



**EIA REFERENCE:** 16/3/3/2/B2/32/1049/18  
**NEAS REFERENCE:** WCP/EIA/0000443/2018  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2019 -05- 0 6

The Board of Directors  
Driekuns Boerdery (Edms) Bpk  
P. O. Box 330  
**DE DOORNS**  
6875

**Attention: Mr J. P. de Kock**

Tel.: (023) 004 0623  
Email: pdekock@hexvallei.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): CULTIVATION OF VIRGIN SOIL, CONSTRUCTION OF A DAM AND ASSOCIATED INFRASTRUCTURE ON PORTIONS 17 AND 27 OF FARM EILANDIA NO. 466, WORCESTER**

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. ZAHRIR TOEFY**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms. N. Holland (Holland & Associates Environmental Consultants)  
(2) Mr. J. Steyn (Breede Valley Municipality)  
(3) Ms. E. Rossouw (BGCMA)  
(4) Ms. P. Huntly (CapeNature)  
(5) Mr. C. van der Walt (Department of Agriculture)

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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): CULTIVATION OF VIRGIN SOIL, CONSTRUCTION OF A DAM AND ASSOCIATED INFRASTRUCTURE ON PORTIONS 17 AND 27 OF FARM EILANDIA NO. 466, WORCESTER

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 Dam Design Alternative 3 and Alignment Alternative 4, described in the Environmental Impact Assessment Report ("EIAR"), dated January 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 Breede River, included in the EIAR dated January 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

Driekuns Boerdery (Edms) Bpk  
 % Mr. J. P. de Kock  
 P. O. Box 330  
**DE DOORNS**  
 6875

Tel.: (023) 004 0623  
 Email: pdekock@hexvallei.co.za

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014:            Activity Number 9:            The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—            (i) with an internal diameter of 0,36 metres or more;            or  <b>(ii) with a peak throughput of 120 litres per second or more;</b></p> <p>excluding where—            (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or            (b) where such development will occur within an urban area.</p>	<p>A 0,315m diameter pipeline with a length of approximately 2,35km and a peak throughput of more than 120 litres per second, from the Breede River to the proposed dam will be constructed.</p>
<p>Activity Number 12:            The development of—  <b>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</b>  <b>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</b></p> <p>where such development occurs—  <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>The proposal entails the construction of a dam (1,1ha) within an episodic drainage line. The construction of associated infrastructure within and adjacent to the Breede River will be larger than 100m<sup>2</sup>.</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>Activity Number 19: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>a. will occur behind a development setback;</p> <p>b. is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>c. falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>d. occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>e. where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The proposal entails the construction of a dam within an episodic drainage line. The construction of associated infrastructure within the Breede River, will require the excavation and movement of more than 10m<sup>3</sup> of material.</p>
<p>EIA Regulations Listing Notice 2 of 2014: Activity Number 15: The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management</p>	<p>An area of approximately 42ha of indigenous vegetation will be cleared as part of the proposal.</p>

plan.	
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.	The dam that will be constructed will have a dam wall height of approximately 9,3m.
EIA Regulations Listing Notice 3 of 2014: Activity Number 4: The development of a road wider than 4 metres with a reserve less than 13,5 metres.  <b>i. Western Cape</b> i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; <b>(aa) Areas containing indigenous vegetation;</b> (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.	The internal roads that will be established, will be 6m wide within an area containing indigenous vegetation.

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

The holder is herein authorised to undertake the following alternative:

The proposal will consist of the following aspects:

- a. The clearance of approximately 38ha of indigenous vegetation for the development of cultivated crops (vineyards).
- b. The construction of a new dam with a storage capacity of 28 700m<sup>3</sup>, maximum dam wall height of approximately 9.3m and water surface area at Full Supply Level (FSL) of approximately 0.6ha. The total footprint would be approximately 1.1ha. The proposed dam would be filled by means of pumping from the Breede River for balancing purposes.
- c. New pipelines:
  - o A new 315mm diameter PVC bulk pipeline (approximately 2.35km in length) to pump water from the Breede River to the proposed top balancing dam.
  - o A new 160mm diameter pipeline (approximately 1.36km in length) for irrigation.
  - o A new 32mm diameter pipeline for drinking water (approximately 1.15km in length).
- d. A river pump station, approach channel and associated infrastructure:
  - o An approximately 10m wide by 50m long approach channel will be excavated to the river pump station.

