



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: ENVIRONMENTAL GOVERNANCE
SUB-DIRECTORATE: RECTIFICATION**

REFERENCE: 14/2/4/2/2/B1/17/0021/19

ENQUIRIES: Ziyaad Allie

The Director
Babirwa Breeding (Pty) Ltd
P.O. Box 3990
RIVONIA
2128

Tel: (011) 301 3605
Email: tebogo@talis-holdings.co.za

Attention: Mr Tebogo Mogashoa

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL CLEARING OF NATURAL VEGETATION FOR CULTIVATION PURPOSES ON AMBIENCE FARM, REMAINDER OF PORTION 70 OF FARM BRANDWAGT NO. 187, WORCESTER

With reference to your application dated 02 February 2020 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the implemented alternative as described in the application and environmental assessment dated 20 February 2020.

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

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

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Babirwa Breeding (Pty) Ltd

c/o Mr Tebogo Mogashoa

P O Box 3990

RIVONIA

2128

Tel: (011) 301 3605

Email: tebogo@talis-holdings.co.za

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R327 of 2017</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p><i>“The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p>	<p>Shade netting was used to cover portions of the cultivated crops. Some of these portions were located within 32m of the watercourse (the Waterkloof River) on site.</p> <p>At Area 2 (see Annexure 2), a low-level bridge crossing the Waterkloof River is</p>

<p>where such development occurs-</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse."</p>	<p>proposed. New irrigation pipes will be attached to the bridge structure to avoid further impact on the river. The total area of the proposed bridge infrastructure is 127m².</p>
<p>Government Notice No. R325 of 2017</p> <p>Activity Number: 15</p> <p>Activity Description:</p> <p>"The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan."</p>	<p>Approximately 24ha of natural vegetation was cleared for the purposes of cultivation. A year later, a further 15ha of natural vegetation was cleared north of the dam, for cultivation purposes. Roughly 8.5 ha was also brush cut within Area 3 (See Annexure 2). Although the topsoil was not physically disturbed, this area was primarily stripped of natural vegetation cover.</p> <p>The holder intends to cultivate an additional 18.85 ha of which 11.85ha will require the clearing of natural vegetation.</p>
<p>Government Notice No. R324 of 2017-</p> <p>Activity Number: 4</p> <p>Activity Description:</p> <p>"The development of a road wider than 4 metres with a reserve less than 13,5 metres."</p>	<p>Some of the farm roads are wider than 4 meters in width. This specifically relates to the farm road on the western portion of the site, bordering the watercourse. Natural vegetation was cleared in order to construct this road.</p>
<p>Government Notice No. R327 of 2017-</p> <p>Activity Number: 15</p> <p>Activity Description:</p> <p>"The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan."</p>	<p>Approximately 24ha of natural vegetation was cleared for the purposes of cultivation. A year later, a further 15ha of natural vegetation was cleared north of the dam, for cultivation purposes. Roughly 8.5 ha was also brush cut within Area 3. Although the topsoil was not physically disturbed, this area was primarily stripped of natural vegetation cover. The holder intends to cultivate an</p>

	additional 18.85 ha of which 11.85ha will require the clearing of natural vegetation.
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The abovementioned list is hereinafter referred to as "the listed activities/development".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Remainder of Portion 70 of Farm Brandwagt No. 187, Worcester.

The SG digit code is: C08500000000018700070

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 34' 23.93 " South	19 ° 23' 17.35" East
2	33° 35' 52.51" South	19° 24' 12.50" East
3	33° 35' 29.68" South	19° 24' 31.41" East
4	33° 34' 13.65" South	19° 23' 59.29" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 34' 36.18 " South	19 ° 23' 21.03" East
2	33° 35' 09.99" South	19° 23' 37.63" East
3	33° 35' 07.66" South	19° 23' 46.45" East
4	33° 34' 47.41" South	19° 23' 51.91" East

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

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

Doug Jeffery Environmental Consultants

c/o Mr Doug Jeffery

PO Box 44

KLAPMUTS

7625

Tel: (021) 875 5272

Email: Doug@dougjeff.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The activities undertaken entail the clearance of vegetation for the establishment of vineyards and orchards in order to expand the existing agricultural crops on the farm. The holder commenced clearance and cleared a 39ha portion of the property for the establishment of table grapes (2.5ha was already cleared and cultivated in 2000 by the previous owner). The initial clearing activities commenced in 2016 (approximately 24ha), followed by an additional clearing of 15ha in 2017. This area was then planted in 2017 and in 2018, and shade netting was erected over some of the crops. The intention is to cover most of the vineyards with nets.

