



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

DEA Reference: 12/12/20/1465

Enquiries: John Geeringh

Telephone: 012-310-3491 Fax: 012-320-7539 E-mail: jgeeringh@environment.gov.za

Mr Ockie van den Berg
Department of Water Affairs
Private Bag X313
PRETORIA
0001

Fax no: 012 336 7399

PER FACSIMILE / MAIL

Dear Mr Van den Berg

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386/387: MOKOLO AND CROCODILE RIVER (WEST) WATER AUGMENTATION PROJECT (MCWAP)

With reference to the abovementioned application, please be advised that the Department has decided to accept the final environmental impact assessment report and to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

Activities applied for as listed in GN R. 386 1(n) and 16 and GN R. 387 1(c) and 6 are not relevant to this application and have thus not been authorised. Activities listed in terms of GN R. 387 7 and 10 have not yet come into effect and is thus not authorised. Activities 1(f) and 1(o) of GN R. 387 have been repealed from the Regulations, 2006 and were included in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) listed activities for which you should lodge a separate waste license application should you require a waste license.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within ten (10) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Environmental Impact Assessment (EIA) Regulations, 2010.

Your attention is drawn to Chapter 7 of the EIA Regulations, 2010, which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to IAPs.

A copy of the official appeal form can be obtained from Mr TH Zwane, Senior Legal Administrator (Appeals), Tel: 012 310 3929, TZwane@environment.gov.za at the Department.

Should any party, including the applicant, wish to appeal any aspect of the decision, they or the applicant must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 20 days after the date of the decision, by means of one of the following methods:

By facsimile: 012 320-7561

or

By post: Department of Environmental Affairs
Private Bag X447
Pretoria
0001

or

By hand: Fedsure Forum Building,
2nd Floor North Tower
Corner Van der Walt and Pretorius Streets
Pretoria


If the appellant is a person other than the applicant, the appellant must within ten (10) days of lodging the notice of intention to appeal, provide a copy of the notice to the applicant and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant is the appellant, the applicant must also provide a copy of the notice of intention to appeal, within ten (10) days of having lodged such notice, to each person and organ of state which was a registered interested and affected party. The applicant must furthermore provide all the above-mentioned registered interested and affected parties with a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister or MEC, and indicate where and for what period the appeal submission will be available for inspection by such person or organ of state.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity or activities shall not commence within thirty (30) days of the date of signature of the authorisation. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Yours sincerely


Ms Lize McCourt

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

Date: 3/12/2010

CC: Mr Donovan Henning
Mr J Nyathi
Mr Leonard Sole
Mr Herman Grové

NEMA Consulting
LEDET
Lephalale Local Municipality
DEA

Fax: 011 781 1731
Fax: 015 295 5015
Fax: 014 763 5662

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 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

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation (EA) from the relevant Competent Authority (CA).	1. Receive notice of Environmental Authorisation (EA) from Applicant/Consultant.
2. Within 20 days after the date of the decision, notify the relevant Appeal Authority of the intention to appeal.	2. Within 20 days of date of the decision, notify the relevant Appeal Authority of the intention to appeal.
3. The Applicant must within 10 days of having submitted the notice of intention to appeal, as indicated in 2 above, provide to each persons and organ of state who was a registered IAP- 3.1 a copy of the notice of intention to appeal; and 3.2 a notice indicating that the appeal submission will be made available on the day of lodging it with the Appeal Authority and where and for what period the appeal submission will be available for inspection by such registered IAP.	3. Appellant must within 10 days of having submitted the notice of intention to appeal, as indicated in 2 above, provide the applicant with- 3.1 a copy of the notice of intention to appeal; and 3.2 a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
4. The appeal must be submitted to the Appeal Authority within 30 days after the lapsing of the 20 days period which is allowed for the submission of the notice of intention to appeal.	4. The appeal must be submitted to the Appeal Authority within 30 days after the lapsing of the 20 days period which is allowed for the submission of the notice of intention to appeal.
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Appeal Authority or designated organ of state within 30 days from the date that the appeal submission was lodged with the Appeal Authority.	5. An applicant that receives notice of an appeal may submit a responding statement to the relevant Appeal Authority or designated organ of state within 30 days from the date the appeal submission was lodged with the Appeal Authority.

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;
 - c) the MEC if the decision was issued by the Head of Department (or another official) acting in his/her capacity as the delegated Competent Authority; or
 - d) the delegated organ of state where relevant.

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;
 - c) the MEC must be submitted to the provincial department responsible for environmental affairs; or
 - d) the delegated organ of state, where relevant, must be submitted to the delegated organ of state.

3. **An appeal must be-**
 - a) on an official form obtainable or published by the relevant Appeal Authority;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal and is not available to the relevant Appeal Authority;
 - a statement that the appellant has complied with regulation 60 (2) or (3) has been complied with together with copies of the notices referred to in regulation 60; and
 - the prescribed appeal fee, if any.

