



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/1/1615

Enquiries: Nyiko Nkosi

Telephone: 012-399-9392 E-mail: nnkosi@environment.gov.za

Mr Leslie Hoy
Rand Water
P.O. Box 1127
JOHANNESBURG
2000

E-mail: lhoy@randwater.co.za

PER E-MAIL / MAIL

Dear Mr Hoy

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/985: THE CONSTRUCTION OF B16 WATER PIPELINE FROM ZUIKERBOSCH PUMPING STATION TO SLANGFONTEIN PUMPING STATION WITHIN THE EMFULENI LOCAL MUNICIPALITY AND MIDVAAL LOCAL MUNICIPALITY, GAUTENG PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an 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.

By post:

Private Bag X447,
Pretoria, 0001; or

By hand:

Environment House
473 Steve Biko Street,
Arcadia,
Pretoria, 0083

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

MS

Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: (https://www.environment.gov.za/documents/forms#legal_authorisations).

Kindly include a copy of this document with the letter of notification to all registered interested and affected parties.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 22/11/2024

CC:	Mr. F Tshiala	Maanakana Projects and Consulting	Tel: 081-498-6253	Email: maanakanaprojects@gmail.com
	Mr. B Shabangu	GDARD	Tel: 011-240-2500	Email: Bongani.shabangu@gauteng.gov.za





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014

The construction of B16 water pipeline from Zuikerbosch Pumping Station to Slangfontein Pumping Station within the Emfuleni Local Municipality and Midvaal Local Municipality, Gauteng Province

Sedibeng District Municipality

Authorisation register number:	14/12/16/3/3/1/1615
Last amended:	First issue
Holder of authorisation:	RAND WATER
Location of activity:	GAUTENG PROVINCE: Within Ward 1,4 and 13 of Emfuleni Local Municipality and Midvaal Local Municipality

This environmental 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 the activity.

h/s

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities 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, 1998 and the EIA regulations.

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, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

RAND WATER

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr. Lesley Hoy

Rand Water

P.O. Box 1127

JOHANNESBURG

2000

Tel: (011) 724 9352

Fax: (011) 900 2108

E-mail: lhoy@randwater.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 & 3(GN R. 983 & 985):

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 9:</u></p> <p><i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water-</i></p> <p><i>(i) with an internal diameter of 0.36 metres or more;</i></p>	<p>The proposed construction of an 18km long, 2100 mm diameter remainder of B16 pipeline from the Zuikerbosch pumping station to Slangfontein with associated cross connections and end connections, Gauteng Province.</p>
<p><u>GN R. 983 Item 19:</u></p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from –</i></p> <p><i>(i) Watercourse.</i></p>	<p>The proposed bulk water pipeline will traverse through two sensitive areas (a wetland and a river).</p> <p>However, the material that will be deposited or to be moved from the watercourse will be 5 cubic metres or more.</p>
<p><u>GN R. 985 Item 12:</u></p> <p><i>The development of:</i></p> <p><i>(xii) infrastructure and structures with a physical footprint of 10 square metres or more</i></p> <p><i>(b) In Gauteng</i></p> <p><i>(xii) Sites identified as Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans;</i></p>	<p>The proposed study site falls in an area classified as the Ecological Support Area in Gauteng and proposed bulk water which is 18km long has a physical footprint of more than 10 square metres in size.</p>

as described in the Basic Assessment Report (BAR) dated 13 October 2016 at:

Farm Names and 21 Digit SG code:

Farms Names	Portion/Erf	21 Digit SG Code
RIETFontein 365-IR	10 365-IR	T0IR00000000036500010
RIETFontein 365-IR	11 365-IR	T0IR00000000036500011
RIETFontein 365-IR	12 365-IR	T0IR00000000036500012
RIETFontein 365-IR	15 365-IR	T0IR00000000036500015
RIETFontein 365-IR	16 365-IR	T0IR00000000036500016
SLANGFontein 372-IR	68 372-IR	T0IR00000000037200068
SLANGFontein 374-IR	RE 374-IR	T0IR00000000037400000
SLANGFontein 374-IR	RE 374-IR	T0IR00000000037400000
VOGELFontein 376-IR	1 376-IR	T0IR00000000037600001
VOGELFontein 376-IR	7 376-IR	T0IR00000000037600007
VOGELFontein 376-IR	9 376-IR	T0IR00000000037600009
VOGELFontein 376-IR	16 376-IR	T0IR00000000037600016
VOGELFontein 376-IR	26 376-IR	T0IR00000000037600026
VOGELFontein 376-IR	43 376-IR	T0IR00000000037600043
VOGELFontein 376-IR	44 376-IR	T0IR00000000037600044
BOSCHKOP 426-IR	2 426-IR	T0IR00000000042600002
BOSCHKOP 426-IR	28 426-IR	T0IR00000000042600028
BOSCHKOP 426-IR	31 426-IR	T0IR00000000042600031
UITVLUCHT 434-IR	1 434-IR	T0IR00000000043400001
UITVLUCHT 434-IR	15 434-IR	T0IR00000000043400015
UITVLUCHT 434-IR	33 434-IR	T0IR00000000043400033
UITVLUCHT 434-IR	50 434-IR	T0IR00000000043400050
HELDERSTROME AH	1	T0IR0300000000100000
MOOILANDE AH	104	T0IR04470000010400000
MOOILANDE AH	105	T0IR04470000010500000
MOOILANDE AH	106	T0IR04470000010600000
MOOILANDE AH	107	T0IR04470000010700000
MOOILANDE AH	108	T0IR04470000010800000
MOOILANDE AH	109	T0IR04470000010900000
MOOILANDE AH	110	T0IR04470000011000000
MOOILANDE AH	111	T0IR04470000011100000
MOOILANDE AH	123	T0IR04470000012300000
MOOILANDE AH	184	T0IR04470000018400000
MOOILANDE AH	185	T0IR04470000018500000
MOOILANDE AH	186	T0IR04470000018600000
MOOILANDE AH	187	T0IR04470000018700000
MOOILANDE AH	188	T0IR04470000018800000
NELSONIA AH	4	T0IR0458000000400000
NELSONIA AH	RE/6	T0IR0458000000600000

