



Western Cape
Government

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/1/B1/4/1032/17

ENQUIRIES: BERNADETTE OSBORNE

DATE OF ISSUE: 2018 -04- 23

The Trustees
Taaibos Trust
PO Box 1
BONNIEVALE
6730

Attention: Mr Van Zyl Rossouw

Tel: (023) 616 2934
E-mail: vzrossouw@breede.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE EXPANSION OF THE TAAIBOS DAM ON THE REMAINDER OF FARM HOREESDRIFT NO. 208, FARM WAGENBOOMSHEUVEL NO. 212 OF FARM TAAIBOS NO. 531, BONNIEVALE.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and adopt the Maintenance Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Cc: (1) mishe@pbps.co.za (Pieter Badenhorst Professional Services cc)
(2) Tracy Brunings (Langeberg Municipality)
(3) erossouw@bgcma.co.za (Breede-Gouritz Catchment Management Agency)

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REFERENCE: 16/3/3/1/B1/4/1032/17
NEAS REFERENCE: WCP/EIA/0000300/2017
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 2018 -04- 23

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED EXPANSION OF THE TAAIBOS DAM ON THE REMAINDER OF THE FARM HOREESDRIFT NO. 208, FARM WAGENBOOMSHEUVEL NO. 212 AND FARM TAAIBOS NO. 531, BONNIEVALE.

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 Alternative 1, described in the Basic Assessment Report ("BAR"), dated 7 December 2017.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (Government Notice ("GN") No. 324, 325, 326 and 327 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby adopts the Maintenance Management Plan for the expansion of the Taaibos dam on the remainder of the Farm Horeesdrift No. 208, Farm Wagenboomsheuvel No. 212 and Farm Taaibos No. 531, Bonnievale.

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

Taaibos Trust
c/o Mr Van Zyl Rossouw

PO Box 1
BONNIEVALE
 6730

Tel: (023) 616 2934
 E-mail: vzrossouw@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	Project Description
<p>Government Notice No. 327 of 7 April 2017 – Activity Number: 19</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 or 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; (b) Is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies. (d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>For the expansion of the current dam wall as well as the soil depositing and removal resulting in more than 10m³, within a stream.</p>
<p>Government Notice No. 327 of 7 April 2017 – Activity Number: 48</p> <p>The expansion-</p> <p>(i) Infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) Dam 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) Within a watercourse (b) In front of a development setback; or (c) If no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p>	<p>The expansion of the existing in-stream Taibos Dam's capacity from 48 000m³ to 264 300m³ and increasing the dam footprint with 5ha.</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 implies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in 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>Government Notice No. 327 of 7 April 2017 – Activity Number: 66</p> <p>The expansion of a dam where-</p> <p>(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</p> <p>(ii) where the high-water mark of the dam will be increased with 10 hectares or more.</p>	<p>The expansion of the existing in-stream Taaibos Dam with a current wall height of 5m to a new wall height of 10m.</p>

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 proposed development:

The expansion of the Taaibos dam on the remainder of Farm Horeesdrift No. 208, Farm Wagenboomsheuvl No. 212 and Farm Taaibos No. 531, Bonnievale, which includes the following:

- Expansion of the dam wall length from an existing length of 160m to 268m;
- Extending the dam wall height from an existing height of 5m to 10m;
- Increasing the storage capacity from an existing storage capacity of 48 000m³ to 264 300m³;
and
- Increasing the dam footprint from 2ha to 7ha.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is known as the remainder of Farm Horeesdrift No. 208, Farm Wagenboomsheuvl No. 212 and Farm Taaibos No. 531, Bonnievale and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	34° 01' 43.08" South	20° 12' 35.9" East

The SG digit codes are:

Farm Taabos No. 531:	C07300000000053100000
Remainder of the Farm Horeesdrift No. 208:	C07300000000020800000
Remainder of the Farm Wagenboomsheuvel No. 212:	C07300000000021200000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Pieter Badenhorst Professional Services cc
c/o Ms Mische Molife
PO Box 1058
WELLINGTON
7654

Tel: (021) 852 0682

Fax: (086) 601 7507

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 Design Alternative 1 described in the BAR dated 7 December 2017 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the first listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.

- 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
- 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 12

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 the 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.
8. The listed activities, including site preparation, may 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.

Management of activity

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The Maintenance Management Plan ("MMP") adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr, MMP and the conditions contained herein.
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 a publicly accessible website.
14. Access to the site referred to in Section C above 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, MMP and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

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.

