



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/1/B3/38/1060/18
NEAS REFERENCE: WCP/EIA/0000467/2018
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 2019 -03- 1 1

The Board of Directors
Bosman Adama (Pty) Ltd
PO Box 17
WELLINGTON
7654

Attention: PD Bosman/C Steyn

Tel.: (021) 864 7105
Email: celeste@bosmanadama.co.za
pd@bosmanadama.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 REGULATIONS, 2014 (AS AMENDED): EXPANSION OF THE OLYFBOOM STORAGE DAM ON FARM NO. 1789, 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 Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("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 National Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully


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

CC: (1) Ms T. Oberholzer (Pieter Badenhorst Professional Service cc)
(2) Ms C. Winter (Drakenstein Municipality)
(3) Ms. P. Huntly (CapeNature)

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EIA REFERENCE: 16/3/3/1/B3/38/1060/18
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ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 2019 -03- 11

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): EXPANSION OF THE OLYFBOOM STORAGE DAM ON FARM NO. 1789, 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 the Alternative 1D, described in the Basic Assessment Report ("BAR"), dated November 2018.

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 BAR dated November 2018.

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

Bosaman Adama (Pty) Ltd
% PD Bosman/C Steyn
PO Box 17
WELLINGTON
7654

Tel.: (021) 864 7105
 Email: celeste@bosmanadama.co.za
 pd@bosmanadama.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:</p> <p>The development of -</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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. 	<p>New infrastructure including a new pipeline will be constructed, while the old one is removed.</p>

<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number 19:</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> <ol style="list-style-type: none"> a. will occur behind a development setback; b. is for maintenance purposes undertaken in accordance with a maintenance management plan; c. falls within the ambit of activity 21 in this Notice, in which case that activity applies; d. occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or e. where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies. 	<p>The proposal entails the expansion of the existing in-stream dam, which will require both infilling and movement of material exceeding 10m³.</p>
<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activities 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> <ol style="list-style-type: none"> (i) the undertaking of a linear activities; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan 	<p>The expansion of the dam will result in the clearance of more than 1 hectare of indigenous vegetation.</p>
<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number: 48</p> <p>The expansion of -</p> <ol style="list-style-type: none"> (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; <p>where such expansion occurs –</p>	<p>The existing in-stream dam will be expanded by more than 100m².</p>

<p>(a) within a watercourse; (b) in front of a development setback; or (c) 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; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (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; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative:

This alternative entails the expansion of an existing in-stream dam located on Farm No.1789, Wellington. The dam will have the following design specifications:

- Dam wall height: 13m
- Storage Capacity: 183 600m³
- Crest length: 450m
- Flooded area: 4.3ha

Additional works include:

- Removal of the old 330 m long pipeline,
- Installation of a new proposed 200mm diameter pipeline, approximately 140m long,
- A new 250mm diameter suction pipe with a dam tap within the dam, and
- A new pump station next to the dam.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 1789, Wellington, at the following co-ordinates:

Latitude (S)	Longitude (E)
33° 32' 51.96"	18° 57' 33.40"

The SG digit code is: C05500000000178900000

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
Email: therina@pbps.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, Alternative 1D described in the BAR dated November 2018 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 first listed activity.
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 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 ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

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.

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 Jaap de Villiers (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 Jaap.DeVilliers@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 Jaap.DeVilliers@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. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

