

# FINAL SCOPING REPORT APPENDICES

**LOWS CREEK DAM PROJECT: DEVELOPMENT OF AN INSTREAM STORAGE DAM  
FOR IRRIGATION PURPOSES ON PORTIONS OF REMAINING EXTENT OF  
ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO ANNEX 222 JU  
LOWS CREEK-KAAPMUIDEN AREA, MPUMALANGA.  
PROJECT REFERENCE: 1/3/1/16/1E-294**

**PREPARED BY:**



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**PREPARED FOR:**

**MR. WALTER GIURICICH/RIAAN KOTZE**

**FOR SUBMISSION TO:**



**DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, LAND AND  
ENVIRONMENT AFFAIRS, MPUMALANGA PROVINCIAL GOVERNMENT**

**JANUARY 2021**

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Mbombela Municipality	Head Planning Division: Mr. Dumisani Mabuza	1
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## **ABBREVIATIONS**

ASAP	As Soon As Possible
Asl	Above sea level
BEE	Black Economic Empowerment
CBAs	Critical Biodiversity Areas
cm	centimetre
DAFF	Department of Agriculture, Forestry and Fisheries
DARDLEA	Department of Agriculture, Rural Development, Land and Environment Affairs
DWS	Department of Water and Sanitation
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
ELU	Existing Lawful Use
EMPr	Environmental Management Programme
ER	Ecological Reserve
ESKOM	Electricity Supply Commission
EWR	Ecological Water Requirement
GPS	Geographical Positioning System
ha	Hectare
HIA	Heritage Impact Assessment
I&AP's	Interested and Affected Parties
IEM	Integrated Environmental Management
IUCMA	Inkomati Usuthu Catchment Management Agency
KNP	Kruger National Park
kPa	kilopascal
LUDS	Land Use Decision Support Tool
m	metre
mm	millimeter
MTPA	Mpumalanga Tourism and Parks Agency
m/s	metre per second
NA	Not Applicable

NEMA	National Environmental Management Act
NHBRC	National Housing Building Regulations Council
OHASA	Occupational Health and Safety Act
OMPr	Operational Management Programme
ONA	Other Natural Areas
PDI	Previously Disadvantaged Individual
PES	Present Ecological State
PPP	Public Participation Process
RES	Rhengu Environmental Services
ROD	Record of Decision
ROW	Right of Way
SABS	South African Bureau of Standards
SAHRA	South African Heritage Resources Agency
sqm	square metre
WULA	Water Use Licence Application

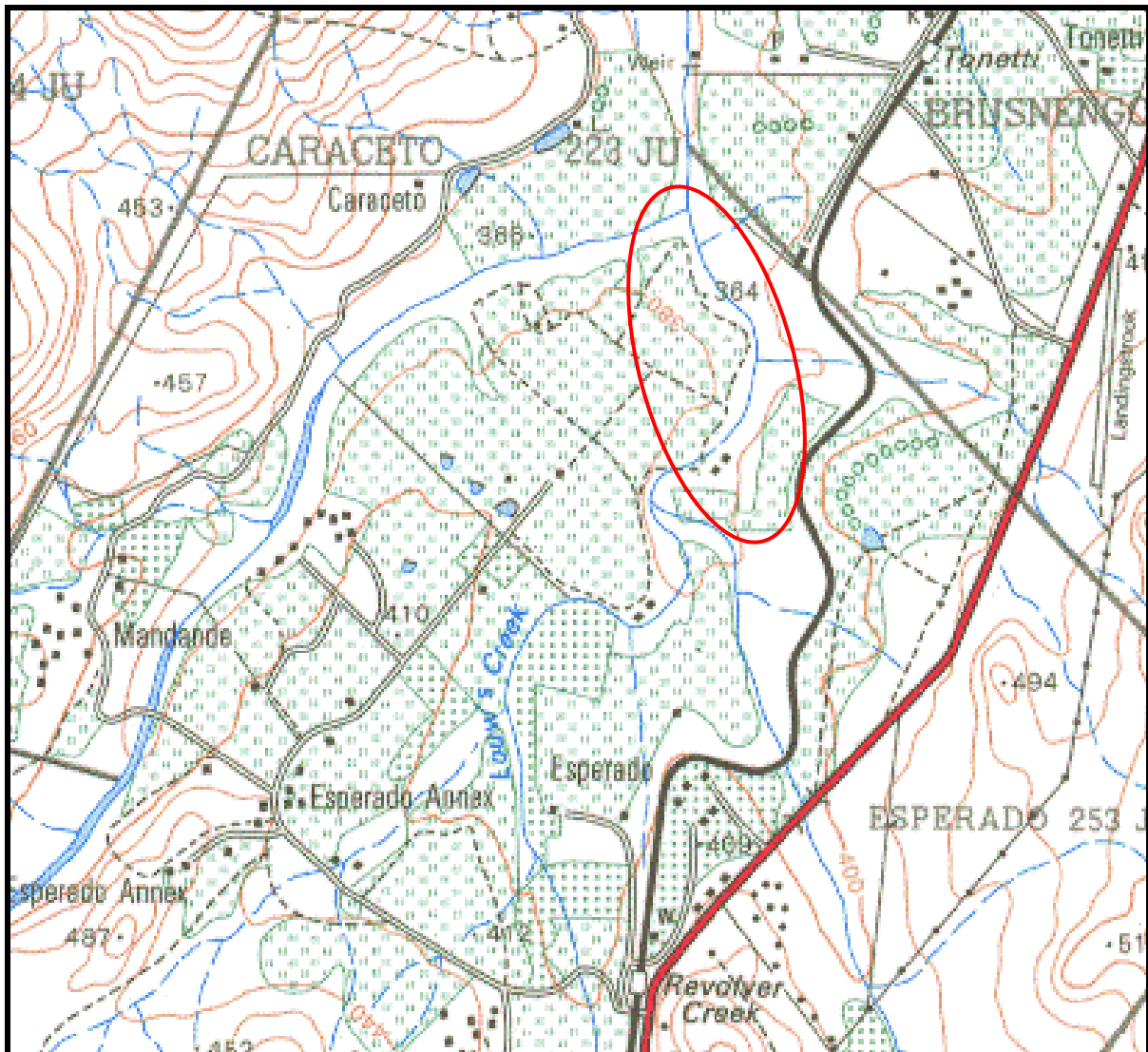
**APPENDIX 1:**  
**SITE MAPS**  
**SITE PHOTOGRAPHS**

**GPS Position of the preferred dam site as per the map included in Appendix 1: See Maps below.**

Preferred Site	South	East
A	25°35' 30.6"	031°18' 32.2"

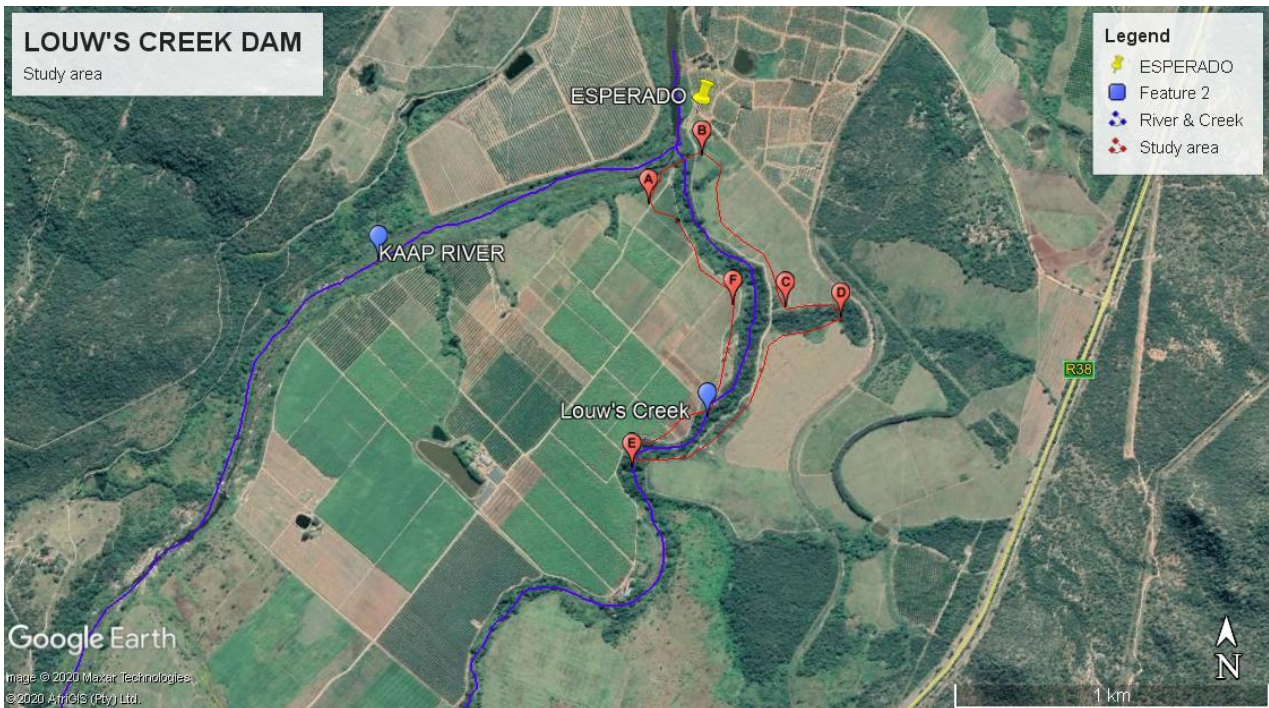


**LOCALITY AND TOPOGRAPHICAL MAP: PORTIONS OF REMAINING EXTENT OF  
ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO ANNEX 222 JU**



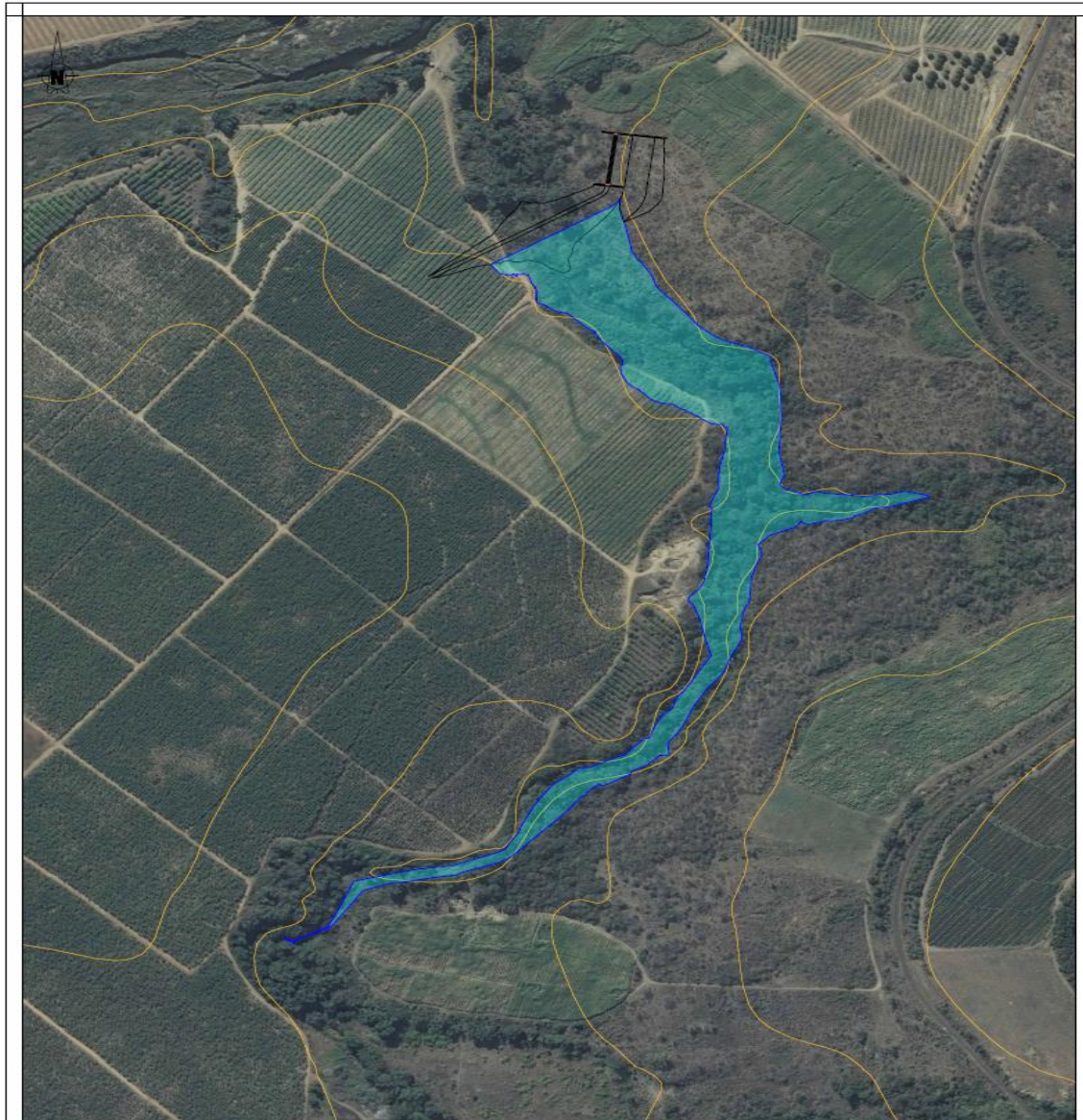
**1984 Topographical Map: The study area is within the red oval. Extensive cultivated lands are visible. Red Road: Kaapmuiden to Lows Creek Provincial Road.**

**LOCALITY GOOGLE MAP: PORTIONS OF REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO ANNEX 222 JU**



**The study area is indicated by the red line.**

**PREFERRED OPTION DAM SITE: GOOGLE EARTH MAP: PORTIONS OF REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO ANNEX 222 JU**

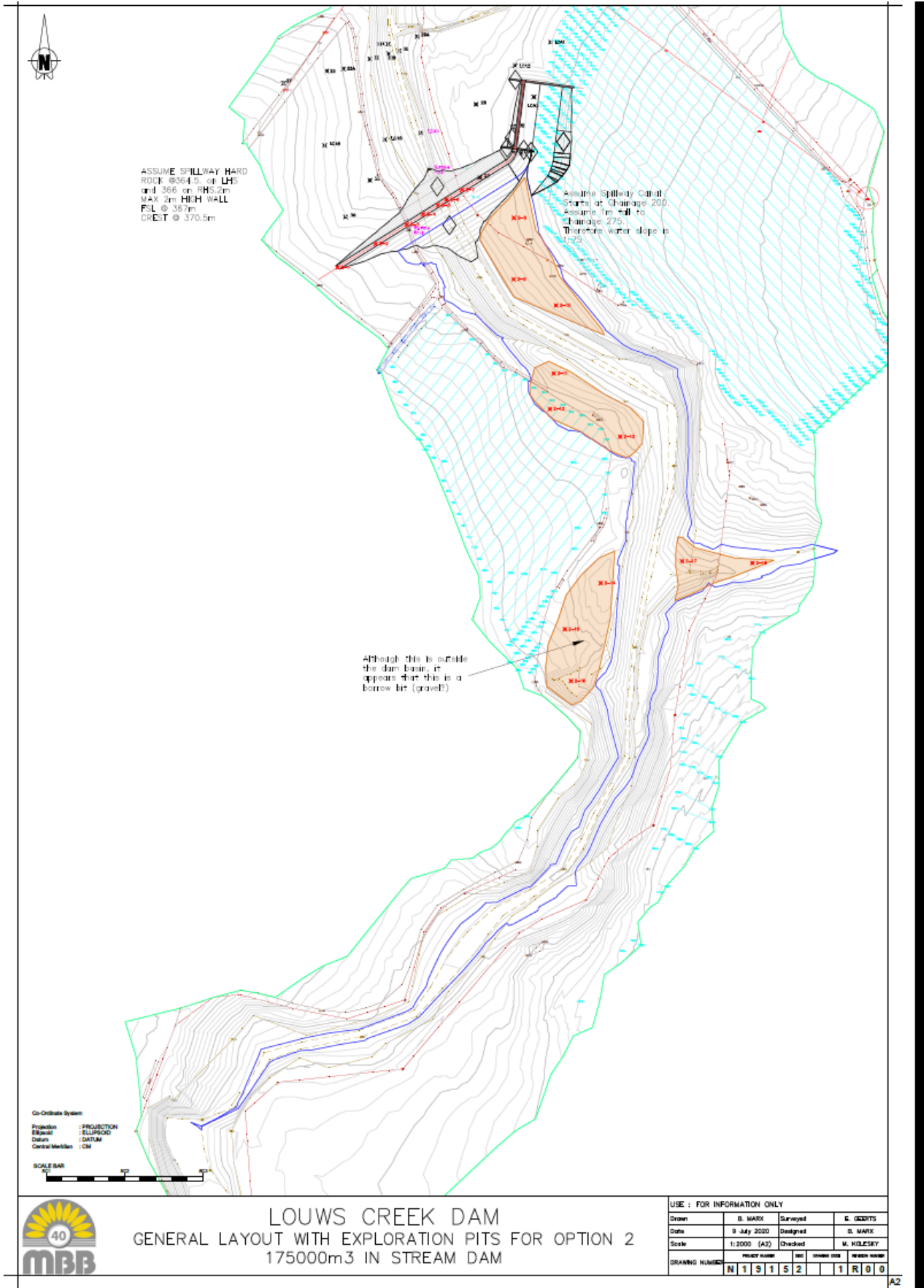


ESPERADO FARMS  
PREFERRED DAM SITE

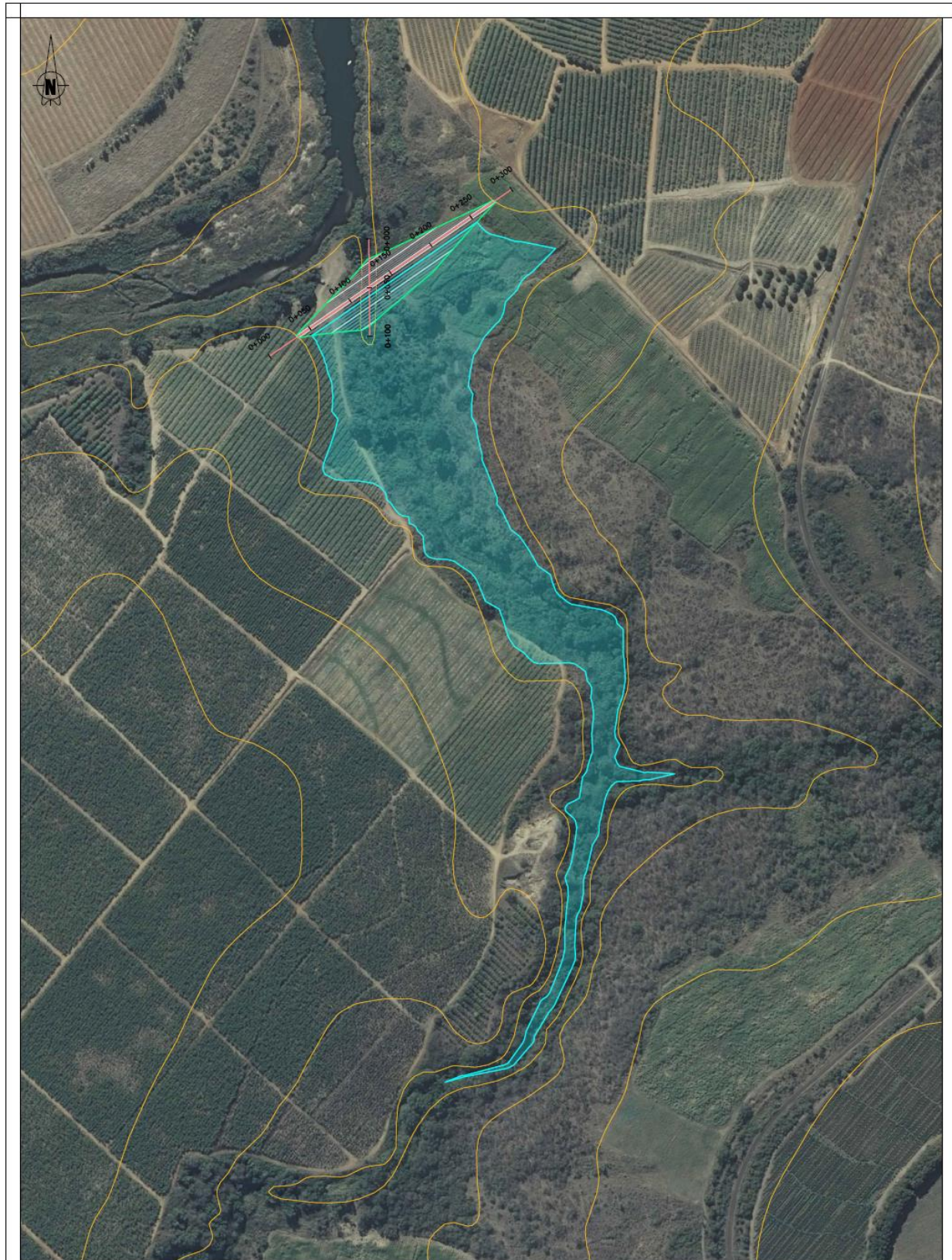
Drawn	B. Mark	Surveyed	
Date		Designed	
Scale	1:5000 (A4)	Checked	
DRAWING NUMBER	PROJECT NUMBER	DATE	REV. NO.
	N1915A001R00		

A4

**PREFERRED OPTION DAM SITE CONTOUR MAP: PORTIONS OF REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO ANNEX 222 JU**

