



**REFERENCE:** 16/3/3/5/A3/54/2047/22  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000666/2022  
**DATE:** 25 NOVEMBER 2022

The Board of Directors  
Livia Winery Pty (Ltd)  
P. O. Box 1  
**FAURE**  
7131

**For Attention: Mr. Corius Visser**

Cell.: 082 453 4636

E-mail: [corius.visser@vergenoegd.co.za](mailto:corius.visser@vergenoegd.co.za)

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PARTS 2 AND 4 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ORIGINAL ENVIRONMENTAL AUTHORISATION (“EA”) ISSUED ON 29 APRIL 2019 (REFERENCED: 16/3/3/1/A3/54/2062/18), READ TOGETHER WITH THE SUBSEQUENT AMENDED EA ISSUED ON 7 JANUARY 2020 (REFERENCED: 16/3/3/5/A3/54/2061/19) AND THE AMENDED EA ISSUED ON 7 SEPTEMBER 2020 (REFERENCED: 16/3/3/5/A3/54/2030/20), AS WELL AS THE AMENDMENT OF THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME (“EMPr”) FOR THE AUTHORISED EXPANSION OF A WINE ESTATE ON PORTION 12 OF THE FARM VERGENOEGD NO. 653, SOMERSET WEST**

1. With reference to the above application, this Department hereby notifies you of its decision to grant an amended Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended) you are instructed to ensure, within 14 days of the date of the amended Environmental Authorisation, that all registered Interested and Affected Parties (“I&APs”) are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended) which prescribes the appeal procedure to be followed. This procedure is summarized in the attached amended Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copied to: (1) Ms. Kozette Myburgh (Ecosense CC)  
(2) Ms. Stephanie Coetzee (City of Cape Town)  
(3) Ms. Azanne van Wyk (City of Cape Town)

E-mail: [kozette@ecosense.co.za](mailto:kozette@ecosense.co.za)  
E-mail: [stephanie.coetzee@capetown.gov.za](mailto:stephanie.coetzee@capetown.gov.za)  
E-mail: [Azanne.vanWyk@capetown.gov.za](mailto:Azanne.vanWyk@capetown.gov.za)



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## **AMENDED ENVIRONMENTAL AUTHORISATION**

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PARTS 2 AND 4 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ORIGINAL ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 29 APRIL 2019 (REFERENCED: 16/3/3/1/A3/54/2062/18), READ TOGETHER WITH THE SUBSEQUENT AMENDED EA ISSUED ON 7 JANUARY 2020 (REFERENCED: 16/3/3/5/A3/54/2061/19) AND THE AMENDED EA ISSUED ON 7 SEPTEMBER 2020 (REFERENCED: 16/3/3/5/A3/54/2030/20), AS WELL AS THE AMENDMENT OF THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME ("EMPr") FOR THE AUTHORISED EXPANSION OF A WINE ESTATE ON PORTION 12 OF THE FARM VERGENOEGD NO. 653, SOMERSET WEST**

With reference to your application for the abovementioned, find below the amendment to the original Environmental Authorisation (hereinafter referred to as an "EA"), the subsequent amended EAs and the amendment of the Environmental Management Programme ("EMPr") with respect to this amendment application.

### **1. 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), this Department herewith grants:

- The amendment of the original EA issued on 29 April 2019 (Referenced: 16/3/3/1/A3/54/2062/18), read together with the subsequent amended EA issued on 7 January 2020 (Referenced: 16/3/3/5/A3/54/2061/19) and the amended EA issued on 7 September 2020 (Referenced: 16/3/3/5/A3/54/2030/20) in terms of Part 2 of the EIA Regulations, 2014 (as amended); and
- The amendment of the original EMPr (dated February 2019), approved together with the original EA, in terms of Part 4 of the EIA Regulations, 2014 (as amended).

