

NOTIFICATION & BACKGROUND INFORMATION DOCUMENT (BID)



Applications for an Environmental Authorisation (EA) and Water Use License for the development of a low-level crossing on the Mokolo River between the Farm Laurel 159 KQ and the Farm Mokolo River Private Nature Reserve 660 KQ within Kaingo Private Nature Reserve, Lephalale Local Municipality, Waterberg District, Limpopo.

PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide background information for the proposed project and to provide for objections, comments, and contributions from stakeholders, with regards to potential environmental and water use impacts – which includes, but is not limited to, ecological, social, economic, physical, aesthetic, etc.

When an applicant proposes to undertake a Section 21 water use in terms of the National Water Act (NWA, Act 36 of 1998) or a Listed Activity in terms of the National Environmental Management Act (NEMA, Act 107 of 1998) as amended, an application must be made for authorisation. The applications must be supported by a report, which has been compiled following an assessment process.

Ecoleges, as an independent Environmental Consultant, has been appointed to manage the Public Participation Process (PPP) as part of both the Water Use License and Environmental Authorisation processes.

Water use authorisation is proposed via a Water Use License application in terms of the WULA and Appeals Regulations, 2017.

The Environmental Authorisation is to be undertaken via a Basic Assessment process in accordance with Regulations 19 & 20 of the amended EIA Regulations, 2014 promulgated in terms of sections 24(5) and 44 of the National Environmental Management Act (Act 107 of 1998), as amended.

The Public Participation Process for the Environmental Authorisation and Water Use License applications must be undertaken in accordance with Chapter 6 of the Environmental Impact Assessment Regulations (GG No. 40772, GN No. 326, 07 April 2017), and Section 17 of the Water Use License Application (WULA) and Appeals Regulations, 2017 (GN No. R. 267 of 24th March 2017), respectively. Ecoleges shall also take the Public Participation 2017 Guideline Document (DEA, 2017) into consideration.

APPLICABLE LEGISLATIONWater Use Authorisation

An application for a Water Use License will be submitted to the regional office of the Department of Water and Sanitation in Polokwane (Limpopo Water Management Area) in terms of the WULA and Appeals Regulations, 2017 to undertake the following water uses:

Section 21(c)	impeding or diverting the flow of water in a watercourse.
Section 21(i)	altering the bed, banks, course, or characteristics of a watercourse.

Environmental Authorisation

An application for an EA will be submitted to the Limpopo Department of Economic Development, Environment and Tourism (LEDET) in terms of the EIA Regulations, 2014 as amended to undertake the following listed activities:

Listing Notice 1 (GG No. 40772, GN No. 327, 07 April 2017)	
Listed Activity 19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.
Listing Notice 3 (GG No. 40772, GN No. 324, 07 April 2017)	
Listed Activity 12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. e. Limpopo i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; or iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning
Listed Activity 14	The development of -

	<p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>e. Limpopo</p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.</p>
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PURPOSE OF THE PROJECT

The overall objective is to undertake and complete a robust and defensible assessment process that will serve to inform the responsible authority's (Limpopo WMA) and competent authority's (LEDET) decision on the acceptability of the proposed project.

PROJECT DESCRIPTION

Mr Jurie Willmse of Kaingo Private Nature Reserve acquired a neighbouring property on the opposite bank of the Mokolo River, called Mokolo River Private Nature Reserve. Access to the neighbouring property is required for eco-tourism activities and by the Management Authority to fulfil its conservation mandate during the day-to-day operations or management of both Nature Reserves. There is currently one existing sand bed crossing that is only accessible during the dry winter months of the year. For the remainder of the year, access to the neighbouring property would entail an extended round trip that requires any driver to exit Kaingo Game Reserve and then enter the Mokolo River Private Nature Reserve. The proposal therefore is to construct a low-level crossing further downstream that will ensure year-round connectivity between both properties. The proposed activity (the development of a low-level crossing) will negate the unnecessary and wasteful expenditure of time and money to access the neighbouring property by exiting Kaingo Game Reserve.

