



Project number	1002569	Meeting date	2024-07-24
Project name	OMMP-BRWSP	Recorded by	ZPX
Meeting/subject	OLIFANTS MANAGEMENT MODEL PROGRAMME BULK WATER SUPPLY STUDY PHASE: PHASE 2B, 2D AND 2F, IN THE LIMPOPO PROVINCE.	Reviewed by	Deon Esterhuizen and Natanya Whitehorn
		Total pages	4

A combined pre-application meeting for Phases 2B, 2D and 2F was held between the Department of Forestry, Fisheries and the Environment (DFFE) and the Zutari Ndodana Joint Venture (ZNJV) [Environmental Assessment Practitioner (EAP)] on 24 July 2024. The meeting was held to discuss the appropriate requisite regulatory processes to follow in order to authorise the proposed scope changes in Phases 2B, 2D and 2F of the Olifants Management Model Programme Bulk Raw Water Study Phase (OMMP-BRWSP)¹ project, in the Limpopo Province.

Present	Apology	Copy	Name	Initials	Role	Organisation	Contact Details
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Meeting Agenda and Discussion

The meeting was chaired by ZPX, and the presentation was led by DE. It took place according to the agenda below:

Welcome and introductions

1. Introduction: Project Background
2. Introduction: Phase 2B (2024-07-0001)

a. Project Area: Content and Location

b. Existing Authorisations

c. Existing Authorisations: Project Timeline

d. DFFE sensitivity screening and specialist assessments

e. Application Process
3. Introduction: Phase 2D (2024-07-0026)

a. Project Area: Content and Location

b. Existing Authorisations

c. Existing Authorisations: Project Timeline

d. DFFE sensitivity screening and specialist assessments

e. Application Process
4. Introduction: Phase 2F (2024-07-0027)

a. Project Area: Content and Location

b. Existing Authorisations

c. Existing Authorisations: Project Timeline

d. Listed Activities

e. DFFE sensitivity screening and specialist assessments

f. Application Process
5. Way Forward
6. End

Numbering of the items below differs, as additional items were discussed.

Minutes:

Item	Description	Action by
1.	Welcome and Introductions All attendees of the meeting introduced themselves.	ZPX
PHASE 2B		

¹ Previously known as the Olifants River Water Resources Development Project Phase 2 (ORWRDP-2).

