

Meeting Discussions: CapeNature Engagement (Toeka and Harmony Instream Dams)

Date: 28 July 2025

Time: 14h00

Venue: Online

Facilitator: EnviroAfrica Environmental Consultants

Attendees:

Professional	Contact Person
CapeNature	Leandra Knoetze
	Alana Duffell-Canham
Botanist	Dr. Dave McDonald
Freshwater Specialist	Dr. Dirk Van Driel
Water Licence	Dr. Lisbé Bester
Hydrologist	Bruce Paxton
WCDEADP	Dmitri Matthews
	Marbé Coetzee
Applicant	Joe Marais
	Hein Jurries
EAP	Clinton Geyser
	Bianca Gilfillan

1. Welcome and Introduction

Clinton Geyser (Environmental Assessment Practitioner, EnviroAfrica) opened the meeting by welcoming all participants and thanking them for attending. He explained that the purpose of the meeting was to present the updated scope of the proposed Toeka and Harmony instream dams, along with their respective associated agricultural expansion areas, and to obtain formal input from CapeNature and other relevant commenting authorities prior to finalising the Draft Scoping Report.

He outlined that the proposed Toeka Dam will include a dam wall approximately 14 metres high, with a flooded area of about 5.4 hectares, and will support a proposed agricultural expansion area of approximately 70 hectares. The Harmony Dam, which forms part of a separate but concurrent application, is smaller, with a dam size of approximately 5.5 hectares and an associated agricultural area of around 30 hectares.

Clinton clarified that two separate NEMA applications are being processed for the two projects. Both are currently in the pre-application scoping phase, with the Pre-Application Scoping Reports for each having been circulated for comment during a public participation process that ended in June 2025.

He noted that, based on comments received from CapeNature, as well as other Registered Interested and Affected Parties (RI&APs) during the current and previous rounds of engagement, it was deemed necessary to convene this meeting to directly address CapeNature's concerns related to the proposed dam and agricultural layout options. He suggested that the meeting structure allow for CapeNature to outline their key concerns, after which the project team and specialists could respond and collectively explore a constructive way forward that considers the sensitivities and practicalities of the proposal.

Clinton also acknowledged that the Water Use Licence Application (WULA) for both dams was submitted in January 2023, and that it includes the Ecological Reserve Determination report prepared by Bruce Paxton (hydrologist).

To conclude his opening remarks, Clinton invited the project proponents, Joe Marais and Hein Jurries, to provide a brief background on the motivation and rationale behind the project, with a focus on the need and desirability from an agricultural development and economic perspective.

2. Project Background and Motivation

Joe Marais (Applicant Representative) provided background on the rationale behind the proposed development. He noted that the project has been under consideration for approximately 18 years, during which time the farming operation has focused exclusively on annual crops, primarily onions. While the past two to three years have seen relatively good returns on onions, he expressed concern that this model is not sustainable in the long term.

He explained that to ensure the long-term viability of the operation, the team must now look at diversification, particularly into permanent crops such as apples. This shift in strategy is what has necessitated the application for the two proposed dams, Toeka and Harmony, to provide the required irrigation water to support a more stable and resilient agricultural model.

Joe further noted that an agreement has been secured with a partner to lease the land on the opposite side of the river for a period of nine years and eleven months, with an option to purchase the land thereafter. This lease arrangement underpins the proposed agricultural expansion.

He clarified that the Harmony Dam would support approximately 25 hectares of cultivation, while the Toeka Dam would support an additional 50 hectares, bringing the total development footprint to approximately 75 hectares. This strategic expansion is central to ensuring the farm's economic viability and agricultural productivity moving forward.

Joe concluded his input by inviting questions from CapeNature or other attendees on any part of the background or motivation.

Joe expressed concern regarding the delays in progressing with the proposed project despite the fact that the Water Use Licence (WUL) for both dams has already been approved. He emphasised that a significant amount of time has passed since the WUL was granted and noted the urgency from a farming operations perspective to begin implementation.

He highlighted that, as the farming lead on the project, he is under pressure to commence planting and long-term planning, and that these delays are impacting both logistics and communication with the project's beneficiaries. He stated that beneficiaries are awaiting direction and that he, as the representative, is expected to provide updates and clarity on when the project will move forward.

