



REFERENCE NUMBER: 14/2/1/3/D2/53/0017/16

ENQUIRIES: Ziyaad Allie

BY REGISTERED MAIL

Dejema Family Trust

P. O. Box 1603

GEORGE

6530

Tel: (044) 886 0047

Email: barnardeon@gmail.com

Attention: Mr Deon Barnard

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: UNLAWFUL EXPANSION OF TWO DAMS ON PORTION 38 OF FARM KOUDOUW, WABOOMSKRAAL, GEORGE

With reference to your application dated 21 July 2016 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"), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below as described in the Environmental Impact Report ("EIR") dated 07 July 2017.

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

Dejema Family Trust

c/o Mr Deon Barnard

P.O. Box 1603

GEORGE

6530

Tel: (044) 886 0047

Cell: 082 377 0544

Email: barnardeon@gmail.com

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 983 of 4 December 2014</p> <p>Activity Number: 48</p> <p>Activity Description: "The expansion of-</p> <p>(i) canals where the canal is expanded by 100 square metres or more in size;</p> <p>(ii) channels where the channel is expanded by 100 square metres or more</p>	<p>The expansion of two smaller dams which existed on Portion 38. The two small dams were merged and expanded into one single larger dam, with a wall height of 8.9m and a current capacity of approximately 48500m³. The dam construction is not yet complete and the</p>

in size;

(iii) bridges where the bridge is expanded by 100 square metres or more in size;

(iv) **dams, where the dam, including infrastructure and water surface area, is expanded by 100 square metres or more in size;**

(v) weirs, where the weir, including infrastructure and water surface area, is expanded by 100 square metres or more in size;

(vi) bulk storm water outlet structures where the bulk storm water outlet structure is expanded by 100 square metres or more in size; or

(vii) marinas where the marina is expanded by 100 square metres or more in size; where such expansion or expansion and related operation occurs-

(a) within a watercourse;

(b) in front of a development setback; or

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding-

(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

(bb) where such expansion activities are related to the development of a port or harbour in which case activity 26 in Listing Notice 2 of 2014 applies;

(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that

holder intends to complete the dam by removing the soil barrier between the two dams. Furthermore, the overflow that serves the large dam still needs to be completed. The surface water area of the dam was expanded by more than 100m².

<p>activity applies; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads or road reserves."</p>	
<p>As similarly listed in terms of- Government Notice No. 327 of 07 April 2017-</p> <p>Activity Number: 48</p> <p>Activity Description: "The expansion of-</p> <p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; where such expansion occurs</p> <p>(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding-</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities 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; (dd) where such expansion occurs within an urban area; or</p>	<p>The expansion of two smaller dams which existed on Portion 38. The two small dams were merged and expanded into one single larger dam, with a wall height of 8.9m and a current capacity of approximately 48500m³. The dam construction is not yet complete and the holder intends to complete the dam by removing the soil barrier between the two dams. Furthermore, the overflow that serves the large dam still needs to be completed. The surface water area of the dam was expanded by more than 100m².</p>

<p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves."</p>	
<p>Government Notice No. 983 of 4 December 2014 -</p> <p>Activity Number: 49</p> <p>Activity Description: "The expansion of -</p> <p>(i) jetties by more than 100 square metres;</p> <p>(ii) slipways by more than 100 square metres;</p> <p>(iii) buildings by more than 100 square metres; (iv) boardwalks by more than 100 square metres; or</p> <p>(v) infrastructure or structures where the physical footprint is expanded by 100 square metres or more;</p> <p>where such expansion or expansion and related operation occurs-</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding-</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing</p>	<p>The construction of a venue and its infrastructure, with a land use surface area of roughly ±9700m². The conversion of a farm-shed into the current Venue which now includes the parking area, kitchen, storing room, two rooms for accommodation, lawn area and a walkway that crosses the seasonal watercourse to the small chapel. The construction of storing rooms and two rooms for accommodation which are still to be completed. Upon completion the double-story accommodation will be able to host 30 people.</p>

