



**EIA REFERENCE:** 16/3/3/2/B2/32/1056/19  
**DATE OF ISSUE:** 2020 -03- 16

The Board of Directors  
Korhaanhoogte Eiendomme (Pty) Ltd  
P. O. Box 275  
**ROBERTSON**  
6705

**Attention: Mr. M. Viljoen**

Cell: 082 898 8470  
Email: mechau@eilandia.co.za

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL ENVIRONMENTAL IMPACT REPORT ("EIR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED CONSTRUCTION OF NEW DAMS AND ASSOCIATED INFRASTRUCTURE AND THE ESTABLISHMENT OF NEW CULTIVATION AREAS ON PORTION 1 OF THE FARM ROOILANDIA NO. 472, WORCESTER**

1. The above-mentioned document dated 5 March 2020, as received by the Department on the same day, refers.
2. This letter serves as an acknowledgement of receipt of the above-mentioned document by this Department.
3. This Department will consider the final EIR within the prescribed time period and advise you accordingly.
4. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application.
5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.

Yours faithfully

**HEAD OF COMPONENT**  
**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**  
**DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING**

Cc: (1) Mr. P. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd)  
(2) Mr. J. Steyn (Breede Valley Municipality)

Fax: (086) 435 2174  
Fax: (023) 348 2709



**EIA REFERENCE:** 16/3/3/2/B2/32/1056/19  
**NEAS REFERENCE:** WCP/EIA/0000656/2019  
**DATE OF ISSUE:** 26 June 2020

The Board of Directors  
Korhaanhoogte Eiendomme (Pty) Ltd  
P. O. Box 275  
**ROBERTSON**  
6705

**Attention: Mr. M. Viljoen**

Cell: 082 898 8470

Email: mechau@eilandia.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): PROPOSED CONSTRUCTION OF NEW DAMS AND ASSOCIATED INFRASTRUCTURE AND THE ESTABLISHMENT OF NEW CULTIVATION AREAS ON PORTION 1 OF THE FARM ROOILANDIA NO. 472, 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. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC:

- (1) Mr. P. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd)
- (2) Mr. J. Steyn (Breede Valley Municipality)
- (3) Ms. E. Rossouw (BGCMA)
- (4) Ms. P. Huntly (CapeNature)
- (5) Mr. C. van der Walt (Western Cape: Department of Agriculture)
- (6) Ms. A. Martin (Department of Agriculture, Forestry and Fisheries)

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**EIA REFERENCE:** 16/3/3/2/B2/32/1056/19  
**NEAS REFERENCE:** WCP/EIA/0000656/2019  
**DATE OF ISSUE:** 26 JUNE 2020

**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): PROPOSED CONSTRUCTION OF NEW DAMS AND ASSOCIATED INFRASTRUCTURE AND THE ESTABLISHMENT OF NEW CULTIVATION AREAS ON PORTION 1 OF THE FARM ROOILANDIA NO. 472, 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 Dam Site Alternative 1 (D4) and Dam Design Alternative 5 (3d) for the enlarged Korhaanhoogte East Dam and associated infrastructure; Dam Site Alternative 3 and Dam Design Alternative 2 (3b) for the construction of the Korhaanhoogte West Dam; and Site Layout Alternative 3 in relation to the clearance of vegetation for cultivation, described in the Environmental Impact Assessment Report ("EIAR"), dated 5 March 2020.

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 Korhaanhoogte East Dam and Korhaanhoogte West Dam and associated infrastructure, as well as the new pipelines crossing the watercourses on the farm, road crossings and the abstraction points located within the Breede River, included in the EIAR dated 5 March 2020.

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**

Korhaanhoogte Eiendomme (Pty) Ltd  
% Mr. M. Viljoen  
P. O. Box 275  
**ROBERTSON**  
6705

Cell: 082 898 8470

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

**B. LIST OF ACTIVITIES AUTHORISED**

<b>Listed activities</b>	<b>Activity/Project Description</b>
<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— <b>(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;</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>Two new pipelines with diameters of 0,4m and 0,7m respectively will be constructed from two abstraction points to the Korhaanhoogte East and Korhaanhoogte West Dams. Both pipelines will exceed 1 000m in length.</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 (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice</p>	<p>The construction of new structures and infrastructure (Korhaanhoogte West Dam; pipelines and farm roads) will occur within watercourses and will have a development footprint of more than 100m<sup>2</sup>.</p>

<p>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 construction of the dams, pipelines, pump stations, proposed farm roads as well some of the cultivated areas will require the infilling and depositing of material of more than 10m<sup>3</sup> within various watercourses.</p>
<p>Activity Number 48: The expansion of—</p> <p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</p> <p><b>(ii) 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>where such expansion [or expansion and related operation] occurs—</p> <p><b>(a) within a watercourse;</b></p>	<p>To create the Korhaanhoogte East Dam, two instream dams will be will be expanded by more than 100m<sup>2</sup>.</p>

