



REFERENCE: 16/3/3/2/B2/32/1024/21
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 13 April 2022

The Board of Directors
Villion Farms (Pty) Ltd
PO Box 2
WERDA HEXRIVIER
6855

Attention: Mr Anton Viljoen

Tel: (023) 354 8713
E-mail: anton@asvfarms.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE ENLARGEMENT OF OUDE SCHUUR DAM (DAM 1) AND BLIKKIES DAM (DAM 5), THE DECOMMISSIONING OF FOUR SMALLER DAMS AND THE EXPANSION OF AGRICULTURAL AREAS AND ASSOCIATED INFRASTRUCTURE ON PORTION 31 OF FARM TEXAS NO. 451, REMAINDER OF PORTION 25 OF FARM DE WILLIGE RIVIER NO. 451, PORTION 2 OF FARM WINKELHAAK NO. 343, REMAINDER OF FARM KARROO NO. 453, REMAINDER OF FARM KARROO NO. 454, PORTION 1 OF FARM KARROO NO. 454 AND FARM OUDE SCHUUR NO. 925, WORCESTER.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation ("EA") and **adopt** the Maintenance Management Plan, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached EA.

Yours faithfully

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

Cc: (1) Ms Nicole Holland (Holland and Associates Environmental Consultants)
(2) Mr Jaco Steyn (Breede Valley Municipality)
(3) Mr Rhett Smart (CapeNature)
(4) Mr Rudolph Röscher (Department of Agriculture)
(5) Ms Elkerine Rossouw (BGCMA)

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REFERENCE: 16/3/3/2/B2/32/1024/21
NEAS REFERENCE: WCP/EIA/0000908/2021
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 13 April 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE ENLARGEMENT OF OUDE SCHUUR DAM (DAM 1) AND BLIKKIES DAM (DAM 5), THE DECOMMISSIONING OF FOUR SMALLER DAMS AND THE EXPANSION OF AGRICULTURAL AREAS AND ASSOCIATED INFRASTRUCTURE ON PORTION 31 OF FARM TEXAS NO. 451, REMAINDER OF PORTION 25 OF FARM DE WILLIGE RIVIER NO. 451, PORTION 2 OF FARM WINKELHAAK NO. 343, REMAINDER OF FARM KARROO NO. 453, REMAINDER OF FARM KARROO NO. 454, PORTION 1 OF FARM KARROO NO. 454 AND FARM OUDE SCHUUR NO. 925, WORCESTER.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Layout Alternative for Dam 1 (Oude Schuur Dam) Option 8, the Preferred Layout Alternative for Dam 5 (Blikkies Dam) Option 5, the Preferred Pipeline Route Alternative 2 and the Preferred Sand Borrow Area Alternative 2 described in the Environmental Impact Assessment ("EIA") Report, dated December 2021.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the enlargement of Oude Schuur Dam (Dam 1) and Blikkies Dam (Dam 5), the decommissioning of four smaller dams and the expansion of agricultural areas and associated infrastructure on Portion 31 of the Farm Texas No. 451, Remainder of Portion 25 of the Farm Willige Rivier No. 451, Portion 2 of the Farm Winkelhaak No. 343, Remainder of Farm Karroo No. 453, Remainder of Farm Karroo No. 454, Portion 1 of Farm Karroo No. 454 and Farm Oude Schuur No. 925, Worcester.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Villion Farms (Pty) Ltd
 c/o Mr Anton Viljoen
 PO Box 2
WERDA HEXRIVIER
 6855
 Tel: (023) 354 8713
 E-mail: anton@asvfarms.co.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 9 The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water- (i) with an internal diameter of 0.36 metres or more (ii) with a peak throughput of 120 litres per second or more.</p> <p>excluding where-</p> <p>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or (b) where such development will occur within an urban area.</p>	<p>The development includes the construction of a 3km long pipeline with a diameter of 0.5m for the transportation of water.</p>
<p>Listing Notice 1 – Activity Number: 12 The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs— (a) within a watercourse; (b) in front of a development setback; or</p>	<p>Certain components of the development such as the pipelines, the power cable, the pumpstation at Dam 5 (Blikkies Dam), the packhouse and the supporting structures of the shade netting will have a combined physical footprint larger 100m², which will be located within 32m of the watercourses present on the site.</p>

