



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: ENVIRONMENTAL GOVERNANCE  
SUB-DIRECTORATE: RECTIFICATION**

**24G APPLICATION REF:** 14/2/4/2/1/F5/14/0029/19

**ENQUIRIES:** Shafeeq Mallick

The Owner

Agarob Troost

PO Box 332

PIKETBERG

7320

Cell: (083) 628 0025

Email: agarob@mweb.co.za

**Attention: Frederick (Agarob) Troost**

Dear Sir

**APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL CONSTRUCTION OF A RUNWAY AND THE PROPOSED DEVELOPMENT OF THE IN-STEAM KLIPHEUVEL DAM ON PORTION 3 OF FARM KLIPHEUVEL 155, MALMESBURY RD, KORINGBERG**

With reference to your application dated 11 September 2020 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

## **ENVIRONMENTAL AUTHORISATION**

### **A. DECISION**

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the

preferred alternatives as described in the application and environmental assessment dated 11 September 2020.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

## **B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

Agarob Troost  
PO Box 332  
PIKETBERG  
7320

Cell: (083) 628 0025  
Email: agarob@mweb.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

## **C. LIST OF ACTIVITIES AUTHORISED**

<b>Listed Activities</b>	<b>Activity/Project Description</b>
<i>Government Notice No. R. 327 of 7 April 2017 (Listing Notice 1 of 2014, as amended)</i> <b>Activity Number: 12</b> Activity Description: <i>The development of—</i> <i>(i) dams or weirs, where the dam or weir,</i>	The runway and storage building were constructed in 2017 and covers an area of about 0.9375 ha. A non-perennial stream (watercourse) was cleared during the construction of the runway. Additionally, the development of the instream Klipheuveld dam will exceed 100

<p><i>including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a development setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i></p> <p><i>excluding—</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i></p> <p><i>(cc) the listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i></p> <p><i>(dd) where such development occurs within an urban area;</i></p> <p><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></p> <p><i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be</i></p>	<p>square metres and falls within the watercourse.</p> <p>The storage dam includes the following:</p> <ul style="list-style-type: none"> <li>• 1.9ha Flooded area, 100 000m<sup>3</sup> storage capacity and 15m high embankment;</li> <li>• A 315mm diameter pipeline connected to the 315mm diameter outlet pipe of the dam and to the existing pump station with existing retractable pump (290m length).</li> </ul>
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cleared.	
<p>Government Notice No. R. 327 of 7 April 2017</p> <p><b>Activity Number: 19</b></p> <p>Activity Description: <i>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;</i></p> <p><i>[(ii) the seashore; or</i></p> <p><i>(iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or estuary, whichever distance is the greater—]</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; [or</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	As above

<p>Government Notice No. 325 of 7 April 2017 -</p> <p><b>Activity Number: 16</b></p> <p>Activity Description: <i>The development 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 10 hectares or more.</i></p>	<p>The Klipheuveld dam wall is higher than 5m.</p>
<p>Government Notice No. 324 of 7 April 2017 -</p> <p><b>Activity Number: 7</b></p> <p>Activity Description: <i>The development of aircraft landing strips and runways 1,4 kilometres and shorter.</i></p> <p><i>i. Western Cape</i></p> <p><i>i. All areas outside urban areas.</i></p>	<p>The developed runway is shorter than 1,4 km and is located within an agricultural area.</p>
<p>Government Notice No. 324 of 7 April 2017 -</p> <p><b>Activity Number: 12</b></p> <p>Activity Description: <i>The development 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 10 hectares or more.</i></p>	<p>The development of the new Klipheuveld dam requires the clearing of more than 300 square metres and falls on an area broadly classified as Swartland Shale Renosterveld which is classified as critically endangered.</p>
<p>Government Notice No. 324 of 7 April 2017 -</p> <p><b>Activity Number: 14</b></p> <p>Activity Description: <i>The development of a dam where the highest part of the dam</i></p>	<p>The new Klipheuveld dam exceeds 10 square metres in size while falling within a</p>

<p>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 10 hectares or more.</p>	<p>watercourse which falls within an aquatic Ecological Support Area in an area classified broadly as Swartland Shale Renosterveld which is considered to be critically endangered.</p>
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The abovementioned list is hereinafter referred to as "the listed activities".

