



**EIA REFERENCE:** 16/3/3/2/B1/14/1040/22  
**NEAS REFERENCE:** WCP/EIA/0001124/2022  
**DATE OF ISSUE:** 4 MAY 2023

The Board of Directors  
Koningskap (Pty) Ltd  
P.O. Box 517  
**ROBERTSON**  
6705

**Attention: Mr P Kriel**

E-mail: [kantoor@koningskap.co.za](mailto:kantoor@koningskap.co.za)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): CLEARANCE OF INDIGENOUS VEGETATION FOR CULTIVATION AND THE EXPANSION OF TWO EXISTING DAMS AND ASSOCIATED INFRASTRUCTURE ON PORTION 10 OF FARM RHEEBOKSKRAAL NO. 157 AND FARM NO. 182, ROBERTSON**

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

**MS MARE-LIEZ OOSTHUIZEN**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms M McGregor (McGregor Environmental Services) E-mail: [marizannemcgregor@gmail.com](mailto:marizannemcgregor@gmail.com)  
(2) Ms E Rossouw (Breede-Gouritz Catchment Management Agency) E-mail: [erosow@bgcma.co.za](mailto:erosow@bgcma.co.za)  
(3) Mr R Smart (CapeNature) E-mail: [rsmart@capenature.co.za](mailto:rsmart@capenature.co.za)  
(4) Mr R Röscher (Department of Agriculture: LandCare) E-mail: [rudolphr@elsenburg.com](mailto:rudolphr@elsenburg.com)  
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## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): CLEARANCE OF INDIGENOUS VEGETATION FOR CULTIVATION AND THE EXPANSION OF TWO EXISTING DAMS AND ASSOCIATED INFRASTRUCTURE ON PORTION 10 OF FARM RHEEBOKSKRAAL NO. 157 AND FARM NO. 182, ROBERTSON

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 Preferred Activity Alternative, Cultivation Layout Alternative 1, Access Route Alternative 1, Pipeline Route Alternative 1, Kerkhof Dam Option 2A and Groot Dam Option 3A, described in the Environmental Impact Assessment Report ("EIAR"), dated January 2023.

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

The Board of Directors  
 Koningskap (Pty) Ltd  
 % Mr P Kriel  
 P.O. Box 517  
**ROBERTSON**  
 6705

E-mail: [kantoor@koningskap.co.za](mailto:kantoor@koningskap.co.za)

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

#### B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activities/Project Description
Listing Notice 1 of 2014-  <b>Activity Number: 9</b>  <i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or stormwater-</i> <i>(i) with an internal diameter of 0.36 metres or more; or</i>	A new 630mm diameter pipeline will be installed from the new drop inlet structure to the existing division canal structure, to connect to the existing 630mm diameter pipeline constructed next to the existing concrete canal [Length: 280 m and 3 m working width];

<p>(ii) with a peak throughput of 120 litres per second or more;</p> <p>excluding where-</p> <p>(a) such infrastructure is for bulk transportation of water or stormwater or stormwater drainage inside a road reserve or railway line reserve; or</p> <p>(b) where such development will occur within an urban area.</p>	
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 12</b></p> <p>The development of-</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) <b>infrastructure or structures with a physical footprint of 100 square metres or more;</b></p> <p>where such development occurs-</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) <b>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;-</b></p> <p>excluding-</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 of Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will be cleared.</p>	<p>The development of the infrastructure will have a physical footprint of more than 100m<sup>2</sup> in size and will be located within 32m of a Groot Dam Tributary.</p>
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 19</b></p>	<p>The enlargement of the Groot Dam and its associated infrastructure as well as the construction of the new drop inlet structure at the diversion weir will require the infilling or depositing, excavation,</p>

<p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse -</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activities 21 in this Notice, in which case that activities applies,</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>removal and or moving of more than 10 cubic metres of material.</p>
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 45</b></p> <p>The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure-</p> <p>(i) <b>has an internal diameter of 0.36 metres or more; or</b></p> <p>(ii) has a peak throughput of 120 litres per second or more; and</p> <p>(a) where the facility or infrastructure is expanded by more than 1000 metres in length; or</p> <p>(b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;</p> <p>excluding where such expansion-</p> <p>(aa) relates to transportation of water or storm water within a road reserve or railway line reserve; or</p> <p>(bb) will occur within an urban area.</p>	<p>The pipeline that will be extended to connect the Kerkhof Dam and the Groot Dam will have an internal diameter of 630mm and will be 1000m in length. The upgrade of the diversion weir entails the construction of a drop inlet structure and flow divider wall that will direct water into the 630mm diameter pipeline that will be constructed from the diversion weir to the division canal.</p>
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 48</b></p> <p>The expansion of-</p> <p>(i) <b>infrastructure of structures where the physical footprint is expanded by 100 square metres or more; or</b></p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p>	<p>The enlargement of the existing Groot Dam and the upgrade of the diversion weir will occur within a watercourse and the extension of pipelines will occur within 32m of a watercourse.</p>

