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Reference: EC135-137/CH/LN1/M/22-05
Enquiries: Miss ZK Mzalisi
NEAS No. ECP/EIA/0001277/2022

Chris Hani District Municipality
Private Bag X7121
Queenstown
5319

Tel No: 045 808 4610

Dear Sir /Madam



ENVIRONMENTAL AUTHORIZATION ISSUED IN TERMS OF LISTING NOTICE 1 OF 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS PROMULGATED UNDER SECTION 24 OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT 1998 AS AMENDED: PROPOSED CONSTRUCTION OF CHDM CLUSTER 9 PHASE 5 & CLUSTER 8 LINKAGE. LISTING NOTICE 1&3-GNR 327ACTIVITY, 12,19 AND GNR 324 ACTIVITY 2,&14 AS AMENDED.

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

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within 14 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 regulations.

Your attention is drawn to use the National Appeal Regulation GN 993 which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, inter alia, lodge an appeal with the MEC as per sections 6 of the attached authorisation, within 20 days of receiving this letter. Appeals may be lodged by post or hand.

Should you decide to appeal, you must serve a copy of an appeal on all registered interested and affected parties, organ of state with interest in the Matter within 20 days of notification of the decision.

An appeal submission must be made in the form obtainable from the Department website on www.dedea.gov.za or relevant Regional Office.

The Appellant must also serve a copy of the appeal to the decision maker in the relevant office.

Yours faithfully



Mr MN Makosonke
Regional Manager: Environmental Affairs (Chris Hani region)

24/10/2022
Date

cc:

Chris Bradfield

Isi-Xwiba Consulting cc (lsix@lcom.co.za)

Environmental Authorization

AUTHORISATION REGISTER NUMBER	NOTICE	EC135-137/CH/LN1/M/22-05 ECP/EIA/0001277/2022
LAST AMENDED		21 October 2022
HOLDER OF AUTHORISATION		Chris Hani District Municipality
LOCATION OF ACTIVITY		The project falls within the Chris Hani District Municipality (CHDM), within Dr AB Xuma Local Municipality and Intsika Yethu Local Municipality.

DEFINITIONS

The following definitions are applicable to this Environmental Authorization:

"EIA Regulations" – These are the 2014 Environmental Impact Assessment Regulations as amended published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

"Commencement" – Any physical activity on site that can be viewed as associated with the clearing of vegetation inclusive of initial site preparation and site camp establishment.

"EAP" – refers to the appointed Environmental Assessment Practitioner represented by Mr Chris Bradfield of Isi-Xwiba Consulting cc

"ECO" – Environmental Control Officer.

EMPR – Environmental Management Programme, as contained in Appendix F on the BAR

"FBAR" - refers to the Final Basic Assessment Report titled "Final Basic Assessment report for "The Proposed Construction of CHDM Cluster 9 Phase 5 & Cluster 8 Linkage .

"Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.



1. Decision

The Department is satisfied, based on the information available to it and subject to compliance with the Conditions of the Environmental Authorization, that the applicant should be authorized to undertake the activities specified below. Details regarding the basis on which the Department reached this decision are set out in Section 5 of this authorization.

2. Activities and regulations for which authorization has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations 2014 as amended, the Department hereby authorise Chris Hani District Municipality being the legal or natural person who has applied for this Authorization, with the following contact details:

Name	Chris Hani District Municipality		
Physical Address	3 Bells Road Queenstown	Postal Code	5319
Postal Address	Private Bag X7121 Queenstown	Postal Code	5319
Telephone	045 808 4610	Cell	
Contact	Gcobani Mashiyi	E-mail	gmashiyi@chrishanidm.gov.za

To undertake the following activity (hereafter referred to as "the activity"), in terms of the scheduled activities or activities listed in the table below:

Detailed description of activity

The cluster 9 backlog project is a regional cross boundary project to provide bulk water to settlements in the Chris Hani. Bulk supply is funded by the regional bulk infrastructure and reticulation under the municipal infrastructure grant. Phased development was initiated in 2010 and is on-going. The project will provide bulk water supply to IYLM AND Engcobo. The project consists of the following:

- (i) The construction of a 315mm ID pipeline linking the Ngqamakhwe command reservoir and the proposed Nxamangele command reservoir. This pipeline in itself does not require and EIA .However the pipeline crosses three identified watercourse/wetland areas.
- (ii) Construction of the Nxamangele command reservoir with a capacity of 3500 m3 located within a CBA2
- (iii) Construction of a 160mm ID pipeline linking the Ngqamakhwe/Nxamangeke to the existing Catshile reservoir.

