

**EIA REFERENCE:** 16/3/3/2/B2/32/1041/21  
**NEAS REFERENCE:** WCP/EIA/000940/2021  
**DATE OF ISSUE:** 23 May 2022

The Board of Directors  
Worcester East Water Users Association  
P.O. Box 603  
**WORCESTER**  
6849

**Attention: Mr W Baard**

E-mail: [helmo@breede.co.za](mailto:helmo@breede.co.za)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE DEVELOPMENT OF LANGKLOOF DAM AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF FARM LANG KLOOF NO. 322, AND PORTION 22 AND REMAINDER OF PORTION 4 OF FARM TWEE FONTEINEN NO. 319, WORCESTER**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt** the Maintenance Management Plan, 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 K Ross (Holland and Associates Environmental Consultants) E-mail: [kelli@hollandandassociates.net](mailto:kelli@hollandandassociates.net)  
(2) Mr D McThomas (Breede Valley Municipality) E-mail: [mm@bvm.gov.za](mailto:mm@bvm.gov.za)  
(3) Ms A Duffell-Canham (CapeNature) E-mail: [aduffell-canham@capenature.co.za](mailto:aduffell-canham@capenature.co.za)  
(4) Ms E Rossouw (Breede-Gouritz Catchment Management Agency) E-mail: [erossouw@bgcma.co.za](mailto:erossouw@bgcma.co.za)  
(5) Mr C van der Walt (Department of Agriculture: LandCare) E-mail: [corvdw@elsenburg.com](mailto:corvdw@elsenburg.com)  
(6) Mr C Meintjies (Department of Agriculture) E-mail: [chrism@elsenburg.com](mailto: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): THE DEVELOPMENT OF LANGKLOOF DAM AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF FARM LANG KLOOF NO. 322, AND PORTION 22 AND REMAINDER OF PORTION 4 OF FARM TWEE FONTEINEN NO. 319, WORCESTER**

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

#### **DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) and the Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to the Dam design: Option 2B and Pipeline Route Alternative: Ref 1b, described in the Environmental Impact Assessment Report (“EIAR”), dated February 2022.

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 MMP** for the future maintenance of the Langkloof Dam and associated infrastructure and the re-aligned farm road on Portion 1 of Farm Lang Kloof No. 322, and Portion 22 and Remainder of Portion 4 of Farm Twee Fonteinien No. 319, Worcester.

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  
Worcester East Water Users Association  
% Mr W Baard  
P.O. Box 603  
**WORCESTER**  
6849

E-mail: [helmo@breede.co.za](mailto:helmo@breede.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
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 9</b></p> <p><i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or stormwater-</i></p> <p><i>(i) with an internal diameter of 0.36 metres or more; or</i></p> <p><i>(ii) with a peak throughput of 120 litres per second or more;</i></p> <p><i>excluding where-</i></p> <p><i>(a) such infrastructure is for bulk transportation of water or stormwater or stormwater drainage inside a road reserve or railway line reserve; or</i></p> <p><i>(b) where such development will occur within an urban area.</i></p>	<p>The new pipeline that will connect the proposed new Langkloof Dam to the existing Boskloof pipeline (that forms part of the existing water distribution scheme utilised by the Worcester East Water Users Association) will have an internal diameter of 400mm, have a peak throughput of 200 litres per second, and will be 1,65km long.</p>
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 12</b></p> <p><i>The development of-</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a devilmnt setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;-</i></p> <p><i>excluding-</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours</i></p>	<p>Sections of the proposed new pipeline would be located within, or within 32m of, the Langkloof River.</p>

<p>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>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 19</b></p> <p><i>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 -</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></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 activities 26 in Listing Notice 2 of 2014 applies.</p>	<p>The development of the Langkloof Dam and associated infrastructure, the development of a pipeline and the re-alignment of an existing farm road will require the infilling or depositing, excavation, removal and or moving of more than 10 cubic metres of material from the Langkloof River and small tributaries at the foot of the hillslopes.</p>
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 48</b></p>	<p>The re-alignment of an existing farm road of 4m wide and approximately 1.14km long entails the expansion of the footprint of the road by 100 square metres or more within a watercourse.</p>

