



E H Deacon  
(013) 759 7409  
7/1/170/1  
27/1

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY: MPUMALANGA**

Private Bag X11259, Nelspruit, 1200  
Prorum Building, cnr Brown & Paul Kruger Streets, Nelspruit  
Tel: (013) 759-7300 Fax: (013) 755-1678

07 June 2001

The Secretary  
Lower Kaap Irrigation Board  
P O Box 382  
MALELANE  
1320

Madam,

**LOWER KAAP IRRIGATION BOARD: APPLICATION FOR A LICENSE TO CONSTRUCT A DAM IN THE LOWS' CREEK.**

Your application for a license to construct a dam in the Lows' Creek has reference.

The proposed dam will only stabilise the flow in the river and since the existing lawful water use in the Lower Kaap River Irrigation District will not increase due to the dam, this Office has no objection to the proposed dam.

The application had been recommended to my Head Office but the comments from the Department of Agriculture, Conservation and Environment is still required before the license for the proposed dam can be issued.

It will be appreciated if the outstanding comments can be submitted to this office as soon as possible.

Yours faithfully,

REGIONAL DIRECTOR: MPUMALANGA

**LAER KAAP BESPROEIINGSRAAD**  
**LOWER KAAP IRRIGATION BOARD**

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Your Ref:  
U Verw:

Our Ref:  
Ons Verw:

Rite-Valugebou / Building  
Airstraat / Air Street  
Posbus / P O Box 382  
MALELANE 1320  
Tel: (013) 790-0591  
Fax: (013) 79-0-1233  
Sel/Cell: 083 274 1166  
E-Mail: ronelle.putter@mweb.co.za

29-01-2001

Head of Department  
Department of Agriculture, Conservation & Environment  
Private Bag X12233  
NELSPRUIT  
1200

**ATTENTION: ANDRE VAN TONDER**

Sir

**CONSTRUCTION OF A DAM ON PORTIONS 1 & 2 OF THE FARMS ESPERADO 256 AND ESPERADO ANNEX 222JU BARBERTON (LOW'S CREEK DAM)**

We refer to our visit to your office on Friday 26<sup>th</sup> January 2001 at which time we undertook to forward you the necessary documentation to allow you to execute an evaluation of the proposed site for the dam mentioned above.

Enclosed herewith the following:

1. Permission from Department of Water Affairs to store water
2. Copy application to Department of Water Affairs for a permit for the construction of the dam;
3. Application for authorization in terms of Section 22 of the Environment conservation Act, 1989 in respect of an activity identified in terms of Section 21 of the said Act, together with Appendix 'A' and 'B';
4. Copies of extracts from minutes of meetings, attendance registers etc according to which a decision was taken by the Board to development further storage capacity for use during low flow periods and according to which the project was communicated with the members of the board and the affected parties. Planning commenced during 1998 and the proposals and alternatives were communicated with all concerned and affected from day one;
5. The proposed dam since been classified as Category 1;
6. A copy of the List of Rateable Areas of the Board which document reflects the listed hectares to be serviced by the dam and also all the owners of riparian properties.

We also confirm that you undertook to discuss the matter with the Parks Board, to establish their needs and/or to obtain their consent.

We wish to apply to your Department for exemption, according to Article 28A, for the following:

- The appointment of consultants to accumulate information regarding the impact on the environment (environmental impact study);
- Advertising of the project;
- Formal public participation process.

As discussed during our meeting, we confirm that there is an existing diversion weir in the Low's Creek, approximately 1.5 Km upstream of the proposed dam, with a capacity of  $\pm 4100\text{M}^3$ . This diversion weir is the property of the riparian owner, Mr H A Kotze, and serves only the purpose of diverting water to the abstraction works.

We trust that you will find the above in order. Kindly please contact writer if you require any further information.

We look forward to receiving principle consent from your Department to continue with our application for a permit. As mentioned, the board wishes to commence with construction during the low flow winter months of 2001 (April – Sept).

Yours sincerely

**R M PUTTER (MS)**  
**SECRETARY**





Pos afskrif aan  
Gerhard v Niekerk  
op 12/12/00

## DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT

### LOWVELD REGIONAL OFFICE

#### Environmental management

Litiko Letekulima,  
Konigiwa Kwemvelo,

Departement van Landbou,  
Bewaring en Omgewing

Umyango Wezokulima,  
Ukuthlogonyelwa kwemvelo,  
Nebhoduluko

Enquiries: André van Tonder  
Tel: (013) 759-4033  
E-mail: avtonder@drumrock1.agric.za

6 December 2000

Laer Kaap Irrigation Board  
P.O. Box 382  
Malelane  
1320

Mr. Kotze

#### CONSTRUCTION OF A DAM ON PORTIONS 1 AND 2 OF THE FARMS ESPERADO 256 JU AND ESPERADO ANNEX 222 JU, BARBERTON

A letter from the Director General: Department of Water Affairs and Forestry regarding the said development refers.

