

REFERENCE: 16/3/3/1/F2/3/2001/21
NEAS REFERENCE: WCP/EIA/0000850/2021
DATE OF ISSUE: 23 July 2021

The Board of Directors
Cedar Citrus (Pty) Ltd.
Swartvlei
CITRUSDAL
7340

Attention: Ms. Grettchen van der Merwe

E-mail: grettchen@algestate.com

Dear Madam

APPLICATION 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): PROPOSED DEVELOPMENT OF A DAM AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF FARM STEEL WATER NO. 528, CITRUSDAL.

1. With reference to the above application, the competent authority 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 instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties 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 procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Therina Oberholzer (GroenbergEnviro (Pty) Ltd)
(2) Ms. Danné Joubert (Cederberg Municipality)
(3) Mr. D. Daniels (Department of Water and Sanitation)

E-mail: therina@groenbergenviro.co.za

E-mail: dannej@cederbergmun.gov.za

E-mail: DanielsD@dws.gov.za

ENVIRONMENTAL AUTHORISATION

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): PROPOSED DEVELOPMENT OF A DAM AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF FARM STEEL WATER NO. 528, CITRUSDAL.

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report ("BAR") dated 07 April 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Cedar Citrus (Pty) Ltd.
c/o Ms. Grettchen van der Merwe
P.O. Box 8
CITRUSDAL
7340

Tel.: (022) 921 3439
Cell: 071 400 5651
E-mail: grettchen@algestate.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <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>Infrastructure/structures of more than 100m² will be constructed within 32m from the edge of a watercourse.</p>
<p>Activity 19: <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> 	<p>The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 10m³ from the watercourse.</p>

<p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(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".</p>	
<p>Activity 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></p> <p>(i) <i>the undertaking of a linear activity; or</i></p> <p>(ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan".</i></p>	<p>More than 1ha of indigenous vegetation will be cleared.</p>

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <i>"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.</i></p> <p>i. Western Cape</p> <p>i. <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 Spatial Biodiversity Assessment 2004;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>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></p> <p>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></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial</i></p>	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<p>Development Framework adopted by the MEC or Minister”.</p>	
<p>Activity 14: “The development of – (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs - (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. Western Cape</p> <p>i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (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; (ee) Sites or areas listed in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (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>	<p>The dam and associated infrastructure will have a footprint of more than 10m² and will be within a watercourse.</p>

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

The holder is herein authorised to undertake the following related to the listed activities:

The proposed development entails the development of a new dam and the extension of a pipeline on the Remainder of Farm Steel Water No. 528, Citrusdal.

The proposal will comprise of the following:

- A new dam with a storage capacity/volume of 139 685 m³;
- A dam footprint (including the wall) of 4.48ha;
- A wall crest of 4m;
- A wall length of 571m;
- A wall height of 4.9m; and
- The existing 300mm pipeline will be extended by approximately 1.4km and will be situated along the existing farm roads and agricultural land to the new proposed dam.

The proposed dam will be filled with water allocated to the farm via existing water rights. The dam will be an in-stream dam since it will traverse a small tributary of the Olifants River (Stream A). Stream A will be diverted around the dam which will divert all flow coming from the stream towards the Olifants River, and not result in any additional water abstraction. Access will be gained via an existing farm road.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on the Remainder of Farm Steel Water No. 528, Citrusdal.

The farm is situated approximately 12km southwest of Citrusdal.

The SG 21-digit code is: C02000000000052800000

Co-ordinates:

Proposed Dam:

Latitude: 32° 41' 01.53" S

Longitude: 19° 01' 16.12" E

Pipeline:

Starting point:

Latitude: 32° 41' 49.73" S

Longitude: 19° 01' 33.42" E

Middle point:

Latitude: 32° 41' 29.91" S

Longitude: 19° 01' 31.10" E

End point:

Latitude: 32° 41' 08.20" S

Longitude: 19° 01' 22.66" E

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

hereinafter referred to as "the site and route".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

GroenbergEnviro (Pty) Ltd.
c/o Ms. Therina Oberholzer/Mr. Pieter Badenhorst
P.O. Box 1058
WELLINGTON
7654

Tel.: (021) 873 7228
Fax: (086) 672 1916
E-mail: therina@groenbergenviro.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 dated 07 April 2021 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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. 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; and
 - (b) A period of five (**5**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved EMPr.
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation 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;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 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 Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 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;
 - 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 National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activity

