



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/1/2442/AM1

Enquiries: Ms Matlhodi Mogorosi

Telephone: (012) 399 9388 E-mail: MMogorosi@dfpe.gov.za

Mr Bertus Bierman
Lebalelo Water User Association
PO Box 2075
POLOKWANE
0700

Telephone Number: (012) 348 4654
Email Address: bierman@lebalelo.co.za

PER EMAIL / MAIL

Dear Mr Bierman

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 APRIL 2022 AND APPROVAL OF THE FINAL ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) AND LAYOUT PLAN FOR THE CONSTRUCTION OF THE NEW LEBALELO WATER USER ASSOCIATION SOUTHERN EXTENSION 2 (SE2) RAW WATER PIPELINE AND ASSOCIATED INFRASTRUCTURE BETWEEN THE SPITSKOP PUMP STATION AND THE MOTOTOLO MINE NEAR STEELPOORT, WITHIN THE FETAKGOMO TUBATSE LOCAL MUNICIPALITY, LIMPOPO PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 28 April 2022, the pre-application meeting held on 12 July 2022, the minutes of the pre-application meeting received by the Department on 15 July 2022, and approved on 18 July 2022, your application for amendment of the EA and approval of the final Environmental Management Programme (EMPr) and Layout Plan received by the Department on 18 July 2022, and the acknowledgement thereof on 28 July 2022, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 28 April 2022 as amended, as follows:

Amendment 1: Removal of conditions from the EA:

The following conditions are removed from the EA:

Nr	Condition in the EA	Reasons for removal
12	A final site layout map of the route for the gravity outfall sewer pipeline, as determined by a detailed micro-siting or pegging, and all mitigation measures as dictated by the final site layout plan, must be submitted to the Department for approval prior to construction.	Reason for the removal: The final layout of the proposed SE2 raw water pipelines, was determined after surveying the Lebalelo servitude for the existing SE1 pipeline and taking into consideration the findings of the specialist studies and was provided in the Final BAR submitted to the DFFE on 1 March 2022. The route submitted remains the same. The botanical

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		walkdown undertaken on 01-02 June 2022 as per condition 35 of the EA dated 28 April 2022 did not change the final layout plan as presented in the final BAR submitted to DFFE for decision making. As such this condition can be removed.
13	<p>A copy of the final site layout map must be made available for comments to registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:</p> <p>13.1 The final position of the of both the 15km and 9km raw water pipelines within the assessed area;</p> <p>13.2 The final of the new concrete 10ML reservoir;</p> <p>13.3 The final location of the two proposed pump stations;</p> <p>13.4 All existing and proposed associated infrastructure within the development particularly along the pipeline route;</p> <p>13.5 Any sensitive environmental features that will be affected by the sewer pipeline; and</p> <p>13.6 All “no-go’ and buffer areas.</p>	<p>Reason for the removal:</p> <p>The final layout of the proposed SE2 raw water pipelines and its associated infrastructure, was determined after surveying the Lebalelo servitude for the existing SE1 pipeline and taking into consideration the findings of the specialist studies and was included the Amended Draft BAR that was made available for public comment from 13 January to 14 February 2022. The final layout was also included in the Final BAR submitted to the DFFE on 1 March 2022. The following positions and associated coordinates were included in the Amended Draft BAR and Final Draft BAR:</p> <ul style="list-style-type: none"> • 15km raw water pipeline. • 9km raw water pipeline. • Spitskop Pump Station. • Dwarsrivier Pump Station. • Concrete 10ML reservoir. <p>Sensitive features around the raw water pipelines and associated buffer zones have been indicated in are shown in the wetland impact study, the heritage impact study and in the Final BAR.</p> <p>In addition, the botanical walkdown undertaken on 01-02 June 2022 as per condition 35 of the EA dated 28 April 2022 did not result in any changes to the final layout plan as presented in the final BAR submitted to DFFE for decision making. As such tis condition can be removed.</p>
14	<p>The Environmental Management Programme (EMPr) submitted as part of the BAR is not approved and must be amended to include measures as dictated by the final site layout-out map and micro -siting, and the provisions of this environmental authorisation. The EMPr, which must be inclusive of the final layout plan as per Conditions 12 – 13 above, must be made available for comments to registered Interested</p>	<p>Reason for removal:</p> <p>The botanical walkdown undertaken on 01-02 June 2022 as per condition 35 of the EA dated 28 April 2022 did not change the final layout plan and the EMPr submitted as part of final BAR as presented in the final BAR submitted to DFFE for decision making. As such, this condition ca be removed.</p>

	and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the Final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhere to.	
15	The EMPr amendment must include the following:	Reasons for the removal: The botanical walkdown undertaken on 01-02 June 2022 as per condition 35 of the EA dated 28 April 2022 did not change the final layout plan and the EMPr submitted as part of final BAR as presented in the final BAR submitted to DFFE for decision making. As such, this condition can be removed.
	15.1 A copy of the final layout plan as contained in Condition 13 above;	
	15.2 The requirements and conditions of this environmental authorisation;	
	15.3 All recommendations and mitigation measures recorded in the BAR and the specialist report as included in the BAR dated February 2022; and	
	15.4 A re-vegetation and habitat rehabilitation plan.	

Approval of the final EMPr and Layout Plan:

This Department has evaluated the final EMPr for the Lebelelo Water User Association SE2 Pipeline and associated infrastructure dated July 2022 and found that the revised final EMPr (including the final development layout plan). The final EMPr dated July 2022 and the final development layout plan are hereby **approved**. The approved final EMPr (inclusive of the final layout plan) must be implemented and adhered to.

This EMPr approval must be read in conjunction with all the conditions contained within the abovementioned EA dated 28 April 2022, as amended. This EMPr should be regarded as a 'living document', which may be amended from time to time as and when the need arises.

In terms of Regulation 36. (1) & (2) of the Environmental Impact Assessment Regulations, 2014, as amended, the following is drawn to your attention:

1. Regulation 36(1), "*where an amendment is required to the impact management **actions** of an EMPr, such amendments may immediately be effected by the holder and reflected in the next environmental audit report submitted as contemplated in the environmental authorisation and regulation 34.* In terms of Regulation 36(1), an amendment to an impact management action, which does not result in the amendment of the impact management outcomes of the EMPr, may therefore be immediately effected by the holder, provided that such is reflected in the next environmental audit report as per Regulation 36(1).

2. Regulation 36(2), "where an amendment to the impact management **outcomes** of an EMPr is required before an audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the holder of the EA". This process also requires a public participation process per Regulation 37(2), as well as submission of the amended EMPr to the Competent Authority for comment and approval.

This proposed amendment letter must be read in conjunction with the EA dated 28 April 2022 as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@dffe.gov.za;

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@dffe.gov.za.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 16/08/2022.

cc:	Ms Suzanne van Rooy	Alta van Dyk Environmental Consultants cc	Email: suzanne@avde.co.za
	Mr Tlhagala Ngoasheng	Limpopo Department of Economic Development, Environment and Tourism	Email: NgoashengTR@ledet.gov.za
	Q Moeng	Fetakgomo Tubatse Local Municipality	Email: mrmathanga@tubatse.gov.za



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Ms. Milicent Solomons
Director. Prioritized Infrastructure Projects

Dear Mrs Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms Devnagie Bendeman
Deputy Director-General: RCSM (Regulatory Compliance and
Sector Monitoring)

Date 20 April 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorizations

Signed:

Date:

20/04/2022