



REFERENCE: 16/3/3/1/F5/21/2054/19
ENQUIRIES: Natasha Bieding
DATE OF ISSUE: 12 NOVEMBER 2020

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED CLEARANCE OF INDIGENOUS VEGETATION ON ERF 1929, RIEBEECK WEST.

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Layout Alternative 3, described in the Basic Assessment Report ("BAR"), dated 23 July 2020.

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

De Gift Boerdery cc
c/o Eduard Haumann Brink
P O Box 1
RIEBEECK WEST
7306

Tel.: (022) 461 2445
Email: de_gift@telkomsa.net

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	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 19 Activity Description: <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> <i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <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 10 cubic metres will be moved and/or removed from a watercourse due to the river maintenance which is to be conducted in accordance with the River Maintenance Management Plan.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 27 Activity Description: <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</i></p>	<p>The development will result in the clearance of indigenous vegetation over an area which exceeds 1 hectare.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)– Activity Number: 12 Activity Description: <i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i> <i>i. Western Cape</i> <i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p>	<p>The development will result in the clearance of Swartland Shale Renosterveld (critically endangered) over an area which exceeds 300 square metres.</p>

<p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister”.</p>	
--	--

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 relating to the development comprising of *inter alia*, the following main components:

The clearance of indigenous vegetation for the purpose of cultivation of vineyards on sites ‘B’ and ‘C’ with a collective development footprint of approximately 17.7 ha. The proposed development also entails -

- maintaining 20m buffers between the watercourses and the vineyards;
- installation of a bio-swale between the river and vineyards to intercept runoff water;
- the creation of a basic treatment wetland to where the runoff water will be directed; and
- river maintenance conducted in accordance with the River Maintenance Management Plan, included in the Environmental Management Programme submitted with the BAR.

An existing access road will be used to access the site.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf 1929, Riebeeck West, located approximately 3km northwest of Riebeeck West, West of the R311 and has the following co-ordinates:

Co-ordinates on the approved site:	Latitude	Longitude
Site B	33° 20' 12.53" South	18° 50' 28.74" East
Site C	33° 20' 06.02" South	18° 50' 11.86" East

Site B is situated along the northern boundary of the property between Sites A and C. Site B is separated from Sites A and C by two prominent watercourses to the south-east respectively and north-west.

Site C is situated at the western extremity along the northern boundary of the property. Site C is bounded by agricultural land and a watercourse to the west and site B and prominent watercourses on the east respectively.

The SG 21-digit code for the land parcel on which the development is authorised is given below:
C0460011000019290000

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

The above parcel of land is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviro-EAP (Pty) Ltd
c/o Lauren Abrahams
School street 2
AGULHAS
7287

Cell.: 076 963 6450
Email: admin@enviro-eap.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 the preferred alternative, described in the BAR dated 23 July 2020 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, 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 (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
- (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 for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4 provide the registered Interested and Affected Parties 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;
 - 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activity

10. The EMPr submitted, as dated July 2020 is hereby approved and must be implemented.

11. An application for amendment of the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended), if any amendments are to be made to the outcomes of the EMPr and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must–

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein; and
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three months after commencement of the construction phase and another audit report six months after completion of the construction period; and
 - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

