

REFERENCE: 16/3/3/2/F1/11/2027/21
NEAS REFERENCE: WCP/EIA/0000965/2021
DATE: 14 January 2022

The Board of Directors
Wittewater Agri and Tourism (Pty) Ltd
P. O. Box 12536
Die Boord
STELLENBOSCH
7613

Attention: Mr. Michiel Prins

Cell: 082 565 6951
E-mail: michiel@stargrow.co.za

Dear Sir

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 CLEARANCE OF INDIGENOUS VEGETATION FOR THE CULTIVATION OF CITRUS ON THE REMAINING EXTENT OF THE FARM WITTEWATER NO. 148, PIKETBERG.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MS. MARE-LIEZ OOSTHUIZEN
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT

Copied to: (1) Ms. M. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd.) E-mail: mari@cornerstoneenviro.co.za
(2) Ms. A. Joubert (Bergrivier Municipality) E-mail: JoubertA@Bergmun.org.za

REFERENCE: 16/3/3/2/F1/11/2027/21
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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 CLEARANCE OF INDIGENOUS VEGETATION FOR THE CULTIVATION OF CITRUS ON THE REMAINING EXTENT OF THE FARM WITTEWATER NO. 148, PIKETBERG.

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 for the Authorised Alternative, described in this Environmental Authorisation.

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

Wittewater Agri and Tourism (Pty) Ltd
c/o Mr. Michiel Prins
P. O. Box 12536
Die Boord
STELLENBOSCH
7613

Cell: 082 565 6951
E-mail: michiel@stargrow.co.za

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>Listing Notice 2 of the EIA Regulations, 2014 (as amended)– Activity Number: 15 Activity Description: <i>“The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan”.</i></p>	<p>The development entails the clearance of more than 20 hectares of indigenous vegetation.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)– Activity Number: 4 Activity Description: <i>“The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i> <i>(a) In Western Cape:</i> <i>i. Areas outside urban areas;</i> <i>(aa) Areas containing indigenous vegetation;</i> <i>(bb) 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> <i>ii. In urban areas:</i> <i>(cc) Areas zoned for conservation use; or</i> <i>(dd) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority”.</i></p>	<p>Internal roads wider than 4 metres with a reserve less than 13,5 metres will be constructed on the site, which is located outside an urban area and contains indigenous vegetation.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)– Activity Number: 12 Activity Description: <i>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i> <i>(a) In Western Cape:</i> <i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p>	<p>More than 300 square metres of critically endangered vegetation will be cleared.</p>

<p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; or</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning".</p>	
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The abovementioned list is hereinafter referred to as "the listed activities".

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

The project entails the clearance of indigenous vegetation for the cultivation of citrus orchards on the Remaining extent of the Farm Wittewater No. 148, Piketberg, on three (3) areas of the site (as displayed in 'Annexure 2: Authorised Layout of this Environmental Authorisation'). The three (3) cultivation areas will be approximately 41.74ha in extent.

- Area 1: Approximately 15.7ha
- Area 3: Approximately 19.19ha
- Area 4: Approximately 6.85ha

The associated infrastructure will include:

- Installation of a new pump next to the Berg River, with the pipe and suction head tied to an existing raft in the river.
- Installation of an approximately 1.9 km long pipeline between the abstraction point and a new proposed pump house. The pipeline will have a maximum internal diameter of approximately 0.33m and a maximum capacity of approximately 111 litres per second.
- Construction of a new pump house with booster pumps, from where the water will be pumped to the orchards.
- Replacing of an existing 100 kilovolt amperes ("kVA") transformer with a 315kVA transformer.

The three (3) cultivation areas comprising blocks of citrus rows will be accessed by means of existing roads and farm roads, while new internal farm roads will be scraped between the orchard blocks, with a road scraper.

