



EIA REFERENCE: 16/3/3/1/E4/12/1045/19
NEAS REFERENCE: WCP/EIA/0000631/2019
ENQUIRIES: Lorretta Osborne
DATE OF ISSUE: 2019 -11- 2 2

The Board of Directors
De Kock Sandfontein BK
PO Box 233

CALEDON
7230

Attention: Mr J de Kock

Tel/Fax: (028) 212 2311

Dear Sir

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): THE ENLARGEMENT OF RIVERSIDE DAM, THE DEVELOPMENT OF RIVERSIDE KOP DAM AND ASSOCIATED INFRASTRUCTURE AND THE DEVELOPMENT OF A DIVERSION WEIR ON FARM RIVERSIDE NO. 211 AND REMAINDER OF FARM "THE OAKS" NO. 145, GREYTON

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **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 (as amended), 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) Mr R Holland (Holland and Associates Environmental Consultants)
(2) Mr J Viljoen (Theewatetskloof Municipality)
(3) Ms C Rampartab (CapeNature)
(4) Mr C van der Walt (Department of Agriculture)
(5) Ms E Rossouw (Breedde Gouritz Catchment Management Agency)

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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): THE ENLARGEMENT OF RIVERSIDE DAM, THE DEVELOPMENT OF RIVERSIDE KOP DAM AND ASSOCIATED INFRASTRUCTURE AND THE DEVELOPMENT OF A DIVERSION WEIR ON FARM RIVERSIDE NO. 211 AND REMAINDER OF FARM "THE OAKS" NO. 145, GREYTON

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 Dam 4 Alternative and Borrow Pit Alternative 1, described in the Basic Assessment Report ("BAR"), dated August 2019.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) and (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the Riverside Dam, the Riverside Kop Dam and associated infrastructure, diversion weir infrastructure and related river maintenance included as Annexure 7 in the BAR dated August 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

The Board of Directors
De Kock Sandfontein BK

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Tel: +27 21 483 3696/4393 Fax: +27 21 483 3098
E-mail: Lorretta.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

% Mr J de Kock
P O Box 233
CALEDON
7230

Tel/Fax: (028) 212 2311

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	Activities/Project Description
<p>Listing Notice 1 of 2014-</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> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activities 21 in this Notice, in which case that activities applies,</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(e) where such development is related to the development of a port or harbour, in which case activities 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>Infilling or depositing and excavation of more than 10m³ of material will take place within the river.</p>
<p>Listing Notice 1 of 2014-</p> <p>Activity Number: 27</p> <p><i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed dam will result in the clearance of more than 1ha of indigenous vegetation.</p>

<p>Listing Notice 1 of 2014-</p> <p>Activity Number: 48</p> <p>The expansion of-</p> <p>(i) infrastructure of structures where the physical footprint is expanded by 100 square metres or more; or</p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p> <p>where such expansion occurs-</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(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 harbor;</p> <p>(bb) where such expansion activities are related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	<p>Expansion of existing agricultural infrastructure that exceeds 100m² will be required within 32m of a watercourse.</p>
<p>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>Western Cape</p> <p>i. Within any critically endangered or</p>	<p>The development will require the clearance of more than 300m² of critically endangered and endangered indigenous vegetation.</p>

<p>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;</p> <ul style="list-style-type: none"> 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. 	
<p>Listing Notice 3 of 2014 –</p> <p>Activity Number: 14</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 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 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 has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. In Western Cape:</p> <p>i. Outside urban areas, in:</p> <ul style="list-style-type: none"> (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management 	<p>The development of infrastructure will take place within a watercourse which falls within a protected area identified in terms of the National Environmental Management: Protected Areas Act, 2003.</p>

