



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/1/B1/14/1072/18  
**ENQUIRIES:** BERNADETTE OSBORNE  
**DATE OF ISSUE:** 2019 -04- 1 5

The Board of Directors  
LB Bruwer en Seuns (Edms) Ltd  
PO Box 53  
**ROBERTSON**  
6705

**Attention: Mr Herman Bruwer**

Tel: (023) 626 2729  
E-mail: herman@lbbrewer.co.za

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS,  
2014: THE REPAIR AND ENLARGEMENT OF THE DIEPKLOOF DAM ON FARM NO. 309,  
ROBERTSON.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, 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) Charl de Villiers (Charl de Villiers Environmental Consulting)

(2) Tracy Brunings (Langeberg Municipality)

(3) Phillippa Huntly (CapeNature)

(4) CorvdW@elsenburg.com (Western Cape Department of Agriculture)

(5) errossouw@bgcma.co.za (Breede-Gouritz Catchment Management Agency)

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**REFERENCE:** 16/3/3/1/B1/14/1072/18  
**NEAS REFERENCE:** WCP/EIA/0000489/2018  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 2019 -04- 15

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE REPAIR AND ENLARGEMENT OF THE DIEPKLOOF DAM ON FARM NO. 309, ROBERTSON.

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 Site Alternative 1 described in the Basic Assessment Report ("BAR"), dated 9 December 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

LB Bruwer and Seuns (Pty) Ltd  
c/o Mr Herman Bruwer  
P O Box 53  
**ROBERTSON**  
6705

Tel: (023) 626 2729  
E-mail: herman@lbbrewer.co.za

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 19</b>  <b>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;</b></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i></p> <p>(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</p> <p><i>Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>An in-stream dam will be expanded.</p>
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 27</b>  <b>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance if indigenous vegetation is required for –</b></p> <p>(i) The undertaking of linear activity; or            (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>14.6ha of indigenous vegetation will be cleared for the expansion of the dam and development of associated structures and infrastructure.</p>
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 48</b>  <b>The expansion of—</b></p> <p>(i) Infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or            (ii) <b>Dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</b></p> <p><i>where such expansion occurs—</i></p> <p>(a) <b>within a watercourse;</b>            (b) <i>in front of a development setback; or</i></p>	<p>The dam will be expanded within a watercourse.</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 harbour;</p> <p>(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;</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 development occurs within an urban area;</p> <p>(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 that includes the listed activities as it relates to the development:

- The repair and enlargement of the existing Diepkloof Dam to a storage capacity of 750 000m<sup>3</sup>, with a surface area of 13ha, a dam wall length of 242m and height of 16.4m.
- An uncontrolled open channel spillway at the end of the right (southern) flank of the dam wall.
- Outlet works comprising a 315mm diameter high-density polyethylene ("HDPE") pipe encased in reinforced concrete with a 250mm scour valve at the downstream toe, and a 300mm diameter HDPE pipe and sieve inlet to draw off surface water.
- Installation of a 315mm diameter pipeline from the existing canal dam at 'Liqueur' farmstead about 2.6km to the north-east of the site. The new pipeline will be confined to existing unsurfaced farm roads.
- A temporary sand borrow area on the left bank of the Keisers River for the mining of sand needed to repair and expand the existing dam.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 309, Robertson, at the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates: Dam	33° 52' 43.19" South	18° 51' 06.58" East
Borrow Area	33° 52' 14.18" South	19° 52' 27.91" East

The SG digit code is: C06500000000030900000

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

Charl de Villiers Environmental Consulting  
c/o Charl de Villiers  
14 Bradwell Road  
**VREDEHOEK**  
8001

Tel: (021) 462 1277  
Fax: (086) 533 9256

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Site Alternative 1, described in the Basic Assessment Report ("BAR"), dated 9 December 2018 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### Written notice to the Competent Authority

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

Conditions: 7, 8 and 11

## **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.
  - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
  - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 7.4 provide the registered I&APs with:
    - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 7.4.2 name of the responsible person for this Environmental Authorisation,
    - 7.4.3 postal address of the holder,
    - 7.4.4 telephonic and fax details of the holder,
    - 7.4.5 e-mail address, if any, of the holder,
    - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

## **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 EMPr must be included in all contract documentation for all phases of implementation.

