

ENVIRONMENTAL IMPACT ASSESSMENT

Updated Final Environmental Impact Assessment Report for the
Proposed Construction, Operation and Decommissioning of a
Seawater Reverse Osmosis Plant and Associated
Infrastructure in Tongaat, Kwazulu-Natal

UPDATED
FINAL
EIA
REPORT

APPENDIX C:
Correspondence
with DEA

APPENDIX C: CORRESPONDENCE WITH DEA

APPENDIX C.1 – Letter of Acknowledgment of Receipt of Correspondence relating to the Change in Project Managers	2
APPENDIX C.2 – Letter of Acknowledgment of Receipt of Final Scoping Report	3
APPENDIX C.3 - Letter of Acceptance of FSR	4
APPENDIX C.4 - Letter of Acknowledgement of Receipt and Approval of Request for Extension	7
APPENDIX C.5 - Letter of Acknowledgement of Receipt of Draft EIA Report	8
APPENDIX C.6 - Letter of Acknowledgement of Receipt of Final EIA Report	9
APPENDIX C.7 - Letter of Reject of Final EIA Report	10
APPENDIX C.8 - Letter - Request for Extension #1	15
APPENDIX C.9 - Letter - Request for Extension #2	17
APPENDIX C.10 - Letter - Request for Extension #3	19

APPENDIX C.1 – Letter of Acknowledgment of Receipt of Correspondence relating to the Change in Project Managers



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA - 0001- Environment House - 473 Steve Biko Road - PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/652
Enquiries: Mr Herman Alberts
Tel: 012 399 9371 E-mail: HAlberts@environment.gov.za

Ms Annick Walsdorff
CSIR
PO Box 320
STELLENBOSCH
7599

Tel: 021 888 2661
E-mail: awalsdorff@csir.co.za

PER MAIL/ E-MAIL

Dear Ms Walsdorff

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF CHANGE IN PROJECT MANAGERS FOR
THE PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 150 ML/DAY
SEA WATER REVERSE OSMOSIS (SWRO) PLANT AND ASSOCIATED INFRASTRUCTURE
PROPOSED BY UMGENI WATER AT TONGAAT ON THE KWAZULU-NATAL NORTH COAST

The Department confirms having received the notice of change in project manager dated 23
February 2015 for the above-mentioned project on 10 March 2015.

You are hereby reminded that the activity may not commence prior to an Environmental
Authorisation being granted by the Department.

Yours sincerely

Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Mr Herman Alberts
Designation: Environmental Officer: Integrated Environmental Authorisations
Date: 23/03/2015

APPENDIX C.2 – Letter of Acknowledgment of Receipt of Final Scoping Report



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environmental House · 473 Steve Biko Road · PRETORIA
Tel (+ 27 12) 399 8972

DEA Reference: 14/12/16/3/3/2/652

Enquiries: Ms Nyiko Nkosi

Tel: 012 399 9392 E-mail: NNkosi@environment.gov.za

Annick Walsdorff
CSIR Consulting and Analytical Services
PO Box 320
STELLENBOSCH
7599

Telephone Number: 021 888 2693
Email : awalsdorff@csir.co.za

PER FACSIMILE / MAIL

Dear Walsdorff

ACKNOWLEDGEMENT OF RECEIPT OF FINAL SCOPING REPORT FOR THE PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 150 ML/DAY SEA WATER REVERSE OSMOSIS (SWRO) PLANT AND ASSOCIATED INFRASTRUCTURE PROPOSED BY UMGENI WATER AT TONGAAT ON THE KWAZULU-NATAL NORTH COAST WITHIN ETHEKWINI MUNICIPALITY IN THE KWAZULU NATAL PROVINCE

The Department confirms having received the final Scoping Report for the above-mentioned project on 26 May 2015.

You are hereby reminded that the activity may not commence prior to an environmental authorisation being granted by the Department.

Yours sincerely

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Letter signed by: Ms Mmatlala Rabothata

Designation: Environmental Officer: Integrated Environmental Authorisations

Date: 09/06/2015

APPENDIX C.3 - Letter of Acceptance of FSR



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road · Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

NEAS Reference: DEA/EIA/0002351/2014

DEA Reference: 14/12/16/3/3/2/552

Enquiries: Ms Nyiko Nkosi

Telephone: 012-399-9392 E-mail: nkosi@environment.gov.za

Mr Paul Lochner
CSIR
P.O. Box 320
STELLENBOSCH
7599

E-mail: plochner@csir.co.za / awalsdorff@csir.co.za

PER MAIL / EMAIL

Dear Mr Lochner

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 150ML/DAY SEA WATER REVERSE OSMOSIS PLANT AND ASSOCIATED INFRASTRUCTURE IN TONGAAT ON THE KWAZULU-NATAL NORTH COAST, WITHIN ETHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU-NATAL PROVINCE.

