



REFERENCE: 16/3/3/1/E4/27/1003/25
NEAS REFERENCE: WCP/EIA/0001602/2024
DATE OF ISSUE: 30 JULY 2025

The Trustees
Japie Groenewald Trust
P.O Box 147
VILLIERSDORP
6848

Attention: Mr Thinus van Wyk

Cell: 082 821 4582
Email: thinus@betko.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED CONSTRUCTION OF TWO STREAM CROSSINGS FOR A SECURITY WALL ON PORTION 127 OF FARM WATERVAL NO. 72, VILLIERSDORP.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation ("EA") and **adopt** the Maintenance Management Plan, 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, 2025, 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. Emily Herschell (Holland and Associates EC (Pty) Ltd)
(2) Mr. Ross Holland (Holland and Associates EC (Pty) Ltd)
(3) Mr. Johan Viljoen (Theewaterskloof Municipality)
(4) Mr. Rhet Smart (CapeNature)
(5) Mr. Fabion Smith (BOCMA)

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REFERENCE: 16/3/3/1/E4/27/1003/25
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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: THE PROPOSED CONSTRUCTION OF TWO STREAM CROSSINGS FOR A SECURITY WALL ON PORTION 127 OF FARM WATERVAL NO. 72, VILLIERSDORP.

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, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative described in the Basic Assessment Report ("BAR"), received on 14 April 2025.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for watercourse/wetland-related maintenance activities on Portion 127 of Farm No. 72 Waterval near Villiersdorp in the Western Cape, dated April 2025. The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below. 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

Japie Groenewald Trust
c/o Mr. Thinus van Wyk
P.O Box 147
VILLIERSDORP
6848
Cell: 082 821 4582
Email: thinus@betko.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>Listing Notice 1</p> <p>Activity Number 12</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (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>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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 development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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 not be cleared. 	<p>The proposed development footprint will be more than 100m² and will be located within a watercourse.</p>
<p>Listing Notice 1 –</p> <p>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 of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; 	<p>More than 10m³ of material will be moved in the watercourse to construct the wall.</p>

<p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity 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>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
<p>Listing Notice 1 – Activity Number: 48</p> <p>The expansion of—</p> <ul style="list-style-type: none"> (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; <p>where such expansion occurs—</p> <ul style="list-style-type: none"> (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>excluding—</p> <ul style="list-style-type: none"> (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, road reserves or railway line reserves. 	<p>The proposed watercourse crossings associated with the upgrading of the existing fence to a wall can be viewed as an expansion and the expanded footprint will be more than 100m².</p>

**Listing Notice 3 –
Activity Number: 14**

The development of—

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or
- (ii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

i. Western Cape

- i. Outside urban areas:*
 - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
 - (bb) National Protected Area Expansion Strategy Focus areas;
 - (cc) World Heritage Sites;
 - (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;
 - (ee) Sites or areas listed in terms of an international convention;
 - (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
 - (gg) Core areas in biosphere reserves; or
 - (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.

The proposed development footprint will be more than 10m² and will be located within a watercourse.

**Listing Notice 3 –
Activity Number: 23**

The expansion of—

- (i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or
- (ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;

where such expansion occurs—

- (a) within a watercourse;
- (b) in front of a development setback adopted in the prescribed manner; or
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

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. Western Cape

i. Outside urban areas:

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;*
- (bb) National Protected Area Expansion Strategy Focus areas;*
- (cc) World Heritage Sites;*
- (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;*
- (ee) Sites or areas listed in terms of an international convention;*
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;*
- (gg) Core areas in biosphere reserves; or*
- (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.*

The proposed expanded footprint will be more than 10m² and will be located within a watercourse.

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 proposed construction of two stream crossings (in accordance with the design specifications below) that are associated with a security wall that will replace the existing damaged fence (as shown in the Site Plan attached as Annexure 2). The security wall includes grids to allow for the migration of small animals.

Crossing 1: This proposed crossing would have a 41m top width and a 4m bottom width. The preferred option includes installing ten 300mm diameter pipes at a slope of 1:50 to cater for low flows (< 1:2-year runoff). The pipes will be covered with a concrete ground beam that will function as a weir. The security wall will be mounted on top of this beam with a security screen/grid with a bar spacing of 150mm, and a minimum clearance of 500mm high for security purposes.

Crossing 2: The proposed crossing will be fairly wide with a 53m top width and a 2m bottom width. Five 300mm diameter pipes will be installed at a slope of 1:50 to cater for low flows (< 1:2-year runoff). The pipes will be covered with a concrete ground beam to function as a weir. The security wall would be mounted on top of the beam with a security screen/grid with a bar spacing of 150mm and a minimum clearance of 500mm high for security purposes.

