



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Mr. Ockie van den Berg
Department of Water Affairs
Private Bag X313
PRETORIA
0001

Fax No: 012-336-7399

PER FACSIMILE / MAIL

Dear Mr van den Berg

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 OCTOBER 2011 FOR THE GROOT LETABA RIVER WATER DEVELOPMENT: CONSTRUCTION OF NEW NWAMITWA DAM AND ASSOCIATED INFRASTRUCTURE, LIMPOPO PROVINCE

With reference to the above application, please be advised that the Department, in terms of Regulation 42 of Environmental Impact Assessment Regulations, 2010, has decided to amend the environmental authorisation (EA) dated 24 October 2011 by correcting editorial errors, re-phrasing and removing conditions in accordance with regulation 38 (3). All amendments have been highlighted below in bold.

The following condition is removed from the EA dated 24 October 2011:

Condition 9: *This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.*

The following conditions are re-phrased from the EA dated 24 October 2011:

Condition 10: "Under no circumstances shall any heritage material be destroyed or removed from the site other than by the SAHRA approved archaeologist who may remove the material for curating or investigation in accordance with SAHRA prescripts."

Condition 14: "The Environmental Management Plan (EMP) for construction submitted as part of application for environmental authorisation must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the EIR dated August 2010 must be incorporated as part of the EMP in so far as they do not contradict any other legislation. Once approved, the EMP must be implemented and adhered to."

Condition 25: "The applicant must submit a layout plan for the entire dam basin and associated infrastructure for approval to the Department, indicating information as requested and available as at time of authorisation and amended as further information becomes available to the Department and the layout should indicate:

- Foundation footprint;
- Permanent lay down area footprint;
- Construction period lay down footprint;
- Internal roads indicating width (construction period width and operation period width) and numbered sections between the other site elements which they serve (to make commenting on sections possible);
- Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
- Heritage sites that will be affected by the new dam and associated infrastructure;
- Borrow pits;
- Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
- Buildings including accommodation;
- Helipad; and
- All "no-go" areas."

Condition 31: "Prior to commencement of construction activities, available dam designs and outlet works must be submitted to the Department for record purposes."

Condition 33: "Prior to clearance of any area for construction activities, a thorough quadrant search of the footprint must be undertaken during the flowering season to search for the known RDL floral species listed in terrestrial ecology specialist study in support of the EIR, in order to rescue affected species. Individual can be translocated to the outside of the footprint or removed to a suitable botanical garden for cultivation and protection. This should only be done after consultation with provincial conservation authorities."

Conditions 35 and 37 are amended to be read in conjunction with Conditions 34 and 36.

Condition 35: Copies of permits in respect of 34 above required must be submitted to the Department for record keeping purposes.

Condition 37: Copies of permits in respect of 36 above required must be submitted to the Department for record keeping purposes.

Condition 38: "Hazardous materials must be stored in regularly serviced containers enclosed in bunded areas. The bunded areas must be provided with a tap-off system, which must be within the bunded area, through which spillages and leakages that might occur will be removed without any spillage outside of the bunded areas."

Condition 46: "Construction, other than of the authorised dam wall and weir must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off."

Condition 48: "Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities in so far as the liaison with land owners or users does not conflict with any other Act of Parliament."

The above amendments must be read with the Environmental Authorisation dated 24 October 2011.

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

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. Please note that only the amended sections are subject to appeal. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the amended decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, 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 Building, North Tower,
cnr. Van der Walt and Pretorius Streets,
Pretoria.

If the applicant wishes to lodge an appeal, it 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, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Environmental Impact Evaluation*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: tzwane@environment.gov.za



The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Date:

30/11/2011

CC:	Ms Terry Baker	ILISO Consulting	Tel: 012-682-0925	Fax: 012-685-1888
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs (DEA))	1. Receive EA from Applicant/Consultant
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.

