

# ENVIRONMENTAL IMPACT ASSESSMENT

## Proposed New Koffiefontein Slimes Dam Development at Koffiefontein Diamond Mine, Koffiefontein, Free State Province

REF NR.: EMS/23(II),3,15/14/11 and NEAS REF: FSP/EIA/0000379/2014

### Comments and Responses Report: Final Scoping Report

#### Version 2

The Comments and Responses Report (CRR) captures the comments and issues raised by stakeholders during the Announcement and Scoping Phases of the Environmental Impact Assessment (EIA) for the proposed New Koffiefontein Slimes Dam Development at Koffiefontein Diamond Mine, Koffiefontein, Free State Province.

This CRR is a record of all the comments and issues raised by Stakeholders ranging across all sectors of society during the above-mentioned public participation process of the EIA. A full record of issues raised submitted is included in Appendices C3 to C6 of the Final Scoping Report (FSR).

For easy reference, comments / issues received have been categorised according to environmental impacts and according to the Stakeholders' surnames to assist Stakeholders in their verification process that their comment(s) / concern(s) / issues(s) have been properly addressed.

#### **ABBREVIATIONS:**

CPA	Communal Property Association	DEA	Department of Environmental Affairs
DETEA	Department of Economic Development, Tourism and Environmental Affairs	DSR	Draft Scoping Report
DWS	Department of Water and Sanitation	FSR	Final Scoping Report
HFS	Heritage Free State	FEIR	Final Environmental Impact Assessment Report
MDEDET	Mpumalanga Department of Economic Development, Environment and Tourism	KDM	Koffiefontein Diamond Mine
SANBI	South African National Biodiversity Institute	SACAA	South African Civil Aviation Authority

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	COMMENTS, QUESTIONS AND ISSUES	COMMENTATOR(S) & SOURCE(S)	RESPONSE(S)
<b>1. DRAFT SCHOPING REPORT COMMENTS</b>			
<b>1.1. Authorities</b>			
<b>1.1.1. Water Related Comments</b>			
	One of the alternatives must address exclusion of watercourses.	ACKERMAN, Pieter Chief Landscape Architect DWS Sub Directorate Instream Water Use E-mail: 30 September 2014	The exclusion of water courses will feature prominently during the site and alternative evaluation phases during the EIR phase of this project <b>Mathys Vosloo, EAP</b>
	Master Plan to be compiled.	E-mail: 01 October 2014	A master plan will be compiled during the EIR phase of this project. <b>Mathys Vosloo, EAP</b>
	Concurrent rehabilitation to be implemented.		Concurrent rehabilitation will likely feature as a key management and mitigation measure to impacts investigated during the EIR phase of this project. <b>Mathys Vosloo, EAP</b>
	Lining and dirty drainage designs to be submitted to Civil Design for approval.		Designs for the infrastructure proposed at Koffiefontein Mine will be submitted to the appropriate directorate in DWS to comment and approval during the EIR phase of the project. <b>Mathys Vosloo, EAP</b>
	Clean stormwater channels to be designed to be as natural as possible.		This recommendation will be implemented in the relevant designs during the EIR phase of the project. <b>Mathys Vosloo, EAP</b>
	The DWS recommends that a Water Use Authorization in terms of section 21 of the National Water Act, 1998 should be obtained for 21 (g) <i>disposing of waste in a manner which may detrimentally impact on a water recourse.</i>	NTILI, T Provincial Head: Free State DWS Letter: 21 October 2014	The proponent will comply with the need to undertake a WULA to licence identified water uses associated with the proposed project. <b>Mathys Vosloo, EAP</b>
	The Water Use Authorization should be obtained prior to commencing with the activity and any other envisaged water uses should be known to the DWS.		The proponent understands the need to have water uses licensed before commencement of activities that may impact on natural water resources can commence, and will comply as required by law.

