

**REFERENCE:** 16/3/3/2/B1/14/1071/20  
**NEAS REFERENCE:** WCP/EIA/0000849/2020  
**DATE OF ISSUE:** 07 October 2021

The Board of Directors  
Habata Boerdery (Pty) Ltd trading as Habata Agri  
P. O. Box 5295  
**WORCESTER**  
6851

**Attention: Mr. J. Rabie**

Tel.: (023) 004 0891  
Email: janrabie@gmail.com

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 ENLARGEMENT OF THE GOREESHOOGTE DAMS AND AGRICULTURAL EXPANSION ON PORTIONS 20, 24, 37, 38, 47 AND 90 OF FARM ZAND RIVIERES LAAGTE NO. 106 AND PORTION 3 OF FARM GOREES HOOGTE NO. 102, ROBERTSON**

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) Ms. E. Herschell (Holland & Associates Environmental Consultants) Email: emily@hollandandassociates.net  
(2) Municipal Manager (Langeberg Municipality) Email: admin@langeberg.gov.za  
(3) Ms. E. Roussouw (BGCMA) Email: erossouw@bgcma.co.za  
(4) Ms. P. Huntly (CapeNature) Email: phuntly@capenature.co.za  
(5) Mr. C. Meintjies (Department of Agriculture) Email: ChrisM@elsenburg.com

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## ENVIRONMENTAL AUTHORISATION

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED ENLARGEMENT OF THE GOREESHOOGTE DAMS AND AGRICULTURAL EXPANSION ON PORTIONS 20, 24, 37, 38, 47 AND 90 OF FARM ZAND RIVIERS LAAGTE NO. 106 AND PORTION 3 OF FARM GOREES HOOGTE NO. 102, ROBERTSON**

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

#### **A. 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 Option 2 for the enlarged Goreeshoogte Dam 1; Dam Option 2 for the enlargement of Goreeshoogte Dam 2 and Site Layout Alternative 3 in relation to the clearance of vegetation for cultivation, described in the Environmental Impact Assessment Report ("EIAR"), dated June 2021.

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 Droëkloof and Sand Rivers (tributaries of the Breede River) and unnamed ephemeral tributaries of the Sand and Breede Rivers, within the property, included in the EIAR dated June 2021.

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**

Habata Boerdery (Pty) Ltd  
% Mr. J. Rabie  
PO Box 5295  
**WORCESTER**  
6851

Cell: 082 826 8617

Email: [janrabie@gmail.com](mailto:janrabie@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:<br/>Activity Number 19:<br/>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> <ul style="list-style-type: none"> <li>a. will occur behind a development setback;</li> <li>b. is for maintenance purposes undertaken in accordance with a maintenance management plan;</li> <li>c. falls within the ambit of activity 21 in this Notice, in which case that activity applies;</li> <li>d. occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</li> <li>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.</li> </ul> | <p>The re-alignment of the streams in the western portion of the agricultural area will require more than 10m<sup>3</sup> of material to be removed from a watercourse.</p>                           |
| <p>Activity Number: 50<br/>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>Dam 1's capacity would be increased by 29 800m<sup>3</sup> and Dam 2's capacity would be increased by 38 900 m<sup>3</sup>. The combined capacity increase would thus be 68 700 m<sup>3</sup>.</p> |
| <p>EIA Regulations Listing Notice 2 of 2014:<br/>Activity Number 15:<br/>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul>  | <p>The total area proposed for clearance of vegetation is for 41,76ha of virgin land/indigenous vegetation.</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, includes the following:

- Enlargement of Goreeshoogte Dam 1 from 13 200 m<sup>3</sup> to 43 000 m<sup>3</sup> storage capacity with a wall height increase from 3.5 m to 4 m; and the
- Enlargement of Goreeshoogte Dam 2 from 31 400 m<sup>3</sup> to 70 300 m<sup>3</sup> storage capacity with a wall height increase of 4.5 m to 7 m.
- The realignment of three watercourses (minor streams) within the proposed cultivation areas (two) and the area to be netted (one).
- The applicant proposes to develop three distinct new areas (one in the east and one in the west, as well as a portion of land between the eastern and western areas) for the purposes of cultivation and irrigation. The proposed new agricultural areas will be 41.76 ha in extent.