<p>(b) in front of a development setback; or  (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding—</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	
<p>EIA Regulations Listing Notice 2 of 2014:  Activity Number 13:  The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</p>	<p>More than 100ha of virgin soil will be altered for the purposes of cultivation.</p>
<p>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  (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposal will entail the clearance of more than 20ha of indigenous vegetation.</p>
<p>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 proposed in-stream Korhaanhoogte West Dam will have a dam wall height of 35,2m.</p>

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

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposed development, including associated infrastructure, includes the following:

- The expansion of the two existing instream dams into one new dam (Korhaanhoogte East Dam). The new Korhaanhoogte East Dam will have a dam wall height of 29,5m and a capacity of 1 500 000m<sup>3</sup>. The newly expanded dam will be filled with surplus winter water from the Breede River. A contour diversion channel is proposed upstream of the dam to bypass any flow from the catchment, which will serve as the Ecological Flow Requirement releases.
- The construction of a new instream dam (Korhaanhoogte West Dam), which will have a dam wall height of 35,2m and a capacity of 500 000m<sup>3</sup>. The dam will be filled with surplus winter water from the Breede River, registered to the applicant.
- The use of sand borrow areas within the dam basins and from an additional area measuring 0,5ha, located adjacent to the Breede River.
- Construction of two abstraction points next to the Breede River, each with a 25m<sup>2</sup> development footprint.
- The construction of two separate pipelines from each of the abstraction points located on the Breede River. The pipeline to the Korhaanhoogte East Dam will be 2,4km long with a 700mm diameter and the pipeline to the Korhaanhoogte West Dam will be 1,2km long with a 400mm diameter.
- Four new entrances to the farm will be established.
- The construction of a road to the hills in the north east with a width of less than 4m and 700m long.
- Two overhead electricity power line extensions of 250kW (Line 2) and 650kW (Line 1 respectively).
- The development will have a development footprint of approximately 201ha (approximately 184ha for the development of cultivated crops and approximately 17ha for the construction of the dams).

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 1 of Farm Rooilandia No. 472, Worcester, at the following co-ordinates:

#### Korhaanhoogte East Dam:

Latitude (S)	Longitude (E)
33° 45' 22.24"	19° 39' 38.53"

#### Korhaanhoogte East Dam pipeline:

	Latitude (S)	Longitude (E)
Start Point	33° 45' 28.68"	19° 39' 37.67"
Middle Point	33° 45' 50.89"	19° 39' 38.43"
End Point	33° 46' 11.38"	19° 38' 59.34"

#### Korhaanhoogte West Dam:

Latitude (S)	Longitude (E)
33° 45' 47.27"	19° 38' 17.48"

#### Korhaanhoogte West Dam pipeline:

	Latitude (S)	Longitude (E)
Start Point	33° 45' 46.60"	19° 38' 23.53"
Middle Point	33° 45' 56.04"	19° 38' 38.66"
End Point	33° 46' 10.59"	19° 38' 47.84"

**Borrow area:**

Latitude (S)	Longitude (E)
33° 46' 17.80"	19° 38' 59.34"

**Agriculture fields:**

	Latitude (S)	Longitude (E)
1	33° 45' 22.24"	19° 39' 38.53"
2	32° 45' 35.56"	19° 40' 11.09"
3	33° 45' 36.16"	19° 39' 39.14"
4	33° 45' 41.20"	19° 39' 20.97"
5	33° 45' 48.50"	19° 39' 42.82"
6	33° 46' 01.50"	19° 39' 24.15"
7	33° 46' 02.29"	19° 38' 51.14"
8	33° 45' 53.34"	19° 38' 25.67"
9	33° 46' 03.61"	19° 38' 23.02"

The SG digit code is: C08500000000047200001

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**

Cornerstone Environmental Consultants (Pty) Ltd  
 % Mr. P. de Villiers  
 P. O. Box 12606  
 Die Boord  
**STELLENBOSCH**  
 7613

Tel.: (021) 887 9099

Fax: (086) 435 2174

**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 Site Alternative 1 (D4) and Dam Design Alternative 5 (3d) for the enlarged Korhaanhoogte East Dam and associated infrastructure; Dam Site Alternative 3 and Design Alternative 2 (3b) for the construction of the Korhaanhoogte West Dam; and Site Layout Alternative 3 in relation to the clearance of vegetation for cultivation in the EIAR dated 5 March 2020 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.



3. The development must be concluded within **20 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"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and quarterly Environmental Compliance Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within six months after construction has been complete.
14. A copy of the Environmental Authorisation, EMPr and compliance monitoring reports must be kept at the site of the authorised activity.
15. 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**

16. The holder must ensure that environmental auditing is undertaken in accordance with Regulation 34 in terms of the NEMA EIA Regulations, 2014 (as amended) to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Reports must be submitted to the Competent Authority every **six (6)** months during the construction phase. 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 final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

### **Specific Conditions**

17. 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.

