



MOGALAKWENA LOCAL MUNICIPALITY

COMMENTS AND RESPONSES REPORT

LEDET REF: 12/1/9/1-W164

NEAS REF: LIM/EIA/0000627/2018

BASIC ASSESSMENT AND INTEGRATED WATER USE
LICENSE APPLICATION FOR THE DIPITHSI CLUSTER

WATER MINI SCHEME

19 September 2018



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DOCUMENT CONTROL

| Date | Revision | Name | Role | Signature |
|----------|----------|---------------------|--------|-----------|
| 20180919 | Draft 0 | Bongi Mhlanga | Author | |
| 20180919 | Draft 0 | Moseketsi Mochesane | EAP | |
| 20180819 | 000 | Bongi Mhlanga | Author | |
| | | | | |

By signing this document the signatory confirms the authenticity of the electronic signatures on the approval page of this document

DOCUMENT CHANGE HISTORY

| Date | From Version | To Version | Paragraph Reference | Change Description |
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ABBREVIATIONS

| | |
|---------|--|
| BA | Basic Assessment |
| CIlr | Councillor |
| CRR | Comments and Responses Report |
| DARDLEA | Department of Agriculture, Rural Development, Land and Environmental Affairs |
| DBAR | Draft Basic Assessment Report |
| DWS | Department of Water and Sanitation |
| FBAR | Final Basic Assessment Report |
| IUCMA | Inkomati-Usuthu Catchment Management Agency |
| IWWMP | Integrated Waste and Water Management Plan |
| MLM | Mkhondo Local Municipality |
| NEMA | National Environmental Management Act |
| WUL | Water Use License |
| WWTW | Waste Water Treatment Works |

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1 INTRODUCTION

This Comments and Responses Report (CRR) captured the comments, issues, queries and recommendations made by key stakeholders and Interested and Affected Parties (I&APs) during the Basic Assessment process and Integrated Water Use Licence for the proposed Diphitshi Cluster Water Mini Scheme within the Mogalakwena Local Municipality. The CRR also attempts to address the comments through input from the project team. Please note that this CRR only has a summary of the comments received. All comments received on the project are attached to the CRR.

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Table 1: Comments and Responses Trail

| Comment/Issue Raised | Raised By | Response |
|---|---|----------|
| 1. Project Initiation/I&AP Notification Phase | | |
| No comments were raised during the project initiation/I&AP Notification Phase. | | |
| 2. Public Meetings | | |
| Community Meetings were held in Diphitshi, Buffelshoek, Kgopeng, Ramosesana (Kgorong) on 29 June 2017 (please see Appendix B) for the attendance registers. | | |
| Issues raised during the meetings include: | | |
| <ul style="list-style-type: none"> ➤ There is no water in the areas; ➤ People share the same water source as the animals; this is a health issue; ➤ People have to go and buy water, which is difficult so some because they don't have money; and ➤ The project has been long awaited but there hasn't been any movement so far. | | |
| The community members requested that the project be prioritised, due to their dire need for water. | | |
| 3. Draft Reports (Public Review and Commenting Period) | | |
| The Department hereby acknowledges receipt of the application and a Basic Assessment Report (BAR) for the above-mentioned proposed development received on 11 July 2018. | Limpopo Department of Economic Development, Environment and Tourism Ms Rogers | Noted. |

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| <p>The Application is allocated with Departmental reference number: 12/1/9/1-W164 and NEAS reference number: LIM/EIA/0000627/2018. Kindly quote these numbers in all future correspondence regarding this application.</p> | <p>E-mail: 17 July 2018</p> | |
| <p>The property information (deed searches) are not attached to the application form as indicated in B. SITE IDENTIFICATION AND LINKAGE. The Locality map attached in the BAR contains “21 digit Surveyor – general (SG) site reference numbers” but with additional digits. The farm Raadslid 718 LR, for example, is TOLR0000000071800000 according to available records. Kindly confirm.</p> | | <p>The correct SG site reference, the correct farm names and the Locality map have been inserted in the amended application form.</p> |
| <p>The geographical coordinates provided, 23,43,30.08” South and 28,42,34.5” East in the application form couldn’t represent the site/s described in the activities included to require authorisation, as it is nowhere near a river or stream. In the absence of an indication of the proposed position of the storage tank (reservoir), it is not possible to confirm if Activity 2 (or 16) of Listing Notice 3 of the amended Environmental</p> | | <p>The co-ordinates for all the proposed new infrastructure and upgrade of infrastructure have been included in the amended application form.</p> |

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| Impact Assessment (EIA) Regulations of 2014 is applicable to the proposed project or not. | | |
| It is required that for the application for the expansion/upgrade of an existing activity, the status in terms of environmental legislation of the existing development/infrastructure be indicated and verified. The feasibility of a maintenance management plan in order to address requirements with regards to the sand pit abstraction well in the Mogalakwena River should be considered. | | Project description has been expanded regarding the existing infrastructure has been added unto the application form and the Final Basic Assessment Report (FBAR). |
| The project description provided doesn't include adequate information to rule out whether activities 14 or 23 of Listing Notice 3 of the EIA Regulations of 2014, as amended, will be applicable or not. | | The activities for listing notice 3 have been verified and included in the amended application form. |
| It appears that two copies of the application form were submitted, and not the original application as required. | | The amended application to be submitted is originally signed. |