In addition, about 8.5 ha was also brush cut in 2017. Although the topsoil was not physically disturbed, this area was primarily stripped of natural vegetation cover. The holder intends to cultivate an additional 18.85 ha of which 11.85ha will require the clearing of natural vegetation.

At Area 2, a low-level bridge crossing the Waterkloof River is proposed. New irrigation pipes will be attached to the bridge structure to avoid further impact on the river. The total area of the proposed bridge infrastructure is 127m² (see Annexure 3).

G. CONDITIONS OF AUTHORISATION

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

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to Alternative 2 described in the application and assessment report dated 20 February 2020 on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision in order to complete the activities entailed in Alternative 2.
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 F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of the development activities.

5.1 The notice must make clear reference to the site details and 24G Reference number given above.

PART III

Notification and administration of an 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 4;
 - 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, 2014* detailed in Section I 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; and
 - 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 *National Appeal Regulations, 2014*.

7. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

8. The draft Environmental Management Programme ("EMPr") and Maintenance Management Plan ("MMP") dated 01 April 2019 compiled by Doug Jeffery Environmental Consultants and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

9. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

10. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).

11. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI

Auditing

12. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

13. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

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

14. 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.
15. The mitigation measures as recommended by the botanical specialist in the Botanical Assessment report dated 30 November 2018 must be implemented.
16. The recommendations of the freshwater specialist contained in the Freshwater Impact Assessment report dated 29 November 2018 must be implemented.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

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

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

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

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

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

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

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

1. An appellant (if the holder) must –

- 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within

20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below -

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

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

K. DISCLAIMER

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

Yours faithfully

ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

Copied to: (1) Doug Jeffery
(2) David McThomas

(EAP)
(Breede Valley Municipality)

Email: Doug@dougjeff.co.za
Email: mm@bvm.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN

PROPOSAL AND CONSTRAINTS

- Legend**
- ▬ Farm Boundary
 - ▬ Area 1
 - ▬ Area 3
 - ▬ Area 4
 - ▬ Area 5
 - ▬ Faleschannell
 - Proposed bridge and pipe crossing (Area 2)
 - ▬ Riparian Area of Waterloof River

Site Coordinates:
33°35'27.50"S
19°23'59.65"E

Datum: WGS84
Projection: Geographic
3019 CB

Scale: 1:15 000 (on A3)