<p>framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an International Convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</p>	
<p>Listing Notice 3 of 2014 –</p> <p>Activity Number: 23 The expansion of-</p> <p>(i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or</p> <p>(ii) infrastructure where the physical footprint is expanded by 10 square metres or more;</p> <p>where such expansion occurs-</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback adopted in the prescribed manner; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. In Western Cape:</p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National protected area expansion strategy focus areas;</p> <p>(cc) World heritage sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p>	<p>The enlargement of Riverside Dam 4 will take place within a watercourse which falls within a protected area identified in terms of the National Environmental Management: Protected Areas Act, 2003.</p>

<p>(ff) <i>critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plan adopted by the competent authority or in bioregional plans;</i></p> <p>(gg) <i>Core areas in biosphere reserves; or</i></p> <p>(hh) <i>Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</i></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 that includes the listed activities as it relates to the development:

The proposal entails the enlargement of Riverside Dam 4, the construction of a new high-lying balancing dam (hereinafter referred to as “Riverside Kop Dam”), and the development of a diversion weir (Dam 6 weir). Additional activities will include the development of pipelines, the decommissioning of existing dams, the development of access roads and a borrow pit area on Farm Riverside No. 211 and Remainder of Farm “The Oaks” No. 145, Greyton.

The proposal will include the following:

Enlargement of Riverside Dam 4:

- The enlargement of Riverside Dam 4, which is an earth-fill embankment dam, with a storage capacity that will be increased from 5000m³ to 350 000m³.
- The surface area will be increased from approximately 0.2ha to approximately 7.1ha.
- The dam wall will be 13m in height.
- A 315mm diameter PVC pipeline (0.7km buried with 5m working width) will connect Riverside Dam 4 with the proposed new Riverside Kop Dam.
- A 4m x 4m pump station will be developed below Riverside Dam 4.

Riverside Kop Dam:

- The development of Riverside Kop Dam, which is an earth-fill embankment dam, with a storage capacity of 45 000m³ and a surface area of 2.3ha.
- The dam wall will be 4.5m in height.
- A 200mm diameter PVC pipeline extension (0.5km buried with 5m working width) will be developed from the existing Riviersonderend pipeline to the dam.

Diversion weir- Dam 6 weir:

- A 2m high weir will be developed 30m upstream of the existing weir.
- The existing weir will be removed and the new weir will be developed from mass concrete.
- A 200mm diameter PVC pipeline will be developed to divert water from the weir to the Riverside Kop Dam (1.7km buried with 5m working width on either side for the construction phase and 5m on one side for the operational phase).
- The pipeline will be developed within existing roads.

Access Roads:

- A short section of the existing road at Riverside Dam 4 will be relocated (0.4km and 3m wide).
- An extension of the existing access road to the new Dam 6 weir (0.7km long and 3m wide) will be developed.
- One river crossing will be used, which is located at an existing sandy drift crossing and will be upgraded to a concrete drift.

Decommissioning of six existing dams:

- There are currently seven dams on the properties. All dams except Riverside Dam 4 will be decommissioned.

Irrigation areas:

- The cultivation of 40ha of existing agricultural land will be undertaken.

Borrow pit area:

- A borrow pit area of 0.2ha with an average depth of 2m will be developed at the southern boundary of the Remainder of Farm "The Oaks" No. 145, on ploughed land.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm Riverside No. 211 and Remainder of Farm "The Oaks" No. 145, Greyton

The SG21 digit codes are: C01300000000021100000,
C01300000000014500000,

Dam 6 weir: Co-ordinates: Latitude: 34° 4' 33.78" South
Longitude: 19° 42' 27.06" East,

200mm Pipeline: Co-ordinates:

	Latitude (S):			Longitude (E):		
Starting point	34°	4'	33.78"	19°	42'	27.06"
Middle point	34°	4'	56.04"	19°	42'	28.2"
End point	34°	5'	28.86"	19°	42'	21.72"

Riverside Dam and pump station: Co-ordinates: Latitude: 34° 5' 25.98" South
Longitude: 19° 42' 59.52" East,

315mm Pipeline: Co-ordinates:

	Latitude (S):			Longitude (E):		
Starting point	34°	5'	25.98"	19°	42'	59.52"
Middle point	34°	5'	30.42"	19°	42'	6.12"
End point	34°	5'	30.9"	19°	42'	14.34"

Riverside Kop Dam: Co-ordinates: Latitude: 34° 5' 28.86" South
Longitude: 19° 42' 21.42" East,

Extension of existing 200mm pipeline: Co-ordinates:

	Latitude (S):			Longitude (E):		
Starting point	34°	6'	6"	19°	41'	47.64"

Middle point	34°	5'	45.24"	19°	42'	4.02"
End point	34°	5'	28.86"	19°	42'	21.72"

River crossing: Co-ordinates: Latitude: 34° 4' 55.61" South
Longitude: 19° 42' 26.79" East,

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 and Associates Environmental Consultants

% Mr Ross Holland

PO Box 31108

TOKAI

7966

Tel.: (021) 448 6573

Fax: (086) 653 1765

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, Dam 4 Alternative and Borrow Pit Alternative 1, described in the BAR dated August 2019 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

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

Conditions: 7, 8, 12 and 18.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (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 of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activities

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 clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including 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, MMP, 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 six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during

earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
18. The development areas must be clearly demarcated prior to commencement of clearing and construction activities. All areas outside the development footprint must be treated as no-go areas.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that 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 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
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

- A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, 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: 22/11/2019

CC: (1) Mr R Holland (Holland and Associates Environmental Consultants) Fax: (086) 653 1765
(2) Mr J Viljoen (Theewatetskloof Municipality) E-mail: JohanVi@twk.org.za
(3) Ms C Rampartab (CapeNature) Fax: (021) 866 1523
(4) Mr C van der Walt (Department of Agriculture) E-mail: corvdw@elsenburg.com
(5) Ms E Rossouw (Breede Gouritz Catchment Management Agency) E-mail: erossouw@bgcma.co.za

