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NEAS REFERENCE: WCP/EIA/0000931/2021
ENQUIRIES: Bernard Kgosana
DATE OF ISSUE: 07 December 2021

The Director
Boekenhoutskloof Winery (Pty) Ltd.
P.O. Box 433
FRANSCHHOEK
7690

For Attention: Ms. L. Tolken

Tel: (021) 842 2371

Email: lizette@boekenhoutskloof.co.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF A WINERY, THE UPGRADING OF AN EXISTING ACCESS ROAD AND BRIDGE AND ASSOCIATED INFRASTRUCTURE ON A FARM NO. 614 AND FARM NO.1120, MALMESBURY.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** the Environmental Authorisation, 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 decision on the application, that all registered Interested and Affected Parties ("I&APs") are provided with access to the decision 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 summarised in the attached Environmental Authorisation below.

Yours faithfully

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

Copied to: (1) Ms. M. Sham (Monique Sham Environmental Consultants)
(2) Mr. A. Burger (Swartland Municipality)

Email: monique@ms-ec.co.za

Email: alwynburger@swartland.org.za

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) PROPOSED DEVELOPMENT OF A WINERY, THE UPGRADING OF AN EXISTING ACCESS ROAD AND BRIDGE AND ASSOCIATED INFRASTRUCTURE ON A FARM NO. 614 AND FARM NO.1120, MALMESBURY.

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) and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Preferred Alternative as described in the Basic Assessment Report ("BAR") dated August 2021.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Boekenhoutskloof Winery (Pty) Ltd.
c/o Ms Lizette Tolken
P.O. Box 433
FRANSCHHOEK
7690

Tel: (021) 842 2371
Email: lizette@boekenhoutskloof.co.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Describe the portion of the proposed development to which the applicable listed activity relates.
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 8 Activity Description:</p> <p><i>The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.</i></p> <p>Activity Number: 12 Activity Description:</p> <p><i>The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a development setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i></p> <p><i>excluding—</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>(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;</i></p> <p><i>(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;</i></p> <p><i>(dd) where such development occurs within an urban area;</i></p> <p><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></p> <p><i>(ff) the development of temporary</i></p>	<p>The proposed winery and associated infrastructure will be located outside an industrial complex with a development footprint that will exceed 2000m² in extent.</p> <p>A portion of the north-west corner of the proposed winery will fall within 32m of a watercourse and the proposed bridge upgrade will exceed 100m² within a watercourse and within 32m of a watercourse.</p>

infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

Activity Number: 19
Activity Description:

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;*
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;*
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;*
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or*
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.*

Activity Number: 48
Activity Description:

The expansion of—

- (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or*
- (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;*

where such expansion occurs—

- (a) within a watercourse;*
- (b) in front of a development setback; or*
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;*

The upgrading of the bridge and access road will require the infilling or depositing of material of more than 10m³ within a watercourse.

The upgrading of the proposed bridge will exceed 100m² within a watercourse.

<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, road reserves or railway line reserves.</p>	
<p>Listing Notice 3 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 18 Activity Description:</p> <p><i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p>i. <i>Western Cape</i></p> <p>i. <i>Areas zoned for use as public open space or equivalent zoning;</i></p> <p>ii. <i>All areas outside urban areas:</i></p> <p>(aa) <i>Areas containing indigenous vegetation;</i></p> <p>(bb) <i>Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i></p> <p>ii. <i>Inside urban areas:</i></p> <p>(aa) <i>Areas zoned for conservation use; or</i></p> <p>(bb) <i>Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>The upgrading of the access road will entail the widening of the access road between 4-5m outside an urban area on an area containing indigenous vegetation.</p>

<p>Activity Number: 23 Activity Description:</p> <p>The expansion of—</p> <p>(i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or</p> <p>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</p> <p>where such expansion occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback adopted in the prescribed manner; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding 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>i. Western Cape</p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</p>	<p>The upgrade to the bridge and access road will be expanded by more than 10m² within a watercourse.</p>
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The abovementioned is hereinafter referred to as “the listed activities”.

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

The authorised development entails the development of a winery and the upgrading of an existing bridge and access road on Farm No. 614 and Farm No. 1120, Malmesbury.

The proposed winery building will comprise of the following:

- Two Store rooms;
- Plant room;
- Pre-cool room;
- Bottling room;
- Blending room;
- External covered area;
- Fermentation area;
- Maturation area;
- Parking area;
- Effluent treatment plant and associated infrastructure (i.e. underground tanks required for the storage of effluent, and internal sewer network).
- Water treatment works and associated infrastructure (i.e. pipeline from the existing dam north of the site to the proposed development, water storage tanks, and internal distribution system).