The original EA, amended EAs and original EMPr are amended as set out below:

1. The Activity Description, contained in the Amended EA issued on 7 September 2020, reads as follows:

*"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:*

**Ceremonial Building**

*An existing cottage and outhouse located north-west of the dam will be demolished and a small building for ceremonies or functions will be constructed on the same footprint.*

**Administration / reception buildings**

*The existing manager's house, located immediately east of the werf will be converted to house a reception, administration office and/or other ancillary functions to the farm. The existing development footprint will not be expanded.*

**Farm owner's residence**

*A new, double-storey residence for the farm owner will be constructed north-east of the werf.*

**Four Suites**

*Four suites to be used as guest bedrooms, will be constructed south-west of the farm owner's residence.*

**Agricultural precinct**

**The agricultural precinct will consist of two components –**

**1. Farm accommodation**

*A new house for the resident winemaker, residential units for visiting winemakers and a covered parking structure will be constructed. An existing worker's cottage will be converted to a shared dining room.*

**2. Agricultural buildings**

*The agricultural buildings consisting of four shed-like structures around a central court, surrounded by low werf walls will be constructed. These will accommodate the storage, loading and refueling of farm vehicles facilities, offices, changing rooms and ablutions for farm employees and storage of chemicals and various implements.*

**Flood mitigation**

*Berms will be constructed around the agricultural precinct, the farm owner's residence and four suites. The berms will be constructed from material sourced off-site and/or from a flood attenuation area north-east of the farm owner's residence.*

**Duck Pens and Hatchery**

*New duck pens will replace the temporary fenced enclosures for housing ducks, currently situated along the western werf wall. The duck pens will consist of uncovered enclosures with some shaded structures. These will be located south-west of the existing farm dam.*

*No more than 600 eggs and 600 new born chicks will be housed in the hatchery at one time. A maximum of 1 100 ducks older than 20 days will be housed in the new pens.*

**Parking Facility**

*A new parking facility will be constructed along the western boundary of the property to accommodate increased numbers of visitors to the site.*

### **Solar facility**

The existing PV Plant will be expanded. The proposed expansion will increase the footprint by 970 m<sup>2</sup> and daily electricity output to 90 Kilowatt.

The development footprint will be approximately 48 124 m<sup>2</sup>."

The Activity Description is herewith amended to read in the following manner:

"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:

### **Ceremonial Werf**

Replacing two existing structures with ceremonial buildings with a footprint of approximately 180-190m<sup>2</sup> which are enclosed by a low werf wall to be located within the existing disturbed footprint of approximately 824m<sup>2</sup>.

### **Tourism Facilities**

- Converting the existing manager's house into 5 guest units;
- Construction of the existing farm owner's residence with two ancillary buildings consisting of four guest bungalows (for either private or paid guests); and
- Construction of six guest cottages.

### **Agricultural Precinct**

Construction of four shed like structures around central court and low werf walls to accommodate storage, loading, refuelling of farm vehicles facilities, farm administration buildings, changing rooms, farm workers' ablutions, storage for chemicals and implements.

### **Flood Mitigation**

- Construction of berms around the farm owner's house, the agricultural precinct, the existing manager's house and parking area and the six guest cottages;
- Excavation of flood attenuation area located north-east of the farm owner's residence;
- Construction of two (2) flood attenuation ponds for the cultivation of waterblommetjies measuring approximately 2ha; and
- Construction of a built wall for the toe of the berm in order to prevent scouring.

### **Duck pens and hatchery**

Construction of new duck pens to be located southwest of the main existing dam (no more than 600 eggs and 600 new born chicks will be housed in the hatchery at one time. A maximum of 1 100 ducks older than 20 days will be housed in the new pens).

### **Solar facility**

Expansion of the existing PV Plant by approximately 1080 m<sup>2</sup> and a daily electricity output to 180 kilowatt-hour.

### **Parking areas**

Construction of new parking areas with a total footprint of approximately 1.8ha.

