



REFERENCE: 16/3/3/2/B3/28/1004/19
NEAS REFERENCE: WCP/EIA/0000553/2019
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 2019 -11- 0 4

The Board of Directors
Louisvale Wines (Pty) Ltd
227 Main Road
PAARL
7646

Attention: Mr Z.K. Meyer

Tel: (021) 873 7228
Email: Zane@faurefaure.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: PROPOSED DEVELOPMENT OF THE IN-STREAM LANDAU STORAGE DAM AND ASSOCIATED INFRASTRUCTURE ON FARM NO. 1689 AND THE REMAINDER OF FARM NO. 1599, WELLINGTON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and **adopt** the Maintenance Management Plan, attached herewith, 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) T Oberholzer (Pieter Badenhorst Professional Service cc)
(2) C Winter (Drakenstein Municipality)
(3) C van der Walt (Department of Agriculture)
(4) Elkerine Rossouw (BGCMA)

Fax: (086) 672 1916
Fax: (021) 872 8054
Fax: (021) 808 5120
Email: erossouw@bgcma.co.za



EIA REFERENCE: 16/3/3/2/B3/28/1004/19
NEAS REFERENCE: WCP/EIA/0000553/2019
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 2019 -11- 04

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): PROPOSED DEVELOPMENT OF THE IN-STREAM LANDAU STORAGE DAM AND ASSOCIATED INFRASTRUCTURE ON FARM NO. 1689 AND THE REMAINDER OF FARM NO. 1599, WELLINGTON

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 Alternative 3, described in the Environmental Impact Assessment Report ("EIAR"), dated July 2019.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan ("MMP")** for the in-stream dam and associated infrastructure, included in the EIAR dated July 2019.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Louisvale Wines (Pty) Ltd
% Mr Z.K. Meyer
227 Main Road
PAARL
7646

Tel.: (021) 873 7228
 Email: Zane@faurefaure.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	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number: 12 <i>The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><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> <p><i>excluding—</i></p> <p><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></p> <p><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></p> <p><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></p> <p><i>(dd) where such development occurs within an urban area;</i></p> <p><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></p> <p><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>	<p>The proposal entails the construction of an in-stream dam, which exceeds the 100m² threshold.</p>

<p>Activity Number: 19</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>a. will occur behind a development setback;</i> <i>b. is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>c. falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>d. occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>e. where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i> 	<p>The proposal entails the construction of an in-stream dam, which will require both infilling and movement of material exceeding 10m³ within a watercourse.</p>
<p>Activity Number: 27</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"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>The proposal will result in the clearance of more than 1ha of indigenous vegetation.</p>
<p>EIA Regulations Listing Notice 2 of 2014:</p> <p>Activity Number: 16</p> <p>The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the highwater mark of the dam covers an area of 10 hectares or more.</p>	<p>The new instream dam will have a dam wall height of 16.5m, which exceeds the 5m threshold.</p>
<p>EIA Regulations Listing Notice 3 of 2014 -</p> <p>Activity Number: 12</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>The development of the new instream Landau dam requires the clearing of more than 300 square metres of Swartland Shale Renosterveld, which is classified as critically endangered.</p>

Western Cape

- 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;
- ii. Within critical biodiversity areas identified in bioregional plans;
- 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 on erven in urban areas;
- 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
- 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.

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

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

The proposal entails the following:

- Construction of the instream Landau Dam with a storage capacity of 200 000 m³ and a dam wall height of 16.5 m as well as a 400 mm diameter outlet pipe;
- Installation of 315 mm diameter pipelines from existing pump stations 1 and 2 (approximately 600m and 500m, respectively) that will be aligned along existing roads to the new dam;
- Construction of a diversion channel that will allow the release of natural runoff from the catchment to cater for the Ecological Water Requirement low flow releases.
- The relocation of the small power line that traverses the site (approximately 200m) by Eskom.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 1689 and the Remainder of Farm No. 1599, Wellington, at the following co-ordinates:

New Dam:

Latitude (S)	Longitude (E)
33° 34' 28.81"	19° 57' 18.64"

Farm name and number	The SG digit codes
Farm No. 1689	C05500000000168900000
Remainder of Farm No. 1599 (Pipeline)	C05500000000159900000

