



Western Cape
Government
Environmental Affairs and
Development Planning

DIRECTORATE: ENVIRONMENTAL GOVERNANCE
SUB-DIRECTORATE: RECTIFICATION

REFERENCE NUMBER: 14/2/1/2/B2/21/0092/15

ENQUIRIES: Ziyaad Allie

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Blaarfontein Slanghoek (Pty) Ltd

P. O. Box 26

RAWSONVILLE

6845

Attention: Estate of Mr Kosie Marais

Dear Sir/Madam

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CONSTRUCTION OF STRUCTURES WITHIN A WATERCOURSE OR WITHIN 32m OF A WATERCOURSE MEASURED FROM THE EDGE OF A WATERCOURSE ON PORTION 1 OF FARM 407, BREËLAND FARM, RAWSONVILLE, SLANGHOEK VALLEY

With reference to your application dated 22 July 2015 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified as described in the Environmental Impact Report ("EIR") dated 28 February 2017.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Blaarfontein Slanghoek (Pty) Ltd.

c/o Successor in title

Estate of Mr. Kosie Marais

P.O. Box 26

RAWSONVILLE

6845

Tel: (023) 344 3129

Fax: (086) 562 6056

Email: kosie@boegoekloof.co.za

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R544 of 18 June 2010 –</p> <p>Activity Number: 11</p> <p>Activity Description:</p> <p>"The construction of:</p> <p>(i) canals;</p> <p>(ii) channels;</p>	<p>Construction of the haul road between the clay borrow area and the middle dam constitutes infrastructure of more</p>

<p>(iii) bridges;</p> <p>(iv) dams;</p> <p>(v) weirs;</p> <p>(vi) bulk storm water outlet structures;</p> <p>(vii) marinas;</p> <p>(viii) jetties exceeding 50 square metres in size;</p> <p>(ix) slipways exceeding 50 square metres in size;</p> <p>(x) buildings exceeding 50 square metres in size; or</p> <p>(xi) infrastructure or structures covering 50 square metres or more</p> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line."</p>	<p>than 50m² within a watercourse.</p> <p>The excavation of the clay borrow area constitutes infrastructure of more than 50m² within a watercourse. The intended end use for the borrow area is a dam. The dam created from the borrow area excavation would be within a watercourse.</p>
<p>Government Notice No. R544 of 18 June 2010 –</p> <p>Activity Number: 18</p> <p>Activity Description:</p> <p>"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</p> <p>(i) a watercourse;</p> <p>(ii) the sea;</p> <p>(iii) the seashore;</p> <p>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- but</p>	<p>The excavation of the clay borrow pit area included the infilling and depositing of material of more than 5m³ from a watercourse.</p> <p>The construction of the haul road included the infilling and depositing of material of more than 5m³ from a watercourse where the road crosses the watercourse.</p> <p>The expansion activities at the middle</p>

<p>excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <p>(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</p> <p>(b) occurs behind the development setback line."</p>	<p>dam included the infilling and depositing of more than 5m³ from a watercourse where the road crosses a watercourse.</p>
<p>Government Notice No. R544 of 18 June 2010 –</p> <p>Activity Number: 40</p> <p>Activity Description:</p> <p>"The expansion of</p> <p>(i) jetties by more than 50 square metres;</p> <p>(ii) slipways by more than 50 square metres; or</p> <p>(iii) buildings by more than 50 square metres</p> <p>(iv) infrastructure by more than 50 square metres within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding where such expansion will occur behind the development setback line."</p>	<p>The existing middle dam basin footprint has been expanded by approximately 1.5ha.</p>
<p>Government Notice No. R544 of 18 June 2010 –</p> <p>Activity Number: 41</p> <p>Activity Description:</p> <p>"The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be</p>	<p>The expansions to the middle dam would increase the original capacity of 154 000m³ to approximately 318 200m³ once completed.</p>

<p>increased by 50000 cubic metres or more."</p>	
<p>Government Notice No. R544 of 18 June 2010 –</p> <p>Activity Number: 55</p> <p>Activity Description:</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 existing middle dam wall was approximately 11m high and is proposed to be raised by 2.7m to 13.7m once completed.</p>
<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 2</p> <p>Activity Description:</p> <p>"The construction of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.</p> <p>In Western Cape:</p> <p>i. In an estuary;</p> <p>ii. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>iii. All areas outside urban areas;</p> <p>iv. In urban areas:</p> <p>(aa) Areas zoned for use as public open space; and</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</p>	<p>The intended end use for the clay borrow pit area is a dam. The dam created from the borrow pit area excavation will have a storage capacity of approximately 49 000m³.</p>

