



REFERENCE: 16/3/3/1/A3/54/2062/18

ENQUIRIES: Natasha Bieding

DATE OF ISSUE:

2019 -04- 29

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 (AS AMENDED): PROPOSED EXPANSION OF FACILITIES ON THE WINE ESTATE ON PORTION 12 OF THE FARM VERGENOEGD NO. 653, SOMERSET WEST

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 (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 Final Layout Alternative 1, described in the Basic Assessment Report ("BAR"), dated February 2019.

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

Livia Winery (Pty) Ltd
c/o Caspar Schilgen
P O Box 1
FAURE
7131

Tel.: 0049 89 552 758 315
Email: Schilgen@livia-group.com

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 – Activity Number: 12</p> <p>Activity Description: <i>“The development of— dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p>where such development occurs—</p> <p>(a) <i>within a watercourse;</i></p> <p>(b) <i>in front of a development setback; or</i></p> <p>(c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i></p> <p>excluding—</p> <p>(aa) <i>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>(bb) <i>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>(cc) <i>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>(dd) <i>where such development occurs within an urban area;</i></p> <p>(ee) <i>where such development occurs within existing roads, road reserves or railway line reserves; or</i></p> <p>(ff) <i>the development of temporary 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”.</i></p>	<p>Berms measuring approximately 2 000 m² will be constructed within 32 m of a natural drainage channel.</p> <p>A flood attenuation area measuring approximately 3 800 m² will be established within 32 m of a natural drainage channel.</p>
<p>Government Notice No. R. 983 of 4 December 2014 - Activity Number: 27</p> <p>Activity Description: <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) <i>the undertaking of a linear activity; or</i></p> <p>(ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan.”.</i></p>	<p>The development will result in the clearance of indigenous vegetation over an area which exceeds 1 hectare.</p>
<p>Government Notice No. R. 983 of 4 December 2014 - Activity Number: 28</p> <p>Activity Description: <i>“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p>	<p>The total area of land to be physically cleared for development that has been used for agricultural purposes since 01 April 1998 is approximately 3.1 ha.</p>

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| <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;
or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;
excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</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 relating to the development comprising of *inter alia*, the following main components:

Ceremonial Building

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

Administration / reception buildings

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

Farm owner's residence

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

Agricultural precinct

The agricultural precinct will consist of two components -

1. **Farm accommodation:** A new house for the resident winemaker, residential units for visiting winemakers and a covered parking structure will be constructed. An existing worker's cottage will be converted to a shared dining room.
2. **Agricultural buildings:** The agricultural buildings consisting of four shed-like structures around a central court, surrounded by low werf walls will be constructed. These will accommodate the storage, loading and refueling of farm vehicles facilities, offices, changing rooms and ablutions for farm employees and storage of chemicals and various implements.

Flood mitigation

Berms around the agricultural precinct and farm owner's residence will be constructed. A flood attenuation area north-east of the farm owner's residence will be excavated to source fill material required to construct the berms.

Duck Pens and Hatchery

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

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

Parking Facility

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

Solar facility

The existing PV Plant will be expanded. The proposed expansion will increase the footprint by 970 m² and daily electricity output to 90 Kilowatt.

The development footprint will be approximately 44 000 m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 12 of the Farm Vergenoegd No. 653, Faure, located west of the R102 Road, south east of cultivated fields and Baden Powell Drive (R310) and north of the N2 freeway.

Coordinates of the parcel of land where the listed activities will be undertaken:
34° 02' 04.4" South,
18° 44' 21.8" East

The SG 21 digit code for the land parcel on which the development is authorised is given below:

C06700000000065300012

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SRK Consulting (Pty) Ltd
c/o Amy Hill and Sharon Jones
Postnet Suite 206
Private Bag X18
RONDEBOSCH
7701

Tel.: (021) 659 3060
Fax: (021) 685 7105

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 February 2019 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
This Environmental Authorisation is granted for–
 - (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.

4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved in writing by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014 (as amended);
 - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4 provide the registered Interested and Affected Parties with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.