The Final Scoping Report (FSR) and Plan of Study for Environmental Impact Assessment dated May 2015 and received by the Department on 20 May 2015 refers.

The Department has evaluated the submitted FSR and the Plan of Study for Environmental Impact Assessment dated May 2015 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2010. The FSR is hereby accepted by the Department in terms of regulation 30(1) (a) of the EIA Regulations, 2010.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment and as required in terms of the EIA Regulations, 2010.

All comments and recommendations made by all stakeholders and Interested and Affected Parties (I&APs) on the Draft SR, and submitted as part of the Final SR, must be taken into consideration when preparing an Environmental Impact Assessment Report (EIR) in respect of the proposed development. Please ensure that all mitigation measures and recommendations in the specialist studies are addressed and included in the final EIR and Environmental Management Programme (EMPr).

Please ensure that comments from all relevant stakeholders are submitted to the Department with the Final Environmental Impact Report (EIR). This includes but is not limited to the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs, the Department of Transport, the Department of Water & Sanitation (DWS), the Department of Agriculture, Forestry & Fisheries (DAFF), the Department of Rural Development & Land Reform, Amafa aKwaZulu Natali, Ezemvelo KZN Wildlife, Coastwatch KwaZulu-Natal, Eskom Holdings SOC Limited, Transnet, Passenger Rail Agency of South Africa (PRASA), Department of Environmental Affairs: Branch - Oceans and Coast and eThekweni Metropolitan Municipality. Proof of correspondence with the various stakeholders must be included in the Final EIR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments.

S. C.

In addition, the following amendments and additional information is required for the EIR:

- a) Details of the future plans for the site and infrastructure after decommissioning and the possibility of upgrading the proposed infrastructure to more advanced technologies.
- b) The total footprint of the proposed development should be indicated. Exact locations of the reverse osmosis plant, pipelines, roads, power lines, canals, bridges, tunnels, facilities for the storage of dangerous goods and all other associated infrastructure should be mapped at an appropriate scale.
- c) A clear description of all associated infrastructure. This description must include, but is not limited to the following:
 - Power lines;
 - Internal roads infrastructure; and
 - All supporting onsite infrastructure.
- d) With regards to infilling and excavation of watercourses for the construction of the reverse osmosis plant, the applicant is required to provide an indication of the preferred and alternate locations from which the material used for infilling will be sourced, and where excavated material will be stored and/or disposed of. In addition, the impacts associated with this activity must be assessed in the EIR.
- e) The EAP must engage the relevant provincial environmental authority with regards to development in geographic areas triggering GNR 546: Activities 2, 4, 10, 12, 13, 14, 16, 19 and 24, to confirm applicability of these activities.
- f) Please ensure that only the specific listed activities that are applicable and relevant to the proposed development are included in both the amended application form and the EIR. Should there be activities that are no longer applicable to the proposed development, the application form must be amended and resubmitted to the Department, together with the EIR.
- g) The EIR must provide an assessment of the potential impacts and proposed mitigation measures for each of the listed activities applied for.
- h) The EIR must provide the corner/bend point coordinates for the proposed development site (note that if the site has numerous bend points, all bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- i) The EIR must provide a detailed motivation as to the need and desirability of the proposed development, as well as the specific location.
- j) Should a Water Use License be required, proof of application for a license needs to be submitted.
- k) The impacts of the proposed facility on marine ecology must be assessed in the EIA phase. Similar existing projects must be taken into consideration in the EIR, when assessing the potential impacts of the return brine on the marine environment.
- l) The potential impacts of the proposed development on nearby natural coastal and/or dune forest(s) must be assessed, as per the correspondence from DAFF dated 16 May 2014.
- m) Possible impacts and effects of the proposed development on the surrounding industrial, residential and holiday/tourist areas must be assessed.
- n) The EIR must include information on the following:
 - Environmental costs vs benefits of the reverse osmosis plant activity; and
 - Economic viability of the facility to the surrounding area and how the local community will benefit.
- o) Information on services required on the site, e.g. sewage, refuse removal, water and electricity. Who will supply these services and has an agreement and confirmation of capacity been obtained?
- p) An EMPR dealing with the construction, operation and decommissioning phases that will include mitigation and monitoring measures.

