



# environment & tourism

Department:  
Environmental Affairs and Tourism  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447, PRETORIA, 0001 - Fedsure Building, 315 Pretorius Street, PRETORIA  
Tel (012) 310 3911. Fax (012) 322 2682

## FAX COVER SHEET

DATE :

2008/08/19

TO :	Mr. Ockle Van Den Berg
ORGANISATION :	DWAF
FAX :	(012) 336 7399
FROM :	Wayne Hector
TEL :	012 310 3001
ROOM NO :	416
FAX :	012 320 7539
NO. PAGES :	6

SUBJECT : EXEMPTION APPLICATION FROM THE PROVISIONS OF GOVERNMENT NOTICE R. 385  
PROMULGATED IN TERMS OF SECTION 24 (5) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT  
ACT, 1998 FOR THE PROPOSED CONSTRUCTION OF THE INFRASTRUCTURE COMPONENTS OF THE  
GROOT LETABA RIVER WATER DEVELOPMENT PROJECT (GLWaP) TZANEEN: LIMPOPO PROVINCE

MESSAGE:

Signature

Lefapha la Merero ya Tikologo le Bojanala · Isebe leZendalo noKhenketho · Lefapha la Tikoloho le Bohahlaudi · Muhase wa zwa Mupo na Vhuvendalamashango ·  
uMnyango wezeMvelo nezokuVakasha · Ndawulo ya Timhaka la Mbango na Vuphumba · Departement van Omgewingsake en Toerisme · Umnyango  
wezeBhoduluko nokuVakasha · Litiko lezaImondzawo Nekuvakasha · Kgoro ya Merero ya Tikologo le Boeti





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Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Reference: 12/12/20/978

Enquiries: Mr Wayne Hector

Telephone: (012) 310 3001 Fax: (012) 320 7539 E-mail: [Whector@deat.gov.za](mailto:Whector@deat.gov.za)

Attention: Mr Ockie van den Berg  
The Department of Water Affairs and Forestry  
Private Bag X313  
PRETORIA  
0001

Fax: (012) 336-7399

Dear Sir

**EXEMPTION APPLICATION FROM THE PROVISIONS OF GOVERNMENT NOTICE R. 385  
PROMULGATED IN TERMS OF SECTION 24 (5) OF THE NATIONAL ENVIRONMENTAL  
MANAGEMENT ACT, 1998 (ACT No. 107 of 1998) FOR THE PROPOSED CONSTRUCTION OF  
INFRASTRUCTURE COMPONENTS OF THE GROOT LETABA RIVER WATER DEVELOPMENT  
PROJECT (GLeWaP); TZANEEN: LIMPOPO PROVINCE**

With reference to the abovementioned application, please be advised that the Department has decided to grant exemption. The exemption and reasons for the decision are attached herewith.

In terms of regulation 54(1)(d)(e) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within ten (10) days calendar days of the date of this letter, of the Department's decision in respect of your application for exemption 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 Regulations 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 PKM Retief, Appeals Administrator, Tel: 012 310 3705, [pretief@deat.gov.za](mailto:pretief@deat.gov.za) ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrové@deat.gov.za](mailto:hgrové@deat.gov.za), at the Department.

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: (012) 310 3688  
By post: Private Bag X447, Pretoria, 0001; or  
By hand: 2<sup>nd</sup> Floor, Fedure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Muhesho wa zwa Vhupo na Vhuendelamashango • UTiko le Teelmondzawo netekuVakesha • Isebe lemiCimbi yokusiNgqongileyo noKhenketho  
Ndzawulo ya Tindhaka & Mbango • Department: Omgawingsake en Toerisme • Lefapha la Tikoloho le Bohanhlaudi • Lefapha la Bojanala  
Kgato ya Tikoloho le Boeti • UmNyango wezeBhutuluko nkuVakesha • Umnyango Wazemvelo Nokuvakaha



You must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department in the list of interested and affected parties, notified of this exemption for record purposes.