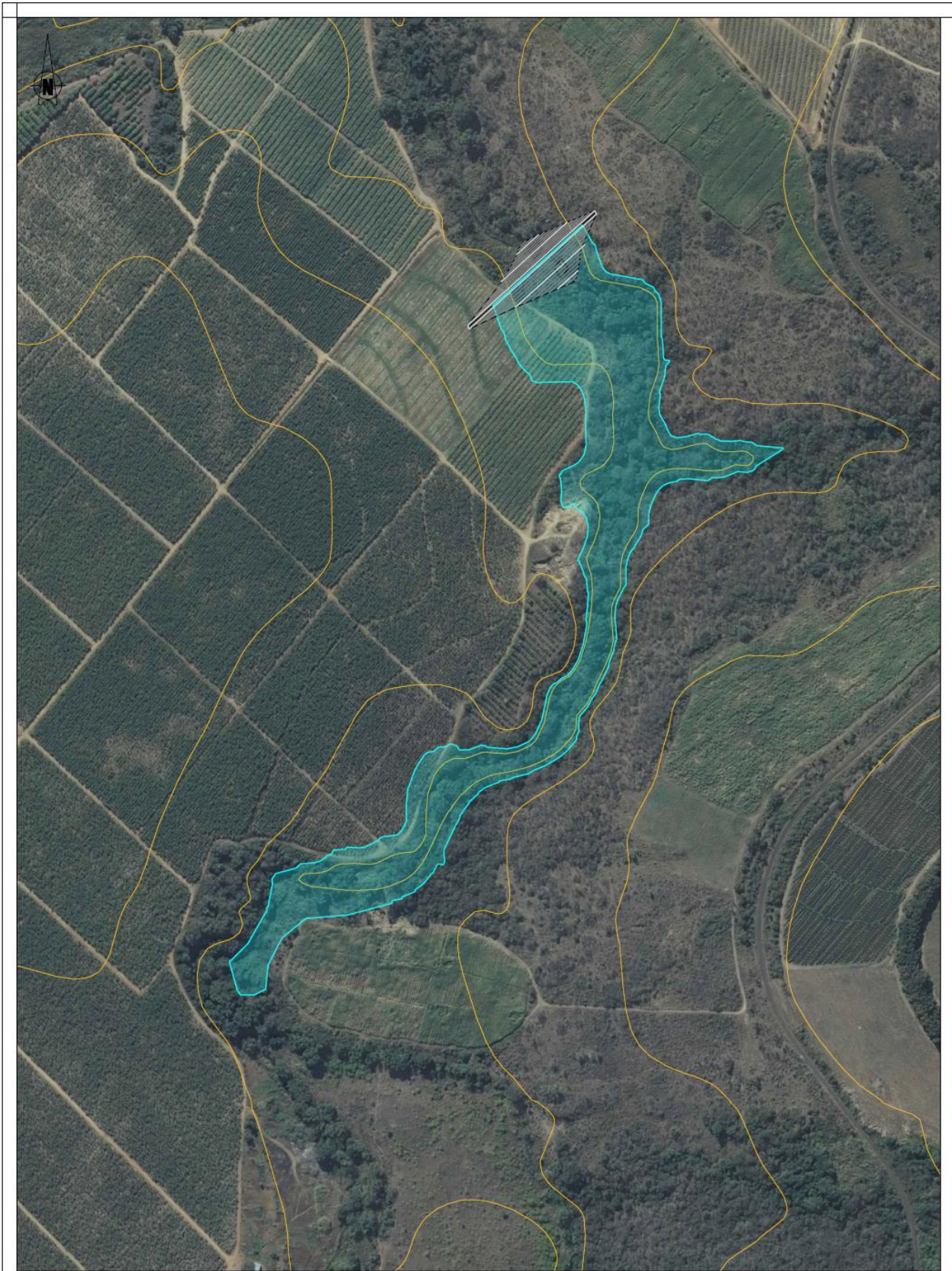


**THREE ALTERNATIVE DAM SITE OPTIONS MAP: PORTIONS OF REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO ANNEX 222 JU**



ESPERADO FARMS  
LOWER DAM SITE

Drawn	B. Marx	Surveyed	
Date	13 July 2020	Designed	
Scale	1:5000 (A4)	Checked	
DRAWING NUMBER	PROJECT NUMBER	DISC	DRAWING CODE
	N19115A	001	R000



ESPERADO FARMS  
MIDDLE DAM SITE

Drawn	B. Marx	Surveyed	
Date	13 July 2020	Designed	
Scale	1:5000 (A4)	Checked	
DRAWING NUMBER	PROJECT NUMBER	DISC DRAWING CODE	REV No.
	N 1   9   1   5	A   0   0   1   R   0   0	



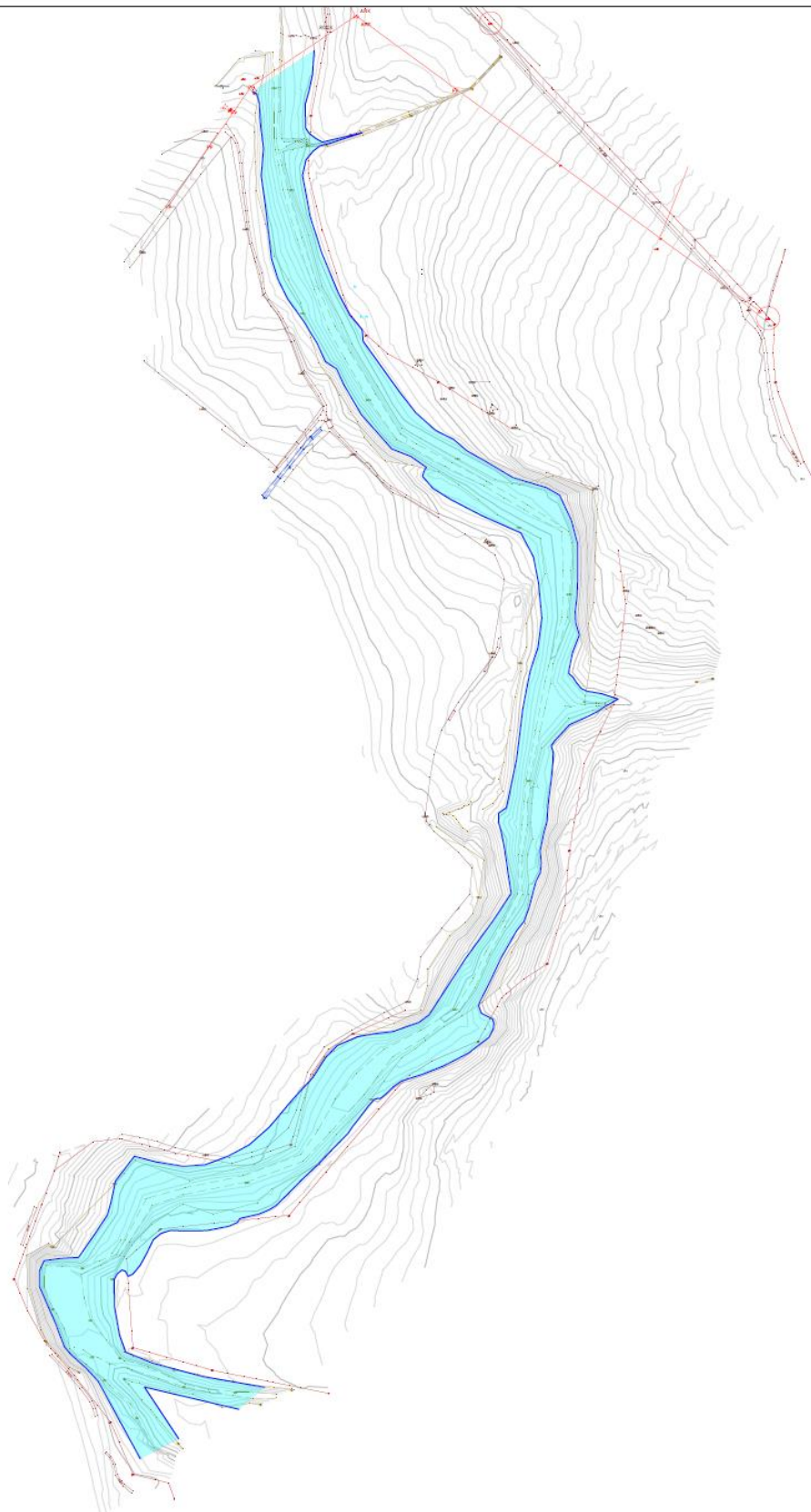
ESPERADO FARMS  
UPPER DAM SITE

Drawn	B. Marx	Surveyed	
Date	13 July 2020	Designed	
Scale	1:5000 (A4)	Checked	
DRAWING NUMBER	PROJECT NUMBER	DISC	DRAWING CODE
	N1915	A001	R000

A4



**1:100 YEAR FLOODLINE MAP OF THE PREFERRED DAM SITE: PORTIONS OF REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO ANNEX 222 JU**



Co-Ordinate System  
 Projection : PROJECTION  
 Ellipsoid : ELLIPSOID  
 Datum : SATUM  
 Central Meridian : CM



LOUWS CREEK  
 1:100 YEAR FLOOD LINE (377m<sup>3</sup>/s)

USE : FOR INFORMATION ONLY			
Drawn	B. MARK	Surveyed	E. GEERTS
Date	October 2020	Designed	B. MARK
Scale	1:2500 (A2)	Checked	
DRAWING NUMBER	PROJECT NUMBER	REV	DRAWING CODE
N 1 9 1 5			1 R 0 0

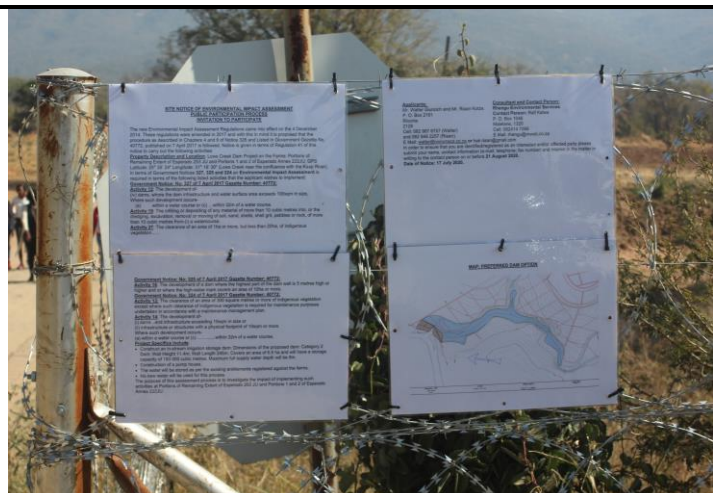
**Site Photographs: EIA: Portions of Remaining Extent of Esperado 253 JU and  
Portions 1 and 2 of Esperado Annex 222 JU**



**Figure 1: Public Participation: Advertisement at Project Site Entrance off Provincial Road.**



**Figure 2: Public Participation: Advertisement at Project Site Entrance off Provincial Road. Farm workers in background.**



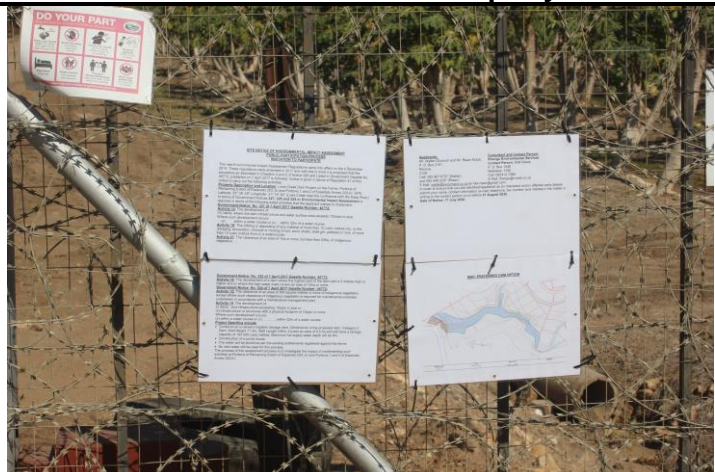
**Figure 3: Public Participation: Close up view of Site Notice.**



**Figure 4: Public Participation: Advertisement at Farm Entrance Gate: Giurich Property.**



**Figure 5: Public Participation: Advertisement at Farm Entrance Gate: Giurich Property.**

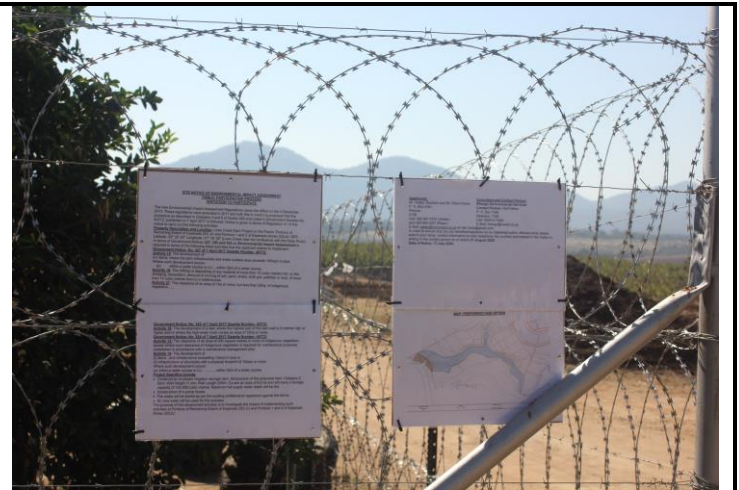


**Figure 6: Public Participation: Close up view of Site Notice: Giurich Property.**

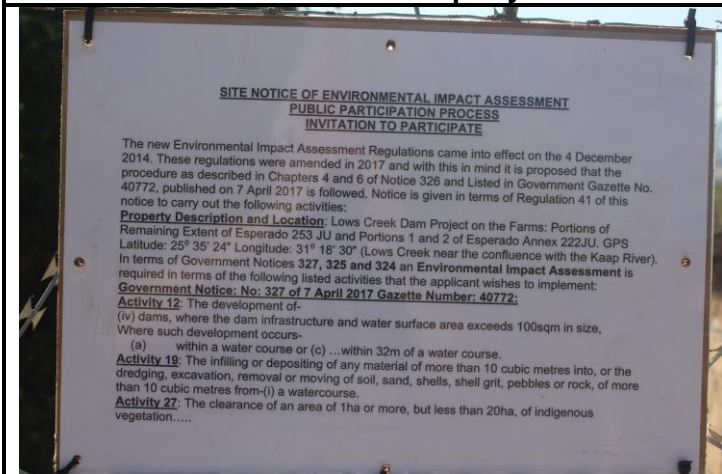
**Site Photographs: Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222 JU**



**Figure 7: Public Participation: Advertisement at Farm Entrance Gate: Kotze Property.**



**Figure 8: Public Participation: Advertisement at Farm Entrance Gate: Kotze Property.**



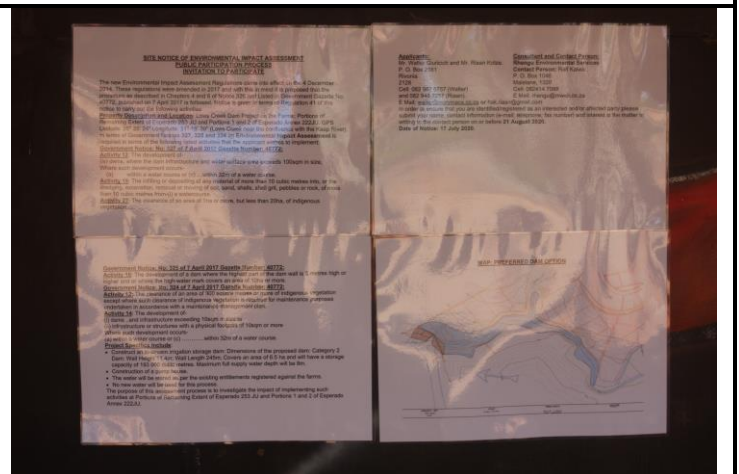
**Figure 9: Public Participation: Close-up of Advertisement at Farm Entrance Gate: Kotze Property.**



**Figure 10: Public Participation: Advertisement at Lows Creek Town Supermarket.**



**Figure 11: Public Participation: Advertisement at Lows Creek Town Supermarket. Post Boxes in foreground.**



**Figure 12: Public Participation: Advertisement at Lows Creek Town Supermarket. Close-up View.**

**Site Photographs: EIA: Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222 JU**



**Figure 13: PPP: Public Meeting: Officials, Interested and Affected Parties, Irrigation Boards.**



**Figure 14: PPP: Public Meeting: Officials, Interested and Affected Parties, Irrigation Boards.**



**Figure 15: PPP: Public Meeting: Covid 19 Regulations applicable. Social distancing important.**



**Figure 16: PPP: Public Meeting: Covid 19 Regulations applicable.**



**Figure 17: Old Pump Station: Kotze Property. Near preferred site.**



**Figure 18: Preferred Dam Site Option. Near the confluence between the Lows Creek and the Kaap River.**

**Site Photographs: EIA: Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222 JU**



**Figure 19: Powerlines and Pump House: Near Preferred Site.**



**Figure 20: Farm equipment and storage facilities: Kotze Farm.**



**Figure 21: Farm Equipment and Nursery: Kotze Farm.**



**Figure 22: Papaya Orchards on the Kotze Property.**



**Figure 23: Macadamia Orchards have been established.**



**Figure 24: Both Farms produce a variety of crops.**

**APPENDIX 2:**  
**PUBLIC PARTICIPATION PROCESS**  
**ISSUES AND RESPONSES REPORT**  
**INTERESTED AND AFFECTED PARTIES REGISTER**  
**COPIES OF ADVERTISEMENTS, NEWSPAPER NOTICES AND MINUTES**  
**COPIES OF E-MAIL CORRESPONDENCE**  
**COPIES OF NOTIFICATIONS AND REPORT SUBMISSIONS**

**ISSUES AND RESPONSES REPORT:**  
**LOWS CREEK DAM PROJECT: PORTIONS OF REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO**  
**ANNEX 222 JU**

<b><u>Interested and Affected Party:</u></b>	<b><u>Response</u></b>
<p><b>Note:</b> Questions/queries posed by all parties during meetings, discussions and informal conversations are listed below and included in the report.</p>	
<p><b>1.AG:</b> What department is responsible to assess the EIA process? What department is responsible for investigating transgressions of the National Environmental Management Act?</p>	<p><b>1. RK:</b> The Department of Agriculture, Rural Development, Land and Environment Affairs (DARDLEA) will assess the EIA Reports and the information that is submitted and take a decision on the outcome of the application. Transgressions must also be reported to DARDLEA who will refer the incident to its Compliance and Monitoring Section.</p>
<p><b>2.HK:</b> How will the new WULA process affect the existing licences, permissions that are in place? Is it a new licence? Also, as we are two applicants how will the licence be allocated, in other words will the new licence be in the name of the dam or a specific person or persons?</p>	<p><b>2.JE:</b> The new licence will be a separate licence, in other words a new licence? Section 33 (abstraction) stays as is and the new WULA will address the new activity, i.e., building a dam and storing water. Sections 21b and c and i will be applicable for the new WULA. Only one company/person's name will be on the licence. This was affirmed by <b>TR</b>.  The beneficiary list can however include more than one entity. <b>RK:</b> It was decided that this is a legal issue which must be resolved through a Memorandum of Agreement (MOA) between the two applicants and has little bearing on the EIA at this stage.</p>
<p><b>3.AG:</b> Once the dam is completed how will the authorities ensure that the normal flow of the Lows Creek remains intact and functional especially during dry seasons.</p>	<p><b>3.AD:</b> Andrew felt it necessary at this point to explain how his and other studies contribute to the decision making/taking process. Following various ecological assessments, the river is classified. The classification then lists the river as relatively pristine (A Category) all the way to E (badly affected, poor condition etc.). Based on the condition of the river, the presence or absence of sensitive components of biodiversity, the requirements of the fish etc. Andrew's information is then submitted to the Hydrologist (Mr. Stephen Mallory in this case) and the river is then classified. In this case the Lows Creek was classified as a Category B river. Stephen Mallory then using a flow determination model defined the <b>ecological water requirement (EWR)</b> which will be necessary during the various months of the year to ensure that the Lows Creek below the dam continues to maintain its ecological integrity. The management authority of the dam will thus have to release the EWR as per the flow requirement table identified during this assessment process.  <b>BM:</b> Added that the dam is very small and the catchment is quite big. The dam will thus never be able to hold all the water that flows down in the catchment and thus</p>

	<p>water should always be available in the system. Secondly to address the concerns of the downstream users the design of the dam will include the installation of water measuring meters above the dam (measuring what goes into the dam) and one below the dam (measuring water flowing out of the dam). There are no new water rights being applied for. The applicant can take water out of the river and or the dam. Water abstraction must however remain with the approved allocated amount as per the water entitlement.</p>
<p><b>4.MR:</b> Will the structures measuring the in- and out flow be permanent structures, and who will monitor these flows?</p>	<p><b>4.BM:</b> Yes, structures will be permanent.  <b>WG:</b> The Lows Creek Irrigation Board/Water Baliff will monitor the flow. Esperado and the Annex falls under the Lows Creek Irrigation Board. The water entitlement covers two systems: The Shiyalongubo and the Lows Creek. The Water Baliff responsible for these systems must monitor the abstraction.</p>
<p><b>5.RO:</b> The Section 33 approval that the applicants have does not distinguish between the river and or the canal system. You are entitled to 40ha of water. You cannot use the Shiyalongubo system as part of your argument. Although the dam is in the Lows Creek area and the Lows Creek Irrigation Board has jurisdiction the Major Irrigation Board is responsible for the whole catchment system. <b>MR</b> will thus also be involved in the monitoring of the abstraction and storage/release process.</p>	<p><b>5. RK:</b> Comments noted.</p>
<p><b>6.HK:</b> I want clarity on water flowing in and out of the dam? What must be allowed out, even during low flow or during the dry season? Also let us say the dam is 100% full how much can each party abstract especially during the dry season?</p>	<p><b>6.RK:</b> The EWR must be honoured and let through at all times. You are only entitled to abstract the water from the system (river, dam, canal etc.) as per your entitlement. If restrictions are in place at the time, then that will also play a role and you must honour the restrictions as well. The abstraction amount (as per your hectarage) between yourself and WG will have to be decided amongst yourselves, however the EWR will have to be honoured and the engineers will design the dam to also allow for movement of fish and to release the water. A fishway will be installed.  <b>WG</b> also commented that the Shiyalongubo system is part of the Lomati system and is also subjected to restrictions from time to time. RK suggested that an operational plan will have to be developed between the two applicants to ensure a sustainable and amicable use of the stored water.</p>
<p><b>7. AG:</b> Do I understand this correct now. This dam and whatever is stored is basically an insurance policy that when the flow in the river goes down you can use the water that you have stored in the dam. You are not allowed to exceed your abstraction amount as per your entitlement.</p>	<p><b>7. RK:</b> Correct.</p>



<p><b>8. DV:</b> Made the following statement: “The dam as he understands it is to store water during the wet season. It is to be used during the dry season and is thus an insurance policy. It also benefits us downstream as we can then be assured of water during difficult times”.</p> <p><b>DV:</b> Will you abstract from the river to fill up the dam if there is not enough rain in the Shiyalongubo system?</p> <p><b>Final Comment by DV:</b> I do not have a problem with the proposed dam.</p>	<p><b>8. WG:</b> We (the applicants) have not decided detail yet. We have off stream facilities (balancing dams) that we will utilise. We will however only abstract and store as per our entitlements. We do however feel that during the season the dam will be kept full from the Shiyalongubo system under normal rainfall conditions.</p> <p><b>WG:</b> Shiyalongubo is obligated to provide 50 000 gallons per day. During this past season, the system continued to support the Lows Creek with water.</p>
<p><b>9.MR:</b> The meeting must take note that there are many drainage lines and other tributaries that contribute to the water in the Lows Creek and Kaap River. It not only dependent on the Shiyalongubo system.</p>	<p><b>9. RK:</b> Comment noted.</p>
<p><b>10.AG:</b> All we request is that the dam, if possible, must fill up during the rainy season and we want to have the abstraction and storage amounts monitored by the responsible Irrigation Boards and Water Baliffs. If that is accepted by the meeting, we have no further issues with the application.</p>	<p><b>10. RK:</b> Comment noted.</p>
<p><b>Interested and Affected Party:</b>  <b>Note: Questions/queries/comments submitted by Interested Parties on the contents of the Draft Basic Assessment Report.</b></p>	
<p><b>1.MTPA:</b> See letter from MTPA below and response by RES.</p>	

**List of Participants in Discussions and Queries listed above:**

- Mr. Alwyn van Graan (AG) Farmer and Lower Kaap Irrigation Board.
- Mr. M. de Jager (MJ) Farmer and Neighbour.
- Mr. D. Venter (DV) Farmer and Neighbour.
- Mrs. Ronel Oelofsen (RO) Major Irrigation Board: Kaap River.
- Ms. Chane Scheepers (CS) Major Irrigation Board: Kaap River.
- Mr. Mare Le Roux (MR) Major Irrigation Board: Kaap River.
- Mr. Thabo Rasiuba (TR) Inkomati Usuthu Catchment Management Agency.
- Mr. H. A. Kotze (HK) Applicant.
- Dr. Andrew Deacon (AD) Biodiversity Specialist.
- Mr. Barend Marx (BM) Project Engineer.
- Mr. Walter Giuricich (WG) Applicant.
- Mrs. Karin Pelsler (KP) IWULA Consultant. Project Team Member.
- Mr. Johan Enslin (JE) IWULA Consultant. Project Team Member.
- Mr. Ralf Kalwa (RK) Rhengu Environmental Services.

