



D/H CS-CM

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY**

Private Bag X313, Pretoria, 0001  
 Sedibeng Building, 185 Schoeman Street, Pretoria  
 Tel: (012) 336-7500, Fax: (012) 323-4472 / (012) 336-2715

NAVRAE

ENQUIRIES

M.D. Lebotse



336-8637

VERWYSING

REFERENCE

B191/2/1920/40

REGISTERED POST


23 JUN 2006

eThekweni Municipality (Umgeni River Canalisation),  
 P.O.Box 680  
**DURBAN**  
 4000

LICENCE B191/2/1920/40 DATED 22 JUNE 2006 ISSUED IN TERMS OF THE NATIONAL  
 WATER ACT, 1998 (ACT NO. 36 OF 1998)

1. Your application refers.
2. Attached is the abovementioned licence as applied for.

Yours faithfully

  
 DIRECTOR-GENERAL

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**LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998 (ACT No. 36 OF 1998)**

I, *Deborah Gabaakelwe Mochotlhi*, in my capacity as Chief Director: Water Use in the Department of Water Affairs and Forestry by the powers delegated to me by the Minister of Water Affairs and Forestry, hereby authorise the following water use in respect of the licence issued herewith.

Signature

A handwritten signature in black ink, appearing to be 'D. Gabaakelwe Mochotlhi', written over a dotted line.

Date

A handwritten date '22/06/2006' in black ink, written over a dotted line.

**LICENCE****1. Water User**

The water user authorised in terms of this licence is:

Licensee : eThekweni Municipality (Umgeni River Canalisation).

Postal address : P.O. Box 680  
**DURBAN**  
 4000

**2. Water Use**

Altering the bed, banks course or characteristics of a watercourse in terms of section 21(i) of the National Water Act, 1998(Act 36 of 1998) (hereinafter referred to as the Act) and is subject to the conditions set in paragraph 5 of this licence.

## 3 (a) The Properties on which the use will be exercised:

- (i) Remaining Extent of Erf No. 523, Durban North, in extent 0.5507 ha, District of Natal, Kwazulu-Natal Province.
- (ii) Remaining Extent of Erf No. 491, Durban North, in extent 0.0418 ha, District of Natal, Kwazulu-Natal Province.
- (iii) Portion 2 of Erf No. 491, Durban North, in extent 0.1728 ha, District of Natal, Kwazulu-Natal Province.
- (iv) Remaining Extent of Erf No. 490, Durban North, in extent 0.1969 ha, District of Natal, Kwazulu-Natal Province.
- (v) Remaining Extent of Erf No. 489, Durban North, in extent 0.1786 ha, District of Natal, Kwazulu-Natal Province.
- (vi) Portion 7 of Erf No. 343, Durban North, in extent 1.9103 ha, District of Natal, Kwazulu-Natal Province.
- (vii) Remaining Extent of Erf No. 343, Durban North, in extent 5.1722 ha, District of Natal, Kwazulu-Natal Province.
- (viii) Portion 1 of Erf No. 343, Durban North, in extent 4.1528 ha, District of Natal, Kwazulu-Natal Province.
- (ix) Remaining Extent of Erf No. 347, Durban North, in extent 1.5733 ha, District of Natal, Kwazulu-Natal Province.
- (x) Portion 73 of Erf No. 226, Durban North, in extent 0.0696 ha, District of Natal, Kwazulu-Natal Province.
- (xi) Portion 76 of Erf No. 226, Durban North, in extent 0.3856 ha, District of Natal, Kwazulu-Natal Province.
- (xii) Portion 12 of Erf No. 234, Durban North, in extent 0.2375 ha, District of Natal, Kwazulu-Natal Province.
- (xiii) Remaining Extent of Erf No. 342, Durban North, in extent 0.9980 ha, District of Natal, Kwazulu-Natal Province.
- (xiv) Portion 11 of Erf No. 234, Durban North, in extent 0.3807 ha, District of Natal, Kwazulu-Natal Province.
- (xv) Portion 10 of Erf No. 234, Durban North, in extent 0.2781 ha, District of Natal, Kwazulu-Natal Province.
- (xvi) Portion 9 of Erf No. 234, Durban North, in extent 0.2255 ha, District of Natal, Kwazulu-Natal Province.
- (xvii) Portion 8 of Erf No. 234, Durban North, in extent 0.2060 ha, District of Natal, Kwazulu-Natal Province.
- (xviii) Portion 2 of Erf No. 233, Durban North, in extent 0.1292 ha, District of Natal, Kwazulu-Natal Province.
- (xix) Portion 71 of Erf No. 226, Durban North, in extent 0.5630 ha, District of Natal, Kwazulu-Natal Province.
- (xx) Erf No. 232, Durban North, in extent 0.2400, District of Natal, Kwazulu-Natal Province.
- (xxi) Erf No. 230, Durban North, in extent 1.7845 ha, District of Natal, Kwazulu-Natal Province.
- (xxii) Remaining Extent of Erf No. 226, Durban North, in extent 0.4729 ha, District of Natal, Kwazulu-Natal Province.
- (xxiii) Remaining Extent of Erf No. 227, Durban North, in extent 0.9643 ha, District of Natal, Kwazulu-Natal Province.