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 a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and

- 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

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

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. HENRI FORTUIN

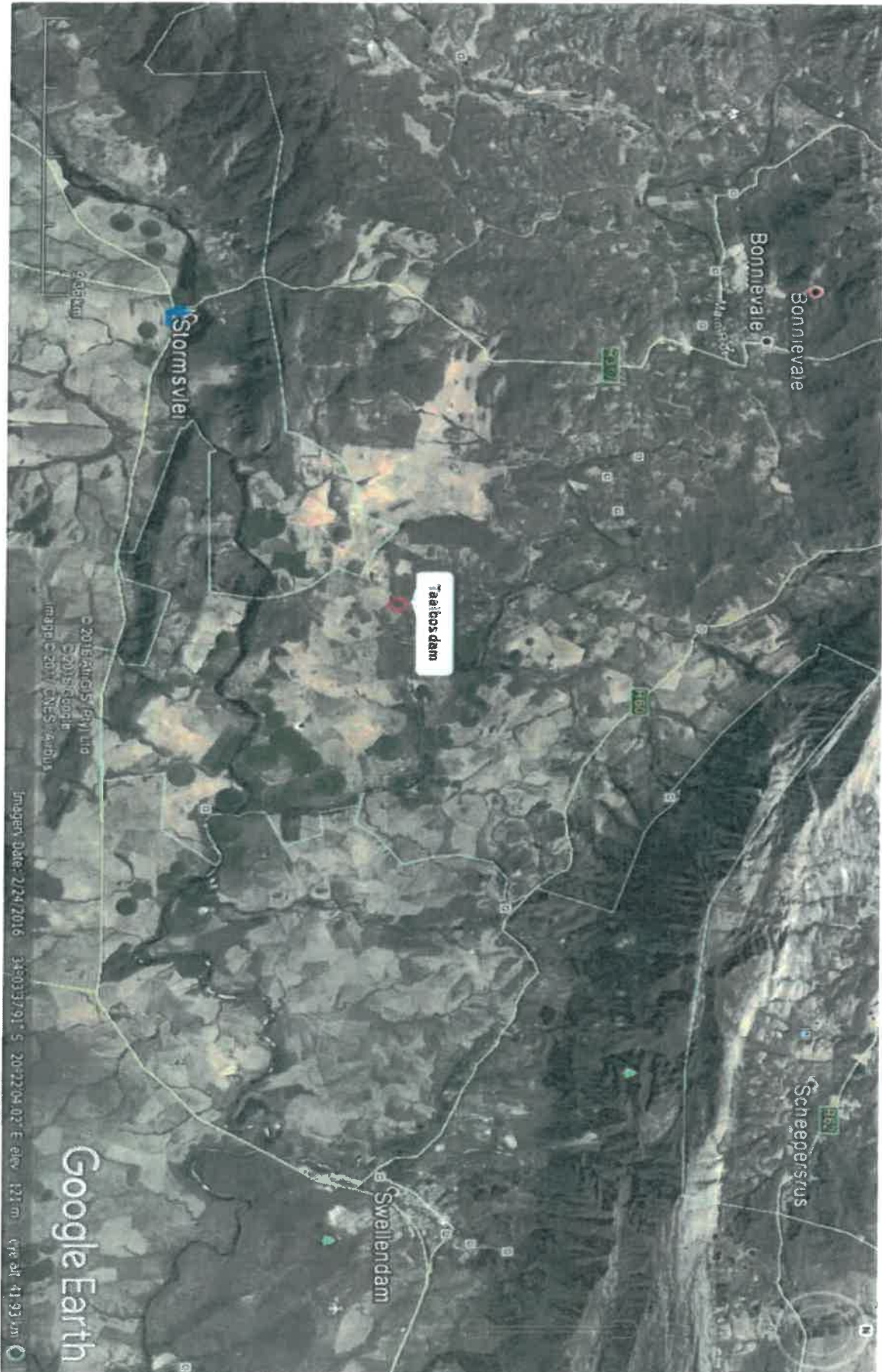
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 23-4-18

CC: (1) mishe@pbp.co.za (Pieter Badenhorst Professional Services)
(2) Tracy Brunings (Langeberg Municipality)
(3) erossouw@bgcma.co.za (Breede-Gouritz Catchment Management Agency)

Fax: (023) 614 1841

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form dated 6 September 2017, the draft Basic Assessment Report received by the Department on 14 September 2017, the EMPr submitted together with the final Basic Assessment Report on 11 December 2017, and the additional information received by the Competent Authority on 27 March 2018;
- 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 Basic Assessment Report received on 11 December 2017 and the additional information received on 27 March 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site 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 6 September 2017;
- fixing a notice board at the site where the listed activities are to be undertaken on 12 September 2017;
- the placing of a newspaper advertisement in the '*Breederivier Gazette*' on 12 September 2017;
- making the Basic Assessment Report available to I&APs for public review from 15 September 2017.

