



**EIA REFERENCE:** 16/3/3/2/B5/2/1008/19  
**NEAS REFERENCE:** WCP/EIA/0000566/2019  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2019 -11- 15

The Board of Directors  
Wilgenhof 383 Boerdery (Pty) Ltd  
P. O. Box 116  
**CERES**  
6835

**Attention: Mr. A. Cillie**

Cell: 083 303 6005  
Email: rek@forelleplaas.co.za

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): WILGENHOF DAM AND ASSOCIATED INFRASTRUCTURE ON PORTION 6 OF FARM EZELSFONTEIN NO. 384 AND PORTION 10 OF FARM NO. 383, CERES**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, 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

  
**MR. ZAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms. L. Speirs (Doug Jeffery Environmental Consultants)  
(2) Mr. J. Barnard (Witzenberg Municipality)  
(3) Mr. S. Lupa (BGCMA)  
(4) Ms. P. Huntly (CapeNature)  
(5) Mr. C. van der Walt (Department of Agriculture)  
(6) Mr. E. Maree (Department of Agriculture)

Fax: (086) 660 2635  
Fax: (086) 523 6339  
Fax: (023) 347 2012  
Fax: (021) 866 1523  
Fax: (021) 808 5092  
Email: elmom@elsenburg.com



**EIA REFERENCE:** 16/3/3/2/B5/2/1008/19  
**NEAS REFERENCE:** WCP/EIA/0000566/2019  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2019 -11- 15

## 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): WILGENHOF DAM AND ASSOCIATED INFRASTRUCTURE ON PORTION 6 OF FARM EZELSFONTEIN NO. 384 AND PORTION 10 OF FARM NO. 383, CERES

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 Location Alternative 2 and Dam Design Alternative 5, described in the Environmental Impact Assessment Report ("EIAR"), dated July 2019.

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

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

## A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Wilgenhof 383 Boerdery (Pty) Ltd  
% Mr. A. Cillie  
P. O. Box 116

### CERES

6<sup>th</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 8350 Fax: +27 21 483 3098  
E-mail: D'mitri.Matthews@westerncape.gov.za

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

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: Activity Number 12: The development of—</p> <p><b>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</b></p> <p><b>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</b></p> <p>where such development occurs—</p> <p><b>(a) within a watercourse;</b> (b) in front of a development setback; or <b>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</b></p> <p>excluding—</p> <p>(aa) 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>(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 development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(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>	<p>The proposal entails the construction of a dam larger than 100m<sup>2</sup> within an unnamed tributary.</p>
<p>Activity Number 19: The infilling or depositing of any material of more</p>	<p>The proposal will require the excavation and movement of more than 10m<sup>3</sup> of material for the</p>

<p>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"> <li>will occur behind a development setback;</li> <li>is for maintenance purposes undertaken in accordance with a maintenance management plan;</li> <li>falls within the ambit of activity 21 in this Notice, in which case that activity applies;</li> <li>occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</li> <li>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</li> </ol>	<p>construction of a dam within an unnamed tributary and the construction of associated infrastructure within the Titus River. In addition, the unnamed tributary will be rehabilitated upstream of the proposed dam, which will require the excavation and movement of material within the watercourse.</p>
<p>EIA Regulations Listing Notice 2 of 2014: Activity Number 16: The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the highwater mark of the dam covers an area of 10 hectares or more.</p>	<p>The dam that will be constructed will have a dam wall height of approximately 9m.</p>

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

The holder is herein authorised to undertake the following alternative:

The proposal entails the construction of a dam located in the southern lower lying area of Portion 6 of Farm Ezelsfontein No. 384 and will have the following specifications:

- Dam wall height: 9m
- Wall length: 665m
- Capacity: 320 000m<sup>3</sup>
- Full Supply Level surface area: 7,8ha

The following infrastructure will form part of the development:

- An existing pipeline with a diameter of 200mm will be extended to the new dam along the existing access roads.
- The use of an existing borrow area adjacent to the Titus River.
- The construction of a new pump station.
- A 10m wide by 100m long approach channel to the new pump station.
- A 2m wide by 25m long sliding steel structure within the approach channel on which the river pumps will be installed.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 6 of Farm Ezelsfontein No. 384, Ceres, at the following co-ordinates:

Proposed Dam:

Latitude (S)	Longitude (E)
33° 23' 50.25"	19° 24' 48.01"

Pump station:

Latitude (S)	Longitude (E)
33° 24' 16.51"	19° 24' 12.08"

The SG digit code is: C01900000000038400006

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

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Holland and Associates Environmental Consultants  
% Ms. N. Holland  
P. O. Box 31108  
**TOKAI**  
7966

Cell: (082) 464 5246  
Fax: (086) 762 6126

### 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, Location Alternative 2 and Dam Design Alternative 5 in the EIAR dated July 2019 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the 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: 6, 7, 8 and 12

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

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

- 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
  - 7.1.1 the outcome of the application;
  - 7.1.2 the reasons for the decision as included in Annexure 3;
  - 7.1.3 the date of the decision; and
  - 7.1.4 the date when the decision was issued.