Section 21 of the Environment Conservation Act, 1989 (Act 73 of 1989) enables the Minister to identify activities that may have a substantial detrimental effect on the environment. Section 22 of the Act determines that no such activities may be undertaken without written authorisation issued by the Minister or an administrator designated by the Minister.

Government Notice R1182 of 5 September 1997 identifies those activities referred to in Section 21 of the Act. Government Notice R1183 sets out the application procedures for conducting listed activities and Government Notice R1184 delegates the implementation of the relevant sections of the Act to the provincial governments.

Activities identified in terms of GN R1182 that may be of significance for the agricultural industry or in rural areas include the following:

1. The construction or upgrading of:
  - a. Roads, railways and airfields outside the borders of town planning schemes.
  - b. Canals and channels, including the diversion of the normal flow of water in a riverbed and water transfer schemes between water catchments and impoundments.
  - c. Dams, levees and weirs affecting the flow of a river.
  - d. Schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes.
  - e. Public and private resorts and associated infrastructure.
2. Change of land use from:
  - a. Agricultural or undetermined to any other land use.
  - b. Use for grazing to any other form of agricultural use.
  - c. Use for nature conservation or zoned open space to any other land use.
3. The concentration of livestock in a confined structure for the purpose of mass commercial production.

DACE



4. The intensive husbandry of, or importation of, any plant or animal that has been declared a weed or an invasive alien species.
5. The reclamation of land below the high water mark of inland water, including wetlands.
6. The disposal of waste in terms of Section 20 of the Act.
7. Scheduled processes listed in the second schedule to the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), e.g. waste incineration and charcoal making processes.

You are herewith advised to **submit an application** for authorisation to this Department before you commence with the construction or upgrading of any dams on the said properties.

The following information and/or documents must form part of the application:

1. Fully completed set of application and/or registration forms from the following departments. The correct name, reference number and size of the property should be fully completed on these forms:
  - a. Department of Agriculture, Conservation & Environment (DACE).
    - i. If the applicant can supply the relevant information themselves they must apply in writing for exemption from the use of a consultant and do not need to complete the sections on the application form related to the appointment of an independent consultant.
  - b. Department of Water Affairs & Forestry (DWAF) – Only if an application has not already been submitted to them.
    - i. Note that the registration of dams with a safety risk and applications for construction of water works are two different applications dealt with by different sections at the Department. All relevant applications must be included.
  - c. Mpumalanga Parks Board (MPB).
    - i. Permit for the release of fish if the applicant intends releasing any fish in the dam or river (Section 62 of the Mpumalanga Nature Conservation Act, no. 10 of 1998).
2. Letter of motivation giving the following information:
  - a. A clear indication of why the developer is proposing the new development as well as any future planned developments on the property, including one or two chalets, cottages, etc.
  - b. A list of all known red data species on the property, if available.
  - c. Proposed mitigation measures of all significant detrimental impacts.
  - d. Management procedures must be included that clearly states what measures will be taken to mitigate any negative environmental impacts associated with the development. These procedures must include, but may not be limited to the following:
    - i. Maintaining acceptable water quality for all downstream users, including the environment.
    - ii. Maintaining the ecological reserve for all downstream ecosystems.
    - iii. Monitoring the quality of water that leaves the system in systems where fish will be fed artificially in dams, rivers or streams.
    - iv. Ensuring free migration routes for indigenous aquatic species up and downstream past the relevant structures in the river or stream.
    - v. Prevention and rehabilitation of all negative environmental impacts associated with the construction, use and maintenance of the dam, e.g. erosion control, invasive alien species control, etc.
3. Copies of a *letter of intent* to at least the first four downstream property owners clearly explaining the proposed development as well as their comments on the proposed project.
4. Copies of a *letter of intent* to all directly neighbouring property owners clearly explaining the proposed development as well as their comments on the proposed project.
5. Advertisement in one local newspaper to declare intent as well as invite comments from any interested and affected party.
  - a. The advertisement must at least be placed in the legal section of the paper and must conform to the legal requirements of the different authorities involved.
6. Any designs, calculations and drawings indicating the actual size and storage capacity of the proposed development.
7. Copies of any existing legal water rights on the property.
8. Any previous and valid authorisation, licence or approval by any other national, provincial or local authority to prove the legality of any existing waterworks, abstraction permits, etc. on the property.

9. A 1:50 000 map indicating the property boundaries as well as all relevant neighbours and downstream property owners.
10. A 1:10 000, but not smaller than 1:20 000 scale arial photo, map or site plan sketch that must reasonably accurately indicate the following:
  - a. All structures associated with the proposed development.
  - b. All existing infrastructure on the property, including but not limited to:
    - i. Dams.
    - ii. Weirs.
    - iii. Canals.
    - iv. Cultivated fields (current and historic).
    - v. Buildings.
    - vi. Roads.
    - vii. Airstrips.
    - viii. All stands of declared weeds and invader species.
    - ix. Hiking trails.
  - c. All wetlands, rivers, streams, etc.
11. If available, the following additional information must also be supplied:
  - a. Indicate whether streams on the property are perennial or annual.
  - b. Indicate number and size of dams up and downstream of the proposed development in the particular river or stream. Where the river or stream respectively stretches further than 2km up and downstream of the proposed new site the number and estimated size of all dams within this stretch of river must be indicated as well.

