



REFERENCE: 16/3/3/1/B2/32/1047/21
NEAS REFERENCE: WCP/EIA/0000951/2021
DATE: 17 February 2022

The Board of Directors
Bass Diii Berries (Pty) Ltd
Private Bag X3036

PAARL
7620

Attention: Mr Stephan Badenhorst

Cell: 076 242 3111

Email: Stephan@unitedexports.com.au

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED EXPANSION OF THE AGRICULTURAL AREAS AND IN-STREAM DAM ON PORTION 12 OF FARM SCHERPEN HEUVEL NO. 481, WORCESTER.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the Environmental Authorisation and **adopt** the Maintenance Management Plan, 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 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached environmental authorisation.

Yours faithfully

MR. ZAAHIR TOEY

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

CC: (1) Clinton Geyser (EnviroAfrica CC)
(2) Julian Kritzinger (Breede Valley Municipality)
(3) Elkerine Rossouw (BGCMA)
(4) Alana Duffell-Canham (CapeNature)

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REFERENCE: 16/3/3/1/B2/32/1047/21
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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 EXPANSION OF THE AGRICULTURAL AREAS AND IN-STREAM DAM ON PORTION 12 OF FARM SCHERPEN HEUVEL NO. 481, WORCESTER.

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 Dam Design (Option D) and Cultivation Area Alternative described in the Basic Assessment Report ("BAR"), received on 11 October 2021.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the proposed agricultural development and dam expansion on Portion 12 of Farm Scherpen Heuvel No. 481, Worcester.

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 Board of Directors
Bass Diii Berries (Pty) Ltd.
Private Bag X3036

PAARL
7620

Cell: 076 242 3111
Email: Stephan@unitedexports.com.au

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	Project Description
<p>Listing Notice 1 – Activity Number: 12</p> <p>The development of;</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; (ii) 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>The associated infrastructure for the proposed expansion of the in-stream dam and agricultural areas will exceed 100m² and will be located within 32m of a watercourse.</p>
<p>Listing Notice 1 – Activity Number: 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres of 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;</p> <p>-but excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <ul style="list-style-type: none"> a) Will occur behind a development setback line; b) Is for maintenance undertaken in accordance with maintenance management plan; c) falls within the ambit of activity 21 of this Notice, in which case that activity applies; d) occurs within existing harbours that will not increase the development footprint of the harbour or port; or e) where such a development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies. 	<p>The expansion of the in-stream dam and agricultural areas will include activities within a watercourse resulting in the infilling and removal of material of more than 10 cubic metres.</p>
<p>Listing Notice 1 – Activity Number 27:</p> <p>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;</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or 	<p>The expansion of the dam and cultivated areas will result in the clearance of approximately 13ha of indigenous vegetation.</p>

<p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	
<p>Listing Notice 1 – Activity Number: 48</p> <p>The expansion of –</p> <ol style="list-style-type: none"> 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>where such expansion occurs –</p> <ol 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 the watercourse; <p>excluding –</p> <ol style="list-style-type: none"> (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the 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; (ee) where such expansion occurs within existing roads, road reserves or railway line reserves. 	<p>The expansion of the in-stream dam and associated infrastructure located within 32m of a watercourse will exceed 100m² in size.</p>

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The proposed development entails the following:

- The enlargement of the existing in-stream dam with an earthfill embankment that will have a maximum wall height of 18.3m, a gross storage capacity of 300 000m³, and a full supply surface area of approximately 4ha.
- The entire dam footprint will be 5.6ha in extent and approximately 6ha of indigenous vegetation will be cleared for the proposed expansion (including the areas that will be used as a borrow area).