DESCRIPTION OF TASKS

- An advertisement will be placed in the Mogol Post on 29th October (a local Newspaper based in Lephalale),
- Stakeholders, including landowners and land occupiers of neighbouring properties, other interested & affected parties, including the relevant authorities; will be notified of the proposed development in writing, and
- Notice boards advertising the applications were placed on the boundary fence of Mokolo River Private Nature Reserve at the corner of the R517 and Witfontein Road, and on the main entrance gate to the Kaingo Game Reserve.
- Additional public participation processes may be undertaken in light of COVID-19 and prevailing Disaster Management Act Regulations to help ensure thorough dissemination & access of information to I&APs.

LOCATION

The proposed low-level crossing is situated on the Mokolo River between Farm Laurel 159 KQ and Farm Mokolo River Private Nature Reserve 660 KQ (24° 04' 46.8" S and 27° 46' 26.5" E) (**Figure 1**).

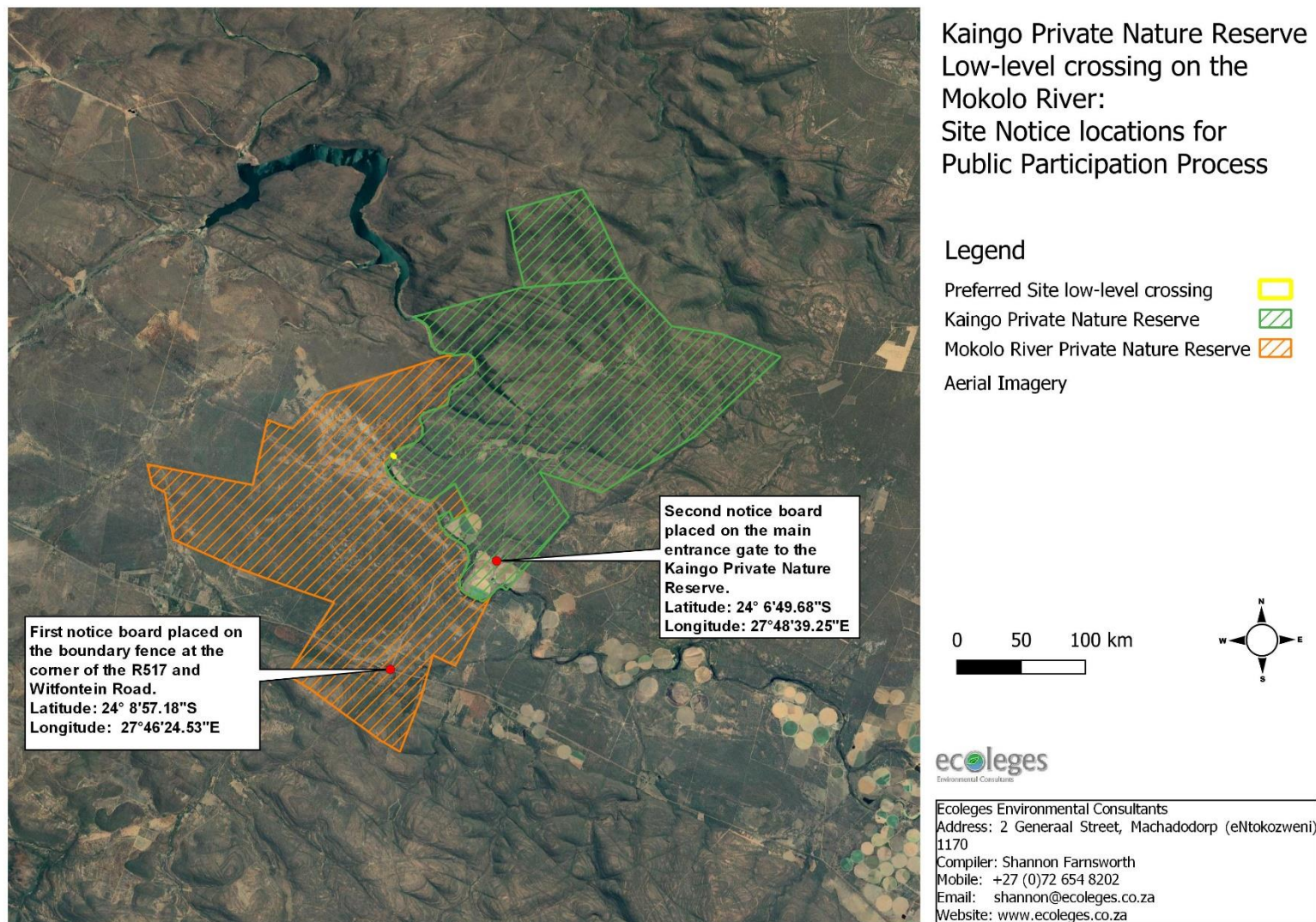


Figure 1: Locations of the site notices as well as the proposed low-level crossing over the Mokolo River linking Kaingo and Mokolo River Private Nature Reserves.

MEMBERS: J.A. Bowers (M Tech, Pr.Sci.Nat.) & S.D. MacGregor (M.Sc., Pr.Sci.Nat.)
 Reg: 2006/023163/23

ANTICIPATED ISSUES

The following specialist studies shall be undertaken, and are based on the outcomes of a Site Sensitivity Verification:

- Terrestrial Animal Species Specialist Assessment
- Terrestrial Plant Species Compliance statement
- Terrestrial Biodiversity Compliance Statement
- Aquatic Biodiversity Specialist Assessment
- Archaeological & Cultural Heritage Compliance Statement (Exemption Letter)
- Palaeontological Compliance Statement (Exemption Letter)
- Hydrology Assessment
- Geotechnical Assessment (forms part of the Engineer's scope)
- Flood line delineation (forms part of the Engineer's scope)

YOUR COMMENTS PLEASE!

Your comments on the proposed projects, the public participation process, and issues needing investigation, will assist the technical studies and the authorities in their consideration of the relevant environmental and social aspects.