<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 4</p> <p>Activity Description:</p> <p><i>"The construction of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><i>In Western Cape:</i></p> <ul style="list-style-type: none"> <i>i. In an estuary;</i> <i>ii. All areas outside urban areas;</i> <i>iii. In urban areas:</i> <ul style="list-style-type: none"> <i>(aa) Areas zoned for use as public open space within urban areas; and</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</i> 	<p>Construction of the haul road between the clay borrow area and the middle dam constitutes infrastructure of more than 50m².</p>
<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 13</p> <p>Activity Description:</p> <p><i>"The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</i></p> <p><i>(1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.</i></p>	<p>The dam basin footprint of the existing middle dam was enlarged by approximately 1.5ha, in an area that is mapped as Breede Alluvium Fynbos, classified as Endangered.</p> <p>The clay borrow pit area entailed the clearance of approximately 1.74ha of vegetation mapped as Breede Alluvium Fynbos, classified as Endangered. The borrow pit area also falls within a Terrestrial and Aquatic Critical Biodiversity Area (CBA).</p>

(2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.

In Western Cape:

i. In an estuary;

ii. Outside urban areas, the following:

(aa) A protected area identified in terms of NEMPAA, excluding conservancies;

(bb) National Protected Area Expansion Strategy Focus areas;

(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

(dd) Sites or areas identified in terms of an International Convention;

(ee) Core areas in biosphere reserves;

(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;

(gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.

iii. In urban areas, the following:

(aa) Areas zoned for use as public open space;

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;

<p>(cc) Areas seawards of the development setback line;</p> <p>(dd) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined."</p>	
<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 16</p> <p>Activity Description:</p> <p>"The construction of:</p> <p>(i) jetties exceeding 10 square metres in size;</p> <p>(ii) slipways exceeding 10 square metres in size;</p> <p>(iii) buildings with a footprint exceeding 10 square metres in size; or</p> <p>(iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line."</p>	<p>Construction of the haul road between the clay borrow pit area and the middle dam constitutes infrastructure of more than 10m² within a watercourse.</p> <p>The excavation of the clay borrow pit area constitutes infrastructure of more than 10m² within a watercourse. The intended end use for the borrow pit area is a dam. The dam created from the borrow pit area excavation would cover more than 10m² within a water course (the unnamed stream that flows from the spring above the borrow pit area).</p> <p>All areas of the site fall within 5km of the Hawequas Mountain Catchment Area, a protected area in terms of NEMPAA.</p>
<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 17</p> <p>Activity Description:</p> <p>"The expansion of reservoirs for bulk water supply where the capacity will be</p>	<p>The existing middle dam has been expanded by more than 250m³ and is</p>

<p>increased by more than 250 cubic metres. In Western Cape:</p> <ul style="list-style-type: none"> i. In an estuary; ii. All areas outside urban areas; iii. Areas inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; and (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, including residential areas." 	<p>located outside an urban area within an agricultural landscape.</p>
<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 19</p> <p>Activity Description:</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>In Western Cape:</p> <ul style="list-style-type: none"> i. In an estuary; ii. All areas outside urban areas; iii. In urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space within urban areas; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas." 	<p>The haul road that was constructed between the clay borrow area and the Middle Dam (approximately 730m in length), consisted of widening an existing access track by more than 4m, as well as lengthening of the existing track.</p>

Government Notice No. R546 of 18 June 2010 –

Activity Number: 24

Activity Description:

"The expansion of

(d) infrastructure where the infrastructure will be expanded by 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

(a) In Western Cape

i. In an estuary;

ii. Outside urban areas, in:

(aa) A protected area identified in terms of NEMPAA, excluding conservancies;

(bb) National Protected Area Expansion Strategy Focus areas;

(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

(dd) Sites or areas identified in terms of an International Convention;

(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

(ff) Core areas in biosphere reserves;

(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the

The foot print of the existing Middle Dam has been increased by approximately 1.5ha. The site falls within 5 km of the Hawequas Mountain Catchment Area.

<p>core area of a biosphere reserve;</p> <p>(hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose."</p>	
<p>Government Notice No. R983 of 04 December 2014 – Activity Number: 19 Activity Description: "The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</p> <p>(i) a watercourse;</p>	<p>The excavation of the clay borrow pit area included the infilling and depositing of material of more than 5m³ from a watercourse.</p> <p>The construction of the haul road between the clay borrow area and the Middle Dam area included the infilling and depositing of material of more than 5m³ from a watercourse, where the road crosses a watercourse.</p> <p>The expansion activities at the Middle Dam included the infilling and depositing of material of more than 5m³ from a watercourse, where the road crosses a watercourse.</p>

