



destea

department of
economic, small business development,
tourism and environmental affairs
FREE STATE PROVINCE

Environmental Authorisation

Authorisation register number: EMB/12(ii)(a)(c),27,28(ii),12b(i)(ii),14(ii)(a)(c) b.i(aa)(bb)(dd)(ff)(gg)(hh).

Holder of Authorisation: Eskom Holdings SOC Limited.

Location of activity: Farm Wilger No. 319, Portion 00, 01, and 03, Harrismith, Free State.

Project description: Activity 12(ii)(a)(c),27,28(ii) of Listing Notice 1 (GNR 327) and activity 12b(i)(ii),14(ii)(a)(c)b.i (aa)(bb)(dd)(ff)(gg)(hh) of Listing Notice 3 (GNR 324).

Proposed relocation of dwellers at Ingula Pumped Storage Scheme.

HEAD OF DEPARTMENT
Department of Economic,
Small Business Development,
Tourism and Environmental Affairs

23 APR 2021

Private Bag X20801
Bloemfontein, 9300

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Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA- 'the Department') is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation (EA), that the applicant should be authorised to undertake the activity specified below.

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

Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act ('NEMA'), 1998 (Act No. 107 of 1998) and GNR 326 of the 2014 Environmental Impact Assessment Regulations as amended, the Department hereby authorises –

Eskom Holdings SOC Limited

With the following contact details-

Contact person: Mr. Jabulani Hlophe

Telephone: 036 342 3236

Email: HlopheJC@eskom.co.za



To undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GNR 327) and Listing Notice 3 (GNR 324):

Activity 12(ii)(a)(c):

"The development of infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs-

- (a) within a watercourse;
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse".

Activity 27:

“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation”.

Activity 28(ii):

“Residential, mixed, retail, commercial, industrial or institutional development where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare”.

Activity 12(b)(i)(ii):

“The clearance of an area of 300 square metres or more of indigenous vegetation, Free State,

(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”.

Activity 14(ii)(a)(c)b.i(aa)(bb)(dd)(ff)(gg)(hh):

“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 has been adopted within 32 metres of a watercourse, measured from the edges of a watercourse.

b. Free State, outside urban areas:

(aa) A protected area identified in terms of NEMPAA, excluding conservancies;

(bb) National Protected Area Expansion Strategy Focus areas;

(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;

(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

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(gg) Core areas in biosphere reserves; or

(hh) Areas within 10 kilometres from national parks or world heritage sites of 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve”, as prescribed in the Final Basic Assessment Report (BAR) dated 15 December 2020.

Site coordinates:

Latitude (S)	Longitude (E)
28° 12' 9.99"	29° 33' 5.744"



Activity description

Eskom Holdings SOC Limited (Eskom) constructed Ingula Pumped Storage Scheme as part of their new build programme and the power station was commissioned in 2016. As part of the conditions to the environmental authorisation issued in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) for the scheme, Eskom was requested to purchase adjacent farms consisting of sensitive wetlands and grasslands to compensate for the residual impacts on wetlands and ecosystems that would be lost during the construction of the power station.

Subsequently, Eskom engaged all the landowners whose land comprised of the sensitive wetland ecosystems on which the project is situated and ultimately purchased these farms. Over 8000 hectares of land was purchased around the Ingula Pumped Storage Scheme. In 2018, the purchased land was declared a Nature Reserve in terms of the National Environmental Management: Protected Areas Act (No. 57 of 2003).

Following the progression of developments and the proclamation of Ingula Nature Reserve, Eskom engaged all landowners whose land was within the sensitive wetland ecosystems, which are characteristic of the Ingula Nature Reserve and ultimately purchased these farms. However, some of the dwellers opted to stay on the property, within Ingula Nature Reserve, but on a less sensitive area. During the latter half of 2016, studies were undertaken and the Wilger area was identified as the ideal area to relocate the remaining dwellers. Initially, a total of seven (7) families were engaged, however in March 2019, only six (6) families decided to stay as one of the families had confirmed that they will be relocating outside the Nature Reserve, therefore the

project is making provisions for six (6) remaining families. Negotiations with these last six households have been concluded and these will be relocated to the Wilger Farm.