**(b) Registered owners of the properties:**

- (i) Remaining Extent of Erf No. 523 – eThekweni Municipality.
- (ii) Remaining Extent of Erf No. 491 – Trustees of Cadery Islamic Society.
- (iii) Portion 2 of Erf No. 491 – eThekweni Municipality.
- (iv) Remaining Extent of Erf No. 490 – eThekweni Municipality.
- (v) Remaining Extent of Erf No. 489 – eThekweni Municipality.
- (vi) Portion 7 of Erf No. 343 – N C P Alcohals.
- (vii) Remaining Extent of Erf No. 343 – eThekweni Municipality.
- (viii) Portion 1 of Erf No. 343 – Cambridgeshire Investment(Ltd).
- (ix) Remaining Extent of Erf No. 347 – S A Rail Commuter.
- (x) Portion 73 of Erf No. 226 – eThekweni Municipality.
- (xi) Portion 76 of Erf No. 226 – S A Rail Commuter.
- (xii) Portion 12 of Erf No. 234 – Mantell Trading 85 cc.
- (xiii) Remaining Extent of Erf No. 342 – S A Rail Commuter.
- (xiv) Portion 11 of Erf No. 234 – DGA Construction cc.
- (xv) Portion 10 of Erf No. 234 – DGA Construction cc.
- (xvi) Portion 9 of Erf No. 234 – Trustees of YGM Haffejee Trust.
- (xvii) Portion 8 of Erf No. 234 – Trustees of YGM Haffejee Trust.
- (xviii) Portion 2 of Erf No. 233 – e Thekweni Municipality.
- (xix) Portion 71 of Erf No. 226 – eThekweni Municipality.
- (xx) Erf No. 232 – eThekweni Municipality.
- (xxi) Erf No. 230 – eThekweni Municipality.
- (xxii) Remaining Extent of Erf No. 226 – eThekweni Municipality.
- (xxiii) Remaining Extent of Erf No. 227 – eThekweni Municipality.

**(c) Water Resource**

Umgeni River is a water resource in terms of section 1(1) (xxvii) of the Act.

**4. (a) Licence Period**

This licence is valid for a period of forty (40) years from the date of issuance.

**(b) Review Period**

As provided by section 49 of the Act this licence may be reviewed at intervals of 5 (five) years from the date of issuance

**5. CONDITIONS**

- 5.1 The responsibility for complying with the provisions of the licence is vested in the licensee and may not be ceded to any other person or body.
- 5.2 The licence is subject to sections 53 and 54 of the Act.
- 5.3 In terms of section 151 of the Act, any contravention of or failure to comply with any condition of this licence, constitutes an offence.