<p>The expansion of-</p> <p>(i) <b>infrastructure of structures where the physical footprint is expanded by 100 square metres or more;</b> or</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>where such expansion occurs-</p> <p>(a) <b>within a watercourse;</b></p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding-</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such expansion activities are related to the development of a port or harbour in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 of 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 expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 63</b></p> <p>The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following—</p> <p>(i) water catchments;</p> <p>(ii) water treatment works; or</p> <p>(iii) impoundments;</p> <p>where the capacity will be increased by 50 000 cubic metres or more per day, but excluding water treatment works where water is treated for drinking purposes.</p>	<p>The proposed Langkloof Dam would form part of the Worcester East Water Users Association's existing water distribution scheme, which currently functions by pumping water from the Breede River into several balancing dams which supply the surrounding areas. The proposed Langkloof Dam would be filled under existing enlistment mainly by pumping from the Breede River via the existing Rooiwal pipeline (and a little from its own catchment).</p>
<p>Listing Notice 2 of 2014 –</p> <p><b>Activity Number: 15</b></p>	<p>The development entails the clearance of more than 20 hectares of indigenous vegetation.</p>

<p>The clearance of an area of 20 hectares or more 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>Listing Notice 2 of 2014 –</p> <p><b>Activity Number: 16</b></p> <p>The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high water mark of the dam covers an area of 10 hectares or more.</p>	<p>The Langkloof Dam will cover an area of approximately 16.5ha and will have a wall height of approximately 36m.</p>
<p>Listing Notice 3 of 2014 –</p> <p><b>Activity Number: 14</b></p> <p>The development of—</p> <ul style="list-style-type: none"> <li>(i) <b>dams or weirs, where the dam or weir including infrastructure and water surface area exceeds 10 square metres; or</b></li> <li>(ii) <b>infrastructure or structures with a physical footprint of 10 square metres or more;</b></li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) <b>within a watercourse;</b></li> <li>(b) in front of a development setback; or</li> <li>(c) <b>if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</b></li> </ul> <p>excluding 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><b>i. In Western Cape:</b></p> <p><b>i. Outside urban areas, in:</b></p> <ul style="list-style-type: none"> <li>(aa) <b>A protected area identified in terms of NEMPAA, excluding conservancies;</b></li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(cc) World Heritage Sites;</li> <li>(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;</li> </ul>	<p>The development of the Langkloof Dam and associated infrastructure and the development of a section of the pipeline will take place within a watercourse which falls within a protected area identified in terms of the National Environmental Management: Protected Areas Act, 2003.</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: 18</b></p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>i. Western Cape:</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. <b>All areas outside urban areas:</b></p> <p>(aa) <b>areas containing indigenous vegetation;</b> or</p> <p>(bb) areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The re-alignment of 1.14km of an existing farm road will be undertaken outside an urban area and within an area containing indigenous vegetation.</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>The re-alignment of an existing farm road of 4m wide and approximately 1.14km long within a protected area identified in terms of the National Environmental Management: Protected Areas Act, 2003 entails the expansion of the footprint of the road by 10 square metres or more within a watercourse.</p>

<p>(a) <b>within a watercourse;</b>  (b) <i>in front of a development setback adopted in the prescribed manner; or</i>  (c) <i>if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</i></p> <p><b>i. In Western Cape:</b>  <b>i. Outside urban areas, in:</b>  (aa) <b>A protected area identified in terms of NEMPAA, excluding conservancies;</b>  (bb) <i>National protected area expansion strategy focus areas;</i>  (cc) <i>World heritage sites;</i>  (dd) <i>Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</i>  (ee) <i>Sites or areas listed in terms of an international convention;</i>  (ff) <i>critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plan adopted by the competent authority or in bioregional plans;</i>  (gg) <i>Core areas in biosphere reserves; or</i>  (hh) <i>Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</i></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:

The proposal entails the development of the Langkloof Dam and associated infrastructure within the Langkloof River, the development of a pipeline and the re-alignment of an existing farm road. The Langkloof Dam will be an earth embankment dam with a maximum storage capacity of 2.4Mm³. The surface area of the dam at full supply level will be approximately 16.5ha and the dam wall height will be approximately 36m. Material for the dam will be sourced from within the dam basin. A construction campsite with a footprint of approximately 2000m² forms part of the infrastructure to be developed as part of the Langkloof Dam. The construction campsite will be located downstream of the proposed dam wall and will be temporary in nature.

