



**Western Cape
Government**

Environmental Affairs and
Development Planning

Department of Environmental Affairs and Development Planning

Ndivhuho Mudau

Development Management

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DATE OF ISSUE: 09 March 2021

The Director
Nederberg Wine Farms (Pty) Ltd.
P. O. Box 184
STELLENBOSCH
7599

Attention: Mr. J. Rossouw

Tel: (021) 807 7570

E-mail: jrossouw@distell.co.za

Dear sir

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: THE PROPOSED EXPANSION OF THE MODDERDAM AND THE DEVELOPMENT OF A MOUNTAIN BIKING TRAIL ON THE FARM LE PLAISIR MERLE NO. 968, PAARL.

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"), dated 4 November 2020.

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: Mr. J. Rossouw
 Nederberg Wine Farms (Pty) Ltd.
 P. O. Box 184
STELLENBOSCH
 7599

Tel: (021) 807 7570
 E-mail: jrossouw@distell.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 1 – Activity Number: 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 or 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> <p>(a) <i>will occur behind a development setback;</i> (b) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> (c) <i>falls within the ambit of activity 21 in this Notice, in which case that activity applies.</i> (d) <i>occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> (e) <i>where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>The existing dam will be expanded within a watercourse and maintenance activities will take place within and along the watercourses located on the property.</p>
<p>Listing Notice 1 – Activity Number: 48 <i>The expansion-</i></p> <p>(i) <i>infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</i> (ii) <i>dams or weirs, where the dam or weir, including infrastructure and water surface</i></p>	<p>The dam will be expanded by 100 square metres or more.</p>

<p>area, is expanded by 100 square metres or more;</p> <p>where such expansion occurs-</p> <p>(a) within a watercourse in front of a development setback; or</p> <p>(b) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding-</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>(bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 implies;</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>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 50000 cubic metres or more.</i></p>	<p>The capacity of the existing Modder dam will be increased by 118 000 m³.</p>

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:

The proposed development will entail the expansion of the Modder dam, the development of a mountain bike trail and undertaking maintenance activities on the Farm Le Plaisir Merle No.968, Paarl.

The dam wall will be raised by approximately 3.5m to increase the storage capacity by 118 000m³. The total storage capacity of the dam will be 178 000m³. The proposed expansion will increase the water surface area at Full Supply Level by 1.6 Ha, resulting in the total proposed water surface area at Full Supply Level to be 4.2 Ha.

The mountain bike trail will have length of approximately 2.5km and a width of approximately 1-1.5m that will cross the Meulstroom river at various locations. Steel structures and rocks will be placed where the mountain bike trail crosses the river. The proposed mountain bike trail will result in the clearance of approximately 2500-3750m² of indigenous vegetation.

The proposed development will also entail the following:

- The removal of sediment from the Modder dam to rehabilitate the left abutment basin slope which will include the provision of rock toe material, a roadside drain and vegetating the slope;
- The placement of gabions at the concrete lined spillway;
- The development of gabions at the galvanized steel outlet pipe; and
- The placement of additional rip-rap at the erosion gullies downstream and upstream of the Modder dam.

The following maintenance activities will be undertaken within and along the banks of the instream dam, the Meulstroom and Groot rivers:

- Clearing of alien vegetation and overgrown indigenous vegetation;
- Repairs to the instream dam, weirs, road crossings and the mountain bike trail;
- Removal of sediment from the instream dam, road culverts and associated infrastructure; and
- The movement of sediment for erosion control measures.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on the Farm Le Plaisir Merle No.968, Paarl, and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates for the Modder dam	33° 51' 15.87"	18° 56' 26.73"

	Latitude (S)	Longitude (E)
Co-ordinates of the mountain bike trail		
Starting point	33° 52' 4.17"	18° 55' 47.12"
Middle point	33° 51' 55.02"	18° 55' 58.72"
End point	33° 51' 43.60"	18° 56' 2.03"

The maintenance activities will be undertaken in various areas of the site, as described in the Maintenance Management Plan (included in the Environmental Management Programme).