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 to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Alternative 1 (Preferred Site and Design alternative herewith authorised)

This alternative entails the expansion of the Taaibos dam on the remainder of Farm Horeesdrift No. 208, Farm Wagenboomsheuvel No. 212 and Farm Taaibos No. 351, Bonnievale. The proposal includes the following:

- Expansion of the dam wall length from an existing length of 160m to 268m;
- Extending the dam wall height from an existing height of 5m to 10m;
- Increasing the storage capacity from an existing storage capacity of 48 000m³ to 264 300m³; and
- Increasing the dam footprint from 2ha to 7ha.

This alternative is considered preferred for the following reasons:

- No additional water is to be taken. The application only pertains to the storing of the existing lawful water use in the proposed expanded Taaibos Dam.
- Better management of both water resources and water use will be achieved.
- The authorisation of this water use will increase the financial viability of the farm and bring about a higher rate of job security to those currently employed as well as those still to be employed.
- The potential impacts associated with this alternative is rated to be of low significance.

Alternative 2 (Design Alternative)

This alternative entails the expansion of the Taaibos dam as follows:

- A dam wall length of 222m (from an existing length of 160m);
- A dam wall height of 8m (from an existing height of 5m);
- A storage capacity of 148 300m³ (from an existing storage capacity of 48 000m³); and
- A dam footprint of 4.5ha (from an existing footprint of 2ha).

This alternative is not considered as preferred for the following reasons:

- It will not allow the storage of the maximum capacity of the existing lawful water use in the expanded dam.
- Availability of water for irrigation during the summer months will be limited and will also not allow the establishment of the entire 30ha of new plum orchards to be cultivated on existing agricultural fields.
- Better management of both water resources and water use will not be achieved to its full capacity.

Alternative 3 (Site Alternative)

This alternative entails the construction of a new dam on another part of the farm. This is not preferred for the following reasons:

- This option will result in the loss of cultivated areas used for production of crops. Therefore, this will result in financial loss to the applicant.
- Additional piping and infrastructure will need to be installed and this will increase financial costs.

No-go Option

The alternative represents the continuation of the existing situation and was not preferred for the following reasons:

- Availability of water for irrigation during the summer months will continue to be limited.
- The applicant will not be able to establish the additional 30ha of plum orchards, as water for irrigation during summer will not be available.

- Better management of both the water resource and water use will not be achieved.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed expansion of the Taaibos dam will increase the agricultural potential of the farm by improving water resource consumption and management and by maximizing yields. The expansion will enable additional storage capacity for the existing lawful water use and does not entail the abstraction of additional water. The proposal is in line with the Langeberg Municipality's Spatial Development Framework and Integrated Development Plan, as it will contribute towards local economic development in the area and rural economy. It is also in line with the surrounding land uses.

3.2 Biophysical Impacts

An unnamed tributary feeds into the Taaibos dam before flowing into the Breede River. Sections of the unnamed tributary are identified as Ecological Support Areas but most of this seasonal stream is in a largely modified state, with the greatest impacts resulting from agricultural development. The mapped indigenous vegetation for the largest part of the farm can broadly be classified as *Breede Shale Renosterveld* vegetation, which is vulnerable as per the National Environmental Management: Biodiversity Act (Act No. 10 of 2004). The Taaibos dam is surrounded by cultivated land and most of the indigenous vegetation that would have been associated with the area has been removed. According to the Freshwater Assessment dated August 2017 conducted by *Jeanne Snyman of everWater Freshwater Consulting Services* most of the stream's riparian vegetation have been lost with the riparian vegetation directly surrounding the dam varying from a moderately to largely modified state. The potential impacts associated with the proposed expansion include loss of riparian and instream habitat and impaired water quality and flow, which is considered to be of low significance and will be mitigated through the implementation of the EMPr (accepted in Section E, Condition 9). A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, which will further investigate the watercourse related impacts.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretch of the watercourse. 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:

- A reduction in the flow of the stream, downstream of the Taaibos dam to the Breede River.
- Loss of riparian vegetation, instream habitat and water quality during site preparation and construction.

Positive impacts:

- The proposed expansion will provide assurance of water supply and enable irrigation of the additional plum orchards.
- The development will create employment opportunities during the construction phase and will provide job security for existing employees.
- The development will contribute positively towards local economic development in the area.

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, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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