<p>Government Notice No. R983 of 04 December 2014 – Activity Number: 27 Activity Description: “The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</p> <p>(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.”</p>	<p>The dam basin footprint of the existing middle dam was enlarged by approximately 1.5ha, in an area that is mapped as Breede Alluvium Fynbos, classified as Endangered.</p> <p>The clay borrow area entailed the clearance of approximately 1.74ha of vegetation mapped as Breede Alluvium Fynbos, classified as Endangered. The borrow area also falls within a Terrestrial and Aquatic Critical Biodiversity Area (CBA).</p>
<p>Government Notice No. R983 of 04 December 2014 – Activity Number: 48 Activity Description: “The expansion of-</p> <p>(i) canals where the canal is expanded by 100 square metres or more in size; (ii) channels where the channel is expanded by 100 square metres or more in size; (iii) bridges where the bridge is expanded by 100 square metres or more in size; (iv) dams, where the dam, including infrastructure and water surface area, is expanded by 100 square metres or more in size; (v) weirs, where the weir, including infrastructure and water surface area, is expanded by 100 square metres or more in size; (vi) bulk storm water outlet structures where the bulk storm water outlet structure is expanded by 100 square</p>	<p>The existing middle dam basin footprint has been expanded by approximately 1.5ha.</p>

metres or more in size; or

(vii) marinas where the marina is expanded by 100 square metres or more in size; where such expansion or expansion and related operation occurs-

(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; excluding-

(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

(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;

(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;

(dd) where such expansion occurs within an urban area; or

(ee) where such expansion occurs within existing roads or road reserves."

<p>Government Notice No. R983 of 04 December 2014 – Activity Number: 49 Activity Description: “The expansion of - (v) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; where such expansion or expansion and related operation occurs- (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 existing middle dam basin footprint has been expanded by approximately 1.5ha.</p>
<p>Government Notice No. R983 of 04 December 2014 – Activity Number: 50 Activity Description: “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 50000 cubic metres or more.”</p>	<p>The expansions to the Middle Dam (partially completed) would increase the original capacity of 154 000m³, to approximately 318 200m³.</p>

<p>Government Notice No. R983 of 04 December 2014 – Activity Number: 66 Activity Description: "The expansion of a dam where- (i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2,5 metres or more; or (ii) where the high-water mark of the dam will be increased with 10 hectares or more."</p>	<p>The existing Middle Dam wall was approximately 11m high, and is proposed to be raised by 2.7m to 13.7m.</p>
<p>Government Notice No. R985 of 04 December 2014 – Activity Number: 2 Activity Description: "The development of reservoirs for bulk water supply with a capacity of more than 250 cubic metres In Western Cape: i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. In areas containing indigenous vegetation; or iii. In urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose."</p>	<p>The intended end use for the clay borrow area is a dam. The dam created from the borrow area excavation will have a storage capacity of approximately 49 000m³.</p>

<p>Government Notice No. R985 of 04 December 2014 – Activity Number: 4 Activity Description: “The development of a road wider than 4 metres with a reserve less than 13,5 metres In Western Cape: i. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (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 ii. In urban areas: (cc) Areas zoned for conservation use; or (dd) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.”</p>	<p>The new haul road between the clay borrow area and the middle dam is wider than 4m and area is mapped as containing Breede Alluvium Fynbos and Southwest Alluvium Fynbos.</p>
<p>Government Notice No. R985 of 04 December 2014 – Activity Number: 14 Activity Description: “In Western Cape: 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; ii. Seawards of the development setback line or within 200 metres of the high water mark of the sea if no such development setback line is determined; or</p>	<p>Development of the haul road between the clay borrow area and the middle dam constitutes infrastructure of more than 10m² within a watercourse. The excavation of the clay borrow area constitutes infrastructure of more than 10m² within a water course. The intended end use for the borrow area is a dam. The dam created from the borrow area</p>

<p>iii. Areas of indigenous vegetation outside urban areas."</p>	<p>excavation would cover more than 10m² be within a watercourse (the unnamed stream that flows from the spring above the borrow area).</p> <p>The site is situated within both a terrestrial and aquatic Critical Biodiversity Area.</p>
<p>Government Notice No. R985 of 04 December 2014 – Activity Number: 16 Activity Description: "The expansion of reservoirs for bulk water supply where the capacity will be increased by more than 250 cubic metres In Western Cape: i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. In areas containing indigenous vegetation; or iii. In urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, including residential areas."</p>	<p>The dam enlargement involves enlarging the basin of the existing off-channel dam to increase the storage capacity from 154 000m³ to 318 200m³.</p>
<p>Government Notice No. R985 of 04 December 2014 – Activity Number: 18 Activity Description: "The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre In Western Cape:</p>	<p>The haul road that was constructed between the clay borrow area and the Middle Dam (approximately 730m in length), consisted of widening an existing</p>