S.L.

The applicant is hereby reminded to comply with the requirements of regulation 67 with regard to the time period allowed for complying with the requirements of the Regulations, and regulations 56 and 57 with regard to the allowance of a comment period for interested and affected parties on all reports submitted to the competent authority for decision-making. The reports referred to are listed in regulation 56(3a-3h).

Please ensure that the Final EIR includes at least one A3 regional map of the area and the locality maps included in the final EIR illustrate the different proposed alignments and above ground storage of fuel. The maps must be of acceptable quality and as a minimum, have the following attributes:

- Maps are relatable to one another;
- Cardinal points;
- Co-ordinates;
- Legible legends;
- Indicate alternatives;
- Latest land cover;
- Vegetation types of the study area; and
- A3 size locality map.

Please ensure that all the relevant Listing Notice activities are applied for, that the Listing Notice activities applied for are specific and that they can be linked to the development activity or infrastructure in the project description. Should there be changes on listed activities as applied for, the amended application form must be submitted to the Department together with the EIR.

Further, it must be reiterated that, should an application for Environmental Authorisation be subject to the provisions of Chapter II, Section 38 of the National Heritage Resources Act, Act No.25 of 1999, then this Department will not be able to make nor issue a decision in terms of your application for Environmental Authorisation pending a letter from the pertinent heritage authority categorically stating that the application fulfils the requirements of the relevant heritage resources authority as described in Chapter II, Section 38(8) of the National Heritage Resources Act, Act No.25 of 1999.

You are requested to submit two (2) copies of the Environmental Impact Report (EIR) to the Department and at least one electronic copy (CD/DVD) of the complete final report with the hard copy documents.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No.107 of 1998, as amended, which states that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours sincerely



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Mr Siboniso Mbense

Designation: Deputy Director: Integrated Environmental Authorisations

Date: 17/06/2015

CC:	Umgenti Water	Ms P Ndlovu	Tel: (033) 268 7172	Email: Phumi.Ndlovu@umgeni.co.za
	KZN DEDTEA	Ms Y Govender	Tel: (031) 302 2861	Email: yugeshnie.govender@kzndae.gov.za

APPENDIX C.4 - Letter of Acknowledgement of Receipt and Approval of Request for Extension



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA - 0001- Environment House - 473 Steve Biko Road, Arcadia, - PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/33/2/652

Enquiries: Ms Nyiko Nkosi

Telephone: 012-399-9392 E-mail: nnkosi@environment.gov.za

Ms Annick Walsdorff
CSIR
PO Box 320
STELLENBOSCH
7599

Tel: 021 888 2661
Email: awalsdorff@csir.co.za

PER MAIL / EMAIL

Dear Ms Walsdorff

REQUEST FOR EXTENSION OF SUBMISSION TIMEFRAME: APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 150ML/DAY SEA WATER REVERSE OSMOSIS PLANT AND ASSOCIATED INFRASTRUCTURE IN TONGAAT ON THE KWAZULU-NATAL NORTH COAST, WITHIN ETHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU-NATAL PROVINCE

Your letter dated 10 November 2015 and received by the Department on 10 November 2015, requesting an extension of the timeframes for submission of the draft Environmental Impact Assessment Report (EIAR) for the abovementioned project, has reference.

This Department accepts your request to keep the file open. The draft EIAR must be submitted to the Department by **31 March 2016**.

Failure to submit the draft EIAR by this date will result in the Department closing the abovementioned file for all administration purposes. Should you then decide to further pursue the application after closure of the file, a new application for environmental authorisation in terms of the EIA Regulations, 2014, must be submitted to this Department before such activity (ies) may commence.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully

Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Fiona Grimett
Designation: Deputy Director (Acting): Public Sector
Date: 16/11/2015

CC	Ms P Ndlovu	Umgenti Water	Tel: (033) 268 7172	Email: Phumi.Ndlovu@umgeni.co.za
----	-------------	---------------	---------------------	----------------------------------

APPENDIX C.5 - Letter of Acknowledgement of Receipt of Draft EIA Report



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environmental House · 473 Steve Biko Road · PRETORIA
Tel (+ 27 12) 399 9972

DEA Reference: 14/12/16/3/3/2/652

Enquiries: Ms Nyiko Nkosi

Tel: 012 399 9392 E-mail: NNkosi@environment.gov.za

Annick Wisdorff
CSIR Environmental Management Services
P.O Box 320
STELLENBOSCH
7599