- o A 2m wide by 25m long sliding steel structure on which the river pumps will be installed, will be constructed into the approach channel.
- e. A booster pump station (also referred to as a "high lift pump station"), to be constructed along the 315mm pipeline route, with a footprint of approximately 18m<sup>2</sup>.
- f. An irrigation pump station with a filter station, with a footprint of approximately 80m<sup>2</sup>.
- g. Internal access roads of approximately 6m wide.
- h. Buildings/Structures, i.e. farmstead/office, vehicle shed and pre-cooling area (approximately footprint 300m<sup>2</sup>).

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portions 17 and 27 of Farm Eilandia No. 466, Worcester, at the following co-ordinates:

Proposed Dam and filter station:

Latitude (S)	Longitude (E)
33° 47' 26.46"	19° 38' 52.16"

River pump station:

Latitude (S)	Longitude (E)
33° 46' 14.65"	19° 38' 42.02"

Booster pump station:

Latitude (S)	Longitude (E)
33° 46' 27.86"	19° 38' 41.75"

Pipelines:

315mm diameter:

Start Point:

Latitude (S)	Longitude (E)
33° 46' 15.14"	19° 38' 42.02"

Middle Point:

Latitude (S)	Longitude (E)
33° 46' 56.22"	19° 38' 41.96"

End Point:

Latitude (S)	Longitude (E)
33° 47' 26.67"	19° 38' 51.02"

160mm diameter:

Start Point:

Latitude (S)	Longitude (E)
33° 47' 23.17"	19° 38' 51.77"

Middle Point:

Latitude (S)	Longitude (E)
33° 47' 06.54"	19° 38' 44.61"

End Point:

Latitude (S)	Longitude (E)
33° 46' 44.18"	19° 38' 38.95"

32mm diameter:

Start Point:

Latitude (S)	Longitude (E)
33° 47' 23.21"	19° 38' 51.85"

Middle Point:

Latitude (S)	Longitude (E)
33° 47' 06.46"	19° 38' 55.88"

End point:

Latitude (S)	Longitude (E)
33° 46' 46.98"	19° 38' 57.78"

The SG digit codes are: C08500000000046600017  
C08500000000046600027

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, Dam Design Alternative 3 and Alignment Alternative 4 in the EIAR dated January 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: 7 and 12

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

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.
  - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
  - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 7.4 provide the registered I&APs with:
    - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
    - 7.4.2 name of the responsible person for this Environmental Authorisation;
    - 7.4.3 postal address of the holder;
    - 7.4.4 telephonic and fax details of the holder;
    - 7.4.5 e-mail address, if any, of the holder; and



7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).

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

#### **Management of activity**

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

#### **Monitoring**

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

#### **Auditing**

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

The ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

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

### **Specific Conditions**

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

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

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

### **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## **G. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile:           (021) 483 4174; or

By hand:                   Attention: Mr Jaap de Villiers (Tel: 021 483 3721)  
Room 809  
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. ZAAHIR TOEFY

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

DATE OF DECISION: 06/05/2019

CC: (1) Ms. N. Holland (Holland & Associates Environmental Consultants)  
(2) Mr. J. Steyn (Breede Valley Municipality)  
(3) Ms. E. Rossouw (BGCMA)  
(4) Ms. P. Huntly (CapeNature)  
(5) Mr. C. van der Walt (Department of Agriculture)

