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**REFERENCE:** 16/3/3/1/B1/4/1083/22  
**NEAS REFERENCE:** WCP/EIA/0001190/2022  
**DATE:** 19 May 2023

The Board of Directors  
Smuts Brothers Agri (Pty)Ltd  
PO Box 6  
**KLAASVOOGDS**  
6707

**Attention: Mr. Grant Hamilton Smuts**

Tel: (023) 626 2098  
Email: grant@smutsbros.co.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED ENLARGEMENT OF DRAAI DAM AND EXPANSION OF AGRICULTURAL AREAS ON FARM DOORKLOOF NO. 573 AND PORTIONS 4, 12 AND 17 OF FARM SAND DRIFT NO. 220, BONNIEVALE**

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

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr R Holland (Holland & Associates Environmental Consultants)  
(2) Ms T Brunings (Langeberg Municipality)

Email: ross@hollandandassociates.net  
Email: tbrunings@langeberg.gov.za



**REFERENCE:** 16/3/3/1/B1/4/1083/22  
**NEAS REFERENCE:** WCP/EIA/0001190/2022  
**ENQUIRIES:** Samornay Smidt  
**DATE OF ISSUE:** 19 MAY 2023

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ENLARGEMENT OF DRAAI DAM AND EXPANSION OF AGRICULTURAL AREAS ON FARM DOORNKLOOF NO. 573 AND PORTIONS 4, 12 AND 17 OF FARM SAND DRIFT NO. 220, BONNIEVALE

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, as described in the Basic Assessment Report ("BAR"), dated 2 February 2023.

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

Smuts Brothers Agri (Pty)Ltd  
c/o Mr. Grant Hamilton  
PO Box 6  
**KLAASVOOGDS**  
6707

Tel: (023) 626 2098  
Email: grant@smutsbros.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**

<b>Listed Activity</b>	<b>Activity/Project Description</b>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p><b>Activity Number: 19</b></p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> <li>(a) will occur behind a development setback;</li> <li>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</li> <li>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</li> <li>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</li> <li>(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.</li> </ul>	<p>A portion of the proposed new cultivation area to the south-east of the site overlaps with a mapped non-perennial stream. More than 10 cubic metres of material will be infilled or moved within the watercourse during establishment of the cultivation area.</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p><b>Activity Number: 27</b></p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul>	<p>Approximately 11 ha of indigenous vegetation will be cleared for the proposed development.</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p><b>Activity Number: 50</b></p> <p>The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50 000 cubic metres or more.</p>	<p>The proposed expansion would result in the dam's storage capacity increasing from 6 000 m<sup>3</sup> to 250 000 m<sup>3</sup> which is an increase of more than 50 000 m<sup>3</sup>.</p>

<p>EIA Regulations Listing Notice 3 of 2014 -</p> <p><b>Activity Number: 4</b></p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><b>a. Western Cape</b></p> <ul style="list-style-type: none"> <li>i. Areas zoned for use as public open space or equivalent zoning;</li> <li>ii. <b>Areas outside urban areas;</b> <ul style="list-style-type: none"> <li>(aa) <b>Areas containing indigenous vegetation;</b></li> <li>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</li> </ul> </li> <li>iii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for conservation use; or</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</li> </ul> </li> </ul>	<p>A new boundary service road of 6 metres wide with a reserve less than 13.5 metres is proposed around the expanded cultivation area.</p>
<p>EIA Regulations Listing Notice 3 of 2014 -</p> <p><b>Activity Number: 12</b></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><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li>i. <b>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;</b></li> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>iii. 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 or even in urban areas;</li> <li>iv. 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</li> <li>v. 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.</li> </ul>	<p>More than 300m<sup>2</sup> of endangered indigenous vegetation will be removed for the expanded cultivation areas.</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 as it relates to the development:

The proposed development entails the following:

- Enlargement of the existing Draai Dam in two phases: The off-channel dam will be enlarged from a storage capacity of 6000 m<sup>3</sup> to an initial storage capacity of 30 000m<sup>3</sup>, followed by a further increase to 250 000 m<sup>3</sup>. The enlarged dam will have a maximum wall height of 11.5 m and a total development footprint of approximately 6 ha.
- A new 355mm diameter pipeline with a total length of approximately 0.6 km will be constructed from the proposed enlarged dam to a new central pumphouse, which will be replacing the three existing dilapidated corrugated iron pump house structures. The pipeline will be laid along the existing farm gravel road with 5m working widths on either side.
- Three existing off-channel dams will be decommissioned.
- Expansion of the cultivation areas by an additional 11ha. This expansion area is located on the hillslopes to the east of the proposed enlarged Draai Dam.
- Installation of a new 160mm diameter irrigation pipeline of approximately 0.8km long that will connect to an existing water supply network at a point to the east of the new agricultural blocks.
- Development of 4m wide service roads in the new cultivation blocks with a combined length of approximately 1km and a 6m wide boundary service road with a length of 2.1 km, with access points to the new development on the west and east of the new cultivation blocks.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm Doornkloof No. 573 and Portions 4, 12 and 17 of Farm Sand Drift No. 220, near Bonnievale.

The SG21 digit codes are: C07300000000057300000

C07300000000022000004

C07300000000022000012

C07300000000022000017

Co-ordinates of the Farm Doornkloof No. 573:

Latitude	Longitude
33° 58' 30.65" S	20° 10' 57.30" E

Co-ordinates of Portion 4 of Farm Sand Drift No. 220:

Latitude	Longitude
33° 58' 22.68" S	20° 11' 15.11" E

Co-ordinates of Portion 12 of Farm Sand Drift No. 220:

Latitude	Longitude
33° 58' 27.27" S	20° 11' 26.29" E

Co-ordinates of Portion 17 of Farm Sand Drift No. 220:

Latitude	Longitude
33° 58' 37.29" S	20° 11' 32.71" E

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

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

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Holland & Associates Environmental Consultants (Pty) Ltd  
c/o Ross Holland  
PO Box 31108  
**TOKAI**  
7966

Cell: 072 601 0803

Email: ross@hollandandassociates.net

#### **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, as described in the BAR dated 2 February 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority

This Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activities.
  - (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
  4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### **Written notice to the Competent Authority**

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

Conditions: 6, 7 and 10.

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

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
  - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision as included in Annexure 3;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date when the decision was issued.
  - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
  - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4 provide the registered I&APs with:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 6.4.2 name of the responsible person for this Environmental Authorisation,
    - 6.4.3 postal address of the holder,
    - 6.4.4 telephonic and fax details of the holder,
    - 6.4.5 e-mail address, if any, of the holder, and
    - 6.4.6 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 2014 National Appeals Regulations (as amended).
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. 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 i.e. the listed activities, including site preparation, must not commence until the appeal is decided.



## Management of activity

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

## Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO") before commencement of any land clearing or construction activity to ensure compliance with the EMPr and the conditions contained herein. The ECO must be present during the vegetation-clearing phase to ensure that the Medium and High sensitivity areas are not disturbed.
11. The ECO must report on compliance in writing to this Department and the relevant authorities monthly during the construction phase.
12. A copy of the Environmental Authorisation, EMPr, 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.
13. 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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an **independent person** (other than not the ECO appointed in terms of condition 10 above or the appointed Environmental Assessment Practitioner) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within six months after completion of the construction phase.

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

15. 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.

16. 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.
17. The relevant requirements with respect to occupational health and safety must be adhered to at all times.

## F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (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.

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, (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 20 (twenty) calendar days from the date on which 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 on which 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 Organs 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 Organs 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 2659)  
Room 809  
8<sup>th</sup> 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](mailto: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](mailto: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: 19 MAY 2023**

CC: (1) Mr R Holland (Holland & Associates Environmental Consultants)  
(2) Ms T Brunings (Langeberg Municipality)