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

Pieter Badenhorst Professional Services CC
 % Ms. T Oberholzer
 P. O. Box 1058
WELLINGTON
 7654

Cell: 072 732 2693
 Fax: (086) 672 1916

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 Alternative 3, described in the EIAR, dated July 2019 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 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. The notice must:

- 6.1 make clear reference to the site details and EIA Reference number given above; and
- 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 12

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 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 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; and
 - 7.4.6 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).
8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies 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

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 MMP adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr and MMP 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 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 activity, and must be made available to anyone on request, including on a publicly accessible website.
14. 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

15. 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 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 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 within 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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts 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.

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 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 (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.

Please note that to ensure the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity, the Competent Authority may request amendments to the EMPr, as deemed necessary.

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
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

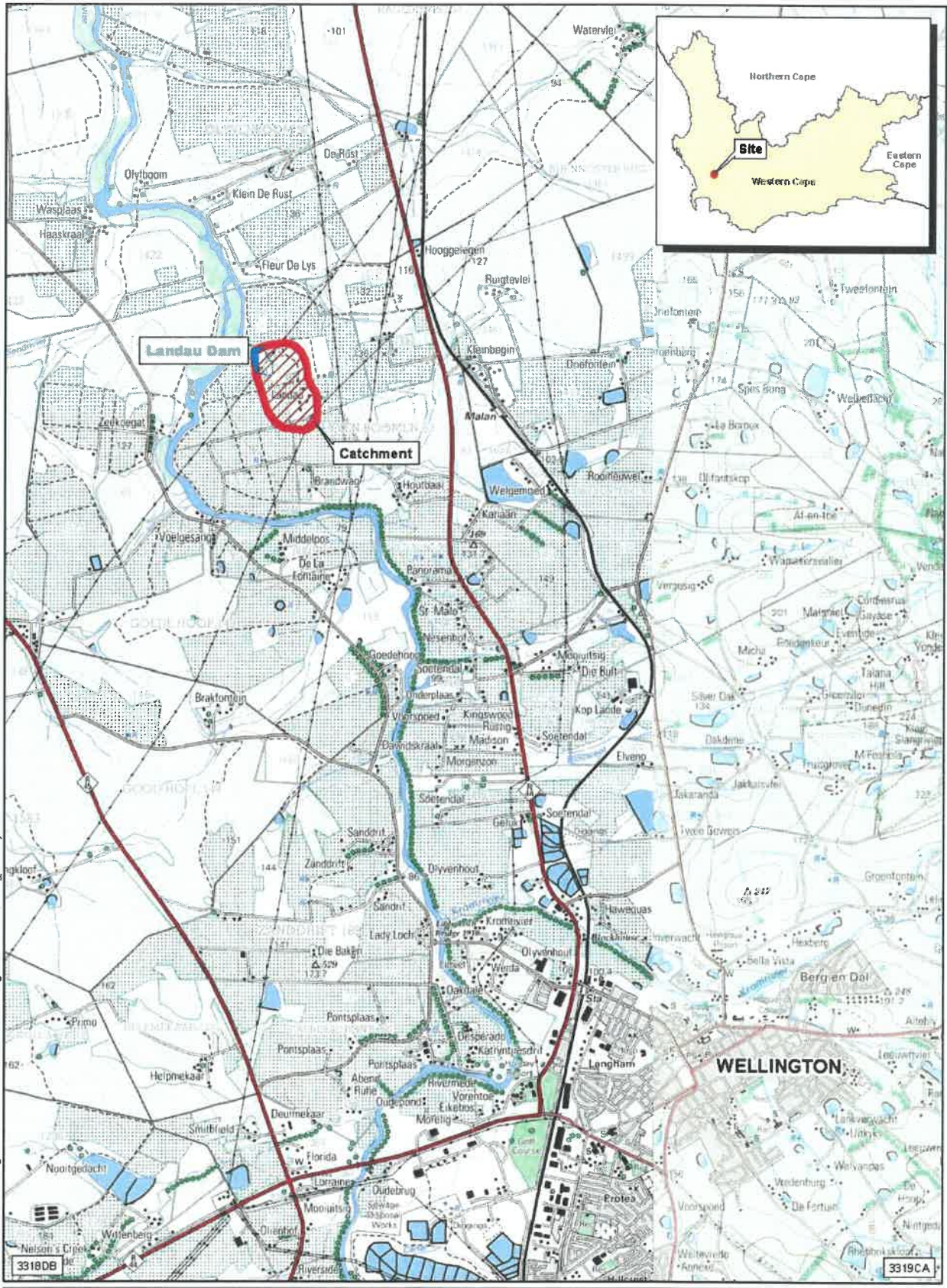
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 04/11/2019