- 5.4 In terms of section 124 of the Act the Minister and any person authorised by him in writing may at any time enter upon the premises of the licensee to perform the functions contemplated in section 125(1), (2) and (3) of the Act.
- 5.5 In terms section 148 (1) (f) of the Act, any person who has timesouly lodged a written objection against the application for a licence may appeal to the Water Tribunal and the Tribunal may confirm, amend or withdraw the licence or make any other order as it deems appropriate.
- 5.6 The licence shall not be construed as exempting the licensee from compliance with any other applicable Act, Ordinance, Regulation or By-law.
- 5.7 Any incident that causes or may cause water pollution must immediately be reported to the Regional Director or his representative. The licensee must develop and implement a construction and operational Environmental Management Plan (EMP) that will operationalise the mitigation measures in the Scoping Report and requirements of the relevant ROD and the conditions of the licence during the construction phase and operational phase.
- 5.8 The licensee must ensure that the alteration of the bank of Umgeni River and maintenance of the structures as whole are done in accordance with-
- (i) The Report.
  - (ii) All the conditions of this licence.
  - (iii) The Environmental Management Plan.
  - (iv) Any other written directive issued by the Regional Director.
- 5.9 The licensee must carry out and complete all the activities, including the construction and maintenance of the diversion and all associated structures, according to the drawings, plans and descriptions according to the Draft Scoping Report by Arcus Gibb (hereafter referred to as Report).
- 5.10 This licence authorises the alteration of the Umgeni River from the starting geographical position of S31<sup>00</sup> 00'30" and E29<sup>00</sup> 48'45" to the end of geographical position of S29<sup>00</sup> 48'02" and E31<sup>00</sup> 01'15".
- 5.11 The maximum length of the alteration would be 1000 metres.
- 5.12 The complete stream alteration must be designed to handle a 1:100 year flood event.
- 5.13 The alteration must be done in such a way that erosion is prevented.
- 5.14 The construction of the activities must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa, 2000 (Act 46 of 2000) as approved by the designer, according to the design plans submitted to the Regional Director
- 5.15 A copy of the layout plan of the development must be available for scrutiny when required.

- 5.16 The proposed development may not restrict river flows by reducing the overall river width or obstructing the flow of the river.
- 5.17 Operation and storage of equipment within the riparian zone must be limited as far as possible.
- 5.18 All activities within the riparian zone must be restricted as far as possible.
- 5.19 Any material removed from the instream or riparian habitat, must not be stored within the riparian zone, and must not be stored in such a way that will cause damming of water or wash away.
- 5.20 Plants that are indigenous to the immediate surroundings must be used for rehabilitation. The structure of temporary crossings must be non-erosive, structurally stable and may not induce any flooding or safety hazard. The temporary crossings must be inspected regularly, by the licensee, for accumulation of debris, blockage, erosion of abutments and overflow areas. The licensee must remove and repair and reinforce the damaged areas immediately.
- 5.21 Alien vegetation (e.g. reeds) must not be allowed to colonise the area, and all new alien vegetation recruitment must be controlled.
- 5.22 The proposed development must not impede the upstream movement of fish.
- 5.23 The riverbed must not be lined or excavated, apart from excavations required for construction of the embankment itself. Sediment may be removed between the foot of the newly constructed bank and the present outer bank up to a level of not higher than 0.5 metres above the outer edge and the present inner bank. No construction activities are allowed within the normal "non-flood" river channel and inner bank of the Umgeni River that could result in any disturbance thereof.
- 5.24 Soils that have become compacted through the activities of the development must be loosened to an appropriate depth (too broad) to allow seed germination.
- 5.25 Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that stormwater does not lead to bank instability and excessive levels of silt entering the stream.
- 5.26 Riparian vegetation, including dead trees, may not be removed from the area. In particular, snags (fallen trees and branches) in the river must be protected (i.e. no collection of firewood or any other purpose).
- 5.27 An aquatic scientist approved by the Regional Director must be appointed by the licensee to submit a monitoring programme for habitat integrity. Habitat Integrity must be assessed using the rapid method described by the Department of Water Affairs and Forestry (1999). Sampling must be done once before any operation, or disturbance takes place, and once the operation has been completed. The baseline Habitat Integrity data must be accompanied with pre-construction photographs of the study area.
- 5.28 An aquatic scientist approved by the Regional Director must be appointed by the licensee to submit a monitoring programme for aquatic macroinvertebrates and habitat