- The proposed associated infrastructure includes the following;
 - Pipelines: A new 315mm diameter pipeline, with a combined length of approximately 2275m will be constructed from the pumphouse on the Breede River's bank to the proposed expanded dam, to a new pumpstation located within the existing irrigated areas, and to the new proposed storage tanks. The majority of the pipeline route will be located within the existing farm roads or through the cultivated areas.
 - Pumphouse and pumpstations: The existing pumphouse on the bank of the Breede River will be expanded by 25m². Three additional pumpstations will be located along the pipeline route.
 - Storage tanks: Either 2 x 450 000l or 3 x 300 000l steel reservoirs (combined capacity of 900 cubic meters) will be constructed on the disturbed area (orchard) north-west of the existing residence (50m north of the dam wall).
- An additional area of 0.5ha ("waaisand" area) will be cleared for a borrow area for sand for the filters.
- Approximately 6.5ha will be cleared to expand the existing cultivation areas with blueberry orchards that will be covered with shade netting (5.3ha in Area 1 (northern section) and 1ha in Area 2 (eastern section)). The cultivation of Area 1 will not extend north of the cut off trench.
- An existing cut-off trench will be relocated north of the dam and borrow area footprint.
- Existing farm roads will be used, and no new roads will be constructed.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is on Portion 12 of Farm Scherpen Heuvel No. 481, Worcester and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates	33° 44' 46.50" South	19° 34' 35.30" East

The SG digit code is: C08500000000048100012

Refer to Annexure A: Locality Map and Annexure B: Site Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica CC
 c/o Clinton Geyser
 PO Box 5367
HELDERBERG
 7135

Tel: (021) 851 1616
 Email: clinton@enviroafrica.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Dam Design (Option D) and Cultivation Area

Alternative described in the Basic Assessment Report ("BAR"), received on 11 October 2021 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 development must be concluded within **ten years** from the date of commencement of the listed activities.
4. 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.
5. 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

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

Conditions: 7, 8 and 12

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;

- 7.4 provide the registered I&APs with:
- 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 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 2014 National Appeals Regulations.
8. The listed activities, including site preparation, may 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.

Management of activity

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

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
14. Access to the site referred to in Section C above 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

15. 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, the EMPr and the MMP. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner and Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority once a year during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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

16. 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; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. 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.

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

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

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

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 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 Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@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. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 17 FEBRUARY 2022

CC: (1) Clinton Geyser (EnviroAfrica CC)
(2) Julian Kritzinger (Breede Valley Municipality)
(3) Elkerine Rossouw (BGCMA)
(4) Alana Duffel-Canham (CapeNature)