Joe concluded by expressing hope that the current meeting with CapeNature would result in the necessary clarity and final inputs, enabling the team to take the next steps toward implementation.

3. Introduction and Discussion Structure

Clinton Geyser initiated the discussion segment of the meeting by inviting Leandra Knoetze (CapeNature) to begin outlining the key concerns raised by CapeNature. He proposed that they proceed in a structured manner, addressing CapeNature's issues step by step.

Clinton suggested starting with the Toeka Dam, as it appeared to have fewer environmental concerns compared to the Harmony Dam, which involved more significant issues, particularly with respect to the dam itself and the proposed agricultural expansion. He left it open for Leandra to decide whether to start with Toeka or to move directly into the discussion on Harmony, indicating flexibility based on her preference.

Harmony Instream Discussion

Comments	Response
Leandra Knoetze (CapeNature) expressed CapeNature's strong objection to the proposed Harmony Dam, stating that it is located directly within the Kouebokkeveld Mountain Catchment Area, which is a formally protected area under the Mountain Catchment Areas Act. She explained that CapeNature does not support the development of dams within Mountain Catchment Areas, as these are ecologically sensitive zones that play a critical role in maintaining downstream hydrological processes. The proposed location is therefore categorically unacceptable from CapeNature's perspective. She further raised concerns regarding the agricultural area associated with the Harmony Dam, noting that it falls within the Critically Endangered Kouebokkeveld Alluvium Fynbos vegetation type. She referenced the botanical assessment conducted by Dr. Dave McDonald, which identified significant areas of intact, pristine vegetation in this location. Additionally, Leandra pointed out that the agricultural expansion area appears to be located within the floodplain of the Houdenbek River, based on the spatial imagery she shared earlier in the meeting. She cautioned that the Google Earth imagery currently being used by the project team likely represents a low-rainfall year and therefore underrepresents the extent of actual floodplain inundation. In summary, she reiterated that the Harmony Dam location is not supportable, and that both the dam footprint and associated agricultural expansion pose significant risks to protected areas, threatened vegetation, and flood-sensitive zones.	Clinton Geyser (EAP) responded to the concerns raised by CapeNature regarding the Harmony agricultural area. He suggested that the team begin by addressing the agricultural component, acknowledging that, following Dr. Dave McDonald's botanical findings, alternative layouts had been considered. One of the alternatives proposed by Joe Marais and Hein Jurries was the yellow block currently indicated on the shared layout.  He noted, however, that this alternative area might fall even further into the floodplain, which would likely not be supported by CapeNature either. Clinton explained that this proposed block includes old onion fields and a portion currently planted with kiwi fruit, implying that, from a botanical disturbance perspective, it may represent a more degraded and thus preferable site in comparison to the more intact vegetation elsewhere. Nevertheless, he acknowledged that the area's proximity to the river remains a concern and sought CapeNature's view on this trade-off between botanical value and flood risk. Leandra Knoetze (CapeNature) responded that CapeNature would recommend further reducing the footprint of the agricultural area on the Harmony side. She reiterated the concern that the proposed