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			<b>Mathys Vosloo, EAP</b>
	Additional to the specialist studies proposed in the Scoping Report the DWS also recommends that Geological, Geohydrological and Flood lines delineation findings should be incorporated in the report.		Geological, Geohydrological and Flood lines delineation studies will be commissioned and undertaken to inform the Draft Environmental Impact Report. <b>Mathys Vosloo, EAP</b>
	The development and associated infrastructure should not take place within the 1:100 year flood-line or within a horizontal distance of 100 metres from any watercourse or estuary, whichever is the greatest.		This recommendation will be taken into account during the site investigation process and EIR. <b>Mathys Vosloo, EAP</b>
	Additionally the development should not overly a major Aquifer.		
	In conclusion it is recommended that the applicant should, at all times, take note of the pollution control provisions of the Section 19(1) of the National Water Act, 1998 (Act No. 36 of 1998), which states that; <i>19(1) An owner of land, a person in control of land or a person who occupies or uses the land on which –</i> <i>(a) Any activity or process is or performed or undertaken; or</i> <i>(b) Any other situation exists which causes, has caused or is like to cause pollution of a water resource, must take all reasonable measures to prevent any such pollution of a water resource, from occurring, continuing or recurring.</i>		The proponent strives towards environmental due diligence and abide by the principles of integrated environmental management, and will apply these principles to the proposed project. <b>Mathys Vosloo, EAP</b>
	The DWS will submit further comments on the EIA Report, however the applicant is also requested to inform the DWS of any incidents of water pollution in relation to the proposed and existing activities, within 24 hours of the occurrence of such incidents.		The proponent commits to inform the DWS of any incident of water pollution relating to its activities at the Koffiefontein Mine. <b>Mathys Vosloo, EAP</b>
<b>1.1.2. Heritage Related Comments</b>			
	Please note that as official heritage authority in the Free State, Heritage Free State, as with SAHRA, by law has to be informed of all development in this	PHILIP, L Chairperson, Permit Committee	Note is taken that Heritage Free State, as an Organ of State, is not required to register as an I&AP and it is therefore that Zitholele Consulting uploaded the DSR onto the SAHRIS

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	province and as such does not need to register as I&AP in order to participate in this process.	Permit Committee: Free State Provincial Heritage Resources Authority Letter: 07 November 2014	website and notified the HFS accordingly. <b>Nicolene Venter, Snr Public Participation Practitioner</b>
	As part of your EIR-phase we would, in this particular case, require a Phase I Heritage Impact Assessment, i.e. not just a desktop study, as one of your specialist reports.		It can be confirmed that a detailed Phase I Heritage Impact Assessment will be undertaken in the impact phase. This study will supplement from the Heritage Assessment previously undertaken for KDM. <b>Mathys Vosloo, EAP</b>
	Notifications can be sent by email and all documents can be sent on CD (see contact info below) or alternatively you can notify us when it has been uploaded to SAHRIS.		All future reports will be submitted to the HFS on CD and uploaded on SAHRIS. <b>Nicolene Venter, Snr Public Participation Practitioner</b>
<b>1.1.3. Road / Rail Infrastructure Related Comments</b>			
	We take note of the proposed slime dam. The closest point of the proposed dam (on the northern side) is approximately 1,1 kilometres from the railwayline.	BADENSTEYN, André Geo-Spatial (Inland) Transnet Property E-mail: 03 November 2014	It can be confirmed that the proposed project will not impact on any of Transnet's rail infrastructure. <b>Mathys Vosloo, EAP</b>
	Were we affected by this application or was it intended for our Northern Region office. Just because I replied does not necessary mean this office is affected. Please can you check our comment and forward it to us so we can react to that.	LANDMAN, Cas SANRAL E-mail: 04 November 2014	With reference to the NRA's e-mail to Zitholele, it is our understanding that the Free State Province's road infrastructure (those that falls under the jurisdiction of NRA) falls under the Northern Region. Should this not be correct, please notify us accordingly. <b>Nicolene Venter, Snr Public Participation Practitioner</b>  No confirmation, as requested, was received up to submission of the FSR to the DEA. <b>Nicolene Venter, Snr Public Participation Practitioner</b>
	Please send a locality plan which shows your proposal in relation to the national roads in the area.	MARX, Judy Statutory Control / IT SANRAL E-mail: 01 October 2014	Locality map has been e-mailed on 11 November 2014. <b>Nicolene Venter, Snr Public Participation Practitioner</b>
	This Department has pursued the Draft Scoping	NAUDE, MA	Zitholele thanked the Department for their perusal of the DSR

