



EIA REFERENCE: 16/3/3/1/F2/4/2004/19
NEAS REFERENCE: WCP/EIA/0000551/2019
ENQUIRIES: AYESHA HAMDULAY
DATE: 2019 -09- 11

The Board of Trustees
Agterland Familie Trust
P O Box 42
CITRUSDAL
7340

Attention: Mr Alwyn Johannes van der Merwe

Cell: 073 221 9947

E-mail: agterland@alazon.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED EXPANSION OF AN EXISTING DAM AND ASSOCIATED INFRASTRUCTURE ON PORTIONS 3, 4 AND 15 OF THE FARM GROOT VALLEY NO. 451, CLANWILLIAM

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are hereby instructed to ensure, within fourteen (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 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

Copied to: Ms Elanie Kühn

(PBPS)

Fax: (086) 476 7134



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DATE OF ISSUE: 2019 -09- 11

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED EXPANSION OF AN EXISTING DAM AND ASSOCIATED INFRASTRUCTURE ON PORTIONS 3, 4 AND 15 OF THE FARM GROOT VALLEY NO. 451, CLANWILLIAM

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 (as amended), 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 that is described in the Basic Assessment Report ("BAR") received by this Department on 07 June 2019.

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

Agterland Familie Trust
C/O Mr Alwyn Johannes van der Merwe
P O Box 42
CITRUSDAL
7340

Cell: 073 221 9947
E-mail: agterland@alazon.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 Activity	Project Description
<p>Government Notice No. R.983 (as amended):</p> <p>Activity number: 12</p> <p>Activity Description:</p> <p><i>"The development of—</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(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;</i> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared."</i> 	<p>The development proposal entails the expansion of an existing farm dam from a capacity of 5000m³ to 413 000m³ within existing streams on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.</p>

<p>Government Notice No. R.983 (as amended):</p> <p>Activity number: 19</p> <p>Activity Description:</p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies."</i> 	<p>The development proposal entails the expansion of an existing farm dam from a capacity of 5000m³ to 413 000m³ within existing streams on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.</p>
<p>Government Notice No. R.983 (as amended):</p> <p>Activity number: 27</p> <p>Activity Description:</p> <p><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></p> <ul style="list-style-type: none"> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan."</i> 	<p>The development proposal entails the clearance of more than 1ha of indigenous vegetation on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.</p>
<p>Government Notice No. R.983 (as amended):</p> <p>Activity number: 31</p> <p>Activity Description:</p> <p><i>"The decommissioning of existing facilities, structures or infrastructure for—</i></p> <ul style="list-style-type: none"> <i>(i) any development and related operation activity or activities listed in</i> 	<p>The expansion of an existing farm dam from a capacity of 5000m³ to 413 000m³ within existing streams on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.</p>

<p><i>this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i></p> <p><i>(ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i></p> <p><i>(iii)</i></p> <p><i>(iv) any phased activity or activities for development and related operation activity or expansion or related operation activities listed in this Notice or Listing Notice 3 of 2014; or</i></p> <p><i>(v) any activity regardless the time the activity was commenced with, where such activity:</i></p> <p><i>(a) is similarly listed to an activity in (i) or (ii) above; and</i></p> <p><i>(b) is still in operation or development is still in progress;</i></p> <p><i>excluding where—</i></p> <p><i>(aa) activity 22 of this notice applies; or</i></p> <p><i>(bb) the decommissioning is covered by part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies."</i></p>	
<p>Government Notice No. R.983 (as amended):</p> <p>Activity number: 48</p> <p>Activity Description:</p> <p><i>"The expansion of—</i></p> <p><i>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</i></p> <p><i>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</i></p> <p><i>where such expansion occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a development setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>excluding—</i></p> <p><i>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the</i></p>	<p>The development proposal entails the expansion of an existing farm dam from a capacity of 5000m³ to 413 000m³ within existing streams on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.</p>