4. **A copy of the official appeal form can be obtained from:**
Mr TH Zwane, Senior Legal Administrator (Appeals): Tel: 012 310 3929, TZwane@environment.gov.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number:	<i>12/12/20/1465</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Department of Water Affairs</i>
Location of activity:	<i>LIMPOPO PROVINCE: Within the Lephalale Local Municipality</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

[Signature]
3/12/2010

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity/ies specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

THE DEPARTMENT OF WATER AFFAIRS

with the following contact details –

Mr Ockie van den Berg
Department of Water Affairs
Private Bag X 313
PRETORIA
0001

Tel: 012 336 8613
Fax: 012 336 7399
Cell: 082 809 2011
E-mail: vdbergo@dwaf.gov.za

to undertake the following activities (hereafter referred to as "the activities"):

GN R. 386

- Item 1(k): *The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with-*
- (i) an internal diameter of 0.36 meters or more; or*
 - (ii) a peak throughput of 120 litres per second or more.*
- Item 1(l): *The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of more than 33 kilovolts and less than 120 kilovolts.*
- Item 1(m): *The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 meters from the bank of a river or stream where the flood line is unknown.*
- Item 4: *The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.*
- Item 7: *The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.*
- Item 12: *The transformation or removal of indigenous vegetation of 3 hectares or more.*
- Item 15: *The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.*
- Item 20: *The transformation of an area zoned for use as public open space or for a conservation purpose to another use.*

GN R 387

- Item 1(n): *The construction of facilities or infrastructure, including associated structures or infrastructure, for the transfer of 20 000 cubic metres or more water between water catchments or impoundments per day;*
- Item 2: *Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more,*

for the purpose of construction of the proposed Mokolo Crocodile River (West) Water Augmentation Project (MCWAP) phase 1 as shown on the maps included Appendix E and as described in the environmental impact assessment report (EIAR) dated August 2010 (pages 24-38), between the Mokolo Dam, Matimba Power Station and Steenbokpan, within the Lephalale Local Municipality in Limpopo Province, hereafter referred to as "the property".

Other activities applied for but not yet in effect, listed in terms of the waste act or not relevant to phase 1 of the MCWAP and which are therefore not included in this authorisation, include:

GN R. 386: 1(n), and 16 and GN R. 387: 1(c), 1(f), 1(o), 6, 7 and 10.

Conditions

Scope of authorisation

1. The route corridor authorised is the route which includes alternative route B in the first section from Mokolo Dam to the Wolvenfontein balancing dam and alternative route C in the section of the pipe line between Matimba Power Station and Steenbokpan. In the rest of the approved route corridor the pipe line will be constructed parallel to the existing pipe line infrastructure between Mokolo Dam, Matimba Power Station and Steenbokpan. A new pump station at the Mokolo Dam and a Break Pressure Tank at Rietspruitnek on the Farm Fancy 556LQ is hereby also approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.

3. The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. The recommendations and mitigation measures recorded in the EIAR dated August 2010 must be adhered to.
6. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
7. This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
10. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
 - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
 - All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

- All provisions of the National Water Act, 1998 (Act 36 of 1998).
 - All provisions of the National Forests Act, 1998 (Act No. 84 of 1998).
 - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - All provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
 - Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy.
 - All relevant provincial nature conservation legislation.
11. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation

12. The holder of the authorisation must notify every registered interested and affected party, in writing and within 10 (ten) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
13. The notification referred to must –
- 9.1 specify the date on which the authorisation was issued;
 - 9.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 9.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 9.4 give the reasons for the decision.

Management of the activity

14. The Environmental Management Plan (EMP) for the construction submitted as part of the EIAR, dated August 2010 is hereby approved. This EMP must be implemented and adhered to by the applicant and all contractors and subcontractors on site during construction.

Monitoring

15. The applicant must appoint a suitably experienced and independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
16. The ECO shall be appointed before commencement of any authorised activity/ies.
17. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
18. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
19. The ECO must submit a monthly compliance report to the Department consisting of all information mentioned in 18 above, especially all non-conformances recorded by the ECO.
20. Any non-conformance or environmental incident identified by the ECO which may have a significant detrimental impact on the environment, i.e. fuel spills near water courses, must be reported to the Department within twenty four (24) hours of the incident taking place. The report must include a short description of measures implemented to control or minimise environmental harm.
21. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed.
22. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and reporting to the Department

23. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance Monitoring at the Department.
24. The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities.
25. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMP.

Commencement of the activity

26. The authorised activity/ies shall not commence within thirty (30) days of the date of signature of the authorisation.
27. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Notification to authorities

28. Fourteen (14) days written notice must be given to the Department that the activity/ies will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence. This notification period may coincide with the period contemplated in 26 above.

Operation of the activity

29. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
30. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

31. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

32. The DWA must maintain the ecological reserve requirements downstream of the Mokolo Dam in accordance with the requirements of the National Water Act, 1998.

