



**MINISTRY: ENVIRONMENTAL AFFAIRS AND TOURISM  
REPUBLIC OF SOUTH AFRICA**

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Ref: 03/2/4

16 October 2006

Mrs. Lindiwe Hendricks  
Minister of Water Affairs and Forestry  
Private Bag X313  
PRETORIA  
0001

Fax no: (012) 328 4254 / (021) 465 3362

Dear Colleague

**REVISED RECORD OF DECISION OF THE DE HOOP DAM**

Further to the correspondence of 29 September 2006, I have considered the appeals lodged in terms of Section 35 of the Environment Conservation Act, 1989 (Act 73 of 1989), against the Department's decision to grant authorisation to the applicant for the development of the De Hoop Dam.

After evaluating all the appeals and relevant information submitted to me in terms of section 35 of the Act, I have come to a decision and have now issued a revised Record of Decision, a copy of which is attached hereto.

Kind regards,

*Marthinus van Schalkwyk*

**MARTHINUS VAN SCHALKWYK, MP  
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

## RECORD OF DECISION

### RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/553 OLIFANTS RIVER WATER RESOURCES DEVELOPMENT PROJECT (PHASE 2): INFRASTRUCTURE DEVELOPMENT

By virtue of the power granted to me in terms of section 33(1) of the Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise the Department of Water Affairs and Forestry to undertake the activity specified/ detailed below, subject to the indicated conditions.

#### 1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

- (i) The construction of a large storage-dam (and associated spillway structure and pump station) on the Steelpoort River at the Farm De Hoop (with centre co-ordinates of 24° 57' 30 " S; 29° 57' 25 " E), approximately 27 km north of Roossenekal and approximately 40 km south of Steelpoort. The dam will have a full supply level of 915 masl, a wall length approximately 1 050 m and will inundate an area of about 1 690 ha.
- (ii) A change in land use from agricultural use to that of a Government Water Works as defined in the National Water Act (Act 36 of 1998) through the inundation of the basin (an area of about 1 690 ha).
- (iii) The removal and/or flooding of existing vegetation from the proposed dam inundation basin (an area of about 1 690 ha).
- (iv) The realignment of a section of the Provincial Road between Roossenekal and Steelpoort (Road P169) for a distance of approximately 25 km. This realignment will be to the west of the proposed dam immediately adjacent to the dam purchase line. The road realignment will include three major bridges, two across the Steelpoort River at either end of the proposed dam and one across the Maseketi River.
- (v) The construction of a bulk water pipeline from the proposed De Hoop Dam or from the Steelpoort Abstraction Weir past Atok Mine to Olifantspoort Weir (primarily following the R34 and R37 roads). This pipeline is inclusive of 3 pump stations, off-takes, 3 balancing dams and one reservoir.
- (vi) The construction of three gauging weirs ( (a) at 25° 04' S; 29° 50' E, approximately 2 m above river bed level and 30 – 50 m wide (b) at 24° 57' S; 29° 57' E, approximately 2 m above river bed level and 30 – 50 m wide (c) at 24° 29' S; 30° 24' E, approximately 2 m above river bed level and 60 – 80 m wide), and one abstraction weir (at Steelpoort, approximately 5 m above river bed level and 30 – 50 m wide) on the Steelpoort river and off-channel desilting works associated with the abstraction weir. All weir structures will have associated access roads that will be constructed.
- (vii) The construction of the bulk water pipeline from the proposed De Hoop Dam to Jane Furse, primarily along the P169 and D2219. This pipeline is inclusive of 3 pump stations, off-takes, 3 balancing dams and 3 reservoirs.
- (viii) The construction of a bulk water pipeline from the Flag Boshielo Dam to Mokopane along the D885 and P18. This pipeline is inclusive of 4 pump stations, off-takes, 4 balancing dams and one reservoir.



