

REFERENCE: 16/3/3/5/B2/32/1024/22

DATE: 04 July 2022

Mr C. C Bauermeister
Vendutiekraal Trust
PO Box 339
DE DOORNS
6875

Cell: 087 720 0844
E-mail: buermeister@hexvallei.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 15 MARCH 2017: THE REMOVAL OF NATURAL VEGETATION AND UPGRADE AND ENLARGEMENT OF AN EXISTING WATER STORAGE DAM ON PORTION 2 OF FARM ROODE ELS BERG NO. 71 AND PORTION 10 (PORTION OF PORTION 1) OF FARM DE LA HAYE NO. 92, DE DOORNS.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation ("EA") issued on 15 March 2017 (DEA&DP Ref.: 16/3/3/1/B2/3/1030/16) attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Yours faithfully

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2022.07.04 09:39:31
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**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms Susan de Kock (The ECO Balance Planning Co.)
(2) Mr Jaco Steyn (Breedde-Valley Municipality)

E-mail: susandekock@oranjenet.net
E-mail: jsteyn@breeddevallei.gov.za

EIA REFERENCE: 16/3/3/5/B2/32/1024/22
NEAS REFERENCE: WCP/EIA/AMEND/0000617/2022
DATE: 04 July 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 15 MARCH 2017: THE REMOVAL OF NATURAL VEGETATION AND UPGRADE AND ENLARGEMENT OF AN EXISTING WATER STORAGE DAM ON PORTION 2 OF FARM ROODE ELS BERG NO. 71 AND PORTION 10 (PORTION OF PORTION 1) OF FARM DE LA HAYE NO. 92, DE DOORNS.

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

A. DECISION

By virtue of the powers conferred on it by the NEMA EIA Regulations, 2014, the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 15 March 2017 (DEA&DP Ref.: 16/3/3/1/B2/3/1030/16) in terms of Part 1 of the EIA Regulations, 2014.

The EA is amended as set out below:

1. The description of the proposed development in Section B: List of activities authorised:

"Component 1: The proposed removal of 7.8ha natural vegetation for the cultivation of table grapes on portion 2 of Farm Roode Els Berg No. 71, De Doorns.

Component 2: The proposed upgrade and enlargement of an existing water storage dam on portion 10 (portion of portion 1) of Farm De La Haye No. 92. The enlarged dam will have a gross storage capacity of 101700 m³ and will extend onto portion 2 of Farm Roode Els Berg No. 71, De Doorns. The water surface area at full supply level is estimated at 25000m² (including dam wall and sand burrow area) and the height of the proposed dam wall is 12m. The proposed enlarged dam will be filled with winter runoff water to relieve current stress on ground water sources (boreholes) during dry summer months. A 109 m long water pipeline with a width of 200mm will connect the proposed dam with the new vineyard block. The pipeline route will start immediately below the dam and will follow a north-westerly direction towards the new vineyards. Approximately 63m of the total length is located within the tributary."

Is amended to read:

Component 1: The proposed removal of 7.8ha natural vegetation for the cultivation of table grapes on portion 2 of Farm Roode Els Berg No. 71, De Doorns.

Component 2: The proposed upgrade and enlargement of an existing water storage dam on portion 10 (portion of portion 1) of Farm De La Haye No. 92. The enlarged dam will have a gross storage capacity of 101700 m³ and will extend onto portion 2 of Farm Roode Els Berg No. 71, De Doorns. The water surface area at full supply level is estimated at 25000m² (including dam wall and sand burrow area) and the height of the proposed dam wall is 23m. The proposed enlarged dam will be filled with winter runoff water to relieve current stress on ground water sources (boreholes) during dry summer months. A 109 m long water pipeline with a width of 200mm will connect the proposed dam with the new vineyard block. The pipeline route will start immediately below the dam and will follow a north-westerly direction towards the new vineyards. Approximately 63m of the total length is located within the tributary.

2. Condition 1 in Section E: Conditions of Authorisation:

"The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Location Alternative and Design Alternative 1(c) described in the BAR dated 26 October 2016 on the site as described in Section C above."