<p>Notice 3 of 2014, in which case that activity applies; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads or road reserves.”</p>	
<p>Government Notice No. 985 of 4 December 2014 - Activity Number: 6 Activity Description: “The development of resorts, lodges, hotels and tourism or hospitality facilities that sleeps 15 people or more. (f) In Western Cape: i. All areas outside urban areas;”</p>	<p>The construction of a venue and its infrastructure, with a land use surface area of roughly ±9700m². The conversion of a farm-shed into the current Venue which now includes the parking area, kitchen, storing room, two rooms for accommodation, lawn area and a walkway that crosses the seasonal watercourse to the small chapel. The construction of storing rooms and two rooms for accommodation which are still to be completed. Upon completion the double-story accommodation will be able to host 30 people. After completing the accommodation, the accommodation will be able to accommodate more than 15 people.</p>
<p>As similarly listed in terms of- Government Notice No. 324 of 07 April 2017- Activity Number: 6 Activity Description: “The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more. i. Western Cape i. Inside a protected area identified in terms of NEMPAA; ii. Outside urban areas; (aa) Critical biodiversity areas as</p>	<p>The construction of a venue and its infrastructure, with a land use surface area of roughly ±9700m². The conversion of a farm-shed into the current Venue which now includes the parking area, kitchen, storing room, two rooms for accommodation, lawn area and a walkway that crosses the seasonal watercourse to the small chapel. The construction of storing rooms and two rooms for accommodation which are still</p>

<p><i>identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</i></p> <p><i>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - excluding the conversion of existing buildings where the development footprint will not be increased."</i></p>	<p>to be completed. Upon completion the double-story accommodation will be able to host 30 people.</p> <p>After completing the accommodation, the accommodation will be able to accommodate more than 15 people.</p>
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The abovementioned list is hereinafter referred to as "the listed activities".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Portions 37 and 38 of Farm Koudouw No. 88, Waboomskraal, George.

The SG digit code/s is/are: C027 000 000 000 088 00037
C027 000 000 000 088 00038

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 51' 32.18" South	22° 20' 28.15" East
	33° 51' 27.10" South	22° 19' 54.90" East
	33° 51' 10.90" South	22° 20' 07.85" East
	33° 51' 18.91" South	22° 20' 30.77" East
2	33° 51' 07.52" South	22° 20' 09.70" East
	33° 51' 10.89" South	22° 20' 07.85" East
	33° 51' 30.16" South	22° 21' 02.25" East
	33° 51' 27.31" South	22° 21' 06.39" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
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1	33° 51' 12.20" South	22° 20' 22.10" East
	33° 51' 14.20" South	22° 20' 28.10" East
	33° 51' 15.20" South	22° 20' 21.85" East
	33° 51' 16.65" South	22° 20' 25.85" East
2	33° 51' 26.56" South	22° 20' 19.31" East
	33° 51' 26.51" South	22° 20' 15.91" East
	33° 51' 23.13" South	22° 20' 17.57" East
	33° 51' 23.13" South	22° 20' 21.22" 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")

Credo Environmental Services
c/o Mr Rudi Minnie
P.O. Box 2665
MOSSEL BAY
6500

Tel: (072) 837 0242
Email: info@environmental-services.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The physical spatial size of the activities undertaken are as follows:

- Farm shed/venue 9500m²
- Irrigation dam 19300m²

Area transformed to allow for the activities:

- Farm shed/venue 9220m²
- Irrigation dam 12300m²

Description of activities undertaken:

Dam

- Two smaller dams existed on Portion 38, these two small dams were merged and expanded into one single larger dam, with a wall height of 8.9m and a current capacity of approximately 48500m³. One of the small dams was instream (western dam), while the other was an irrigation dam (eastern dam).
- The current dam wall height is 8.9m with the water surface area of the dam being expanded by more than 100 square metres.
- The dam construction is not yet complete and the holder intends to complete the dam by removing the soil barrier between the two dams. Furthermore, the overflow that serves the large dam still needs to be completed.

The location of the Eastern dam wall was used as the benchmark for where the new dam wall will start (on the eastern bank) and the height the dam wall will carry through to the other side (western bank) of the watercourse. The dam floor of the Western dam became the depth of the merged dams. The surrounding topsoil was removed and stored on the western bank of the watercourse, where it was later used as part of the material to expand the Eastern dam that is now the expanded dam. Land-use (vegetation) around and between the two smaller dams was for agricultural use and included alien infestation.