### **New facilities within the existing footprint**

- Construction of a wine tasting facility;
- Construction of a spa facility; and
- Construction of approximately 25 parking bays.

The development footprint will be approximately 6,1ha."

The site plan is included in Annexure 1 of this amended decision.

2. The original EMPr (dated February 2019), approved together with the original EA on 29 April 2019, has been updated to include all of the specialists' recommendations, additional mitigation measures associated with the amended activity description as well as the comments obtained during the application amendment process (Referenced: 16/3/3/5/A3/54/2047/22).
3. The amended EMPr (dated September 2022), is hereby approved.
4. As a result, the relevant conditions and sections of the original EA, which refers to the phrase "EMPr" is herewith replaced and amended to read as "amended EMPr".

## 2. REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, *inter alia*, the following into consideration:

1. The information contained in the application for amendment (dated 20 September 2022), the final Part 2 Amendment Report (dated November 2022), received by the Competent Authority on 22 September 2022, and the additional information from Ms. Kozette Myburgh (Ecosense CC) received by the Department via electronic mail correspondence on 10 November 2022.
2. The application is for:
  - The amendment of the original EA issued on 29 April 2019 (Referenced: 16/3/3/1/A3/54/2062/18), read together with the subsequent amended EA issued on 7 January 2020 (Referenced: 16/3/3/5/A3/54/2061/19) and the amended EA issued on 7 September 2020 (Referenced: 16/3/3/5/A3/54/2030/20) in terms of Part 2 of the EIA Regulations, 2014 (as amended); and
  - The amendment of the original EMPr (dated February 2019), approved together with the original EA, in terms of Part 4 of the EIA Regulations, 2014 (as amended).
3. The following impacts are likely to be caused by the proposed amendments:

### 3.1. General:

The proposed amendment to the development proposal is deemed to be consistent with the City of Cape Town's Integrated Development Plan with respect to strengthening the role of tourism in contributing toward growth and employment opportunities.

Whilst the proposed amendments will result in an increase in the existing development footprint, this is mainly attributed to the new cottages, berms and buildings to be constructed in the 'farm owners house precinct'. The proposed attenuation ponds will aid agricultural functions associated with the farm, including flood attenuation and stormwater polishing in addition to supporting a landscaping and aesthetic purpose.

### 3.2. Botanical:

Historically the site, as well as the wider area, comprised cultivated areas. As a result, there is little remaining natural terrestrial vegetation cover on the property.

The proposed expansion footprint will largely be located on areas of the site that were previously disturbed by agricultural activities. No significant botanical impacts were therefore identified.

### 3.3. Aquatic:

The on-site aquatic features include the wetlands between Baden Powell Drive and the cultivated fields, the one downslope of the main irrigation dam, the wetland located opposite the worker's cottages and an artificial drainage line crossing the farm. These aquatic features are of low ecological importance and sensitivity, while the associated aquatic and wetland vegetation are highly modified and largely artificial due to stormwater drainage.

No mapped Critical Biodiversity Areas nor any watercourses will be directly encroached, as a result of the proposed amendments.

In view of the above, the proposed development will have a low to very low negative significance impact on any aquatic features within or adjacent to the site for both the construction and operation phases.

Further, in order to limit any freshwater related impacts, the six guest cottages will be constructed outside the 32m line, as measured from the edge of the on-site wetland associated with the stormwater canal.

Suitably designed (especially in height) berms will be constructed to assist with on-site flood mitigation, since the site is located within the 1:20, 1:50 and 1:100-year flood line of the Eerste River. According updated floodline study (dated 17 March 2022), the berms will not adversely affect the flood behavior or the stability of any river channels. Two berms surrounding the proposed guest cottages and owner's residence will be constructed approximately 30m from the top of bank of the artificial drainage line. Whilst this will result in a localised impact, it was determined that the impact will be of a low negative significance.

The necessary measures to mitigate any aquatic related impacts were included in the amended EMPr.

