



**destea**

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

## Environmental Authorisation

<b>Authorisation register number:</b>	EMB/9(i)(ii),12(ii),19/19/16
<b>Holder of authorisation:</b>	Setsoto Local Municipality.
<b>Location of activity:</b>	Cyferfonteindam to the Town of Senekal, Free State Province.
<b>Project description</b>	Construction of a Water Pipeline, Senekal Bulk Water Supply, Setsoto Local Municipality.



## 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.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act ('NEMA'), 1998 (Act No. 107 of 1998) and GNR 982 of the 2014 Environmental Impact Assessment (EIA) 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**

**Telephone: 051 933 9302**

**Fax: 051 933 9363**

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

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To undertake the following activity (hereafter referred to as “the activities”) indicated in the EIA Regulations Listing Notice 1 of 2014 as amended:

Listed Activity 9: The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or (b) where such development will occur within an urban area.

Listed Activity 12:

The development of – (ii) Infrastructure or structures with a physical footprint of 100 square meters or more where such development occurs – (c) if no development setback exists, within 32 meters of a watercourse, measured from the edge of a watercourse.

Listed Activity 19:

The infilling or depositing of any material of more than 10 cubic metre 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.

Described in the final Basic Assessment Report (BAR) dated August 2019 as; The construction of a 500mm diameter pipeline in order to convey water to the new water treatment works at Senekal. The pipeline will be constructed within 32m of a watercourse at certain section(s). The construction of an 11 000kℓ reservoir will also be undertaken as part of the project. Due to the volume of the proposed reservoir, activities associated with the construction of the reservoir is not listed as per GN 324, 325 or 327. The project will form part of the bulk water supply of Senekal, Setsoto Local Municipality.

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**Location:**

Province	Free State
District Municipality	Thabo Mofutsanyana District Municipality
Local Municipality	Setsoto Local Municipality
Area / Town / Village	Senekal
SG Code	F02400000000043900000
Site coordinates	Start point 28°14'20.08"S 27°39'33.76"E Middle Point: 28°16'19.55"S 27°38'25.88"E End Point: 28°19'13.77"S 27°37'40.67"E

The granting of this Environmental Authorisation 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 Authorisation.
- 1.2 The holder of the Authorisation 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 Authorisation.
- 1.3 The authorised activity may only be carried out at the property/site indicated above.
- 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 commenced with.
- 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 Authorisation to apply for further authorisation in terms of NEMA.

- 1.6 If commencement of the activity does not occur within a period of 5 (Five) years from the date of issue, the Authorisation lapses and a new application for an Environmental Authorisation (EA) must be made.
- 1.7 This Authorisation 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**

- 1.8 The holder of the Authorisation must notify every registered interested and affected party, of the decision by the Department in writing 14(fourteen) calendar days of the date of this Environmental Authorisation.
- 1.9 The notification referred must –
  - 1.9.1 specify the date on which the Authorisation was issued;
  - 1.9.2 inform the interested and affected party of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38303 of 8 December 2014.
  - 1.9.3 advise the interested and affected party 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. The Appeal should be directed to:  
**MEC: Economic, Small Business Development, Tourism and Environmental Affairs**  
**Private Bag X20801**  
**Bloemfontein**  
**9300**  
**Tel: 051 400 4714**  
**Email: [molotsit@destea.gov.za](mailto:molotsit@destea.gov.za)**  
**Contact person: Mr. Thabo Molotsi**



**An appeal not submitted to the MEC at the above mentioned address will not be regarded as valid.**

1.11 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**

1.12 The Environmental Management Programme (EMPr) submitted as part of Application for EA is hereby approved.

1.13 The provisions of the Environmental Management Programme (EMPr) included in the Basic Assessment Report dated August 2019 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 Authorisation.

1.14 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 and are binding on the new owner and/or developer.

1.15 The recommendations and mitigation measures recorded in the Basic Assessment Report dated August 2019 must be adhered to and incorporated as part of the EMPr where applicable.

1.16 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**

1.17 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred

to in this Authorisation are implemented and to ensure compliance with the provisions of the EMPr.

- 1.18 The ECO shall be appointed before commencement of any land clearing or construction activities.
- 1.19 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.20 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 1.21 Records relating to monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 1.22 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**

- 1.23 The applicant must appoint an independent auditor to conduct an environmental audit to ensure that the conditions, mitigation measures and recommendations stipulated in this EA are complied with. The environmental audit report must –
  - 1.23.1 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.
  - 1.23.2 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**

- 1.24 The authorised activity shall not commence within twenty (20) days of the date of notification of Interested and Affected parties of the decision on the EA.
- 1.25 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.

