



Town & Regional Planners,  
Environmental &  
Development Consultants

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9 Barnes Street | Westdene  
BLOEMFONTEIN

Makecha Development Associates trading as MDA | CC 1995/030752/23

Proj. Ref: 41032

Contact Person: Hanlie Stander

Date: 27 January 2023

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**ATTENTION: REGISTERED INTERESTED AND / OR AFFECTED PARTIES**

**PROPOSED CONSTRUCTION OF A NEW ABSTRACTION WORKS AND THE UPGRADING OF CERTAIN INFRASTRUCTURE ASSOCIATED WITH THE EXISTING ABSTRACTION WORKS AT THE SAND RIVER, SENEKAL (EMB/19,27/22/25)**

Notice is hereby given that DESTEA issued an Environmental Authorisation for the above-mentioned project on the 20<sup>th</sup> of January 2023.

Please see a copy thereof attached hereto.

**Reason for Decision as well as the finding by DESTEA:**

- The need for the development has been identified.
- All information presented to DESTEA was taken into consideration.
- Information provided regarding the qualifications of the EAP indicated that the EAP is competent to carry out the EIA procedures.
- The fBAR identified all legislation and guidelines that have been considered in the preparation of the BAR.
- The methodology used in assessing the potential impacts identified in the fBAR have been adequately indicated.
- Sufficient Public Participation Process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the 2014 EIA Regulations as amended for public involvement.
- Recommendations made by the EAP in the EMPr as well as the fBAR is sufficient.
- Feasible and reasonable alternative options, including the no-go option was investigated as part of the assessment process.

**Appeal Process:**

A person affected by the decision who wishes to appeal against the decision must lodge an appeal with the MEC of DESTEA within 20 calendar days after being notified of the decision, according to the appeal procedure provided for in the National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015. The appeal must be directed to:

**Attention: Mr. T. Molotsi**

MEC (DESTEA)  
Private Bag X20801  
Bloemfontein  
9300

[modisepm@destea.gov.za](mailto:modisepm@destea.gov.za)

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**Managing Member:**

**N. Devenish**, Pr. Pln (A/1133/1999), B.A., M.TR.P. (UFS)

**Assisted by:**

**A.C. Rohrbeck**, Pr. Pln (A/153/2009), B.Soc.Sc., M.TR.P. (UFS)  
**H. Stander**, B.Sc. Zoology, B.Sc. Hons. Zoology, M.Sc. Zoology (UFS)  
**L. Dreyer**, Pr. Pln (A/3245/2022), B.Sc. TR.P. (NWU), M.EM (UFS)



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Note that an appeal not submitted to the above-mentioned address will not be regarded as valid.

Mr Molotsi can be contacted at the following number: 051 400 4810.

**Commencement of Construction Activities:**

Also note that the Environmental Authorisation Holder hereby notifies your office that the construction activities will commence on the 17<sup>th</sup> of February 2023, should no appeal be submitted to DESTEA.

Kind regards,  
**MDA**

**NEIL DEVENISH Pr. Pln A/1133/1999**  
Manager: Town Planning/Environmental.

**Managing Member:**

**N. Devenish**, Pr. Pln (A/1133/1999), B.A., M.TR.P. (UFS)

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**L. Dreyer**, Pr. Pln (A/3245/2022), B.Sc. TR.P (NWU), M.EM (UFS)

## Environmental Authorisation

**Authorisation register number:** *EMB/19, 27/22/25*

**Holder of Authorisation:** *Setsoto Local Municipality*

**Location of activity:** *On the remainder of the farm Zyfer Fontein 246 and Portion 4 of the farm Zyfer Fontein 246, in Senekal, Setsoto Local Municipality.*

**Project description:** *Activity 19 and 27 of Listing Notice 1 (GNR 327).*

*The proposed construction of a new abstraction works and the upgrading of certain infrastructure associated with the existing abstraction works at the Sand River.*

**HEAD OF DEPARTMENT**  
Department of Economic,  
Small Business Development,  
Tourism and Environmental Affairs  
**20 JAN 2023**  
Private Bag X20801  
Bloemfontein, 9300

## 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 must be authorised to undertake the activity specified below.

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, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations 2014, as amended.

