



SOUTH AFRICAN  
national  
biodiversity  
institute  
S A N B I

**aurecon**



8 November 2010

Email: [roshantha.kolapen@af.aurecongroup.com](mailto:roshantha.kolapen@af.aurecongroup.com)- Gauteng  
Email: [donnely.mcclelland@af.aurecongroup.com](mailto:donnely.mcclelland@af.aurecongroup.com)- KZN, MPU  
Email: [Gernie.Agenbag@af.aurecongroup.com](mailto:Gernie.Agenbag@af.aurecongroup.com)- Limpopo  
Email: [Conru.Schepers@af.aurecongroup.com](mailto:Conru.Schepers@af.aurecongroup.com)- North West  
Email: [jenny.youthed@af.aurecongroup.com](mailto:jenny.youthed@af.aurecongroup.com)- Eastern Cape & Free State  
Email: [franci.gresse@af.aurecongroup.com](mailto:franci.gresse@af.aurecongroup.com)- Western Cape and Northern Cape

Dear Sir / Madam,

**WORKING FOR WETLANDS REHABILITATION PROJECT:  
NOTIFICATION OF THE DEPARTMENT OF ENVIRONMENTAL AFFAIR'S (DEA'S) DECISION  
REGARDING THE APPLICATION FOR EXEMPTION FROM INDEPENDENCE**

**DEA REFERENCE NUMBERS:**

12/12/20/942/8/3 North West Province Wetlands rehabilitation projects  
12/12/20/942/5/4 Limpopo Province Wetlands rehabilitation projects  
12/12/20/942/6/4 Mpumalanga Province Wetlands rehabilitation projects  
12/12/20/942/1/5 Eastern Cape Province Wetlands rehabilitation projects  
12/12/20/942/2/4 Free State Province Wetlands rehabilitation projects  
12/12/20/942/10/4 Western Cape Province Wetlands rehabilitation projects  
12/12/20/942/7/4 Northern Cape Province Wetlands rehabilitation projects  
12/12/20/942/4/3 KZN Province Wetlands rehabilitation projects  
12/12/20/942/3/4 Gauteng Province Wetlands rehabilitation projects

The purpose of this letter is to inform you of DEA's decision regarding the Exemption application that was submitted in terms of Section 24(m) of the National Environmental Management Act, 1998 (No. 107 of 1998) for the Working for Wetlands rehabilitation programme.

The Department has granted the South African National Biodiversity Institute (SANBI) exemption from appointing an independent Environmental Assessment Practitioner (EAP) as required by Regulation 18(a) of Government Notice. 385, dated April 2006 as Aurecon's engineers are undertaking the requisite design and associated pegging out for the rehabilitation structures. Please find attached a copy of their letter.

Please note that in terms of Chapter 7 of the EIA 2010 Regulations, any Interested and Affected Party (I&AP) who wishes to appeal against this decision must submit a notice of 'intention to appeal' with the

Minister within **20 days** after the date of the attached decision.

It should be noted that I&APs who wish to submit a notice of intention to appeal must provide the applicant (SANBI) (within 10 days) of having lodged the notice with a copy of the notice, as well as a notice indicating where and for what period the appeal submission would be available for inspection by the applicant (SANBI).

A copy of the official appeal form can be obtained from:

Mr TH Zwane  
DEA: Senior Legal Administration (Appeals)  
Tel: 012 310 3929  
[tzwane@deat.gov.za](mailto:tzwane@deat.gov.za)

Should any party, including yourself, wish to appeal any aspect of the decision, they/ you must, *inter alia*, lodge a notice of intention to appeal with the Minister **within 20 days after the date of the decision**, by means of one of the following methods:

By facsimile: 012 320 7561;  
By post: Private Bag x447, Pretoria, 0001; or  
By hand: 2<sup>nd</sup> Floor, Fedsure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

All documents and reports are downloadable from the Aurecon website ([www.aurecongroup.com](http://www.aurecongroup.com)). Click on the "**Public Participation**", and then the "**SANBI Working for Wetlands project**".