<p>where such expansion occurs-</p> <p>(a) <b>within a watercourse;</b>  (b) <i>in front of a development setback; or</i>  <b>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</b></p> <p>excluding-</p> <p>(aa) <i>the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i>  (bb) <i>where such expansion activities are related to the development of a port or harbour in which case activity 26 in Listing Notice 2 of 2014 applies;</i>  (cc) <i>activities listed in activity 14 of Listing Notice 2 of 2014 or activity 14 of Listing Notice 3 of 2014, in which case that activity applies;</i>  (dd) <i>where such expansion occurs within an urban area; or</i>  (ee) <i>where such expansion occurs within existing roads, road reserves or railway line reserves.</i></p>	
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 50</b></p> <p><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></p>	<p>The enlargement of the Kerkhof Dam will have a capacity increase from approximately 36 370 m<sup>3</sup> to a gross storage capacity of approximately 268 000m<sup>3</sup>.</p>
<p>Listing Notice 1 of 2014:</p> <p><b>Activity Number: 66</b></p> <p><i>The expansion of a dam where-</i></p> <p>(i) <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</i>  (ii) <i>where the high-water mark of the dam will be increased with 10 hectares or more.</i></p>	<p>The wall height of both the Kerkhof Dam and the Groot Dam was originally more than 5m high and will be increased by more than 2,5m. The Kerkhof Dam wall height will be increased from 8.7m to 14.6m and the Groot Dam wall height from 8.3m to 11.5m.</p>
<p>Listing Notice 2 of 2014 –</p> <p><b>Activity Number: 15</b></p> <p><i>The clearance of an area of 20 hectares or more indigenous vegetation is required for-</i></p> <p>(i) <i>the undertaking of a linear activity; or</i>  (ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The development entails the clearance of more than 20 hectares of indigenous vegetation.</p>

<p>Listing Notice 3 of 2014 –</p> <p><b>Activity Number: 12</b></p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>(i) Western Cape:</b></p> <ul style="list-style-type: none"> <li><b>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</b></li> <li>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></li> <li>iii. <i>Within the littoral active zone or 100 metres inland from the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></li> <li>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></li> <li>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></li> </ul>	<p>More than 300m<sup>2</sup> of endangered vegetation will be cleared as part of the development.</p>
<p>Listing Notice 3 of 2014 –</p> <p><b>Activity Number: 14</b></p> <p><i>The development of—</i></p> <ul style="list-style-type: none"> <li><b>(i) dams or weirs, where the dam or weir including infrastructure and water surface area exceeds 10 square metres; or</b></li> <li><b>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</b></li> </ul> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> <li><b>(a) within a watercourse;</b></li> <li><b>(b) in front of a development setback; or</b></li> <li><b>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</b></li> </ul> <p><i>excluding the development of infrastructure or structures within existing ports or harbours that</i></p>	<p>The pipeline that will be constructed between the diversion weir and the division canal will take place within a watercourse and/or within 32m of a watercourse and will be located within a protected area identified in terms of the National Environmental Management: Protected Areas Act, 2003.</p>

<p>will not increase the development footprint of the port or harbour.</p> <p><b>i. In Western Cape:</b></p> <p><b>i. Outside urban areas, in:</b></p> <p>(aa) <b>A protected area identified in terms of NEMPAA, excluding conservancies;</b></p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an International Convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</p>	
<p>Listing Notice 3 of 2014:</p> <p><b>Activity Number: 23</b></p> <p>The expansion of-</p> <p>(i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or</p> <p>(ii) <b>infrastructure where the physical footprint is expanded by 10 square metres or more;</b></p> <p>where such expansion occurs-</p> <p>(a) <b>within a watercourse;</b></p> <p>(b) in front of a development setback adopted in the prescribed manner; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p><b>i. In Western Cape:</b></p> <p><b>i. Outside urban areas, in:</b></p> <p>(aa) <b>A protected area identified in terms of NEMPAA, excluding conservancies;</b></p>	<p>The upgrading of the diversion weir, within a watercourse, will occur within a protected area identified in terms of the National Environmental Management: Protected Areas Act, 2003.</p>



<p>(bb) National protected area expansion strategy focus areas;</p> <p>(cc) World heritage sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plan adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</p>	
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The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

