



EIA REFERENCE NUMBER: 16/3/3/1/F2/3/2036/19
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2019 -11- 07

The Board of Directors
Mouton Citrus (Pty) Ltd
PO Box 110
CITRUSDAL
7340

Attention: Mr AJ Mouton

Tel.: (022) 921 3405
Fax: (022) 921 3165

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:

PROPOSED UPGRADES TO AN ACCESS ROAD AND A LOW-LEVEL BRIDGE OVER THE OLIFANTS RIVER ON VARIOUS PROPERTIES NEAR CITRUSDAL

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: (1) Ms Nicole Holland (Holland & Associates – Environmental Consultants)

Fax: (086) 762 6126



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Attention: Mr AJ Mouton

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APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:

PROPOSED UPGRADES TO AN ACCESS ROAD AND A LOW-LEVEL BRIDGE OVER THE OLIFANTS RIVER ON VARIOUS PROPERTIES NEAR CITRUSDAL

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below as included in the Basic Assessment Report ("BAR") dated 8 August 2019.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Mouton Citrus (Pty) Ltd
 c/o Mr AJ Mouton
 PO Box 110
 CITRUSDAL
 7340
 Tel.: (022) 921 3405
 Fax: (022) 921 3165

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R. 983 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p>Activity 19: <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <ul style="list-style-type: none"> <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>The proposed upgrading of the low-level bridge and the upgrading of the associated access road require the infilling or depositing of more than 10m³ into the Olifants River, Windkloof Tributary and the associated artificial wetland of a small furrow.</p>
<p>Activity 27: <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></p> <ul style="list-style-type: none"> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance</i> 	<p>More than 1ha of indigenous vegetation will be cleared for the proposed new borrow area and the upgrade of the N7 intersection and access road from the N7.</p>

<p>management plan".</p>	
<p>Activity 48: "The expansion of – (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p> <p>where such expansion occurs - (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding – (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads, road reserves or railway line reserves".</p>	<p>The proposed upgrade of the low-level bridge and the upgrading of the associated access road from the N7 will result in the expansion of the existing infrastructure by more than 100m² within, and within 32m of, the Olifants River, Windkloof Tributary and the associated artificial wetland of a small furrow.</p>
<p>Activity 56: "The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre – (i) where the existing reserve is wider than 13,5 meters; or (ii) where no reserve exists, where the existing road is wider than 8 metres;</p> <p>excluding where widening or lengthening occur inside urban areas".</p>	<p>The upgrading of a portion of the access road from the N7 turn-off to the existing pack house east of the bridge on Farm No. 439, will result in sections of the road being widened by more than 6m.</p>

<p>Activity 18: <i>"The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre –</i></p> <ol style="list-style-type: none"> <i>i. Western Cape</i> <i>i. Areas zoned for use as public open space or equivalent zoning;</i> <i>ii. All areas outside urban areas:</i> <ol style="list-style-type: none"> <i>(aa) Areas containing indigenous vegetation;</i> <i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i> <i>iii. Inside urban areas:</i> <ol style="list-style-type: none"> <i>(aa) Areas zoned for conservation use; or</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority".</i> 	<p>The proposed upgrade of the N7 intersection to the bridge, as well as the upgrade of the access road from the N7 to the existing pack house east of the bridge, will result in the widening of the road by more than 4m in certain sections.</p>
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The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following related to the listed activities:

The proposed project entails the following:

Proposed upgrade of the low-level bridge over the Olifants River:

The existing bridge will be upgraded to a road surface width of approximately 4.5m with a 4m driving width (as for one-way traffic). The upgraded bridge will accommodate all floods below the 1:5 years and will include the following:

- A cellular structure consisting of eleven culverts with openings of approximately 5m wide and 3m high;
- A gravel or concrete slab on the depositing right bank of the bridge to act as a drift type structure (as close to natural ground level as possible to minimise obstruction in the river);
- Provision of 10m long slabs at either end of the bridge at a slope of 3% to contain water that is in excess of the capacity of the cell structure. Training walls will be provided on the upstream and downstream sides of the bridge. Annual sediment removal will be undertaken on the right depositing bank of the river; and
- The openings of the bridge cell structure will be able to accommodate approximately 550m³/s flow. By including the 150mm flow over the structure, the capacity will increase to 595m³/s, thereby increasing the return period to almost 5.5 years.

The upgraded low-level bridge over the Olifants River will be maintained and includes sediment removal, repairs to infrastructure and clearing of alien vegetation.

