



# 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: 14/12/16/3/3/1/2775

Enquiries: Ms. Mathodi Mogorosi

Telephone: (012) 399 9388 E-mail: [MMogorosi@dff.gov.za](mailto:MMogorosi@dff.gov.za)

Ms Asha Ramjatan  
Umgeni Water  
PO Box 9  
**PIETERMARITZBURG**  
3200

Telephone Number: (033) 341 1335  
Cell phone Number: (083) 679 4423  
Email Address: [Asha.ramjatan@umgeni.co.za](mailto:Asha.ramjatan@umgeni.co.za)

## PER EMAIL / MAIL

Dear Ms Ramjatan

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE REPAIRS TO THE LUDEKE DAM LOCATED IN THE NKANTLO SETTLEMENT, NORTH-WEST OF MBIZANA, WITHIN THE WINNIE-MADIKIZELA MANDELA LOCAL MUNICIPALITY IN THE ALFRED NZO DISTRICT MUNICIPALITY, EASTERN CAPE 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.

Please be advised that **Activity 27** as listed in terms of Listing Notice 1 of the EIA Regulations, 2014, as amended, is not authorised:

*"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –*

- (i) the **undertaking of a linear activity**; or*
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan."*

The reason for not authorising the above-mentioned activity is as follows:

*According to the application form and final BAR submitted, as part of the repairs to the Ludeke Dam wall, two networks of pipelines are proposed to be installed within the bank to prevent soil movement and to direct the water seepage and drain it into the river downstream of the dam. Approximately 20 segments of pipe will make up the two pipe networks. V-notches will be implemented into the design and construction of the pipework to allow for monitoring. As per the project description provided on page 3 of the final BAR, the installation of the two networks of pipelines (inclusive of the headwalls and concrete casings, etc) constitutes the undertaking of a linear activity, and as such the exclusion highlighted above applies.*

*MS*

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 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.

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](mailto: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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za).

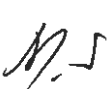
Yours faithfully



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

**Date:** 31/10/2023

cc:	Ms. Joleen Wilson	Afzelia Environmental Consultants (Pty) Ltd	E-mail: <a href="mailto:joleen@afzelia.co.za">joleen@afzelia.co.za</a>
	Ms. Nosisa Ndaba	Department of Economic Development, Environmental Affairs & Tourism (EC)	E-mail: <a href="mailto:Nosisa.ndaba@dedea.gov.za">Nosisa.ndaba@dedea.gov.za</a>
	Ms. Ncumisa Xoko	Winnie-Madikizela Mandela Local Municipality	E-mail: <a href="mailto:xokon@mbizana.gov.za">xokon@mbizana.gov.za</a>





## 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

Repairs to the Ludeke Dam located in the Nkantlo Settlement, north-west of Mbizana, within the  
Winnie-Madikizela Mandela Local Municipality in the Eastern Cape Province

Alfred Nzo District Municipality

Authorisation register number:	14/12/16/3/3/1/2775
Last amended:	First issue
Holder of authorisation:	Umgeni Water
Location of activity:	Portion 0 of 169 Farm Isikelo Winnie-Madikizela Local Municipality Alfred Nzo District Municipality Eastern Cape 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.

MS

## 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 –

### UGENI WATER

with the following contact details –

Ms Asha Ramjatan

PO Box 9

**PIETERMARITZBURG**

3200

Telephone Number: (033) 341 1335

Cell phone Number: (083) 679 4423

Email Address: [Asha.ramjatan@umgeni.co.za](mailto:Asha.ramjatan@umgeni.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, Item 12</u></p> <p><i>"The development of-</i>  <i>(ii) infrastructure or structures with a physical footprint of</i>  <i>100 square metres or more;</i>  <i>where such development occurs –</i>  <i>(a) within a watercourse;</i>  <i>(c) if no development setback exists, within 32 metres of</i>  <i>a watercourse, measured from the edge of a</i>  <i>watercourse."</i></p>	<p>The pipe networks proposed will occur over an approximate footprint of 20,000 square metres / 2ha.</p> <p>Discharge points will be constructed with headwalls and will be located either within the watercourse and/or within 32m of a watercourse.</p> <p>Splitter blocks will be placed at the immediate discharge outlet and stone pitching/bounders will be provided leading from the headwall towards the receiving environment.</p>
<p><u>Listing Notice 1, Item 19</u></p> <p><i>"The infilling or depositing of any material of more than</i>  <i>10 cubic metres into, or the dredging, excavation,</i>  <i>removal or moving of soil, sand, shells, shell grit, pebbles</i>  <i>or rock of more than 10 cubic metres from a</i>  <i>watercourse."</i></p>	<p>Two of the three headwalls and discharge points will be located within a watercourse and the third headwall and discharge point will be located within 32m of the watercourse.</p> <p>Excavating and the removal of sand and rock of more than 10 cubic metres will occur for the construction of the pipelines, headwalls and discharge points. This work will be occurring within the watercourse (some of which will be within the artificial wetland created by the water seepage through the bank of the dam wall).</p>