A new 400mm diameter gravity pipeline of 1.65km long to connect the Langkloof dam to the existing Boskloof pipeline (that forms part of the existing water distribution scheme utilised by the Worcester East



Water Users Association) will be developed within a 30m corridor along the proposed pipeline. The pipeline will cross the De Wet Road by means of pipe jacking, and it will cross an irrigation canal.

A portion of approximately 1.14km of an existing farm road that falls within the full supply level of the proposed Langkloof Dam will be re-aligned. The re-aligned road will be approximately 4m wide.

**C. SITE DESCRIPTION AND LOCATION**

The listed activities will be undertaken on Portion 1 of Farm Lang Kloof No. 322, and Portion 22 and Remainder of Portion 4 of Farm Twee Fonteynen No. 319, Worcester at the following co-ordinates:

New Langkloof Dam:

Latitude (S):			Longitude (E):		
33°	37'	24"	19°	32'	27.35"

New Pipeline:

	Latitude (S):			Longitude (E):		
Starting point	33°	37'	03.14"	19°	32'	23.88"
Middle points	33°	37'	15.36"	19°	32'	16.09"
	33°	37'	29.13"	19°	32'	06.23"
	33°	37'	29.52"	19°	32'	05.82"
	33°	37'	32.61"	19°	32'	07.93"
End point	33°	37'	45.15"	19°	31'	56.66"

Re-aligned section of farm access road:

	Latitude (S):			Longitude (E):		
Starting point	33°	37'	06.24"	19°	32'	21.10"
Middle point	33°	36'	55.50"	19°	32'	34.74"
End point	33°	36'	49.79"	19°	32'	53.36"

The SG21 digit codes are: C08500000000032200001,  
C08500000000031900004,  
C08500000000031900022,

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**

Holland and Associates Environmental Consultants  
% Ms K Ross  
PO Box 31108  
**TOKAI**  
7966

E-mail: [kelli@hollandandassociates.net](mailto:kelli@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, the Dam design: Option 2B and Pipeline Alternative: Ref 1b, described in the EIAR dated February 2022 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 for the first phase. 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, 18, 19 and 20.

### 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 MMP adopted as part of this Environmental Authorisation must be implemented.
- 10. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

### **Monitoring**

- 11. 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 and the conditions contained herein.
- 12. The ECO must conduct compliance monitoring inspections fortnightly during the construction phase of each of the development phases. Monthly Environmental Compliance Reports must be compiled and submitted to the Competent Authority for the duration of each of the planned development phases. A final Environmental Compliance Report must be submitted to the Competent Authority within three months after the completion of each of the development phases.

13. A copy of the Environmental Authorisation, EMPr, 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.
14. 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**

15. 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 every **six (6)** months 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**

16. 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.

17. 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.
18. 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.
19. A search and rescue must be undertaken for the populations of *Brianhuntleya intrusa* and other succulents and easy to translocate species, and seeds collected from the populations of

*Aspalathus candicans* prior to the commencement of land clearing activities. The seeds collected from the populations of *Aspalathus candicans* must be stored until construction work is completed and whereafter seeding must be undertaken in the vicinity of the existing individuals that are located above the full supply level of the proposed dam.

20. The upper cluster of 4 plants, which are located outside of the full supply level of the dam, must be clearly demarcated and appropriate capacity building around the importance of protecting the plants must be undertaken prior to commencement of construction activities. The monitoring and reporting thereof must be undertaken by the ECO when compiling the Environmental Compliance Reports.