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'), Act No. 107 of 1998, as amended and GNR 326 of the 2014 Environmental Impact Assessment Regulations as amended, the Department hereby authorises –

### Setsoto Local Municipality

With the following contact details-

27 Voortrekker street,

Ficksburg

9730

**Contact person:** Mr. Tshepiso Ramakarane

**Tel:** 051 933 9302

**E-mail:** [tshepiso@setsoto.co.za](mailto:tshepiso@setsoto.co.za)



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to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1 (GNR 327):

**Activity 19:**

“The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from [(i) a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

(a) will occur behind a development setback;

(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; [or]

(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.

**Activity 27:**

“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –

(i) The undertaking of a linear activity; or

(ii) Maintenance purposes undertaken in accordance with a maintenance management plan.”

, as described in the Final Basic Assessment Report (BAR) dated 19 September 2022.

**Site coordinates:**

<b>Latitude (S)</b>	<b>Longitude (E)</b>
28°14' 29.53"	27° 39' 21.26"
28°14' 28.06"	27° 39' 23.68"
28°14' 29.12"	27° 39' 25.34"
28°14' 30.01"	27° 39' 25.32"
28°14' 32.34"	27° 39' 24.34"
28°14' 31.87"	27° 39' 21.40"



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### **Activity description**

The proposed project entails the construction of a new abstraction works and the upgrading of certain infrastructure associated with the existing abstraction works at the Sand River, Senekal, Setsoto Local municipality, Free State Province.

The proposed project entails the construction of a new abstraction works and the upgrading of certain infrastructure associated with the existing abstraction works at the Sand River, Senekal.

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

### **Conditions of the Environmental Authorisation**

#### **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 the remainder of the farm Zyfer Fontein 246 and Portion 4 of the farm Zyfer Fontein 246, in Senekal, Setsoto Local Municipality, 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 (Act 107 of 1998) and the 2014 EIA Regulations as amended.

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- 1.6 The holder of the EA must apply for an amendment of the EA with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
- 1.7 Commencement with one activity listed in terms of this EA constitutes commencement of all authorised activities.
- 1.8 This EA is valid for a period of 5 (five) 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.
- 1.9 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.

### **Appeal of Authorisation**

- 1.10 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.
- 1.11 The notification referred must –
  - 1.11.1 specify the date on which the EA was issued;
  - 1.11.2 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;
  - 1.11.3 advise the registered interested and affected parties that a copy of the Authorisation will be furnished on request; and
  - 1.11.4 give the reasons for the decision.
- 1.12 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 calendar days after being notified of the decision.



The appeal must be directed to:

**Attention: Mr. T. Molotsi**  
**MEC (DESTEA)**  
**Private Bag X20801**  
**Bloemfontein**  
**9300**  
**Tel: (051) 400 4810**  
**E-mail: [modisepm@destea.gov.za](mailto:modisepm@destea.gov.za)**



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

- 1.13 The Environmental Management Programme (EMPr) submitted as part of application for an EA is hereby approved.
- 1.14 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.
- 1.15 Must 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.
- 1.16 The recommendations and mitigation measures recorded in the Final Basic Assessment Report dated 19 September 2022 must be adhered to and incorporated as part of the EMPr where applicable.
- 1.17 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.

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## Monitoring

- 1.18 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.
- 1.19 The ECO shall be appointed before commencement of any construction activity.
- 1.20 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.21 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.
- 1.22 The ECO shall keep the records relating to monitoring and auditing on site and make them available for inspection to any relevant and Competent Authority in respect of this development.
- 1.23 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

- 1.24 The holder of the Authorisation must submit an environmental audit report to the Department within thirty (30) days upon completion of the construction and rehabilitation activities. The environmental audit report must –
  - 1.24.1 Be compiled in accordance with Appendix 7 of the 2014 EIA Regulations as amended and must 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 requirements of the approved EMPr.