Email: ross@hollandandassociates.net  
Email: tbrunings@langeberg.gov.za



**ANNEXURE 1: LOCALITY MAP**



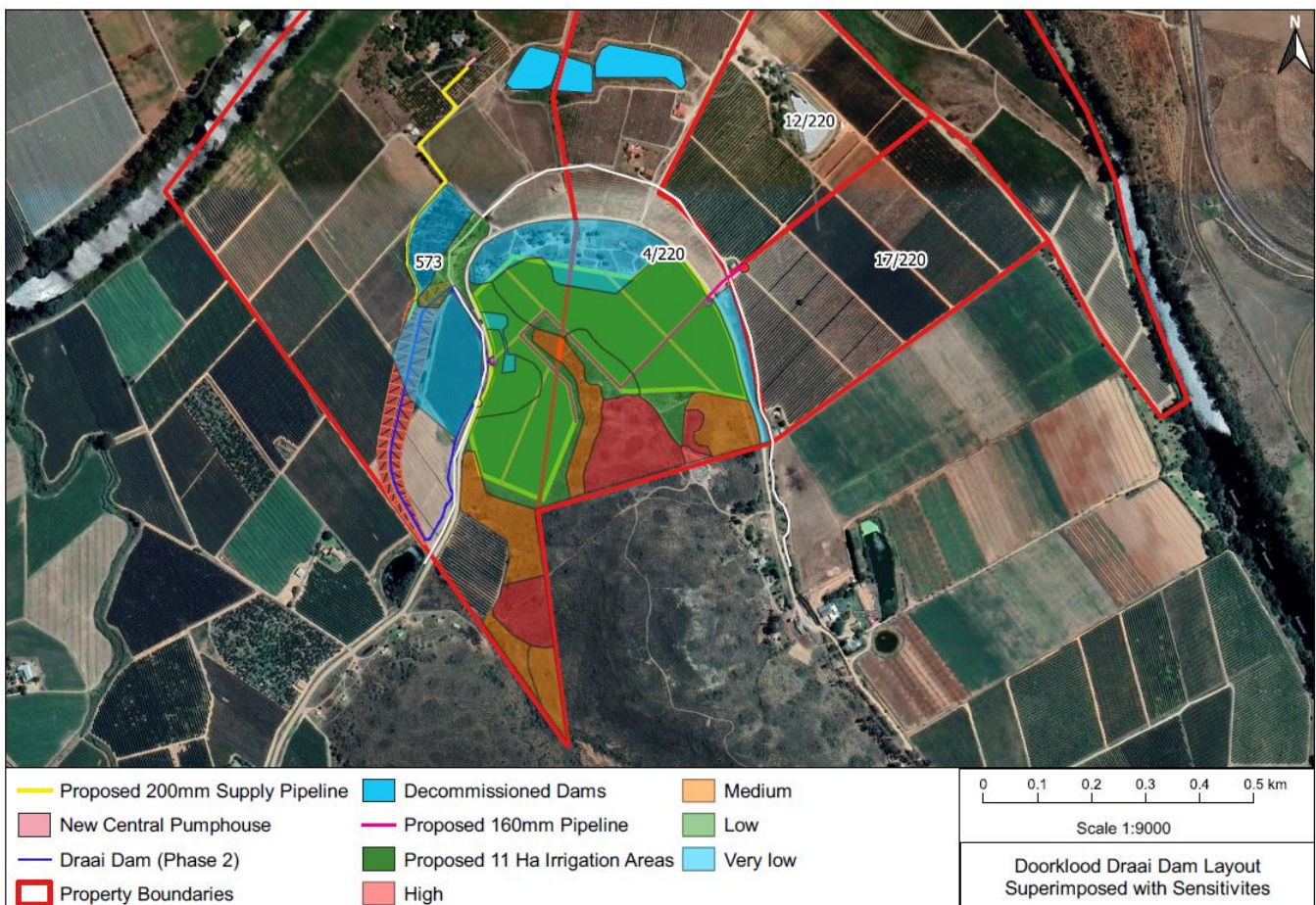
