



REFERENCE: 16/3/3/1/B4/12/1069/23
NEAS REFERENCE: WCP/EIA/0001327/2023
DATE: 15 March 2024

The Board of Directors
Anthonij Rupert Wines (Pty) Ltd
P.O Box 435
FRANSCHHOEK
7690

Attention: Mr. Francois Malan

Cell: 072 710 2772
Email: fmalan@deleeuw.co.za
js@rupertwines.com

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 PROPOSED LA GARONNE SPARKLING WINE PRODUCTION FACILITY ON REMAINDER OF FARM 1610 AND FARM 1772, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation 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 Environmental Authorisation.

Yours faithfully

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

Cc: (1) Mr. C Williams (GNEC)
(2) Mr S v/d Merwe (Stellenbosch Municipality)

Email: cahlan@gnec.co.za
Email: Schalk.VanderMerwe@stellenbosch.gov.za



REFERENCE: 16/3/3/1/B4/12/1069/23
NEAS REFERENCE: WCP/EIA/0001327/2023
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 15 March 2024

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 LA GARONNE SPARKLING WINE PRODUCTION FACILITY ON REMAINDER OF FARM 1610 AND FARM 1772, STELLENBOSCH

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, as described in the Basic Assessment Report ("BAR"), dated November 2023.

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 La Garonne Sparkling Wine Production Facility Maintenance Management Plan, dated November 2023.

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

Anthonij Rupert Wines (Pty) Ltd
c/o Mr Francois Malan
P.O Box 435
FRANSCHHOEK
7690

Cell: 072 710 2772

Email: fmalan@deleew.co.za
js@rupertwines.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activities/Project Description
EIA Regulations Listing Notice 1 of 2014 – Activities Number: 8 The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.	The proposed development is an agri-industrial facility with a footprint of approximately 3 042m².
EIA Regulations Listing Notice 1 of 2014 – Activities 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; where such development 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— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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.	The proposed development will be located within 32m of the wetlands identified by the freshwater specialist.

EIA Regulations Listing Notice 1 of 2014 – Activities Number: 19 The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.	The proposed development encroaches into the wetlands identified by the freshwater specialist.
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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 that includes the listed activities as it relates to the development:

The proposed development of a sparkling wine production facility of approximately 3 420m² in extent. The facility will house the various components related to the different stages in the production chain, including the following:

- A dry goods store,
- Chemical, dry good, sales and marketing stores,
- A Workshop, a Laboratory, a Compressor room, Offices, a staff green room,
- Bottling lines, and
- Fire sprinkler pumps and tanks at Site Alternative 1.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Remainder Farm 1610 and Farm 1772, Paarl.

The SG21 digit codes are: Farm RE/ 1610 - C05500000000161000000
Farm 1772 - C05500000000177200000

Co-ordinates:

Latitude	Longitude
33° 53' 6 99.00" S	19° 01' 27.49" E

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

Guillaume Nel Environmental Consultants (Pty) Ltd
c/o Mr. C Williams / Ms. E Visagie
PO Box 2632

PAARL
8000

Tel: (021) 870 1874
Email: cahlan@gnec.co.za/ eg@gnec.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, as described in the BAR dated November 2023 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, 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 **ten (10) 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 and 11.

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 (as amended) detailed in Section G 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, and
 - 6.4.6 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 (as amended).
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. 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 activities

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The Maintenance Management Plan ("MMP") adopted as part of the 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") before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. The ECO must conduct monthly site visits, and report on compliance with the EMPr to this Department and the relevant authorities, in writing, on a monthly basis during the construction phase.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports 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 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 (as amended), 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** (other than the ECO appointed in terms of condition 10 above or the appointed Environmental Assessment Practitioner) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake two environmental audits, with the first Environmental Audit Report being submitted to the Department within three months of commencement of the construction activities during the construction phase and the final Environmental Audit Report within three months after completion of the construction phase.

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 paleontological 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 paleontologist 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.
18. The relevant requirements with respect to occupational health and safety must be adhered to at all times.

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, EMPr or MMP 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 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 EIA Regulations, 2014 (as amended) must be submitted.