18. 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.
19. The remaining vegetation, Robertson Karoo, on Portion 1 of Farm Rooilandia No. 472, Worcester, must be set aside for conservation purposes and must be included in CapeNature's stewardship programme. The stewardship agreement must be concluded within a period of **two (2)** years from the date of this Environmental Authorisation. Progress reports must be submitted to the Department every three (3) months for the duration of the period in which the stewardship agreement must be concluded. Failure to submit the progress reports will result in non-compliance with the Environmental Authorisation and the matter will be referred to this Department's Directorate: Environmental Governance for further investigation.

## **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

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 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: 26 JUNE 2020**

CC: (1) Mr. P. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd)  
(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)  
(6) Ms. A. Martin (Department of Agriculture, Forestry and Fisheries)

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## ANNEXURE 1: LOCALITY MAP

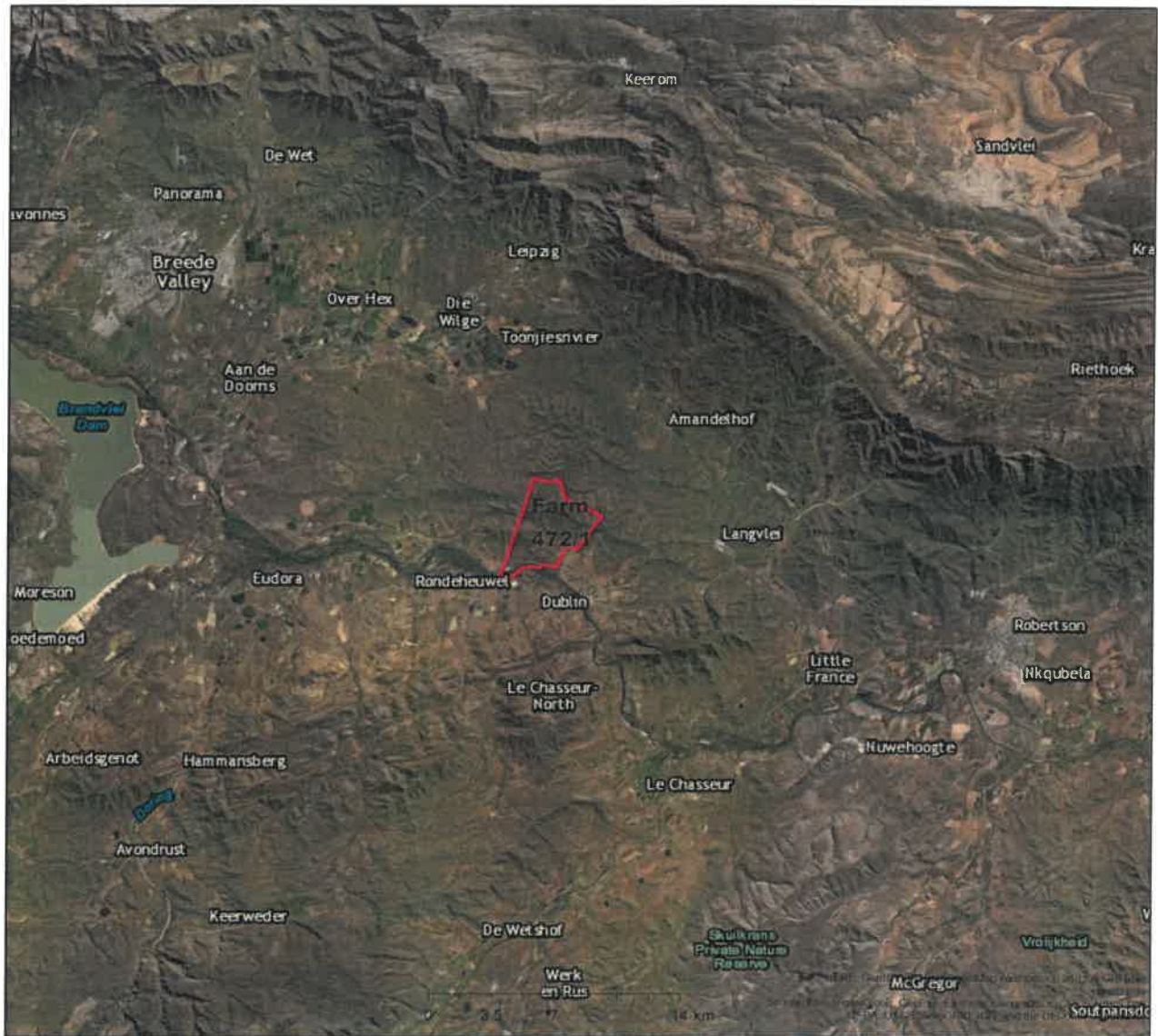


Figure 1: Location of the proposed development.