10. The draft Environmental Management Programme ("EMPr") and Maintenance Management Plan ("MMP") dated 07 April 2021 (as compiled by GroenbergEnviro (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct monthly site inspections during the construction phase.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report three months after commencement of the construction phase to the relevant competent authority;

- 15.3 submit an environmental audit report six months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).
In addition to the above, the environmental audit report, must -
- 16.1 provide verifiable findings, in a structured and systematic manner, on-
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

- 18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 19. 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 waste disposal facility licensed in terms of the applicable legislation.
- 20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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 archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

- A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
 22. The following recommendations provided in the Freshwater Assessment Report dated March 2020 and compiled by everWater, as included in the EMPr, must be implemented:
 - 22.1 The newly constructed dam banks, all disturbed upstream areas and the proposed diversion channel must be rehabilitated and revegetated with appropriate vegetation as soon as the construction activities are completed.
 - 22.2 The vegetation used for rehabilitation and revegetation must include the plant diversity currently existing in Stream A.
 - 22.3 A buffer area of 10m upstream of the new full supply level (in Stream A) must be established and maintained during the construction phase and the stream area beyond that be treated as a no-go area.
 - 22.4 All rehabilitated and revegetated areas must be monitored for the following two years to ensure the establishment of good plant biodiversity.
 - 22.5 A buffer area of 20m must be established from the edge of the rehabilitated riparian zone of Stream A (upstream of the dam site) for all future activities.
 - 22.6 Contaminated runoff from the construction sites must be prevented from directly entering downstream water features.
 - 22.7 Construction activities must take place during the drier summer months when flow in the streams and runoff from the surrounding land is low.
 - 22.8 The dam's spillway must be designed with erosion control measures (such as armorflex blocks or reno-mattresses) to prevent erosion and sedimentation of the Olifants River.
 - 22.9 The diversion channel must be monitored and maintained during the operational phase to ensure that no debris buildup occur which can lead to impedance of water.
 23. The proposed dam may only be filled during the period June to September each year.
 24. The proposed dam may not be filled from the Olifants River during low flow periods when there is less than 12m³/s flow into the Clanwilliam Dam to protect the ecology of the Olifants River.
 25. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.

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. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activity, 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.

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 (as amended) 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, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. 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 20 (twenty) calendar days from the date 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 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 (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 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: Attention: Mr. Marius Venter
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>.

G. 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)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 23 JULY 2021

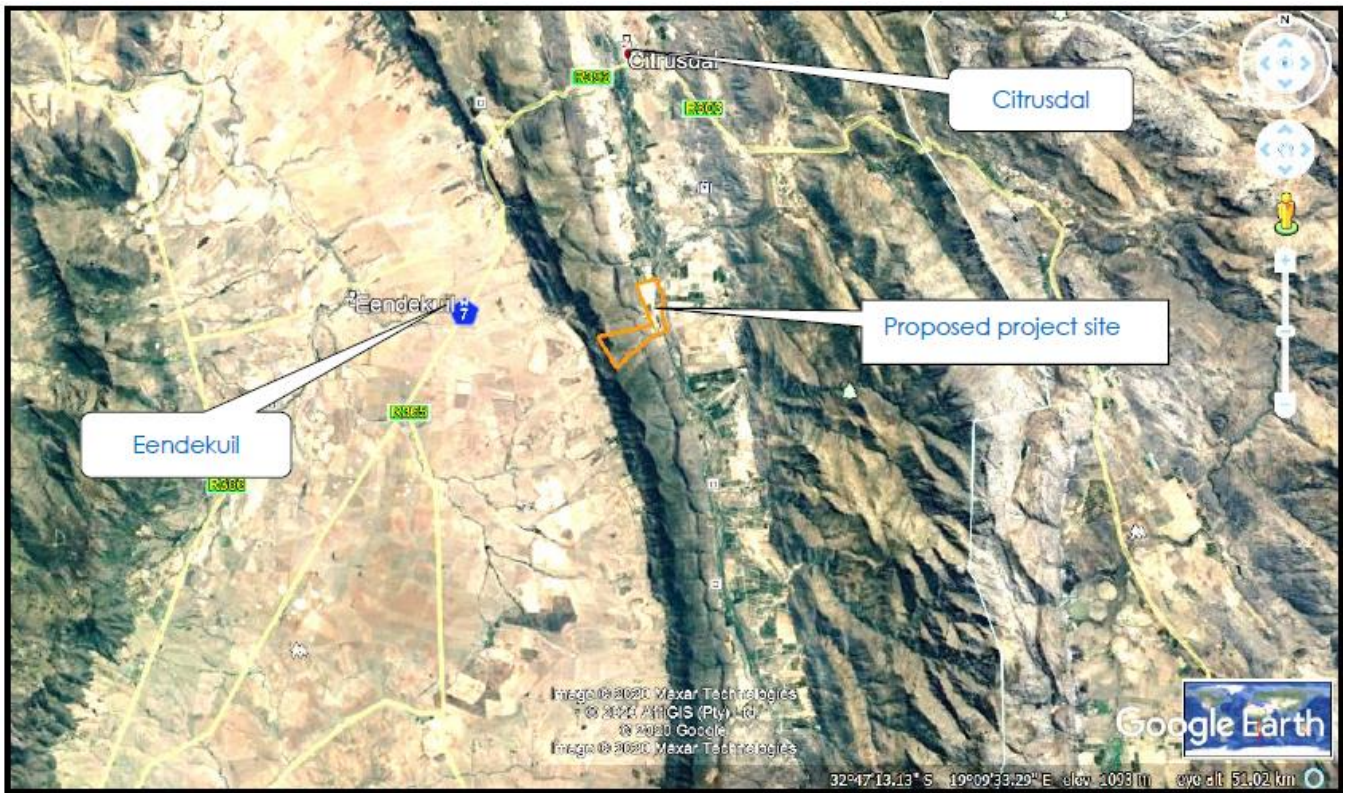
CC: (1) Ms. Therina Oberholzer (GroenbergEnviro (Pty) Ltd)
(2) Ms. Danné Joubert (Cederberg Municipality)
(3) Mr. D. Daniels (Department of Water and Sanitation)