The SG digit code is: C05500000000096800000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Resource Management Services (RMS)
c/o Mr Larry Eichstadt
PO Box 4296
DURBANVILLE
7551

Cell: (082) 444 2630
Tel: (021) 975 7396
E-mail: larry@rmsenviro.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 November 2020 on the site as described in Section C above and the maintenance activities as described in the Maintenance Management Plan.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section 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

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

Conditions: 7, 8, 12 and 18.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. 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

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The Maintenance Management Plan ("MMP") accepted as part of the EMPr must be implemented. Future maintenance activities must be undertaken in accordance with the accepted MMP.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction

activities to ensure compliance with the provisions of the EMPr, MMP and the conditions contained herein.

13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
14. 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

15. 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, MMP 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 and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

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

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or 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.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

18. The construction footprint must be demarcated prior to the commencement of construction activities. All areas outside the construction footprint must be demarcated 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 a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that 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.
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: 09 MARCH 2021

CC: (1). Mr. L. Eichstadt (RMS)
(2). Ms. C. Winter (Drakenstein Municipality)

Email: Larry@rmsenviro.co.za

Email: cindy.winter@drakenstein.gov.za

ANNEXURE 1: LOCALITY MAP

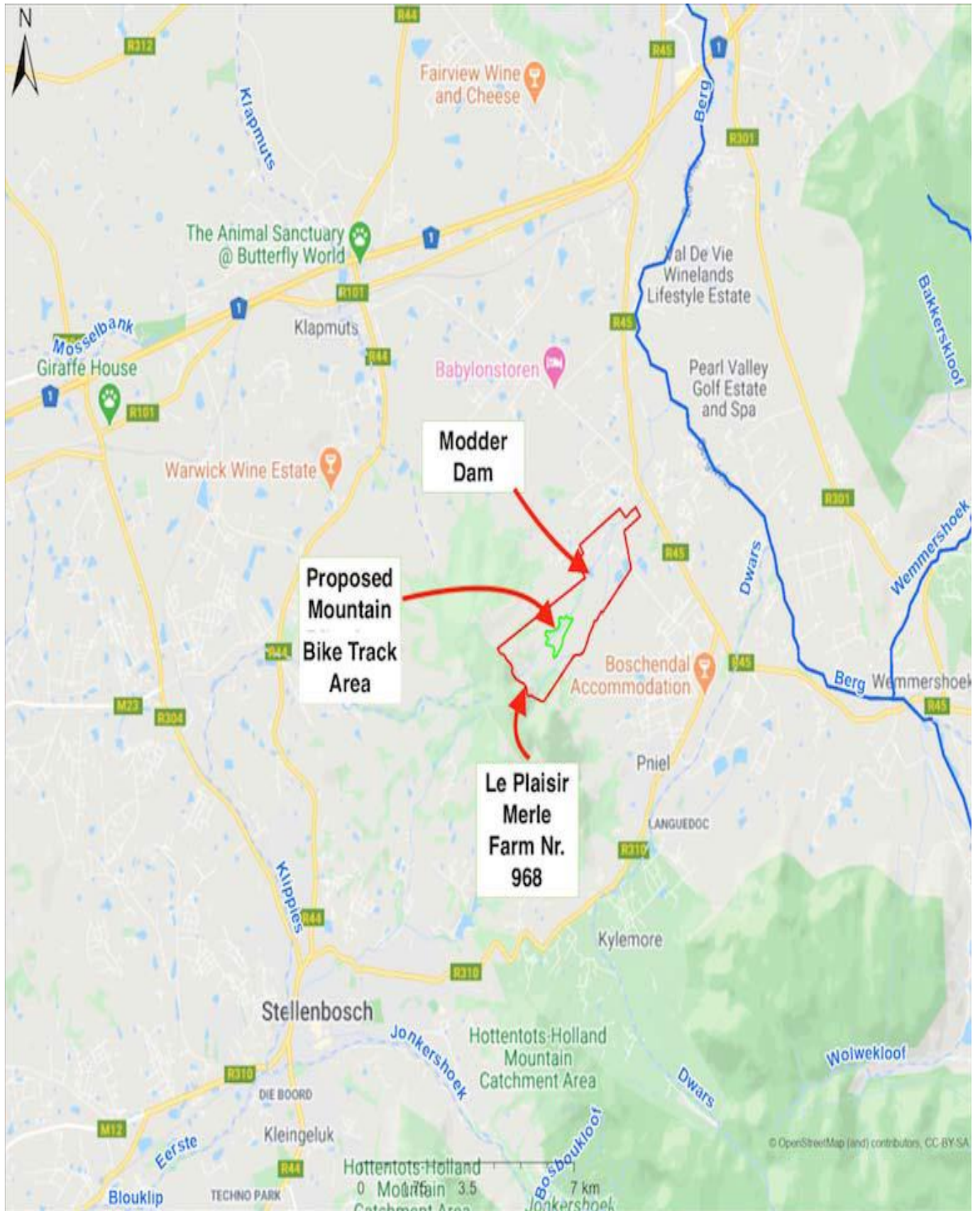


Figure 1: Location of the proposed development.

