



**EIA REFERENCE:** 16/3/3/1/B2/32/1010/18  
**NEAS REFERENCE:** WCP/EIA/0000372/2018  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2018 -08- 23

The Board of Directors  
Glen Oak Boerdery  
P. O. Box 5299  
**WORCESTER**  
6849

**Attention: Mr P. J. Conradie**

Tel.: (023) 342 1219  
Email: conradiepieta@gmail.com

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): EXPANSION OF TWO DAMS INTO ONE DAM ON PORTION 30 OF FARM KLOPPERBOSCH NO. 338, WORCESTER**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the 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

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms M. Molife (Pieter Badenhorst Professional Service cc) Fax: (086) 672 1916  
(2) Mr J. Steyn (Breede Valley Municipality) Fax: (023) 348 2709  
(3) Ms. E. Rossouw (BGCMA) Fax: (023) 347 2012  
(4) Ms P. Huntly (CapeNature) Fax: (021) 886 1523  
(5) Mr C. van der Walt (Provincial Department of Agriculture: Land Use Management) Fax: (021) 808 5092



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## **ENVIRONMENTAL AUTHORISATION**

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): EXPANSION OF TWO DAMS INTO ONE DAM ON PORTION 30 OF FARM KLOPPERBOSCH NO. 338, 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 Design Alternative 5, described in the Basic Assessment Report ("BAR"), dated April 2018.

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

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

Glen Oak Boerdery  
% Mr P. J. Conradie  
P. O. Box 5299

**WORCESTER**

6849

Tel.: (023) 342 1219

Email: conradiepieta@gmail.com

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 27: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>More than 1ha of indigenous vegetation will be removed as part of the proposed dam expansion.</p>
<p>Activity Number: 50 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.</p>	<p>The combined capacity of the proposed dam expansion exceeds the 50 000m<sup>3</sup> threshold.</p>
<p>Activity Number: 66 The expansion of a dam where— (i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2,5 metres or more; or (ii) where the high-water mark of the dam will be increased with 10 hectares or more.</p>	<p>The dam wall will be raised from 6m to 11m as part of the proposed dam expansion.</p>

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

The holder is herein authorised to undertake the following alternative:

The proposal entails the expansion of two existing dams (Top dam 62 500m<sup>3</sup>; Bottom dam 35 000m<sup>3</sup>) into one larger dam and the replacement of existing pipelines with one new pipeline with a diameter of 315mm. The dam will have the following specifications:

- Storage capacity: 268 000m<sup>3</sup>
- Dam wall length: 366m
- Dam wall height: 11m
- Surface area: 6,5ha

## C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 30 of Farm Klopperbosch No. 338, Worcester, at the following co-ordinates:

Latitude (S)	Longitude (E)
33° 38' 43.14"	19° 38' 54.22"

The SG digit code is: C0850000000033800030

Refer to Annexure 1: Locality Plan

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

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Pieter Badenhorst Professional Services CC

% Ms. M. Molife

P. O. Box 1058

**WELLINGTON**

7654

Cell: (081) 371 9289

Fax: (086) 672 1916

#### **E. CONDITIONS OF AUTHORISATION**

##### **Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, the Design Alternative 5 described in the BAR dated April 2018 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, 9 and 10

### **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 must be amended to exclude the following aspects, and must then be re-submitted to the Competent Authority within **30 days** from the date of issue of this Environmental Authorisation and approved prior to commencement of construction:
  - 9.1 In terms of the Construction EMPr:
    - 9.1.1 Section 6.31 Fixing of Surfaces

## **Monitoring**

10. 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 and the conditions contained herein.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including on a publicly accessible website.
12. 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**

13. 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**

14. 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.

15. 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](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>.



