



**REFERENCE:** 14/2/4/2/3/D7/9/0004/20

**ENQUIRIES:** Ziyaad Allie

**BY REGISTERED MAIL**

The Trustees  
KleinGeluk Family Trust  
P.O. Box 28  
DE RUST  
6650

Email: [kleingeluk@mdwireless.co.za](mailto:kleingeluk@mdwireless.co.za)

Cell: 082 39 64 094

Attention: Hendrik Teitge Du Plessis

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 COMMENCEMENT OF A DAM ON PORTION 3 OF FARM 71 ROODEHEUWEL, OUDTSHOORN**

With reference to your section 24G application dated 15 June 2020 and the Amended section 24G application received by the Department on 15 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, as described in the application and environmental assessment dated 15 June 2020 and 15 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

KleinGeluk Family Trust  
C/o Hendrik Teitge Du Plessis  
P.O. Box 28  
DE RUST  
6650

Cell: 082 39 64 094

Email: [kleingeluk@mdwireless.co.za](mailto:kleingeluk@mdwireless.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

Listed Activities	Activity/Project Description
<i>Government Notice No. R544 of 18 June 2010 –</i> <b>Activity Number: 11</b> Activity Description: <i>"The Construction of: (iv) dams</i>	The construction of the dam occurred within 32m of a watercourse.

<p>Where such construction occurs within a watercourse or within 32 meters of a water course, measured from the edge of a watercourse, excluding where such construction will occur behind a development setback line."</p>	
<p>Government Notice No. R544 of 18 June 2010 –</p> <p><b>Activity Number: 18</b></p> <p>Activity Description:</p> <p><i>"The infilling or depositing of any material of more than 5 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from:</i></p> <p><i>(i)a watercourse"</i></p>	<p>More than 10 cubic meters of soil was excavated from a watercourse for the construction of the dam.</p>
<p>Government Notice No. R545 of 18 June 2010 –</p> <p><b>Activity Number: 19</b></p> <p>Activity Description:</p> <p><i>"The construction 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 meters or higher or where the high-water mark of the dam covers an area of 10 hectares or more."</i></p>	<p>The dam wall height is 12.2m.</p>
<p>Government Notice No. R546 of 18 June 2010-</p> <p><b>Activity Number: 13</b></p> <p>Activity Description:</p> <p><i>"The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</i></p> <p><i>(1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded</i></p>	<p>The total clearance for the dam and surrounding area is approximately 2.2 hectares.</p>

<p>from this list.</p> <p>(2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.</p> <p>(a) Critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority.</p> <p>(c) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape:</p> <p>ii. Outside urban areas, the following:</p> <p>(ee) Core areas in biosphere reserves;</p> <p>(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve."</p>	
<p>Government Notice No. R327 of 2014</p> <p><b>Activity Number: 12</b></p> <p>Activity Description:</p> <p>"The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; where such development occurs—</p> <p>(a) within a watercourse"</p>	<p>The dam surface water area is approximately 1.2ha and is located within a watercourse.</p>
<p>Government Notice No. R327 of 2014</p> <p><b>Activity Number: 19</b></p> <p>Activity Description:</p> <p>"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 a watercourse"</p>	<p>More than 10 cubic meters of soil was excavated from a watercourse for the construction of the dam.</p>
<p>Government Notice No. R327 of 2014 -</p> <p><b>Activity Number: 27</b></p> <p>Activity Description:</p> <p>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation</p>	<p>The total clearance for the dam and surrounding area is approximately 2.2 hectares.</p>

<p>is required for—  <i>(i) the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan.</i>"</p>	
<p>Government Notice No. R325 of 2014  <b>Activity Number: 16</b>  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 dam wall height is 12.2m.</p>

The abovementioned list is hereinafter referred to as "the listed activities."

**D. PROPERTY DESCRIPTION AND LOCATION**

The listed activities commenced on Portion 3 of the Farm no. 71 Roodeheuwel.