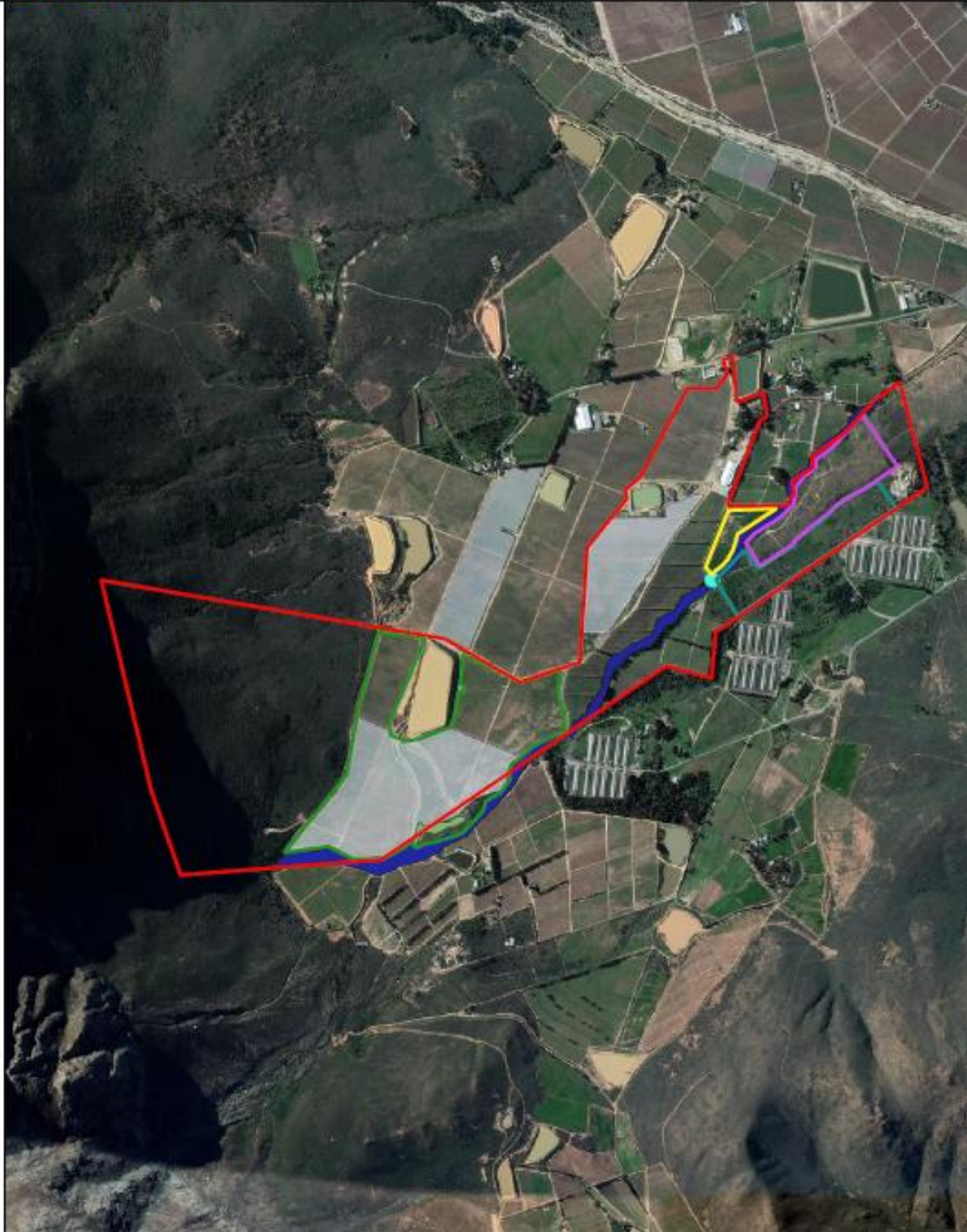
Date: APRIL 2019
DJEC Ref. 2017/08

Shaded Ltd.



POMEJETTY
ENVIRONMENTAL CONSULTANTS

REMAINDER OF PORTION 70 OF FARM BRANDWAGT NO 187, WORCESTER (AMBIANCE FARM)



ANNEXURE 3: PROPOSED BRIDGE AND PIPE CROSSING (AREA 2)



ANNEXURE 4: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R325 000 (Three hundred and fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 02 February 2020 and received, the Comments and Responses report received by the competent authority in March 2020.
- b) The Environmental Management Programme ("EMPr") of April 2019 submitted together with the application.
- c) The Maintenance Management Plan ("MMP") of April 2019.
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- f) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- h) No site inspection was conducted on the property as the processing of the section 24G application took place during the National lock down relating to the COVID-19 Pandemic. The information contained within the section 24G application was deemed

sufficient by the Department to make an informed decision regarding the unlawful activities commenced with on the property.

- i) The appeal decision on the 24G administrative fine dated 21 January 2021.

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the **Worcester Standard** newspaper on 18 July 2019;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 11 July 2019.
- I&APs were afforded the opportunity to provide comments on the application.