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Fax: (021) 808 5092

## ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map indicating the location of the proposed development.

## ANNEXURE 2: SITE DEVELOPMENT PLAN

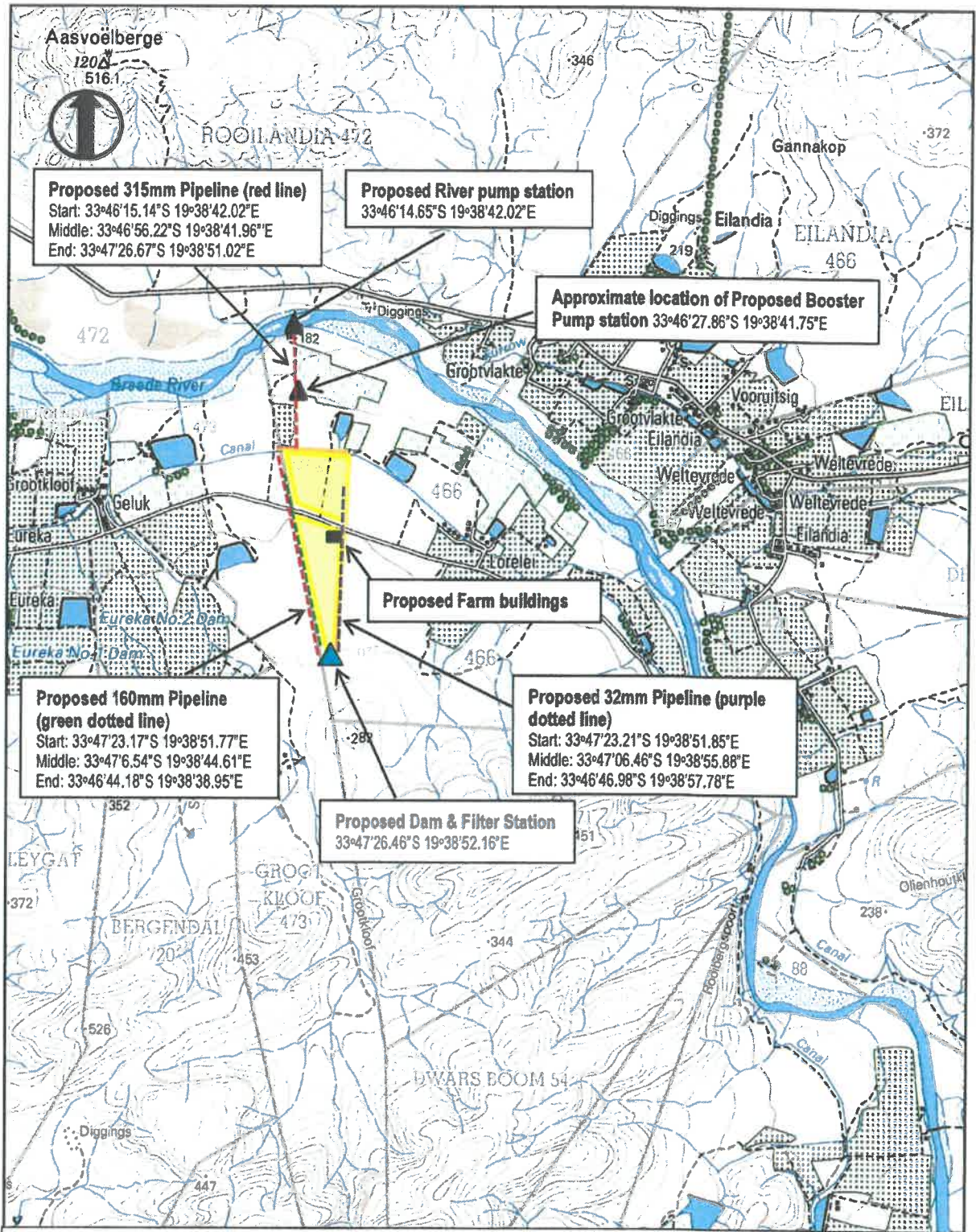


Figure 2: Indicates the proposed area to be cultivated (yellow shading), the dam and associated infrastructure.