The citrus fruit will be transported to an off-site facility for packaging and/or processing. No fruit packaging and/or processing facilities will therefore take place on-site.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the Remaining extent of the Farm Wittewater No. 148, Piketberg, which is located between the Berg River and the R399, approximately 1 km south-west of the Wittewater settlement and approximately 5 km west of Piketberg.

The SG digit code for the Remaining extent of Farm Wittewater No. 148, Piketberg is:

C05800000000014800000

The co-ordinates the Remaining extent of Farm Wittewater No. 148, Piketberg to be cleared are:

- Area 1: 32° 55' 45.56" South; 18° 40' 43.54" East
- Area 3: 32° 55' 38.06" South; 18° 41' 37.52" East

Area 4: 32° 55' 50.14" South; 18° 41' 29.14" East

Refer to Annexure 1: Locality Plan and Annexure 2: Authorised Alternative and Layout

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Cornerstone Environmental Consultants (Pty) Ltd.
c/o Ms. M. de Villiers
P. O. Box 12606
DIE BOORD
7613

Tel.: 021 887 9099

Email: mari@cornerstoneenviro.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 'Authorised Alternative', described in this Environmental Authorisation and 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.
 - (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 ("I&APs") 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 I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 6.4 provide the registered I&APs 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; and
 - 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 Appeal 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 I&APs 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 must 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. A minimum of 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, 10, 14 and 19.2.

Management of activity

- 10. The EMPr submitted, as dated August 2021 must be amended to reflect and be applicable to the 'Authorised Alternative', described in this Environmental Authorisation. The amended EMPr must be submitted to this Department for approval, and the approval obtained prior to commencement.
- 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 other 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 approved EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the approved 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 approved 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 approved 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 clearance, construction and operational 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 approved 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 approved EMPr remain valid –

- 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the approved EMPr is audited;
- 15.2 submit at least two environmental audit reports to the relevant competent authority during construction. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction activities; 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 approved EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the approved 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 approved EMPr;
 - 16.4 identify shortcomings in the approved EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the approved EMPr;
 - 16.6 indicate the date on which the construction phase 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 I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, place on a publicly accessible website.

Specific conditions

18. The following measures adapted from the Final EIA Report dated August 2021 compiled by Ms. M. de Villiers of Cornerstone Environmental Consultants (Pty) Ltd., as included in the EMPr, must be implemented:
 - 18.1 Care must be taken when using pesticides and insecticides to prevent pollution of the environment.
 - 18.2 Pesticides/herbicides/insecticides must have low environmental toxicity (the active ingredients).
 - 18.3 Pesticides that possess chemical properties that are less conducive to runoff (such as low water solubility and high adsorption coefficients) must be used.
 - 18.4 Organic slow-release fertilizers must be used wherever possible, or if not possible, slow release, less soluble and least mobile chemical fertilisers must be used.
 - 18.5 Material Safety Data Sheets must be used and available on site for all chemicals (pesticides, herbicides, fertilizers etc.) used.
 - 18.6 Chemicals must be stored in appropriate lockable stores.
19. The following measures adapted from the Botanical Assessment dated 11 June 2020 compiled by Mr. N. A Helme of Nick Helme Botanical Surveys, must be implemented:
 - 19.1 The holder must maintain ecological buffers of at least 32m between all development and the edges of drainage lines.
 - 19.2 All High Sensitivity areas (shaded in red in Annexure 2 illustrating the Authorised Alternative and Layout), as well as the drainage line separating development areas where Area 3 and Area 4 will be cleared, must be clearly demarcated prior to commencement of any land clearing.
20. The holder must implement measures that will prevent pollution of surface and/or ground water 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. RECOMMENDATIONS

1. The holder of the environmental authorisation should, within six months from the date of issue of this environmental authorisation, initiate discussions with CapeNature in order to formalise a Stewardship agreement or contract for those areas of high botanical significance that have been identified as no-go /avoided areas. The holder should thereafter provide the Directorate with a status report every six months until the agreement or contract has been concluded. The holder should submit the final Stewardship agreement or contract to this Directorate within 30 days after it has been concluded, for record purposes.

