



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Mr Jaap Kroon  
Department of Water Affairs  
Private Bag X313  
PRETORIA  
0001

Fax no: (012) 323 4470 / 086-239-1427

### PER FACSIMILE / MAIL

Dear Mr Kroon

### AMENDMENT OF ENVIRONMENTAL AUTHORISATION DATED 26 AUGUST 2013: PROPOSED MOOI MNGENI – PHASE 2, WATER TRANSFER SCHEME, KWAZULU-NATAL PROVINCE

The Department's decision on the above application issued on 26 August 2013 and your correspondence dated 12 September 2013 refers.

Based on a review of the reason for requesting an amendment to the above authorisation, the Department, in terms of regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the environmental authorisation (EA) dated 25 August 2013 as follows:

The EA has been amended to remove the following conditions from the EA dated 26 August 2013:

- Condition 27: ***"Gauging weirs must be monitored and maintained to ensure that they do not become heavily sedimented"***.
- Condition 54: ***"A 6m wide strip of top soil within the servitude must carefully be removed with all plants species intact and set aside in a designated area for re-laying once the infilling over the pipeline has been completed"***.
- Condition 41.3: ***"The holder of the authorisation must ensure that all delivery trucks are fitted with GPS tracking devices. These GPS data must be audited on a routine bases by the holder of the authorisation and must report back to the EMC on a monthly basis on whether the said trucks are adhering to the speed limits"***.

The following conditions have been amended and/or rephrased as follows:

i. **Amendment 1:**

On Page 3 - Activity description on the table of listed activities (Row 1) of the Environmental Authorisation:

**From:**

"The proposed water transfer pipeline will be approximately 15km in length and 600mm and 1600mm in diameter".

**To**

*The proposed water transfer pipeline will be approximately 15km in length and range from 600mm to 1600mm in diameter.*

ii. **Amendment 2:**

On page 6: Inclusion of the Outfall works omitted from the Environmental Authorisation:

**From:**

The infrastructure associated with this facility includes:

- Spring Grove Dam pumping station;
- Raising Main from the pumping station to the Break Pressure Tank at Gowrie;
- Break Pressure Tank at Gowrie Village; and
- Gravity Main

**To:**

*The infrastructure associated with this facility includes:*

- *Spring Grove Dam pumping station;*
- *Rising Main from the pumping station to the Break Pressure Tank at Gowrie;*
- *Break Pressure Tank at Gowrie Village;*
- *Gravity Main; and*
- *Outfall works at the Mpofana River.*

iii. **Amendment 3:**

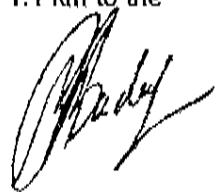
On Page 6:- Scope of Authorisation: Inclusion of specific properties that will be affected by the proposed development:

**From:**

1. The preferred route (Option A1, B1, C3 (Break pressure Tank), D2 and E) for the construction of the Mooi Mngeni Transfer scheme is approved as follows:

1.1. *Rising Main (the route for the rising main was divided into two sections)*

- Section A: from Spring Grove Dam eastwards for approximately 1.1 km to the boundary of portions 98 and 96 of farm Springvale 2170;



- Section B: from the boundary between Portion 89 and 96 of the Farm Springvale 2170 to the boundary between Portion 161 and 7 of the farm Springvale 2170.
- 1.2. *Break Pressure Tank (BPT):*
  - Section C: a short section from the end of Section B along the existing METS pipeline servitude to the second alternative location for the BPT in Gowrie Village.
- 1.3. *Gravity Main (Pipeline): The section of the pipeline is very short (1.5 km) and follows the existing and clearly defined servitude in Gowrie Village.*
  - Section D: from the BPT to the end of the Gowrie Golf Course boundary.
  - Section E: from the Gowrie Golf Course boundary to the discharge point at the existing outfall on the Mpopana River.

**To:**

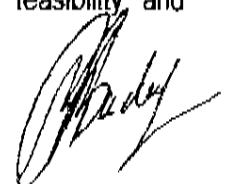
1. The preferred route (Option A1, B1, C3 (Break pressure Tank), D2 and E) for the construction of the Mooi Mgeni Transfer scheme is approved as follows:
  - 1.1. *Rising main (the route for the rising main was divided into two sections)*
    - Section A: from Spring Grove Dam eastwards between Portions 233 and Portions 103/104 of Springvale 2170, between Portions 95 and 146 (and its sub-division 352/2170), between Portions 94/95 and 93, between Portion 93 and a number of subdivisions. At the intersection of Portions 92 and 93 to the north-easterly boundary of portion 92, across the R103 and railway to the existing Mearns pipeline route.
    - Section B: the existing Mearns servitude traversing Portions 85, 276/2170 and 90 to the BPT at Gowrie Village.
  - 1.2. *Break Pressure Tank (BPT)*
    - A new larger BPT at the second alternative location in Gowrie Village
  - 1.3. *Gravity Main (Pipeline)*
    - Section C: a short section from the BPT along the existing METS pipeline servitude to the Gowrie Golf Course.
    - Section D: The Gowrie Golf Course
    - Section E: from the Gowrie Golf Course boundary to the discharge point at the new outfall works on the Mpopana River
  - 1.4. *Outfall works*
    - A new outlet control structure at the end of the pipeline controlling releases into the Mpopana River.

**iv. Amendment 4:**

On page 10 – rephrasing of condition for clarity:

**From:**

Condition 25: "The gravity main section located on Erven 334 of Nottingham Road must be routed around the dam. The pipeline must be routed downstream of the dam (D4). A detailed inspection of the dam must be undertaken prior to the commencement of construction activities to ascertain the stability of the dam wall. These finding must be submitted to the Department for approval. Should this option be deemed unsuitable in terms of safety, feasibility and sustainability reasons, then the upstream option must be implemented".