You are further advised to schedule a pre-application meeting with this office to discuss the proper application procedure for the said activity. Application forms will be made available during this meeting or on request.

Your prompt co-operation to clarify this matter will be appreciated.

Yours sincerely



**Dr. G.R. BATCHELOR**

**For: HEAD OF DEPARTMENT: DEPARTMENT OF AGRICULTURE, CONSERVATION & ENVIRONMENT**

CC. Mr. A. Pretorius: Fax No.: 752-5056



W 074974 82/6749 Z 371



REPUBLIC OF SOUTH AFRICA

RECEIPT

You Fold

*Lizsie Louw's Creek*  
*DAM*

You Fold

REPUBLIEK VAN SUID-AFRIKA

KWITANSIE

*Laerkaap*  
*Waarvande*  
*Waarvande*  
*Waarvande*

*Nuwe Cee*  
*Low's CREEC DAM/KEEWAN*

You Fold

Type ontvangste  
Type of receipts

Rand Sent • Cents  
114 00

DEPT OF WATER AFFAIRS & FORESTRY  
PRIVATE BAG X 11259  
2000-10-02  
NELSPRUIT 1200  
SEM

41105

Grootboekrek.  
verantwoordelikhed  
Ledger acc.  
responsibility

C/no:0335  
Standard  
Bank

Datumstempel  
Date stamp

Miljoen • Million	Duisend • Thousand	Eenhede • Units
R A N D	Tien Ten	Eenhede Units
/	/	/

Honderd Hundred	Tien Ten	Eenhede Units
R A N D	Tien Ten	Eenhede Units
one	one	four
		00

Ten opsigte van • In respect of

ONTVANG VAN • RECEIVED FROM

*Laerkaap Besseringssraad*  
*P.O. Box 382*  
*Malelane*  
*1320*

*Payment of Licensing*  
*pent*

Uitgereik deur • Issued by

*R.S. Sibaya*

Uitgereik sonder benadeling van regte  
Issued without prejudice

G.P.S. 82/6749



DEPARTEMENT VAN  
WATERWESE EN BOSBOU  
HOëVELDSTREEK



DEPARTMENT OF  
WATER AFFAIRS AND FORESTRY  
HIGHVELD REGION

AANSOEK OM 'n WERKEMAGTIGING INGEVOLGE ARTIKEL 62(2H)(a) OF 63(11A) VAN DIE WATERWET, 1956 (Wet 54 van 1956) VIR DIE VERANDERING OF VERVANGING VAN 'n BESTAANDE OF DIE OPRIGTING OF AANBOU VAN 'n NUWE WATERWERK

KAAPRUIER - STAATSWATERBEHEERGEBIED

PERSOONLIKE BESONDERHEDE

Volle naam	LAER-KAAP BESPROEINGSRAAD
Geboortedatum	
Posadres	POSBUS 382
	MARELANE
Telefoonnommer	013 - 7900591

BESONDERHEDE VAN EIENDOMME

Aktebeskrywing van eiendom(me) volgens transportakte

1. Waarop waterwerke opgerig gaan word

Eiendom	ESPERADO 256 JU + ESPERADO ANNEX 222 JU
Gedeelte	CEG. 182

2. Waarop water aangewend gaan word

Eiendom(me)	Gedeelte	Inlysting (hektaar)
LAER-KAAP BESPROEINGSRAAD		1029,8

POSISIE VAN DAM

Dui aan of die dam 'n voorgestelde(V) of 'n bestaande(B) werke is.

(V) of (B)	V		
Lengtegraad	31° 18.5'		
Breedtegraad	25° 35.4		
1: 50 000 Kaart	2531 CB KAAPMUIDEN		
Naam van rivier	LOW'S CREEK		


DAMBESONDERHEDE

Naam van dam	LOW'S CREEK		
Doel van skema	BESPROEING		
Kapasiteit (m <sup>3</sup> )	167 000		
Hoogte van wal	11.8 m		
Volvoorraadhoogte	364.0		
Lengte van wal	112 m		
Oppervlakte (ha)	4.5		
Datum opgerig			
Area besproei			

OPMERKINGS :


BESPROEINGSRAAD

POSBUS 382  
MALELANE 1320  
TEL: 013 7900591

  
Handtekening

11/6/1999  
Datum



Lêer nr. \_\_\_\_\_

## DEPARTEMENT VAN WATERWESE

DW 692A

AANSOEKVORM VIR DIE KLASSIFIKASIE VAN 'N NUWE DAM, OF VERGROTING OF VERANDERING VAN 'N BESTAANDE DAM OOREENKOMSTIG REGULASIES 2 EN 3 UITGEREIK KRAGTENS ARTIKELS 9C(4) EN 9C(6) VAN DIE WATERWET, 1956 (WET 54 VAN 1956)

## 1. ALGEMENE BESONDERHEDE EN INSTRUKSIES

'n Damaenaar wat van voorneme is om 'n nuwe dam te bou of 'n bestaande dam te vergroot of te verander moet inligting soos in hierdie vorm gevra vir klassifikasiedoeleindes verskaf. Vir die registrasie van 'n bestaande dam moet vorm DW 693A gebruik word.