## ANNEXURE 2: SITE DEVELOPMENT PLAN

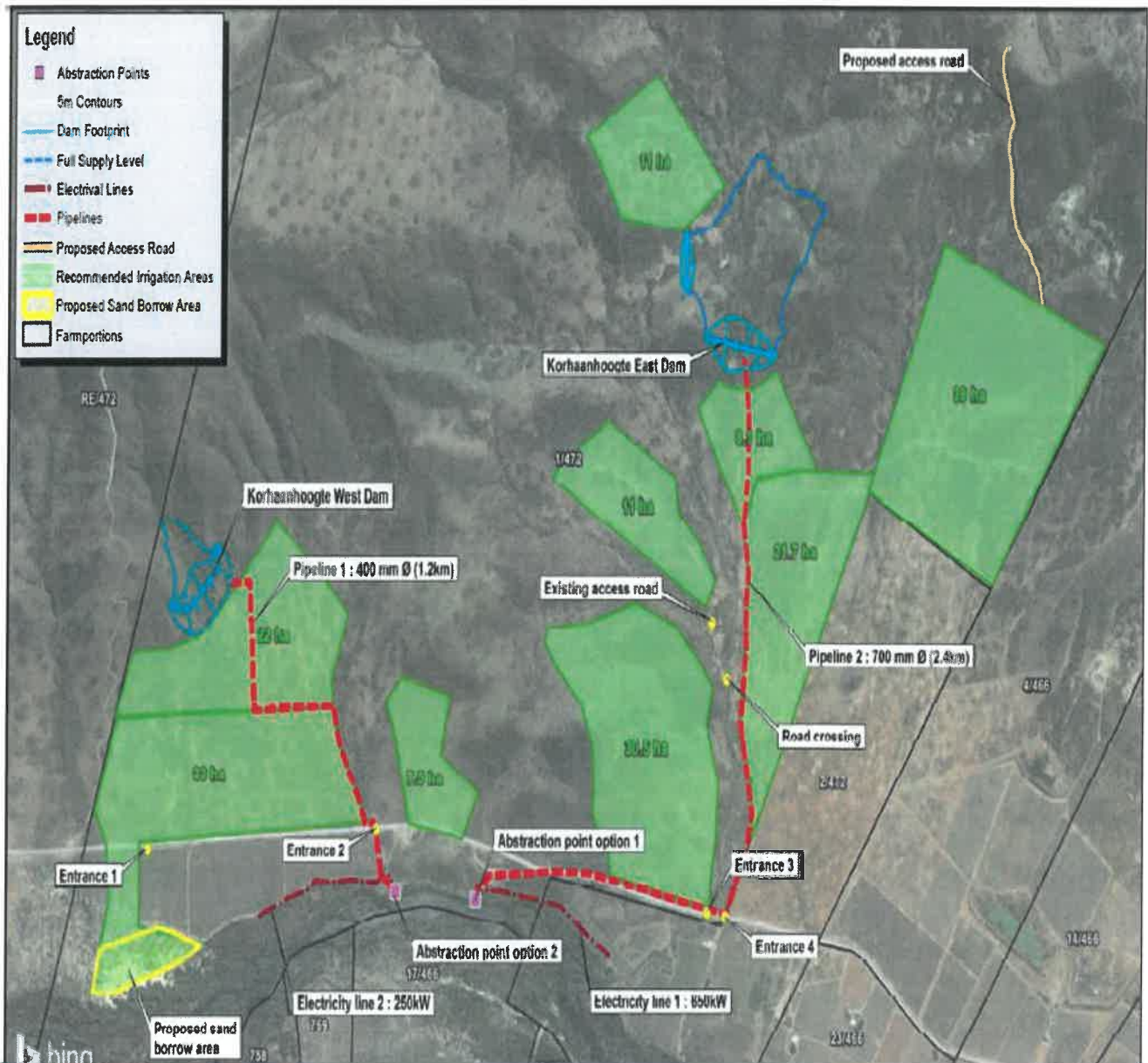


Figure 2: Aerial view of the various components of the proposed development.