The structures

- The Venue and its infrastructure, with a land use surface area of roughly ±9700m² and within 32m of a seasonal water course were constructed on Portion 37 of the property, which can also accommodate less than 15 people within 5km from a protected area identified in terms of NEMPAA.
- The storing rooms and two rooms for accommodation (less than 15 people) are not complete, on completion the double-story accommodation will be able to host 30 people.
- A farm-shed was converted into the current Venue which now includes the parking area, kitchen, storing room, two rooms for accommodation, lawn area and a walkway that crosses the seasonal watercourse to the small chapel.
- The farm-shed was expanded from 235m² to 920m² and commenced in 2011.
- Storing rooms and two rooms for accommodation was constructed/ commenced in 2012.
- A parking area of approximately 2825m² was constructed behind (south) the venue (commenced 2011).

- A lawn area of approximately 1600m² was constructed in front (north-northwest) of the venue.
- On completion, the venue will have a larger (new) chapel on the eastern side of the venue, more rooms directly south of the venue and further south of the parking area, new storing 'farm shed' with a floor capacity of 700m² and new chalets south of the new storing 'farm shed'. This storing farm shed will be used for the storing and sorting of onions.

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 activities specified in Section C above as described in the EIR dated 07 July 2017 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 five 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 in order 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 commencement of 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 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 Environmental Management Programme ("EMPr") of July 2017 compiled by Credo Environmental Services 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") before 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, any independent assessments of financial provision for rehabilitation and environmental liability, 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, including a publicly accessible website (if applicable).
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 and the EMPr and submit Environmental Audit Reports to the competent authority 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. The mitigation measures with regards to the proposed expansion of the existing dam and the construction of the new dam on Portion 37 contained in the Fresh water habitat assessment of 01 August 2017 must be implemented.

15.1. Any bare soil surfaces around the dam must be planted with indigenous vegetation and the establishment of any alien vegetation must be monitored.

15.2. Any maintenance of the dam must be undertaken in an ecologically sensitive manner.

15.3. Erosion from outflows must be prevented.

15.4. Any future activities to take place outside of a 20m buffer of the better condition stream habitat (near the wedding venue) and, no further loss of condition should be allowed.

16. 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.

17. 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.

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: Jaap de Villiers
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 Jaap de Villiers (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: Jaap.DeVilliers@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 Jaap.DeVilliers@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 Jaap.DeVilliers@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, the Municipality, committees or any other public authority or organisation 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,



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: 9 April 2018

Copied to:

(1) Mr. Rudi Minnie (EAP)

Email: info@environmental-services.co.za

(2) Mr. Trevor Botha (George Municipality)

Fax: (044) 801 3776

Email: trevor@george.org.za

ANNEXURE 1: LOCALITY MAP

Locality Map

Portion 37 & 38,
Farm Kouwdouw,
Waboomskraal, George,
Western Cape.