Item	Description	Action by
2.	Introduction: Project Background During the virtual meeting, DE provided a brief background of the project and explained the purpose of the combined pre-application meeting. He detailed the different phases of the OMMP-BRWSP and how they are integrated. <i>(see slides 3 and 4 of the presentation)</i>	DE
3.	Introduction: Phase 2B (2024-07-0001) DE explained the infrastructure involved in Phase 2B and outlined what this phase entails. He noted that the client has appointed Bigen as the design engineer and WBHO as the construction team for the Phase 2B pipeline. The following proposed changes were discussed: - The proposed bridge crossing at the Olifants River, near Flag Boshielo Dam, as it is easier to construct and financially advantageous. - The proposed activities outside the authorised permanent servitude during the bridge construction of the bridge, such as crane placement and operations. DE detailed that WBHO reviewed various bridge crossing options. They have proposed a bridge because of simpler construction method, safety considerations, reduced construction time and reduced costs. Crossing beneath the river will require shallow rock formations, which would require extensive rock blasting and a river diversion (Coffer Dams). The main considerations were the number of piers needed and the span length. The pipe bridge will be situated above the 1:100-year floodline, with no piers in the main river channel. However, the overall activity will be within the 1:100-year floodline (piers). <i>(see slides 5 and 7 of the presentation)</i>	DE
a)	Existing Authorisations	
i.	DE explained that Phase 2B was authorised in 2006 in terms of the Environmental Conservation Act, No. 73 of 1989 (ECA). He further explained that Section 1 of the rRoD lists the “description, extent and location of the activity”, encompassing 17 project-related activities. The project as a whole is authorised instead of listed activities as is the case with the new EIA Regulations. DE confirmed that the phase specific Environmental Management Programme (EMPr) has been amended over the years to authorise alignment changes and, more recently, the change in the implementing agent from the Trans-Caledon Tunnel Authority (TCTA) to the Lebalelo Water User Association (LWUA). He also emphasized that no borrow pits will be opened for the phases of the project, and all bedding material will be sourced commercially. <i>(see slides 8 and 9 of the presentation)</i>	DE
b)	DFFE Sensitivity Screening and Specialist Assessments	
ii.	DE presented the site sensitivities identified by the DFFE screening tool, with particular emphasis on the Aquatic and Terrestrial Biodiversity themes, which were identified as “very high”. He also highlighted the specialist studies that were not conducted to support the 2011 and 2016 Environmental Impact Assessment (EIA) processes. These include the Civil Aviation Assessment, Palaeontological Impact Assessment, and Hydrological Assessment. <i>(see slides 10 – 12 of the presentation)</i>	DE
c)	Application Process	
iii.	DE explained that the area of the proposed changes has been previously assessed. The team discussed that the introduction of the pipe bridge as a method of crossing the Olifants River will reduce construction-related impacts. The main change may be visual, but this is mitigated, because of the presence of the existing road bridge south of the proposed pipeline, the dam itself, and the flow gauging weir, which suggests that the visual impact should not be a major concern. He opined, based on the 2016 motivation and approval by the DFFE at that stage, that the EMPr must be amended due to the scope change and that it needs to undergo a 30-day public participation process. The amended EMPr must incorporate the updated and additional studies recommended by the DFFE screening tool.	DE
e)	Construction Methodology	
iv.	DE explained that the Phase 2B pipeline has an authorised 15 m permanent servitude and a 25 m temporary servitude. He noted that portions of the two large cranes required to transport the bridge across the river and the temporary pier are outside the permanent servitude. The contractor has emphasized that, for health and safety reasons, the platform needed for the crane must have a certain diameter and cannot be reduced, hence the reason / justification for extending over the servitude. DE informed DFFE that he has advised the contractor to reassess the construction methodology to ensure that activities remain within the approved permanent servitude. He further inquired whether, if the contractor decides to keep the proposed infrastructure outside of the permanent servitude for any reason, this can be addressed during construction through the Environmental Monitoring Committee (EMC). The Record of Decision (RoD) requires the LWUA to appoint an EMC for the project, administered by an independent chairperson, and an independent Environmental Control Officer (ECO) is also required. He asked if the EMC and ECO could consider potential impacts and allow minor deviations from the permanent servitude as part of the construction process. DE requested confirmation from the Department on how to legally manage scope changes in this phase.	DE
v.	CA asked about the diameter of the pipe and the reasons for not attaching the pipeline to the existing road bridge.	CA
vi.	DE explained that the diameter of the pipe is 1,2 m. Due to the size and weight of the pipe, attaching it to the existing bridge would compromise the existing bridge's structural integrity. The pipe, especially when filled with water, is too large and heavy for this solution. He also noted that concerns about vandalism and access to the pipe bridge are being carefully considered, and measures will be put in place to address these issues.	DE