Should you have any comments or queries on specific Provinces, please contact the relevant EAP:

**Gauteng:** Email: [roshantha.kolapen@af.aurecongroup.com](mailto:roshantha.kolapen@af.aurecongroup.com)  
**KZN, MPU:** Email: [donnelly.mcclelland@af.aurecongroup.com](mailto:donnelly.mcclelland@af.aurecongroup.com)  
**Limpopo:** Email: [Gernie.Agenbag@af.aurecongroup.com](mailto:Gernie.Agenbag@af.aurecongroup.com)  
**North West:** Email: [Conru.Schepers@af.aurecongroup.com](mailto:Conru.Schepers@af.aurecongroup.com)  
**Eastern Cape & Free State:** Email: [jenny.youthed@af.aurecongroup.com](mailto:jenny.youthed@af.aurecongroup.com)  
**W. Cape and N. Cape:** Email: [franci.gresse@af.aurecongroup.com](mailto:franci.gresse@af.aurecongroup.com)

We would like to thank you for your participation to date in the Working for Wetlands rehabilitation project.

Should you have any queries, please do not hesitate to contact us.

Yours sincerely  
AURECON



**Tamara North**  
Environmental Assessment Practitioner



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

Reference: 12/12/20/942

Enquiries: Linda Poll-Jonker

Telephone: 012-310-3911 Fax: 012-320-7539 E-mail: [lpoll-jonker@environment.gov.za](mailto:lpoll-jonker@environment.gov.za)

Mr. Umesh Bahadur  
South African National Biodiversity Institute  
Private Bag X101  
PRETORIA  
0001

Fax no: 086-555-9868

PER FACSIMILE / MAIL

Dear Mr. Bahadur

### EXEMPTION APPLICATION IN ACCORDANCE WITH SECTION 24M OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, ACT 107 OF 1998: WORKING FOR WETLANDS REHABILITATION OF WETLANDS

With reference to the above application, please be advised that the Department has decided to grant the exemption applied for in terms of the projects listed below.

- Kwazulu Natal 12/12/20/942/4/3
- Gauteng 12/12/20/942/3/4
- Mpumalanga 12/12/20/942/6/4
- Limpopo 12/12/20/942/5/4
- Northwest 12/12/20/942/8/3
- Northern Cape 12/12/20/942/7/4
- Western Cape 12/12/20/942/10/4
- Eastern Cape: 12/12/20/942/1/5
- Free State 12/12/20/942/2/4

Reasons for the decision are attached as Annexure 1.

The South African National Biodiversity Institute (SANBI) is hereby **granted exemption** from:

- Appointing an independent Environmental Assessment Practitioner as required by Regulation 18(a) of GN 385, dated April 2006;

Please note that this decision to grant the exemption as well as the appeals process must be communicated to all Interested and Affected Parties (I&APs) by means of an advertisement/notice placed in the same newspapers used during the public participation process.



In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties (IAP's), in writing and within twelve (12) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the EIA Regulations, 2010, which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to interested and affected parties.

A copy of the official appeal form can be obtained from:

Mr TH Zwane  
DEA: Senior Legal Administration (Appeals)  
Tel: 012 310 3929  
[zwane@deat.gov.za](mailto:zwane@deat.gov.za)

Should any party, including yourself, wish to appeal any aspect of the decision, they / you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 20 days after the date of the decision, by means of one of the following methods:

By facsimile: 012-320-7561;

By post: Private Bag X447, Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Yours faithfully



Mr Dumisani Mthembu

**CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT (Acting)**

Department of Environmental Affairs

DATE: 27/10/2010

CC: Appeals Administrators (DEA)



## Annexure 1: Reasons for Decision

### 1. Decision

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006, the Department hereby grants exemption to –

**The South African National Biodiversity Institute (SANBI)**

with the following contact details –

South African National Biodiversity Institute  
 Private Bag X101  
**PRETORIA**  
 0001  
 Telephone: 012-843-5200  
 Fax: 086-555-9868

from the following:

- Appointing an independent Environmental Assessment Practitioner as required by Regulation 18(a) of GN 385, dated April 2006.