The relocation exercise will result in the dwellers having better infrastructure and improved standard of life, as compared to where they are currently settled and congruently, the Nature Reserve management commitments will be better observed, since there will be a controlled utilisation of ecosystem services within the nature reserve. The relocation site is on the northern boundary of Ingula Nature Reserve. The relocation site is located approximately 10 km north of the Ingula Pumped Storage Scheme and on the north-north-western boundary of the Ingula Nature Reserve.

According to the International Finance Corporation (IFC) Performance Standards, involuntary resettlement must be done in a way that does not disrupt livelihoods or decrease the quality of life of the affected parties. This consideration was the basis of the consultation and participation of the affected parties.

The relocation project, sponsored by Eskom, will entail the following:

- Dwellings for the six families, each with an ablution block (one shower and toilet), rondawel and a kraal. The new dwelling facilities will exactly match their current situation with respect to the number and size of dwellings. The mud structures will be replaced with brick and mortar;
- Internal access roads;
- Storm-water management;
- Sewer and water reticulation;
- Potable water reticulation;
- Siting and drilling of boreholes for water use;
- Solar power and electrical reticulation for future energisation;
- Fencing; and
- Septic tanks installation.

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The granting of this EA is subject to the conditions set out below.

Conditions

Scope of Authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this document. These conditions form part of the EA and are binding on the holder of the EA.
- 1.2 The holder of the EA shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the EA.
- 1.3 The authorised activity may only be carried out on Farm Wilger No. 319, Portion 00, 01 and 03, Harrismith, as indicated above at the exact site co-ordinates.
- 1.4 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 affected.
- 1.5 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 which may result in the holder of the EA to apply for further Authorisation in terms of NEMA, 1998(Act 107 of 1998) and the 2014 EIA Regulations as amended.
- 1.6 This EA is valid for a period of 3 (three) years from the date of issue. If commencement of the activity does not occur within that period, the EA lapses and a new application for an EA must be made.
- 1.7 This EA 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 this particular activity.



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Appeal of Authorisation

- 1.8 The holder of the EA must notify every registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this EA, of its decision to authorise the activity.
- 1.9 The notification referred must –
- 1.9.1 specify the date on which the EA was issued;
 - 1.9.2 inform the registered interested and affected parties of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015;
 - 1.9.3 advise the registered interested and affected parties that a copy of the Authorisation will be furnished on request; and
 - 1.9.4 give the reasons for the decision.
- 1.10 A person affected by the decision who wishes to appeal against the decision must lodge an appeal with the MEC of the Department of Economic, Small Business Development, Tourism and Environmental Affairs within 20 days after being notified of the decision. The appeal should be directed to:

Attention: Mr. T. Molotsi

MEC (DESTEA)

Private Bag X20801

Bloemfontein

9300

Tel: (051) 400 4714

Fax: (051) 400 4904

E-mail: molotsit@destea.gov.za



- An appeal not submitted to the above mentioned address will not be regarded as valid.

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- The applicant shall not commence with the proposed activity once an appeal has been lodged with the office of the MEC.

Management of the activity

- 1.11 The Environmental Management Programme (EMPr) submitted as part of application for an EA is hereby approved.
- 1.12 The provisions of the EMPr included in the Final Basic Assessment Report (BAR) are an extension to the conditions of Authorisation, and non-compliance with the conditions of the EMPr would accordingly constitute non-compliance with the conditions of this EA.
- 1.13 Should there be a change of ownership and/or project developer, the Department must be notified within 30 (thirty) days prior to the change itself. Conditions imposed in this EA must be made known to the new owner and/or developer.
- 1.14 The recommendations and mitigation measures recorded in the Final Basic Assessment Report dated 15 December 2020 must be adhered to and incorporated as part of the EMPr where applicable.
- 1.15 Any updates or amendments to the EMPr must be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.

Monitoring

- 1.16 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction and operation phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this EA are implemented and to ensure compliance with the provisions of the EMPr.
- 1.17 The ECO shall be appointed before commencement of any construction activity.
- 1.18 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.



- 1.19 The ECO shall remain employed until all rehabilitation measures, as required for implementations due to construction damage are completed and the site is ready for operation.
- 1.20 The ECO shall keep the records to monitoring on site and make them available for inspection to any relevant and competent authority in respect of this development.
- 1.21 Construction and operation of the development may be temporarily or permanently stopped for reasons of non-compliance with the conditions of this particular EA as set out in this document or any other subsequent document emanating from the conditions of this EA.