The SG digit code is: C05400000000007100003

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 35' 37.68" South	22° 42' 51.53" East
2	33° 33' 35.46" South	22° 41' 56.68" East
3	33° 33' 33.07" South	22° 42' 2.02" East
4	33° 33' 25.50" South	22° 41' 59.24" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 34' 1.04" South	22° 42' 23.81" East
2	33° 34' 2.62" South	22° 42' 22.73" East

3	33° 34' 5.37" South	22° 42' 22.95" East
4	33° 34' 4.53" South	22° 42' 27.33" 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")**

Eco Route Environmental Consultancy

C/o Janet Ebersohn

P.O. Box 1252

SEDGEFIELD

6573

Tel: (044)343 2232

Email: [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

## **F. DETAILS OF THE ACTIVITIES UNDERTAKEN**

In early 2011 the landowner commenced with the construction of a 49 462m<sup>3</sup> in-stream dam with a dam wall height of 12.2m in order to store water for the irrigation of crops. The dam has been constructed on a single drainage line measuring approximately 950m in length from the dam inflow to the source. Water stored in the dam is from an existing allocation abstracted via a gravity-fed pipeline from above a weir in the Kleinplaas River.

## **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 in accordance with and restricted to the implemented Alternative described in the section 24g application dated 15 June 2020 and the Amended section 24G application received by the Department on 15 September 2020 on the site as described in Section D above.
2. 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.
3. 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**

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

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

## **PART III**

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

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

5.1 notify all registered Interested and Affected Parties ("I&APs") of –

5.1.1 the outcome of the application;

- 5.1.2 the reasons for the decision as included in Annexure 3;
- 5.1.3 the date of the decision; and
- 5.1.4 the date when the decision was issued.

5.2 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.

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

5.4 provide the registered I&APs with:

- 5.4.1 the name of the holder (entity) of this Environmental Authorisation;
- 5.4.2 name of the responsible person for this Environmental Authorisation;
- 5.4.3 postal address of the holder;
- 5.4.4 telephonic and fax details of the holder;
- 5.4.5 e-mail address, if any, of the holder; and
- 5.4.6 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*.

6. 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**

7. The draft Environmental Management Programme ("EMPr") compiled in December 2019 and amended in June 2020 by Eco Environmental Consultancy dated and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.



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

## **PART V**

### **Monitoring**

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

10. 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).

11. 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**

12. 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**

13. 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.

14. 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.
15. The mitigation measures as per the Aquatic Assessment of August 2019 must be implemented.

## **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. 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.

4. 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: [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, 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

