



agriculture, environmental affairs,  
rural development and land reform

Department:  
agriculture, environmental affairs,  
rural development and land reform .  
NORTHERN CAPE PROVINCE  
REPUBLIC OF SOUTH AFRICA

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Enquiries :  
Dipatlisiso : Ms N Mokonopi  
Imibuzo :  
Navrae :  
Reference : NC/BA/07/ZFM/KAI/AGR1/2021  
Tshupelo :  
Isalathiso :  
Verwsina :

Date :  
Leshupelo :  
Umhla : 25<sup>th</sup> October 2021  
Datum :

### THE LIAR TRUST

Ms Louise Fox  
P.O. BOX 251  
AUGRABIES  
8874

Email: [admin@thelairfarming.co.za](mailto:admin@thelairfarming.co.za)

Dear Sir/Madam

**THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO 12, (I)(II), (a)(b)(c), (aa)(bb)(cc)(dd)(ee)(ff), ACTIVITY NO. 19, (a)(b)(c)(d), ACTIVITY NO 27 OF GN. 327 OF APRIL 2017 (AS AMENDED), ACTIVITY NO 12, OF GN. 324 OF APRIL 2017 (AS AMENDED): THE PROPOSED DEVELOPMENT AND EXPANSION OF GRAPE VINEYARDS ON PORTION 13 OF ORANGE FALLS FARM NO 16 AGRABIES FALLS WAY, KAI! GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT, NORTHERN CAPE.**

By virtue of power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014. **THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR GN. R 327 OF 07 APRIL 2017: ACTIVITY NO 12, (I)(II), (a)(b)(c), (aa)(bb)(cc)(dd)(ee)(ff), ACTIVITY NO. 19, (a)(b)(c)(d), ACTIVITY NO 27 OF GN. 327 OF APRIL 2017 (AS AMENDED), ACTIVITY NO 12, OF GN. 324 OF APRIL 2017 (AS AMENDED): THE PROPOSED DEVELOPMENT AND EXPANSION OF GRAPE VINEYARDS ON PORTION 13 OF ORANGE FALLS FARM NO 16 AGRABIES FALLS WAY, KAI! GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT, NORTHERN CAPE.**

A detail description of the activity is given in the **Final Basic Assessment Report Dated March 2021**, subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit 38/2021

Your attention is drawn to chapter 2 of the National Appeal Regulation which regulates appeal procedures. Should you/ any person affected by this decision wish to appeal any aspect of the prescribed in regulation 4 of the National Appeal Regulations 2014, with the Member of the Executive Council, Ministry of the Department of agriculture, environmental affairs, rural development and land reform within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 8077328  
By post: Private Bag X 6102, Kimberley, 8300 or  
By hand: 90 Long Street, Kimberley, 8300

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours Faithfully

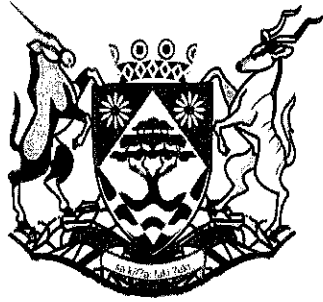


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**MR. B FISHER: DIRECTOR  
ENVIRONMENTAL QUALITY MANAGEMENT  
DEPARTMENT OF AGRICULTURE, ENVIRONMENTAL AFFAIRS,  
RURAL DEVELOPMENT AND LAND REFORM**

DATE OF DECISION: 28 October 2021

CC: Bernard de Witt  
**ENVIROAFRICA CONSULTING**  
[emile@enviroafrica.co.za](mailto:emile@enviroafrica.co.za)



agriculture, environmental affairs,  
rural development and land reform

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REPUBLIC OF SOUTH AFRICA

### **ENVIRONMENTAL AUTHORISATION**

**in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the  
Environmental Impact Assessment Regulations, 2014**

**Authorisation Register  
Number:**

**PERMIT 38/2021**

**Reference Number:**

**NC/BA/07/ZFM/KAI!/AGRI1/2021**

**Last Amended:**

**N/A**

**Holder of Authorisation:**

**The Lair Fair**

**Location of activity:**

**The Lair Fair Farm- Portion 13 of Orange falls Farm no 16,  
Agrabies Falls Way, Ward 1, Agrabies, Kai! Garib Local  
Municipality, ZF Mgcawu District Municipality, Northern  
Cape.**