### 2. Description, Extent and Location of the Activity:

The Working for Wetlands projects entail the construction of remedial structures that will facilitate the rehabilitation of wetlands previously disturbed by amongst other agricultural activities. The following sites have been identified for the rehabilitation activities:

Province	Ref no	Site	
Free State	12/12/20/942/2/4	Seekoeivlei	
		Seekoeivlei (C13C-01)	Elandshoek (C13C-03)
		Upper Wilge	
		Scheurklip (C81A-02)	Draaipan (C81B-01)
		Schoondraai (C81B-02)	
		Maluti	
		Wetland 07 (C81F-07)	Wetland 06 (C81F-06)
		Ferndale (C81K-02)	Humility (C81G-01a)
		Golden Gate	
		Golden Gate (C81G-07)	

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27/04/2010





Province	Ref no	Site			
Eastern Cape	12/12/20/942/1/5	Gatberg			
		T35G-01	T35G-02		
		T35G-03	T35G-04		
		T35G-10	T35G-15		
		T35G-32	T35G-11		
		T35G-33	T35G-34		
		T35G-35	T35G		
		Longmore			
		M10B-01	M10B-02		
		M10B-03	L90C-01		
		Western Cape	12/12/20/942/10/4	Peninsula	
				G21E-01	G21F-01
				G21F-02	G22A-01
				G22C-01	G22D-01
G22D-02	G22D-03				
G22D-05	G22D-07				
G22H-01					
Agulhas					
B11J-01	B11J-03				
B11J-04	B11J-05				
B11J-06	B11J-07				
B11J-08	B11J-09				
B11J-10					
West Coast					
E10D-01	G30B-01				
G30B-04	G30C-01				
G30D-02	G30D-04				
G30D-05	G30E-01				
G30E-02	G30F-02				
G30F-03	G30G-01				
Kwazulu Natal	12/12/20/942/4/3			Maputaland	
				W31L-01	W32B-02
				W32C-01	W32H-01
		Sneezewood			
		T52F-01			
		Midlands			
		V20C-01	V20C-02		
		V20C-10			



Province	Ref no	Site		
Kwazulu Natal	12/12/20/942/4/3	KZN North		
		V32G-01   V32G-06		
		V60D-01   V60D-02		
		W21B-01   W22A-01		
Northern Cape	12/12/20/942/7/4	Northern Cape		
		F30A-01   F30A-04		
		F50A-01   F50A-03		
		F50A-07   F50B-01		
		F30G-01   F30G-03		
		F30A-02		
		Potchefstroom		
		C23F-02   C23F-03		
		Northwest	12/12/20/942/8/3	Rustenburg
				A22H-08   A21K-01
Molopo				
D41A-09   D41A-10				
Marico				
A31B-01   A31B-02				
Mareetsane				
D41B-01   D41B-02				
D41B-03				
Kuruman				
D41L-03   D41L-05				
D41L-08   D41L-09				
Borakalalo				
A23J-05   A23J-06				
Taung Harts				
C31C-05				
Limpopo	12/12/20/942/5/4	KNP		
		B90H-03   X24G-01		
		B83C-05   B83C-06		
		B90H-04   B73F-01		
		Mutale		
		A80H-01   A91H-01		
		A91H-02		
		Waterberg		
A61B-01   A61B-02				



