

21 September 2022

To: Registered Interested and Affected Party / Organs of State

NOTIFICATION OF ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF THE MAINTENANCE MANAGEMENT PLAN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): FOR THE PROPOSED EXPANSION OF A DAM, CULTIVATION AREAS AND CONNECTING PIPELINE ON FARM VERGELEGEN (RE/767), EILANDIA, ROBERTSON

EIA REFERENCE: 16/3/3/2/B1/14/1067/21

NEAS REFERENCE: WCP/EIA/0001007/2021

Dear Sir / Madam

This letter serves as notification that on **20 September 2022, the Competent Authority** (Department of Environmental Affairs and Development Planning-DEA&DP) **granted Environmental Authorisation (“EA”)** (with conditions) and **adopted the Maintenance Management Plan (“MMP”)** in terms of the National Environmental Management Act No.107 of 1998, as amended, for the above-mentioned project. Full details of the reason for the decision and the conditions of approval are contained in the Environmental Authorisation. The decision was issued to the applicant on the same day (20 September 2022). The Environmental Authorisation was issued to the following holder (entity):

The Director
Imdawo-Ekuhle Pty Ltd.
P. O. Box 254
ROBERTSON
6705
Cell: 082 565 7964
E-mail: hendrikd@karsten.co.za

Listing Notice 1 of the EIA Regulations, 2014, (as amended), Activity Numbers: 12, 19, 48 and 50 and Listing Notice 2 of the EIA Regulations 2014 (as amended), Activity Number: 15 were authorised. These relate to the development proposal comprising of the following components:

- The expansion of cultivation areas by approximately 40.9ha in two areas on the property, measuring 14.6 ha (northern cultivation area) and 25.9 ha (southern cultivation area), respectively. The installation of a lined trapezoidal shaped cut-off drain (channel) with a 500 mm base width and 1:1.5 side slopes and a depth of 250 mm along the south eastern boundary of the southern cultivation area to assist with drainage in this portion and to prevent erosion.
- The expansion of the existing dam to a storage capacity of approximately 350 000m³, with a wall height of approximately 17.6m and a water surface area at full supply level of 5.3ha.
- The permanent diversion of a stream located within the dam expansion area via a pipeline with a diameter of 160mm and a length of approximately 425m to allow flow around the footprint of the expanded dam. This pipeline will drain into the stilling basin at the spillway of the dam. The diversion will take place prior to the expansion of the dam.
- The installation of an underground connector pipeline with a diameter of approximately 0.312m and a length of approximately 770m. This pipeline will transport water from the existing balancing dam to the expanded dam.
- The installation of 160mm PVC pipeline with a length of approximately 150m, that will connect the cut-off channel around the downstream toe of the dam with a stilling basin.

An area of approximately 2.3ha that contains the vulnerable plant species (*Euchaetis pungens*), which is a species of conservation concern (“SCC”) and a 2ha area that has been identified as a CBA, will be excluded



from the proposed development. A 20m buffer area will be implemented on both sides of the northern drainage line.

A copy of the Environmental Authorisation, which includes reasons for the decision, is included as **Appendix A**.

The decision by the DEA&DP to grant environmental authorisation was informed by all the information presented to them as part of the process and final submission. It included details on the public participation that was undertaken (as well as the issues raised by Interested and Affected Parties and the responses by the professional team), alternatives considered, need and desirability, and the anticipated environmental impacts.

Based on all alternatives considered, alternative 2a was preferred as the environmental sensitivities of the site were taken into account and the sensitive areas identified by the various specialist studies have been excluded from the proposed development. The site in question has the appropriate zoning and the anticipated positive and negative impacts can be appropriately mitigated through the proposed mitigation measures. In view of the above, the NEMA principles, compliance with the conditions stipulated in the Environmental Authorization, and compliance with the EMP, the Competent Authority is satisfied that the proposed listed activity 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.