Is amended to read:

The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Location Alternative described in the BAR dated 26 October 2016, on the site as described in Section C above. Furthermore, the holder is authorised to undertake the Preferred Design Alternative 1(c) described in this amendment application.

3. Condition 8 in Section E: Conditions of Authorisation:

"The Environmental Management Programme ("EMPr") and the Maintenance Management Plan ("MMP") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented."

Is amended to read:

The Revised Environmental Management Programme ("EMPr") and the Revised Maintenance Management Plan ("MMP") submitted as part of this amendment application is hereby approved and must be implemented.

4. Design Alternative 1(c) (preferred and herewith authorised) included under Annexure 3: Reasons for the Decision:

"This alternative entails the expansion of the existing western dam to a total capacity of 101 700m³ and was preferred since it will have sufficient capacity to store and provide the irrigation water required for the proposed additional 7.8ha of vineyards. The water surface area at full supply level is estimated at 25 000m² (including dam wall and sand burrow area) and the height of the proposed dam wall is 12m. The proposed enlarged dam will be filled with winter runoff water to relieve current stress on ground water sources (boreholes) during dry summer months. A 109m long water pipeline with a width of 200mm will connect the proposed dam with the new vineyard block. The pipeline route will start immediately below the dam and will follow a north-westerly direction towards the new vineyards. Approximately 63m of the total length is located within the tributary."

Is amended to read:

This alternative entails the expansion of the existing western dam to a total capacity of 101 700m³ and was preferred since it will have sufficient capacity to store and provide the irrigation water required for the proposed additional 7.8ha of vineyards. The water surface area at full supply level is estimated at 25 000m² (including dam wall and sand burrow area) and the height of the proposed dam wall is 23m. The proposed enlarged dam will be filled with winter runoff water to relieve current stress on ground water sources (boreholes) during dry summer months. A 109m long water pipeline with a width of 200mm will connect the proposed dam with the new vineyard block.

The pipeline route will start immediately below the dam and will follow a north-westerly direction towards the new vineyards. Approximately 63m of the total length is located within the tributary.

B. REASONS FOR THE DECISION

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

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the EA issued on 15 March 2017.
2. The amendment is required to correct the dam wall height that was miscalculated in the original application, and which was indicated as 12m high. The correct dam wall height, calculated in accordance with the dam specifications as indicated in the original application, is 23m high. The dam footprint, storage capacity and full supply level all remain the same as indicated in the original application.
3. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 (as amended) as defined in Listing Notices 1, 2 and 3 published in Government Gazette No. 40772.
4. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
5. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the amended Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the EA issued on 15 March 2017 (Attached as Annexure A), remain unchanged and in force.

D. 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 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 20 (twenty) 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 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: 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 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 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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

**Zaahir
Toefy**

Digitally signed by
Zaahir Toefy
Date: 2022.07.04
09:40:03 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 04 JULY 2022

Cc: (1) Ms Susan de Kock (The ECO Balance Planning Co.)
(2) Mr Jaco Steyn (Breede-Valley Municipality)

E-mail: susandekock@oranjenet.net
E-mail: jsteyn@breedevallei.gov.za

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ANNEXURE A: ENVIRONMENTAL AUTHORISATION ISSUED ON 15 MARCH 2017



REFERENCE: 16/3/3/1/B2/3/1030/16
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2017 -03- 15

The Trustee
Vendutiekraal Trust
Bauermeister Boerdery
PO Box 339
De Doorns
6875

Attention: Mr C.C Baumeister

Tel: (023) 354 8910
Fax: (086) 625 6191

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED REMOVAL OF NATURAL VEGETATION AND THE UPGRADE AND ENLARGEMENT OF AN EXISTING WATER STORAGE DAM ON PORTION 2 OF FARM ROODE ELS BERG NO. 71 AND PORTION 10 (PORTION OF PORTION 1) OF FARM DE LA HAYE NO. 92, DE DOORNS.

