



**destea**

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

## Environmental Authorisation

**Authorisation register number:** *EMB/19/22/01*

**Holder of Authorisation:** *Mantsopa Local Municipality*

**Location of activity:** *On the Remaining Extent of the Farm  
Dorp Gronden van Ladybrand 451, in  
Ladybrand, Free State Province.*

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

*The proposed development of a Bulk Water Pipeline.*

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

**27 MAY 2022**

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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 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 –

### Mantsopa Local Municipality

With the following contact details-

P.O. Box 64

Ladybrand

9745

**Contact person:** Motshilisi Lesoetsa

**Telephone Number:** 051 924 0654

**Cell phone Number:** 081 464 9624

**Fax:** 051 924 0020

**E-mail:** [mmsecretary@mantsopa.co.za](mailto:mmsecretary@mantsopa.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 10m<sup>3</sup> into, or dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10m<sup>3</sup> from a watercourse", as described in the Final Basic Assessment Report (BAR) dated 14 March 2022.

**Site coordinates:**

| <b>Latitude (S)</b> | <b>Longitude (E)</b> |
|---------------------|----------------------|
| 29° 10' 52.71"      | 27° 28' 8.25"        |

**Activity description**

The proposed linear development footprint is situated on the northern outskirts of Ladybrand and south of Manyatseng. The proposed pipeline is within the urban edge, and it is approximately 1.4 km with a 250mm diameter, within Mantsopa Local municipality, Free State Province. The activity includes;

- A bulk water pipe from a connection point near Seniorita Nhlabathi Hospital to another connection point located near Manyatseng, which is aimed at supplying water to Manyatseng.
- The proposed pipeline is within the urban edge, and it is approximately 1.4km in length with a 250mm diameter, thus below the threshold for an Environmental Impact Assessment.

At the initial southern section from the hospital connection point, the pipeline crosses an artificial wetland and two man-made storm water flow channels and then crosses a significant fourth order seasonal watercourse. At the section of the watercourse crossing, a steel pipe bridge is proposed to carry the bulk water pipeline across and the bridge columns will be placed within the banks of the watercourse. The proposed pipeline is part of the bigger scope to address water challenges within Ladybrand/Manyatseng area.

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

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## 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 Remaining Extent of the Farm Dorp Gronden van Ladybrand 451 and Portion 19 of the Farm Dorp Gronden van Ladybrand 451, in Ladybrand, Free State Province, 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.
- 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.

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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.

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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 14 March 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.

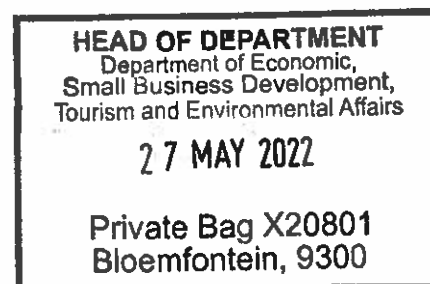
### **Operation of the activity**

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.





### **Specific conditions**

- 1.31 Construction footprint must be kept to a minimum by construction boundaries and demarcated areas thus reducing the area infringement of the development on the natural habitat.
- 1.32 An Emergency Preparedness Plan must be compiled and approved by the Resident Engineer, Safety Officer and ECO before construction commences.
- 1.33 The applicant must ensure that general solid waste generated during the construction and operational phase is disposed of at the licensed waste disposal facility.
- 1.34 All waste must be appropriately separated, contained, and disposed of be removed from the site to the registered landfill site in Ladybrand.
- 1.35 No dumping of builders' rubble earth or other materials within the servitude area and watercourses.
- 1.36 No construction camps within 50m of a drainage line or a standing water source.
- 1.37 Mixing of cement must be done at specifically selected areas on mortarboards or similar structures to contain surface run-off.
- 1.38 Adequate sanitation facilities such as chemical toilets must be provided at the camp depot and construction site.
- 1.39 No onsite sanitation must be allowed closer than 100m from surface or groundwater resources. Chemical toilets must be inspected for leakages and attended to immediately.
- 1.40 Construction must be limited to normal working days and office hours from 08h00 to 17h00.
- 1.41 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.