The Cluster 9 water backlog is a cross boundary project to provide bulk water to settlements in the Chris Hani and Amathole District Municipalities. Bulk supply infrastructure is funded under the Regional Bulk water Infrastructure Grant

(RBIG) and reticulation under the Municipal Infrastructure Grant (MIG). Phased development was initiated in 2010 and is on-going under the following EA's:

- (i) DEDEA Ref 135-033-2009 (CHDM Cluster 9)
- (ii) EC135-001-2012 (CHDM Cluster 9)
- (iii) NR EC135 -014-2009 (CHDM Cluster 8)
- (iv) EC135&5/HO/LN1 &3/M/01-2017- Butterworth Emergency Bulk water supply project- Ngqamakwe Phase 5 BWWSS.

Listed Activities in terms of the NEMA EIA Regulations 2014 as amended (Listing Notices 1(GRN 327) and 3 GRN 324)

<p>GNR 327(12) The development of— Infrastructure or structure with a physical footprint of 100 square meters or more; Where such development occurs- (a) Within a watercourse</p>	<p>The development of pipelines and associated works within three watercourses/wetland areas and within 32m of these watercourses where the physical footprint will be +- 800 m² and development/construction associated with trenching, pipe laying and backfilling and reinstatement.</p>
<p>GNR 327(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,</p>	<p>Construction of pipeline through three wetland areas where trenches will be excavated, pipes laid, and trenches backfilled with a granular sub-surface drain placed under the pipe where the granular sub-surface drain will constitute a total of +_77m³ of infilling for the three areas.</p>
<p>GNR 324(2) The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres. ii. Outside urban areas, in: (dd)Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>	<p>The construction of a concrete reservoir with a capacity of 3500m³ in a CBA 2 Area as identified in the ECBCP (2019).</p>
<p>GNR 324` (14) 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 edge of a watercourse; (i) Outside urban areas: (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>The development of pipelines and associated works within three watercourse/wetland areas and within 32 m of these watercourses/wetlands where the physical footprint will be 800m² and development/construction associated with trenching, pipe laying, backfilling and reinstatement in a CBA 2 area as identified in the ECBCP (2019).</p>

District	Chris Hani District Municipality
Municipal Area	Dr AB Xuma and Intsika Yethu Local Municipality
Farm Name /Town	Dr AB Xuma and Intsika Yethu
Farm Number and Portion	

Erf Number and Township Extension or Suburb	Ward 9 Intsika Yethu
	Ward 1 Engcobo

At the locality defined in the Table below, and hereafter referred to as "the property":

POINT	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
Nxamagele Command Reservoir	32° 2' 137"	28° 0' 625"
Starting Point of Activity	32° 2' 523"	27° 58' 985"
B	32° 2' 452"	27° 59' 063"
C	32° 2' 381"	27° 59' 140"
Physical address	N/A	

This Environmental Authorization is granted subject to the conditions set out below.

3. Departmental Declarations and Conditions

3.1 Scope of authorization

The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorization and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorization.

- 3.1.1 The Application for CHDM Cluster 9 Phase 5 & Cluster 8 Linkage is hereby approved.
- 3.1.2 Once commencement of the activity/ies begin the applicant must complete such activities within **Sixty (60)** months of having been commenced with.
- 3.1.3 An application for the amendment of an Environmental Authorization must be submitted to the relevant competent authority on condition that Environmental Authorization is valid on the date of receipt of such amendment application.
- 3.1.4 If no request for amendment is received prior to the expiry of this Environmental Authorization, Environmental Authorization will be deemed to have lapsed.
- 3.1.5 On receipt of any such application for amendment, the Department reserves the right to request such information as it may deem necessary to consider the application for the amendment which may include but not limited to:
 - a) An updated EMP; and
 - b) Such public participation process as may be deemed necessary at the time of the application for extension.
- 3.1.6 Conditions relating to the operation of the project are valid perpetuity.