- 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
- 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activity

- 10. The EMPr submitted, as dated February 2019 is hereby approved and must be implemented.
- 11. An application for amendment of the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended), if any amendments are to be made to the outcomes of the EMPr and these may only be implemented once the amended EMPr has been authorised by the competent authority.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works performs work at the site.

Monitoring

- 14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.
The ECO must–
 - 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
 - 14.2 ensure compliance with the EMPr and the conditions contained herein; and
 - 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

- 15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three months after commencement of the construction phase and another audit report six months after completion of the construction period; and
 - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
- 16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–

- (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. The following mitigation measures adapted from the BAR dated February 2019, compiled by Amy Hill and Sharon Jones of SRK Consulting (Pty) Ltd must be implemented:
- 18.1. Any physical disturbance and construction related activities must be kept out of the areas listed as Critical Biodiversity Area ("CBA") 1b and CBA 1d, which are located along the western boundary of the site.
 - 18.2. Areas outside the development footprint and areas to be cleared must be designated as no-go areas during the construction period.
 - 18.3. Method Statements for the purpose of construction activities being undertaken within close proximities to the CBAs and freshwater systems must be submitted to the appointed ECO as well as this Department.
 - 18.4. No vegetation must be removed or disturbed outside the delineated construction site boundary and the no-go areas.
 - 18.5. Rehabilitation in accordance with the provisions of the EMPr must be undertaken soon as construction phase is completed.
 - 18.6. Ecological buffers of at least 10 metres around all freshwater features must be maintained. No infrastructure must encroach into these buffers.
 - 18.7. The Photovoltaic ("PV") facility must be located in a north-westerly direction, away from Seep 1, as much as possible.
19. The Draft Flood Management Plan dated February 2019, appended to the EMPr as Appendix B must be adopted and implemented.
20. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
22. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western

Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant 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. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation 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.

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

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 notification of the decision was sent to the holder by the competent authority -

Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -

- 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
 4. The appeal and the responding statement must be submitted to the address listed below:

By post: 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 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 the 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



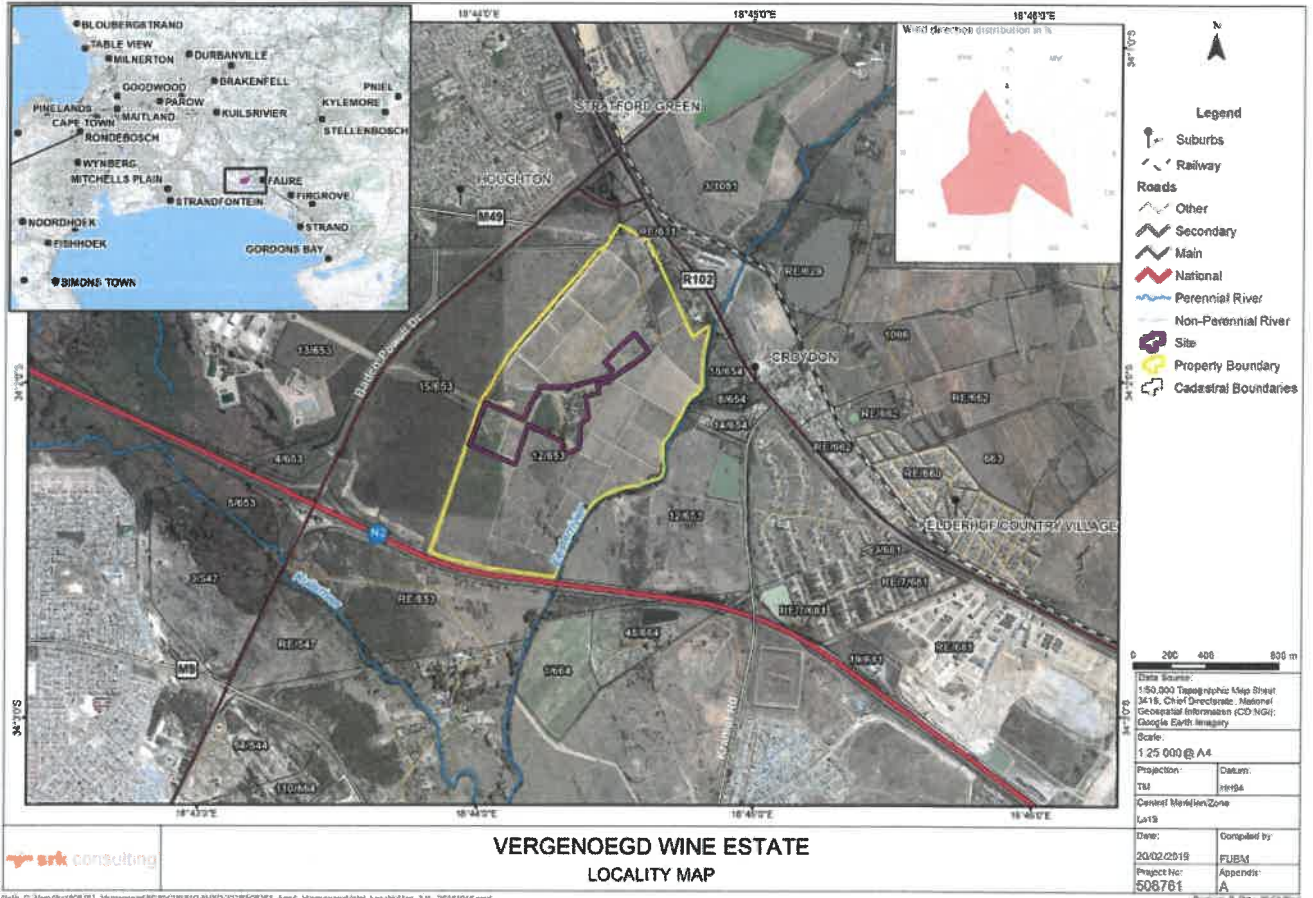
MR ZAHR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 29/04/2019

