



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: 14/16/12/3/3/1/3055
Enquiries: Ms Thulisile Nyalunga
Telephone: (012) 399 9405 **E-mail:** tnyalunga@dfpe.gov.za

Mr Neo Msiza
Trans Caledon Tunnel Authority
P.O. Box 10335
Centurion
0157

Telephone Number: 012 683 1424
Cell Phone Number: 079 412 0171
E-mail Address: nmsiza@tcta.co.za

PER EMAIL / MAIL

Dear Mr Msiza

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: THE DEVELOPMENT OF EROSION PROTECTION STRUCTURES ON THE BANKS OF THE ASH RIVER AS PART OF THE LESOTHO HIGHLANDS WATER PROJECT LOCATED BETWEEN CLARENS AND BETHLEHEM WITHIN THE DIHLABENG LOCAL MUNICIPALITY AND THABO MOFUTSANYANA DISTRICT MUNICIPALITY, FREE STATE 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, 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 decision, of the decision, as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 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, 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.



Batho pele- putting people first

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

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Your attention is drawn to Chapter 2 of National Environmental Management Act, 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



Dr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 23/01/2025

cc:	Ms Suhasini Naik	Hatch Africa (Pty) Ltd	Email: Suhasini.Naik@hatch.com
	Ms Grace Mkhosana	Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs	Email: mkhosana@destea.gov.za
	Mojabeng Makibinyane	Dihlabeng Local Municipality	Email: DLMsolidwaste@gmail.com



forestry, fisheries & the environment

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

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The development of erosion protection structures on the banks of the Ash River as part of the Lesotho Highlands Water Project located between Clarens and Bethlehem within the Dihlabeng

Local Municipality Free State Province

Thabo Mofutsanyana District Municipality

Authorisation register number:	14/12/16/3/3/1/3055
Last amended:	First issue
Holder of authorisation:	Trans Caledon Tunnel Authority
Location of activity:	Portion 0 of Farm Plasie No. 1856 Portion 1 of Farm Boston No. 40 Portion 0 of Farm Spionkop A No.1259 Portion 0 of Farm Merino No. 1487 Portion 1 of Farm Merino No. 1487 Portion 2 of Farm Eendvogelvley No. 72 Dihlabeng Local Municipality Thabo Mofutsanyana District Municipality Free State Province

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 the activity.

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, Act No. 107 of 1998, as amended, and the EIA Regulations, 2014, as amended.

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

TRANS CALEDON TUNNEL AUTHORITY

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

with the following contact details –

Mr Neo Msiza

Trans Caledon Tunnel Authority

P.O. Box 10335,

CENTURION

0157

Telephone Number: 012 683 1424

Cell Phone Number: 079 412 0171

E-mail Address: nmsiza@tcta.co.za

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1, Activity 12 (ii)(a)</u></p> <p><i>“The development of— (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— within a watercourse.”</i></p>	<p>Riprap will be developed in six sections (i.e., Critical Section A (4 000 m²), Critical Section B1 (2 000 m²), Critical Section B2 (2 336 m²), Critical Section C1 (1 006 m²), Critical Section C2 (6 500 m²), and Critical Section D (3 500 m²) along the banks of the Ash River (i.e., within a watercourse) and within 32 meters of two drainage areas and tributary of the Ash River. Development of stormwater canal 1 and stormwater canal 2 within a watercourse (i.e., Ash River) will also be required within Critical Section C2 with a physical footprint of 3 658 m² and 3 078 m² respectively. Therefore, the proposed development will have a total combined physical footprint of 26 078 m², thereby exceeding the 100 m² threshold of this activity. The development will occur outside an urban area.</p>
<p><u>Listing Notice 1, Activity 19</u></p> <p><i>“The infilling or depositing of any material of more than 10 cubic metres 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.”</i></p>	<p>Excavations will take place within Critical Sections A, B1, B2, C1, C2 and D along the banks of the Ash River (i.e., within a watercourse) to accommodate the riprap, stormwater canal 1 and 2 and the expansion of the weir (located at Critical Section C1). This will result in a total combined excavation volume of 21 848m³ from a watercourse, thereby exceeding the 10 m³ threshold of this activity.</p>