	area must be located outside of the floodplain, as development within the floodplain could lead to additional problems associated with increased hardening of surfaces and disruption to the river system. She emphasised that this was the core reason for CapeNature's consistent objections regarding agricultural development in flood-prone areas and the associated ecological risks. She added that intensive agricultural activities adjacent to the Houdensbeks River, including earthworks and hardening near the river, have significant ecological implications. These impacts are not isolated; they affect both upstream and downstream ecological functioning. She stressed that these broader cumulative effects must be carefully considered when evaluating the agricultural components of the proposed development. Clinton Geyser (EAP) noted that while concerns about the agricultural layout and its proximity to the river are valid, these discussions may become irrelevant if the Harmony Dam itself is not approved. They acknowledged that the feasibility of the agricultural expansion hinges on whether the dam component of the project is accepted, given its role in water provision. Leandra Knoetze firmly stated that CapeNature will not support the Harmony Dam under any circumstances, as it is located within a Mountain Catchment Area and a formally Protected Area. She emphasised that the development of instream dams within such protected zones is strictly not supported and reiterated that this stance is non-negotiable. Clinton Geyser asked whether any mitigation measures could potentially secure CapeNature's support for the proposed Harmony Dam, or whether it is considered a complete no-go from CapeNature's perspective. Leandra Knoetze (CapeNature) responded unequivocally that the Harmony Dam is a complete no-go from CapeNature's side, stating: "The complete no go." <u>Lisbé Bester (Water Use Licence Consultant) reflected on the alternatives assessment history for the Harmony Dam site:</u> "When we started looking at alternatives, I believe we went through three options in total. As you can see, it's a relatively flat area once you move out of the hill zone. However, the third option, further downstream, was not viable at all because, if I recall correctly, it would have required pumping water back upstream, which isn't feasible. With Harmony Dam, we've already completed a few rounds of adjustments regarding the dam wall location. The heritage study identified some sensitive features upstream in the kloof, which forced us to move the dam downstream and also lower the dam level to avoid impacting those sites.
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	We've tried to ensure a safety buffer around the sensitive area, even when considering flood events. Based on that, I believe we've already done what we can with the Harmony Dam's location. It can't be moved further downstream, as that would eliminate a natural basin and result in a much more expensive structure. If the recommendation is to consider a completely different dam site, I'll have to raise that with the client. But based on the property boundaries, these two dam sites were essentially the only viable options we identified." <u>Clinton Geyser (EAP) summarised the alternatives considered for Harmony Dam and acknowledged the constraint of the Mountain Catchment Area:</u> "From what I can recall, we've gone through various alternatives for this dam, and this final layout was based on the heritage specialist's findings. The dam was shifted accordingly to avoid identified heritage sensitivities. However, even with those changes, the dam is still located within the Mountain Catchment Area, which poses a major constraint. So, we now need to look at completely new options, entirely different site alternatives. Lisbé, Joe, Hein, we'll need to consider what's possible going forward." Clinton Geyser (EAP) added: "Just to go back to the dam site, the proposed Harmony Dam footprint is relatively small, approximately 5.5 hectares in size. At this stage, there really is no way around that size given the storage requirements. We've already tried to minimise the footprint as much as possible." <u>Alana (CapeNature) stated:</u> "CapeNature has consistently objected to similar development proposals located within Mountain Catchment Areas (MCAs). Any structures or activities that may negatively affect the quantity or quality of water flowing downstream are not acceptable. This position is a well-established policy principle and is applied consistently across all applications, and this project is not being treated any differently. I also want to emphasise, before Dr. Dave leaves, that the Kouebokkeveld Alluvium Fynbos vegetation type, depending on the classification date, has been either downgraded or upgraded to Critically Endangered due to its rapid and ongoing loss over the past decade. The extent of this vegetation type was already very limited, and we cannot support the loss of any remaining intact areas.
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	It is important to slow the decline of this ecosystem. Leandra [Knoetze] is still relatively new, so I'm just reinforcing this position to support her observations. This objection to the Harmony Dam within the MCA is not novel; it is consistent with our established conservation stance." <u>Clinton Geyser (EAP) asked for clarification:</u> "Alana, then just to confirm — my understanding is that CapeNature also doesn't support the implementation of biodiversity offsets in this case either, is that correct?" <u>Alana (CapeNature) confirmed:</u> "Yes, it's not feasible for Critically Endangered vegetation to be offset. You'd be looking at a ratio of at least 30:1 as a starting point, and it would need to be like-for-like or better. I have serious doubts that such an offset would be possible in this case." She elaborated further on the offset feasibility: "In the local area, but as per the National Biodiversity Offset Guidelines, Critically Endangered vegetation is technically, I'll use the word, 'not offsetable'. It's not an official term, but it's becoming one. The only time exceptions are typically made is for absolutely critical infrastructure that delivers essential community services. And even then, those exceptions are rare." Clinton Geyser (Enviro/EAP) summarised that CapeNature's main concerns regarding the Harmony Dam appeared to focus on both the quality and quantity of water to be released downstream. He sought to confirm that these were the critical points underpinning CapeNature's objection to the proposed dam. Alana (CapeNature) added that in addition to concerns about downstream water quality and quantity, a key issue was the direct loss of habitat within the proposed development area. She explained that although Mountain Catchment Areas are proclaimed under specific legislation (the Mountain Catchment Areas Act), they are also considered part of the broader protected area estate. Therefore, any loss of intact habitat in these zones is of significant concern to CapeNature. She emphasised that Mountain Catchment Areas form part of South Africa's national conservation estate, which heightens the concern around any loss of habitat, not only aquatic but also terrestrial. She clarified that such losses are typically considered neither offsetable nor meaningfully mitigatable, especially in these formally protected zones. She concluded by advising that the applicant should rather focus efforts on the Toeka portion of the proposal, which might present fewer constraints. Dr. Dave McDonald (Botanist) explained that although the dam layout was adjusted from the original proposal, mainly to avoid flooding heritage sites identified by Jonathan Kaplan, the overall botanical footprint remains largely unchanged. He acknowledged the concerns raised by CapeNature