<p>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 Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves."</p>	
<p>Government Notice No. R.983 (as amended):</p> <p>Activity Number: 66</p> <p>Activity Description:</p> <p>"The expansion of a dam where—</p> <p>(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</p> <p>(ii) where the high-water mark of the dam will be increased with 10 hectares or more."</p>	<p>The development proposal entails the expansion of an existing farm dam wall from a height of 2m to 17m in height on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.</p>
<p>Government Notice No. R.985 (as amended):</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National</p>	<p>The development proposal entails the clearance of more than 300m² of Endangered Citrusdal Shale Renosterveld within a Critically Biodiversity Area and an Ecological Support Area on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.</p>

<p><i>Spatial Biodiversity Assessment 2004;</i></p> <ul style="list-style-type: none"> ii. <i>Within critical biodiversity areas identified in bioregional plans;</i> iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."</i> 	
<p>Government Notice No. R.985 (as amended):</p> <p><i>Activity Number: 23</i></p> <p><i>Activity Description:</i></p> <p><i>"The expansion of—</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs where the dam or weir is expanded by 10 square metres or more;</i> <i>or</i> <i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</i> <p><i>where such expansion occurs—</i></p> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback adopted in the prescribed manner; or</i> <i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i> <p><i>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</i></p> <ul style="list-style-type: none"> i. Western Cape <ul style="list-style-type: none"> i. <i>Outside urban areas:</i> 	<p>The development proposal entails the expansion of an existing farm dam from a capacity of 5000m³ to 413 000m³ within existing streams on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.</p>

<p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined."</p>	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development:

The expansion of an existing farm dam on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.

The development proposal entails the following:

- The enlargement of the existing Langland Dam from a capacity of approximately 5000m³ to 413 000m³ will adhere to the following parameters:
 - A wall height of 17m from 2m;
 - A surface area at Full Supply Level ("FSL") of 9.7ha from 1.3ha;
 - Free board of 1.5m; and
 - A FSL of 230.5m.
- The installation of an approximately 250mm diameter pipeline for approximately 1.7km and an associated spillway.
- The construction of a diversion channel of approximately 2m wide and 1.5m to extend around the Langland Dam to discharge into the Olifants River downstream of the Langland Dam, with discharge points dispersing water evenly to inhibit potential erosion.

- The dredging of the channel upstream of the Langland Dam by approximately 2m wide and 1.5m deep and the planting of indigenous vegetation to allow the stream to function as a filtration pond/wetland that will facilitate groundwater recharge.
- The construction of a diversion channel around the Plat/Vlei Dam, engineered with a discharge capacity of approximately 1.5m³/s, allowing catchment runoff to discharge into the Olifants River with discharge points dispersing water evenly to inhibit potential erosion.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.

The SG 21 digit codes for the said land parcels are as follows:

Land Parcel	SG 21 digit code
Portion 3 of the Farm Groot Valley No. 451, Clanwilliam	C00200000000045100003
Portion 4 of the Farm Groot Valley No. 451, Clanwilliam	C00200000000045100004
Portion 15 of the Farm Groot Valley No. 451, Clanwilliam	C00200000000045100015

The co-ordinates for the authorised activities are given below:

Property	Latitude (S)	Longitude (E)
Starting Point of the pipeline	32° 31' 43.93" South	19° 00' 56.41" East
Midpoint of the pipeline	32° 31' 55.53" South	19° 00' 25.91" East
Road crossing point of the pipeline	32° 31' 49.00" South	19° 00' 37.26" East
Endpoint of the pipeline	32° 32' 09.67" South	19° 00' 02.77" East
Starting Point of the diversion channel at the Plat/Vlei Dam	32° 31' 53.06" South	19° 00' 00.77" East
Midpoint of the diversion channel at the Plat/Vlei Dam	32° 31' 55.57" South	18° 59' 44.32" East
Endpoint of the diversion channel at the Plat/Vlei Dam	32° 32' 08.90" South	18° 59' 15.88" East
Starting Point of the diversion channel at the Langland Dam	32° 31' 26.32" South	19° 01' 03.06" East
Midpoint of the diversion channel at the Langland Dam	32° 31' 44.87" South	19° 01' 07.16" East
Endpoint of the diversion channel at the Langland Dam	32° 31' 45.90" South	19° 00' 57.19" East

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

The above property is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Pieter Badenhorst Professional Services CC
 C/O Elanie Kühn / Pieter Badenhorst
 P O Box 1058
WELLINGTON
 7654

