



**REFERENCE:** 16/3/3/1/F5/16/2011/18  
**ENQUIRIES:** RONDINE ISAACS  
**DATE OF ISSUE:** 2018 -07- 26

The Board of Directors  
The Fruit Farm Group SA (Pty) Ltd  
PO Box 345  
PIKETBERG  
7320

**Attention: Mr Charl Smith**

Tel.: (022) 423 8205  
Fax: (022) 423 8261

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:**

**PROPOSED ENLARGEMENT OF THE EXISTING MÔRESTER DAM ON PORTION 41 OF THE FARM BROODKRAAL NO. 154, PIKETBERG**

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

Copied to: (1) Mr Pieter de Villiers (Cornerstone Environmental Consultants)

Fax: (086) 435 2174



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**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:**

**PROPOSED ENLARGEMENT OF THE EXISTING MÔRESTER DAM ON PORTION 41 OF THE FARM BROODKRAAL NO. 154, PIKETBERG**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

### **ENVIRONMENTAL AUTHORISATION**

#### **DECISION**

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below as included in the Basic Assessment Report ("BAR") dated 4 May 2018.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

**A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION**

The Fruit Farm Group SA (Pty) Ltd  
c/o Mr Charl Smith  
PO Box 345  
PIKETBERG  
7320  
Tel.: (022) 423 8205  
Fax: (022) 423 8261

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

**B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R. 983 of 4 December 2014 –

Listed Activity	Activity/Project Description
<b>Activity 50:</b> <i>"The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50 000 cubic metres or more".</i>	The capacity of the existing dam will be increased by more than 50 000m <sup>3</sup> .

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

The holder is herein authorised to undertake the following related to the listed activity:

The proposed project entails enlarging the existing M<sup>o</sup>rester Dam on Portion 41 of the Farm Broodkraal No. 154, Piketberg.

The proposed enlarged M<sup>o</sup>rester Dam will have a maximum storage capacity of 300 000m<sup>3</sup> and a wall height of 8.8m. A new irrigation pipeline of 315mm in diameter will run from an existing pipeline to the enlarged M<sup>o</sup>rester Dam. The pipeline will be approximately 0.9km in length.

**C. LOCATION AND SITE DESCRIPTION**

The listed activity will take place on Portion 41 of the Farm Broodkraal No. 154, Piketberg.

The farm is located approximately 13km southwest of the town of Piketberg.

The SG 21-digit code is: C0460000000001540041

Co-ordinates:

**Môrester Dam:**

Latitude: 32° 57' 48.99" S

Longitude: 18° 41' 50.41" E

**New irrigation pipeline:**

Starting point:

Latitude: 32° 57' 27.05" S

Longitude: 18° 41' 37.35" E

Middle point:

Latitude: 32° 57' 34.57" S

Longitude: 18° 41' 35.04" E

End point:

Latitude: 32° 57' 48.99" S

Longitude: 18° 41' 50.41" E

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

hereinafter referred to as "the site".

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

Cornerstone Environmental Consultants (Pty) Ltd

c/o Mr Pieter de Villiers

PO Box 12606

Die Boord

STELLENBOSCH

7613

Cell: 083 243 0994

Fax: (086) 435 2174

**E. CONDITIONS OF AUTHORISATION**

**Scope of authorisation**

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 4 May 2018 on the site as described in Section C above.
2. Authorisation of the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for,

or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
  - (b) A period of five (5) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.
4. The activity that has been authorised may only be carried out at the site described in Section C above in terms of the approved “Environmental Management Programme” (“EMPr”).
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such information 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.

#### **Notification of authorisation and right to appeal**

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 6.1 notify all registered Interested and Affected Parties of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date of issue of the decision;
  - 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014;
  - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
  - 6.4 provide the registered Interested and Affected Parties with:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 6.4.2 name of the responsible person for this Environmental Authorisation,
    - 6.4.3 postal address of the holder,
    - 6.4.4 telephonic and fax details of the holder,
    - 6.4.5 e-mail address, if any;
    - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations 2014.

## **Commencement**

7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

## **Written notice to the competent authority**

9. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
  - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 9.2 The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 6, 7 and 14.

## **Management of activity**

10. The draft EMPr submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

## **Monitoring**

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must—

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 conduct inspection of construction activities at least once a month.

## **Environmental audit reports**

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid—
  - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited; and
  - 15.2 submit at least two environmental audit reports to the relevant competent authority. The holder must submit one audit report six months after commencement of the construction phase and another audit report six months after completion of the construction period.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014.