It is further proposed to re-instate the flood damaged stream embankments of the section of the watercourse on the property. This will include relocating approximately 1000 m³ – 2000m³ of sandy material from the south to the north to reinstate the flood damaged stream embankments.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Portion 127 of Farm Waterval No. 72, Villiersdorp, and have the following co-ordinates:

Co-ordinates:	Latitude (S)	Longitude (E)
Crossing 1 – Starting point	33° 59' 41.92" South	19° 16' 52.30" East
– Middle point	33° 59' 41.74" South	19° 16' 52.45" East
– End point	33° 59' 41.52" South	19° 16' 52.63" East
Crossing 2 – Starting point	33° 59' 49.75" South	19° 16' 53.72" East
– Middle point	33° 59' 49.79" South	19° 16' 54.15" East
– End point	33° 59' 49.83" South	19° 16' 54.63" East

The SG digit code is: C0130000000007200127

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 (Pty) Ltd
 c/o Mr. R. Holland/Ms. E. Herschell
 Private Bag X12

TOKAI
 7966

Tel: 072 601 0803

Email: ross@hollandandassociates.net
 emily@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 Preferred Alternative (as shown in the Site Plan attached as Annexure 2) described in the Basic Assessment Report ("BAR"), received on 14 April 2025 on 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, 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 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 activity 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.
 - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 11

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, 2025 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;

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,
- 6.4.6 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 2025 National Appeals Regulations.

7. 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

- 8. The amended Environmental Management Programme ("EMPr") dated April 2025 is hereby approved and must be implemented.
- 9. The Maintenance Management Plan ("MMP") accepted as part of this Environmental Authorisation must be implemented.
- 10. The EMPr 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"), before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
- 12. The ECO must conduct monthly site visits, and report on compliance with the EMPr to this Department and the relevant authorities, in writing, on a monthly basis during the construction phase.
- 13. A copy of the Environmental Authorisation, EMPr, 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, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner and Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within three months of completion of the construction activities.

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 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.

G. APPEALS

Appeals must comply with the National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). Please note the provisions of Regulation 1(2) & (3) of the National Appeal Regulations 2025 when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&AP's), and the decision maker (Competent Authority who issued the decision) within **20 calendar days** from the date this decision was sent by the decision maker.
2. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision, and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&AP's by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within 5 calendar days after the 20-day appeal period ends.
 - b. Submit proof of this notification to the Appeal Administrator within **5 calendar days** after sending the last notification.
5. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the National Appeal Regulations, 2025 may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
 - a. **By e-mail:**
DEADP.Appeals@westerncape.gov.za or
 - b. **By hand** where that person submitting does not hold an electronic mail account:
[Attention:](#) Mr Marius Venter

Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za.

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. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 30 JULY 2025

CC: (1) Ms. Emily Herschell (Holland and Associates EC (Pty) Ltd)
(2) Mr. Ross Holland (Holland and Associates EC (Pty) Ltd)
(3) Mr. Johan Viljoen (Theewaterskloof Municipality)
(4) Mr. Rhett Smart (CapeNature)
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Email: ross@hollandandassociates.net
Email: johanvi@twk.gov.za
Email: rsmart@capenature.co.za
Email: fsmith@bocma.co.za