ANNEXURE 1: LOCALITY MAP

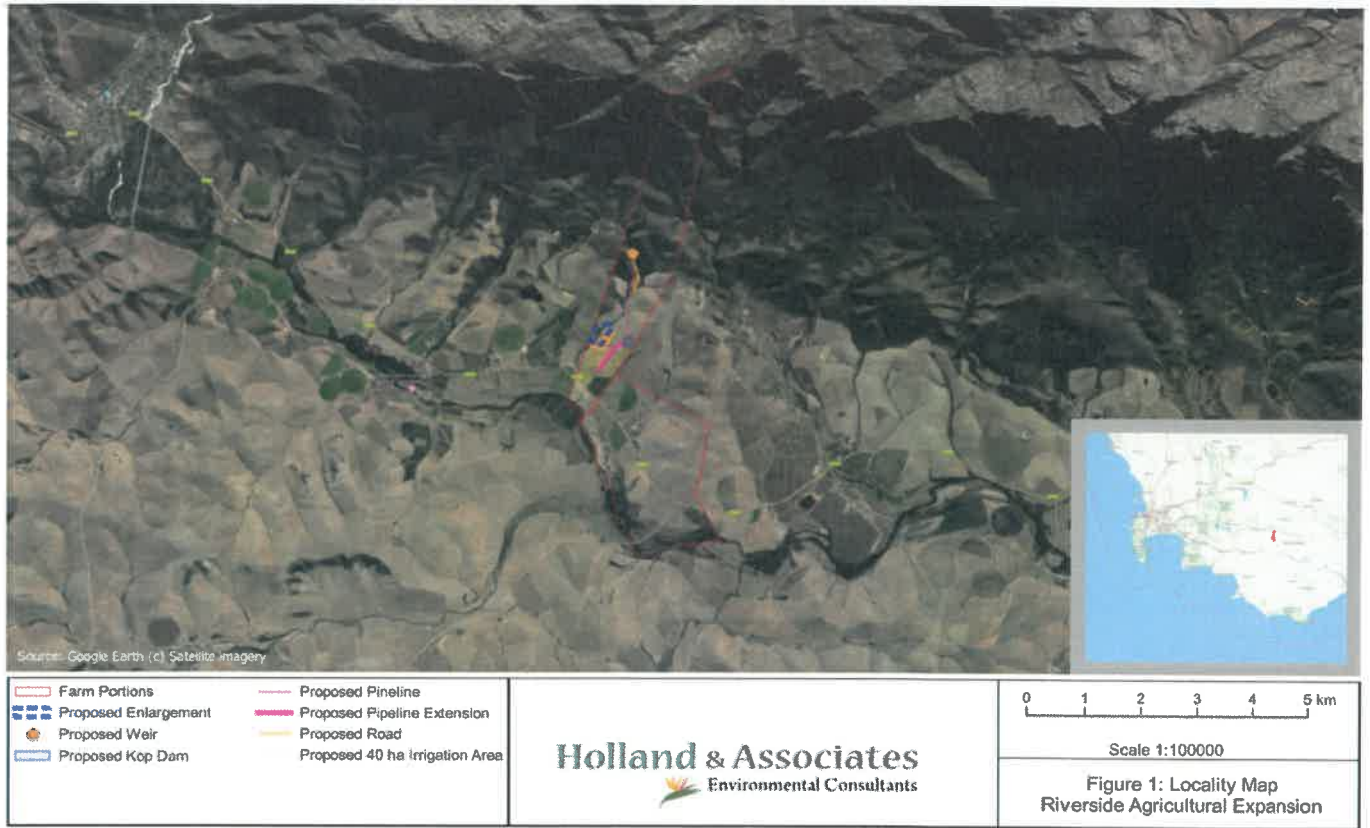


Figure 1: Locality Map of Farm Riverside No. 211 and Remainder of Farm "The Oaks" No. 145, Greyton