#### D. PROPERTY DESCRIPTION AND LOCATION

The listed activities include the construction of a runway and the development of the in-stream Klipheuvel Dam is located on Portion 3 of Farm Klipheuvel 155, Malmesbury Rd, Koringberg near Moravia.

The SG digit code is: C04600000000015500003

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 57' 44.73" South	18° 42' 48.34" East
2	32° 57' 33.35" South	18° 42' 50.15" East
3	32° 57' 29.03" South	18° 42' 53.54" East
4	32° 57' 4.16" South	18° 42' 47.90" East
5	32° 57' 3.19" South	18° 42' 42.99" East
6	32° 56' 58.09" South	18° 42' 36.91" East
7	32° 57' 45.19" South	18° 42' 33.01" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 57' 20.99" South	18° 42' 49.22" East
2	32° 57' 11.98" South	18° 42' 35.62" East
3	32° 56' 58.19" South	18° 42' 36.79" East
4	32° 57' 3.96" South	18° 42' 47.67" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

Herein-after referred to as "the site".

#### **E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

GroenbergEnviro Pty Ltd

c/o Mr Pieter Badenhorst and Ms Therina Oberholzer

P. O. Box 1058

WELLINGTON

7654

Cell: (082) 776 3422 / 072 732 2693

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Email: pieter@groenbergenviro.co.za / therina@groenbergenviro.co.za

#### **F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN**

The unlawful construction of a runway and the proposed development of the in-stream Klipheuvel Dam on Portion 3 of Farm Klipheuvel 155, Malmesbury Rd, Koringberg.

A runway was unlawfully constructed during 2017 on the farm and is approximately 500m long and a non-perennial stream was cleared during the construction. The activity occurred on land previously used for agricultural purposes (farming) and any remaining vegetation was already transformed prior to commencement of the activity.

In addition to the rectification of the runway, a storage dam has been proposed adjacent to the site, in locality of the watercourse. The storage dam includes the following:

- 1.9ha Flooded area, 100 000m<sup>3</sup> storage capacity and 15m high embankment;
- A 315mm diameter pipeline connected to the 315mm diameter outlet pipe of the dam and to the existing pump station with existing retractable pump (290m length).
- The dam will be filled with Existing Lawful Use and a Water Use License Application is underway.

Two site alternatives were considered for the dam, namely the Brakrivier dam site and the Klipheuveld dam site. The Brakrivier dam site alternatives were technically and economically the better site options but were discarded due to pristine wetlands identified in the dam basin by the freshwater ecologist.

## **G. CONDITIONS OF AUTHORISATION**

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

### **PART I**

#### **Scope of authorisation**

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to the preferred alternatives described in the application and assessment report dated 11 September 2020 on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision.
3. The development must be concluded within **three years** from the date of continuation of the first listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.



5. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

## **PART II**

### **Written notice to the competent authority**

6. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of the construction activities.

6.1 The notice must make clear reference to the site details and 24G Reference number given above.

6.2 The notice must also include proof of compliance with the following condition:  
Condition 7

## **PART III**

### **Notification and administration of an appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

7.1 notify all registered Interested and Affected Parties (“I&APs”) of –

7.1.1 the outcome of the application;

7.1.2 the reasons for the decision as included in Annexure 3;

7.1.3 the date of the decision; and

7.1.4 the date when the decision was issued.

7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.

7.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

7.4 provide the registered I&APs with:

- 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
- 7.4.2 name of the responsible person for this Environmental Authorisation;
- 7.4.3 postal address of the holder;
- 7.4.4 telephonic and fax details of the holder;
- 7.4.5 e-mail address, if any, of the holder; and
- 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

8. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

#### **PART IV**

##### **Management of the activity/development**

9. The draft Construction and Operational Management Programme ("EMPr") dated March 2020 compiled by GroenbergEnviro (Pty) Ltd and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

10. The EMPr must be included in all contract documentation for all phases of implementation.

#### **PART V**

##### **Monitoring**

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, before continuation of commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.