Legend

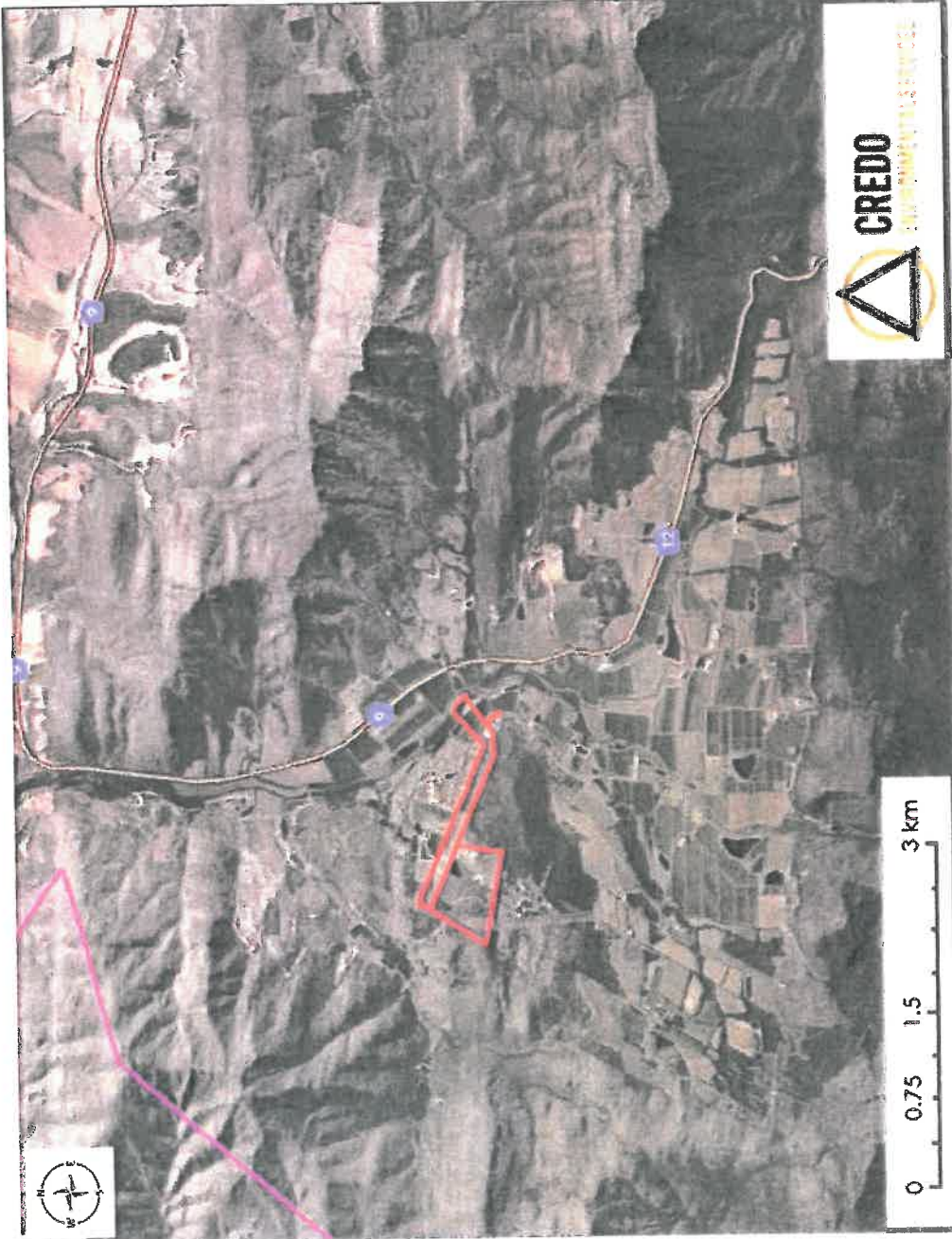
- Local Municipality
- Portion 37 & 38
- National Road - N9
- National Road - N12