1. With reference to the above application, the Department 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 Environmental Impact Assessment Regulations, 2014, you are instructed to ensure, within 14 days of the date of the 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 summarised in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) J Steyn (Breede Valley Municipality)
(2) S de Kock (Cederberg Environmental Assessment Practice)

Fax: (023) 348 2630
Fax: (087) 234 3434



REFERENCE: 16/3/3/1/B2/3/1030/16

NEAS REFERENCE: WCP/EIA/0000158/2016

ENQUIRIES: BERNADETTE OSBORNE

DATE OF ISSUE: 2017 -03- 15

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED REMOVAL OF NATURAL VEGETATION AND THE UPGRADE AND ENLARGEMENT OF AN EXISTING WATER STORAGE DAM ON PORTION 2 OF FARM ROODE ELS BERG NO. 71 AND PORTION 10 (PORTION OF PORTION 1) OF FARM DE LA HAYE NO. 92, DE DOORNS.

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, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Location Alternative and Design Alternative 1(c), described in the Basic Assessment Report ("BAR"), dated 26 October 2016.

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

The Trustee
Vendutiekraal Trust
Bauermeister Boerdery
% Mr C.C Bauermeister
PO Box 339

DE DOORNS

7551

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 3679 Fax: +27 21 483 3633
E-mail: Bernadette.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

Tel: (023) 354 8910

Fax: (086) 625 6191

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>Government Notice No. R.983 of 4 December 2014</p> <p>Activity 12</p> <p>The development of—</p> <ul style="list-style-type: none">(i) canals exceeding 100 square metres in size;(ii) channels exceeding 100 square metres in size;(iii) bridges exceeding 100 square metres in size;(iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size;(v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size;(vi) bulk storm water outlet structures exceeding 100 square metres in size;(vii) marinas exceeding 100 square metres in size;(viii) jetties exceeding 100 square metres in size;(ix) slipways exceeding 100 square metres in size;(x) buildings exceeding 100 square metres in size;(xi) boardwalks exceeding 100 square metres in size; or(xii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none">(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>excluding—</p> <ul style="list-style-type: none">(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;(bb) where such development 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;	<p>The development footprint of the water pipeline through a watercourse is 126m².</p>

<p>(dd) where such development occurs within an urban area; or</p> <p>(ee) where such development occurs within existing roads or road reserves.</p>	
<p>Government Notice No. R.983 of 4 December 2014 Activity 19 The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <p>(i) a watercourse;</p> <p>(ii) the seashore; or</p> <p>(iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater—</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p>	<p>The depositing of material for the dam wall will exceed 5 cubic metres.</p>
<p>Government Notice No. R.983 of 4 December 2014 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> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The clearance of 7.8ha of indigenous vegetation for the cultivation of table grapes.</p>
<p>Government Notice No. R.983 of 4 December 2014 Activity 48 The expansion of—</p> <p>(i) canals where the canal is expanded by 100 square metres or more in size ;</p> <p>(ii) channels where the channel is expanded by 100 square metres or more in size ;</p> <p>(iii) bridges where the bridge is expanded by 100 square metres or more in size;</p>	<p>The upgrade and enlargement of the existing dam will exceed 100m².</p>

<p>(iv) dams, where the dam, including infrastructure and water surface area, is expanded by 100 square metres or more in size;</p> <p>(v) weirs, where the weir, including infrastructure and water surface area, is expanded by 100 square metres or more in size;</p> <p>(vi) bulk storm water outlet structures where the bulk storm water outlet structure is expanded by 100 square metres or more in size; or</p> <p>(vii) marinas where the marina is expanded by 100 square metres or more in size;</p> <p>where such expansion or expansion and related operation occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding—</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(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;</p> <p>(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;</p> <p>(dd) where such expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads or road reserves.</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 alternative that includes the listed activities as it relates to the development:

The development of the following:

Component 1: The proposed removal of 7.8ha natural vegetation for the cultivation of table grapes on portion 2 of Farm Roode Els Berg No. 71, De Doorns.