Cell: 081 371 9289 / 082 776 3422
 Fax: 086 476 7134

E. CONDITIONS OF ENVIRONMENTAL 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 Section B above.
2. The holder must commence with 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.
3. This Environmental Authorisation is granted for–
 - 3.1. A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - 3.2. A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the development phase, must be concluded.
4. The listed activities that have been authorised must only be carried out on the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
5. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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

7. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 8, 9, 13 and 23

Notification of Environmental Authorisation and Administration of Appeal

8. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 8.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 8.1.1. the decision reached on the application;
 - 8.1.2. the reasons for the decision as included in Annexure 3;
 - 8.1.3. the date of the decision; and
 - 8.1.4. the date when the decision was issued.
 - 8.2. 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 Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 8.4. provide the registered I&APs with the:
 - 8.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 8.4.2. name of the responsible person for this Environmental Authorisation,
 - 8.4.3. postal address of the holder,
 - 8.4.4. telephonic and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,
 - 8.4.6. 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 Appeals Regulations, 2014 (as amended).

Commencement

9. The listed activities, including site preparation, must not be commenced with within (20) twenty calendar days from the date the applicant notified the registered I&APs of this decision.
10. 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

11. The EMPr (submitted with the BAR to this Department on 07 June 2019) is hereby approved and must be implemented.
12. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the listed activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein.
14. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office, and must be made available to any authorised official of the Competent Authority on request.

15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

16. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), 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. The Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
 - 16.1. The holder must appoint an independent environmental auditor to undertake an environmental audit once a year and submit Environmental Audit Reports to the Competent Authority within one calendar month of undertaking the environmental audits until the completion of the construction phase authorised development. The first environmental audit must be undertaken within three (3) months of the authorised listed activities being commenced with. The final Environmental Audit Report must be submitted to the Competent Authority within one calendar month of the final environmental audit being undertaken.
 - 16.2. The holder must, within seven (7) calendar days of the submission of the Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the Audit Report available to anyone on request.

Specific Conditions

17. Should any heritage remains be exposed during excavations or any other actions on the site, this 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 disturbed further 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 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.

18. A qualified archaeologist and/or paleontologist 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.
19. The Western Cape has recently experienced a severe drought and had been declared a disaster area. In light of the above, water must be used wisely during all phases of development. No potable water must be used as far as possible for construction activity during the development phase and alternative methods to save water must be implemented.

20. The recommendations contained in the 'Freshwater Assessment for the proposed enlarged Landland Dam, Farm Agterland, Citrusdal' compiled by everWater Freshwater Consulting Services dated December 2018, must be implemented (attached hereto as Appendix A).
21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.
22. The holder of the Environmental Authorisation must ensure that adequate training is provided in the appropriate language to all on-site personnel, to help ensure that the conditions of the Environmental Authorisation are complied with and the EMPr requirements are met;
23. The exact boundary of the development footprint must be clearly demarcated before the authorised listed activities can be commenced with. All construction work must, as far as possible, be limited to within the authorised development footprint.
24. All earthworks and soil disturbance for the development proposal must, as far as possible, be restricted to dryer, summer months.
25. The construction area must be rehabilitated upon completion of the development phase.
26. Prior to departure/closure from the site, the contractor must ensure that all rubble, debris, cement deposits/residue, effluent, wash-off, building materials, builder's infrastructure, signage, machinery etc., associated with the development proposal and contractors' camp are removed and the affected areas are cleaned appropriately.

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 any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse, 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 lodged with the Competent Authority.
4. An application for amendment of the Environmental Authorisation must be submitted 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 (as amended) must be submitted.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.

6. The manner and frequency for updating the EMPr must be as follows:

6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R. 982 (as amended) 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 (as amended).

1. An appellant (if the holder of the decision) must, within twenty (20) 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 (as amended) 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 twenty (20) 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 (as amended) 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 twenty (20) 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 at the address listed above and/ or via e-mail to DEA&DP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel.: (021) 483 3721, E-mail: DEA&DP.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 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 greatly appreciated.