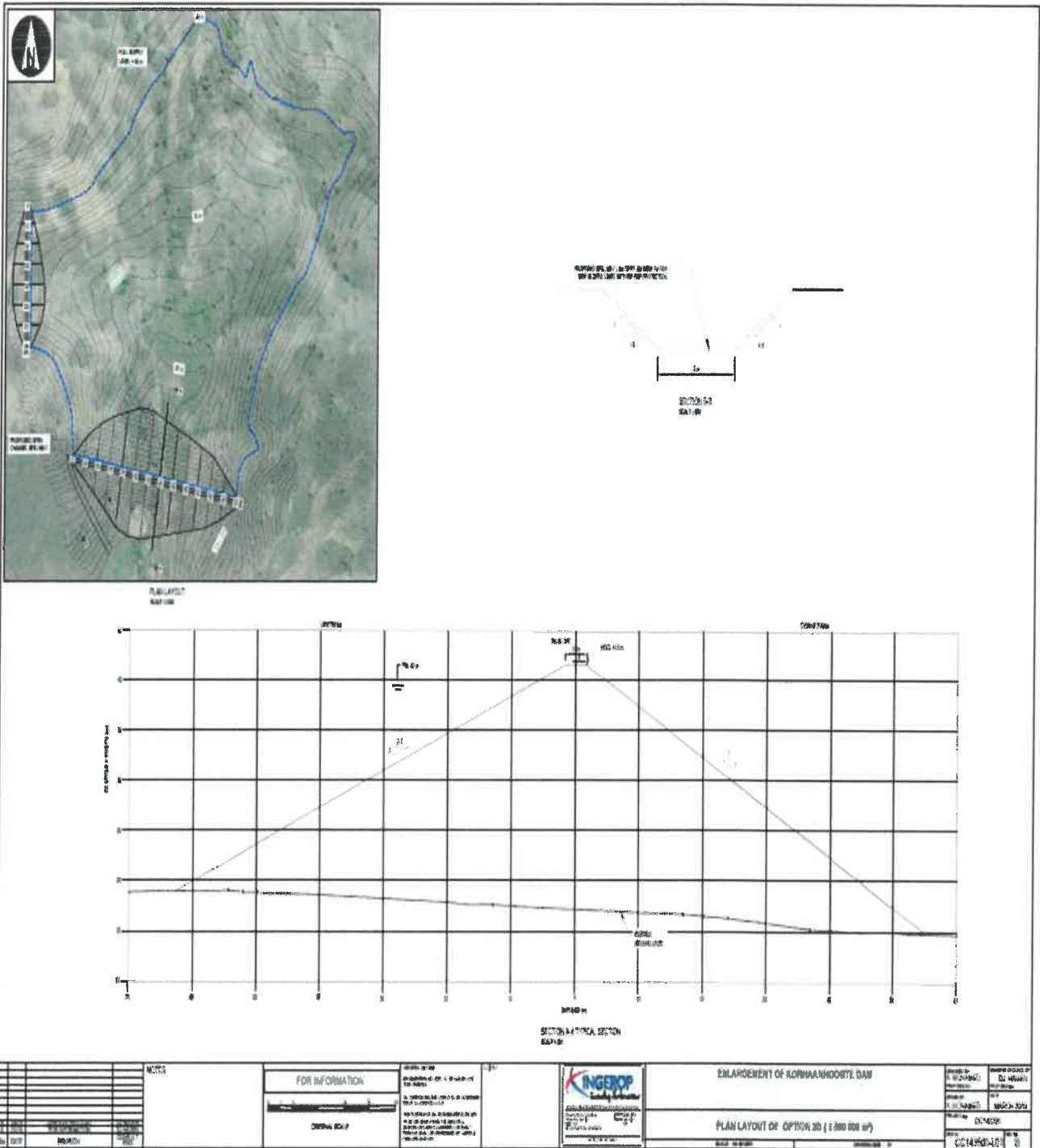


Figure 3: Proposed Korhaanhoogte East Dam.