A site establishment area/concrete batching area of approximately 20mX20m will be established for the upgrading of the bridge during the construction phase. The site establishment area will be located on site to the west of the bridge and east of the N7.

Proposed upgrade of the N7 intersection/turn-off to the bridge:

The existing N7 intersection/turn-off to the bridge will be upgraded by widening the N7 at the intersection, i.e., constructing a tapered lane of maximum 5.2m wide. The widening of the N7 and its embankment will remain within the road reserve. Vegetation will be cleared for the widening of the embankment. The headwall and reno-mattress erosion protection of a 300mm diameter storm water pipe (storm water management from the channel for drainage) just to the south of the N7 intersection will be relocated to the toe of the widened N7.

Proposed upgrade of the existing access road from the N7 turn-off to the bridge and a pack house on Farm No. 439, east of the bridge:

The access road from the N7 turn-off to an existing pack house on Farm No. 439 (via the bridge to be upgraded) will also be upgraded. The proposed upgraded road will be approximately 1800m in length. The upgraded road will be approximately 15m wide from the N7 turn-off to the first bend, and thereafter approximately 10m for each bend in the road and will be approximately 7m wide for all straight portions. The upgraded road will disturb/affect approximately 3m on either side, except for the connection to the N7 which will disturb approximately 8.5m on each side. The upgraded road will have either a gravel or single layer GRAV seal.

Materials for the road upgrades:

Gravel is available in the Maanbergskloof Dam clay borrow area on Remainder of Farm Khorhaans Hoogte No. 593 (one of the holder's farms), approximately 4km southwest of the bridge. Approximately 3500m³ of material can be borrowed, which will be borrowed from within the existing footprint area of the Maanbergskloof borrow area. An area on the Farm Groot Brakfontein No. 438 can also be utilised as a possible new borrow area for the widening of the N7. The area is less than 1ha in size and will not be deeper than 1.5m.

C. LOCATION AND SITE DESCRIPTION

The listed activities will take place on the following properties:

Farm Name	Farm No.	SG 21-digit code
Korhaans Hoogte	RE/594	C0200000000059400000
Groot Brakfontein	438	C02000000000043800000
Klein Brakfontein	439	C02000000000043900000
Lange Valley	20/433	C02000000000043300020
Lange Valley	29/433	C02000000000043300029
Korhaans Hoogte	2/594	C02000000000059400002
Lange Valley	25/433	C02000000000043300025

Korhaans Hoogte	RE/593	C02000000000059300000
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Co-ordinates:

Site establishment/concrete batching area;

Latitude: 32° 29' 32.25" S

Longitude: 18° 57' 56.87" E

New borrow area:

Latitude: 32° 29' 33.85" S

Longitude: 18° 58' 12.82" E

Low-level bridge:

Latitude: 32° 29' 32.21" S

Longitude: 18° 58' 02.62" E

Access road from N7 turn-off to the bridge:

Starting point:

Latitude: 32° 29' 38.44" S

Longitude: 18° 57' 30.00" E

Middle point:

Latitude: 32° 29' 22.93" S

Longitude: 18° 58' 19.99" E

End point:

Latitude: 32° 29' 21.11" S

Longitude: 18° 58' 51.46" E

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Holland & Associates Environmental Consultants
c/o Ms Nicole Holland
PO Box 31108
TOKAI
7966
Tel.: (021) 712 9120
Fax: (086) 762 6126

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 8 August 2019 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 ten (**10**) 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 an authorised listed activity, 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 Appeals Regulation, 2014;
 - 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 Appeals Regulations 2014.

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. 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 draft EMPr and Maintenance Management Plan submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 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 it 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 or undertakes 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;
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid—
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report to the relevant competent authority during the construction phase. The holder must submit the first audit report six months after commencement of the construction phase and a second audit report twelve months after the first audit report; and
 - 15.3 submit an environmental audit report every five (5) years thereafter 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.

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. 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.
19. 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.
20. 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; shipwrecks; and graves or unmarked human burials.

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

21. The holder must conduct work within the Olifants River channel during the low flow period (November to April).
22. The disturbed areas within the riparian zone and associated wetland areas must be rehabilitated after construction is completed by revegetating the areas with local indigenous riparian and wetland plants such as kweek grass, palmiet, willow karee, kuni bush, honeybell and Cape willow.