3.2 Departmental Declarations and Standard Conditions

CHDM Cluster 9 Phase 5 & Cluster 8 Linkage :EC135-137/CH/LN1/M/22-05 NEAS :ECP/EIA/0001277/2022

- 3.2.1 Authorization of the activities is subject to the Conditions as contained in this authorization and is binding on the holder of the authorization.
- 3.2.2 This Environmental authorization applies only to the activities described therein
The environmental authorization does not negate the holder thereof of his/her responsibility to **comply to with any other statutory requirements** that may be applicable to the undertaking of the activity, relevant legislation (as amended) that must be complied with by the holder of this authorization includes inter alia, but not limited to the following:
- 3.2.2.1 Chris Hani District Municipality, Intsika Yethu Local Municipality & DR AB Xuma Local Municipality (SDF & IDP framework)
 - 3.2.2.2 Constitution Act (Act No. 108 of 1996)
 - 3.2.2.3 Eastern Cape Biodiversity Conservation Plan (DEDEAT, 2007)
 - 3.2.2.4 Environmental Conservation Act (ECA Act 73 of 1983)
 - 3.2.2.5 The National Environmental Management: Biodiversity Act, Act 10 of 2004
 - 3.2.2.6 The National Environmental Management: Protected Areas Act
 - 3.2.2.7 National Waste Act (Act No. 59 of 2008)
 - 3.2.2.8 National Water Act
 - 3.2.2.9 National Heritage Resources Act
 - 3.2.2.10 Mineral Resources Act
 - 3.2.2.11 Occupational Health and Safety Act, 1993 (Act 85 of 1993)
 - 3.2.2.12. National Environmental Management Air Quality Act , Act 39 of 2004
- 3.2.3 The holder of the authorization shall be responsible for ensuring compliance with the Conditions as contained in the environmental authorization. This includes any person acting on the holder's behalf, including but not limited to, an agent, contractor, sub-contractor, employee, consultant, or any person rendering a service to the holder of the authorization.
- 3.2.4 Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 3.2.5 In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.6 This Authorization applies strictly to the project description as outlined in Section 2 of this Authorization. Should the Applicant wish to amend any competent or aspect of the project hereby authorized then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorization or, if needed, for authorization in terms of the applicable EIA Regulation promulgated in terms of the National Environmental Management Act, Act 107 of 1998.
- 3.2.7 This Environmental Authorization must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorization is given to any such interested and affected party including the neighboring landowners within **fourteen (14) days** of receiving this Environmental Authorization.

- 3.2.8 This Environmental Authorization must be produced to any duly authorized 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 authorization who works or undertakes work at the site. In this regard, the Environmental Authorization or a certified copy thereof must be kept on site for the duration of the construction period.
- 3.2.9 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.
- 3.2.10 In all cases, the holder of the Environmental Authorization must notify the Department, in writing, within 30 days if a condition of this authorization is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.11 Non-compliance with a condition of this Environmental Authorization may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.
- 3.2.12 A permit application for the removal of any of the Provincially Protected Plant Species must be submitted to the EC DEDEAT and it must be approved prior to removal.

3.3 Commencement of the activity

- 3.3.1 The authorized activity/ies shall not commence within **(20) days** of the date of signature of his authorization in order to allow for potential appeals to be submitted.
- 3.3.2 Section 43(7) of NEMA states that submission of an appeal automatically suspends the authorized activities until the appeal is concluded in favor of the proposed development.

3.4 Notification to authorities of commencement

- 3.4.1 **Fourteen (14)** days written notice must be given to the Department that the activity will commence.
- 3.4.2 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.