## DEFINITIONS

**"Activity"** means an activity identified in any notice published by the Minister or MEC in terms of section 24D (1) (a) of the Act as a listed activity or specified activity;

**"Proponent"** means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

**"Application"** means an application for an -

- (a) environmental authorization in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;
- (c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;
- (d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

**"Basic Assessment Report"** means a report contemplated in regulation 19 of the 2014 Environmental Impact Assessment regulations;

**"Environmental Impact Assessment Report"** means a report contemplated in regulation 23 of the 2014 Environmental Impact Assessment regulations;

**"Plan of Study for Environmental Impact Assessment"** means a study contemplated in regulation 22 which forms part of a scoping report and sets out how an environmental impact assessment will be conducted;

**"Scoping Report"** means a report contemplated in regulation 21 of the 2014 Environmental Impact Assessment regulations;

**"EAP"** means an Environmental Assessment Practitioner as defined in section 1 of the Act;

**"EMPr"** means an environmental management programme contemplated in regulations 19 and 23 of the 2014 Environmental Impact Assessment regulations;

**"Registered Interested and Affected Party"** in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

**"Public Participation Process"** means the process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific activity;

**"Department"** means the Northern Cape Department of Environment and Nature Conservation; and

**"The Act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

## DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

### **The Lair Trust**

With the following contact details-

The Lair Farm

Portion 13 of Orange Falls

Farm no 16

Augrabies Falls Way

8874

P O Box 251

Augrabies

8874

Email: [admin@thelairfarming.co.za](mailto:admin@thelairfarming.co.za) / [louise@thelairfarming.co.za](mailto:louise@thelairfarming.co.za)

Tel: (054) 451 7270

Fax: (054) 451 7284

Cell: 082 553 4491

to undertake the following activities (hereafter referred to as "the activity")

**The proposed development and expansion of Grave Vineyards on portion 13 of Orange Falls Farm no 16 Augrabies Falls Way, Kai! Garib Local Municipality, Northern Cape.**

**GNR. 327 (Listing Notice 1)**

**Activity 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 structure 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 harbor

(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing of 26 in Listing Notice 2 of 2014 applies;

(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or 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 structure will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

### **Activity 19**

The infilling or depositing of any material of more than 10 cubic metres into, or the degrading, excavation, removal or moving of soil, sand, shells 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 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 of the footprint of the port of harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

### **Activity 27**

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

## **GNR. 324 (Listing Notice 3)**

### **Activity 12**

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

(g) Northern Cape

i. Within any critically endangered or ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

ii. Within critical biodiversity areas identified in bioregional plans;

iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas; or

iv. On land, where, at the time of coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

The proposed development and expansion of Grave Vineyards on portion 13 of Orange Falls Farm no 16 Agrabies Falls Way, Kai! Garib Local Municipality, Northern Cape. With the following coordinates;

(Latitude (S) 28° 39' 44.17" Longitude (E) 20° 20' 32.42")

(Latitude (S) 28° 39' 53.99" Longitude (E) 20° 20' 24.65")

(Latitude (S) 28° 39' 43.30" Longitude (E) 20° 20' 8.50")

(Latitude (S) 28° 39' 35.70" Longitude (E) 23° 20' 15.82")

Hereafter referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.

### **CONDITIONS**

#### **Scope of authorisation:**

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation **must** be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activities which are authorized **must** only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether

to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.

#### **General conditions:**

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorized official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty-Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities **must** not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Forestry and Fisheries, National Department of Agriculture, Land Reform and Rural Development, Department of Housing & Local Government, Department of Water and Sanitation, Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Sports, Arts & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activities, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
  - a. **Seven (7) days** written notice must be given to the Department before commencement with the activity.
  - b. Such notice shall make clear reference to the site location details and the reference number given above.
  - c. The said notice must also include proof of compliance with the following condition described herein:

i. Condition: 11



13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Environmental Management Inspectors employed by the Department shall be given access to the property as described above (see detailed description of the activities) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorization. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
16. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's basic assessment report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
17. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
18. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
19. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
20. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phase.