<p><u>Listing Notice 3, Item 12</u></p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation;</i>  <i>(a) in the Eastern Cape;</i>  <i>(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i>  <i>(ii) Within critical biodiversity areas identified in bioregional plans."</i></p>	<p>Approximately 2 hectares of land will be disturbed for the installation of the subsoil pipe networks. Vegetation removal will be required along all work surfaces to ensure that excavating and pipe laying can occur.</p> <p>The proposed site for construction is not located within a Terrestrial Critical Biodiversity Area 1 or 2 however it is located within Terrestrial Ecological Support Areas 1 and 2.</p> <p>The proposed site is located within Aquatic Critical Biodiversity Area 1.</p>
<p><u>Listing Notice 3, Item 14</u></p> <p><i>"The development of-</i>  <i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</i>  <i>where such development occurs-</i>  <i>(a) within a watercourse;</i>  <i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i>  <i>(a) in the Eastern Cape;</i>  <i>(i) outside urban areas;</i>  <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>Approximately 2 hectares of land will be disturbed for the installation of the subsoil pipe networks. Vegetation removal will be required along all work surfaces to ensure that excavating and pipe laying can occur.</p> <p>The proposed site for construction is not located within a Terrestrial Critical Biodiversity Area 1 or 2 however it is located within Terrestrial Ecological Support Area 1 and 2.</p> <p>The proposed site is located within Aquatic Critical Biodiversity Area 1.</p>

as described in the Basic Assessment Report (BAR) dated August 2023 at:

**SG 21 Digit Code and Farm Name:**

Farm names, Numbers & Portions	SG 21 Digit Code
Portion 0 of 169 Farm Isikelo	C08600000000016900000

**Project coordinates:**

<b>Pipeline Number</b>	<b>Latitude</b>	<b>Longitude</b>
Pipeline 1 – Start	30°44'34.02"S	29°44'52.51"E
Pipeline 1 – End	30°44'32.24"S	29°44'50.65"E
Pipeline 2 – Start	30°44'33.17"S	29°44'54.28"E
Pipeline 2 – Middle	30°44'34.02"S	29°44'52.51"E
Pipeline 2 – End	30°44'35.13"S	29°44'51.39"E
Pipeline 3 – Start	30°44'32.86"S	29°44'54.01"E
Pipeline 3 – Middle	30°44'33.80"S	29°44'52.24"E
Pipeline 3 – End	30°44'34.91"S	29°44'51.10"E
Pipeline 4 – Start	30°44'32.43"S	29°44'54.01"E
Pipeline 4 – Middle	30°44'33.54"S	29°44'51.98"E
Pipeline 4 – End	30°44'34.68"S	29°44'50.88"E
Pipeline 5 – Start	30°44'31.83"S	29°44'54.14"E
Pipeline 5 – Middle	30°44'33.27"S	29°44'51.73"E
Pipeline 5 – End	30°44'34.48"S	29°44'50.59"E
Pipeline 6 – Start	30°44'37.31"S	29°44'50.12"E
Pipeline 6 – End	30°44'34.02"S	29°44'46.91"E
Pipeline 7 – Start	30°44'35.67"S	29°44'51.79"E
Pipeline 7 – End	30°44'37.31"S	29°44'50.12"E
Pipeline 8 – Start	30°44'35.44"S	29°44'51.54"E
Pipeline 8 – End	30°44'37.09"S	29°44'49.89"E
Pipeline 9 – Start	30°44'35.21"S	29°44'51.26"E
Pipeline 9 – End	30°44'36.87"S	29°44'49.68"E
Pipeline 10 – Start	30°44'35.05"S	29°44'51.01"E
Pipeline 10 – End	30°44'36.63"S	29°44'49.45"E
Pipeline 11 – Start	30°44'34.85"S	29°44'50.73"E
Pipeline 11 – End	30°44'36.42"S	29°44'49.22"E
Pipeline 12 – Start	30°44'35.10"S	29°44'49.63"E
Pipeline 12 – End	30°44'35.95"S	29°44'48.76"E
Pipeline 13 – Start	30°44'34.98"S	29°44'49.33"E
Pipeline 13 – End	30°44'35.71"S	29°44'48.51"E
Pipeline 14 – Start	30°44'34.69"S	29°44'49.14"E
Pipeline 14 – End	30°44'35.48"S	29°44'48.29"E
Pipeline 15 – Start	30°44'33.56"S	29°44'49.75"E
Pipeline 15 – End	30°44'35.25"S	29°44'48.07"E
Toe Drain Re-alignment Start	30°44'36.14"S	29°44'48.16"E
Toe Drain Re-Alignment End	30°44'34.41"S	29°44'46.75"E