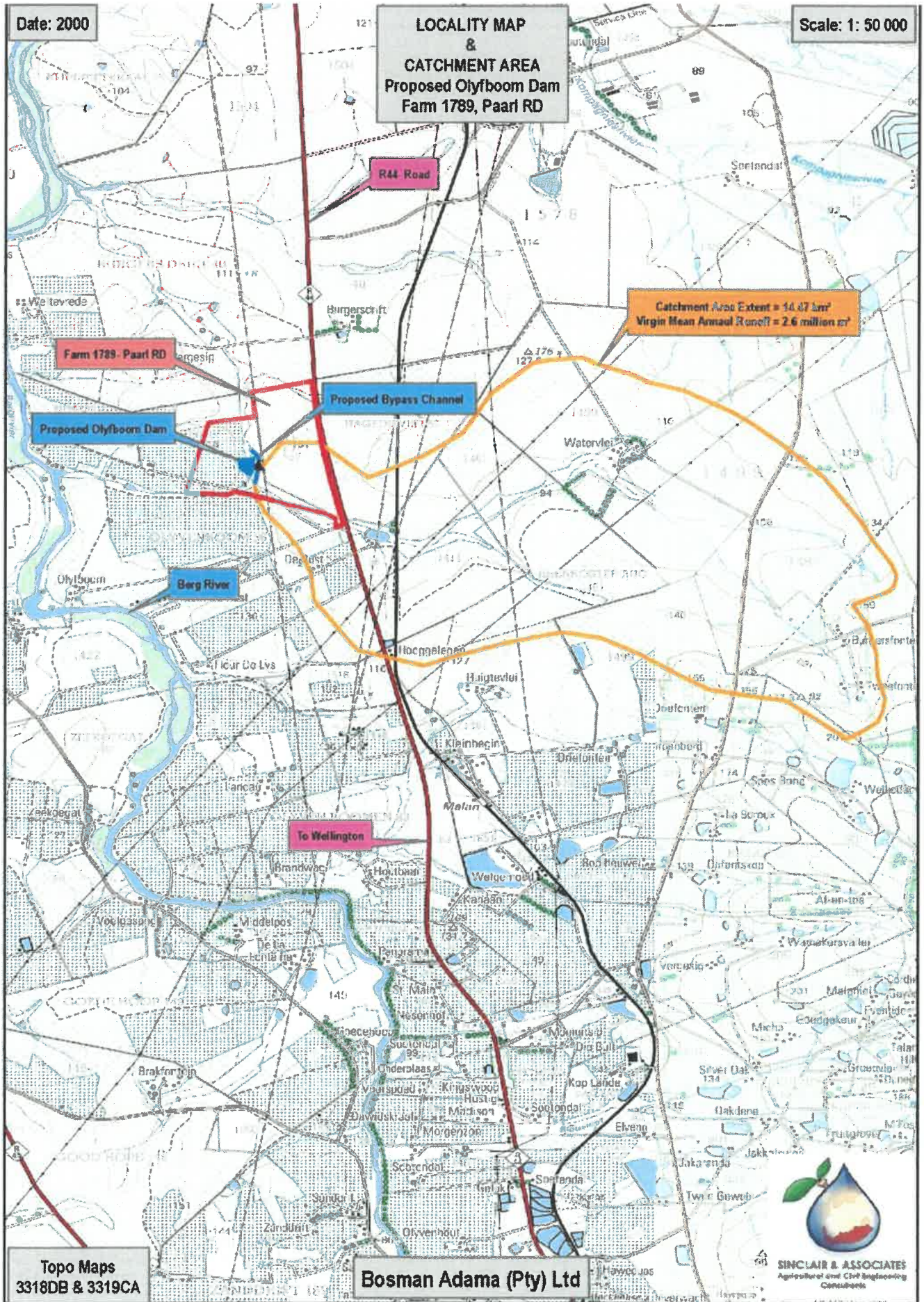
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 11/03/2019