	<p>Infilling will also be required at Critical Sections B1, C1, and C2 which would occur within a watercourse (i.e., the Ash River) with a total combined volume of 15 m³ thereby exceeding the 10 m³ threshold of this activity.</p>
<p><u>Listing Notice 3, Activity 12(b)(iv)</u></p> <p><i>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>Free State</i></p> <p><i>(iv) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.”</i></p>	<p>The indigenous vegetation present within the six identified sections (i.e., Critical Section A, Critical Section B1, Critical Section B2, Critical Section C1, Critical Section C2, and Critical Section D) along the banks of the Ash River will be cleared for the installation of erosion protection structures. The cumulative vegetation clearance from the six Critical Sections to allow for development would be 26 118 m², exceeding the 300 m² threshold of this activity.</p> <p>Development will take place within a watercourse and within 32 meters of two drainage areas and a tributary of the Ash River.</p>
<p><u>Listing Notice 3, Activity 14(i)(a)(b)(i)(bb)(ff)(hh)</u></p> <p><i>“The development of-</i></p> <p><i>i infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs</i></p> <p><i>(a)within a watercourse;</i></p> <p><i>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</i></p> <p><i>b. Free State</i></p> <p><i>i. Outside urban areas:</i></p>	<p>Riprap will be developed in six sections (i.e., Critical Section A (4 000 m²), Critical Section B1 (2 000 m²), Critical Section B2 (2 336 m²), Critical Section C1 (1 006 m²), Critical Section C2 (6 500 m²), and Critical Section D (3 500 m²) along the banks of the Ash River (i.e., within a watercourse). Development of stormwater canal 1 and stormwater canal 2 will also be required within Critical Section C2 with a physical footprint of 3 658 m² and 3 078 m² respectively. Therefore, the proposed development will have a total combined physical footprint of 26 078 m²,</p>

<p><i>(bb) National Protected Area Expansion Strategy Focus areas;</i></p> <p><i>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.”</i></p>	<p>thereby exceeding the 10 m² threshold of this activity.</p> <p>The area requiring erosion protection is located outside an urban area and within an ecosystem service area, a National Protected Area Expansion Strategy Focus Area, and 3.56 km of the Vaalbank No 156 Remainder Nature Reserve (i.e., a protected area in terms of NEMPAA).</p>
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as described in the final BAR (BAR) dated November 2024:

Specifications summary of proposed development

Component	Description/ Dimensions
<p>The total combined development footprint of the proposed development will be approximately 26 118 m².</p>	<ul style="list-style-type: none"> • Development of riprap structures for erosion protection in Critical Section A with a total development footprint of 4 000 m². • Development of riprap structures for erosion protection in Critical Section B1 with a total development footprint of 2 000 m². • Development of riprap structures for erosion protection in Critical Section B2 with a total development footprint of 2 336 m². • Development of riprap structures for erosion protection in Critical Section C1 with a total development footprint of 1 006 m². • Expansion of an existing weir with the installation of a flank wall at Critical Section C1 with a total expansion footprint of 40 m².

	<ul style="list-style-type: none"> • Development of riprap structures for erosion protection in Critical Section C2 with a total development footprint of 6 500 m². • Development of stormwater canals 1 and 2 consisting of concrete and riprap within Critical Section C2 with a development footprint of 3 658 m² and 3 078 m² respectively. • Development of riprap structures for erosion protection in Critical Section D with a total development footprint of 3 500 m². • Excavation of material from the river banks within Critical Sections A, B1, B2, C1, C2, and D would be necessary for the installation of the riprap, stormwater canals and the flank wall associated with the weir expansion, with a maximum combined capacity of 21 848 m³. Additionally, infilling by means of the same excavated material removed from the riverbanks will be required during the installation of the structures where almost vertical slopes are present with a total combined capacity of 15 m³.
Total combined excavation during construction	Approximately 21 848 m ³ .
Total combined infilling during construction	Approximately 15 m ³ .
Area of temporary construction laydown areas	The total combined footprint of approximately 12 hectares.

Farm portion and SG code

Sections	Farm Portion	SG Code
Critical Section A	Remaining Extent of Farm Plasie No. 1856	F00100000000185600000
Critical Section B1	Portion 1 of Farm Boston No. 40	F00100000000004000001

Critical Section B2	Portion 0 of Farm Spionkop A No. 1259	F00100000000125900000
Critical Section C1	Remaining Extent of Farm Merino No. 1487	F00100000000148700000
Critical Section C2	Portion 1 of Farm Merino No. 1487	F00100000000148700001
Critical Section D	Portion 2 of Farm Eendvogelvley No. 72	F00100000000007200002