1.1 Consultation with organs of state in terms of section 24O of the NEMA

- CapeNature
- Breede-Gouritz Catchment Management Agency ("BGCMA")
- Department of Agriculture Forestry and Fisheries ("DAFF")

At the end of the public participation process, comments were received from CapeNature, BGCMA, and the DAFF. A summary of their comments and the responses thereto follows below.

CapeNature

CapeNature stated that much of the northern part of the property and certain sections of the central and southern parts of the property are mapped as terrestrial Critical Biodiversity Area ("CBA") 1. An aquatic CBA1 is mapped along the watercourse

(Waterkloof River) along the north-western boundary and follows the watercourse through the south-central part of the property. CBAs are areas that are required to meet biodiversity targets for species, ecosystems or ecological processes and infrastructure. The desired management objectives for CBAs is that they are maintained in a natural or near natural state with no further loss of habitat. Degraded areas should be rehabilitated and only low impact, biodiversity-sensitive land uses are appropriate. As such CapeNature does not in principle support development applications in CBAs.

CapeNature provided reasons for the CBA status which include:

- The protection of an endangered vegetation type (Breede Alluvium Fynbos);
- Water course and water source protection; and
- The protection of wetlands (channelled valley bottom and depression).

The mapped indigenous vegetation (*Mucina and Rutherford, 2012*) across the majority of the property is Breede Alluvium Fynbos (Endangered). A small section of the central eastern part of the property is mapped as Breede Shale Fynbos which is not classified as a Threatened Ecosystem of the Western Cape. CapeNature noted that the botanical study found indication that the areas cleared would be more likely to have comprised Breede Shale Renosterveld, Breede Shale Fynbos vegetation or Brandwacht Fynbos Renosterveld. These vegetation types are classified as Threatened Ecosystems. Despite this, the loss of indigenous vegetation is of concern both in terms of its ecological functional value and in terms of the potential loss of Species of Conservation Concern. The botanical report notes that the unauthorised development of Area 1 resulted in the direct transformation of natural habitat (least threatened vegetation) within a CBA and resulted in the further degradation of the Waterkloof River which resulted in a medium-high negative impact. CapeNature stated that the recommendations relating to mitigation measures and as presented in the botanical report are supported, particularly the establishment of a functional and significant buffer for the Waterkloof River.

Furthermore, CapeNature then provided comments relating to the aquatic habitats on the property. CapeNature stated that the Waterkloof River which runs through the property, and which has been impacted by the unauthorised activities, rises in the Brandwacht Mountains which lie to the north of the property and form part of the Matroosberg Mountain Catchment Area ("MCA"). The Waterkloof River feeds into the Hartbees River which in turn feeds into the Breede River, a river of high socio-economic and environmental importance in the Western Cape. Loss of ecological infrastructure (damage to the river system) high up in the catchment areas is of significance and appropriate mitigation measures are required.

CapeNature then raised concerns relating to the water diversion on the property. The river diversion scheme was noted with concern due to impacts on the aquatic biodiversity and on the required ecological flow of the Waterkloof River. CapeNature then requested that the EAP provide background as to the authorisation of this scheme including previous input from DWS. The EAP responded by stating the following.

"The river diversion scheme was created when the dam was constructed, roughly 20 or more years ago. The diversion scheme consists of two channels, one flowing from the river into the dam and one flowing from the dam into the river. The inflow into the dam can only occur during extreme flows (flood events) due to the high level of the channel and only if a berm is erected to direct the flow. The dam is filled from the Brandwagt Irrigation Board canal and it can spill back into the river. According to Elkerine Rossouw from the BGCMA, the dam and its diversions are part of the Existing Lawful Water Use. The water from the Waterkloof River is diverted upstream of the farm and the water is shared via an existing water scheme. The river only flows during flood events. The paleochannel will be included in our maps in the S24G report. The Freshwater Report has been updated to include an assessment of the impact on the paleochannel."