Recording and reporting to the Department

- 1.22 The holder of the Authorisation must submit an environmental audit report to the Department within fourteen (14) days upon completion of the construction and rehabilitation activities. The environmental audit report must –
- 1.22.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the EA conditions as well as the corrective action plan and implementation programme.
- 1.22.2 Be kept on site and be made available for inspection by any relevant and competent authority in respect of this development.

Commencement of the activity

- 1.23 The authorised activity shall not commence within twenty (20) days after the EA has been issued by the Department to allow the appeal process to proceed accordingly.
- 1.24 Should you be notified by the MEC of a suspension of the EA pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

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Notification to authorities

- 1.25 Fourteen (14) days prior written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which the construction of the activities will commence.

Operation

- 1.26 Fourteen (14) days prior written notice must be given to the Department that the activities will commence with the operation.

Site closure and decommissioning

- 1.27 Should the activities 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.
- 1.28 Before decommissioning of the development becomes evident a rehabilitation plan must be compiled and should be approved by this Department.

Specific conditions

- 1.29 An integrated waste management approach that is based on waste minimisation must be implemented 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) as amended.
- 1.30 Waste separation at source must be practiced and solid waste in the form of rubble generated during the construction phase must be used for erosion control within the Nature Reserve.
- 1.31 Metal or plastic refuse bins with lids, must be used to store domestic waste and must be collected and be disposed of at the nearest waste disposal facility.

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- 1.32 Effort must be made to ensure that preventative actions are taken that any water bodies present on and around the site will not be negatively impacted by the commencement of this activity.
- 1.33 The applicant must ensure that storm water infrastructure is planned in such a way that the stream present on site is not negatively affected.
- 1.34 The applicant must ensure that storm water management plan is implemented for the proposed development.
- 1.35 A borehole must be drilled to supply the dwellers with water and the pumped water must be kept in a storage tank before being sent to individual houses.
- 1.36 Water provisions for the village must be done following the requirements of SANS and Guideline for Human Settlement Planning and Design.
- 1.37 A Water Use Authorisation must be obtained from the Department of Water and Sanitation before commencement of the proposed development.
- 1.38 The applicant must ensure that the drainage line is excluded from the grazing allocation.
- 1.39 Southern area adjacent to the flood plain and river must be excluded from the allocated land since there is a number of seep and springs that will be susceptible to erosion.
- 1.40 No access to the river must be given from the property and a clear strategy must be in place for grazing in the reserve and a single entry point must be avoided as this will increase erosion potential.
- 1.41 The applicant must ensure that a permanent crossing over the wetland is constructed and the road crossing the wetland must be cordoned off to prevent sheep and cattle entering the wetland for grazing and drinking.
- 1.42 The applicant must ensure that all houses are fitted with electrical reticulations for future purposes and in the meantime, solar panels are installed.

- 1.43 The applicant must ensure that the septic tank with a soak-away is not installed prior obtaining an approval to use the said system in the village.
- 1.44 Internal access roads must be constructed to connect the houses and the main gravel road.
- 1.45 Recommendations of the specialists conducted as part of the Environmental Impact Assessment for the proposed development must be implemented.
- 1.46 The applicant must ensure that a Chance Find Procedure is implemented for the proposed development.
- 1.47 Regular Archaeological Watching Briefs must be conducted during the construction phase of the proposed development.
- 1.48 A 100m buffer must be observed around all identified burial grounds and monitoring of all burial grounds must be conducted periodically within the grave management plan.
- 1.49 The applicant must ensure that the graves are fenced off and that there is a small access gate in order to allow relatives of the deceased access to the graves, if they chooses to preserve them in future.
- 1.50 A qualified archaeologist must be contracted to apply for a human burial exhumation permit from South African Heritage Resources Agency, if the developer chooses to relocate the graves.
- 1.51 If any evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during construction, South African Heritage Resource Agency (SAHRA) and archaeologist and / palaeontologist, must be informed immediately depending on the nature of the findings.