The following forms part of the proposal but do not trigger listed activities in terms of the NEMA EIA Regulations (2014, as amended):

- Installation of shade netting on five different areas of the farm.
- The relocation of the neighbour's existing gravity pipeline (160mm diameter) to run above the proposed dam enlargement area and to provide a raft abstraction pump station in the neighbour's dam basin.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portions 20, 24, 37, 38, 47 and 90 of Farm Zand Riviers Laagte No. 106 and Portion 3 of Farm Gorees Hoogte No. 102, Robertson, at the following co-ordinates:

#### Goreeshoogte Dam 1:

| Latitude (S)   | Longitude (E)  |
|----------------|----------------|
| 33° 48' 08.36" | 19° 50' 38.35" |

#### Goreeshoogte Dam 2:

| Latitude (S)   | Longitude (E)  |
|----------------|----------------|
| 33° 48' 21.50" | 19° 49' 57.23" |

#### Agricultural expansion areas;

##### Western Area:

| Latitude (S)   | Longitude (E)  |
|----------------|----------------|
| 33° 48' 34.18" | 19° 48' 58.37" |

##### Central Portion:

| Latitude (S)   | Longitude (E)  |
|----------------|----------------|
| 33° 48' 18.34" | 19° 49' 38.62" |

##### Eastern areas:

| Latitude (S)   | Longitude (E)  |
|----------------|----------------|
| 33° 47' 25.17" | 19° 50' 45.85" |
| 33° 47' 24.69" | 19° 50' 55.17" |
| 33° 47' 32.46" | 19° 50' 57.34" |
| 33° 47' 33.53" | 19° 51' 01.41" |
| 33° 47' 36.47" | 19° 50' 50.46" |
| 33° 47' 40.54" | 19° 50' 50.96" |

The SG digit codes are: C06500000000010200003  
 C06500000000010600020  
 C06500000000010600024  
 C06500000000010600037

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

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

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

Holland & Associates Environmental Consultants  
% Ms. E. Herschell/Mr. R. Holland  
P. O. Box 31108  
**TOKAI**  
7613

Tel.: (021) 887 9099

Email: emily@hollandandassociates.net/ ross@hollandandassociates.net

#### **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 Option 2 for the enlarged Goreeshoogte Dam 1; Dam Option 2 for the enlargement of Goreeshoogte Dam 2 and Site Layout Alternative 3 in relation to the clearance of vegetation for cultivation, described in the Environmental Impact Assessment Report ("EIA"), dated June 2021, 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, 8, 12 and 19

### **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 development footprints of the agricultural expansion areas must be clearly demarcated prior to the commencement of land clearing activities. All areas outside the demarcated areas must be treated as no-go areas.

## **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 the 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 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 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 I&AP 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; or

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 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 EA 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: 07 OCTOBER 2021**

CC: (1) Ms. E. Herschell (Holland & Associates Environmental Consultants)  
(2) Municipal Manager (Langeberg Municipality)  
(3) Ms. E. Roussouw (BGCMA)  
(4) Ms. P. Huntly (CapeNature)  
(5) Mr. C. Meintjies (Department of Agriculture)

Email: [emily@hollandandassociates.net](mailto:emily@hollandandassociates.net)  
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Email: [ChrisM@elsenburg.com](mailto:ChrisM@elsenburg.com)