Copied to: (1) Amy Hill (SRK Consulting (Pty) Ltd)
(2) Azanne van Wyk (City of Cape Town)

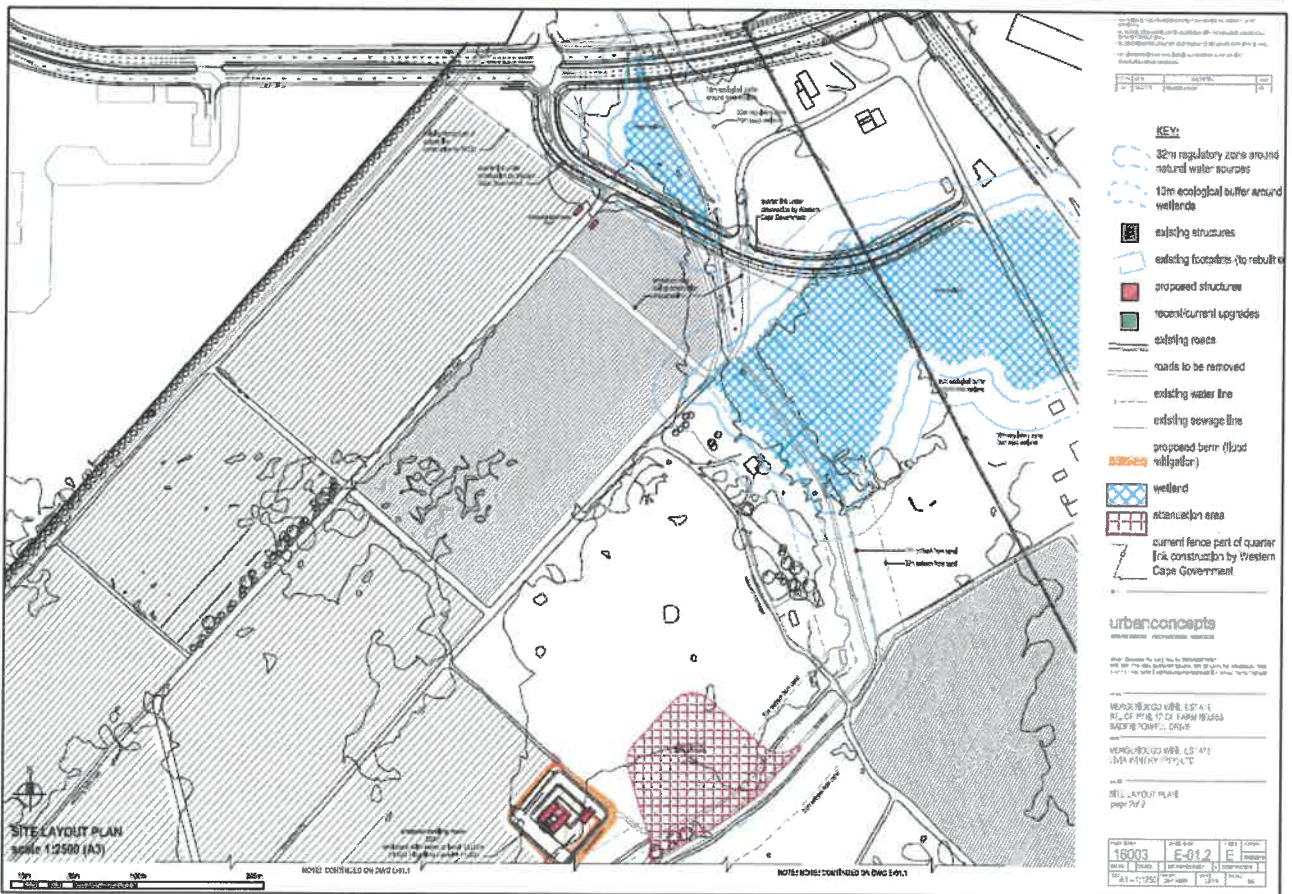
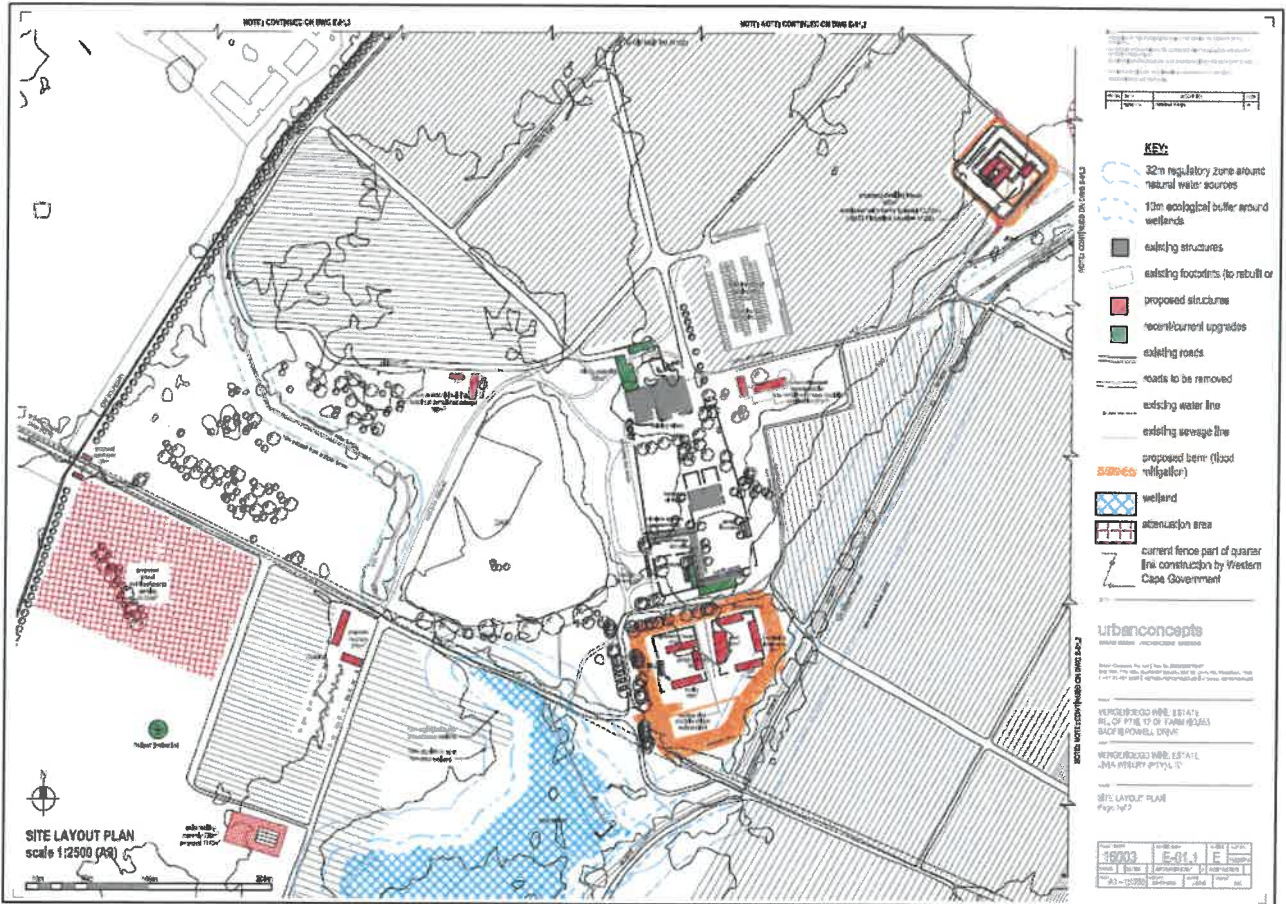
Fax: (021) 685 7105
Fax: (021) 850 4004