7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;

7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

7.4 provide the registered I&APs with:

- 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
- 7.4.2 name of the responsible person for this Environmental Authorisation;
- 7.4.3 postal address of the holder;
- 7.4.4 telephonic and fax details of the holder;
- 7.4.5 e-mail address, if any, of the holder; and
- 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).

8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

### **Management of activity**

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

### **Monitoring**

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr, MMP and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The ECO must conduct fortnightly site audits. 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 Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 15/11/2019

CC: (1) Ms. L. Speirs (Doug Jeffery Environmental Consultants)  
(2) Mr. J. Barnard (Witzenberg Municipality)  
(3) Mr. S. Lupa (BGCMA)  
(4) Ms. P. Huntly (CapeNature)  
(5) Mr. C. van der Walt (Department of Agriculture)  
(6) Mr. E. Maree (Department of Agriculture)

Fax: (086) 660 2635  
Fax: (086) 523 6339  
Fax: (023) 347 2012  
Fax: (021) 866 1523  
Fax: (021) 808 5092  
Email: elmom@elsenburg.com

## ANNEXURE 1: LOCALITY MAP



Figure 1: Location of the proposed development.

## ANNEXURE 2: SITE DEVELOPMENT PLAN

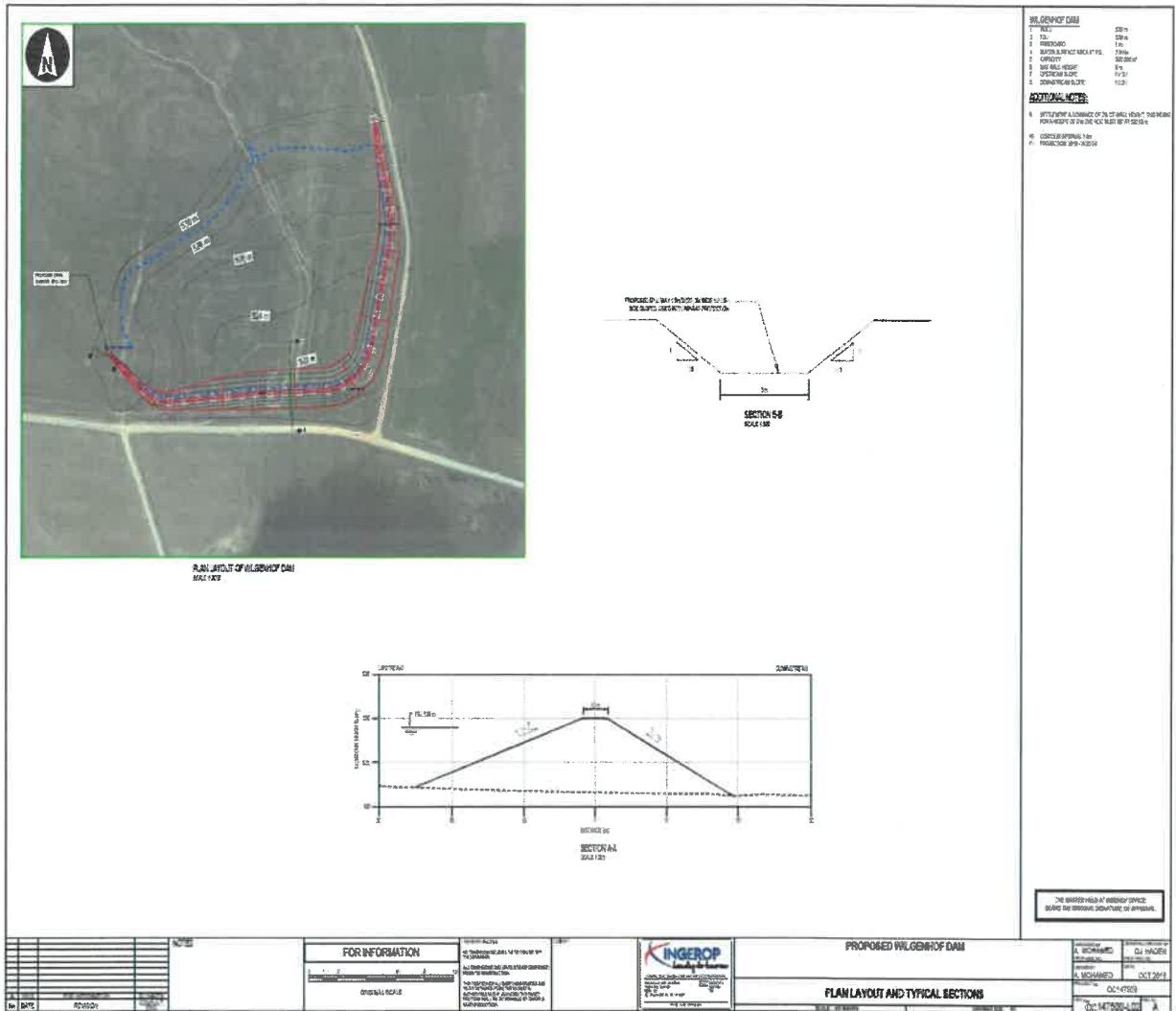


Figure 2: The proposed dam.