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

5. The manner and frequency for updating the EMPr is as follows:

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

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which 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 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 on which the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs 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 Organs 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. Z TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 15 MARCH 2024

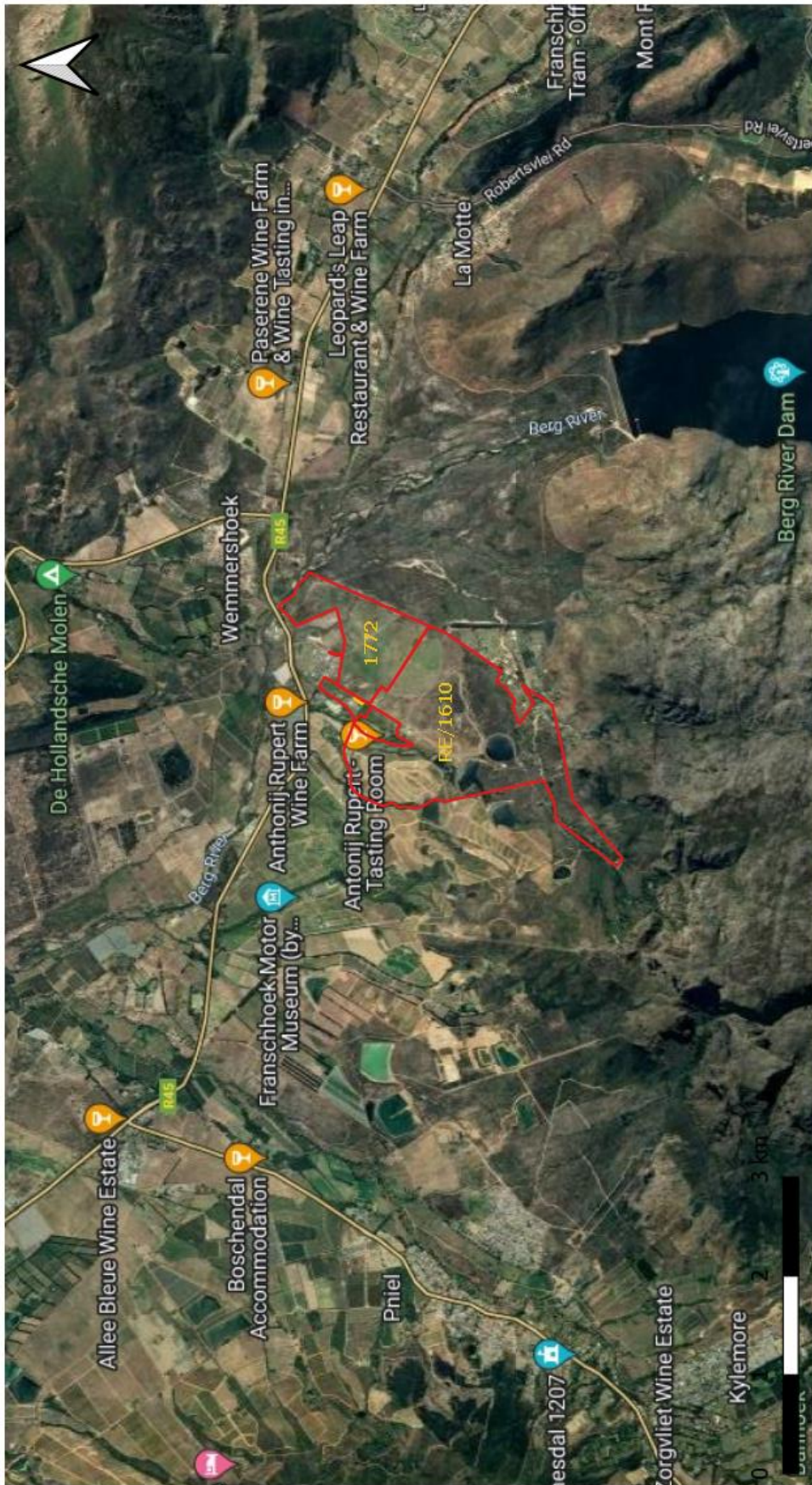
CC: (1) Mr. C Williams (GNEC)

(2) Mr. S v/d Merwe (Stellenbosch Municipality)