Tel: 021 888 2661
Email: awalsdorff@csir.co.za

PER E-MAIL / MAIL

Dear Sir/Madam

**ACKNOWLEDGEMENT OF RECEIPT OF THE ENVIRONMENTAL IMPACT ASSESSMENT
REPORT FOR THE PROPOSED CONSTRUCTION AND OPERATION A SEA WATER
REVERSE OSMOSIS (DESALINATION) PLANT AND ASSOCIATED INFRASTRUCTURE AT
TONGAAT ON THE KWAZULU-NATAL PROVINCE**

The Department confirms having received the Environmental Impact Assessment Report for the
above-mentioned project on 22 March 2016.

You are hereby reminded that the activity may not commence prior to an environmental
authorisation being granted by the Department.

Yours sincerely

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms Senisha Soobramany

Designation: Control Environmental Officer (Grade A): Coordination and Strategic
Planning and Support

Date: 5 April 2016

APPENDIX C.6 - Letter of Acknowledgement of Receipt of Final EIA Report



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environmental House · 473 Steve Biko Road · PRETORIA
Tel (+ 27 12) 399 9972

DEA Reference: 14/12/16/3/3/2/652

Enquiries: Nyiko Nknosi

Tel: 012 399 9392 E-mail: NNknosi@environment.gov.za

Annick Walsdorff
CSIR Environmental Management Services
PO Box 320
STELLENBOSCH
7599

Fax: 021 888 2661
Tel: 021 888 2693
Email: awalsdorff@csir.co.za

PER EMAIL / MAIL

Dear Sir/ Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED SEAWATER REVERSE OSMOSIS PLANT IN TONGAAT, KWAZULU-NATAL PROVINCE

The Department confirms having received the Final Environmental Impact Assessment Report for the abovementioned project on 18 July 2016. You have submitted these documents to comply with the Environmental Impact Assessment Regulations, 2010.

This acknowledgement letter replaces the previous acknowledgement letter sent by the Department.

You are hereby reminded that the activity may not commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms Toinette van der Merwe

Designation: Environmental Officer: EIA Coordination, Strategic Planning and Support

Date: 01/08/2016

APPENDIX C.7 - Letter of Reject of Final EIA Report



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 - PRETORIA - 0001 - Environment House - 473 Steve Biko Road - Arcadia - PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/652

Enquiries: Ms Nyiko Nkosi

Telephone: 012-399-9392 E-mail: nnkosi@environment.gov.za

Mr Paul Lochner
CSIR
P.O. Box 320
STELLENBOSCH
7599

E-mail: plochner@csir.co.za / awalsdorff@csir.co.za

PER MAIL / EMAIL

Dear Mr Lochner

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 150ML/DAY SEA WATER REVERSE OSMOSIS PLANT AND ASSOCIATED INFRASTRUCTURE IN TONGAAT ON THE KWAZULU-NATAL NORTH COAST, WITHIN ETHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU-NATAL PROVINCE

The Final Environmental Impact Assessment Report (EIAR) dated June 2016 and received by the Department on 18 July 2016, and the additional information received via email on 18 July 2016 refers.

This letter serves to inform you that the Department, in terms of Regulation 34(2) (b) (ii) of the Environmental Impact Assessment Regulations, 2010, rejects the EIAR and requests that the following additional information be submitted as a matter of urgency:

(a) Project Site Alternatives

It has been indicated in the EIAR that an initial site selection Environmental Screening Study (ESS) was undertaken by Umgeni Water in 2010/2011 for site identification and assessment of the desalination plant and the associated infrastructure on the KZN coastline. This study investigated five sites on the KZN North Coast between Durban and Ballito (north of Durban) and these included a site near Virginia Airport; Tongati; Umhlanga by Sibaya Casino, Mdloti and Tongaat near Desainagar. The ESS recommended that for potential desalination on the KZN North Coast, the Mdloti and Tongaat sites appeared favourable.

These two sites were then reviewed by Aurecon based on criteria such as land zoning or ownership, access to services, coastline exposure relating to seawater intake and brine discharge, and other technical criteria, and formed part of a Phase 1 Due Diligence Report ("KwaZulu-Natal East Coast Desalination Plants, Detailed Feasibility Study, Phase 1 - Due Diligence Report", Aurecon 2012). This report provided an overview of the proposed desalination project and associated infrastructure, and included an overview of potential social and environmental impacts based on site visits and specialist input. Then, shortly after initial site visits as part of the Phase 1 Detailed Feasibility Study, it became apparent that the potential estuarine impacts at the Mdloti site (presence of mangroves) warranted

the further investigation of an alternative option for a northern site. Hence, the non-estuarine Tongaat site near Desainagar was considered to be the next best alternative for the northern area.