### 3.4. Visual:

According to the Visual Impact Assessment Report (dated August 2022), which was commissioned to assess the visual impacts relating to the proposed Ceremonial Werf, the proposed additions to the authorised development would be more clearly visible in close proximity and less perceivable at greater distances. The proposed additions to the authorised development included as part of this amendment application will be undertaken on an existing wine farm. As such, the proposed additions to the authorised development will not be out of character with the immediate surrounds.

In terms of close proximity, it will be visible from the manor house, certain portions of the werf space, the outdoor seating area, the historic oak tree avenue in the south and the tree avenue in the south. It will also be visible within a 2km radius of the site, certain points on Baden Powell Drive and the N2 National Road. The proposed Ceremonial Werf will therefore have a moderate to high exposure depending on the location from which it is viewed within the werf precinct, whilst the site has a low Visual Absorption Capacity ("VAC") due to the site being located in an open/exposed area. The mature trees within the historic werf will help screen the development, particularly when the receptor is standing in the werf looking in a north-westerly direction.

The amended EMPr contains standard and other provisions to be adhered to in order to mitigate the temporary and long-term negative visual impacts that could result during the construction and operational phases. The standard provisions relate to the adequate management of construction and associated activities. The relevant mitigate measures to be implemented during the operational phase relates to the use of, *inter alia*, appropriate color, lighting, signage and



landscaping. The negative visual impacts will be of very low negative significance during the construction phase and of low negative significance during the operational phase with the implementation of the mitigation measures.

### 3.5. Heritage:

No archaeological or historical remains were found on-site during previous investigations.

The proposed amendments will take place on a farm, which has heritage significance, including, *inter alia*, the historic werf, the winery complex, oak tree avenue and eucalyptus trees and the associated buildings, which are older than sixty (60) years.

The proposal for a 'Ceremonial Werf' underwent an additional Heritage Impact Assessment ("HIA"). According to the HIA Report (dated 26 August 2022), it was determined that the impacts resulting from the proposed Ceremonial Werf would be localised and of low to very low intensity, if mitigation measures are implemented. These measures which largely relates to mitigating the visual impacts during the construction and operational phase are included in the amended EMPr.

It is indicated in the correspondence from Heritage Western Cape (dated 6 October 2022) that the proposed amendments contained in the draft Part 2 Amendment Report (dated September 2022) is endorsed.

### 3.6. Agricultural:

The proposed amendments would result in an additional loss of land potentially available for agriculture. This impact is however limited to where the flood attenuation ponds, cottages and additional berms will be constructed. The cultivation of waterblommetjies is proposed to mitigate this impact.

Furthermore, areas and soils where the new components of the development are proposed is of low agricultural potential and therefore generally unsuitable for agriculture activities. This is attributed to poor infiltration/drainage qualities and the requirement for additional interventions to improve root depth of the soils. Hence, the existing farm utilises interventions such as, irrigation scheduling, scientific methodologies, e.g., automatic weather station and soil moisture monitoring, as part of its existing agricultural activities/operational.

It is indicated in the correspondence from the Western Cape Government: Agriculture (dated 5 September 2022) that there is no objection against the proposed amendments, since the proposal will diversify the farm's income in order to intensify and contribute towards the existing agricultural production.

### 3.7. Socio-economic:

The amendment and additions to the authorised development is set to increase the viability of the farm in terms of tourist facilities and wine tourism, whilst also increasing employment opportunities.

4. The environment and the rights and interests of Interested and Affected Parties ("I&APs") are not likely to be affected.
5. The proposed amendment and additions to the authorised development are required to assist the farm to remain economically viable and thereby diversifying the products/offering of the facility. The additional berms are required as a form of on-site flood mitigation, particularly for buildings such as the *inter alia*, tourism cottages, farm manager's house and owner's house that will house/accommodate people.