Interested and Affected Parties have the right to appeal the decision. An appeal must be lodged with the Appeal Administrator, within 20 calendar days of the date of this notification to you. The appeal must be lodged in accordance with Regulation 4 of the 2014 National Appeal Regulations (as amended). At the same time, a copy of the appeal must also be lodged with the holder of the authorisation (details above), the DEA&DP, all registered Interested and Affected Parties and any organ of state with interest in the matter. A contact list can be requested from In Clover Environmental Consulting (contact details listed below):

Email: admin@inclover.co.za

Telephone: 083 565 7826

The prescribed appeal form and advice on the appeal process is available from the office of the Minister:

Tel: (021) 483 3721

Email: DEADP.Appeals@westerncape.gov.za

URL: <http://www.westerncape.gov.za/eadp>

The appeal and any supporting documents must be submitted in writing, to the Appeals Administrator (Mr. Marius Venter) by means of one of the following methods:

By post: The 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

For the purposes of electronic database management, you are also requested to submit electronic copies (in MS Word format) of the appeal, responding statement and supporting documents to the address listed above and/or via email to DEADP.Appeals@westerncape.gov.za.

Yours faithfully,



Ingrid Eggert

In Clover Environmental Consulting



EIA REFERENCE: 16/3/3/2/B1/14/1067/21
NEAS REFERENCE: WCP/EIA/0001007/2021
DATE OF ISSUE: 20 September 2022

The Director
Imdawo-Ekühle Pty Ltd. P. O. Box 254
ROBERTSON
6705

Attention: Mr. H. Davids

Cell: 082 565 7964

E-mail: hendrikd@karsten.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 REGULATIONS, 2014, (AS AMENDED): THE PROPOSED DIVERSION OF A STREAM, THE EXPANSION OF A DAM AND CULTIVATION AREAS AND THE DEVELOPMENT OF A PIPELINE ON THE FARM VERGELEGEN (RE/767), EILANDIA, ROBERTSON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

CC: (1). Ms. I. Eggert (In Clover Environmental Consultants (Pty) Ltd)
(2). Mr. J. van Zyl (Langeberg Municipality)
(3). Ms. E. Rossouw (BGCMA)
(4). Ms. V. Hudson (CapeNature)

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E-mail: erossouw@bgcma.co.za

E-mail: vhudson@capenature.co.za

EIA REFERENCE: 16/3/3/2/B1/14/1067/21
NEAS REFERENCE: WCP/EIA/0001007/2021
DATE OF ISSUE: 20 September 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, (AS AMENDED): THE PROPOSED DIVERSION OF A STREAM, THE EXPANSION OF A DAM AND CULTIVATION AREAS AND THE DEVELOPMENT OF A PIPELINE ON THE FARM VERGELEGEN (RE/767), EILANDIA, ROBERTSON.

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 alternative as described in the Environmental Impact Assessment Report ("EIAR"), received on 15 June 2022.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan ("MMP")** for the proposed periodic maintenance required for the dam, spillways and stilling basin on the Remainder of Farm Vergelegen No. 767, Eilandia, Robertson. The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Imdawo-Ekühle Pty Ltd.P. O. Box 254
ROBERTSON
6705

Cell: 082 565 7964
E-mail: hendrikd@karsten.co.za

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number: 12 <i>The development of—</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(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.</i> 	<p>The pipeline will be located within 32m of a watercourse.</p>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number: 19 <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p>	<p>Cultivation activities will result in the infilling of more than 10m³ of material within 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 harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number: 48 The expansion of—</p> <p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p> <p>where such expansion occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</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 expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	<p>The existing dam will be expanded by 100m² or more within 32m of a watercourse.</p>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number: 50 The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50 000 cubic metres or more.</p>	<p>The existing dam will be expanded by more than 50 000m³.</p>
<p>EIA Regulations Listing Notice 2 of 2014: Activity Number: 15</p>	<p>The dam and cultivation area expansions will require clearance of</p>

<p>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>more than 20ha of indigenous vegetation in total.</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 alternative as it relates to the listed activity:

The proposed development on the Farm Vergelegen (RE/767), Eilandia, Robertson will entail the following:

- The expansion of cultivation areas by approximately 40.9ha in two areas on the property, measuring 14.6 ha (northern cultivation area) and 25.9 ha (southern cultivation area), respectively. The installation of a lined trapezoidal shaped cut-off drain (channel) with a 500 mm base width and 1:1.5 side slopes and a depth of 250 mm along the south eastern boundary of the southern cultivation area to assist with drainage in this portion and to prevent erosion.
- The expansion of the existing dam to a storage capacity of approximately 350 000m³, with a wall height of approximately 17.6m and a water surface area at full supply level of 5.3ha.
- The permanent diversion of a stream located within the dam expansion area via a pipeline with a diameter of 160mm and a length of approximately 425m to allow flow around the footprint of the expanded dam. This pipeline will drain into the stilling basin at the spillway of the dam. The diversion will take place prior to the expansion of the dam.
- The installation of an underground connector pipeline with a diameter of approximately 0.312m and a length of approximately 770m. This pipeline will transport water from the existing balancing dam to the expanded dam.
- The installation of 160mm PVC pipeline with a length of approximately 150m, that will connect the cut-off channel around the downstream toe of the dam with a stilling basin.

An area of approximately 2.3ha that contains the vulnerable plant species (*Euchaetis pungens*), which is a species of conservation concern (“SCC”) and a 2ha area that has been identified as a CBA, will be excluded from the proposed development. A 20m buffer area will be implemented on both sides of the northern drainage line.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm Vergelegen (RE/767), Eilandia, Robertson, at the following co-ordinates:

Co-ordinates of the northern cultivation area

Latitude (S)	33°	47'	21.35"
Longitude (E)	19°	41'	33.67"

Co-ordinates of the southern cultivation area

Latitude (S)	33°	47'	20.77"
Longitude (E)	19°	41'	50.33"

Co-ordinates of the proposed dam

Latitude (S)	33°	47'	32.52"
Longitude (E)	19°	41'	45.79"

Co-ordinates of the diversion pipeline:

Starting point

Latitude (S)	33°	47'	32.23"
Longitude (E)	19°	41'	56.22"

Middle point

Latitude (S)	33°	47'	34.90"
Longitude (E)	19°	41'	49.03"

End point

Latitude (S)	33°	47'	36.82"
Longitude (E)	19°	41'	41.77"

Co-ordinates of the stilling basin pipeline:

Starting point

Latitude (S)	33°	47'	29.06"
Longitude (E)	19°	41'	41.92"

Middle point

Latitude (S)	33°	47'	30.43"
Longitude (E)	19°	41'	40.12"

End point

Latitude (S)	33°	47'	33.50"
Longitude (E)	19°	41'	39.46"

The SG digit code: C08500000000076700000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Ms. I. Eggert
 In Clover Environmental Consultants (Pty) Ltd
 P. O. Box 3420
TYGERVALLEY
 7536

Cell: 082 783 9860

Email: ingrid@inclover.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred Alternative described in the Environmental Impact Assessment Report ("EIAR"), received on 15 June 2022 on the site as described in Section C above.
2. 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, must be concluded.
3. 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.
 4. 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

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 11 and 17.

Notification and administration of appeal

6. The holder 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 as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
- 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 Appeals Regulations, 2014 detailed in Section F below;
- 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 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, of the holder,
 - 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 I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
7. The listed activities, including site preparation, may not commence within **20 (twenty)** calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

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

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of the proposed development to ensure compliance with the provisions of the EMPr, and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis to the competent authority for the duration of the construction phase.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on

request, including a publicly accessible website. The ECO must submit ECO reports on a quarterly basis for the duration of the proposed activity.

13. 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

14. 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 submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person, that is not the ECO referred to in Condition 12 above and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The audit reports must be compiled and subsequently submitted to the Department in the following manner:

- 14.1. An audit report must be submitted to the Competent Authority within three (3) months of the commencement of the proposed development; and
- 14.2. A final audit report must be submitted within three (3) months of the completion of the proposed development.

The holder must, within 7 days of the submission of the above-mentioned 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 on a publicly accessible website (if applicable).

Specific Conditions

15. 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.

16. 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.

17. The construction footprint and the “no-go” areas must be clearly demarcated prior to the commencement of the proposed development.
18. 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 landfill licensed in terms of the applicable legislation.
19. The holder of the EA must enter into an agreement with CapeNature (either a stewardship or an alternative agreement) for the conservation of the *E. pungens* conservation area (2.3ha) and the remainder of the property. A copy of the agreement must be submitted to the Department for record purposes within one year of the date of this Environmental Authorisation.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, 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.
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 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 20 SEPTEMBER 2022

CC: (1). Ms. I. Eggert (In Clover Environmental Consultants (Pty) Ltd)
(2). Mr. J. van Zyl (Langeberg Municipality)
(3). Ms. E. Rossouw (BGCMA)
(4). Ms. V. Hudson (CapeNature)

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ANNEXURE 1: LOCALITY MAP



Figure 1: Location of Farm Vergelegen (RE/767), Eilandia, Robertson (red polygon).