E-mail: therina@groenbergenviro.co.za
E-mail: dannej@cederbergmun.gov.za
E-mail: DanielsD@dws.gov.za

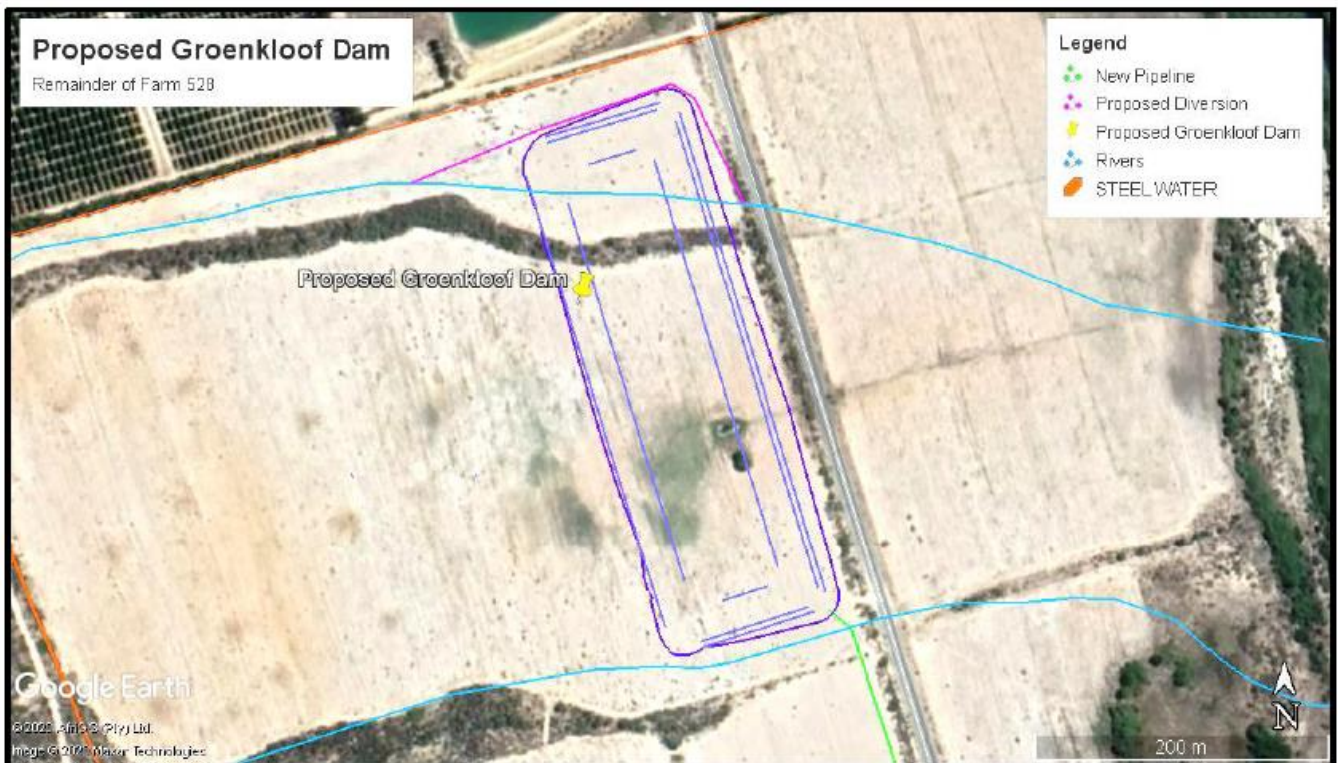
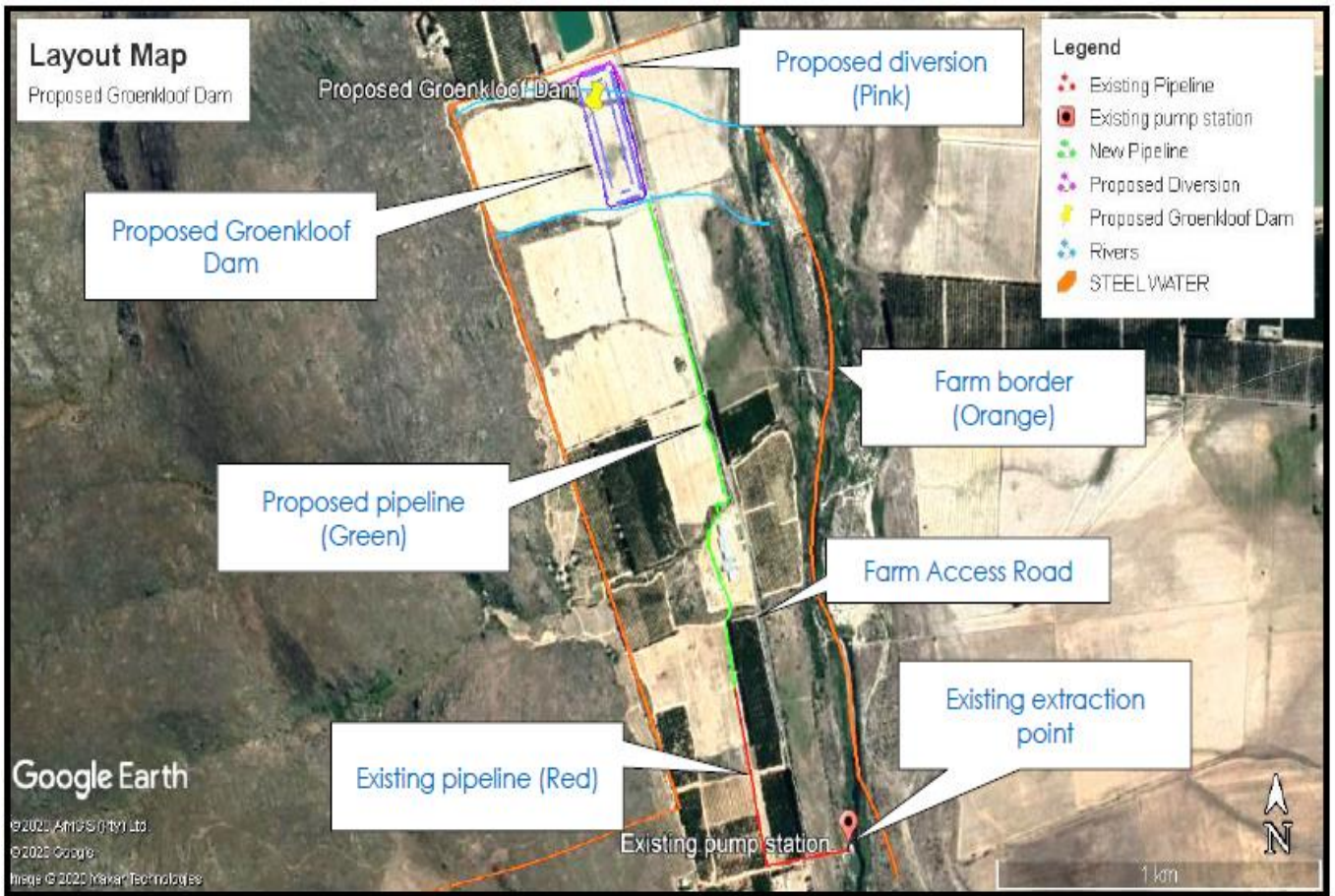
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EIA REFERENCE NUMBER: 16/3/3/1/F2/3/2001/21
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ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form dated and received by the competent authority via electronic mail correspondence on 06 January 2021; the BAR dated 07 April 2021; and the EMPr and MMP submitted together with the BAR;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated 07 April 2021;
- d) 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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- An advertisement was placed in the "Ons Kontrei" newspaper on 18 December 2020;
- Notices were placed at the entrance to the farm and at the site on 11 January 2021;
- E-mails were sent on 08 January 2021 to advise I&APs about the availability of the draft BAR;
- An electronic copy of the draft BAR was placed on the website of GroenbergEnviro (Pty) Ltd., on 11 January 2021; and
- The draft BAR was made available from 11 January 2021 until 10 February 2021.