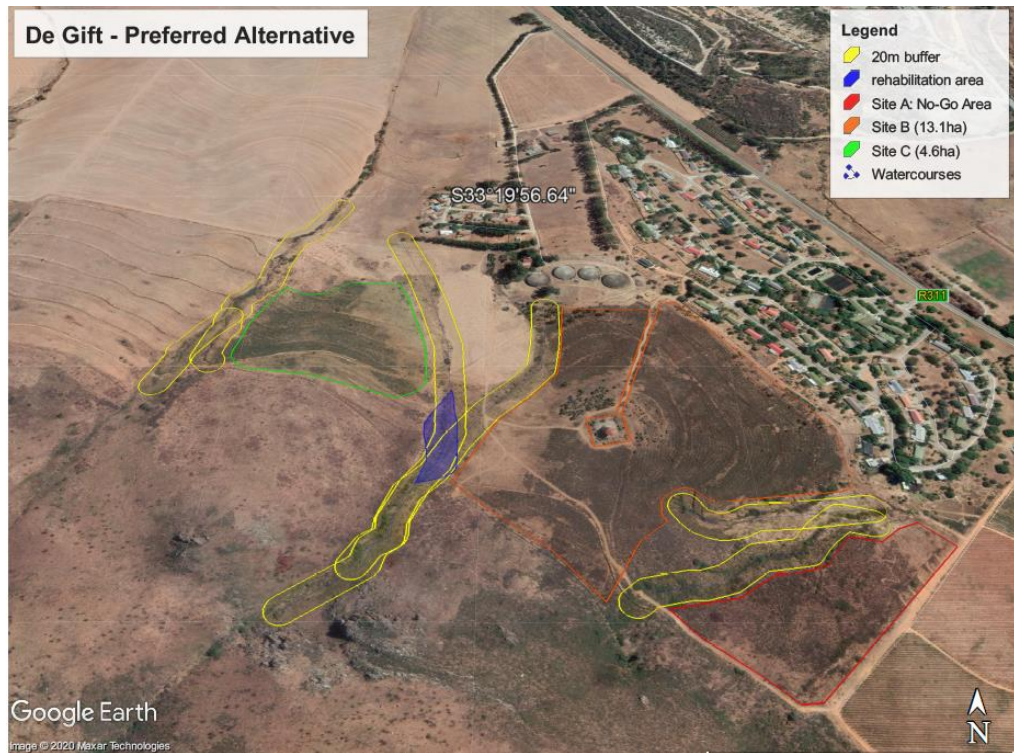
In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.3 evaluate the effectiveness of the EMPr;
- 16.4 identify shortcomings in the EMPr;
- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

- 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. The River Maintenance Management Plan dated 23 September 2019 compiled by Mr. Johann Kilian of Bioconsulting, as included in the approved EMPr, is hereby accepted and must be implemented accordingly.
19. This Department must be informed in writing if any amendments are to be made to the approved River Maintenance Management Plan prior to the implementation of the proposed amendments.
20. The following measure as contained in the correspondence from this Department's Pollution and Chemicals Management Directorate dated 11 November 2020, must be implemented:
- 20.1. Adequate anti-erosion measures must be implemented (where necessary) for the duration of the clearing activities, to prevent sediment-laden runoff entering the watercourses.
21. The following measures from the Freshwater Impact Assessment dated 5 September 2019 compiled by Mr. Johann Kilian of BioConsulting must be implemented:
- 21.1 No additional river road crossings must be constructed on the site.
 - 21.2. Only endemic plant species must be used for rehabilitation.
 - 21.3. A freshwater specialist must be pointed to oversee the activities relating to the rehabilitation of the on-site freshwater systems.
 - 21.4. A bio-swale designed by a freshwater specialist must be installed between the tributaries and vineyards to intercept runoff water. The runoff must be directed to a basic treatment wetland. The bioswale must not obstruct the flow of any watercourse on the site.
22. The following additional measures must be implemented:
- 22.1. No watercourses of tributaries must be infilled.
 - 22.2. The area identified as Site 'A' in the illustration below must be avoided, in other words the site must not be cleared of any indigenous vegetation nor be cultivated with any crops.



22.3. All on-site watercourse(s) and tributaries must be protected by means of implementing and maintaining a 20m wide buffer area, located between the on-site watercourse(s) and tributaries and the cultivated areas.

23. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
24. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
25. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

F. RECOMMENDATION

1. This Department hereby recommends the following:
 - 1.1. All rehabilitation and maintenance works pertaining to the on-site freshwater systems should as far as possible be conducted manually.