Component 2: The proposed upgrade and enlargement of an existing water storage dam on portion 10 (portion of portion 1) of Farm De La Haye No. 92. The enlarged dam will have a gross storage capacity of 101700 m³ and will extend onto portion 2 of Farm Roode Els Berg No. 71, De Doorns. The water surface area at full supply level is estimated at 25000m² (including dam wall and sand burrow area) and the height of the proposed dam wall is 12m. The proposed enlarged dam will be filled with winter runoff water to relieve current stress on ground water sources (boreholes) during dry summer months. A 109 m

long water pipeline with a width of 200mm will connect the proposed dam with the new vineyard block. The pipeline route will start immediately below the dam and will follow a north-westerly direction towards the new vineyards. Approximately 63m of the total length is located within the tributary.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on portion 2 of Farm Roode Els Berg No. 71 and portion 10 (portion of portion 1) of Farm De La Haye No. 92, Worcester.

Component 1:

33° 28' 40.05" South
19° 35' 42.75" East

Component 2:

33° 28' 39.38" South
19° 35' 53.04" East

Pipeline Route:

Starting Point: 33° 28' 41.05" South
19° 35' 52.62" East

Middle Point: 33° 28' 39.91" South
19° 35' 50.49" East

End Point: 33° 28' 38.56" South
19° 35' 49.73" East

The SG digit codes are:

Portion 2 of Farm Roode Els Berg No. 71: C08500000000007100002

Portion 10 (portion of portion 1) of Farm De La Haye No. 92: C08500000000009200001

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

Cederberg Environmental Assessment Practice

% Ms Susan de Kock

PO Box 27

CITRUSDAL

7340

Tel: (022) 921 3785

Fax: (087) 234 3434

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 Location Alternative and Design Alternative 1(c) described in the BAR dated 26 October 2016 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order 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.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 10 & 16

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the decision reached on the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;

- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 6.4 provide the registered I&APs with the:
- 6.4.1 name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any, of the holder,
 - 6.4.6 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 2014 National Appeals Regulations (as amended).
7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The Environmental Management Programme ("EMPr") and the Maintenance Management Plan ("MMP") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request.
12. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must

be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit (quarterly for the duration of the construction phase) and submit Environmental Audit Reports to the Competent Authority (once every six months during the construction phase). The final Environmental Audit Report must be submitted to the Competent Authority (six months after operation commenced).

The holder must, within 7 days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

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

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
16. A 32m buffer must be demarcated before commencement of clearing activities and must be maintained between the cultivated area and the tributary.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, 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 at least **three months** prior to the expiry date of the Environmental Authorisation.

Note that: (1) in terms of Regulation 28(2) of the NEMA EIA Regulations, 2014, failure to lodge an application for amendment at least three months prior to the expiry of the validity period of the Environmental Authorisation may result in the lapsing of the Environmental Authorisation, due to the Competent Authority being unable to process the application for amendment within this period; (2) it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.

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

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

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.

G. 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 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 20 (twenty) 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 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: 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 Jaap de Villiers (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 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 Jaap.DeVilliers@westerncape.gov.za.