## ANNEXURE 1: LOCALITY MAP

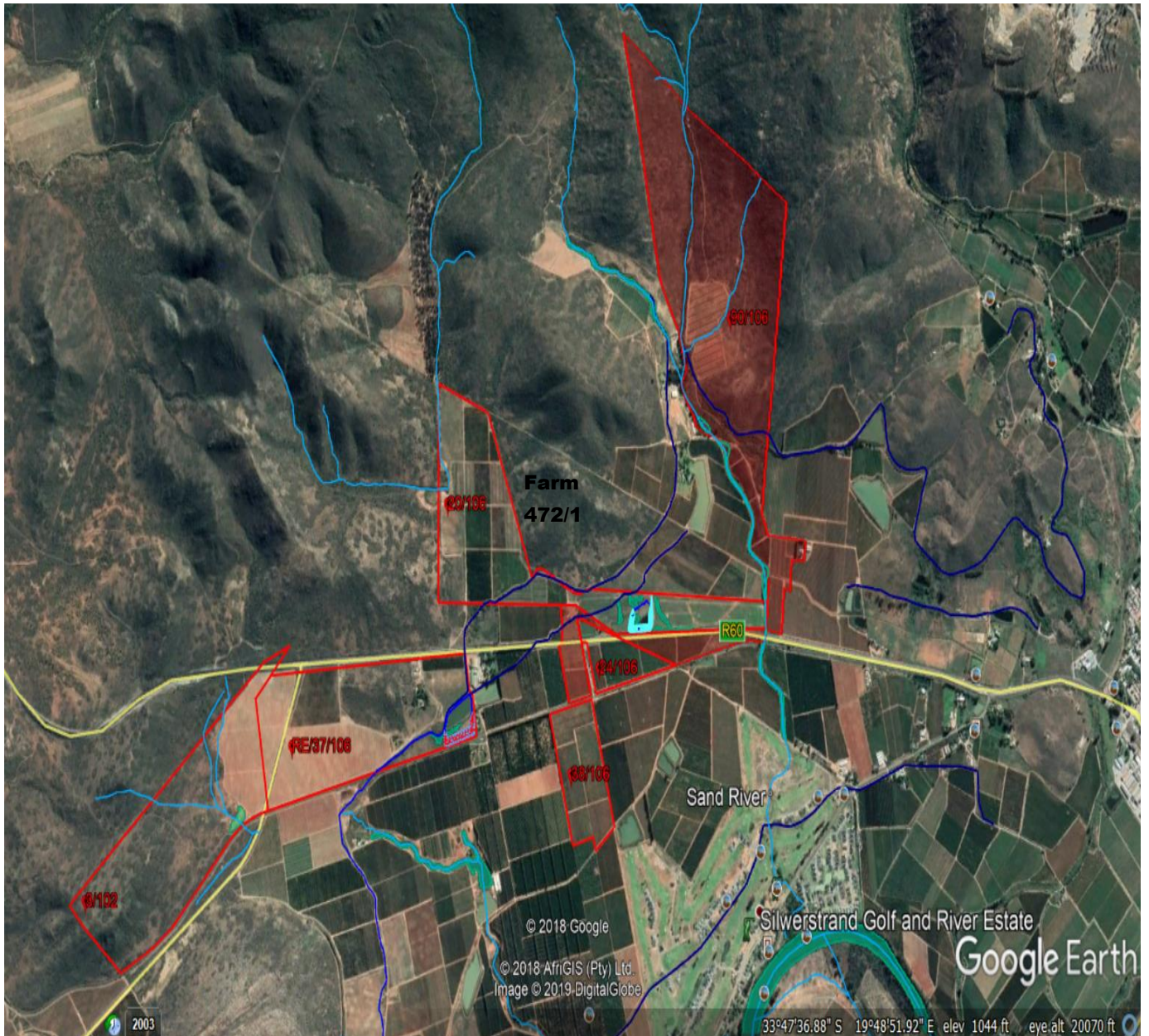


Figure 1: Location of the proposed development.