Voltooi hierdie vorm (2 bladsye) in drukskrif of tik besonderhede in en stuur dit aan die Direkteur-generaal: Waterwese, vir aandag: Damveiligheidskantoor, Privaatsak X313, Pretoria 0001.

## 2. ALGEMENE INLIGTING

2.1 Naam van eienaar LAER-KAAP BESPROEINGSRAAD2.2 Posadres van eienaar POSBUS 382MALELANE Poskode 1320Telefoonnommer van eienaar 013-79005912.3 Naam van persoon in beheer van dam H.A. KOTZE2.4 Posadres van persoon in beheer van dam POSBUS 96 KAAPMUIDENPoskode 12952.5 Plaasnaam (volgens aktebeskrywing) ESPERADO 256 JU + ESPERADO ANNEX  
222 JU Cred 142 Gedeelte \_\_\_\_\_2.6 Landdrostdistrik BARBERTON2.7 Naaste stad/dorp KAAPMUIDEN2.8 Afstand vanaf stad/dorp (km) 13,6 Rigting vanaf dorp SUID2.9 Naam van waterbaan waarin dam geleë LOW'S CREEK2.10 Posisie (sien Nota 6.1) Breedtegraad 25° 35.4' Lengtegraad 31° 18.5'1:50 000 kaart nr. (indien beskikbaar) 2531 CB KAAPMUIDEN2.11 Doel van skema BESPROEING

## 3. BESONDERHEDE VAN DIE DAM (NA VOLTOOING VAN DIE VOORGESTELDE KONSTRUKSIEWERK)

3.1 Naam van dam LOW'S CREEK3.2 Bruto opgaarvermoë van dam (in kubieke meter) 167 000Oppervlakte van water by volvoorraadhoogte (hektaar) 4,53.3 Hoogte van dam (m) (sien Nota 6.2) 11,8

3.4 In die geval van 'n verandering of vergroting van 'n bestaande dam, 'n beskrywing van die aard en omvang daarvan.

3.5 Beplande datum vir begin van konstruksie SO SPOEAG MOONTLIK

(Vervolg op agterkant)



3.6 Adres van ontwerper (indien beskikbaar) B.C.B. GREYLING  
Postbus 1685 WITRIVIER Poskode 1240  
 Telefoonnommer 013-751 3213

4. BESONDERHEDE VAN ONTWIKKELING STROOM AF VAN DIE DAM

Beskryf met die hulp van 'n 1:50 000 skaalplan die aard en vlak van ontwikkeling stroom af van 'n dam wat deur 'n dambreuk bedreig word. (sien Nota 6.3).

4.1 BESONDERHEDE VAN GEBOUE

Afstand stroom af (km)	Doel/gebruik	Hoogte bo rivierbed (m)	Afstand vanaf rivier (m)	Aantal inwoners/gebruikers