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1.24.2 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**

- 1.25 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.
- 1.26 Must 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.

### **Notification to authorities**

- 1.27 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, as well as a reference number.

### **Operation of the activity**

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

### **Site closure and decommissioning**

- 1.29 Must 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.
- 1.30 Before decommissioning of the development becomes evident a rehabilitation plan must be compiled and must be approved by this Department.

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### **Specific conditions**

- 1.31 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.
- 1.32 An Emergency Preparedness Plan must be compiled and approved by the Resident Engineer, Safety Officer and ECO before construction commences.
- 1.33 All construction and operational activities must be contained within the demarcated servitude determined in consultation with the ECO.
- 1.34 The applicant must ensure that general solid waste generated during the construction and operational phase is disposed of at the licensed waste disposal facility.
- 1.35 The applicant must ensure that no construction camps are within 50m of a drainage line or a standing water source.
- 1.36 No dumping, burning or burying of waste may be undertaken on site.
- 1.37 The necessary authorisations must be acquired from the Department of Water and Sanitation prior to engaging in water use(s).
- 1.38 The Department of Water and Sanitation must be notified of any spillage / pollution of water sources (groundwater and / or surface water) within 24 hours of occurrence.
- 1.39 The applicant must ensure that a record is kept on site to indicate date of visual inspection, any spillages observed, and manner in which the spill was treated.
- 1.40 Adequate operational procedures for construction machinery and equipment must be developed in order to strictly govern movement of machinery only within the proposed development construction footprint area and to ensure environmentally responsible construction practices and activities.

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- 1.41 The applicant must ensure that no dumping of builders' rubble earth or other materials within the servitude area and watercourses.
- 1.42 Storage areas must be bunded and hard surfaced in order to protect groundwater quality.
- 1.43 Proper storage facilities for the storage of hazardous / dangerous goods must be provided to prevent the migration of spillage into the soil and/or groundwater.
- 1.44 Compliance with SANS codes and hazardous substances bylaws must be adhered to.
- 1.45 Certificates / waybills of hazardous waste disposals are to be made available on request.
- 1.46 The applicant must ensure that proper sanitation, water and waste facilities are in place for construction workers throughout the construction phase.
- 1.47 No onsite sanitation must be allowed closer than 100m from surface or groundwater resources.
- 1.48 Chemical toilets must be cleaned and serviced regularly to prevent contamination.
- 1.49 No waste water or waste may be disposed of into the surrounding environment at any time.
- 1.50 Dust masks and earplugs must be issued to workers for the purpose of dust and noise control.
- 1.51 Adjacent landowners must be notified of proposed blasting, 24 hours prior to blasting activities.
- 1.52 Construction activities must be limited to designated construction areas to prevent peripheral impacts on surrounding natural habitats.
- 1.53 The applicant must ensure that no animals are harmed / captured / trapped and / or hunted.

- 1.54 Any occurrences of harmed animals must be reported to the ECO and recorded as such.
- 1.55 Disturbance of the banks must be kept to a minimum and erosion remediated where it occurs.
- 1.56 The applicant must ensure that the watercourse bed and bank morphology is re-instated as far as possible.
- 1.57 A comprehensive rehabilitation of the banks, vegetation or wetland areas must be undertaken.
- 1.58 The applicant must ensure that riparian vegetation be re-established where they were removed.
- 1.59 Concurrent rehabilitation of disturbed areas must be undertaken to help the recovery of the vegetation.
- 1.60 Stockpiled soil to be used for the rehabilitation of the disturbed area must be stockpiled in an area where it will not be disturbed by vehicles.
- 1.61 An alien control and monitoring programme must be developed starting from the construction phase and must be carried over into the operational phase.
- 1.62 All threatened or protected plant species as specified by the NEM: Biodiversity Act (2004) must be identified on site.
- 1.63 A permit for the removal / cutting / transplanting of protected plant species must be obtained before the removal / cutting / transplantation of these species.
- 1.64 The applicant must ensure the availability and service of firefighting equipment on the premises, as well as training of personnel.
- 1.65 Accidental spills must be dealt with as per section 30 of NEMA. Emergency Spill Kit must be available on the construction site.