Yours faithfully



MR ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 11/09/2019

Copied to: Ms Elanie Kühn (EAP: PBPS)

Fax: (086) 476 7134

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/1/F2/4/2004/19

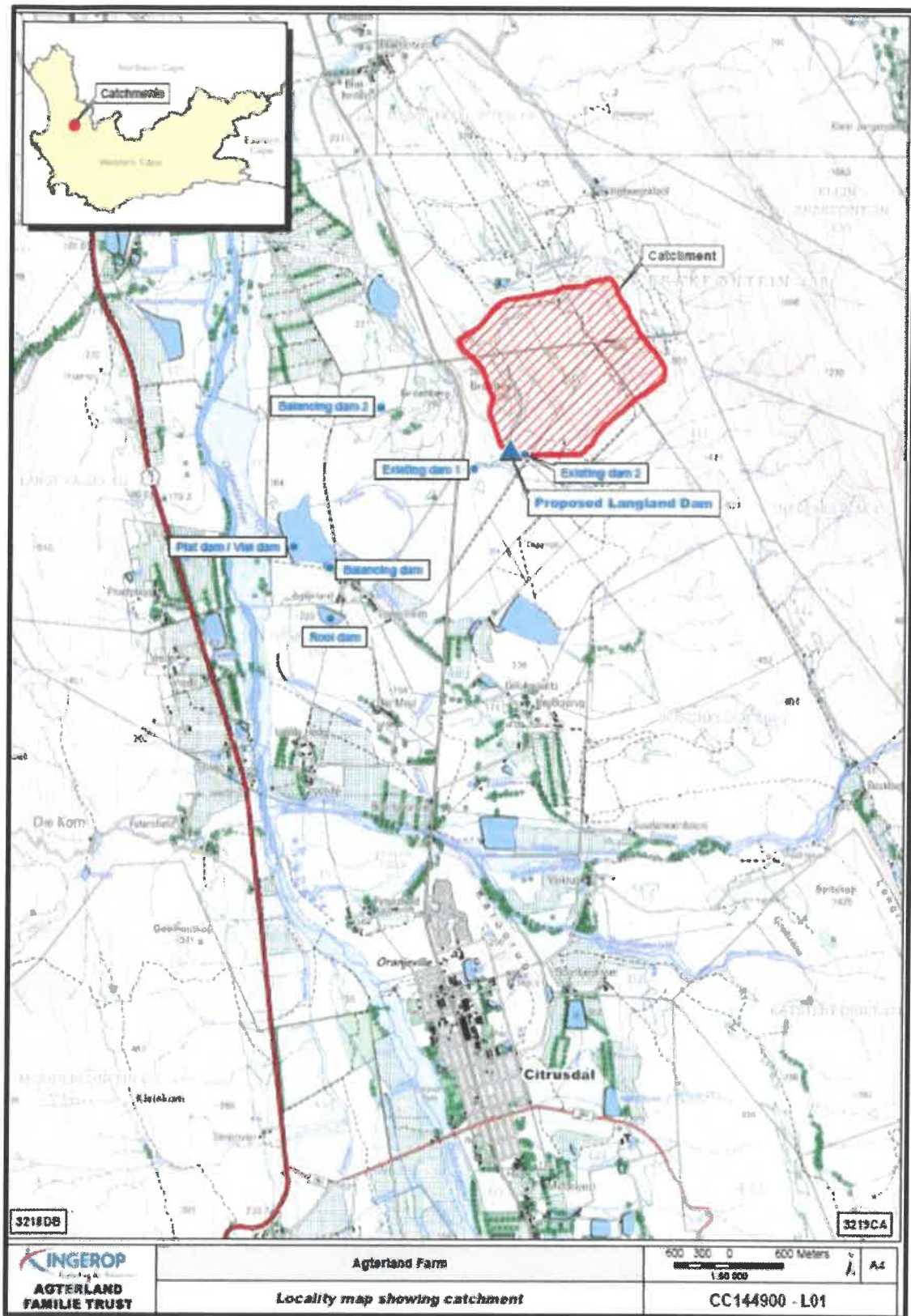
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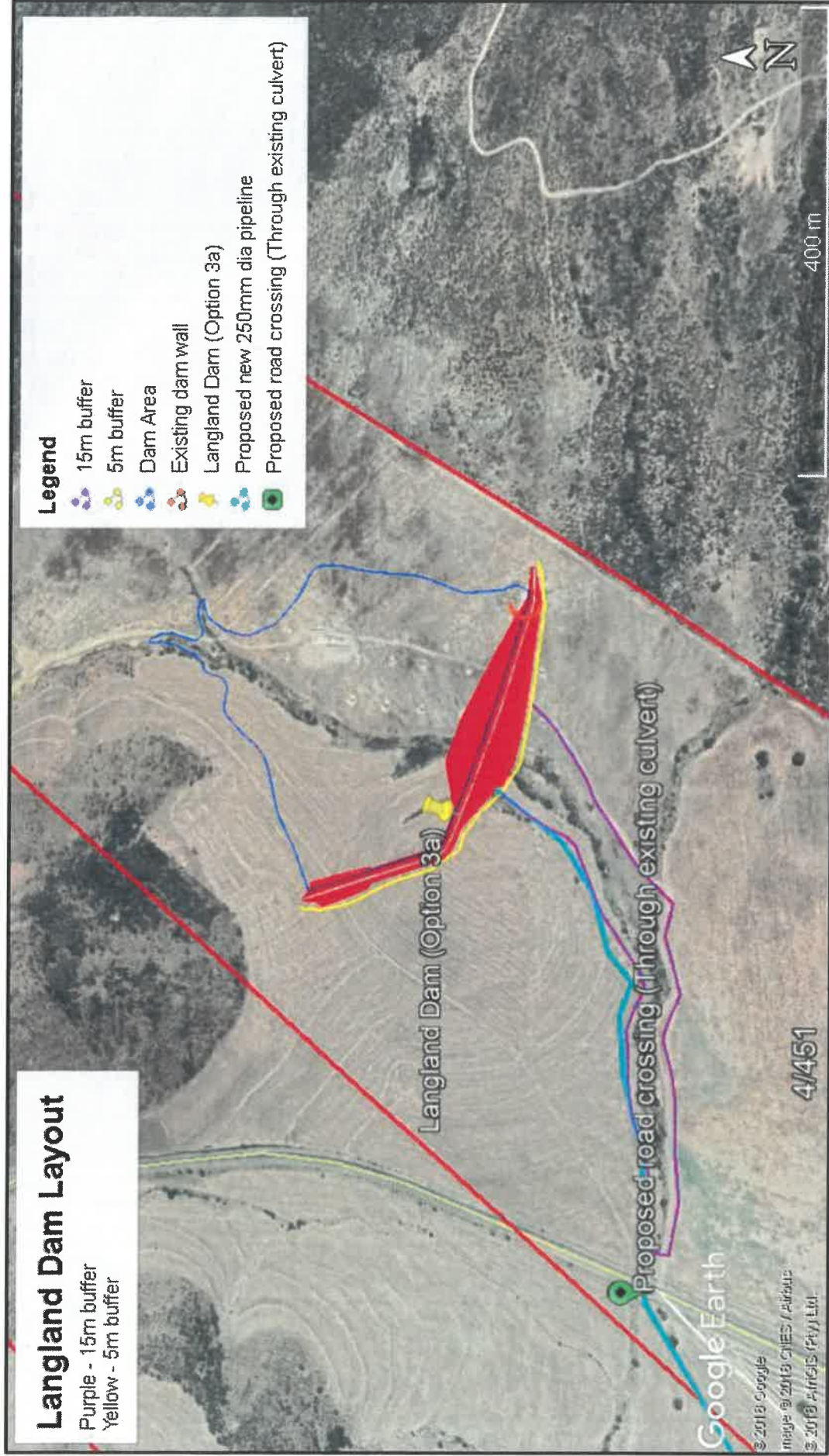
ANNEXURE 1: LOCALITY PLAN(S)