<p>size;</p> <p>(xi) boardwalks where the boardwalk is expanded by 10 square meters or more in size; or</p> <p>(xii) infrastructure or structures where the physical footprint is expanded by 10 square meters or more;</p> <p>Where such development occurs –</p> <p>(a) Within a watercourse</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 meters of a watercourse, measured from the edge of a watercourse;</p> <p>(g) In Western Cape:</p> <p>i. Outside urban areas, in:</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>	
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The abovementioned list is hereinafter referred to as "the listed activities".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on:

- Portion 4 of Farm 399
- Portion 5 of Farm 399
- Portion 1 of Farm 407

The SG digit codes are:

- Portion 4 of Farm 399- C08500000000039900004
- Portion 5 of Farm 399- C08500000000039900005
- Portion 1 of Farm 407- C08500000000040700001

The expansion of the middle dam is located at:

Point	Latitude (S)	Longitude (E)
1	33° 38' 54.92" South	19° 11' 39.45" East

The excavation of the clay borrow area is located at:

Point	Latitude (S)	Longitude (E)
1	33° 39' 24.12" South	19° 11' 41.13" East

The co-ordinates for the Haul road is:

Start Point	Latitude (S)	Longitude (E)
	33° 39' 22.06" South	19° 11' 41.22" East
End Point	Latitude (S)	Longitude (E)
	33° 39' 0.55" South	19° 11' 34.69" East

Refer to Annexure 1: Locality Plan and Annexure 2: Aerial view of the site
Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Holland and Associates Environmental Consultants

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F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The activities undertaken on site entail the expansion of the Middle Dam, the excavation of the clay borrow pit area and the establishment of the Haul Road.

Middle Dam

The original off-channel dam was built in 1994 with a wall height of 8.9m and a capacity of 154000m³. The expansion is currently partially completed with an estimated capacity increase of 50 000m³. The completed dam expansion will have a wall height increase of 2.7m, taking the total wall height to 13.7m and a completed capacity approximately 318 200m³. The expansion of the dam resulted in an increase of the dam footprint by approximately 1.5ha with a total water surface area at full supply level of approximately 5.56ha.

Clay Borrow Pit

The excavation and removal of approximately 55 000m³ of clay material for use in lining the expanded Middle Dam commenced in March 2014. A total of approximately 1.74ha was cleared of vegetation in order to establish the borrow area. The vegetation type mapped for the Clay Borrow Pit area is Breede Alluvium Fynbos which is listed as endangered. In order to complete the Middle Dam construction, a further 15 000m³ of clay material is required from the borrow pit.

Haul Road

The haul road that was constructed between the clay borrow pit and the Middle Dam is approximately 730m in length. The road construction consisted in certain areas of widening and existing access track as well as lengthening of the existing track. The haul road has a width of 6-7.5 metres and crosses three streams, which lead to the Slanghoek River south of the Middle Dam. The haul road will be decommissioned and actively rehabilitated following the construction activities associated with the Middle Dam.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to Implemented Alternative on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision.
3. The development must be concluded within three years from the date of continuation 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 F 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.

PART II

Written notice to the competent authority

6. Seven (7) 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 24G Reference number given above.
 - 6.2 The notice must also include proof of compliance with condition 7.

PART III

Notification and administration of an 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 I 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; and
 - 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 *National Appeal Regulations, 2014*.
8. The listed activities, including site preparation, may not commence within 34 (thirty-four) 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.

PART IV

Management of the activity/development

9. The draft Environmental Management Programme ("EMPr") of February 2017 compiled by Holland and Associates submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
10. The draft Maintenance Management Plan ("MMP") dated 28 February 2017 compiled by Holland and Associates submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
11. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

12. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, 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 (if applicable).
14. Access to the site referred to in Section D 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.

PART VI

Auditing

15. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent

authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development 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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

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 haul road must be decommissioned and actively rehabilitated following the construction activities associated with the Middle Dam. This must be done in consultation with an ECO and in accordance with the EMP.

H. 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 or term of this Environmental Authorisation or EMP may render the holder liable to criminal prosecution.

3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or 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 must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

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* 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* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –
 - 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.
2. An appellant (if NOT the holder) must –
 - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.
3. The holder (if not the appellant), the decision-maker, I&APs and 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. This appeal and responding statement must be submitted to the address listed below:
 - By post: Attention: Jaap de Villiers
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or
 - 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, 8000; or
 - By e-mail: Jaap.DeVilliers@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator 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 the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, the Municipality, 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.

Yours faithfully



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: 5 July 2018

Copied to:	(1) Ross Holland	(Holland & Assoc. Environmental Consultants)	Fax: (086) 653 1765
			Email: roos@hollandandasociates.net
	(2) Gerrit Matthys	(Breede Valley Municipality)	Fax: (023) 347 6765
			Email: gmatthys@bvm.gov.za