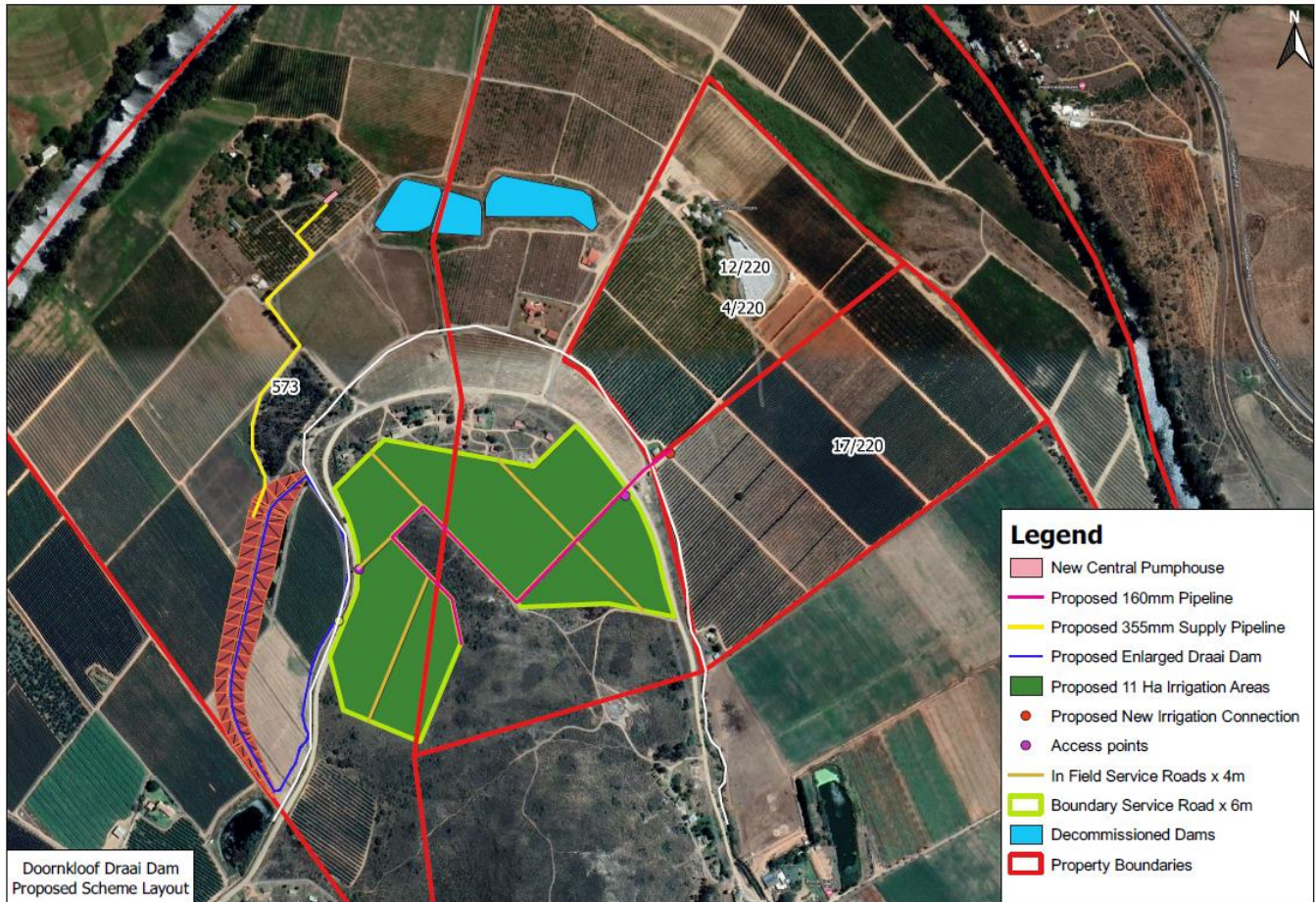
0 500 1000 m  
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Annexure 1: Doornkloof Draai Dam and  
Agricultural Expansion  
Locality Map