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	Report for the proposed development of a slimes dam and associated infrastructure at the Koffiefontein Diamond Mine and is satisfied that the Department's comments were satisfactorily addressed in the report.	Chief Director: Roads Department of Police Roads & Transport (Free State Province) Letter: 20 October 2014	and note their comment. <b>Mathys Vosloo, EAP</b>
<b>1.1.4. Agriculture Related Comments</b>			
	Agree that, in principle, it seems that alternatives 2 and 3 would be less problematic.	SCHOLTZ, Julius Department of Agriculture: Free State BID Comment Form: 03 November 2014	This seems to be the preliminary indication. Detailed assessment of the alternatives will identify all constraints associated with the alternatives investigated. Only then can the preferred alternative be identified. <b>Mathys Vosloo, EAP</b>
<b>1.1.5. Air Pollution Related Comments</b>			
	The SACAA has taken note of the proposed development of a slime dam adjacent to the Koffiefontein airstrip.	PRETORIUS, Koos SACAA Letter: 07 November 2014	Comment noted and responded to by the EAP and Applicant below. <b>Nicolene Venter, Snr Public Participation Practitioner</b>
	In noting the development, the SACAA is also aware of the fact that the airstrip is owned by the mine and as such has restricted access, allowing only aviation activities relating to the mine operations on the strip.		The project team is in consultation with Koffiefontein Mine regarding their airstrip in close proximity to the proposed site alternatives and will be taken into consideration during the site selection process in the impact phase. <b>Mathys Vosloo, EAP</b>
	As such the operator of the airstrip would be responsible to ensure that operations on the airstrip are not impacted upon by the development of the containing dams, particularly Alternatives 2 and 3.		The potential impact of the proposed alternatives on the airstrip will be investigated in detail during the EIR phase. The KFDM management will then assess the potential risk associated with each alternative and proposed mitigation measures accordingly with regards to the future utilisation of the airstrip. <b>Mathys Vosloo, EAP</b>
	The SACAA has made contact with Mr Johan Ferreira – Koffiefontein Mine – who advises that the mine is		Three slimes dams are close to the airstrip and no problems have been identified to date. Water flow is away from the air strip and dust monitoring at the bottom of those dams is done and the results is below the limit. <b>Ester van der Westhuizen</b>
			The concerns regarding dust and water filtering out of the container dam has been noted and will be investigated during