## 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. HENRI FORTUIN**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**

DATE OF DECISION: 22-8-18

CC: (1) Ms M. Molife (Pieter Badenhorst Professional Service cc)

Fax: (086) 672 1916

(2) Mr J. Steyn (Breede Valley Municipality)

Fax: (023) 348 2709

(3) Ms. E. Rossouw (BGCMA)

Fax: (023) 347 2012

(4) Ms P. Huntly (CapeNature)

Fax: (021) 886 1523

(5) Mr C. van der Walt (Provincial Department of Agriculture: Land Use Management)

Fax: (021) 808 5092

# ANNEXURE 1: LOCALITY MAP

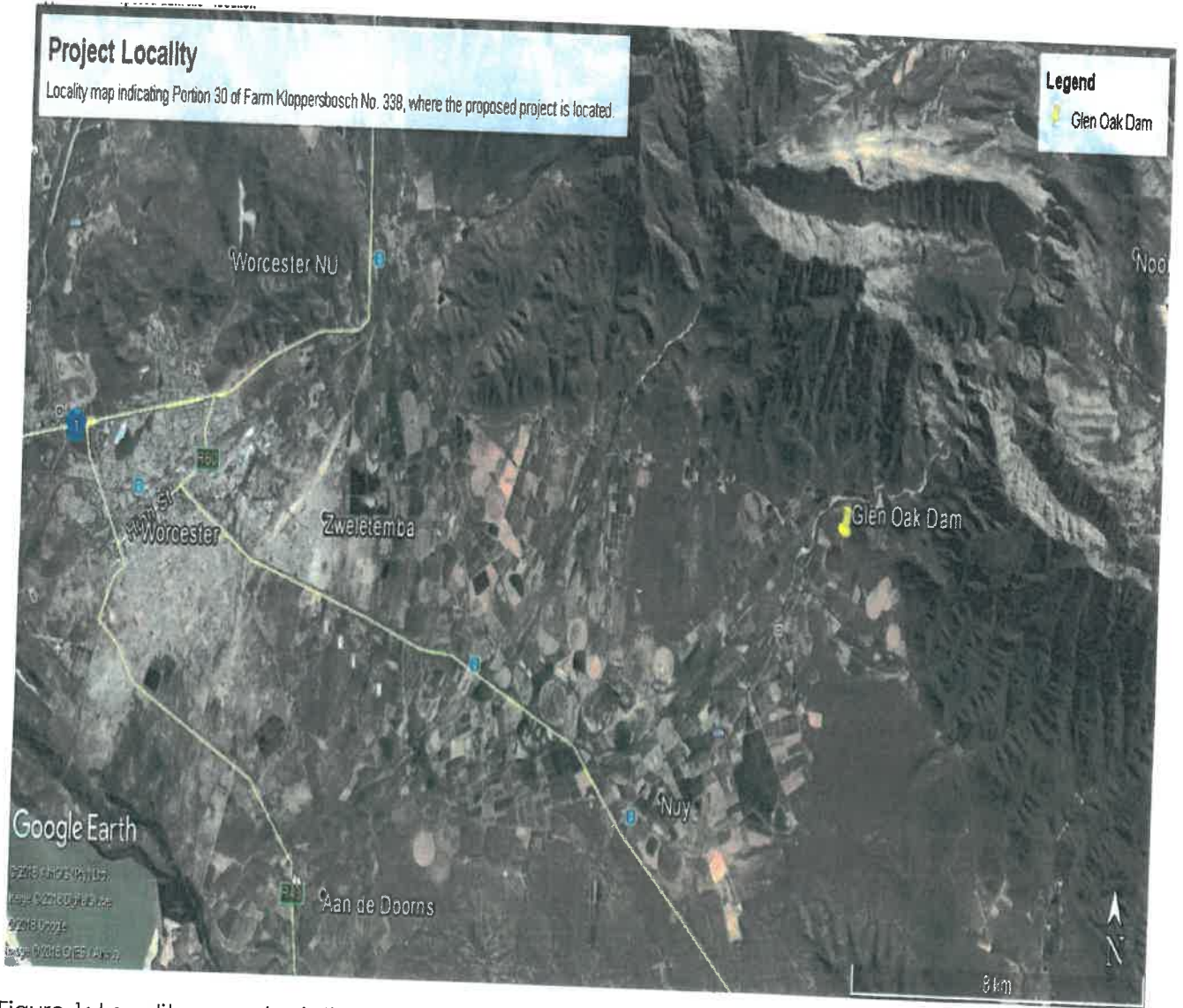


Figure 1: Locality map depicting the enlarged dam.