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- (ix) The clearing and making safe of sites for road, dam and pipeline construction camps, which includes services, access roads (three main ones) and bridges (one main bridge), powerlines, washbays, workshops, offices, stores, and so forth, and the storage of materials and explosives.
- (x) The installation of communication networks infrastructure.
- (xi) The construction and operation of small-scale sewerage treatment plants for construction camps.
- (xii) The construction and operation of small-scale waste collection and disposal facilities for construction camps and sites.
- (xiii) The construction of facilities for the bulk storage and dispensing of fuel (e.g. diesel and petrol) for construction vehicles at the proposed dam and weir sites, along pipeline routes and for the road construction camp.
- (xiv) The creation of stockpiles of construction materials for the construction of a dam, roads, pipelines and living quarters, including batching and mixing plants.
- (xv) The installation and operation of bitumen plants for the constructions of roads.
- (xvi) The excavation of borrow areas (inclusive of rock quarries and crusher plants for all project components) from which construction materials will be sourced. There will be two main borrow areas for the dam, one entirely within the area of inundation, and one that potentially will only be partially inundated.
- (xvii) The construction of water treatment / purification work at Mooihoek, between Steelpoort and Atok Mine.

The above infrastructure is described in Appendix 1 that includes figure 1, where the infrastructure is illustrated. Infrastructure is also described in detail in the Environmental Impact Report (October 2005).

## 2. KEY FACTORS INFORMING THE DECISION:

In reaching my decision in respect of this application, I have, *inter alia*, taken the following information into consideration:

- The final environmental impact report dated October 2005.
- Comments received from the following authorities:
  - South African Heritage Resources Agency (SAHRA);
  - Department of Health and Social Services, Mpumalanga Province;
  - Department of Minerals and Energy, Limpopo Province;
  - Department of Economic Development, Environment and Tourism, Limpopo Province;
  - Department of Agriculture and Land Administration, Mpumalanga Province.
- The specialist report as submitted by external experts, Prof. MT Seaman, Director of the Centre for Management of the Environment at the University of the Free State and associate professor in Water Environmental Management; and Mr. C Bruwer, a registered environmental scientist with the consultancy EnviroAfrica.

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- The submission by the Department of Water Affairs and Forestry (DWAF) regarding the bilateral held between them and SANParks and the recommendations emanating therefrom;
- The analysis of the Record of Decision conducted by the Environmental Assessment Practitioners (ACER Africa) dated 16 January 2006;
- The concerns raised by the appellants with regard to the cumulative impacts associated with, inter alia, further development pressure and water demands on the catchment area and the Kruger National Park.
- The notes of a meeting held between the DWAF and the appellants in June 2006; and
- The DEAT's response to the grounds of appeal.

In reviewing this information, the DEAT made the following findings:

- The proposed development arose, inter alia, as a result of the need to provide the previously disadvantaged communities with decent potable water and to stimulate economic development in the Greater Sekhukhune Municipality, the Capricorn Municipality and the Mogalakwena Municipality.
- During the scoping exercise, seven key issues were identified and investigated. These examined aspects related to:
  - Impact on quantity and quality of river flows;
  - Aquatic and terrestrial ecology;
  - Long-term sustainability and water demand management;
  - Capacity of the receiving environment;
  - Minimising construction-related impacts;
  - Land acquisition and compensation;
  - Co-operative governance.

Anticipated impacts associated with each of the seven key issues have been assessed, and mitigation measures have been proposed.

- Cumulative impacts have been adequately assessed in so far as they relate to the scope of this EIA.
- Aspects related to co-basin states are adequately covered in the environmental impact report and are being handled on an ongoing basis by a dedicated task team within the DWAF.
- The mitigation measures proposed in the environmental impact report are appropriate and practical for implementation. Particular attention is drawn to the following:
  - The investigation of the establishment of an off-site mitigation area to mitigate the loss of biodiversity in the dam basin and around the dam wall.