<p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway lines; or</p> <p>(ff) 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.</p>	
<p>Listing Notice 1 –</p> <p>Activity Number: 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <p>(a) Will occur behind a development setback;</p> <p>(b) Is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p> <p>(d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The enlargement of Dam 1 (Oude Schuur Dam), the decommissioning of Dam 2 and Dam 6, the 500mm diameter pipeline and the agricultural expansion, would require the moving of more than 10m³ of material into and from the watercourses present on the site.</p>

<p>Listing Notice 1 – Activity Number: 31 The decommissioning of existing facilities, structures or infrastructure for-</p> <p>(i) <i>any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i></p> <p>(ii) <i>any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i></p> <p>(iii) <i>any development and related operation activity or activities and expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i></p> <p>(iv) <i>any phased activity or activities for development and related operation activity or expansion or related operation activities listed in this Notice or Listing Notice 3 of 2014; or</i></p> <p>(v) <i>any activity regardless the time the activity was commenced with, where such activity:</i></p> <p style="padding-left: 40px;"><i>(a) is similarly listed to an activity in (i), (ii), (iii), or (iv) above; and</i></p> <p style="padding-left: 40px;"><i>(b) is still in operation or development is still in progress;</i></p> <p>excluding where-</p> <p>(aa) <i>activity 22 of this notice applies; or</i></p> <p>(bb) <i>the decommissioning is covered by part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies.</i></p>	<p>The development includes the decommissioning of four dams.</p>
<p>Listing Notice 1 – Activity Number: 48 The expansion of-</p> <p>(i) <i>canals where the canal is expanded by 100 square metres or more in size;</i></p>	<p>Both Dam 1 (Oude Schuur Dam) and Dam 5 (Blikkies Dam) will be expanded by more than 100 square metres within 32 of a watercourse.</p>

- (ii) channels where the channel is expanded by 100 square metres or more in size;
- (iii) bridges where the bridge is expanded by 100 square metres or more in size;
- (iv) dams, where the dam, including infrastructure and water surface area, is expanded by 100 square metres or more in size;**
- (v) weirs, where the weir, including infrastructure and water surface area, is expanded by 100 square metres or more in size;
- (vi) bulk storm water outlet structures where the bulk storm water outlet structure is expanded by 100 square metres or more in size; or
- (vii) marinas where the marina is expanded by 100 square metres or more in size;

where such expansion or expansion and related operation occurs-

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

excluding-

- (a) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (b) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (c) 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;
- (d) where such expansion occurs within an urban area; or
- (e) where such expansion occurs within existing roads or road reserves.

<p>Listing Notice 1 – Activity Number: 63 The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following- <i>(i) water catchments;</i> <i>(ii) water treatment works; or</i> (iii) impoundments.</p> <p><i>where the capacity will be increased by 50 000 cubic metres or more per day, but excluding treatment works where water is treated for drinking purposes.</i></p>	<p>The enlargement of Dam 1 (Oude Schuur Dam) includes the transfer of water from the existing Dam 4a to Dam 1.</p>
<p>Listing Notice 1 – Activity Number: 66 The expansion of a dam where – (i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2.5 metres or more; or (ii) where the high-water mark of the dam will be increased with 10 hectares or more.</p>	<p>The dam wall of Dam 1 (Oude Schuur Dam) will be raised from approximately 8m to 15.9m.</p>
<p>Listing Notice 2 – Activity Number: 15 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) 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 will include the clearance of approximately 82 hectares of indigenous vegetation for the cultivation areas and approximately 8.4ha of indigenous vegetation for the enlargement of Dam 1 (Oude Schuur Dam).</p>

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

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

- Enlargement of Dam 1 (Oude Schuur Dam) from its current capacity of 80 000m³ to a capacity of approximately 400 000m³.
- Enlargement of Dam 5 (Blikkies Dam) from 123 000m³ to 152 000m³.
- A new 500mm diameter pipeline (approximately 3km in length) from the enlarged Dam 1 (Oude Schuur Dam) to Dam 4a (Dooie Dam).