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on—
  - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
  - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.3 evaluate the effectiveness of the EMPr;
- 16.4 identify shortcomings in the EMPr;
- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 16.7 include a photographic record of the site applicable to the audit; and
- 16.8 be informed by the ECO reports.

17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

### **Specific conditions**

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
22. If the holder does not commence with the listed activity within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the 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.
23. 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 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.

24. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.
25. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

## **F. 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 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 Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker i.e. the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
  - 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 Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker i.e. the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

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

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

#### G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

  
\_\_\_\_\_  
**MR ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 26/07/2018

CC: (1) Mr Pieter de Villiers (Cornerstone Environmental Consultants)

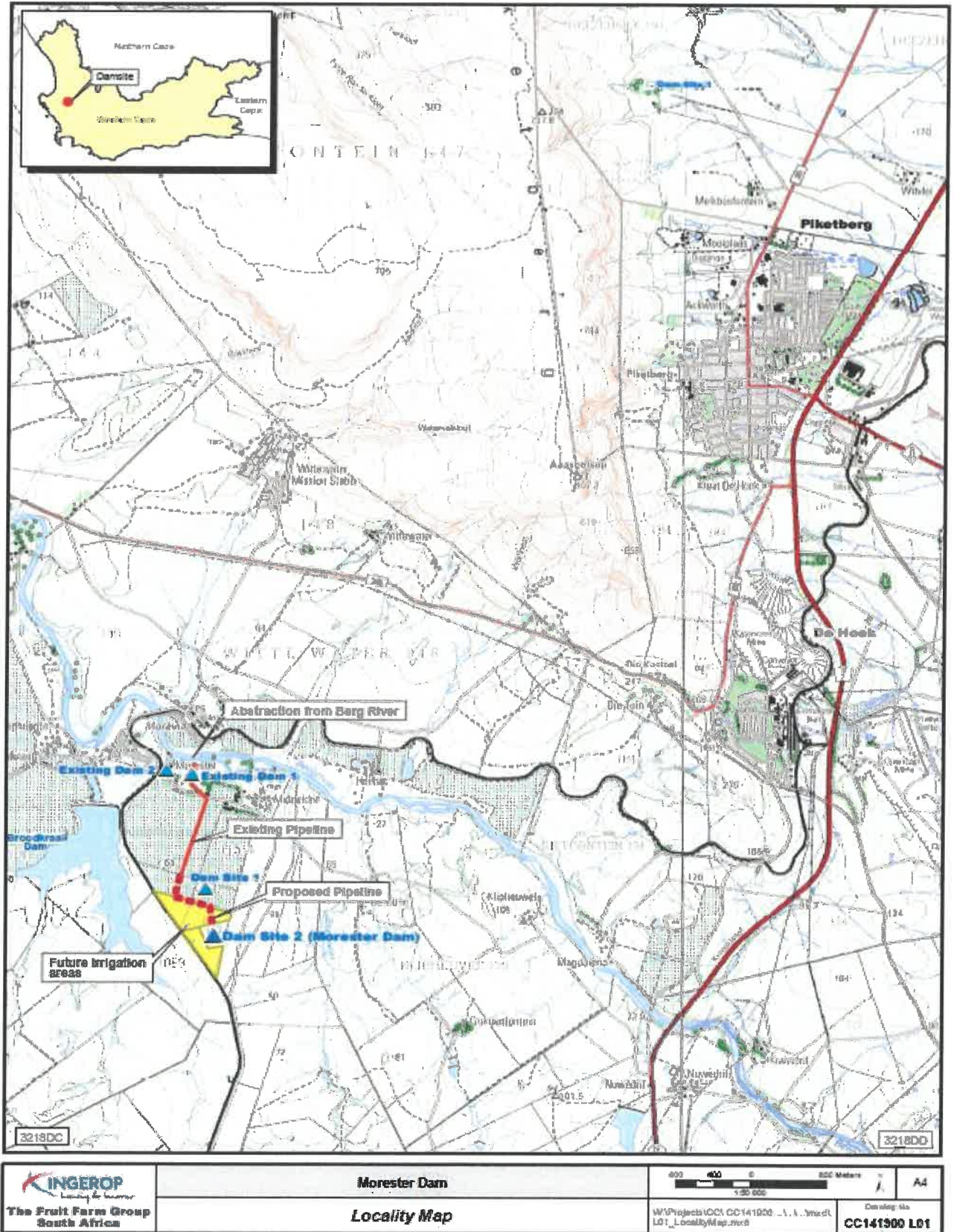
Fax: (086) 435 2174

#### **FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER: 16/3/3/1/F5/16/2011/18**  
**NEAS EIA REFERENCE NUMBER: WCP/EIA/0000379/2018**