## **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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**MR ZAAHIR TOEFY**

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

### **DATE OF DECISION: 23 MAY 2022**

CC: (1) Ms K Ross (Holland and Associates Environmental Consultants) E-mail: [kelli@hollandandassociates.net](mailto:kelli@hollandandassociates.net)  
(2) Mr D McThomas (Breede Valley Municipality) E-mail: [mm@bvm.gov.za](mailto:mm@bvm.gov.za)  
(3) Ms A Duffell-Canham (CapeNature) E-mail: [aduffell-canham@capenature.co.za](mailto:aduffell-canham@capenature.co.za)  
(4) Ms E Rossouw (Breede-Gouritz Catchment Management Agency) E-mail: [erossouw@bgcma.co.za](mailto:erossouw@bgcma.co.za)  
(5) Mr C van der Walt (Department of Agriculture: LandCare) E-mail: [corvdw@elsenburg.com](mailto:corvdw@elsenburg.com)  
(6) Mr C Meintjies (Department of Agriculture) E-mail: [chrism@elsenburg.com](mailto:chrism@elsenburg.com)

# ANNEXURE 1: LOCALITY MAP

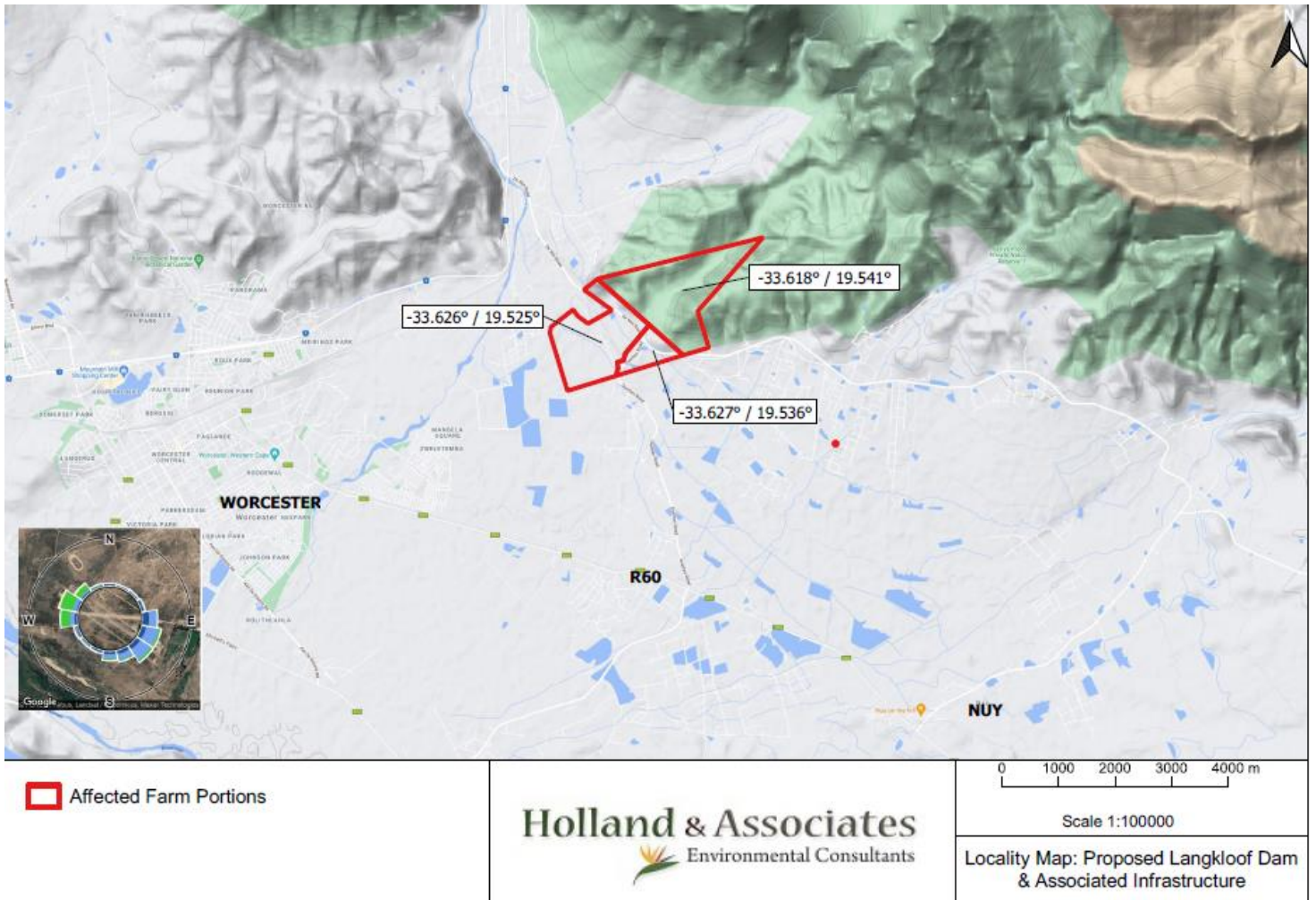


Figure 1: Locality map depicting Portion 1 of Farm Lang Kloof No 322, Portion 22 and Remainder of Portion 4 of Farm Twee Fonteinen No. 319, Worcester.