**PUBLIC PARTICIPATION AND ROLEPLAYERS REGISTER:**  
**INTERESTED AND AFFECTED PARTIES: PORTIONS OF REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 AND 2 OF**  
**ESPERADO ANNEX 222 JU**

Name; Company, Department	Postal Address	E Mail	Fax	Telephone or Cell Number	Attended Public Information Meeting
Abel	NA	Matsulu1@retail.spar.co.za	NA	072 347 7895	No
Deacon, Andrew Dr	House 4, Jakkalsbessie Farm, Opdraend Road, Malelane	andrewd@mpu.co.za	NA	082 325 5583	Yes
De Jager, Marc	Tonetti	Marc@tonetti.co.za	NA	071 319 1981	Yes
Enslin, Johan	Riverside Estate, Skeerpoort, 0232	iwulaspecialist@gmail.com	NA	072 332 2442	Yes
Fakude, Comfort Mdumiso	NA	mdumisocomfort@gmail.com	NA	072 978 6343	No
Giuricich, Walter	P. O. Box 2161 Rivonia 2128	walter@ivorymacs.co.za	NA	082 967 6757	Yes
Kotze, Riaan	Esperado Farm	hak.riiaan@gmail.com	NA	082 948 2257	Yes
Marx, Barend	11 Streak Street, Nelspruit, P. O. Box 498, Nelspruit, 1200	barend@mbbnel.co.za	013 752 8213	083 354 5521 013 752 8213/6	Yes
Mazibuko Eugene, Mbongeni	NA	Mbongenieugene1@gmail.com	NA	079 114 2196	No
Mohle, Nicola	NA	nicola@jrmpallets.co.za	NA	083 472 5632	No
Ndlakude, Zito	NA	znlakude@gmail.com	NA	072 880 6673	No
Ndlovu, Sibusiso	NA	Sstarring305@gmail.com	NA	079 058 9262	No
Nkosinathi, Edwin	NA	Edwillnkosinathi995@gmail.com	NA	NA	No
Olive, Sicelo	NA	Siceloolive933@gmail.com	NA	079 717 2407	No
Pelser, Karin	NA	Kp.iwulaspecialist@gmail.com	NA	082 909 5400	Yes
Tsilane, Samuel	NA	tsilanesamuel@gmail.com	NA	NA	No

Van Graan, Alwyn	Klipfontein	baiebesig@gmail.com	NA	083 457 3911	Yes
Venter, Daniel	Eureka	daniel@siyalima.co.za	NA	083 679 7536	Yes
<b>Government or Official Departments/Business Interests</b>	<b>Postal Address</b>	<b>E Mail</b>	<b>Fax</b>	<b>Telephone or Cell Number</b>	<b>Attended Public Information Meeting or other Focus Group Meeting</b>
Claasen, Adri.: Lows Creek Irrigation Board.	P. O. Box 76, Lows Creek, 1302	lowscreekwater@gmail.com	NA	073 170 9146	No
Khumalo, Nokukhanya: SAHRA	P. O. Box 4637, Cape Town, 8001	nkhumalo@sahra.org.za	021 462 4509	021 462 4502	No
Krige, Frans: MTPA	Private Bag X 11338, Nelspruit, 1200.	frans@mtpa.co.za	013 755 3928	013 759 5300	No
Le Roux, Mare	12 Judge Street, P. O. Box 451, Barberton, 1300	water@roseinnes.co.za		071 301 9856	
Oelofsen, Ronel: Kaap River Valley Major Irrigation Board (also C. Scheepers)	12 Judge Street, P. O. Box 451, Barberton, 1300	Majorboard@roseinnes.co.za		013 712 4200 071 403 3670	Yes
Mabuza, Dumisani: Mbombela Municipality	City of Mbombela P. O. Box 45, Mbombela, 1200	Dumisani.mabuza@mbombela.gov.za	NA	013 759 9140	No
Mashabela, Frans: DAFF: LUSM	P. O. Box 8806, Nelspruit, 1200.	FransMas@nda.agric.za	013 754 0735	013 754 0730 072 130 1204	No
Mashele, Jan: Nkomazi Municipality	Private Bag X 101, Malelane, 1320	Jan.Mashele@nkomazi.gov.za	013 790 0886	013 790 1303 082 265 0528	No
Rasiuba, Thabo: IUCMA Dam Safety and WULA	13 Streak Street MAXMA Building, Nelspruit, 1200	rasiubat@iucma.co.za	013 753 2786	013 753 9030	Yes
Shabangu, Sampie: IUCMA	13 Streak Street MAXMA Building,	shabangus@iucma.co.za		013 753 9000 062 907 9061	No

	<b>Nelspruit, 1200</b>				
<b>Mtotywa, Zinzile: DAFF</b>	<b>Private Bag X 11243, Nelspruit, 1200.</b>	<b>ZinzileM@nda.agric.za</b>	<b>086 628 7137</b>	<b>013 754 0761 071 883 2768</b>	<b>No</b>

**MINUTES OF THE MEETING/DISCUSSIONS**  
**HELD WITH INTERESTED AND AFFECTED PARTIES (I&AP's):**  
**LOWS CREEK DAM PROJECT: DEVELOPMENT OF AN IN-STREAM STORAGE DAM FOR**  
**IRRIGATION PURPOSES ON PORTIONS OF REMAINING EXTENT OF ESPERADO 253 JU**  
**AND PORTIONS 1 AND 2 OF EPSEERADO ANNEX 222JU.**  
**LOWS CREEK AREA, MPUMALANGA.**  
**15 SEPTEMBER 2020**  
**10H00**

**1. Participants:**

- Mr. Alwyn van Graan (AG) Farmer and Lower Kaap Irrigation Board.
- Mr. M. de Jager (MJ) Farmer and Neighbour.
- Mr. D. Venter (DV) Farmer and Neighbour.
- Mrs. Ronel Oelofsen (RO) Major Irrigation Board: Kaap River.
- Ms. Chane Scheepers (CS) Major Irrigation Board: Kaap River.
- Mr. Mare Le Roux (MR) Major Irrigation Board: Kaap River.
- Mr. Thabo Rasiuba (TR) Inkomati Usuthu Catchment Management Agency.
- Mr. H. A. Kotze (HK) Applicant.
- Dr. Andrew Deacon (AD) Biodiversity Specialist.
- Mr. Barend Marx (BM) Project Engineer.
- Mr. Walter Giuricich (WG) Applicant.
- Mrs. Karin Pelser (KP) IWULA Consultant. Project Team Member.
- Mr. Johan Enslin (JE) IWULA Consultant. Project Team Member.
- Mr. Ralf Kalwa (RK) Rhengu Environmental Services.

**2. Apologies:**

None.

**3. Welcome and Background:**

RK thanked the participants for the opportunity to meet. RK briefly explained the role of Interested and Affected Parties in an Environmental Impact Assessment (EIA) Process and encouraged everyone to participate in an open and transparent manner. Participants should feel free to voice their comments and provide input at any stage of the process. RK also gave an overview of the EIA process and the procedure of collecting information, the opportunity for I&APs to comment and the procedure for submitting the reports.

Furthermore, RK indicated that the purpose of this Meeting was also specifically planned to inform those parties which may be affected by the proposed dam. In this way the applicant wishes to maintain good neighbour relations and hopefully address any urgent issues timeously and in a sensitive manner.

This meeting is but one of a set of meetings which will be held during the Public Participation Phase. Comments and concerns raised today will be included in the participation process and by attending this meeting the farmers/participants have registered their interest in the project. These minutes will be included in the Environmental Assessment documentation.

- To comply with **Environmental Legislation** an **Application** will be submitted to the Department of Rural Development, Land and Environmental Affairs (DARDLEA) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment (EIA) Regulations of 2014.
- Several activities which require approval by DARDLEA are listed in these regulations.
- The purpose of this assessment process is to investigate the impact of implementing such activities (i.e., developing an instream storage dam in the Lows Creek).

Having said this, Rhengu Environmental Services (RES) were appointed to undertake the assessment process. As part of this assessment process a **Public Participation Process (PPP)** must be initiated to involve all potential interested and affected parties.

Three development options (alternative sites) have been considered for evaluation. The preferred option map was included in the Background Information Document (BID) submitted to all parties during the invitation process. **Alternative Options:** All alternative options for the project will however be considered during the assessment phase.

A number of Specialist Studies have been commissioned to investigate and evaluate various aspects pertaining to the project site: Biodiversity Study (Aquatic and Terrestrial; Heritage Study and Environmental Water Requirement). Together with the Engineering Reports, these studies will allow the Project Team an opportunity to take an informed decision on the various impacts associated with the proposed development.

Finally, RK reiterated that in parallel to the EIA process the applicant must submit a Water Use Licence Application (WULA) to the Department of Water and Sanitation (IUCMA, i.e., Catchment Management Agency). This process will be managed by Johan Enslin. JE informed the meeting as follows:

- The WULA process will run concurrently with the EIA process and both processes have been advertised together. This Public Participation Process (PPP) will support the WULA process. We will now generate information and we now require engineering designs, method statements including the Biodiversity Study Reports etc. which will be included in the WULA. These reports will be submitted to DWS (IUCMA) for evaluation, perusal and approval. The process can be resolved within 300 days or less. The correctness of the reports, detail of information provided and the input of all specialists will determine the final approval period. Dam Safety will play a major role in the approval process for this project.
- The WULA process will be advertised separately and all Interested and Affected Parties are welcome to participate.

The following issues were raised by participants during the meeting:

Issue	Response
<p><b>1.AG:</b> What department is responsible to assess the EIA process? What department is responsible for investigating transgressions of the National Environmental Management Act?</p>	<p><b>1. RK:</b> The Department of Agriculture, Rural Development, Land and Environment Affairs (DARDLEA) will assess the EIA Reports and the information that is submitted and take a decision on the outcome of the application. Transgressions must also be reported to DARDLEA who will refer the incident to its Compliance and Monitoring Section.</p>
<p><b>2.HK:</b> How will the new WULA process affect the existing licences, permissions that are in place? Is it a new licence? Also, as we are two applicants how will the licence be allocated, in other words will the new licence be in the name of the dam or a specific person or persons?</p>	<p><b>2.JE:</b> The new licence will be a separate licence, in other words a new licence? Section 33 (abstraction) stays as is and the new WULA will address the new activity, i.e., building a dam and storing water. Sections 21b and c and i will be applicable for the new WULA. Only one company/person's name will be on the licence. This was affirmed by <b>TR</b>. The beneficiary list can however include more than one entity. <b>RK:</b> It was decided that this is a legal issue which must be resolved through a Memorandum of Agreement (MOA) between the two applicants and has little bearing on the EIA at this stage.</p>
<p><b>3.AG:</b> Once the dam is completed how will the authorities ensure that the normal flow of the Lows Creek remains intact and functional especially during dry seasons.</p>	<p><b>3.AD:</b> Andrew felt it necessary at this point to explain how his and other studies contribute to the decision making/taking process. Following various ecological assessments, the river is classified. The classification then lists the river as relatively pristine (A Category) all the way to E (badly affected, poor condition etc.). Based on the condition of the river, the presence or absence of sensitive components of biodiversity, the requirements of the fish etc. Andrew's information is then submitted to the Hydrologist (Mr. Stephen Mallory in this case) and the river is then classified. In this case the Lows Creek was classified as a Category B river. Stephen Mallory then using a flow determination model defined the <b>ecological water requirement</b> (EWR) which will be necessary during the various months of the year to ensure that the Lows Creek below the dam continues to maintain its ecological integrity. The management authority of the dam will thus have to release the EWR as per the flow requirement table identified during this assessment process. <b>BM:</b> Added that the dam is very small and the catchment is quite big. The dam will thus never be able to hold all the water that flows down in the catchment and thus water should always be available in the system. Secondly to address the concerns of the downstream users the design of the dam will include the installation of water measuring meters above the dam (measuring what goes into the dam) and one below the dam (measuring water flowing out of the dam). There are no new water rights being applied for. The applicant can take water out of the river and or the</p>

	dam. Water abstraction must however remain with the approved allocated amount as per the water entitlement.
<b>4.MR:</b> Will the structures measuring the in- and out flow be permanent structures, and who will monitor these flows?	<b>4.BM:</b> Yes, structures will be permanent. <b>WG:</b> The Lows Creek Irrigation Board/Water Baliff will monitor the flow. Esperado and the Annex falls under the Lows Creek Irrigation Board. The water entitlement covers two systems: The Shiyalongubo and the Lows Creek. The Water Baliff responsible for these systems must monitor the abstraction.
<b>5.RO:</b> The Section 33 approval that the applicants have does not distinguish between the river and or the canal system. You are entitled to 40ha of water. You cannot use the Shiyalongubo system as part of your argument. Although the dam is in the Lows Creek area and the Lows Creek Irrigation Board has jurisdiction the Major Irrigation Board is responsible for the whole catchment system. <b>MR</b> will thus also be involved in the monitoring of the abstraction and storage/release process.	<b>5. RK:</b> Comments noted.
<b>6.HK:</b> I want clarity on water flowing in and out of the dam? What must be allowed out, even during low flow or during the dry season? Also let us say the dam is 100% full how much can each party abstract especially during the dry season?	<b>6.RK:</b> The EWR must be honoured and let through at all times. You are only entitled to abstract the water from the system (river, dam, canal etc.) as per your entitlement. If restrictions are in place at the time, then that will also play a role and you must honour the restrictions as well. The abstraction amount (as per your hectarage) between yourself and WG will have to be decided amongst yourselves, however the EWR will have to be honoured and the engineers will design the dam to also allow for movement of fish and to release the water. A fishway will be installed. <b>WG</b> also commented that the Shiyalongubo system is part of the Lomati system and is also subjected to restrictions from time to time. RK suggested that an operational plan will have to be developed between the two applicants to ensure a sustainable and amicable use of the stored water.
<b>7. AG:</b> Do I understand this correct now. This dam and whatever is stored is basically an insurance policy that when the flow in the river goes down you can use the water that you have stored in the dam. You are not allowed to exceed your abstraction amount as per your entitlement.	<b>7. RK:</b> Correct.
<b>8. DV:</b> Made the following statement: "The dam as he understands it is to store water during the wet season. It is to be used during the dry season and is thus an insurance policy. It also benefits us downstream as we can then be assured of water during difficult times". <b>DV:</b> Will you abstract from the river to fill up the dam if there is not enough rain in the Shiyalongubo system?	<b>8. WG:</b> We (the applicants) have not decided detail yet. We have off stream facilities (balancing dams) that we will utilise. We will however only abstract and store as per our entitlements. We do however feel that during the season the dam will be kept full from the Shiyalongubo system under normal rainfall conditions. <b>WG:</b> Shiyalongubo is obligated to provide 50 000 gallons per day. During this past season, the system continued to support the Lows Creek with water.



<b>Final Comment by DV:</b> I do not have a problem with the proposed dam.	
<b>9.MR:</b> The meeting must take note that there are many drainage lines and other tributaries that contribute to the water in the Lows Creek and Kaap River. It not only dependent on the Shiyalongubo system.	<b>9. RK:</b> Comment noted.
<b>10.AG:</b> All we request is that the dam, if possible, must fill up during the rainy season and we want to have the abstraction and storage amounts monitored by the responsible Irrigation Boards and Water Baliffs. If that is accepted by the meeting, we have no further issues with the application.	<b>10. RK:</b> Comment noted.

**General Comments:**

- A site visit was arranged however the participants declined the option to view the preferred site.

The meeting and site visit adjourned at 12h20.

**COPIES OF ADVERTISEMENTS, NEWSPAPER- AND SITE NOTICES**

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**NOTICE  
OF ENVIRONMENTAL IMPACT  
ASSESSMENT PUBLIC  
PARTICIPATION PROCESS  
INVITATION TO PARTICIPATE**

The new Environmental Impact Assessment Regulations came into effect on the 4 December 2014. These regulations were amended in 2017 and with this in mind it is proposed that the procedure as described in Chapters 4 and 6 of Notice 326 and Listed in Government Gazette No. 40772, published on 7 April 2017 is followed. Notice is given in terms of Regulation 41 of this notice to carry out the following activities:

**Property Description and Location:** Lows Creek Dam Project on the Farms: Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222JU. GPS Latitude: 25° 35' 24" Longitude: 31° 18' 30" (Lows Creek near the confluence with the Kaap River). In terms of Government Notices 327, 325 and 324 an

Mpumalanga Economic Regulator (MER) for the removal of a Bookmakers licence, from Unit 27, Building 1, Sonpark Boulevard Building, Sonpark Centre, Corner of Le Roux and Fourie Streets, Mbombela, Ehlanzeni to Riverside Office Park Block 2 Suites G01 and G02 Ground Floor, Riverside Park Extension 24, 1 Aqua Street, Nelspruit. This application will be open for public inspection and objection at the offices of the MER from 17 July 2020.

Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 that makes provision for the lodging of written objections or representations in respect of the application. Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, Private Bag X9908, White River, Mpumalanga, 1240, within one month from 17 July 2020.

TA009168

**NOTICE  
OF A WATER USE LICENCE  
APPLICATION FOR  
ROBERTSOWN 1032**

Notice is hereby given that Tradevest (Pty) Ltd is applying for a water use licence to convert the streamflow reduction due to forestry on the farm Robertsown 1032 JT to an irrigation water right. This will entail the removal of 36.88 ha of Eucalyptus to be replaced with 3.5ha of Macadamias. The application is being submitted in terms of the National Water Act (Act 36 of 1998).

All Interested and Affected Parties (I&APs) are invited to register as I&APs and submit their comments to the contact address below within 60 days of the placement of this advertisement. Additional information can be obtained upon request via the same address.

Contact person: Stephen Mallory  
e-mail: stephen.mallory@waterresources.co.za

TA009182

**NOTICE OF A WATER USE  
LICENCE APPLICATION  
ON PORTION 21 OF  
GOEDGELUK 444**

Notice is hereby given that Tradevest (Pty) Ltd is applying

**Environmental Impact**

Assessment is required in terms of the following listed activities that the applicant wishes to implement:

**Government Notice: No: 327**

**of 7 April 2017 Gazette Number: 40772: Activity 12:** The development of- (iv) dams, where the dam infrastructure and water surface area exceeds 100sqm in size, Where such development occurs- (a) within a water course or (c) within 32m of a water course. **Activity 19:** The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock, of more than 10 cubic metres from- (i) a watercourse.

**Activity 27:** The clearance of an area of 1ha or more, but less than 20ha, of indigenous vegetation. **Government Notice: No: 325 of 7 April 2017 Gazette Number: 40772:**

**Activity 16:** The development of a dam where the highest part of the dam wall is 5 metres high or higher and or where the high-water mark covers an area of 10ha or more. **Government Notice: No: 324 of 7 April 2017 Gazette Number: 40772:**

**Activity 12:** The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. **Activity 14:** The development of- (i) dams and infrastructure exceeding 10sqm in size or (ii) infrastructure or structures with a physical footprint of 10sqm or more Where such development occurs- (a) within a water course or (c) within 32m of a water course. Project Specifics include: Construct an in-stream irrigation storage dam: Dimensions of the proposed dam: Category 2 Dam: Wall Height 11.4m; Wall Length 245m; Covers an area of 6.5 ha and will have a storage capacity of 193 000 cubic metres. Maximum full supply water depth will be 8m. Construction of a pump house. The water will be stored as per the existing entitlements registered against the farms. No new water will be used for this process. The purpose of this assessment process is to investigate the impact of implementing such activities at Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222JU.

**Applicants:** Mr. Walter Giuricich and Mr. Riaan Kotze. P. O. Box 2161 Rivonia 2128 Cell: 082-967-6757 (Walter) and 082-948-2257 (Riaan). **Consultant and Contact Person:** PO Box 1046, Malalane 1320 Cell: 082-414-7088 Email: rhengu@mweb.co.za E Mail: walter@ivorymacs.co.za or hak.riaan@gmail.com In order to ensure that you are identified /registered as an interested and /or affected party please submit your name, contact information (e-mail; telephone; fax number) and interest in the matter in writing to the contact person on or before 21 August 2020. **Date of Notice: 16 July 2020.**

form of diesel, paraffin, HFO and bitumen.

The following activities will be applied for: Activity 14 of G.N. R 327 and Activity 6 of G.N. R 325 of the 2014 EIA Regulations as amended and Category 5, Subcategory 5.10 of G.N. R 893 of the NEM:AQA 2013 Regulations.

You are requested to send any issues and/or concerns regarding the proposed project to Turn 180 Environmental Consultants at Suite 221, Private Bag X01, Brandhof, 9324 or 072 873 6665 (T) or 072 967 7962 /072 838 8189 (C) or ansune@turn180.co.za / admin@turn180.co.za (e-mail) within 30 days of the date of this advertisement (on or before 18 August 2020).

TA009193

**NOTICE**

**TO CONDUCT A BASIC  
ASSESSMENT FOR THE  
PROPOSED ACTIVITIES IN  
SUPPORT OF A MINING  
PERMIT FOR TWO BORROW  
PITS**

An application for Basic Assessment in terms of Government Notice 983 for the following listed activity which will be triggered for the mining permit application in terms of Section 27 of the Mineral and Petroleum Resources Development Act, (Act No 28 of 2002) for the two proposed borrow pits will be sent to the Department of Mineral Resources, Mpumalanga Regional Office Mpumalanga province

**DESCRIPTION OF THE  
PROPOSED ACTIVITY**

• Any activity including the

**NOTICE OF AVAIL  
(EIA) REPORT AND  
DRAFT**

Mineral and  
National Environment  
National Environment

National Environ

**AMENDMENT TO ENV  
GRIM'S REST, MPUMA  
AND DRAFT ENVIRON  
LIC REVIEW &**

In 2020, TGME continued geotechnical work as part of final designs of the waste changes in the global map of the South African economy project. These detailed environmental stormwater management layout. The change in the global economy an increase in the pit dimensions public participation process

**APPLICATION FOR INTEC**

**SITE NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT**  
**PUBLIC PARTICIPATION PROCESS**  
**INVITATION TO PARTICIPATE**

The new Environmental Impact Assessment Regulations came into effect on the 4 December 2014. These regulations were amended in 2017 and with this in mind it is proposed that the procedure as described in Chapters 4 and 6 of Notice 326 and Listed in Government Gazette No. 40772, published on 7 April 2017 is followed. Notice is given in terms of Regulation 41 of this notice to carry out the following activities:

**Property Description and Location:** Lows Creek Dam Project on the Farms: Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222JU. GPS Latitude: 25° 35' 24" Longitude: 31° 18' 30" (Lows Creek near the confluence with the Kaap River).

In terms of Government Notices **327, 325 and 324** an **Environmental Impact Assessment** is required in terms of the following listed activities that the applicant wishes to implement:

**Government Notice: No: 327 of 7 April 2017 Gazette Number: 40772:**

**Activity 12:** The development of-

(iv) dams, where the dam infrastructure and water surface area exceeds 100sqm in size,

Where such development occurs-

(a) within a water course or (c) ...within 32m of a water course.

