



REFERENCE: 16/3/3/1/B5/14/1097/25
NEAS REFERENCE: WCP/EIA/0001775/2025
DATE OF ISSUE: 19 MAY 2026

The Board of Directors
Modderas Boerderye (Pty) Ltd.
P O Box 138
TULBAGH
6820

Attention: Mr. Philip du Plessis

Cell: 084 657 6797
Email: info@modderasrivier.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 ENLARGEMENT OF AN EXISTING INSTREAM DAM ON PORTION 1 OF FARM ROODE ZANDS KLOOF NO. 66 AND FARM NO. 329, TULBAGH.

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. Lindsay Speirs Du Toit (Earth Grace Environmental Consultancy)
(2) Mr. David Nasson (Witzenberg Municipality)
(3) Ms. Leandra Knoetze (CapeNature)
(4) Ms. Rafieka Johaar (DWS)

Email: lindsay@earthgrace.co.za
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Email: lknoetze@capenature.co.za
Email: jezilev@dws.gov.za

REFERENCE: 16/3/3/1/B5/14/1097/25
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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 ENLARGEMENT OF AN EXISTING INSTREAM DAM ON PORTION 1 OF FARM ROODE ZANDS KLOOF NO. 66 AND FARM NO. 329, TULBAGH.

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 3 February 2026.

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 the watercourse/wetland related maintenance activities on Portion 1 of the Roode Zands Kloof Farm No. 66, Tulbagh, dated 3 February 2026.

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

Modderas Boerderye (Pty) Ltd
c/o Mr. Philip du Plessis
P O Box 138
TULBAGH
6820
Cell: 084 657 6797
Email: info@modderasrivier.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 – Activity Number: 19</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(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.</i></p>	<p>More than 10m³ of material will be moved in the watercourse for the proposed dam expansion.</p>
<p>Listing Notice 1</p> <p>Activity Number 48</p> <p><i>The expansion of—</i></p> <p><i>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</i></p> <p><i>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</i></p> <p><i>where such expansion occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a development setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>excluding—</i></p> <p><i>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>(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;</i></p> <p><i>(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;</i></p>	<p>The in-stream dam's footprint will be expanded by 2.2ha.</p>

<p>(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>	
<p>Listing Notice 3 – Activity Number: 23</p> <p>The expansion of—</p> <p>(i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or (ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</p> <p>where such expansion occurs—</p> <p>(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;</p> <p>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. Western Cape</p> <p>i. Outside urban areas:</p> <p>(aa) (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;</p>	<p>The in-stream dam will be expanded by 2.2ha, and there are areas identified as CBAs within the development footprint.</p>

<p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</p>	
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The abovementioned list is hereinafter referred to as “**the listed activities**”.

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

The proposed development entails the enlargement of the in-stream Modderas Dam from 200 000m³ (13.8m wall height) to a gross storage capacity of 310 000m³ (15.1m wall height) and the decommissioning of Dam D2. The expanded dam footprint is approximately 7.5ha in extent, which is a 2.2ha increase of the existing development footprint. The upstream face of the embankment will be protected with durable rip-rap to prevent wave erosion. The spillway channel, as well as the embankment downstream face, will be covered with topsoil and planted with indigenous grass. The existing 200mm diameter outlet pipe will be extended (within the dam footprint) and a by-pass spillway will be constructed to discharge water into the existing channel. The area to the east of Dam 2 as well as the riparian area upstream and downstream of the dam will be a “no-go” area.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Portion 1 of Farm Roode Zands Kloof No. 66 and Farm No. 329, Tulbagh, with the following co-ordinates:

Co-ordinates:	Latitude (S)	Longitude (E)
Co-ordinates of the in-stream dam	33° 12' 34.19" South	19° 7' 21.53" East

The no-go area to the east of Dam 2, as well as the riparian area upstream and downstream of the dam:

Co-ordinates:	Latitude (S)	Longitude (E)
A	33° 12' 30.10" South	19° 7' 36.74" East
B	33° 12' 33.52" South	19° 7' 32.34" East
C	33° 12' 34.03" South	19° 7' 31.86" East
D	33° 12' 38.78" South	19° 7' 28.49" East
E	33° 12' 18.43" South	19° 7' 18.41" East
F	33° 12' 26.79" South	19° 7' 20.32" East