- 1.1. The avoidance and/or conservation areas should be managed in accordance with a Conservation Environmental Management Plan ("EMP"). The Conservation EMP must be submitted to this Directorate and must incorporate the following measures recommended in the Botanical Assessment Report:
 - 1.1.1 The invasive alien *Prosopis* (mesquite) and *Acacia saligna* (Port Jackson) shrubs must be removed from the entire site using appropriate CapeNature approved methodology (including inter alia, felling at ground level followed by immediate herbicide painting of cut stems).
 - 1.1.2 Any other alien invasive plants (as per NEMBA lists) must be removed from the conservation areas on an annual basis, using appropriate methodology.
 - 1.1.3 No herbicide must be sprayed anywhere within the conservation areas.
 - 1.1.4 All Renosterveld conservation areas should be subject to a management fire once every 8-12 years (in consultation with a botanical or ecological specialist), in order to simulate the natural fire cycle in this vegetation type. The applicant must join the local Fire Protection Agency, who can assist with fire management. The management burns should be managed by professional fire managers, and must be undertaken, with the necessary permits, in autumn (15 March – 15 May).
 - 1.1.5 The perimeter of the area to be burnt can be brushcut before the burn, to a height of 10-15cm, using handheld brushcutters, to create a firebreak, if needed, but no tractor drawn 'bossieslaners' must be used.
 - 1.1.6 No pipelines or roads should be routed across or through the conservation areas, and neither must these cross the main wetlands on site, with the exception of the small drainage line between development areas of 'Site 2' and 'Site 3' as displayed in Annexure 2, which may be bridged with a low-water bridge.
 - 1.1.7 Pesticide spraying of the cultivated areas should only be undertaken on windless days, to minimise spray drift into the conservation areas.
 - 1.1.8 No dumping of any soil, rocks or anything else must take place within the demarcated high sensitivity areas.
- 1.2. Should a Stewardship Agreement not be reached, the holder should include the continuous management of the no-go or avoidance areas in a 'farm level management plan' to ensure the protection of these areas. The holder should submit this plan to the Directorate within 30 days after it has been concluded, for record purposes.

G. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
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 activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those 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. 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 NEMA 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:

www.westerncape.gov.za

Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

H. 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 -
 - 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 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: Attention: Marius 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 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 requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

I. 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

MS. MARE-LIEZ OOSTHUIZEN
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 14 JANUARY 2022