23. Rushes and sedges such as *Juncus punctorius*, *J. oxycarpus*, *Pycnus polystachyos*, *Cyperus denudatus* and *C. thunbergii* must be planted in the disturbed areas of the wetland associated with the Windkloof Tributary.
24. The openings of the culvert structure must span the width of the active channel.
25. The structure (low-level bridge) must be placed at the base level of the channel to ensure that it does not result in the deepening of the channel or that it impedes the low flow and result in the deposition of sediment at the structure.
26. All rubble and waste material associated with the construction of the structures within the channel must be removed after construction is completed.
27. The location of the construction site must be at least 30m from the delineated freshwater features to prevent contaminated runoff from entering the adjacent aquatic habitats.
28. Storm water runoff that is generated from the site during the construction phase must be filtered to avoid the sedimentation of the watercourses and wetland areas.
29. The conditions made by the freshwater and botanical specialists, as contained in the BAR dated 8 August 2019 and the EMPr dated August 2019 must be strictly implemented and adhered to.
30. The holder of the Environmental Authorisation must, at all times, ensure that the activity comply with the Noise Regulations in terms of the relevant legislation.

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 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.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. 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 -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2 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 M. Venter (Tel.: (021) 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also 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 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. 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: 07/11/2019

CC: (1) Ms Nicole Holland (Holland & Associates – Environmental Consultants)

Fax: (086) 762 6126

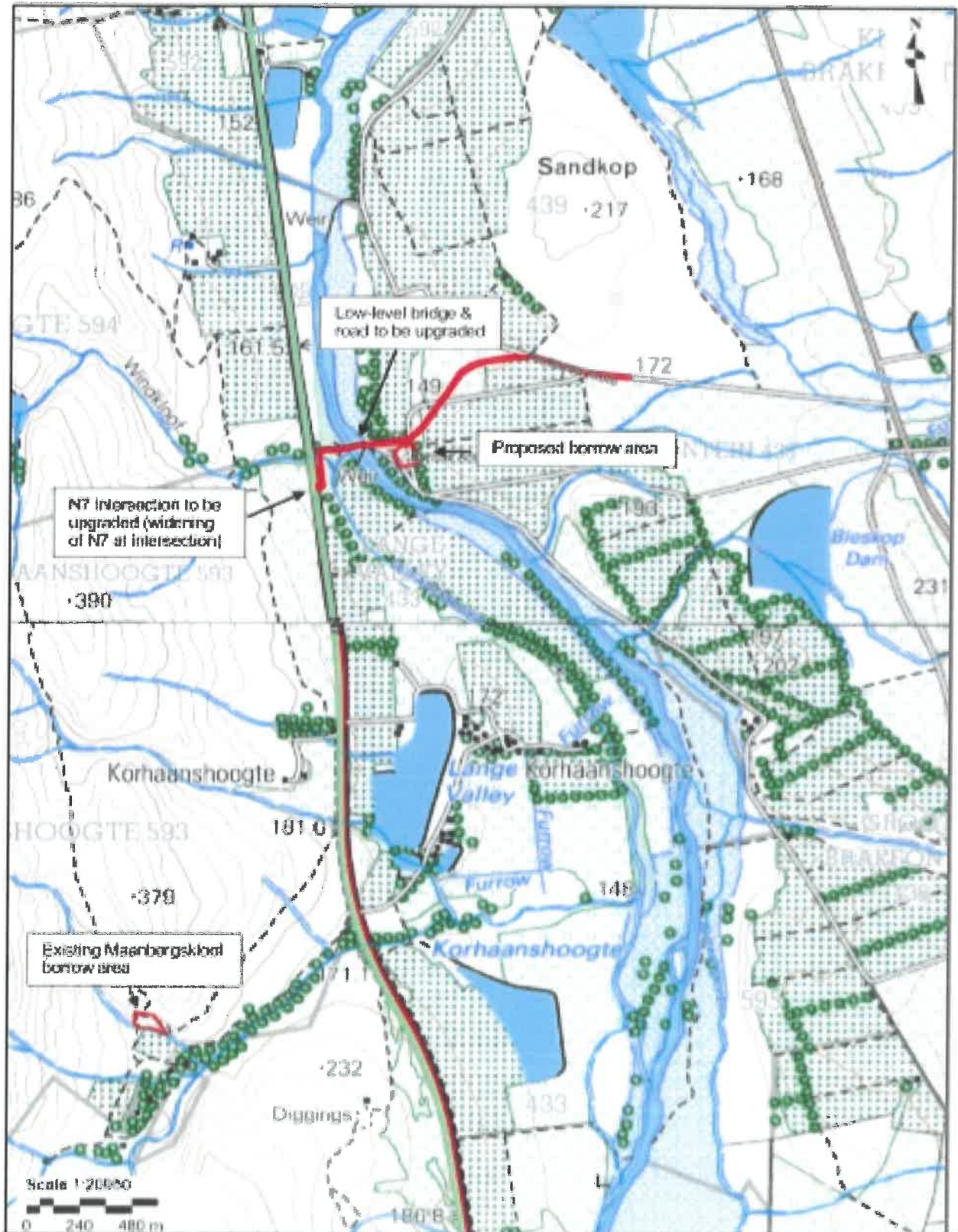
FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/F2/3/2036/19