---

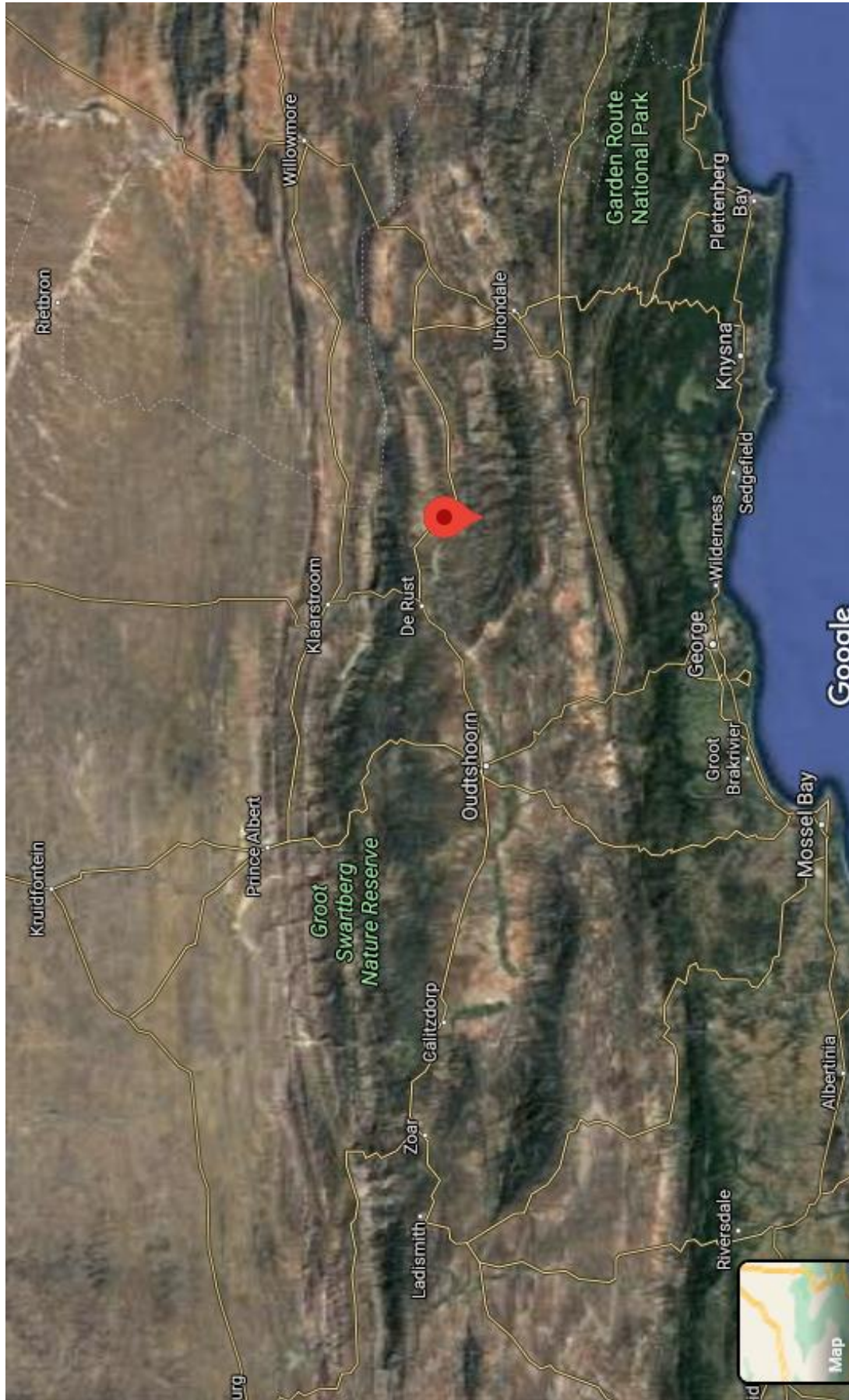
**ADV. CHARMAINE MARÉ**  
**DIRECTOR: ENVIRONMENTAL GOVERNANCE**

DATE OF DECISION: \_\_\_\_\_

Copied to: (1) Janet Ebersohn (EAP)