Effluent produced by the development will be treated on site for re-use within the development (for example the flushing of toilets and irrigation) and would be discharged into a fully enclosed storage reservoir with a capacity of approximately 150m³ situated on a lower platform on the south-western side of the development. The treatment process will involve biological treatment of wastewater in an un aerated / aerated bioreactor constructed above ground. Cleaned water is disinfected and discharged under pressure. The internal sewer and effluent network will be a water borne gravity sanitation system. The main sewer and effluent line will be approximately 160mm in diameter. The main sewer line will discharge into the effluent tanks situated at the head of the treatment works.

Solid waste from the winery, such as pips, grapes and skins, will be stored on a concrete slab prior to disposal. Solid waste will be collected from a private company.

Water for the development will be supplied by way of a pipeline from two existing irrigation dams (with a combined capacity of approximately 100 000m³) situated on the property. Approximately 20 000m³ of the existing capacity is available for use by the proposed development. The water will be treated prior to use within the proposed development.

Sufficient, spare and unallocated electricity supply has been confirmed by Eskom.

The access road and associated bridge will need to be upgraded to provide adequate access to the proposed development. The access road will be approximately 240m in length and approximately 4-5m in width.

The total development footprint for the proposed development will be approximately 3.21ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Farm No. 614 and Farm No. 1120, Malmesbury.

The 21-digit Surveyor General Codes for the proposed site are:

Farm No. 614	C04600000000061400000
Farm No. 1120	C04600000000011200000

The co-ordinates for the proposed winery is as follows:

Middle point	33°	22'	31.9" South
	18°	49'	49.9" East

The co-ordinates for the upgrade of the access road and bridge are as follows:

Start point	33°	22'	36.26" South
	18°	49'	45.22" East
Middle point	33°	22'	32.77" South
	18°	49'	51.86" East
End point	33°	22'	30.50" South
	18°	49'	55.99" East

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

Monique Sham Environmental Consultants (MSEC)
c/o Ms Monique Sham
Unit 1, 165 Main Road
MUIZENBERG
7945
Cell: 072 989 5119
Fax: 086 546 5552
Email: monique@ms-ec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated August 2021 on the site described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development/construction activities must be concluded within **ten (10) years** from the date the commencement of the listed activities.
4. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the description set out in Section B must be 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. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of the development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above; and

- 6.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11 and 18.

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 Appeal Regulations, 2014 (as amended) detailed in Section G 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. the name of the responsible person for this Environmental Authorisation;
 - 7.4.3. the postal address of the holder;
 - 7.4.4. the telephonic and fax details of the holder;
 - 7.4.5. the e-mail address if any, of the holder; and
 - 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 National Appeal Regulations, 2014 (as amended).
8. The listed activities, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. 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 be commenced with until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme (compiled by MSEC and dated August 2021) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. 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 EMPr and the conditions contained herein.

12. 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 any authorised person on request.
13. 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

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), 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 Environmental Audit Report must be prepared by an independent person, with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the development activities and submit the Environmental Audit Report to the Competent Authority one (1) month after the completion of the undertaking of the environmental audit.
 - 14.2. A second Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development activities.
 - 14.3. An Environmental Audit Report must be submitted to the Competent Authority every five (5) years after the commencement of the operational phase.
 - 14.4. The holder must, within seven (7) days of the submission of an Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

Specific conditions

15. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay. 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 bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; 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.
16. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated building rubble generated on the premises can be used as back-filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited in the recreated wetland area.
17. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

18. The proposed site must be clearly demarcated prior to the commencement of development activities. The site demarcation must remain visible for the duration of the development activities (where practical).
19. No vehicles, machinery or dangerous goods must be stored within 32m of a watercourse during the development phase.
20. The recommendations of the combined Terrestrial and Aquatic Biodiversity Impact Assessment (compiled by Liz Day Consulting (Pty) Ltd and dated July 2021), as included in the EMPr, must be implemented during all phases of the proposed development.
21. The recommendations of the Visual Impact Statement (compiled by Square One Landscape Architects and dated July 2021), as included in the EMPr, must be implemented during all phases of the proposed development.
22. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

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 the listed activities within the period specified in Condition 2, this Environmental Authorisation shall lapse for that activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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 (as amended) 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 must –
 - 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 form/s must be submitted by means of one of the following methods:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. M. Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the 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 holder, 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 greatly appreciated.

