



**COMMENTS AND RESPONSES REPORT FOR THE
PROPOSED BULK WATER SUPPLY FOR
KWAHLOKOHLOKO SUB-SUPPLY AREA (SSA 1) PHASE
2, UMLALAZI LOCAL MUNICIPALITY, KING
CETSHWAYO DISTRICT MUNICIPALITY, KWAZULU-
NATAL**

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1. INTRODUCTION

This report captures the comments and issues raised by Interested and Affected Parties (I&APs) during the undertaking of the Basic Assessment Process for the proposed Kwahloko SSA 1, Phase 2 uMlalazi Local Municipality, KwaZulu-Natal. It must be highlighted that the comments in this report exclude those raised in meetings as those were responded to in the meetings undertaken during the project initial notification period between May and July 2022. This is as reflected in the various meeting minutes attached as **Appendix D3** of the Basic Assessment Report (BAR).

The necessity the Comments and Responses Report (CRR) stems from Regulation 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998 (NEMA) Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The comments have been categorised to allow for easy reference.

The summary of the PPP that commenced in May 2022 is summarised as follows:

- An advertisement inviting any potential I&APs to register on the project was placed on page 14 of the *Zululand Observer* newspaper published on Friday, the 15th of July 2022.
- On-site notices in the form of posters detailing and displaying the Notice of an Application for Environmental Authorisation and a Water Use Authorisation were erected on site and at visible and accessible locations close to the site on Tuesday, the 19th of July 2022;
- Several meetings were held in various parts of the affected area between May and June 2022..

This CRR will be updated to reflect any comments raised by I&APs, subsequent to the circulation of the Draft Basic Assessment Report. It must be noted that all references to **Appendices** made in this report are those of the Basic Assessment Report.

Table 1 indicates the details of the name of the I&AP or Competent Authority, details concerning the date of the receipt of the comments as well as the response of the Environmental Assessment Practitioner (EAP) to the comment. This report contains all comments that have been received to date.

2. COMMENTS AND RESPONSES

Table 1: Comments and responses for the proposed KwaHlokoohloko Sub-Supply Area 1 Phase 2 Water Supply Project.

NO	TITLE	NAME	SURNAME	ORGANISATION	DATE OF RECEIPT OF COMMENT	COMMUNICATION METHOD	COMMENT	RESPONSE
2.1. DEPARTMENT OF WATER AND SANITATION (DWS)								
2.1.1.	Ms	Ziyanda	Malibiji	DWS	29.07.2022	Letter emailed to MkhizeN@terratest.co.za	<p>This Department appreciates the commitment by the Applicant to apply for a Water Use Authorisation and looks forward to receiving the application.</p> <p>The Applicant is reminded to conduct an impact assessment to determine the potential impacts of the proposed development on the watercourses including the mitigation measures outlining how the impacts will be mitigated and managed to avoid detrimental impacts on the watercourse.</p>	<p>Noted. At the time of the compilation of this CRR, The EAP had already initiated discussions with the DWS after loading the project details onto the DWS' eWULAAs system.</p> <p>A Freshwater Assessment has been conducted (Appendix E2 of the BAR). The findings and recommendations of the studies have been included in the BAR as well as in the Environmental Management Programme (EMPr), i.e. Appendix F1 of the BAR. The mitigation measures and recommendations made by the Specialist have been reflected in both the BAR and EMPr.</p>

NO	TITLE	NAME	SURNAME	ORGANISATION	DATE OF RECEIPT OF COMMENT	COMMUNICATION METHOD	COMMENT	RESPONSE
							<p>The Applicant is reminded to include details on water and wastewater provisions for the proposed project/development, amongst others:</p>	<p>This has been included in the EMPr .</p>
							<ul style="list-style-type: none"> A breakdown of the water requirements for all phases of the development. 	<p>With the exception of water that will be used for concrete mixing (if ready-mix cement is not used) and other minor uses on site, the project will not have any significant water uses. Under no circumstances should water for construction and other purposes (excluding emergencies) be obtained from natural resources but from neighbouring existing taps or through the use of water cart</p>
							<ul style="list-style-type: none"> The source of water to be used for the development and proof of its sustainability. 	<p>See above comment. Where water is used, this will be from neighboring existing taps or through the use of water cart. It is assumed that the Municipality will ensure the availability of the clean water</p>