ANNEXURE 2: SITE PLAN

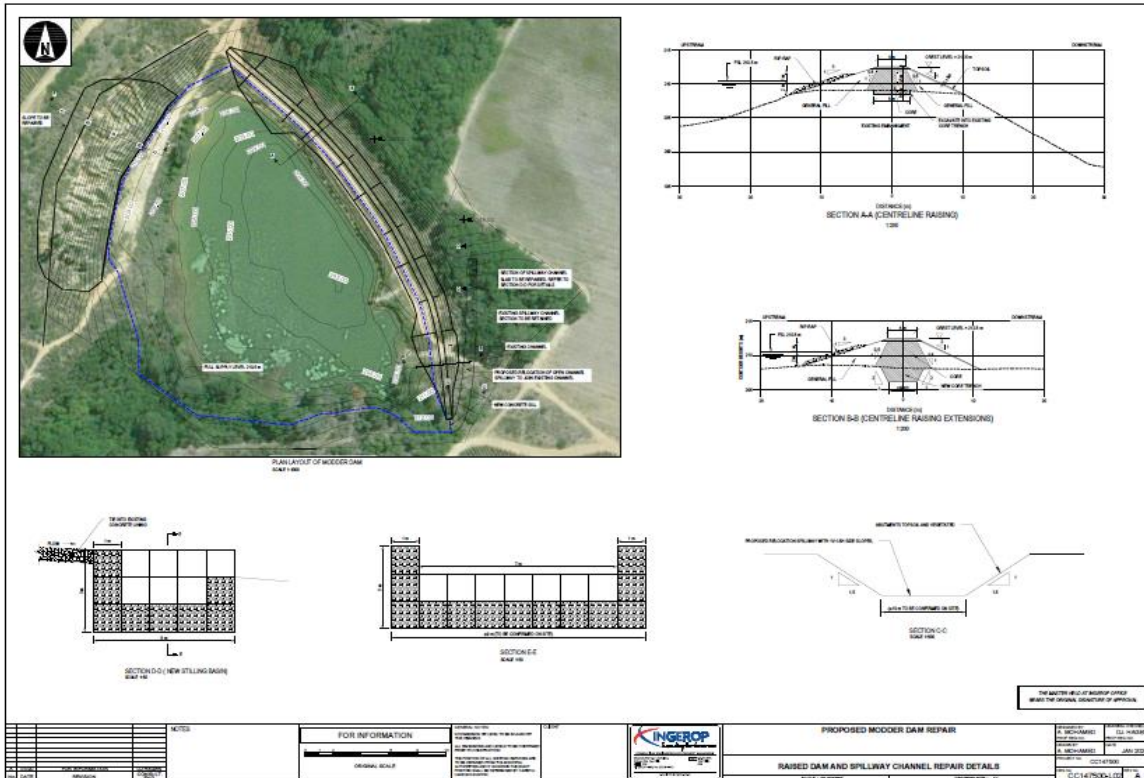


Figure 2: Site Plan for the proposed dam enlargement.