Authorities consulted

The authorities consulted included the following:

- Cederberg Municipality;
- West Coast District Municipality;
- Western Cape Department of Agriculture;
- CapeNature;
- Department of Water and Sanitation; and
- Heritage Western Cape.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

The following site alternatives have been investigated for the proposed dam:

Site alternative 1: in-stream dam on adjacent property (Remainder of Farm 494):

This alternative entailed the construction of a new in-stream dam with a storage capacity similar to that of the preferred alternative on the adjacent property, Farm No. 494.

This alternative was rejected since the property is not owned by the holder and the holder would have to purchase the land, or enter into a lease agreement with the adjacent owners. The new dam would be located within two non-perennial streams, a National Freshwater Ecosystem Priority Area ("NFEPA") wetland, and an aquatic and terrestrial Critical Biodiversity Area ("CBA"). Further, the dam would be located on a steep incline, and therefore the construction costs would be significantly more. Most of the site contains endangered indigenous vegetation that has not been transformed by agricultural activities, therefore the botanical impacts are expected to be high negative.

Site alternative 2: off-stream dam across a wetland:

This alternative entailed the construction of an off-stream dam with a storage capacity similar to that of the preferred alternative on Remainder of Farm No. 528 on the eastern side of the farm access road.

This alternative was rejected since the new dam would be located within an NFEPA wetland and an aquatic and terrestrial CBA. The site also contains indigenous vegetation that has not been transformed by agricultural activities, therefore the botanical impacts are expected to be high negative.

Preferred site alternative – herewith authorised:

The preferred site for the development of the new dam is on the Remainder of Farm Steel Water No. 528, Citrusdal.

The proposal will comprise of the following:

- A new dam with a storage capacity/volume of 139 685 m³;
- A dam footprint (including the wall) of 4.48ha;
- A wall crest of 4m;
- A wall length of 571m;
- A wall height of 4.9m; and
- The existing 300mm pipeline will be extended by approximately 1.4km and will be situated along the existing farm roads and agricultural land to the new proposed dam.

The proposed dam will be filled with water allocated to the farm via existing water rights. The dam will be an in-stream dam since it will traverse a small tributary of the Olifants River (Stream A). Stream A will be diverted around the dam which will divert all flow coming from the stream towards the Olifants River, and not result in any additional taking of water. Access will be gained via an existing farm road.

This is the preferred alternative for the following reasons:

- Although the proposed dam will impact on freshwater features, the unnamed tributary will be diverted around the proposed dam to ensure that the impacts on the flow of the tributary as well as the riparian habitat and vegetation is limited, as far as possible.
- The proposed dam will inundate less sensitive vegetation.
- The site was previously used for the cultivation of tea.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed dam will not be constructed. This alternative was not deemed as preferred as the holder will not be able to increase the productivity of the farm, due to the lack of water supply for irrigation and will likely also not improve farm revenue. The holder will therefore not be able to effectively store the existing water allocation during the dry months.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The proposed development is permitted within the current land use rights of the property, which is zoned for Agriculture. The holder has an existing water allocation for the farm, and will therefore not require additional water rights. The proposed dam will provide surety of water supply during periods of drought. The development will positively impact on agriculture as the construction of a dam is an agricultural activity to sustain/improve production.

According to the Western Cape Provincial Spatial Development Framework dated 2014, agriculture provides food security, sustains rural livelihoods and draws income into the Province. The 2017/2018 drought in the Western Cape caused job losses in this sector. There is now a demand for additional jobs to be created within farming communities and the agricultural sector. The proposal's positive contribution in this regard is therefore significant.