G	33° 12' 40.19" South	19° 7' 23.94" East
H	33° 12' 52.46" South	19° 7' 26.87" East

The SG digit codes are: C07500000000006600001
C075000000000032900000

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

Earth Grace Environmental Consultancy
c/o Ms Lindsay Speirs Du Toit
PO Box 138

TULBAGH

6850

Cell: 083 2898727

Email: lindsay@earthgrace.co.za

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 3 February 2026 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 activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 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 Environmental Management Programme ("EMPr") dated 2 February 2026 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 quarterly 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 activity, 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, and 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 two environmental audits and submit the first Environmental Audit Report to the Competent Authority within six months after commencement, and the final Environmental Audit Report within six 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 activities 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.

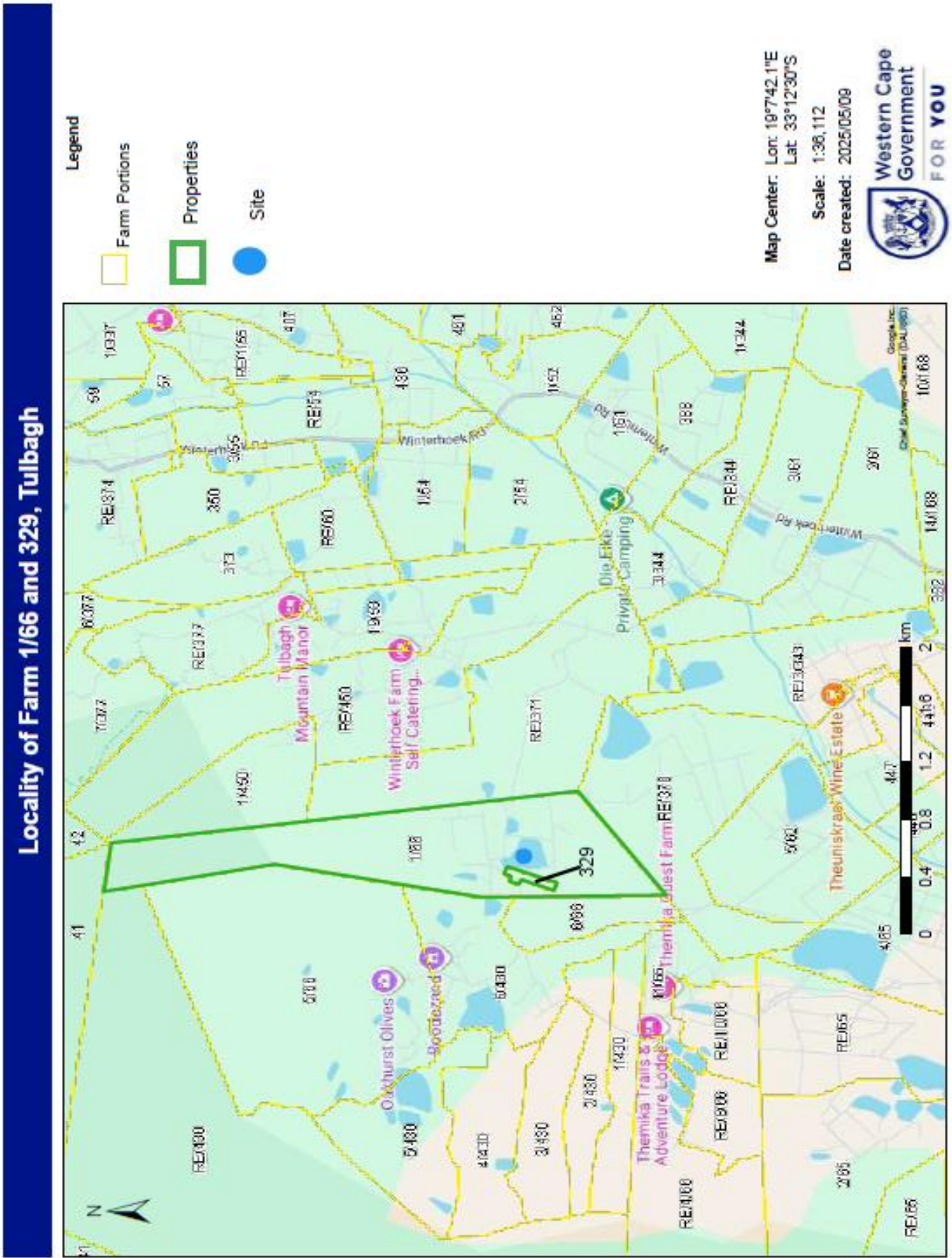
Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 19 MAY 2026

