

LAERKAAP BESPROEINGSRAAD LOWER KAAP IRRIGATION BOARD

Your Ref.:
U Verw.:

Our Ref.:
Ons Verw.:

Grondvloer / Ground level
Pick 'n Paysentrum / Centre
Airstraat Suid / Air Street South
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MEMORANDUM

AAN / TO:	Voorsitter en raadslede
VAN / FROM:	Ronelle Putter
Bladsy / Pages:	1 + 6
DATUM / DATE:	19-05-2003

LOW'S CREEK KEERWAL: EIA

Geagte raadslid

Hiermee 'n "proposal" vanaf Ecorex om 'n E.I.A. te doen soos deur Departement Omgewingsake voorgeskryf.

Ek het vir Christo gevra om nog 'n kwotasie te bekom sodat u 'n finale besluit in hierdie verband kan neem.

Groete


R M PUTTER (ME/MS)
SEKRETARIS / SECRETARY

Laer Kaap

R.Putter Dienste BK.

From: "BCB Greyling" <bcbgrey@mweb.co.za>
To: <ronelle.putter@lantic.net>
Sent: Tuesday, April 15, 2003 2:26 AM
Subject: Lows creek dam

Kwotasie van Graham Dealle deurgestuur. Hy is redelik goed met damme. Kan 'n goedkoper kwotasie kry van Estelle du Toit van Nelspruit maar sy het nog nie damme gedoen nie. Moet ek voortgaan om haar kwotasie te kry. JA

Christo

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R.Putter Dienste BK.

From: "BCB Greyling" <bcbgrey@mweb.co.za>
To: <ronelle.putter@lantic.net>
Sent: Tuesday, April 15, 2003 2:21 AM
Attach: header.htm; oledata.mso
Subject: QUOTE ESPERADO DAM.doc



ECOREX

**Proposal to undertake an E.I.A. (scoping)
for the construction of an earth dam
on the farm Esperado 253 JU,
Kaapmuiden District**

Prepared for: Laerkaap Irrigation Board

Prepared on behalf of: Mr. Christo Greyling
Consulting Engineer

Prepared by: Ecorex
PO Box 1848
White River
1240

Contact person:

Graham Deall
Tel/Fax: 013 – 751 3491
Email: ecorex@iafrica.com

1. INTRODUCTION

It is understood that the Laerkaap Irrigation Board propose to construct a 140 000 m³ earth dam on the farm Esperado 253JU to stabilise streamflow in the Kaap River for downstream irrigation.

In terms of the Environment Conservation Act, Act 73 of 1989, the proposed development is a listed activity for which authorisation is required. Authorisation is contingent upon Environmental Impact Assessment (EIA).

2. PROJECT PROPOSAL**2.1 Provisional Terms of Reference**

Consulting Engineer, Christo Greyling invited independent environmental consultants ECOREX to submit a proposal and cost estimate to undertake an EIA (scoping ^[1]) and to apply for authorisation on behalf of the Laerkaap Irrigation Board.

The proposed scope of work, subject to the approval of the authorising agency, will include:

- Pre-application meeting with the lead agent, Department of Agriculture, Conservation and Environment (DACE) and proponent
- Stakeholder engagement involving relevant authorities, affected landowners and downstream water users.
- The compiling of a Scoping Report and Environmental Management Plan (EMP) as required by DACE

2.2 Legislative context

Besides the Environmental Conservation Act 73 of 1989, the proposed development may also be subject to regulations contained in other legislation, ^[2] for example:

- National Heritage Resources Act 25 of 1999 (Section 38)
- National Water Act 36 of 1998
- Conservation of Agricultural Resources Act
- Forest Act 122 of 1984
- Minerals Act 50 of 1991

2.3 Methodology

ECOREX views the project as comprising four components, namely:

- Project planning
- Stakeholder engagement
- Technical assessment and report compilation
- Review

Project Planning

This will involve pre-application consultations with the proponent and relevant authorities, and the compilation of a Scoping Plan for approval by DACE.