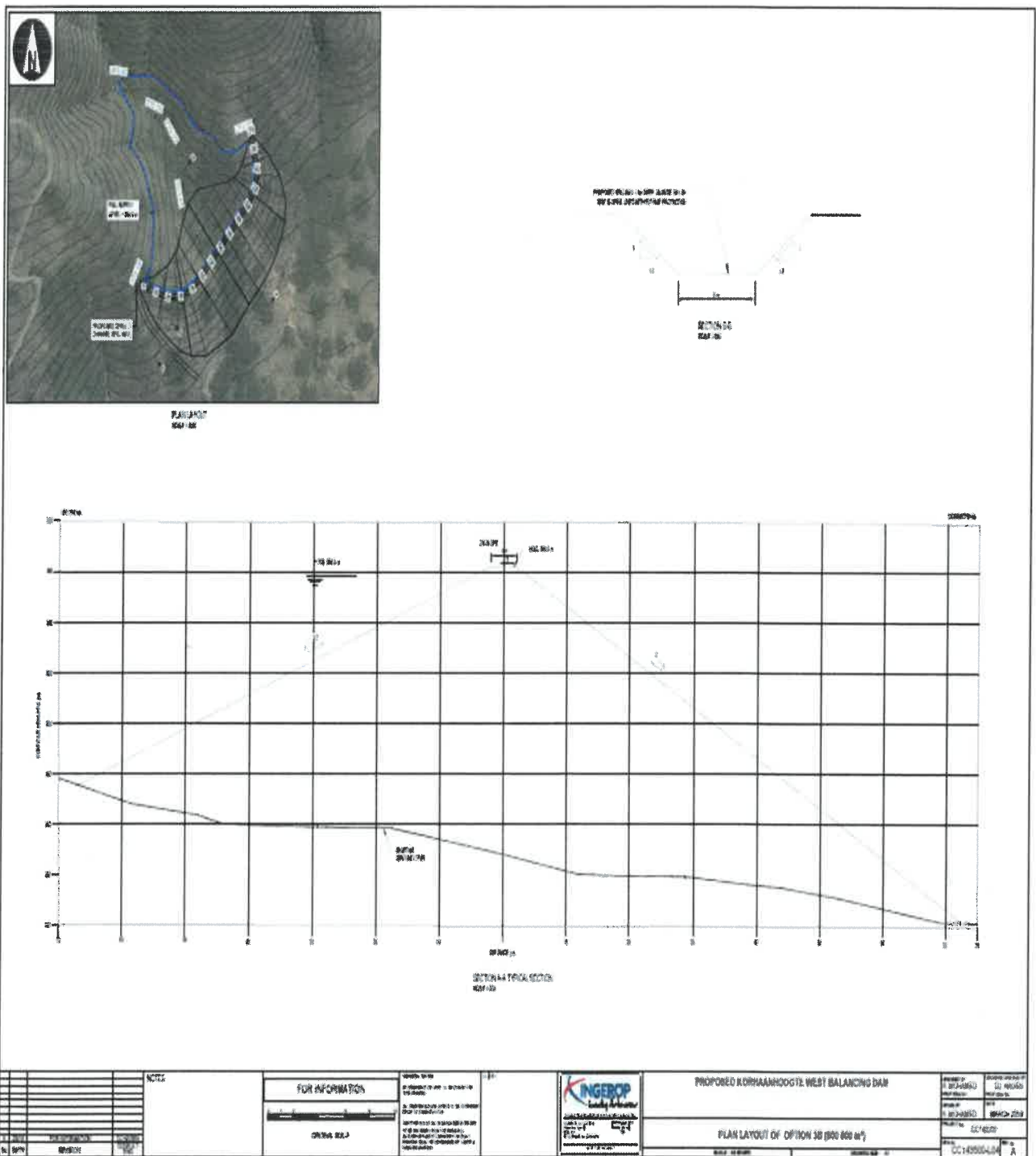


Figure 4: Proposed Korhaanhoogte West Dam.

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

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 17 July 2019, the final EIAR dated 5 March 2020 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 5 March 2020; 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;
- fixing notice boards at the sites where the listed activities are to be undertaken on 3 March 2018;
- the placing of a newspaper advertisement in the 'Worcester Standard' on 10 May 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 11 May 2018, 8 August 2019, 12 August 2019, 13 August 2019, as well as on 17 January 2020;
- making the pre-application draft Scoping Report ("SR") available to I&APs for public review from 14 May 2018 and the in-process draft SR from 13 August 2019; and
- making the draft EIAR available to I&APs for public review from 21 January 2020.

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

### 2.1 Korhaanhoogte East Dam

Two dam sites and six dam design alternatives were assessed for the Korhaanhoogte East Dam, which are discussed below:

#### Dam Site Alternative 1- Dam Site D4 (Herewith Authorised)

This alternative entails the expansion of two existing instream dams into one larger dam.

This alternative is preferred because it will have a lower impact on the freshwater and botanical features compared to Dam Site Alternative 2. Additionally, this alternative achieves the required storage capacity and has the best volume of water gained per volume of fill required to construct the dam embankment.

#### Dam Site Alternative 2:

Construction of a new instream dam, located within the western tributary of the Breede River that traverses the farm.

This alternative is not preferred because it will have a higher impact on freshwater and botanical features, since the watercourse is still within a largely natural condition compared to the watercourse in which Dam Site Alternative 1 is located.

#### Discarded dam design alternatives:

Alternative	Storage capacity	Main embankment wall height	Surface area at full supply level	Water/wall ratio
1	2 737 164m <sup>3</sup>	36m	19,4ha	5,07
2	2 036 630m <sup>3</sup>	32,5m	16,6ha	5,18
3	2 043 420m <sup>3</sup>	33m	16,6ha	5,26
3B	2 005 843m <sup>3</sup>	32,8m	16,4ha	5,26
4	2 010 280m <sup>3</sup>	33,9m	16,1ha	5,98

Subsequent to developing the original proposal to construct a dam on the eastern site with a capacity of approximately 2 million m<sup>3</sup>, the need for a dam on the western side of the property was identified. As a result, to provide for a feasible dam size on the western side of the farm, the Korhaanhoogte East Dam's size was decreased to 1.5 million m<sup>3</sup> storage capacity as opposed to 2 million m<sup>3</sup>. The larger surface area that will be inundated at full supply level will also have a higher impact on the environment compared to Dam Design Alternative 3D.

Additionally, these alternatives do not provide the option to excavate a contour diversion channel upstream of the proposed dam basin to bypass any flow from the catchment, which will serve as Ecological Water Requirement ("EWR") releases.

#### Dam Design Alternative 3D (Herewith Authorised):

Storage Capacity: 1 500 000m<sup>3</sup>  
Dam wall height: 29,5m  
Water/wall ratio: 5,55  
Surface area at full supply level ("FSL"): 14,2ha

This alternative is preferred because it has a lower impact on freshwater and botanical features and will provide the required storage capacity. This alternative also provides for the excavation of a contour diversion channel to bypass any flow from the catchment, which will serve as Ecological Water Requirement (EWR) releases.