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	regarding the Mountain Catchment Area designation and confirmed he had already flagged this issue in his first botanical report. Regarding the Harmony agricultural area, he reiterated that the vegetation present is Kouebokkeveld Alluvium Fynbos, which is Critically Endangered. His assessment was done in August, which was not an optimal survey period, and he suspects that additional rare species could have been overlooked. He cited postdoctoral research by Brian Du Preez and Charlie Stirton identifying a potentially new species of <i>Aspalathus</i> in the region, likely present in the floodplain. Dr. Dave strongly advised against pursuing the development of the Harmony site further, as it would lead to repeated environmental roadblocks. He emphasised that this type of vegetation is not offsettable due to its scarcity. In contrast, he supported the yellow-marked area as a preferable alternative for agriculture, noting it had already been previously disturbed, though he had not walked through the site personally. From aerial imagery, he could confirm the area had been heavily worked, and any sensitive species likely would have been lost. Clinton thanked Dr. Dave McDonald for his input and indicated that, unless there were any remaining questions about the terrestrial ecology or botanical aspects—or the Harmony Dam proposal more broadly- they were ready to move the discussion over to the freshwater and hydrological aspects. He invited Bruce Paxton to proceed with his comments and input. Bruce Paxton, the hydrologist, provided context by clarifying that although he was not directly involved in the original hydrological study, he had been working in the Kouebokkeveld region for the past decade and was asked to provide an expert opinion on the current application. He had to reacquaint himself with the materials but pointed out a key concern: the downstream stretch of the Houdenberg River, especially the RETRO SWAT reference area down to the Boontjies River, is already under severe water stress. He explained that historic flow data from a Department of Water Affairs gauging weir (from 1935–1948) recorded about 100 million cubic metres per year, but more recent measurements showed a significant reduction to only 12–14 million cubic metres, indicating a severely over-allocated catchment. Despite this, Bruce stated that the current water use licence (WUL) includes sound recommendations that, if implemented correctly, could help maintain or slightly improve the ecological condition of the system. However, he flagged a crucial issue: whether environmental flow releases from the existing Houdenberg Dam are physically possible. He noted that without a functional release mechanism, any environmental flows released upstream would not benefit downstream ecosystems or users, effectively rendering them meaningless in a "closed" system.
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	He concluded by requesting clarification, either from Joe Marais or Lisbé Bester, on whether it is feasible to implement such environmental flow releases from the Houdenbek Dam, especially since the Harmony Dam is no longer likely to proceed. Lisbé Bester responded to Bruce Paxton's concerns by acknowledging that she does not currently have detailed technical knowledge about the Houdenbek Dam but clarified that creating a mechanism for flow releases is not a challenge. She explained that such systems can always be installed, particularly since the dam in question is relatively flat with a low wall height, making any modification or installation technically feasible. She deferred to either Joe Marais or Hein Jurries, suggesting that they may have more specific information about the dam's current infrastructure and potential for controlled releases. Joe Marais confirmed that flow releases from the Houdenbek Dam are possible. He explained that, from a practical farming standpoint, pumps and infrastructure are already in place to manage water abstraction. Therefore, if required, releasing environmental flows downstream could be arranged using the existing pump system. His statement affirmed that the technical feasibility exists to implement managed water releases to support ecological flow requirements. Bruce Paxton emphasised that the conditions included in the approved water use licence (WUL) are clear and enforceable, and he acknowledged discussing them with Rusty. He believes these conditions present a positive opportunity to improve the current state of the river system rather than worsen it. He confirmed that he is not opposing the water use licence. However, he raised a key concern: there is currently no updated hydrological assessment for the specific river section downstream of the Houdenbek Dam. This lack of recent data creates uncertainty due to inconsistent and conflicting water availability figures across various reports. These discrepancies make it difficult to confidently determine whether the system can meet both ecological flow needs and downstream user demands, while still supporting the farm's irrigation requirements. Bruce further highlighted that the river system is highly variable ("flashy"), meaning large volumes of water may arrive quickly during short periods and then recede, making a reliable supply unpredictable. He strongly recommended updating the hydrology and integrating this with defined operational rules, not only for regulatory compliance but also to ensure long-term water security for both ecosystems and the applicant's agricultural plans. Joe Marais addressed Clinton and Alana, requesting clarification on the off-stream dam option mentioned earlier. He expressed that he did not fully understand the comment and asked Alana to elaborate further on what was meant by that suggestion, particularly regarding how such an alternative would work in the context of their project.
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Alana suggested that the project team should also consider off-stream dam alternatives, as this approach might provide more control over water availability compared to relying on direct floodwater from the river. She implied that such alternatives could offer a more secure and manageable solution, especially given the variability of the catchment system.

