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Department:  
Economic Development, Environment Conservation and Tourism  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA



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Reference: NWP/EIA/97/2018

Attention: **Mr. P. Maas**  
**Rustenburg Water Services Trust**  
701 Missionary Mpheni House  
Cnr Nelson Mandela & Beyers Naude road  
**RUSTENBURG**  
0030

Cell No.: 083 445 7287  
Fax No.: 086 645 8844  
Email.: [pet.maas@tigros.co.za](mailto:pet.maas@tigros.co.za)

Dear Sir,

**ENVIRONMENTAL AUTHORISATION FOR THE CONSTRUCTION OF A RESERVOIR, A RISING 500MM PIPELINE FROM THE BOSPOORT WATER TREATMENT WORKS , A 800MM GRAVITY PIPELINE TO TIE INTO THE EXISTING PIPELINE IN RUSTENBURG LOCAL MUNICIPALITY, NORTH WEST PROVINCE**

Your application for Environmental Authorisation, in terms of Section 24(2)(a) of the National Environmental Management Act, 1998 as amended (Act No. 107 of 1998) in respect of –

Government Notice No. R327 and R324 of EIA Regulation of 04 December 2014 as amended for:

Government Notice	Activity number and description
GNR 327	<i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water (i) with an internal diameter or 0.36 metres or more; or (ii) with a peak throughput of 120 litres or more; excluding where (a) such infrastructure is for the bulk transportation of water or storm water inside a road reserve or railway line reserve or (b) where such development will occur within an urban area [Listed activity 9(i)(ii)]</i>
GNR 327	<i>The development of (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse [Listed activity 12(ii)(c)]</i>

Together we move North West forward.

GNR 327	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, or 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. <b>[Listed activity 19]</b>
GNR 327	Residential, retail, recreational, tourism, commercial, or institutional developments of 1000 square metres or more, on land previously used for mining or heavy industrial purposes excluding (i) where such land has been remediated in terms of part 8 of the National Environmental Management; waste Act, 2008 applies; or (ii) where an environmental authorisation has been obtained for the decommissioning of such a mine or industry in terms of this Notice or any previous NEMA notice; or (iii) where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum resources Development Act, 2002 for such land. <b>[Listed activity 26]</b>
GNR 327	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance is required for (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. <b>[Listed activity 27]</b>
GNR 324	The development of billboards exceeding 18 square metres in size outside urban areas, mining area or industrial complexes (h) North West (i) sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority (ii) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority <b>[Listed activity 1(h)(i)(ii)]</b>
GNR 324	The development of a road wider than 4 metres with a reserve less than 13.5 metres (h) North West (iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority. <b>Listed activity 4(h)(iv)]</b>
GNR 324	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. (h) North West (iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; (vi) Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse <b>[Activity 12 (h)(iv)(vi)]</b>
GNR 324	The development of (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs (a) within a watercourse; (c) if no development setback had been adopted within 32 metres of a watercourse, measured from the edge of a watercourse (h) North West (iv) Critical biodiversity areas as identified

	<i>in systematic biodiversity plans adopted by the competent authority [Listed activity 14(ii)(a)(c)(h)(iv)]</i>
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In terms of the Regulations of Chapter 5 of NEMA, 1998 refer.

This Department has evaluated the **Basic Assessment Report** received on 10 June 2019 for the construction of a 500mm diameter rising pipeline from Bospoort Water Treatment Works, a reservoir and a 800mm diameter gravity pipeline to tie into the existing pipeline to Rustenburg town, Rustenburg Local Municipality North West Province, to verify whether this activity will have significant negative impact on the environment.

**Enclosed please find the Environmental Authorisation and the conditions under which your application is authorised.**

Formal appeals regarding the Environmental Authorisation can be directed to the Appeal Administrator for the Department of Economic Development, Environment, Conservation and Tourism North West Province. Such an appeal must be lodged in terms of the National Appeal Regulations of 8 December 2014 as amended.