- integrity. Aquatic macroinvertebrates must be sampled using the latest SASS (South African Scoring System) method. Sampling must be done once before any disturbances take place. During and after disturbance SASS surveys must be conducted annually in autumn, spring and summer at a site upstream and downstream of the disturbance. An annual report on the SASS surveys must be submitted to the Regional Director. SASS Total Scores recorded and the Average Score Taxon (ASPT) may not be more than 10% less, except after major floods or drought periods.
- 5.29 All reasonable steps must be made to minimise noise and mechanical vibrations in the vicinity of the river.
  - 5.30 Development activities must start upstream and work downstream, so that the recovery processes can start immediately, without further disturbance from upstream disturbances.
  - 5.31 Activities that lead to elevated levels of turbidity must be minimised.
  - 5.32 Where permanent stream diversions lead to a shorter length of river, the loss in aquatic habitats should be compensated by an improvement in habitat quality.
  - 5.33 Mitigation and rehabilitation must occur concurrently with the proposed activities.
  - 5.34 The effort taken to mitigate the impacts of the proposed development should reflect the potential environmental impacts of the development, as well as the ecological importance and sensitivity of the area.
  - 5.35 All construction roads in or adjacent to the watercourse must be managed to disperse runoff and avoid concentrating surface flows.
  - 5.36 No construction vehicles are allowed out of delineated servitudes within the remaining wetland areas.
  - 5.37 Measures must be provided to avoid disposal or spillage of any material (dredge material, sludge, waste or other potentially harmful materials), which would destroy or degrade the instream and riparian habitat.
  - 5.38 The licensee must implement a method whereby the community can be informed of possible flood danger, sufficiently in advance of the danger.
  - 5.39 An independent consultant must be appointed by the licensee to compile an Environmental Management Plan for the development and the monitoring and rehabilitation of the site and related environment.
  - 5.40 The stability and the occurrence of erosion in the watercourse and the areas adjacent to the watercourse must be monitored and rehabilitated to standards acceptable to the relevant authorities.
  - 5.41 Methods to prevent pollution of occurring must be implemented.
  - 5.42 Alien vegetation must not be allowed to colonise the area and all alien vegetation must be controlled and where possible eradicated from the watercourse as delineated.

- 5.43 Any direct or indirect negative impact that occurs as a result of the alteration must be reported to the Regional Director. These negative impacts must further be rectified and mitigated by the licensee to the satisfaction of the Regional Director and other relevant environmental authorities.
- 5.44 Information and education programmes must be planned to inform officials, planners and decision-makers of the technical aspects of stormwater management and this should further lead to the education of the general affected public.
- 5.45 Waste disposal must be done in accordance with the provisions of section 20(1) of the Environment Conservation Act,1989 (Act 73 of 1989).
- 5.46 Analysis must be carried out in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS) in terms of the Standards Act, 1982 (Act 30 of 1982).
- 5.47 The method of analysis must not be changed prior notification to and written approval by the Minister.
- 5.48 Within 30 days after completion of the activities, in accordance with the relevant provisions of this licence, the licensee must in writing under reference U20M – eThekweni Municipality – Umgeni Canalisation, inform the Regional Director thereof. This must be accompanied by a signature of approval from the Professional Engineer that the construction was done according to the design plans.
- 5.49 The licensee must ensure that during the activities, the sediment load must not exceed that described in the Report and the quality of water in the rivers must remain fit for use for the downstream water users.
- 5.50 Monitoring must be done according to the Report and the requirements given in the table below:-

Water Quality Monitoring Programme for the Umgeni River

Water Quality Variable	Units
pH	pH units
Electrical conductivity	mS/m
Suspended solids	mg/l
Total dissolved solids	mg/l

- 5.51 The licensee must report more than 25% deviation of turbidity and suspended solids values found during the construction, operation and rehabilitation phases, compared to the baseline values, to the Regional Director.
- 5.52 The licensee must report to the Regional Director when baseline levels are achieved after rehabilitation.
- 5.53 The date, time and monitoring point in respect of each sample taken must be recorded together with the analysis.



- 5.54 The licensee must furnish the information of the monitoring in accordance with the licence conditions and the relevant provisions of the Report under reference U20M – eThekweni Municipality – Umgeni Canalisation, to the Regional Director on a monthly basis.
- 5.55 If the monitoring conducted indicates that the surface water contamination is occurring as a result of construction, operation or rehabilitation of the walkway, the licensee must take necessary steps to ensure that the contamination is stopped and the water complies with the relevant water quality guidelines.
- 5.56 Access to the site must be limited to the personnel authorised by the licensee and contractors appointed by the licensee only.
- 5.57 Notices prohibiting unauthorised persons from entering the areas, as well as an internationally accepted sign indicating the risks involved in unauthorised entry must be displayed along the boundary fence of those areas.
- 5.58 This licence does not exempt the licensee from obtaining any other authorisations that may be required for the continuation of the proposed development.

END OF LICENCE