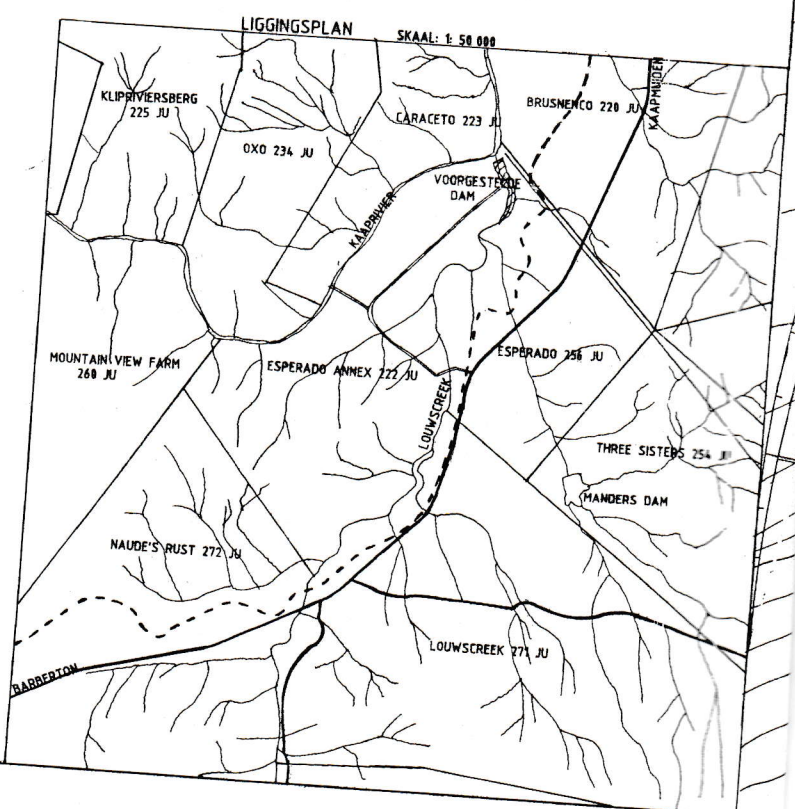
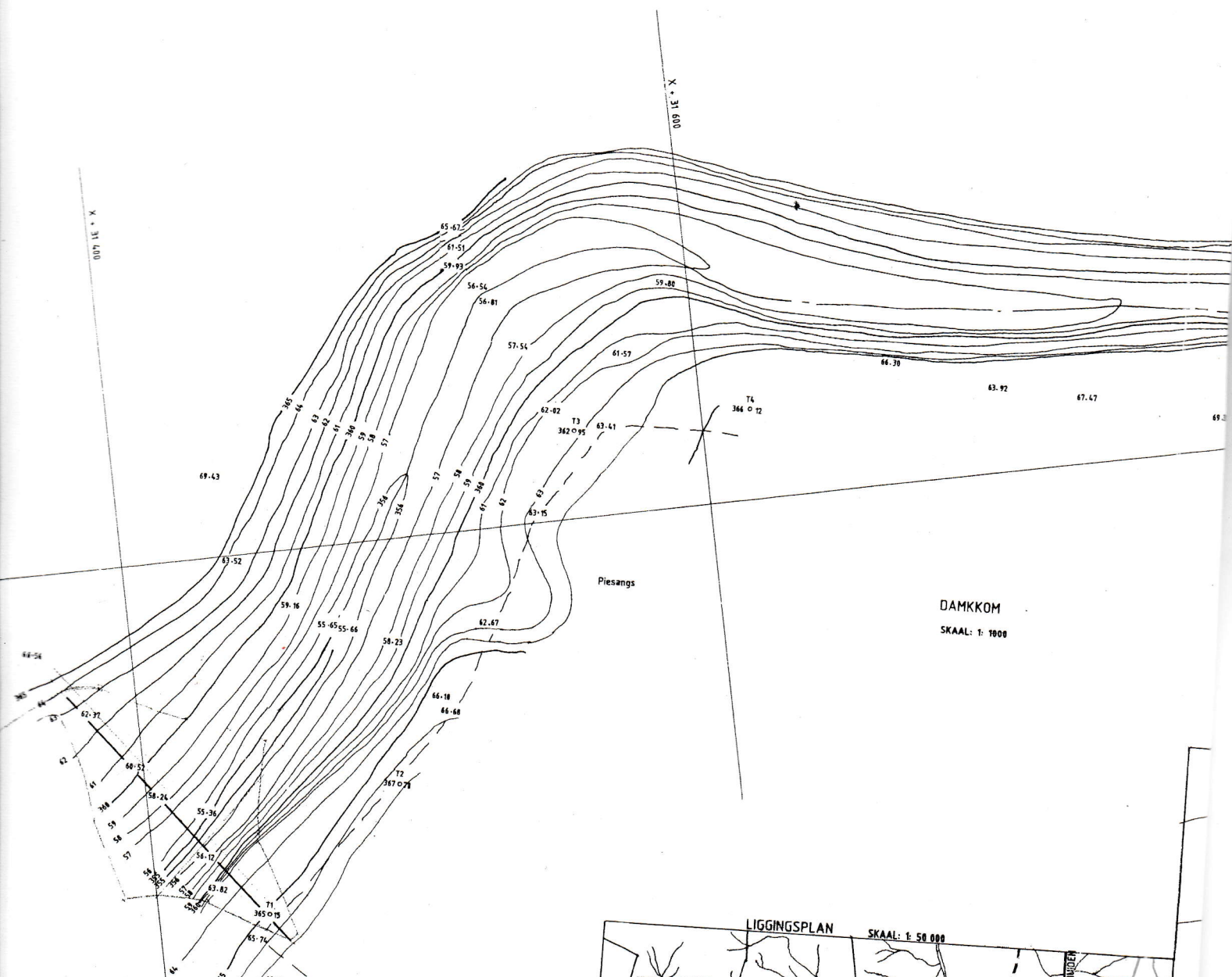
4.2 BESONDERHEDE VAN PAD OF SPOORWEGKRUISINGS

Afstand stroom af (km)	Tipe pad*(1) of spoorlyn	Hoogte van pad bo rivierbed (m)	Brugopeninge			Aard *(2) van aanlope	Sig*(3) afstand (m)	Aantal voertuie per dag
			Wydte (m)	Hoogte (m)	Aantal			