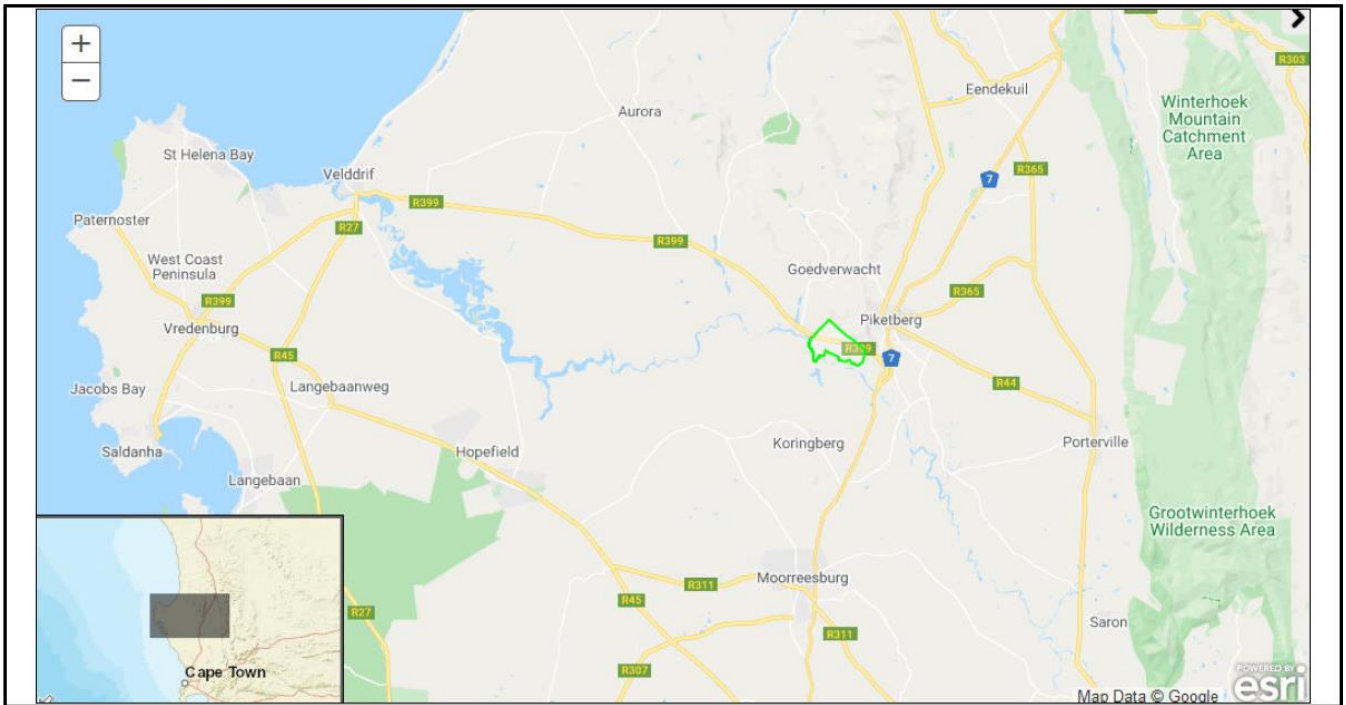
Copied to: (1) Ms. M. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd.)
(2) Ms. A. Joubert (Bergrivier Municipality)

E-mail: mari@cornerstoneenviro.co.za
E-mail: JoubertA@Bergmun.org.za

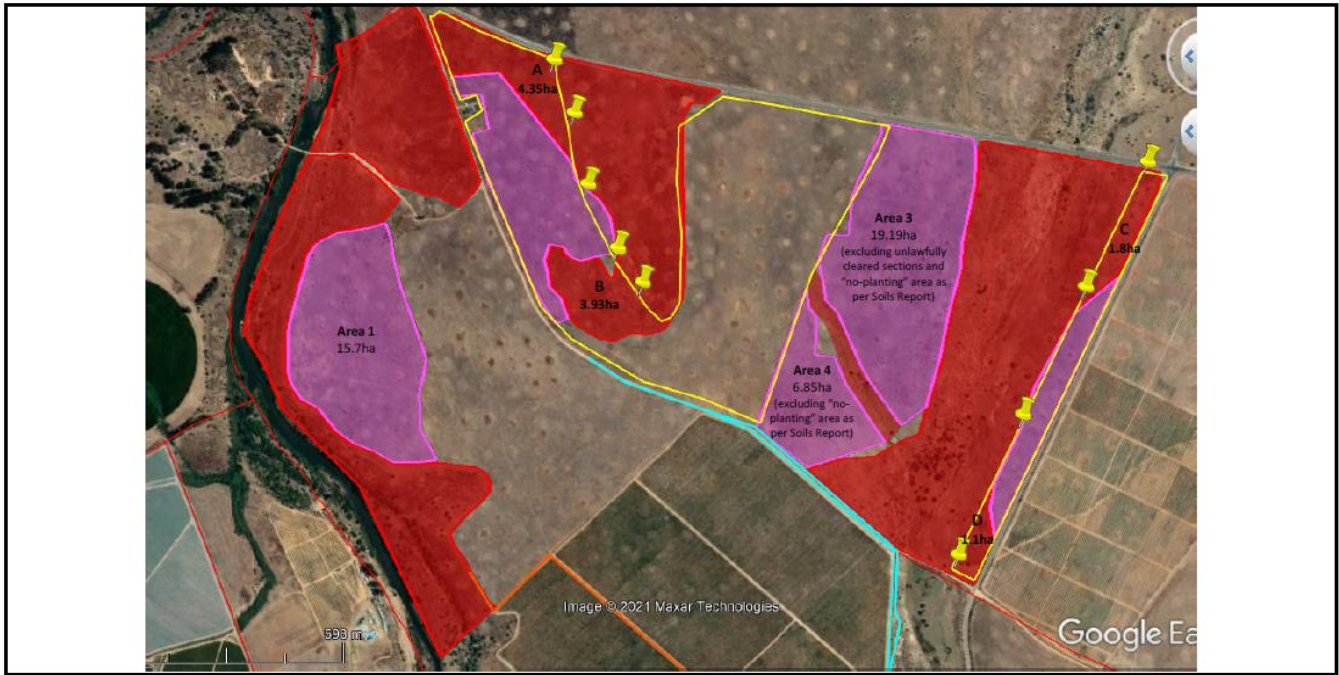
FOR OFFICIAL USE ONLY:

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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: AUTHORISED ALTERNATIVE AND LAYOUT



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 May 2021, the Final Scoping Report dated October 2020 (submitted as part of previous application that lapsed (Ref No: 16/3/3/2/F1/11/2040/20), the Final EIA Report dated August 2021 and the additional information received on 28 November 2021, 1 December 2021 and 13 December 2021;
- 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;
- d) The comments received from I&APs and responses to these, included in the Final Scoping Report and Final EIA Report; and
- e) The information gathered from the site inspection undertaken on 7 December 2021, as attended by Ms. N. Bieding (DEA&DP: Development Management), Ms. T. Dreyer (DEA&DP: Development Management), Ms. M. de Villiers and Mr. P. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd. and Mr. J. Kruger (Wittewater Agri.).

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:

- notices regarding the proposed development were distributed to all relevant I&APs as well as key authorities;
- a site notice was fixed along the main road (R399) at the entrance to the Wittewater Farm on 18 March 2020;
- an advertisement was placed in the 'Weslander' local newspaper on 25 June 2020;
- a pre-application Draft Scoping Report was circulated to all I&APs for commenting from 26 June 2020 to 25 August 2020;
- the Draft Scoping Report was circulated to all I&APs and authorities for commenting purposes from 26 June 2020 to 26 August 2020 and 7 September 2020 to 8 October 2020;
- the Draft EIA Report was circulated to all I&APs and authorities for commenting purposes from 28 May 2021 to 30 June 2021;
- the circulation of an Executive Summary dated December 2021 to registered I&APs via e-mail on 1 December 2021 to provide information on the updated development proposal and the associated impacts and proposed mitigation measures; and
- the circulation of the notification on 13 December 2021 regarding this Department's Development Management Directorate's (Region1) decision to lift the suspension that was previously placed on this Scoping and EIA application on 19 November 2021.

During the public participation process, comments were obtained which largely related to:

- preventing the pollution of water resources;
- alien vegetation control;
- an assessment of soil potential;
- impacts associated with runoff, erosion and pesticides from the orchards;
- stormwater management; and
- on-site waste management during the operational phase.

Responses to the comments raised during the public participation process were included in both the Scoping as well as EIA Reports. This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements.

2. Alternatives

A Botanical Impact Assessment was conducted during the Scoping phase by Nick Helme of Nick Helme Botanical Surveys to assist in identifying the least sensitive layouts and locations. Based on the outcome of the botanical assessment, areas of High sensitivity were excluded from the preferred layout. The Preferred alternative and the no-go alternative were assessed:

Authorised Alternative (Herewith authorised)

The original alternative entailed the clearance of indigenous vegetation for the cultivation of citrus orchards on the Remaining extent of the Farm Wittewater No. 148, Piketberg, on five (5) areas of the site which are not highly sensitive from a botanical sensitive. The five (5) cultivated areas originally amounted to approximately 57ha in extent.