Email: cahlan@gnec.co.za

Email: Schalk.VanderMerwe@stellenbosch.gov.za

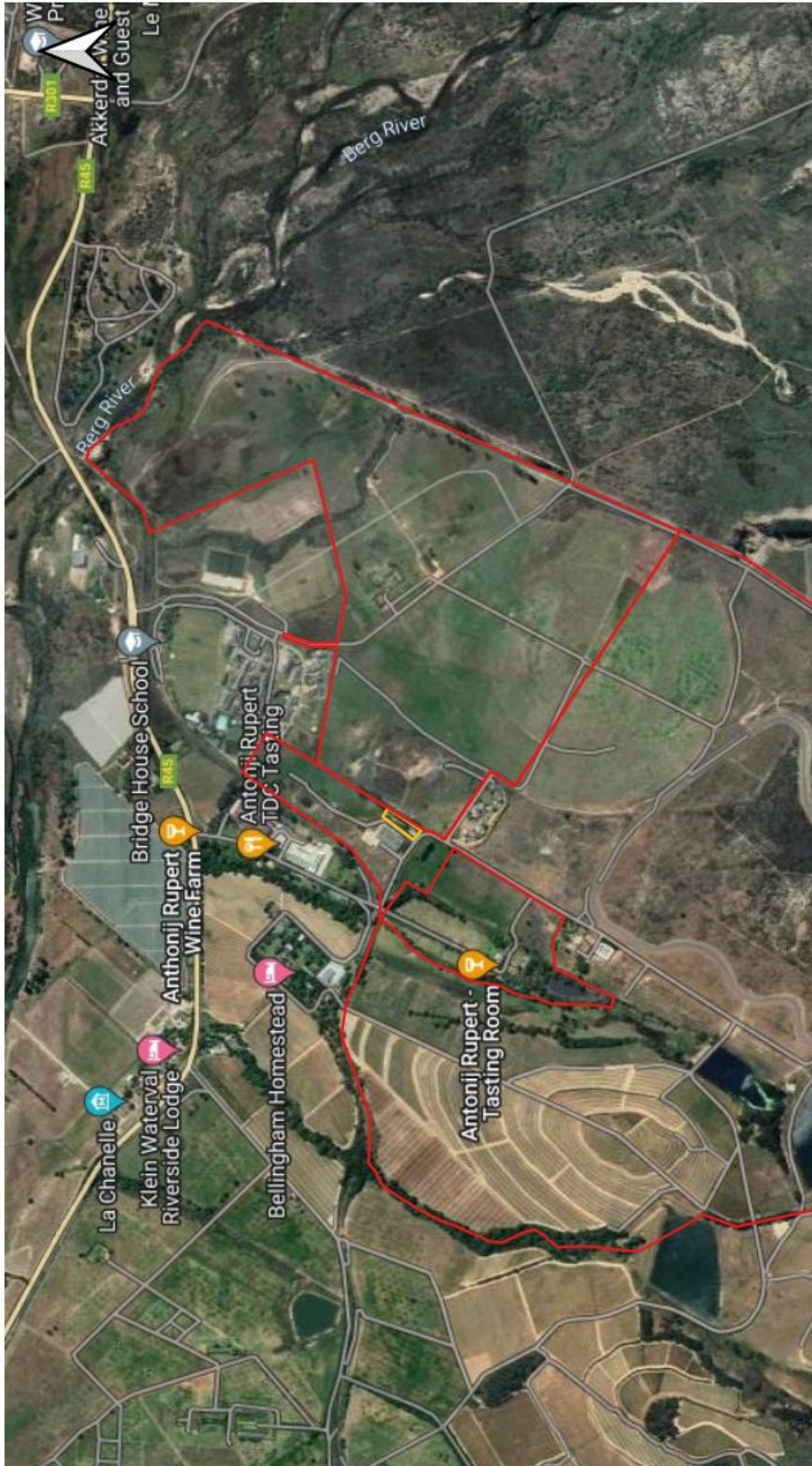
ANNEXURE 1: LOCALITY PLAN



THE PROPOSED LA GARONNE SPARKLING WINE PRODUCTION
FACILITY ON REMAINDER OF FARM 1610 AND FARM 1772,
STELLENBOSCH.

