

ELECTRONIC TRANSMISSION

Company:	FARM 225	Date:	2023-06-14
Attention:	MR. BERTUS ENGELBRECHT	E-mail:	bolandplan@breede.co.za
From:	MR. ROELOF LINDEQUE	E-mail:	roeloflindeque@gmail.com

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO FARM NO. 225, MONTAGU

1. TERMS OF REFERENCE

Mr. Lindeque was appointed by Mr. Bertus Engelbrecht to compile an environmental pre-screening report to assess Farm 225, Montagu in terms of applicable environmental legislative requirements and recommend environmental actions going forward.

2. ENVIRONMENTAL CONSIDERATIONS

The Integrated Environmental Management (IEM) process is an approach that integrates environmental considerations into all stages of the planning and development process. Through screening investigations, issues and fatal flaws can be identified at an early stage of the planning process, informing the decision makers. As an open and iterative process, it may continue throughout planning phase, depending on whether additional impacts or alternatives are introduced or eliminated because of new information.

3. PROJECT LOCALITY

Farm 225, Montagu is located to the north east of the town of Montagu in the Langeberg Local Municipality, the area falls within the Cape Winelands District Municipal area in the Western Cape Province (**Figure 1**). Farm 225 is 1052.03 hectares in size and is mostly utilised for the farming as well as tourism activities.

Lindeque Environmental Consultancy

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Reg. Environmental Assessment Practitioner - EAPASA (2019/1661) Roelof Lindeque (M.Sc.Environmental Science)