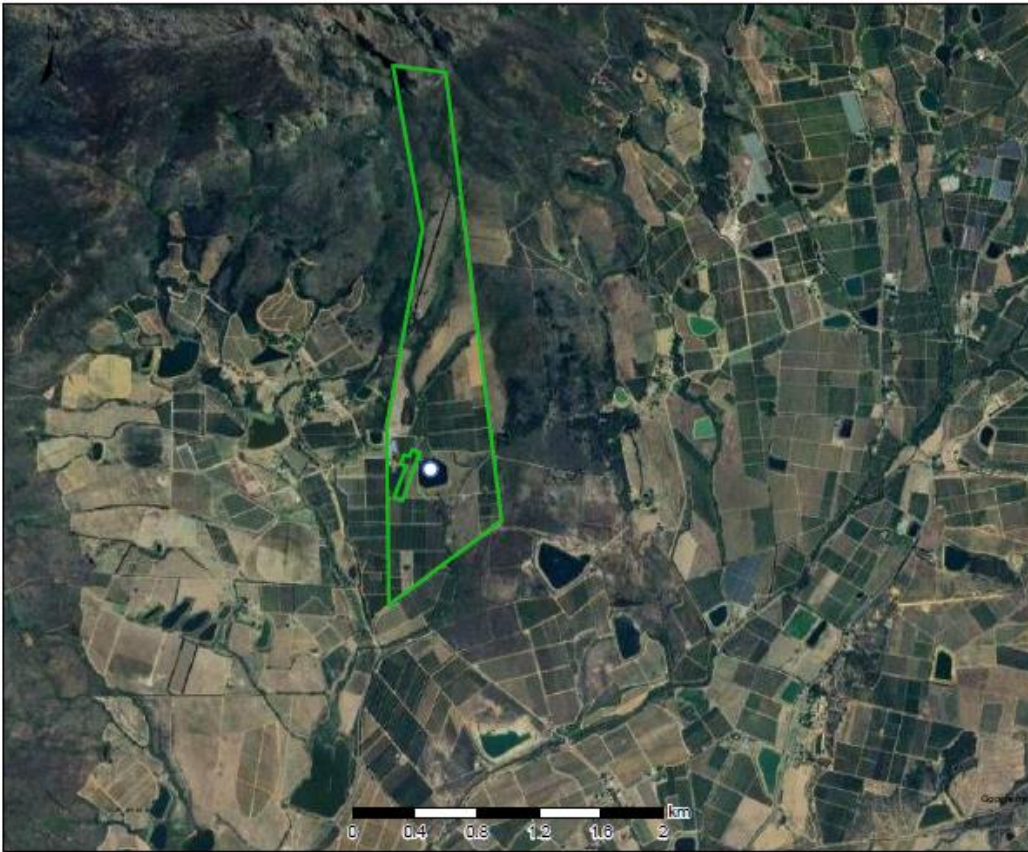
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(2) Mr. David Nasson (Witzenberg Municipality)
(3) Ms. Leandra Knoetze (CapeNature)
(4) Ms. Rafieka Johaar (DWS)

Email: lindsay@earthgrace.co.za
Email: david@witzenberg.gov.za
Email: lknoetze@capenature.co.za
Email: jezilev@dws.gov.za