CC: (1) T Oberholzer (Pieter Badenhorst Professional Service cc)
(2) C Winter (Drakenstein Municipality)
(3) C van der Walt (Department of Agriculture)
(4) Elkerine Rossouw (BGCMA)

Fax: (086) 672 1916
Fax: (021) 872 8054
Fax: (021) 808 5120
Email: erossouw@bgcma.co.za

ANNEXURE 1: LOCALITY MAP



W:\06 Projects\CC146200 - Enlargement of Landau Dam\0 - Drawings\09 GIS\mxd\01_LocalityPlan.mxd

 LOUISVALE	Landau Dam Locality Plan showing catchment	0.75 0.375 0 0.75 Km 1:50 000 
CC146200 - L01		

ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated January 2019, the final EIAR dated July 2019 and the EMPr and MMP submitted together with the final EIAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the EIAR dated July 2019; 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 during 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;
- fixing notice boards at the site where the listed activities is to be undertaken on 17 January 2019;
- the placing of an advertisement in the 'Paarl Post' newspapers on 17 January 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is 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 17 January 2019;
- making the draft Scoping Report available to I&APs for public review from 22 January 2019; and
- making the Draft EIAR available to I&APs for public review from 9 May 2019.

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

The layout alternatives were developed using best practice principles, as well as engineering input. As part of the mitigation hierarchy, several other dam sites were considered and eliminated on the basis of site constraints, such as the downstream wetland area and the Eskom powerlines traversing the site. Both off-channel and the instream dam sites were considered. However, the

off-channel dam option was ruled out since there was no suitable site available to position a dam with the required specifications. Hence the in-stream dam was deemed as the preferred alternative. Initially, the position of the dam intersected the high voltage Eskom powerline and had to be amended to fall outside the servitude of the powerline, with the following option put forward as the preferred alternative:

Alternative 3 (Preferred alternative herewith authorised):

This alternative entails the construction of a new in-stream dam with the following specifications:

- A storage capacity of 200 000 m³, a dam wall height of 16.5 m and a 400 mm diameter outlet pipe;
- Installation of 315 mm diameter pipelines from existing pump stations 1 and 2 (approximately 600m and 500m, respectively) that will be aligned along existing roads to the new dam;
- Construction of a diversion channel that will allow the release of natural runoff from the catchment to cater for the Ecological Water Requirement low flow releases.
- The relocation of the small power line that traverses the site (approximately 200m) by Eskom.

This is the preferred alternative for the following reasons:

- This proposal incorporates the specialist and engineering input.
- It will not result in the inundation of the wetland located downstream from the dam and the wetland will be rehabilitated as part of the project proposal.
- This alternative will bring about financial benefits and better water use management practices as the dam will be filled with water from the existing lawful water use rights that is available to the applicant;
- Potential heritage impacts are anticipated to be of very low to negligible significance;
- The alternative does not fall under the high voltage Eskom power line;
- The preferred dam option has a good water/wall ration;
- This alternative is also located close to already existing infrastructure, such as roads and pump-stations and will aid to reduce additional infrastructure needed as part of the proposed development and associated project costs;
- This alternative will also contribute towards securing existing and future job opportunities.

"No-Go" Alternative

This option has been considered but is not a viable option for the following reasons:

- Availability of water for irrigation during the summer months will continue to be problematic;
- Better management of both water resources and water use will not be achieved;
- There will be no job security for existing workers and future workers;
- From a freshwater perspective, the No-Go alternative would lead to no loss of vegetation, biodiversity or functioning of streams and wetland, but the opportunity to rehabilitate and improve the functioning of the stream and wetlands would, however, also be lost.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The purpose of the proposed dam, is primarily to increase the efficiency of water storage on the property in line with the existing lawful water use rights. The proposed development will promote water efficiency and enhance the economic viability of the farm. No additional water rights will be required since the proposal is restricted to the storage of water for which water rights have already been granted.