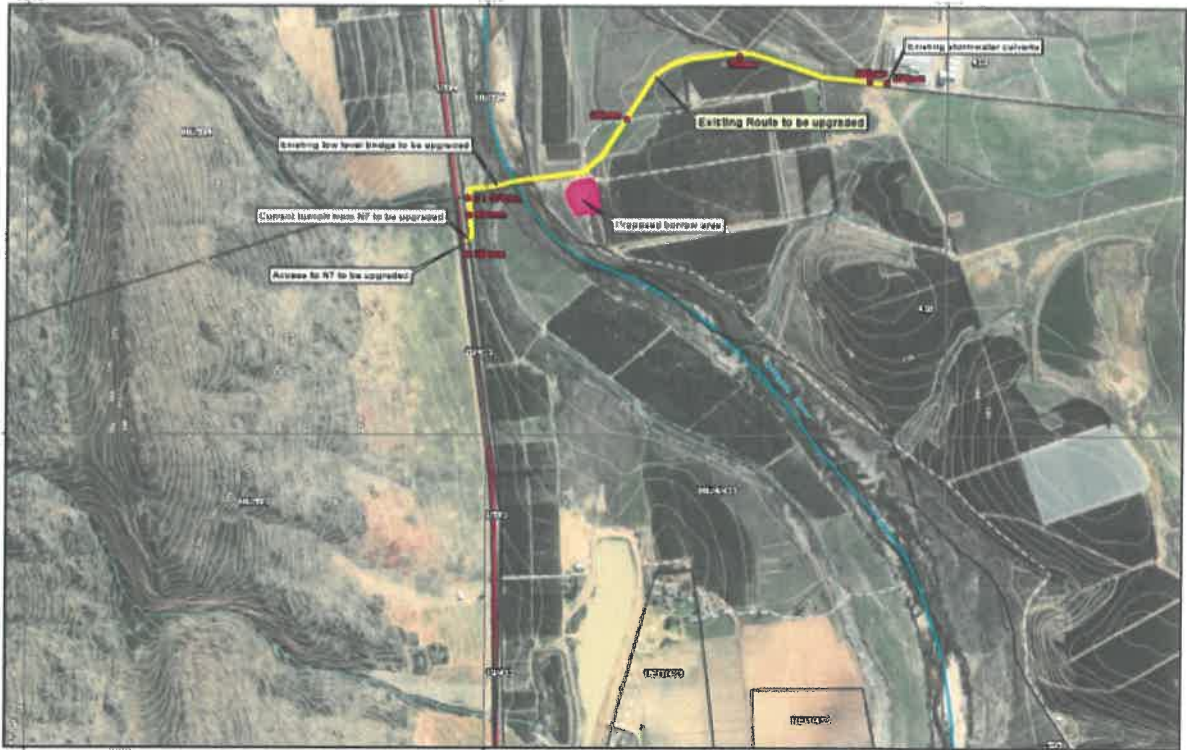
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000615/2019