Yours Faithfully



**Ms. Portia Krisjan**

**Director: Environmental Quality Management**

**Department of Economic Development, Environment, Conservation and Tourism**

**Date:** 06/08/2019

**Cc:** **Ecologes Environmental Consultants**  
Contact Person: Mr. Justin Aragon Bowers  
Tel No.: 083 644 7179  
Fax No.: 086 697 9316  
E-mail.: [justin@ecologes.co.za](mailto:justin@ecologes.co.za)



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## A DEFINITIONS

**"activity"** means an activity identified in any notice published by the Minister or MEC in terms of Section 24D(1)(a) of the Act as a listed activity or specified activity.

**"commence"** means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

**"development"** means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint;

**"expansion"** means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.

**"independent"**, in relation to an EAP, a specialist or the person responsible for the preparation of an environmental audit report, means-

- (a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or
- (b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work; excluding –
  - (i) normal remuneration for a specialist permanently employed by the EAP; or
  - (ii) fair remuneration for work performed in connection with that activity, application or environmental audit;

**"public participation process"** means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

**"registered interested and affected party"**, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

**"the Act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

**"the Department"** means the Department of Economic Development, Environment, Conservation and Tourism.

**"state Department"** means any Department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

**"the Regulations"** means the Environmental Impact Assessment Regulations, of 04 December 2014 as amended.

## B. ENVIRONMENTAL AUTHORISATION

Authorisation register number: NWP/EIA/97/2018

Holder of Environmental Authorisation: Rustenburg Water Services Trust

Location of activity: North West Province: RE/71 of Farm Paardekraal 279 JQ, RE/5 of Farm Elandsheuwel 282 JQ, RE and RE/5 of Farm Tweedepoort 283 JQ , RE/3 and 4 of Farm Reinkoyalskaal 278 JQ within Rustenburg Local Municipality

### 1. 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 specified below:

### 2. Activities authorised

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Impact Assessment Regulations of 04 December 2014 as amended, the Director: Environmental Quality Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

**Rustenburg Water Services Trust**  
**701 Missionary Mpheni House**  
**Cnr Nelson Mandela & Beyers Naude Road**  
**RUSTENBURG**  
**0030**

Cell No.: 083 445 7287  
 Email.: [pet.maas@tigros.co.za](mailto:pet.maas@tigros.co.za)

to undertake the following activity:

*The clearance of indigenous vegetation within Critical Biodiversity Areas for the establishment of a construction camp and the construction of a 500mm diameter rising pipeline from Bospoort Water Treatment Works, an access road, a reservoir and a 800mm diameter gravity pipeline to tie into the existing pipeline to Rustenburg town.*

*The project will entail the establishment and construction of the following;*

- A 500mm rising water pipeline (1.25 Km)
- A reservoir (35ML)
- An access road (2180m) to the reservoir site
- A 800mm gravity pipeline (8.5 km)

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



**Site Location:**

Alternative S1		Latitude (S)	Longitude (E)
9.25 Km pipeline over the following properties: RE/71 of Farm Paardekraal 279 JQ, RE/5 of Farm Elandsheuwel 282 JQ, RE and RE/5 of Farm Tweedepoort 283 JQ, RE/3 and 4 of Farm Reinkoyalskaal 278 JQ.	Start	25° 35' 53.59"	27° 17' 09.43"
	Middle	25° 33' 59.56"	27° 18' 28.86"
	End	25° 33' 23.57"	27° 20' 19.30"
The reservoir site: RE/5		25° 33' 15.72"	27° 19' 57.60"
Access road to reservoir site	Start	25° 33' 5.21"	27° 20' 17.27"
	Middle	25° 32' 51.11"	27° 17' 51.71"
	End	25° 33' 12.81"	27° 19' 53.64"
Construction camp 1		25° 32' 57.64"	27° 20' 6.34"
Construction camp 2		25° 33' 40.46"	27° 18' 39.10"

The development starts at the Bospoort Water Treatment Works where the rising main pipeline (1.25Km) will be constructed to the reservoir site, the gravity pipeline will be constructed from the reservoir to join the existing Rustenburg town pipeline 8.5 km from the reservoir. The pipeline and reservoir will be constructed over the farm portions mentioned above within the jurisdiction of Rustenburg Local Municipality, North West Province, hereafter referred to as "the property".

**3. Conditions****3.1 Scope of Environmental Authorisation**

- 3.1.1 The preferred **activity location** for the construction camps, the access road, the reservoir, the pipeline in **S1 is approved.**
- 3.1.2 Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.
- 3.1.3 The holder of the Environmental Authorisation must 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 Environmental Authorisation.
- 3.1.4 The activity authorised may only be carried out at the property as described in Point 2 under site location.