**ANNEXURE 2: SITE PLAN**

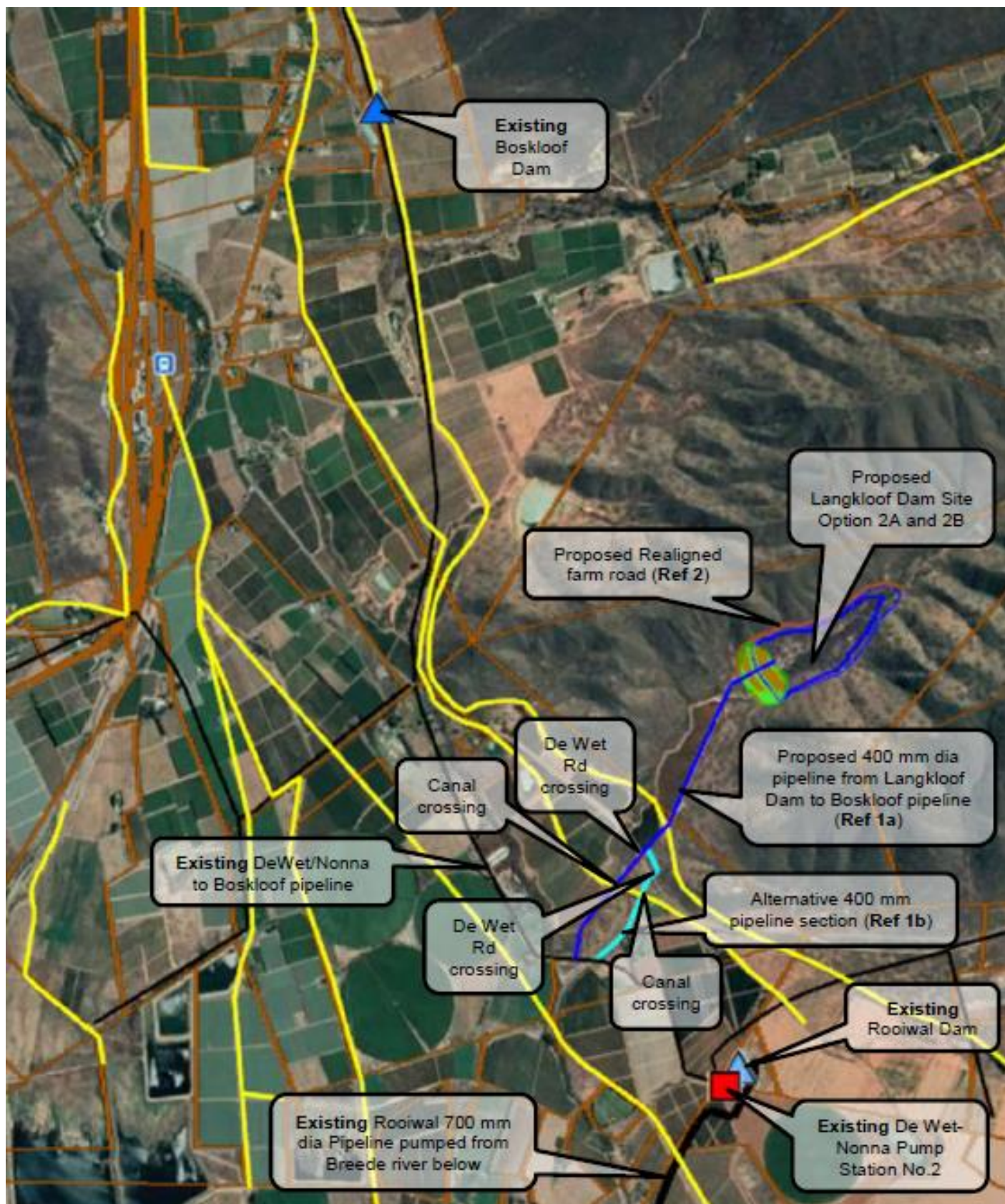


Figure 2: Site Plan depicting the proposed development on Portion 1 of Farm Lang Kloof No 322, Portion 22 and Remainder of Portion 4 of Farm Twee Fonteynen No. 319, Worcester.