ANNEXURE 2: SITE PLAN

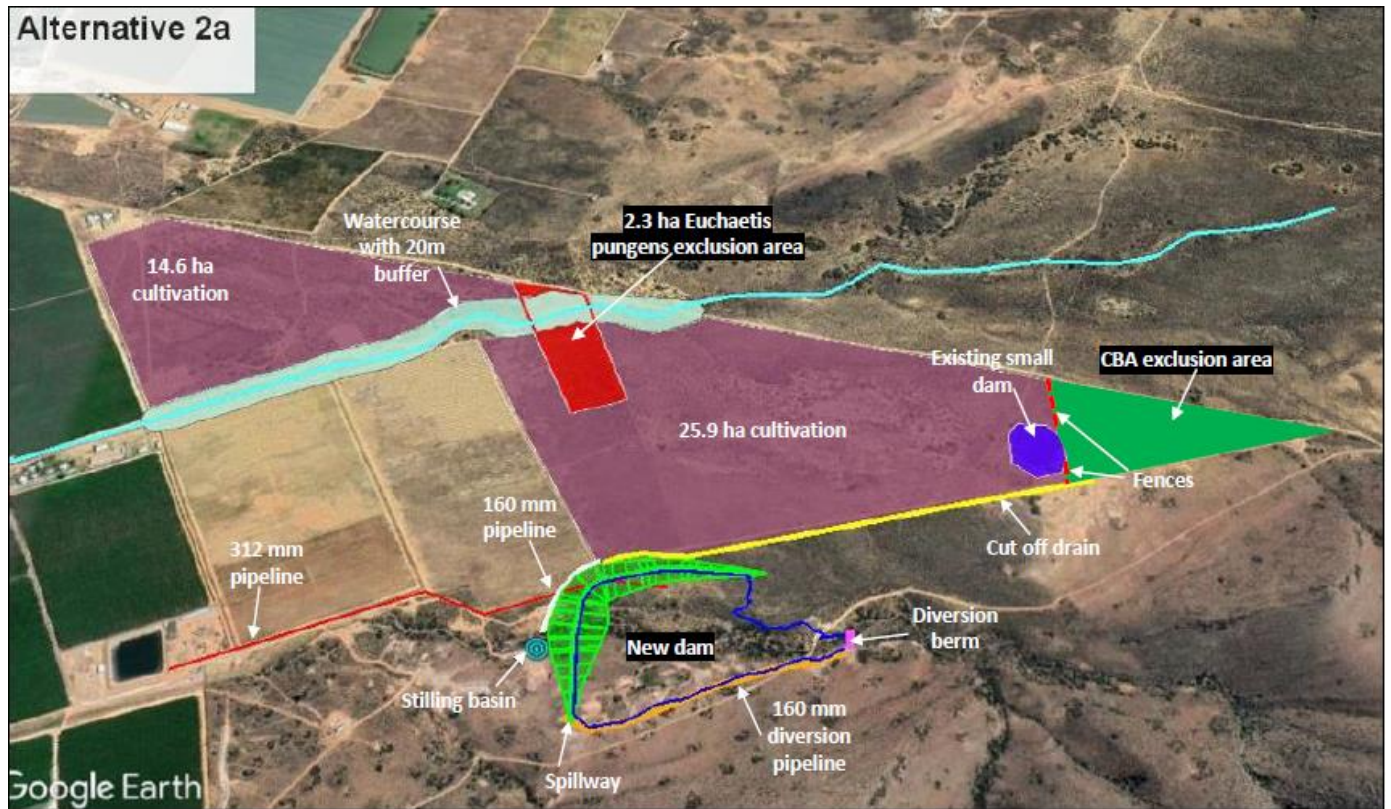


Figure 2: Site plan for the proposed development

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received by the Department on 16 November 2021, the EMPr and the MMP submitted together with the final EIAR on 15 June 2022.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the final EIAR received on 15 June 2022; 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 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 ("I&APs");
- fixing a notice board at the site where the listed activities are to be undertaken on 17 November 2021;
- the placing of a newspaper advertisement in the "*Breederivier Gazette*" on 16 November 2021;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 17 November 2021, 10 January 2022 and 16 April 2022;
- making the pre-application draft Scoping Report ("SR") available to I&APs for public review from 18 November 2021 and the in-process draft SR from 11 January 2022; and
- making the draft EIAR available to I&APs for public review from 16 April 2022 to 20 May 2022.