**To:**

*The gravity main section located on Erven 334 of Nottingham Road must be routed downstream of the reservoir and dam wall (D4). A detailed assessment/design of this route must be undertaken prior to the commencement of construction activities to ascertain the stability of the dam wall. Should this option be deemed unsuitable in terms of safety, feasibility and sustainability reasons, then the upstream option must be implemented upon approval by the Department.*

v. **Amendment 5:**

On Page 11 – rephrasing of condition for clarity:

**From:**

Condition 26: "The channels of the receiving river must be surveyed before transfers from the MMTS-2 are initiated to provide baseline data prior to increase the transfer flow. The result of the survey must be geo-referenced to help determine the changes that may occur in the future. The survey must occur after 4 years from the commencement of operation of the transfer scheme and at a 5 yearly interval (the 5 year interval will be determine by the by how quickly the channel structure and platform stabilises under the augmented flow regime)".

**To:**

*A geo-referenced survey of the channels of the immediate receiving river (i.e. Mpofana River) must be done before increased transfers via the MMTS-2 transfer scheme commence to provide baseline data to monitor possible future changes. A follow up survey must occur within 5 years from the commissioning of the transfer scheme and at 5 yearly intervals thereafter depending on how quickly the channel structure and platform stabilises under the increased flow regime.*

vi. **Amendment 6:**

- On Page 11 - Amendment of condition to allow the river to stabilise naturally:

**From:**

Condition 29: "Eroded banks must be stabilised or reinforced using gabion matters or any other appropriate techniques under the guidance and supervision of a fluvial geomorphologist in order to obtain a qualitative record of the changes experienced".

**To:**

*If the re-survey conducted after 5 years in accordance with Condition 26 indicate that the river banks and channel has not stabilised then eroded banks must be stabilised or reinforced using appropriate techniques under the guidance and supervision of a fluvial geomorphologist.*



vii. **Amendment 7:**

**From:**

Condition 34: "A wetland rehabilitation plan (for parts of the wetlands that the pipeline will traverse) must be submitted to this Department for approval and to eKZN Wildlife for comment as soon as construction activities commence. The plan must also include specific rehabilitation measures for Wetlands 1, 2 and 4".

**To:**

*A wetland rehabilitation plan (for parts of the wetlands that the pipeline will traverse) must be submitted to this Department for approval and to eKZN Wildlife for comment as soon as construction activities commence. The plan must also include specific rehabilitation measures for portions of Wetland 1, 2 and 4 impacted by the construction of the pipeline within the servitude.*

viii. **Amendment 8:**

- On Page 12 - removal of condition and correction to the names of roads to be affected by the proposed development:

**From:**

Condition 41: Traffic must be managed as per the Traffic Management Plan. The following conditions must be strictly adhered to:

- 41.1. No more than 60 (subject to different phases of the construct) truckloads per day must deliver to the construction site.
- 41.2. All delivery trucks travelling on the N3, R102, and D146 must be properly covered. This however does not apply to trucks within the work areas and the site footprint.
- 41.3. The holder of the authorisation must ensure that all delivery trucks are fitted with GPS tracking devices. These GPS data must be audited on a routine bases by the holder of the authorisation and must report back to the EMC on a monthly basis on whether the said trucks are adhering to the speed limits.
- 41.4. Abnormal heavy vehicles, in cases where they would oppose each other on the R103, at the discretion of the Traffic safety officer and KZN RTI, must follow a one way loop system.
- 41.5. Construction truck traffic on the P147 and R103 must be limited to weekdays only, with no traffic before 08:00am and after 22:00pm.

**To:**

*Traffic must be managed as per the Traffic Management Plan. The following conditions must be strictly adhered to:*

- 41.1. *No more than 60 (subject to different phases of the construct) truckloads per day must deliver to the construction site.*
- 41.2. *All delivery trucks travelling on the N3, R103, D147 and D146 must be properly covered. This however does not apply to trucks within the work areas and the site footprint.*



- 41.3. *Abnormal heavy vehicles, in cases where they would oppose each other on the R103, at the discretion of the Traffic safety officer and KZN RTI, must follow a one way loop system.*
- 41.4. *Construction truck traffic on the P147 and R103 must be limited to weekdays only, with no traffic before 08:00am and after 22:00pm.*

This letter must be read in conjunction with the EA dated 26 August 2013.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the amendment decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: (012) 320 7561;  
By post: Private Bag X447,  
Pretoria, 0001; or  
By hand: 2nd Floor, Fedsure Building, North Tower,  
Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,  
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

**Appeals must be submitted in writing to:**

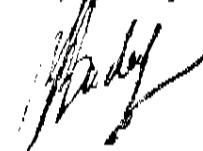
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: (012) 310 3271  
Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@environment.gov.za)



The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



**Mr Ishaam Abader**

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**

**Department of Environmental Affairs**

Date: 29/11/2013

CC:	Mr T Avis	Coastal Environmental Services	Tel: 046-622-2364	Fax: 046-622-6564
	Mr I Felton	KZN DAEA	Tel: 033-347-1820	Fax: 033-347-1826
	Ms N Zungu	Mpofana Municipality	Tel: 033-2361-221	Fax: 033-263-1127
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. **An appeal against a decision must be lodged with:-**
  - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  
2. **An appeal lodged with:-**
  - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
  - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
  
3. **An appeal must be:-**
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.