- The planning and implementation of the water conservation and demand management strategy for the Olifants Water Management Area in parallel with the construction of infrastructure (i.e. approximately 10 years).
- Facilitation, by the Department of Water Affairs and Forestry, of co-operative governance (between and within spheres of Government), in particular, to prepare the receiving environment for a project of this magnitude, as well as taking cognisance of future developments enabled by this project.
- Facilitation, by the Department of Water Affairs and Forestry, of co-operative governance (between and within spheres of Government), in mitigation measures that require a collaborative intervention and effort by the State.

Having considered the above information, I have concluded that:

- The need for the proposed dam has clearly been demonstrated and there is no viable alternative to a supply-side solution for the envisaged demands on the system;
- The dam has positive impacts, both in terms of socio-economic and ecological aspects;
- The construction and operation of the dam will, however, have definite and substantial detrimental impacts on the environment;
- The substantial impacts cannot therefore be avoided, but measures must be put in place to mitigate the potential impacts to acceptable levels;
- The Record of Decision issued on 21 November 2005 does not adequately mitigate and manage the detrimental impacts and the grounds of appeals related to some of the conditions and certain substantive issues were therefore upheld;
- The conditions enclosed in this revised Record of Decision are deemed adequate to mitigate the identified impacts to acceptable levels; and
- Taking the mitigation measures enforced through this revised Record of Decision into consideration, the principles of section 2 of NEMA can be substantially upheld.

I have accordingly decided to grant DWAF authorisation in terms of Regulations R.1182 and 1183 (as amended) promulgated under sections 21, 22 and 26 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions listed below.

### **3. CONDITIONS**

#### **3.1 Description and extent of the activity**

The authorization applies in respect of the project as defined in Section 1 and Appendix 1, and as illustrated in Figure 1. The proposed infrastructure is also described in detail in the environmental impact report (EIR – October 2005).

#### **3.2 Specific conditions**

##### **3.2.1 Environmental Performance**

- 3.2.1.1 The DWAF must maintain the ecological reserve requirements of the Steelpoort River downstream of the dam.
- 3.2.1.2. All man-made structures of consequence must be removed from the flood area of the dam and no development must take place within the 1:100 floodline, other than for purposes of the Government Water Works.
- 3.2.1.3. All liquid effluent must be disposed of in a manner approved by the relevant municipalities.
- 3.2.1.4 All waste generated during the construction must be removed and disposed of at a waste disposal facility permitted in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 3.2.1.5 Hazardous and flammable substances must be stored and used in compliance with applicable regulations and safety instructions.
- 3.2.1.6 The applicant must place cordons, barriers and warning signs around excavations in the village sites and wherever there is a hazard to workers, the public and animals.
- 3.2.1.7 The applicant must train safety representatives, managers and workers in workplace safety and enforce all applicable physical safety standards and regulations. This requirement is also applicable to subcontractors.
- 3.2.1.8 The applicant must maintain the early warning systems and disaster plans for severe floods and, in the very unlikely event of dam wall failure.
- 3.2.1.9 The applicant must provide high standard warnings and traffic calming measures where construction activities interfere with traffic.
- 3.2.1.10 The applicant must implement dust abatement measures, such as the wetting of active construction areas and unpaved roads and the vegetation of the permanent stockpiles.



3.2.1.11 The applicant must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the NEMA Regulations, Government Notice 386 and 387 of 2006.

3.2.1.12 The applicant must provide sanitation facilities within the construction camps and along the pipelines in order that workers do not pollute the surrounding environment.

3.2.1.13 The applicant must establish and maintain a conservation area of equal size and similar nature to the area of the Sekhukhune Land Centre of Endemism, to be flooded or otherwise transformed as result of the building of the dam, as mitigation for the loss of this land. This conservation area must be established at the time that the dam becomes operational. The process for identification and establishment of this conservation area must be discussed with and agreed to by the DEAT.