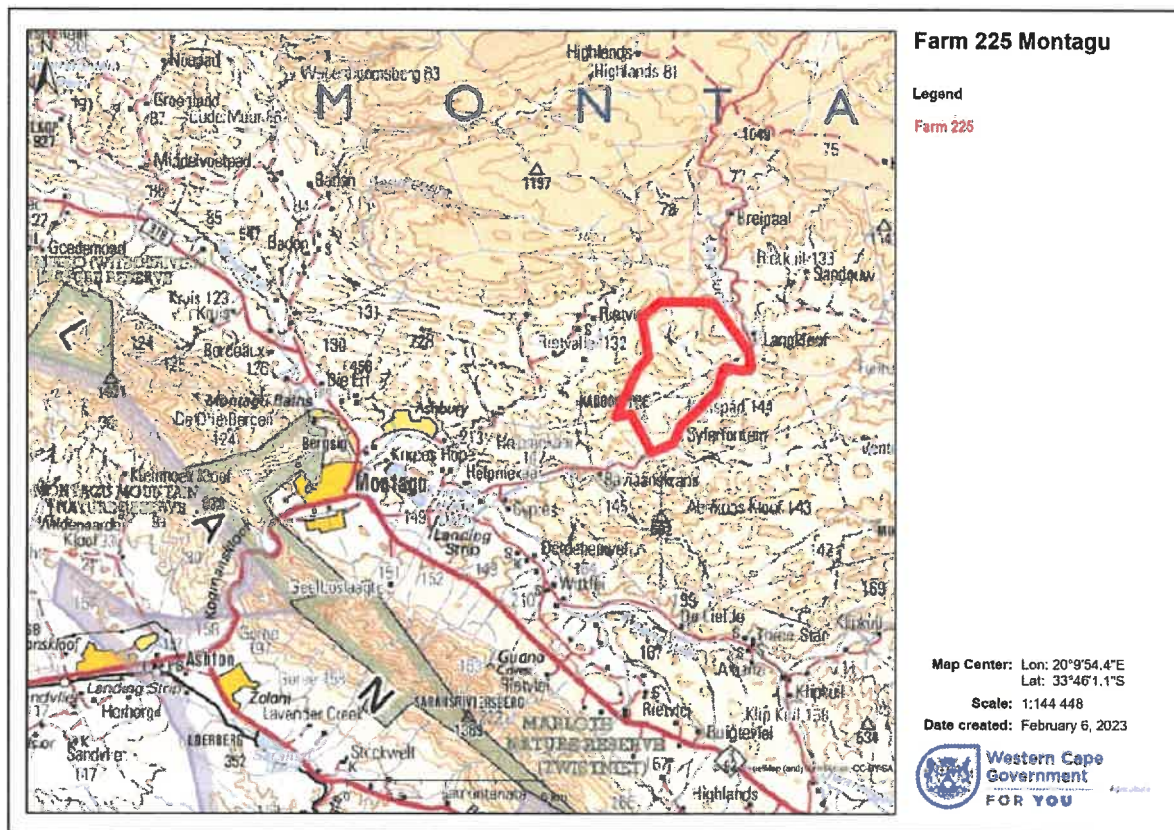


Figure 1 - Locality map Farm 225, Montagu

4. ENVIRONMENTAL LEGISLATION

4.1 National Environmental Management Act (No. 107 of 1998), as amended

The National Environmental Management Act, 1998 (No. 107 of 1998) (NEMA) makes provision for the identification and assessment of activities that are potentially detrimental to the environment and which require authorisation from the relevant authorities based on the findings of an environmental assessment. NEMA is a national act, which is enforced by the Department of Environmental Affairs (DEA). These powers are often delegated to the Department of Environmental Affairs and Development Planning (DEA&DP) in the Western Cape.

4.2 The Environmental Impact Assessment (EIA) Regulations

The purpose of these regulations is to regulate procedures and set criteria as contemplated in the NEMA to enable the submission, processing, consideration and decision-making regarding applications for environmental authorisation of activities and matters pertaining thereto.

The process of applying for environmental authorisation for specific developments are governed by the NEMA and the Environmental Impact Assessment Regulations, 2014, as amended. There are in turn three published listing notices (GNR 324, 325 and 327 of April 2017) that include activities which require environmental authorisation before commencing with a development that triggers one or more of these activities.

This report will assess the current infrastructure and activities on Farm 225 Montagu in terms of the listing notices mentioned above.

4.3 The DEA&DP letter (Ref: 16/3/3/6/6/B1/11/1250/22)

The DEA&DP letter (Ref: 16/3/3/6/6/B1/11/1250/22) paragraph 4 make specific reference to the listing notices *"Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017."*

The Department of Environmental Affairs require clarity regarding four activities on Farm 225:

- The dam as referenced in 4.1 DEA&DP letter
- Roads as referenced in 4.2 DEA&DP letter
- Campsite as referenced in 4.3 DEA&DP letter
- Hunters Cabin as referenced in 4.4 DEA&DP letter

Each of the above will be assessed in terms Listing Notices ("LN") 1, 2 & 3 of 7 April 2017."