ANNEXURE 1: LOCALITY MAP




Centre Point Coordinates:
33° 59' 44.05" S; 19° 17' 0.47" E

0 1 2 3 km

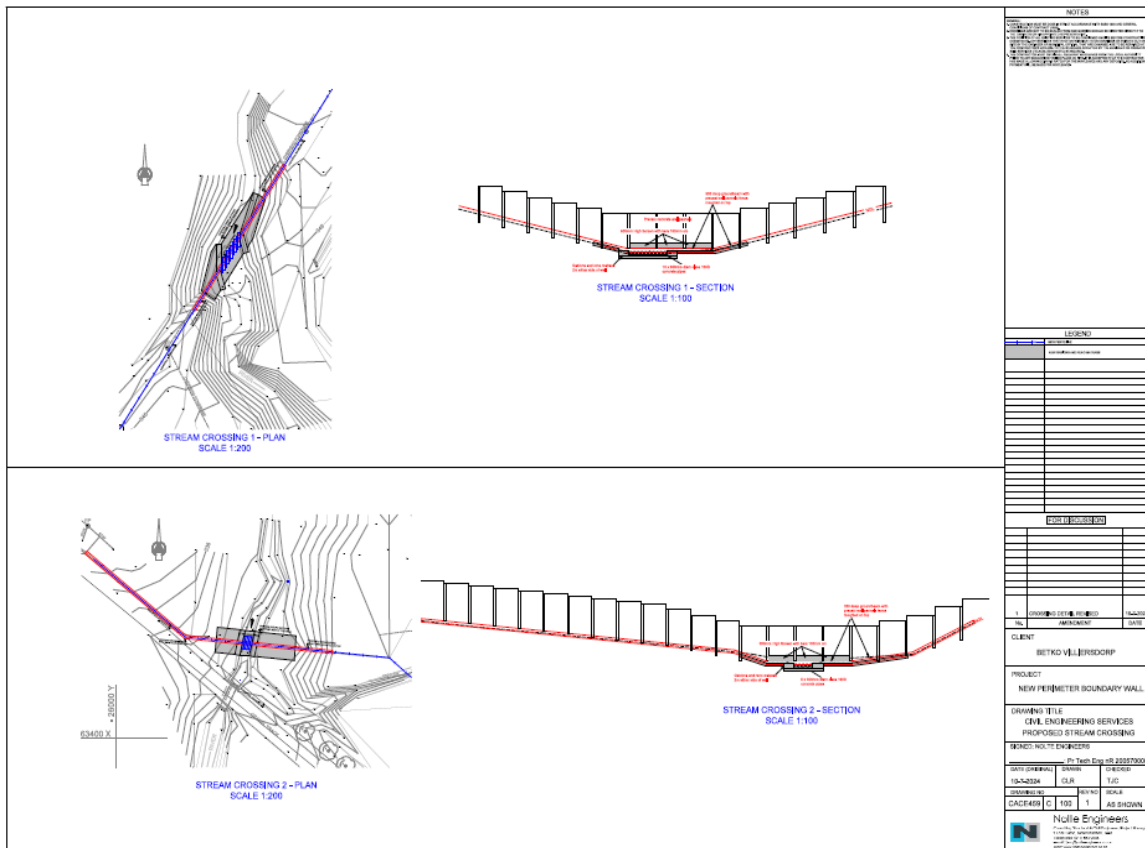
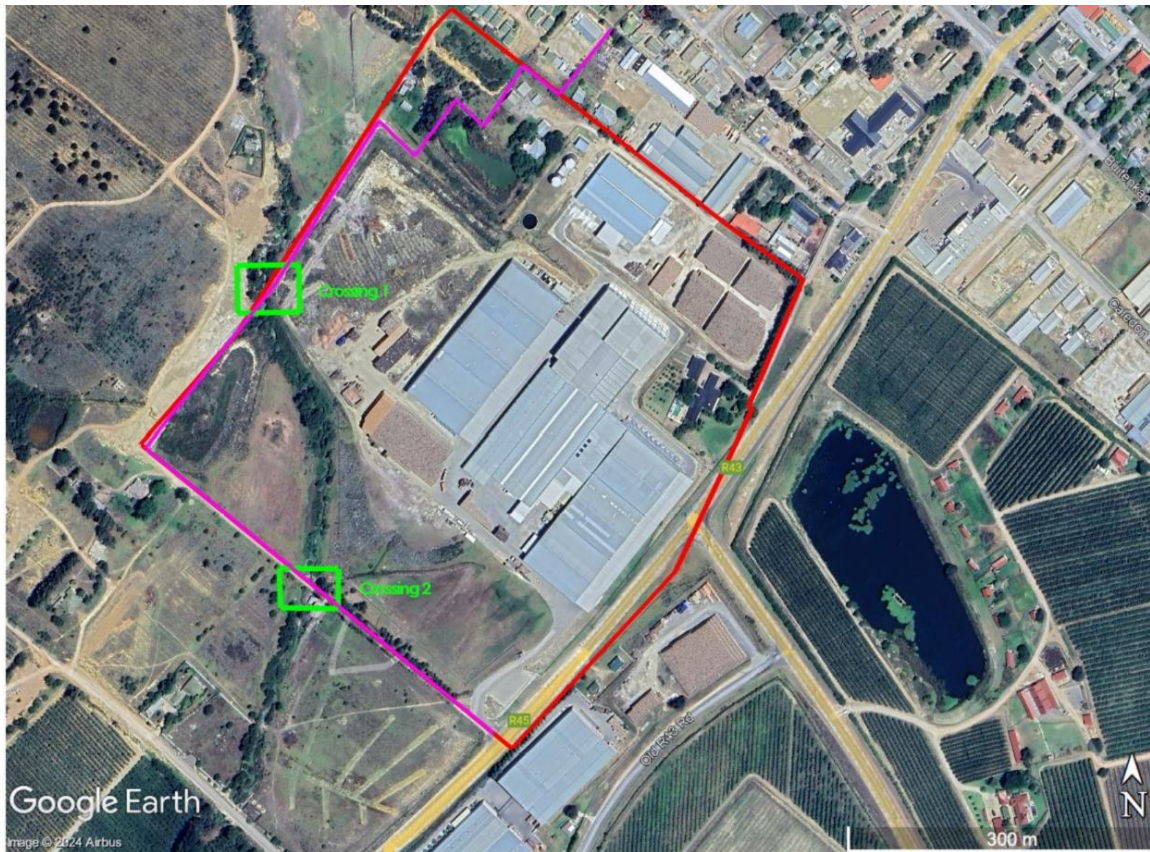
Scale 1:65000