G. 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. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the 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 in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation must be submitted 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 (as amended) 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.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

H. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -

Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the 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. The appeal and the responding statement must be submitted to the address listed below:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

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, 8001

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority 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 Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.APPEALS@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

I. 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: 12 NOVEMBER 2020

Copied to: (1) Lauren Abrahams (Enviro-EAP (Pty) Ltd)
(2) A Burger (Swartland Municipality)

Email: lauren@enviro-eap.co.za
Email: swartlandmun@swartland.org.za

ANNEXURE 1: LOCALITY MAP

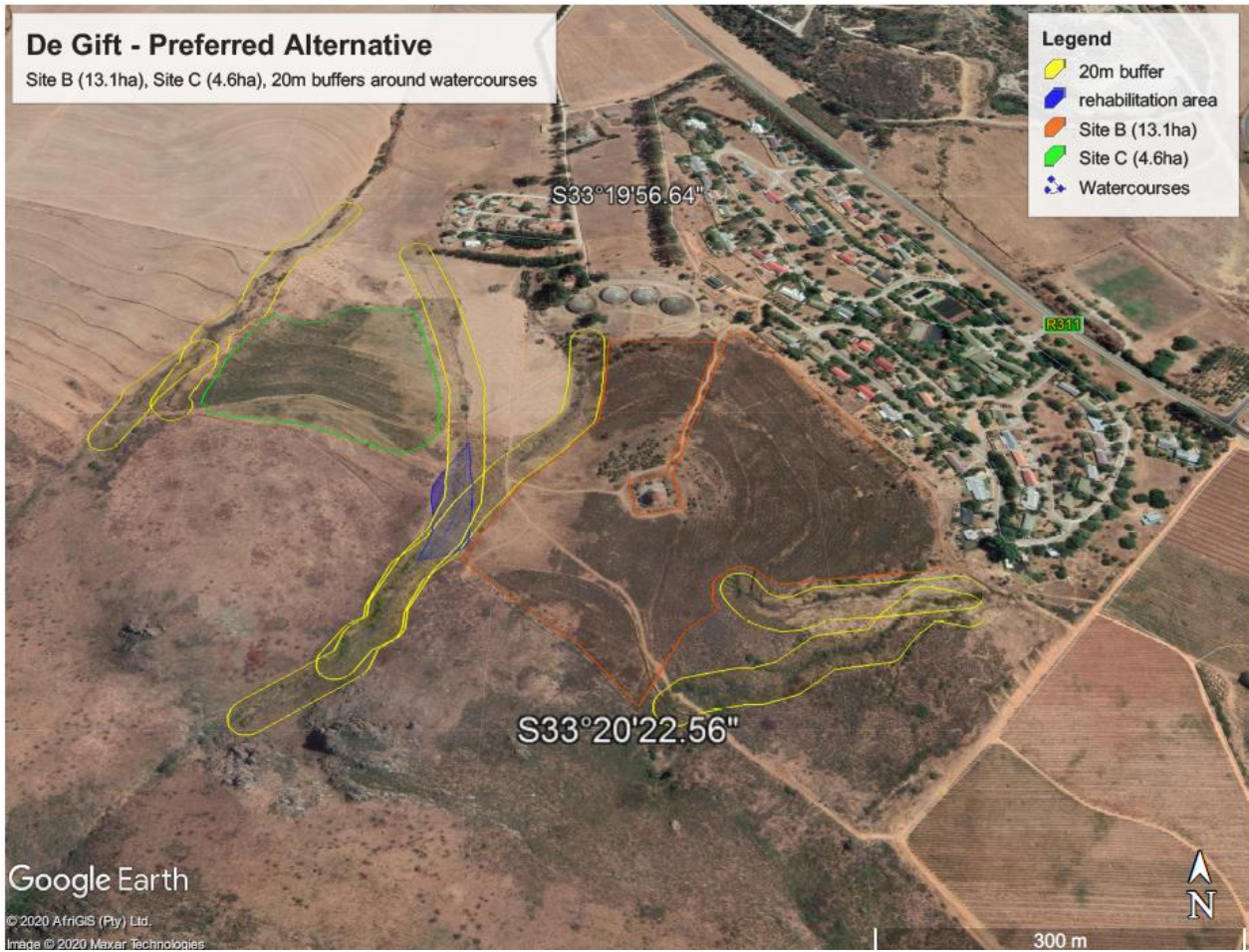
Locality Map



Scale: 1:50 000
Date created: December 4, 2018



ANNEXURE 2: OVERALL SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form dated 16 October 2019, the EMPr submitted together with the Final BAR on 24 July 2020 and the additional information received on 5 October 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated February 2019.