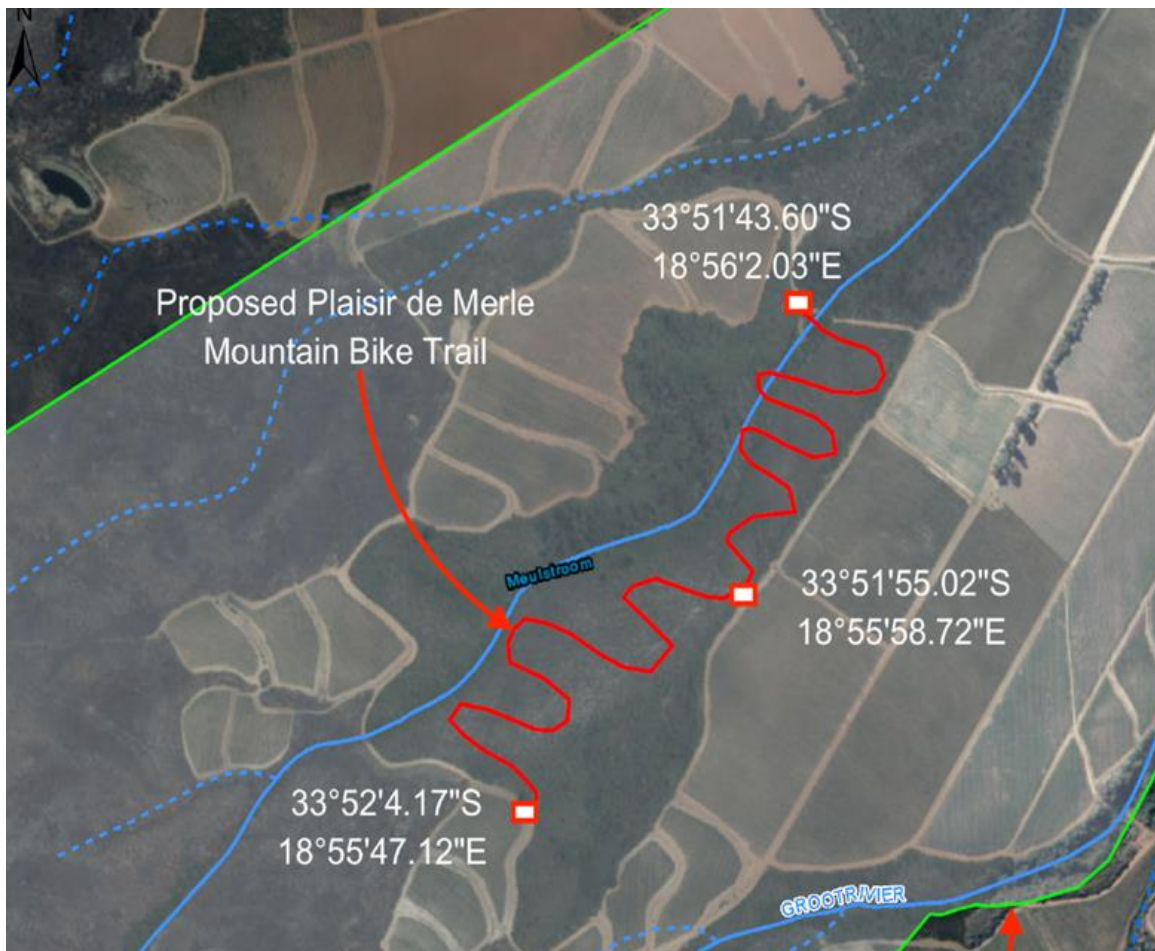


Figure 3: Site Plan for the proposed mountain bike trail.

