



EIA REFERENCE: 16/3/3/1/B2/32/1037/22
NEAS REFERENCE: WCP/EIA/0001110/2022
DATE OF ISSUE: 11 November 2022

The Director
Oudewagendrift Boerdery (Pty) Ltd.
P. O Box 303
WORCESTER
6849

Attention: Mr. W. Naudé

Cell: 082 8981446

E-mail: admin@oudewagendrift.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED ENLARGEMENT OF THE UITZICT DAM ON THE REMAINDER OF PORTION 9 OF THE FARM OUDE WAGENDRIFT NO. 362, WORCESTER.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant Environmental Authorisation** ("EA"), attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

CC: (1) Ms. L. Speirs Du Toit (Earth Grace Environmental Consultancy)
(2) Ms. K. Fouche (Breede Valley Municipality)

E-mail: lindsay@earthgrace.co.za

E-mail: kfouche@bvm.gov.za

EIA REFERENCE: 16/3/3/1/B2/32/1037/22
NEAS REFERENCE: WCP/EIA/0001110/2022
DATE OF ISSUE: 11 November 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED ENLARGEMENT OF THE UITZICT DAM ON THE REMAINDER OF PORTION 9 OF THE FARM OUDE WAGENDRIFT NO. 362, WORCESTER.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith grants Environmental Authorisation to the applicant to undertake the listed activities specified in section B below with respect to the Preferred alternative as described in the Basic Assessment Report ("BAR"), received on 1 August 2022.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Oudewagendrift Boerdery (Pty) Ltd.
P. O Box 303
WORCESTER
6849

Cell: 082 8981446
E-mail: admin@oudewagendrift.co.za

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 1 Activity Number: 27 <i>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 is required for—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>More than 1ha of indigenous vegetation will be cleared.</p>
<p>Listing Notice 1 Activity Number: 50 <i>The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50 000 cubic metres or more.</i></p>	<p>The storage capacity of the existing dam will be expanded from 117 190m³ to 274 000 m³.</p>
<p>Listing Notice 1 Activity Number: 66 <i>The expansion of a dam where—</i> <i>(i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2,5 metres or more; or</i> <i>(ii) where the high-water mark of the dam will be increased with 10 hectares or more.</i></p>	<p>The wall height of the existing dam will be increased by more than 2.5m.</p>

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative as it relates to the listed activities:

The proposed development will entail the expansion of the existing Uitzicht Dam on the Remainder of Portion 9 of the Farm Oude Wagendrift No. 362, Worcester. The storage capacity of the dam will be expanded from 117 190m³ to 274 000m³, the wall height from 5.9m to 9.7m and the full supply level (“FSL”) area from 2.9ha to 4.8ha. The development footprint of dam will be approximately 6.7ha.

The following pipelines will be installed:

- An inlet pipe with a diameter of approximately 500mm and a length of approximately 45m;
- An outlet pipe with a diameter of approximately 315mm and a length of approximately 50m.
- A connection pipeline with a diameter of approximately 200mm and a length of approximately 170m.

The electrical point and powerline located adjacent to the dam will be moved. The existing overhead powerline running across the dam will be retained and will not be affected by the proposal.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on the Remainder of Portion 9 of the Farm Oude Wagendrift No. 362, Worcester, and has the following co-ordinates:

Latitude (S)	33°	38'	11.99"
Longitude (E)	19° "	32'	53.33"

The SG digit code: C08500000000036200009

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

The above is hereinafter referred to as "**the sites**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Earth Grace Environmental Consultancy
Ms. Lindsay Speirs Du Toit
P.O. Box 2632
PAARL
6850

Cell: 0832898727

Email: lindsay@earthgrace.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred Alternative described in the BAR received on 1 August 2022 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
 - (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities, must be concluded.
3. 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.

4. Any changes to, or deviations from the scope of the alternative described in section B 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.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 10 and 17.

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. 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 F below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,
 - 6.4.4. telephonic and fax details of the holder,
 - 6.4.5. e-mail address, if any, of the holder,
 - 6.4.6. 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 2014 National Appeals Regulations.

7. The listed activities, including site preparation, may not commence within **20 (twenty)** 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.

Management of activity

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of the proposed development to ensure compliance with the provisions of the EMPr, and the conditions contained herein. The ECO must conduct site visits once a month and must submit ECO Reports on a monthly basis to the competent authority.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
12. Access to the site referred to in Section C above 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.