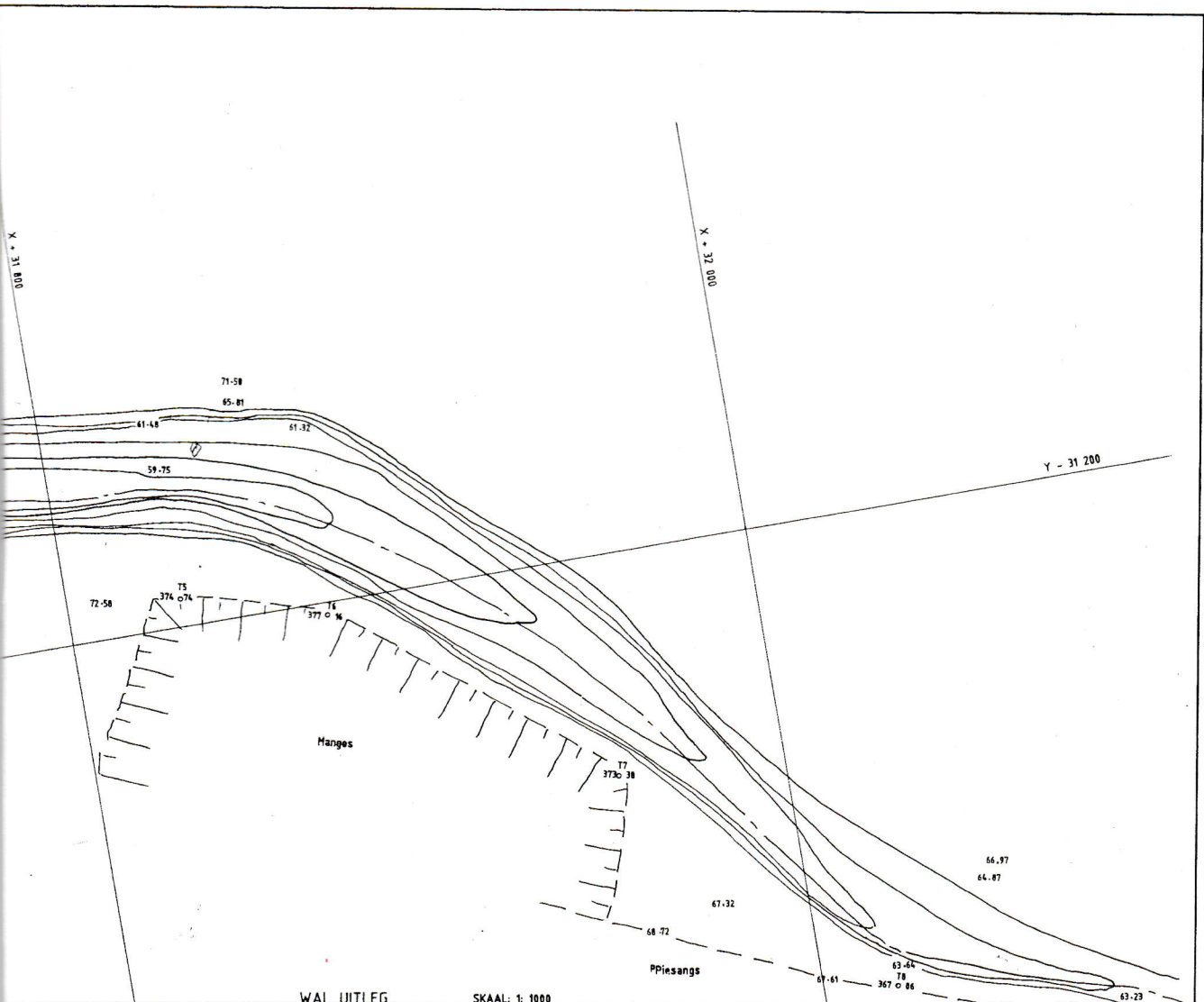
- \*(1) Tipe pad of spoorlyn: Hoofpad, sekondêre pad, distrikpad, plaaspad, enkelspoorlyn, dubbelspoorlyn, ens.
- \*(2) Aard van aanlope: Opvulling, deurgraving, vaste rots, laagwaterbrug, ens.
- \*(3) Sigafstand: Dit is die afstand vanaf die brug waarvandaan 'n motoris kan sien of daar enige gevaar bestaan om die brug te gebruik.