CapeNature also focused their concerns on the groundwater aspects occurring on the property. According to CapeNature, the groundwater of the area is described as a major aquifer and as being vulnerable. The potential impact on groundwater as a result of the unauthorised activities needs to be investigated – particularly in relation to the infilling of the paleochannel and the impacts that this has caused. The black wattle infesting the paleochannel infers persistent water / wetland presence. The response provided by the Groundwater and GIS Specialists ("GEOSS") follows below.

"The national scale groundwater vulnerability rating (which is based on the DRASTIC methodology) for the groundwater in the area is deemed "very-high" for a large extent of both properties with just the northern portion of northern property (Brandwacht (74/187) having "high" vulnerability. The vulnerability mapping is low detail and covers the entire country at a modelled cell size of 1 km x 1 km. The national scale (1:500 000) groundwater mapping also indicates that the main aquifer in the area (i.e. Brandwacht (70/187) is mainly an intergranular aquifer (0.5 – 2 L/s) whilst the Brandwacht (74/187) property essentially overlies a fractured aquifer with a borehole yield of 0.5 – 2 L/s. Thus, both national scale aquifer type and vulnerability do correlate, as the high vulnerability is attributed to the alluvial porous material, constituting an intergranular aquifer, with high vulnerability to surface based contaminants. However, all the boreholes on the farms (Brandwacht (70/187) and (Brandwacht (74/187) have been drilled into the underlying

rock (fractured) aquifer. They have been drilled through the high vulnerability intergranular aquifer into the underlying bedrock. The boreholes are fully cased thus sealing off any material or water inflow from the intergranular aquifer. The minimum borehole depth is 122 m (1 borehole); 1 borehole is 152 m deep the other five boreholes are 200 m deep. In addition, the fractured aquifer is reportedly overlain by a clay layer. This clay layer will provide sufficient protection against point and non-point sources of contamination. The vulnerability rating of the underlying fractured aquifer is thus very low. We are not aware of any details pertaining to paleochannels or infilling at the site. However, should this have taken place it will have had no impact on the groundwater characteristics or associated function thereof within the area. The main groundwater recharge for the two farms is from the north in the mountainous region.

With regards to the impact of the unauthorised clearing activities, no negative impacts are expected on the groundwater."

CapeNature made mention of the generally high levels of alien vegetation present on the property and that alien vegetation management needs to be addressed. CapeNature agreed with the findings and recommendations of the freshwater specialist, especially those relating to the Green Engineering Bank Stabilisation. To conclude, CapeNature stated the following, *"The establishment of a functional and significant buffer for the Waterkloof River is supported. The groundwater concern has been thoroughly addressed by specialists GEOSS and the response is accepted and in conclusion there is no objection to the recommendations made by the EAP."*

BGCMA

The BGCMA provided generic comments relating to the requirements of the Water Use Licence Application ("WULA"). The comments include the water uses related activities that would be dealt with under the WULA evaluation process. The BGCMA encouraged the holder to contact the BGCMA as soon as practically possible in order to re-register the Existing Lawful Water Uses under his/her name.

DAFF

The DAFF provided generic comments relating to soil erosion and alien vegetation clearance, of which these comments include mitigation measures for rehabilitation and repair of riparian zones and riverbanks that are required.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have

been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Development Alternatives

Alternative 1-Development of Area 1 only

This alternative involves the clearing of natural vegetation in Area 1 for cultivation purposes. This alternative has occurred and been completed without Environmental Authorisation. Area 1 is therefore completely transformed and consists of vineyards, farm roads wider than 4m and shade netting structures within 32m of the watercourse on the western border of the Area.

Alternative 2 (Herewith authorised) (Refer to Annexure 2: Site Plan)

The clearance of vegetation for the establishment of vineyards and orchards in order to expand the existing agricultural crops on the farm. The holder commenced with clearance and cleared a 39ha portion of the property for the establishment of table grapes (2.5ha was already cleared and cultivated in 2000 by the previous owner). The initial clearing activities commenced in 2016 (approximately 24ha), followed by an additional clearing of 15ha in 2017. This area was then planted in 2017 and in 2018, and shade netting was erected over some of the crops. The intention is to cover most of the vineyards with nets.