- 3.1.5 This Environmental Authorisation does not negate the holder of the Environmental Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 3.1.6 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- a) All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
  - b) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
  - c) All provisions of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
  - d) All provisions of the National Heritage Resources Act, 1999 (Act No.25 of 1999).
  - e) The municipal by-laws must be adhered to where applicable.
- 3.1.7 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority should any alienation, or deviation from project description / ownership occur.

#### 4. Appeal of Environmental Authorisation

- 4.1 The holder of the Environmental Authorisation must notify every **registered** interested and affected party, in writing and within **14 days**, of receiving an Environmental Authorisation from the Department.
- 4.2 The notification referred to in 4.1 must –
- 4.2.1 Inform interested and affected parties of the decision, reason for decision and where the decision can be accessed.
  - 4.2.2 Advise the interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
  - 4.2.3 Specify the date on which the Environmental Authorisation was issued.
  - 4.2.4 Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations (see Annexure 2).
- 4.3 An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations with:

**The Appeal Administrator: Ms. Carene Nieuwoudt**  
**Department of Economic Development, Environment, Conservation and Tourism**  
 Room E30, Agricentre Building  
 Cnr. Dr. James Moroka & Stadium Road,  
**MMABATHO**  
 2735





Tel No.: (018) 389 5986  
Cell No. (083) 385 9486  
Fax No.: (086) 581 7858  
E-mail.: [CNieuwoudt@nwpg.gov.za](mailto:CNieuwoudt@nwpg.gov.za)

- 4.4 An appeal must be lodged in writing by completing an Appeal Form obtainable from the Appeal Administrator.
- 4.5 An appeal made against this Environmental Authorisation will result in it being suspended; therefore the activity must not commence pending the lapse of 20 days after all Interested and Affected parties have been informed of this decision.
- 4.6 Should an appeal be lodged within 20 days after notification to all Interested and Affected parties of this decision, the activity may only commence once the decision by the MEC, as Appeal Authority, have been made.

## 5. Management of the activity

- 5.1 The Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.
- 5.2 The overall EMPr is based on the premise of sound environmental management that will ensure wherever possible solution to the remediation of the impacts caused by the development and operation activities.
- 5.3 The recommendations and mitigation measures outlined in the Basic Assessment Report received by the Department on 10 June 2019 must be adhered to.
- 5.4 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Director: Environmental Quality Management for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **30 days** of receiving the submission.
- 5.5 The provisions of the EMPr are an extension of the conditions of the Environmental Authorisation and therefore non-compliance with the EMPr would constitute non-compliance with the Environmental Authorisation.
- 5.6 Notwithstanding the preceding conditions, the holder shall adhere to, and ensure adherence by all contractors, sub-contractors and workers for this project, to all conditions listed herein, and all obligations, commitments, monitoring and proposed mitigation measures as outlined in the EMPr.



## 6. Monitoring

- 6.1 The holder of Environmental Authorisation has the responsibility to ensure that the mitigation/ rehabilitation measures and recommendations referred to in the Basic Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 A qualified, suitably experienced and independent Environmental Control Officer (ECO) must be appointed to monitor, and report to the competent authority on compliance with the EA and the EMPr for the duration of the construction phase.
- 6.3 The ECO must be appointed prior to commencement of the construction phase and the ECO details must be submitted to the Departments' Environmental Compliance and Enforcement Section: [CNieuwoudt@nwpq.gov.za](mailto:CNieuwoudt@nwpq.gov.za) and [Inonkomo@nwpq.gov.za](mailto:Inonkomo@nwpq.gov.za).
- 6.4 The ECO must keep a record on site of all activities on site, monitoring programmes, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 6.5 The holder of Environmental Authorisation must ensure communications with key stakeholders in respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with this Department's Environmental Compliance and Enforcement Section.
- 6.6 It is the responsibility of the holder of this Environmental Authorisation to ensure that ongoing management and monitoring of the impacts of the activities on the environment throughout the life cycle of the activities is put into practice.
- ## 7. Validity Period of an Environmental Authorisation
- 7.1 **This Environmental Authorisation is valid for a period of 5 years from the date of issue.**
- 7.2 All authorised activities must be concluded within the **5 year** period.
- 7.3 If the holder of the Environmental Authorisation anticipates that the conclusion of the activities would not occur within a **5 year** period, he/she **must prior to the lapse of 5 years**, apply for an amendment of the Environmental Authorisation and **show good cause and give reasons** why an extension of the Environmental Authorisation should be granted
- 7.4 Should the Environmental Authorisation for the authorised activities **expire**, the said authorisation for the activity not concluded will be null and void and a new application for an Environmental Authorisation must be made in order for the activity to be undertaken.