5. CURRENT ACTIVITIES ON FARM 225

5.1 The dam as referenced in 4.1 DEA&DP letter

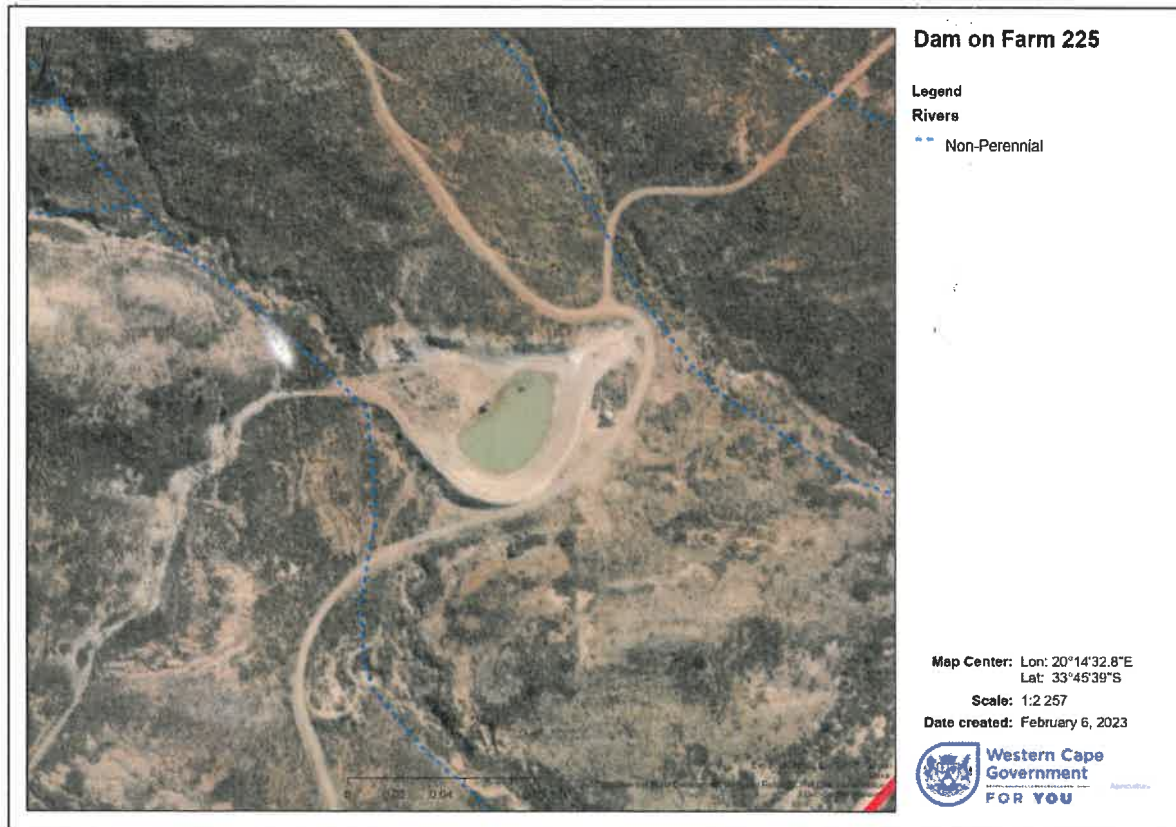


Figure 2 - Dam on Farm 225

According to available information "no new dams were excavated. All dams were there long before the applicant arrived. They made the one dam a bit deeper and repaired it so that it is safer" (DEA&DP letter 4.1).

The following listed activities could apply to the latest reparation work at the dam:

GNR 327 Listing Notice 1

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;

—

EAP Comment: It is an existing dam therefore 12 (i) do not apply. If the 2003 satellite image is compared to the 2020 picture it is clear that no new footprint was created even though the dam wall was repaired therefore 12(ii) also do not apply (**Figure 3**). The argument could be made that the dam wall is within 32 meters from the adjacent watercourse but as an existing dam wall that was repaired no additional impact was made on the water course. From the historic satellite images the EAP is of the opinion that it is not an instream dam. Therefore 12 (ii) a & c also do not apply. According to available information the origin of the dam was a quarry for road building.



Figure 3 -2003 compared to 2020

13) The development of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014.

EAP Comment: It is an existing dam therefore activity 13 do not apply.

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;

EAP Comment: As previously mentioned a section of the dam wall is 32 meters from the adjacent watercourse. The dam was made deeper (not within 32 metres) and the dam wall repaired. The small section that is within 32

metres that was repaired had no impact on the water course. No material was infilled or deposited within the water course and the amount of material that was used to repair the dam wall in the section that is within 32 metres from the water course could be considered less than 10 cubic metres. The EAP is of the opinion that Activity 19 do not apply.

48) The expansion of—

- (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or
- (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;

where such expansion [or expansion and related operation] occurs—

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

EAP Comment: Same apply as Activity 12 therefore Activity 48 do not apply

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.

EAP Comment: The capacity of the dam was not increased by 50 000 cubic metres therefore activity 50 do not apply.

According to the data supplied by Cape Farm mapper the dam area as well as roads are excluded from the surrounding Critical Biodiversity area (**Figure 4**) therefore the related GNR Listing Notice 3 activities do not apply.