## 2.2 Korhaanhoogte West Dam

Five dam site alternatives and two dam design alternatives were investigated for the Korhaanhoogte West Dam, which are discussed below:

### Dam Site Alternatives:

Five dam site alternatives i.e. Dam Site Alternative 1, 2, 3, 4 and 5, all of which are located close to the south-western border of the property, were investigated. Dam Site Alternatives 1, 2, 4 and 5 are not preferred for the following reasons:

- Dam sites 1 and 4 are located within an area that is identified for cultivation purposes.
- Dam site 2 and 5 are located within aquatic buffer areas that should form part of the biodiversity corridor on the property.

Dam Site Alternative 3 (Herewith Authorised) is located outside of the area targeted for cultivation and will have a lower impact on freshwater compared to Dam Site Alternatives 2 and 5.

### Dam Design Alternative 2d:

The construction of an instream dam with the following design specifications:

Storage Capacity:	500 000m <sup>3</sup>
Dam wall height:	23,5m
Water/wall ratio:	2,55
Surface area at full supply level ("FSL"):	4,9ha

This alternative is not preferred because it will have a higher impact on freshwater and botanical features compared to Dam Design Alternative 3b.

### Dam Design Alternative 3b:

The construction of an instream dam with the following design specifications:

Storage Capacity:	500 000m <sup>3</sup>
Dam wall height:	35,2m
Water/wall ratio:	1,65
Surface area at full supply level ("FSL"):	2,5ha

This alternative is preferred because it will have a lower impact on freshwater and botanical features.

## 2.3 Three site layout alternatives for the establishment of cultivation areas were assessed and are discussed below.

### Site Layout Alternatives 1 and 2:

- Site Layout Alternative 1 entails the clearance of three large areas of approximately 300ha in total. A 500m biodiversity corridor from the north of the farm towards the Breede River located in the south, forms part of this layout alternative.
- Site Layout Alternative 2 entails the clearance of approximately 190ha of indigenous vegetation to establish areas for cultivation.

The above-mentioned site layout alternatives are not preferred for the following reasons:

- Layout Alternative 3 makes provision for the 45ha area located in the south western section of the farm to be included as part of the proposal. The 45ha area was previously excluded from the proposal and would have formed part of a separate EIA process. ;
- The freshwater specialist's recommendations with regards to buffers along watercourses were not taken into consideration;
- CapeNature's comments and suggestions for a larger biodiversity corridor were not considered;
- A requirement for a dam on the western portion of the property was not included; and
- The applicant requested a road towards the hills in the north for access to the northern portion of the farm, which was not included in these site layout alternatives.

#### Site Layout Alternative 3 (Herewith Authorised)

This alternative entails the clearance of approximately 184ha of indigenous vegetation to establish areas for cultivation.

This alternative is preferred for the following reasons:

- It allows for an additional dam located within the western section of the farm;
- It makes provision for buffers of at least 30m along both banks of the main stems of the main tributary (or a minimum corridor of 60m); and
- The biodiversity corridor was enlarged in the southern portion of the development, by allowing a  $\pm 160\text{m} - 200\text{m}$  wide corridor to the west of the 7.5ha cultivation site in addition to the previously proposed  $\pm 430\text{m} - 550\text{m}$  wide corridor to the east thereof, thus creating a  $\pm 600\text{m} - 750\text{m}$  wide corridor.

#### "No-Go" Alternative

The "no-go" option was considered and is not preferred because it will not allow for the land reform initiative proposed by the applicant and the farm will not be used to its full potential in a sustainable manner. No additional employment opportunities will arise if the proposal is not implemented.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity Need and Desirability**

The proposed development entails the subdivision of the farm into two portions (i.e. Portion A:  $\pm 915\text{ha}$  and the Remainder of  $\pm 191\text{ha}$ ). Portion A contains the proposed Korhaanhoogte East Dam, as well as approximately 121,3ha of proposed cultivation areas. Portion A will be donated to a 100% black owned company, Rockbelt Ridge (Pty) Ltd. ("Rockbelt Ridge") and is aimed at enabling a land reform project, based on the Wizenberg Partners in Agri Land Solutions ("PALS") Initiative. An initiative which forms part of a Broad-Based Black Economic Empowerment ("BBBEE") project that promotes private land reform within the agricultural sector. The Wizenberg PALS initiative was established by commercial farmers in partnership with local communities and all three spheres of Government. The initiative is aimed at helping successful land reform, economic growth, job creation, social cohesion and the establishment of successful black commercial farmers. The Remainder of the property will be farmed by the applicant. Furthermore, the development is consistent with the surrounding land use, with storage dams providing the requisite water supply to support the farming activities.

#### **3.2 Biodiversity and Biophysical Impacts**

According to the Botanical Impact Assessment dated January 2020, compiled by Ms. Jolene Krige, the vegetation within the areas where the development will take place comprises of Robertson

Karoo, an ecosystem classified as least threatened in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The farm has a high biodiversity significance due to its large natural context, many drainage lines and natural connectivity to the Breede River. Various limiting factors that have influenced the proposed development includes the topography, as well as mapped Critical Biodiversity Areas ("CBAs") and Ecological Support Areas ("ESAs") that occur over most of the property.