3.5 Site closure and decommissioning.

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

3.6 Monitoring

- 3.6.1 The applicant must appoint a suitably qualified, environmental Control Officer (ECO) that will have the responsibility to ensure that the mitigation/rehabilitation measures and conditions



- referred to this authorization are implemented and to ensure compliance with the provisions of the EMPr. Confirmation of appointment of the ECO to be provided to the Department.
- 3.6.2 Should fossil remains be exposed during construction, these objects should be carefully safeguarded and the relevant heritage resources authority (SAHRA) should be notified immediately so that the appropriate action can be taken by a professional paleontologist.
 - 3.6.3 All relevant permits and authorizations including plant removal permits must be in place prior commencement of construction. The design and location of the construction site must ensure minimal impacts to the aquatic environment surrounding the site.
 - 3.6.4 Appropriate stormwater structures must be designed to minimize erosion and sedimentation of watercourses.
 - 3.6.5 A Rehabilitation and Alien Vegetation Management Plan must be developed to mitigate the establishment and spread of undesirable alien plant species during all phases of the project.
 - 3.6.6 The construction site must be demarcated and communicated with the contractor prior to commencement of construction. All No-Go areas must be clearly demarcated during the planning and design phase.
 - 3.6.7 Construction works and infrastructure must be kept within the demarcated construction footprint. Regular monitoring of construction works must be conducted by a qualified ECO throughout the duration of construction.
 - 3.6.8 Material stockpiles must be located 32m away from any watercourse, and they must be monitored in order to prevent them from being washed away by rainwater or blown away by wind and giving rise to or seeding alien vegetation.
 - 3.6.9 Material stockpiles locations must be approved by the ECO. The ECO must keep and maintain a detailed incident and complaints register (inclusive to any spillages of hazardous substance and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and implement measures to avoid re-occurrence of such incidents.
 - 3.6.10 The ECO must obtain and keep records of all documentation including permits, licenses and this authorization on the project site.
 - 3.6.11 Chris Hani District Municipality will be held liable in the event of non-compliance with any condition of this Authorization Notice or any stipulation of the EMPr by any contractors associated with this activity.
 - 3.6.12 Non-compliance with any stipulation in the EMPr will be regarded as non-compliance in terms of this Environmental Authorization.
 - 3.6.13 Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the FBAR must be adhered to.

3.7 Recording and Reporting to the Department



The holder of the authorization must submit a monthly environmental monitoring report to the Department for the duration of the construction and rehabilitation activities until completion. The environmental monitoring report must:

- 3.7.1 Indicate the date, the name of the ECO and the outcome of the monitoring in terms of compliance with environmental authorization (EA) Conditions as well as the requirements of the Environmental Management Programme (EMPr).
- 3.7.2 Keep records relating to monitoring on site and these must be made available for inspection by the Department in respect of this development.

3.8 Management of the activity

The EMPr for the construction phase which was submitted as part of the application for this Environmental Authorization is hereby approved, subject to the following:

- 3.8.1 The recommendations and mitigation measures recorded in the FBAR, including the specialist reports therein, must be adhered to and incorporated as part of the EMPr. Any updates or amendments to the EMPr must be submitted to the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) for consideration and approval.
- 3.8.2 All conditions contained within the EA with respect to the construction and rehabilitation must be incorporated into the EMPr. The conditions set within EA are to prevail where similar conditions are given within the EMPr.
- 3.8.3 Contingency plans must be included for any emergencies during the construction such as fuel spills from the construction equipment and any temporary sanitation facilities.
- 3.8.4 Cognizance of the general principle of environmental management as applicable to the construction activities including environmental best practice, erosion prevention and control, minimization of dust must be adhered to.
- 3.8.5 All correspondence regarding this application must be forwarded for attention of: Manager: EIM-Environmental Affairs, Head Office.

4. Project Specific Conditions

- 4.1.1 Any recommendations/ mitigations measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorization are regarded as conditions in terms of this Environmental Authorization.
- 4.1.2 The EMPr is to be regarded as a living document and as such must be revised and updated when necessary and relevant.
- 4.1.3 The conditions of authorisation include but not limited to the following:



- All recommendations, mitigation measures, responsibilities, key actions and other provisions contained in the FBAR.
 - General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, and rehabilitation measures of the development footprint etc.
 - A framework of all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts;
 - No cement/concrete mixing to take place on the soil surface. Cement mixtures to be placed on a large tray to avoid accidental spills from coming contact with the soil surface;
 - Generators and fuels supply needed during construction must be placed on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
 - Hazardous waste generated within the site must be disposed of at a registered hazardous waste disposal site;
 - Hazardous material on site must not exceed combined capacity of 80 cubic meters as this would trigger a listed activity not applied for;
 - All excess construction material and any waste generated during construction must be removed from the site on ongoing basis;
 - Adequate waste disposal and sanitation facilities to be provided and the applicant must ensure that these facilities are properly used and maintained;
- 4.1.4 Plant " search and rescue", to be conducted by the suitably qualified botanical specialist prior to the commencement of any vegetation clearing for all the protected species and species of the special concern that may be affected by the development, as well as other indigenous plant specimen which can be relocated. Such specimen is to be relocated appropriately and transplanted including in rehabilitation initiatives, where applicable and practical on site.
- 4.1.5 Any protected species which need to be removed or relocated require the necessary permits to be obtained from DEDEAT for those species protected under NEMBA, i.e. ToPS species. A suitably qualified individual is to carry out a faunal "search and rescue" in terms of which fauna are to be relocated to a suitable protected natural area prior commencement of vegetation clearing.
- 4.1.6 Should any injured fauna be found, they are to be taken to a veterinarian and if deemed suitable for rehabilitation to a Centre, in consultation with the Department's Biodiversity Unit.
- 4.1.7 All construction activities to be restricted to normal working hours being 08:00 to 17:00 on weekdays. No construction to take place on weekends and public holidays
- 4.1.8 The disposal of waste to take place at a registered waste disposal site.
- 4.1.9 Any construction camp site that may be necessary must be identified with the help of the ECO to ensure that they are in an area within the development footprint but low ecological and /or environmental sensitive areas.

- 4.1.10 All sand, gravel, stone or other building material to be used are to be obtained from a *bona fide* source and the building contractor is not allowed to source any such material illegally.
- 4.1.11 Any areas disturbed as result of construction activities to be rehabilitated within 14 days using vegetation that are endemic to the area.
- 4.1.12 Vegetation may only be cleared within demarcated work areas.
- 4.1.13 Recommendations of the Aquatic and Wetland assessment must be implemented.
- 4.1.14 Non-compliance with any stipulation in the EMPr will be regarded as non-compliance in terms of this Environmental Authorization.
- 4.1.15 Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the Final Basic Assessment Report must be adhered to.
- 4.1.16 The impacts to natural water courses must be minimised by taking all necessary precautions to ensure that construction and operational activities do not alter natural underground and surface water interactions.
- 4.1.17 Care must be taken during maintenance activities to ensure that there is no unnecessary encroachment into sensitive surrounding wetland habitat.
- 4.1.18 The site should be monitored for 12 months after construction to ensure disturbed areas are approximately rehabilitated.
- 4.1.19 Promote responsible water use on site and utilise rainwater supplies where possible during the construction phase.
- 4.1.20 The construction must be limited to the development footprint as per the layout plan.

5. Reasons for Decisions

Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration the information contained in the following documentation.

- 5.1.1 Application form dated 25 July 2022.
- 5.1.2 The DBAR received on the 27 July 2022.
- 5.1.3 The Final Basic Assessment Report compiled by Isi-Xwiba Consulting cc titled, Final Basic Assessment Report for the Proposed Construction of CHDM Cluster 9 Phase 5 & Cluster 8 linkage dated the 06 September 2022
- 5.1.4 Aquatic and Wetland Impact Assessment report, Terrestrial Biodiversity assessment, Archaeological and Cultural Heritage Impact Assessment submitted and attached to the FBAR for the Proposed Construction of CHDM Cluster 9 Phase 5 & Cluster 8 Linkage.
- 5.1.5 Observation made during the site visit conducted by Ms Z.K Mzalisi, on the 12 of October 2022.
- 5.1.6 The EIA Regulations of 2014 as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.



5.2 Key factors considered in making the decision

All information presented on 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 significant is set out below.