**Activity 19:** The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock, of more than 10 cubic metres from-(i) a watercourse.

**Activity 27:** The clearance of an area of 1ha or more, but less than 20ha, of indigenous vegetation.....

**Government Notice: No: 325 of 7 April 2017 Gazette Number: 40772:**

**Activity 16:** The development of a dam where the highest part of the dam wall is 5 metres high or higher and or where the high-water mark covers an area of 10ha or more.

**Government Notice: No: 324 of 7 April 2017 Gazette Number: 40772:**

**Activity 12:** The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

**Activity 14:** The development of-

(i) dams ..and infrastructure exceeding 10sqm in size or

(ii) infrastructure or structures with a physical footprint of 10sqm or more.

Where such development occurs-  
(a) within a water course or (c) .....within 32m of a water course.

**Project Specifics include:**

- Construct an in-stream irrigation storage dam: Dimensions of the proposed dam: Category 2 Dam: Wall Height 11.4m; Wall Length 245m; Covers an area of 6.5 ha and will have a storage capacity of 193 000 cubic metres. Maximum full supply water depth will be 8m.
- Construction of a pump house.
- The water will be stored as per the existing entitlements registered against the farms.
- No new water will be used for this process.

The purpose of this assessment process is to investigate the impact of implementing such activities at Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222JU.

**Applicants:**

Mr. Walter Giuricich and Mr. Riaan Kotze.  
P. O. Box 2161  
Rivonia  
2128  
Cell: 082 967 6757 (Walter)  
and 082 948 2257 (Riaan).  
E Mail: [walter@ivorymacs.co.za](mailto:walter@ivorymacs.co.za) or [hak.riaan@gmail.com](mailto:hak.riaan@gmail.com)

**Consultant and Contact Person:**

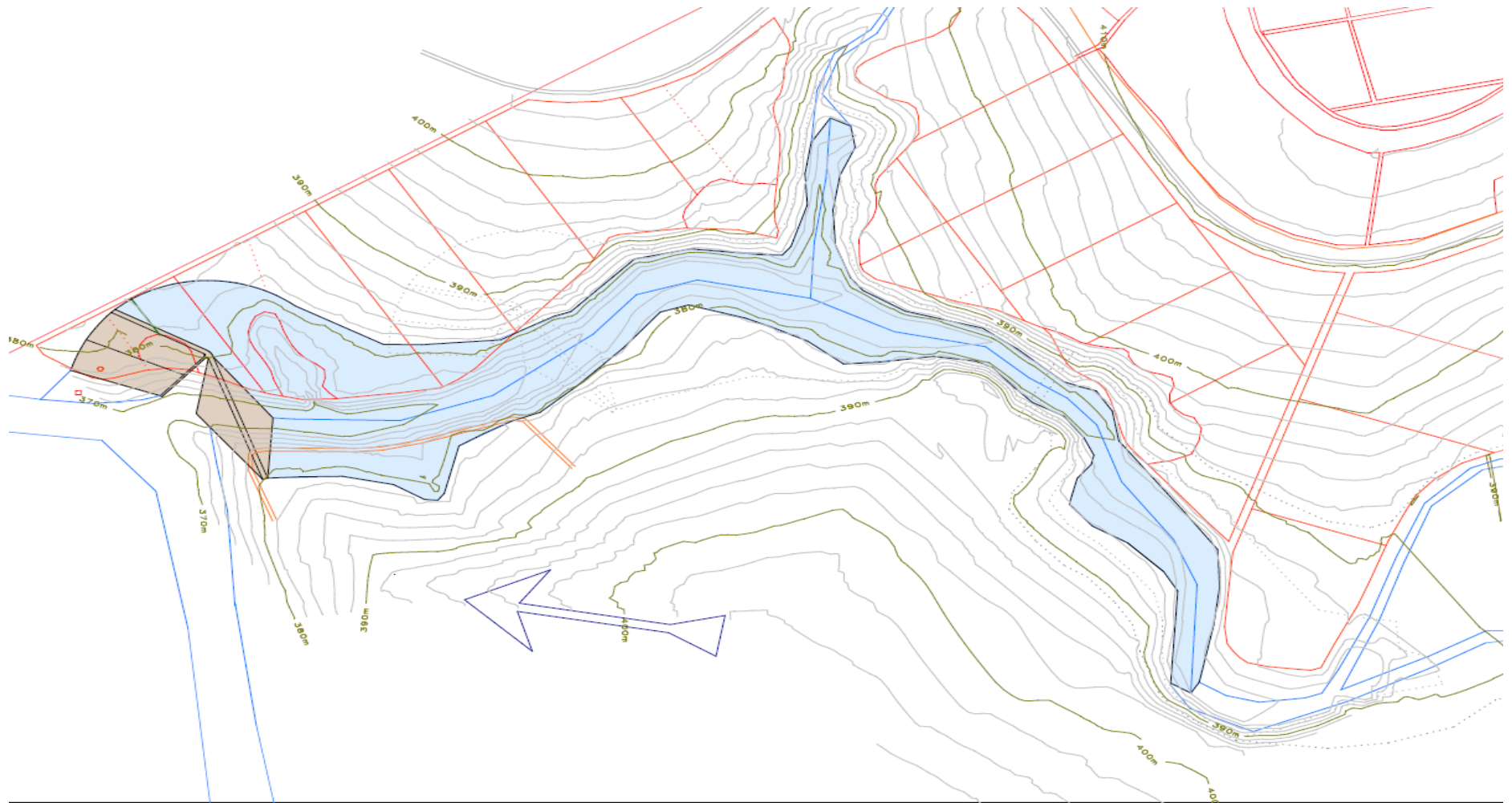
**Rhengu Environmental Services**  
**Contact Person:** Ralf Kalwa  
P. O. Box 1046  
Malelane, 1320  
Cell: 082414 7088  
E Mail: [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

In order to ensure that you are identified/registered as an interested and/or affected party please submit your name, contact information (e-mail; telephone; fax number) and interest in the matter in writing to the contact person on or before **21 August 2020.**

**Date of Notice: 17 July 2020.**



# MAP: PREFERRED DAM OPTION



**DRAWN BY**  
IRR ICON  
WLR

**FOR**  
Kudu Farms

**PROJECT**

SCALE 1/3500  
DATE: 28/8/2019

**NOTES**  
Phase 1

**COPIES OF E MAILS, NOTIFICATIONS AND RECEIPT OF DOCUMENTS**

## **E Mails:**

**From:** rhengu@mweb.co.za [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Sent:** Saturday, 18 July 2020 09:21

**To:** nicola@jrmpallets.co.za; matsulu1@retail.spar.co.za; lowscreekwater@gmail.com; water@roseinnes.co.za; 'Frans Krige' <Frans.Krige@mtpa.co.za>; 'ZinzileM' <ZinzileM@daff.gov.za>; shabangus@iucma.co.za; LoveS@nda.agric.za; lbierman@mpg.gov.za; FransMas@daff.gov.za

**Cc:** 'Walter' <walter@ivorymacs.co.za>; 'Riaan Kotze' <hak.riaan@gmail.com>; 'Andrew Deacon' <andrewd@mpu.co.za>; 'Christine Rowe' <christinevwr@gmail.com>; 'Johan Enslin' <iwulaspecialist@gmail.com>; 'rhengu' <rhengu@mweb.co.za>; 'Barend Marx - MBB' <barend@mbb.co.za>; 'Zietta van Rensburg' <zvr@vrens.co.za>

**Subject:** LOWS CREEK IRRIGATION DAM PROJECT

### **Dear Interested and Affected Party and Government Official**

1. Please find attached a notification for the Environmental Impact Assessment on the Farms: Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222JU in your area. This notification was advertised in the Lowvelder newspaper on **16 July 2020**.
2. Please take note that the date for the Public Meeting on-site will be announced once the registration period (after **21 August 2020**) has lapsed.
3. Feel free to contact me to discuss any issues of concern and or to verify any information.

Kind regards,  
Ralf Kalwa  
Rhengu Environmental Services  
Cell: 082 414 7088

**From:** rhengu@mweb.co.za [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Sent:** Saturday, 18 July 2020 10:55

**To:** jan.mashele@nkomazi.gov.za; [FransMas@nda.agric.za](mailto:FransMas@nda.agric.za)

**Cc:** 'rhengu' [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Subject:** FW: LOWS CREEK IRRIGATION DAM PROJECT

### **Dear Interested and Affected Party and Government Official**

1. Please find attached a notification for the Environmental Impact Assessment on the Farms: Portions of Remaining Extent of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222JU in your area. This notification was advertised in the Lowvelder newspaper on **16 July 2020**.
2. Please take note that the date for the Public Meeting on-site will be announced once the registration period (after **21 August 2020**) has lapsed.
3. Feel free to contact me to discuss any issues of concern and or to verify any information.

Kind regards,  
Ralf Kalwa  
Rhengu Environmental Services  
Cell: 082414 7088

**From:** rhengu@mweb.co.za [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Sent:** Monday, 20 July 2020 13:56  
**To:** 'Mbongeni Eugene' [mbongenieugene1@gmail.com](mailto:mbongenieugene1@gmail.com)  
**Cc:** 'rhengu' <rhengu@mweb.co.za>; 'Walter' [walter@ivorymacs.co.za](mailto:walter@ivorymacs.co.za)  
**Subject:** RE: Delivery Status Notification (Failure)

Thank you for the response Mr. Mazibuko.  
Your contact details will be included in the Interested and Affected Parties Register.  
You will be informed of the Meeting (Date, place and time) once the Registration period has lapsed.

Regards,

Ralf Kalwa  
RES

**From:** Mbongeni Eugene <[mbongenieugene1@gmail.com](mailto:mbongenieugene1@gmail.com)>  
**Sent:** Monday, 20 July 2020 13:19  
**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Subject:** Fwd: Delivery Status Notification (Failure)

Dear : Mr Rhengu

I am a resident of Low's Creek and i happens to be a secretarian of Young Communist League of South Africa. I am affected and also have a passion to attending the public participation for the dam project at Low's Creek between Esperado 1 and 2 UJ 253 on farm portion anneture UJ 223. That will take place on August 2020.

Contact: 0791142196  
[mbongenieugene1@gmail.com](mailto:mbongenieugene1@gmail.com)  
Kingly regards  
Mbongeni E. Mazibuko

**From:** Sibusiso Starring <[sstarring305@gmail.com](mailto:sstarring305@gmail.com)>  
**Sent:** Monday, 20 July 2020 20:20  
**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Subject:**

Attention

I am residing in one of the community mentioned on public participation notice and the Branch Chairperson of the ANCYL in this ward. I plea to be registered for the meeting.

Yours Sincerely  
\*Sibusiso Ndlovu  
\*0790589262  
[\\*sstarring305@gmail.com](mailto:sstarring305@gmail.com)

**From:** rhengu@mweb.co.za <rhengu@mweb.co.za>  
**Sent:** Wednesday, 22 July 2020 14:50  
**To:** 'Sibusiso Starring' [sstarring305@gmail.com](mailto:sstarring305@gmail.com)  
**Cc:** 'rhengu' [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Subject:** EIA Lows Creek Dam Project

Thank you Sibusiso.

You will be informed of the meeting date once it has been finalised.

Regards,  
Ralf Kalwa  
RES

**From:** rhengu@mweb.co.za <rhengu@mweb.co.za>  
**Sent:** Monday, 20 July 2020 08:44  
**To:** Dumisani.mabuza@mbombela.gov.za  
**Cc:** 'rhengu' <rhengu@mweb.co.za>  
**Subject:** CONTACT DETAILS FOR ENVIRONMENTAL IMPACT ASSESSMENT IN THE MBOMBELA REGION

Dear Sir

I am conducting an EIA in the Mbombela Region and have to inform the Planning Division of this development. I have tried phoning various offices without success. Could you please forward this to the correct official and also send me his/her contact details?

Kind regards,

Ralf Kalwa  
Rhengu Environmental Services  
Cell: 082414 7088

**From:** rhengu@mweb.co.za [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Sent:** Monday, 20 July 2020 12:19  
**To:** 'Majorboard' [Majorboard@roseinnes.co.za](mailto:Majorboard@roseinnes.co.za)  
**Cc:** 'rhengu' <rhengu@mweb.co.za>; 'Walter' [walter@ivorymacs.co.za](mailto:walter@ivorymacs.co.za)  
**Subject:** RE: LOWS CREEK IRRIGATION DAM PROJECT

Thanks Ronel.

Will do.

Ralf Kalwa  
RES

**From:** Majorboard <[Majorboard@roseinnes.co.za](mailto:Majorboard@roseinnes.co.za)>  
**Sent:** Monday, 20 July 2020 11:20  
**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Subject:** FW: LOWS CREEK IRRIGATION DAM PROJECT

Good day,

Please register the Kaap River Valley Major Irrigation board as an Interested and affected Party.

Kind Regards,

Ronel Oelofsen  
Secretary

KAAP RIVER VALLEY MAJOR IRRIGATION BOARD.  
12 Judge Street, Barberton  
Tel: 013 7124200  
Cell: 071 403 3670  
Po Box 451 Barberton 1300

**From:** ZITO NDLAKUDE <[zndlakude@gmail.com](mailto:zndlakude@gmail.com)>

**Sent:** Wednesday, 22 July 2020 17:44

**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Subject:** Applicant for dam project

Dear: mr Rhengu

I am here applying to be the part and the parcel of public participation.

I am applying based on UJ 253 farm portions anneture UJ 222 from esperado 1 and 2.

Zito Ndlakude

Contact number

0728806673

Kindly regards

Zito Ndlakude.

Hi Zito

Thanks for your response. You will be informed of the date for the meeting once the Registration period has lapsed.

Regards,

Ralf Kalwa

-----Original Message-----

**From:** Request Sicelo [siceloolive933@gmail.com](mailto:siceloolive933@gmail.com)

**Sent:** Thursday, 23 July 2020 21:52

**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Subject:** Lows creek dam project on the farm: portion of remaining extent of esperado 253JU and portion 1&2 of esperado annex 222JU

Good evening

I am occupant of lows creek.and also additional member of YCL.

Names: Sicelo Olive

Contact no: 0797172407

-----Original Message-----

**From:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za) [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Sent:** Friday, 24 July 2020 07:36

**To:** 'Request Sicelo' [siceloolive933@gmail.com](mailto:siceloolive933@gmail.com)

**Cc:** 'rhengu' [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Subject:** RE: Lows creek dam project on the farm: portion of remaining extent of esperado 253JU and portion 1&2 of esperado annex 222JU

Thanks Sicelo.

You will be informed of the meeting date once the registration process has lapsed.

Regards,

Ralf Kalwa

**From:** Mdumiso Comfort [mdumisocomfort@gmail.com](mailto:mdumisocomfort@gmail.com)

**Sent:** Monday, 27 July 2020 16:06

**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Subject:** Dear Mr/Mrs Rhengu

As one of the originated and biological of Lows Creek, I'm kindly requesting to be one of the applicants who will be publicly participating in the process of assessment which will probably take place in JU222 Esperado 1and2 ANNEXTURE FARM portion JU253

I'm one of the most concern person about anything is taking place in my society whether it benefiting or is terrible

I would be proud if you can take my application into consideration

The following are my personal details

Names: Mdumiso comfort Fakude

Cell number:0729786343

Email address: [mdumisocomfort@gmail.com](mailto:mdumisocomfort@gmail.com)

**From:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za) <[rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)>

**Sent:** Monday, 27 July 2020 16:21

**To:** 'Mdumiso Comfort' [mdumisocomfort@gmail.com](mailto:mdumisocomfort@gmail.com)

**Cc:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Subject:** RE: Dear Mr/Mrs Rhengu

Thanks for your response Mdumiso.

I will inform you of the meeting date once he registration period has lapsed.

Regards,

Ralf Kalwa

**From:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za) [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Sent:** Wednesday, 29 July 2020 15:58

**To:** 'Samuel Tsilane' [tsilanesamuel@gmail.com](mailto:tsilanesamuel@gmail.com)

**Cc:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Subject:** RE: Application for public participation

Good Day Samuel

I do not quite know what you are applying for Samuel? The project you refer to is an Environmental Impact Assessment for a proposed dam. We are currently investigating whether this project could go ahead and we are collecting information to determine the potential impacts of this activity.

Regards,

Ralf Kalwa

Rhengu Environmental Services

**From:** Samuel Tsilane <[tsilanesamuel@gmail.com](mailto:tsilanesamuel@gmail.com)>

**Sent:** Wednesday, 29 July 2020 11:32

**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Subject:** Application for public participation

Dear:Mr Rhengu

I am hereby applying for a dam project that is about to start during August 2020. Esperanto 1 and 2 JU 222 farm portion annexure 253.

Kingly regards

Samuel Mashaba

**From:** rhengu@mweb.co.za [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Sent:** Friday, 14 August 2020 11:41  
**To:** 'EDWILL NKOSINATHI' [edwillnkosinathi995@gmail.com](mailto:edwillnkosinathi995@gmail.com)  
**Cc:** 'rhengu' [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Subject:** RE: Lows Creek dam project on the farm: portion of remaining extent of esperado 253JU and portion 1&2 of esperado annex 222JU

Morning Edwin

I am not quite sure what you are applying for. Currently we are conducting an environmental impact assessment for a proposed storage dam in the Lows Creek River which will be used for irrigation purposes. We are assessing the potential impacts that the project may have on the broader environment.

Regards,

Ralf Kalwa

**From:** EDWILL NKOSINATHI <[edwillnkosinathi995@gmail.com](mailto:edwillnkosinathi995@gmail.com)>  
**Sent:** Thursday, 13 August 2020 20:19  
**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Subject:** RE:Lows Creek dam project on the farm: portion of remaining extent of esperado 253JU and portion 1&2 of esperado annex 222JU

Good evening

I'm occupancy of Lows Creek and Member of ANCYL applying for dam project

**From:** rhengu@mweb.co.za [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Sent:** Saturday, 22 August 2020 08:33  
**To:** matsulu1@retail.spar.co.za; 'Mdumiso Comfort' <[mdumisocomfort@gmail.com](mailto:mdumisocomfort@gmail.com)>; 'Barend Marx - MBB' <[barend@mbb.co.za](mailto:barend@mbb.co.za)>; [barend@mbbnel.co.za](mailto:barend@mbbnel.co.za); 'Mbongeni Eugene' <[mbongenieugene1@gmail.com](mailto:mbongenieugene1@gmail.com)>; [nicola@jrmpallets.co.za](mailto:nicola@jrmpallets.co.za); 'ZITO NDLAKUDE' <[zndlakude@gmail.com](mailto:zndlakude@gmail.com)>; 'Sibusiso Starring' <[sstarring305@gmail.com](mailto:ssstarring305@gmail.com)>; 'EDWILL NKOSINATHI' <[edwillnkosinathi995@gmail.com](mailto:edwillnkosinathi995@gmail.com)>; 'Request Sicelo' <[siceloolive933@gmail.com](mailto:siceloolive933@gmail.com)>; 'Samuel Tsilane' <[tsilanesamuel@gmail.com](mailto:tsilanesamuel@gmail.com)>; [lowscreekwater@gmail.com](mailto:lowscreekwater@gmail.com); [nkhumalo@sahra.org.za](mailto:nkhumalo@sahra.org.za); 'Frans Krige' <[Frans.Krige@mtpa.co.za](mailto:Frans.Krige@mtpa.co.za)>; 'Majorboard' <[Majorboard@roseinnes.co.za](mailto:Majorboard@roseinnes.co.za)>; [Dumisani.mabuza@mbombela.gov.za](mailto:Dumisani.mabuza@mbombela.gov.za); [FransMas@nda.agric.za](mailto:FransMas@nda.agric.za); [jan.mashele@nkomazi.gov.za](mailto:jan.mashele@nkomazi.gov.za); 'Vuthari Matsane' <[matsanev@iucma.co.za](mailto:matsanev@iucma.co.za)>; [shabangus@iucma.co.za](mailto:shabangus@iucma.co.za); 'ZinzileM' <[ZinzileM@daff.gov.za](mailto:ZinzileM@daff.gov.za)>; [LoveS@nda.agric.za](mailto:LoveS@nda.agric.za); [lbierman@mpg.gov.za](mailto:lbierman@mpg.gov.za)  
**Cc:** rhengu@mweb.co.za; 'Johan Enslin' <[iwulaspecialist@gmail.com](mailto:iwulaspecialist@gmail.com)>; 'Andrew Deacon' <[andrewd@mpu.co.za](mailto:andrewd@mpu.co.za)>; 'Walter' <[walter@ivorymacs.co.za](mailto:walter@ivorymacs.co.za)>  
**Subject:** ENVIRONMENTAL IMPACT ASSESSMENT LOWS CREEK DAM PROJECT SITE MEETING 15 SEPTEMBER 2020

**Dear Interested and Affected Party and Government Official**

Please find attached a BID for the Environmental Impact Assessment on the Farm: Rem. Ext. of Esperado 253 JU and Portions 1 and 2 of Esperado Annex 222JU.

Please take note that the Public Meeting will be held on site on **15 September 2020 at 10h00**. Please RSVP on the **attached comment/registration form** to me by close of business on **11 September 2020** to confirm your attendance.

As per Covid 19 regulations and restrictions participants must register to ensure we maintain numbers within the framework of legislation.

Kind regards,  
Ralf Kalwa  
Rhengu Environmental Services  
Cell: 082 414 7088



**From:** Frans Krige [Frans.Krige@mtpa.co.za](mailto:Frans.Krige@mtpa.co.za)

**Sent:** Monday, 24 August 2020 08:37

**To:** rhengu@mweb.co.za; Khumbelo Malele <khumbelomalele@gmail.com>; Phumla Nkosi <Phumla.Nkosi@mtpa.co.za>

**Subject:** Re: ENVIRONMENTAL IMPACT ASSESSMENT LOWS CREEK DAM PROJECT SITE MEETING 15 SEPTEMBER 2020

Good Morning Ralf, please register the MTPA as an IAP.

This area lies in Mrs Khumbelo Malele's responsible area, so all correspondence and invitation for site visits should be addressed to her, but also to Phumla Nkosi who are responsible for the registration and processing of documentation.