ANNEXURE 1: LOCALITY PLAN

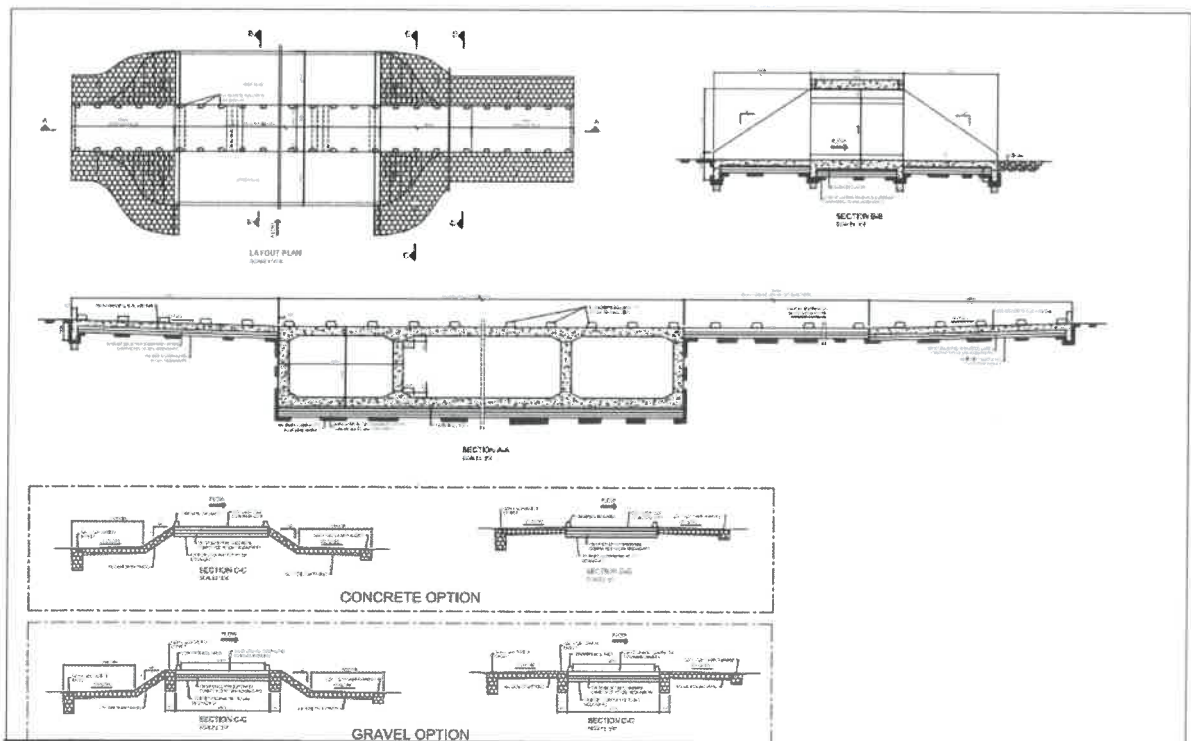
Proposed upgrade to an existing low-level bridge over the Olifants River, and upgrade of associated access road, near Citrusdal.