Alana responded by acknowledging that off-stream dams are typically more costly to construct and require channelling of water, which can be a limiting factor, especially for larger systems. However, she suggested that if the size of the agricultural area is significantly reduced, it may become feasible to consider locating a smaller off-stream dam in an area that has been previously disturbed. This could present a more acceptable option from an environmental and planning perspective.

She added that it is standard practice for CapeNature to always ask what off-stream alternatives were considered before supporting or engaging on in-stream dam proposals. This reflects their general policy approach of prioritising less ecologically intrusive options where possible. She clarified that whether an off-stream dam is feasible would depend on the extent of the agricultural area that needs irrigation and the volume of water required to support it. She emphasised that she is not a dam engineer, so she could not advise on the technical feasibility of such a structure. However, she stated that appropriate calculations would need to be carried out, and a suitable site would have to be identified if such an off-stream alternative were to be pursued.

Lisbé Bester explained that she was trying to locate an older study from approximately ten years ago that considered a dam location further downstream. She recalled that the site was near the Harmony Trust farm but situated even further down. However, at present, she could not identify any viable alternative dam site in the area that would be more suitable or practical than the current proposal.

She added that there appears to have been a third dam site—referred to as “Dam 3”, which is located just north of the Toeka Dam. While this option may be less practical for the Harmony Trust due to its distance from the associated land, it was previously considered as part of the alternatives assessment. She acknowledged that the discussion could now return to the earlier point.

Joe Marais responded that the potential transfer option being discussed relates to an off-stream dam that had previously been considered. He indicated that this site was situated behind the Harmony Trust area and belonged to a landowner. The site had been part of earlier investigations and discussions around feasible dam locations.

Lisbé Bester confirmed that the off-stream dam site previously discussed was indeed issued a water use licence around the year 2000 or 2001. She acknowledged that this licence was granted at the time, supporting the historical consideration of that alternative site.

Lisbé Bester shared her screen to visually present the dam locations under discussion. She pointed out the Toeka Dam at the center of the map and identified the Harmony Dam nearby. She then confirmed that the third dam option, which had been referred to earlier, was known as the "Druidam."