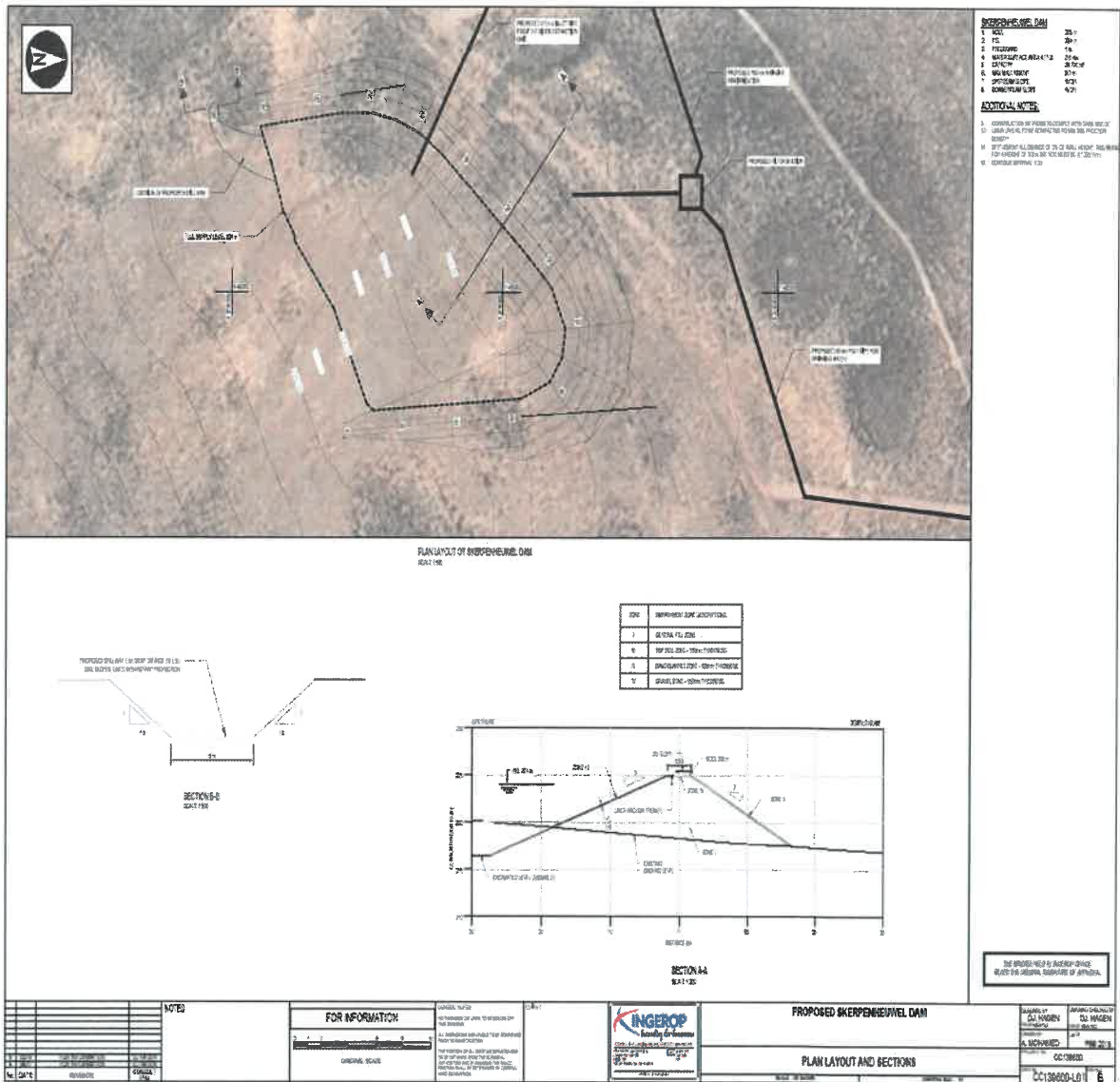


Figure 3: Depicting the proposed dam.