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

H. 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



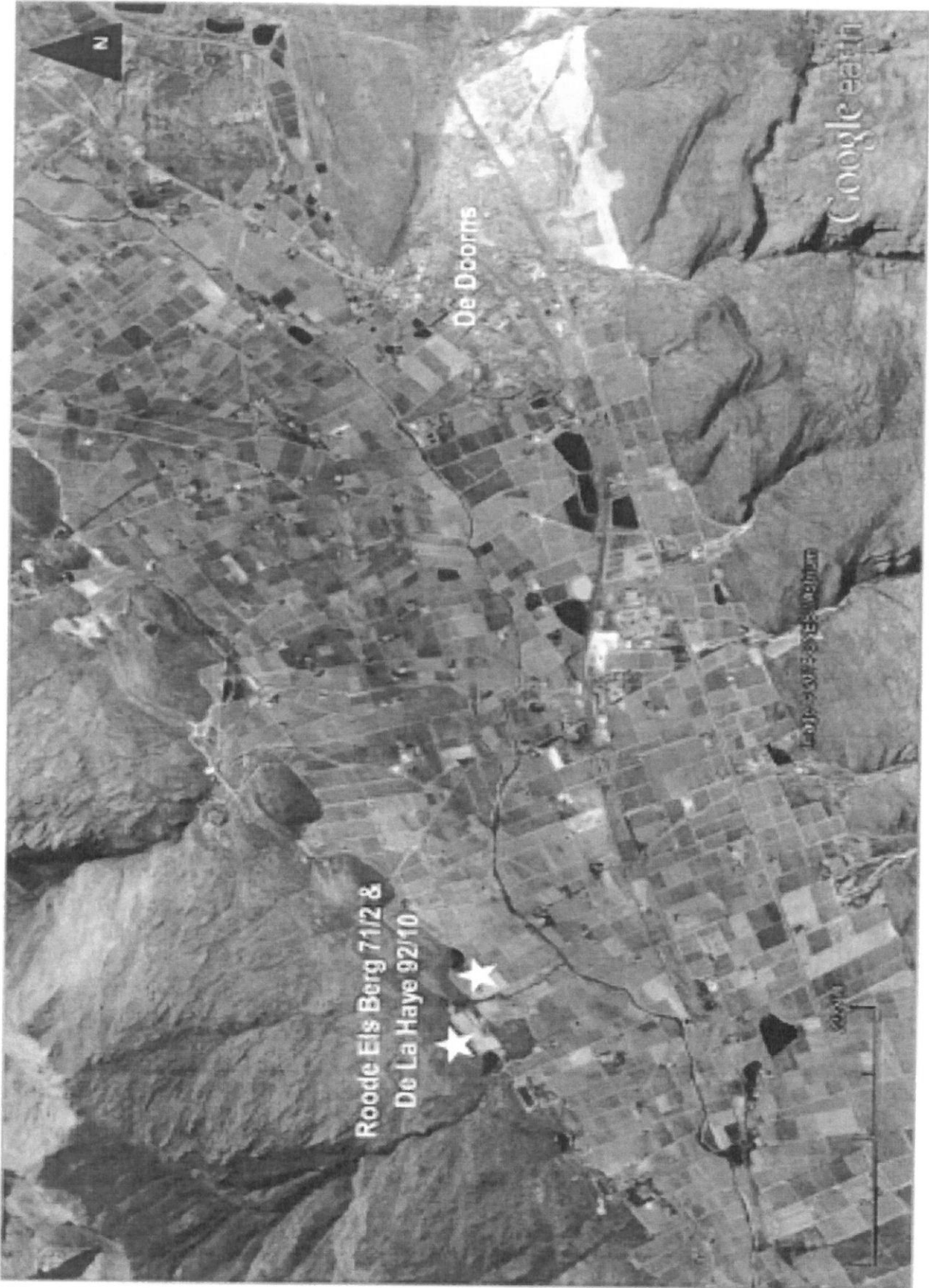
MR. HENRI FORTUIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 15-3-17