Item	Description	Action by
vii.	SD inquired about the concerns regarding the cranes. She asked whether vegetation would need to be cleared for the placement of the cranes, whether the cranes will be positioned outside the development footprint, and if the placement of the cranes alone would trigger a listed activity. She noted that the Department can only advise based on the potential for the activity to trigger listed activities. She also asked about the impact of the cranes on the receiving environment and whether the cranes are temporary and used solely for construction purposes.	SD
viii.	DE indicated that the receiving environment has a very high terrestrial biodiversity sensitivity, and as a result, Listing Notice 3 concerning the 300 m ² clearance will be triggered. Other potential listed activities could include infilling of more than 10 m ³ and working within the floodline. He explained that this is why he has urged the contractor and their design engineer to reconsider, as activities outside the permanent servitude might trigger listed activities and would require a separate application to the DFFE.	DE
ix.	SD asked about the specific work involved in Phase 2B and what approvals are required from the Department.	SD
x.	DE responded that the EAP requires guidance on the appropriate processes to authorise the proposed scope changes in Phase 2B. He further indicated that the EAP was under the assumption that these changes should be authorised through an amendment of the EMPr, as was done previously in 2016.	DE
xi.	SE informed that the EAP cannot address the scope change through an EMPr amendment. The construction of the bridge represents a major scope change, and the bridge itself triggers a listed activity.	SD
xii.	DE explained that the team's perspective was that the bridge is within the approved servitude area, aligned with the existing layout, and the permanent servitude remains unchanged. The primary scope change is the visual impact, which is not considered a significant issue due to the existing road bridge in the area and the viewshed including the Flag Boshielo Dam. He indicated that if the Department determines that the scope change requires a new environmental authorisation (EA) application, then the EAP will follow that process. He requested clarification on whether, at the end of this process, the applicant will have the existing RoD, an updated EMPr, and a separate EA for the bridge crossing.	DE
xiii.	SD explained that the approach depends on the applicant, as current regulations allow for the Department to replace the existing RoD with a new EA if the applicant receives a positive EA for their activity. She further noted that this approach simplifies matters, as it consolidates all decisions into one, rather than having to navigate the potentially ambiguous and broad scope of the RoD that was approved in terms of ECA. SD emphasized that the choice of approach is up to the EAP based on what best suits their project needs. The current regulations permit combining EAs if dealing with an active application. She advised conducting a detailed assessment to ensure all aspects are covered, leading to a comprehensive decision that addresses the construction methodology, rather than trying to adapt an old methodology to fit past regulations.	SD
xiv.	DE expressed concern that the existing RoD is issued in terms of ECA and questioned how it would be consolidated into a new EA under the NEMA. He also inquired whether components that have already been constructed, completed, and are operational would be excluded from the consolidated EA. Additionally, he noted that there is insufficient time to undertake a full EIA for the bridge crossing. If a full EIA is required, the bridge option might need to be discarded, depending on the contractor's schedule and whether the construction of the bridge is on a critical part or not.	DE
xv.	SD informed that they will consult with their legal team and IQ to determine if they can combine the RoD issued in terms of ECA and the NEMA EA in accordance with Regulation 25(4). This would make the authorisation more implementable and align it with current legislative requirements.	SD
PHASE 2D		
4.	Introduction: Phase 2D (2024-07-0026) DE explained the infrastructure involved in Phase 2D and the specifics of this phase. He detailed the proposed changes as follows: - Construction of a Break Pressure Reservoir (BPR) on Portion 8 of the Farm Groothoek 256 KT, situated on an existing soccer field that includes Marula trees, which are a protected species. - Realignment of sections along the authorised 2016 pipeline alignment. DE further highlighted that there is encroachment on the approved servitudes of the pipeline, which necessitated the proposed change in scope for this phase. (see slides 15 and 16 of the presentation)	DE
a)	Existing Authorisations	
i.	DE explained that Phase 2D was also authorised in 2006 in terms of the ECA. (see slides 17 and 18 of the presentation)	DE
b)	DFFE Sensitivity Screening and Specialist Assessments	
ii.	DE highlighted that Terrestrial Biodiversity is very important in the area and presented the recommended specialist studies as recommended by the DFFE screening tool.	DE
c)	Application Process.	
iii.	DE explained that, similar to Phase 2B, the proposed changes in Phase 2D will trigger listed activities, even though they are still proposed within the authorised project footprint as defined by the RoD. He reiterated that the EAP will await guidance from the DFFE on the appropriate EIA process required to authorise the proposed scope changes in Phase 2D. DE requested that, as part of the pre-application package, ZPX provide the previous authorisations and the motivations for amending the EMPr in 2016. This will give the DFFE's legal department background on how scope changes were managed in 2016.	DE
PHASE 2F		