However, two of the five areas, which included the clearance of indigenous vegetation to cultivate citrus with an approximate extent of 10.3ha and 4.1ha, respectively, were later excluded from the application for authorisation.

The Authorised Alternative therefore entails the clearance of indigenous vegetation for the cultivation of citrus orchards on the Remaining extent of the Farm Wittewater No. 148, Piketberg, on three (3) areas of the site (as displayed in 'Annexure 2: Authorised Layout of this Environmental Authorisation). The three (3) cultivation areas will be approximately 41.74ha in extent. The areas are:

Area 1: Approximately 15.7ha

Area 3: Approximately 19.19ha

Area 4: Approximately 6.85ha

The associated infrastructure will include:

- Installation of a new pump next to the Berg River, with the pipe and suction head tied to an existing raft in the river.
- Installation of an approximately 1.9 km long pipeline between the abstraction point and a new proposed pump house. The pipeline will have a maximum internal diameter of approximately 0.33m and a maximum capacity of approximately 111 litres per second.
- Construction of a new pump house with booster pumps, from where the water will be pumped to the orchards.
- Replacing of an existing 100 kilovolt amperes ("kVA") transformer with a 315kVA transformer.

The three (3) cultivation areas comprising blocks of citrus rows will be accessed by means of existing roads and farm roads, while new internal farm roads will be scraped between the orchard blocks, with a road scraper.

The citrus fruit will be transported to an off-site facility for packaging and/or processing. No fruit packaging and/or processing facilities will therefore take place on-site.

This alternative is herewith authorised, as the areas to be cleared were determined as part the Botanical Assessment dated 11 June 2020, as not being highly sensitive from a botanical perspective.

Activity Alternative (Preferred from a soil suitably perspective)

The preferred activity alternative entails the clearance of indigenous vegetation for the cultivation of citrus orchards. The suitability of the soil to support the cultivation of citrus (as opposed to other cultivars) was assessed in the Soil Potential Study dated March 2021. The Soil Potential Study dated March 2021 confirmed that although there are chemical and physical limitations, this can be managed and improved in a cost-effective way through operational measures. The site was found to be suitable for the cultivation of citrus.

The activity alternative for the cultivation of citrus was therefore preferred based on the soil's suitability.

Design and Layout Alternatives (Preferred from a practical perspective)

The preferred design and layout alternative entails the cultivation in blocks comprising row directions for the proposed citrus orchards. The layout of the blocks was based on aspects such as allowing the required sunlight interception and the slope of the landscape to allow for suitable surface water drainage.

The layout which allows for the cultivation in blocks is preferred as it includes the abovementioned aspects which will contribute towards the successful cultivation of citrus.

Operational Alternative: Scheduling (Rejected by the applicant)

This operational alternative entails the clearance and cultivation activities taking place in a phased approach, whereby only one block is cleared and cultivated at a time.

This operational alternative was rejected as it will not be practical or economically feasible to develop the proposed blocks in phases due to, *inter alia*, the costs involved in hiring equipment for the clearance of the vegetation and installation of the irrigation pipeline network.

Operational and Routing Alternative: Abstraction point and pipeline route Alternative 1 (Rejected by the applicant)

This operational alternative entails the installation of a water abstraction point from the Berg River so that its associated pipeline route will have the shortest pipeline distance between the river and the cultivation areas.

This operational and routing alternative was rejected based on the following reasons:

- An overhead powerline would have been required over the river to provide electricity to the pump station.
- Large areas of botanically "High sensitivity", would have been cleared.
- The water quality at this extraction point is very poor (saline) during the critical water abstraction period between April and July.
- This abstraction point in the river may not always have water during the critical period between April and July.