LOCALITY MAP

Guillaume Nel
environmental consultants



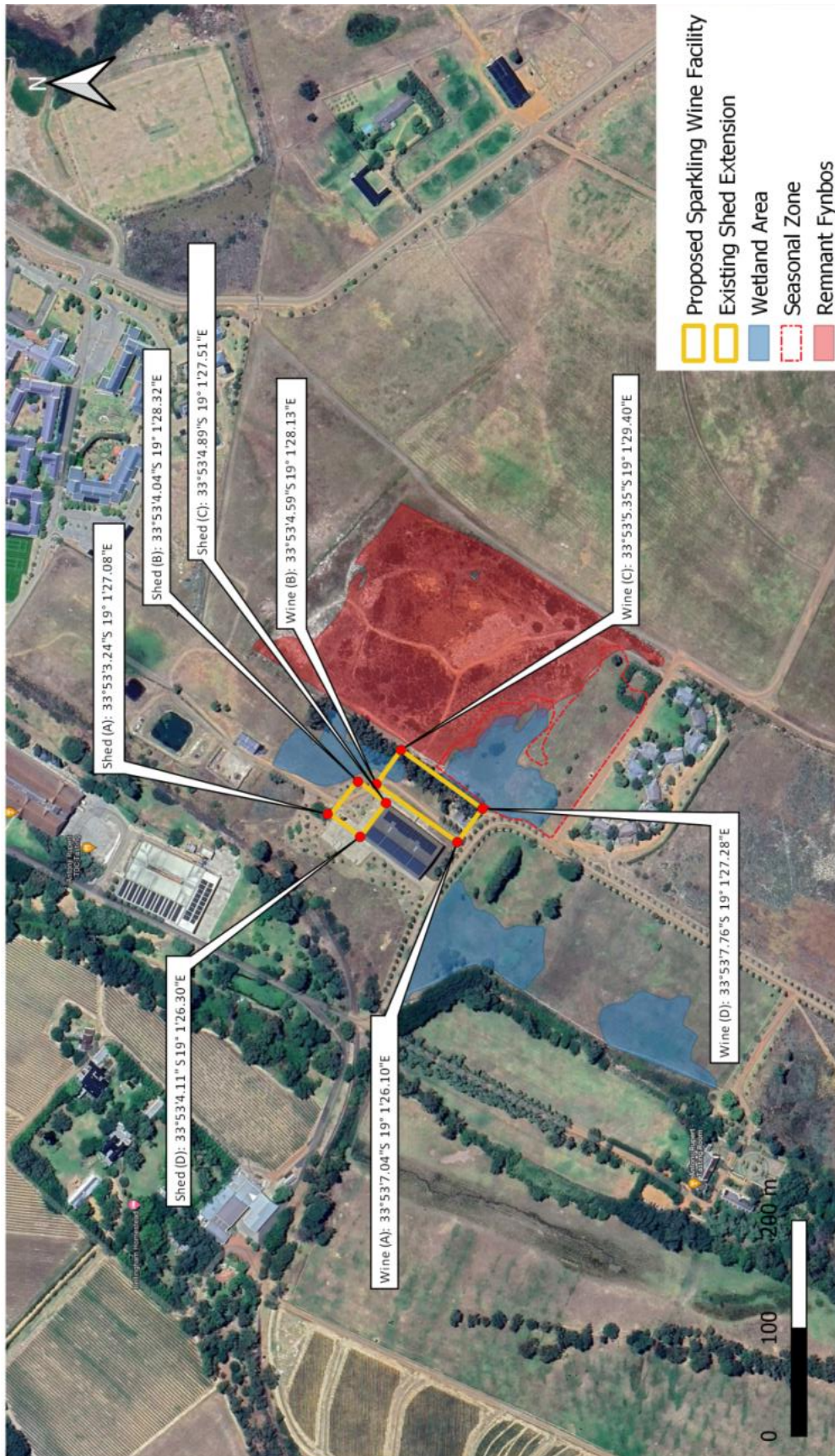
THE PROPOSED LA GARONNE SPARKLING WINE PRODUCTION FACILITY ON
REMAINDER OF FARM 1610 AND FARM 1772, STELLENBOSCH-SITE
INDICATED BY YELLOW RECTANGLE.

AERIAL IMAGE

Guillaume Nel

environmental consultants

ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated September 2023 and the EMPr submitted together with final BAR dated November 2023, on 8 November 2023.
- 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 BAR dated November 2023; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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;
- the placing of a newspaper advertisement in the 'Paarl Post' on 8 June 2023;
- fixing notice boards at the site where the listed activities are to be undertaken and public areas on 9 June 2023;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 9 June 2023; and
- circulating the pre-application draft BAR to I&APs from 9 June 2023.
- circulating the in-process draft BAR to I&APs from 1 September 2023.

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 EMPr to adequately address the concerns raised.

2. Alternatives

At present, various sparkling wine production pods are spread over the site. The various stages in the production chain include (1) the grape receiving and primary fermentation winery; (2) the bottling facility; (3) the secondary bottle fermentation storage (currently wine is stored at a number of facilities); (4) the riddling, neck freezing, disgorging, corking and labelling facility; and (4) the finishing goods store.