In addition, about 8.5 ha was also brush cut in 2017. Although the topsoil was not physically disturbed, this area was primarily stripped of natural vegetation cover. The holder intends to cultivate an additional 18.85 ha of which 11.85ha will require the clearing of natural vegetation. This entails the clearing of natural vegetation within Areas 3 and 5 for cultivation purposes. Area 4 will also be cultivated. Area 1 would remain as is – i.e. cultivated.

At Area 2, a low-level bridge crossing the Waterkloof River is proposed. New irrigation pipes will be attached to the bridge structure to avoid further impact on the river.

Site Alternative

No site alternatives were considered. The proposed site forms part of larger working farm unit and the intention is to expand the existing agricultural activities on the farm. The areas considered for expansion are the last remaining uncultivated areas that contain soils suitable for cultivation

Activity Alternative

No activity alternatives were considered. The development entails the cultivation of land that is zoned agriculture, for the purposes of planting vineyards.

2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The No-Go alternative involves the rehabilitation of Areas 1 and 3. This would entail the following:

- Removal of vineyard infrastructure within Area 1 and rehabilitation into a near-natural condition.
- No development within Area 3 and allowing brush-cut areas to recover.
- No development within Area 4.
- Rehabilitation of the Waterkloof River within Area 1 where unauthorised clearing activities impacted upon the river.

According to the assessment it is unlikely that it is possible to successfully rehabilitate Area 1 since it is unlikely it would be able to recover to a near-natural condition. Rehabilitation of this entire site would result in a highly significant economic loss. Sourcing natural elements from adjacent natural areas to rehabilitate this entire footprint will have additional negative impacts on adjacent natural areas.

The assessment further concluded that the "No-Go" Alternative will pose a high risk of alien infestation within open areas. Area 3 will be able to recover significantly if alien vegetation is adequately managed and controlled, however, the development of Area 3 will result in a low impact on biodiversity should the proposed mitigation be implemented. Although Area 4 should in theory be considered as comprising natural vegetation based on the facts that it has been physically disturbed more than 10 years ago and the presence of a few natural plant species, it is the botanist's opinion that this site does not constitute natural vegetation. Area 4 is highly degraded and does not represent the original ecosystem. It is highly unlikely that this area will naturally recover to its original ecosystem. Natural elements are sparse and outcompeted by weeds and grasses and alien re-infestation.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability

The development will expand the area under cultivation on the larger farm and will increase the economic value of the property, and the economic viability of the farming unit. This will help to sustain the current farming operation and current employment opportunities.

3.2. Regional/ Planning Context

The proposed development is consistent with the Western Cape Provincial Spatial Development Framework ("PSDF"). The Western Cape PSDF recognizes agriculture as the basis of the Western Cape rural economy, creating 11% of all jobs within the province and contributing 6% to the GGP (Gross Geographic Product). The development entails the cultivation of vineyards and orchards on land zoned for agriculture, containing suitable soils. Existing crops are located to the west, east and south of the farm. The development therefore extends existing farmed land, improve the economic value and viability of the farm, and will contribute to the economic development and agricultural character of the area. The development is therefore aligned with the objectives of the PSDF and does not compromise any of the objectives of the PSDF.

3.3. Biophysical and Biodiversity Impacts

The activities which occurred on the site have resulted in a localised loss of biodiversity. The status of portions of the site are classified as Critical Biodiversity Areas ("CBAs"). The botanical study found indication that the areas cleared comprised of Breede Shale Renosterveld, Breede Shale Fynbos vegetation or Brandwacht Fynbos Renosterveld. These vegetation types are classified as Threatened Ecosystems. Despite this the loss of indigenous vegetation is of concern both in terms of its ecological functional value and in terms of the potential loss of Species of Conservation Concern. The botanical report noted that the unauthorised development of Area 1 resulted in the direct transformation of natural habitat (least threatened vegetation) within a CBA and resulted in the further degradation of the Waterkloof River which resulted in a medium-high negative impact.

4. NEMA 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.

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 listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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