Furthermore, the Tongaat site offered limited negative ecological impacts on the present habitat, as the site was found to be highly transformed. Further on the basis of various environmental and social screening criteria, the outcomes of the site selection study indicated that the Tongaat site on the KZN North Coast was the most favourable.

In addition to above, the EIAr also included the advantages and disadvantages of these sites. However the EIAr failed to provide detailed motivation on why other alternative site locations within the Tongaat area were not identified and assessed. Based on the above, you are therefore requested to provide detailed motivation on why other alternative site locations for the proposed desalination plant within the Tongaat area were not assessed.

(b) Pipeline and Powerline routing

Comments received from eThekweni Municipality dated 12 May 2016 and 11 August 2016 indicate that the proposed powerline route is within the King Shaka International Airport Conservation Area (KSIACA) which has been formally delineated and approved by this Department (DEA), on 04 December 2015, as part of the offset process for the King Shaka International Airport and Dube Trade Port Company.

In addition to the above, the Municipality does not support the current alignment of the La Mercy to Waterloo potable water pipeline as it will impact directly on wetland habitat directly linked to the Mdloti Estuary and currently included in the planned Northern Wetland Offset Framework (NWOFF). The habitat forming part of this Framework cannot be compromised or impacted upon. In their comments dated 11 August 2016, the eThekweni Municipality further indicated that they are in support of the proposal to tunnel/directionally drill beneath the Mdloti Estuary to link the La-Mercy Reservoir to Waterloo Reservoir, and this proposal is supported provided that the tunnelling commences outside of the area currently included in the planned Northern Wetland Offset Framework.

In response to the above, you have indicated that the conservation of these areas were not yet in the public domain at the time that the specialist study was compiled, as the King Shaka Conservation Area was approved in December 2015 and the offset receiving areas on the Mdloti, Tongati and Ohlanga have not yet been finalised.

Further to the above, according to the additional information received by the Department via email on 18 July 2016, you have indicated that you were aware of this information after the release of draft EIAr. Please note that since this information was made available to you after release of the draft EIAr, during the commenting period, the EIAr should have been amended to address these comments as the final EIAr was not yet submitted to this Department for review and decision making. Furthermore, the KSIACA offset approval dated 4 December 2015 clearly indicates that no future developments are to be allowed within the approved conservation areas, excluding activities which are required for rehabilitation and restoration purposes. The proposal to develop the power line within the conservation area is therefore no longer feasible and cannot be considered further. The project design must therefore be amended to reflect alternative feasible powerline routes. The submitted EIAr is thus flawed and cannot be considered by this Department for final decision-making.

You are therefore requested to realign the powerline to avoid the King Shaka Conservation Area. Further, the pipeline route from La-Mercy Reservoir to Waterloo Reservoir must also be re-aligned to avoid the Northern Wetland Offset Framework proposed by eThekweni Municipality. The new alignment of the powerline and the pipeline from La-Mercy Reservoir to Waterloo Reservoir must be

assessed by all specialists involved in this EIA process, and the findings must be incorporated into the amended EIAR to be distributed to I&APs, including relevant organs of state, for comments. Please also ensure that the coordinates of these sites / alignments are included in the EIAR.

(c) Wetland Offset

The aquatic specialist had indicated that the overall site in its extent includes two large wetland areas which have been degraded to a highly significant degree and they remain both functional (in some respects) and rehabilitatable. Their loss to the development would be considered a highly significant (negative) impact, and the specialist report recommended that key (i.e. essential) mitigation measures would need to include off-site mitigation, i.e. rehabilitation of a swathe of wetlands between the site and the coast and their management as near-natural wetland systems. Rehabilitation of these wetlands would need to focus on improving flood attenuation and habitat function, and would play a useful role in mitigation of other impacts associated with the project, including the management of stormwater runoff from the site.

In addition, development of the details of this rehabilitation would need to be calculated as a formal offset identification and calculation process during the detailed design phase of the development, but would need to allow for their rehabilitation to a PES Category D or better. Both this process and its successful resolution would need to be a condition of any authorisation. Purchase of the affected land would be required if these measures were to be implemented.