Portion 17 of Farm Sand Drift No. 220  
Portion 12 of Farm Sand Drift No. 220  
Portion 4 of Farm Sand Drift No. 220  
Farm Doornkloof No. 573



## ANNEXURE 2: SITE PLAN





## 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 dated 31 October 2022 and the EMPr submitted together with final BAR dated 2 February 2023.
- 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 BAR dated 2 February 2023; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Breede River Gazette' on 28 June 2022;
- fixing notice boards at the site where the listed activities are to be undertaken and public areas on 28 June 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 28 June 2022;
- circulating of the pre-application draft BAR to I&AP's from 28 June 2022; and
- circulating the in-process draft BAR to I&APs from 31 October 2022.

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

A number of layout alternatives were screened through an iterative opportunities and constraints mapping process and through findings of baseline specialist investigations (including soil, freshwater, botanical and heritage assessments), as well as inputs from the design engineers. A total of six dam options were designed and analysed by the consulting engineers.

Options	Storage Capacity m <sup>3</sup>	Free board m	Wall height m	Crest length m	Surface area at FSL ha	Water / wall ratio	R / m <sup>3</sup> storage
Revised Option 1	200 000	1	13	390	2.9	1.74	36.64
Option 2	250 000	1	13.5	438	3.6	1.84	34.29
Option 3	200 000	0.8	10	512	3.8	1.75	36.41
Option 4	250 000	1	13	479	3.6	1.86	34.03
Option 5	250 000	0.8	11.5	528	4.4	1.94	32.66
<b>Option 6</b>	<b>350 000</b>	<b>0.8</b>	<b>11.5</b>	<b>530</b>	<b>4.7</b>	<b>1.92</b>	<b>33.01</b>

Options 1 and 2 will affect an area of natural vegetation to the north of the dam, and it was decided to discard these options. In addition, these options, together with Option 4 may not attain the desired cut-to-fill balance and material will therefore have to be borrowed outside of the proposed dam basin. Options 5 will obtain this balance and is the most economical option. Dam Option 6 was however preferred from an engineering, technical and cost perspective, since it has a larger basin area for the borrowing of material for construction. This option also avoids natural vegetation (albeit in a heavily degraded state) from being flooded to the north of the dam. The outcome of the assessment refined the proposal to the preferred project layout relating to the proposed dam enlargement, pipeline alignments, internal roads, pumphouse and the proposed agricultural expansion areas. The enlargement of the existing dam to meet the applicant's water storage requirements and the areas selected for agricultural expansion are the most suitable alternative and the best practicable environmental option.

### Preferred Alternative (Herewith authorised)

The proposed development entails the following:

- Enlargement of the existing Draai Dam in two phases: The off-channel dam will be enlarged from a storage capacity of 6000 m<sup>3</sup> to an initial storage capacity of 30 000m<sup>3</sup>, followed by a further increase to 250 000 m<sup>3</sup>. The enlarged dam will have a maximum wall height of 11.5 m and a total development footprint of approximately 6 ha.
- A new 355mm diameter pipeline with a total length of approximately 0.6 km will be constructed from the proposed enlarged dam to a new central pumphouse, which will be replacing the three existing dilapidated corrugated iron pump house structures. The pipeline will be laid along the existing farm gravel road with 5m working widths on either side.
- Three existing off-channel dams will be decommissioned.
- Expansion of the cultivation areas by an additional 11ha. This expansion area is located on the hillslopes to the east of the proposed enlarged Draai Dam.
- Installation of a new 160mm diameter irrigation pipeline of approximately 0.8km long that will connect to an existing water supply network at a point to the east of the new agricultural blocks.
- Development of 4m wide service roads in the new cultivation blocks with a combined length of approximately 1km and a 6m wide boundary service road with a length of 2.1 km, with access points to the new development on the west and east of the new cultivation blocks.



### "No-Go" Alternative

The no-go alternative was considered. However, it was not preferred since the proposed dam enlargement and cultivation area expansion would not take place. This is not desirable from a socio-economic and viability point of view as the landowner needs to store more of his enlisted water to sustain the existing and new cultivation areas. The opportunity to create new job opportunities and provide job security for existing employees will also be lost.

## **3. Impact Assessment and Mitigation measures**

### 3.1 Activity need and desirability

The proposed development entails the expansion of the cultivation areas and enlargement of an existing farm dam to utilise the applicant's lawful winter water enlistment. This will improve the economic viability of the farm and provide surety of water supply. The proposed development is in line with the provisions of Provincial Spatial Development Framework that promotes sustainable farming (i.e. activities that generate positive socio-economic returns and do not pose significant risks to the environment). The proposed development will streamline and increase the efficiency of water use and storage on the farm. In order to achieve this, it is proposed to decommission three of the existing off-channel dams on the property and to create one properly engineered dam (the proposed enlarged Draai Dam) for efficient irrigation water storage for the site. The proposed development will contribute to the economic development of the area and is therefore in line with the forward planning policies for the area. It will allow the farm to maintain its viability through increased agricultural production, which in turn would create new job opportunities and maintain job stability for existing farm workers and staff. Expansion of the existing dam and the exclusion of high sensitivity botanical areas from the new cultivation areas will limit the biophysical impacts associated with the proposal. The specialist studies conducted during the EIA process and input obtained during the public participation process further informed the preferred layout to prevent and minimise the potential impacts associated with the proposed development.