Operational and Routing Alternative: Abstraction point and pipeline route Alternative 2 (Preferred by the applicant)

This operational alternative entails the installation of a water abstraction point from the Berg River. This will be located approximately 2.3 km upstream from where the Abstraction point and pipeline route Alternative 1 is located. This alternative will include the following components:

- Installation of a new pump next to the Berg River, with the pipe and suction head tied to an existing raft in the river.
- Installation of an approximately 1.9 km long pipeline between the abstraction point and a new proposed pump house. The pipeline will have a maximum internal diameter of approximately 0.33m and a maximum capacity of approximately 111 litres per second.
- Construction of a new pump house with booster pumps, from where the water will be pumped to the orchards.

This alternative was preferred by the applicant, as the pipeline will be routed inside existing disturbed footprints of existing roads, through a vineyard, and along fence lines.

No-Go Alternative

The "no-go" alternative will result in the *status quo* of the site being maintained with no vegetation clearance for the cultivation of citrus.

The "no-go" alternative was rejected as it will largely result in the lost opportunity to utilise the agricultural potential property of the site and gain the associated benefits such as employment and economic returns from citrus produce.

2.1 Motivation for the removal of two areas for clearance of indigenous vegetation (to cultivate citrus) of this Environmental Authorisation:

During the EIA process, this Department was presented with information that clearance and tiling of soil, without having obtained an Environmental Authorisation, has taken place on site at two of

the five areas proposed for indigenous vegetation clearance. These two areas were originally included as part of this Scoping and EIA application.

The alleged unlawful clearance was investigated by this Department and afterwards, based on the additional information presented to this Department, it was decided that the three areas (Areas 1, 3 and 4) where no clearance has taken place can be authorised within the scope of the Scoping and EIA application, due to the following:

- 2.1.1 The Moravian Church in South Africa is the landowner of the abovementioned property, who leases the said property to MCiSA Agri & Tourism (Pty) Ltd. MCiSA Agri & Tourism (Pty) Ltd. in turn lawfully sublets the premises to Wittewater Agri & Tourism (Pty) Ltd. These are all separate legal entities, and the sub-lessee, i.e., Wittewater Agri & Tourism (Pty) Ltd has no relation whatsoever to the alleged transgressor (a third party) who committed the unlawful activities.
- 2.1.2 The three areas where no clearance has taken place (and as authorised in terms of this Environmental Authorisation) are not exclusively dependent on the areas where the unlawful activities have taken place.
- 2.1.3 The registered I&APs were informed of the updated development proposal as well as the updated assessment of the associated impacts.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed project forms part of the Moravia Citrus Project and is being developed by Wittewater Agri and Tourism (Pty) Ltd. through a joint venture between MCiSA Agri & Tourism (Pty) Ltd and Stargrow. The proposed development is required to optimally use the land available for an agricultural land use, which in turn will create much needed employment opportunities in the local area.

The Soil Suitability study dated March 2021 determined that although the site's soil's natural and current state presents some limitations, this can be mitigated and managed through operational measures. The site can therefore be considered as generally suitable for the cultivation of citrus. The cultivation areas will be located in the portions of the site which are of low and medium botanical sensitivity. The Highly sensitive botanical areas have been avoided by this application.

3.2 Regional/ planning context

The proposed development is consistent with the forward planning and strategic context for the area which generally earmarks the greater area as suitable for agricultural activities. The Bergrivier Municipal Spatial Development Framework: 2019-2024, for example, acknowledges the importance of the agricultural sector to the Bergrivier local economy.