	She explained that the Druidam site has a similar topography to the Toeka site, being relatively flat. In contrast, the Harmony Dam site is situated in a gorge, which makes it a more efficient location for a dam in terms of water storage. However, she noted that the Druidam site is not as efficient and is located much farther from the area where Hein and his team need development. Joe Marais confirmed that the location of the Druidam site is indeed quite far from the intended agricultural development area. He expressed concern that it would not be financially feasible to pursue that site due to the additional infrastructure and cost implications. Lisbé Bester provided contextual clarification on the water use licence application and the dynamics between the two properties involved. She explained that the downstream property, owned by the Harmony Trust (a BEE entity), is aiming to shift from annual crops like onions to permanent crops such as apple trees, which would provide more stable long-term income. She noted that the upstream property, owned by the mentor company, has committed to subdividing a section of their land (highlighted in white on the map) to support the Harmony Trust's agricultural expansion. This subdivision is part of a broader initiative to make additional land available to the BEE entity. She highlighted the logistical complexity of this arrangement, including the existing need for water transfer infrastructure (pumping and piping) between the dams on the properties. This is already a challenge, but still manageable. However, shifting the dam to a new upstream location would require significant additional infrastructure, extending onto the property and into more difficult terrain, which would increase costs and complexity. She concluded by stressing that there is no viable alternative dam site on the downstream Harmony property due to its flat topography and location within a Mountain Catchment Area. Thus, identifying a feasible, cost-effective offstream alternative is unlikely in her view. Alana acknowledged Lisbé's explanation and confirmed that the information clarified the context. However, she emphasised that despite the challenges associated with finding alternative dam sites, it remains essential to consider the Mountain Catchment Area boundaries, which do overlap with the proposed development property. She reiterated that the presence of protected areas places strict limitations on what types of infrastructure can be approved, regardless of practical constraints. She stated that the project team would need to completely revisit the proposed development footprint. She noted that the Harmony area is particularly sensitive, both from CapeNature's perspective and regrettably for the applicant, due to the confirmed ecological value of the site as outlined by Dr. Dave McDonald. The sensitivity of the area, including its conservation status and ecological significance, presents a fundamental constraint to the current proposal.
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	She added that there is very limited intact natural vegetation left in the area, and a significant amount of biodiversity specialist concern associated with the site. She suggested that the landowners might need to collaboratively reconsider which portion of the landscape could be suitable for development. However, in its current form, CapeNature could not support the proposal. She confirmed that CapeNature would not support the current Harmony Dam proposal. She acknowledged that a possible way forward had been identified for the Toeka side but emphasised that the Harmony proposal would need to be completely re-evaluated and revised. She added that, ideally, the Harmony Dam proposal should be removed from consideration entirely and a new alternative site should be identified outside the sensitive area. Lisbé confirmed that she understood CapeNature's position and acknowledged the concerns raised. She indicated that Clinton, along with Joe and the rest of the project team, would need to revisit the current proposal for the Harmony Trust area and explore alternative options in light of the feedback received. Joe Marais expressed concern about the feasibility of finding an alternative site for the Harmony Dam, given the topographical and logistical constraints. He highlighted that previous alternatives had already been explored, and that the current layout was based on various practical considerations. He acknowledged that the project team may need to reconsider options but emphasised the difficulty in identifying a viable and cost-effective alternative that meets the agricultural needs of the Harmony Trust beneficiaries. Alana clarified that the Toeka and Harmony dam proposals were originally submitted as two separate processes and recommended that they should again be treated and processed separately going forward. She confirmed that, based on the earlier discussion, CapeNature would support proceeding with the authorisation process for the Toeka site, provided the agricultural layout is revised to avoid the floodplain and sensitive areas. Clinton confirmed that the Toeka and Harmony developments are being processed as separate applications. The intention is to proceed with the Toeka application, subject to amending the agricultural layout to avoid the floodplain and environmentally sensitive areas, as previously discussed. Alana acknowledged that the Toeka and Harmony applications were initially submitted separately, later combined, and have now been separated again. She noted that the site has a complex