### **Notification to authorities**

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

### **Operation**

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

### **Site closure and decommissioning**

- 1.28 Should the activity 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.

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## **Specific conditions**

- 1.29 Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
- 1.30 During construction activities, wherever possible work must be restricted to one area at a time and the trench area. The trenches must be restricted to the existing pipeline corridor area.
- 1.31 Adequate and proper signage must be erected along the affected roads to warn pedestrians and motorists of the activity. The working area of the pipeline must be cordoned off to the public to prevent unnecessary injury.
- 1.32 No new roads must be constructed. Existing roads must be used for access.
- 1.33 Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
- 1.34 An integrated waste management approach must be implemented that is based on waste minimisation 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).
- 1.35 No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs. No off road driving is permitted across wetland areas.
- 1.36 Topsoil removed during the construction phase must be stored for use during the rehabilitation of disturbed areas.
- 1.37 No exotic plants may be used for rehabilitation purpose. Only indigenous plants of the area may be utilised.

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- 1.38 Vehicular movement over the site must be at slow speeds in order to keep dust generation to a minimum during construction. Care must be taken to keep the level of dust as low as possible.
- 1.39 Noise must be at relatively low levels. Construction activities must be limited to the hours between 07H00 - 18H00. The only noise other than the ambient noise in the area must be that of construction equipment and vehicles during construction.
- 1.40 Provision must be made to prevent ponding on the site and to divert clean storm water around operations so that it cannot become contaminated as a result of construction activities.
- 1.41 Measures to prevent soil erosion must be implemented.
- 1.42 No storing or decanting of fuel must occur on the development site and no servicing of machinery must take place on the site. Trailer tankers with hand lift pumps must be used routinely to replenish diesel on site for relative immobile machinery.

## **General**

- 1.43 A copy of this particular EA must be kept at the property where the activity will be undertaken. The 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 Authorisation who works or undertakes work at the property.
- 1.44 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.
- 1.45 The holder of the Authorisation must notify the Department, in writing within 48 (forty eight) hours, if any condition of this Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

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- 1.46 Non-compliance with a condition of this Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 1.47 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where operation be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of the authorisation as set out in this document or any other subsequent document emanating from these conditions of Authorisation.
- 1.48 The applicant is responsible for compliance with the provisions of Section 28 (Duty of care) of NEMA (Act 107 of 1998) relating to remediation of damage.
- 1.49 Emergency and reporting of environmental incidents as stipulated in Section 30 of NEMA (Act 107 of 1998) must be followed accordingly.

Approved/Not Approved

  
.....  
Dr. M. Nokwequ  
HOD: DESTEA

  
.....  
Date:



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

### **1. Background**

The applicant, Setsoto Local Municipality, applied for authorisation to commence with Activities of Listing Notice 1 of the 2014 EIA Regulations as amended, described in the Basic Assessment Report dated August 2019 as-

The construction of a 500mm diameter pipeline in order to convey water to the new water treatment works at Senekal. The pipeline will be constructed within 32m of a watercourse at certain section(s). The construction of an 11 000kℓ reservoir will also be undertaken as part of the project.

The applicant appointed MDA to undertake the Basic Assessment process, for the activity as described under 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 Basic Assessment Report (BAR) dated August 2019 completed by MDA and, the accompanying EMPr.
- b) 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).
- c) The findings of the site visit undertaken by Ms. R. Likhoele from the Department of Economic, Small Business Development, Tourism and Environmental Affairs.

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### 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:

- Details provided of the EAP's qualifications and expertise indicates that the EAP is competent to carry out the environmental impact assessment procedures.
- The BAR dated August 2019 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- The potential impacts associated with the development are assessed in detail and no fatal flaws were identified.
- The methodology used in assessing the potential impacts identified in the BAR dated August 2019 has been adequately indicated.
- A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2014 as amended for public involvement.

### 4. Findings

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

- The procedure followed for the EIA process has been adequate and compliant to the requirements of the EIA Regulations, 2014 as amended.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- Legal and procedural requirements have been met.
- No significant environmental degradation will result directly from the activity applied for if the proposed mitigation measures and recommendations in the BAR and EMPr are implemented.



- As far as could be established the proposed development will not have any adverse impacts that cannot be sufficiently mitigated on the surrounding environment.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, 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, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

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