## ANNEXURE 2: SITE DEVELOPMENT PLAN

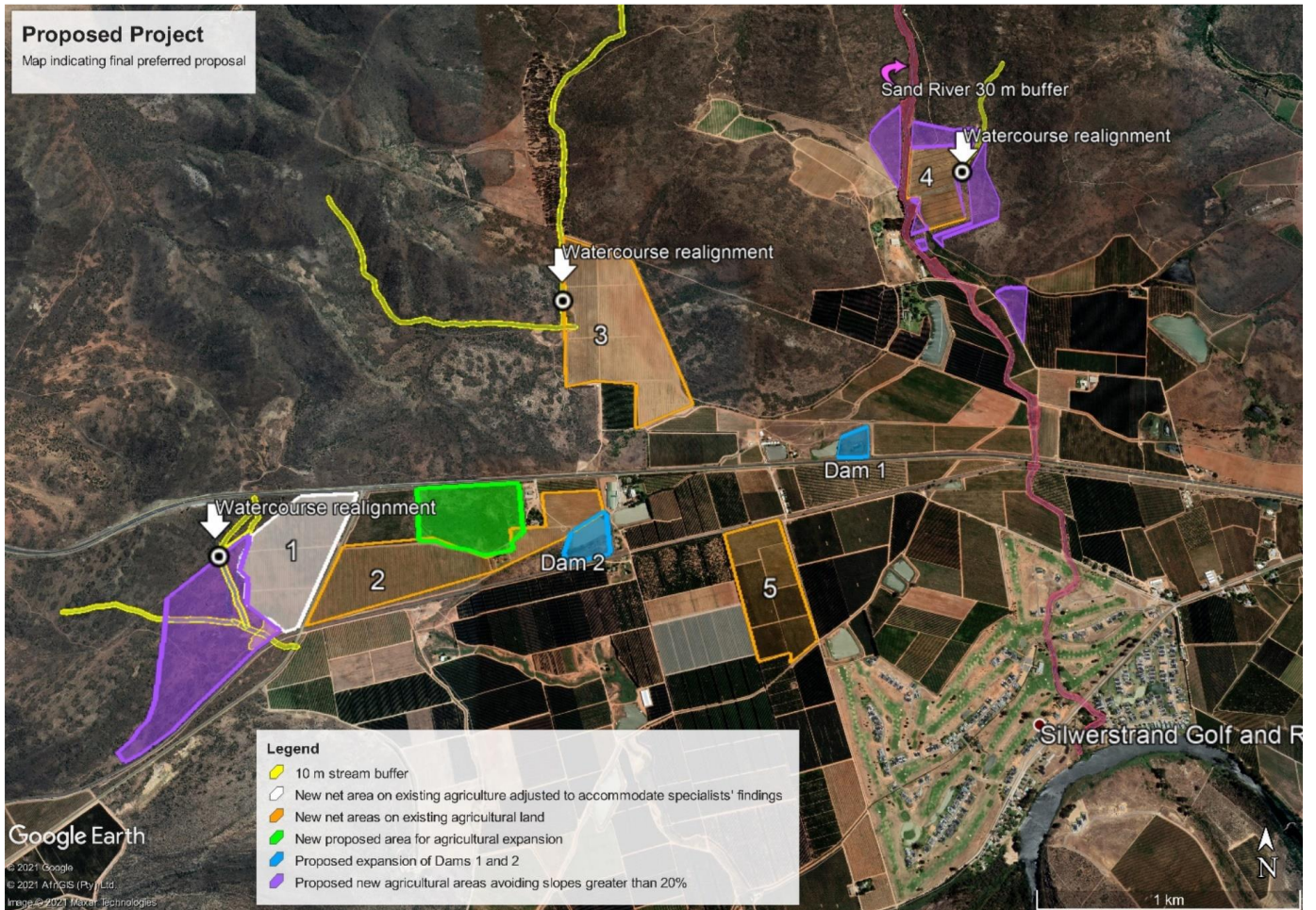


Figure 2: Aerial view of the various components of the proposed development.



Figure 3: Proposed Goreeshoogte Dam 1.



Figure 4: Proposed Goreeshoogte Dam 2.

## **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 30 November 2020, the final EIAR dated June 2021, the EMPr and MMP submitted together with the final EIAR, as well as the additional information August 2021;
- 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 June 2021; 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 6 August 2019;
- the placing of a newspaper advertisement in the 'Breederivier Gazette' on 6 August 2019;
- 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 5 and 6 August 2019, 10 and 11 December 2020, as well as on 6 May 2021;
- making the pre-application draft Scoping Report ("SR") available to I&APs for public review from 6 August 2019 and the in-process draft SR from 11 December 2020; and
- making the draft EIAR available to I&APs for public review from 6 May 2021.

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**

The proposed development entails the enlargement of two existing off-stream dams, the clearance of indigenous vegetation and the re-alignment of three watercourses. Below is the description of the alternatives that have been investigated.

## 2.1 Goreeshoogte Dam 1

Three dam options were assessed for the enlargement of the Goreeshoogte Dam 1, which are discussed below:

### Dam Option 1:

The enlargement of Goreeshoogte Dam 1 from a storage capacity of 13 200m<sup>3</sup> to 39 000 m<sup>3</sup>.

This alternative is not preferred because the storage capacity is lower than that of Dam Option 2 and has a low water/wall ratio.

### Dam Option 2- (Herewith Authorised):

The enlargement of Goreeshoogte Dam 1 from a storage capacity of 13 200m<sup>3</sup> to 43 000m<sup>3</sup>, with an increase in wall height from 3,5m to 4m.

This alternative is preferred because it will achieve the required storage capacity and has a higher water/wall ratio compared to Dam Option 1.

### Dam Option 3:

The combining Goreeshoogte Dam 1 with the adjacent dam, located on Portion 20 of Farm No. 106, to create one larger dam.