Kind Regards

Frans Krige

LUA S

MTPA

**From:** rhengu@mweb.co.za [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

**Sent:** Wednesday, 23 September 2020 08:03

**To:** matsulu1@retail.spar.co.za; 'Mdumiso Comfort' <mdumisocomfort@gmail.com>; 'Barend Marx - MBB' <barend@mbb.co.za>; barend@mbbnel.co.za; 'Mbongeni Eugene' <mbongenieugene1@gmail.com>; nicola@jrmpallets.co.za; 'ZITO NDLAKUDE' <zndlakude@gmail.com>; 'Sibusiso Starring' <sstarring305@gmail.com>; 'EDWILL NKOSINATHI' <edwillnkosinathi995@gmail.com>; 'Request Siculo' <sicololive933@gmail.com>; 'Samuel Tsilane' <tsilanesamuel@gmail.com>; lowscreekwater@gmail.com; nkhumalo@sahra.org.za; 'Frans Krige' <Frans.Krige@mtpa.co.za>; 'Majorboard' <Majorboard@roseinnes.co.za>; Dumisani.mabuza@mbombela.gov.za; FransMas@nda.agric.za; jan.mashele@nkomazi.gov.za; 'Vutlhari Matsane' <matsanev@iucma.co.za>; shabangus@iucma.co.za; 'ZinzileM' <ZinzileM@daff.gov.za>; LoveS@nda.agric.za; lbierman@mpg.gov.za; 'Karin Pelsler' <kp.iwulaspecialist@gmail.com>; 'Riaan Kotze' <hak.riaan@gmail.com>; baiebesig@gmail.com; mark@tonetti.co.za; 'DANIEL VENTER' <daniel@siyalima.co.za>; water@roseinnes.co.za; 'Thabo Rasiuba' <rasiubat@iucma.co.za>

**Cc:** 'Johan Enslin' <iwulaspecialist@gmail.com>; 'Andrew Deacon' <andrewd@mpu.co.za>; 'Walter' <walter@ivorymacs.co.za>; rhengu@mweb.co.za

**Subject:** ENVIRONMENTAL IMPACT ASSESSMENT LOWS CREEK DAM PROJECT SITE MEETING 15 SEPTEMBER 2020 COPY OF MINUTES

**Dear Interested and Affected Party and Government Official**

Please find attached a copy of the Minutes of the Public Meeting which was held on site on **15 September 2020 at 10h00.**

Please peruse the contents and return any comments to **me** by close of business on **25 September 2020.**

Kind regards,

Ralf Kalwa  
Rhengu Environmental Services  
Cell: 082 414 7088

**From:** rhengu@mweb.co.za [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Sent:** Friday, 25 September 2020 12:02  
**To:** 'Mbongeni Eugene' [mbongenieugene1@gmail.com](mailto:mbongenieugene1@gmail.com)  
**Cc:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Subject:** ENVIRONMENTAL IMPACT ASSESSMENT LOWS CREEK DAM PROJECT SITE MEETING 15 SEPTEMBER 2020 COPY OF MINUTES

Dear Mr. Mazibuko

I take note of your response below. It is unfortunate that you did not attend the Public Meeting on site as per my invitation on 22 August 2020. In terms of your comments below I wish to respond as follows:

1. The Public Participation Process has been implemented to date as per the conditions listed in the National Environmental Management Act (NEMA) and specifically as per the conditions listed in Chapter 6 of the Government Gazette 40772 dated April 20217.
2. The fact that you registered your Interest in the matter in July 2020 is proof of the fact that we were (and still are) **transparent** as we invited the broader public to participate.
3. The Lowvelder Advertisement (16 July 2020) including the On-site and Lows Creek town advertisements in July 2020 afforded Interested and Affected Parties more than **30 days to register**, which many did.
4. We then gave the parties on the Public Register an **additional 24 days** to register and attend the **Public Site Meeting** (E Mail 22 August 2020).
5. My email correspondence on 22 August 2020 clearly indicated that the meeting will be held **on site (the venue) at 10h00**. We waited an additional 30 minutes on the day to afford latecomers the opportunity to participate.
6. In the **Background Information Document** (BID) which you received with the invitation to the meeting, I was listed as the contact person and my cell number etc. were made available to you should you wish to discuss any aspects of concern.
7. The process as it stands is in the infancy stage as we are completing engineering- and other specialist reports. The contents of these reports will be made available to all parties for perusal and comments. I encourage you to study these reports as they are generated and when they become available.

I am also prepared to meet you on site to discuss aspects of concern and show you the preferred dam location. I am available on Thursday **1 October 2020 at 14h00 on site for any discussions. Please advise if this is required.**

I hope this mail clarifies some of the queries you had.

Kind regards,

Ralf Kalwa  
Rhengu Environmental Services  
Cell: 082 414 7088

**From:** Mbongeni Eugene <[mbongenieugene1@gmail.com](mailto:mbongenieugene1@gmail.com)>  
**Sent:** Friday, 25 September 2020 01:03  
**To:** [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)  
**Subject:** Re: ENVIRONMENTAL IMPACT ASSESSMENT LOWS CREEK DAM PROJECT SITE MEETING 15 SEPTEMBER 2020 COPY OF MINUTES

We are disputing all the minutes of the PP

Dear Mr Rhengu

First and foremost as Low's Creek community we are not happy about the nature of the public participation which were not more transparent to the residents of the 4 affected societies which I may find an interested to mention them as perspectives Mashayane, Esperado 1 and 2, silver Creek.

1. The public participation basic assessment were never done according to the regulation of government.

2. The information was not deliberately delivered to all the 4 societies of Lows Creek as it was expected.
3. Environmental has failed us dismal to communicate the relevant Venue as you used your own strategic to make the public not to fully participate as you know that the community of Low's Creek their are technological disadvantaged.
4. It was vividly to us that the meeting was meant for a white farmers only.
5. You will reciprocate with me if I may say the total you never even meet the quorum and.

The community as large and the most affected parties of Low's Creek we came to conclusions that no project will be commercing without our concern. All the procedures must be followed and respected.

The process must be done in a correct manner starting from basic assessment and make the public participant that would attend in numbers. The transparency of the public assessment was multipulated by the white monopoly policy system which we are not agreeing with.

Info: Young communist league of South Africa

Secretarian YCLSA

Contact no: 0791142196

[Mbongeniegene1@gmail.com](mailto:Mbongeniegene1@gmail.com)

Kindly regards Mbongeni.E. Mazibuko

**From:** rhengu@mweb.co.za <rhengu@mweb.co.za>

**Sent:** Thursday, 19 November 2020 15:14

**To:** matsulu1@retail.spar.co.za; 'Mdumiso Comfort' <mdumisocomfort@gmail.com>; 'Barend Marx - MBB' <barend@mbb.co.za>; barend@mbbnel.co.za; 'Mbongeni Eugene' <mbongeniegene1@gmail.com>; nicola@jrmpallets.co.za; 'ZITO NDLAKUDE' <zndlakude@gmail.com>; 'Sibusiso Starring' <sstarring305@gmail.com>; 'EDWILL NKOSINATHI' <edwillnkosinathi995@gmail.com>; 'Request Sicelo' <siceloolive933@gmail.com>; 'Samuel Tsilane' <tsilanesamuel@gmail.com>; lowscreekwater@gmail.com; nkhumalo@sahra.org.za; 'Frans Krige' <Frans.Krige@mtpa.co.za>; 'Majorboard' <Majorboard@roseinnes.co.za>; Dumisani.mabuza@mbombela.gov.za; FransMas@nda.agric.za; jan.mashele@nkomazi.gov.za; 'Vutlhari Matsane' <matsanev@iucma.co.za>; shabangus@iucma.co.za; 'ZinzileM' <ZinzileM@daff.gov.za>; LoveS@nda.agric.za; lbierman@mpg.gov.za; 'Karin Pelsler' <kp.iwulaspecialist@gmail.com>; 'Riaan Kotze' <hak.riaan@gmail.com>; baiebesig@gmail.com; mark@tonetti.co.za; 'DANIEL VENTER' <daniel@siyalima.co.za>; water@roseinnes.co.za; 'Thabo Rasiuba' <rasiubat@iucma.co.za>

**Cc:** 'Johan Enslin' <iwulaspecialist@gmail.com>; 'Andrew Deacon' <andrewd@mpu.co.za>; 'Walter' <walter@ivorymacs.co.za>; rhengu@mweb.co.za

**Subject:** ENVIRONMENTAL IMPACT ASSESSMENT LOWS CREEK DAM PROJECT DRAFT SCOPING REPORT

**Dear Interested and Affected Party and Government Officials**

1. We have completed the **Draft Scoping Report** for the Lows Creek Dam Project. We have included/addressed all your comments and suggestions to date in the Issues and Responses Report (Appendix 2).

**Hard Copies** have been posted or delivered to the following venues and or persons:

ORGANISATION	CONTACT
DARDLEA	Ms. Robyn Luyt
IUCMA: Nelspruit	Mr. Thabo Rasiuba
SAHRA: Cape Town Office	Ms. Nokukhanya Khumalo
MTPA	Mr. Frans Krige
DAFF	Mr. Zinzile Mtotywa
DAFF: LUSM	Mr. Frans Mashabela
Nkomazi Municipality	Head Planning Division: Jan Mashele
Mbombela Municipality	Head Planning Division: Mr. Dumisani Mabuza
Applicant	Mr. Walter Giuricich/Riaan Kotze
Kudu Farms Security	Security Staff

<b>Entrance Gate</b>	
<b>Kaap River Valley Major Irrigation Board</b>	<b>Ronel Oelofsen</b>
<b>Lows Creek Irrigation Board</b>	<b>Adri Claasen</b>
<b>Rhengu Environmental Services</b>	<b>Mr. Ralf Kalwa</b>

2. The Draft Report consists of **two sections**:
  - The Report Section and,
  - The Appendices Section.
3. The Appendices Section is **too large** and cannot be sent via e mail. I have however attached the Report Section on the e mail version of this notification for your convenience. Interested and Affected Parties can access the **Public Copy at the Kudu Farms Security Gate opposite the Lows Creek Police Station or at any of the above offices listed in the table above.**
4. A digital copy is available on the following link:  
<https://www.dropbox.com/sh/klya4btzjga9lxf/AABYQco9r5bGYLkJtNeRlxira?dl=0>
5. Should you have any comments, suggestions, questions and or issues for clarification please submit these to this office in writing by close of business on or before **20 January 2021.**

Many thanks for your assistance and guidance during this project to date.

Kind regards,

Ralf Kalwa  
**Environmental Assessment Practitioner**  
**Rhengu Environmental Services**  
**Cell: 082 414 7088**

**From:** rhengu@mweb.co.za <rhengu@mweb.co.za>

**Sent:** Friday, 08 January 2021 09:21

**To:** 'Thabile Mnisi' <Thabile.Mnisi@mtpa.co.za>

**Cc:** 'Johan Eksteen' <Johan.Eksteen@mtpa.co.za>; 'Frans Krige' <Frans.Krige@mtpa.co.za>; 'Khumbelo Malele' <Khumbelo.Malele@mtpa.co.za>; 'Komilla Knarasoo' <Komilla.Knarasoo@mtpa.co.za>; 'Andrew Deacon' <andrewd@mpu.co.za>; 'Walter' <walter@ivorymacs.co.za>; rhengu@mweb.co.za

**Subject:** RE: MTPA's comments regarding the scoping report for the proposed Lows creek dam project for the development of an instream storage dam irrigation purpose.

Dear Khumbelo/Thabile *et al*

- 1.Many thanks for your comments well received.
- 2.Dr. Andrew Deacon (Biodiversity Specialist) has undertaken both a Terrestrial- and Aquatic Survey of the Site which will address your comments.
- 3.Secondly this is an instream dam with limited impact upon terrestrial aspects (mammals etc.). The Biodiversity Report will however outline all impacts and mitigation measures.

Kind regards,

Ralf Kalwa  
RES

**COMMENT LETTERS FROM GOVERNMENT DEPARTMENTS, IRRIGATION BOARDS  
ETC. ON DRAFT- AND FINAL SCOPING DOCUMENTS**

**Low's Creek Irrigation Board**

PO Box 76  
Low's Creek  
1302  
E-Mail: [lowscreekwater@gmail.com](mailto:lowscreekwater@gmail.com)

Technical: Piet Viljoen  
Cell: 074 204 7168  
Admin: Adri Claasen  
Cell: 073 170 9146

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17 March 2020

Letter of Recommendation – proposed Low's Creek Dam  
Ref: X203/94

The Low's Creek Irrigation Board has no objection to, and fully supports, the proposed construction of the Low's Creek Dam as it will assist in stabilising the flow in the Shiyalongubo/Low's Creek system and have the ability to capture and store water during periods of high water flow for use during periods of low water availability. At present the only other significant storage area for water within the Low's Creek Irrigation Board district is Shiyalongubo Dam which is located approximately 19km upstream of the proposed construction site.

Furthermore, as the existing water use within the System will not increase the Low's Creek Irrigation Board has no objection to the proposed construction of such Dam.

Yours sincerely



A. CLAASEN  
SECRETARY

## COMMENT FROM MTPA ON DRAFT SCOPING REPORT



Ref: LUA 20/2567  
Unit: LUA /SS  
Enquiries: K. Malele  
E-mail: [khumbelomalele@gmail.com](mailto:khumbelomalele@gmail.com)  
Tel/Fax: 013- 235 2395 Ext. 222

Mr. R. Kalwa

Rhengu Environmental Services  
P O Box 1046  
Malelane  
1320

Fax: 086 685 8003  
E-mail: [rhengu@mweb.co.za](mailto:rhengu@mweb.co.za)

Dear Mr. Kalwa

**SUBJECT: HERewith MTPA'S COMMENTS REGARDING THE SCOPING REPORT FOR THE PROPOSED LOWS CREEK DAM PROJECT FOR THE DEVELOPMENT OF AN INSTREAM STORAGE DAM FOR IRRIGATION PURPOSES ON PORTIONS OF THE REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 AND 2 OF ESPERADO ANNEX 222 JU, SITUATED IN LOWS CREEK-KAAPMUIDEN AREA, MPUMALANGA PROVINCE.**

Your correspondence, of date 17/11/2020, has reference.

1. In addition to the proposed specialist studies that will be conducted during the EIA phase please also take the following into consideration:
  - A floristic (plant) survey must be conducted during the growing season to look for species of conservation concern that may potentially occur on site (this may require more than one season's survey in order to identify flowering species) with two (2) visits undertaken (November & February). Visits during other seasons will be determined by the flowering and fruiting times of species that are not identifiable during the summer, but have been recorded within the broader vicinity.
  - Relocation plan for plants of conservation importance should be considered and relocation should be done by specialists with expertise in the area of environmental concern. Plant species of conservation importance include the following:
    - o Species Endemic to the Province
    - o Red Data Listed Plants
    - o Medicinal Plants



- o Protected plants (Mpumalanga Conservation Legislation and National Forest Act).
  - A list of alien plant species occurring on the property should be provided.
  - Existing and / or planned eradication programs of alien vegetation should be indicated in the report.
  - A full survey to assess faunal (mammals, birds, reptiles, amphibians and invertebrates) presence and species richness should be carried out. The time of the year to conduct surveys should depend on the activity pattern of species.
  - A wetland specialist should map and assess the integrity of wetlands (if any) within the proposed dam area.
2. The MTPA look forward to receiving and reviewing the EIA report and EMP once it has been completed.

Kind Regards



**Dr. M.C LÖTTER**  
Acting Manager Scientific Services  
DATE: 17 December 2020

**RES Response to MTPA:**

**From:** rhengu@mweb.co.za <rhengu@mweb.co.za>

**Sent:** Friday, 08 January 2021 09:21

**To:** 'Thabile Mnisi' <Thabile.Mnisi@mtpa.co.za>

**Cc:** 'Johan Eksteen' <Johan.Eksteen@mtpa.co.za>; 'Frans Krige' <Frans.Krige@mtpa.co.za>; 'Khumbelo Malele' <Khumbelo.Malele@mtpa.co.za>; 'Komilla Knarasoo' <Komilla.Knarasoo@mtpa.co.za>; 'Andrew Deacon' <andrewd@mpu.co.za>; 'Walter' <walter@ivorymacs.co.za>; rhengu@mweb.co.za

**Subject:** RE: MTPA's comments regarding the scoping report for the proposed Lows creek dam project for the development of an instream storage dam irrigation purpose.

Dear Khumbelo/Thabile *et al*

- 1.Many thanks for your comments well received.
  - 2.Dr. Andrew Deacon (Biodiversity Specialist) has undertaken both a Terrestrial- and Aquatic Survey of the Site which will address your comments.
  - 3.Secondly this is an instream dam with limited impact upon terrestrial aspects (mammals etc.). The Biodiversity Report will however outline all impacts and mitigation measures.
- Kind regards,

Ralf Kalwa  
RES

## APPENDIX 3: DOCUMENTATION WITH DARDLEA



agriculture, rural development,  
land & environmental affairs  
**MPUMALANGA PROVINCE**  
REPUBLIC OF SOUTH AFRICA

Block 4, Aqua Street, Riverside Park, Mbombela, 1200  
Mpumalanga Province  
Private Bag X 266, Mbombela 1200  
Tel: +27 (13) 759 4000

**EHLANZENI DISTRICT**

Litiko Letekulima, Kutufukiswa  
Kwetindzawo Tasemakhaya, Temhlaba  
Netesimondzawo

Departement van Landbou,  
Landelike Ontwikkeling,  
Grond en Ongewing Sake

umNyango weZelimo  
UkuThuthukiswa kweNdawo zemaKhaya,  
iNarha neeNdaba zeBhoduluko

---

**Enquiries : X. Nkosi**  
**Telephone : (013) 759 4135**  
**Reference : 1/3/1/16/1E-294**

Mr. Ralf Kalwa  
Rhengu Environmental Services (RES)  
P.O. Box 1046  
**Malelane**  
**1320**

Email : rhengu@mweb.co.za

Dear Sir,

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION: THE DEVELOPMENT OF AN IN STREAM DAM FOR PURPOSES OF IRRIGATION ON THE REMAINING EXTENT OF ESPERADO 253 JU AND PORTIONS 1 & 2 OF ESPERADO ANNEX 222 JU, LOWS CREEK-KAAPMUIDEN, NKOMAZI LOCAL MUNICIPALITY**

The Department confirms having received the application form for Environmental Authorisation and Draft Scoping Report for the abovementioned project on 22 January 2021.

The application has been assigned the reference number **1/3/1/16/1E-294**. Kindly quote this reference number in any future correspondence in respect of the application. The responsible officer is **Xolani Nkosi** and all correspondence must be directed to: Environmental Impact Management, Ehlanzeni District Office, marked for the attention of the responsible officer. Please note that you must, within 44 days from 21 January 2021, submit to this office a Final Scoping Report – inclusive of specialist reports and an EMPr - which has already been subjected to a public participation process, and was provided to interested and affected parties for a period of 30 days for comments, and which reflects the incorporation of any comments received, including any comments from this office. In this regard you are referred to the requirements of Regulation 40(3).

Please take note in terms of the provisions of regulation 45, the application will lapse, and this office will deem the application to have lapsed, if the applicant fails to submit the Final Scoping Report within the timeframe specified above.

Please draw the applicant's attention to the fact that the activity may not commence prior to an environmental authorisation being granted by the Department.

Sincerely,

**R. LUYT**

**ACTING DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT**

**DATE: 22/01/2021**





**APPENDIX 4:**  
**SUPPORTIVE DOCUMENTATION**

**4.1. TITLE DEEDS**

**4.2. LAND CLAIM DOCUMENTS**

**4.3. WATER RIGHTS, VERIFICATION PROCESS AND PERMITS**

**4.4. DAM SAFETY APPLICATION**

#### **4.1. TITLE DEEDS OF APPLICANT PROPERTIES**

Prepared by me



CONVEYANCER  
LIANDA WELLS

SEELREG  
STAMP DUTY R.....  
FOCI 3831.00  
FEES R.....

T 000008145 / 2019

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LIANDA WELLS                      REINETTE GREYLING

appeared before me, the Registrar of Deeds Mpumalanga at Nelspruit, the said appearer, being duly authorised thereto by a power of attorney granted to them by

**The Trustees for the time being of  
THE NORRIS TRUST  
Registration Number IT594/2005**

signed at Malelane on 15 JULY 2019

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on 24 January 2019 by Private Treaty

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer to and on behalf of

**ESPERADO FARMS PROPRIETARY LIMITED**  
**Registration Number 2019/048470/07**

its successors in title or assigns, in full and free property

REMAINDER OF THE FARM ESPERADO 253,  
REGISTRATION DIVISION JU,  
PROVINCE OF MPUMALANGA

MEASURING 362,4192 (THREE HUNDRED AND SIXTY TWO COMMA FOUR ONE NINE TWO) HECTARES

FIRST TRANSFERRED BY DEED OF GRANT 197/1923 WITH DIAGRAM ANNEXED THERETO AND HELD BY DEED OF TRANSFER T22805/2006

SUBJECT to the following conditions:

The aforesaid Remaining Extent of the Farm Esperado No 256, district Barberton, measuring as such 362,4192 hectares, (a one-half share wherein is hereby transferred) is SUBJECT and ENTITLED to the following servitudes and rights, namely:

- (a) Subject to the provisions of the Crown Land Disposal Ordinance 1903 (Transvaal), and is further subject to the conditions that all roads already made over this land by lawful authority shall remain free and unencumbered; that the land shall be subject to grazing for the cattle of travellers, to be pointed out by the owner.
- (b) Subject to the right of power of this Minister of Lands, and which is expressly reserved to him from time to time, by writing under his hand, to authorise and allow construction, laying, repair, maintenance and free use of a channel or furrow or of pipes through, over or under the land hereby transferred for the purpose of supply upon, or outside, the said land to adjoining or other land, subject to the payment to the owner of such compensation for actual damage thereby occasioned to him as may be mutually agreed upon between the owner and the party or parties for whose benefit the channel or furrow is constructed or pipes are laid, or, failing such agreement, as may be determined by arbitration in manner provided by the Arbitration Ordinance (Transvaal).
- (c) The property hereby transferred shall be entitled to the use of any surplus water at any time flowing in the Louw's Creek and not diverted by the weir and water furrow referred to in Deed of Servitude No 629/1926 registered in the Deeds Office on the 11<sup>th</sup> of September 1926.

R

- (d) By virtue of Notarial Deed of Servitude K520/1965S the right to convey electricity over the herein mentioned property is given to the Electricity Supply Commission together with all ancillary rights and subject to conditions as set out in the said notarial deed.
- (e) By virtue of Notarial Deed 59/1973 dated 18<sup>th</sup> of August 1972 with diagram annexed the property hereby transferred is subject to a servitude 9,45 meters wide to convey water over the property in favour of Louws Creek Irrigation Board.
- (f) By virtue of Notarial Deed of Servitude K2155/1989 the right to convey electricity over the aforementioned property is given to the Electricity Supply Commission together with all ancillary rights and subject to conditions as set out in the said notarial deed.
- (g) The route of the servitude created by virtue of the abovementioned K2155/1989S is set out in Notarial Deed of Servitude K1673/1992S.
- (h) By virtue of Notarial Deed of Servitude K6928/2002S dated 8<sup>th</sup> of July 2002, the within mentioned property is subject to two perpetual servitudes within the permanent servitude area and of a temporary servitude 20 (TWENTY) meters wide of which the boundaries run parallel to that of the permanent servitude area in favour of SASOL.

AND FURTHER SUBJECT to all such conditions as are mentioned or referred to in the aforesaid deed/s.

WHEREFORE the appearer, renouncing all the right and title the said

The Trustees of for the time being of  
THE NORRIS TRUST

heretofore had to the premises, did, in consequence also acknowledge them to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said

ESPERADO FARMS PROPRIETARY LIMITED

2019/048470/07

its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R20 000 000,00 (Twenty Million Rand).

|



IN WITNESS WHEREOF I, the said Registrar, together with the appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

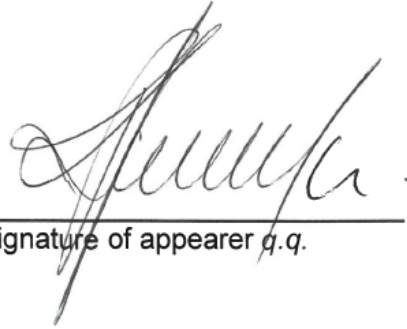
THUS SIGNED, EXECUTED AND SEALED at the Office of the Registrar of Deeds Mpumalanga at Nelspruit on

In my presence

07 AUG 2019



\_\_\_\_\_  
Registrar of Deeds Mpumalanga



\_\_\_\_\_  
Signature of appearer q.q.