ANNEXURE 1: LOCALITY MAP



Location of Existing Modderas Dam



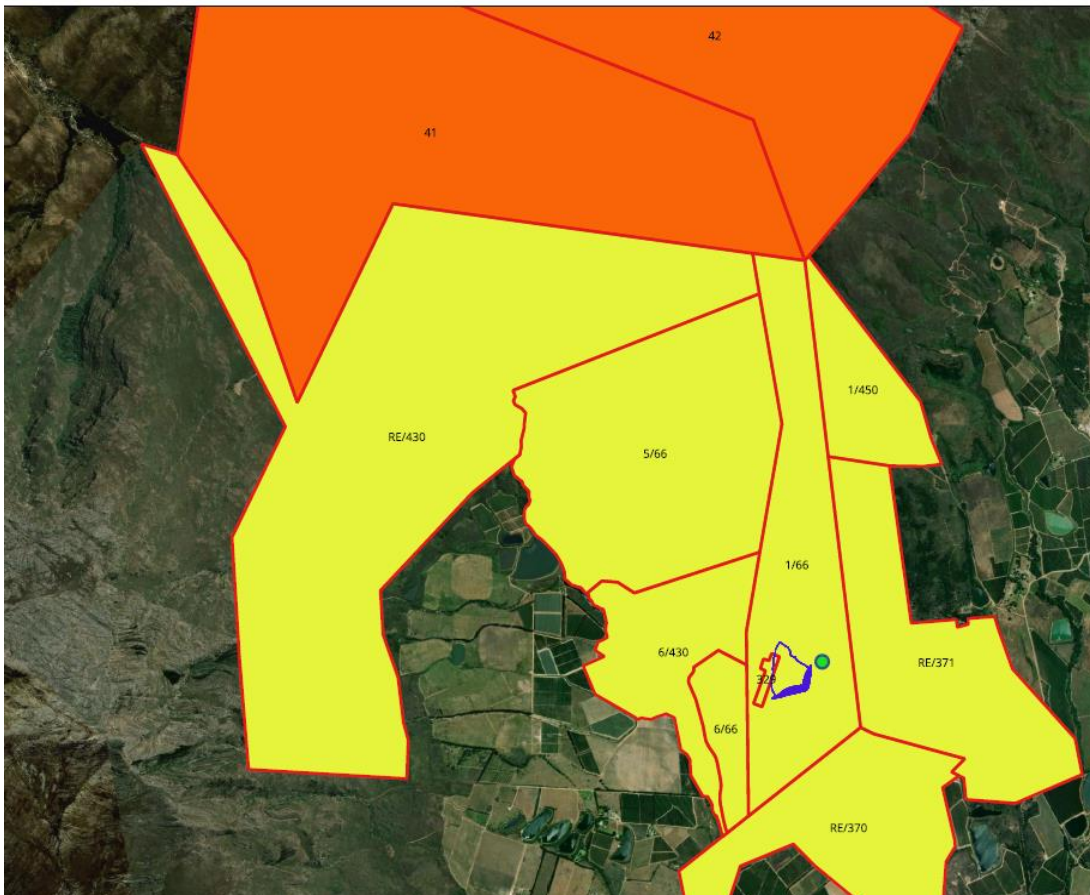
Legend

- Property
- Modderas Dam

Map Center: Lon: 19°7'43.6"E
 Lat: 33°12'25.1"S
 Scale: 1:36,112
 Date created: 2025/14/02



PROPOSED EXPANSION OF MODDERAS DAM, TULBAGH



PROPERTIES, ZONINGS AND LANDUSES

Legend

- Dam Expansion Option 1 - Embankment
- Dam Expansion Option 1 - FSL
- Dam D2
- Properties
- Zonings and Landuses
- Agriculture
- Open Space