NELSONIA AH	7	T0IR04580000000700000
NELSONIA AH	8	T0IR04580000000800000
NELSONIA AH	9	T0IR04580000000900000
NEW KENTUCKY AH	33	T0IR046300000003300000
NEW KENTUCKY AH	34	T0IR046300000003400000
RIVERSDALE	259	T0IR056500000025900000
VAN DER WESTHUIZENHOOGTE AH	1	T0IR06860000000100000
VAN DER WESTHUIZENHOOGTE AH	4	T0IR06860000000400000
VAN DER WESTHUIZENHOOGTE AH	9	T0IR06860000000900000
VAN DER WESTHUIZENHOOGTE AH	11	T0IR06860000001100000
VAN DER WESTHUIZENHOOGTE AH	13	T0IR06860000001300000
VAN DER WESTHUIZENHOOGTE AH	15	T0IR06860000001500000
VAN DER WESTHUIZENHOOGTE AH	38	T0IR06860000003800000

Pipeline corridor	Latitude	Longitude
Starting point of activity	26° 40' 42.21"S	28° 00' 08.05"E
Middle point of activity	26° 37' 20.54"S	28° 03' 47.21"E
End point of activity	26° 32' 43.63"S	28° 06' 41.94"E

the location indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the construction of B16 water pipeline from Zuikerbosch Pumping Station to Slangfontein Pumping Station within the Emfuleni Local Municipality and Midvaal Local Municipality, Gauteng Province, hereafter referred to as "the property".

The infrastructure associated with the proposed project includes:

- The construction of an 18km long bulk water pipeline with an internal diameter of 2100mm for the remainder of B16 pipeline from the Zuikerbosch pumping station to Slangfontein with associated cross connection and end connection

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred technology alternative 1 which entails the use of steel material for the construction of B16 water pipeline from the Zuikerbosch Pumping Station to Slangfontein Pumping Station within Emfuleni Local Municipality and Midvaal Local Municipality, Gauteng Province is approved as per the above geographic coordinates
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. 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 and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within 05 years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

Commencement of the activity

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. In terms of section 43 (7), an appeal under section 43 of the National Environmental Management Act, 1998 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 has been finalised.

Management of the activity

14. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.

Frequency and process of updating the EMPr

15. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 22 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
16. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
17. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
18. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
19. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

20. The holder of the authorisation must appoint an experienced independent 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 environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
- 20.1. The ECO must be appointed before commencement of any authorised activities.
- 20.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
- 20.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

- 20.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

21. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
22. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
23. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
24. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
25. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 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 environmental authorisation conditions as well as the requirements of the approved EMPr.
26. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

27. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

28. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

29. Should the activity ever cease or become redundant, the holder of the authorisation must 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.

Specific conditions

Conditions for Non-operational aspects

30. No activities, which require a water use authorisation, must be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
31. Should any archaeological or cultural heritage resources, including human remains / graves, as defined and protected under the National Heritage Resources Act, 1999, be identified during the construction phase, construction activities within the vicinity of the findings must immediately cease and be reported to the Provincial Heritage Resources Authority-Gauteng Province (PHRA-G) and Should human remains be found on site, the South African Police Service must also be notified.
32. The applicant must liaise with the Farmers prior to the commencement of construction activities to agree on the footprint to be disturbed and the applicant must stick to the agreed designated areas on the affected farms.
33. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
34. No exotic plants may be used for rehabilitation purposes. Only indigenous plants, found within a ten (10) km radius of the pipeline alignment may be utilised.
35. The holder of the authorisation is required to inform the Gauteng Department of Agriculture and Rural Development, Department of Agriculture, Forestry and Fisheries (DAFF) and this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.

36. 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.
37. 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 must 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).

General

38. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 38.1. at the site of the authorised activity;
- 38.2. to anyone on request; and
- 38.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
39. 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 holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 22/11/2016



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. 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 dated 13 October 2016;
- b) The comments received from organ of states and interested and affected parties as included in the BAR dated 13 October 2016;
- c) Mitigation measures as proposed in the BAR dated 13 October 2016 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

2. 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) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of adequate water supply.
- c) The BAR dated 13 October 2016 identified all legislation and guidelines that have been considered in the preparation of the BAR dated 13 October 2016.
- d) The methodology used in assessing the potential impacts identified in the BAR dated 13 October 2016 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated 13 October 2016 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated 13 October 2016 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

Annexure 2: Locality Plan