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

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

2. Alternatives

Alternative 1

This alternative entails the following:

- The expansion of the cultivation area by approximately 47.2ha;
- The expansion of the existing dam to a storage capacity of approximately 350 000m³, a wall height of approximately 17.6 m and a water surface area at full supply level of 5.3ha; and
- The installation of an underground connector pipeline that will transport water from the existing balancing dam to the expanded dam with a diameter of approximately 0.312m and a length of approximately 770m.

This alternative was not preferred as it does not take the environmental sensitivities of the site into consideration.

Alternative 2

This alternative entails the following:

- The expansion of the cultivation area by approximately 40.9ha;
- The expansion of the existing dam to a storage capacity of approximately 350 000m³, a wall height of approximately 17.6 m and a water surface area at full supply level of 5.3ha; and
- The installation of an underground connector pipeline that will transport water from the existing balancing dam to the expanded dam with a diameter of approximately 0.312m and a length of approximately 770m.

An area of approximately 0.8ha that contains a species of conservation concern ("SCC") and a 2ha area that has been identified as a Critical Biodiversity Area ("CBA"), will be excluded from the proposed development.

This alternative was not preferred as CapeNature indicated that the exclusion area to accommodate the SCC is too small to adequately mitigate the impacts of the proposed development.

Alternative 2a (preferred alternative herewith authorised)

The preferred alternative will entail the following:

- The expansion of cultivation areas by approximately 40.9ha in two areas on the property, measuring 14.6 ha (northern cultivation area) and 25.9 ha (southern cultivation area), respectively. The installation of a lined trapezoidal shaped cut-off drain (channel) with a 500 mm base width and 1:1.5 side slopes and a depth of 250 mm along the south eastern boundary of the southern cultivation area to assist with drainage in this portion and to prevent erosion.
- The expansion of the existing dam to a storage capacity of approximately 350 000m³, with a wall height of approximately 17.6m and a water surface area at full supply level of 5.3ha.
- The permanent diversion of a stream located within the dam expansion area via a pipeline with a diameter of 160mm and a length of approximately 425m to allow flow around the footprint of the expanded dam. This pipeline will drain into the stilling basin at the spillway of the dam. The diversion will take place prior to the expansion of the dam.

- The installation of an underground connector pipeline with a diameter of approximately 0.312m and a length of approximately 770m. This pipeline will transport water from the existing balancing dam to the expanded dam.
- The installation of 160mm PVC pipeline with a length of approximately 150m, that will connect the cut-off channel around the downstream toe of the dam with a stilling basin.

An area of approximately 2.3ha that contains the vulnerable plant species (*Euchaetis pungens*), which is a species of conservation concern ("SCC") and a 2ha area that has been identified as a CBA, will be excluded from the proposed development. A 20m buffer area will be implemented on both sides of the northern drainage line.

This alternative was preferred as the environmental sensitivities of the site were taken into account and the sensitive areas identified by the various specialist studies have been excluded from the proposed development.

The "No-Go" Alternative

The "No-Go" option of not proceeding with the proposed development is not preferred, as the opportunity will be lost to increase the economic viability of the farm and to ensure that sufficient water storage and supply is available for irrigation purposes.

3. Impact Assessment and Mitigation measures

3.1. Activity need and desirability

The property is zoned Agriculture and the proposed development is therefore in line with the land use rights of the property. Only a small portion of the farm is currently being cultivated, limiting the economic value that can be derived from the agricultural potential of the farm. The expansion of the farm for cultivation activities will improve the financial viability of the farm. The operational phase will contribute new employment opportunities. Approximately 150 direct seasonal job opportunities will be generated, while the use of goods and services by the farm as well as the increased spending potential of those directly employed will result in further indirect and induced employment opportunities, especially in the packaging and logistics industries. This will translate to increased job security for existing workers and new workers. The proposed dam expansion is required to secure adequate water storage and supply for irrigation purposes.