ANNEXURE 2: SITE PLAN

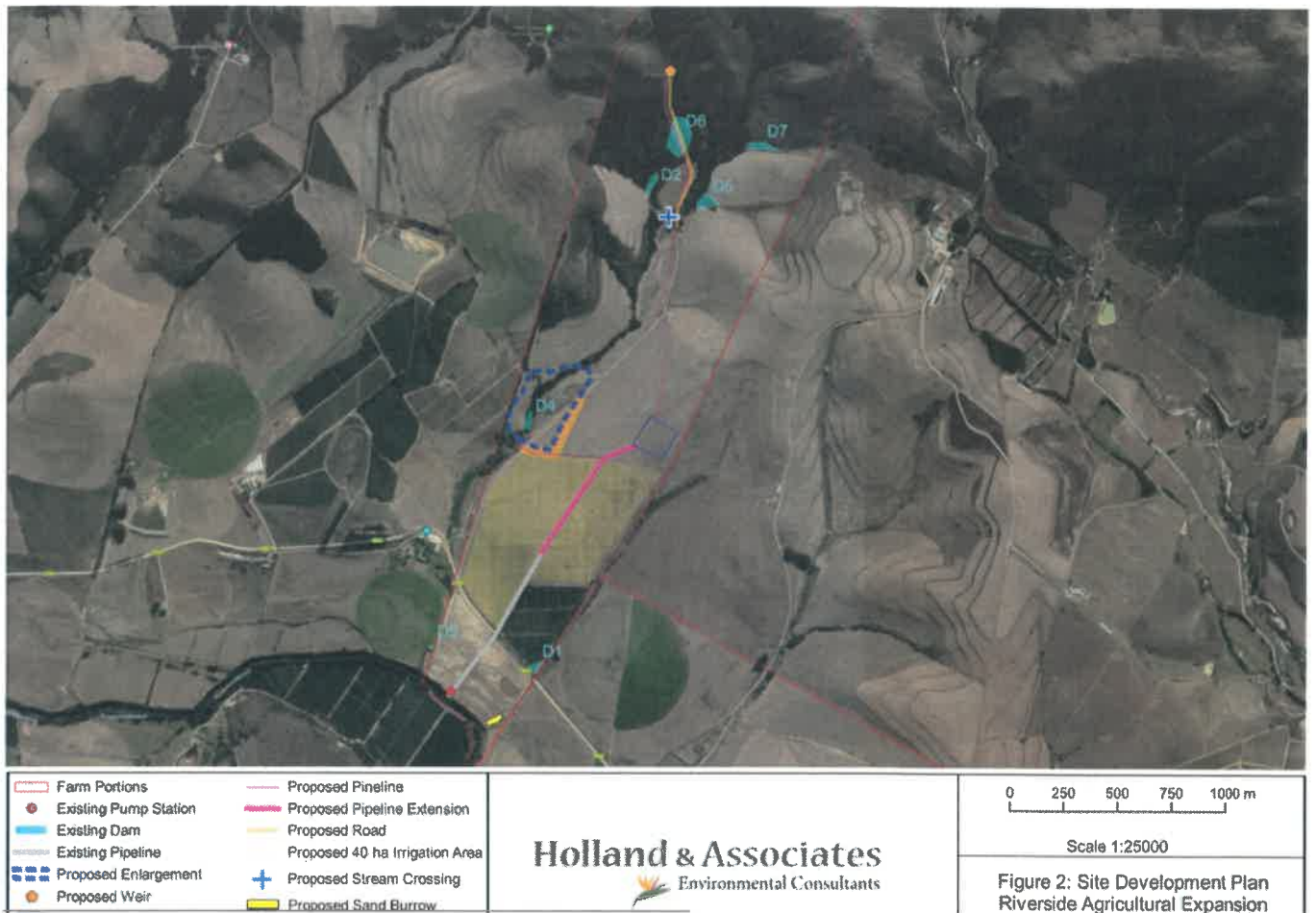


Figure 2: Site Plan of the areas for construction on Farm Riverside No. 211 and Remainder of Farm "The Oaks" No. 145, Greyton

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 submitted on 11 June 2019, the amended application form and the BAR dated August 2019, the EMPr and the MMP submitted together with the BAR on 6 August 2019 and the additional information received between 18 November 2019 and 21 November 2019;
- 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 August 2019 and the additional information received between 18 November 2019 and 21 November 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:

- 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 August 2018 and 29 August 2019;
- Placing site notices on 28 August 2018;
- Placing a newspaper advertisement in the "Theewaterskloof Gazette" newspaper on 28 August 2018;
- Circulating the pre-application draft BAR to I&APs for public review from 30 August 2018 at the Greyton Library;
- A meeting was held on 7 December 2018; and
- Circulating the in-process draft BAR for comment to I&APs for public review from 12 June 2019.

All the concerns raised by I&APs were responded to, and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation, MMP and in the EMPr, in order to adequately address the concerns raised.

The Competent Authority notes with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process, and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Initially the applicant aimed to develop a new diversion weir of mass concrete (2 m high) on the upper Soetmelksvlei River. A new 110mm diameter HDPE pipeline (1.3 km, buried with 3m working width) to the catchment divide (with a concrete outlet head wall and grouted stone pitching for energy dissipation) would have been developed as part of the development. The pipeline would have diverted water from the weir to the catchment area of Riverside Dam 4. Working widths for the pipeline would have been 3m on either side for the construction phase and 5 m on one side for the operational phase for the pipeline. The Soetmelksvlei weir component was screened out because the freshwater and botanical specialists reported high negative impacts associated with it.