## **Monitoring**

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, 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 a publicly accessible website.

13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person 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**

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

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

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

## **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 activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (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 the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (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 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 Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.



4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to 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)

DATE OF DECISION: 15/04/2019

Cc: (1) Charl de Villiers (Charl de Villiers Environmental Consulting)  
(2) Tracy Brunings (Langeberg Municipality)  
(3) Phillippa Huntly (CapeNature)  
(4) CorvdW@elsenburg.com (Western Cape Department of Agriculture)  
(5) errossouw@bgcma.co.za (Breede-Gouritz Catchment Management Agency)

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# ANNEXURE 1: LOCALITY MAP

**Diepkloof Dam**  
Zevenwacht 309 ROBERTSON



Farm 309



FSL, proposed  
Diepkloof Dam

Approx. mid-point of  
impoundment –  
33°52'42.66" S  
19°51'00.88" E



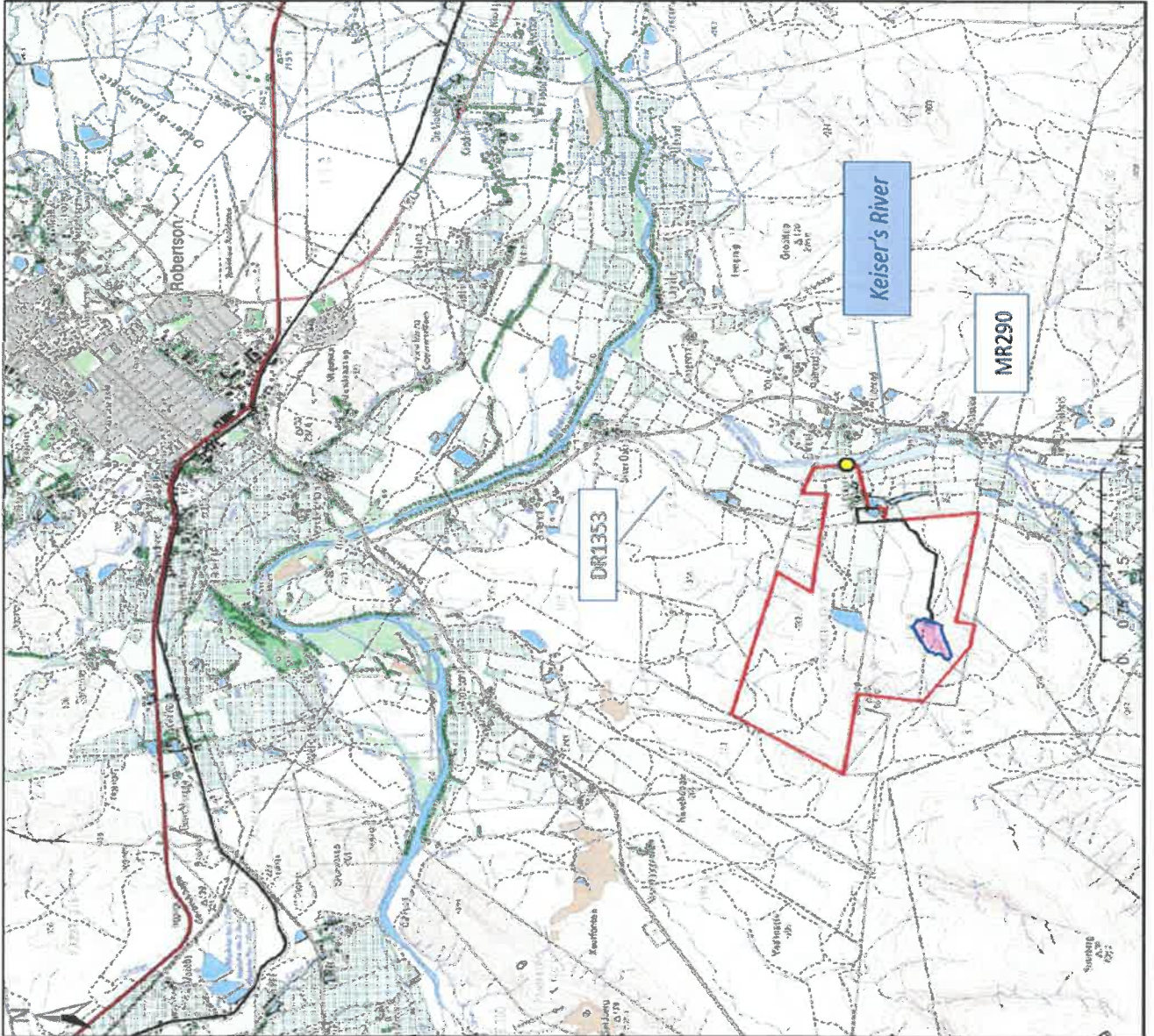
Pipeline



Sand borrow  
area

Scale: 1:75 000

Date created: March 11, 2018







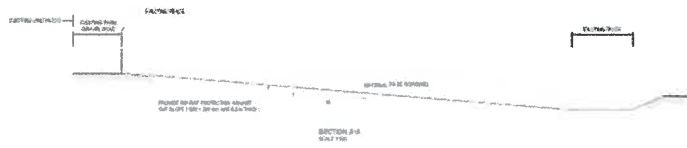
# SAND BORROW AREA LAYOUT PLAN



PLAN LAYOUT OF SAND BORROW AREA



VIEW OF THE SAND BORROW AREA FROM THE ROAD SIDE



THE DRAWING SHALL BE APPROVED BY THE  
RELEVANT AUTHORITIES OF THE DISTRICT