Coordinates of Critical Sections

Coordinates of Critical Sections	Latitude	Longitude
Critical Section A: Riprap		
Point 1	28°25'37.97"S	28°22'46.74"E
Point 2	28°25'37.75"S	28°22'46.97"E
Point 3	28°25'39.85"S	28°22'52.51"E
Point 4	28°25'40.28"S	28°22'52.42"E
Critical Section B1 Riprap		
Point 1	28°24'54.40"S	28°22'25.62"E
Point 2	28°24'54.29"S	28°22'25.78"E
Point 3	28°24'55.28"S	28°22'27.33"E
Point 4	28°24'55.44"S	28°22'27.36"E
Critical Section B2 Riprap		
Point 1	28°24'45.29"S	28°22'21.85"E
Point 2	28°24'45.23"S	28°22'22.36"E
Point 3	28°24'48.30"S	28°22'24.30"E
Point 4	28°24'48.75"S	28°22'23.87"E
Critical Section C1 Riprap		
Point 1	28°21'11.30"S	28°22'11.33"E
Point 2	28°21'11.24"S	28°22'11.92"E
Point 3	28°21'11.55"S	28°22'12.12"E
Point 4	28°21'11.85"S	28°22'11.72"E
Critical Section C1: Weir Expansion and Riprap		

Point 1	28°21'11.38"S	28°22'11.42"E
Point 2	28°21'11.30"S	28°22'11.90"E
Point 3	28°21'11.50"S	28°22'12.07"E
Point 4	28°21'11.79"S	28°22'11.69"E
Critical Section C2: Riprap		
Point 1	28°20'57.70"S	28°22'3.75"E
Point 2	28°20'57.20"S	28°22'4.12"E
Point 3	28°21'07.76"S	28°22'8.55"E
Point 4	28°21'07.92"S	28°22'7.94"E
Critical Section C2: Stormwater Canal 1 and Riprap		
Point 1	28°21'04.07"S	28°22'04.28"E
Point 2	28°21'03.89"S	28°22'04.59"E
Point 3	28°21'10.66"S	28°22'10.02"E
Point 4	28°21'10.74"S	28°22'09.84"E
Critical Section C2: Stormwater Canal 2 and Riprap		
Point 1	28°20'58.30"S	28°22'3.05"E
Point 2	28°20'58.11"S	28°22'3.39"E
Point 3	28°21'03.27"S	28°22'4.33"E
Point 4	28°21'03.31"S	28°22'3.94"E
Critical Section D: Riprap		
Point 1	28°18'58.54"S	28°22'55.80"E
Point 2	28°18'58.07"S	28°22'56.67"E
Point 3	28°19'02.40"S	28°22'54.38"E
Point 4	28°19'01.88"S	28°22'54.50"E

Temporary Laydown Areas

Centre Points	Latitude	Longitude
Section A Temporary Laydown Area 1	28°25'46.78"S	28°22'51.56"E
Section B Temporary Laydown Area 2	28°25'3.29"S	28°22'20.73"E

Section C Temporary Laydown Area 3	28°21'10.08"S	28°21'59.28"E
Section D Temporary Laydown Area 4	28°19'25.57"S	28°22'56.61"E
Near Clarens Temporary Laydown Area 5	28°32'5.26"S	28°26'15.33"E

-for the development of erosion protection structures on the banks of the Ash River as part of the Lesotho Highlands Water Project located between Clarens and Bethlehem within the Dihlabeng Local Municipality and Thabo Mofutsanyana District Municipality, Free State Province, hereafter referred to as "the property".

Conditions of this Environmental Authorisation

Scope of authorisation

1. The development of erosion protection structures on the banks of the Ash River as part of the Lesotho Highlands Water Project located between Clarens and Bethlehem within the Dihlabeng Local Municipality and Thabo Mofutsanyana District Municipality, Free State Province, is hereby approved as per the geographic coordinates cited in the table above.
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 affected. 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. 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 transfer or change of ownership rights of this environmental authorisation.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If the 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 five (05) years of the commencement of the activity on site. The continuation of any such activities after the lapsing of the aforementioned period may trigger one or more listed and/or specified activities, including activity 32 of LN1. Such continuation without the

required environmental authorisation will constitute an offence or offences in terms of section 49A(1)(a) read with section 24F(1)(a) of NEMA:

Notification of authorisation and right to appeal

9. 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.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

11. 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, Act No. 107 of 1998, as amended 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

12. The Environmental Management Programme (EMPr) submitted as part of the BAR dated November 2024 is approved and must be implemented and adhered to.
13. The site Layout Map in Appendix G1 of the BAR dated November 2024 for the development of erosion protection structures on the banks of the Ash River as part of the Lesotho Highlands Water Project is approved and must be adhered to.

14. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
15. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
16. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

17. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 24 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.
18. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
19. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. 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.
20. 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 the EIA Regulations, 2014 as amended. 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.
21. The holder of the authorisation must apply for an amendment of an EMPr if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including

the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

22. The holder of the authorisation must appoint an 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 environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 22.1. The ECO must be appointed before the commencement of any authorised activities.
 - 22.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 22.3. The ECO must keep a record of all activities on site, problems identified, transgressions noted, and schedule of tasks undertaken by the ECO.
 - 22.4. 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

23. 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.
24. 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.
25. The frequency of auditing and 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 the EIA Regulations, 2014 as amended.
26. The holder of the authorisation must, in addition, submit an environmental audit report 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.

27. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 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 environmental authorisation conditions as well as the requirements of the approved EMPr.
28. 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

29. 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.
30. The holder of an Environmental Authorisation must notify the Competent Authority of any alienation, transfer, or change of ownership rights of the property on which the activity is to take place.

Operation of the activity

31. 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

32. 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

33. The recommended buffer zones (32m) must be strictly adhered to during the construction phase of the project.

34. All removed soil and material must not be stockpiled within the aquatic system or riparian area. Stockpiling must take place outside of the water resources and delineated buffer zones.
35. All stockpiles must be protected from erosion, stored on flat areas where run-off will be minimised, and surrounded by bunds.
36. Any exposed earth must be rehabilitated promptly by planting suitable vegetation (vigorous indigenous grasses) to protect the exposed soil.
37. Only primary activities related to the construction of riprap to cater for increased flow volumes must be allowed within the watercourse area. All construction activities related to the area must be restricted to have a minimum footprint of disturbance.
38. The applicant must install additional appropriate erosion protection measures at the interface between the riprap infrastructure and the riverbanks/upper zone in the form of gabions, reno mattresses or large boulders, if necessary.
39. Routine monitoring of riprap structures must be conducted to identify areas prone to erosion and bank collapse, as well as overall structural integrity. Problem areas must be addressed immediately, and where immediate action is not possible then priority must be given during the next shutdown period.
40. All necessary permits e.g., for the removal/ relocation of provincially protected plants must be obtained before the commencement of construction activities.
41. A site walkthrough in the correct flowering season (wet season) is required for all the proposed sections, to ensure that sensitive areas and potential SCCs are excluded from construction (Erasmus, 2024).
42. An alien invasive plant management plan must be implemented to control current invaded riparian areas and prevent the growth of invasives on cleared areas. This will assist in improving the biotic integrity and ecosystem functioning of the delineated watercourses.
43. The biannual aquatic biomonitoring program must include a three-year post-rehabilitation period to establish biological trends and track the effects and success of rehabilitation/maintenance activities.
44. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, reuse, 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

45. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 45.1. at the site of the authorised activity;
 - 45.2. to anyone on request; and
 - 45.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible websites.
46. 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 the authorisation.

Date of Environmental Authorisation: 23/01/2025



Dr Sabelo Malaza

**Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment**

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 listed activities as applied for in the application form received on 22 October 2024.
- b) The information contained in the BAR dated November 2024.
- c) The comments received from Interested and Affected Parties and Interested and Affected Parties as included in the BAR dated November 2024.
- d) Mitigation measures proposed in the BAR and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated November 2024 and as appears below:

Name of Specialist	Title of specialist reports	Date issued of Report
Marnus Erasmus	Terrestrial biodiversity assessment	17 October 2024
J van den Berg	Hydrology Report	27 August 2024
Prasheen Singh	Freshwater ecology assessment	09 October 2024

2. Key factors considered in making the decision

All information presented to the Department was considered 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 Lesotho Highlands Water Project (LHWP) transfers large volumes of water at high velocities to the Gauteng region of South Africa through the Ash River. Over time, this transfer scheme has resulted in severe erosion of the riverbanks necessitating intervention through the installation of erosion protection structures. The chosen means of protection is the installation of riprap, on the banks of the Ash River which is essential for several reasons. Primarily, it addresses the need to control erosion, preventing land loss (erosion has encroached into farmland) and infrastructure damage while preserving habitats and improving water quality by reducing sediment runoff. Significant sedimentation has been noted within the Saulspoort Dam. Additionally, riprap offers

long-term stability and cost-effectiveness, requiring minimal maintenance once installed. Due to its natural look, riprap tends to blend into the surrounding landscape and contributes to community safety by mitigating flood risks. Overall, the installation of riprap is a desirable solution that balances environmental protection with practical benefits for the local community.

- c) The BAR dated November 2024 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The location of the proposed project.
- e) The methodology used in assessing the potential impacts identified in the BAR dated November 2024 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 EIA Regulations, 2014 as amended 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 November 2024 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 information contained in the BAR dated November 2024 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- 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