This proposal entails the clearance of indigenous vegetation for cultivation and the expansion of two existing irrigation dams and associated infrastructure on Portion 10 of the Farm Rheeboekskraal No. 157 and the Farm No. 182, Robertson District. The development entails:

- The enlargement of the existing Kerkhof Dam to have the following design specifications:
  - Dam capacity increase from approximately 36 370m<sup>3</sup> to a gross storage capacity of approximately 268 000m<sup>3</sup>,
  - Dam wall height increase from approximately 8.7m to approximately 14.6m,
  - Full Supply Level of approximately 4,8ha, and
  - A total development footprint of 7.3ha in extent.
- The construction of a new outlet pipeline of approximately 450mm in diameter and 75m in length at the Kerkhof Dam.
- The enlargement of the existing Groot Dam to have the following design specifications:
  - Dam capacity increase from approximately 145 000m<sup>3</sup> to a gross storage capacity of approximately 235 000m<sup>3</sup>,
  - Dam wall height increase from approximately 8,3m to 11,5m,
  - Full Supply Level of approximately 5,7ha, and
  - A total development footprint of approximately 7.7ha in extent.
- The construction of a new outlet pipeline of approximately 450mm in diameter and 66m in length at the Groot Dam.
- The lining of the Vark Dam with no change to its design specifications.
- The lining of the Nuwe Dam with no change to its design specifications.
- The Establishment of a borrow pit area of approximately 0,6ha. The borrow pit area will provide material for the construction of the dam filters.
- Upgrading of the existing diversion weir (H4H900) with a drop inlet structure and flow divider wall.
- The construction of a new 630mm diameter pipeline of approximately 280m in length from the diversion weir and the new drop inlet structure to the existing division canal structure. The pipeline will be constructed within a 3m construction corridor.



- The extension of the existing 630mm diameter pipeline by a 1000m in length from the Groot Dam to the Kerkhof Dam. The pipeline extension will take place within a 3m construction corridor.
- The re-alignment of the existing road from the diversion weir and the new drop inlet to the canal division structure. The re-aligned road will be located adjacent to the existing canal.
- Clearance of approximately 50ha of irrigation fields on virgin land.

The development includes the routine maintenance activities to be undertaken in the affected stretch of the watercourse. These maintenance activities will be undertaken in accordance with the Keisers River System MMP (reference number: 16/3/3/6/3/B1/14/1453/17) and the Addendum to the aforementioned MMP adopted by this Department on 4 October 2019. The following maintenance activities will be conducted on the site:

- Clearing of alien vegetation;
- Clearing of indigenous Phragmites reeds;
- Minor repairs to infrastructure;
- Sediment movement at infrastructure;
- Sediment removal from the channel for flood conveyance / channelization; and
- Sediment movement in the channel or on the banks for repairs to berms or banks.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 10 of the Farm Rheeboekskraal No. 157 and the Farm No. 182, Robertson at the following co-ordinates:

Kerkhof Dam:

Latitude (S):			Longitude (E):		
33°	59'	32.82"	19°	49'	41.82"

Groot Dam:

Latitude (S):			Longitude (E):		
33°	59'	50.34"	19°	49'	52.68"

Cultivation area:

Latitude (S):			Longitude (E):		
33°	59'	42.06"	19°	49'	34.98"

Sand borrow area:

Latitude (S):			Longitude (E):		
34°	0'	7.74"	19°	50'	21.54"

Drop inlet structure:

Latitude (S):			Longitude (E):		
33°	0'	34.62"	19°	50'	18.24"

New Pipeline and extension of existing pipeline:

	Latitude (S):			Longitude (E):		
Starting point	34°	00'	34.58"	19°	50'	18.22"
Middle point	33°	59'	48.79"	19°	49'	59.12"
End point	33°	59'	31.76"	19°	49'	47.51"

The SG21 digit codes are: C06500000000015700010,  
C06500000000018200000,

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

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

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

McGregor Environmental Services  
% Ms M McGregor  
PO Box 20  
**McGregor**  
6708

E-mail: [marizannemcgregor@gmail.com](mailto:marizannemcgregor@gmail.com)

#### **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, Preferred Activity Alternative, Cultivation Layout Alternative 1, Access Route Alternative 1, Pipeline Route Alternative 1, Kerkhof Dam Option 2A and Groot Dam Option 3A, described in the EIAR dated January 2023 at the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities 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 activities.
- (b) A period of ten (**10**) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities, must be concluded.
3. 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.
4. 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**

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
  - 5.1 make clear reference to the farm details and EIA Reference number given above; and
  - 5.2 also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 11 and 17.