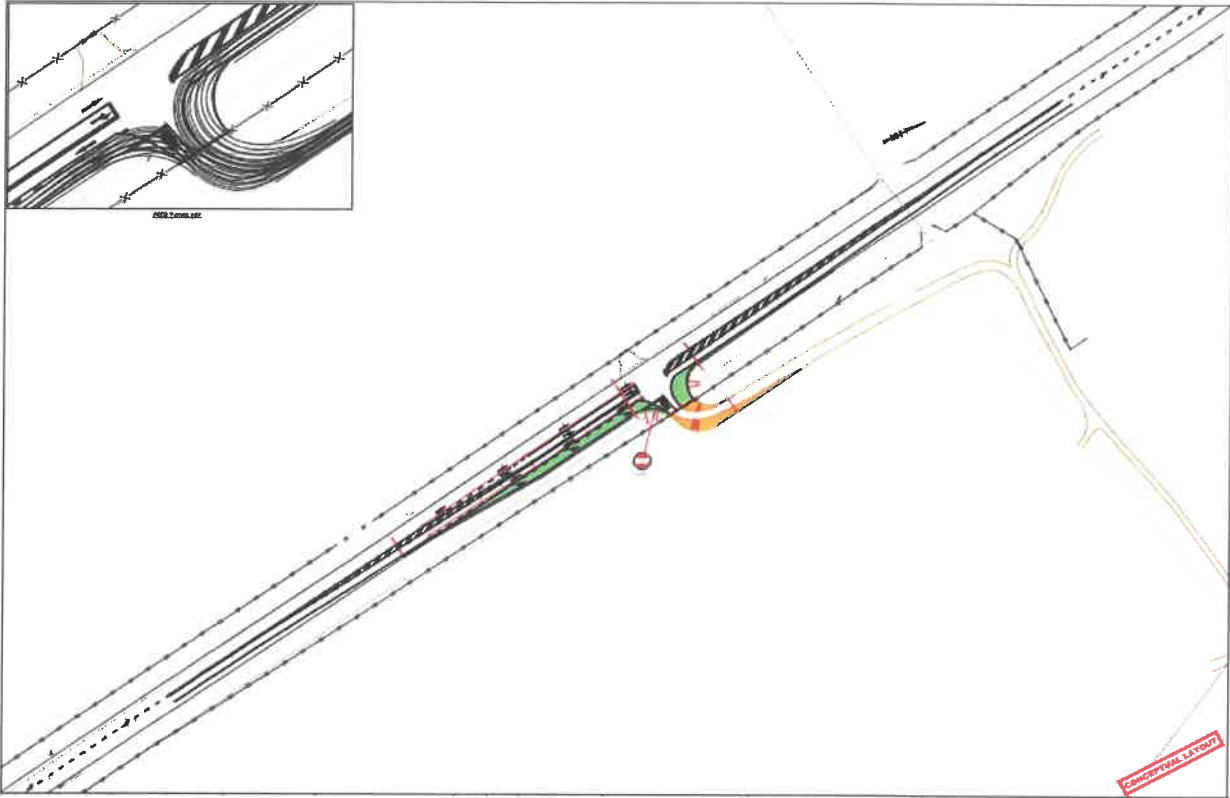
ANNEXURE 2: SITE PLAN



Proposed bridge structure:



Proposed access:



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 7 June 2019, as received by the competent authority on the same date; the BAR dated 8 August 2019 and the EMPr submitted together with the BAR; and the comment from the Department of Agriculture received by the competent authority on 5 August 2019;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the BAR dated 8 August 2019;
- d) The pre-application consultation meeting held on:

Date: 21 November 2016

Attended by: Mr Eldon van Boom and Ms Rondine Isaacs of the Department of Environmental Affairs and Development Planning; and Ms Nicole Holland and Ms Jenna Bowker of Holland & Associates Environmental Consultants.

- e) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- Advertisements were placed in the "Die Burger" newspaper on 7 March 2019 and the "Ons Kontrei" newspaper on 8 March 2019, respectively;
- Background Information Documents were posted on 7 March 2019 and e-mailed on 8 and 11 March 2019, to announce the availability of the pre-application BAR;
- Notices were placed on site on 11 March 2019;
- A copy of the pre-application BAR was placed at the Citrusdal Public Library on 11 March 2019;
- The pre-application BAR was made available from 11 March 2019 until 11 April 2019;
- Letters were posted on 21 June 2019 and e-mailed on 24 June 2019, to announce the availability of the post-application draft BAR;
- A copy of the post-application draft BAR was placed at the Citrusdal Public Library on 25 June 2019; and
- The post-application draft BAR was made available from 25 June 2019 until 25 July 2019.

Authorities consulted

The authorities consulted included the following:

- CapeNature;

- South African National Roads Agency Limited ("SANRAL");
- Department of Transport and Public Works;
- Department of Agriculture;
- Cederberg Municipality;
- West Coast District Municipality;
- Department of Agriculture, Forestry and Fisheries;
- Department of Water and Sanitation; and
- Heritage Western Cape.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were included in the BAR.

2. Alternatives

Two design options were investigated for the upgrade of the existing low-level bridge. Both options propose the upgrading of the bridge to a width of 4.5m with allowance of a 4m driving width as for one-way traffic. The bridge will thus be able to accommodate the loads of 50 ton heavy vehicles. The concrete cell openings will be able to resist blockages due to the possibility of trees being washed down the river. The following design alternatives were investigated:

Design alternative 1:

The upgraded low-level bridge will accommodate all floods below the 1:2 years and will include the following:

- A cellular structure consisting of eleven culverts with openings of approximately 5m wide and 1.8m high;
- A gravel or concrete slab on the depositing right bank of the bridge to act as a drift type structure;
- Provision of 10m long slabs at either end of the bridge at a slope of 3% to contain water that is in excess of the capacity of the cell structure. Training walls will be provided on the upstream and downstream sides of the bridge; and
- The openings of the bridge cell structure will be able to accommodate approximately 290m³/s flow. By including the 150mm flow over the structure, the capacity will increase to 335m³/s, thereby increasing the return period to almost 2.6 years.

This alternative was rejected since it will only accommodate floods below the 1:2 years. The smaller culvert openings and lower flow capacity are likely to impede the higher flows (more than a 1:2-year flood event) in the river and may result in slightly more deposition of sediment upstream of the structure. Furthermore, the position of the crossing in the river bend will require sediment removal on an annual basis.