- A new 315mm diameter connection pipeline at Dam 5 (Blikkies Dam) of approximately 41m in length with a new booster pump station of approximately 4m x 4m.
- Decommissioning of four dams, namely Dam 2, 3, 4b and 6.
- The cultivation of approximately 82ha of virgin soils, i.e. approximately 33.1ha on virgin soils not previously cultivated, and approximately 48ha on virgin soils previously cultivated (more than 10 years ago).
- A new table grape pack house with a development footprint of approximately 6ha.
- An approximately 1ha sand borrow area.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 31 of Farm Texas No. 451, Remainder of Portion 25 of Farm De Willige Rivier No. 451, Portion 2 of Farm Winkelhaak No. 343, Remainder of Farm Karroo No. 453, Remainder of Farm Karroo No. 454, Portion 1 of Farm Karroo No. 454 and Farm Oude Schuur No. 925, Worcester and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates of centre point:	33° 40' 50" South	19° 37' 05" East

The SG digit codes are:

C085 0000 00000451 00031
 C085 0000 00000451 00025
 C085 0000 00000343 00002
 C085 0000 00000453 00000
 C085 0000 00000454 00000
 C085 0000 00000454 00001
 C085 0000 00000925 00000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Holland and Associates Environmental Consultants
 c/o Ms Nicole Holland
 PO Box 31108
TOKAI
 7966
 Cell: (083) 464 5246
 Email: nicole@hollandandassociates.net

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 Layout Alternative for Dam 1 (Oude Schuur Dam) Option 8, the Preferred Layout Alternative for Dam 5 (Blikkies Dam) Option 5, the Preferred Pipeline Route Alternative 2 and the Preferred Sand Borrow Area Alternative 2 described in the EIA Report dated December 2021 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

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

Conditions: 7, 8 and 12

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

- 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

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

Monitoring

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

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and the MMP. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