## 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 submitted on 8 July 2021, the Scoping Report submitted on 20 August 2021, the EIAR dated February 2022 and the EMPr submitted together with the EIAR on 3 February 2022;
- 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 February 2022;
- 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;
- Placing site notices at the site where the listed activities are to be undertaken;
- Placing newspaper advertisements in the "Worcester Standard" and "Die Burger" newspapers on 1 October 2020;
- Circulating the pre-application Scoping Report to I&APs for public review from 1 October 2020 and on the Holland and Associates Environmental Consultants company website, [www.hollandandassociates.net](http://www.hollandandassociates.net);
- Circulating the in-process draft Scoping Report to I&APs for public review from 8 July 2021 and on the Holland and Associates Environmental Consultants company website, [www.hollandandassociates.net](http://www.hollandandassociates.net);
- Circulating the in-process EIAR for comment to I&APs for public review from 23 November 2021.

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 pipeline route alternatives and the no-go alternative were assessed as part of the application and are described below:

### 2.1 Dam Design Alternatives

#### Option 2A:

This alternative entails the construction of a dam with a storage capacity of 1.45Mm<sup>3</sup> and a maximum wall height of approximately 30.3m. The surface area of the dam at full supply level will be approximately 12.3ha.

This alternative was not preferred since it will result in a reduced capacity to store winter water from the Breede River for use in summer.

#### Option 2B (Herewith authorised):

The proposal entails the development of the Langkloof Dam and associated infrastructure within the Langkloof River, the development of a pipeline and the re-alignment of an existing farm road. The Langkloof Dam will be an earth embankment dam with a maximum storage capacity of 2.4Mm<sup>3</sup>. The surface area of the dam at full supply level will be approximately 16.5ha and the dam wall height will be approximately 36m. Material for the dam will be sourced from within the dam basin. A construction campsite with a footprint of approximately 2000m<sup>2</sup> forms part of the infrastructure to be developed as part of the Langkloof Dam. The construction campsite will be located downstream of the proposed dam wall and will be temporary in nature.

A new 400mm diameter gravity pipeline of 1.65km long to connect the Langkloof dam to the existing Boskloof pipeline (that forms part of the existing water distribution scheme utilised by the Worcester East Water Users Association) will be developed within a 30m corridor along the proposed pipeline. The pipeline will cross the De Wet Road by means of pipe jacking, and it will cross an irrigation canal.

Approximately 1.14km of a portion of an existing farm road that falls within the full supply level of the dam will be re-aligned. The re-aligned road will be approximately 4m wide.

This alternative is preferred since it will provide the maximum capacity to store winter water from the Breede River for use in summer.

### 2.2 Pipeline route alternatives

#### Pipeline route alternative: Ref 1a:

This alternative entails the construction of a pipeline of approximately 585m in length from De Wet Road to the existing Boskloof pipeline.

This alternative is not preferred since it will traverse degraded semi-intact vegetation and it will cross the Langkloof River three times. It will also be routed along the wider river channel down the valley.

#### Pipeline route alternative: Ref 1b (Herewith authorised):

This alternative entails the construction of a pipeline of approximately 605m in length from De Wet Road to the existing Boskloof pipeline.

It is preferred since the route will not encroach onto natural vegetation. It will be routed along existing roads and will only cross the Langkloof River once.