The additional production from the farm will bring revenue into the local economy and into the national fiscus. Earnings from exports are a significant driver of the local economy and the increased earnings will have a trickle-down effect to the local economy. Furthermore, the proposed project will result in an increase in revenue into the national fiscus through associated private and company taxation.

3.2 Freshwater Impacts

A Freshwater Assessment Report dated March 2020 was compiled by everWater to assess the potential freshwater impacts associated with the proposed development.

The farm is currently mostly used for rooibos tea and citrus production. The areas that will be affected by the proposed dam is classified mostly as commercial annual crops. The only remaining indigenous vegetation is located along the remainder of the streams and around a small wet area located around the center of the proposed dam site.

The riparian vegetation directly surrounding the northern unnamed stream, is mostly in a natural to largely natural state, lacking a significant buffer area. Vegetation in the ephemeral streams consist mainly of terrestrial vegetation with wild olives, taaibos, rooibos etc. The historical wet area is largely covered with kweek, with some small sedges in the wetter central zone.

The freshwater features that will be impacted on include two ephemeral unnamed tributaries/streams of the Olifants River, a historical wetland seep and a small depression.

Ephemeral unnamed tributaries/streams:

The ephemeral streams flow mostly after significant rainfall periods. The section of the northern stream (Stream A) is still in a largely natural state, with farming activities encroaching on some areas of the riparian vegetation, thereby reducing the already thin buffer zone. The stream degrades completely into an artificial drainage line when it crosses the existing tar road towards the Olifants River.

The southern stream (Stream B) is in its upper parts still in a natural state, with a significant edge of natural terrestrial vegetation which acts as a buffer zone, but degrades

significantly due to vegetation clearance and the creation of an artificial drainage channel.

The riparian and instream integrity of both streams are in a natural state upstream of the proposed dam site, but degrade significantly to a largely to seriously modified state downstream of the tar road. This degradation can mostly be attributed to the artificial channelling and loss of vegetation within the downstream channels. The ecological importance and sensitivity of the two streams are found to be low to moderate.

Depression wetland:

A small depression is located within a historically wet area. The depression is located in an area where the water table rises above the ground level during the rainy season and has established a well ecological functioning wet area. The present ecological state of the depression wetland is found to be in a moderately modified state where a large change in hydrologic and hydraulic/geomorphological features have occurred. The ecological importance and sensitivity of the depression is found to be low.

It is intended to divert the stream around the proposed dam which will divert all flow coming from the stream towards the Olifants River and therefore not result in any additional abstraction of water.

The proposed dam will traverse terrestrial CBA's and Ecological Support Areas ("ESA's") (wetland/watercourse), both associated with the two streams flowing through the farm. The CBA relates to a remainder of indigenous vegetation (classified as endangered) located within the remainder of the unnamed streams.

According to the NFEPA map, the larger catchment in which the proposed dam falls, lies within a Fish Support Area. The Olifants River corridor is classified as a Northwest Sand Fynbos channelled valley bottom wetland as well as a Fish Support Area. No other NFEPA areas are identified at the proposed dam site.

The construction phase of the proposed dam will have a medium-low to medium-high impact on Stream A and a low impact on the wetland area. The operational phase will have a medium to high impact on all freshwater features.

The new full supply level of the proposed dam will create new wetland habitat to some extent and replace some loss of the wetland area. There is already an existing impact on Stream A downstream of the proposed dam.

The MMP approved as part of this authorisation contains the measures and guidance as to how the maintenance activities will be undertaken.

The freshwater specialist's recommendations have been included in the conditions of this Environmental Authorisation and the EMPr.

Although existing rights are allocated to the property, the Department of Water and Sanitation, in their comment dated 3 February 2021, recommended that the dam only be filled during the period June to September each year. Further, the proposed dam may not be filled from the Olifants River during low flow periods when there is less than 12m³/s flow into the Clanwilliam Dam to protect the ecology of the Olifants River. These recommendations have been included in conditions of this Environmental Authorisation.

3.3 Dust, traffic and noise impacts

Potential dust, noise and visual impacts are anticipated during the construction phase. However, no significant potential traffic, dust, noise and visual impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential impacts on aquatic ecosystems;
- Potential noise and visual impacts; and
- Loss of indigenous vegetation.

Positive impacts:

- Some employment opportunities will be created during the construction and operational phases of the development;
- Contribution to the local economy; and
- Diversification and increase in agricultural activities on existing agricultural land.

National Environmental Management Act Principles

The National Environmental Management Act 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 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 listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

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