6. No new Listed Activities are triggered by the proposed amendments and the Competent Authority is satisfied that all potential impacts will be mitigated to acceptable levels.
7. The remaining conditions contained in the original EA issued on 29 April 2019 (Referenced: 16/3/3/1/A3/54/2062/18), the amended EA issued on 7 January 2020 (Referenced: 16/3/3/5/A3/54/2061/19) and the amended EA issued on 7 September 2020 (Referenced: 16/3/3/5/A3/54/2030/20) remain unchanged and in force.
8. A Public Participation Process was conducted for this amendment application, which comprised of the following:
  - 8.1. An advertisement was placed in the 'Distrikspos' newspaper on 28 September 2022;
  - 8.2. Engagements, emails and letters were issued to Interested and Affected Parties ("I&APs") and key authorities on 28 September 2022;
  - 8.3. A draft Part 2 Amendment Report was distributed to all I&APs and key authorities for a commenting period of thirty (30) days from 28 September 2022 to 28 October 2022; and
  - 8.4. Notification regarding the submission of the final Part 2 Amendment Report was distributed to all I&APs and key authorities on 10 November 2022.
9. This Competent Authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made thereto were included in the final Part 2 Amendment Report.

### 3. CONDITIONS

1. The amended EMPr (dated September 2022) submitted, as part of the amendment application, is hereby approved and must be implemented.
  - 1.1. An application for amendment to the amended 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 amended EMPr and these may only be implemented once the amended EMPr has been authorised by the Competent Authority.
  - 1.2. The amended EMPr must be included in all contract documentation for all phases of implementation.
  - 1.3. A copy of the original EA, the amended EAs and the amended EMPr, must be kept at the site where the Listed Activities will be undertaken. The amended EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
2. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
  - 2.1. Notify all registered I&APs of –
    - 2.1.1. the outcome of the application;
    - 2.1.2. the reasons for the decision, as included in Section B;
    - 2.1.3. the date of the decision; and
    - 2.1.4. the date when the decision was issued.



- 2.2. 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 (as amended) detailed in Section D below;
- 2.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 2.4. Provide the registered I&APs with:
  - 2.4.1. the name of the holder (entity) of this Amended EA;
  - 2.4.2. name of the person responsible for this Amended EA;
  - 2.4.3. postal address of the holder;
  - 2.4.4. telephonic and fax details of the holder;
  - 2.4.5. e-mail address, if any, of the holder; and
  - 2.4.6. 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 Appeals Regulations, 2014 (as amended).

#### 4. 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 twenty (20) calendar days from the date the 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 I&APs, 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 twenty (20) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 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 I&AP, 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 I&AP and the Organ of State must submit their responding statements, if any, to the Appeal Administrator and the appellant within twenty (20) 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:                   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  
Room 809  
8<sup>th</sup> 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 Administrator to the address listed above and/ or via e-mail to [DEA&DP.Appeals@westerncape.gov.za](mailto:DEA&DP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Administrator at: Tel.: (021) 483 3721, E-mail: [DEA&DP.Appeals@westerncape.gov.za](mailto:DEA&DP.Appeals@westerncape.gov.za) or URL: <http://www.westerncape.gov.za/eadp>.

## 5. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the 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 noncompliance 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 greatly appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 25 NOVEMBER 2022**