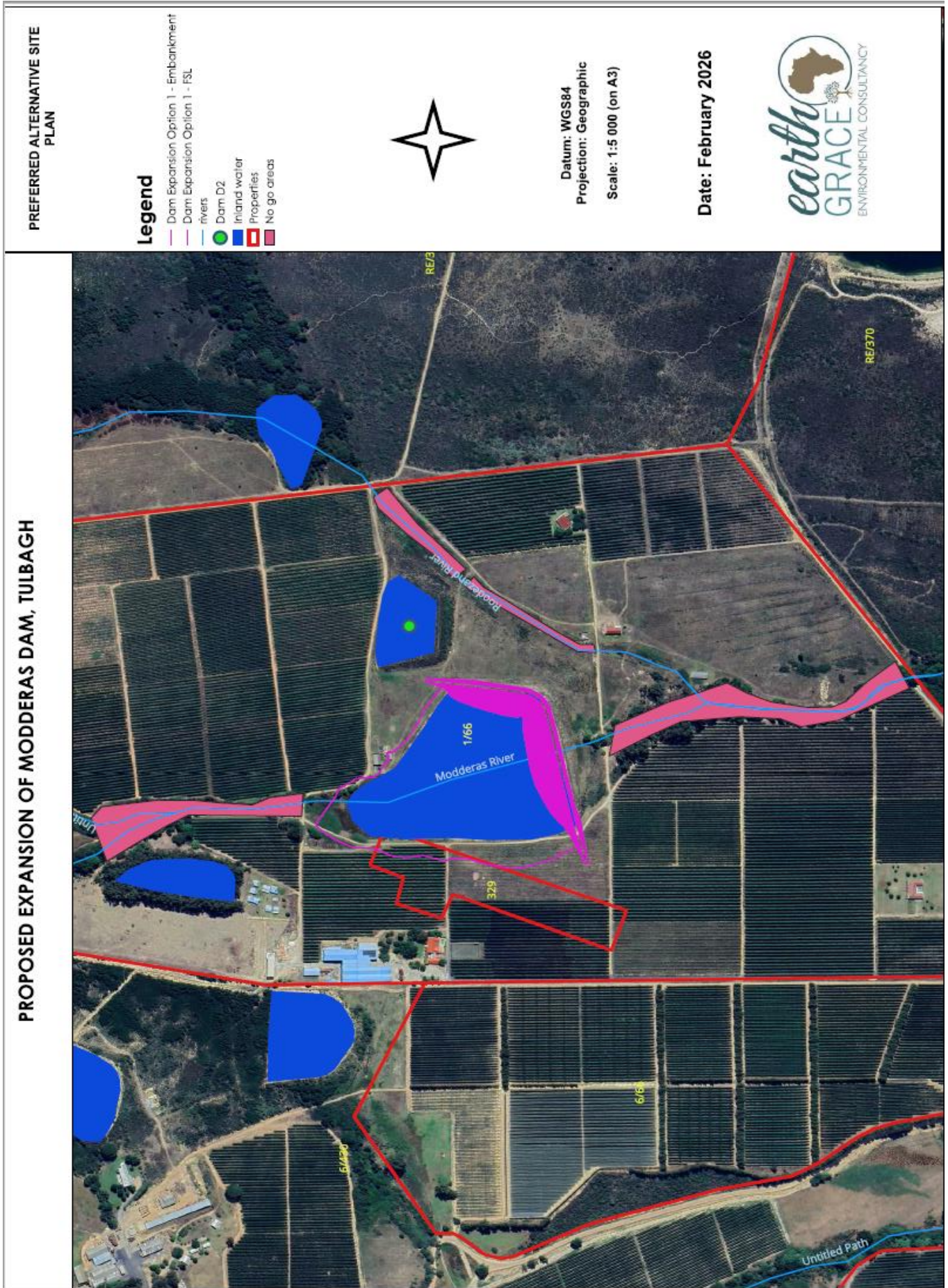


Datum: WGS84
 Projection: Geographic
 Scale: 1:25 000 (on A3)

Date: **September 2025**



ANNEXURE 2: SITE PLAN





Legend

- Control Point (CP)
- Fence
- Road
- Water
- Tree
- Bush
- Canal
- Other (Other)
- High Voltage Line
- Other (Other)
- Boundary
- Boundary
- Boundary

Project Survey:

Form 1/66

Description of Survey:

Topo Survey of Proposed Dam Area

Area:

Tuikloof

Geometric System: WGS 84/27	
Surveyor:	A. B. B.
Compiled by:	A. B. B.
Date:	Aug 2023
Drawing Number:	MSD_01
Sheet Number:	1
Scale:	1:1,000

Department of Environmental Affairs and Development Planning

SECTION	AREA	TOTAL	REMARKS
1	100.00	100.00	
2	200.00	300.00	
3	300.00	600.00	
4	400.00	1000.00	
5	500.00	1500.00	
6	600.00	2100.00	
7	700.00	2800.00	
8	800.00	3600.00	
9	900.00	4500.00	
10	1000.00	5500.00	
11	1100.00	6600.00	
12	1200.00	7800.00	
13	1300.00	9100.00	
14	1400.00	10500.00	
15	1500.00	12000.00	
16	1600.00	13600.00	
17	1700.00	15300.00	
18	1800.00	17100.00	
19	1900.00	19000.00	
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23	2300.00	27600.00	
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25	2500.00	32500.00	
26	2600.00	35100.00	
27	2700.00	37800.00	
28	2800.00	40600.00	
29	2900.00	43500.00	
30	3000.00	46500.00	
31	3100.00	49600.00	
32	3200.00	52800.00	
33	3300.00	56100.00	
34	3400.00	59500.00	
35	3500.00	63000.00	
36	3600.00	66600.00	
37	3700.00	70300.00	
38	3800.00	74100.00	
39	3900.00	78000.00	
40	4000.00	82000.00	
41	4100.00	86100.00	
42	4200.00	90300.00	
43	4300.00	94600.00	
44	4400.00	99000.00	
45	4500.00	103500.00	
46	4600.00	108100.00	
47	4700.00	112800.00	
48	4800.00	117600.00	
49	4900.00	122500.00	
50	5000.00	127500.00	



FB: -280.25

Station	WGS 84/27 (Local Based Grid)	Branch	Area	Volume
1	1175.000	1175.000	1175.000	1175.000
2	1175.000	1175.000	1175.000	1175.000
3	1175.000	1175.000	1175.000	1175.000
4	1175.000	1175.000	1175.000	1175.000
5	1175.000	1175.000	1175.000	1175.000
6	1175.000	1175.000	1175.000	1175.000
7	1175.000	1175.000	1175.000	1175.000
8	1175.000	1175.000	1175.000	1175.000
9	1175.000	1175.000	1175.000	1175.000
10	1175.000	1175.000	1175.000	1175.000
11	1175.000	1175.000	1175.000	1175.000
12	1175.000	1175.000	1175.000	1175.000
13	1175.000	1175.000	1175.000	1175.000
14	1175.000	1175.000	1175.000	1175.000
15	1175.000	1175.000	1175.000	1175.000
16	1175.000	1175.000	1175.000	1175.000
17	1175.000	1175.000	1175.000	1175.000
18	1175.000	1175.000	1175.000	1175.000
19	1175.000	1175.000	1175.000	1175.000
20	1175.000	1175.000	1175.000	1175.000
21	1175.000	1175.000	1175.000	1175.000
22	1175.000	1175.000	1175.000	1175.000
23	1175.000	1175.000	1175.000	1175.000
24	1175.000	1175.000	1175.000	1175.000
25	1175.000	1175.000	1175.000	1175.000
26	1175.000	1175.000	1175.000	1175.000
27	1175.000	1175.000	1175.000	1175.000
28	1175.000	1175.000	1175.000	1175.000
29	1175.000	1175.000	1175.000	1175.000
30	1175.000	1175.000	1175.000	1175.000
31	1175.000	1175.000	1175.000	1175.000
32	1175.000	1175.000	1175.000	1175.000
33	1175.000	1175.000	1175.000	1175.000
34	1175.000	1175.000	1175.000	1175.000
35	1175.000	1175.000	1175.000	1175.000
36	1175.000	1175.000	1175.000	1175.000
37	1175.000	1175.000	1175.000	1175.000
38	1175.000	1175.000	1175.000	1175.000
39	1175.000	1175.000	1175.000	1175.000
40	1175.000	1175.000	1175.000	1175.000
41	1175.000	1175.000	1175.000	1175.000
42	1175.000	1175.000	1175.000	1175.000
43	1175.000	1175.000	1175.000	1175.000
44	1175.000	1175.000	1175.000	1175.000
45	1175.000	1175.000	1175.000	1175.000
46	1175.000	1175.000	1175.000	1175.000
47	1175.000	1175.000	1175.000	1175.000
48	1175.000	1175.000	1175.000	1175.000
49	1175.000	1175.000	1175.000	1175.000
50	1175.000	1175.000	1175.000	1175.000