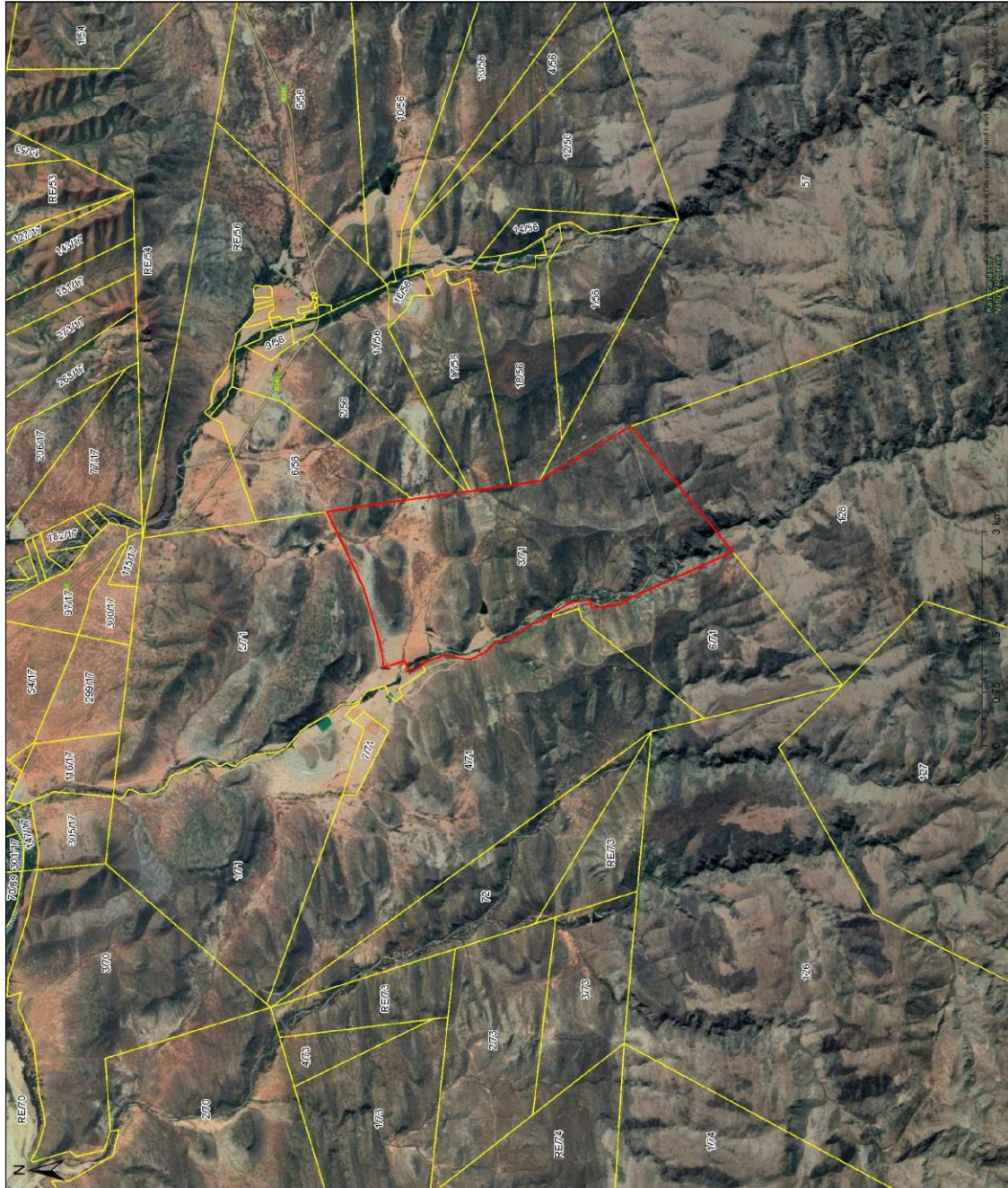
Email: [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