Stakeholder Engagement

In order to engage Interested and Affected Parties (I & APs) in the project, affected neighbours and downstream water users will be issued with a background information document (BID) describing the development and inviting their comment. The project will also be advertised in the local press and on site notices inviting the registration of I & APs.

If I & AP response warrants it, a formal meeting will be held with all I & APs, and their concerns will be documented and addressed in the Scoping Document and EMP. Comments received during the course of scoping, whether in the formal meeting or by any other medium (written or verbal), will be recorded as a means of identifying all key environmental issues pertaining to the proposed developments.

Technical Assessment and Report Compilation

The development site will be assessed by ECOREX, using a checklist of environmental characteristics.^[3] On this basis, key environmental issues will be identified, and a preliminary report compiled to inform stakeholders.

Once all issues have been identified through technical assessment and stakeholder engagement, a draft scoping report will be compiled with contents as follows:

- ⇒ Introduction and background to the development
- ⇒ Project description
- ⇒ Identification of key environmental issues
- ⇒ Description of how the environment may be affected
- ⇒ Means of mitigating negative impacts and enhancing positive impacts, including an EMP
- ⇒ Comments from all stakeholders
- ⇒ Consideration of alternatives

Review

The draft report will be made available for stakeholder and authority review for a period of 14 days. Any responses and comments will be incorporated into a final report to be submitted to DACE for consideration of the application. All stakeholders will be informed of DACE's Record of Decision (ROD) once it is announced.

3. COST ESTIMATE

DATE ^[4]	TASK	HRS	RATE	R (excl VAT)
April 2003	PLANNING	20	200.00	4 000.00

	<ul style="list-style-type: none"> • Pre-application consultations • Scoping plan and application 			
April 2003	TECHNICAL ASSESSMENT <ul style="list-style-type: none"> • One site visit with authorities • Technical assessment • One project meeting 	30	250.00	7 500.00
April 2003	STAKEHOLDER ENGAGEMENT <ul style="list-style-type: none"> • Prepare site notices • Distribute BID • Preliminary report for public meeting • Facilitation of one meeting • Record keeping 	32	200.00	6 400.00
May 2003	REPORT COMPILATION <ul style="list-style-type: none"> • Compile draft scoping report 	40	250.00	10 000.00
June 2003	REVIEW <ul style="list-style-type: none"> • Duplicate report (x 5) for authority and stakeholder distribution and review • Incorporate responses to draft report and submit final report • Circulate R.O.D. to stakeholders 	12	200.00	2 400.00
	Subtotal:	134		30 300.00

DISBURSEMENTS	Units	Rate	R (excl. VAT)
Travelling	500 km	3.00	1 500.00
Advertising	1		400.00
Administration (5% of fees)	5 %		1 515.00
	Subtotal:		3 415.00
	TOTAL (excluding VAT ^[5]):		33 715.00

4. LIMITATIONS and ASSUMPTIONS

1. All site plans, drawings, maps, photographs and reports relevant to the project will be made freely available to ECOREX.
2. If the scope of work is less than that outlined in the cost estimate, only the hours worked and kilometres used will be invoiced.
3. If the scope of work is more than that outlined in the cost estimate, contingency costs will be invoiced at R 250.00 per hour and R 3.00 per kilometre.
4. The above cost estimate does not include any of the following costs:
 - map reproduction (if required)
 - specialist studies, eg. cost-benefit analysis (if required)
 - water-use registration and licensing
 - hiring of venues and catering (if required)
5. The above cost estimate covers the following site visits and meetings:

- Pre-application consultation with DACE
 - Two project meetings
 - One visit with authorities and technical assessment of site
 - One public meeting (if required)
6. The above cost estimate only makes provision for the assessment of one alternative (the no-go option).
 7. The above cost estimate excludes any costs incurred by ECOREX after the final Scoping Report has been submitted.
 8. Terms requested by ECOREX would be 25% of fee on appointment, and the balance of fee plus disbursements on submission of the final Scoping Report.
 9. Payment of fees and disbursements is not contingent upon authorisation of the listed activity
 10. The quotation is valid for 90 days.
 11. A signed copy of this quotation will be deemed as acceptance of terms by the proponent.