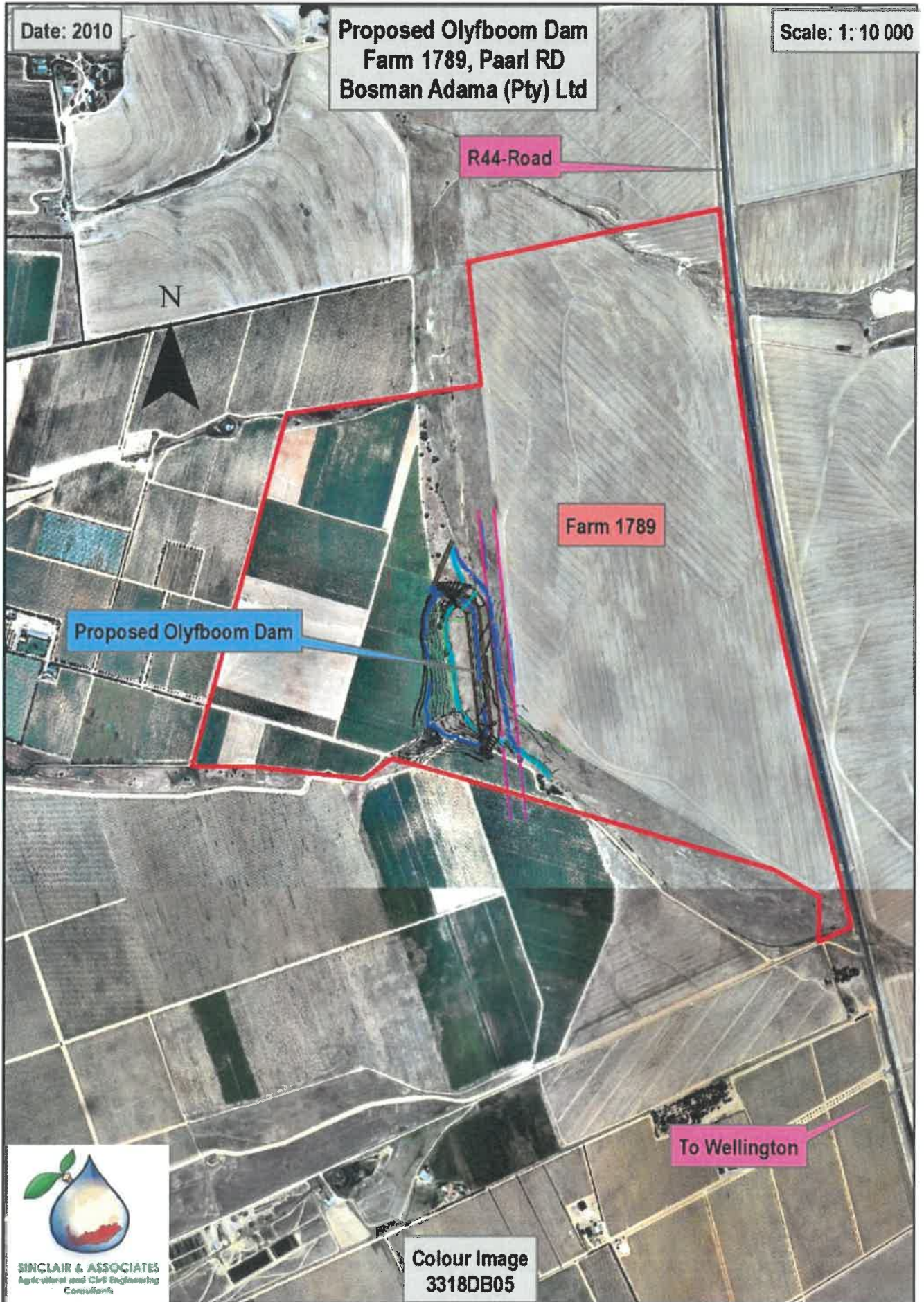
CC: (1) Ms T. Oberholzer (Pieter Badenhorst Professional Service cc)
(2) Ms C. Winter (Drakenstein Municipality)
(3) Ms. P. Huntly (CapeNature)

Email: therina@pbps.co.za
Email: Cindy.Winter@Drakenstein.gov.za
Fax: (021) 866 1523