Three borrow pit areas were assessed as part of the initial process. However, a revised borrow pit alternative, which is a smaller area and incorporates the aquatic buffers recommended by the freshwater specialist was considered to be the preferred option. The applicant also considered the enlargement of Dam 2 and the development of Middle Dam. However, they were not considered to be feasible. As such, the applicant confirmed that this particular component with its associated infrastructure shall no longer form part of the proposed scheme. The following alternative was considered to be feasible:

Dam 4 Alternative and Borrow Pit Alternative 1 (Herewith authorised):

This alternative entails the enlargement of Riverside Dam 4, the construction of a new high-lying balancing dam (hereinafter referred to as "Riverside Kop Dam"), and the development of a diversion weir (Dam 6 weir). Additional activities will include the development of pipelines, the decommissioning of existing dams, the development of access roads and a borrow pit area on Farm Riverside No. 211 and Remainder of Farm "The Oaks" No. 145, Greyton.

The proposal will include the following:

Enlargement of Riverside Dam 4:

- The enlargement of Riverside Dam 4, which is an earth-fill embankment dam, with a storage capacity that will be increased from 5000m³ to 350 000m³.
- The surface area will be increased from approximately 0.2ha to approximately 7.1ha.
- The dam wall will be 13m in height.
- A 315mm diameter PVC pipeline (0.7km buried with 5m working width) will connect Riverside Dam 4 with the proposed new Riverside Kop Dam.
- A 4m x 4m pump station will be developed below Riverside Dam 4.

Riverside Kop Dam:

- The development of Riverside Kop Dam, which is an earth-fill embankment dam, with a storage capacity of 45 000m³ and a surface area of 2.3ha.
- The dam wall will be 4.5m in height.
- A 200mm diameter PVC pipeline extension (0.5km buried with 5m working width) will be developed from the existing Riviersonderend pipeline to the dam.

Diversion weir- Dam 6 weir:

- A 2m high weir will be developed 30m upstream of the existing weir.
- The existing weir will be removed and the new weir will be developed from mass concrete.
- A 200mm diameter PVC pipeline will be developed to divert water from the weir to the Riverside Kop Dam (1.7km buried with 5m working width on either side for the construction phase and 5m on one side for the operational phase).
- The pipeline will be developed within existing roads.

Access Roads:

- A short section of the existing road at Riverside Dam 4 will be relocated (0.4km and 3m wide).
- An extension of the existing access road to the new Dam 6 weir (0.7km long and 3m wide) will be developed.
- One river crossing will be used, which is located at an existing sandy drift crossing and will be upgraded to a concrete drift.

Decommissioning of six existing dams:

- There are currently seven dams on the properties. All dams except Riverside Dam 4 will be decommissioned.

Irrigation areas:

- The cultivation of 40ha of existing agricultural land will be undertaken.

Borrow pit area:

- A borrow pit of 0.2ha with an average depth of 2m will be developed at the southern boundary of the Remainder of Farm "The Oaks" No. 145, on ploughed land.

This alternative is preferred since it has a better water/ wall ratio than Dam 2 and Middle Dam. It also has the largest catchment area and is located closest to the proposed irrigation area below Riverside Kop Dam. Borrow Pit Alternative 1 will have the least potential impact on aquatic features and has a smaller footprint than the initial borrow pit areas.

"No-Go" Alternative

The 'no-go' alternative was considered. However, it is not preferred since the existing watercourses on the property would remain in their current degraded state. Little to no rehabilitation will take place and the existing dams will not be decommissioned and rehabilitated. Efficient and sustainable water use on the farm will also not be realized and employment opportunities will not materialise.

3. Impact Assessment and Mitigation measures**3.1 Activities need and desirability**

The proposed development of the dams is primarily to increase the efficiency of water storage on the abovementioned farms and to ensure that there will be sufficient supply and storage of irrigation water for the cultivation on previously cultivated land. The proposed development will not only promote water efficiency, but also enhance the economic viability of the farm. Furthermore, the development is consistent with the surrounding land use, with storage dams providing the requisite water supply to support the farming activities.