5. ECOREX PROFILE

ECOREX provides an environmental consulting and advisory service to forestry, mining, agriculture, industry and government. A major component of the service involves compliance with Environmental Impact Assessment (EIA) regulations on behalf of clients.

The business is run from White River on a sole-proprietor basis by Graham Deall (M.Sc. Vegetation Ecology), who is registered with the South African Council of Natural Scientists (SACNAS) and the South African chapter of the International Association of Impact Assessment (IAIAsa). Additional expertise is drawn from other professionals and specialists when required (CVs supplied under separate cover).

All members and associates of ECOREX have Diplomas, Bachelor or Masters degrees conferred by recognized tertiary institutions in South Africa. Affiliations with professional bodies include the South African Council of Natural Scientific Professions (SACNAS); International Association for Impact Assessment (IAIAsa) and the Grassland Society of South Africa (GSSA).

Combined professional experience includes Project Management, Natural Resource Assessment, Veld Condition Assessment, Environmental Impact Assessment, Environmental Management Plans, CBNRM, Soil Surveys, Reclamation Ecology, Public Participation.

Since 1996, ECOREX has been involved at various levels locally and internationally with Environmental Impact Assessments and Environmental Management Plan Reports (EMPRs) on development projects ranging from dam-building, radio-tower construction, mining, township establishment, resort development, game reserve planning, irrigation schemes and community-based natural resource management.

[1] Scoping is a process whereby key environmental issues are identified.

[2] The relevance of this legislation to the proposed developments will be considered in the course of

scoping.

[3] For example, using Guideline Document 5, Department of Environmental Affairs & Tourism

[4] Approximate

[5] Note: ECOREX is not registered for VAT

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WIE DIT MAG AANGAAN

EK, HERMANUS ADRIAAN KOTZÉ
Die geregistreerde eienaar (of gevolmagtigde) van

ESPERADO ANNEX

(Eiendomsbeskrywing)

gec hiermee toestemming dat die voorgestelde dam in die Low's Creek, met 'n kapasiteit van ± 167 000 M³ en vir gebruik vir besproeiing van die bestaande ingelysde gronde binne die Laer Kaap Besproeiingsdistrik, gebou mag word. Die volgende voorwaardes is van toepassing

1. Dat die eienaar 'n pompinstallasie by die dam mag oprig, maar slegs vir onttrekking van watergebruiksregte reeds uit die Low's Creek toegeken, maar wat nie deur die Low's Creek Besproeiingsraadskeema gelewer word nie. Beperkings soos in die Laer Kaap Besproeiingsdistrik afgekondig en toegepas sal by hierdie onttrekkingspunt geld;
2. Dat die area by die damoewer steeds privaat eiendam is en dat die publiek nie toegang daartoe het nie;
3. Konstruksiepersoneel mag nie op die terrein vestig nie. Slegs sekuriteitspersoneel mag op die terrein woon;
4. Dat kompensasie aan die eienaar betaal word vir produksiegronde verloor a.g.v. die dam en dat vergoeding geskied teen die markwaarde van die grond.

GETEKEN TE KAAPMUIDEN OP HIERDIE 18^e DAG VAN OKTOBER 2002


HANDTEKENING

GETUIES:

1. H.A. Kotzé
2. H. Kotzé omc

TO WHOM IT MAY CONCERN

I, GIULIA FRANCA ENRICA TONETTI
Registered owner of

REMAINING EXTENT OF THE FARM ESPERAD 253
(Description of property)

hereby grants permission to the Lower Kaap Irrigation Board to construct a dam of $\pm 167\ 000\ M^3$ in the Low's Creek (abovementioned property is riparian to the Low's Creek) for the purpose of storing irrigation water for supply to the existing listed properties and holders of legal water use entitlements within the area of jurisdiction of the Lower Kaap Irrigation Board. The following conditions are attached to the consent:

1. The owner may erect a pump station at the dam for the purpose of abstracting water use entitlements already granted from the Low's Creek to the riparian property by Department of Water Affairs and Forestry, but which water use entitlements cannot be supplied by the water distribution works of the Low's Creek Irrigation Board. Water restrictions imposed on irrigators within the area of jurisdiction of the Lower Kaap Irrigation Board will be applicable at this point of abstraction at all times;
2. That the area adjacent to the dam remains private property and that the public will not have unauthorised access to the area;
3. Construction workers may not reside on the terrain. Only security personnel may reside on the terrain during the period of construction or as arranged with the owner.
4. Compensation is payable to the owner for loss of productive land due to the construction of the dam. Compensation will be calculated at the market value of the land.

SIGNED AT TONETTI ON THIS 30 DAY OF NOVEMBER 2002

Giulia Tonetti
SIGNATURE

AS WITNESSES:

1. Alouis
2. [Signature]

TO WHOM IT MAY CONCERN

I, VITTORIO MARCO FILIPPO TONETTI
Registered owner of

REMAINING EXTENT OF THE FARM ESPERADO 253
(Description of property)

hereby grants permission to the Lower Kaap Irrigation Board to construct a dam of $\pm 167\ 000\ M^3$ in the Low's Creek (abovementioned property is riparian to the Low's Creek) for the purpose of storing irrigation water for supply to the existing listed properties and holders of legal water use entitlements within the area of jurisdiction of the Lower Kaap Irrigation Board. The following conditions are attached to the consent:

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2. That the area adjacent to the dam remains private property and that the public will not have unauthorised access to the area;
3. Construction workers may not reside on the terrain. Only security personnel may reside on the terrain during the period of construction or as arranged with the owner.
4. Compensation is payable to the owner for loss of productive land due to the construction of the dam. Compensation will be calculated at the market value of the land.

SIGNED AT TONETTI ON THIS 30 DAY OF NOVEMBER 2002



SIGNATURE

AS WITNESSES:

1. Alouis

2. [Signature]



FAKS: G.S. VAN NIEKERK ✓

DEPARTEMENT VAN WATERWESE EN BOSBOU
DEPARTMENT OF WATER AFFAIRS AND FORESTRY
LEFAPHA LA METSI LE DIKGWA
UMNYANGO WEZAMANZI NEZAMAHLATHI



RESIDENSIEGEBOU/BUILDING, SCHOEMANSTRAAT 185 SCHOEMAN STREET, PRETORIA

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P/B X313
PRETORIA
0001

L.E. Makgeru
336-8474
12/2/X203/94

Nuweleer
Low's Creek
DAM
W. 3.2.

DVK2.DOTL.DOC/X203-94

Voorsitter
Laer-Kaap Besproeiingsraad
Posbus 382
MALELANE
1320

2000-06-13

Aandag: Mnr. H.A. Kotze

OP HERMAN KOTZE
SEGROND

Gepos - Christo Greyth

Meneer

KLASSIFIKASIE VAN 'N DAM MET 'N VEILIGHEIDSRISIKO INGEVOLGE HOOFSTUK 12 VAN DIE NASIONALE WATERWET, 1998 (WET 36 VAN 1998), SAAMGELEES MET REGULASIES 2 EN 3 VAN DIE REGULASIES GEPUBLISEER IN GOEWERMENSKENNISGEWING R. 1560 VAN 25 JULIE 1986: VOORGESTELDE LOW'S CREEKDAM OP GEDEELTE 1 EN 2 VAN DIE PLASE ESPERADO 256 JU EN ESPERADO ANNEX 222 JU, DISTRIK BARBERTON

A. BELANGRIKE KENNISGEWING: NASIONALE WATERWET, 1998

Let asseblief daarop dat ingevolge artikel 163(4) van die Nasionale Waterwet, 1998, is die Regulasies gepubliseer in Goewermentskennisgewing R. 1560 van 25 Julie 1986, steeds van krag totdat dit amptelik deur kennisgewing in die Staatskoerant deur die Departement herroep word. Die uitdrukking "lisensie" het dieselfde betekenis as "permit", soos gebruik in genoemde Regulasies.