Auditing

13. In terms of Regulation 34 of the NEMA 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. The Environmental Audit Report must be prepared by an independent person, that is not the ECO referred to in Condition 10 above and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The audit reports must be compiled and subsequently submitted to the Department in the following manner:

- 13.1. The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within 3 (three) months of the commencement of construction activities.
- 13.2. A final Environmental Audit Report must be submitted within three (3) months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

14. 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 palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts 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.

15. 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.
16. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
17. The development areas must be clearly demarcated prior to the commencement of the proposed development. All areas outside the demarcated areas must be regarded as "no-go" areas.

F. 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 of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for the 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 in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
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.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

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, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 11 NOVEMBER 2022

CC: (1) Ms. L. Speirs Du Toit (Earth Grace Environmental Consultancy)
(2) Ms. K. Fouche (Breede Valley Municipality)

E-mail: lindsay@earthgrace.co.za

E-mail: kfouche@bvm.gov.za

ANNEXURE 2: SITE PLAN

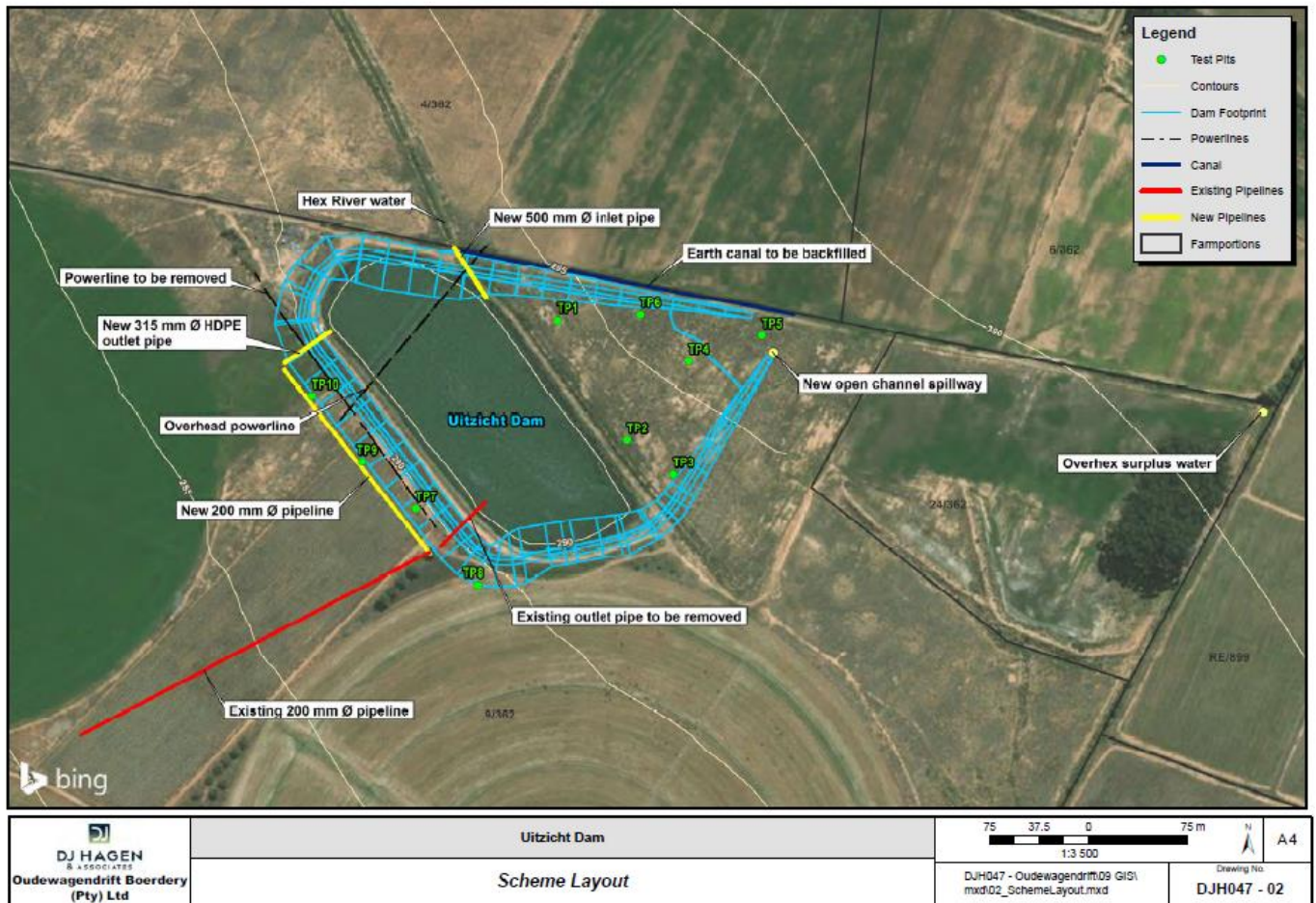


Figure 2: Proposed site plan.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- The information contained in the Application Form received by the Department on 8 June 2022 and the EMPr submitted together with the Basic Assessment Report on 1 August 2022.
- Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 1 August 2022; and
- The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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 that were the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site where the listed activities are to be undertaken on 27 March 2022;
- the placing of a newspaper advertisement in the local newspaper, the "Worcester Standard" on 31 March 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality, ward councilor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities;
- making the pre-application draft BAR available to I&APs for comment from 31 March to 6 May 2022); and
- making the post application draft BAR available to I&AP's for comment from 20 June to 20 July 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and that the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Two dam design alternatives were investigated.

Dam design alternative 1

The alternative entails the expansion of the dam to a storage capacity of 207 000m³, a wall height of approximately 8.4m and a FSL area of approximately 4.5 ha.

Dam design alternative 2 (Preferred alternative herewith authorised)

The preferred alternative entails the expansion of the existing Uitzicht Dam on the Remainder of Portion 9 of the Farm Oude Wagendrift No. 362, Worcester. The storage capacity of the dam will be expanded from 117 190m³ to 274 000m³, the wall height from 5.9m to 9.7m and the FSL area from 2.9ha to 4.8ha. The development footprint of the dam will be approximately 6.7ha.

The following pipelines will be installed:

- An inlet pipe with a diameter of approximately 500mm and a length of approximately 45m;