12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request.

13. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## **PART VI**

### **Auditing**

14. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority annually and upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

## **PART VII**

### **Activity/ Development Specific Conditions**

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. A 30m buffer zone must be kept and maintained, from the edge of the Berg River riparian zone, for all future activities.

18. Contaminated runoff from the construction site must be prevented from directly entering any water features.

## **H. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

## **I. APPEALS**

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –
  - 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.
2. An appellant (if NOT the holder) must –
  - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.
3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below -

By post: Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs &  
Development Planning  
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)  
Room 809, 8th floor Utilitas Building  
1 Dorp Street, Cape Town, 8000; or

By e-mail: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## **J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS**

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

## **K. DISCLAIMER**

The Western Cape Government, appointed in terms of the conditions of this Environmental Authorisation, shall not be responsible for any damages or losses suffered by the holder,

developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully

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**ZAIDAH TOEFY**

**ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE**

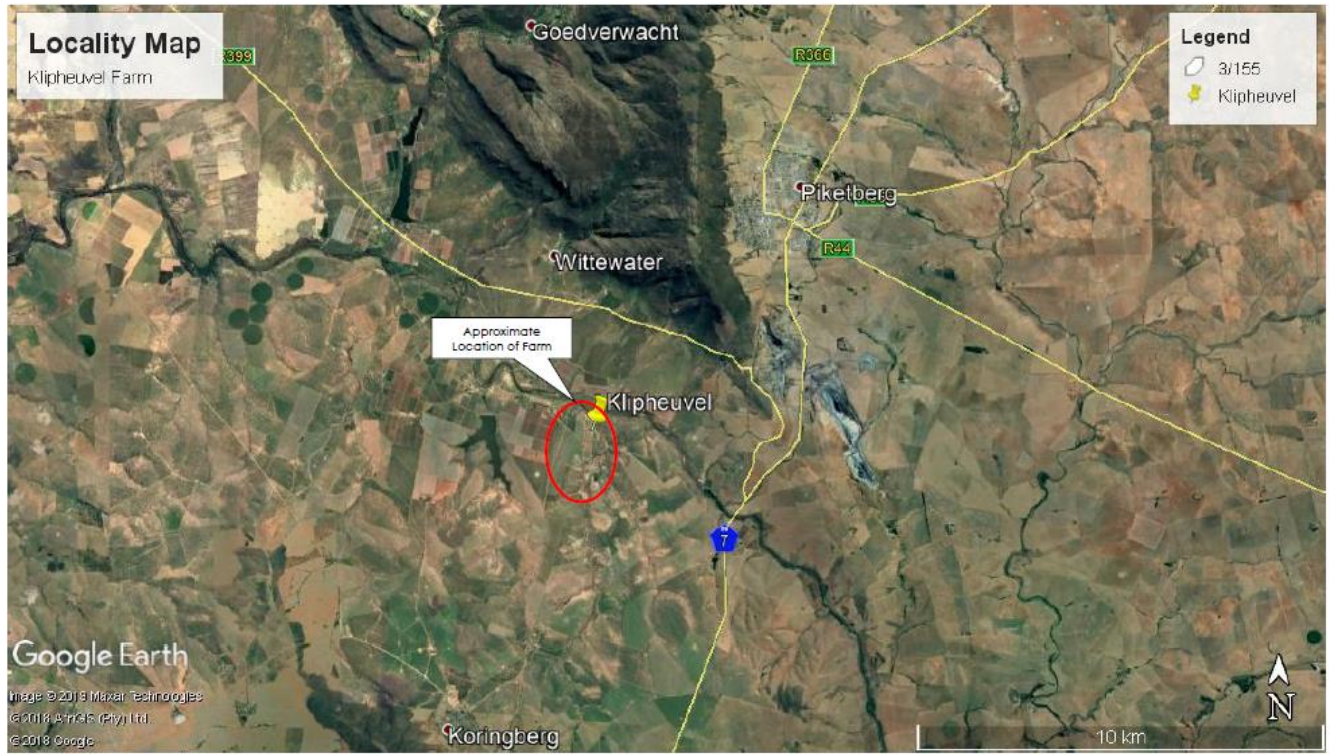
DATE OF DECISION: 01 June 2021

Copied to: (1) Mr. Pieter Badenhorst and Ms Therina Oberholzer (EAP)

