to the EDTEA for a decision on Environmental Authorisation.


In terms of the Water Use Licence (WULA), Regulation 17 (2) of Notice No. R. 267 of the National Water Act (Act No. 36 of 1998) notes that any PPP undertaken in support of an EIA (also covers the BA) may be submitted in terms of the requirements for a WULA PPP as long as the PPP undertaken contains and covers all issues pertaining to water use activities. The necessary WULA PPP will therefore be conducted under the EIA Application Process. It must be highlighted that should a GA be required for the project, legislation does not stipulate a Public Participation Process.

5. HOW TO PARTICIPATE IN THE ENVIRONMENTAL PROCESSES

Should you wish to register as an IAP in this application to: provide comments, queries and comments; be kept informed of progress, including the availability of reports for your review; and notified of the decisions of authorities, please complete the Registration Form attached as **Appendix 1** and forward onto Terratest (Pty) Ltd as per the details provided. You can also provide your comments in any other written format or verbal method you prefer.

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APPENDIX 1: IAP REGISTRATION FORM

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND A WATER USE AUTHORISATION FOR THE PROPOSED KWAHLOKOHLOKO SUB-SUPPLY AREA (SSA) 1, PHASE 2 WATER SUPPLY PROJECT, UMLALAZI LOCAL MUNICIPALITY, KING CETSHWAYO DISTRICT MUNICIPALITY, KWAZULU-NATAL			
COMPLETE AND RETURN TO THE DESIGNATED EAP:		Ntsebo Mkhize Terratest (Pty) Ltd PO Box 794, Hilton, 3245 Fax: (033) 343 6788 Email: mkhizen@terratest.co.za	
NAME OF IAP:			
CONTACT NUMBER:			
FAX NUMBER:			
EMAIL ADDRESS:			
POSTAL ADDRESS:			
Reason for interest in the proposed project:			
OTHER IAP'S THAT SHOULD BE CONTACTED WITH REGARDS TO THIS PROJECT:			
Name:		Name:	
Contact Number:		Contact Number:	
Email Address:		Email Address:	