The option of avoiding all the CBAs and ESAs on the farm would not be feasible from an agricultural and economic perspective. The areas targeted for cultivation amounts to approximately 184ha and are located on relatively flat areas as well as on low, undulating hills. The vegetation and habitat are uniform over most of the target area and mainly comprise large areas of intact natural karooveld. The Korhaanhoogte East Dam consists of an open karoid shrubland with denser vegetation along drainage lines. The enlarged dam footprint (14.2ha) will inundate two existing earth dams as well as some open patches with little vegetation cover. The Korhaanhoogte West Dam has a smaller footprint (2.5 Ha) and is located outside the biodiversity corridor.

Overall the vegetation appears in a good condition and is homogeneous throughout the area. The farm forms part of a natural landscape corridor between the Breede River (aquatic CBA and NFEPA), the Aasvoëlberge (between the Breede River and R60), natural areas north of the R60 and the Langeberg Mountains further north. A functional, natural corridor of 600m to 750m wide, which includes upland and lowland habitat, is proposed to be maintained from the Breede River, in a northerly direction through the property towards natural areas further north. The biodiversity corridor will be included in the CapeNature Stewardship Programme as per Condition 19. Additionally, through the implementation of the specialist recommendations and the EMPr (Accepted in Condition 9), the impacts on vegetation will be mitigated.

According to the Freshwater Impact Assessment dated January 2020, compiled by Ms. T. Belcher, of Blue Science, the aquatic features associated with the proposed activity include the Breede River and a number of episodic streams that are tributaries of the Breede River. The Breede River is considered to be largely modified due to the alterations of its natural flow regimes as well as disturbances of its riparian zone and banks. The river is considered to be of high ecological importance and sensitivity, providing a significant refuge habitat and a corridor for the movement of water and biota within the landscape. The episodic streams are considered to be largely natural in terms of instream and riparian habitat. The only modifications are two small instream dams and a few jeep track crossings. These features are considered to be of low to moderate ecological sensitivity importance. The proposed agricultural areas to be developed contain watercourses of low significance and its loss was found to be acceptable by the freshwater specialist. Larger watercourses and more sensitive areas within a more functional area would be retained. The Korhaanhoogte East Dam would have limited habitat impacts due to the fact that the watercourse at this site is already impacted by the existing dams and the access road. The Korhaanhoogte West Dam will have the lesser impact compared to other alternatives investigated, since the watercourse within which the dam is located, would largely be lost downstream of the dam site as a result of the proposed cultivated areas. The proposed diversion of flow around the Korhaanhoogte East Dam is supported to maintain the episodic nature of the tributary downstream of the wall. No environmental flow release is deemed necessary from the smaller Korhaanhoogte West Dam. The cumulative impact of the proposed abstraction on the Breede River is likely to be of a low significance provided the recommended mitigation measures are implemented. Through the implementation of the specialist recommendations, the adopted MMP (Condition 10) and the EMPr (accepted in Condition 9), impacts on the watercourses 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 dams and associated infrastructure and the taking of winter water. The Breede Gouritz Catchment Management Agency has provided comment on this application and offered no objection.

A MMP has been compiled to address future maintenance activities required at the Korhaanhoogte East and West Dams, the abstraction points, as well as the pipeline and road crossings. 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).

### 3.3 Heritage Impact Assessment

According to the Heritage Impact Assessment dated March 2019, compiled by Mr. John Gribble of ACO Associates cc, early and middle stone artefacts are widespread across the site. However, the nature and context of the majority of the material recorded is of low scientific value. With respect of palaeontological resources, the Elandsvlei and Prince Albert Formations are potentially fossiliferous, but fossils are very rare and sporadic within them. There is thus a very small chance of fossils occurring on the site. Significant impacts on rare or unique, scientifically valuable archaeological or palaeontological resources are therefore not anticipated as a result of this project. Through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9), impacts on archaeological palaeontological resources will be mitigated. Heritage Western Cape commented and offered no objection to the proposed project.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- The proposed development will have an impact on the watercourses and botanical resources present on the site. These impacts will however be mitigated through the implementation of the recommended mitigation measures included in the EMPr, MMP and the conditions in this Environmental Authorisation.

#### **Positive impacts:**

- The proposed development will initiate a land reform project aimed at helping successful land reform, economic growth, job creation, social cohesion and the establishment of successful black commercial farmers.

- The applicant as well as the beneficiaries of Portion A will be able to establish cultivated areas and farm sustainably.
- A functional natural corridor of 600m to 750m, which includes upland and lowland habitat, will be maintained from the Breede River, in a northerly direction through the property towards the natural areas further north.
- The remaining Robertson Karoo present on Portion 1 of Farm Rooilandia No. 472, Worcester will be formally conserved as part of the CapeNature Stewardship Programme.
- Temporary employment opportunities will be available during the construction and operational phases.

#### 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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