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

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

Specific Conditions

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

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

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

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

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

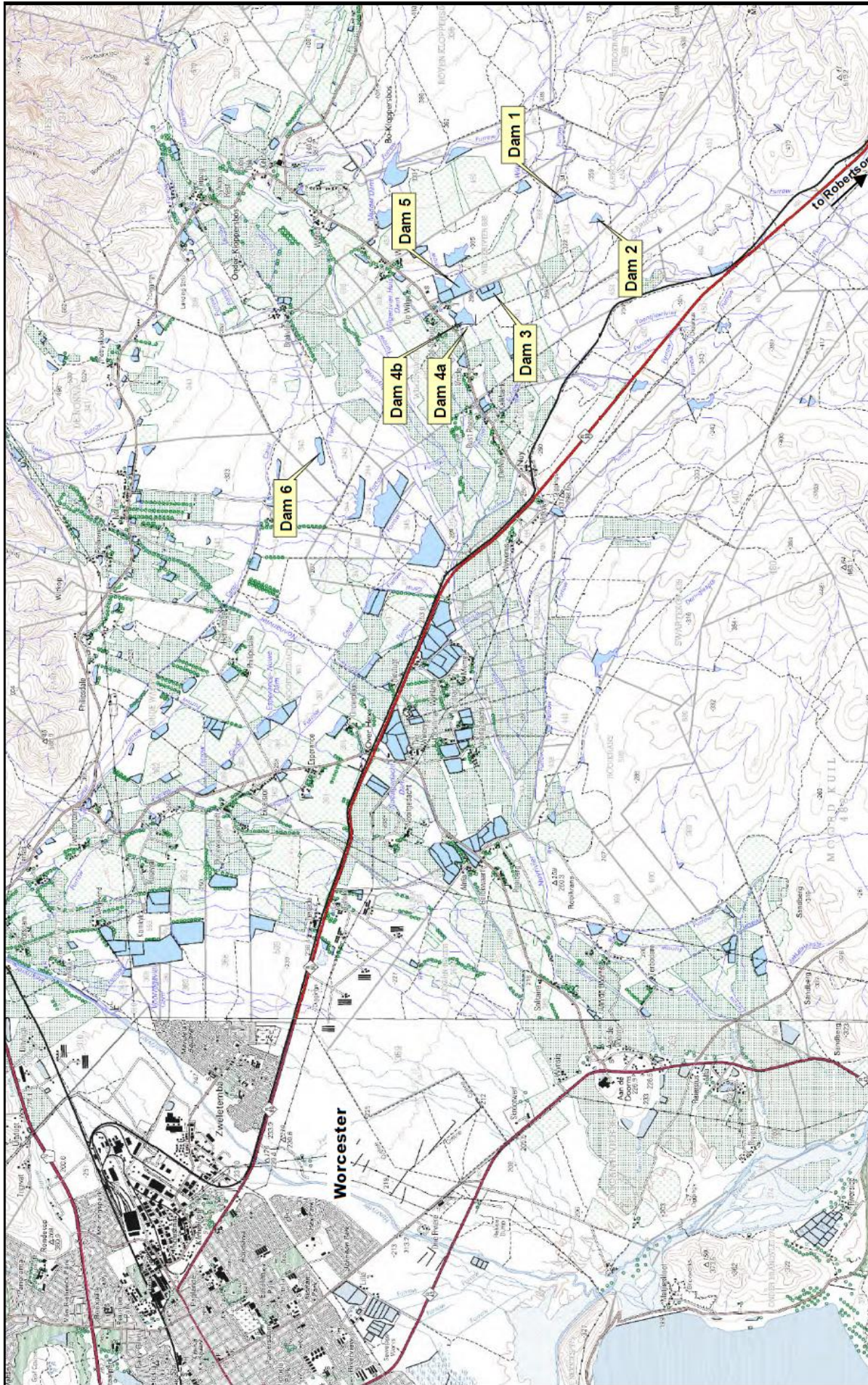
Yours faithfully




MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 13 APRIL 2022

Cc: (1) Ms Nicole Holland (Holland and Associates Environmental Consultants)
(2) Mr Jaco Steyn (Breede Valley Municipality)
(3) Mr Rhett Smart (CapeNature)
(4) Mr Rudolph Röscher (Department of Agriculture)
(5) Ms Elkerine Rossouw (BGCMA)

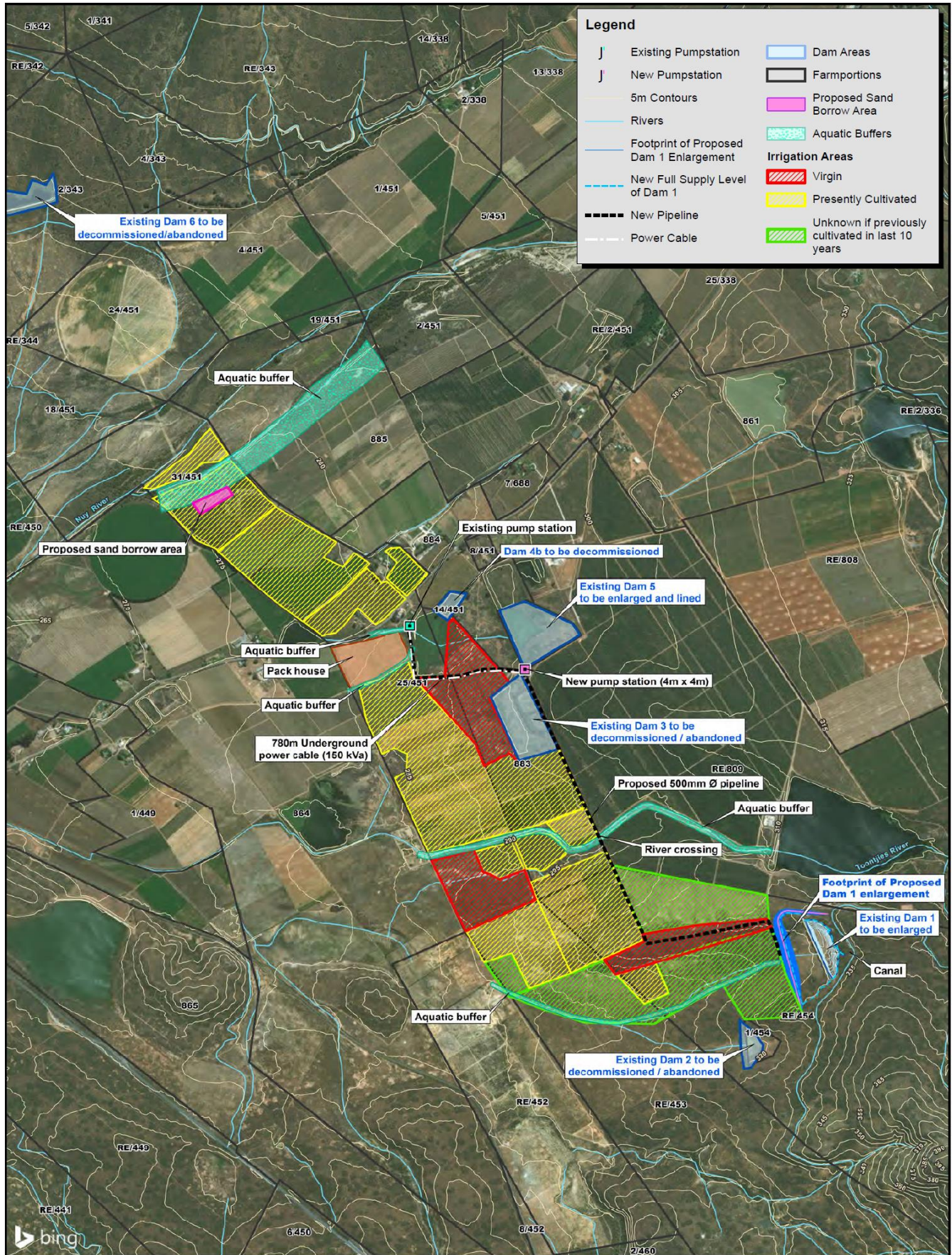
E-mail: nicole@hollandandassociates.net
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E-mail: rsmart@capenature.co.za
E-mail: RudolphR@elsenburg.com
E-mail: erossouw@bgcma.co.za