# ANNEXURE 1: LOCALITY PLAN

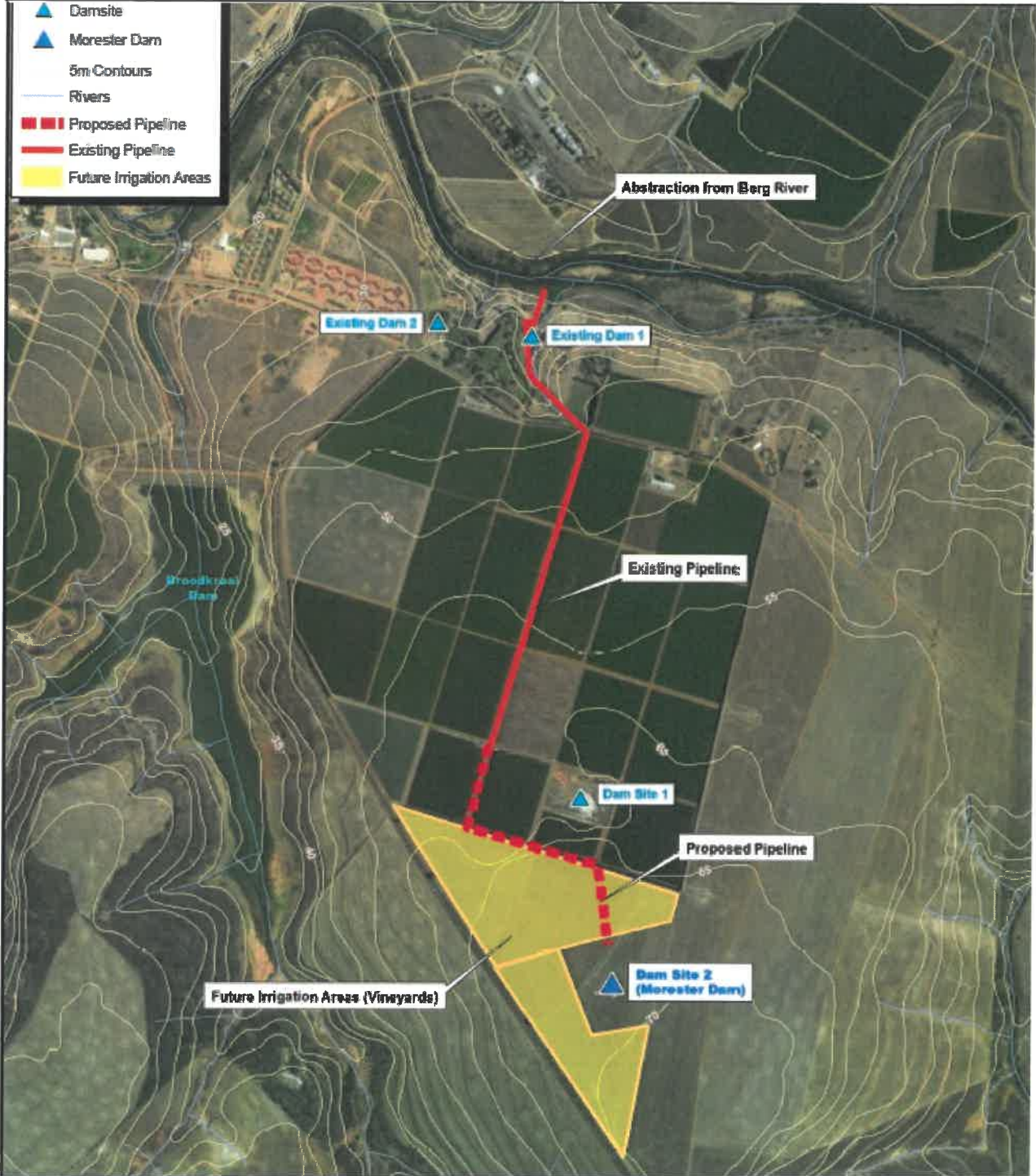
The approximate location of the Mōrester Dam on Portion 41 of the Farm Broodkraal No. 154, in the Piketberg area.





**ANNEXURE 2: SITE PLAN**

The location of the existing Mōrester Dam to be expanded.



