



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

KwaZulu Natal Regional Office

Southern Life Building, 88 Joe Slovo Street, Durban, 4000; PO Box 1018, Durban, 4000

Enquiries: Mr S.O Naidoo
Tel 031-336 2735

E-mail: NaidooSO@dws.gov.za
File No : 16/2/7/IDZ

Richards Bay Industrial Development Zone Company H (Pty)Ltd
PO Box 712
Richards Bay
3900

Attention: Mr Pumi Motsoahae

RE: DIRECTIVE IN TERMS OF SECTION 20 (4) (C) OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) TO ALLOW IDZ TO UPGRADE THE RAILWAY LINE TO IDZ 1F, UPGRADE OF MEDWAY ROAD AT 1A AND DEVELOPMENT WITHIN IDZ 1F

Reference is made to the Water Use Licence Applications submitted to this Department.

This Department has reviewed the application in terms of commencing with any water use activities listed under Section 21 of the National Water Act, 1998 (Act No. 36 of 1998) (NWA) without a water use authorisation. This will constitute an offence in terms Section 151 (a) of National Water Act, 1998 (Act 36 of 1998). This Department has however, given further consideration to the negative impact on the community, environment and the economics resulting from the current status quo and therefore treat this as an emergency which **must** be addressed immediately.

1. DIRECTIVE

I, **Jayandran G Reddy**, in my capacity as Acting CEO: Pongola-Umzimkulu Proto-CMA and duly authorized in terms of the powers delegated to me by the Minister, hereby **Direct** Richards Bay Industrial Development Zone Company H (Pty)Ltd and, **Mr Pumi Motsoahae** in your capacity as CEO Richards Bay Industrial Development Zone Company H (Pty)Ltd of with a directive in terms of Section 20 (4) (b) of the Act.

This Directive directs you to:

- 1.1 Begin construction of upgrade the Railway Line to IDZ 1F. upgrade of Medway Road at 1A and Development within IDZ 1F.
- 1.2 Design and implement a monitoring programme with immediate effect to determine the impact of construction on the receiving watercourses and/or resources.

- 1.3 Provide this Department with monthly reports of the monitoring programme.
- 1.4 Appoint a suitably qualified person to ensure compliance in terms of the National Water Act, 1998 (Act 36 of 1998).
- 1.5 Note that the permissions granted above do not negate Richards Bay Industrial Development Zone Company H (Pty)Ltd from applying for the authorisation of these activities under other Acts, or the licensing of these activities under the NWA.

2. IMPLICATIONS

- 2.1 Should you fail to comply, or comply inadequately with this directive, legal action will be taken against you, and the Department of Water and Sanitation will take the necessary action in terms of section 20(6) of the NWA to;
 - (i) contain and minimise the effects of the incident;
 - (ii) undertake clean-up procedures; and
 - (iii) remedy the effects of the incident.And
Section 20 (7), The Catchment Management Agency may recover all reasonable costs incurred by it from every responsible person jointly and severally.
- 2.2 I would like to bring to your attention that engaging in a water use activity without authorisation constitutes an offence in terms of section 151(1)(a); failure to comply with a directive issued in terms of section 53(1) of the NWA constitutes an offence in terms of section 151(1)(d); and committing any act or omission unlawfully and intentionally or negligently which detrimentally affects or is likely to affect a water resource also constitutes an offence in terms of section 151(1)(j) of the NWA.
- 2.3 In terms of Section 151(2), *"Any person who contravenes any provision of subsection (1) is guilty of an offence and liable, on the first conviction, to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment and, in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding ten years or to both a fine and such imprisonment"*.

3. APPEALS TO WATER TRIBUNAL

- 3.1 The proponent to whom this Directive has been issued to may appeal to the Water Tribunal in terms of Section 148(1) of the NWA. Contact details of the Water Tribunal are:

The Chairperson
Water Tribunal

Private Bag X316
PRETORIA
0001

3.2 Please note that even though you may appeal against this Directive to the Water Tribunal in terms of section 148(1) of the Act, such an appeal does not suspend the Directive pending the outcome of the Tribunal regarding the Directive.

Should you have any further queries, please contact Mr SO Naidoo (031 3362700).

Yours faithfully,



Acting CEO: Pongola-Umzimkulu Proto-CMA

Mr JG Reddy

Date: 2016/03/16

Acknowledgement of Receipt

Received by Mr. / Ms. _____ (name and surname)

On behalf of Mr Pumi Motsoahae in your capacity as CEO Richards Bay Industrial Development Zone Company H (Pty)Ltd on this _____ day of _____ 2016.

Signature _____