## **ANNEXURE 2: 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 4 February 2019, the final EIAR dated July 2019 and the EMPr and MMP submitted together with the final EIAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the EIAR dated July 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### **1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Witzenberg Herald' on 2 November 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 30 and 31 October 2018, 18 and 19 February 2019 and 3, 7, 10 and 19 June 2019;
- fixing notice boards at the site where the listed activities are to be undertaken on 30 November 2018;
- making the pre-application draft Scoping Report ("SR") available to I&APs for public review from 1 November 2018 and the in-process draft SR from 20 February 2018; and
- making the draft EIAR available to I&APs for public review from 11 June 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 location and five dam design alternatives were assessed and are discussed below.

#### Location Alternative 1:

This alternative entails the construction of a dam and associated infrastructure located in the higher lying northern area on Portion 6 of Farm Ezelsfontein No. 384.

This alternative is not preferred because the dam footprint will encroach into an area containing indigenous vegetation and will have a higher impact on the habitat associated with the unnamed tributary.

#### Location Alternative 2 (Herewith Authorised):

This alternative is located to the south of Location Alternative 1 on the same property.

This alternative is preferred because the dam footprint will be located on land previously cultivated and will not encroach into any areas containing indigenous vegetation. Additionally, this alternative will have a lower impact on the habitat associated with the unnamed tributary.

#### Dam Design Alternative 1:

- Dam wall height: 8,5m
- Capacity: 280 000m<sup>3</sup>
- Crest length: 640m
- Water/wall ratio: 72 040m<sup>3</sup>
- Surface area at full supply level: unknown

#### Dam Design Alternative 2:

- Dam wall height: 9m
- Capacity: 320 000m<sup>3</sup>
- Crest length: 667m
- Water/wall ratio: 81 510m<sup>3</sup>
- Surface area at full supply level: unknown

#### Dam Design Alternative 3:

- Dam wall height: 9,5m
- Capacity: 361 000m<sup>3</sup>
- Crest length: 695m
- Water/wall ratio: 91 740m<sup>3</sup>
- Surface area at full supply level: unknown

#### Dam Design Alternative 4:

- Dam wall height: 9,5m
- Capacity: 363 730m<sup>3</sup>
- Crest length: 695m
- Water/wall ratio: 92 083m<sup>3</sup>
- Surface area at full supply level: 8,3ha

Dam Design Alternatives 1 to 4 are not preferred because the water gained per volume of fill required to construct the dam embankment (water/wall ratio), would make it less economically feasible to construct when compared to Dam Design Alternative 5.

#### Dam Design Alternative 5 (Herewith Authorised):

- Dam wall height: 9m
- Capacity: 320 000m<sup>3</sup>

- Crest length: 665m
- Water/wall ratio: 79 100m<sup>3</sup>
- Surface area at full supply level: 7,8ha

This alternative is preferred because it is the most economically feasible alternative compared to Dam Design Alternatives 1 to 4.

#### "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 construction of the Wilgenhof dam, is primarily to increase the efficiency of water storage on the property. The proposed development will promote water efficiency and enhance the economic viability of the farm. No additional water rights will be required since the proposal is restricted to the storage of water for which water rights have already been granted. 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

According to the Freshwater Impact Assessment dated September 2018, compiled by Ms. A. Belcher of Blue Science, two watercourses will be affected by the proposed development i.e. the Titus River and the unnamed tributary. The unnamed tributary is considered to be largely to seriously modified with a low ecological importance and sensitivity. The unnamed tributary is susceptible to erosion, however, the location of the dam in the lower reaches of the unnamed tributary would not have a significant impact on the aquatic habitat. The rehabilitation of the unnamed tributary does form part of the proposed development, which will improve the current ecological condition of the watercourse. The Titus River is considered to be moderately to largely modified with a high ecological importance and sensitivity. The impact of the construction of the pump station and the approach channel on riparian vegetation is considered low, due to the area already being disturbed. Through the implementation of the EMPr (accepted in Condition 9), impacts to the Titus River and unnamed tributary will be mitigated.

Furthermore, 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 proposed dam, pump station and associated infrastructure within the Titus River and unnamed tributary.

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:**

- The proposed development will have an impact on the Titus River and the unnamed tributary, however, adequate mitigation measures have been included in the EMPr and MMP to mitigate impacts associated with the development.

**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.
- Temporary employment opportunities will be created during the construction phase.
- The proposed dam will ensure the availability of irrigation water during the summer and the economic viability of the farm will be assured.

**4. National Environmental Management Act Principles**

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

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

**5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----