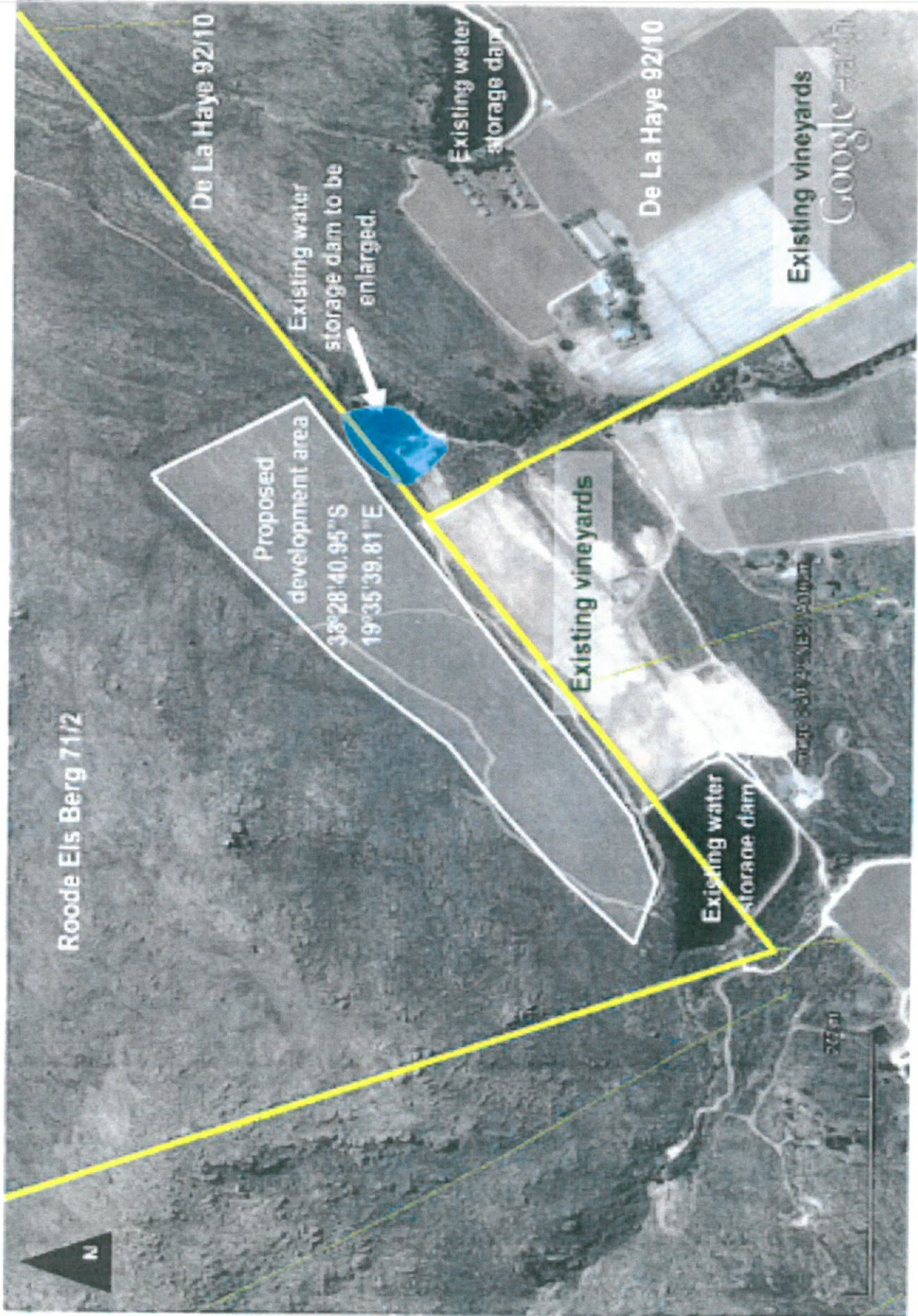
CC: (1) J Steyn (Breede Valley Municipality)
(2) S de Kock (Cederberg Environmental Assessment Practice)

Fax: (023) 348 2630
Fax: (087) 234 3434

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: 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 and letter dated 15 August 2016 and the EMPr submitted together with the BAR on 26 October 2016;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated 26 October 2016; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 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 I&APs;
- fixing a notice board at the entrance of the site;
- giving written notice to the owners and occupiers of land adjacent to the site, 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 'Worcester Standard' on 23 June 2016;
- making the pre-application Draft BAR available to I&APs for 30 day commenting period from 23 June 2016; and
- making the in-process Draft BAR available to I&APs for a 30 day commenting period from 18 August 2016.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Component 1

Location Alternative (Preferred)

The preferred option is the cultivation of 7.8 ha of table grapes on Portion 2 of Farm Farm Roode Els Berg No. 71. The applicant also owns Portions 1, 20, 26, 47 and 52 of Farm De La Hey No. 92 but these portions are very small and do not have adequate areas available for table grape production. The remainder of Portion 2 of Farm Farm Roode Els Berg No. 71 is also very steep and rocky and therefore not suitable for cultivation.

Component 2

Six dam options with varying characteristics were investigated to determine the most cost effective and economical option. These included the following:

Design Alternatives 1(a) and 1(b)

These alternatives entailed the expansion of the existing western dam to a total capacity of 84 500m³ and 85 200m³, respectively. It was not preferred since the storage volume was not sufficient to cater for the additional vineyards.