This alternative is not preferred because the owner of the adjacent dam did not want to consolidate the two dams for a higher storage capacity.

## 2.2 Goreeshoogte Dam 2

Two dam options were assessed for the enlargement of the Goreeshoogte Dam 2, which are discussed below:

### Dam Option 1:

The enlargement of Goreeshoogte Dam 2 from a storage capacity of 31 400m<sup>3</sup> to 52 600m<sup>3</sup>.

This alternative is not preferred because it will not achieve the required storage capacity.

### Dam Option 2- (Herewith Authorised)

The enlargement of Goreeshoogte Dam 2 from a storage capacity of 31 400m<sup>3</sup> to 70 300m<sup>3</sup>, with an increase in wall height of 4,5m to 7m.

This alternative is preferred because it will achieve the required storage capacity.

## 2.3 Three alternatives for the establishment of cultivation areas were assessed (eastern and western expansion areas) and are discussed below.

### Agricultural Expansion Alternatives 1 and 2:

- Agricultural Expansion Alternative 1 entails the clearance of approximately 49,3ha of indigenous vegetation to establish areas for cultivation; and
- Agricultural Expansion Alternative 2 entails the clearance of approximately 38,7ha of indigenous vegetation to establish areas for cultivation.

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

- Recommendations from both the freshwater and botanical specialists with regards to buffers along watercourses and the avoidance of sensitive vegetation were not taken into consideration in either of the alternatives; and
- The agricultural expansion areas include the clearance of indigenous vegetation to establish areas for cultivation on areas with slopes of more than 20 degrees. Comment from the Western Cape Department of Agriculture state that it is not allowable to develop agricultural land on an area with a slope of more than 20 degrees.

#### Agricultural Expansion Alternative 3 (Herewith Authorised)

This alternative entails the clearance of approximately 41,76ha of indigenous vegetation in both the eastern and western expansion areas as well as the new expansion area located between the eastern and western areas.

This alternative is preferred for the following reasons:

- It takes into consideration the recommendations from the freshwater and botanical specialists with regards to the provision of buffers along both banks of the watercourses/tributaries, as well as the avoidance of sensitive vegetation, and
- This alternative avoids slopes that are in excess of 20 degrees.

#### "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. No additional employment opportunities will arise if the proposal is not implemented. 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 enlargement of the Goreeshoogte dams, is primarily to increase the efficiency of water storage on the properties in line with the existing water use rights. 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. The expansion of the cultivation areas relates to the full use of the existing water use rights allocated to the applicant and the ability of the farms to be cultivated to its full potential using the allocated water rights. Furthermore, the development is consistent with the surrounding land use.

#### 3.2 Biodiversity and Biophysical Impacts

According to the Botanical Impact Assessment dated February 2021, compiled by Mr. Greg Nicholson, the vegetation within the areas where the development will take place comprises of Breede Shale Renosterveld, Robertson Granite Renosterveld and Robertson Karoo, ecosystems classified as least threatened in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA").

The vegetation within the western area proposed for cultivation comprises of intact Robertson Karoo vegetation. The landscape is dominated by medium to low succulent shrublands with emergent taller shrubs and heuweltjies punctuating the landscape. Within this area of predominantly intact vegetation, a number disturbed patches occur. This disturbance appears to be related to the recent

installation of a number of boreholes. A small area on the eastern side of the site has a long history of disturbance and is degraded. Overall, the area is considered to be of low-medium sensitivity.

The eastern area proposed for cultivation comprises a fairly diverse mix of habitats. Three vegetation types have been mapped here and include Robertson Karoo, Breede Shale Renosterveld and Robertson Granite Renosterveld. The north-western portions of this area are granite and shale renosterveld, mostly in good condition. In the area to the south-east of the proposed agricultural development, lies a small area that contains limestone, which may be part of the Noree Limestone Renosterveld Karoo unit. The area has been excluded from the development footprint and must be regarded as a no-go area. An irrigation canal runs through the southern part of this area and below this, large thickets occur. This area has probably been changed from its original state due to the construction and operation of the canal over a number of decades. The excess water from an unlined portion of the canal lead to the establishment or enhancement of large shrubs on the lower (west) side of the canal. These thickets are well established and play an important role in the ecological processes within the landscape. This habitat was considered to be of high sensitivity and has been excluded from the development footprint. The portions of the site adjacent to the previously cultivated areas have been disturbed and contain vegetation in highly degraded condition.