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 received on 28 November 2025, and the EMPr and MMP submitted together with the final Basic Assessment Report on 3 February 2026.
- 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 3 February 2026;
- 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;
- 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 2 October 2025;
- placing of a newspaper advertisement in the Witzenberg Herald on 3 October 2025;
- placing noticeboards at the site where the listed activities is to be undertaken on 5 October 2025;
- circulating the pre-application draft BAR from 3 October 2025 and the in-process draft BAR from 9 December 2025 to I&APs for a 30-day commenting period.

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

Two alternative sites for additional storage of water on the same farm were investigated. The first alternative (Alternative 1) was the repair and enlargement of Dam D2. Alternative 2 is a new instream dam located further north and upstream of Modderas Dam. Alternative 1 would result in the loss of established orchards, which the applicant does not wish to lose. The small catchment area of this alternative would yield very little surface water runoff, and thus, filling the dam would be heavily reliant on pumping water into the dam. This alternative was considered to be impractical and uneconomical,

and therefore it was discarded. Alternative 2 is situated within one of the mapped CBA and NFEPA wetland areas and would entail the construction of a new in-stream dam within a sensitive wetland area. Alternative 2 would have a significantly larger impact on the existing stream, compared to the enlargement of the Modderas Dam; as such, it was also ruled out.

Dam D2 was damaged in recent floods and is thus no longer able to hold the full 31,000 m³ for which it was designed. The applicant has decided that it is a better solution to compensate for lost storage by enlarging the Modderas Dam, rather than repairing the damage to Dam 2. Four options for the design of the Modderas Dam for the required storage capacity of 310 000 m³ were investigated. The water/wall ratio represents the volume of water gained per volume of fill necessary to construct the dam embankment. It is considered a good indication for selecting the most economical dam design alternative.

Dam Option 1: is an upstream embankment raising with the required storage capacity of 310 000m³ and is the preferred dam option with the second-best water/wall ratio of 2.2.

Dam Option 2 is a downstream embankment raising with the required storage capacity of 310 000m³ and is the most economical with a water/wall ratio of 4.5. However, this dam option would involve the relocation of the existing pump station, which is not considered feasible by the applicant.

Dam Options 3 and 4 are less economical and considered more complex to construct compared to Option 1. These two dam options were not considered further.

Preferred alternative (Herewith Authorised)

The proposed development entails the enlargement of the in-stream Modderas Dam from 200 000m³ (13.8m wall height) to a gross storage capacity of 310 000m³ (15.1m wall height) and the decommissioning of Dam D2. The expanded dam footprint is approximately 7.5ha in extent, which is a 2.2ha increase of the existing development footprint. The upstream face of the embankment will be protected with durable rip-rap to prevent wave erosion. The spillway channel, as well as the embankment downstream face, will be covered with topsoil and planted with indigenous grass. The existing 200mm diameter outlet pipe will be extended (within the dam footprint) and a by-pass spillway will be constructed to discharge water into the existing channel. The area to the east of Dam 2 as well as the riparian area upstream and downstream of the dam will be regarded as a “no-go” area.

Of the various dam alternatives considered, **Option 1 (the preferred option)** would also have the lowest impact as the enlarged wall is located further from the more intact tributary of the Modderas River. The decommissioning of Dam D2 also facilitates the implementation of the Environmental Flow Release (the existing dam has no release requirement), and rehabilitation of the associated aquatic habitats. This alternative incorporates the recommended specialist and engineering input and will not result in a significant biophysical impact.