Yours faithfully



**Ms Nosipho Jezile-Ngcaba**

**Director-General**

**Department of Environmental Affairs and Tourism**

**Letter Signed by: Ms Lize McCourt**

**Designation: Chief-Director - Environmental Impact Management**

**Date:** 18/8/06

**CC:**

Mr M van Veelen  
Ms A Odendaal

Iliso Consulting  
Zitholele Consulting

Fax: (012) 665-1886  
Fax: (011) 805-2100



**EXEMPTION FROM THE PROVISIONS OF GOVERNMENT NOTICE R. 385 PROMULGATED IN TERMS OF SECTION 24 (5) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT No. 107 of 1998) FOR THE PROPOSED CONSTRUCTION OF INFRASTRUCTURE COMPONENTS OF THE GROOT LETABA RIVER WATER DEVELOPMENT PROJECT (GLWaP); TZANEEN; LIMPOPO PROVINCE (REF NO 12/12/20/978)**

**1. PARTICULARS OF THE APPLICANT**

**Name** : The Department of Water Affairs and Forestry  
**Address** : Private Bag X313  
: PRETORIA  
0001

**Contact Person:** Mr Ockie van den Berg  
**Fax** : (012) 336-7399  
**Tel** : (012) 336-8613

**2. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:**

The propose activity is the construction of infrastructure components of the Groot Letaba River Water Development in the Tzaneen area. A new dam (Nwamitwa dam) is proposed in the Groot Letaba River, downstream of the confluence of the Nwanedzi River. The dam wall could be up to 36m high and have a gross storage capacity of 144 million m<sup>3</sup>.

**3. DECISION**

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 I hereby exempt –

The Department of Water Affairs and Forestry (DWAF) from consideration of a portion of the public participation process for the above mentioned project.

**4. PROVISION OF REGULATIONS FROM WHICH EXEMPTION IS GRANTED**

- 4.1 The DWAF is hereby exempted in terms of regulation 51 of the EIA Regulations, 2006 from a provision of the public participation process for the proposed development in order to meet the requirements of Section 56 (2) (b) (ii) of the EIA Regulations, 2006.
- 4.2 The DWAF are exempted from regulation 56 (2) (b) (i) and (ii), chapter 6 of GN No. R 385 of 21 April 2006. The regulation reads as follows:

Regulation 56 (2) The person conducting a public participation process must take into account any guidelines applicable to public participation and must give



notice to all potential interested and affected parties of the application which is subjected to public participation by –

- (b) giving written notice to –
  - (i) the owners and occupiers of land adjacent to the site where the activity is or to be undertaken or to any alternative site;
  - (ii) the owners and occupiers of land within 100 meters of the boundary of the site or alternative site who are or may be directly affected by the activity.

## **5. KEY FACTORS FOR THE DECISION**

- a) The propose project is a linear development which traverses farms and tribal land.
- b) The extent of the public participation which was already undertaken by the consultant before the exemption application, has been comprehensive.
- c) The applicant will undertake to fulfill all of the other public participation provisions (i.e. announcing the project in a local newspaper, erecting site notices). In order to ensure that all potential I&AP's are notified of the proposed development.
- d) All potential I&AP's will be notified of the proposed development and the granting of exemption from the abovementioned provision of public participation will not adversely affect the rights of I&AP's or jeopardize the project in any way.

## **6. EXPIRY DATE FOR EXEMPTION**

This exemption is only valid for the duration of the Scoping and EIR process of this project.

## **7. CONDITIONS**

### **7.1 Project Specific Conditions**

- 7.1.1 The exemption refers only to the activities as specified and described below:
  - A provision of the public participation process for the proposed construction of the infrastructure components (for those along the proposed pipeline routes) of the Groot Letaba River Water Development Project (GLeWaP); Tzaneen: Limpopo Province.
- 7.1.2 The Municipal councillor, Tribal Authority or any organisation of ratepayers that represent the community in the area in which the site is situated must be notified of the proposed project.



7.1.3 The municipality which has jurisdiction in the area must be notified of the proposed project.


## 7.2 General Conditions

7.2.1 An appeal may be lodged against this decision in terms of Chapter 7 of Government Notice 385 of 3 July 2006.

7.2.2 This exemption may be reviewed by this department in terms of Regulation 54 of Government Notice 385 of 3 July 2006.

7.2.3 The Department reserves the right to amend or withdraw this exemption in pursuance of the protection of the environment.

Yours sincerely.



**Ms Nosipho Jezile-Ngcaba**

**Director-General**

**Department of Environmental Affairs and Tourism**

**Letter Signed by: Ms Lize McCourt**

**Designation: Chief-Director - Environmental Impact Management**

**Date:** 18/8/08

CC:

Mr M van Veelen  
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