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 included:

- identification of and engagement with Interested and Affected Parties;
- fixing a notice board at the site where the listed activities are to be undertaken on 8 November 2018;
- 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 councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities;
- the placing of a newspaper advertisement in the 'Swartland Gazette' on the 23 April 2019; and
- making the BAR and all relevant information available to Interested and Affected Parties for public review and comment.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the reports.

2. Alternatives

Site Alternative 1 (Preferred and herewith authorised)

This alternative entails the clearance of vegetation for the cultivation of vineyards on Erf 1929, Riebeeck West. The vegetation and cultivation activities will however be limited to site 'B' and site 'C'.

Site Alternative 1 is preferred as this alternative excludes site 'A' (as illustrated in Annexure 2) from the development footprint, which is of high conservation value.

Site A is located in a terrestrial Critical Biodiversity Area ("CBA") and the development of site A would result in the permanent loss of indigenous vegetation considered to be of high botanical conservation value (Swartland Shale Renosterveld). Sites B and C have both been identified as being of low conservation value as they have been previously ploughed (in excess of 10 years) and are considered to be degraded and disturbed.

The development of sites B and C will result in less impacts on biodiversity, whereas Site A will have a high impact.

Layout Alternative 1 (Rejected)

This alternative entailed the clearance of indigenous vegetation for the purpose of cultivation of vineyards on sites 'A' and 'C' with a collective development footprint of approximately 18.6 ha.

This alternative also entailed the infilling of both on-site tributaries 'A' and 'B'.

This alternative was rejected, as site A is located in a terrestrial Critical Biodiversity Area and the development of site A would result in the permanent loss of indigenous vegetation considered to be of high botanical conservation value (Swartland Shale Renosterveld). Further, the development of site A is not in line with the development objectives as defined in the Western Cape Biodiversity Spatial Plan, 2017 ("WCBSP 2017"). The infilling of the on-site tributaries would also result in significant impacts, and as such Layout Alternative 1 was rejected.

Layout Alternative 2 (Rejected)

This alternative entailed the clearance of indigenous vegetation for the purpose of cultivation of vineyards on sites 'B' and 'C' with a collective development footprint of approximately 19.8 ha.

This alternative also entailed the following:

- the infilling of Tributary 'B';
- the rehabilitation of Tributary 'A' with an offset area of 0.68 ha which is to be rehabilitated;
- maintaining 20m buffers between the watercourses and the vineyards;
- the installation of a bio-swale between the river and vineyards to intercept runoff water; and
- river maintenance conducted in accordance with the River Maintenance Management Plan.

Layout Alternative 3 (Preferred and herewith authorised)

This alternative entails the clearance of indigenous vegetation for the purpose of cultivation of vineyards on sites 'B' and 'C' with a collective development footprint of approximately 17.7 ha.

This alternative also entails the following:

- maintaining 20m buffers between the watercourses and the vineyards;
- the installation of a bio-swale between the river and vineyards to intercept runoff water; and
- river maintenance conducted in accordance with the River Maintenance Management Plan, included in the EMPr.

Layout Alternative 1 and Layout Alternative 2 are rejected and Layout Alternative 3 is preferred based on the following reasons:

- Layout Alternative 3 will result in less botanical impacts, as opposed to Layout Alternatives 1 and 2, since this Alternative has the smallest development footprint and will therefore result in the least amount of vegetation clearance.
- Layout Alternative 3 excludes site 'A' from the development footprint (which is of high biophysical and conservation value).
- Layout Alternative 3 excludes any infilling of any tributaries.
- Layout Alternative 3 allows for the establishment of buffers between the watercourses and the vineyards.

Activity alternatives (Rejected)

Alternative activities/landuses other than agriculture, including residential, industrial and green energy developments were considered, but were not deemed to be feasible for the site. This is mainly due to such activities/landuses being inconsistent with the existing land use of the property.

"No-Go" Alternative

The "no-go" alternative entails maintaining the "status quo", i.e. no vegetation clearance and cultivation of vineyards.

This alternative was not deemed as preferred, as this means that no contribution towards the agricultural sector will be realised in an area deemed suitable for such purposes.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed activity is in line with current activities and land uses taking place on properties adjacent to the proposed development and the historical use of the property. The benefits of the proposed development include, providing job opportunities, stimulating the local economy and the export of commodities/agricultural produce.