- 5.2.1 The BAR included a description of the environment that may be affected by the activity and the manner which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- 5.2.2 Details submitted of the qualification of the EAP indicate that the EAP is competent to carry out the environmental impact assessment.
- 5.2.3 Recommendation written by the EAP in relation to the Proposed Construction of CHDM Cluster 9 Phase 5 & Cluster 8 Linkage.
- 5.2.4 The BAR identified all the legislation and guidelines that have been considered in the preparation of the BAR.
- 5.2.5 The proposed methodology used in assessing the potential impacts identified in the BAR, adequately covered the minimum requirements as prescribed by the EIA Regulations, 2014 as amended.
- 5.2.6 Adequate public participation was undertaken, and the applicant has satisfied the minimum requirements for public involvement as prescribed in the EIA regulations, 2014 as amended.
- 5.2.7 The specialist findings and recommendations with mitigation measures that are to be implemented by the applicant.

5.3 Findings

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

- 5.3.1 The negative environmental impacts associated with proposed activity will be manageable and not unacceptable provided the Conditions of this Environmental Authorization are adhered to and fully implemented.
- 5.3.2 The identification and assessment of impacts are detailed in the FBAR, and adequate assessment of the key identified issues and impacts have been completed.
- 5.3.3 The procedure followed for impact assessment is found to be sufficient for the decision-making process
- 5.3.4 The proposed mitigation measures of impacts identified and assessed were adequate.
- 5.3.5 All legal and procedural requirements have been met.
- 5.3.6 The proposed development will ensure that the wards have access to clean and health water as this is a basic need.
- 5.3.7 The impact on all the affected watercourses will be temporary as mitigation measures will be implemented.

- 5.3.8 EMPr measures for pre-construction, construction and rehabilitation phases of the development included in the FBAR will be implemented to manage the identified environmental impacts during all phases of the development.
- 5.3.9 The entire pipeline route will only directly affect wetlands in three areas that are unavoidable. The proposed pipeline and reservoir are relatively small-scale and low impact activities that require relatively small-scale footprint.
- 5.3.10 The implementation of the management actions to flora and fauna as well as erosion and storm water management and post construction rehabilitation will minimize biodiversity impacts.
- 5.3.11 The pipeline development will not lead to detrimental impacts on the palaeontological resources of the area

In general, the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorization, 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, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

6 Appeal of Authorization

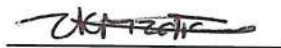
- 6.1 In terms of Regulations 4(2) in the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered the affected parties, in writing and within fourteen (14) calendar days of the date of this letter, of the Departments decision in respect of your application.
- 6.2 The written notification referred to condition 6.1 above must –
 - 6.2.1 Specify the date on which the authorization was issued;
 - 6.2.2 Inform the interested and affected parties of the appeal procedure provided for by the Appeal Regulations published in **GN993 of 8 December 2014** in terms of **Section 44** read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 6.2.3 Advise interested and affected parties that a copy of the Environmental Authorization and reasons for the decision will be furnished on request.
- 6.3 An appeal against the decision contained in this Authorization must be addressed in writing, to the MEC of the Economic Development, Environmental Affairs and Tourism (hereinafter referred to as the MEC in terms of Regulation 4(1) of the NEMA Appeal Regulations and within 20 (twenty) days after the appellant has been notified in terms of the condition 6.1 and 6.2, of the decision.

- 6.4 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as state departments (Organ of state with interest in the matter) within 20 (twenty) days of having been notified in accordance with the requirements stipulated in paragraph 6.1 and 6.2 of the decision.
- 6.5 The address to which the originals of any such an appeal and any other documents pertaining to the appeal must be emailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal address	Private Bag X005, BISHO, 5605
By hand	Global Life, Ilitha Building, Bisho, King Williams Town
In order to facilitate efficient administration of appeals copies of appeal documentation must also be submitted as follows:	
General Manager, Environmental Affairs	Siyabonga.Gqalangile@dedea.gov.za
Office of the Appeal Administrator	phumeza.gxala@dedea.gov.za

In the event that an appeal is lodged with regard to this Authorization, the listed activities described in this Authorization may not commence prior to the resolution of the appeal and prior to the Departments written confirmation of compliance will all conditions that must be met before construction can commence, whichever the event is latter.

Compiled By



ZK Mzalisi
Environmental Officer: ENVIRONMENTAL IMPACT MANAGEMENT

24-10-2022

Date

Approved by



Mr MN Makosonke
REGIONAL MANAGER: ENVIRONMENTAL AFFAIRS
CHRIS HANI

24/10/2022
Date