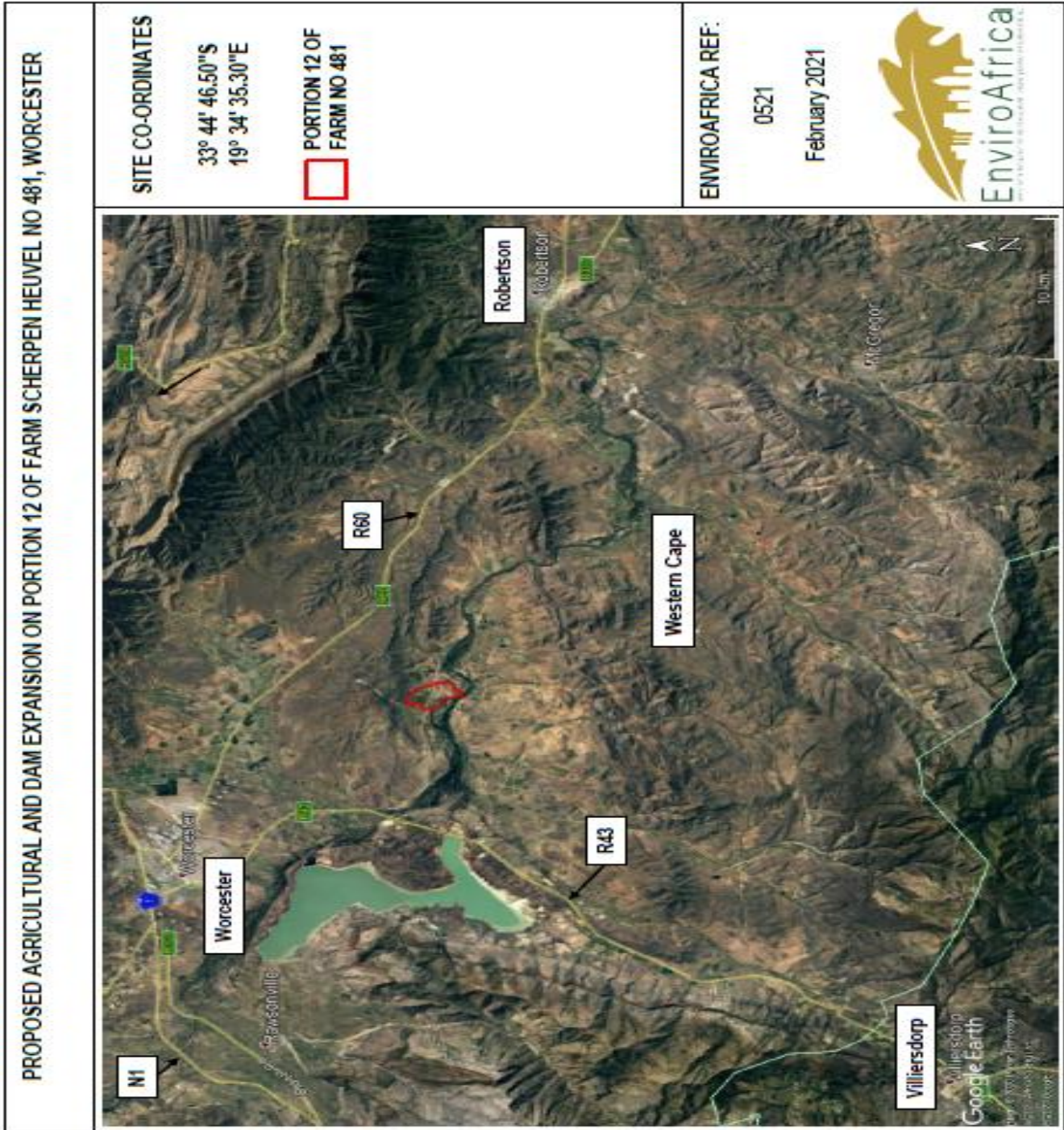
Email: clinton@enviroafrica.co.za

Email: jkritzinger@bmv.gov.za

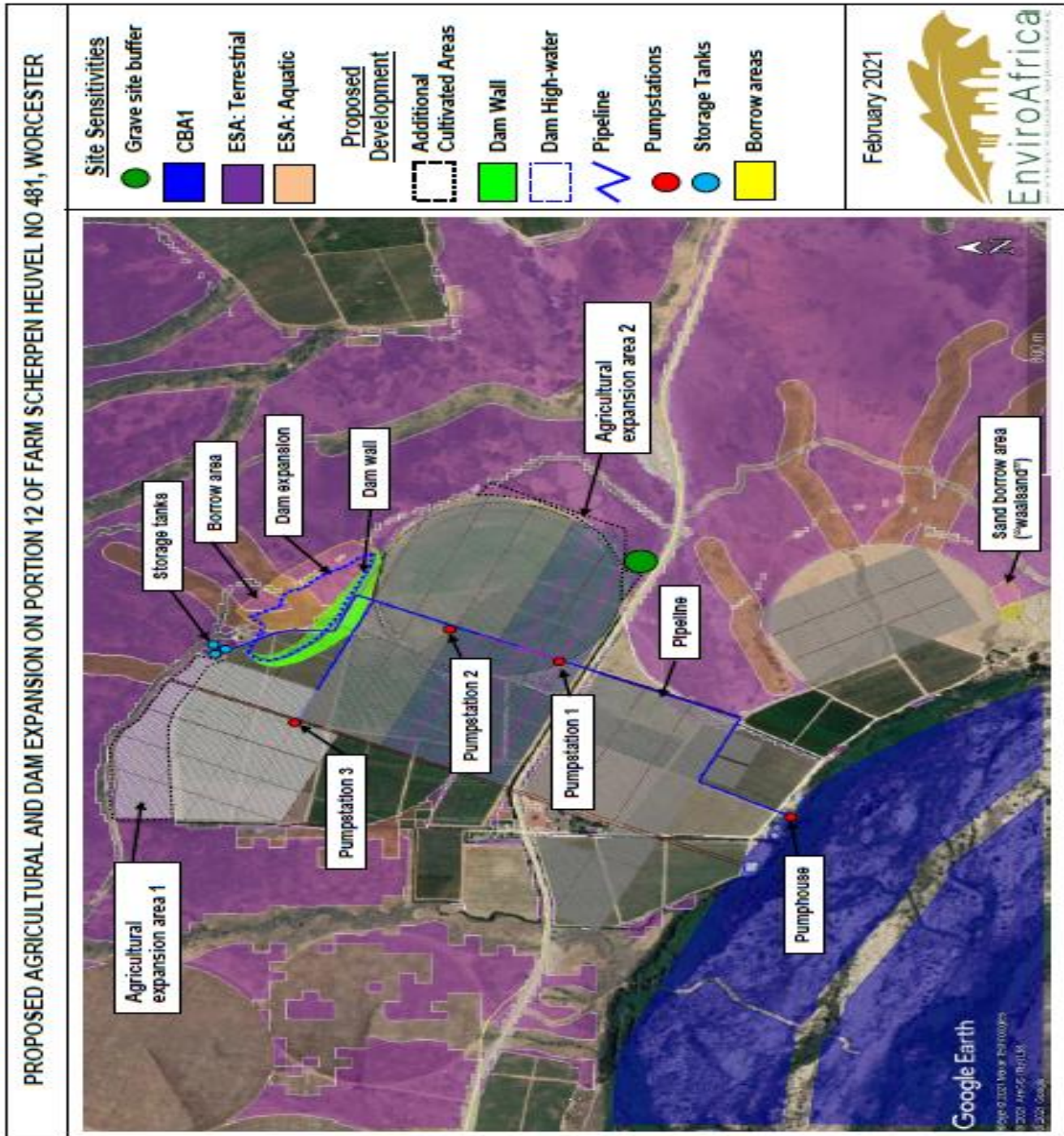
Email: errousouw@bgcma.co.za

Email: aduffel-canham@capenature.co.za

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 received on 21 July 2021, the EMPr and the MMP submitted together with the final Basic Assessment Report received on 11 October 2021;
- 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 final Basic Assessment Report received on 11 October 2021;
- 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 ("PPP") included the following:

- identification of and engagement with I&APs;
- placing notice boards at the site where the listed activities are to be undertaken and at the KaapAgri in Worcester;
- placing of a newspaper advertisement in the Worcester Standard on 22 October 2020;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 22 October 2020;
- circulating the pre-application draft BAR to I&APs from 22 October 2020 and the in-process draft BAR from 29 July 2021.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

The four dam design/layout options in the table below were investigated for the expansion of the existing dam. The target storage capacity is 300 000m³ and Options B and D were considered as the most feasible alternatives. The water/wall ratio is a good indication for selecting the most economical dam design alternative as it represents the volume of water gained per volume of fill required to construct the dam embankment. Options B and D were considered and ranked in terms of their economic feasibility and in terms of design optimisation. Based on the findings of DJ Hagen and Associates' Engineering Report dated 11 December 2020, Option D is the preferred alternative from an engineering perspective since it has the highest water/wall ratio and is more economically feasible when compared to Option B. Option D is also the best option from a biophysical perspective since it will obtain most of its material to construct the dam from within the dam basin. Option B would require additional borrow areas, resulting in higher botanical impact.

