


- 1.56 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 Authorisation as set out in this document or any other subsequent document emanating from these conditions of the Authorisation.
- 1.57 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.
- 1.58 Emergency and reporting of incidents as stipulated in Section 30 of NEMA (Act 107 of 1998) must be followed accordingly.

Approved:



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Dr. M. Nokwequ
(HOD: DESTEA)



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Date:



Annexure 1: Reasons for Decision

1. Background

The applicant, Nketoana Local Municipality, applied for an Authorisation to commence with the activity under Listing Notice 1 (GNR 983) of the 2014 EIA Regulations as amended and also as prescribed in the BAR for the proposed construction of bulk water pipeline between Arlington and Lindley. The applicant appointed NSVT Environmental & Social Scientists to undertake Environmental Impact Assessment process.

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 BAR completed by NSVT Environmental & Social Scientists and the accompanying EMPr.
- b) Mitigation measures as proposed in the BAR and the EMPr.
- c) The objectives and requirements of relevant legislation, policies and guidelines and Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- d) The findings of the site visit were undertaken by Ms. B. Mogorosi from the Department of Economic, Small Business Development, Tourism and Environment Affairs.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. Factors considered in making the decision are the following:

- a) Surface water and wetlands
- b) Fauna and flora
- c) Historical or cultural features



4. Findings

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

- (a) Numerous small ephemeral water drainage lines and two significant ephemeral watercourses transverse the proposed pipeline route. They are therefore viewed as being conservationally significant and the development footprint through these portions will be restricted and kept as small as possible in order to minimize the negative ecological impact.
- (b) Clumps of the provincially protected aquatic bulb species were found to be present within the two significant ephemeral watercourses.
- (c) The two sites that were identified during the HIA are both represented by historic railway bridges on the Lindley-Arlington railway line. Both sites are located relatively close to the proposed pipeline and as this bridges are older than 60 years they are deemed historically significant and will be avoided.

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



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