## **Notification and administration of appeal**

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision as included in Annexure 3;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date when the decision was issued.
  - 6.2 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;
  - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.4 provide the registered I&APs 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, of the holder; and
    - 6.4.6 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).
7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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 activities**

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

## **Monitoring**

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any clearing activities to ensure compliance with the EMPr, MMP, Addendum to the MMP and the conditions contained herein.
11. The ECO must conduct compliance monitoring inspections monthly during the construction phase. Monthly Environmental Compliance Reports must be compiled and 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 the construction phase has been completed.
12. A copy of the Environmental Authorisation, EMPr, MMP, Addendum to the MMP, 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.
13. 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**

14. 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 (which is not the ECO or EAP for this application) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

An Environmental Audit Report must be submitted to the Competent Authority **once a year** during 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**

15. 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 palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. 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.
17. The construction site must be clearly demarcated prior to commencement of construction activities. All areas outside the development footprint must be treated as no-go areas for development.

## **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 those activities, 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 of the Environmental Authorisation.

4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## G. APPEALS

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

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

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

By facsimile:              (021) 483 4174; or

By hand:                     Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

- 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](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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**MS MARE-LIEZ OOSTHUIZEN**

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

DATE OF DECISION: 4 MAY 2023

CC: (1) Ms M McGregor (McGregor Environmental Services)

(2) Ms E Rossouw (Breede-Gouritz Catchment Management Agency)

(3) Mr R Smart (CapeNature)

(4) Mr R Röscher (Department of Agriculture: LandCare)

(5) Ms T Brunings (Langeberg Municipality)

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# ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map depicting Portion 10 of the Farm Rheeboekskraal No. 157 and the Farm No. 182, Robertson (red shaded area).