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

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the Application Form dated 22 February 2018, as received by the competent authority on the same date; the BAR dated 4 May 2018 and the EMPr submitted together with the BAR; and the information received by the competent authority on 23 May 2018;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the BAR dated 4 May 2018;
- d) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

#### **1. Public Participation**

The Public Participation Process comprised of the following:

- An advertisement was placed in the “Weslander” newspaper on 22 February 2018;
- Notice boards were placed on site;
- E-mail notifications were sent on 22 February 2018 to adjacent neighbours and other Interested and Affected Parties to announce the availability of the post-application draft BAR;
- A copy of the draft BAR was placed at the Piketberg Public Library;
- The post-application draft BAR was made available from 26 February 2018 until 28 March 2018; and
- A follow-up e-mail was sent on 18 April 2018 to the Department of Water and Sanitation.

#### **Authorities consulted**

The authorities consulted included the following:

- CapeNature;
- Western cape Department of Agriculture;
- Swartland Municipality;
- Department of Agriculture, Forestry and Fisheries;
- Department of Water and Sanitation; and
- Heritage Western Cape.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were included in the BAR.

## 2. Alternatives

Various dam designs were investigated to achieve the targeted storage capacity of 300 000m<sup>3</sup>. The table below illustrates the various designs with dam site 2, option 4 being the preferred alternative.

Dam site 1	Storage capacity (m <sup>3</sup> )	Full supply level (m)	Freeboard (m)	Wall height (m)	Surface area at FSL (ha)	Enlarged wall volume (m <sup>3</sup> )	Water/wall ratio	R/m <sup>3</sup> storage
Option 1	200 000	70.5	1	13.0	0.8	152 000	1.24	39.93
Dam site 2	Storage capacity (m <sup>3</sup> )	Full supply level (m)	Freeboard (m)	Wall height (m)	Surface area at FSL (ha)	Enlarged wall volume (m <sup>3</sup> )	Water/wall ratio	R/m <sup>3</sup> storage
Option 1	200 000	70.4	1	5.9	4.1	52 000	2.95	19.96
Option 2	200 000	69.5	1	5.0	5.4	40 000	2.53	17.85
Option 3	220 000	72	1	7.5	3.1	73 000	2.53	21.89
Option 4	300 000	73.25	1	8.75	3.4	103 000	2.54	20.49

There are also three existing dams on the farm, being Existing Dam 1, Existing Dam 2 and the M<sup>o</sup>rester Dam. The options to expand the Existing Dams 1 and 2 were rejected due to the presence of existing infrastructure upstream and downstream of the dams and their proximity to the Berg River floodplain.

### Preferred alternative – herewith authorised:

The preferred alternative entails enlarging the existing M<sup>o</sup>rester Dam to have a maximum storage capacity of 300 000m<sup>3</sup> and a wall height of 8.8m. A new irrigation pipeline of 315mm in diameter will run from an existing pipeline to the enlarged M<sup>o</sup>rester Dam. The pipeline will be approximately 0.9km in length.

This is the preferred alternative since no additional water will be abstracted from the Berg River and the holder will be able to store the maximum capacity existing lawful water use in the enlarged dam, thereby reducing stress on the Berg River during the drier months of the year.

### "No-Go" Alternative:

This alternative implies that the dam will not be enlarged. This alternative was therefore rejected since it places stress on the Berg River during the drier months of the year. Summer months are regarded as low-flow/dry periods and are therefore environmentally unsuitable for abstracting water.

## 3. Impacts, assessment and mitigation measures

### 3.1 Activity Need and Desirability

The holder intends to store the existing lawful water use in the enlarged M<sup>o</sup>rester Dam which will be enlarged to a maximum storage capacity of 300 000m<sup>3</sup>. The enlargement of the dam will allow the holder to utilize their existing winter water enlistment from the Berg River which allows for irrigation of 31.2ha and to also utilize a portion of their summer water enlistment of 174ha for irrigation.

By storing the winter water and a portion of the summer water enlistments in the proposed enlarged Vrede Dam, stress on the Berg River system in summer will be alleviated.

### 3.2 Biophysical Impacts

The area for the proposed enlargement has been extensively altered by past agricultural activities and contains no indigenous vegetation. The Mōrester Dam is located approximately 560m from a non-perennial stream which feeds the Broodkraal Dam on the neighbouring property. The existing Mōrester Dam is used as a livestock water dam and is currently filled by winter rain via overland flow.

#### **National Environmental Management Act Principles**

The National Environmental Management Act 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.

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

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