3.2 Regional/ planning context

The site is zoned Agriculture and the proposed development is permitted in terms of the property's existing land use rights. The forward planning vision for the wider region is generally in support of agriculture as a primary land use. As such, the proposed development is therefore consistent with this forward planning context.

3.3 Biophysical Impacts

The site is traversed by a number of non-perennial watercourses. A Freshwater Ecology Assessment dated 5 September 2019 was compiled by Bio-Consulting to assess the potential freshwater impacts associated with the proposed development. According to the freshwater specialist, tributaries 'A' and 'B' have already been severely impacted on by previous agricultural activities and are largely modified. In terms of current ecosystem services provided by the tributaries, tributary 'A' is deemed to be of moderate importance and sensitivity, while tributary 'B' is deemed to be of low/marginal importance. However, despite these conditions, the watercourse itself can be regarded as serving ecological functions, including providing aquatic habitat throughout the year, collection and transport of storm water runoff, flood alleviation, water and food provision during the wet season and generally contributing to biodiversity maintenance.

In order to protect the aquatic system, the preferred alternative will not allow for the infilling of any tributaries or watercourses. In order to further avoid impacting on the aquatic system, 20m buffers between the tributaries and the vineyards must also be maintained. Furthermore, the implementation of the River Maintenance Management Plan, is proposed both to rehabilitate as well as prevent deterioration of the present ecological state and maintain the overall riparian functionality. The recommendations provided by the freshwater specialist have been included in conditions of the Environmental Authorisation and the EMPr and will be implemented. This includes the implementation of a 20-meter buffer between the tributaries and the cultivated areas, which has been incorporated into the preferred site layout.

A Botanical Baseline Assessment was undertaken by Nick Helme Botanical Assessments and dated 12 September 2006 to assess the potential botanical impacts. The indigenous vegetation on sites 'B' and 'C' have been previously ploughed and are deemed to be of low botanical conservation value. Site 'A' however contains remnants of Swartland Shale Renosterveld as it is relatively undisturbed and only moderately impacted by alien vegetation. As such, the vegetation on site A is considered to be of high botanical conservation value and will therefore be excluded from the development footprint, (i.e., no vegetation clearance or cultivation activities will take place in Site 'A').

The proposed development will utilise 'dry farm vineyards', meaning that specific methods of preparing the soil to maximise the moisture of the winter rainfall and sustain the vines during their growth season will be applied. As such, the root systems are able to grow deep enough to find its own water and micro-nutrients. This method of farming and cultivation will reduce the demand for water and irrigation.

According to the Soil Study dated 25 February 2020 and compiled by Agri Technovation, certain sections of the site were found to be well-suited for vine production, especially red cultivars. This in particular includes the sections of the site comprising of relatively shallow sandy soils with a high volume of gravel and rock in the subsoil and shallow loamy soils with a high volume of fine gravel and rock.

3.4 Visual / sense of place

During the clearance of indigenous vegetation, the land clearing activities will be somewhat visible from the east driving from Riebeeck Wes to Ongegund. This impact will however be managed in accordance with the EMPr.

The proposed development will however not be out of character with its surrounding landscape which also comprises of similar agricultural type landuses.

3.5 Heritage

According to the BAR dated 23 July 2020, the potential impact of the proposed development on archaeological, paleontological and heritage elements are low.

Heritage Western Cape confirmed in the correspondence dated 22 January 2018 that since there is no reason to believe that the proposed clearing of the indigenous vegetation on Erf 1929, Riebeeck West will not impact on heritage resources, no further action under section 38 of the National Heritage Resources Act (Act No. 25 of 1999) is required.

3.6 Socio-economic

It was projected that the proposed development will provide result in benefits ranging from employment creation, economic empowerment of employees as well as training and skills development.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in the loss of indigenous vegetation.
- Potential pollution of watercourses.

Positive impacts:

- Increased agricultural activities on agricultural land.
- Contribution to the local economy.
- The on-site rivers and tributaries will be maintained and rehabilitated in accordance with the approved River Maintenance Management Plan.
- The proposed cultivation of vineyards is also expected to provide employment opportunities.

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 EMP, 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.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"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."*

-----END-----