### **3.2.2. Environmental Monitoring Committee (EMC)**

3.2.2.1 This development is authorised on condition that the Department of Water Affairs and Forestry (DWAF) establishes an EMC with clear Terms of Reference (ToR) as described in clause 3.2.2.7. Such EMC must be established before commencement of any construction activities.

3.2.2.2 Amongst others, the EMC shall in so far as it is reasonably practicable, consist of the following members:

- (a) A chairperson as described in 3.2.2.3;
- (b) The developer's (DWAF) representatives;
- (c) Representatives of the affected residents / rate payers' association;
- (d) Ward councillors;
- (e) Non-Governmental Organisations;
- (f) Community leaders;
- (g) Representatives of Farmers Associations;
- (h) An Environmental Control Officer (ECO) (once appointed in terms of 3.2.4.1); and
- (i) An aquatic and terrestrial ecologist/s.

Membership of the EMC as indicated in categories (c), (d), (e), (f) and (g) will obviously be dependent on the willingness of these organisations to be represented on the EMC. Membership for these categories of members is voluntary and no remuneration will be payable to members in these categories.

3.2.2.3 The EMC must appoint an independent chairperson who has appropriate people and project management skills. It is not compulsory to select the chairperson from the membership described in 3.2.2.2 (b) – (i) above. An individual meeting the skills requirement from inside or outside the membership may be selected.

3.2.2.4 All costs associated with the EMC are to be borne by the applicant. The ToR for the EMC must, in addition to the scope of work as detailed in 3.2.2.7, clearly set out roles and responsibilities related to logistical arrangements, administration and financial arrangements associated with the EMC and its membership. This must include the remuneration of the chairperson and the ecologist/s specified in 3.2.2.2. (a) and (i) above.

3.2.2.5 The EMC must meet on a bi-monthly basis from the inception of the project.

3.2.2.6 The EMC must report to the Director General of the Department of Environmental Affairs and Tourism on a bi-monthly basis and the report must include, at the very least, the matters as described in 3.2.2.7.

3.2.2.7 The purpose of the EMC would be:

- (a) To monitor and audit project compliance to the specific conditions of this record of decision, environmental legislation and specific measures as stipulated in the environmental impact report and the environmental management plans.
- (b) To make recommendations to the Director General: DEAT on issues related to the monitoring and auditing of the project.
- (c) The EMC shall be able to vary the frequency of meetings should the need arise to review the prescribed frequency of meetings. Any changes should be communicated to the Department for acceptance.
- (d) The EMC shall be disbanded at a time to be determined by the Department of Environmental Affairs (DEAT) in consultation with the Department of Water Affairs and Forestry (DWAF).

3.2.2.8 Upon completion of the construction phase of the project, the roles, responsibilities and constitution of the EMC shall be reconsidered and the EMC shall be re-established with new TOR for the operational phase of the development.

### **3.2.3 Authorities Co-ordinating Committee**

3.2.3.1 The Department of Water Affairs and Forestry must, in addition, set up an authorities co-ordinating committee;

3.2.3.2 Members of the authorities co-ordinating committee shall be drawn from, but shall not necessarily be limited to, the following authorities:

- Department of Environmental Affairs and Tourism;
- Mpumalanga Department of Agriculture and Land Administration;
- Limpopo Department of Finance and Economic Development;
- Limpopo Office of the Department of Labour;
- South African National Parks; and
- Relevant affected municipalities.

3.2.3.3 The Committee shall meet at least four times a year from the date of commencement with pre-construction activities and the committee shall be disbanded at the end of the construction phase and following the rehabilitation of impacted areas.

3.2.3.4 The responsibilities of the authorities co-ordinating committee shall include but not necessarily be limited to the following:

- (a) To oversee that all commitments in the record of decision (ROD) and the environmental management plan (EMP) are met;
- (b) To provide guidance for the functioning of the environmental monitoring committee (EMC);



- (c) To take into account all relevant information and issues raised by stakeholders when making project decisions; and to
- (d) Evaluate the reports and correspondence received from the independent Chairperson of the EMC.