Betko Villiersdorp Fence Line
Locality Map

Holland & Associates
Environmental Consultants

-  Site Boundary
-  R45
-  R43
-  Villiersdorp
-  Prevailing wind direction: South

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 that was received on 16 January 2024, the final Basic Assessment Report received on 14 April 2025, and the additional information received on 24 July 2025.
- 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 final Basic Assessment Report received on 14 April 2025;
- 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 ("PPP") included:

- identification of and engagement with I&APs;
- placing of a newspaper advertisement in the Hermanus Times on 15 January 2025;
- placing notice boards at the site where the listed activities are to be undertaken on 16 January 2025;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 16 January 2025; and
- circulating the in-process draft BAR for a 30-day commenting period from 16 January 2025.

The Department is satisfied that the PPP that was followed met the minimum legal requirements, and the comments raised, and responses thereto were included in the comments and response report.

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

2. Alternatives

Location Alternatives

The engineers considered the re-routing of the watercourse around the site in order to avoid the necessity of the wall crossing the watercourse in two areas. This would involve a 90-degree right turn from the north against the natural slope on the property and a second 90-degree turn to the left to

drain southwards. This option was discarded as the stream would have to be a minimum of 8m deep to create a natural slope. The freshwater ecologist also confirmed that a diversion of the river would have a more significant impact on the ecological condition of the river.

Preferred Alternative (Herewith Authorised)

The preferred alternative entails the proposed construction of two stream crossings (in accordance with the design specifications below) that are associated with a security wall that will replace the existing damaged fence (as shown in the Site Plan attached as Annexure 2). The security wall includes grids to allow for the migration of small animals.

Crossing 1: This proposed crossing will have a 41m top width and a 4m bottom width. The preferred option includes installing ten 300mm diameter pipes at a slope of 1:50 to cater for low flows (< 1:2-year runoff). The pipes will be covered with a concrete ground beam that will function as a weir. The security wall will be mounted on top of this beam with a security screen/grid with a bar spacing of 150mm, and a minimum clearance of 500mm high for security purposes.

Crossing 2: The proposed crossing will be fairly wide with a 53m top width and a 2m bottom width. Five 300mm diameter pipes will be installed at a slope of 1:50 to cater for low flows (< 1:2-year runoff). The pipes will be covered with a concrete ground beam to function as a weir. The security wall will be mounted on top of the beam with a security screen/grid with a bar spacing of 150 mm and a minimum clearance of 500mm high for security purposes.

It is further proposed to re-instate the flood damaged stream embankments of the section of the watercourse on the property. This will include relocating approximately 1000m³ – 2000m³ of sandy material from the south to the north to reinstate the flood damaged stream embankments.

Both designs will cater for up to a 1:50 year runoff event. For a 1:50 year event, the water level would rise up to 400mm above the weir level. The wall fixing will also be designed to give way in case of emergency or in the event that the screen/grid gets blocked. Access to the proposed crossing construction area will be from the south, via the informal gravel road. The river crossing excavations (55m³), footing and gabion construction will be done by hand and mechanical equipment. The placing of the new wall pillars and precast wall panels will be done by crane or excavator following the route of the cadastral boundary. Design specifications proposed by the freshwater ecologist (such as access gaps for fauna), were included into the preferred alternative for the wall. Based on the specialist findings, the proposal will have negligible aquatic ecosystem impact, with the implementation of the recommended mitigation measures. This option was therefore deemed the most viable and feasible option since it incorporates specialist and engineering recommendations and comments received during the public participation process.