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								as it is also used for drinking and other purposes within the community.
							<ul style="list-style-type: none"> Wastewater and sewage treatment and/or management for all phases of the development. 	The management of wastewater, where generated, has been included in the EMPr where it is stated that this should not be allowed into the environment, mainly the adjacent watercourses. With regards to sewage treatment, this will not form part of the project. The necessity for the use of mobile toilets has however been presented in the EMPr.
							<ul style="list-style-type: none"> Proof of sustainability of both water and wastewater provisions for the lifetime of the project development. 	The project will itself be a means to ensure the sustainability of the water within the King Cetshwayo District Municipality (KCDM) and will therefore not require any water uses. Wastewater is not applicable to the project
							The Applicant is reminded to indicate the cradle to grave	Waste management strategies have been incorporated into the EMPr

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							management plan for all the waste (both general and hazardous waste) to be generated.	and include the disposal of all waste at a registered facility or the recycling or reuse of the waste.
							A detailed and project specific Environmental Management Programme for all phases of the project must be attached.	a comprehensive EMPr (Appendix F1) of the EMPr has been prepared
							The Applicant is reminded to include the erosion control measures to be implemented.	The EMPr includes various erosion control measures.
							The Applicant is reminded to include a Storm Water Management Plan for the proposed development/ project	A Stormwater Management Plan has been compiled (Appendix F2) .

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							<p>Applicant is reminded to reflect all the proposed infrastructure in legible, drawn to scale site layout maps.</p> <p>The Maps should, amongst others:</p>	<p>All relevant locality and layout maps have been included in the BAR.</p>
							<p>a) Show all watercourses: channels, drainage lines, streams, tributaries, rivers, wetlands, etc. within and around the site of interest;</p>	<p>Watercourses have been included in the Freshwater Assessment Report (Appendix E1)</p>
							<p>b) Show the 1:100 year floodline of all drainage lines, channels, streams, tributaries, rivers (in and around the site) or 100m distance (whichever is greatest);</p>	<p>This will be prepared for the Water Use Authorisation Application.</p>

NO	TITLE	NAME	SURNAME	ORGANISATION	DATE OF RECEIPT OF COMMENT	COMMUNICATION METHOD	COMMENT	RESPONSE
							c) Show all wetlands (in and around the site), their delineated boundaries as well as the buffer zone(s) to be applied for this development;	Wetlands have been included in the Freshwater Assessment Report (Appendix E1). Buffer Zones are not applicable this development as some parts of it will run across or within 32, 100m or 500m from watercourses.
							d) Superimpose all the proposed development infrastructure (temporary & permanent) which forms part of this development.	This has been indicated in the various maps generated for the project as presented within the Basic Assessment Report and Specialist Reports.
							e) The maps should be on high resolution, with legible legends and drawn to scale.	This is noted and has been implemented in the Reports.

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							It is the responsibility of the Applicant to identify all water uses triggered by the undertakings in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998) and to ensure that all applicable water uses are authorized as such.	All water uses will be identified in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998), in consultation with the DWs. Only Section 21c & i have been identified to date
							The Applicant is reminded that since this development, parts of it and its infrastructure are located within the regulated area then the project must be authorized by this Department prior to commencement of the activity. Therefore, the Applicant is required to apply for a Water Use Authorisation as the activity will not be a permissible water use as stipulated in Section 22 of the National Water Act, Act 36 of 1998.	This is noted and a Water Use Authorization will be applied for.