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	<p>aware of the pending development, but not of the actual site which has yet to be decided. He informed us that your offices have been informed of the concern of dust blowing over the strip reducing visibility and the fact that water filtering out of the container dam may influence the surface of the strip.</p>		<p>the EIR phase of this project  <b>Mathys Vosloo, EAP</b></p> <p>Three slimes dams are close to the airstrip and no problems have been identified to date. Water flow is away from the air strip and dust monitoring at the bottom of those dams is done and the results is below the limit.  <b>Ester van der Westhuizen</b></p>
	<p>To this end, the SACAA would support those concerns and would expect mitigation to be introduced in order to ensure the impact the container dam, should be constructed on either Alternative 2 or 3 be as minimal as possible.</p>		<p>The EIA study team takes note of these concerns and will investigate these during the EIR phase of this project.  <b>Mathys Vosloo, EAP</b></p>
<b>1.1.6. Biodiversity Related Comments</b>			
	<p>Thank you for your invitation to the South African National Biodiversity Institute (SANBI) to register as an Interested and Affected Party (I&amp;AP) for the application: NEAS REF: FSP/EIA/0000379/2014. Please note that SANBI only participates in applications for Environmental Authorization as an I&amp;AP if the application is for a development on a SANBI property or a property adjacent to a SANBI property, or if the application would impact on an area that has been highlighted as a priority implementation areas within one of SANBI's Bioregional Programs.</p> <p>SANBI thus kindly declines to participate in this application as an I&amp;AP at this point in time.</p>	<p>MANUEL, J                      Deputy Director:                      Biodiversity Planning and Policy Advice                      SABI                      Letter: 05 November 2014</p>	<p>Note is taken that SANBI will not participate as an I&amp;AP for this proposed project. However, SANBI will remain on the project database to ensure that they receive project related information as and when available.                      Zitholele consulting will appoint a biodiversity specialist to investigate the biodiversity impacts during the impact phase.  <b>Nicolene Venter, Snr Public Participation Practitioner</b></p>
	<p>SANBI is a public entity mandated to act in an advisory or consultative capacity on matters relating to biodiversity to the Department of Environmental Affairs (i.e. the "competent authority"). The Department and its provincial counterparts are welcome to engage SANBI for advice and/or</p>		<p>Zitholele consulting will appoint a biodiversity specialist to investigate the biodiversity impacts during the impact phase.  <b>Mathys Vosloo, EAP</b></p>

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	<p>comment on specific matters related to biodiversity information relevant to this application, if such input is required. Such advice or comment is not equivalent, however, to the comment required as per the NEMA regulations from commenting authorities. SANBI restricts its comment to the accuracy and relevance of the biodiversity information that should inform the Environmental Assessment.</p>		
	<p>SANBI thus also declines to participate as a commenting authority in this application. For comment on the biodiversity impacts of the development, please consult the relevant provincial conservation agency.</p>		<p>We can confirm that the provincial conservation agency, DETEA, who is also the competent authority for this proposed project, are part of the consultation process. <b>Nicolene Venter, Snr Public Participation Practitioner</b></p>
	<p>I also encourage you to visit our web portal <a href="http://biodiversityadvisor.sanbi.org">http://biodiversityadvisor.sanbi.org</a> for free access to special biodiversity information relevant for the land use planning and decision making processes.</p>		<p>The EAP and biodiversity specialist will reference the information obtained from SANBI's website in the respective specialist report. <b>Mathys Vosloo, EAP</b></p>
	<p>Referencing the special biodiversity resources found on the Biodiversity Advisor in the early stages of project development can support informed planning and decision making while helping to timeously “iron out” obstacles that might otherwise result in delays and additional costs to the project proponent. Such a proactive approach can:</p>		<p>The information provided by SANBI is appreciated and will be communicated to the biodiversity specialist. <b>Mathys Vosloo, EAP</b></p>
	<ul style="list-style-type: none"> <li>• Show the decision-making authority that potential conflict between biodiversity priorities and other land uses has been identified and resolved by well-informed project planning;</li> </ul>		
	<ul style="list-style-type: none"> <li>• Allow the proponent to take an informed decision about the biodiversity (and administrative and, by implication, financial) risks of proceeding with a particular project; and</li> </ul>		
	<ul style="list-style-type: none"> <li>• Identify the scope, type and intensity of environmental assessment that is likely to be required if an application were to proceed.</li> </ul>		