Fax: (086) 476 7139

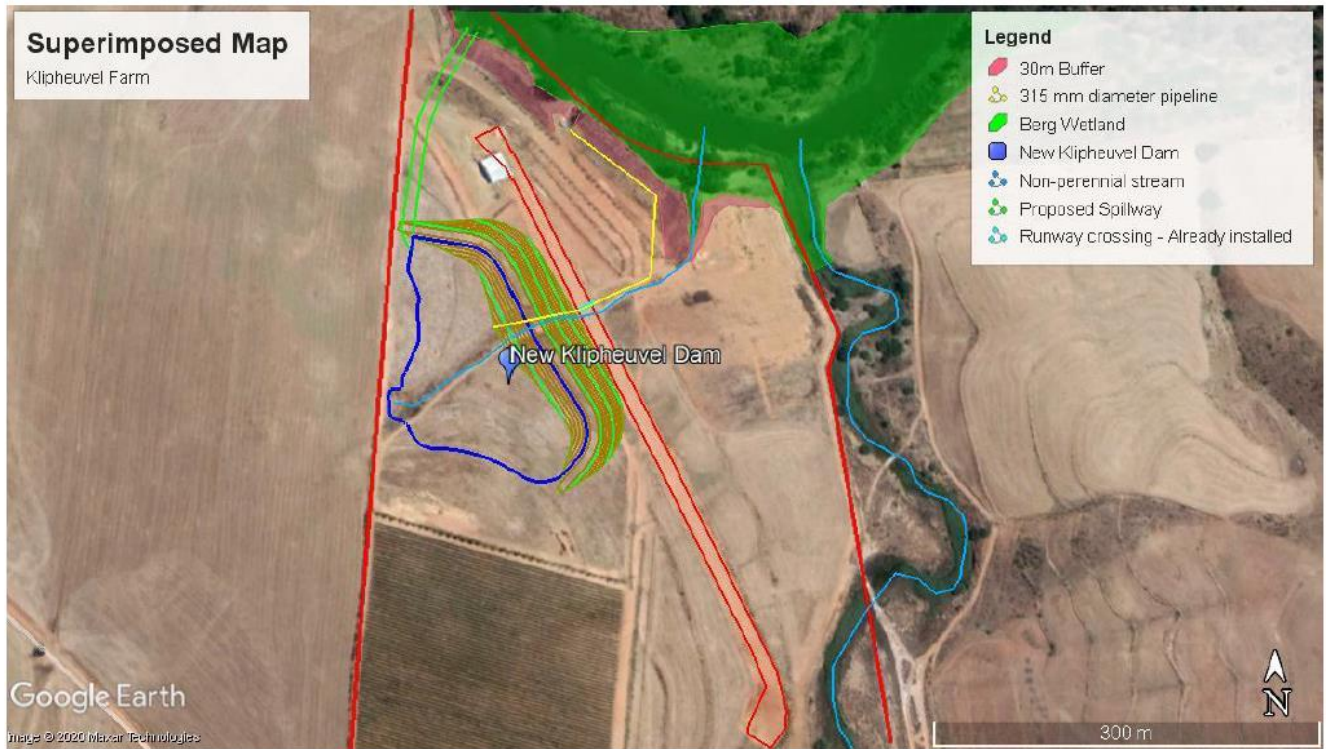
Email: [pieter@groenbergenviro.co.za](mailto:pieter@groenbergenviro.co.za) / [therina@groenbergenviro.co.za](mailto:therina@groenbergenviro.co.za)

# ANNEXURE 1: LOCALITY MAP





## ANNEXURE 2: SITE PLAN



**FOR OFFICIAL USE ONLY:**

**S24G REFERENCE:**

**14/2/4/2/1/F5/14/0029/19**

**ANNEXURE 3: REASONS FOR THE DECISION**

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R25 000 (Twenty-five thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 11 September 2020.
- b) The Environmental Management Programme ("EMPr") of March 2020 submitted together with the application form report.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on 26 November 2020 attended by officials of this Directorate.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

## 1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 5 December 2019 and 25 September 2020, respectively.
- the placing of a newspaper advertisement in the **Swartland Gazette** on 20 August 2019.

### Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- Department of Water and Sanitation (DWS)
- This department's Development Management directorate (D: DM)
- Swartland Municipality (SM)
- Western Cape Department of Agriculture: Land Use Management (WCDoA:LUM)
- CapeNature (CN)

The DWS indicated that any development within the 1:100 year flood line or within 500m from any boundary of a wetland or water resource triggers water use activities and must be authorised and registered in terms of the *National Water Act, 1998* (Act No. 36 of 1998) ("NWA"). No abstraction of surface or groundwater may take place or storage of water be created without prior authorisation from this Department unless it is a Schedule 1 or Existing Lawful Use as described in Section 32 of the NWA.

A Freshwater Water Report with included Risk Assessment Matrix must be submitted as part of the Water Use Authorisation Application.

No pollution of surface water or groundwater resources may occur due to any activity on the property. Adequate control measures should be implemented to prevent pollution. Stormwater must be managed on-site and not be allowed to runoff into the

natural environment unless it is clean and not polluted. All requirements as stipulated in the NWA must be adhered to.

An application was received by the D: DM on 17 January 2019 for Scoping and Environmental Impact Reporting in terms of the *EIA Regulations, 2014* (as amended) for the purpose of constructing a dam. On 19 March 2019, D: DM issued a correspondence indicating that the application has lapsed, as the Final Scoping Report was not submitted within the regulatory timeframe. On 12 March 2019 and 15 March 2019 D: DM received information from the appointed EAP confirming that an airstrip of approximately 500m long was constructed between March 2017 and August 2017.

D: DM advised that the rectification application submitted in terms of Section 24G of the NEMA be expanded to include the construction of a dam and associated infrastructure, as these are proposed on the same property where the airstrip has been constructed and in proximity of the affected watercourse by the airstrip, i.e. on Portion 3 of the Farm No. 155, Malmesbury Road, Koringberg. This will also simplify the process of applying for the required authorisations for the complete development proposal.

The SM indicated that, as the runway will be used by the applicant for private use (light aircraft) and crop spraying, no commercial crop spraying activities will take place. No land use application will therefore be required for the runway.

There is no record at the Swartland Municipality that the existing structure on the property consists of building plan approval. Building plans needs to be submitted to the municipality for consideration and approval.

The WC DoA: LUM has no objection to the S24G process. The WC DoA: LUM is of the opinion that the farm portion is of agricultural significance and therefore no structures relating to the runway should be constructed. Additionally, no activities relating to the runway should be permitted without proper authorization.

The runway cuts through the existing contour bank systems that manage storm water runoff at three points. The storm water furrows were broken at these points in order to construct a road and the runway. The accumulated runoff can cause soil erosion at each of these points.

The EAP indicated that the stormwater can still reach the stream on the northern side where a culvert pipe allows water to run under the runway towards the river. Any remaining disturbed areas around the landing strip should be rehabilitated and revegetated, to lower the possibility of future erosion and sedimentation.

CN indicated, as stated in their comments on the application for a dam on the same property, an examination of aerial imagery on and around the proposed development site shows that extensive disturbance has occurred since 2017 due to the construction of a runway, additional roads and widening of roads. These activities, especially the runway, would have resulted in blockage of flow and disturbance to the watercourse that is located on the proposed dam site.

Although the site was largely disturbed by cultivation prior to the construction of the runway, the watercourse was still determined as an Ecological Support Area ("ESA") Category 2 – these are areas which are acknowledged as being but are still important for ecological processes and/or ecosystem services. The management objectives of ESA 2 areas are to restore and/or manage to minimise impact on ecological processes and ecological infrastructure, especially soil and water related services. In this instance, even though the watercourse is non-perennial, water flow should not be impeded.