Yours faithfully

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

DATE OF DECISION: 07 DECEMBER 2021

Copied to: (1) Ms. M. Sham (Monique Sham Environmental Consultants)
(2) Mr. A. Burger (Swartland Municipality)

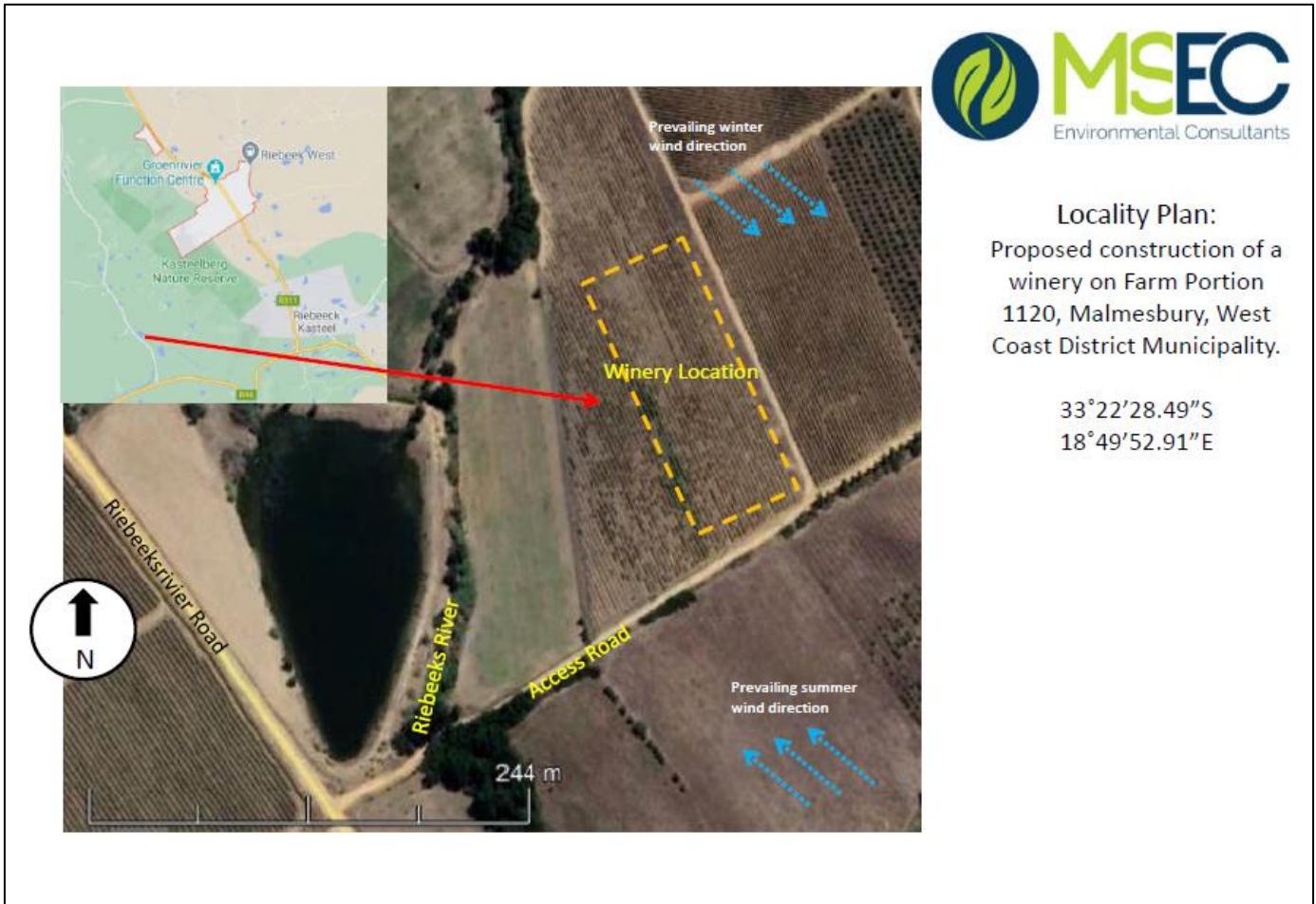
Email: monique@ms-ec.co.za
Email: alwynburger@swartland.org.za

ANNEXURE 1: LOCALITY MAP:

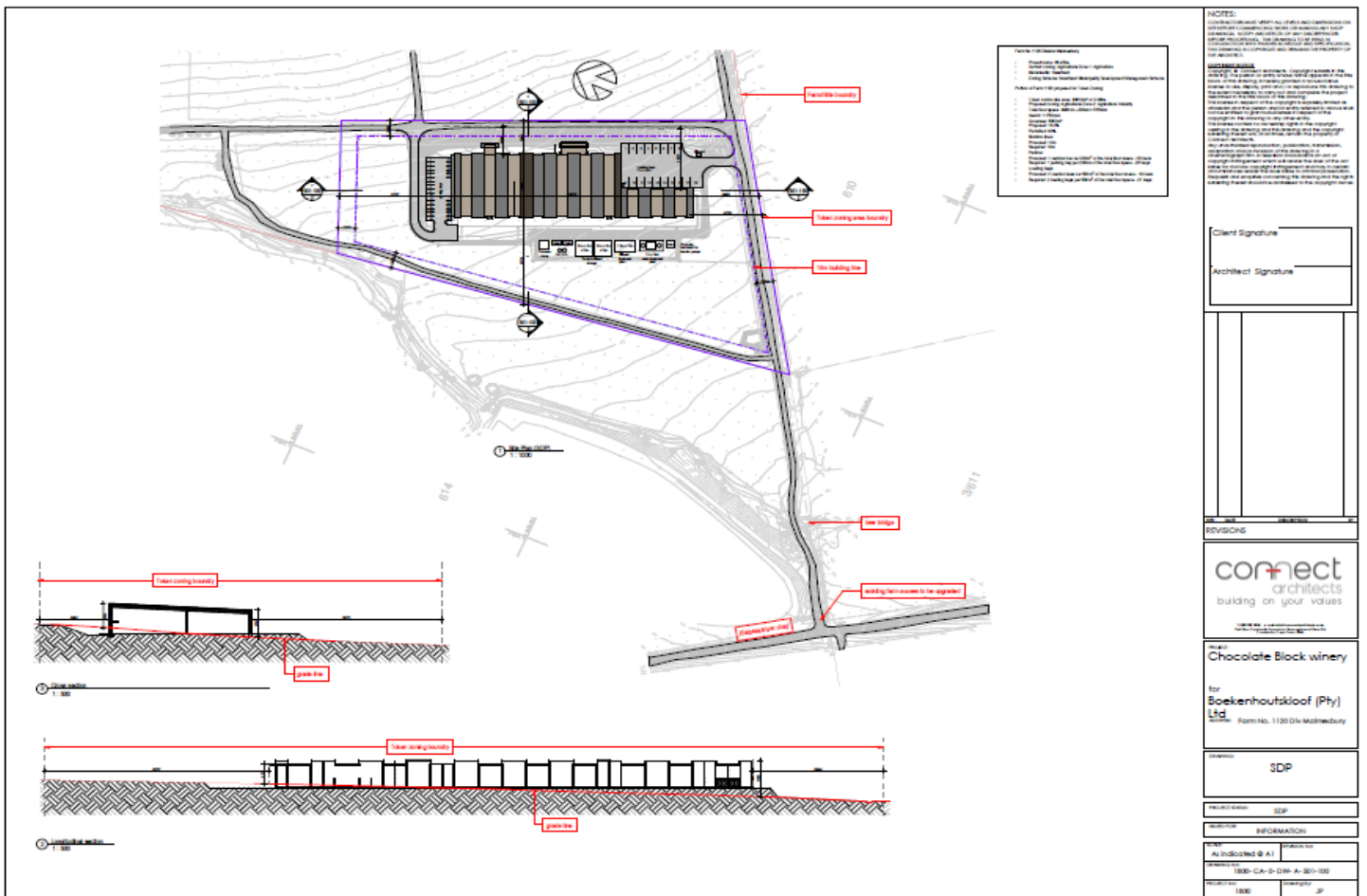


Locality Plan:
Proposed construction of a
winery on Farm Portion
1120, Malmesbury, West
Coast District Municipality.