3.2 Biophysical Impacts

According to the Botanical Statement dated 31 March 2019, compiled by Bergwind Botanical Surveys and Tours, the dam site historically comprised of Swartland Shale Renosterveld vegetation, classified as being critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The vegetation has mostly been removed due to agricultural activities and grazing. Therefore, the site is deemed to have a low botanical, ecological and conservation value, with a very low restoration potential. There is also a very low probability that any plant Species of Conservation Concern remain on the site. The proposed development is therefore supported from a botanical perspective.

A Freshwater Impact Assessment ("FIA") dated June 2018 was undertaken by everWater Freshwater Consulting Services and amended in December 2018 based on the revised footprint to avoid Eskom's high voltage powerline. An Addendum to the FIA, dated April 2019 was subsequently compiled as part of the Water Use Licence Application, since the Department of Water and Sanitation requested that provision be made for a wetland offset area to compensate for the loss of wetland function and biodiversity.

Freshwater features found on the site include a small tributary of the Berg River with associated wetland areas. Extensive portions of the freshwater features have in the past been significantly modified through artificial drainage channels, grazing and other surrounding farming activities. Only the upper parts of the wetland area remain fairly intact. From a vegetation and biodiversity perspective, approximately 10% of the endangered Swartland Shale Renosterveld vegetation that would have naturally surrounded the freshwater features, still remain. The small tributary in which the dam will be located is classified as an Ecological Support Area ("ESA") 2, with the Berg River floodplain wetland area further downstream, marked as an aquatic Critical Biodiversity Area ("CBA"). Based on the findings of the FIA, at the proposed dam site, the wetland/tributary is no more than an artificial drainage ditch, and the assessment was therefore focused on the remaining small upper channelled valley bottom wetland (Hydrogeomorphic ("HGM") Zone 1) and the lower floodplain wetland area (HGM Zone 2). According to the Wetland Index of Habitat Integrity, Present Ecological State and Ecological Importance and Sensitivity ("EIS") assessments, the habitat integrity of HGM Zone 1 and 2 were found to be in a moderately modified and largely modified state, with a Low and Moderate EIS, respectively. The key services provided by HGM Zone 1 includes mostly carbon storage and erosion control, with some streamflow regulation. HGM Zone 2 contributed towards maintenance of biodiversity, prior to being cleared. Both wetland areas have been assigned a "C" for its Recommended Ecological Category.

Potential impacts related to the construction and operation of the proposed dam would largely include loss of biodiversity, impact on water quality and flow modification. One natural wetland area will be lost due the proposed in-stream dam. Taking into account the degraded state of the upper channelled valley bottom wetland, it was found that a 1.42 ha wetland offset area will adequately compensate for the portion of the wetland that will be lost. In addition, the newly constructed dam walls will be rehabilitated and revegetated with appropriate vegetation.

The proposed development and its watercourse related impacts will also be further investigated and assessed as part of the Water Use License Application in terms of the National Water Act, 1998 (Act 38 of 1998) that has been submitted to the Department of Water and Sanitation.

Furthermore, a MMP has also been compiled to address future maintenance activities taking place in the affected watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the 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.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "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." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will result in loss of natural vegetation.
- Impacts on watercourses are anticipated but will be minimised through the incorporation of specialist recommendations and implementation of the approved EMPr and MMP.
- There will be an increase in noise and dust impacts during the construction phase.

Positive impacts:

- The proposed development will increase the efficiency of water storage on the farm i.e. the utilisation of allocated water rights to its full potential.
- The management of both water resources and water use will be improved.
- There will be a reduction in pumping costs since the irrigation will be gravity fed.
- There will be no pumping during the summer months, which reduces pressure on resources during the drier months.
- The availability of irrigation water during the summer months will no longer be a concern.
- The economic viability of the farms will be assured.
- There will be employment opportunities during the construction and operational phases.

4. National Environmental Management Act Principles

The NEMA 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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----