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- 1.42 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.
- 1.43 No open fires are permitted in the construction site, except under strictly controlled conditions subject to the National Veld and Forest Act, (Act No. 101 of 1998).
- 1.44 Fire extinguishers must be made available at the construction site, and the labourers must be informed of their location and shown how to use them.
- 1.45 No vehicle servicing must be done on site, to minimize the likelihood of petrochemical spills on the soil.
- 1.46 Safety signs complying with SABS and SANS standards must be placed on-site in a manner clearly visible to the public.
- 1.47 A Provincial Flora Permit must be obtained prior to commencement of construction activities.
- 1.48 A Specialist must be consulted to identify sensitive species that are highly susceptible to disturbances caused by construction. In cases where species like these are found within the construction footprint, a search and relocate plan must be implemented.
- 1.49 No fuel to be stored at or near to the watercourse. Equipment must be properly maintained and serviced. Accidental spills must be dealt with as per section 30 of NEMA. Emergency Spill Kit must be available on the construction site.
- 1.50 Monitoring of the watercourses for 12 months after the rehabilitation phase.
- 1.51 Cleared and grubbed topsoil must be stockpiled as a top layer of at least 150mm thickness on the backfilled trenches for rehabilitation purposes.
- 1.52 Soil conservation measures such as berms, gabions and mats must be used on-site to help reduce erosion.

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- 1.53 An approved Stormwater Management Plan must be in adhered to.
- 1.54 Adequate stormwater and erosion management measures must be implemented for the entire duration of construction.
- 1.55 Any soil that is removed for trenching within the watercourse must be stored in their respective layers and returned to the excavation in reverse order.
- 1.56 All disturbed areas must be revegetated with indigenous grass to ensure progressive plant succession.
- 1.57 The movement of heavy machinery within the watercourse must be prohibited or done with caution.
- 1.58 Indiscriminate habitat destruction must be avoided and the construction footprint, including service and support areas must be kept to a minimum.
- 1.59 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.
- 1.60 Existing road in proximity to the construction footprint area must be used during the construction phase.
- 1.61 No new temporary roads or tracks may be constructed within the surrounding undeveloped areas outside the proposed linear development footprint.
- 1.62 Access to the proposed development must be gained from the existing internal streets of Ladybrand.
- 1.63 A Palaeontologist must be appointed prior to commencement of construction activities for monitoring purposes.

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- 1.64 Recommendations of the specialists conducted as part of the Environmental Impact Assessment for the proposed development must be implemented.
- 1.65 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**

- 1.66 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.
- 1.67 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.
- 1.68 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).
- 1.69 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.



1.70 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.

1.71 The Department shall not be held responsible for any damages or losses suffered by the applicant or his successor.

Approved/ Not Approved:

  
Dr. M. Nkwequ

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

Date of the EA: 

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

### **1. Background**

The applicant, Mantsopa Local Municipality, applied for an Authorisation to commence with activity 19 of Listing Notice 1 (GNR 327) of the 2014 EIA Regulations as amended described in the Final Basic Assessment Report (BAR) dated 14 March 2022. The proposed development of a Bulk Water pipeline to be situated on the Remaining Extent of the Farm Dorp Gronden van Ladybrand 451 and Portion 19 of the Farm Dorp Gronden van Ladybrand 451, in Ladybrand, Free State Province.

The applicant appointed NSVT 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 activity as applied for in the application form received on 12 January 2022.
- b) The information contained in the Final Basic Assessment Report (BAR) dated 14 March 2022 completed by **NSVT Consultants**.
- c) Comments received from the interested and affected parties as included in the Final BAR dated 14 March 2022.
- d) Mitigation measures as proposed in the Final Basic Assessment Report (BAR) dated 14 March 2022 and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the Final BAR dated 14 March 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) Mr. V. Hlazo and Mr. T.A. Hanong from the Department on 11 May 2022 undertook the findings of the site visit.

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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. 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 findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed development is to ensure that the community benefits from the supply of water to the needed areas in Ladybrand/Manyatseng, Free State Province.
- d) The Final BAR dated 14 March 2022 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- e) The methodology used in assessing the potential impacts identified in the Final BAR dated 14 March 2022 and the specialist studies have been adequately indicated.
- f) 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.
- g) 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.

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- (b) The identification and assessment of impacts are detailed in the Final BAR dated 14 March 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- (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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