Based on the above recommendations by the specialist, the submitted aquatic specialist report included a draft discussion document for *"considerations around the use of wetland offsets to address impacts associated with the proposed Tongaat Desalination Plant"* prepared by Liz Day (Freshwater Consulting Group / FCG).

Further to above, comments received from eThekweni Municipality dated August 2016, indicated that the municipality acknowledges the offset discussion document and supports in principle the mitigation steps outlined in the document around the compensation for the loss of wetland habitat associated with construction of the desalination plant. The municipality therefore requested that the offset plan be finalised and accepted by the municipality and other relevant stakeholders prior to construction commencing and this recommendation can be included as a condition of the Environmental authorisation by DEA.

Please note that the above recommendation by eThekweni Municipality and the aquatic specialist cannot be included as a condition of the EA. The position of this Department is that a detailed offset management plan must first be finalised for developments requiring offsets, with a condition to implement the finalised offset plan then more appropriately forming part of such EA, as all mitigation measures required as part of the offset would then be clearly detailed in that document. This position has come about due to the numerous challenges experienced with determining and implementing biodiversity offsets i.e. identifying and acquiring the necessary land parcels, identifying and obtaining agreements from the parties responsible for its rehabilitation and management, providing an appropriate budget for its management etc. (often a lengthy and complex process). These challenges make biodiversity offsets an extremely difficult condition to implement, which in the Department's experience usually leads to the applicant being unable to comply with the EA, as well as the failure of a key condition required to offset significant impacts of the development to acceptable levels, *unless the details of the offset have first been completed and agreed to by the relevant parties.*

It is for this reason, amongst others, that biodiversity offsets should be considered as a last option in terms of the hierarchy of mitigation. An EIAR must demonstrate the degree to which potential impacts can be mitigated, and this cannot be proven / confirmed if the suggestion is to determine and finalise

an adequate offset only after authorisation is granted. Details of whether adequate land parcels can indeed be procured, what exactly the proposed rehabilitation measures would entail, and whether the recommended offset would ultimately be appropriate are not known. The Department therefore requires that the offset plan document be finalised before submission of amended final EIAr to the Department.

You are therefore requested to consult with eThekweni Municipality and KZN Wildlife with regards to finalisation and approval of the proposed offset plans submitted as part of the aquatic specialist study. Comments and key stakeholder approval of the offset plan must form part of the amended EIAr to be submitted to this Department for approval.

(d) Electricity approval

The Department has noted that eThekweni Municipality Electricity Department has provided comments on the proposed project and that they have no objection to the proposed project. However the comments do not specifically state that the municipality has capacity to provide electricity to the proposed development. You are therefore required to get confirmation from eThekweni Municipality that the municipality has capacity to provide electricity to the proposed development.

(e) General

Based on the above you are requested to amend the EIAr. The amended EIAr must meet the requirements of this rejection letter and the requirements of Regulation 31 of the EIA Regulations, 2010. The amended EIAr must also be a consolidated report containing all the information that was submitted in the EIAr dated June 2016. All comments received after submission of the final EIAr dated June 2016 to the Department must all be responded to and incorporated in the draft amended EIAr to be distributed to the I&APs for comments.

Copies of the amended EIAr must be circulated to all key stakeholders, relevant Organs of State and registered Interested & Affected Parties (I&APs) for a minimum period of 30 days for comment. The issues raised by I&APs must be addressed in a table format indicating the issue/concern raised and the EAP's response thereto, and must include copies of the I&APs' correspondence as well as a copy of this Department's rejection letter.

The EAP must provide proof that all registered I&APs have been notified of the availability of the amended EIAr.

On receipt of the abovementioned information, this Department will reconsider the report in accordance with Regulation 34 (2) of the EIA Regulations, 2010.

This Department further advises that according to Regulation 67 of the EIA Regulations, 2010, an application in terms of the EIA Regulations lapses if the applicant after having submitted the application fails for a period of six (6) months to comply with a requirement in terms of the EIA Regulations relating to the consideration of the application. As such, the amended EIR must be submitted to this Department within six (06) months of the date of this correspondence. Please note that if the amended EIR is not submitted to this Department within a period of **six months** from the date of this letter, your application will lapse (Regulation 67 of the NEMA EIA Regulations 2010, refers). As such, a new application and assessment process will have to be initiated if you wish to pursue the proposed development.

You are requested to submit two (2) copies of the amended EIR to the Department and two (2) unprotected electronic copies (CD/DVD) of the complete final report with the hard copy documents.