## **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 July 2018, the final EIAR dated January 2019 and 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 January 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 'Worcester Standard' on 12 April 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 16 and 17 April 2018, 18 and 19 July 2018 and 9, 11, 12 and 13 November 2018;
- fixing notice boards at the site where the listed activities are to be undertaken on 17 April 2018;
- making the pre-application draft Scoping Report ("SR") available to I&APs for public review from 17 April 2018 and the in-process draft SR from 20 July 2018; and
- making the Draft EIAR available to I&APs for public review from 13 November 2018.

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

The Competent Authority notes 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**

The proposal will consist of the following aspects:

- a. The clearance of approximately 38ha of indigenous vegetation for the development of cultivated crops (vineyards).



- b. The construction of a new dam with a storage capacity of 28 700m<sup>3</sup>, maximum dam wall height of approximately 9.3m and water surface area at Full Supply Level (FSL) of approximately 0.6ha. The total footprint would be approximately 1.1ha. The proposed dam would be filled by means of pumping from the Breede River for balancing purposes.
- c. New pipelines:
- o A new 315mm diameter PVC bulk pipeline (approximately 2.35km in length) to pump water from the Breede River to the proposed top balancing dam.
  - o A new 160mm diameter pipeline (approximately 1.36km in length) for irrigation.
  - o A new 32mm diameter pipeline for drinking water (approximately 1.15km in length).
- d. A river pump station, approach channel and associated infrastructure:
- o An approximately 10m wide by 50m long approach channel will be excavated to the river pump station.
  - o A 2m wide by 25m long sliding steel structure on which the river pumps will be installed, will be constructed into the approach channel.
- e. A booster pump station (also referred to as a "high lift pump station"), to be constructed along the 315mm pipeline route, with a footprint of approximately 18m<sup>2</sup>.
- f. An irrigation pump station with filter station, with a footprint of approximately 80m<sup>2</sup>.
- g. Internal access roads of approximately 6m wide.
- h. Buildings/Structures, i.e. farmstead/office, vehicle shed and pre-cooling area (approximately footprint 300m<sup>2</sup>).

Four dam design alternatives were investigated and are described below:

Dam Design Alternative 1:

- Dam wall height: 10,5m
- Capacity: 49 000m<sup>3</sup>
- Crest length: 306m
- Dam and basin footprint: 1,5ha

Dam Design Alternative 2:

- Dam wall height: 9m
- Capacity: 50 500m<sup>3</sup>
- Crest length: 334m
- Dam and basin footprint: 1,7ha

Dam Design Alternative 1 and 2 extend outside of the boundary of the property and are the second and third most expensive options to construct.

Dam Design Alternative 3 (Herewith Authorised):

- Dam wall height: 9,3m
- Capacity: 28 700m<sup>3</sup>
- Crest length: 258m
- Dam and basin footprint: 1,1ha

This alternative is preferred because it has the required storage capacity, it is located within the boundary of the property and is the least expensive option to construct.

#### Dam Design Alternative 4:

- Dam wall height: 11,1m
- Capacity: 49 800m<sup>3</sup>
- Crest length: 293m
- Dam and basin footprint: 1,3ha

This alternative is not preferred because it exceeds the desired storage capacity and is the most expensive option to construct.

Four alignment alternatives for the 315mm diameter pipeline were investigated and are described below:

#### Alignment Alternative 1:

This alternative aligns the pipeline along the eastern boundary of the property, following existing access tracks wherever possible, to the balancing dam. The pipeline will be approximately 2,2km in length. The construction phase development footprint will be approximately 22 000m<sup>2</sup>.

This alternative is not preferred because it will impact on the valley bottom wetland associated with the Breede River.