Crossing Design Alternative 1:

Crossing 1: The crossing will have a 41m top width and 4m bottom width. The proposal includes installing ten 300mm diameter pipes at a slope of 1:50 to cater for low flows (<1:2-year runoff). The pipes will be covered with a concrete ground beam to function as a weir. The security wall will be mounted on top of the beam with a minimum clearance of 150mm for security purposes. This design will cater for up to the 1:10 year runoff. For a 1:50 year event, the water level would rise up to 250mm above the weir level.

The alternative design option involves a wall fixing designed to give way in case of emergency and is not preferred.

Crossing 2: 1m downstream from the second crossing position is an existing headwall inlet structure with a 1.2m diameter pipe at a slope of 1:58. The pipe is installed to cross a gravel road. It is proposed to

extend the existing pipe by 1.5 m north and construct a new headwall with a screen at a 45-degree angle to prevent the inlet from blocking. This pipe diameter would be sufficient to cater for a 1:10 year flood event. In case of major events, the flows would spill over the headwall structure. The gravel road forms a natural low point and there would be no risk of damage to property or structures further downstream.

This is the engineers' initial concept of the watercourse crossings, which was based on a desktop investigation. This concept was refined, giving rise to the current preferred alternative described above, following a site visit undertaken by the engineers.

No-go Option

The no-go option was also assessed but was not deemed as a feasible option. It is considered a security risk to the property and its employees and would most likely involve the continued degradation of the watercourse. This will also not contribute to the socio-economic benefits for the area in terms of job creation during the construction phase.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

Due to the expansion of the urban area of Villiersdorp around the site, the applicant has undertaken a review of security arrangements and has concluded that additional security measures are required. The proposed upgraded security wall will safeguard the agri-business and its employees from potential theft, vandalism, illegal grazing, and land invasion. A safer, more financially secure and viable agri-processing facility would be able to sustain existing jobs and continue to contribute to the local economy. The development will also provide job opportunities during the construction phase. Furthermore, the preferred development proposal was informed by specialist input and comments received during the public participation process.

3.2 Biophysical Impacts

The site is mapped to contain critically endangered Western Rûens Shale Renosterveld vegetation. Based on the specialist findings in the Aquatic Impact Assessment dated October 2024, compiled by Bluescience, the natural riparian and surrounding terrestrial vegetation has been removed from the watercourse and adjacent areas and replaced with exotic trees and shrubs. Indigenous vegetation occurring along the stream is limited with no Species of Conservation Concern present.

The main water features within the area are the Sonderend River and its tributaries, including a minor unnamed tributary that traverses the site before flowing into the Theewaterskloof Dam. The watercourse crossings are located within a mapped FEPA wetland (channelled valley bottom wetlands) along the tributary. From the assessment of the aquatic features, it is evident that there are no aquatic features of high or very high sensitivity in the project area of influence, and the sensitivity rating is low or very low. The ecological condition of the tributary is considerably degraded as a result of agricultural and urban activities. The Present Ecological State of the unnamed tributary is largely to severely modified (D/E category), with a moderate Ecological Importance and Sensitivity. The Western Cape Biodiversity Spatial Plan (WCBSPP) (CapeNature, 2017) assigns an ESA 2 (Restore) conservation planning category to the stream corridor on the western side of the property. The remainder of the property is uncategorized. The WCBSPP (CapeNature, 2023) assigns CBA 1 (Aquatic) and CBA 2 (Wetland) to the stream corridor, and no category is assigned to the location of where the watercourse crossings are proposed to be constructed on site. The freshwater ecologist has confirmed (Addendum Letter, dated 19 March 2025) that the site aligns more closely to the 2017 WCBSPP. The potential aquatic ecosystem impacts associated with the fence can be adequately mitigated to a low significance level with the implementation of the recommended mitigation measures. The mitigation measures and comments

received during the public participation process have been incorporated into the preferred alternative and the relevant sections of the EMPr. The proposed development is therefore deemed as acceptable from a freshwater impact perspective.

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) was also submitted to the Department of Water and Sanitation that will also consider and address the freshwater 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:

- The development will result in potential freshwater impacts during construction and operation. These impacts will, however, be mitigated to an acceptable level with the implementation of the recommended mitigation measures, the preferred alternative and adherence to the EMPr.
- Construction phase impacts associated with the development are likely to be present, including elevated noise and dust levels. These impacts will be of a temporary duration, and mitigation measures have been incorporated into the EMPr for implementation during the construction phase.

Positive impacts:

- The installation of the security wall would ensure continued safety for the property and the company's employees whilst at work.
- The protection of the property and its assets would allow the company to continue operating successfully.
- It will contribute towards the creation of temporary employment opportunities during the construction.

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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