## ANNEXURE 2: SITE PLAN

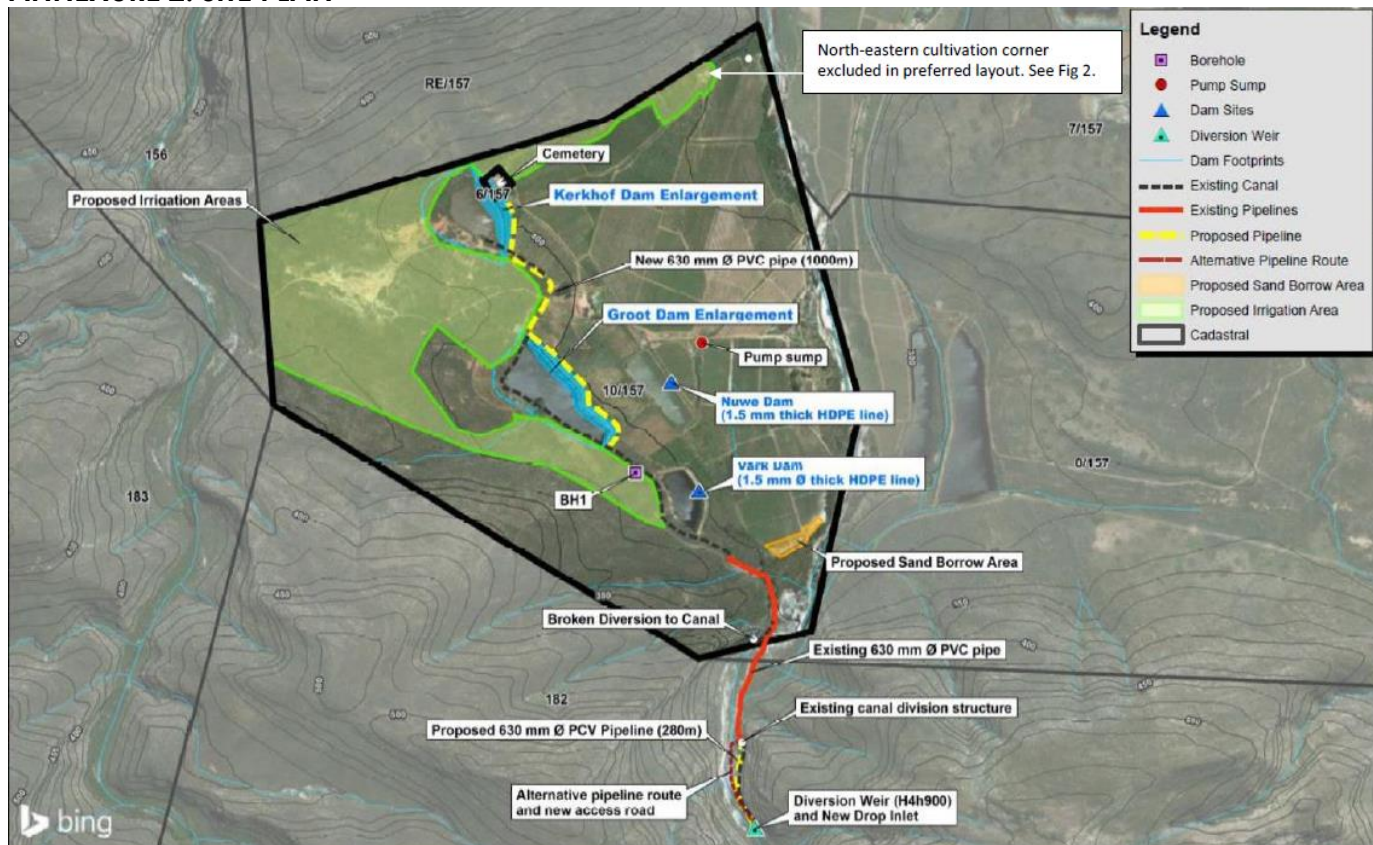


Figure 2: Site Plan depicting the proposed development on Portion 10 of the Farm Rheeboekskraal No. 157 and the Farm No. 182, Robertson.

## ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the amended Application Form submitted on 16 January 2023, the Scoping Report submitted on 24 August 2022, the EIAR dated January 2023 and the EMPr submitted together with the EIAR on 16 January 2023;
- 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 the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the EIAR dated January 2023; 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.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

### 1. Public Participation

The Public Participation Process included:

- Giving written notice to the owners and occupiers of land adjacent to the properties 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 27 January 2021, 11 July 2022 and 14 November 2022;
- Placing a site notice at the site where the listed activities are to be undertaken on 27 January 2021;
- Placing a newspaper advertisement in the "Breederivier Gazette" newspaper on 26 January 2021;
- Circulating the draft Scoping Report to I&APs for public review from 27 January 2021;
- Circulating the updated draft Scoping Report to I&APs for public review from 11 July 2022; and
- Circulating the draft EIAR for comment to I&APs for public review from 14 November 2022.

All the concerns raised by I&APs were responded to, and adequately 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 adequately address the concerns raised.

### 2. Alternatives

Two dam design alternatives, two cultivation layout alternatives, two pipeline route alternatives, two access route alternatives, the preferred activity alternative and the no-go alternative were assessed as part of the application and are described below:

#### 2.1 Dam Design Alternatives

- Option 1, 2 and 3 for the enlargement of the Kerkhof Dam and Option 1, 2 and 3 for the enlargement of the Groot Dam:

Kerkhof Dam:

	Option 1	Option 2	Option 3
Capacity	235 000m <sup>2</sup>	251 000m <sup>2</sup>	252 000m <sup>2</sup>

Wall height	13,7m	14m	14,1m
Full Supply Level (ha)	4,6ha	4,6ha	4,6ha
Full Supply Level (masl)	53	53,3	53,4

Groot Dam:

	Option 1	Option 2	Option 3
Capacity	249 000m <sup>3</sup>	240 000m <sup>3</sup>	268 000m <sup>3</sup>
Wall height	10,5m	11,5m	11,5m
Full Supply Level (ha)	5,5ha	5,3ha	5,7ha
Full Supply Level (masl)	50,5	50,5	50,5

These dam enlargement options are not preferred, for the following reasons:

- The Full Supply Level for Kerkhof Dam must not exceed 53.0 masl.
  - Consent from the Malherbe Family Estate for the Kerkhof Dam enlargement to encroach onto their property (Portion 6 of Farm No. 157) could not be obtained. It is therefore proposed to reposition the left flank of the dam upstream to avoid Portion 6 of Farm No. 157.
  - The enlarged storage capacities of the dams are not consistent with the Water Use Licence issued on 27 January 2022.
  - Due to significant amount of seepage on the downstream toes of both dams, new core trenches will need to be excavated on the upstream heel of the existing embankments, which will affect the wall/ water ratios of the dams, making the dam designs less economical.
- Kerkhof Dam Option 2A and Groot Dam Option 3A (herewith authorised):

	Kerkhof Dam (Option 2A)	Groot Dam (Option 3A)
Wall height	14.6m	11.5m
Full Supply Level	4.8ha	5.7ha
Capacity	268 000m <sup>3</sup>	235 000m <sup>3</sup>

This is the preferred alternative for the following reasons:

- The Kerkhof Dam will not encroach onto Portion 6 of Farm No. 157.
- The enlarged storage capacities of the dams are consistent with the Water Use Licence issued on 27 January 2022.

## 2.2 Cultivation Layout Alternatives:

- Cultivation Layout Alternative 1:  
This alternative entails the cultivation of approximately 53 ha.