ANNEXURE 1: LOCALITY MAP



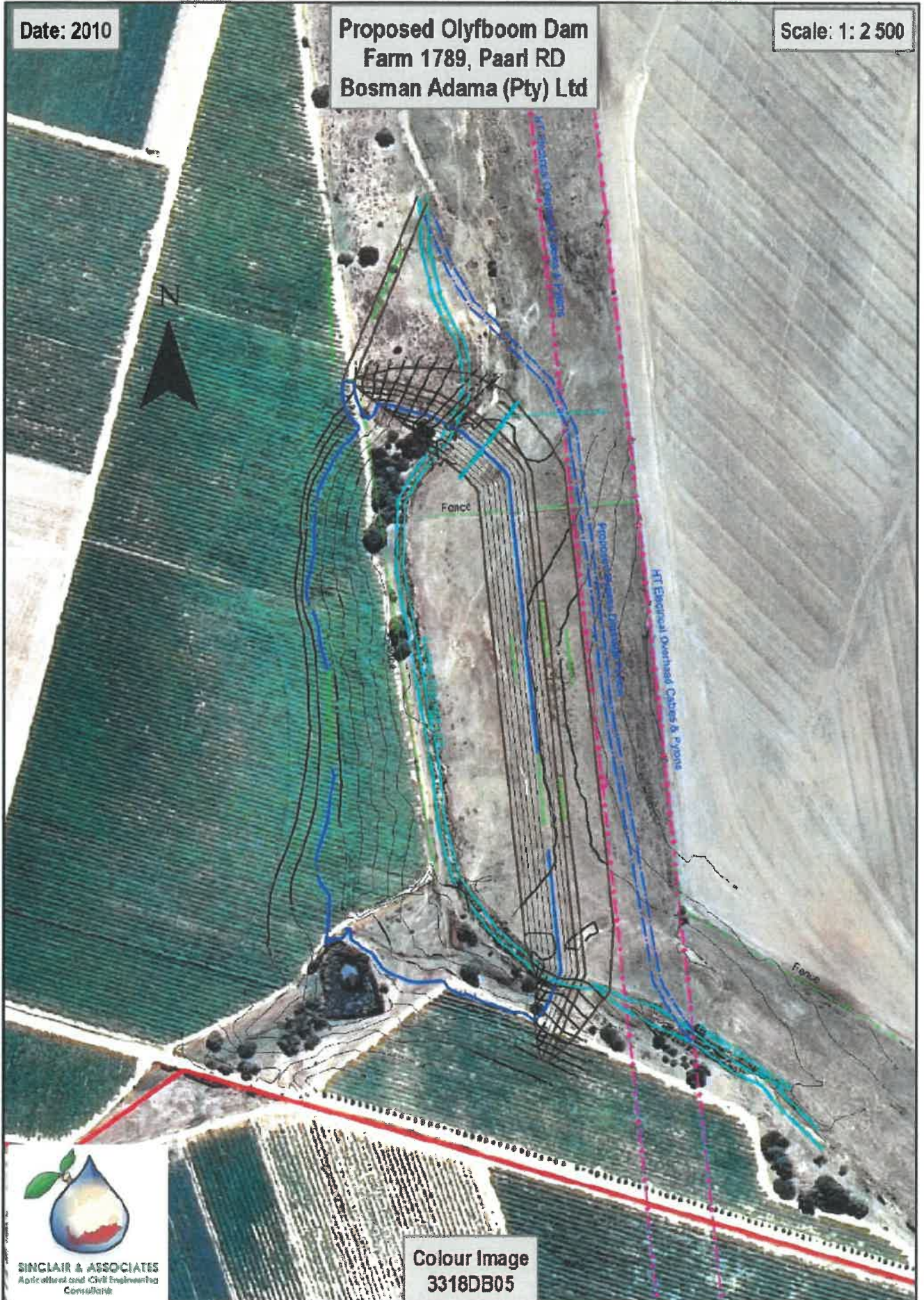
ANNEXURE 2: SITE PLAN



Date: 2010

Proposed Olyfboom Dam
Farm 1789, Paarl RD
Bosman Adama (Pty) Ltd

Scale: 1: 2 500



Colour Image
3318DB05



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 22 August 2018, the Amended Application Form, EMPr and MMP submitted together with the final BAR dated November 2018 and the additional information dated 28 December 2018;
- 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 BAR dated 6 November 2018; 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;
- the placing of a newspaper advertisement in the 'Paarl Post' on 23 August 2018;
- 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 27 August 2018; and
- fixing notice boards at the site where the listed activities are to be undertaken on 28 August 2018;
- making the BAR available to I&APs for public review from 29 October 2018.