APPENDIX A: LOCALITY MAP

Appendix A1: Locality map



ANNEXURE 2: SITE MAP(S)



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received by this Department on 17 January 2019, and the EMPr submitted together with the BAR on 07 June 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the BAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visit was 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 considered to be the most significant for the decision is set out below.

1. Public Participation

The Public Participation Process ("PPP") undertaken during the formal EIA Application process:

- An advertisement was published in the 'Ons Kontrei' on 11 January 2019;
- Notices were erected on 17 January 2019 at the site where the listed activities are to be undertaken;
- A notification letter was sent to all registered I&APs on the availability of the consultation BAR for review and comment from 18 January 2019 to 19 February 2019;
- A notification letter was sent to all registered I&APs on the availability of the revised consultation BAR for review and comment from 25 March 2019 to 26 April 2019;
- A copy of the consultation BAR was submitted to the Competent Authority, representatives of the relevant State Departments and other Organs of State. They were requested to provide comment on the consultation BAR as required in terms of the EIA Regulations, 2014 (as amended).

The following authorities were provided with an opportunity to comment on the development proposal:

- CapeNature;
- Heritage Western Cape;
- Cederberg Local Municipality;
- The West Coast District Municipality;
- Western Cape Government: Agriculture;
- Western Cape Government: Transport and Public Works; and
- National Department of Water and Sanitation.

This Department is satisfied that the PPP followed met the minimum legal requirements.

2. Alternatives

The number of design/layout alternatives considered for this development proposal is five (5). The previous four (4) design/layout alternatives were discarded for being unsuitable regarding geotechnical issues, freshwater impacts, cumulative impacts on the Olifants River, and the Existing Lawful Use ("ELU") for Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam as registered

with the Citrusdal Water Users Association. The Preferred Alternative takes into account the comment from relevant authorities with regard to the cumulative impact of all authorised dams on the Olifants River as well as the utilisation of the ELU by the holder.

Preferred Alternative (Herewith Authorised)

The expansion of an existing farm dam on Portions 3, 4 and 15 of the Farm Groot Valley No. 451, Clanwilliam.

The development proposal entails the following:

- The enlargement of the existing Langland Dam from a capacity of approximately 5000m³ to 413 000m³ will adhere to the following parameters:
 - A wall height of 17m from 2m;
 - A surface area at Full Supply Level ("FSL") of 9.7ha from 1.3ha;
 - Free board of 1.5m; and
 - A FSL of 230.5m.
- The installation of an approximately 250mm diameter pipeline for approximately 1.7km and an associated spillway.
- The construction of a diversion channel of approximately 2m wide and 1.5m deep to extend around the Langland Dam to discharge into the Olifants River downstream of the Langland Dam, with discharge points dispersing water evenly to inhibit potential erosion.
- The dredging of the channel upstream of the Langland Dam by approximately 2m wide and 1.5m deep and the planting of indigenous vegetation to allow the stream to function as a filtration pond/wetland that will facilitate groundwater recharge.

The construction of a diversion channel around the Plat/Vlei Dam, engineered with a discharge capacity of approximately 1.5m³/s, allowing catchment runoff to discharge into the Olifants River with discharge points dispersing water evenly to inhibit potential erosion.

No-Go Alternative

The No-Go Option means abandoning the proposal of expanding the dam on the site. As such, an adequate water supply would not be assured for irrigating cultivated lands and the applicant will not be able to utilize their entitlement of water allocation under the Citrusdal Water Users Association effectively. This alternative is therefore clearly undesirable and was abandoned.

3. Key Factors Affecting the Decision

In reaching its decision to grant authorisation for the proposed development, this Department took into account the following:

3.1 Planning Context

The relevant local authority will determine whether or not the development proposal requires the submission of a land use application to permit the development proposal.

3.2 Municipal Services

The development proposal does not require water supply, wastewater treatment and refuse removal services from the Municipality.

3.3 Biodiversity Impacts

The development is proposed on cultivated farm lands. Historically, the site was covered by Endangered Citrusdal Swartland Shale Renosterveld. However, the site has been completely transformed by agricultural activities and no natural vegetation remains on the site.

In view of the above, the potential negative impact of the development proposal on biodiversity will be low.

3.4 Freshwater Impacts

Freshwater features in the vicinity of the existing Langland Dam include an unnamed stream with its associated wetlands and tributaries. The unnamed stream originally fed into the Olifants River and associated floodplain. The unnamed stream and its associated tributaries fall within a National Freshwater Ecology Priority Area. Major impacts on the unnamed stream are caused by the encroachment of agricultural activities on the riparian zone of the unnamed stream. The Langland Dam is situated within the quaternary catchment E10F with a catchment area of approximately 385km², which falls within the Olifants/Doorn Water Management Area.