33°22'28.49"S
18°49'52.91"E



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form dated and received by the Competent Authority on 23 June 2021, the final BAR dated August 2021 and the EMPr (dated August 2021) submitted together with the final BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated August 2021; 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 during 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") was undertaken in accordance with an approved Public Participation Plan (approved on 05 July 2021) and entailed the following:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 09 July 2021;
- the placing of a newspaper advertisement in the Swartland Gazette on 18 May 2021;
- fixing notice boards at the site where the listed activities is to be undertaken on 18 May 2021;
- A pre-application draft BAR was made available on the EAP's website to I&APs for public review on 18 May 2021 for a commenting period of 30 days;
- The in-process draft BAR was made available to I&APs for public review on 09 July 2021 for a commenting period of 30 days.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

2. Alternatives

Two location alternatives and the "no-go" alternative were identified and assessed and are discussed below.

The Preferred Alternative - herewith authorised

The authorised development entails the development of a winery and the upgrading of an existing bridge and access road on Farm No. 614 and Farm No. 1120, Malmesbury.

The proposed winery building will comprise of the following:

- Two Store rooms;
- Plant room;
- Pre-cool room;
- Bottling room;
- Blending room;
- External covered area;
- Fermentation area;
- Maturation area;
- Parking area;
- Effluent treatment plant and associated infrastructure (i.e. underground tanks required for the storage of effluent, and internal sewer network).
- Water treatment works and associated infrastructure (i.e. pipeline from the existing dam north of the site to the proposed development, water storage tanks, and internal distribution system).

Effluent produced by the development will be treated on site for re-use within the development (for example the flushing of toilets and irrigation) and would be discharged into a fully enclosed storage reservoir with a capacity of approximately 150m³ situated on a lower platform on the south-western side of the development. The treatment process will involve biological treatment of wastewater in an unaerated / aerated bioreactor constructed above ground. Cleaned water is disinfected and discharged under pressure. The internal sewer and effluent network will be a water borne gravity sanitation system. The main sewer and effluent line will be approximately 160mm in diameter. The main sewer line will discharge into the effluent tanks situated at the head of the treatment works.

Solid waste from the winery, such as pips, grapes and skins, would be stored on a concrete slab for periodic disposal.

Water for the development will be supplied by way of a pipeline from two existing irrigation dams (with a combined capacity of approximately 100 000m³) situated on the property. Approximately 20 000m³ of the existing capacity is available for use by the proposed development. The water will be treated prior to use within the proposed development.

Sufficient, spare and unallocated electricity supply has been confirmed by Eskom.

The access road and associated bridge will need to be upgraded to provide adequate access to the proposed development. The access road will be approximately 240m in length and approximately 4-5m in width.

The total development footprint for the proposed development will be approximately 3.21ha in extent.

The preferred alternative takes cognisance of the findings of the agricultural specialist in that the proposed site has the least agricultural value when compared to the alternative location. In addition, the route for the proposed upgrade to the access road and bridge is shorter and will result in smaller development footprint when compared to the alternative location. The preferred alternative therefore has a reduced development footprint and is suitably located in terms of the existing agricultural practices on the property.

Location Alternative

The alternative proposed location for the proposed development is north of the Preferred Alternative on Farm No. 1120, Malmesbury. The proposed development included the development of a two-storey building for the wine making process and to accommodate a wine tasting area.

The location alternative was not deemed the preferred since the proposed upgrade to the access road and bridge would entail the extension of the existing road and would result in a larger development footprint. The two-storey building would result in a more significant negative visual impact when compared to the Preferred Alternative. In addition, the location alternative is not preferred from an agricultural perspective.

"No-Go" Alternative

The "no-go" alternative will result in the *status quo* being maintained. Since the proposed development will not result in unacceptable environmental impacts, the "no-go" alternative was not warranted.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

The proposed site is currently zoned Agriculture 1 and will be spot rezoned to Agriculture 2: Agriculture Industry to ensure that the proposed development is in line with the land-use rights applicable to the proposed site. According to the agricultural specialist, the proposed development will enhance the overall agricultural productivity and profitability of the farm and it therefore has a positive overall agricultural impact. The block of vineyards, which comprises the proposed site, is the least productive block on the farm, and thus the economic motivation for the winery outweighs the potential agricultural use of the site. The proposed development is deemed appropriate and compatible with the surrounding environment and will support socio-economic growth, job creation and directly contribute to economic diversification in the rural land market.