ANNEXURE 2: SITE PLAN

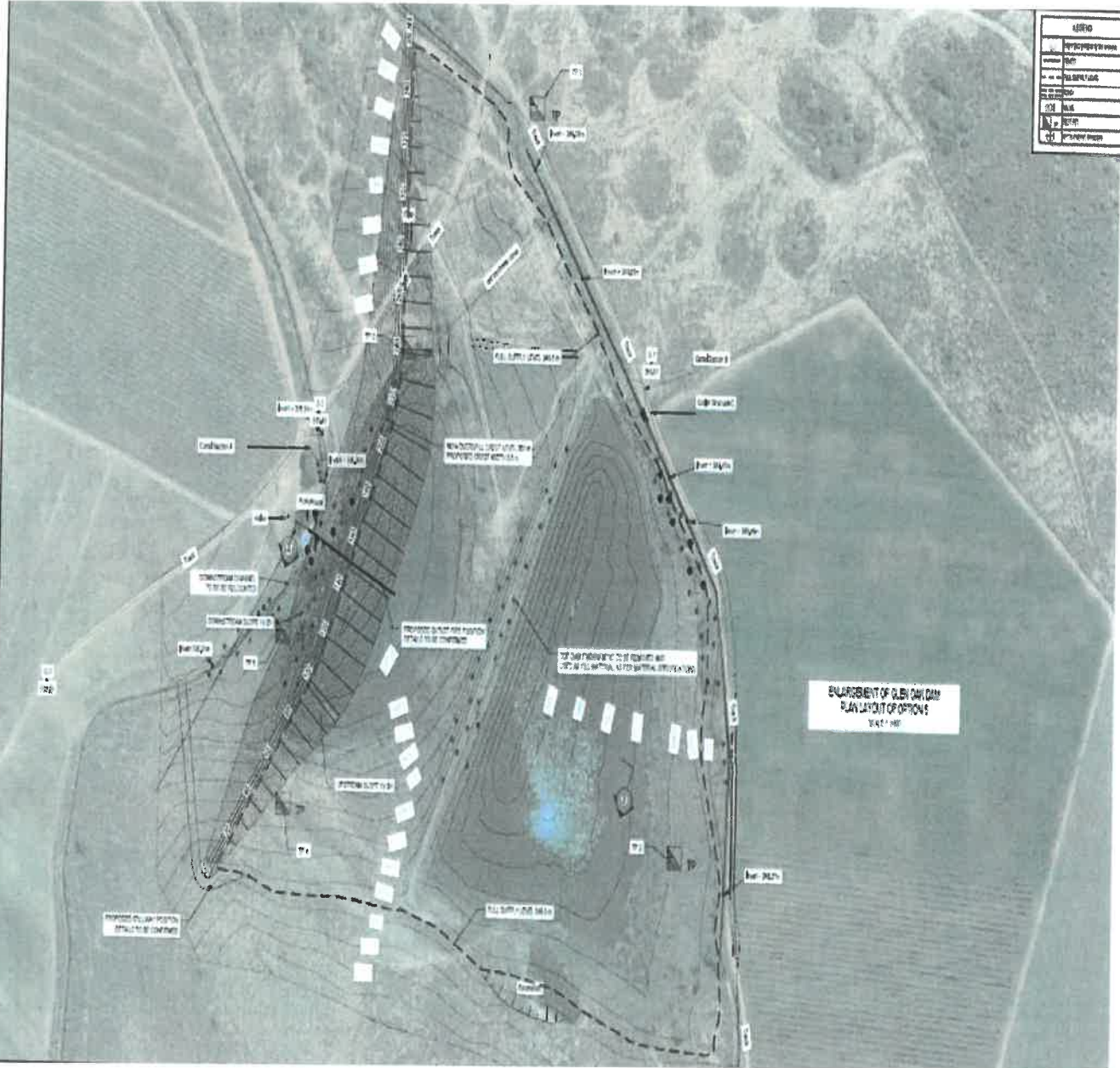


Figure 2: Depicting the expanded dam on Portion 30 of Farm Klopperbosch No. 338.