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

Alternative 1A:

This alternative entails the expansion of an existing in-stream dam located on Farm No.1789, Wellington from the existing storage capacity of 5000m³ to a maximum storage capacity of 183 600m³. The wall height will also be increased from 1m to a maximum of 9.5m and the footprint will be 3.56ha. This alternative was not preferred, as it falls within the servitude of the nearby Eskom powerlines.

Alternative 1B:

This alternative entails the expansion of an existing in-stream dam located on Farm No.1789, Wellington from the existing storage capacity of 5000m³ to a maximum storage capacity of 183 600m³. The wall height will also be increased from 1m to a maximum of 9.5m, with a flooded area of 3.5ha. This alternative was not preferred since the layout of the dam would result in the inundation of the entire wetland area. This alternative also crosses the farm boundary, which largely fall under electrical powerlines and inundate a bigger area of the vineyard.

Alternative 1C:

This alternative entails the expansion of an existing in-stream dam located on Farm No.1789, Wellington from the existing storage capacity of 5000m³ to a maximum storage capacity of 85 500m³. The wall height will also be increased from 1m to a maximum of 5m, with a flooded area of 4.3ha. This option is not preferred, as the storage capacity is too low.

Alternative 1D (Preferred Alternative herewith Authorised):

This alternative entails the expansion of an existing in-stream dam located on Farm No.1789, Wellington. The dam will have the following design specifications:

- Dam wall height: 13m
- Storage Capacity: 183 600m³
- Crest length: 450m
- Flooded area: 4.3ha

Additional works include:

- Removal of the old 330 m long pipeline,
- Installation of a new proposed 200mm diameter pipeline, approximately 140m long,
- A new 250mm diameter suction pipe with a dam tap within the dam, and
- A new pump station next to the dam.

This alternative is preferred because of the following reasons:

- It will store the greatest volume of water while affecting the smallest area of the wetland;
- The dam does not fall under the Eskom power lines or within Eskom servitude;
- Heritage impacts are anticipated to be low to negligible;
- Construction of the Olyfboom storage dam within the larger stream channel will have a low to medium negative impact on the surrounding freshwater features.

"No-Go" Alternative

The "no-go" option was considered and is not preferred, since the availability of water during the summer months will not be achieved and there will be no improvement in terms of water resource management and water use on the property.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The purpose of the proposed expansion of the Olyfboom Dam, is primarily to increase the efficiency of water storage on the property. The proposed development will promote water use efficiency, secure the water resource for irrigation during the summer months 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. Furthermore, the development is consistent with the surrounding land use, with in-stream storage dams providing the requisite water supply to support the farming activities.

3.2 Biodiversity and Biophysical Impacts

The site falls within an area that historically comprised of Swartland Shale Renosterveld, an ecosystem classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). However, the site has been historically transformed and disturbed by agricultural activities, with a few patches of modified vegetation remaining around the wetter areas.

Freshwater features that will be affected by the proposed dam include a seasonal unnamed tributary of the Berg River and its associated wet areas, including a small drainage line. The expanded Olyfboom dam site will fall at the confluence of this unnamed tributary together with the small drainage line. At the proposed dam site, the stream has been completely channelled into a drainage ditch, away from its natural channel, drying out most of the original broad floodplain wetland area associated with this section of the stream. Only a few seasonal wetland areas remain along the historical channel, of which most are in a critically modified state with very little to no natural vegetation remaining.

Regarding the Habitat Integrity, Present Ecological Status ("PES") and Ecological Importance and Sensitivity ("EIS") assessments, the instream habitat integrity of the unnamed stream was found to be in a seriously modified state and the riparian zone found to be in a critically modified state. The PES of the unnamed stream at the proposed dam site can broadly be described as being largely modified. The EIS for the upstream section of the dam site was found to be low and the downstream part moderate.

In addition, CapeNature has agreed with the findings and mitigation measures as stipulated in the Freshwater Impact Assessment and has no objection with respect to the location of the proposed dam expansion.

Furthermore, a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, for the proposed increase in storage of water, which will further investigate the watercourse related impacts.

A MMP has 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:

- Limited vegetation within the new dam footprint will be removed.
- Water quality impacts on downstream freshwater features 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.
- The availability of irrigation water during the summer months will no longer be a concern.

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.

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