Design alternative 2 (preferred alternative – herewith authorised):

The upgraded low-level bridge will accommodate all floods below the 1:5 years and will include the following:

- A cellular structure consisting of eleven culverts with openings of approximately 5m wide and 3m high;
- A gravel or concrete slab on the depositing right bank of the bridge to act as a drift type structure (as close to natural ground level as possible to minimise obstruction in the river);
- Provision of 10m long slabs at either end of the bridge at a slope of 3% to contain water that is in excess of the capacity of the cell structure. Training walls will be

provided on the upstream and downstream sides of the bridge. Annual sediment removal will be undertaken on the right depositing bank of the river; and

- The openings of the bridge cell structure will be able to accommodate approximately 550m³/s flow. By including the 150mm flow over the structure, the capacity will increase to 595m³/s, thereby increasing the return period to almost 5.5 years.

This is the preferred alternative since it will accommodate all floods below the 1:5 years. Furthermore, the alternative will have an improved capacity to accommodate flow in the Olifants River.

The following layout/design alternatives were investigated:

Proposed upgrade of the N7 intersection/turn-off to the bridge:

- Option A proposes a right turn by means of paint markings on the road. This alternative was rejected since it was not acceptable to SANRAL.
- Option B (preferred alternative – herewith authorised) proposes the construction of a tapered lane of maximum 5.2m wide in the vicinity of the turn-off to the existing bridge, i.e., upgrading the existing N7 intersection. This is the preferred alternative since approval has been granted in principle by SANRAL.
- Option C proposes a left turn by means of paint marking at an existing access road at the Orange farmstall. The existing road parallel to the N7 will be widened to approximately 7m to allow for two-way traffic until it reaches the turn-off to the existing bridge, where a perpendicular N7 crossing is proposed. This alternative was rejected since it was not acceptable to SANRAL.

Proposed upgrade of the access road from the N7 to the low-level bridge, and east of the bridge, to the pack house on Farm No. 439:

A gravel or single layer GRAV seal are the two options under consideration for the upgraded road design. However, the impacts of the two options are anticipated to be insignificant and is therefore both an option for the holder.

Site establishment area/concrete batching area:

- Option 1 is located at the bend of the existing gravel access road and approximately 120m west of the existing bridge. This alternative was rejected due to the possibility of contamination of the surface water features.
- Option 2 is located closer to the river. This alternative was rejected due to the possibility of contamination of the surface water features.
- Option 3 is located further to the northwest of the river. This is the preferred alternative since it reduces the risk of any contamination of the surface water features.

“No-Go” Alternative:

This alternative implies that the *status quo* will be maintained, i.e., there will be no upgrade to the entrance from the N7 and the access road to the low-level bridge, no upgrade of the road to the pack house and no upgrade of the low-level bridge across the Olifants River. This alternative was rejected since the farming operations will continue in much the same way as at present with vehicles having to travel through the town of Citrusdal for access to and from the N7.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

Due to the inadequate structural capacity of the existing bridge over the Olifants River and its limited discharge capacity before overtopping, all heavy vehicles are currently routed from the pack house on Farm No. 439 via the road to Citrusdal to the east of the site and thereafter on the N7 at Citrusdal to Cape Town. Only occasional light vehicles access the N7 via the river crossing and the existing access road. The main purpose of the proposed development is to route all traffic to and from Mouton Citrus's existing packaging operations on Farm No. 439 to the existing access onto the N7 via the proposed upgraded bridge.

The proposed project will streamline the Mouton Citrus farming operations, by enabling vehicles transporting produce and staff to and from the pack house and farms owned by the holder. This will result in time and cost savings with associated benefits to the rural economy.

Mouton Citrus has two empowerment projects, *i.e.*, Emgro Ltd represents permanent personnel who have a direct stake in Mouton Citrus and Ruigerivier Farm which has majority empowerment shareholding. Mouton Citrus therefore provides economic activity and empowerment in the Citrusdal area. Employment opportunities will be available to local workers during the construction phase and indirectly during the operational phase.

3.2 Biophysical Impacts

Impacts on aquatic features:

The freshwater features at the site consist of the following:

- Olifants River (main and old braid channel); and
- Windkloof, a minor tributary of the Olifants River.

There are also wetland areas associated with the watercourses and can be characterised as follows:

- Wetland areas within the riparian zones of the Olifants River;
- Channelled alley bottom wetland associated with the old braid of the Olifants River;
- Channelled valley bottom wetland associated with the lower Windkloof tributary; and
- Artificial wetland area associated with the furrow.

The wetland associated with the furrow is artificial and not of significance.