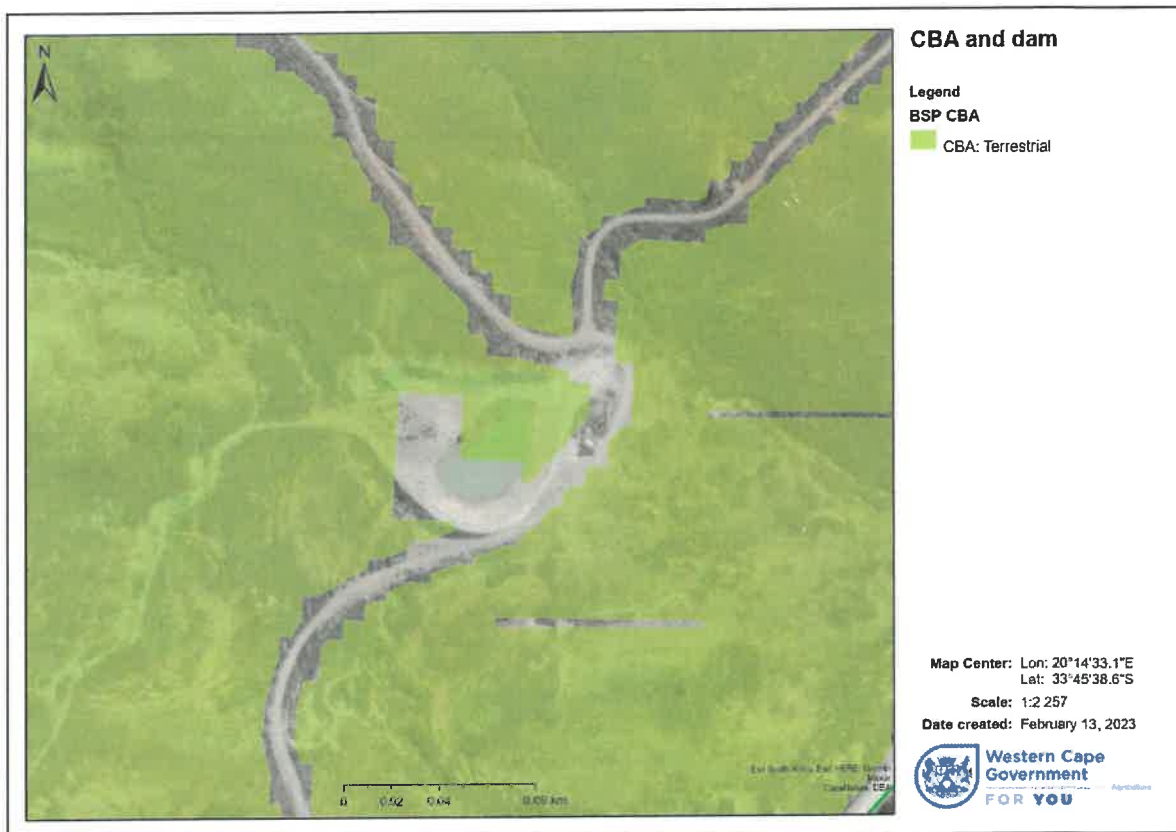


Figure 4 - Dam and CBA area.

5.2 Roads as referenced in 4.2 DEA&DP letter

The DEA&DP official ask the questions hereunder regarding the roads.

- You are required to provide proof that these are existing farm roads and that the clearing of the roads followed the original path.
- If any new roads were created or expanded, specifications of the new or expanded roads must be provided.

The EAP carefully reviewed all available satellite imagery from 2003 up to date. Some images are clearer than others but it is the opinion of the EAP that predominantly existing farm tracks were followed. These existing farm tracks were cleared with a width of less than 4 metres. There are however 2 exceptions, refer to **Figure 5** hereunder.