(Vervolg bl. 3)

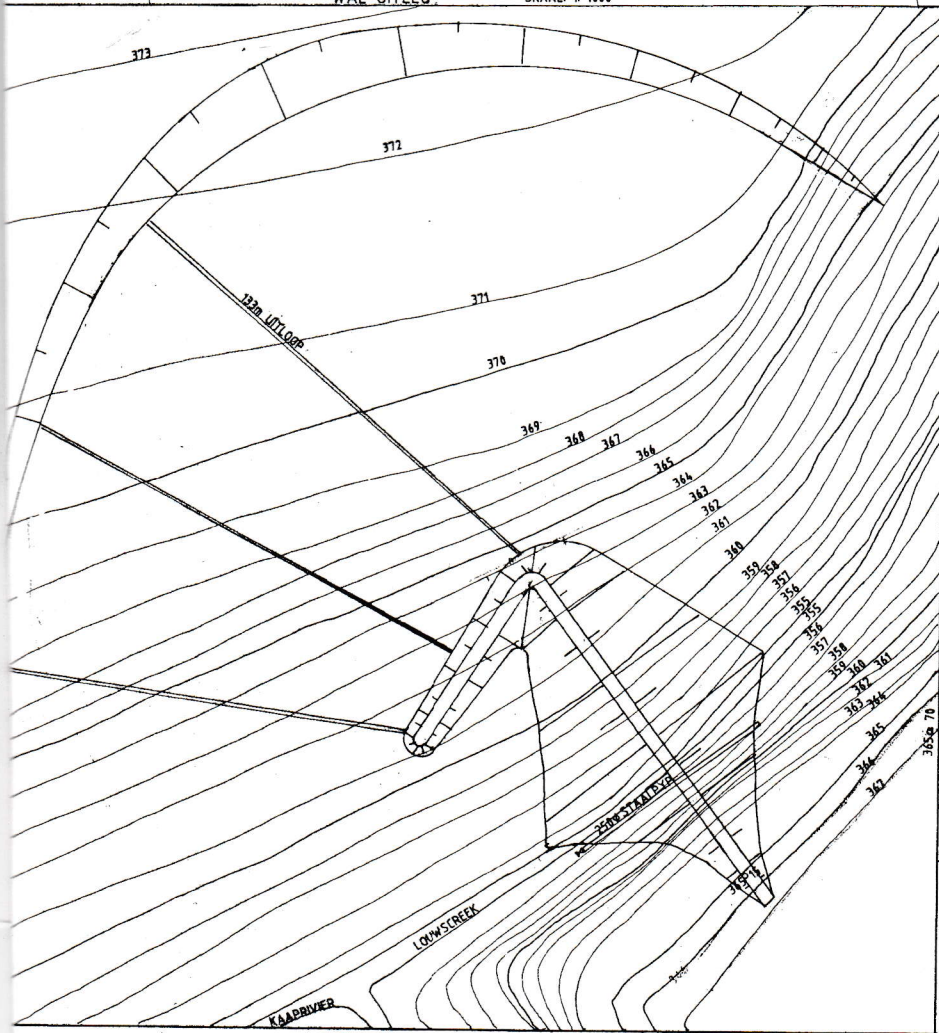








WAL UITLEG SKAAL: 1: 1000



KONSULTANT CONSULTANT

**B.C.B. GREYLING**  
SIVIELE INGENIEUR CIVIL ENGINEER

Posbus 1685 P.O. Box  
Witriver 1240 White River  
Tel: (013) 751 3213 Fax: (013) 750 1417

PROJEK PROJECT

VOORGESTELDE LOW'S CREEK DAM  
op die plase ESPERADO 256 JU  
en ESPERADO ANNEX 222 JU ged's 1&2  
LAER KAAP BESPROEINGSRAAD  
KAAPMUIDEN