ANNEXURE 1: LOCALITY MAP



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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 dated 25 October 2018, the updated Application Form dated 20 February 2019, the EMPr submitted together with the BAR on 25 February 2019 and the additional information received 16 April 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated February 2019.

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 Interested and Affected Parties ;
- fixing a notice board at the site where the listed activities are to be undertaken on 3 September 2018;
- 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 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 "Helderberg" on 3 October 2019; and
- making the BAR and all relevant information available to Interested and Affected Parties for public review and comment.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the reports.

2. Alternatives

Final Layout Alternative 1 (Herewith authorised)

This alternative was designed based on the requirements pertaining to:

- The need to comply with the requirements of the heritage authorities due to the heritage status of the historic werf;
- The ecological sensitivities on site (including botanical and freshwater features), and their respective buffer zones, which were to be avoided as far as possible;
- Relevant guidelines regarding the positions of certain facilities within the flood line; and
- The need for the estate to continue functioning as a working farm, while maximising the use of existing historical buildings for tourism purposes.

Given the abovementioned requirements, none of the structures or upgrades proposed as part of the final layout will be located in the ecologically sensitive portions of the site, including the CBAs and natural freshwater systems. Most of the components of the proposed development will occur on the already transformed portions of the site.

The site is located below the 1:50 and 1:100 year floodlines, which necessitated that flood mitigation measures such as berms and a flood attenuation area be included in the overall layout plan. With flood mitigation measures in place, the proposed buildings will be less prone to a 1:100 year flood.

Regarding the protection of the historic werf, key design indicators have guided the development layout and are likely to enhance the historical value of the site. This includes *inter alia*, reinstating the key historical tree lines and groupings, adopting sensitive landscaping options, maintaining significant view lines and landmarks, removing inappropriate additions to historic buildings and werf and respecting the environmental systems, and using the water and vegetation to enhance the revitalisation of the precinct. The farm will therefore continue functioning while at the same time being supplemented by the existing tourism facilities and thereby contributing to the economic viability of the farm.

Due to the abovementioned criteria being adopted, the following layout is preferred, comprising of the following main components:

Ceremonial Building

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

Administration / reception buildings

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

Farm owner's residence

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

Agricultural precinct

The agricultural precinct will consist of two components -

1. **Farm accommodation:** A new house for the resident winemaker, residential units for visiting winemakers and a covered parking structure will be constructed. An existing worker's cottage will be converted to a shared dining room.
2. **Agricultural buildings:** The agricultural buildings consisting of four shed-like structures around a central court, surrounded by low werf walls will be constructed. These will accommodate the storage, loading and refueling of farm vehicles facilities, offices, changing rooms and ablutions for farm employees and storage of chemicals and various implements.

Flood mitigation

Berms around the agricultural precinct and farm owner's residence will be constructed. A flood attenuation area north-east of the farm owner's residence will be excavated to source fill material required to construct the berms.