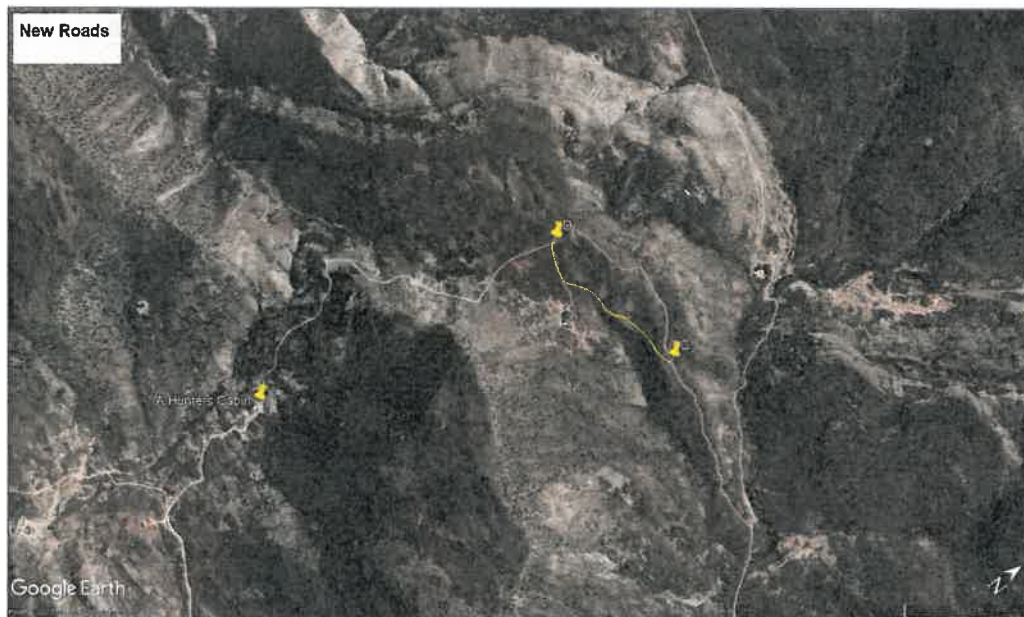


Figure 5 - New Roads

A new fire management road was build between the Hunter Cabin and Point D. This road was considered essential in terms of fire management to connect the North of the farm to the South for efficient management of periodic fires. This new fire road is approximately 1.1 km in length.

The original farm track between Point C and D was not followed. The original track is marked in yellow, however a new more northern route was followed with a length of approximately 556 metres. The new route between C and D is **NOT** within a CBA area (Figure 6).

The following activity could apply to the new fire management road between the Hunter Cabin and point D:

- GNR 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. i. Western Cape ii. Within critical biodiversity areas identified in bioregional plans (The new road is within a CBA area).
- GNR Listing Notice 3 Activity 18) The widening of a road by more than 4 metres, or the **lengthening of a road by more than 1 kilometre**. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. All areas outside urban areas: (aa) Areas containing indigenous vegetation;

EAP Comment: The EAP is of the opinion that the new fire management road was essential for the overall protection and management of the biodiversity on the property. The road is however longer than 1 kilometers and therefore Listing Notice 3 Activity 18 applies and more than 300 square metres or more of indigenous was removed (Activity 12). DEA&DP as the component authority should make the decision if they would require an application for environmental authorisation in terms of the mentioned information.