3.3 Botanical Impacts

The Botanical Assessment dated 11 June 2020 assessed the applicant's initial 232ha area and based on the outcome of the assessment, the botanist identified areas of high, medium and low botanical significance. The botanical assessment indicated that at least four plant Species of Conservation Concern were recorded within the High sensitivity areas and the loss of the site populations of these species, as well as their habitat, would be regionally significant. The botanist concluded that the overall botanical impact of the proposed clearance and cultivation of citrus over the entire the site is likely to be Low positive, as the areas with high botanical significance and potential negative construction phase impacts will be compensated by the establishment of no-go area(s). Due to capacity constraints at CapeNature at the time of conducting the EIA, a Stewardship Contract or Agreement with respect to these no-go areas which contains High sensitivity vegetation, was not concluded. However, these areas of high botanical significance will be managed in accordance with a Conservation EMP. The recommended measures have been included as conditions and recommendations of this Environmental Authorisation.

Setting aside or avoiding the areas of high botanical sensitivity means that the terrestrial Renosterveld on rocky soils, seasonal wetlands, alluvial vegetation along the Berg River and

identified vegetation species of conservation concern will not be directly impacted on by the proposed cultivation areas. This will also to a large extent avoid any negative impacts related to habitat degradation and ecological fragmentation. The botanical impacts are therefore expected to be of low to medium negative significance.

3.4 Soil Suitability

In order to determine whether the site is suitable for perennial crop production, in particular citrus trees, a Soil Potential Study was undertaken. The Soil Potential Study dated March 2021 revealed that while the site has certain soil limitations, these are common in the local area and can be managed through typical mitigation actions to ensure viable production. The said Soil Potential Study therefore concluded that the site is generally suitable for the cultivation of citrus.

3.5 Surface and groundwater impacts

The proposed development will obtain water from the existing water allocated to the property. As such, no additional water and/or upgrading of water use rights are required.

The site is situated in an area that is underlain by a minor, fractured aquifer. The groundwater quality of the aquifer is relatively saline.

The proposed citrus cultivation areas will be located away from the Berg River and its drainage lines to avoid hydrological, aquatic and biodiversity related impacts. Avoiding impacting any aquatic resources, ecological buffers of at least 32m must also be maintained between all development and the edges of drainage lines.

The surface and groundwater impacts will therefore be of low negative significance, as the only potential impacts relates to the uncontrolled use of pesticides/herbicides/insecticides in the orchards, which could result in polluted surface and groundwater runoff. Conditions are included in this Environmental Authorisation to minimise potential soil and groundwater impacts.

3.6 Heritage impacts

On 9 June 2020, Heritage Western Cape confirmed in their written response that there is no reason to believe that the proposed development will impact on heritage resources and no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. The heritage impacts are therefore regarded as negligible.

3.7 Visual impacts

The proposed development is not expected to be out of context with its immediate surrounds which consist of largely agricultural activities as it is a continuation of agricultural activities on the property. The proposed development is not anticipated to negatively impact the viewshed from Wittewater over the Berg River valley nor impact the cultural landscape of Piketberg.

3.8 Services and infrastructure

Existing services and infrastructure will be used, except for the following which is to be constructed and/or installed:

- Installation of a new pump next to the Berg River, with the pipe and suction head tied to an existing raft in the river.
- Installation of an approximately 1.9 km long pipeline between the abstraction point and a new proposed pump house. The pipeline will have a maximum internal diameter of approximately 0.33m and a maximum capacity of approximately 111 litres per second.
- Construction a new pump house with booster pumps, from where the water will be pumped to the orchards.
- Replacing of an existing 100kVA transformer with a 315kVA transformer.
- New internal farm roads will be scraped between the orchard blocks.

3.9 Socio-economic

It is projected that the proposed development will result in employment opportunities throughout the lifecycle of the proposed development. This benefit is important for the Bergrivier municipal area where unemployment levels have been slowly but steadily rising.

The development will result in both negative and positive impacts.

Negative Impacts:

- Loss of indigenous vegetation.
- Potential soil and groundwater pollution.

Positive impacts:

- Employment opportunities will be created.
- Optimal use of available and suitable land for agricultural purposes.
- Contribution to the local economy.

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 an approved 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 your 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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