<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISION	DATE				<p>NOTES</p>	<p><b>FOX INFORMATION</b></p> <p>PROJECT NO. 16/3/3/1/B1/14/1072/18</p> <p>DATE: 15/08/2018</p>	<p><b>INGENROP</b></p> <p>Engineering &amp; Construction Solutions</p>	<p>REPAIR AND ENLARGEMENT OF BIERKLOOF DAM</p> <p>SAND BORROW AREA</p>	<table border="1"> <tr> <td>DESIGNED BY</td> <td>DR. ING. J. VAN DER MERWE</td> </tr> <tr> <td>CHECKED BY</td> <td>DR. ING. J. VAN DER MERWE</td> </tr> <tr> <td>DATE</td> <td>15/08/2018</td> </tr> <tr> <td>PROJECT NO.</td> <td>16/3/3/1/B1/14/1072/18</td> </tr> <tr> <td>SCALE</td> <td>AS SHOWN</td> </tr> <tr> <td>DATE</td> <td>15/08/2018</td> </tr> </table>	DESIGNED BY	DR. ING. J. VAN DER MERWE	CHECKED BY	DR. ING. J. VAN DER MERWE	DATE	15/08/2018	PROJECT NO.	16/3/3/1/B1/14/1072/18	SCALE	AS SHOWN	DATE	15/08/2018
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# PIPELINE ROUTE



## **ANNEXURE 3: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated 18 September 2018, and the EMPr submitted together with the final Basic Assessment Report on 13 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 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 final Basic Assessment Report received on 13 December 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 in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### **1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the Breederiver Gazette on 15 May 2018;
- A notice board was placed at the site where the listed activities are to be undertaken on 18 May 2018; and
- giving written notice to the owners and occupiers of land adjacent to the site the listed activities is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 21 May 2018;
- making the pre-application draft BAR available to I&APs for public review from 21 May 2018; and
- making the in-process draft BAR available to I&APs for public review from 31 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

Two Site Alternatives were considered for the dam:

### Site Alternative 1 (Preferred and herewith authorised)

This alternative entails the following:

- The repair and enlargement of the existing Diepkloof Dam to a storage capacity of 750 000m<sup>3</sup>, with a surface area of 13ha, a dam wall length of 242m and height of 16.4m.
- An uncontrolled open channel spillway at the end of the right (southern) flank of the dam wall.
- Outlet works comprising a 315mm diameter high-density polyethylene (“HDPE”) pipe encased in reinforced concrete with a 250mm scour valve at the downstream toe, and a 300mm diameter HDPE pipe and sieve inlet to draw off surface water.
- Installation of a 315mm diameter pipeline from the existing canal dam at ‘Liqueur’ farmstead about 2.6km to the north-east of the site. The new pipeline will be confined to existing unsurfaced farm roads.
- A temporary sand borrow area on the left bank of the Keisers River for the mining of sand needed to repair and expand the existing dam.

This alternative was preferred for the following reasons:

- It's water to wall ratio will make the most efficient use of topographical features to limit the length of the wall, while optimising storage capacity. It is also the most economical dam design alternative.
- It will decrease the physical disturbances to the receiving environment, as it would be constructed in an eroded area that has already been impacted on by previous dam construction, and it would also entail less earth fill than the second site alternative.
- It restricts the physical impact of the 2.6km pipeline corridor to existing farms road and areas that have already been transformed by cultivation.

### Site Alternative 2

This alternative entails the development of a dam of about 270m upstream of the existing dam. This alternative was not preferred since it will have an increased impact on the biospherical environment compared to the preferred alternative and would also be more expensive to construct.

### No-go Option

This alternative represents the current *status quo*, but was not preferred since irrigation water will not be available to expand the agricultural activities on the farm and will therefore not improve the economic viability of the farm through the implementation of the project.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity need and desirability

The dam is in line with the current agricultural zoning of the site and will further the agricultural activities on the farm by providing sufficient irrigation water for existing and new cultivated lands between the Diepkloof Tributary and the Keisers River. The dam will store water in accordance with existing lawful water use rights.

### Biophysical Impacts

Indigenous vegetation is present on the site, namely Robertson Karoo vegetation, which is classified as least threatened. According to the Supplementary Botanical Assessment for the repair and enlargement of the Diepkloof Dam on Farm No. 309, Uitnood, Robertson, dated 7 December 2017, compiled by Ms Johlene Krige, the area historically contained *Breede Alluvium Renosterveld* vegetation, which is classified as endangered, but currently does not support this vegetation

anymore. The assessment concluded that the site for the dam and the borrow area proved to be acceptable from a botanical perspective and that the development will not have a significant impact on biodiversity.

Watercourses are present on the site, namely smaller tributaries and drainage lines of the Keisers River. The dam is located within the Diepkloof Tributary, which is mapped as an aquatic Ecological Support Area. The Diepkloof Tributary is considered to be of a moderate ecological importance and sensitivity, while the Keisers River is moderate to high. This is due to the fact that the river provides a corridor for movement of biota within an increasingly transformed landscape. The Freshwater Impact Assessment dated January 2018 compiled by Ms Toni Belcher and Mr Dana Grobler concluded that the cumulative impact of the development has the potential to be of low significance provided that the mitigation measures are implemented. This is due to the fact that the proposal entails the expansion of an existing dam, while the remainder of the works is to be placed within already disturbed areas. With implementation of the recommended mitigation measures, the watercourse could however be maintained at the desired level of ecosystem functioning and would not be degraded as a result of the proposed activities. In addition, the proposed project provides an opportunity to reduce abstraction from watercourses in the dry low flow season due to the increased storage capacity that would be provided. 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, which will further investigate the watercourse related impacts.

The development will result in both negative and positive impacts.

**Negative Impacts:**

- Loss of indigenous vegetation for the enlargement of the dam.
- Loss of in-stream habitat and water quality impairment during site preparation and construction.

**Positive impacts:**

- The development will provide access to irrigation water for existing and new cultivated lands between the Diepkloof Tributary and the Keisers River.
- The development will create employment opportunities during the construction phase and will provide job security for existing employees.

#### **4. National Environmental Management Act Principles**

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;

- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

## **5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity 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 activity can be mitigated to acceptable levels.

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