No-go Option

The no-go option was also assessed but was not deemed a feasible option. Should the no-go option be selected, no additional storage of irrigation water could be created within the property. There will be no creation of employment opportunities during the construction phase, as well as when future maintenance is required.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The increase in the storage capacity in the Modderas Dam will provide buffer storage (water security) to supply irrigation water to cultivated lands. The enlarged dam will store water that has already been confirmed as existing lawful use (“ELU”), with no additional water abstraction to fill the dam. The dam

will be filled during winter, ensuring the required water supply during summer. It will enhance the economic value and viability of the farm and will also provide job opportunities during the construction phase and during future maintenance operations. Furthermore, the preferred development proposal was informed by specialist and engineering input and comments received during the public participation process.

3.2 Biophysical Impacts

The site is located within an area mapped as containing Breede Shale Fynbos classified as an endangered vegetation type. The disturbance footprint of the enlarged dam will extend into existing crops to the west, a small section of riparian habitat to the north and a small portion of disturbed farmland to the east. Minimal loss of indigenous vegetation will occur. It will therefore not result in a significant impact and is deemed acceptable from a botanical impact perspective.

Aquatic features on the property include the Modderas River, a perennial watercourse forming part of the Klein Berg River system within the greater Berg River catchment. The river is joined by an additional tributary upstream of its confluence with the Roodezand River. Seep wetlands are present in the upper reaches of the system and contribute to baseflow within the tributaries. These wetlands are classified as natural Freshwater Ecosystem Priority Area ("FEPA") wetlands, although the site itself does not fall within a FEPA sub-catchment.

The property is situated downslope of the Winterhoek Mountain Catchment Area, a formally protected area, and approximately 300m west of the Welbedacht Nature Reserve. Downstream reaches of the Modderas River have been identified as a terrestrial CBA, further emphasising the ecological sensitivity of the broader landscape. The in-stream habitat integrity of the Modderas River is considered to be moderately to largely modified and is of moderate ecological importance and sensitivity. The construction of new dam infrastructure within alternative locations would result in higher impacts due to their placement within more sensitive wetland areas. The preferred alternative (Option 1), which entails the enlargement of the existing dam, represents the best practicable environmental option, as the proposed expansion footprint is located further away from a relatively intact tributary system.

Furthermore, the most practical way to meet the environmental water requirement ("EWR"), requiring minimal management, is through the smaller tributary that joins the Modderas River just downstream of the dam. Its near-natural runoff and healthy wetland habitat would provide for the EWR if left unimpeded. It is therefore recommended that this tributary's flow not be diverted within the property so it can contribute to the Modderas Tributary's EWR. This aligns with the proposed decommissioning of Dam D2, which currently intercepts the stream.

The Aquatic Impact Assessment Report dated December 2025, compiled Bluescience, concludes that, with the implementation of appropriate mitigation measures, the cumulative impacts associated with the proposed dam enlargement would be of low negative significance. Recommended mitigation includes the rehabilitation of affected tributaries and associated wetlands, as well as adherence to EWR recommendations. Implementation of these measures is anticipated to maintain, and potentially improve, the ecological integrity of the affected aquatic systems. The proposed development is therefore considered acceptable from a freshwater impact perspective, subject to strict implementation of the recommended mitigation measures. These measures have been incorporated into the preferred alternative, as well as the Environmental Management Programme ("EMPr") and Maintenance Management Plan ("MMP").

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) was 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 watercourses. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

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

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in a potential freshwater impact and disturbance/modification of aquatic habitat and potential for growth of invasive alien plants post construction or during operation. The freshwater impacts and the potential construction and operational phase impacts will be mitigated to an acceptable level through the implementation of the preferred alternative, EMPr and MMP, which have been informed by specialist and engineering input, as well as comments received during the public participation process.
- Construction phase impacts associated with the development are likely to be present, including traffic impacts, elevated noise and dust levels. These impacts will be of temporary duration, and mitigation measures have been incorporated into the EMPr for implementation during the construction phase.

Positive impacts:

- The additional irrigation water storage capacity will increase the economic viability of the farm and secure continued income.
- It will contribute towards the creation of temporary employment opportunities during the construction and future maintenance activities.

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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