Design Alternative 1(c) (Preferred)

This alternative entails the expansion of the existing western dam to a total capacity of 101 700m³ and was preferred since it will have sufficient capacity to store and provide the irrigation water required for the proposed additional 7.8ha of vineyards. The water surface area at full supply level is estimated at 25 000m² (including dam wall and sand burrow area) and the height of the proposed dam wall is 12m. The proposed enlarged dam will be filled with winter runoff water to relieve current stress on ground water sources (boreholes) during dry summer months. A 109m long water pipeline with a width of 200mm will connect the proposed dam with the new vineyard block. The pipeline route will start immediately below the dam and will follow a north-westerly direction towards the new vineyards. Approximately 63m of the total length is located within the tributary.

Design Alternative 1(d)

This alternative entails the expansion of the existing western dam to a total capacity of 241 300m³ and was not preferred since the storage volume was too high.

Design Alternatives 2 and 3

These alternatives entailed the expansion of the existing dam to a total capacity of 93 800m³ and 48 600m³, respectively. It was not preferred since the storage volume was not sufficient to cater for the additional vineyards.

In addition to the above, enlarging the existing dam situated to the east of the aforementioned dam was also investigated. This option was screened out since it is lower lying than the preferred option and will therefore result in higher pumping costs; it does not contain enough core material in the dam basin; and the surrounding land uses pose constraints to the expansion of the dam.

No-go Alternative

This alternative entails the status quo, no vegetation will be cleared and the storage capacity of the existing dam will not be increased. This was not preferred since it will not improve the economic viability of the farm, provide additional employment opportunities or contribute to local economic development.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development will increase the economic value of the property, provide additional employment opportunities and contribute to local development. The development is in line with the Provincial Spatial Development Framework, Spatial Development Framework and the Integrated Development Plan of the Breede Valley Municipality.

3.2 Biophysical Impacts

The area for Component 1 of the development is covered with South Hex Sandstone Fynbos, a Least Threatened vegetation type that is well conserved regionally, as confirmed by the Botanical Assessment dated 11 April 2014 and compiled by Nick Helme Botanical Surveys. No Species of Conservation Concern were recorded on site. The anticipated botanical impact associated with component is considered to be of low negative significance after mitigation. The primary mitigation required is alien eradication from the rest of the farm and implementing a 32m buffer area between the tributary and vineyard block. Based on CapeNature's comment the site is also partially located within a Mountain Catchment Area ("MCA"). Activities within these areas are not normally supported by CapeNature, but in light of the relative small portion of the site within the MCA and considering the vegetation type that covers the area, they confirmed that the proposal will not result in a significant loss of terrestrial biodiversity.

Component 2 of the development is located within a watercourse. According to the Freshwater Assessment dated February 2016, compiled by BlueScience, the unnamed tributary of the Hex River in which the dam will be constructed is in a largely natural to moderately modified ecological state in the upper reaches, becoming increasingly degraded in its lower reaches. The stream is considered to be of low ecological importance and based on the findings of the Freshwater Assessment the dam will have a low negative impact subject to the implementation of the recommended mitigation measures. In order to address the cumulative impact of abstraction and storage within the valley, it is recommended that the proposed dam not be greater than 74% of the Mean Annual Runoff for the tributary. The proposed dam capacity is 27% of this runoff, which is also incorporated into the operational rules that have been drafted for the dam.

Furthermore, a Maintenance Management Plan ("MMP") has been compiled for the affected tributary on site, and includes invasive alien vegetation management. The MMP is approved as part of this environmental authorisation and includes maintenance of the structures authorised.

It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an environmental authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary environmental authorisation is obtained.

The fact that the MMP is agreed to by the competent authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"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."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

An application has been submitted to the Department of Water and Sanitation for the proposed water uses that fall under the jurisdiction of the National Water Act (Act No. 36 of 1998) in order to obtain a Water Use Licence.

The potential impacts that may result from the proposed development will also be mitigated by the implementation of the conditions in this environmental authorisation, EMPr and MMP.

The development will result in both negative and positive impacts.

Negative Impacts:

The loss of indigenous vegetation and potential aquatic impact on the tributary has a very low negative impact after mitigation. This was effectively addressed in the Maintenance Management Plan and Environmental Management Programme.

Positive impacts:

The development will expand the current agricultural activities on the farm and will increase the economic value of the property, provide additional employment opportunities and contribute to local development.

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 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 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.

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