Duck Pens and Hatchery

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

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

Parking Facility

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

Solar facility

The existing PV Plant will be expanded. The proposed expansion will increase the footprint by 970 m² and daily electricity output to 90 Kilowatt.

The development footprint will be approximately 44 000 m².

Layout alternatives regarding parking facilities

Initially three parking areas were proposed to the north-east, east and west of the existing agricultural precinct. Following the outcomes of a freshwater ecology screening study confirming the presence of a seep wetland south of the dam and a natural drainage line east of the agricultural precinct. This alternative was therefore rejected, resulting in the proposed parking facility being relocated just south of the existing entrance gate.

Layout alternatives regarding duck pens

Duck pens were initially proposed south of the agricultural precinct. A freshwater ecology screening study of the site indicated that placing the Duck pens south of the agricultural precinct will mean that the pens will be within 32 m of a natural drainage channel. This alternative was therefore rejected, resulting in the pens being relocated to an area north of the solar facility.

Layout alternatives regarding the farm road

A farm road was initially proposed to extend through an area mapped as CBA 1b. In acknowledgement of the site sensitivities, and in response to concerns raised by CapeNature, the proposed farm road extension was excluded from the final layout and will therefore not be constructed.

Technology alternatives

The following technology alternatives are proposed, with the aim of reducing resource demand and increasing resource efficiency:

- developing a PV Plant as a source of renewable energy, rather than relying only on non-renewable sources of energy;
- using the existing package plant for the treatment of additional sewage effluent, rather than relying on treatment and disposal by the local municipality;
- implementing good waste management practices as far as possible including, *inter alia*, as separation of waste to facilitate recycling, reducing volumes of waste requiring disposal;
- using excavated material from the attenuation area for construction of the berms; and
- composting of duck manure for use in the farms gardens.

"No-Go" Alternative

The "no-go" alternative entails maintaining the "*status quo*", *i.e.* not expanding and upgrading the existing wine estate nor constructing the associated infrastructure.

This alternative was rejected, as this means that the increased visitor numbers to the site cannot be accommodated, which will result in negative economic impacts for the facility. Furthermore, the proposed upgrades and construction of additional facilities will alleviate the pressure on the current use of sensitive historic buildings.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed upgrades to the facility are required to safeguard the existing on-site heritage resources, while also providing additional facilities to meet the demands of the increasing number of tourists visiting the wine estate.

3.2 Regional/ planning context

The site is zoned Agriculture. Most of the proposed buildings, structures and upgrades are permitted as primary use rights in terms of the property's existing zoning and associated land use rights, including:

- Farm owner's residence;
- Second residence on the farm (*i.e.* winemakers house);
- Agricultural buildings; and
- Duck pens and hatchery.

The proponent will lodge additional applications to obtain the required land use planning approvals. Although the site falls outside of the Helderberg District Urban Edge in terms of the Helderberg District Spatial Development Framework ("SDF") (2014), the proposed development is in keeping with the existing semi-rural character of the area, as permitted for development which is to be located outside the urban edge. The proposal aims to improve the efficiency of existing agricultural activities, while preserving the historic buildings which is directly in line with the SDF.

3.3 Biophysical Impacts

Approximately 52ha of the 161ha property is occupied by vineyards for the cultivation of grapes, used for wine production.

Along the western boundary of the property two areas are listed as CBA 1b and CBA 1d. A small percentage of the property has not been cultivated, however the vegetation condition is very poor in the uncultivated portions. The highest concentration of indigenous species occurs in the area mapped as CBA 1b.

The areas that have historically been cultivated are highly degraded and dominated by exotic grasses such as kikuyu, wild oats and agricultural weeds. These areas are considered to be either transformed or highly disturbed and have low sensitivity and low conservation value.

In consideration of the abovementioned conditions of the site, most of the proposed development will occur on land considered transformed. In addition, none of the proposed structures or upgrades are to be located within the area identified as CBA 1b. Furthermore, no floral species of conservation concern or protected floral species were identified within the proposed development footprint.

The banks of the Eerste River are situated approximately 280m from the site. The proposed development will however not encroach onto the Eerste River.