Options	Storage Capacity m ³	Full Supply Level m	Free board m	Wall height m	Crest length m	Surface area at FSL ha	Total Earthfill m ³	Water / wall ratio	R / m ³ storage
Existing Dam	5 000	49	1	4.8	0	0.35	N/A	N/A	N/A
Option A	330 000	64	1	21.3	475	3.4	209 900	1.18	48.18
Option B	330 000	69	1	26.3	545	4.3	344 700	0.93	60.08
Option C	265 000	60	1	17.3	510	3.6	156 500	1.66	34.82
Option D	300 000	61	1	18.3	530	4.0	181 800	1.62	35.30

Cultivation Alternatives

An additional 13ha of land was proposed to expand the cultivation areas on the farm, but only Areas 1 and 2 were identified as viable areas for the proposed expansion. Although Area 2 was preferred from a botanical perspective, the area's topography was not suitable for blueberry crop areas and would be more costly to develop. Cultivation of only Area 2 was therefore not deemed as a viable option. Consequently, Area 1 was identified as the focus area for the proposed expansion of the cultivation areas. With the implementation of the recommended mitigation measures, Area 1 will cover an area of 5.3ha, which will not extend beyond the cut-off trench along the northern border of site. Area 2 will cover an 1ha area immediately adjacent to the existing cultivated area.

Preferred Dam Design (Option D) and Cultivation Area Alternative (Preferred alternative herewith authorised)

The preferred alternative entails the following:

- The enlargement of the existing in-stream dam with an earthfill embankment that will have a maximum wall height of 18.3m, a gross storage capacity of 300 000m³, and a full supply surface area of approximately 4ha.
- The entire dam footprint will be 5.6ha and approximately 6ha of indigenous vegetation will be cleared for the proposed expansion (including the areas that will be used for the borrow material).
- The proposed associated infrastructure includes the following;
 - Pipelines: A new 315mm diameter pipeline, with a combined length of approximately 2275m will be constructed from the pumphouse on the Breede River's bank to the proposed expanded dam, to a new pumpstation located within the existing irrigated areas, and to the new proposed storage tanks. The majority of the pipeline route will be located within the existing farm roads, or through the cultivated areas.

- Pumphouse and pumpstations: The existing pumphouse on the bank of the Breede River will be expanded by 25m². Three additional pumpstations will be located along the pipeline route.
- Storage tanks: Either 2 x 450 000l or 3 x 300 000l steel reservoirs (combined capacity of 900 cubic meters) will be constructed on the disturbed area (orchard) north-west of the existing residence (50m north of the dam wall).
- An additional area of 0.5ha ("waaisand" area) will be cleared for a borrow area for sand for the filters.
- Approximately 6.5ha will be cleared to expand the existing cultivation areas with blueberry orchards that will be covered with shade netting (5.3ha in Area 1 (northern section) and 1ha in Area 2 (eastern section)). The cultivation of Area 1 will not extend north of the cut off trench.
- An existing cut-off trench will be relocated north of the dam and borrow area footprint.
- Existing farm roads will be used, and no new roads will be constructed.

No-go option

The no-go option of not developing and expanding the storage dam and the agricultural areas for blueberry production was assessed but not deemed as the preferred alternative, since the demand for expanded production will therefore not be met. The socio-economic benefits from implementing the activity would not be achieved, and the increased viability of the farm and the job security for the farm workers will not be achieved. In addition, no new employment opportunities (temporary jobs during the construction phase, and permanent and seasonal jobs during the operational phase) would be created.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is zoned for agricultural activities and the development is therefore in line with the existing land use rights and the local Spatial Development Framework that supports socio-economic initiatives in the agricultural sector. The proposed expansion footprint will be located adjacent to existing vineyards and cultivated areas of the farm. The expanded dam will store water in accordance with the existing lawful water use rights, thereby improving the farm's storage capacity and agricultural yields, which in turn will stimulate socio-economic growth. The proposed blueberry orchards will have a lower water demand per hectare compared to vineyards, which enables the expansion of the cultivation areas since it can be accommodated within the lawful existing water use rights. The proposed development will create job opportunities during the construction phase and provide job security for existing employees since the expanded dam will improve the economic viability of the farming practice.