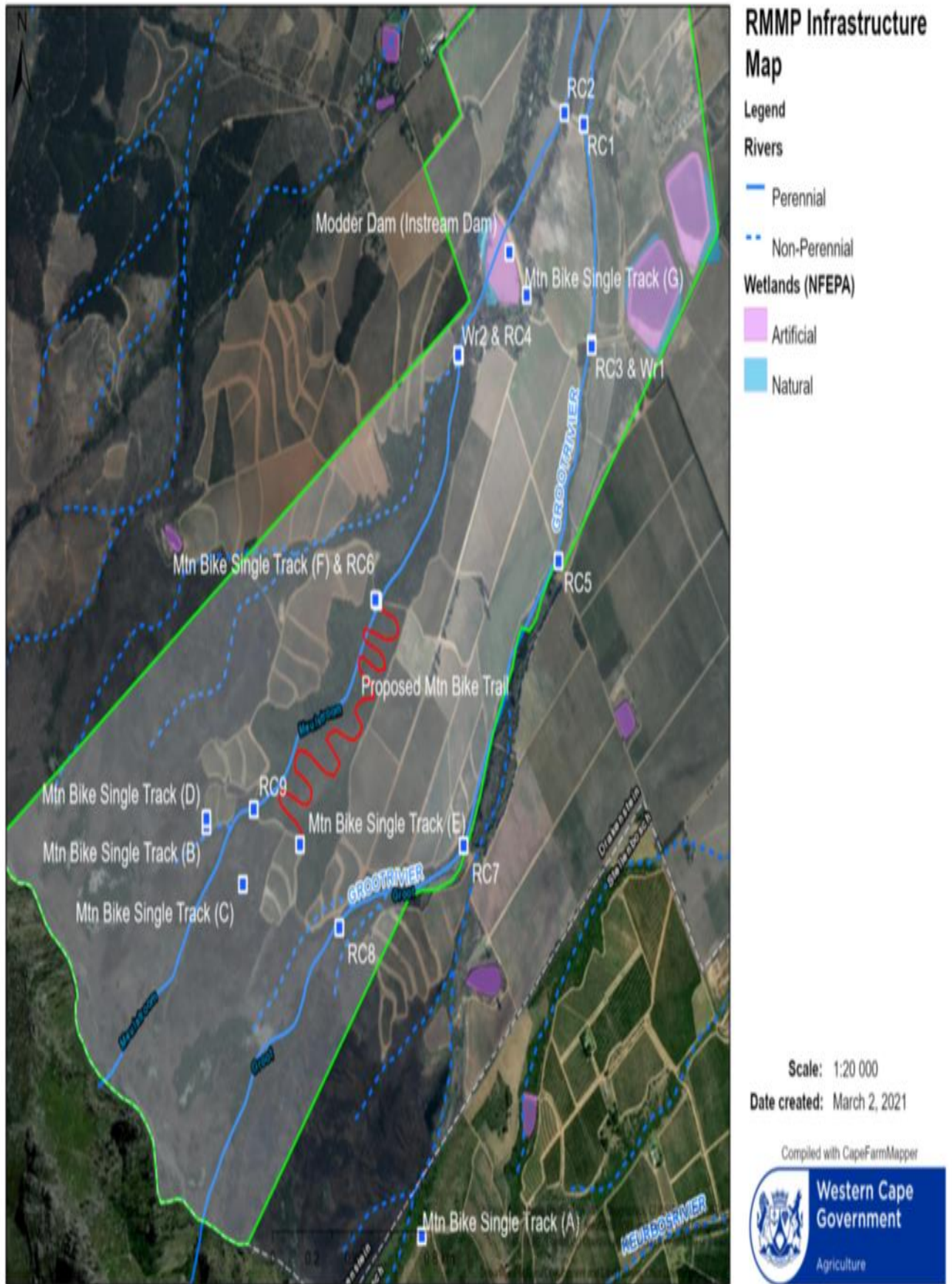


Figure 4: Potential location for the maintenance activities.

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 and the draft Basic Assessment Report received by the Department on 18 September 2020, the EMPr (including an MMP for implementation during the operational phase) submitted together with the final Basic Assessment Report on 4 November 2020 and the additional information received by the Department on 22 January 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) 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);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 4 November 2020 and the additional information received; and
- e) 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;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 18 September 2020;
- Notice boards were placed at the site where the listed activities are to be undertaken;
- the placing of a newspaper advertisement in the "*Bolander*" on 16 September 2020; and
- making the draft Basic Assessment Report available to I&APs for public review from 18 September 2020.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all 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

Preferred alternative – (Herewith authorised)

The preferred alternative will entail the expansion of the Modder dam, the development of a mountain bike trail and undertaking maintenance activities on the Farm Le Plaisir Merle No.968, Paarl.

The dam wall will be raised by approximately 3.5m to increase the storage capacity by 118 000m³. The total storage capacity of the dam will be 178 000m³. The proposed expansion will increase the water surface area at Full Supply Level by 1.6 Ha, resulting in the total proposed water surface area at Full Supply Level to be 4.2 Ha.

The mountain bike trail will have length of approximately 2.5km and a width of approximately 1-1.5m that will cross the Meulstroom river at various locations. Steel structures and rocks will be placed where the mountain bike trail crosses the river. The proposed mountain bike trail will result in the clearance of approximately 2500-3750m² of indigenous vegetation.

The proposed development will also entail the following:

- The removal of sediment from the Modder dam to rehabilitate the left abutment basin slope which will include the provision of rock toe material, a roadside drain and vegetating the slope;
- The placement of gabions at the concrete lined spillway;
- The development of gabions at the galvanized steel outlet pipe; and
- The placement of additional rip-rap at the erosion gullies downstream and upstream of the Modder dam.

