



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

KwaZulu Natal Regional Office

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ATTENTION: DUSTIN BELL

Dear Sir/Madam

RE: DRAFT BASIC ASSESSMENT REPORT FOR THE EXTENSION OF BOMBAY ROAD: MSUNDUZI LOCAL MUNICIPALITY

Reference is made to the above-mentioned report received by this Office.

This Department has the following comments with regard to the proposed development:

(1) WATER USE AUTHORISATION/WETLANDS AND WATER COURSES

- (1.1) Please note that the expansion of Bombay Road within the watercourse and within 500m radius of wetland is regarded as a water use in terms of Section 21(c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998) (NWA) (i.e. 'impeding or diverting the flow of water in a watercourse' and 'altering the bed, banks, course or characteristics of a watercourse' respectively) and, therefore, requires the Applicant to apply for a Water Use Authorisation prior to construction.
- (1.2) It is noted from the above-mentioned report that the expansion will result in the loss of wetland and an offset has been proposed, please note that wetland offset must be done according to this Department's guideline: "*Wetlands Offsets: A Best-Practice Guideline for South Africa.*"
- (1.3) Should any activity be identified as a possible Section 21(c) and (i) water use, the Applicant must delineate the watercourse and riparian habitat using the Department guideline: "*A practical field procedure for identification and delineation of wetlands and riparian area.*" and indicate the proposed activity location in relation to the riparian area, the 1:50 and 1:100 year floodlines on a map of appropriate scale. The Applicant will require an authorisation from this Department for any activity within the riparian habitat or

1:100 year floodline, whichever is the greatest distance from the watercourse.

- (1.4) If the proposed project engages or proposes to engage in one or more water uses that require a Water Use Licence in terms of the NWA then by default all other water use activities taking place on that property, irrespective if they would be regulated by a General Authorisation, would require a Water Use Licence. This is part of the integrated water use licencing process.
- (1.5) It is imperative that all water uses in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998) associated with the proposed activity, as well as existing operations are identified so that the necessary and relevant Water Use Authorisation can be applied for. This Department advises that a Water Use Authorisation Pre-Application meeting be arranged with Ms Zamashenge Hadebe who can be contacted on 031 336 2767/00.
- (1.6) It is the responsibility of the Applicant to identify all water uses, arising from the proposed project and to submit a complete Water Use Licence application to this Department for water uses as per Section 21 of the NWA. These water uses are listed in Table 1 below.

Table 1: Water Uses requiring Authorisation

S21(a)	taking water from a water resource;
S21(b)	storing water;
S21(c)	impeding or diverting the flow of water in a watercourse;
S21(d)	engaging in a stream flow reduction activity (currently only commercial afforestation);
S21(e)	engaging in a controlled activity – activities which impact detrimentally on a water resource (activities identified in s37(1) or declared as such under s38(1)) namely: <ul style="list-style-type: none">➤ irrigation of any land with waste or water containing waste which is generated through an industrial activity or a waterwork;➤ an activity aimed at the modification of atmospheric precipitation;➤ a power generation activity which alters the flow regime of a water resource; or➤ intentional recharge of an aquifer with any waste or water containing waste
S21(f)	discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
S21(g)	disposing of waste or water containing waste in a manner which may detrimentally impact on a water resource;
S21(h)	disposing in any manner of water which contains waste from, or has been heated in, any industrial or power generation process;
S21(i)	altering the bed, banks, course or characteristics of a watercourse;
S21(j)	removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and
S21(k)	using water for recreational purposes.

- (1.7) Adequate measures must be put in place to protect all water resources that flow through, as well as adjacent to, the proposed project area from being polluted and/or degraded. Visible markings showing/demarcating the buffers must be provided on site during the construction phase. If pollution of any surface or groundwater occurs, it must be immediately reported to this Department and the appropriate mitigation measures must be employed.