- 1.66 The contractor must provide employees with suitable equipment to protect them from hazards being presented and that will allow them to work without risk to the health in a hazardous environment, e.g., hard hats, gloves, boots, etc.
- 1.67 The applicant must ensure that employees receive relevant safety training in handling of hazardous substances / dangerous goods associated with the proposed project.
- 1.68 Contaminated soil must be disposed of in a hazardous materials skip and removed to a licensed hazardous landfill facility by a licensed contractor.
- 1.69 Safety signs complying with SABS and SANS standards must be placed on-site in a manner clearly visible to the public.
- 1.70 Access roads must be maintained and kept in good state of repair in order to prevent dust and loss of soil.
- 1.71 No vehicle servicing must be done on site, to minimize the likelihood of petrochemical spills on the soil.
- 1.72 The applicant must prevent soil and groundwater contamination by ensuring that strict standards are followed and waste management practices are adhered to.
- 1.73 The recommendations of the Wetland and Ecological Assessment and Heritage Impact Assessment conducted as part of the Environmental Impact Assessment for the proposed development must be implemented.
- 1.74 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

- 1.75 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 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.

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- 1.76 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.
- 1.77 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).
- 1.78 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.
- 1.79 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.
- 1.80 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: 20/1/23



## **Annexure 1: Reasons for Decision**

### **1. Background**

The applicant, Setsoto Local Municipality, applied for an Authorisation to commence with activity 19 and 27 of Listing Notice 1 (GNR 327) of the 2014 EIA Regulations as amended described in the Final Basic Assessment Report (BAR) dated 19 September 2022. The proposed construction of a new abstraction works and the upgrading of certain infrastructure associated with the existing abstraction works at the Sand River, Senekal, Setsoto Local Municipality, Free State Province.

The applicant appointed **MDA Environmental Consultants** 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 listed activities as applied for in the application form received on 27 July 2022.
- b) The information contained in the Final Basic Assessment Report (BAR) dated 19 September 2022 completed by **MDA Environmental Consultants**.
- c) Comments received from the interested and affected parties as included in the Final BAR dated 19 September 2022.
- d) Mitigation measures as proposed in the Final Basic Assessment Report (BAR) dated 19 September 2022 and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the Final BAR dated 19 September 2022.
- f) 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).
- g) The findings of the site inspection were undertaken by Mr. Tlotliso Hanong from the Department on 22 September 2022.

### 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 Environmental Assessment Practitioner (EAP) indicated the EAP is competent to carry out the Environmental Impact Assessment procedures.
- b) The proposed project is essential for the proper operation of the Bulk Water Supply System in Senekal. The abstraction works should operate optimally as it will form part of the infrastructure that is used to provide Senekal with potable water.
- c) The Final BAR dated 19 September 2022 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the Final BAR dated 19 September 2022 have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the 2014 EIA Regulations as amended for public involvement.
- f) Recommendations made by the EAP in the Final BAR, feasible and reasonable alternative options including the no-go were investigated as part of the assessment process.

### 4. Findings

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

- (a) The need for the development has been identified.
- (b) The identification and assessment of impacts are detailed in the Final BAR dated 19 September 2022 and sufficient assessment of the key identified issues and impacts have been completed.

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- (c) The procedure followed for impact assessment is adequate for the decision-making process.
- (d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- (e) EMPr measures for the pre-construction, construction, operation and rehabilitation phases of the development were proposed and included in the Final BAR and will be implemented to manage the identified environmental impacts throughout the life span of the project.
- (f) Adequate process in line with law and legislation for public participation process was undertaken and the EAP has met the minimum requirements as prescribed in the 2014 EIA Regulations as amended.

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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