# ANNEXURE 1: LOCALITY MAP



# Locality Map

- Legend**  
□ Farm Portions

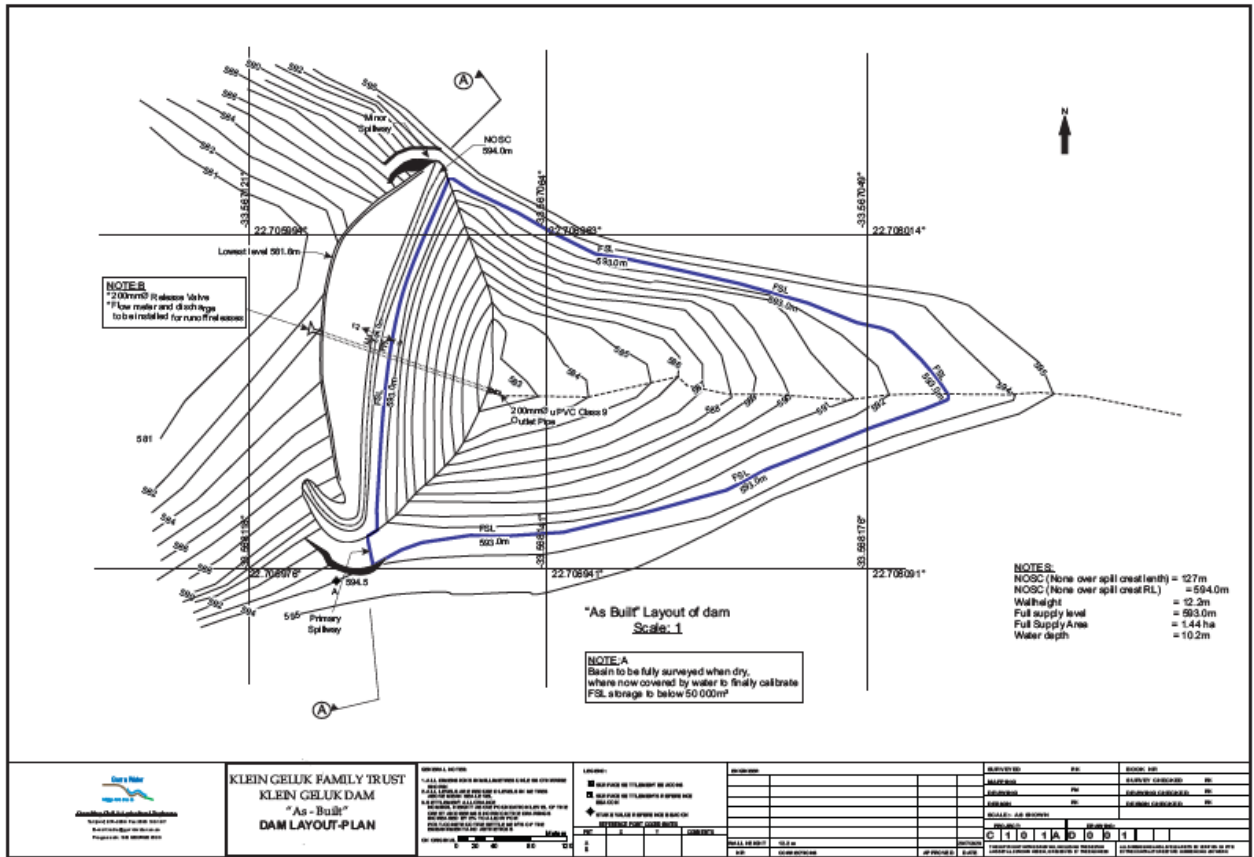


Scale: 1:50 000

Date created: December 3, 2019



# ANNEXURE 2: SITE PLAN





### **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 R50 000 (Fifty 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 15 June 2020 and the Amended section 24G application received by the Department on 15 September 2020, as well as the EMPr submitted together with the Amended s24G application.
- 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: 30 January 2020

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 **Prince Albert Friend** newspaper in December 2019;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor.
- I&APs were afforded the opportunity to provide comments on the application.

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

The following organs of state provided comment on the application:

- Breede-Gouritz Catchment Management Agency ("BGCMA")
- Department of Agriculture, Forestry and Fisheries ("DAFF")
- This department's directorate: Development Management (Region 3)
- Heritage Western Cape ("HWC")

At the end of the public participation process, comments were received from the organs of state. A summary of their comments follows below.

#### BGCMA

The BGCMA acknowledged that the Water Use Licence Application (WULA) for the project was lodged in line with previous comments made by the BGCMA which were subsequently addressed. The assessment of the WULA is currently underway and the outcome of the assessment process will be communicated once the assessment process is complete.

#### DAFF

The DAFF stated that according to the report the vegetation cover is classified as Spekboomveld with Fynbos/ Renosterveld on the south facing slopes. Thus, DAFF's mandate with regards to the *National Forests Act, 1998* (Act No. 84 of 1998) is not affected. The DAFF recommend that owner become a member of the Southern Cape Fire Protection Association.