### **3.2.4 Independent Environmental Control Officer (ECO)**

- 3.2.4.1 The developer must appoint a suitably qualified Environmental Control Officer (ECO) who would on behalf of the EMC, on a daily basis, monitor project compliance with the conditions of the record of decision, environmental legislation and recommendations of the EMP. The cost of the ECO shall be borne by the applicant.
- 3.2.4.2 The ECO must be appointed before the start of construction and pre-construction related activities and the authorities must be notified of such an appointment.
- 3.2.4.3 The ECO shall ensure that monthly environmental performance audits are undertaken on the project implementation.
- 3.2.4.4 The ECO shall submit an environmental compliance report on a two-monthly basis, in writing, to the Director General of the Department of Environmental Affairs and Tourism (DEAT), copied to the Mpumalanga Department of Agriculture and Land Administration, Limpopo Department of Economic Development, Environment and Tourism, South African National Parks and relevant affected Municipalities.
- 3.2.4.5 The ECO shall maintain the following on site:
  - A daily site diary
  - A non-conformance register
  - A public complaints register
  - A register of audits
- 3.2.4.6 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to DWAF by the contractor for operation.
- 3.2.4.7 The ECO shall report to and be accountable to the EMC.

### **3.2.5 Environmental Management Plan**

- 3.2.5.1 Due to the nature and extent of the proposed Olifants River Water Resources Development Project (ORWRDP), and the proposed mitigation measures, it is acknowledged that a suite of environmental management plans will need to be produced, as outlined below:
  - a) Pre-Construction EMPs
  - b) Construction EMPs
    - i. De Hoop Dam
    - ii. R555 Realignment
    - iii. Steelpoort River Weirs
    - iv. National Bulk Water Distribution Infrastructure

- v. De Hoop Dam or Steelpoort Abstraction Weir to Olifantspoort Weir Pipeline and associated infrastructure
- vi. De Hoop Dam to Jane Furse Pipeline and associated infrastructure
- vii. Flag Boshielo Dam to Mokopane Pipeline and associated infrastructure
- d) Post construction EMP
- e) Operational EMP

3.2.5.2 Allied to Clause 3.2.4.1, the Department of Water Affairs and Forestry must submit EMPs to DEAT for acceptance before the commencement of any of the activities related to this authorization.

3.2.5.3 All EMPs contemplated in Clauses 3.2.5.1 must include, but not necessarily be limited to, the following aspects:

- a. Mitigation measures recommended in the Environmental Impact Report (dated October 2005).
- b. Rehabilitation of areas to be disturbed during the construction of the project.
- c. Siting and management of construction camps outside urban areas.
- d. Access roads to individual construction areas.
- e. Plant search and rescue before the commencement of any construction activity.
- f. Implementation of measures aimed at controlling invasive plant species and weeds. The route alignment and construction sites must be monitored for re-growth of Invasive vegetative material at least twice a year for a period of up to two years after the completion of this development.
- g. Protection of the heritage sites likely to be impacted by the construction of the dam and pipelines.
- h. Waste avoidance and minimisation during construction.
- i. Management of traffic during the construction of the dam and the pipelines (where the pipelines cross roads or other transportation networks).
- j. The planning and implementation of a water conservation and demand management strategy for the Olifants Water Management Area in parallel with the construction of infrastructure (i.e. approximately 10 years).

3.2.5.4 Once accepted by DEAT, the EMPs will be regarded as dynamic documents. However, any changes to the EMPs must be submitted to DEAT for acceptance before changes are effected. Such a submission to DEAT must be accompanied by recommendations of the EMC.

3.2.5.5 Compliance with the approved EMPs must form part of the project documentation of all contractors working on the project, and must be clearly indicated in all contractor's contracts.