The purpose of the new facility is to house the different stages in the production chain in one new facility, with the exception of the primary fermentation winery (which is located in close proximity to the new facility). The volume of production will remain the same, since the activities which will take place within the proposed facility already exists elsewhere on the site and will merely move to the new location to operate more efficiently. Hence, the same volume of water will be used, the same amount of electricity will be consumed, and the same quality and volume of effluent will be discharged. No additional services from the municipality are therefore required. The following preferred alternative was informed by specialist and engineering input and comments received during the commenting period:

Preferred Alternative (Herewith authorised)

The proposed development entails a sparkling wine production facility of approximately 3 420m² in extent. The proposed facility will house the various components related to the different stages in the production chain, including the following:

- A dry goods store,
- Chemical, dry good, sales and marketing stores,
- A Workshop, a Laboratory, a Compressor room, Offices, a staff green room,
- Bottling lines, and
- Fire sprinkler pumps and tanks at Site Alternative 1.

Two site alternatives were considered for the fire sprinkler pumps and tanks. Site Alternative 1 is located in an area transformed by existing farming infrastructure and is preferred from a biophysical impact perspective. Site Alternative 2 is in close proximity to the wetland identified by the freshwater specialist and is located on undisturbed land and was therefore not preferred.

"No-Go" Alternative

The no-go alternative will result in the *status quo* of the site being maintained. However, it was not preferred, since the applicant will not be able to effectively utilise their property and improve the existing operations by consolidating it into one facility.

3. Impact Assessment and Mitigation measures

3.1 Activities need and desirability

The proposed development will optimise the vacant land as it is located in close proximity to the existing infrastructure on the farm. Various existing sparkling wine production pods are spread over the property and the purpose of the new facility is to house the different stages in the production chain in one new facility. This will result in an improved efficiency and production output, thereby contributing to the continued economic growth and financial viability of the agri-industrial activities on the farm. The proposed development will also create temporary as well as permanent employment opportunities.

3.2 Biophysical Impacts

Historically, the site contained Swartland Alluvium Fynbos, Boland Granite Fynbos and Kogelberg Sandstone Fynbos vegetation, which are classified as endangered and critically endangered vegetation types, respectively. The Botanical Constraints Analysis dated March 2023 compiled by Capensis confirmed that the development area has been largely transformed, with the exception of a 5ha remnant of fynbos vegetation in the southern part of the site. The proposed development is located outside the delineated botanically sensitive area and will not result in the clearance of indigenous vegetation. It is therefore deemed acceptable from a botanical impact perspective.

The freshwater features found on site include a historical larger valley bottom wetland with associated wetland seeps. Wetland A, a permanently wet hillslope seep and Wetland B, which now function more as a seasonal hillslope seep, are the only remaining wetland seeps that will be directly impacted on by the proposed development. Both wetlands have undergone significant changes from their natural state. Wetland A was found to be in a moderately modified state, and Wetland B in a seriously modified state. Both wetland seeps are regarded to have a Low Ecological Importance and a generally low (Wetland B) to medium (Wetland A) conservation value.

The Freshwater Impact Assessment dated May 2023, compiled by Everwater Freshwater Consulting, concluded that although the proposed development protrudes over a section of Wetland B, it has undergone such critical modification that irreplaceable loss of resources has occurred, and the consequent loss of ecological wetland function would be negligible and is therefore acceptable. However, given the hydrogeology associated with the site, the hardening and compaction of soils associated with the proposed development could potentially impact on the subsurface water movement feeding into Wetland B. Since this wetland is already suffering large desiccation due to the existing cut-off drain and other drainage channels, the development will add to the cumulative impacts on Wetland B. This will however be mitigated with the inclusion of the recommended subsoil drains that will sufficiently keep this impact low.

An application for a Water Use Licence Authorisation ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998), that also considers the watercourse related impacts, is underway with the Department of Water and Sanitation.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the wetlands. 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).

Negative Impacts:

- The development will have a negative biophysical impact due to the potential impacts on the freshwater features present on the site during construction and operation. The proposed development will also have a negative impact during the construction phase in terms of traffic impacts, noise and dust nuisance. The impacts will however be mitigated to a satisfactory level with the implementation of and adherence to the EMPr. The potential operational phase impacts will be mitigated to an acceptable level through the implementation of the preferred alternative, which

has been informed by specialist and engineering input and comments received during the public participation process.

Positive impacts:

- The proposed development will ensure that the agri-industrial activities operate more efficiently, contribute towards the tourism sector, which is considered a priority for the economic growth of the municipal area, as well as 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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