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	application history, but CapeNature's position and comments have remained consistent throughout. She recommended that the applicant continue with the Toeka application. Joe Marais confirmed that he had two main concerns related to the Toeka application. The first relates to the proximity of the proposed agricultural area to the floodplain, which CapeNature raised as a concern. He asked whether, from the project team's side, the necessary amendment would simply entail revising the layout to ensure that cultivation avoids the floodplain. He sought confirmation from Clinton in this regard. Clinton confirmed that Leandra would provide the relevant shapefiles or KMZ files for the floodplain and the Mountain Catchment Area. Using this data, the project team would revise the agricultural layout accordingly. The relevant specialists would then update their reports to reflect these changes, allowing the Toeka application process to continue. Joe Marais asked Ms Knoetze to confirm whether the floodplain data, specifically the 1:50-year floodline, was based on verified spatial datasets or if it had been derived from satellite imagery. Alana noted that CapeNature does not currently have 1:50 or 1:100 year floodline data available in their spatial layers. However, historical data exists. She recommended that updated, site-specific floodline studies be obtained to account for recent changes in hydrology, especially due to climate change and other influencing factors. She added that if an updated floodline study could be undertaken, it may be beneficial for the project, especially considering the changing conditions within the catchment. In the absence of a new study, CapeNature would base its input on the older Department of Water and Sanitation (DWS) 1:50 year floodline data, supplemented by current satellite imagery. She also stated that if an updated floodline study could be undertaken, it may be beneficial for the project, especially considering the changing conditions within the catchment. In the absence of a new study, CapeNature would base its input on the older Department of Water and Sanitation (DWS) 1:50 year floodline data, supplemented by current satellite imagery. Lisbé sought confirmation regarding the way forward for the Toeka Dam component. Referring to Dr. McDonald's input, she noted that if the agricultural development area is amended and he is satisfied, and provided the specialist reports are updated accordingly, then the Toeka component may be considered acceptable. She asked Leandra Knoetze whether, from CapeNature's perspective, there were any outstanding issues beyond the adjustment of the agricultural layout, particularly in terms of hydrology, should the Toeka and Harmony components be treated as completely separate applications. Lisbé acknowledged that hydrological studies are costly and that the existing Water Use Licence for Toeka was based on the reserve and prior inputs. She therefore asked whether
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	CapeNature would be satisfied with the Toeka proposal as it stands, aside from the required agricultural footprint revision. Alana confirmed that CapeNature's concerns regarding the agricultural area associated with the Toeka Dam had been addressed through the proposed revisions. However, she indicated that further clarity was still required regarding the Toeka Dam itself. Specifically, CapeNature would need information on the potential impact of the dam on the catchment and downstream areas. She noted that CapeNature had not yet reviewed the Water Use Licence Application (WULA) or associated documentation, and that input from Bruce Paxton would also be relevant in this regard. She requested that Bruce Paxton provide input on whether the flow release mechanisms proposed for the Tuka Dam were adequate, particularly in light of the cumulative impacts on the catchment. She emphasised that even though the water would flow to another dam downstream, it remained important to ensure that no negative downstream impacts would result from the development. She queried whether the Water Use Licence Application (WULA) included sufficiently detailed flow release measures for the Tuka Dam, specifically in terms of downstream impact and cumulative effects. Bruce Paxton confirmed that the WULA measures for the Toeka Dam were generally adequate, covering all key aspects. However, he noted that one gap remains regarding downstream releases from Onder Houdenbeks Dam, which may need to be addressed as a condition. He added that without downstream releases beyond Toeka Dam, the system essentially functions as a closed loop, which is problematic. For ecological integrity and sustainability, meaningful releases to the broader downstream system are necessary. He also reiterated that the key concern is not merely the internal recirculation of water within a closed system (such as between Toeka Dam and its associated infrastructure), but whether adequate water is being released to support downstream users and ecosystems. He emphasised that ensuring environmental flows reach downstream areas is the critical factor, rather than just maintaining movement within the project site itself. Alana emphasised that CapeNature's concerns around downstream ecological flows stem from the need to understand the flow release provisions in the Water Use Licences (WULs). She requested that the environmental team provide copies of the WULs, as the relevant official at the Breede-Gouritz Catchment Management Agency (BGCMA), Leandra, indicated she was unaware of any such licences being issued. CapeNature wishes to review the licence conditions to ensure appropriate ecological flow releases are addressed.