33. A botanist must be appointed to perform a final walkthrough of the approved route to identify sensitive plant species, and assist in identifying the areas and species that require protection.
34. A search and rescue operation should be conducted to identify vegetation material and plants which may be relocated or re-used during rehabilitation and landscaping of the servitude.
35. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
36. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
37. Construction rubble and spoil material (rocks, etc) may not be stacked along the servitude in a windrow but must be evenly spread during rehabilitation and landscaping to blend in with the surrounding environment.
38. Copies of any permits or licenses required by the applicant must be submitted to the Department for record keeping.
39. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
40. The applicant must have an ongoing invasive plant and weed monitoring and eradication programme for the servitude once construction is completed. Should it be found that weeds originating in the servitude are spreading to the natural along the servitude, eradication plans should cover such areas as well.
41. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan activities.
42. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off and not enhance erosion.
43. No construction camps are allowed within 100 meters of any wetland or watercourse. Ablution facilities supplied on site may also not be situated within the 100 meters buffer at watercourses and wetlands.
44. All carbon substances which may pollute the environment during a spillage must be stored in banded areas at construction camps. No servicing or repairs of vehicles are allowed along the servitude unless in an emergency situation. A drip tray must be used at all times if emergency repairs to equipment are required along the servitude.
45. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.

Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).

General

46. A copy of this authorisation must be kept at the property where the activity/ies will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
47. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
48. The holder of the authorisation must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
49. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 3 December 2016


Ms. Lize McCourt

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Background

The applicant, DWA applied for the following activities:

GN R. 386

Item 1(k):

The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with-

- (I) an internal diameter of 0.36 meters or more; or*
- (II) a peak throughput of 120 litres per second or more.*

Item 1(l):

The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of more than 33 kilovolts and less than 120 kilovolts.

Item 1(m):

The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 meters from the bank of a river or stream where the flood line is unknown.

Item 4:

The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.

Item 7:

The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.

Item 12:

The transformation or removal of indigenous vegetation of 3 hectares or more.

(13/12/2010)

Item 15: *The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.*

Item 20: *The transformation of an area zoned for use as public open space or for a conservation purpose to another use.*

GN R 387

Item 1(n): *The construction of facilities or infrastructure, including associated structures or infrastructure, for the transfer of 20 000 cubic metres or more water between water catchments or impoundments per day;*

Item 2: *Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more,*

for the purpose of construction of the proposed Mokolo Crocodile River (West) Water Augmentation Project (MCWAP) phase 1 as shown on the maps included Appendix E and as described in the environmental impact assessment report (EIAR) dated August 2010 (pages 24-38), between the Mokolo Dam, Matimba Power Station and Steenbokpan, within the Lephalale Local Municipality in Limpopo Province, hereafter referred to as "the property".

The applicant appointed Mr. Donovan Henning of NEMAI Consulting as the EAP to undertake an environmental assessment process in accordance with the EIA Regulations, 2006.

Other activities applied for but not yet in effect, listed in terms of the waste act or not relevant to phase 1 of the MCWAP and which are therefore not included in this authorisation, include:

GN R. 386: 1(n), and 16 and GN R. 387: 1(c), 1(f), 1(o), 6, 7 and 10.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIAR dated August 2010;
- b) The comments received from the Directorate: Biodiversity Planning, Limpopo Provincial Environmental Department and interested and affected parties as included in the EIAR dated August 2010;
- c) Mitigation measures as proposed in the EIAR dated August 2010 and the EMP included in the EIAR;
- d) The information contained in the Specialist studies contained within the EIAR.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.


- a) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the Specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from the requirement for additional water supply to the Lephalale area to support and sustain current and future industrial developments in the area.
- d) The EIAR dated August 2010 included a description of the environment that may be affected by the activities and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activities.
- e) The EIAR dated August 2010 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated August 2010.
- f) The methodology used in assessing the potential impacts identified in the EIAR dated August 2010 and the Specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- According to the Lephalale Local Municipality planning departments, this additional water supply is urgently required. The requirements for water for the operation of the Medupi power station currently under construction as well as other developments in the area outstrips the current supply capacity of the existing pipe line infrastructure.
- Not upgrading the system and installing the additional capacity will have dire social and economical impacts on the area.
- Existing tracks will be used for access to the pipe line servitude. Very few new access roads will be constructed.
- The majority of impacts on the natural environment associated with the proposed pipe line route are considered to be of low significance due to the fact that it follows existing infrastructure.
- The identification and assessment of impacts are detailed in the EIAR dated August 2010 and sufficient assessment of the key identified issues and impacts have been completed.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- All legal and procedural requirements have been met.
- The information contained in the EIAR dated August 2010 is accurate and credible.
- EMP measures for the construction and rehabilitation phases of the development were proposed and included in the EIAR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

 3/12/2010