The following maintenance activities to be undertaken within and along the banks of the instream dam, the Meulstroom and Groot rivers:

- Clearing of alien vegetation and overgrown indigenous vegetation;
- Repairs to the instream dam, weirs, road crossings and the mountain bike trail;
- Removal of sediment from the instream dam, road culverts and associated infrastructure; and
- The movement of sediment for erosion control measures.

This alternative is preferred as the expansion of the existing Modder dam will reach the required target storage capacity and the mountain bike trail will attract additional tourist to the farm.

Route alternatives for the mountain bike trail

Two route alternatives for the mountain bike trail were investigated. These included routes of either 4km or 2.5km long. The route of 2.5km is preferred (herewith authorised) as this will result in minimal impacts on the watercourse.

The No-Go Alternative

The “no-go” alternative will result in the status quo being maintained. This alternative was not preferred as optimal water will not be secured for irrigation purposes of the existing vineyards.

3. Impact Assessment and Mitigation measures

3.1 Activity needs and desirability.

The proposed mountain bike trail will optimise the utilisation of the existing resources to attract tourist to the area. The expansion of the dam is in line with the current Agricultural zoning of the site. The expansion of the dam will secure optimal water for irrigation purposes of the existing vineyards as siltation of the dam occurred over time, reducing the dam's storage capacity. This will increase the financial viability of the farm and ensure employment security.

3.2 Biophysical Impacts

According to the Freshwater Impact Assessment Report (dated September 2020 and compiled by BlueScience), the Meulstroom River and its associated wetland at the dam are considered to be in a largely modified ecological condition. The river is of high ecological importance and sensitivity while the wetland at the dam is considered of moderate ecological importance and sensitivity, having largely formed due to the dam. The impacts as a result of the expansion of the dam will result in the modification or loss of aquatic habitat as well as flow modification to the river downstream of the dam. However, the specialist report indicates that the flow and aquatic habitat disturbance impacts will be of low negative significance for both the construction and operation phases if the proposed mitigation measures are effectively implemented. The implementation and reinstatement of the low flow in the river and alien vegetation clearing and maintenance activities will result in a positive impact in the river downstream of the dam. The specialist report further indicates that the proposed repair works on the embankment and spillway are likely to have a low disturbance impact. The overall significance of the potential impacts associated with the expansion of the dam is expected to be of moderate to low negative significance after mitigation.

The mountain bike trail will run adjacent to and will cross the Meulstroom river at certain sections. The material to be used for the river crossings will include the placement of rocks and steel structures in and across the watercourse. The potential impacts of the proposed mountain bike trail are the physical disturbance of aquatic habitat during construction. However, according to the Freshwater Impact Assessment Report (dated June 2020 and compiled by BlueScience) the potential impacts on the watercourses are expected to be of low negative significance after mitigation. The Freshwater specialist has recommended that certain mitigation and maintenance measures be implemented to minimise potential impacts on the watercourses, which has been included as a condition of the environmental authorisation.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected watercourses. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. The ongoing maintenance activities may therefore only be undertaken in accordance with the accepted MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

According to the Botanical Impact Assessment Report (dated 7 August 2020 and compiled by Johlene Krige), the proposed mountain bike trail will cross intact natural vegetation that comprise

of Boland Granite Fynbos classified as a vulnerable ecosystem in terms of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004) ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, December 2011.

The areas directly south-east of the dam are mapped as a terrestrial CBA which corresponds with mapped areas of this critically endangered ecosystem Swartland Alluvium Fynbos. However, the field survey confirmed that this section is highly degraded with no representation of this critically endangered vegetation type. This area consists mainly of alien vegetation.

The specialist further indicates that due to the linear nature and limited spatial extent (transformation of 2500 – 3750m² natural vegetation) associated with the proposed mountain bike trail, this will have a limited direct impact on natural vegetation. Furthermore, the proposed dam expansion will have no significant impact on intact natural vegetation. In light of the above, the specialist indicated that the potential loss of indigenous vegetation as a result of the proposed development is expected to be of low negative significance after mitigation.

The development will result in both negative and positive impacts.

Negative Impacts:

- The loss of indigenous vegetation and habitat, flow modification, loss of aquatic habitat and water quality impairment.

Positive impacts:

- The implementation of the maintenance activities associated with the dam will result in positive impacts on the river downstream of the dam.
- The development will secure a water resource for irrigation from the farm.
- The development will create employment opportunities during the construction phase and will provide job security for existing employees.
- The proposed development will contribute to tourism in the area.

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.

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