TEKENING DRAWING

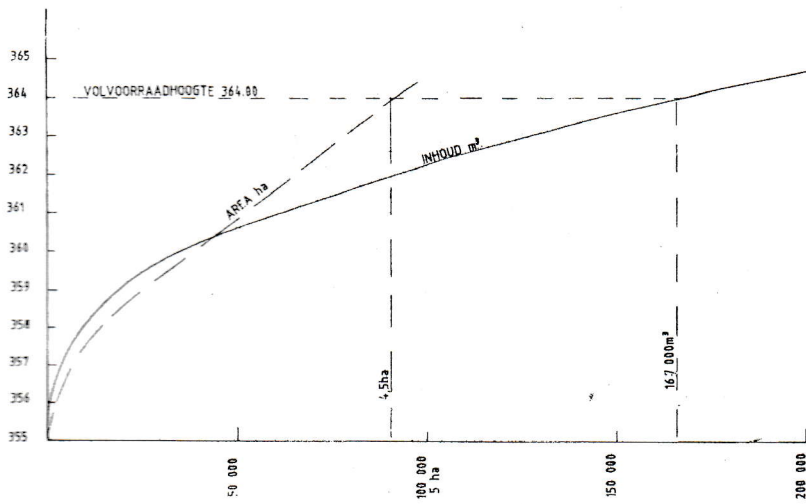
DAMKOM & LIGGINGSPLAN

DATUM	DATE	SKAAL	SCALE
MEI 1999		1: 1000	1: 50 000
GETEKEN	DRAWN	NAGESIEN	CHECKED
C G		C G	

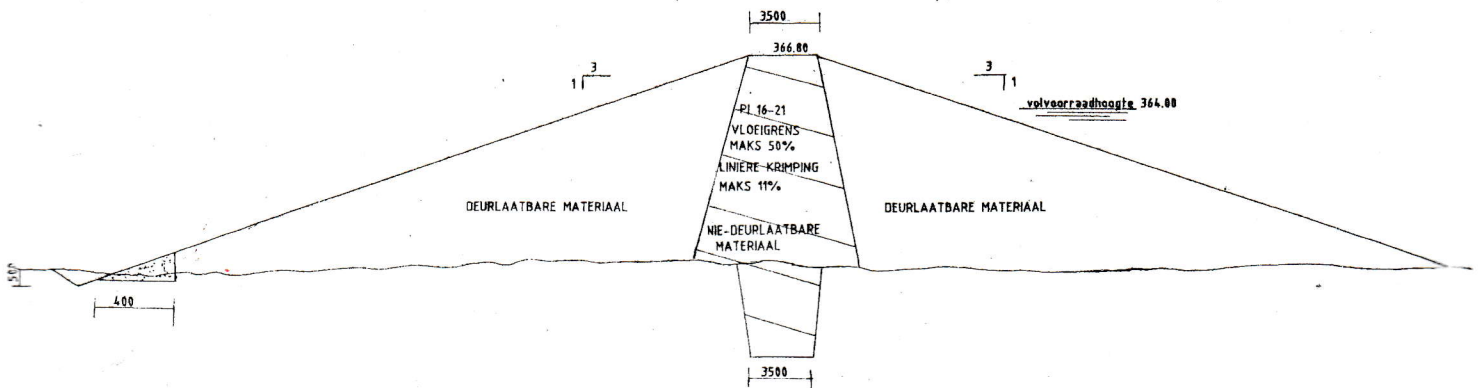
TEKENING NOMMER DRAWING NUMBER

D/99/3/1

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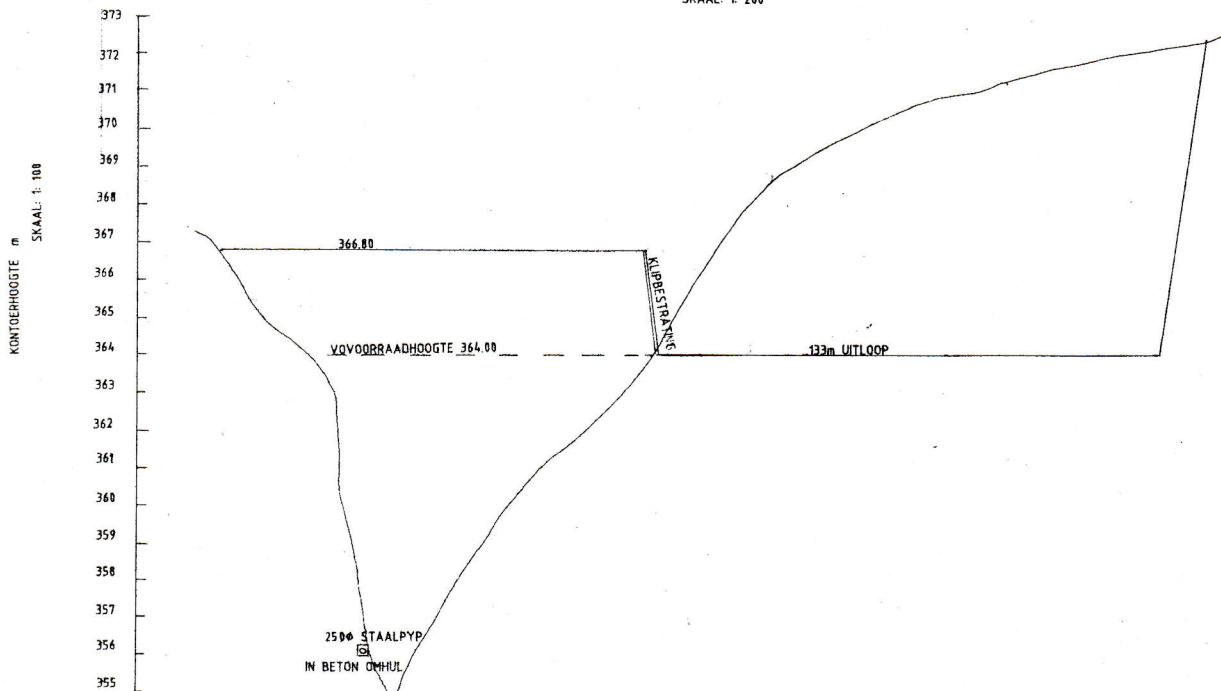


AREA/INHOUDSKROMME



TIPIESE WAL SNIT

SKAAL: 1: 200



LENGTE SNIT

SKAAL: 1: 1000

WALLENGTE 112m