### Development Management("DM")

The DM stated that the report deals with certain aspects related to cumulative impacts and cumulative effects of the development. It remains unclear what the cumulative effect of the dam is in relation to the existing downstream dams, specifically the Stompdriftdam which is situated in the Olifantsrivier. The DM further stated that the Kleinplaasrivier, which finds its origin in the Kamanassie Mountain Catchment and which joins the Olifantsrivier just above the Stompdriftdam, forms an important tributary of the Olifantsrivier. The Stompdriftdam, although primarily constructed as an irrigation dam, has also become a source for potable water for the greater Oudtshoorn municipal area. By inference, the tributaries of the Kleinplaasrivier also play an important role.

The EAP responded by stating that the construction of the KleinGeluk Dam is not considered to contribute significantly to cumulative impacts because; a) it is primarily for storage of an existing allocation, with no new allocation applied for; and b) it is located on a single small drainage line that was historically disconnected from the Kleinplaas River." In addition, the aquatic specialist has included a recommendation of revising the status quo to allow water from the catchment of the drainage line be transferred back into the Kleinplaas River. This should have a positive impact on reversing historical fragmentation.

The DM stated that the Aquatic Specialist report recommends the transfer of water from the catchment of the drainage line to the Kleinplaas River. It remains unclear what volume of water should be transferred and how this can be achieved as the design requirements are not apparent.

The EAP responded by stating that the release of stored water gained from the minor catchment of the KleinGeluk Dam, as proposed by the Aquatic Specialist will be done through the gauged 200mm diameter outlet valve assembly at the downstream side of the outlet pipe. Based on actual measured rainfall and actual runoff into the KleinGeluk Dam, a volume to be released in the water course will be calculated and on record. The catchment of approximately 56ha can typically result (if saturated to field capacity and not parched and dry) in an effective runoff volume of say 2 240m<sup>3</sup> based on a rainstorm of at least 10mm this to be released through the downstream gauged release valve into the unnamed tributary to discharge into the Kleinplaas River.

## HWC

HWC stated that there is no reason to believe that the proposed dam will impact on heritage resources, no further action under Section 38 of the *National Heritage Resources Act (Act 25 of 1999)* is required.

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 Activity Alternatives

#### Alternative 1 (Herewith authorised)

The site chosen to construct the dam was done so to provide the best option to collect and store water. Due to the low rainfall experienced within the Karoo, it would not be feasible to have an off-stream dam. There is no alternative location. The activities entail the construction of a 49 462m<sup>3</sup> in-stream dam with a dam wall height of 12.2m in order to store water for the irrigation of crops. The dam has been constructed on a single drainage line measuring approximately 950m in length from the dam inflow to the source. Water stored in the dam is from an existing allocation abstracted via a gravity-fed pipeline from above a weir in the Kleinplaas River.

#### Summary of Alternatives

Property and location/site alternatives - the option of having an off-stream dam was considered as an alternative and proved to not be feasible due to the low rainfall experienced in the area. There is no alternative location.

Activity, Design and Operational alternatives - the mitigation measures summarised by the Aquatic Specialist would decrease the level and severity of negative impacts associated with the construction and operation of the dam.

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

According to the EAP, the No-Go option would result in the loss of a water source to irrigate the crops, which would negatively impact the farmers and workers livelihood, and decrease agricultural food crop production. Rehabilitation of the area used for the dam back to its original state would not have a major impact between the unnamed stream and the Kleinplaas river as historical farming practices had already negatively impacted the confluence of these water sources.

### **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 property is zoned agriculture and is being used for agricultural practices. The construction of the dam was undertaken to sustain agricultural development for the farm.

#### 3.2. Biophysical and Biodiversity Impacts

Majority of the property is in a natural state. However, signs of drought can be seen on the property. Approximately 29ha of the property has been transformed by both agricultural activities and the construction of the instream dam with a volume of 49 462m<sup>3</sup>. Terrestrial and aquatic vegetation were removed for the construction of the dam, and as a result, the activities undertaken have resulted in a loss of habitat and water flow modification of the unnamed ephemeral stream.

### **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.

-----END-----