### 2.3 "No-go" Alternative:

The 'no-go' alternative was considered. However, it is not preferred since no water storage and supply infrastructure would be constructed. No contingency measures would be put in place for the Worcester East Water Users Association to allow for irrigation in the current distribution scheme where power cuts, and or pump malfunctions are experienced. The increase of water supply and enhancing farming operations, as well as the potential for local economic development would not be realised if the no-go alternative is implemented.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activities need and desirability

The Worcester East Water Users Association's current water distribution scheme is entirely reliant on pumping water from the Breede River into several balancing dams which supply the surrounding agricultural areas. There are no contingency measures in place which would allow for irrigation in the event when the distribution scheme experiences "down-time" due to power cuts, and or pump malfunctions. Hence the need to construct the Langkloof Dam in which water can be stored and whereby water can be distributed via gravity during "down-time". The development of the Langkloof Dam will provide the Worcester East Water Users Association with an increased assurance of water supply and will increase the efficiency of water storage for irrigation in summer. The increase in assurance of water supply will also improve the socio-economic conditions for the local communities in the Worcester East area since the development will create employment opportunities.

The development does not include the taking of new water as the proposed Langkloof Dam will be filled under the existing enlistment of the Worcester East Water Users Association.

Furthermore, the development would be in line with the smart growth principle of the Breede Valley Municipal Spatial Development Framework (2018/2019) which state that agricultural lands must be protected and enhanced, and that agricultural land must be secured as a productive land base for food security, employment etc. The development will also be in line with the objectives of the Mountain Catchment Management Area as the protection of the supply of water for downstream users is the primary objective of the proposed project.

### 3.2 Biodiversity and Biophysical Impacts

The development areas comprise Roberson Karoo and Breede Shale Renosterveld, which are ecosystems classified as least threatened and vulnerable in terms of Section 52 of the National Environmental Management Biodiversity Act, 2014 (Act No. 10 of 2004) ("NEMBA").

The area for the construction of the Langkloof Dam and associated infrastructure, and the re-alignment of the existing farm road is located within the Matroosberg Mountain Catchment and contains intact natural vegetation. According to the Botanical Assessment, compiled by Greg Nicolson from Greg Nicolson Consulting, this portion of the footprint of the proposed project make up less than 0.0003% of the total area of the Matroosberg Mountain Catchment Area. It is further concluded that the impacted vegetation type (Roberson Karoo with elements of Breede Shale Renosterveld) is widespread in the surrounding areas, as similar habitats exist further up the Langkloof. At least two plant species of conservation concern have been recorded in this location. As mitigation, a search and rescue operation will be undertaken for the populations of *Brianhuntingleya intrusa* and other succulents and easy to translocate species prior to the commencement of land clearing activities. The rescued plants will be kept in a nursery until the development is complete and will be used in the rehabilitation of the construction camp site once

it is decommissioned. Since the population of *Aspalathus candicans* cannot be transplanted and needs to be propagated via seeds, seeds must be collected from the specimens found within the construction site prior to any land clearing activities.

In terms of the pipeline alignment, the vegetation is mapped as Breede Alluvium Renosterveld, however, the Pipeline Alternative Alignment "Ref 1b" follows the tar roads (De Wet Road and Overhex Road) and avoids natural vegetation completely.

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

The only freshwater feature within the immediate area of the proposed Langkloof Dam is the Langkloof River and its minor tributaries that drain the surrounding hillslopes. The Langkloof River is a non-perennial river, only flowing for short periods of time after local rainfall events that would typically occur in winter. The Langkloof River is still in a largely natural ecological state with relatively few impacts on it. The river is considered to be of a moderate to high ecological importance and sensitivity. This is due to the fact that the river is still largely natural and ecologically sensitive. Many of the tributaries only drain partially down the hillslopes and do not connect to the main river channel in the valley floor. Based on the Aquatic Impact Assessment, compiled by Ms Toni Belcher and Mr Dana Grobler from Bluescience, the potential freshwater impacts would be medium to low with mitigation. 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 development of the Langkloof Dam and associated infrastructure, the development of a pipeline and the re-alignment of an existing farm road, who will further investigate the watercourse related impacts.

A MMP has also been compiled to address routine maintenance activities taking place in the affected stretch of the watercourses. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

The development will result in both negative and positive impacts.

**Negative Impacts:**

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

**Positive impacts:**

- The proposed development will provide the Worcester East Water Users Association with an increased assurance of water supply that can be utilised in the event of power failures, pump malfunction etc.
- The proposed development will increase the efficiency of water storage for irrigation for in summer.
- 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 and 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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