### **3.2.6 Land acquisition**

3.2.6.1 This development is authorised on condition that the Department of Water Affairs and Forestry acquires the necessary land rights for that section of the project that will be constructed according to the roll-out plan.

### **3.2.7 Compliance with other legislation**

3.2.7.1 Archaeological remains shall be dealt with as described in the relevant EMPs.

3.2.7.2 The relocation of burial sites must take place as advised in the report from the archaeologist, after due public participation, in terms of section 36 of the National Heritage Resources Act, 1999, to accommodate the wishes of the next of kin and descendants. Graves over 60 years old are protected by legislation and permits from SAHRA are required for relocation which may be granted only after a 60 day public participation process. The SAHRA Limpopo office has requested that a SAHRA official be present during relocation of graves.

3.2.7.3 All sites indicated as having scientific and research significance, including several representative Late Iron Age and Earlier Iron Age sites must be selected for detailed archaeological Phase 2 mitigation. The sites should be fully mapped and contextualised, cultural material should be mapped, and recorded and collected or excavated for future scientific analysis. Samples must be taken for dating.

3.2.7.4 Appropriate measures must be put in place (by prior arrangement with the archaeologist) for the monitoring of earthworks such as road building, quarrying, dam wall construction and pipeline excavation.

3.2.7.5 Once the Phase 2 mitigation has been completed by the archaeologist, permits must be obtained by the developer for the destruction of the remainder of the sites. This can be done in a phased approach (preferably zone by zone) to expedite the process.

3.2.7.6 No prospecting or mining activities or extraction of any material shall be conducted within the proposed project area, or in relation to the proposed project without necessary authorisations in terms of the Minerals and Petroleum Resources Development Act, Act 28 of 2002.

3.2.7.7 Should prospecting or mining activities take place within the proposed project area in terms of the necessary authorisations referred to in 3.2.7.6, or in relation to the proposed project, all the provisions of the Mine Health and Safety Act, 1996 must be complied with.

3.2.7.8 The Department of Water Affairs and Forestry must verify with this office prior to the commencement of the project that there are no existing active old order prospecting or mining activities and/or new prospecting and mining applications accepted on any of the farms/ land within the proposed project area.

3.2.7.9 All provisions of the Occupational Health and Safety Act, 85 of 1993 and any other applicable legislation must be adhered to by the holder of this authorisation.

### 3.3 GENERAL CONDITIONS

- 3.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 3.3.2 This authorisation refers only to the activity as specified and described in the environmental impact report dated October 2005. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (73 of 1989) which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the Environment Conservation Act, Government Notice R. 1182 and R.1183 (as amended).
- 3.3.3 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties of the following:
  - (i) That an authorisation has been issued to the applicant to proceed with the construction and operation of the activity. If requested, provide copies of this ROD.
- 3.3.4 One week's written notice must be given to this Department before commencement of construction activities. Such notice shall make clear reference to the site location details and the reference number of the project as indicated above.
- 3.3.5 One week's written notice must be given to this Department before commencement of the operational phase activities. Such notice shall make clear reference to the site location details and the reference number of the project as indicated above.
- 3.3.6 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on its behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the applicant in respect of the activity, including, but not limited to, contractors and consultants.
- 3.3.7 The applicant must notify the Department in writing, within 24 (twenty four) hours if any condition of this authorisation cannot be, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 3.3.8 A copy of the authorisation and ROD shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation and ROD.
- 3.3.9 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 3.3.10 Any changes to, or deviations from, the project description set out in this letter 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.