Scale: 1:50 000

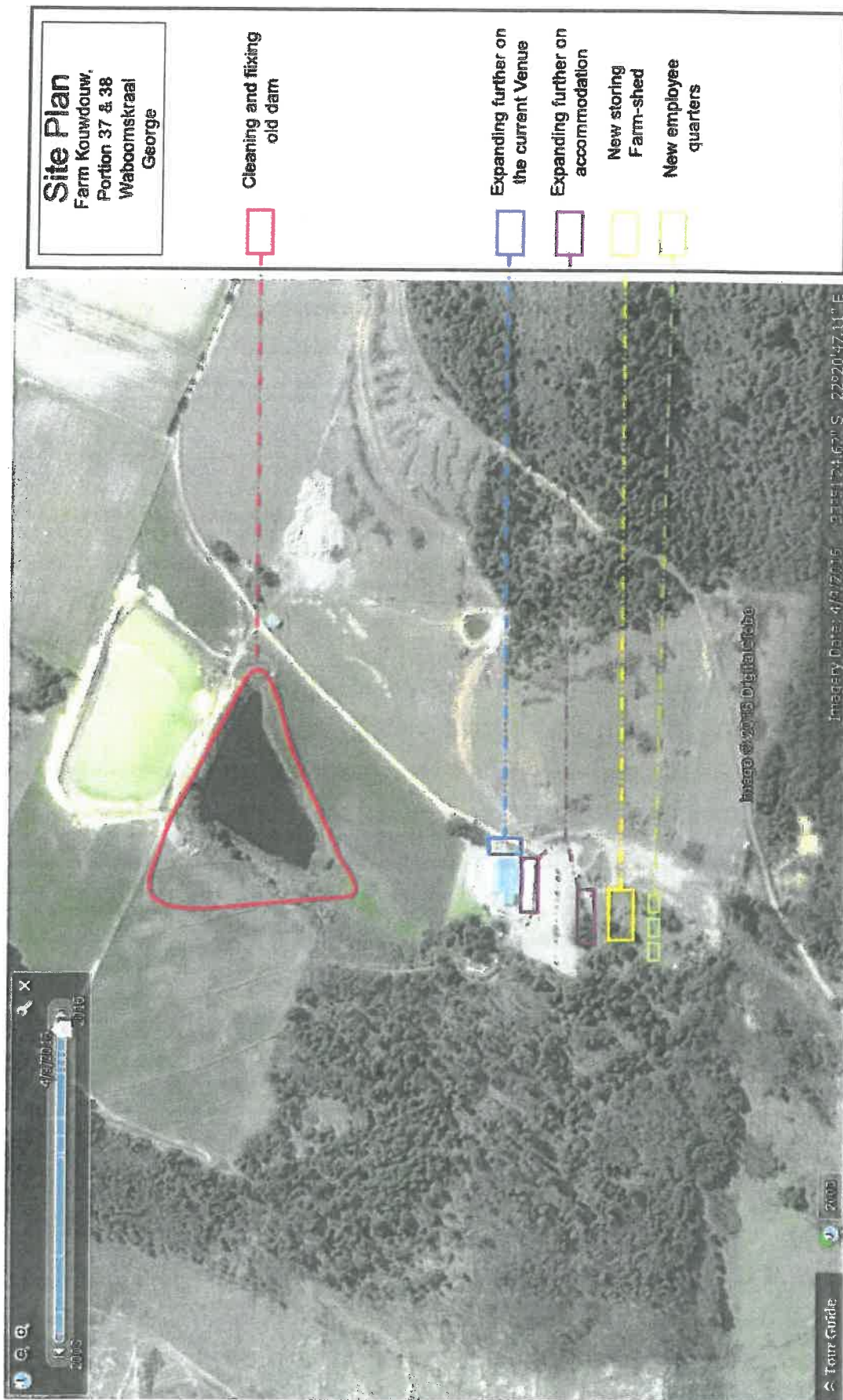
Date created: July 2017

Drawn: Rudi Minnie

Reference: R001



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/1/3/D2/53/0017/16

ENFORCEMENT REFERENCE :

G14/1/1/E3/5/3/3/L80

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 21 July 2016, the Environmental Impact Report ("EIR") dated 07 July 2017 and the EMPr submitted together with the EIR.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- f) The site visit conducted on

Date/s: 26 July 2017

Attended by: Officials from this Department

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:

- An advertisement was placed in the **George Herald** newspaper on 01 June 2017;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 01 June 2017.
- I&APs were afforded the opportunity to provide comments on the draft and final EIRs.

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

The following organs of state were consulted to comment on the application:

- Breede-Gouritz Catchment Management Agency ("BGCMA")
- CapeNature
- Department of Agriculture ("DoA")
- Department of Agriculture, Forestry and Fisheries ("DAFF")
- Department of Transport and Public Works ("DTPW")

At the end of the public participation process, comments were received from the BGCMA, CapeNature, DAFF and DTPW. A summary of the comments received follows below.

The BGCMA stated that the recommendations outlined in the Freshwater Assessment by Sharples Environmental Services, dated 07 July 2017 must be adhered to.

CapeNature stated that they will not support any introduction of alien fish into any of the dams. Furthermore, CapeNature stated that they agree with the findings and the proposed buffer area as outline in Fresh Water Assessment of July 2017. CapeNature also recommended that the BGCMA be contacted regarding any proposed new dams or expansion of old dams and also encouraged that the landowner, in line with relevant legislation, to remove all alien plant species from the property and attempt to mirror the Witfontein Nature Reserve efforts to control such plants.

The DAFF stated that their mandate with regards to the *National Forest Act, Act 84 of 1998* is not affected by the activities undertaken on site.

The DTPW had no objection to the activities undertaken.

The DoA supported the activities undertaken provided that;

- The activities must not impact on the farming and agri-tourism activities surrounding the farming units.
- There must not be encroachment of building development in the farming area.
- No contamination of ground water may occur as a result of the increase of sewerage when the venue is being accommodated. A sustainable sewerage solution to treat waste water is recommended.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Location/Site/Activity Alternatives

Alternative 1 (Herewith authorised)

The expansion of two smaller dams which existed on Portion 38. The two small dams were merged and expanded into one single larger dam, with a wall height of 8.9m and a current capacity of approximately 48500m³. The dam construction is not yet complete and the holder intends to complete the dam by removing the soil barrier between the two dams. Furthermore, the overflow that serves the large dam still needs to be completed. The mitigation measures with regards to the proposed expansion of the existing dam and the construction of the new dam on Portion 37 contained in the Fresh water habitat assessment of 01 August 2017 must be implemented.