3.2. Biophysical impacts

According to the Botanical Impact Assessment Report (dated 17 February 2022 and compiled by Johlene Krige), the vegetation that is found on the proposed site comprises of Breede Sand Fynbos, Breede Shale Renosterveld and Robertson Karoo. Breede Sand Fynbos is classified as vulnerable, while Robertson Karoo and Breede Shale Renosterveld are classified as least threatened in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEM:BA"), List of Threatened Ecosystems in Need of Protection of December 2011. The specialist further indicates that the habitat appears to be in a good condition, however, intensive grazing (sheep and cattle) within the eastern portion of the cultivation areas has taken place. In addition to the

above, sand excavation and dumping are evident within the western portion of the proposed cultivation areas.

A portion of the site is located within a CBA and one SCC occurs within the originally proposed cultivation area. The CBA area and the area containing the SCC have therefore been excluded from the proposed development. The overall significance of the potential botanical impacts associated with the proposed development is expected to be of medium-low negative significance after mitigation.

According to the Freshwater Impact Assessment Report (dated 18 March 2022 and compiled by Enviroswift), three drainage lines run across the proposed site in a westerly direction towards the Breede River. These drainage lines are referred to as the northern, southern and central drainage lines, based on their location on the site. None of the drainage lines show indications of permanent flow and it is likely that flow is ephemeral. The hydrology of the drainage lines is of such a nature that neither riparian habitat nor instream habitat has established. The drainage lines exist primarily in terms of their function to discharge surface run-off into the Breede River.

The specialist indicated that the proposed development would result in minor freshwater impacts if the recommended mitigation measures are implemented. This is due to the ephemeral flow of the drainage lines and the fact that there are no signs of any instream or riparian habitat.

The northern drainage line will not be impacted upon as a result of the proposed development and a 20m buffer area will be implemented on both sides of the drainage line. Although the southern drainage line will be diverted and the central drainage line will be impacted upon as result of cultivation activities, the overall function of the site's drainage lines will remain largely unchanged without any decrease in discharge into the Breede River. The overall significance of the potential freshwater impacts associated with the proposed development is expected to be of very low negative significance after mitigation.

The Breede Gouritz Catchment Management Agency confirmed that water is available for this Applicant and that the application for additional water was received and is supported and that the WULA application process is underway.

3.3. Faunal Impacts

According to the Faunal Compliance Statement (dated January 2022 and compiled by Eloise Costandius of SLR Consulting), it is not anticipated that vertebrate species of conservation concern would naturally occur on the proposed site. This is due to the fact that the habitat is not deemed unique and therefore not regarded as critical habitat for any vertebrate species of conservation concern. In light of the above it is not expected that any faunal species of conservation concern would be impacted upon as a result of the proposed development. The report further indicates that the Endangered Worcester russet butterfly (*A. lutescens*) may occur on the proposed site. However, this species was not found on the proposed site after an extensive search has been done during the spring flight period when the species is most likely to be found on the proposed site.

The report further indicates that the loss of intact vegetation and faunal habitat across the proposed site would be permanent. However, the intensity and significance of such loss is deemed to be low by the specialist as the proposed site does not contain a unique faunal habitat that could provide critical habitat for species of conservation concern. Mitigation measures have been proposed by

the specialist to further minimise impacts, should faunal species be encountered on the proposed site.

3.4. Impact on Heritage Resources

Heritage Western Cape confirmed in correspondence dated 1 June 2021 that no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. Additionally, the applicant will comply with Conditions 15 and 16 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

The development will result in both negative and positive impacts.

Negative Impacts:

- Loss of indigenous vegetation; and
- Impacts on watercourses.

Positive impacts:

- The proposed development will increase job security for existing workers;
- The proposed development will create new seasonal job opportunities where seasonal workers will be employed for a longer period of time;
- The proposed dam expansion will secure a water resource for irrigation for the farm; and
- The proposed development will increase the economic viability of the farm and secure continued income.

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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