3.2. Agricultural Impacts

According to the Screening Report (generated from the Screening Tool developed by the National Department of Environmental Affairs and dated 13 June 2021) the proposed site was mapped to be located in a high sensitivity area from an agricultural perspective. An Agricultural Agro-Ecosystem Specialist Assessment (compiled by Johann Lanz and dated 18 April 2021) was undertaken to assess whether the proposed development will have an unacceptable agricultural impact. The specialist indicated that approximately 1.31ha of an existing vineyard block will be lost as a result of the proposed development. The loss of the existing vineyard block is not deemed to result in a significant negative impact since the vineyard block is the poorest performing vineyard block on the farm and is on the least suitable soils for vineyards. The specialist therefore concluded that the proposed site is suitable from an agricultural perspective and that the potential negative impacts of the loss of the vineyard is far outweighed by the potential positive impacts of the proposed development.

3.3. Botanical Impacts

Less than 75m² of indigenous vegetation is estimated to be cleared. The botanical impacts associated with the proposed development are therefore anticipated to be of a very low negative impact. CapeNature did not raise any objections to the proposed development in their comment dated 10 August 2021.

3.4. Freshwater impacts

The Screening Report (generated from the Screening Tool developed by the National Department of Environmental Affairs and dated 13 June 2021) indicated that the site has a Very High Sensitivity with regard to both Terrestrial and Aquatic Biodiversity.

A combined Terrestrial and Aquatic Biodiversity Impact Assessment (compiled by Liz Day Consulting (Pty) Ltd and dated July 2021) was undertaken to assess the development

implications for aquatic ecosystems and outlining measures to mitigate against these as far as practically possible.

The proposed upgrade to the access road and bridge crosses over the Riebeeks River, which is a tributary of the Diep River. The Riebeeks River is not classified as a Freshwater Ecosystem Priority Area ("FEPA") but as a Phase 2 FEPA. Phase 2 FEPA's should not be degraded further and may be considered for rehabilitation once Category A and B rivers have been rehabilitated. The Riebeeks River corridor including a large dam north of the river have been mapped as an Ecological Support Area. The Present Ecological Status of the river was categorised as Category D, largely modified. The Ecological Importance and Sensitivity of the river was assessed to be of at least Moderate Importance. The potential impacts associated with the proposed development were assessed by the specialist. The specialist concluded that provided that the mitigation and monitoring measures outlined in the specialist report is implemented, the potential impacts would be deemed acceptable from an aquatic ecosystem perspective. The mitigation measures recommended by the specialist have been included as a condition set in this Environmental Authorisation and in the EMPr. The Department of Water and Sanitation have not raised any objections to the proposed development in their comment dated 04 June 2021.

In addition, a General Authorisation (Ref No. WU20843) in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation for consideration.

3.5. Heritage/Archaeological Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC") on 11 May 2021. HWC indicated (in their comment dated 01 June 2021) that since there is no reason to believe that the proposed crop spraying airstrip on the proposed site will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) will be required.

3.6. Traffic Impacts

According to the Traffic Impact Statement (compiled ITS Innovative Transport Solutions and dated 25 June 2021), the potential traffic impacts associated with the proposed development are anticipated to be of low negative significance. The current road network with the existing intersection geometry and controls can accommodate the proposed development without any road improvements. It is concluded that the proposed wine cellar development complies with the requirements in the COTO TMH16 manual.

3.7. Visual Impacts

A Visual Impact Statement (compiled by Square One Landscape Architects and dated July 2021) was undertaken to determine the potential visual impacts associated with the proposed development.

The specialist indicated that although the proposed development will be visible from various viewsheds, visual screening to reduce the visibility of the proposed development will reduce visibility, level of exposure and level of visual intrusion of the proposed development while increasing the visual absorption of the receiving environment, reducing the overall visual impact of the proposed development to a moderate level of magnitude. The mitigation measures recommended by the specialist have been included as a condition set in this Environmental Authorisation and in the EMPr.

3.8. Services

Water for the proposed development will be obtained from the two existing dams on the property. The estimated amount of water required for the proposed development falls within the existing water allocation to the property. Solid waste will be removed by a private company, who will re-use the solid waste produced by the winery process for compost.

Sufficient, spare and unallocated electricity supply has been confirmed by Eskom (in their correspondence dated 11 August 2021).

Effluent water will be treated on site and re-used for the flushing of toilets and irrigation purposes.

The development will result in both negative and positive impacts.

Negative Impacts include:

- A loss of some agricultural land;
- Disturbance to the Riebeecks River during the construction phase;
- Construction related visual impacts are anticipated;

Positive impacts include:

- Some improvement to the Riebeecks River
- Some employment opportunities;
- Economic gain for the applicant; and
- Optimal use of agricultural land.

4. National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

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.

You are reminded of the general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

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