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1/6-7-8  
1/11

Prepared by me

CONVEYANCER  
ZIETTA OLIVIER

## POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

NICOLA GIULIA KATHLEEN MOHLE duly authorised by a resolution of the Trustees of THE NORRIS TRUST dating 24 January 2019  
Registration Number IT594/2005  
Acting under Letters of Authority issued by the Master of the High Court of South Africa, Mpumalanga Division, Nelspruit on 29 February 2016

Do hereby nominate, constitute and appoint

CALY SMIT or LEON DOYER or LIANDA WELLS or MARIETTE VAN NIEKERK or PETRUS LODEWIEKUS DU TOIT or REINETTE GREYLING

with the power of substitution to be my true and lawful attorney and agent to appear before the Registrar of Deeds Mpumalanga at Nelspruit, or any other competent official in the Republic of South Africa

And then and there to declare that the Transferor did on 24 January 2019 sell by Private Treaty to

ESPERADO FARMS PROPRIETARY LIMITED  
Registration Number 2019/048470/07

for the sum of R20 000 000,00 (Twenty Million Rand)

the following property:

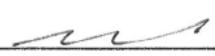
REMAINDER OF THE FARM ESPERADO 253,  
REGISTRATION DIVISION JU,  
PROVINCE OF MPUMALANGA  
MEASURING 362,4192 (THREE HUNDRED AND SIXTY TWO COMMA FOUR ONE NINE TWO) HECTARES

HELD BY DEED OF TRANSFER T22805/2006

And further cede and transfer the said property to the said transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, subject to the conditions hereinbefore more fully set out, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as Transferor might or could do if personally present and acting therein, hereby ratifying, allowing and confirming all and whatsoever the said agent shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at Malelane on 15 JULY 2019 in the presence of the undersigned witnesses.

WITNESSES:

1. 

Möhle  
NICOLA GIULIA KATHLEEN MOHLE

2. 





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(2) 1A

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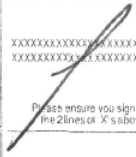
**Transfer Duty Declaration** **TDREP**

**Reference Details**

Transfer Duty Reference Number: TDE030B12F

Details			
<b>Details of Seller / Transferor / Time Share Company</b>			
Surname / Registered Name THE NORRIS TRUST /		Full Name	
Company / CC / Trust Reg No IT594/05		Marital Status	
<b>Details of Purchaser / Transferee</b>			
Full Name		Surname / Registered Name ESPERADO FARMS PROPRIETARY LIMITED	
Company / CC / Trust Reg No 201904847007		Marital Notes if applicable	
<b>Details of the Property</b>			
Date of Transaction/Acquisition (CCYYMMDD)		2019-01-24	
Total Fair Value	R	20,000,000.00	Total Consideration R 20000000.00
<b>Calculation of Duty and Penalty / Interest</b>			
Transfer Duty Payable on Natural Person		R	0.00
<b>Property Description</b>			
1 REMAINDER OF THE FARM ESPERADO 253 REGISTRATION DIVISION JU MPUMALANGA PROVINCE MEASURING 362 4192 (THREE HUNDRED AND SIXTY TWO COMMA FOUR ONE NINE TWO) HECTARES			

Exemption Certificate	
<b>Exemption Certificate Details</b>	
TransferDutyReferenceNo. TDE030B12F	Exempt in terms of Section 9 of the Transfer Duty Act Other
Exemptions allowed by another Act s9(15) Transfer Duty Act, 40 of 1949	

Declaration by Conveyancer / Attorney	
I certify that this is a true copy of the transfer duty declaration / receipt / exemption certificate drawn from the SARS eFiling site, which will be retained by me for 5 years from the date of registration of transfer.	
 Please ensure you sign over the 2 lines of 'X' above	
Date (CCYYMMDD) 20190716	For enquiries goto www.sars.gov.za or call *0800 00 SARS (7277)

20

3/1K

Civic Centre  
1 Nel Street  
Nelspruit  
1201  
South Africa



P O Box 45  
Nelspruit  
1200  
South Africa

Tel: +27 (0) 13 759-2120  
Fax: +27 (0) 13 759-9132

CERT-NO: U 30000  
SCHEDULE

CERTIFICATE IN TERMS OF SECTION 118 OF THE LOCAL GOVERNMENT:

MUNICIPAL SYSTEMS ACT, 2000 (ACT NO. 32 OF 2000)

(AS PRESCRIBED IN TERMS OF SECTION 120 OF ACT NO. 32 OF 2000)

ISSUED BY

CITY OF MBOMBELA LOCAL MUNICIPALITY

In terms of section 118 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby certified that all amounts that became due to MBOMBELA LOCAL MUNICIPALITY in connection with the under mentioned property situated within that municipality for municipal fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

DESCRIPTION OF PROPERTY

Erven	:	00000253
Portion	:	000RE
Extension	:	000
Sectional Tittle	:	
EXCLUSIVE USE AREA	:	
Zoning	:	AGRICULTURE
Suburb/Town	:	ESPERADO 253 JU

Registered owner : NORRIS TRUST

This certificate is valid until 2019/07/31

Given under my hand at NELSPRUIT, on 04/07/2019

*[Signature]*  
CHIEF FINANCIAL OFFICER  
CITY OF MBOMBELA LOCAL MUNICIPALITY

*[Signature]*  
CITY OF MBOMBELA  
LOCAL MUNICIPALITY

04 JUL 2019

CIVIC CENTRE BUILDING  
1 NEL STREET, NELSPRUIT, 1201

21805



90:

Civic Centre  
1 Nel Street  
Nelspruit  
1200  
South Africa

Handwritten initials: P/1/14



P O Box 45  
Nelspruit  
1200  
South Africa  
Tel: +27 (0) 13 759 9111  
Fax: +27 (0) 13 759 2070

## CITY PLANNING AND DEVELOPMENT

Your Ref : AA8 ESPERADO 253-JU (SB/19/00536) WIEKUS  
Enquiries : Thembelihle Ntimane ☎ (013) 759-2111

The Registrar of Deeds  
Private Bag X11239  
**NELSPRUIT**  
1200

Sir/Madam

### CERTIFICATE IN TERMS OF

#### Section 70 of the Mbombela By-law on Spatial Planning and Land Use Management

It is hereby certified, in terms of the requirements of Section 70(2) of the Mbombela By-law on Spatial Planning and Land Use Management, that the applicant has complied with the requirements as laid down in terms of Section 70(1) of the Mbombela By-law on Spatial Planning and Land Use Management for the property as mentioned below:

REMAINDER OF THE FARM ESPERADO 253-JU.  
REGISTRATION DIVISION J.U., PROVINCE MPUMALANGA

For the transfer from:  
NORRIS TRUST.

**This certificate is valid for 120 days from the date of signing.**

\_\_\_\_\_  
CITY OF MBOMBELA



Date



511x

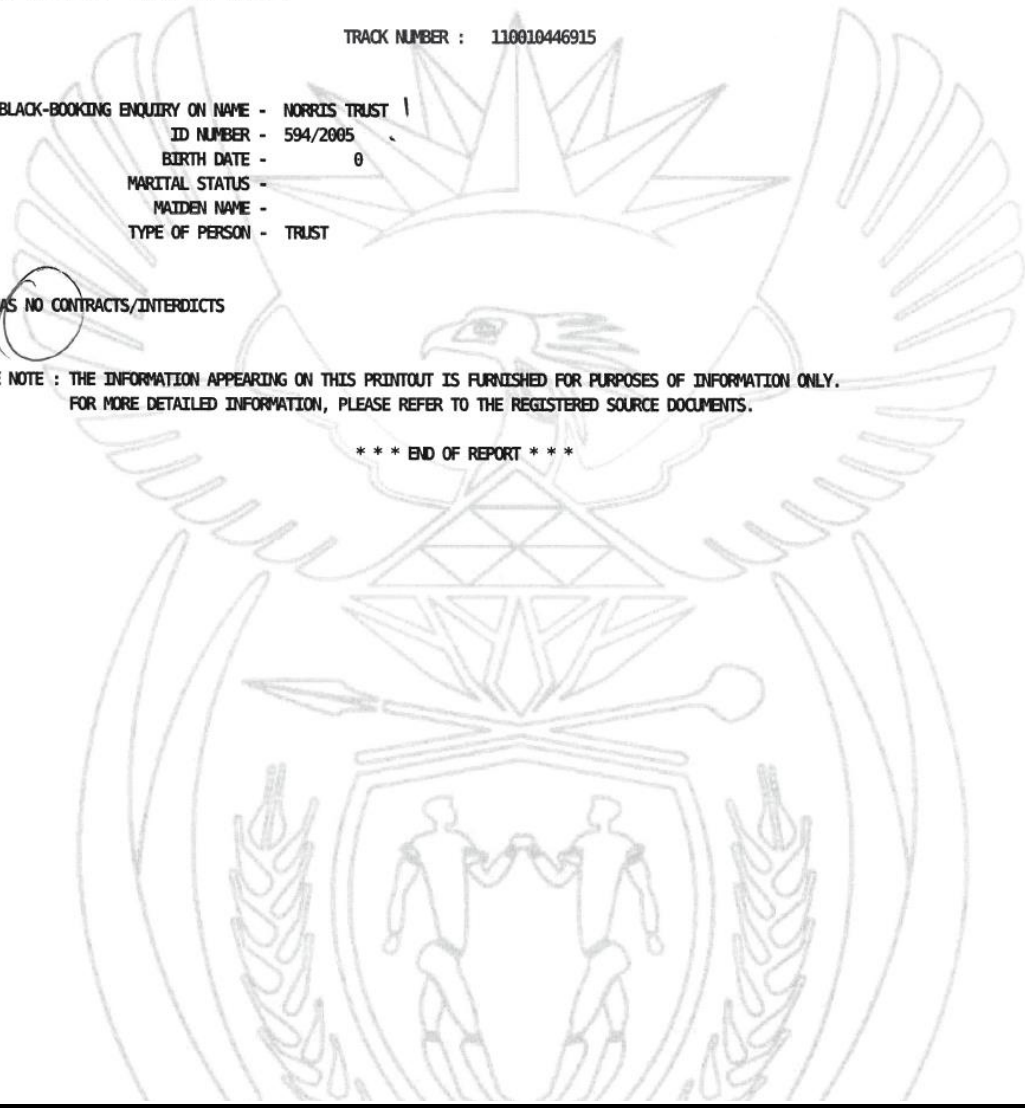
TRACK NUMBER : 110010446915

BLACK-BOOKING ENQUIRY ON NAME - NORRIS TRUST 1  
ID NUMBER - 594/2005  
BIRTH DATE - 0  
MARITAL STATUS -  
MAIDEN NAME -  
TYPE OF PERSON - TRUST

PERSON HAS NO CONTRACTS/INTERDICTIONS

\*\* PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.  
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

\*\*\* END OF REPORT \*\*\*



TRACK NUMBER : 110010446915

PROPERTY DETAILS PRINT FOR PORTION 0 (R/E)  
FARM NO 253  
REG DIV JU

PROVINCE MPUMALANGA  
PREV DESCRIPTION  
DIAGRAM DEED NO G197/1923  
EXTENT 362.4192 H  
CLEARANCE UMJINDI LOCAL MUNICIPALITY  
FARM NAME ESPERADO  
SG PLAN NUMBER LG561/1971

NO INTERDICTS

DOCUMENTS	HOLDER & SHARE	AMOUNT	O/P/A	SCAN/MICRO REF	MDD
B3842/2015	FIRSTRAND BANK LTD	R1000000.00		20150707150855	0630
K1391/2017S				20171214163122	1213
K1673/1992S	ROETEBEPALING VAN K2155/89S			19920101040248	
K2155/1989S				19920101040248	
K4380/2007S					0619
K520/1965S					0513
K59/1973S					
K6919/2003S				20171214163420	1016
INFO FROM PRETORIA DEEDS REGIS 1/955					0630
JU, 253				19880101071417	
LG28/955-11382/1-10/	1/955				

OWNER DETAILS

FULL NAME & SHARE	PURCH DATE	AMOUNT/REASON	O/P/A	IDENTITY	TITLE DEED	MDD	MICROFILM REF
NORRIS TRUST	20051027	R4542000.00	P	594/2005	T22805/2006	0228	20161004091909

\* O/P/A - 0 - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

\*\* PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.  
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

\*\*\* END OF REPORT \*\*\*


IKE E: /XABRA /IKE

⑦ EXAMINER'S NOTE SHEET.

① By-Law capped on the 15.07.2019. Lodge  
new one

T. THABELA

Done. 02.08.2019

 Thabela.

---

Opgestel deur my;

AKTEVERVAARDIGER  
J. H. P. VAN ROOYEN

VIR ENDOSSEMENTE KYK BLADSY  
FOR ENDORSEMENTS SEE PAGE - 11 - ET SEQ

Die Staatsekskuseur	
23/10/89	
<i>[Handwritten Signature]</i>	

23/11 *[Handwritten]*

77841/89  
T

TRANSPORTAKTE

HIERMEE WORD BEKEND GEMAAK:

DAT ~~JAN HENDRIK PETRUS VAN ROOYEN~~ **GERHARD BECKER** verksyn het voor my, die Registrateur van Aktes vir Transvaal, te Pretoria, waartoe hy die genoemde Komparant behoorlik gemagtig is kragtens 'n Volmag aan hom verleen deur die Kurator van

DIE BOEDEL VAN JOHANNES STEPHANUS MALHERBE

Identiteitsnommer 491117 5024 00 3

getroud buite gemeenskap van goedere

BLANKE GROEP

aangestel deur die Meester van die Hooggeregshof kragtens Artikel 28 van die Wet op Landboukrediet 1966.

Gedateer 23 Oktober 1989 en geteken te PRETORIA.

EN die genoemde Komparant het verklaar dat sy Prinsipaal waarlik en wettiglik verkoop het en dat hy in sy voornoemde hoedanigheid hiermee in volle en vrye eiendomme sedeer en transporteer aan en ten gunste van -

TEKORT BELEGGINGS BK.  
CK85/08386/23

BLANKE GROEP

diese Opvolgers in Titel of Regverkrygendes:

EEN:

GEDEELTE 1 VAN DIE PLAAS ESPERADO ANNEX 222,  
Registrasie Afdeling J.U., Transvaal;

GROOT : 62,8709 (TWEË EN SESTIG komma  
AGT SEWE NUL NEGE) hektaar;

AANVANKLIK OORGEDRA kragtens Akte van  
Verdelingstransport T19031/1961 met  
Kaart daarby aangeheg en gehou kragtens  
Akte van Transport T40518/1982

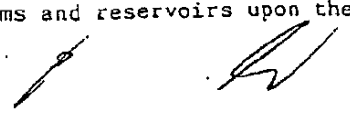
ONDERHEWIG aan die volgende voorwaardes:

A. "The Former Portion B of the farm ESPERADO ANNEX 252 in the Registration Division J.U., in the district of Barberton, indicated by the figure e innerbank of Kaap river c middle of Louws Creek d e on diagram No 4054/1960 annexed to Certificate of Consolidated Title No 19030/1961 dated the 28th August 1961 (of which the property hereby transferred forms a portion) is subject to the following conditions:

- (a) That all rights to minerals, mineral products, mineral oils and metals and precious stones on or under the land shall be and are reserved to the State.

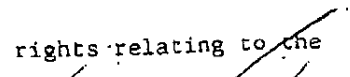


Bladsy Drie.

- (b). That the State shall at all times have the right of resuming the whole or any portion of the land if required for public or mining purposes on payment to the owners of such sums of money as compensation as may be mutually agreed upon by the State and the owners or failing such agreement as may be determined by arbitration in manner provided by the Arbitration Ordinance 1904 (Transvaal).
  - (c). That the public shall have the right to prospect and peg out mining claims under any existing or future mining laws; the rights which the public and the State now have or may hereafter have or be entitled to obtain under and by virtue of any Law relating to mining stands or to the prospecting, digging, mining for or exploiting of minerals, minerals products, precious stones, precious and base metals on the land or relating to the use of water or timber thereon shall not be impaired diminished or in any way affected by Deed of Grant No. 198/1923.
  - (d). That the land may be thrown open for prospecting by the State in terms of Act 35 of 1908 (Transvaal) or any amendment thereof and that the grant of discoverer's claims in terms of that Act or any amendment thereof shall not entitle the owners to any compensation for the loss of surface area covered by such claims.
  - (e). That the owners shall be entitled to fence the land in manner approved by the State, provided they shall allow thereto free access to any bona fide prospector in possession of and producing to them, a current prospector's permit or prospecting licence or to any holder of discoverer's claims and to their bona fide employees.
  - (f). That the State shall at all times have the right in such manner and under such conditions as it may think fit to construct and form dams and reservoirs upon the
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land and to erect, make and construct telegraph and telephone lines, roads, railways, water furrows, pipe lines, canals and drains upon and conduct same through and over the land in the interest of the public or of the owner, lessee or occupier of or holder of a mining title on any land adjoining or in the neighbourhood of the land hereby transferred, and to take materials therefrom for the foregoing purposes on payment (save as may be otherwise provided by Law) to the owners of such sums of money as compensation for damage or damages actually sustained as may be mutually agreed to between the State and the Owners or failing such agreement as may be determined by arbitration in manner provided by the Arbitration Ordinance 1904 (Transvaal) provided that the Arbitrators may set off against the loss or damage caused to the owners the benefit in stand or prospective, which they shall or may derive in consequence of the construction of any of the said works.

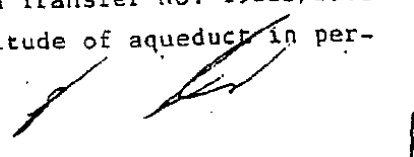
- (g). That the owners shall be entitled to take from any public stream on the land such water as they may reasonably require for domestic purposes and for watering their own stock running on the land but they shall not be entitled to take for any purposes than those aforementioned any water in any such stream without the written permission of the Minister of Mines or his authorised representative being first had and obtained. The State hereby specially reserves the right and power in addition to those already reserved herein (under clause (f) to enter upon the land at any time and to authorise other to do so for the purpose of making use of the water on the land by the building of reservoirs, dams, intakes, flumes and the like or by pumping or otherwise removing the same from the said land subject to compensation as set forth in clause (f) hereof.
- (h). Subject and entitled to certain rights relating to the
- 

use and enjoyment of certain water for water stock and for irrigation and domestic purposes, as will more fully appear from Notarial Deed No. 629/1936-S registered on the 11th September, 1926.

B. (1). The property hereby transferred together with portions 2 and 4 of the said farm, each measuring 62, 8709 Hectares, held under Deed of Partition Transfer No. 19032/1961 are entitled to the following rights against the Remaining Extent of the said farm, measuring as such 0197,7722 Hectares, held under Deed of Partition Transfer No. 19034/1961, which rights shall be exercised in four equal shares by the owners of the said Portions 1,2 and 4 and the said REMaining Extent namely:

- ( i ). the right to maintain in perpetuity an electricity generating plant and a pumping plant on a strip of land 15,74 metres wide on the said Remaining Extent, the centre line of the said strip being indicated by the straight line c d on diagram 4058 annexed to Partition Transfer No. 10932/1961.
- ( ii ). the right in perpetuity to pump water by means of a pipeline over a strip of ground 3,78 metres wide on the said remaining extent, the centre line of the said strip being indicated by the straight line d e on said diagram 4058/60.
- (iii). a servitude of aqueduct in perpetuity over the said remaining extent by means of a water furrow 3,78 metres wide, the centre line of the said water furrow being indicated by the curved line e f on said diagram 4058/60.

2. The property hereby transferred together with Portions 2 and 3 of the said farm, held under Deed of Partition Transfer No. 19031/1961 and Deed of Partition Transfer No. 19033/1961 respectively are entitled to a servitude of aqueduct in per-



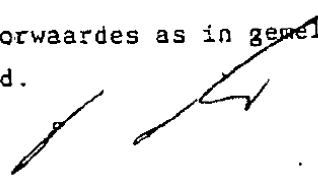
petuity over portion 4 of the said farm, measuring 62,8709 Hectares, held under Deed of Partition transfer No. 19032/1961 by means of a water furrow 3,78 metres wide, the centre line of the said furrow being indicated by the curved line f g on said Diagram 4058/60.

(3) The property hereby transferred together with portion 2 of the said farm held under Deed of Portition Transfer Nò. 19031/1961 are entitled to a servitude of aqueduct in perpetuity over portion 3 of the said farm, measuring 62,8709 Hectares held under Deed of Partition Transfer No. 19033/1961, by means of a water furrow 3,78 metres wide the centre line of the said furrow being indicated by the curved line e f on diagram No. 4057/60 annexed to aforesaid Deed of Partition Transfer No. 19033/1961.

(4) The property hereby transferred in entitled to a servitude of aqueduct in perpetuity over Portion 2 of the said farm ESPERADO ANNEX aforesaid, measuring 62,8709 Hectares, held under Deed of Partition Transfer No. 19031/1961 by means of a water-furrow 3,78 metres wide the centre line of which furrow is indicated by the curved line e f g on diagram No. 4056/60 annexed to the aforesaid Deed of Partition Transfer No. 19031/1961.

(5) The property hereby transferred is entitled to the right to construct and maintain in perpetuity a dam for the storage of water of a capacity of eleven comma two five mega litres on Portion 2 of the farm ESPERADO ANNEX aforesaid, measuring 62,8709 Hectares, held under Deed of Partition Transfer no. 19031/1961 at such a site as may be agreed upon coupled with the right to lead water between the said dam and the waterfurrow mentioned in paragraph (4) hereof, by means of a water-furrow 3,78 metres wide along such a route as may be agreed upon.

EN VERDER ONDERHEWIG AAN SODANIGE voorwaardes as in gewelde Aktes vermeld staan of na verwys word.



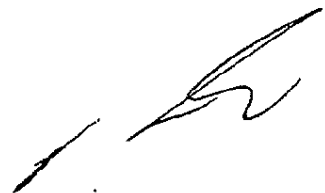
TWEE:

GEDEELTE 2 van die plaas ESPERADO ANNEX 222,  
Registrasié Afdeling J.U., Transvaal;

GROOT : 62,8709 (TWEE EN SESTIG komma AGT  
SEWE NUL NEGE) hektaar;

AANVANKLIK OORGEDRA kragtens Akte van Verdelings-  
Transport T19031/1961 met kaart daarby aangeheg en  
gehou kragtens Akte van Transport T40518/1982

- A. ONDERWORPE aan voorwaardes A (a), (b), (c), (d), (e), (f), (g) en (h)  
uiteengesit in paragraaf 1 hierbo;
- B. (1) The property hereby transferred together with portions 1 and 4 of the  
said farm, each measuring 62,8709 (SIXTY TWO comma EIGHT SEWEN NOUGHT  
NINE) hectare, held under Deeds of Partition Nos 19031/1961 and 19032/1961  
respectively, are entitled to the following rights over the Remaining  
Extent of the said farm, measuring as such 197,7722 (ONE NINE SEVEN comma  
SEVEN TWO TWO) hectare, held under Deed of Portition Transfer NO. 1903301961,  
which rights shall be exercised in four equal shares by the owners of  
the said Portion 1, 2 and 4 and the said Remaining Extent, namely:
- (i) The right to maintain in perpetuity an electricity generating plant  
and pumping plant on a strip of land 15,74 metres (FIFTEEN comma  
SEVEN FIVE) wide on the said Remaining Extent, the centre line  
of the said strip being indicated by teh straight line c d on diagram  
4058/60 annexed to Partition Transfer No. 19032/1961,
- (ii) The right in perpetuity to pump water by means



Bladsy Agt.