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	This approach also supports best practice in environmental assessment and planning by:		
	<ul style="list-style-type: none"> <li>Ensuring that a project is consistent with the “Duty of Care” principle (i.e. that the project proponent has taken reasonable measures to prevent significant degradation of the environment);</li> </ul>		
	<ul style="list-style-type: none"> <li>Emphasizing the fundamental role of alternatives in selecting the best practicable environmental option;</li> </ul>		
	<ul style="list-style-type: none"> <li>Giving effect to the mitigation hierarchy, i.e. the sequential avoidance, minimizing, mitigating and remedying of impacts that may result in loss of biodiversity or disturbance to ecosystems; and</li> </ul>		
	<ul style="list-style-type: none"> <li>Supporting the principle that environmental management must pay specific attention to planning procedures pertaining to sensitive, vulnerable, highly dynamic or stressed ecosystems.</li> </ul>		
<b>1.1.7. General / Communication Related Comments</b>			
	Can you please send us a hard copy, we can't rely on the website, as we must register the file and send it to the responsible officer. Kindly send /courier us the hard copy. <b>Attention:</b> Thabile Mahlaku, Department of Economic Development, Environment and Tourism, 13 De Jager Street, Ermelo 2530.	MAHLAKU, Thabile MDEDET E-mail: 04 November 2014	It was confirmed, telephonically, that MDEDET will not be commenting on this proposed project as it does not fall within their Province. Zitholele Consulting updated their database by removing the Official from this proposed project's database. <b>Nicolene Venter, Snr Public Participation Practitioner</b>
<b>2. ANNOUNCEMENT PHASE</b>			
<b>2.1. Water Related Comments</b>			
	Please indicate what water use authorisation is necessary. Cannot identify the water courses clearly on the map provided with the BID.	ACKERMAN, Pieter Chief Landscape Architect	The client (Koffiefontein Diamond Mine) is aware that a Water Use License (WUL) will be required and will be carried out by an independent consultant. Zitholele will be in communication with the client in this regard and will keep track of the progress of the WULA.
	What Storm water drains and treatment of polluted water are planned?	DWS Sub Directorate Instream Water Use	

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		Letter: 06 June 2014	In terms of storm water management, etc. this will be available once we have the conceptual design for the slimes dam and associated infrastructure. This will be addressed within the WULA as well as in the EIA process. <b>Sharon Meyer-Douglas, EAP</b>
<b>2.2. Waste Related Issues</b>			
	<p>The DETEA would like to acknowledge a pre-consultation of the above-mentioned proposed development.</p> <p>The Department advises that the applicant should undertake a waste classification study in order to determine whether the waste to be stored in the slime dams is either hazardous or general waste. In respect to this application, DETEA will be the competent authority for a Waste Management License if only the waste to be stored in the slime dams is general waste however in the instance where the waste classification report provides that the waste in question is hazardous, the competent authority to handle the application on the Waste License Application will then be National DEA.</p>	<p>MKHOSANA, Ms G Acting Director: Environmental Quality Management Letter: 20 August 2014</p>	<p>A waste classification specialist will be appointed to determine the constituents of the slime, in terms of being hazardous or non-hazardous, and thus will help on decision making on which type of liner can be used to ensure minimal or zero seepage. <b>Bongani Dhlamini, Project Co-ordinator</b></p> <p>Although Section 24L of the National Environmental Management Amendment Act 62 of 2008 allows for an Integrated Environmental Authorisation to be carried out if the carrying out of a listed activity is also regulated in terms of another law or a specific environmental management Act, this document provides information relating only to the activities defined in Listing Notice 1 (Government Notice No. R.544) that are triggered by the proposed project. The proponent has therefore opted to, at this time, proceed only with the Environmental Authorisation Process in terms of the NEMA (1998) (as amended). All matters relating to any aspect of the proposed project that falls within the ambit of the National Environmental Management Waste Act 59 of 2008, will constitute a separate EA (Waste Management Licensing) Process. <b>Shandré Laven, EAP</b></p>
	Also provide the DETEA with the specialist studies together with the Scoping Report for review before exemption can be granted.		<p>Colour hard copies of the DSR and CDs will be couriered to the DETEA once ready for public review. <b>Nicolene Venter, Snr Public Participation Practitioner</b></p> <p>The DSR (3 x colour hard copies) and 2 CDs were delivered to</p>