## **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 12 February 2018, the final BAR dated April 2018 and the EMPr and submitted together with the final BAR;
- 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 BAR dated April 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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

All information presented to the Competent Authority was taken into account 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 15 February 2018;
- fixing notice boards at the site where the listed activities are to be undertaken on 15 February 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 15 February 2018; and
- making the BAR available to I&APs for public review from 16 February 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 and in the EMPr, 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 entails the expansion of two dams (Top dam 62 500m<sup>3</sup>; Bottom dam 35 000m<sup>3</sup>) into one larger dam and the replacement of existing pipelines with one new pipeline with a diameter of 315mm. Six design alternatives were investigated during the assessment and are discussed below:

#### Design Alternative 1:

- Storage capacity: 232 500m<sup>3</sup>
- Dam wall length: 330m
- Dam wall height: 11m
- Surface area: 5,6ha

#### Design Alternative 2:

- Storage capacity: 233 400m<sup>3</sup>
- Dam wall length: 330m
- Dam wall height: 11m
- Surface area: 5,6ha

#### Design Alternative 3:

- Storage capacity: 233 300m<sup>3</sup>
- Dam wall length: 330m
- Dam wall height: 11m
- Surface area: 5,7ha

#### Design Alternative 4:

- Storage capacity: 249 000m<sup>3</sup>
- Dam wall length: 342m
- Dam wall height: 11m
- Surface area: 6ha

Alternatives 1 to 4 are not preferred because the required storage capacity is not met and it is not economically feasible to implement, compared to Design Alternative 5.

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

- Storage capacity: 268 000m<sup>3</sup>
- Dam wall length: 366m
- Dam wall height: 11m
- Surface area: 6,5ha
- Replacement of existing pipelines with one new pipeline with a diameter of 315mm.

This alternative is preferred because the required storage capacity will be met and it is the most economically feasible alternative compared to the other alternatives that have been assessed.

#### Design Alternative 6:

- Storage capacity: 281 500m<sup>3</sup>
- Dam wall length: 362m
- Dam wall height: 11m
- Surface area: 6,7ha

This alternative is not preferred because the downstream canal and pumphouse would need to be relocated, making it less economically feasible than Design Alternative 5.

#### "No-Go" Alternative

The "no-go" option was considered and is not preferred, since the applicant will not be able to utilise the existing lawful water use to its full potential and the expansion of agricultural activities on the farm will not be achieved. In addition, there will be no improvement in terms of water resource management and water use on the property.

### 3. Impact Assessment and Mitigation measures

#### 3.1 Activity Need and Desirability

The purpose of the proposed expansion of the two existing dams into one larger dam, is primarily to increase the efficiency of water storage on the property. The proposed development will promote water efficiency and enhance the economic viability of the farm. No additional water rights will be required since the proposal is restricted to the storage of water for which water rights have already been granted. Furthermore, the development is consistent with the surrounding land use, with off-channel storage dams providing the requisite water supply to support the farming activities.

#### 3.2 Biodiversity and Biophysical Impacts

In a comment dated 26 March 2018, CapeNature indicated that the site falls within an area that comprises Breede Alluvium Renosterveld, which is listed as endangered in the Threatened Ecosystem Listing for the Western Cape (2016). However, Breede Alluvium Renosterveld is an ecosystem classified as vulnerable in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), which is the trigger in terms of the NEMA EIA Regulations 2014 (as amended). The material for the expanded dam will be sourced from within the expanded dam basin. The two dams that will be combined are in close proximity to each other, with a fair amount of disturbance and degradation in the vicinity of the dams, which the enlarged dam will inundate. Furthermore, through the implementation of the EMPr (to be amended as Condition 9), the impact significance of the proposed development on vegetation is categorised as low.

An unnamed tributary of the Nuy River historically traversed the site of the enlarged dam footprint. However, the Freshwater Specialist confirmed that there are no freshwater features within the dam site and this has been confirmed by Breede Gouritz Catchment Management Agency ("BGCMA").

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 increase in storage of water.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- Limited vegetation within the new dam footprint will be removed.
- The proposed development will result in elevated noise levels during the construction period.

#### **Positive impacts:**

- The proposed development will increase the efficiency of water storage on the farm i.e. the utilisation of allocated water rights to its full potential.
- The management of both water resources and water use will be improved.
- Temporary employment opportunities will be created during the construction phase.
- The availability of irrigation water during the summer months will no longer be a concern.

### 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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