It is not preferred for the following reasons:

- This alternative would have a slightly higher impact on aquatic features compared to Alternative 2.
- It would require channelizing the existing stream that drains into the Groot Dam.
- This alternative would have a slightly higher impact on terrestrial botanical features as it includes an area included in the mapped terrestrial Critical Biodiversity Area ("CBA").

- Cultivation Layout Alternative 2 (herewith authorised):  
This alternative entails the cultivation of approximately 50 ha.

It is preferred for the following reasons:

- This alternative avoids any loss of aquatic habitat and is the preferred approach from an aquatic ecosystem perspective.
- The north-easternmost portion of the cultivation area ( $\pm 1.87$ ha) is excluded from the development as it is mapped as part of a terrestrial CBA.
- It takes into consideration both the Botanical and Aquatics Specialist's recommendation that the stream flowing into the Groot Dam should be excluded from the cultivation areas.
- The cultivated area will only extend to where an existing jeep track exists i.e., approximately 30m to 50m from the current centre of the stream.

- This alternative is consistent with the Conservation of Agricultural Resources Act, 43 of 1983 ("CARA") ploughing permit.

### 2.3 Pipeline Route Alternatives:

Two alternatives have been considered for the upper pipeline (280m in length) from the diversion weir towards the existing pipeline at the canal division structure.

- Pipeline Route Alternative 1 (herewith authorised):

This alternative entails the pipeline to be constructed adjacent to the existing canal.

This alternative is preferred for the following reasons:

- It is located further away from the Hoeks River and will cross least threatened terrestrial vegetation for most of the route.
- It is also supported from an aquatic ecosystem perspective, as it will be located further away from the Hoeks River and will be placed adjacent to the existing diversion canal.

- Pipeline Route Alternative 2:

This alternative entails the pipeline to follow an existing road, located adjacent to the Hoeks River. This road will also need to be upgraded to allow for the construction of the pipeline.

This alternative is not preferred for the following reason:

- It is not preferred from an aquatic ecosystem perspective as it will be located in close proximity to the Hoeks River.

### 2.4 Access Road Route Alternatives:

- Access Route Alternative 1 (herewith authorised):

This alternative entails the existing access road to be re-aligned to follow the same alignment as the proposed pipeline route next to the canal. The existing road will be removed and area will be rehabilitated.

This alternative is preferred for the following reasons:

- It will be located further away from the Hoeks River than the current road.
- It will allow for the existing road to be removed and rehabilitated.

- Access Road Route Alternative 2:

This alternative entails the upgrade of the existing access road.

It is not preferred for the following reason:

- This alternative is not preferred from a freshwater perspective since work will be undertaken adjacent to the Hoeks River.

### 2.5 Preferred Activity Alternative (herewith authorised):

This alternative entails the clearance of indigenous vegetation for cultivation and the expansion of two existing irrigation dams and associated infrastructure on Portion 10 of the Farm Rheeboekskraal No. 157 and the Farm No. 182, Robertson District. The development entails:

- The enlargement of the existing Kerkhof Dam to have the following design specifications:
  - Dam capacity increase from approximately 36 370m<sup>3</sup> to a gross storage capacity of approximately 268 000m<sup>3</sup>,
  - Dam wall height increase from approximately 8.7m to approximately 14.6m,
  - Full Supply Level of approximately 4,8ha, and
  - A total development footprint of 7.3ha in extent.
- The construction of a new outlet pipe of approximately 450mm in diameter and 75m in length at the Kerkhof Dam.
- The enlargement of the existing Groot Dam to have the following design specifications:
  - Dam capacity increase from approximately 145 000m<sup>3</sup> to a gross storage capacity of approximately 235 000m<sup>3</sup>,
  - Dam wall height increase from approximately 8,3m to 11,5m,
  - Full Supply Level of approximately 5,7ha, and
  - Total development footprint of approximately 7.7ha in extent.

- The construction of a new outlet pipe of approximately 450mm in diameter and 66m in length at the Groot Dam.
- The lining of the Vark Dam with no change to its design specifications.
- The lining of the Nuwe Dam with no change to its design specifications.
- The establishment of a borrow pit area of approximately 0,6ha. The borrow pit area will provide material for the construction of the dam filters.
- Upgrading the existing diversion weir (H4H900) with a drop inlet structure and flow divider wall;
- The construction of a new 630mm diameter pipeline of approximately 280m in length from the diversion weir and the new drop inlet structure to the existing division canal structure. The pipeline will be constructed within a 3m construction corridor.
- The extension of the existing 630mm diameter pipeline by a 1000m in length from the Groot Dam to the Kerkhof Dam. The pipeline extension will take place within a 3m construction corridor.
- The re-alignment of the existing road from the diversion weir and new drop inlet to the canal division structure. The re-aligned road will be located adjacent to the existing canal.
- Clearance of approximately 50ha of irrigation fields on virgin land.