## 8. Recording and reporting to the Department/ Environmental Audit Report


- 8.1 **14 days** written notice must be given to the Departments' Environmental Compliance and Enforcement Section that the activity will commence. The notice must be directed to [CNieuwoudt@nwpg.gov.za](mailto:CNieuwoudt@nwpg.gov.za) and [Inonkomo@nwpg.gov.za](mailto:Inonkomo@nwpg.gov.za).
- 8.2 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.
- 8.1 All incidents of major hazardous substances spill into any of the watercourses over which the pipeline will be constructed must be reported to Environmental Compliance and Enforcement section and Department of Water and Sanitation within **48 hours**, and action taken to remedy the situation must be outlined.

## 9. Operation of the activity

- 9.1 General waste must be collected and disposed of at a licensed landfill site on a weekly basis. Recyclable waste must be recovered for recycling purpose. No temporary dumping of waste is allowed on site.
- 9.2 Vegetation clearance should be confined to the development footprint and set out to avoid substantial vegetation disturbance. All existing invasive alien plants should be eradicated in accordance with Alien and Invasive Species Regulations, 2014 in terms of Chapter 3 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
- 9.3 Operational fire fighting equipment must be kept on the camp site and maintained as per the Occupational Health and Safety Act, 1993.
- 9.4 The holder of Environmental Authorisation must ensure that water is used in a sustainable manner and that all reasonable measures are taken to conserve it.
- 9.5 **The number of people employed for operational phase must be submitted to this Department one (01) month after extending the operational period of activity.**

## 10. Site Closure and Decommissioning of the activity

- 10.1 Should the activity ever cease or become redundant, the applicant must 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.
- 10.2 Should the authorised activities be abandoned or decommissioned, a closure management plan must be compiled and submitted to this Department for approval and the Department must be notified **30 days** prior to decommissioning.



## 11. Specific conditions

- 11.1 The applicant must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report (BAR) received on 10 June 2019
- 11.2 The activity must be restricted to the development of Rustenburg Water Services Trust construction of reservoir and potable water pipeline from the Bospoort Water Treatment Works within Rustenburg Local Municipality, North West Province.
- 11.3 The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local.
- 11.4 Ablution facilities on the camp site must be established during construction phase such that they do not cause water or other pollution and conform to regulatory hygiene measures and the Occupational Health and Safety legislation.
- 11.5 Dust suppression measures must be implemented to minimize impact on road uses and surrounding home owners.
- 11.6 Sites BP 3 – 13 must be mitigated by a phase 2 archaeological mitigation project inclusive of detailed mapping before they can be impacted upon or destroyed by the proposed infrastructure development as outlined in the comments letter from South African Heritage Resources Agency dated 07 June 2019.
- 11.7 A chance finds procedure must be implemented for the construction phase as outlined in the comments letter from South African Heritage Resources Agency dated 07 June 2019.
- 11.8 Vegetation clearance should be confined to the development footprint and set out to avoid substantial vegetation disturbance.
- 11.9 No untreated waste water and domestic water from sanitation facilities must be discharged into a watercourse.
- 11.10 No waste must be burned, buried or dumped on the camp site and the construction site.
- 11.11 No excess rock spoils must be allowed to remain on site post construction phase.
- 11.12 The mixing of concrete must only be done at specifically selected sites on mortar boards or similar structures to contain runoff into soils or rocky outcrops, streams and natural vegetation.
- 11.13 Where the pipeline crosses storm water channels it must be designed to have no impact on the normal storm water flow by having pipes and concrete casing buried at least 1.0m below natural channel level in the case of soft material and level with the natural channel in the case of hard rock material.
- 11.14 Archaeological remains, artificial features and structures older than **60 years** are protected. Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the

vicinity of the finding must be stopped immediately and the North West Provincial Heritage Resources Authority must be informed about the finding.