Various freshwater features were identified within the subject property, including an artificial dam, artificial drainage furrows, a severely modified natural drainage line, three (3) wetland seeps and the Eerste River borders the subject property to the east. Only the natural drainage line, Seep Wetlands and the Eerste River were considered to be natural freshwater features.

A small portion of the development (including the berms and attenuation area) will be located within 32m of this drainage channel.

Impacts on the formalised drainage channel may contribute to the cumulative deterioration of the water quality and ecological value of the Eerste River. However, the river ecosystem is already impacted by agricultural and earth moving activities along this reach of the Eerste River. The cumulative impact will therefore be of low significance. As a means of avoiding any direct negative impacts, ecological buffers of at least 10 m around must be maintained around all freshwater features and no infrastructure must encroach into these buffers.

The proposed upgrades are deemed to have a very low risk to the integrity of the freshwater resources, provided that a site sensitive development plan, appropriate mitigation measures as included in the EMPr, Draft Flood Management Plan and this Environmental Authorisation are adhered to.

Portions of the site, which include the farm house and certain farm buildings are located within the 1:20, 1:50 and 1:100 year flood line of the Eerste River. In consideration of the potential risk of flooding, flood mitigation measures included in a draft flood management plan will be implemented, to reduce such risks. Berms will also be constructed to provide flood protection for the farm owners residence and agricultural precinct. A flood attenuation area will also be excavated to partially compensate for the flood retention capacity lost due to construction of the berms. According to the Engineers Assessment of Flooding (February 2019), the flood mitigation measures will not adversely affect flood behaviour or the stability of river channels, as flood flow velocities in and immediately adjacent to the river channel will remain unchanged. Furthermore, the flood mitigation measures will not materially increase flood hazards for other properties and property owners in the area.

3.4 Visual / sense of place

During the construction period, there will be construction activities which may result in visual impacts. This will however be short-term and be adequately managed by means of the provisions of the EMPr.

The proposed upgrades to the existing wine estate are largely in keeping with the existing activities on the site and as such are not expected to affect the sense of place. Visual impacts during the operational phase on the surrounding areas are also expected to be low, as the closest neighbouring residential area is located approximately 1.2 km from the site. An existing treeline along the Eerste River serves as further mitigation as the trees screen the farm from the nearest development.

3.5 Heritage / archaeological

No archaeological traces or remains were located on any of the surveyed areas of the site. Furthermore, no archaeological or historical remains were found in any disturbed areas, including excavated channels, test pits or roads.

The estate was established in 1696 and has operated as a wine farm since 1820. The property is therefore considered to have very high heritage significance. The historic werf, including the homestead, barn, slave quarters and cottage is a Provincial Heritage Site. Given the cultural value of the site and the designation of the historic werf as a Provincial Heritage Site, the master plan for the site was subjected to various reviews and input from key authorities, including *inter alia*, Heritage Western Cape and the City of Cape Town. This resulted in a site development plan that aims to enhance the cultural and historical value of the site. Heritage Western Cape confirmed in the correspondence dated 13 November 2018 that the revised master plan is supported, as there will be no impact on identified heritage resources.

3.6 Traffic

Surrounding developments were taken into account in determining the cumulative traffic during the operational phase of the proposed development. It was estimated that the proposed development will result in approximately of 2% more vehicle trips during peak hour traffic. This is unlikely to result in a significant increase in travel times and the cumulative traffic impacts can therefore be regarded as of low significance.

3.7 Socio-economic

The development will contribute to local needs through securing job opportunities during the construction and operational phase of the development. The development will also create a demand for goods and services required for construction, which in turn will stimulate business sales for the suppliers providing these services / products.

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

Negative Impacts:

- The Department is satisfied that all the above negative impacts of significance will be addressed by the conditions contained in the environmental authorisation and the mitigation measures contained in the EMPr.

Positive impacts:

- Although the development will result in biophysical impacts, it can be mitigated to acceptable levels. The development provides an opportunity to conserve the heritage value of the site while enhancing the tourism potential. The development will result in positive socio-economic benefits and includes the provision of jobs and service infrastructure which would have otherwise not been achieved should the *status quo* have remained.

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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