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2.2. ESKOM								
2.2.1.	Ms	Samant ha	Naicker	Eskom	19.07.2022	Letter emailed to Ntsebo.mkhize@terrat est.co.za	<p>Building Restrictions for 11-kV Overhead Power Lines: No building or structures may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this power line be place within 12 (twelve) metres from the center line of this power line/pole, on either side (overall servitude width 24 metres).</p> <p>Building Restrictions for 88-kV Overhead Power Lines: No building or structures may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this power line be place</p>	<p>This is noted. The proposed development will not include any building or structures that will be erected or installed above or below the surface of the ground where the 11-kV Overhead Power Lines are installed and which will endanger the safety of the powerline. This is inclusive of the proposed new reservoir which according to a map provided by Eskom along with the comment under discussion, will be at least 0.45km from the closest 11-kV powerline.</p> <p>This is noted. The proposed development will not include any building or structures that will be erected or installed above or below the surface of the ground where the 11-kV Overhead Power Lines are installed and which will endanger the safety of the powerline. This is inclusive of the proposed new reservoir</p>

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							<p>within 16 (sixteen) metres from the center line of this power line/pole, on either side (overall servitude width 32 metres).</p>	<p>which according to a map provided by Eskom along with the comment under discussion, will be at least 3.2 km from the closest 88-kV powerline.</p>
							<p>The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom as a result of non-compliance will be charged to the applicant. Dimensions and specifics will be in accordance to ESKOM standards so as to not obstruct Eskom's existing infrastructure in any way.</p>	<p>This is noted. All relevant Environmental Legislation as well as Eskom's standards will be adhered to.</p>
							<p>Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the applicant, his/her</p>	<p>Noted.</p>

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							agent, contractors, employees, successors in title, and assigns.	
							The applicant indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the applicant's equipment. The applicant's attention is drawn to the Electricity Act, 1987, (Act 41 of 1987, as amended in 1994), Section 27(3), which stipulates that the applicant can be fined and/or imprisoned as a	Noted.

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							result of damage to Eskom's apparatus.	
							No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the applicant must give at least seven working days prior notice of the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued.	Noted.
							The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by	Noted.

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							Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act 85 of 1993. Equipment shall be regarded electrically live and therefore dangerous at all times.	
							Any third party servitudes encroaching on Eskom land shall be registered against Eskom's Notaries deed at the applicant's own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.	Noted.
							A developer taking a new supply from Eskom, an increase of supply or line deviation is required to	Noted.

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							<p>make an application to Eskom via the Eskom toll free number 0860037566. This application will be processed in terms of Eskom's standard customer connection tariffs, conditions and policies at the developer's cost.</p>	
							<p>Customers requiring Substation or Powerlines to be installed for their purpose/supply their development must grant all servitudes (a piece of ground on the property to be developed) to Eskom at no costs</p>	<p>Noted.</p>
							<p>Prior any construction activity, the applicant is required to contact Eskom and detailed Surveyed Plans are to be submitted to this office. This letter outlines the Eskom (Distribution) building</p>	<p>Noted.</p>

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							restrictions and is by no means an approval for construction works.	
2.3. DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT								
2.3.1.	Ms	S.B.	Thabede	KZNDARD	15.07.2022	Letter emailed to MkhizeN@terratest.co.za	This serves as a notice of receipt and also confirms that your application has been captured in our electronic Land Use Database Details of your application as captured Type: Development Your reference number: Property description: KWAHLOKOHLOKO SUPPLY SCHEME Please quote this reference number in all queries: Land Use Management Reference Number: 2019/08/4701	Noted.
2.4. EZEMVELO KZN WILDLIFE								
2.4.1.	Ms	Nerissa	Pillay	Ezemvelo KZN Wildlife	15.07.2022	Correspondence by email to MkhizeN@terratest.co.za	Please be informed that Ezemvelo's IEM Planning Division, have a set of protocols for	Noted.