You are invited to register as an Interested and Affected Party (I&AP) and to assist us in:

- identifying possible impacts of the proposed development on the environment,
- making suggestions for mitigation and/or alternatives, and
- considering the "Need and Desirability".

Mitigations

Mitigation measures will be developed for the anticipated issues. Stakeholders are however welcome to comment on these issues and provide additional observations.

NEMA and the EIA Regulations call for a hierarchical approach to impact management.

The Impact Mitigation Hierarchy

- *Firstly*, alternatives must be investigated to avoid negative impacts altogether.
- *Secondly*, after it has been found that the negative impacts cannot be avoided, alternatives must be investigated to reduce (mitigate and manage) unavoidable negative impacts to acceptable limits.
- *Thirdly*, alternatives must be investigated to remediate (rehabilitate and restore).
- *Fourthly*, unavoidable impact that remain after mitigation and remediation must be compensated for through investigating options to offset the negative impacts.
- *While throughout*, alternatives must be investigated to optimise positive impact.

Alternatives

Consideration of "Alternatives" is one element of the BA process. Its role is to provide a framework for sound decision-making based on the principle of sustainable development.

Alternatives should be identified as early as possible in the project cycle.

Ecoleges not only welcomes stakeholders' input/suggestions, but also urges the public to submit possible alternatives.

It is important to note that an alternative is defined as a different means of meeting the general purpose and requirements of the activity, which may include alternatives to-

- (a) the property on which or location where it is proposed to undertake the activity,
- (b) the type of activity to be undertaken,
- (c) the design or layout of the activity,
- (d) the technology to be used in the activity,
- (e) the operational aspects of the activity, and
- (f) the option of not implementing the activity.

When submitting alternatives, the recommended alternative must be:

- Practicable,
- Feasible,
- Relevant,
- Reasonable and
- Viable.