- An outlet pipe with a diameter of approximately 315mm and a length of approximately 50m.
- A connection pipeline with a diameter of approximately 200mm and a length of approximately 170m.

The electrical point and powerline located adjacent to the dam will be moved. The existing overhead powerline running across the dam will be retained and will not be affected by the proposal.

Design alternative 2 is preferred since it meets the target storage capacity of 274 000 m³ and is more economical to construct.

The “No-Go” Alternative

The “No-Go” option of not proceeding with the enlargement of the dam was not preferred as the opportunity will be lost to increase the economic viability of the farm and to ensure that sufficient water storage and supply is available for irrigation purposes.

3. Impact Assessment and Mitigation measures

3.1. Activity need and desirability

The property is zoned Agriculture, and the proposed activity is therefore permitted in terms of the land use rights of the property. The proposed expansion of the dam is needed as water security for the cultivation of permanent crops is critical, especially during times of drought and water restrictions. By storing the water and increasing water supply for irrigation, the full agricultural potential of the farm can be achieved, which benefits the farmer and farm workers.

3.2. Biophysical impacts

According to the Terrestrial Biodiversity Compliance statement (dated 9 November 2021, compiled by Johlene Krige), the vegetation occurring on the site is Breede Alluvium Renosterveld, which is classified as a vulnerable ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (“NEM:BA”) List of Threatened Ecosystems in Need of Protection of December 2011. The proposed site consists of very limited natural vegetation. No Red Data List plant species were recorded on the proposed site. The specialist further indicates that the vegetation occurring on the proposed site is in a poor condition with very low natural plant diversity (only ±15 natural plant species recorded on site) and consist of species which typically occur within disturbed sites. Furthermore, the plant species composition is currently not representative of the natural Breede Alluvium Renosterveld vegetation. The proposed site is regarded to be of low sensitivity from a terrestrial biodiversity and plant species perspective. The overall significance of the potential botanical impacts associated with the proposed development is expected to be of low negative significance after mitigation.

There are no mapped wetlands or watercourses evident within or directly adjacent to the dam site. The Hex River is located 3.9 km north-west of the site and the Nonna River 2 km towards the south-east.

3.3. Impact on Heritage Resources

Heritage Western Cape confirmed in their comment dated 14 October 2021 that no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. Additionally, the applicant will comply with Conditions 14 and 15 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

The development will result in both negative and positive impacts.

Negative Impacts:

- Loss of indigenous vegetation.

Positive impacts:

- The creation of temporary employment opportunities during the construction phase;
- Existing jobs will be secured;
- The proposed enlargement will secure a water resource for irrigation for the farm; and
- The proposed development will increase the economic viability of the farm and secure continued income.

4. National Environmental Management Act 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.

5. Conclusion

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 proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----