Please note that the activities applied for may not commence prior to an Environmental Authorisation being granted by this Department. You are hereby reminded of Section 24F of the National Environmental Management Act, Act No.107 of 1998, as amended, which states that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Sindiswa Dlomo
Designation: Deputy Director: IEA: Public Sector
Date: 28/09/2016

CC:	Umgenei Water	Ms P Ndlovu	Tel: 033 268 7172	Email: Phumi.Ndlovu@umgenei.co.za
-----	---------------	-------------	-------------------	-----------------------------------

APPENDIX C.8 - Letter - Request for Extension #1



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA - 0001- Environment House - 473 Steve Biko Road, Arcadia, - PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/33/2/652

Enquiries: Ms Nyiko Nkosi

Telephone: 012-399-9392 E-mail: nkosi@environment.gov.za

Mr Paul Lochner
CSIR
PO Box 320
STELLENBOSCH
7599

Email: plochner@csir.co.za

PER MAIL / EMAIL

Dear Mr Lochner

REQUEST FOR EXTENSION: APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 150ML/DAY SEA WATER REVERSE OSMOSIS PLANT AND ASSOCIATED INFRASTRUCTURE IN TOMGAAT ON THE KWAZULU-NATAL NORTH COAST, WITHIN ETHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU-NATAL PROVINCE.

Your letter dated 11 January 2017 and received by the Department via email on 16 January 2017, requesting an extension of the timeframes for submission of the amended final Environmental Impact Assessment Report (EIAR) for the abovementioned project, has reference.

You indicated that the project has been delayed due to minor changes in the project description primarily relating to the finalisation of the engineering design aspects in addressing the comments raised by the Department (DEA letter dated, 28/09/2016) regarding the current alignment of the potable water and powerline infrastructure, and the need for undertaking a wetland offset study.

You therefore requests that the six months lapsing deadline of 28 March 2017 be extended by a further six months to 30 September 2017 to allow for the finalisation and re-submission of the amended final EIA report to the Department.

This Department accepts your request to keep the file open. The amended final EIAR must be submitted to the Department by **30 September 2017**.

Failure to submit the amended final EIAR by this date will result in the Department closing the abovementioned file for all administration purposes. Should you then decide to further pursue the application after closure of the file, a new application for environmental authorisation in terms of the EIA Regulations, 2014, must be submitted to this Department before such activity(ies) may commence.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms Sindiswa Dlomo

Designation: Deputy Director: Integrated Environmental Authorisations

Date: 25/01/2017

CC	Ms P Ndlovu	Umgenei Water	Tel: (033) 268 7172	Email: Phumi.Ndlovu@umgenei.co.za
----	-------------	---------------	---------------------	-----------------------------------

APPENDIX C.9 - Letter - Request for Extension #2



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House - 473 Steve Biko Road, Arcadia, · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/33/2/652

Enquiries: Ms Mathodi Mogorosi

Telephone: 012-399-9386 E-mail: mmogorosi@environment.gov.za

Ms Annick Walsdorff
CSIR
P.O. Box 320
STELLENBOSCH
7599

Tel: (021) 888 2661
Email: awalsdorff@csir.co.za

PER MAIL / EMAIL

Dear Ms Walsdorff

REQUEST FOR EXTENSION: APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 150ML/DAY SEA WATER REVERSE OSMOSIS PLANT AND ASSOCIATED INFRASTRUCTURE IN TONGAAT ON THE KWAZULU-NATAL NORTH COAST, WITHIN ETHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU-NATAL PROVINCE

Your letter dated 11 September 2017 and received by the Department on 12 September 2017, requesting an extension of the timeframes for submission of the amended final Environmental Impact Assessment Report (EIAR) for the abovementioned project, has reference.

You indicated that the project has been delayed due to procurement processes relating to Umgeni Water approving additional budget for CSIR to address the comments raised by the Department (DEA letter dated 28/09/2016) regarding the current alignment of the potable water and powerline infrastructure, and the need for undertaking a wetland offset study.

You have therefore requested that the six months lapsing deadline of 30 September 2017 be extended by a further six months to 31 March 2018 to allow for the finalisation and re-submission of the final EIA report to the Department.

This Department accepts your request to keep the file open. The amended final EIAR must be submitted to the Department by **31 March 2018**.