- for the repairs to the Ludeke Dam located in the Nkantlo Settlement, north-west of Mbizana, within the Winnie-Madikizela Mandela Local Municipality, Eastern Cape Province, hereafter referred to as “the property”.

the installation of two networks of pipelines within the bank to prevent soil movement and to direct the water seepage and drain it to direct the water seepage and drain it into the river downstream of the dam. Further to this, each of the pipeline networks will have a headwall at the discharge point. A new headwall for the re-aligned



toe drainpipe will be installed, and three road crossings over the pipelines will be constructed which will consist of pipe encasement. Each headwall will consist of the following:

- Concrete base slab – 25Mpa/19mm;
- Concrete Headwall – 25Mpa / 19mm;
- Concrete Blinding – 10Mpa / 19mm;
- Concrete Cover – 40mm.

Approximately 20 segments of pipe will make up the two pipe networks, and V-notches will be implemented into the design and construction of the pipework to allow for monitoring purposes. Each segment of pipe within the pipe network will be constructed from a 110mm diameter uPVC/HDPE Slotted Pipe and will join together at manholes. The pipe leading to the headwall and discharge point will be constructed from a 160-diameter unperforated uPVC pipe. To install these pipelines, trenches will be excavated, filled with pipes and sand, backfilled, covered with soil, and grassed. The approximate footprint to be disturbed for the installation of the pipe networks is approximately 20 000m<sup>2</sup> / 2ha.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The repairs to the Ludeke Dam located in the Nkantlo Settlement, north-west of Mbizana, within the Winnie-Madikizela Mandela Local Municipality in the Alfred Nzo in the Eastern Cape Province, as per the geographic coordinates cited in the table above is hereby approved.
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 ten (10) 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 five (05) years of the commencement of the activity on site.

### 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 project layout plan attached as Figure 3 of the final BAR and labelled "*Ludeke Dam Remedial Works: Proposed Subsoil Drainage Pipeline System in Downstream Swampy Area*" dated September 2021 for the Repairs to the Ludeke Dam located in the Nkantlo Settlement, north-west of Mbizana, is approved.
13. The Environmental Management Programme (EMPr) submitted as part of the BAR dated August 2023 is approved and must be implemented and 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 BAR 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 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 record of all activities on site, problems identified, transgressions noted, and a task 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 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.
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.

### **Operation of the activity**

30. 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

31. 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

32. No activities must be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
33. Campsite 2 which is the furthest away from the watercourse must be the preferred campsite.
34. The 32-metre buffer around the Aquatic CBA1 must be implemented. No construction activities or equipment will be allowed in this area.
35. The seepage flows directed from the drainage network to the discharge point should be carefully monitored. If signs of sedimentation, erosion, or excessive flows are observed that result in watercourse habitat impacts, a conceptual riverine rehabilitation and monitoring plan with a focus on erosion and sedimentation is to be compiled and implemented.
36. The rehabilitation plan dated August 2023 must be amended to include provisions for an aquatic biomonitoring survey which includes an assessment of water quality, habitat, SASS5, and fish as per the recommendations of the aquatic specialist. The amended rehabilitation plan must be submitted to the department for record-keeping before the commencement of construction activities.
37. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the BAR dated August 2023 must be implemented to reduce the risk of erosion and the invasion of alien species.
38. A permit must be obtained from the relevant Department for the removal or destruction of indigenous, protected, or endangered plant or animal species (if any) and a copy of such permit/s must be submitted to the Department for record keeping.
39. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
40. Dust suppression measures must be implemented during the construction phase to limit the impacts of dust.
41. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.

42. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are uncovered during construction, work in the immediate area must be halted, SAHRA must be alerted immediately, and a professional archaeologist or palaeontologist (depending on the nature of the finds) must be contacted as soon as possible to inspect the findings.
43. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
44. 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**

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 website.
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 authorisation.

**Date of Environmental Authorisation:** 31/10/2023



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Forestry, Fisheries and the Environment**

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## 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 -

- The listed activities as applied for in the application form received on 26 May 2023.
- The information contained in the final BAR dated August 2023.
- The comments received from interested and affected parties as included in the BAR dated August 2023.
- Mitigation measures as proposed in the BAR and the EMPr dated August 2023.
- The information contained in the specialist studies and EMPr contained within the appendices of the BAR dated August 2023 and as appears below:

Title	Prepared by	Date
Terrestrial Biodiversity Impact Assessment	Afzelia Environmental Consultants (Pty) Ltd	April 2023
Wetland Habitat Impact Assessment	Afzelia Environmental Consultants (Pty) Ltd	August 2023
Aquatic Biodiversity Specialist Assessment	Afzelia Environmental Consultants (Pty) Ltd	August 2023
Desktop Socio-Economic Impact Assessment	Afzelia Environmental Consultants (Pty) Ltd	January 2023
Desktop Heritage and Palaeontology Impact Assessment	Umlando: Archaeological Surveys and Heritage Management	August 2023
EMPr	Afzelia Environmental Consultants (Pty) Ltd	August 2023

### 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.

- The findings of all the specialist studies conducted and their recommended mitigation measures.
- The need and desirability for the Repairs to the Ludeke Dam were adequately addressed in the BAR dated August 2023.