Considering that the stream is characteristic of a seasonal to ephemeral system with terrestrial vegetation in the lower reaches, the impact of the loss of runoff from the unnamed stream is deemed by the freshwater specialist as having a low significance. Additionally, the cumulative impact of the development proposal, largely in terms of biodiversity, is deemed by the freshwater specialist to have a low to medium long-term negative impact on the larger freshwater system.

3.5 Heritage Resources

Heritage Western Cape confirmed in a letter dated 06 February 2019 that no further action in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

The applicant will comply with Conditions 17 and 18 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

3.6 Dust and Noise Impacts

The applicant is required to implement the dust and noise control measures contained in the EMPr. The implementation of these measures will help to ensure that the potential dust and noise impacts of the development proposal are adequately mitigated.

3.7 Socio-economic

The proposed development will allow for the creation of some temporary employment opportunities during the development phase as well as skills acquisition.

The proposed development will result in both negative and positive impacts.

Negative impacts include:

- Potential safety related impacts from construction vehicles on road users, adjacent properties and contractors;
- Potential damage to roads by large trucks and other heavy construction vehicles;
- Potential traffic congestion during the development phase;
- Some visual scarring, particularly, but not limited to the development phase; and
- Some noise and dust impacts.

The Competent Authority took into consideration the abovementioned negative impacts and although some impacts cannot altogether be prevented/avoided, they can be mitigated/reduced to acceptable levels.

Positive impacts include:

- The proposed development will create temporary employment opportunities during the development phase; and
- The enlarged dam will make the crops on the farm less vulnerable to droughts, thereby helping to improve job security for the workers on the farm.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 activity (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 NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the listed activities can be mitigated to acceptable levels.

-----END-----

APPENDIX A

'Freshwater Assessment for the proposed enlarged Langland Dam, Farm Agterland, Citrusdal'
compiled by everWater Freshwater Consulting Services dated December 2018

FRESHWATER ASSESSMENT FOR THE PROPOSED ENLARGED LANGLAND DAM, FARM AGTERLAND, CITRUSDAL

Construction of the enlarged Langland Dam and new pipeline

- Regarding the unnamed stream, construction activities associated with the proposed enlarged Langland Dam should be kept within a 5m buffer zone downstream of the dam wall, and all downstream areas strictly be treated as a no-go area
- All disturbed areas downstream of the Langland dam site including the dam banks, should be rehabilitated and revegetated soon after construction has ended (the whole section up to the road crossing)
- All construction vehicles should only access sites from outside of the 15m buffer zone along the downstream section of the unnamed stream
- Construction of the new pipeline should be located outside of the 15m buffer zone along the unnamed stream
- All disturbed areas associated with the pipeline should be rehabilitated after construction activities

Reduction of the existing Vlei Dam

- Construction activities related with the decommissioning of the northern section of the dam should be kept within a 5m buffer zone downstream of the Vlei dam wall, and all downstream areas strictly be treated as a no-go area.
- All disturbed areas downstream of the Vlei dam reduction site should be rehabilitated and revegetated soon after construction has ended, including the northern decommissioned section of the existing dam
- All construction vehicles should only access sites from outside of the 50m buffer zone along the downstream section of the floodplain wetland of the Olifants River
- It is expected that new wetland vegetation will establish on the new dam banks of the reduced Vlei dam, and this would thus lower the impact to a Low long term negative impact
- All future activities should take place outside of a 50m buffer zone along the floodplain wetland area

General

- The water quality impacts during the construction phase in particular should be addressed through the Construction Environmental Management Plan for the project and implemented by an on-site Environmental Officer, for the proposed enlarged Langland Dam as well as the Vlei dam reduction.
- Contaminated runoff from the construction site should be prevented from directly entering downstream water features.
- Construction should preferably take place during the drier months when flow in the stream and run off from the surrounding land is low to non-existing.
- The dam's spillway should be designed with erosion control measures (such as armoflex blocks or reno-mattresses), to prevent any erosion and sedimentation towards the downstream wetland features
- Regarding EWR it is proposed that the dam be filled to full capacity at the start of the rainy season, causing it to overflow for most of that season