CN noted that a culvert has been constructed under the runway to allow flow. CN indicated that It is essential that this culvert be maintained and be cleared of sediment and debris regularly.

Ploughing and other farm activities should be actively retreated from the edge of the watercourse and natural riparian and other vegetation should be allowed to re-establish which will assist with erosion control.

The freshwater specialist has recommended that a 30m buffer from the edge of the riparian zone of the Berg River be applied for future development. Due to the size and ecological importance of the Berg River, CN recommended that this be increased to at least 50m.

The EAP indicated that the area has been used as a farm for many years prior to construction of the runway. Due to this there is both established infrastructures including a vineyard. As such, the 30m buffer as recommended by the freshwater will be maintained for future developments.

## **2. Alternatives**

### **2.1 Location and Site**

#### **Runway - Alternative 1 (Herewith authorized)**

Development of the runway in its current position.

This alternative was considered preferred for the following reasons:

- The area was previously disturbed by farming activities.

- The area on which the runway and storage building have been built was previously used for grain and grazing and as such was transformed, with no natural vegetation remaining.
- A non-perennial stream was also cleared during the construction. However, a culvert has been installed under the landing strip so water flow from the non-perennial stream may pass underneath, thus, it has an insignificant impact on flow further downstream.
- The freshwater assessment states: *From the IHI assessment, the habitat integrity of the unnamed stream was found to already be in a largely modified (instream) to seriously modified (riparian) state over most of the stream reach, with the PES broadly described as being largely modified with large loss of natural habitat and degraded riparian/bank condition. The EIS for the unnamed stream was found to be low.*
- Additionally, as per the Freshwater Specialist's opinion, the following is stated: *"Looking at its impact on the drainage line at the crossing, the most significant impact would have been a small loss of biodiversity as well as impedance of flow towards downstream features. As the stream does not sustain any aquatic biodiversity at the site (both pre- and post-development), the loss of biodiversity would have been very small."*

#### Proposed dam - Alternative 1 - Brakriver dam

Various layout options were modelled on the Brakrivier Dam site with a range of storage capacities, including berms walls to allow water from the large catchment to bypass the dam basin.

The geotechnical conditions at this site are acceptable and technically (as well as economically) this is the better site option. This site has however been dropped due to pristine wetlands identified in the dam basin by the freshwater ecologist.

#### Proposed dam - Alternative 2 – Klipheuvel dam (Herewith authorized)

Due to the terrain constraints of the Klipheuvel Dam site, the maximum possible storage volume that was able to be calculated was 100 000 m<sup>3</sup>. The smaller size is also visually beneficial as it further lowers the visibility of the dam between its surroundings.

Due to the lowered impact on the wetland, this site alternative was further developed.

## 2.2 Layout

Six (6) different layout alternatives were considered for the the Klipheuvel Dam site.

### Proposed dam - Alternatives 1-5

The dam layout alternatives are fairly similar. It should however be taken into account that the dam is being developed due to the recent drought and poor water quality of the Berg River. As such, assurance of supply in the form of balancing storage is crucial for the longevity of the farm and a greater storage volume is preferred.

Klipheuvel Dam site was surveyed by Billy West Surveys in May 2018. The water/wall ratio represents the volume of water gained per volume of fill required to construct the dam embankment. This is a good indication for selecting the most economical dam design alternative. It is clear from the survey that according to the water/wall ratio and unit rate of water (R/m<sup>3</sup>), Alternative L1-5 are not as economical as Alternative L2.1. All layout alternatives except Alternative L2.1, are right next to the runway and do not allow for the minimum width of 5m between the dam toe and the aircraft runway. Alternative L2.1 is situated slightly higher than the other options and, as such, provides for this space.

It is for these reasons Layout Alternatives L1-5 are not preferred.

### Proposed dam - Alternative 6 - (Herewith authorized)

Layout Alternative 2.1 consists of the development of a new Klipheuvel dam slightly above the other layouts to allow a minimum width of 5m between the dam toe and the aircraft runway.

Due to the terrain constraints of the Klipheuvel Dam site, the maximum possible storage volume that was able to be calculated was 100 000 m<sup>3</sup>.