**Appeal of authorisation:**

21. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.
22. Your attention is drawn to Chapter 2 of Government Notice No. R993, which prescribes the appeal procedure to be followed.

### **Management of activity:**

23. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented. (Alternatively, if further changes are required to the EMPr as a result of the authorisation, this condition must be modified).
24. Ensure that all "NO-GO" areas are clearly defined and adequately demarcated.
25. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorization.

### **Monitoring**

26. The EMPr must be strictly enforced during all phases of the project.
27. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes are effected.
28. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the Scoping and Environmental Impact Assessment Report.
29. A spillage plan must be implemented and strictly enforced during construction phase.

### **Environmental Control Officer (ECO) and Duties**

30. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
31. The ECO must be appointed before commencement of any authorised activity.
32. The ECO must meet with the contractors to discuss the conditions of the **Environmental Authorisation** and the contents of the EMPr prior to commencement of activities.
33. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
34. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
35. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
36. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
37. Photographs must be taken (before, during and immediately after construction as a visual reference).

## **Recording and Reporting to the Department**

38. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
39. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
40. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaints; register must be kept up to date for inspection by the Department. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

## **Environmental audit report**

41. The holder of the authorization must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.
42. The Environmental audit report must:
  - Be compiled by an independent environmental auditor;
  - Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
  - Include measures to be implemented to attend to any non-compliances.
  - Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
  - Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.
  - Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

## **Operation of the activity**

43. Seven (7) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
44. General waste must be collected in containers disposed or regularly at a permitted landfill site. Renewable waste must be recovered for recycling purposes. NB: No temporary dumping of waste is allowed on site. Precautionary measures should be taken to prevent refuse from spreading from or on site.
45. No on-site burning or burying of solid waste is permitted.
46. The construction area must be demarcated, no construction or dumping activities should be allowed outside the proposed footprint.

47. The Holder of this Environmental Authorization must ensure construction and operation adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.
48. The Holder of this Environmental Authorization must ensure construction and operation adheres to Government Notice No. 36784; No. R. 634: Department of Environment Forestry and Fisheries; National Environmental Management Waste Act; 2008 (Act No.59 of 2008); Waste Classification and Management Regulations.
49. The Holder of this Environmental Authorisation must ensure that all activities associated with the proposed project take into account Integrated Environmental Management by ensuring that development is socially, environmental and economically sustainable.
50. Any complaint from the public during the construction and operation and of this project must be attended to by the holder of this authorization as soon as possible to the satisfaction of parties concerned.
51. Any spillages of diesel and oil must be reported and cleared up immediately. In the event of oil or diesel spills, the contaminated soil must be placed in a waste skip and disposed-off at a licensed land fill site for such material.
52. The holder of this Environmental Authorization must ensure that soil compaction is limited to the proposed footprint of the activity.
53. Dust control measures must be implemented during clearing phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).
54. Develop and implement a stormwater management plan to prevent erosion and the associated sedimentation of wetlands.
55. If any new evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during development or construction, SAHRA and an archaeologist and/or palaeontologist, depending on the nature of the resources found, must be alerted immediately.
56. Vegetation clearing must be limited to the required footprint.
57. Proper measures to prevent/reduce the risk of erosion and the invasion of alien species must be strictly implemented.
58. The protected trees occurring on site must not be destroyed but they must be incorporated within the development layout plan.
59. The destruction/ or disturbance of individual protected trees must be avoided during the construction of the proposed development. Alternatively, a permit for the removal of any protected species must be applied for and granted by the relevant authority.
60. The necessary flora permits must be applied for and granted by the Northern Cape Department of Environment and Nature Conservation for all plant species protected under the Northern Cape Nature Conservation Act, 2009 (Act No. 9 of 2009) should they be found existing on site.
61. A storm water system must be incorporated into the construction and operation plans of the proposed activity.
62. The spreading of declared weedy and alien invasive plant species must be controlled and monitored at all times.

63. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
64. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the rehabilitation plan to be included in the final EMPr.
65. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
66. All mitigation measures detailed in the Environmental Management Programme report must be implemented.
67. Precautionary principles must be followed as people's lives depend on the project.

**Site Closure and Decommissioning:**

68. Should the proposed activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority.
69. All areas disturbed by the project must be rehabilitated to their original or better condition.

## DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorization, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

## APPEAL

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council  
Ministry of the department of agriculture, environmental affairs,  
rural development and land reform  
Private Bag X6102  
Kimberley  
8300  
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.



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**MR. B. FISHER**

**DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT  
DEPARTMENT OF AGRICULTURE, ENVIRONMENTAL AFFAIRS, RURAL DEVELOPMENT AND LAND REFORM**

**DATE OF ENVIRONMENTAL AUTHORISATION:** \_\_\_\_\_

*28 October 2021*

## ANNEXURE 1: REASONS FOR DECISION

### 1. Background

The applicant **The Lair Trust** for authorization to carry on the following activity –

The proposed development and expansion of Grave Vineyards on portion 13 of Orange Falls Farm no 16 Agrabies Falls Way, Kail! Garib Local Municipality, Northern Cape.

#### **GNR. 327 (Listing Notice 1)**

##### **Activity 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 structure 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 harbor

(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing of 26 in Listing Notice 2 of 2014 applies;

(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or 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 structure will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

##### **Activity 19**

The infilling or depositing of any material of more than 10 cubic metres into, or the degrading, excavation, removal or moving of soil, sand, shells 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 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 of the footprint of the port of harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

### **Activity 27**

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –

(i) the undertaking of a linear activity; or

(ii) maintenance purposes undertaken in accordance with a maintenance management plan.

### **GNR. 324 (Listing Notice 3)**

### **Activity 12**

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

(g) Northern Cape

i. Within any critically endangered or ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

ii. Within critical biodiversity areas identified in bioregional plans;

iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line or erven in urban areas; or

iv. On land, where, at the time of coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

The proposed development and expansion of Grave Vineyards on portion 13 of Orange Falls Farm no 16 Agrabies Falls Way, Kai! Garib Local Municipality, Northern Cape. With the following coordinates;

(Latitude (S) 28° 39' 44.17" Longitude (E) 20° 20' 32.42")

(Latitude (S) 28° 39' 53.99" Longitude (E) 20° 20' 24.65")

(Latitude (S) 28° 39' 43.30" Longitude (E) 20° 20' 8.50")

(Latitude (S) 28° 39' 35.70" Longitude (E) 23° 20' 15.82")

The applicant appointed Enviro Africa CC to undertake the Basic Assessment Process.

## **2. Information considered in making the decision.**

In reaching its decision, the Department took, *inter alia*, the following into consideration –

a) The Environmental Assessment Practitioner (EAP) complied with Regulation 19 of 04 December 2014.

b) Public participation followed is in line with Regulation 41 of 04 December 2014 and proof was Submitted together with the Basic Assessment Report dated 06 April 2021.



- c) The information contained in the Basic Assessment Report submitted in April 2021 by the Environmental Assessment Practitioner.
- d) The comments received from interested and affected parties as included in the Basic Assessment Report.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), The Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and the Northern Cape Conservation Act, 2009 (Act No. 9 of 2009).
- f) A site visit conducted on the 2<sup>nd</sup> of May 2021 between Miss Naomi Mokonopi (Agriculture, Environmental Affairs, Rural Development & Land Reform) and the EAP Barnard de Witt (Enviro Africa CC).

### **3. Key factors considered in making the decision.**

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The EAP who prepared the report has the expertise to carry out the Basic Assessment Procedure.
- b) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic, and cultural aspects.
- c) Basic Assessment identified all legislation and guidelines it considered in preparing the report.
- d) The EAP took into account comments from interested and affected parties and incorporated them into making the Basic Assessment Report.
- e) The need and desirability for the proposed activity.

### **4. Findings**

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the Basic Assessment Report dated April 2021.
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c) The procedure followed for impact assessment is adequate for decision-making process.
- d) All issues emanating from interested and affected parties had no objective to the project.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorization, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.