#### Alignment Alternative 2:

This alternative entails aligning the pipeline along an existing access track near the Breede River, after which it will cut across the centre of pastures, before following the eastern boundary of the property to the balancing dam. The length of the pipeline is approximately 2,5km. The construction phase development footprint will be approximately 24 600m<sup>2</sup>.

This alternative is not preferred because it traverses pastures and is not desirable from a design perspective.

#### Alignment Alternative 3:

The alternative aligns the pipeline along the western boundary of the property for approximately 800m, then eastwards along the access road and then following the eastern boundary to the balancing dam. The length of the pipeline will be approximately 2,6km.

This alternative is not preferred because it is the longest route and most expensive to construct.

#### Alignment Alternative 4 (Herewith authorised):

This alternative aligns the pipeline along the western boundary of the property along existing access roads to the balancing dam. The length of the pipeline will be approximately 2,3km. The construction development footprint will be approximately 23 500m<sup>2</sup>.

This alternative is preferred because it has the least impact on the riparian zone and associated wetland of the Breede River.

#### "No-Go" Alternative

The "no-go" option to not clear indigenous vegetation for cultivation purposes and construct a dam with associated infrastructure was considered. However, it is not preferred because it will not improve the economic viability of the farm and will not contribute to new employment opportunities.

### 3. Impact Assessment and Mitigation measures

#### 3.1 Activity Need and Desirability

The property is located outside of the urban edge in an area zoned for agriculture. The proposed agricultural development will allow the applicant to use the property to its full agricultural potential and will increase the economic viability of the farm. Employment opportunities will be created during the construction and operational phases of the proposal.

#### 3.2 Biodiversity and Biophysical Impacts

According to the Botanical Impact Assessment dated October 2018, compiled by Dr. D. McDonald of Bergwind Botanical Surveys and Tours, the mapped vegetation for the site is Breede Alluvium Renosterveld and Robertson Karoo, ecosystems listed as vulnerable and least threatened (respectively) in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). However, according to the fine scale mapping for the area, Houmoed Renosterveld Karoo (least threatened) is mapped for most of the site except for the southern corner of the site, which is mapped as Bosjesveld Renosterveld Karoo. A critical biodiversity area ("CBA"), approximately 11ha in extent is located within the property. The reasoning for the CBA status is associated to Breede Alluvium Renosterveld and Cape Mountain Zebra. However, the vegetation type is Houmoed Renosterveld Karoo (least threatened), which forms part of the broader concept of Robertson Karoo (least threatened) and the presence of Cape Mountain Zebra within the CBA is unlikely, given the isolated mapping of the CBA. With the implementation of the search and rescue exercise and the relocation of succulents and geophytes as recommended and detailed in the EMP (accepted in Section E, Condition 9), the impact on Houmoed Renosterveld Karoo will be limited.

In addition, CapeNature has agreed with the findings and mitigation measures as stipulated in the Botanical Impact Assessment dated October 2018 and has no objection with respect to the proposed development.

According to the Freshwater Impact Assessment dated October 2018, compiled by Ms. A. Belcher of Blue Science, two watercourses will be affected by the proposed development i.e. the Breede River and the unnamed drainage line. The present ecological state of the Breede River is largely modified through abstraction and riparian zone disturbances, however, it has a high ecological importance and sensitivity. The unnamed drainage line is in a natural state, with a marginal ecological importance and sensitivity due to its highly episodic nature. The unnamed drainage line is susceptible to erosion, however, the entire drainage line will be within the dam footprint and no erosion will occur downstream of the dam. Through the implementation of the EMP (accepted in Condition 9), impacts to the Breede River, riparian zone and associated wetland 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 Breede River and unnamed drainage line.

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 impact on indigenous vegetation and the Breede River however, adequate mitigation measures have been included in the EMP to mitigate impacts associated with the development.

**Positive impacts:**

- The development will promote local economic development.
- Employment opportunities will be created during the construction phase and operational phases.
- The economic viability of the farm will be increased.

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

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

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

## 5. Conclusion

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

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