3.2 Biodiversity and Biophysical Impacts

The study area originally supported Central Rûens Shale Renosterveld classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), Greyton Shale Fynbos classified as endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), and South Sonderend Sandstone Fynbos classified as least threatened in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The site includes areas designated as Protected Areas and Critical Biodiversity Areas. The vegetation condition on the site varies from intact to completely transformed. Based on the findings of the Botanical Impact Assessment, dated May 2018, compiled by Bergwind Botanical Surveys and Tours, the greater part of the areas proposed for development have been subject to soil disturbance due to agriculture. The area for the proposed enlargement of Riverside Dam 4, including a new pump station, is of low botanical sensitivity, and this enlargement is supported from a botanical perspective. The proposed diversion weir and proposed 200mm pipeline of 1.7km will be undertaken in an area of moderate botanical sensitivity. The proposed Riverside Kop Dam will be developed in an area of very low botanical sensitivity. The existing dams to be decommissioned occur in areas of low sensitivity. Borrow pit 1 occurs in a very low sensitivity area, whereas Borrow pit areas 2 and 3 occur in areas of moderate sensitivity. The revised Borrow pit 1 is preferred from a botanical perspective. The potential impacts on vegetation that may result from the proposed development will be mitigated by the implementation of the conditions of this Environmental Authorisation and the mitigation measures in the EMPr (accepted in Section E, Condition 9).

According to the Freshwater Assessment, dated May 2018, compiled by BlueScience, all the watercourses within the study area are mapped as Ecological Support Areas within in-channel wetland areas. The Riviersonderend River is in a largely modified ecological condition as a result of upstream and on-site impacts. The study area is located within the H60F and H60H quaternary catchments within the middle reaches of the Riviersonderend River. The channels of the Riviersonderend River, as well as the two tributaries on the site (The Oaks and the Soetmelkveij) have been mapped as Freshwater Ecosystem Priority Area wetlands. The proposed activities within the upper slopes of the hillside are located within the Riviersonderend Mountain Catchment Area, a formally protected area identified in terms of the National Environmental Management: Protected Areas Act, 2003. Riverside Dam 4 site is located in the lower reach of the Oaks Tributary and from a Freshwater perspective, the loss of existing aquatic habitat associated with the enlargement of the dam is not seen as significant. Since the location of the Riverside Kop Dam will be developed on top of a low hill, no aquatic features will be impacted upon. The pipeline from the new diversion weir to the Riverside Kop Dam will be developed outside the river channel and a 15m buffer area between the Borrow pit 1 and the Riviersonderend River is incorporated into the site layout plan. The decommissioning of the remaining six dams on the site will improve the overall ecological functioning on the site and rehabilitation in accordance with the Ecological Rehabilitation Plan dated April 2019 will take place. The potential impacts on aquatic features that may result from the proposed development will be mitigated by the implementation of the conditions of this Environmental Authorisation, the maintenance measures of the MMP and the mitigation measures in the EMPr.

In addition, a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Breede-Gouritz Catchment Management Agency, for the enlargement of Riverside Dam 4, the development of Riverside Kop Dam and associated

infrastructure and the reinstatement of an existing diversion weir, who will further investigate the watercourse related impacts.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretch of the watercourses. 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 development will result in the loss of natural vegetation and impact on the freshwater resource during construction and operation, which will be effectively mitigated to a low negative significance.
- It was determined that the potential negative impacts during the construction phase of the development, such as noise and visual impacts, will be of low significance after mitigation.

Positive impacts:

- The proposed development will increase the efficiency of water storage on the farm in order to utilise its full potential.
- No impacts on significant heritage resources will take place with the implementation of the proposed development.
- The development will ensure the economic viability of the farm and provide additional employment opportunities.
- On-going alien clearing, as well as the decommissioning and rehabilitation of the remaining six dams will improve the overall ecological functioning of the area.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in Section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, compliance with the EMPr and the MMP, 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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