B. AANSOEK

Die aansoek 12/2/X203 oor 7/1/170/1 gedateer 15 Junie 1999 ontvang van Streekdirekteur: Mpumalanga, verwys.

C. KLASSIFIKASIE

Die klassifikasie van Low's Creekdam is soos volg:

Vertikale walhoogte	11,8 meter
Opgaarvermoë	167 000 kubieke meter
Grootteklas	Klein
Bedreigingspotensiaalvlak	Gering
Kategorie	I

FAXED
2000-06-20
M.S.A.

Die klassifikasie is gedoen op grond van beskikbare inligting. Indien u oor inligting beskik aan die hand waarvan u van oordeel is dat die klassifikasie nie korrek is nie, word u versoek om gemotiveerde verdoë vir die hersiening daarvan skriftelik te rig.

D. VEREISTES

1. Daar mag met geen konstruksiewerk soos gestipuleer in Regulasie 4.1 van genoemde regulasies begin word voordat die toepaslike stappe gevolg is nie:

1.1 Doen aansoek vir 'n lisensie om te bou op die bygaande vorm (DW694A). Die aansoekvorm tesame

met tekeninge van die voorgestelde werke moet voorgelê word aan die Damveiligheidskantoor van hierdie Departement, by bogemelde adres, deur wie die nodige lisensie oorweeg en uitgereik sal word.

- 1.2 In u eie belang word aanbeveel dat u die dienste van 'n ervare siviele persoon vir die bou van Low's Creekdam bekom/gebruik.
- 1.3 Ingevolge artikel 120 van die Nasionale Waterwet, 1998 (Wet No. 36 van 1998), moet die dam binne 120 dae na die datum waarop die dam in staat word om water te hou, op te gaar of op te dam by die Departement geregistreer word. Bygaande vorm (DW693A) moet vir hierdie doel ingevul en by die Damveiligheidskantoor ingedien word.

E. U AANDAG WORD DAAROP GEVESTIG DAT DIE LISENSIE OM TE BOU INGEVOLGE HOOFSTUK 12 NIE UITGEREIK SAL WORD VOORDAT DIE VOLGENDE BEPALINGS EN REGULASIES NAGEKOM IS NIE:

1. Verkry die vereiste lisensie of 'n regmatige watergebruik ingevolge Hoofstuk 4 van die Nasionale Waterwet, 1998 of die erkenning van 'n bestaande wettige watergebruik ingevolge artikels 32 en 33 van die genoemde Wet. Rig navrae en aansoeke in die verband aan:

Streekdirekteur: Mpumalanga
Departement van Waterwese en Bosbou
Privaat Sak X 11259

NELSPRUIT
1200

☎: (013) 752-4183
Faks: (013) 752-5056

2. Die bepalinge en regulasies van Goewermentskennisgewings R.1182 en R.1183 van 5 September 1997, uitgevaardig kragtens artikel 21 van die Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989), met betrekking tot aktiwiteite wat moontlik 'n nadelige invloed op die omgewing kan hê, moet nagekom word. Navrae in hierdie verband moet gerig word aan:

Direkteur
Departement van Omgewingsbewaring
Privaat Sak X 11233

NELSPRUIT
1200

☎: (013) 759-4000
Faks: (013) 755-4796

Die uwe

M. J. van der Merwe
no **DIREKTEUR-GENERAAL**

Afskrif aan: (1) Streekdirekteur: Mpumalanga
(2) Direkteur: Omgewingsbewaring: Nelspruit
(3) Mnr. H.A. Kotze, Posbus 96, Kaapmuiden, 1295
Bylae : (i) DW693A, DW694A