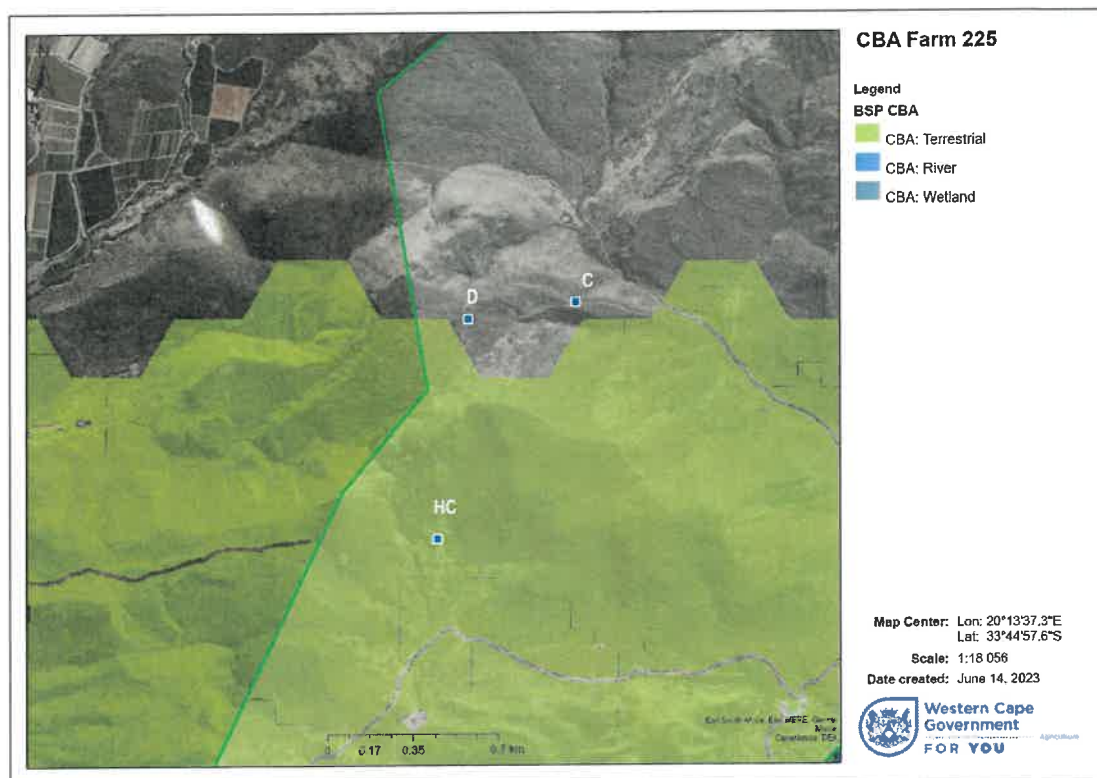


Figure 6 - CBA Farm 225

5.3 Campsite as referenced on 4.3 DEA&DP letter

The Cape Nature letter dated 7 September 2022 also referenced the camp site: *"Based on the aerial imagery the photographs in the planning and motivation report it appears that the propose camping site is located within a wetland"*.

Freshwater Consulting cc (Dr. Justine Ewart-Smith) compiled a Field verification report of the potential wetland proposed as a campsite on Montevue Nature Farm, Farm 225, Montagu, Western Cape (Find attach **Appendix A**).

Key findings:

- The waterbody proposed for use of a camp site contains hydromorphic soils with clear mottling at about 20 cm depth at its lowest point suggesting seasonal wetland habitat. Soils are predominantly clay with a hue of 10YR, a value of 4 and a chroma of 4 according to the Munsell chart and were saturated to 50 cm during the time of the site visit. The centre of the wetland was covered by weedy herbaceous vegetation not found in the surrounding landscape, suggesting that it favours saturated conditions within the waterbody.
- The waterbody is surrounded by a man-made low berm, most prominent at its southern (downslope extent) that retains runoff and promotes inundation and saturation following rainfall events. The berm is vegetated with shrubs often found along the temporary margins of wetlands typical of arid regions of the western Cape, including *Searsia glauca*, *Searsia pendulina* and the false olive (*Buddleja saligna*).
- The waterbody is fed primarily by a man-made channel that runs along the hillslope to the north-west. This channel captures sheet flow from the hillslope that then discharges into the waterbody.
- Thus, despite saturation, soil and vegetation features suggesting that the waterbody is a wetland, it is fed by a completely artificial water source, with an artificial berm that retains runoff and has unnaturally promoted inundation and saturation of the area for more than 40 years.
- The waterbody is therefore best described as an artificial dam, possibly created for livestock watering, although the artificial channel that directs sheet flow to the waterbody may have been created to prevent erosion of the road immediately east of the channel.

5.4 Hunter cabin as referenced on 4.4 DEA&DP letter

According to GNR 324 Listing Notice 3 the following listed activity could apply.

17) The expansion of a resort, lodge, hotel, tourism or hospitality facilities where the development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more.

i. Western Cape

i. Inside a protected area identified in terms of NEMPAA;

ii. Outside urban areas:

(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or

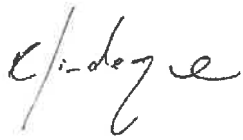
(bb) Within 5km from national parks, world heritage sites, areas identified in terms of **NEMPAA** or from the core area of a biosphere reserve; - **excluding the conversion of existing buildings where the development footprint will not be increased.**

EAP Comment: Farm 225 is within 5 km from the Langeberg West Mountain Catchment area which is listed as a NEMPAA site therefore activity 17 applies to all tourism activities on the farm. Please note that the conversion of existing buildings where the development footprint will not be increased is excluded from the calculation (additional 15 people). According to the information provided to the EAP the campsite could sleep 12 people and the Cabin 2 people therefore in total an additional 14 people therefore Activity 17 do not apply.