ANNEXURE 1: LOCALITY MAP



 Villion Farms (Pty) Ltd <i>Engineering for tomorrow</i>	Oude Schuur Dams		 1:75 000	 A4
	Figure 1.2: Locality Map		Drawing No. CC134900 L02 W:\Projects\CC134900\1\...\.lxd L02_LocalityMap.mxd	

ANNEXURE 2: SITE PLAN



 DJ HAGEN & ASSOCIATES Villion Farms (Pty) Ltd	Oude Schuur Dams	 1:16 000	 A3
	Figure 2.1: Updated Proposed Scheme Layout for EIA	DJH014 - Oude Schuur Dams\09 GIS\ mxd\02_SchemeLayout.mxd	

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 received by the Department on 24 February 2021, the EMPr, and the MMP submitted together with the final EIA Report dated December 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the EIA Report dated December 2021; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- A notice was placed at the boundary of the site and at four locations which borders the site on 13 October 2020;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 14 October 2020;
- the placing of a newspaper advertisement in the 'Worcester Standard' on 15 October 2020;
- making the pre-application Draft Scoping Report available for comment from 15 October 2020;
- making the in-process Draft Scoping Report available for comment from 26 May 2021; and
- making the in-process Draft EIA Report available for comment from 22 October 2021.

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

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

2. Alternatives

Alternatives

Layout Alternatives for the enlargement of Dam 1

The following eight layout alternatives were analysed by the consulting engineers for the enlargement of Dam 1 (Oude Schuur dam), with storage capacities ranging from 319 300 m³ to 698 600 m³.

Dam 1 Options	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7	Option 8
Total Storage capacity (m ³)	354240	512685	326250	319300	698600	682000	507700	400000
Maximum Wall height (m)	13,5	15	13,3	10,5	17	17,7	16,7	15,9
Water Surface Area at FSL (ha)	7.6	8.5	7.5	8.1	10.6	11.8	9.8	8.0

Option 8 with a storage capacity of 400 000 m³ (preferred and herewith authorised) was selected as the preferred layout alternative for the Dam 1 (Oude Schuur Dam) enlargement, as it was the most economically viable option able to meet the overall required storage demand.

Layout alternatives for the enlargement of Dam 5

The following five layout alternatives were analysed by the consulting engineers for the enlargement of Dam 5 (Blikkies Dam), with storage capacities ranging from 87 000 m³ to 152 000 m³.

Dam 5 Options	Option 1	Option 2	Option 3	Option 4	Option 5
Total storage capacity (m ³)	87 000	110 000	130 000	117 000	152 000
Maximum wall height (m)	4.5	5	5.5	5	5.5

Water Surface Area at FSL (ha)	3.5	3.5	3.7	4.1	6.0
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Option 5 (152 000 m³) (preferred and herewith authorised) was selected as the preferred alternative since it met the storage capacity requirements.

Pipeline route alternatives

Pipeline Route Alternative 1

This alternative has a length of approximately 2.87 km and is routed from the existing pump station at Dam 4a in a southerly direction, and then turns east towards Dam 5 (Blikkies Dam). From the connection point at Dam 5 it follows the existing gravel road up to the land parcel boundary line, which it then follows in a south-easterly direction, until it turns south to below the proposed enlarged Dam 1 (Oude Schuur Dam) wall. This alternative was not preferred since it does not follow existing gravel roads from the land parcel boundary line. Furthermore, the gradient is not preferred for the irrigation of areas immediately downstream of the enlarged dam.