- c) The BAR dated August 2023 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The location of the proposed repairs to the Ludeke Dam located in the Nkantlo Settlement, north-west of Mbizana.
- e) The methodology used in assessing the potential impacts identified in the BAR dated August 2023 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.

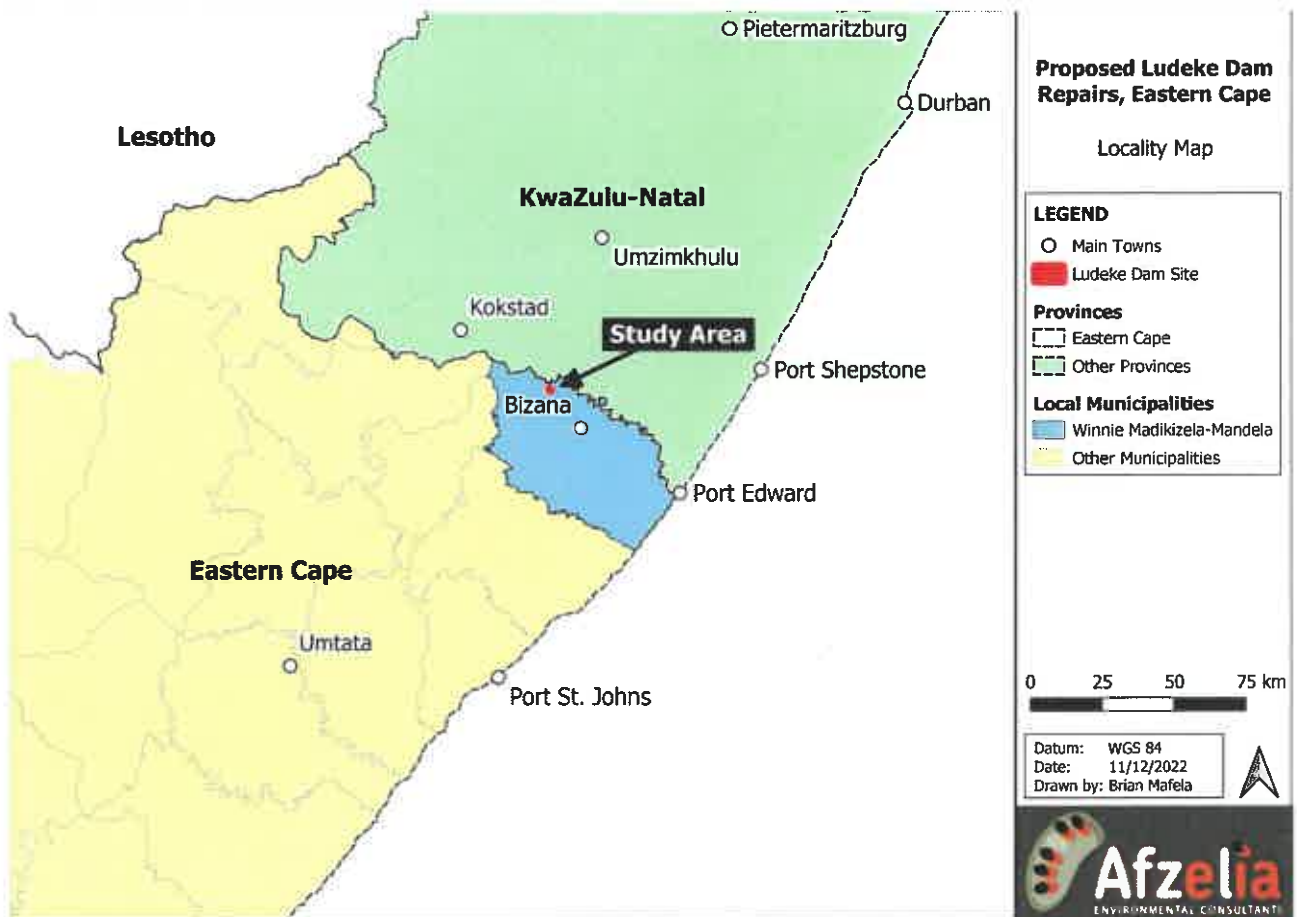
### 3. Findings

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 August 2023 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 August 2023 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMP 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 Map



### Annexure 3: Project Layout Plan



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