- 3.3.11 This Department may review the conditions contained in this letter from time to time and may, by notice in writing to the applicant, amend, add or remove a condition.
- 3.3.12 In the event that the predicted impacts exceed the significance as predicted by the independent consultant in the final environmental impact report dated October 2005 and supporting documentation, the authorisation may be totally or partially withdrawn after proper procedures have been followed.
- 3.3.13 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 3.3.14 The applicant must notify the Department, in writing, at least 10 (ten) days prior to the change of ownership, project developer or the alienation of any similar rights for the activity described in this letter. The applicant must furnish a copy of this document to the new owner, developer or person to whom the rights accrue and inform the new owner, developer or person to whom the rights accrue that the conditions contained herein are binding on them.
- 3.3.15 Where any of the applicant's contact details change, including the name of the responsible person/s, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant, but not later than 10 (ten) days thereafter.
- 3.3.16 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or its successor in title in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
- 3.3.17 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4) of the Environment Conservation Act, 1989 (Act 73 of 1989).
- 3.3.18 Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act 73 of 1989); as well as any other appropriate legal mechanisms.
- 3.3.19 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified. A written commitment indicating acceptance of this condition must be submitted to this department prior to the dam construction.
- 3.3.20 Any complaint from the public during construction must be attended to as soon as possible. A complaints register must be kept up to date and shall be produced upon request.
- 3.3.21 Departmental officials shall be given access to the construction areas referred to under the project description above for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all reasonable times.

3.3.22 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.

**3.4 Duration of authorisation**

If the activity authorised by this letter does not commence within 5 (five) years from the date of signature of this letter, the authorisation will lapse and the applicant will need to reapply in terms of the applicable legislation or any amendments thereto.

**4. CONSEQUENCES OF NON-COMPLIANCE**

The applicant must comply with the conditions set out in this letter. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

Please note that this revised record of decision is issued as part of the Minister's decision on the appeals lodged in terms of Section 35(3) of the Act against the authorisation granted by the Department of Environmental Affairs and Tourism for this project on 21 November 2005.

**5. APPLICANT:**

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**6. CONSULTANT:**

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**7. SITE VISIT**

A site visit was undertaken on 30 March 2005 by the following:



Mr Lesiba Ngoasheng	National Department of Environmental Affairs& Tourism
Mr Wynand Fourie	National Department of Environmental Affairs& Tourism
Mr Danie Smit	National Department of Environmental Affairs and Tourism
Mr Paul Scherzer	Acer Africa
Dr R-D Heinsohn	Acer Africa
Mr Selby Hlatswayo	Mpumalanga Department of Agriculture and Land Administration
Dr Garth Batchelor	Mpumalanga Department of Agriculture and Land Administration
Mr Setenani Nkopane	Department of Minerals and Energy
Ms Ntobenhle Thombeni	Land Claims Commission
Mr Khibi Mabuse	Department of Transport
Mr Thomas Maluleke	Department of Finance and Economic Affairs
Ms Hellen Nonyane	Department of Finance and Economic Affairs
Mr Zebedius Manku	Department of Agriculture
Mr Sekhwela Mokoena	Department of Health and Welfare
Ms Seema Harmse	Department of Labour
Mr Papo Maloka	South African Association of Local Government
Mr Martin Mahosi	Department of Local Government and Housing - Limpopo
Mr Matodzi Silidi	Limpopo Road Agency
Dr Tinus Basson	BKS (Pty) Ltd
Mr Deon Esterhuizen	BKS (Pty) Ltd
Mr Jaap Kroon	Department of Water Affairs and Forestry
Mr Ockie van den Berg	Department of Water Affairs and Forestry
Mr Tendani Nditwani	Department of Water Affairs and Forestry
Mr Theo van Rooyen	Capricorn District Municipality
Mr Parks Sebatjane	Waterberg District Municipality
Mr Gert Lombaart	Greater Groblersdal Municipality
Mr Michael Mabunda	Greater Tubatse Municipality
Mr Dan Malatjie	Department of Roads and Transport -- Mpumalanga
Mr Peet Meissenheimer	Department of Local Government and Housing - Mpumalanga

*Martinius van Schalkwyk*

MARTHINUS VAN SCHALKWYK, MP  
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

*13/10/06*