Need & Desirability

According to Regulation 13(1)(b) and 13(1)(e) read together with Regulation 18 of the amended EIA Regulations, 2014, EAPs and specialists must have knowledge of any guidelines that have relevance to the proposed activity and have regard to the need for and desirability of the undertaking of the proposed activity.

Considering that 'Need and Desirability' is determined by considering the broader societal/community needs and public interests, that is NOT the needs of the applicant/developer, we encourage you to also consider the Guideline on Need and Desirability published by DEA (2017) to help you identify key issues in respect of the need for and desirability of undertaking the proposed activity/development. The guideline is freely available on the web. However, we have also prepared a YouTube video that explains the intended concept of Need and Desirability:

<https://www.youtube.com/channel/UC0iHr-zE4TPzwhZjzoTPQMw>

The aim of the EIA process is to find that (reasonable and feasible) alternative that will ensure sustainable development. Consistent with the aforesaid aim and purpose of EIA, the concept of "need and desirability" relates to, amongst others, the nature, scale, and location of development being proposed, as well as the wise use of land.

Strictly speaking, "need" primarily refers to time and "desirability" refers to place, e.g., is this the right time and is it the right place for locating the type of land-use/activity being proposed? However, "need and desirability" are interrelated and the two components collectively can be considered in an integrated and holistic manner by engaging the **Questions** provided in the guideline document. The questions are divided into two broad categories relating to ecological sustainability (e.g., how the development will impact on ecosystems and biological diversity) and justifiable economic and social development.

We suspect the ecological category of questions address desirability and whether it is the right place, while the economic and social category of questions addresses broader societal needs, and whether this is the right time.

Need and desirability is like a drawstring that pulls the assessment process together to decide on the best option. When the sum of the impacts (evaluated during the impact assessment) is considered holistically through the lens of Need and Desirability, that is by presenting them within the framework of questions posed by the guideline, then Need and Desirability becomes

the overall impact summary to determine if the proposed activity is the best option or to decide on the fate of the application.

When collectively considering ecological, social, and economic impacts it is important to remember that while there might be some trade-offs between the considerations, all development must in terms of Section 24 of the Constitution be ecologically sustainable, while economic and social development must be justifiable. Consequently, there are specific “trade-off rules that apply, namely environmental integrity may never be compromised, and the social and economic development must take a certain form and meet certain specific objectives for it to be considered justifiable.

REGISTRATION

To ensure that you are registered as an interested and affected party, please complete the enclosed REGISTRATION AND COMMENT SHEET and forward it to the address, fax or email provided below.

Postal Address:

P.O. Box 516
Machadodorp
1170

Fax: 086 697 9316

E-mail: shannon@ecoleges.co.za

ENQUIRIES

Please do not hesitate to visit us at our office or give us a call should you have any further queries or concerns regarding the listed activity(ies), water uses or development that is being proposed.

Physical address (Office):

2 Generaal Street
Machadodorp
1170

Cell: 072 654 8202 (Shannon Farnsworth) or 083 644-7179 (office)

Thank you for your participation!

Please be assured that your comments will form part of the final document to be submitted to the decision-making authority.

Please complete and return the below Registration and Comment Sheet and/or POPIA Consent Form

at your earliest convenience – we shall submit the draft report for comment at least 30 days from the date of this document.

Note: To withdraw your consent at any time please email us directly, and we will immediately delete your information from our records. Thank you.

REGISTRATION AND COMMENT SHEET
LOW-LEVEL CROSSING ON THE MOKOLO RIVER

Title: _____ Name: _____

Surname: _____

Company Name / Interest Group: _____

Postal or Residential Address: _____

Town / City: _____

Postal Code: _____

Tel: (_____) _____

Cell: _____

Fax: (_____) _____

E-mail address: _____

A registered interested and affected party is entitled to object and comment, in writing, on all written submissions including draft reports made to the competent authority provided that - (c) the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application. Please supply such information in the space provided below.