General

- 1.52 A copy of the EA must be kept at the property where the activities will be carried on. The EA must be produced to any authorised official of the Department who requests to see it

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and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.

- 1.53 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.
- 1.54 The applicant is responsible for compliance with the provisions for Duty-of-Care and remediation of damage contained in Section 28 and Emergency Incidents contained in Section 30 of the National Environmental Management Act, (Act no 107 of 1998).
- 1.55 The holder of the EA must notify the Department, in writing within 48 (forty-eight) hours, if any condition of this EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.56 Non-compliance with a condition of the EA may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the 2014 EIA Regulations as amended.
- 1.57 The Department shall not be held responsible for any damages or losses suffered by the applicant or his successor.

Approved:


Dr. M. Nokwequ

HOD: Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA)

Date: 23/4/2021



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Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings SOC Limited, applied for an EA to commence with the activities of Listing Notice 1, GNR 327 and Listing Notice 3, GNR 324:

Activity 12(ii)(a)(c):

“The development of infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs-

(a) within a watercourse;

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse”.

Activity 27:

“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation”.

Activity 28(ii):

“Residential, mixed, retail, commercial, industrial or institutional development where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare”.

Activity 12(b)(i)(ii):

“The clearance of an area of 300 square metres or more of indigenous vegetation, Free State,
(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”

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Activity 14(ii)(a)(c)b.i(aa)(bb)(dd)(ff)(gg)(hh):

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b. Free State, outside urban areas:

(aa) A protected area identified in terms of NEMPAA, excluding conservancies;

(bb) National Protected Area Expansion Strategy Focus areas;

(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;

(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

(gg) Core areas in biosphere reserves; or

(hh) Areas within 10 kilometres from national parks or world heritage sites of 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve”, as prescribed in the Final Basic Assessment Report (BAR) dated 15 December 2020.

The applicant appointed Myezo Environmental Management Services (Pty) Ltd to undertake Environmental Impact Assessment process for the activities as required by Regulation 21 of the 2014 EIA Regulations 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 Final Basic Assessment Report (BAR) dated 15 December 2020 completed by **Myezo Environmental Management Services (Pty) Ltd.**

b) Mitigation measures as proposed in the Final Basic Assessment Report (BAR) dated 15 December 2020 and the EMPr.

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- c) The objectives and requirements of relevant legislation, policies and guidelines and Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- d) The findings of the site visit were undertaken by Ms. N. Molokwane from the Department on the 02nd of February 2021.

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. Factors considered in making the decision are the following:

- a) Fauna and Flora
- b) Solid Waste Management
- c) Bulk Water Infrastructure and Supply
- d) Sewer Management
- e) Electricity
- f) Watercourses



4. Findings

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

- (a) The project site is in an African savannah ecosystem that is characterised by tropical grasslands dominated by grasses and with small trees that are measly scattered. The vegetation is mainly grasses dominated by short to tall sour grasses constituting the bulk of species composition.
- (b) Waste separation at source will be practiced. Solid waste, in the form of rubble generated during the construction phase will be used for erosion control within the Nature Reserve. Any waste that is not suitable to be utilised for erosion control will be disposed of at a registered waste disposal facility.

- (c) A borehole will be drilled to supply the dwellers with water and the pumped water will be kept in a storage tank before being sent to individual houses. The estimated daily water requirement is 38m³ but a design of 43m³ is advised to cater for population growth.
- (d) Septic tanks with a soak-away will be constructed for holding and natural treatment of wastewater and sewage. Minimum and maximum sewer loads are expected to be about 7980m³ and 14 250m³. This system is ideal for rural areas such as the project location, because the site is in an isolated area with no connection to a main sewer line.
- (e) Due to its remoteness and distance from the nearest grid line, the area has no power utilities but all houses will be fitted with electrical reticulations for future purposes should there be developments that allow for connecting to the national grid and in the meantime, solar panels will be installed.
- (f) The study area is associated with the Upper Vaal Water Management Area (WMA 3) with the Wilge River and the sub Water Management Area (Subquad-C81A). The area south of the proposed development have an extensive floodplains zone with numerous oxbow lakes. Furthermore the relocation site has a stream that traverses the site, this stream feeds into Wilge River and it will be avoided.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potential detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels, therefore the application is accordingly granted.



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