### 3.2 Biophysical Impacts

The proposed agricultural expansion and new dam are proposed for an area of mostly intact vegetation of the Breede Shale Renosterveld (Endangered) and transformed habitat of Cape Lowlands Alluvial Vegetation (Endangered). The study area has been included in the Western Cape Biodiversity Plan and most of the area proposed for development (and the surrounding area) has been classified as Other Natural Area ("ONA"). Small parts of the site suspected to be Cape Lowlands Freshwater Wetlands have been classified as Critical Biodiversity Area 1 (terrestrial). However, this vegetation type was not found on the site. The mapped drainage line within the proposed agricultural expansion area is classified as Ecological Support Area ("ESA") 1 and ESA 2 sites (CapeNature, 2017). Ground-truthing of the study area however confirmed that the ONA classification is supported.

The sensitivity mapping phase of the project identified areas of high conservation importance, and these have been excluded from the proposed development footprint. The areas proposed under the preferred development layout is of low or very low sensitivity as they represent degraded and semi-intact indigenous vegetation and include small populations of Species of Conservation Concern ("SCC"). The proposed enlargement of Draai Dam (Dam Option 6) would result in the loss of approximately 1.75 ha of highly degraded and transformed vegetation (existing agricultural fields), due to the inundation of a vineyard and Lucerne lands. The proposed agricultural expansion area would result in the loss of approximately 10.3 ha of semi-intact, degraded, highly degraded and transformed vegetation in the Breede Shale Renosterveld ecosystem. The impact of the proposed development on vegetation type, SCC and ecological processes is medium negative and can be mitigated to low negative significance. In addition, in the context of the large areas that will be left undeveloped on the

subject properties, the development is acceptable from a botanical perspective, if the recommended mitigation measures are implemented. The proposal is therefore acceptable from a botanical perspective.

Based on the findings of the Aquatic Biodiversity Assessment dated April 2022, conducted by Ms. Toni Belcher, other than a minor tributary within the proposed cultivated area, there are no natural aquatic features that will be impacted by the project. The dams are all off-channel dams with artificial wetland habitats dominated mostly by common *Phragmites australis* reeds in the dams proposed to be decommissioned and bulrushes (*Juncus acutus*) in the dam proposed to be enlarged. The minor tributary of the Breede River that drains the eastern slope of the low hill on the site is a minor drainage feature with a poorly defined channel for much of its length. It drains a small, relatively steep catchment and holds water only after heavy rainfall events as a result of the topography. A section of this drainage line will be disturbed as a result of the new expanded cultivation areas. Based on specialist findings, the drainage line is of very low ecological importance and sensitivity. The proposed cultivation of the area where the small drainage feature is, is not likely to alter the ecological condition of the Breede River. A loss of ecological goods and services is also not anticipated, should the drainage feature be developed due to the fact that only 80 m of mostly poorly defined aquatic habitat would be lost. The significance of the associated freshwater impacts is therefore rated as low negative.

The enlarged dam will be gravity filled from the Zandriff Canal via a canal inlet. The potential impact of the proposed dam enlargement on the adjacent aquatic ecosystems, as well as the associated risk, is also rated as negligible. No significant impacts on aquatic aspects are anticipated given that the existing Draai Dam and dams to be decommissioned are all off-channel and therefore any wetland habitat associated with these dams are artificial and of low ecological significance. Short term water quality impacts may occur during the proposed construction works that are of a low significance and can be mitigated. The recommended mitigation measures informed the preferred dam and cultivation area layout and have been incorporated into the EMPr accepted with this EA.

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) was submitted to the BGCMA, who will further consider the watercourse related impacts. The WULA does not include an application for additional water use rights, since the proposed expanded dam will be filled from the applicant's existing lawful water use rights.

**Negative Impacts:**

- The proposed development will have a limited negative biophysical impact during the construction phase. The impacts will however be mitigated to a satisfactory level with the implementation of the preferred alternative and adherence to the EMPr.

**Positive impacts:**

- Increasing the existing dam's capacity holds a positive socio-economic contribution for the farming operation as it will create the opportunity to store more water for summer irrigation.
- Employment opportunities will be created during the construction phase.

#### **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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