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| Bring to the attention of the application the fact that this development must not commence prior to the Department deciding on the application. | | The client has been informed that development may not commence prior to the department decision on this application. |
| The Basic Assessment Report (BAR) for consultation for the above-mentioned proposed development received on 11 July 2018 refers. | Limpopo Department of Economic Development, Environment and Tourism Ms Rogers E-mail: 10 August 2018 | Noted. |
| While the 30 day consultation period is indicated as 04 July 2018 to 02 August 2018, the Department only received the application on 11 July 2018. The due date for comments is considered to be 13 August 2018. | | |
| It is required that for the application for the expansion/upgrade of an existing activity, the status in terms of environmental legislation of the existing development/infrastructure be indicated and verified. The identification of site alternatives has limitations when an application is for the expansion of an existing activities situated within Critical Biodiversity Area. | | Project description has been expanded regarding the existing infrastructure has been added unto the Final Basic Assessment Report (FBAR- Section A-1). |

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| <p>The geographical coordinates for the site/s where listed activities are proposed and applied for must be indicated in the application form. Based on the site visit conducted on 31 July 2018, the Department is of the opinion that activity 16e. (ff) of Listing Notice 3 of the EIA Regulations is applicable to the project. While the Booster pump station site where a 440m³ reservoir is proposed in addition to existing reservoirs (water storage tanks) is more than 5km away from the Masebe Nature Reserve, it is situation within a Critical Biodiversity Area level 2.</p> | | <p>The co-ordinates for all the proposed new infrastructure and upgrade of infrastructure have been included in the amended application form (FBAR-Section A-3).</p> <p>The correct SG site reference, the correct farm names and the Locality map have been inserted in the amended application form.</p> <p>The activities for listing notice 3 have been included in the amended application form.</p> |
| <p>With the application for Environmental Authorisation (EA) only being submitted in July 2018, it should have been possible to address concerns with regards to seasonal aspect in the limitations identified in the Biodiversity Assessment dated May 2017. It is noted that the Limpopo Environmental Management Act (LEMA), 2003 (Act No 7 of 2003) and species included in its schedules on protected species are relevant due to the occurrence of such protected species.</p> | | <p>The Biodiversity Report has been amended and updated and will be in attached as Appendix D.1, a recommendation by the biodiversity specialist and EAP has been made that the protected tress are to be avoided.</p> |

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| <p>The layout plan of the new pump station for the sand pit pump station adjacent to the Mogalakwena River seems to be located on the position where a Leadwood tree (<i>Combretum Imberbe</i>) that is protected in terms of the National Forests Acts, 1998 (Act No 84 of 1998) stands according to observation during site visit on 31 July 2018. Unless an alternative layout can be considered, it is required to include consultation with the authority if the trees will be disturbed. The site layout for the booster pump station must take into consideration the Tamboti trees (<i>Spirostachys Africana</i>) protected in terms of the LEMA. The layout for the sand pit station doesn't include any new sand pit referred to in the application form.</p> | | <p>A new development area has been recommend by the EAP, which is 32m from the river edge and the development area has been indicated in Appendix D.1 (Biodiversity Report)</p> |
| <p>Bring to the attention of the applicant the fact that this development must not commence prior to the Department deciding on the application.</p> | | <p>The client has been informed that development may not commence prior to the department decision on this application.</p> |
| <p>Under the Biodiversity Assessment in the report it is observed that <i>Vachellia erioloba</i>, which falls under Protected Trees in terms of [Section 15(1) of the National Forest Act 84, of 1998, amended] might be affected by the construction.</p> | <p>Department of Agriculture, Forestry & Fisheries Ndina Mudau E-mail: 19 July 2018</p> | <p>Your comments submitted to our offices, on the Draft Basic Assessment Report (DBAR), for the above mentioned project, dated Thursday, 19 July 2018 bears reference.</p> |

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| <p>The department is the custodian of the National Forests Act (act no 84 of 1998) as amended, which among others provide special measures for the protected of forests and trees. The list of trees is gazetted annually.</p> | | <p>In response to your comments, please refer note that the Environmental Assessment Practitioner (EAP) has included your comments as part of the recommendations on the Final Basic Assessment Report that will be submitted to the LEDET in September 2018.</p> <p>➤ The protected trees are to be avoided.</p> <p>The Final Basic Assessment Report (FBAR) will be submitted to LEDET in September 2018 and will be made available for the public at the Lidwala website www.lidwala.com.</p> |
| <p>If any of activities of the project might affect the protected trees, application form for a licence must be completed and forwarded to the Department for processing. Upon granting of the licence the project can proceed with the activities which will affect the protected trees.</p> | | |
| <p>The footprint of disturbance must be kept as small as possible, and must be rehabilitated as soon as possible.</p> | | |
| <p>Mitigation efforts needs to be taken if the application for a licence will affect more than 500 Protected trees.</p> | | |

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APPENDIX A: COMMENTS RECEIVED

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APPENDIX B: PUBLIC MEETINGS ATTENDANCE REGISTERS