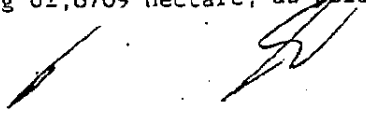
of a pipeline over a strip of ground 3,78 (THREE COMMA SEVEN EIGHT) metres wide on the said REMAINING Extent, the centre line of the said strip being indicated by the straight line d e on said diagram 4058/60.

(iii). A servitude of aqueduct in perpetuity over the said REMAINING Extent by means of a water furrow 3,78 (THREE COMMA SEVEN EIGHT) metres wide the centre line of the said water furrow being indicated by the curved line e f on said diagram 4058/60.

(2). The property hereby transferred together with portions 1 and 3 of the said farm, held under Deeds of Partition Transfers Nos. 19031/1961 and 19033/1961 respectively are entitled to a servitude of aqueduct in perpetuity over Portion 4 of the said farm, measuring 62,8709 (SIX TWO COMMA EIGHT SEVEN NOUGHT NINE) Hectare, held under Deed of Partition Transfer No. 19033/1961 by means of a water furrow 3,78 (THREE COMMA SEVEN EIGHT) metres wide, the centre line of the said furrow being indicated by the curved line f g on said diagram 4058/60.

(3). The property hereby transferred together with portion 1 of the said farm held under Deed of partition Transfer No. 19031/1961 are entitled to a servitude of aqueduct in perpetuity over Portion 3 of the said farm measuring, 62,8709 (SIX TWO COMMA EIGHT SEVEN NOUGHT NINE) hectare held under Deed of Partition Transfer No. 19033/1961 by means of a water furrow 3,78 (THREE COMMA SEVEN EIGHT) metres wide, the centre line of the said furrow being indicated by the curved line e f on Diagram 4057/60 annexed to Deed of partition Transfer No. 19033/1961.

C. The property hereby transferred is subject to a servitude of aqueduct in perpetuity in favour of Portion 1 of the said farm ESPERADO ANNEX measuring 62,8709 hectare, as held



Bladsy Nege

under of Transfer No 23352/1961 dated 2nd November 1961, over the property hereby transferred, by means of a water-furrow 3,78 (THREE comma SEVEN EIGHT) metres wide, the centre line of which furrow is indicated by the curved line e f g on diagram No 4056/60 annexed to Deed of Partition Transfer 19031/1961; which said conditions was created in Deed of Transfer 23352/1961.

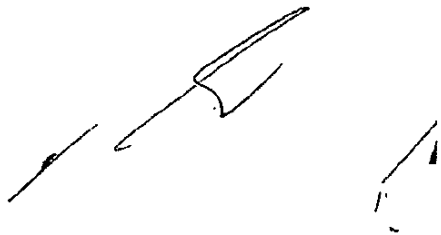
D. The property hereby transferred is subject to the right in favour of Portion 1 of the said farm ESPERADO ANNEX measuring 62,8709 hectare, as held under Deed of Transfer No 23352/1961 dated 2nd November 1961, to construct and maintain in perpetuity a dam for the storage of water of a capacity of 11,25 (ELEVEN comma TWO FIVE) mega litres on the property hereby transferred, at such a site as may be agreed upon coupled with the right to lead water between the said dam and the water-furrow mentioned in paragraph C hereof, be means of a water-furrow 3,78 metres wide along such a route as may be agreed upon.

EN VERDER ONDERHEWIG aan al sodanige voorwaardes as wat in genoemde Aktes vermeld staan of na verwys word.

WESHALWE die Komparant afstand doen van ale die reg en titel wat sy Prinsipaal voorheen op genoemde eiendom gehad het en gevolglik ook erken dat hy geheel en al uit die besit daarvan onthef is en nie meer daartoe geregtig is nie, en dat kragtens hierdie Akte, die genoemde -

#### TEKORT BELEGGINGS BK

diese Opvolgers in Titel of Regverkrygendes tans en voortaan daartoe geregtig sal wees ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat, en ten slotte erken het dat die koopprys die som van R760 000,00 (SEWEHONDERD EN SESTIG-DUISEND RAND) bedra, en dat die datum van verkoping die 18de dag van AUGUSTUS 1989 was.



Bladsy Tien

TEN BEWYSE WAARVAN ek, die genoemde Registrateur van Aktes tesame met die Komparant hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en GETEKEN op die Kantoor van die Registrateur van Aktes te PRETORIA, Transvaal op

17 11 89

In my teenwoordigheid:

*Becker*  
q.q.

*J. van Middelburg*  
REGISTRATEUR VAN AKTES

---

*[Handwritten signature]*



Preference of this Bond waived ifo B 16408/03

Para 1 & 2 Bond waived ifo B 16408/03

BC 00012326/2013

CANCELLED  
GEKANSELLEER

B..... 72708/91.....

VERBIND  
MORTGAGED

for R..... 500.000,00

Aktekantoor  
Deeds Office  
20 09/91

Registrateur  
Registrar

REGISTRATEUR/REGISTRAR

2013-11-14

Preference of this Bond waived ifo B 16408/03

Paras 1 & 2 - M.A.C

BC 00012327/2013

CANCELLED  
GEKANSELLEER

B..... 87172/92.....

VERBIND  
MORTGAGED

for R..... 000,00

Aktekantoor  
Deeds Office  
PRETORIA

Registrateur  
Registrar

REGISTRATEUR/REGISTRAR

2013-11-14

Preference of this Bond waived ifo B 16408/03

Para 1 en 2 M.A.C

BC 00012328/2013

CANCELLED  
GEKANSELLEER

B..... 70608/97.....

VERBIND  
MORTGAGED

for R..... 750 000,00

Aktekantoor  
Deeds Office  
PRETORIA

Registrateur  
Registrar

REGISTRATEUR/REGISTRAR

2013-11-14

VIR VERDERE ENDOSSEMENTE KYK  
FOR FURTHER ENDORSEMENTS SEE..... B112

B1 12  
T 77841/89

1	ENDOSSEMENT KRAGTENS ARTIKEL 27D VAN WET 61 VAN 1973	ENDORSEMENT BY VIRTUE OF SECTION 27D OF ACT 61 OF 1973
	BINNEGEMELDE BESLOTE KORPORASIE IS OMSKEP IN 'N MAATSKAPPY EN STAAN NOU BEKEND AS	WITHINMENTIONED CLOSE CORPORATION HAS BEEN CON- VERTED INTO A COMPANY AND IS NOW KNOWN AS
	Tekot Beleggings (Eiendoms) Beperk	
	NO. 97/04576/07	
	BC 65248-197 02 09 97	<i>[Signature]</i> REGISTRATEUR/REGISTRAR

DIE GROOTTE VAN BINNEGEMELDE EIENDOM  
THE EXTENT OF THE WITHINMENTIONED  
OMSKEP IN METRIEKE JAATE IS  
PROPERTY CONVERTED TO METRIC MEASURES IS

HEKTAAR-METERS  
HECTARES-METERS

REGISTRATEUR VAN AKTES  
REGISTRAR OF DEEDS

\* SNYAP WA IN NODIG/DATE WHEN NECESSARY

~~NOT TIEF~~

Hierdie verbod rangoor voor B 72708/91  
Paras 1-2 (Landbank) woe B 87172/92  
B 70608/97

BC 79921/04	VERBOD NOT FORGEGED
GEKANSELLEER CANCELLED	VR FOR R 2 766 250-00
REGISTRATEUR/REGISTRAR	B 16408 03
26/07/04	03 03/03 <i>[Signature]</i> REGISTRATEUR/REGISTRAR

Vir verdere endossemante sien 13  
For further endorsements see 13

T 77841/89

Para 8-9 WOP

VERBIND	MORTGAGED
R 3 100 000 - 00	

BC 12327	2013	B 20181/04	
GEKANSLEEF		DATUM	26 07 04
CANCELLED		DATE	
REGISTRATEUR/REGISTRAR			
2013-11-14			

GETRANSPORTEER AAN	TRANSFERRED TO
Excelsior & te Kort Baerdery Belang Proprietary Limited	
RESTANT/REMAINDER	
T 000012704	(2013)
DATUM	2013-11-14
DATE	

2017-12-07

VIR VERDESE ENDORSEMENTE SIEN  
FOR FURTHER ENDORSEMENTS SEE  
Page 14

T 77841 / 1989

**VA** 000002064 / 2017

GESERTIFISEER 'N WARE AFSCRIF VAN DIE REGISTRASIEDUPLIKAAT IN TERME VAN REGULASIE 68 Kragtens die Registrasie van Aktes Wet, No. 47 van 1937, EN IS UIT-  
CERTIFIED A TRUE COPY OF THE REGISTRY DUPLICATE IN TERMS OF REGULATION 68  
UNDER THE DEEDS REGISTRIES ACT, No. 47 OF 1937, AND IS ISSUED TO TAKE THE PLACE  
GEREK OM TE DIEN IN DIE PLEK VAN DIE OORSPRONKLIKE  
OF THE ORIGINAL

REGISTRASIEKANTOOR DEEDS REGISTRY      ASST.-REGISTRATEUR VAN AKTES  
2017-12-18      ASST. REGISTRAR OF DEEDS

DATUM/DATE

Para 1 and 2

**VERBIND MORTGAGED**

VIR FOR R 2 500 000-00

**B** 000005772 / 2017

2017-12-18

REGISTRATEUR/REGISTRAR

**VERBIND MORTGAGED**

VIR FOR R 2 200 000-00

**B** 000005323 / 2018

14 NOV 2018

REGISTRATEUR/REGISTRAR

## **4.2. LAND CLAIM DOCUMENTS**

**YOUR REFERENCE:**

**OUR REFERENCE:** ZVR/mss/MAT00844

13 MARCH 2020

**MESSRS. ESPERADO FARMS PTY LTD**  
LOW'S CREEK

**EMAIL:walter@ivorymacs.co.za**

Sir/Madam

**RE: LAND CLAIMS : REMAINDER OF THE FARM ESPERADO 253 JU**

With reference to the aforementioned, notwithstanding a diligent search of the Government Gazettes, we are unable to allocate a published Land Claim against the property known as the Remainder of the Farm Esperado 253, Registration Division JU.

We confirm that the previous owner was never informed of a Land Claim in terms of section 11 of the Restitution of Land Act, Act 32 of 1994.

Best Regards,

**ZIETTA JANSE VAN RENSBURG**

Attorney / Conveyancer / Notary Public

Email: [zvr@vrens.co.za](mailto:zvr@vrens.co.za)

Assistant Email: [admin3@vrens.co.za](mailto:admin3@vrens.co.za)

**DIRECTORS**

Pieter Johannes Janse van Rensburg (UFS) (ATTORNEY)

Zietta Janse van Rensburg (UFS) (ATTORNEY | CONVEYANCER | NOTARY PUBLIC)



Van Rensburg & Van Rensburg Inc.

Reg No: 2019/099758/21

T/A Van Rensburg Inc.

Vat No: 4300285352

+ 27 (0)13 790 1645 | + 27 (0)13 790 0798

40 Air Street Malelane 1320 | P.O Box 815 Malelane, 1320

---

## Zietta van Rensburg

---

**From:** Zietta van Rensburg <zvr@vrens.co.za>  
**Sent:** 21 January 2019 09:58 AM  
**To:** 'VAN RENSBURG ATTORNEYS3 (Melanie)'; sam.nkosi@dldr.gov.za;  
lebjane.maputha@dldr.gov.za  
**Subject:** Sec 11(7)(Aa)(i) Notice - Esperado 253 JU  
**Attachments:** N95NoticeLCC2019.01.26.pdf  
**Tracking:**

Recipient	Read
'VAN RENSBURG ATTORNEYS3 (Melanie)'	Read: 26/01/2019 10:26 AM
sam.nkosi@dldr.gov.za	Read: 12/02/2019 01:13 PM
lebjane.maputha@dldr.gov.za	Read: 28/01/2019 08:01 AM

Chief Land Claims Commissioner,

Kindly find annexed Notice in terms of Section 11(7)(Aa)(i) for your kind attention.

We confirm that we have been unable to find a gazetted Land Claim against the property,

but are dispatching the relevant notice out of courtesy.

We trust you find the above in order.

Best Regards,

**Zietta Janse van Rensburg (Olivier)**  
Attorney / Conveyancer / Notary Public  
**Director**



---

Tel: (013) 790 1645 / (013) 790 0798  
40 Air Street Malelane  
P.O. Box 815 Malelane 1320  
Direct Email: [zvr@vrens.co.za](mailto:zvr@vrens.co.za)  
Assistant Email: [admin3@vrens.co.za](mailto:admin3@vrens.co.za)

# VR VAN RENSBURG INC.

Attorneys Conveyancer Notary Public

---

**YOUR REFERENCE:**

**OUR REFERENCE:** ZVR/mss/N0000095

26 January 2019

**CHIEF LAND CLAIMS COMMISSIONER  
LAND CLAIMS COMMISSIONER, MPUMALANGA  
PRIVATE BAG X11330  
NELSPRUIT  
1200**

**EMAIL:sam.nkosi@dldlr.gov.za  
Lebjane.maphutha@dldlr.gov.za  
REGISTERED MAIL**

Sir/Madam

**RE: NOTICE IN TERMS OF SECTION 11(7)(Aa)(i) OF THE RESTITUTION OF  
LAND ACT, ACT 22 OF 1994**

We herewith confirm that the below mentioned transaction was entered into:

Date: 24 January 2019

Seller: Norris Trust (IT594/2005)

Purchaser: Castellazzo Pty Ltd (2018/553638/07) (with right to  
nominate)

Property: Remainder of the Farm Esperado 253, Registration Division  
JU, Mpumalanga Province, Measuring 362,4192

Purchase Price: R20,000,000.00

We confirm the following:

1. We confirm that all suspensive conditions have been fulfilled.

**DIRECTORS**

Pieter Johannes Janse van Rensburg (UFS) (ATTORNEY)

Zietta Janse van Rensburg (UFS) (ATTORNEY|CONVEYANCER|NOTARY PUBLIC)



Van Rensburg & Van Rensburg Inc.

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Vat No: 4300285352

+ 27 (0)13 790 1645 | + 27 (0)13 790 0798

40 Air Street Malelane 1320 | P.O Box 815 Malelane, 1320

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2. Notwithstanding a diligent search, we are unable to find any gazetted Land Claims against the property and readily enquire if any Land Claims have been lodged against the aforementioned property?
3. Notwithstanding the absence of a gazetted land claim in terms of section 11(1), we herewith give the Land Claims Commissioner one month's notice as envisioned in Section 11(7)(Aa)(i), which notice period will lapse on 27 March 2019.

Best Regards,

**ZIETTA JANSE VAN RENSBURG**

Attorney / Conveyancer / Notary Public

Email: [zvr@vrens.co.za](mailto:zvr@vrens.co.za)

Assistant Email: [admin3@vrens.co.za](mailto:admin3@vrens.co.za)



**DIRECTORS**

Pieter Johannes Janse van Rensburg (UFS) (ATTORNEY)

Zietta Janse van Rensburg (UFS) (ATTORNEY|CONVEYANCER|NOTARY PUBLIC)

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+ 27 (0)13 790 1645 | + 27 (0)13 790 0798

40 Air Street Malelane 1320 | P.O Box 815 Malelane, 1320

## Zietta van Rensburg

---

**From:** Zietta van Rensburg <zvr@vrens.co.za>  
**Sent:** 11 February 2019 13:47 PM  
**To:** sam.nkosi@dldr.gov.za; lebjane.maputha@dldr.gov.za  
**Subject:** Nomination - Sec 11(7)(Aa) Notice Esperado 253  
**Attachments:** N95NoticeofNomination2019.02.11.pdf

Tracking:	Recipient	Read
	sam.nkosi@dldr.gov.za	Read: 13/02/2019 17:51 PM
	lebjane.maphutha@dldr.gov.za	

Chief Land Claims Commissioner,

Kindly find annexed notice of exercising of nomination by the Purchaser of the Remainder of the Farm Esperado 253 JU.

We trust you find the above in order.

Best Regards,

**Zietta Janse van Rensburg (Olivier)**  
Attorney / Conveyancer / Notary Public  
Director



---

Tel: (013) 790 1645 / (013) 790 0798  
40 Air Street Malelane  
P.O. Box 815 Malelane 1320  
Direct Email: [zvr@vrens.co.za](mailto:zvr@vrens.co.za)  
Assistant Email: [admin3@vrens.co.za](mailto:admin3@vrens.co.za)

# **VR** VAN RENSBURG INC.

Attorneys Conveyancer Notary Public

---

**YOUR REFERENCE:**

**OUR REFERENCE:** ZVR/mss/N0000095

10 January 2019

**CHIEF LAND CLAIMS COMMISSIONER  
LAND CLAIMS COMMISSIONER, MPUMALANGA  
PRIVATE BAG X11330  
NELSPRUIT  
1200**

**EMAIL:sam.nkosi@dldr.gov.za  
Lebjane.maphutha@dldr.gov.za  
REGISTERED MAIL**

Sir/Madam

**RE: NOTICE IN TERMS OF SECTION 11(7)(Aa)(i) OF THE RESTITUTION OF  
LAND ACT, ACT 22 OF 1994**

With reference to our notice of 26 January 2019, annexed hereto for your convenience, we confirm that the Purchaser has exercised its right to nominate a recipient transferee being Esperado Farms Pty Ltd (Registration Number: 2019/048470/07) in terms of the nomination agreement, annexed hereto for your convenience.

We confirm that the nomination does not constitute a new agreement or a novation of the agreement. The notice period lapses on 27 February 2019.

Best Regards,

**ZIETTA JANSE VAN RENSBURG**  
Attorney / Conveyancer / Notary Public  
Email: [zvr@vrens.co.za](mailto:zvr@vrens.co.za)  
Assistant Email: [admin3@vrens.co.za](mailto:admin3@vrens.co.za)

**DIRECTORS**

Pieter Johannes Janse van Rensburg (UFS) (ATTORNEY)  
Zietta Janse van Rensburg (UFS) (ATTORNEY|CONVEYANCER|NOTARY PUBLIC)

Van Rensburg & Van Rensburg Inc.  
Reg No: 2019/099758/21  
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Vat No: 4300285352

+ 27 (0)13 790 1645 | + 27 (0)13 790 0798  
40 Air Street Malelane 1320 | P.O Box 815 Malelane, 1320

---

---

**Zietta van Rensburg**

**From:** Zietta van Rensburg <zvr@vrens.co.za>  
**Sent:** 21 January 2019 09:58 AM  
**To:** 'VAN RENSBURG ATTORNEYS3 (Melanie)'; sam.nkosi@dldr.gov.za;  
lebjane.maputha@dldr.gov.za  
**Subject:** Sec 11(7)(Aa)(i) Notice - Esperado 253 JU  
**Attachments:** N95NoticeLCC2019.01.26.pdf  
**Tracking:**

Recipient	Read
'VAN RENSBURG ATTORNEYS3 (Melanie)'	Read: 26/01/2019 10:26 AM
sam.nkosi@dldr.gov.za	Read: 12/02/2019 01:13 PM
lebjane.maputha@dldr.gov.za	Read: 28/01/2019 08:01 AM

Chief Land Claims Commissioner,

Kindly find annexed Notice in terms of Section 11(7)(Aa)(i) for your kind attention.

We confirm that we have been unable to find a gazetted Land Claim against the property,

but are dispatching the relevant notice out of courtesy.

We trust you find the above in order.

Best Regards,

**Zietta Janse van Rensburg (Olivier)**  
Attorney / Conveyancer / Notary Public  
Director

**VR** VAN RENSBURG INC.  
Attorneys Conveyancers Notary Public

Tel: (013) 790 1645 / (013) 790 0798  
40 Air Street Malelane  
P.O. Box 815 Malelane 1320  
Direct Email: [zvr@vrens.co.za](mailto:zvr@vrens.co.za)  
Assistant Email: [admin3@vrens.co.za](mailto:admin3@vrens.co.za)

# NOMINATION

ENTERED INTO BY AND BETWEEN:

**NORRIS TRUST**

**IT 594/2005**

Herein duly represented by Nicola Mohle in terms of resolution dating 24 January 2019

VAT Registration Number: 4380223513

(hereafter referred to as the SELLER)

**AND**

**CASTELLAZZO PTY LTD**

**REGISTRATION NUMBER: 2018/553638/07**

Herein duly represented by Walter Giuricich

Duly authorized thereto

(hereafter referred to as the PURCHASER)

**WHEREAS** the parties entered into a Deed of Sale dating 24 January 2019, including the right of the Purchaser to nominate its recipient of the transfer or replacement as Purchaser per the provisions of the Deed of Sale in paragraphs 1.13 and 22 of the Deed of Sale.

AND WHEREAS the Purchaser herewith nominates


**ESPERADO FARMS PTY LTD**

**REGISTRATION NUMBER: 2019/048470/07**

VAT Number: 4110284991

As its duly appointed nominee in terms of paragraphs 1.13 and 22 of the Deed of Sale;

AND WHEREAS the Nominee herewith accepts the nomination.



1 NM

THIS DONE AND SIGNED AT MALELANE ON THE 8th DAY OF  
FEBRUARY 2019

AS WITNESSES:

1. \_\_\_\_\_

Mohlle

SELLER

2.

KOMMISSARIS VAN EDE / COMMISSIONER OF OATHS  
ZIETTA OLIVIER  
PROKUREUR / ATTORNEY NOTARIS/NOTARY  
AKTEVERVAARDIGER/CONVEYANCER  
VAN RENSBURG PROKUREURS / ATTORNEYS  
40 Airstraat, Malelane, Posbus 815, Malelane, 1320

THIS DONE AND SIGNED AT MALELANE ON THE 8th DAY OF  
FEBRUARY 2019

AS WITNESSES:

1.

KOMMISSARIS VAN EDE / COMMISSIONER OF OATHS  
ZIETTA OLIVIER  
PROKUREUR / ATTORNEY NOTARIS/NOTARY  
AKTEVERVAARDIGER/CONVEYANCER  
VAN RENSBURG PROKUREURS / ATTORNEYS  
40 Airstraat, Malelane, Posbus 815, Malelane, 1320

[Signature]  
PURCHASER and NOMINEE

### **4.3. WATER RIGHTS, VERIFICATION PROCESS AND PERMITS**

# LAER KAAP BESPROEIINGS RAAD LOWER KAAP IRRIGATION BOARD

Bus/Box 451 Barberton 1300  
Epos/email: water@roseinnes.co.za  
Tel Nr: 0137124200  
12 Judge Street , Barberton

---

## INLYSTINGSERTIFIKAAT

**DATUM:** 24 FEBRUARIE 2020  
**GEREGISTREERDE EIENAAR:** ESPERADO FARMS PTY LTD

*Hierdie sertifikaat gee slegs u inlysting in terme van die ou Waterwet.*

BESKRYWING VAN EIENDOM	GROTE VAN EIENDOM	INLYSTING
ESPERADO 253 JU REMAINING EXTENT	362.4192 hektaar	30.17 x 7000m <sup>3</sup> = 211 190m <sup>3</sup>
TOTALE INLYSTING		30.17 ha x 7000m <sup>3</sup> = 211 190m <sup>3</sup>

Die uwe,



**Maré Le Roux**  
**Senior Water Control Officer**  
**Kaap River Major Irrigation Board**  
**071 301 9856 / 013 712 4200**

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# **Low's Creek Irrigation Board**

PO Box 76  
Low's Creek  
1302  
E-Mail: [lowscreekwater@gmail.com](mailto:lowscreekwater@gmail.com)

Technical: Piet Viljoen  
Cell: 074 204 7168  
Admin: Adri Claasen  
Cell: 073 170 9146

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27 February 2020

TO WHOM IT MAY CONCERN

## **WATER RIGHTS LISTING CERTIFICATE**

Low's Creek Irrigation Board hereby certifies that the property Esperado 253 JU remaining extent, is listed for the following water rights:

	Rights
<b>Canal rights from Shiyalongubu dam</b>	<b>68.00 ha</b>
<b>Total in m<sup>3</sup></b>	<b>660 000 m<sup>3</sup></b>
<b>Additional pump rights from Low's Creek</b>	<b>Use of any surplus water at any time flowing in the Low's Creek not diverted by the weir and water furrow (Deed of Servitude No. 926/1926)</b>

Current registered owner: Esperado Farms (Pty) Ltd

Please note that allocation of water is subject to availability and can under no circumstances be guaranteed. Limitations may be imposed as seen fit by the Irrigation Board. Ideal allocation is 6600 cubic metres per hectare per year.