Pipeline Route Alternative 2 (Preferred and herewith authorised)

This alternative has a length of approximately 3 km and follows largely the same route as Pipeline Route Alternative 1, except it continues to follow existing gravel roads from the land parcel boundary line to below the proposed dam wall at Dam 1 (Oude Schuur Dam), instead of following the land parcel boundary line. This alternative was preferred since it follows existing farm roads as much as possible and the gradient is more favourable for the irrigation of areas immediately downstream of the enlarged Dam.

Sand borrow Area Alternative 1

This alternative is approximately 1 ha in extent and on average 0.5 m deep. It is located on existing cultivated land and will be farmed after the borrowing exercise. This alternative was not preferred since it is located within the Nuy River floodplain area.

Sand borrow Area Alternative 2 (Preferred and herewith authorised)

This alternative is approximately 1 ha in extent and on average 0.5 m deep. Similar to Sand borrow Area Alternative 1, it is located on existing cultivated land and will be farmed after the borrowing exercise. This alternative is preferred since it is located 100m from the Nuy River and outside of the floodplain area. It would therefore minimise potential impacts on the Nuy River and is therefore preferable from an environmental perspective.

The No-go alternative

This alternative represents the *status quo*, which means that the existing dams remain as is. It was not preferred since without enlarging the two dams and decommissioning the four existing dams, the Applicant would not be able to consolidate and optimise the water storage capacity of the farm based on existing water use rights, which will safeguard the water supply for the irrigation of crops on the property. Furthermore, the opportunity to reduce electrical demand via irrigating under gravity from the enlarged Dam 1 (Oude Schuur Dam) would not

be realised, and expansion of agricultural areas would be limited. The potential to improve the economic viability of the farm and for local economic development would not be realised.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is zoned as "Agriculture" and thus the development is accommodated within the property's existing land use rights. The development is in line with the Provincial Spatial Development Framework and will allow more efficient storage of water on the farm by consolidating and optimising the existing water storage on the farm, thereby safeguarding the water supply for the irrigation of crops on the property. The development will reduce electricity usage on the farm due to the higher location of the enlarged Dam1 (Oude Schuur Dam), and will provide employment opportunities during the construction and operational phase.

3.2 Biophysical Impacts

According to the available mapping resources, Endangered Breede Alluvium Renosterveld vegetation is present on the site. However, based on the findings of the Botanical Impact Assessment compiled by Gregory Nicolson in association with Bergwind Botanical Surveys and Tours CC dated September 2021, the area does not support Breede Alluvium Renosterveld vegetation, but rather Robertson Karoo vegetation, which is classified as least threatened. No species of conservation concern were found on the site and the development was deemed to be acceptable from a botanical perspective.

According to Freshwater Impact Assessment compiled by BlueScience dated October 2021, the watercourses present on the site consists of the Nuy River, the Wilge River and episodic drainage lines. The potential freshwater impacts associated with the development includes the modification, disturbance or loss of aquatic habitat and the modification of the flow. Associated with these impacts is the potential to facilitate the spread of alien vegetation and erosion. The potential freshwater impacts would be reduced from medium to very low with the recommended mitigation measures made by the study. These recommended mitigation measures have been included in the EMP that was approved for implementation in Condition 9 under Section E of this Environmental Authorisation.

A Water Use Licence Authorisation ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998), that also considered the watercourse related impacts, was issued by the Department of Water and Sanitation on 2 September 2021.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretches of the watercourses. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the

responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general “duty of care” set out in Section 28(1) of the NEMA, which states that “Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.” (Note: When interpreting their “duty of care” responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA). The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a negative biophysical impact due to the loss of indigenous vegetation and the potential impacts on the watercourses present on the site. These impacts will however be mitigated to a satisfactory level with the implementation of the preferred alternative, recommended mitigation measures and adherence to the EMPr.

Positive impacts:

- The development will allow more efficient storage of water on the farm by consolidating and optimising the existing water storage on the farm, thereby safeguarding the water supply for the irrigation of crops on the property.
- The development will reduce electricity usage on the farm due to the higher elevation of the enlarged Dam1 (Oude Schuur Dam), which will enable irrigation under gravity.
- The development will provide employment opportunities during the construction and operational phase.

4. National Environmental Management Act Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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