The development includes the routine maintenance activities to be undertaken in the affected stretch of the watercourse. These maintenance activities will be undertaken in accordance with the Keisers River System MMP (reference number: 16/3/3/6/3/B1/14/1453/17) and the Addendum to the aforementioned MMP adopted by this Department on 4 October 2019. The following maintenance activities will be conducted on the site:

- Clearing of alien vegetation;
- Clearing of indigenous Phragmites reeds;
- Minor repairs to infrastructure;
- Sediment movement at infrastructure;
- Sediment removal from the channel for flood conveyance / channelization; and
- Sediment movement in the channel or on the banks for repairs to berms or banks.

This alternative is preferred for the following reasons:

- It will avoid any loss of aquatic habitat.
- The north-easternmost portion of the cultivation area is excluded from the development, as it is mapped as part of a terrestrial CBA.
- This alternative excludes the encroachment of the stream flowing into the Groot Dam.
- It does not encroach onto the neighbouring property.
- This alternative is consistent with the Water Use Licence issued on 27 January 2022 as well as the CARA ploughing permit.
- It is located further away from the Hoeks River and will allow for the rehabilitation of the existing access road.

## 2.6 "No-go" Alternative:

The 'no-go' alternative was considered. However, it is not preferred since it would not allow for the enlargement of the two dams, an increase in storage capacity or the expansion of the cultivation footprint. If the 'no-go' alternative is implemented, the potential for local economic development would not be realised. The applicant would not develop the property to its fullest potential, which would prevent them from contributing to job creation, skills development and the Gross Domestic Product of the country.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activities Need and Desirability

The applicant relies entirely on ecosystem services, specifically water provision, for their farming operation. Due to uncertainties surrounding the impact of climate change on water availability and to ensure the farm remains a viable enterprise, there is a need to secure water supply to the farm. The application to enlarge the storage capacity of the existing dams and the proposed expansion of the footprint of the cultivation area aims to address these needs. In addition, the



development is in line with the Catchment Management Strategy for the Breede-Gouritz Catchment Management Agency, since it promotes the increase of assurance of water supply, and proposes that private farm dams be expanded to store more of the annual streamflow available in the system.

### 3.2 Biodiversity and Biophysical Impacts

The development areas comprise Breede Shale Renosterveld and Breede Alluvium Renosterveld, which are classified as endangered ecosystems in terms of Section 52 of the National Environmental Management Biodiversity Act, 2014 (Act No. 10 of 2004) ("NEMBA"), and North Sonderend Sandstone Fynbos, which is classified as a least threatened ecosystem in terms of Section 52 of the NEMBA. No Red Data species were recorded on the site. The entire site was subjected to historic farming, but natural vegetation recovered significantly across most of the area. The south-eastern corner of the site is currently used as a dumping/laydown area and comprises an open area with mounds of wood chips. This area, mapped as a CBA, supports no natural vegetation.

The expansion of both the dam surface areas and wall footprint areas will result in minimal additional disturbance to intact natural areas. The lining of the Nuwe and Vark Dams will not impact any natural vegetation. The proposed sand borrow site previously consisted of a dense stand of Eucalyptus (gum) trees, which has been cleared. The site currently does not comprise natural vegetation and is bordered by cultivation towards the north and dense stands of Eucalyptus trees towards the south.

The pipeline from the Groot Dam to the Kerkhof Dam, will run along the outside toe of the expanded Groot Dam wall. Afterwards, it will follow existing farm tracks and finally it will run along the outside toe of the expanded Kerkhof Dam wall. The proposed pipeline should, therefore, result in minimal additional impact other than that caused by the construction of the dam walls.

The vegetation on site comprises an open karoid shrubland with many succulents and a low density of thicket elements. Overall, the natural plant diversity appears to be relatively low, which can most likely be attributed to historic farming that has occurred on site. The north-eastern portion of the development area, which is classified as a CBA, and a small drainage line crossing the site, are excluded from the preferred layout. The updated Terrestrial Botanical Impact Assessment (April 2022) concluded that the impact on biodiversity should be low after implementation of the mitigation measures.

The potential impacts on vegetation resulting from the proposed development will be mitigated by the implementation of the conditions of this Environmental Authorisation, and the mitigation measures specified in the EMPr (accepted in Section E, Condition 8).