The Olifants River is of high ecological importance and has been determined as an aquatic Critical Biodiversity Area ("CBA"). The Ecological Support Area 1 ("ESA1") in the study area has been determined primarily for watercourse and wetland protection, maintaining ecological processes and groundwater recharge. The ESA1 areas are also important for buffering impacts on CBA's.

The Olifants River at the crossing is deemed to be in a moderately to largely modified ecological condition and of a moderate to high ecological importance and sensitivity. The Windkloof Tributary is still largely natural to moderately modified

and of a moderate ecological importance and sensitivity. The wetland area associated with the old braid is considered to be in a moderately modified state and of a high ecological importance and sensitivity. The wetland area associated with the Windkloof Tributary has been moderately modified and is of a moderate ecological importance and sensitivity.

The proposed upgrade of the road and low-level bridge is likely to have an impact of low significance with the implementation of adequate mitigation measures. The proposed development thus poses a low risk of degrading the ecological condition of the aquatic features in the study area.

Impacts on vegetation:

The vegetation types which occur in the study area include Graafwater Sandstone Fynbos and Cape Lowland Freshwater Wetlands, both of which are not currently listed as threatened ecosystems. Citrusdal Shale Renosterveld and Leipoldtville Sand Fynbos also occur in the study area, both of which qualify as endangered ecosystems.

The vegetation of the road verge of the newly proposed entrance road is completely removed and the only vegetation that remains is on the embankments which is disturbed to a greater or lesser degree. The vegetation is secondary vegetation and does not resemble undisturbed Graafwater Sandstone Fynbos. However, natural, indigenous species have colonized the embankments and immediate area around the entrance. Although the vegetation is not strictly Graafwater Sandstone Fynbos, it is considered to be a semi-natural to natural community.

The vegetation of the low-level bridge is typically riparian wetland and consists of an essentially monotypic stand of *Phragmites australis*. The zone between the embankment of the N7 and the riparian zone is significantly disturbed and supports a ruderal plant community dominated by grasses, notably *Cynodon dactylon* (kweek grass) and has very little botanical or ecological value.

The farm road from the Olifants River is currently a gravel road and runs between citrus orchards and disturbed fields and no longer supports any of the original natural vegetation that would have been Citrusdal Shale Renosterveld and Leipoldtville Sand Fynbos. The intensive agriculture has resulted in the removal of most of the natural vegetation, so a high level of disturbance persists.

The vegetation of the proposed borrow area, apart from a few indigenous annuals, shrubs and geophytes, is composed mostly of exotic grasses and other ruderal species with exotic wild mustard prominent. The site is generally disturbed with more than one-third devoted to the preparation of mulch and compost. The most prominent shrubs are *Galenia africana* and *Stoebe plumose* as well as *Euclea tomentosa*. A cluster of geophytes consisting of *Brunsvigia bosmaniae* and *Albuca Canadensis* are also found.

No red list species were observed in the study area. CBA1 areas will be marginally affected by the proposed roadworks. Only a very small area is assigned CBA2 status and this will not be affected. Significant parts of the area are assigned ESA1 status and are mainly the roadworks area along the N7 and the proposed borrow

area. ESA2 areas will be affected along the N7 (entrance to the access road) and at the low-level bridge crossing.

Since no Citrusdal Shale Renosterveld or Leipoldtville Sand Fynbos remains in the area affected by the proposed development, the activities will not contribute to any further loss of the endangered habitat/ecosystem types. There will also be minimal impact on both Graafwater Sandstone Fynbos and Cape Lowland Freshwater Wetlands.

3.3 Traffic impacts

The objective of the proposed development is to enable all traffic, particularly heavy vehicles, to travel to and from the Mouton Citrus packaging operations on Farm No. 439 to the existing access onto the N7 via the upgraded bridge.

The packaging facilities on Farm No. 439 will have the capacity to load and dispatch a maximum of 73 heavy vehicles per week (15 per day). The vehicles will be uniformly dispatched during the day, thus two vehicles will leave the site per hour during peak hours via the N7. Empty vehicles will return to the site via the existing access at a similar peak rate of two vehicles per hour.

The alternative route through Citrusdal will be used during the construction phase or during periods when the bridge structure overtops. The proposed access route will reduce truck traffic through Citrusdal, resulting in less accidents involving the local community. A limited amount of light traffic will be generated and the additional traffic will have a minimal impact on traffic on the N7.

National Environmental Management Act Principles

The National Environmental Management Act 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 proposed 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 activity can be mitigated to acceptable levels.

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