Failure to submit the amended final EIAR by this date will result in the Department closing the abovementioned file for all administration purposes. Should you then decide to further pursue the application after closure of the file, a new application for environmental authorisation in terms of the EIA Regulations, 2014, must be submitted to this Department before such activity (ies) may commence.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms Sindiswa Dlomo

Designation: Deputy Director: Integrated Environmental Authorisations: Public Sector

Date: 27/09/2017

CC	Ms P Molefe	Umgenti Water	Tel: (033) 268 7172	Email: Phumi.Molefe@umgeni.co.za
----	-------------	---------------	---------------------	----------------------------------

APPENDIX C.10 - Letter - Request for Extension #3



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA · 0001· Environment House · 473 Steve Biko Road, Arcadia, - PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/33/2/652

Enquiries: Ms Mathodi Mogorosi

Telephone: 012-399-9368 E-mail: mmogorosi@environment.gov.za

Ms Annick Walsdorff
CSIR
P.O. Box 320
STELLENBOSCH
7599

Tel: 021 888 2661
Email: awalsdorff@csir.co.za

PER MAIL / EMAIL

Dear Ms Walsdorff

FINAL REQUEST FOR EXTENSION: APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 150ML/DAY SEA WATER REVERSE OSMOSIS PLANT AND ASSOCIATED INFRASTRUCTURE IN TONGAAT ON THE KWAZULU-NATAL NORTH COAST, WITHIN ETHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU-NATAL PROVINCE

Your letter dated 05 March 2018 and received by the Department via email on 09 March 2018, requesting a final extension of the timeframes for submission of the amended final Environmental Impact Assessment Report (EIAR) for the abovementioned project, has reference.

You indicated that the extension of the deadline granted by the Department on 27 September 2017, to submit the amended final EIAR by 31 March 2018, will not be attainable due to certain challenges being experienced in finalising the report. According to your letter, the project has been delayed due to unforeseen circumstances relating to financial provision. Umgeni Water as a parastatal operates under the ambit of the Public Finance Management Act where internal procedures have been set out to regulate costs and expenditures on infrastructure projects. The project is being managed accordingly, with certain rules and guidelines pertaining to increasing project costs from the original approved budget. The DEA rejection letter of the EIAR dated, 28 September 2016 requested additional specialist studies and assessments to be conducted. These requests came bearing unforeseen financial costs, which have been challenging to get approved within the specified timeframes in alignment with the organisations set rules and regulations. This has resulted in the deadline of 31 March 2018 being unachievable.

You further indicate that the financial provisions have however since been approved and that the project will resume accordingly. As such, with the above advanced reasons, CSIR requested that the deadline of 31 March 2018 be extended by a further three months to 02 July 2018 to allow for the finalisation and re-submission of the amended final EIAR to the Department.

This Department accepts your request to keep the file open. The amended final EIAR must be submitted to the Department by **02 July 2018**. Please note that this is the **final** extension request that the Department will accept on this application.

Failure to submit the amended final EIAR by this date will result in the Department closing the abovementioned file for all administration purposes. Should you then decide to further pursue the application after closure of the file, a new application for environmental authorisation in terms of the EIA Regulations, 2014, as amended, must be submitted to this Department before such activity (ies) may commence.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms Sindiswa Dlomo

Designation: Deputy Director: Integrated Environmental Authorisations: Public Sector

Date: 13/03/2017

CC	Ms P Ndlovu	Umgenti Water	Tel: 033 268 7172	Email: Phumi.Ndlovu@umgeni.co.za
----	-------------	---------------	-------------------	----------------------------------

APPENDIX C.11 - Letter of Acknowledgement of Receipt of 2nd Draft EIA Report



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: 14/12/16/3/3/2/652

Enquiries: Azrah Essop

Tel: 012 399 8529 E-mail: AEssop@environment.gov.za

Anniek Walsdorff
CSIR Environmental Management Services
PO Box 320
STELLENBOSCH
7599

Tel: 021 888 2661
Email: awalsdorff@csir.co.za

PER EMAIL / MAIL

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A SEA WATER RESERVE OSMOSIS PLANT AND ASSOCIATED INFRASTRUCTURE PROPOSED AT TONGAAT ON THE KWAZULU-NATAL NORTH COAST, KWAZULU-NATAL PROVINCE.

The Department confirms having received the second Draft Environmental Impact Assessment Report for the abovementioned project on 14 May 2018.

You are hereby reminded of Section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

Yours sincerely

Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Azrah Essop
Designation: Environmental Officer: Legal, Authorization & Compliance Enforcement
Date: 23 May 2018