A. CLAASEN  
ADMIN

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Suite 801, 8<sup>th</sup> Floor  
The MAXSA Building  
13 Streak Street  
Mbombela

Private Bag X11214  
Mbombela  
1200

Tel 013 753 9000  
Fax 013 753 2786



Enquiries: Verification Office  
Reference: 253JU/0  
E-mail: [verification@jucma.co.za](mailto:verification@jucma.co.za)

Norris Trust  
At Post Office  
Tonetti  
1303  
[snorris@mweb.co.za](mailto:snorris@mweb.co.za)

**FORMER INKOMATI WATER MANAGEMENT AREA, WITHIN THE INKOMATI-USUTHU WATER MANAGEMENT AREA**

**LOUW'S CREEK IRRIGATION BOARD**

**ESPERADO253, JU, PORTION 0, SIZE 362.4192 ha: DECLARATION OF WATER USE AS AN EXISTING LAWFUL WATER USE IN TERMS OF SECTION 33(2) OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)**

Under Section 33(2) of the National Water Act, 1998 (Act 36 of 1998) ["the Act"], the following volume(s) are declared as existing lawful water use(s) on the above mentioned property:

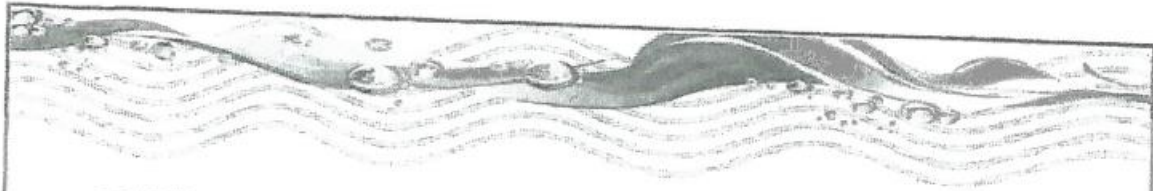
<i>Type of water use</i>	<i>Volume (m<sup>3</sup>/annum)</i>
Taking of water for irrigation purposes	660,000.00
Taking of water for non-irrigation purposes	
Storing of water	

This use may be continued with under Section 34(1) subject to any existing conditions or obligations attached to the use until a licence replaces it.

In terms of Section 148(1)(e) of the Act you may appeal against this declaration to the Water Tribunal within 30 (thirty) days from the date of this letter. The Water Tribunal can be contacted as follows:

The Registrar of the Water Tribunal, Mr Robert Mabe  
Water Tribunal  
Private Bag X316  
Pretoria  
0001

Tel: 012 336 7034  
E-Mail: [maber@dws.gov.za](mailto:maber@dws.gov.za)



A copy of the appeal must be submitted to this office

The Inkomati-Usuthu Catchment Management Agency (IUCMA) will amend your registration certificate or the registration certificate of the applicable Water Management Institution to reflect the above details. If an appeal is lodged, the certificate may be amended again depending on the outcome of the appeal.

Yours faithfully

Dr THOMAS GYEDU-ABABIO

CHIEF EXECUTIVE OFFICER

DATE: 11/3/2016

# Low's Creek Irrigation Board

Box 76  
Low's Creek  
1302  
E-Mail: [lowscreekwater@gmail.com](mailto:lowscreekwater@gmail.com)

Technical: Piet Viljoen  
Cell: 074 204 7168  
Admin: Adri Claasen  
Cell: 073 170 9146

---

12 February 2020

## TO WHOM IT MAY CONCERN WATER RIGHTS LISTING CERTIFICATE

Low's Creek Irrigation Board hereby certifies that the properties Esperado Annex 222 JU portion 1 and portion 2 are listed for the following water rights:  
**Rights**

<b>Canal rights from Shiyalongubu dam</b>	<b>p1</b>	<b>35.00 ha</b>
<b>Canal rights from Shiyalongubu dam</b>	<b>p2</b>	<b>20.00 ha</b>
<b>Rights to pump from Kaap river p1</b>		<b>35.00 ha</b>
<b>Rights to pump from Kaap river p2</b>		<b>35.00 ha</b>
<b>Total registered water rights</b>		<b>125.00 ha</b>
<b>Total in m<sup>3</sup></b>		<b>825 000 m<sup>3</sup></b>
<b>Additional pump rights from Low's Creek*</b>		<b>11m<sup>3</sup>/hour</b>

(\* Subject to restrictions)

Current registered owner: Tekort Beleggings (Edms) Bpk

Please note that allocation of water is subject to availability. Ideal allocation is 6600 cubic metres per hectare per year.



A. CLAASEN  
ADMIN

Suite 801, 8<sup>th</sup> Floor  
The MAXSA Building  
13 Streak Street  
Mbombela

Private Bag X11214  
Mbombela  
1200

Tel 013 753 9000  
Fax 013 753 2786



Enquiries: Verification Office  
Reference: 222JU/1  
E-mail: [verification@iucma.co.za](mailto:verification@iucma.co.za)

Excelsior & Tekort Beleggings Pty Ltd  
PO Box 96  
Kaapmuiden  
1295  
[excelsio@global.co.za](mailto:excelsio@global.co.za)

**FORMER INKOMATI WATER MANAGEMENT AREA, WITHIN THE INKOMATI-USUTHU  
WATER MANAGEMENT AREA**

**LOUW'S CREEK IRRIGATION BOARD**

**ESPERADO ANNEX222, JU, PORTION 1, SIZE 62.8709 ha: DECLARATION OF WATER USE  
AS AN EXISTING LAWFUL WATER USE IN TERMS OF SECTION 33(2) OF THE NATIONAL  
WATER ACT, 1998 (ACT 36 OF 1998)**

Under Section 33(2) of the National Water Act, 1998 (Act 36 of 1998) ["the Act"], the following volume(s) are declared as existing lawful water use(s) on the above mentioned property:

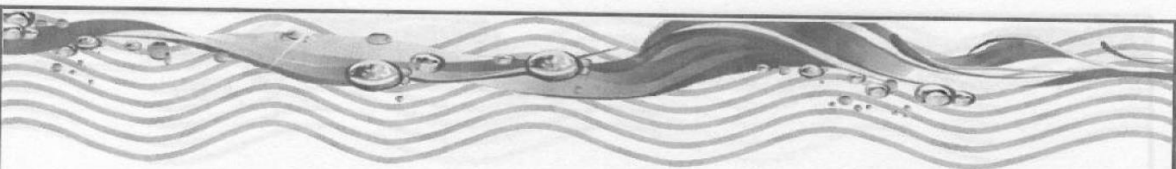
Type of water use	Volume (m <sup>3</sup> /annum)
Taking of water for irrigation purposes	462,000.00
Taking of water for non-irrigation purposes	
Storing of water	

This use may be continued with under Section 34(1) subject to any existing conditions or obligations attached to the use until a licence replaces it.

In terms of Section 148(1)(e) of the Act you may appeal against this declaration to the Water Tribunal within 30 (thirty) days from the date of this letter. The Water Tribunal can be contacted as follows:

The Registrar of the Water Tribunal, Mr Robert Mabe  
Water Tribunal  
Private Bag X316  
Pretoria  
0001

Tel: 012 336 7034  
E-Mail: [maber@dws.gov.za](mailto:maber@dws.gov.za)



A copy of the appeal must be submitted to this office

The Inkomati-Usuthu Catchment Management Agency (IUCMA) will amend your registration certificate or the registration certificate of the applicable Water Management Institution to reflect the above details. If an appeal is lodged, the certificate may be amended again depending on the outcome of the appeal.

Yours faithfully

**Dr THOMAS GYEDU-ABABIO**

**CHIEF EXECUTIVE OFFICER**

**DATE: 11/3/2016**


This use may be continued with such Section 34(1) subject to any existing conditions or obligations imposed in the use until a formal notice is issued.

In terms of Section 34(1)(b) of the Act you may appeal against the decision of the Water Tribunal within 30 (thirty) days from the date of the notice. The Water Tribunal can be contacted as follows:

The Registrar of the Water Tribunal, Mr Poshu Mokoena  
 Water Tribunal  
 Private Bag 5272  
 Pietermaritzburg  
 6001

Tel: 012 338 7034  
 E-Mail: [mspb@dwf.gov.za](mailto:mspb@dwf.gov.za)

Suite 801, 8<sup>th</sup> Floor  
The MAXSA Building  
13 Streak Street  
Mbombela

Private Bag X11214  
Mbombela  
1200

Tel 013 753 9000  
Fax 013 753 2786



Enquiries: Verification Office  
Reference: 222JU/2  
E-mail: [verification@iucma.co.za](mailto:verification@iucma.co.za)

Excelsior & Tekort Beleggings Pty Ltd  
PO Box 96  
Kaapmuiden  
1295  
[excelsio@global.co.za](mailto:excelsio@global.co.za)

**FORMER INKOMATI WATER MANAGEMENT AREA, WITHIN THE INKOMATI-USUTHU WATER MANAGEMENT AREA**

**LOUW'S CREEK IRRIGATION BOARD**

**ESPERADO ANNEX222, JU, PORTION 2, SIZE 62.8709 ha: DECLARATION OF WATER USE AS AN EXISTING LAWFUL WATER USE IN TERMS OF SECTION 33(2) OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)**

Under Section 33(2) of the National Water Act, 1998 (Act 36 of 1998) ["the Act"], the following volume(s) are declared as existing lawful water use(s) on the above mentioned property:

Type of water use	Volume (m <sup>3</sup> /annum)
Taking of water for irrigation purposes	363,000.00
Taking of water for non-irrigation purposes	
Storing of water	

This use may be continued with under Section 34(1) subject to any existing conditions or obligations attached to the use until a licence replaces it.

In terms of Section 148(1)(e) of the Act you may appeal against this declaration to the Water Tribunal within 30 (thirty) days from the date of this letter. The Water Tribunal can be contacted as follows:

The Registrar of the Water Tribunal, Mr Robert Mabe  
Water Tribunal  
Private Bag X316  
Pretoria  
0001

Tel: 012 336 7034  
E-Mail: [maber@dws.gov.za](mailto:maber@dws.gov.za)



A copy of the appeal must be submitted to this office

The Inkomati-Usuthu Catchment Management Agency (IUCMA) will amend your registration certificate or the registration certificate of the applicable Water Management Institution to reflect the above details. If an appeal is lodged, the certificate may be amended again depending on the outcome of the appeal.

Yours faithfully

**Dr THOMAS GYEDU-ABABIO**

**CHIEF EXECUTIVE OFFICER**

**DATE: 11/3/2016**


The use may be continued with under Section 24(1) subject to any existing conditions or stipulations attached to the use with a licence issued by the Water Management Institution.

The Registrar of the Water Tribunal Mr Robert Mokoena

1001 015 358 7004



## 4.4. DAM SAFETY APPLICATION

Classification Application

DW 692 E



<h3 style="margin: 0;">DAM SAFETY OFFICE</h3> <p style="margin: 0;">PRIVATE BAG X313 PRETORIA 0001</p>
--

<p style="margin: 0;"><b>APPLICATION FOR CLASSIFICATION OF A PROPOSED NEW DAM OR ENLARGEMENT OR ALTERATION OF AN EXISTING DAM</b></p>
---

<p style="margin: 0;"><i>Only applicable if the maximum wall height of the dam exceeds 5 metres and the gross storage capacity is more than 50 000 cubic metres</i></p>
---

<p><b>1. PARTICULARS OF THE DAM OWNER</b></p>
---

1.1. Name of dam owner    **E S P E R A D O F A R M S ( P T Y )**  
**L T D**

1.2. Owner's postal address    **2 1 2 8**  
**P O B O X**    **R I V O N I A**    Postal code **2 1 2 8**

1.3. Tel/cel. no. of dam owner    **0 8 2 9 6 7 6 6 7 5 7**

1.4. E-mail address of person in control of the dam    [walter@ivorymacs.co.za](mailto:walter@ivorymacs.co.za)

1.5. Name and postal address of person in control of the dam (if applicable)  
**A S A B O V E**  
 Postal code

1.6. Tel/cel. no. of person in control of the dam    **A S A B O V E**

1.7. E-mail address of person in control of the dam    **A S A B O V E**

<p><b>2. PROPERTY ON WHICH THE DAM IS OR WILL BE SITUATED AND LOCALITY</b></p>
--

2.1. Property description as per title deed    **E S P E R A D O 2 5 3 J U**  
**& E S P E R A D O A N N E X 2 2 2 J U**  
**P T N 1 & 2**

2.2. Magisterial district    **B A R B E R T O N**

2.3. Nearest city/town    **K A A P M U I D E N**

2.4. Distance to nearest city or town    **6 . 9 km**

2.5. Direction from nearest city or town    **S O U T H E A S T**

2.6. Number of 1:50 000 scale topographical map    \* **2 5 3 1 C B**  
*\* A copy of the relevant portion of this map which clearly indicates the position of the dam and downstream area must be attached*

2.7. Position of the centre of the dam wall to an accuracy of one second  
 Latitude: **2 5 ° 3 5 ' 2 4 "**    Longitude: **3 1 1 8 ' 3 0 "**

2.8. Title deed number    **T 8 1 4 5 / 2 0 1 9**

T 1 9 0 3 1 / 1 9 6 1

3.1. Name of dam L O U W ' S C R E E K D A M

3.2. Name of watercourse or source L O U W S C R E E K

3.3. For **clean water** dams, give the purpose of the dam (mark all applicable purposes with X)

domestic supply  irrigation  industrial use   
 stock watering  fisheries  other (specify below)   
 Describe "other"

3.4. For **wastewater** dams, give the purpose of the dam (mark all applicable purposes with X)

pollution control  wastewater disposal  industrial residue   
 oxidation / evaporation  mine residue  other (specify below)   
 Describe "other"

3.5. For an existing dam describe the nature and extent of the proposed alterations or enlargements

N O T A P P L I C A B L E

3.6. Proposed starting date of construction 2 0 2 1 0 5

3.7. Name and postal address of designer or consultant (if available)

M B B C O N S U L T I N G S E R V I C E S  
 P O B O X 4 9 8  
 N E L S P R U I T Postal code 1 2 0 0

3.8. Tel. no. of designer or consultant 0 1 3 7 5 2 8 2 1 3

3.9. E-mail adress of designer or consultant b a r e n d @ m b b . c o . z a

**4. PARTICULARS OF DAM AND BASIN**

(For enlargement or alteration of an existing dam, particulars must be for the completed structure)

4.1. Type of dam (mark applicable type with X - mark more than one for composite dams)

earthfill  rockfill  gravity   
 buttress  arch  multi-arch   
 earth "service" reservoir  reinforced concrete "service" reservoir   
 mine residue deposit \*  industrial residue deposit \*

\* This also means any structure generally termed a "tailings or slimes dam"

other (specify)

4.2. Maximum wall height \*\* 1 1 , 4 m

\*\* Note! Wall height is the vertical difference between the lowest downstream ground elevation on the outside of the dam wall and the non-overspill crest level or the general top level of the dam wall

4.3. Crest length of wall 2 4 5 m

4.4. Gross storage capacity 1 9 3 0 0 0 m<sup>3</sup>

4.5. Area of water surface at full supply level 6 , 5 ha

4.6. Maximum full supply water depth (must be provided) 8 , 0 m

**5. PARTICULARS OF DEVELOPMENT DOWNSTREAM OF THE DAM**

Describe with the aid of a 1:50 000 scale map the nature and situation of development downstream of a dam that would be threatened by a failure of the dam. Development means any houses, dwellings, other buildings, roads, bridges, cultivated lands, orchards, powerline foundations etc.

The area downstream of the dam wherein all development must be described is defined as follows;

- For every one metre of maximum wall height, at least one kilometre of the valley downstream of the dam wall should be analysed
- For the calculation of the width of the strip the following heights above river bed may be assumed;
  - 2/3 of maximum wall height for the first kilometre downstream and 1/2 of the maximum wall height for the rest of the downstream distance

**5.1. Development downstream of the dam (houses, dwellings and other similar structures)**

Distance downstream (km)	Purpose or use of structure	Height above river bed (m)	Distance from river (m)	Number of inhabitants or users
1.24	Pump Station	2	10	1
2.43	2 x Pump Stations	2	15	2
4.04	Homestead	7	45	6
4.18	Pump Station	1	15	1
5.51	Pump Station	1	5	1
6.18	Pump Station	2	25	1

**5.2. Road and railway crossings downstream of the dam**

Distance downstream (km)	(1) Type of road or railway	If a road, is it tarred? (Y/N)	Height of road / railway above river bed (m)	Bridge, culvert or pipe openings				(2) Type of crossing	(3) Visibility distance (m)	Number of vehicles per day
				Width (mm)	Height (mm)	Diameter (mm)	How many?			
1.56	FRD	N	3 , 0			1500	6	C	i 92 ii 180	20
6.81	MRD	Y	7 , 0	6000	6500		5	B	i 350 ii 272	100
6.87	MTR	N/A	21 , 0	29000	22000		5	B	i 500 ii 200	Unknown
			,						i ii	
			,						i ii	
			,						i ii	

(1) Type of road or railway - Use one of the following abbreviations

- NRD = national road
- MRD = main road
- SRD = secondary road
- DRD = district road
- FRD = farm road
- STR = single track railway
- MTR = multi-track railway

Explain other abbreviations  =

(2) Type of crossing - Use one of the following abbreviations

- C = culverts or pipes encased in concrete
- E = culverts or pipes buried in earthfill or rockfill
- B = concrete bridge with piers
- D = drift with same height as river bed

Explain other abbreviations  =

(3) Visibility distance - This is the distance to a bridge or crossing from where a motorist can see if there is any danger in using the bridge or crossing. Both approach distances are required. **The order in which i and ii are written does not matter.**

If the distance equals or exceeds 1 kilometre, enter 999

**5.3. Other development downstream of the dam, not covered by 5.1 or 5.2**

0.1km - Confluence with the Kaap River														
5.00 km - Concrete Weir														
5.95 km - Concrete Weir														
6.25 km - Concrete Weir														
6.60 km - Concrete Weir														
7.4 km - Confluence with Crocodile River														

<b>6. DECLARATION BY APPLICANT</b>
------------------------------------

I declare that the information given by me for the classification of the above dam is true and correct.

Signature:  \_\_\_\_\_

Date: 07/01/2020 \_\_\_\_\_

***NB! Remember to attach a clear copy of the relevant topographical map (see 2.6)***



# water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

Private Bag X313, PRETORIA, 0001. Sedibeng Building 185, Francis Baard Street, PRETORIA, 0001.  
Tel: +27 12 336 7500 www.dws.gov.za

[modisel@dws.gov.za](mailto:modisel@dws.gov.za)

Ms L A Modise

(012) 336-7758

12/2/X203/94

Manager  
Esperado Farms (Pty) Ltd  
P.O. Box 2128  
RIVONIA  
2128

EMAIL: [walter@ivorymacs.co.za](mailto:walter@ivorymacs.co.za)

Sir

**CLASSIFICATION OF DAM WITH A SAFETY RISK IN TERMS OF CHAPTER 12 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) READ WITH REGULATIONS 2 AND 3 OF THE REGULATIONS PUBLISHED IN GOVERNMENT NOTICE R. 139 OF 24 FEBRUARY 2012: PROPOSED LOUW'S CREEK DAM ON PORTION 1 AND 2 OF THE FARM ESPERADO 253 ANNEX 22, DISTRICT OF BARBERTON**

**A. APPLICATION**

Your application received from Mr Barend Marx of the firm MBB, dated 07 January 2020 refers.

**B. CLASSIFICATION**

1. The classification of the **Proposed Louw's Creek Dam** is as follows:

Vertical wall height	11.4 meters
Storage capacity	193 000 cubic meters
Size classification	Small
Hazard potential rating	Significant
Category	II

2. The classification is based on available information. If you have any information on the basis of which you feel the classification is incorrect, you should submit a substantiated application in writing for its revision.

**C. REQUIREMENTS BEFORE CONSTRUCTION OF A DAM WITH A SAFETY RISK**

1. No construction work as stipulated in regulation 4, 10 to 22 of the said regulations may commence before the following appropriate steps have been followed:

1.1 In terms of Regulation 4(1), no person who intends to construct a dam with a safety risk, may begin any construction work, before he or she is in possession of a licence to construct, issued by the Director-General (Dam Safety Regulation).



**NATIONAL DEVELOPMENT PLAN**  
Our Future - make it work

12/2/X203/94

- 1.2 In terms of Regulation 10, any person who intends to construct a Category II dam, so that the completed dam can be classified as a Category II dam, must-
- 1.2.1 Acquire the services of an approved professional person to design the proposed projects and to draw up plans and specifications for it.
- 1.2.2 Apply on an official application form (DW695E available on the website: [www.dws.gov.za/DSO](http://www.dws.gov.za/DSO)) for a licence to **construct**, by submitting to the Director-General (Dam Safety Regulation) a proposed design complying with acceptable dam engineering practices and criteria as set out in Regulation 10 to 14.
2. In terms of Regulation 4(2) you have to obtain a water use licence before the dam safety licence to construct/alter/enlarge could be issued.
3. In terms of Regulation 25 an application for a licence to impound after completion of the dam on the form (DW696E) must be submitted. Impoundment of water in the dams may not commence until you are in possession of a licence to impound issued by this Department.
4. In terms of section 120 of the National Water Act, 1998, the dam must be registered at the Dam Safety Regulation of this Department within 120 days of the date on which the dam become capable of containing, storing or impounding water. The form (DW693E) must be completed and submitted to the Dam Safety Regulation for this purpose.

**D. THIS LETTER SHALL NOT BE CONSTRUED AS CONFERRING EXEMPTION FROM COMPLIANCE WITH THE FOLLOWING:**

1. The provisions of Chapter 4 of the National Water Act, 1998 pertaining to the lawful existence of the dam. Address enquiries and applications in this regard to the following address:
- Chief Director: Mpumalanga  
Department of Water and Sanitation  
Private Bag X11259  
**NELSPRUIT** Tel: (013) 759 7300  
1200 Fax: (013) 759 7525
2. The provisions and regulations of the National Environmental Management Act, 1998 (Act No. 107 of 1998) regarding control over activities which may have a detrimental effect on the environment.

Yours faithfully



**Ms L A Modise**

**Designation: Senior Administration Clerk: Dam Safety Regulation**

**Date: 04 February 2020**

Copy to: Email: [barend@mbb.co.za](mailto:barend@mbb.co.za)