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							receiving and reviewing applications. To avoid spamming and repetitive emails, notifications and reports must be forwarded to the Technician (i.e. myself). Once the notifications and/or reports are received, the application is thereafter assigned to a planner.	
							Kindly ensure that the relevant reports, when available, are submitted accordingly to this division for review and comment. In the interim, please can you forward a google earth kml or shapefile of the proposed alignment of the water supply project to my email address.	Ezemvelo KZN Wildlife will be notified of the availability of the DBAR for review and comment A kml file of the proposed project was sent to Ezemvelo KZN Wildlife on the 17 th of July 2022.
2.4.2	Ms	Nomonde	Ndebele	Ezemvelo KZN Wildlife	18.08.2022	Letter sent by email to MkhizeN@terratest.co.za	Thank you for forwarding the notice for the above-mentioned application	Noted.

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							to Ezemvelo KZN Wildlife (Ezemvelo) for review and comment. Based on the information supplied, and the interrogation of Ezemvelo's biodiversity databases, Ezemvelo does not anticipate that the proposed activity would result in significant negative impacts upon local biodiversity, provided that:	
							The proposed pipeline should be bridged over any river, stream, drainage line, floodplain and/or wetland along an existing servitude.	While the comment is noted, the project Engineers have raised a concern concerning the risks associated with possible river flooding and in turn damage to the pipeline if the bridging method is used. The flooding will of course compromise water supply once the project is operational.

NO	TITLE	NAME	SURNAME	ORGANISATION	DATE OF RECEIPT OF COMMENT	COMMUNICATION METHOD	COMMENT	RESPONSE
							<p>The design of proposed crossings over water courses must not affect the flow of the stream, river and/or drainage line or the movement of aquifauna within that water course (particularly during low flow periods).</p>	<p>The design of the crossings will have great impacts during the construction phase. The proposed gabion mats and baskets are however environmentally friendly and will allow for the establishment and survival of fauna and flora, post-construction. Refer to the BAR for the construction methodology of the watercourse crossings.</p>
							<p>Extreme care must be taken to ensure that river banks are not damaged. Stabilising vegetation may only be removed where necessary. Access of construction machinery will need to be strictly controlled and restricted if possible. River banks must be stabilised and revegetated after construction. A site specific construction</p>	<p>A Comprehensive Environmental Management Programme (EMPr) has been developed for the project.</p>

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							<p>and operational EMP must be developed which must be acceptable to the Department.</p>	
							<p>We trust that all the appropriate measures to safeguard the ecological integrity of the receiving environment will be implemented in accordance with the sustainable development principles of the National Environmental Management Act 107 of 1998.</p>	<p>The requirements of the National Environmental Management Act 107 of 1998 will be adhered to during all stages of the development and this will be ensured by the implementation of the EMPr and proposed ongoing Environmental Monitoring.</p>

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							Should any biodiversity issues arise, please do not hesitate to contact this office.	Noted.
2.5. UMLALAZI MUNICIPALITY								
2.5.1.	Mr	Mthokozisi	Ngubane	uMlalazi Municipality	26.07.2022	Correspondence by email to MkhizeN@terratest.co.za	You are requested to submit SPLUMA application FOR THE REZONING FROM Agricultural 2 to Utilities and services that must be accompanied by various specialist studies including but not limited to the following: Environmental Impact Assessment Geohydrological report Consent from Department of Agriculture	In an email sent dated 27.07.2022 and sent to Terratest (Pty) Ltd the project Engineers stated that the Developer, King Cetshwayo District Municipality, has engaged with the uMlalazi Municipality and the rezoning requirement has been done away with. All relevant studies for the project have been undertaken.

3. CONCLUSION

This report includes covers the Comments and Responses received during the initial Notification Phase for the proposed KwaHlokoheko Sub-Supply Area (SSA1) Phase 2A Water Supply Project.

The responses provided have, where necessary referred the reader to the BAR or a specific appendix of the EMPr.

With the exception of comments received from community members, all other comments received from Government Departments and relevant Authorities were included in this Report. The questions and comments from Community Members are captured within the meeting minutes with the responses from the EAP and are to be included within the Basic Assessment Report. It is anticipated that additional comments may be obtained subsequent to the review of the DBAR. This report has therefore presented all comments received to date.