The areas within the vicinity of the dams and the proposed shade netting areas, are almost entirely transformed. The exception is a small area (0,3ha) of intact Breede Shale Renosterveld in the northern-most portion. This area falls within an otherwise completely transformed block. The areas surrounding both dams are in poor condition from a botanical perspective.

According to the Addendum to Botanical Impact Assessment dated 15 April 2021, the additional agricultural expansion area has been identified to replace those proposed agricultural areas that are located on slopes of more than 20 degrees. The new proposed area lies immediately south of the R60 road to Roberson. The vegetation in the area appears to be semi-intact to degraded in places with roads, a reservoir and borrows area within it. The area is mapped as Robertson Karoo vegetation (Least threatened) and is classified as Other Natural Area in the Western Cape Biodiversity Spatial Plan. The new proposed agricultural area is theoretically less sensitive than the slopes of more than 20 degrees. It must be noted that this area was not visited during the site visit and has therefore not been ground-truthed. However, it is likely that the only sensitivity on the site would relate to the potential occurrence of species of conservation concern (SCC). The most likely SCC to occur here are the near threatened "*Brianhuntleya intrusa*" and the vulnerable "*Euphorbia nesemannii*" as both these species were found during the site visit in the surrounding areas. The likelihood of Endangered and Critically Endangered species being present is considered low . Mitigation for the development of this area include a search and rescue of SCC species prior to the commencement of construction activities. CapeNature also reviewed the Addendum to the Botanical Assessment, and had no objection to the proposed additional cultivation area.

Furthermore, 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 February 2021, compiled by Ms. T. Belcher, of Blue Science, the aquatic features identified within the study area are: the middle to lower reaches of the Droëkloof and Sand Rivers (tributaries of the Breede River); unnamed ephemeral tributaries of the Sand and Breede Rivers; valley bottom wetlands associated with the lower Droëkloof and Sand Rivers; and wetland areas associated with the dams on the property. Due to the fact that the valley bottom wetlands closely associated with the Droëkloof and Sand Rivers have largely been lost due to agricultural development of the area, and the wetlands associated with the dams are artificial, only



the Droëkloof and Sand Rivers and ephemeral tributaries of the Breede River within the study area were assessed.

The Sand River can be categorised as a small ephemeral foothill tributary of the Breede River. The upper reaches of the stream are still in a largely natural state, with limited disturbance of the surrounding land. The upper reaches of the river only have flow immediately after rainfall events. The river channel has become eroded in places with steep banks of up to 1-2m. In the lower reaches, vineyards dominate the land cover. Much of the indigenous riparian vegetation has been removed where the cultivated areas have been established. It is considered to be of a moderate ecological importance and sensitivity.

The Droëkloof Stream is still largely natural in the upper reaches where the gradient of the hillside is steep and the riparian tree dominant here, is the wild olive. As soon as the gradient decreases, farming-related disturbances have taken place, including removal of the indigenous riparian vegetation. Downstream, vineyards intrude into the riparian zone of the river and the habitat integrity is significantly degraded becoming completely modified in its very lower reach. The more impacted and smaller Droëkloof Stream has largely been lost in its lower reaches and is thus considered of moderate to low ecological importance and sensitivity.

The ephemeral tributaries of the Sand and Breede Rivers within the proposed cultivation areas only flow for short periods after heavy rainfall. Most of the tributaries are located only on the hillslopes and have been intercepted by canal systems and agriculture at the foot of the slope. The unnamed ephemeral tributaries do not support any significant aquatic ecosystems and are deemed to be of a low ecological importance and sensitivity. The Sand and Droëkloof Rivers and the ephemeral tributaries at the site are in a moderately to seriously modified ecological condition.

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 enlargement of the dams and the realignment of the watercourses. 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 within the Sand and Droëkloof Streams. The maintenance of the watercourses authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note:

When interpreting their “duty of care” responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

The development will result in both negative and positive impacts.

**Negative Impacts:**

- The proposed development will result in loss of natural vegetation.
- Impacts on aquatic features are anticipated but will be limited through the implementation of specialist recommendations and in terms of the approved EMPr and MMP.
- There will be an increase in noise and dust impacts during the construction phase.

**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, enabling the proposed agricultural expansion of 41,76ha.
- The economic viability of the farm will be assured.
- There will be employment opportunities 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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