Province	Ref no	Site		
Mpumalanga	12/12/20/942/6/4	Save the Sand		
		X32A-01	X32A-02	
		X32A-03	X32A-05	
		X32A-06	X32A-07	
		Verloren Vallei		
		B41F-04	B41F-06	
		B41F-07	B41F-12	
		B41F-13	X21B-01	
		X21B-02		
		Upper Olifants		
		B11J-01	B11J-03	
		B11J-04	B11J-05	
		B11J-06	B11J-07	
		B11J-08	B11J-09	
		B11J-10		
		Inkomati		
		X21F		
		Wakkerstroom		
		W42C-01		
		Gauteng	12/12/20/942/3/4	Gauteng South
				C21F-04
C22D-03	C22D-04			
C22D-07	C22D-08			
Gauteng North				
A21B-17	A21B-20			
A21C-02	A23A-11			
A23A-12	A23A-13			
A23A-14	A23A-15			
A23A-17	B20H-01			
B20H-02	B20H-03			
B20H-04	B20H-05			
B20H-07	B20H-11			
B20H-12				

The projects entail the rehabilitation of wetlands in all the provinces of the country.

The proposed project falls within the ambit of the following listed activities:

GN 386	Description of activity
1(d)	The construction of facilities or infrastructure, including associated structures or infrastructure, for – (d) resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act



GN 386	Description of activity
	No. 57 of 2003);
1(k)	The construction of facilities or infrastructure, including associated structures or infrastructure, for – (k) the bulk transportation of sewage and water, including storm water, in pipelines with - (i) an internal diameter of 0,36 metres or more; or (ii) a peak throughput of 120 litres per second or more;
1(m)	The construction of facilities or infrastructure, including associated structures or infrastructure, for – (m) any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including - (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs;
1(v)	The construction of facilities or infrastructure, including associated structures or infrastructure, for – (v) advertisements as defined in classes 1(a), 1(b), 1(c), 3(a), 3(b), 3(l) of the South African Manual for Outdoor Advertising Control
3	The prevention of the free movement of sand, including erosion and accretion, by means of planting vegetation, placing synthetic material on dunes and exposed sand surfaces within a distance of 100 metres inland of the high water mark of the sea.
4	The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.
5	The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea.
6	The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea.
11	The decommissioning of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of more than 10 hectares.
12	The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act10 of 2004).





### 3. Key Factors informing the Decision

- 3.1. The applicant motivated that given the extensive experience that Aurecon has in the management of the Environmental Authorisation processes (both EIA and BAR) for the rehabilitation and management of aquatic ecosystems (27 years), together with the close working relationship between the Environmental Authorisation consultants and Engineering sections of the company, the highest level quality of assessment will be achieved in determining the potential environmental impacts associated with the proposed project.
- 3.2. The expertise and professional registration of the project leader for the BAR process, Ms Karen Shippey, also provide the necessary professional oversight of the project.
- 3.3. Specialist wetland ecologists form part of the planning team and play an integral role in the planning approach. These specialists utilise the Wet Tools published by the Water Research Commission in order to analyse and contextualise these wetland interventions.
- 3.4. The intention to apply for exemption from appointing an independent EAP was communicated to the public on 8 August 2010 in an advertisement placed in the Rapport and Sunday Times newspapers.
- 3.5. No objections to the application for exemption were received from the public in response to the advertisement and notices.

### 4. Conditions

#### 4.1. *Project Specific Conditions*

- 4.1.1. The decision to grant the exemption must be communicated to the public in the same manner that they were notified of the application. This means that an advertisement must be placed in the same newspapers (Rapport and Sunday Times as per exemption application) as the previous advertisement.

#### 4.2. *General Conditions*

- 4.2.1. An appeal may be lodged against this decision in terms of Chapter 7 of the EIA Regulations, 2010.
- 4.2.2. The Department reserves the right to amend or withdraw any exemption decisions issued on the application as above in accordance with the EIA Regulations, 2010.

Yours faithfully



Mr dumisani Mthembu

**CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT (Acting)**  
Department of Environmental Affairs

DATE: 29/10/2010

CC: Appeals Administrators

(DEA)