Water storage facilities on the farm consists of four dams, namely Kerkhof Dam, Groot Dam, Vark Dam and Nuwe Dam. The dams are filled from the Hoeks River. There are two large diversion weirs on the Hoeks River, one upstream of the site and the second one in the narrow gorge downstream of the site. These weirs take much of the flow out of the river, especially during the drier summer months. While the river is largely natural within the narrow gorges, the valley floors in the lower river valley are intensively cultivated. The Hoeks River downstream of weir, located upstream of the site, is in a moderately modified ecological condition because of the diversion of most of its flow. Within the farm boundaries, the integrity of the watercourse is further reduced because of the surrounding farming activities. However, it is rejuvenated again within the downstream gorge. The Hoeks River is of high ecological importance and sensitivity. This is largely since the larger river provides a corridor for the movement of biota within an increasingly transformed landscape as well as providing refuge areas.

The Groot Dam Tributary is a larger stream of significance that drains the foothills to the southwest of the property and flows into the Groot Dam. This tributary has a very small catchment with limited runoff and, as a result, only flows for short periods of time, thus not supporting any significant aquatic habitat or distinct riparian vegetation. The upper reaches of the Groot Dam Tributary, at the dam site, are in a largely natural ecological condition, but the watercourse has been completely modified and lost in its lower reaches. The Groot Dam Tributary is of a low to moderate ecological importance and sensitivity.

The catchment of the Hoeks Tributary is mapped as a Fish Freshwater Ecosystem Priority Area due to the populations of indigenous *Cape galaxias* and *Cape kurper* that occur in the river. The proposed works will not impact on these fish populations. The valley bottom wetland associated with the Hoeks River, as well as a small seep area downstream of Groot Dam, is mapped as an aquatic CBA. The stream/channel crossing the site in which Groot Dam is located and wetland areas around the dam are mapped as an aquatic Ecological Support Area. This wetland area is, however, no longer visible in the landscape.

Based on the Aquatic Impact Assessment undertaken by Toni Belcher from Blue Science (July 2020 and 2022), the potential freshwater impacts would be medium to low with mitigation. The dam enlargements will not impact on any CBAs. Furthermore, a Water Use Licence in terms of the National Water Act, 1998 (Act 38 of 1998) was issued on 27 January 2022 by the Department of Water and Sanitation for:

- taking of water to reinstate the property's historic water use from the Hoeks River;
- storing of water by enlarging the existing Kerkhof Dam and the Groot Dam;
- impeding or diverting the flow of a watercourse for all associated infrastructure for the proposed scheme; and
- altering the bed, banks, course or characteristics of a watercourse for all associated infrastructure for the proposed scheme.

An MMP and the Addendum to the MMP has also been compiled and adopted by this Department on 22 November 2018 and 4 October 2019, respectively, to address routine maintenance activities taking place in the affected stretch of the watercourse. The MMP includes the existing infrastructure that will be expanded through the implementation of the development as approved in this Environmental Authorisation. The maintenance of these structures will therefore be done in accordance with 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 and the Addendum to the MMP were adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

### 3.3 Cultural and Heritage Impacts

From a cultural perspective, the target area for the proposed enlargement of two existing dams, associated infrastructure, and the clearing of vegetation for cultivation purposes are in keeping with the surrounding land uses dominated by agriculture, comprising of several other cultivated areas. As a result, the activity will be in keeping with the surrounding environment and will therefore not impact on the cultural landscapes.

A family cemetery is located east of Kerkhof Dam outside the proposed enlarged dam footprint (about 35m – 40m away from the current embankment) on Portion 6 of the Farm No. 157. The cemetery will not be impacted and is properly and securely fenced off with a 1.8m high game fence.

Old, unmarked graves are also located in the northern section of Portion 10 of Farm No. 157 but are also fenced off. This area is excluded from the proposed development.

In a comment from Heritage Western Cape, dated 8 June 2020, it was confirmed that no additional studies are required since no impacts on heritage resources are anticipated.



The development will result in both negative and positive impacts.

**Negative Impacts:**

- The development will result in the loss of natural vegetation and will impact on freshwater resources during construction and operation, which will be effectively mitigated to a low negative significance.

**Positive impacts:**

- The proposed development will provide the property with an increased assurance of water supply.
- Reinstating the property's historic water use rights.
- The proposed development will increase the efficiency of water storage for irrigation of new cultivated areas.
- No impacts on significant heritage resources will take place with the implementation of the proposed development.
- The development will provide additional employment opportunities.

**4. National Environmental Management Act Principles**

The National Environmental Management 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, compliance with the EMPr, the MMP and the Addendum to the MMP, 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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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