The project is proposed to include the following developments:

- The construction of Klipheuvel Dam (100 000 m<sup>3</sup> storage capacity and 15 m high embankment);
- A 315mm diameter pipeline connected to the 315 mm diameter outlet pipe of the dam and to the existing pump station with existing retractable pump (290m length).
- The existing irrigation system will be connected to the proposed 315mm diameter pipeline.

The average excavation depth in the dam basin is expected to be approximately 3.5m on average. The Full Supply Area was enlarged to compensate for this excavation. The geotechnical testing results will indicate as to where the most suitable material could be located in the dam basin.

The existing pump station consists of a fix pump house with the retractable pump placed on rails, to protect the pump in a flood event. The outlet pipe connection from the proposed dam site will be connected to the fixed pump station.

Alternative 2.1 is considered as preferred for the following reasons:

- This application pertains to the storing of an ELU. This will bring about financial benefits and better water use management practices;
- Better management of both water resources and water use will be achieved;
- The authorization of this will bring about a higher rate of job security to those currently employed as well as those still to be employed;
- Potential heritage impacts are anticipated to be of very low to negligible significance.
- Access and infrastructure are existing and no additional infrastructure will be required, this reduces project costs
- The pristine wetlands near the Brakrivier will not be inundated, thus lower impact on biodiversity and ecology
- It is an economical option while giving the most storage.
- Allows for a minimum width of 5 m between the dam toe and the aircraft runway
- Due to smaller size than the Brakriver dam, the dam should have a lower visual impact
- With mitigation in the form of bank revegetation the dam should not have any lasting visual impacts.

## 2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

### No-go alternative with regard to the runway:

This alternative would entail demolishing the storage building and runway and rehabilitating the affected sites. This alternative has been considered but is not a viable option for the following reasons:

- The cost of hiring a plane and pilot to spray the agricultural fields increase every year.



- The applicant will not be gaining financial benefits and will lose the investment of the runway and storage building.
- Better management of resources will not be achieved.
- No long-term job security for existing workers and future workers.
- The runway did not have a significant negative impact on biodiversity as the site was completely transformed due to agricultural activities. Therefore, rehabilitating the site will not add significant biodiversity.

Therefore, this alternative is not deemed preferred.

No-go alternative with respect to the dam:

The alternative consists of the following:

- The existing situation would continue.

This option has been considered but is not a viable option for the following reasons:

- Availability of water for irrigation during the summer months will be of great concern.
- Invasive alien species will not be removed as part of the operation phase of the dam.
- The applicant will not be gaining financial benefits.
- Better management of both water resources and water use will not be achieved.
- No job security for existing workers and future workers.
- No social upliftment of existing workers and no additional security of permanent job opportunities will occur.

Therefore, this alternative is not seen as preferred as the construction of a storage dam as part of the agricultural activities will contribute to the agricultural potential of the property and if this does not take place the utilisation of the farm to its full potential cannot take place. No upliftment and economic contribution can take place.

### **3. Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

### 3.1. Socio-economic

The runway will be used for private use by the applicant. With implementation of the relevant mitigation, the dam will not impact on freshwater resources in a way that will negatively affect surrounding farmers.

### 3.2. Biodiversity

As per the freshwater specialist report, the most significant impact would have been a small loss of biodiversity as well as impedance of flow towards downstream features. As the stream does not sustain any aquatic biodiversity at the site (both pre- and post-development), the loss of biodiversity would have been very small. The applicant also installed a culvert underneath the landing strip, which allows for water flow to pass underneath, thus having an insignificant impact on flow further downstream.

### 3.3. Sense of place and Heritage Impacts

The activity is in keeping with the surrounding environment. The runway will be for private use by the applicant and for private crop spraying on the farm. A dam is in keeping with an agricultural land use.

### 3.4. Pollution Impact

There may be minimal noise pollution during the construction phase, such as noise as a result of earthworks. Since the area is situated within an agricultural environment, the noise impact is not expected to be severe. It is also expected to be localised and of short duration.

## 4. **NEMA Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA), which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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