The construction of a venue and its infrastructure, with a land use surface area of roughly $\pm 9700\text{m}^2$. The conversion of a farm-shed into the current Venue which now includes the parking area, kitchen, storing room, two rooms for accommodation, lawn area and a walkway that crosses the seasonal watercourse to the small chapel. The construction of storing rooms and two rooms for accommodation which are still to be completed. Upon completion the double-story accommodation will be able to host 30 people.

- The farm-shed was expanded from 235m^2 to 920m^2 and commenced in 2011.
- Storing rooms and two rooms for accommodation was constructed/ commenced in 2012.
- A parking area of approximately 2825m^2 was constructed behind (south) the venue (commenced 2011).
- A lawn area of approximately 1600m^2 was constructed in front (north-northwest) of the venue.

On completion, the venue will have a larger (new) chapel on the eastern side of the venue, more rooms directly south of the venue and further south of the parking area, new storing 'farm shed' with a floor capacity of 700m^2 and new chalets south of the new storing 'farm shed'. This storing farm shed will be used for the storing and sorting of onions.

Location Alternative 2

No reasonable location alternatives exist. According to the EIR, the dam expansion forms part of the previous two smaller dams of which one of the dams was an in-stream dam. The expansion of the two smaller dams into one big dam was deemed suitable for the activity due to its previous already transformed nature.

Technology Alternative

Technology alternatives generally associated with better watering systems (from flooding to sprinkler system to drip system) is not feasible for the cultivars planted on the property. The water system currently installed increased the production of the farm from dry lands to the current cultivars. No technological alternatives are available for the current Venue.

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

The No-Go option would suggest that all activities on the site would be completely ceased and that full rehabilitation of the site (the impacted area due to land clearance) would be a requirement. The No-Go option would have resulted in the prevention of securing the financial security brought through diversifying agricultural practice and including both tourism and hospitality to the employment needs of the poverty-stricken areas such as Dysselsdorp. Therefore, the No-Go option if it became the desired option would essentially result in medium to high negative socio-economic impacts in terms of job creation. In addition, the rehabilitation to original state will have a negative impact on the financial security that would have been provided through this project. Financial security will not be as fruitful as when the project is completed. No new employment opportunities would be created through either the change in agricultural practice and the alternative approaches brought additionally by tourism and the hospitality industry. The rehabilitation back to the previous two dams will have lower water storing capacity but will remain with more or less the same impact on the down-stream water users as previously. Given the fact that the site (the impacted area) falls within the boundary of a property currently under private ownership, in an agricultural zone, it would not be suitable to suggest that the No-Go option be taken.

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. Activity Need and Desirability

The expansion of the two dams was undertaken in order to secure additional water storage capacity for the farm. The farm shed was expanded and upgraded to its current state in order to establish alternate income generating activities for the holder. According to the EIR, George and its surrounding areas have a prominent agricultural history and the activities carried out by the applicant were for the furtherance of sustainable agricultural practices and combating to maintain advantage of financial profit margins. The activity allowed for the expansion of the farming practices on the property. Such

upgrading is vital to a sustainable operation and is consistent with the land use of the property and that of the surrounding area. It is not uncommon for farmers to build new, repair old or upgrade their farm dams. However, these practices do result in increasing of the storage capacity of such dams and over time such incremental increases could have a negative impact on downstream users.

3.2. Regional/ Planning Context

The current zoning of the property is Agricultural. Consent use and departure approvals were granted on building lines to allow for the conversion of an existing farm shed to be utilised for the purposes of a function hall.

3.3. Cumulative

Negative cumulative impact relates to the vegetation removal within the mapped Ecological Sensitive Area ("ESA") which was cleared during the expansion of the dam and the Venue. However, the expansion has had a low cumulative impact on any botanical aspects due to all the surrounding vegetation already being transformed. The expansion of both the dam and the Farm-shed (to the current Venue) is in accordance with the land use character of this property and the surrounding area. Tourism and hospitality increasingly becomes an integral part of diversifying financial security by increasing sustainable job creation.

3.4. Biophysical Impacts

No major geographical impacts have occurred with the expansions of the dam and the Farmshed/Venue on the property. The construction phase, when the two dams were merged while the expansion of the farm-shed to the current venue and infrastructure, may have impacted the immediate surroundings surface area.