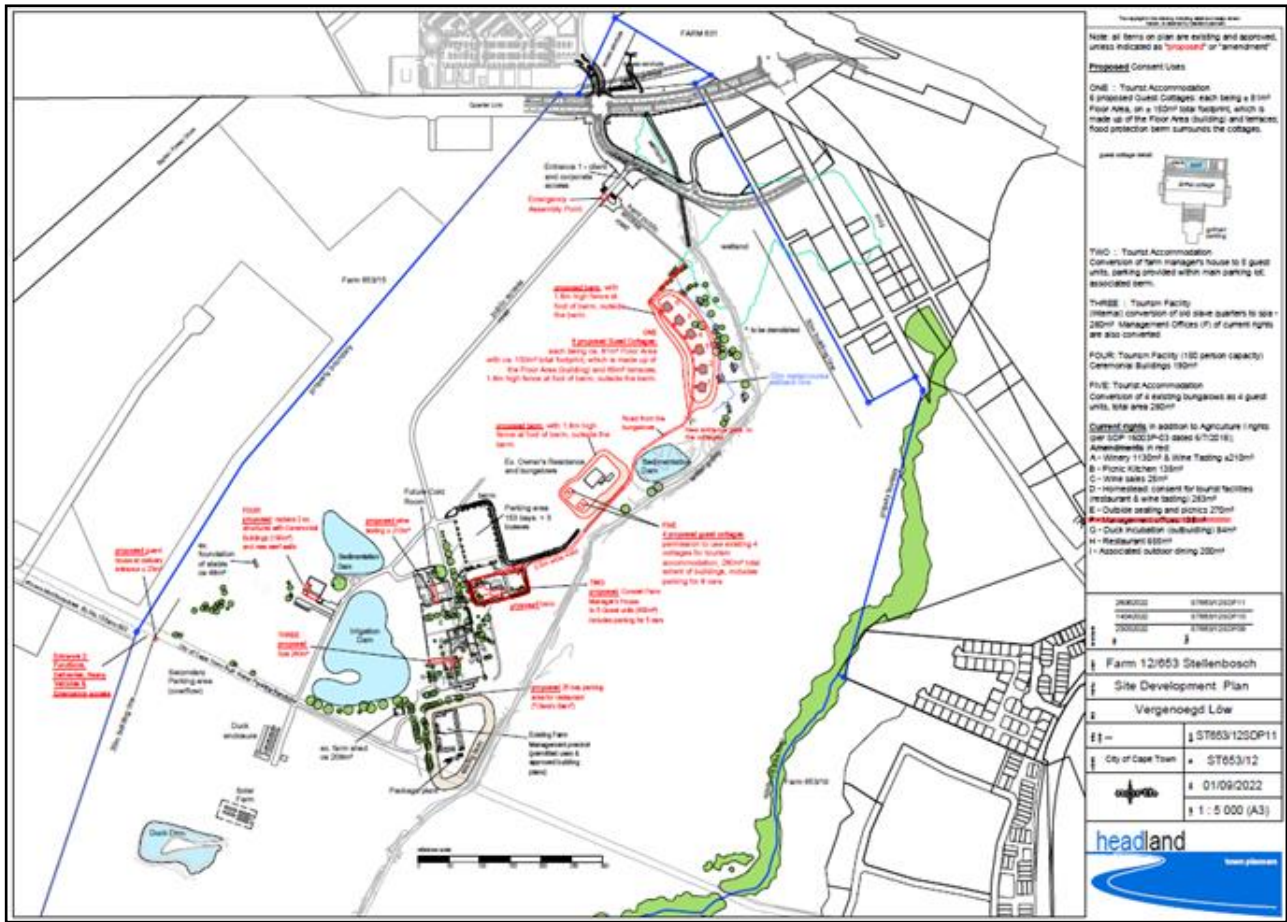
Copied to: (1) Ms. Kozette Myburgh (Ecosense CC)  
(2) Ms. Stephanie Coetzee (City of Cape Town)  
(3) Ms. Azanne van Wyk (City of Cape Town)

E-mail: [kozette@ecosense.co.za](mailto:kozette@ecosense.co.za)  
E-mail: [stephanie.coetzee@capetown.gov.za](mailto:stephanie.coetzee@capetown.gov.za)  
E-mail: [Azanne.vanWyk@capetown.gov.za](mailto:Azanne.vanWyk@capetown.gov.za)

**FOR OFFICIAL USE ONLY:**

**REFERENCE: 16/3/3/5/A3/54/2047/22**  
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# ANNEXURE 1: AMENDED SITE DEVELOPMENT PLAN



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