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			the DETEA (FS) on 26 September 2014. <b>Nicolene Venter, Snr Public Participation Practitioner</b>
<b>2.3. Road Infrastructure Related Issues</b>			
	The Department of Police, Roads & Transport: Free State Province, does not have any objections against the proposed new Slime Dam Development subject to the following conditions:	NAUDE, Mr WA Chief Director: Roads Directorate Land Transport Planning Letter: 22 July 2014	Public roads will not be utilised at this stage of the project as the proposed development will take place within the property of Koffiefontein Diamond Mine.  The information as provided has been forwarded to the Applicant. <b>Bongani Dhlamini, Project Co-Ordinator</b>
	<ul style="list-style-type: none"> <li>There is a building restriction line of 95,0 metres measured from the centre line of primary road P35/1 which is imposed in terms of the provisions of section 9 of the Advertising on Roads and Ribbon Development Act, 1940 (Act no. 21 of 1940). An application for the relaxation of the said building line has to be submitted to this Department for consideration should such relaxation be required.</li> </ul>		
	<ul style="list-style-type: none"> <li>The existing access from primary road P35/1 to the Koffiefontein Diamond Mine has to be used for the purpose of the new slime dam development. An application has to be submitted to this Department for consideration should any other access be required. An application form is attached hereto for this purpose. Please note that the application form has to be accompanied by a cover letter and a layout drawing.</li> </ul>		
	Please direct any possible enquiries pertaining to the contents of this letter to Mr WA Naude at telephone no. 051-409 8584 or –mail naude@freetrans.gov.za		
<b>2.4. Social and Socio- Economic Related Comments</b>			
1	The project team was informed that the property Rorichs Hoop 191 is being leased and the lease expire on 19 September 2014. The Oppermans CPA should be contacted.	BADENHORST, Andre Landowner: Rorichs Hoop E-mail: 08 June 2014	Information acknowledged and contact has been made with Oppermans CPA representative, Mr Phillip Barnes. Arrangements have been made to meet with Mr Barnes during the site visit on 19 & 20 June 2014.

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			<p><b>Nicolene Venter, Snr Public Participation Practitioner</b></p> <p>The EAP met with Mr Barnes on Friday, 31 October 2014.</p> <p><b>Nicolene Venter, Snr Public Participation Practitioner</b></p>
<b>2.5. General</b>			
	Application form for employment and CV sent.	MOALUSI, Kamohelo E-mail:	<p>The application made reference to an advertisement in a newspaper. The purpose of that advertisement was not for employment opportunity, but to announce the Environmental Impact Assessment process that will be conducted for a newly proposed Slime Dam at Koffiefontein Diamond Mine. Zitholele Consulting had forwarded your application to Koffiefontein Diamond Mine.</p> <p><b>Nicolene Venter, Snr Public Participation Practitioner</b></p>
<b>2.6. Communication Related Issues</b>			
	Acknowledge receipt of EIA notification on behalf of Free State Agriculture. The project will be discussed at today's (04 June 2014) irrigation and water issue committee meeting.	ARMOUR, Jack Operations Manager: Land Reform, Natural Resources, Farm	<p>Express appreciation that the matter will be discussed at the meeting and should there be a need to register any other member, Zitholele can be notified accordingly</p> <p><b>Nicolene Venter, Snr Public Participation Practitioner</b></p>
	Will be appreciated if the Regional Representative can also be registered on the project database as well as the Chairman of the Association.	Management & Infrastructure AgriSA: Free State E-mail: 04 June 2014	<p>The two representatives have been registered on the project database and will receive all future communication and notifications related to this project.</p> <p><b>Nicolene Venter, Snr Public Participation Practitioner</b></p>
	Once the DEIR is prepared kindly send hard copy and CD to the Department as per information provided	MDHLULI, Sibò DWS E-mail: 06 June 2014	<p>Request acknowledged and the DSR will be distributed as requested.</p> <p><b>Nicolene Venter, Snr Public Participation Practitioner</b></p> <p>One colour hard copy of the DSR was courier to the DWS on 27 September 2014 and proof of delivery was received.</p> <p><b>Nicolene Venter, Snr Public Participation Practitioner</b></p>