3.5. Biodiversity Impacts

The portions of the farm through which the watercourse passes, is recognised as important supporting area for maintaining hydrological processes categorised by the Garden Route Biodiversity Sector Plan as an ESA. A portion of the farm-shed / venue and the new irrigation dam falls in the ESA. To the east there is a small pocket that is categorised by the Garden Route Biodiversity Sector Plan as a Critical Biodiversity Area ("CBA"). However, this small pocket of CBA is

surrounded by No Natural Area transformed for Agricultural use, with only a small area adjacent an ESA. A portion of the repaired irrigation pipeline runs through this CBA. Despite these categorisations, no natural areas are remaining as the area is completely modified by Alien Invasive Plant Species ("AIS"). Furthermore, the manipulation and diversion of flow in the past and the erratic expansion of the AIS have resulted in virtually no aquatic features. Almost the entire remaining area that is not transformed is heavily covered by alien vegetation infestation. The alien infestation is however currently being addressed by Working for Water (WfW) in the greater area of Waboomskraal. The applicant has however recently started his own alien clearing project, as one can visible seen on the Google earth time frames. This farm and surrounding areas is for agricultural use with the main focus of the Valley being Hops-farming. It is the only area in the Western Cape where Hops is permitted to be farmed. Farming includes irrigation dams and pasture farming.

Limited localised loss of both terrestrial and riparian habitat has occurred at the development sites (Venue and Dam). The limited loss to riparian habitat can be prescribed to the result of the numerous dams already occurring in the non-perennial watercourse, while the limited loss to terrestrial habitat can be prescribed to the both the agricultural land-use and alien infestation. Most of the water being stored in these dams comes from borehole water or a servitude line/canal called the "Heyns-servitude". The watercourse is largely listed as an ESA, which means the merged dams and part of the Venue and its infrastructure is situated within the ESA. Also, the pipeline and repaired gravel road runs through the CBA. The watercourse is dammed up and therefore has limited impact on the ESA. The pipeline and track might run through a mapped CBA, however it was previously used as agricultural land and thus it was determined that the pipeline and gravel road have limited impact on the CBA. The entire area around the pipeline and track is being cleared from the alien infestation, which will assist the indigenous vegetation of the CBA to return to its listed CBA status.

3.6. Socio-economic Impacts

The expanded dam will allow for change from some dry pasture farming to cultivar harvesting fit for human consumption. These cultivars will create employment opportunities when agricultural practises takes place such as

harvesting. The function venues and accommodation will diversify financial income which will be of economic benefit to both the applicant and more employment opportunities created.

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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Addressee	Start Time	Time	Prints	Result	Note
*00448013776	09-04 16:34	00:00:56	000/028	No Ans	

Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX, DPB:Page separation Tx, MIX:Mixd Original TX, CALL:Manual TX, CSRC:CSRC, FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, SP:Special Original, FCODE:F-code, RTX:Re-TX, RLV:Relay, MBX:Confidential, BUL:bulletin, SIP:SIP Fax, IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: Rx from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, FOUR:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error, PRINT:Compulsory Memory Document Print, DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.



DIRECTORATE: ENVIRONMENTAL GOVERNANCE
SUB-DIRECTORATE: RECTIFICATION

REFERENCE NUMBER: 14/2/1/3/D2/53/0017/16

ENQUIRIES: Ziyaad Allie

BY REGISTERED MAIL

Dejema Family Trust
P. O. Box 1603
GEORGE
6530

Tel: (044) 886 0047
Email: barnardeon@gmail.com

Attention: Mr Deon Barnard

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: UNLAWFUL EXPANSION OF TWO DAMS ON PORTION 38 OF FARM KOUDOUW, WABOOMSKRAAL, GEORGE

With reference to your application dated 21 July 2016 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"), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below as described in the Environmental Impact Report ("EIR") dated 07 July 2017.

Nabeelah Khan

From: Ziyaad Allie
Sent: 09 April 2018 02:37 PM
To: Deon Barnard
Cc: Rudi Minnie; Nabeelah Khan; trevor@geroge.org.za
Subject: Section 24G application: Farm Koudouw Environmental Authorisation
Attachments: Farm_Koudouw_Environmental_Authorisation.pdf

Good day

Kindly find the attached Environmental authorisation for the section 24G application for Farm Koudouw, Waboomskraal attached.

Kind regards

Ziyaad Allie

Specialised Environmental Officer
Sub- Directorate: Rectification
Directorate: Environmental Governance
Department of Environmental Affairs and Development Planning

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