Please indicate with an **X** whether you would like to be kept informed of the GA & BA process.

YES, I would like to be kept informed	
NO, I am not interested	

If "YES", how would you like to be informed? (Please mark the appropriate block with an "X")

E-mail	
Fax	

COMMENTS: (If you require more space than that which is provided, please attach additional pages)

[illegible]

POPIA CONSENT FORM

Kindly be advised that should you receive unsolicited correspondence directly from us, and you are (i) an occupier, owner or person in control of the site or any alternative site where the activity is to be undertaken, (ii) an owner, person in control or occupier of land adjacent to the site or any alternative site where the activity is to be undertaken, (iii) the municipal councillor of a ward, (iv) any organisation of ratepayers that represents the community, (v) a municipality, (vi) any organ of state having jurisdiction in respect of any aspect of the activity, or (vii) any other party as required by the competent authority, then we were required to give you notice in terms of EIA Regulation 41(2), and had to therefore derive your information, including name, contact details and address, from a public record. Alternatively, you may have been referred to us. If you are not an organ of state, did not submit written comments or attend meetings, did not request in writing for your name to be placed on the register, then we are not obligated in terms of EIA Regulation 42 to retain a record of your personal information in a register of interested and affected parties, and as such, must obtain proof of consent provided by yourself. To this effect, kindly confirm your consent by ticking the boxes below.

- ☐ I, in my capacity as the data subject, give consent to ecoleges, in its capacity as the responsible party, to process my personal information for purposes of pursuing its legitimate interests or those of a third party to whom the information is supplied, but limited to (1) the submission of reports or plans for comment, (2) transferring the same information to a third party, including registered interested and affected parties, the competent authority and applicant or holder of the environmental authorisation, (3) submitting a copy of an appeal against a decision to grant or refuse environmental authorisation, and/or (4) submission of environmental audit reports (containing recommendations for amending the EMP) for comment.
- ☐ I hereby acknowledge that only the minimum personal information that is required to be processed for the purpose of the EIA Regulations (2014) will be processed, including my name, contact details, address, and disclosure on any direct business, financial, personal, or other interest which that party may have in the approval or refusal of the application.
- ☐ I hereby confirm that the personal information, which I shall provide is mine, and that it is complete, accurate, not misleading and updated.
- ☐ I hereby acknowledge that my personal information is being collected explicitly for public participation processes associated with this project.
- ☐ Irrespective of the decision to grant or refuse an environmental authorisation, and irrespective of whether the scope of the authorisation includes operational or development aspects only, I hereby give consent to ecoleges to retain my records indefinitely for historical and/or research purposes.
- ☐ I understand, upon submitting my personal information to ecoleges, that it will be saved on their server, which meets the various conditional "Minimum Security Requirements" of their Cyber Insurance company, including *inter alia* firewalls to restrict access to digitally stored sensitive information, anti-virus software implemented on all desktops, laptops and sensitive systems, password controls implemented on sensitive systems, etc.
- ☐ I understand that ecoleges shall inform me when there are reasonable grounds to believe that my personal information has been accessed or acquired by any unauthorised person.
- ☐ I have read and understand my [Section 5 Rights](#) as a data subject including *inter alia*, the right to -
- request access to my personal information,

- request information about the identity of all third parties,
- request ecoleges to correct, update, destroy or delete my personal information, and
- lodge a complaint in writing to the [Information Regulator](#) if in my opinion the processing of information is not reasonable.

For more information about the Protection of Personal Information Act, 2013 (POPIA), which commenced on 01st July 2020, it is available at the following link: www.popia.co.za

Your participation in the Public Participation Process (PPP) is voluntary, but it is mandatory in terms of Regulation 42 and 43(1) of the amended EIA Regulations (2014) that we receive the relevant personal information for us to register you as an Interested and Affected Party, and for you to be entitled to comment, in writing, on all reports or plans that we submit to you, respectively.

Failure to supply the information or incomplete information may impact your eligibility as a registered Interested and Affect Party.