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	Clinton acknowledged the concern raised by CapeNature regarding the Water Use Licence and invited Lisbé to respond, given that her team was responsible for the WUL application process. Clarification is required on whether a WUL has indeed been issued and whether it included specific conditions for ecological flow releases. Lisbé confirmed that the Water Use Licence (WUL) application process for Toeka Dam began in 2017, following the completion of feasibility studies. She referenced earlier hydrological studies, particularly a report from 2010, which formed a key part of the supporting documentation due to its relative recency at the time. The WUL process included multiple meetings and relied heavily on the 2010 study during the COVID period. Lisbé offered to share the WUL documentation for review. She also confirmed that licence conditions govern not only Toeka Dam but also the associated downstream dam (referred to as the “instream dam”), with conditions interlinked between the upstream (Toeka) and downstream (Houdenberg Lower) systems, particularly concerning flow releases. She concluded by stating that the Water Use Licence (WUL) currently under discussion would integrate with and add to the existing licence conditions already in place for the downstream system. These existing conditions, along with the newly issued licence, are expected to work in conjunction to regulate flow releases and water management across the connected dam infrastructure. Alana acknowledged receipt of the information and confirmed that CapeNature would review the Water Use Licence (WUL) and revert with any queries. She noted, however, that in her experience with the Breede-Gouritz Catchment Management Agency (BGCMA), it is unusual for a WUL to be issued before the competent authority and relevant stakeholders have had the opportunity to formally review the application and its conditions. Leandra expressed that it is somewhat unusual for a Water Use Licence to be issued prior to the issuance of the Environmental Authorisation (EA), as typically the EA informs the WUL process. Despite this, she confirmed that CapeNature would review the WUL documentation and reach out with any questions or concerns. Marbé clarified that, in recent applications, the Department requires proof of water assurance as part of the Environmental Authorisation process. As such, the Water Use Licence must be issued prior to issuing the EA decision. She highlighted that the requirement for a Water Use Licence to be issued prior to the Environmental Authorisation has already impacted other applications. In the Worcester area, two applications had to be withdrawn due to the absence of an issued licence during the EIA application process.
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	Alana acknowledged the updated procedural requirement that a Water Use Licence must be issued prior to environmental authorisation. However, she emphasised that the WUL should still undergo a review process as part of the overall environmental application process. Marbé noted that the Toeka/Harmony project has a long history, with earlier applications submitted years ago. In those earlier phases, the Department had already provided comments. She acknowledged that the process has evolved since then, and the current requirement is for the WUL to be issued prior to an environmental authorisation. This shift in procedural expectations may differ from what was experienced in earlier application rounds. She explained that the water use licence (WULA) process was complicated by the shifting nature of the applications, initially separate (Toeka and Harmony), then combined, and now separate again. These changes, along with unresolved issues related to dam and agricultural layout locations, prevented the Department from concluding its environmental authorisation process. She further clarified that the WULA process focuses on whether a specific volume of water can be stored, not on the finalised location of the dam itself. Alana asked whether a risk assessment was conducted by the freshwater specialists as part of the Water Use Licence Application (WULA) process. In response to Alana's question, Clinton mentioned that Dr. Derek, who led the freshwater specialist work, had already left the meeting. However, to the best of their knowledge, a freshwater risk assessment was indeed conducted. Clinton deferred to Lisbé for confirmation. Lisbé confirmed that a freshwater risk assessment was included in Dr. Derek's report. A risk matrix was completed as part of the study. Clinton thanked Alana and Leandra for their input and opened the floor for any final remarks or closing comments from the rest of the attendees. No further remarks were made by any participants. Clinton thanked everyone for attending the meeting and concluded the session.
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Conclusion:

Leandra confirmed that CapeNature does not need to reiterate further comments. She acknowledged that a way forward exists for the Toeka Dam proposal (with revised agricultural layout and proper flow release considerations). However, the Harmony Dam proposal is not supported and will require complete revision or abandonment.

Next Steps Identified:

- Clinton will forward the relevant reports and documentation (including the water use licence and freshwater risk assessment).
- CapeNature awaits these for final review.
- CapeNature confirmed that they would be able to provide the most recent shapefiles, specifically:

- The floodline information, and
 - The Mountain Catchment Area (MCA) and Protected Area boundaries.
 - This data would be made available to assist the project team in refining the layout and ensuring that the development avoids sensitive areas, particularly the floodplain and the MCA.
- Process for Toeka Dam can proceed once updates are made.
- Harmony Dam is to be reconsidered entirely.