- 11.15 No surface or ground water must be polluted due to any activities on the property or site. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times. The discharge of any pollutants such as cement, concrete, lime, chemicals, etc. into the natural environment and storm water system must strictly be prohibited.
- 11.16 The holder of the Environmental Authorisation (Rustenburg Water Services Trust) must be responsible for compliance with the provisions for duty of care and remediation of environmental damage in accordance with Section 28 of National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

## 12. General

- 12.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental 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 Environmental Authorisation who works or undertakes work at the property.
- 12.2 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 apply to the Department as soon as the new details become known to the applicant.
- 12.3 The holder of the Environmental Authorisation must notify the Department, in writing and within **48 hours**, if any condition of this Environmental 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 Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Regulations.

### Environmental Authorisation Approved By:



**Ms. Portia Krisjan**

**Director: Environmental Quality Management**

**Department of Economic Development, Environment, Conservation and Tourism**

Date: 06/08/2019

## ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

### 1. Background

The Applicant, **Rustenburg Water Services Trust** applied for Environmental Authorisation to carry out the following activity:

*The clearance of indigenous vegetation for the establishment of construction camps and construction of a 500mm diameter rising pipeline from Bospoort Water Treatment Works, an access road to the reservoir site, a reservoir and a 800mm diameter gravity pipeline to tie into the existing pipeline to Rustenburg town,*

*over RE/71 of farm Paardekraal 279 JQ, RE/5 of farm Elandsheuwel 282 JQ, RE and RE/5 of farm Tweedepoort 283 JQ, RE/3 and 4 of farm Reinkoyalskaal 278 JQ within Rustenburg Local Municipality, North West Province.*

The applicant appointed **Ecologes Environmental Consultants** to undertake the Basic Assessment process as required per Regulation 12 of the EIA Regulations of 2014 as amended.

### 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 Basic Assessment Report (BAR) received by the Department on 10 June 2019 compiled by **Ecologes Environmental Consultants**.
- b) All mitigation measures and recommendations as contained in the BAR and the Environmental Management Programme included in the report received on 10 June 2019 are acceptable and practical for implementation.
- c) Recommendations included in the Palaeontological Impact Assessment report compiled by Prof Marion Bamford dated 31 March 2019.
- d) Mitigation measures included in the Storm Water Management Plan compiled by GCS Water & Environmental Consultants dated 26 March 2019.
- e) Recommendations included in the Phase 1 Archaeological and Heritage Impact Assessment Report compiled by Kudzala Antiquity CC, dated 26 April 2019
- f) Mitigation measures included in the Ecological Fauna and Flora habitat Survey compiled by Athene Ecological CC, dated February 2019.
- g) Recommendation included in the comments letter for the proposed project from the South African Heritage Resources Agency dated 07 June 2019.
- h) 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) as amended.

The findings of a site visit undertaken by the Department official Ms. Tshegofatso Lekgari, Mr. Justin Bowers of Ecologes Environmental Consultants (EAP) on 14 May 2019.



### 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 Basic Assessment Report process.
- b) The BAR received on 10 June 2019, included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 as amended for public involvement. The development was advertised in the 'Platinum Weekly' published on 01 February 2019 as part of the public participation process.
- d) The occurrence of a protected tree species; *Sclerocarya birrea* in close vicinity to the proposed site.
- e) The pipeline route crosses three non-perennial watercourses.
  - f) The preferred site for construction of the reservoir is on top of a koppie
- g) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.

### 4. Findings

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

- a) A permit for the re-location of the *Sclerocarya birrea* will be applied for at the relevant authority prior to its removal.
- b) With the implementation of the mitigation measures described in the EMP the nature of the development (pipeline) which is a narrow strip, on the 3 non-perennial rivers is considered low.
- c) The proposed site for the construction of the reservoir is a previously mined koppie, which is now degraded with dumping occurring on the site.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activity will not conflict with the general objectives of Integrated Environmental Management laid down in Section 23 (2) (a-f) of Chapter 5 of National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**