Item	Description	Action by
5.	Introduction: Phase 2F (2024-07-0027)	DE
	DE explained the infrastructure involved in Phase 2F and outlined the specifics of this phase. The pipeline crosses the Olifants River near the Olifantspoort Water Treatment Works (WTW). This section of the Olifants River is much wider, and the Department of Water and Sanitation (DWS) has indicated a preference for discharging water into the river. However, this approach is practically and physically unfeasible, necessitating a pipe bridge crossing in this area.	
	DE emphasised that the Phase 2F crossing requires careful assessment not only from a visual perspective but also from an aquatic perspective. The crossing spans a large section of the river, and the deep founding conditions will likely make the construction of piers more challenging.	
	The proposed changes were outlined as follows: - Significant encroachment on the alignment requires realignment of some sections to minimize impact on existing structures not present previously. - Relocation of the Klipfontein dam due to encroachment on the authorised footprint. - Construction of a pipe bridge to cross the Olifants River near the Olifantspoort WTW. (see slides 23 to 26 of the presentation)	
a)	Existing Authorisations	
i.	DE presented the existing EA for Phase 2F, which was issued under the NEMA EIA Regulations of 2014 (GN 982 of 2014). He noted that the EA remains valid until May 2027.	DE
	(see slides 27 and 28 of the presentation)	
b)	Listed Activities	
ii.	DE presented that the proposed pipeline route alignment changes and all other proposed infrastructure developments in Phase 2F, such as the construction of the pipe bridge crossing the Olifants River and the potential relocation of the Klipfontein balancing dam, trigger several listed activities outlined in NEMA Listing Notice 1 (GN R983 of 2014) and Listing Notice 3 (GN R985 of 2014).	DE
	Consequently, these activities require authorisation by means of a Basic Assessment (BA) process as outlined in Regulations 19 - 20 of the EIA Regulations of 2014 (GN R982 of 2014).	
c)	DFFE sensitivity screening and specialist assessments	
iii.	DE noted that terrestrial biodiversity is high due to the project's location within the Sekhukhuneland centre of plant endemism. He presented the recommended specialist studies that need to be undertaken.	DE
iv.	SD inquired whether the site sensitivity verification has already been completed and whether the findings from the DFFE screening tool report have been confirmed by the specialists.	SD
v.	DE confirmed that site verification has not yet been conducted and that specialists have not yet been commissioned.	DE
d)	Application Process	
vi.	DE explained that it is believed that the proposed Phase 2F activities or scope changes need to be authorised through a BA process, as outlined in Regulations 19–20 of the EIA Regulations of 2014.	DE
6.	Way forward	
i.	DE reiterated that, for the way forward in Phase 2B and 2D, the EAP will await further guidance from the department regarding the applicable regulatory process for authorising the proposed scope changes in these phases.	DE
	For Phase 2F, a BA process will need to be undertaken to authorise the scope changes. A consolidated EA in terms of Regulation 25(4) may also be considered.	
ii.	ZPX thanked DE for the presentation and then opened the floor for questions.	ZPX
iii.	CA informed that he will be the Case Officer for Phase 2F. CA expressed concerns regarding Phases 2B and 2D, noting that the RoD refers to the project description and maps in the Environmental Impact Report (EIR). He further explained that they will need to obtain a copy of the RoD and the EIR to review what was indicated there. CA raised a concern that the EAP might be attempting to use the amended EMPr process as a means to address issues that should be handled through an EA amendment process or possibly a new EIA process. He reiterated his support for SD's recommendation to seek legal clarity from the DFFE's legal team on the way forward. Despite the existence of the RoD, CA advised that it might be beneficial to pursue new EAs in line with the current legislation, where applicable and where construction has not yet commenced, rather than trying to build upon the old RoDs and EMPrs.	CA
iv.	ZPX clarified that they were under the impression that an amended EMPr would be required for Phases 2B and 2F, based on the amendments made in 2016, particularly for Phase 2D, as this process was previously agreed upon by the Department. These changes will remain within the authorised project footprint. She highlighted that a gap analysis exercise had been undertaken, confirming that all activities listed in the EIR and approved in the RoD are also representative of the new 2014 EIA Regulations.	ZPX
v.	DE highlighted full agreement with CA's points. He further explained that in 2016 when there were scope changes, the applicant went through an extensive process, with all arguments documented and a response issued by the Department. He noted that the EMPrs are current and developed in accordance with the NEMA EIA Regulations of 2014. DE expressed concern about reopening the entire project for appeal, instead of focusing on the new components, especially since the old RoD was actively appealed during the initial application for Environmental Authorisation. He cautioned that care should be taken to ensure the applicant does not lose what has already been authorised if DFFE choose to authorise the project components under NEMA. He emphasized that, for the benefit of the project and the environment, all parties should carefully consider and use a process that will achieve the objectives of NEMA while benefiting the project and all stakeholders involved.	DE
vi.	MY indicated that the information provided with the pre-application meeting request was insufficient and requested clarity on the screening tool reports that were compiled and submitted to the Department.	MY
vii.	ZPX thanked officials for their attendance, insightful advice and recommendations.	ZPX
	Meeting Closure: The meeting adjourned at 11:25.	