3.2 Biophysical Impacts

Based on the findings of the Botanical Assessment dated 11 February 2021, compiled by PB Consult Environmental Management Services the proposed development will result in the transformation of approximately 13ha Robertson Karoo vegetation, which is classified as least threatened. The proposed sand borrow area known as the "waaisand" area is located within a terrestrial Critical Biodiversity Area ("CBA") since it is located within a floodplain area. However, the area has been previously disturbed and is not currently functioning as a CBA. The rest of development footprint will impact on Ecological Support Areas, some of which are also disturbed. From a botanical perspective, the proposed development will result in an impact of medium significance, mainly as a result of the potential impact on a CBA and ESA. The impact can however be reduced to a low significance through the implementation of the recommended mitigation measures. Mitigation includes restricting development of Area 1 below the cut-off trench. This will allow for the protection of more than 50% of the remaining

natural vegetation in this and adjacent areas and will specifically exclude the *Euclea undulata* (Gwarrie) trees from the development footprint. The area north of cut-off trench has therefore been designated as a no-go area. In addition, a search and rescue exercise will be implemented within the development footprint which will further limit the potential botanical impact. Cultivation within Area 2 is restricted to 1ha immediately adjacent to the existing cultivated area due to the unsuitable topography of the site. This was supported by CapeNature in their final comment dated 6 August 2021.

A number of ephemeral streams crosses the property, but it has been extensively modified by agricultural activities. Two of these ephemeral streams will be impacted by the proposed development. Based on the findings, of the Fresh Water Report dated November 2021, compiled by WATSAN Africa, the upper-catchment of the affected ephemeral streams are in a near pristine condition, but the lower reaches at the dam site is completely modified with no aquatic ecological functioning left. Most of the immediate area surrounding the in-stream dam is in a degraded and transformed state. A cut-off trench constructed on the farm to divert stormwater away from the agricultural areas interrupts the ephemeral streams, whereafter it dissipates and is entirely replaced by cultivated farmland. Given the largely degraded state of the dam expansion area and the low ecological integrity of the affected watercourses, the significance of the potential freshwater impact is deemed to be of low significance. It was also determined that an ecological flow reserve will not be required since the proposed expanded dam will only receive water from one sub-catchment and not all the water will be captured by the dam.

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) was also submitted to the Breede-Gouritz Catchment Management Agency that will further consider the watercourse related impacts. Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretch of the watercourses. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. 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 adopted 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).

3.3 Heritage Impact

Based on the findings of the Heritage Impact Assessment dated February 2021, prepared by ACRM, the overall impact significance of the proposed development is assessed as low. Graves were identified south of Area 2. This has been designated as a no-go area that will be fenced off, with gated access for family members. A 20m buffer area will be implemented around the cemetery. It was further recommended that the Fossil Find Procedure must be implemented during the construction phase and Heritage Western Cape must be alerted if any fossil material is found. These requirements have been

incorporated into the preferred development proposal and the relevant sections of the EMPr approved as part of this environmental authorisation.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in a loss of up to 13ha of indigenous vegetation and will have an impact on the watercourse present on the site. These impacts will however be mitigated to an acceptable level with the implementation of the recommended mitigation measures, the preferred alternative and adherence to the EMPr and MMP.
- Construction phase impacts associated with the development are likely to be present, including elevated noise, and dust levels. These impacts will be temporary and mitigation measures have been incorporated into the EMPr for implementation during the construction phase.

Positive impacts:

- The development will provide an opportunity to reduce abstraction from the Breede River in the dry low flow season due to the increased winter water storage capacity.
- The development will ensure a sufficient irrigation water supply and the continued viability of the farm by expanding the cultivated areas, planting blueberry crops, as well as expanding the water storage capacity on the farm.
- The development will contribute towards the creation of temporary employment opportunities and provide job security for existing employees.

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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