(2) SOLID WASTE MANAGEMENT

- (2.1) Removal and disposal of solid waste to a licenced/permitted waste disposal site is required and this is the responsibility of the Applicant.

- (2.2) Contaminated materials are to be disposed of at a licenced/permited hazardous landfill site.
- (2.3) All waste generated from the proposed project must be disposed of in a suitable manner so as not to cause any water pollution or health hazard.
- (2.4) The recycling of suitable material (i.e. glass, paper, plastic, etc.) is encouraged by this Department.

(3) STORMWATER MANAGEMENT

- (3.1) It is imperative that stormwater is properly management along the proposed project route both during and after construction.
- (3.2) After construction, the area should be contoured to ensure free flow of runoff and to prevent ponding of water.
- (3.3) Drainage must be controlled to ensure that runoff from the project area will not culminate in off-site pollution or result in damage to properties downstream of any stormwater discharge.

(4) SEWAGE AND WASTEWATER MANAGEMENT

- (4.1) Chemical/temporal toilet facilities must be provided during the construction phase; and their use must not cause any pollution to any water resources as well as pose a health hazard. In addition, these toilets must be situated out of the 1:100 year floodline of any watercourse.
- (4.2) It is this Department's experience that projects of this nature may result in the generation of small volumes of water containing waste. In this instance, the following is applicable:
 - Water containing waste must not be discharged into the natural environment.
 - Measures to contain the water containing waste and safe disposal of it must be implemented.

(5) EROSION CONTROL

- (5.1) Soil erosion measures must be implemented to minimise soil erosion during the construction phase.
- (5.2) Erosion control measures to be implemented in areas prone to erosion such as near water supply points, edges of slopes, etc. These measures could include the use of sand bags, hessian sheets, retention or replacement of vegetation.

(6) GENERAL

- (6.1) The content and recommendations made in the Draft Wetland Assessment for the Proposed Bombay Road Extension, dated April 2016, prepared by the Biodiversity Company, are noted.
- (6.2) This Department also notes the content and recommendations made in the Baseline Assessment of Aquatic Ecosystems Associated with Proposed Bombay Road Extension, dated April 2016, prepared by the Biodiversity Company.

- (6.3) This Department also notes the content (i.e. responsibilities and conditions) as outlined in Environmental Management Programme (EMPr) for Proposed Extension of Bombay Road, Msunduzi Local Municipality, dated November 2016, prepared by EnviroPro. Compliance to the approved EMPr must be audited regularly by the designated Environmental Control Officer (ECO).
- (6.4) No form of secondary pollution should arise from the disposal of sewage and refuse. Any pollution problems arising from the above-mentioned development is to be addressed immediately by the Applicant.
- (6.5) Storage of material, chemicals, fuels, etc. must not pose a risk to the surrounding environment and this includes surface and groundwater. Such storage areas must be located outside the 1:100 year floodline of any watercourse and must be fenced to prevent unauthorised access into the area. Temporary bunds must also be constructed around chemical or fuel storage areas to contain possible spillages.
- (6.6) Ecological sensitive areas and their appropriate buffers must be protected and should not be degraded by the activities arising from the proposed development.
- (6.7) A Spill Contingency or Emergency Response Plan must be drawn up and should include the following actions that need to be taken into account in the event of a spill:
- Stop the source of the spill;
 - Contain the spill;
 - All significant spills must be reported to this Department and other relevant authorities;
 - Remove the spilled product for treatment or authorised disposal;
 - Determine if there is any soil, groundwater or other environmental impact;
 - If necessary, remedial action must be taken in consultation with this Department; and
 - Incident must be documented.

Notwithstanding the above, the responsibility rests with the Applicant to identify any source or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act, 1998 (Act No. 36 of 1998) could lead to legal action being instituted against the Applicant.

Please do not hesitate to contact this Office should you have any concerns, comments or queries.

Yours faithfully



for ACTING CEO: PONGOLA-UMZIMKULU PROTO CMA

NM/nm/14286

Date: 05/04/2017