6. CONCLUSIONS

- Mr. Lindeque was appointed by Mr. Bertus Engelbrecht to compile an environmental pre-screening report to assess Farm 225, Montagu in terms of applicable environmental legislative requirements and recommend environmental actions going forward.
- The dam as referenced in 4.1 DEA&DP letter do not trigger any listed activities.
- Roads as referenced in 4.2 DEA&DP letter. The EAP is of the opinion that the new fire management road was essential for the overall protection and management of the biodiversity on the property. The road is however longer than 1 kilometers and therefore Listing Notice 3 Activity 18 applies and more than 300 square metres or more of indigenous was removed (Activity 12). DEA&DP as the component authority should make the decision if they would require an application for environmental authorisation in terms of the mentioned information.
- The camp site on Montevue Farm is an artificial waterbody, characteristic of a dam. Despite wetland features, this waterbody has limited, if any, ecological or functional value. Thus, it is my opinion, use of the area as a camp site does not pose any significant risk to freshwater ecosystems within the area (Ewart-Smith, J. 2023)
- Hunter cabin as referenced on 4.4 DEA&DP letter (in combination with the campsite). According to the information provided to the EAP the campsite could sleep 12 people and the Cabin 2 (additional 14 people). GNR 324 Listing Notice 3 Activity 17 do not apply.

Kind Regards,

A handwritten signature in black ink, appearing to read 'R. Lindeque'.

Reg. Environmental Assessment practitioner EAPASA (2019/1661)

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APPENDIX A

Field verification of a potential wetland proposed as a campsite on Montevue Nature Farm, Farm 225, Montagu, western Cape.



Freshwater Consulting

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29 May 2023

VAT No: 444 024 7122

Attention: Mr Bertus Engelbrecht
Montevue Nature Farm
bertuseng@gmail.com

Dear Mr Engelbrecht

Field verification of a potential wetland proposed as a campsite on Montevue Nature Farm, Farm 225, Montagu, western Cape.

In response to an application for consent use for tourism accommodation and off-road trails on Farm 225, Montevue Nature Farm in Montagu, Cape Nature indicated that the proposed campsite is located within a wetland and requires further investigation.

Freshwater Consulting were therefore requested to visit the supposed wetland identified from aerial imagery and photographs included in the planning motivation report reviewed by Cape Nature. The purpose of the site investigation was to verify the presence of wetland habitat, (as defined below) and characterise such habitat, if necessary, to inform potential impacts associated with the use of the area as a campsite.

Wetland definition

According to the National Water Act (36 of 1998) wetlands are areas: "...where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted for life in saturated soil." Essentially, this means that wetlands are areas where water is the primary driving force. Therefore, wetlands develop in areas where water is present for prolonged periods of time but soils are saturated or inundated with water for varying lengths of time and at different frequencies.

For a wetland to be classified as such, it must have one or more of the following features (after DWAF 2005):

- Hydromorphic soils that display characteristics resulting from prolonged saturation such as mottles¹, organic streaking or gleying².
- The presence, at least occasionally of vegetation indicators i.e. the presence of obligate or facultative wetland plants which means they are found most often in wetlands.

¹ These are orange, yellow or reddish-brown splotches that appear in mineral soils that are alternately wet and dry and therefore indicative of seasonal wetland habitat.

² Gleying occurs when iron deposits in the soil are converted from an oxidized to a reduced state due to extended periods of saturation and low oxygen conditions.

- A high water table that results in saturation at or near the surface, leading to anaerobic conditions developing in the top 50 cm of the soil.
- The position in the landscape that allows for retention of water and the development of wetlands, or for riparian areas, association with a watercourse.

Landscape setting

The camp site, identified as possible wetland, is surrounded by steep mountain slopes near the confluence of a system of ephemeral streams that meet to the south- east of the site (Figure 1).



Figure 1 The camp site area identified as a possible wetland is situated at the base of a series of steep slopes near the confluence of a series of ephemeral streams.

Desktop assessment

Prior to site verification, a review of all available aerial imagery, sourced from both the NGI website and Google Earth, was undertaken. Furthermore, relevant resource layers on Cape Farm Mapper were reviewed to establish whether the supposed wetland is classified as a priority resource requiring protection. The layers investigated included the National Freshwater Ecosystem Priority (NFEPA) layers as well as the Critical Biodiversity Areas (CBA) layers included in the 2017 Western Cape Biodiversity Spatial Plan (WCBSP) (Pool-Stanvliet *et al.* 2017)³.

Based on a series of Google Earth Images between May 2009 and April 2022 (Figure 2), the area identified as a possible wetland shows periods of inundation (January 2014), with some indication of saturation (i.e. May 2009, December 2012 and July 2017) when the base of the area is covered in vegetation that appears “greener” than its surrounds. In recent years, the area is characterized as a dry feature fringed by shrubs with no vegetative cover for most of its extent (i.e September 2018 and April 2022). Periodic inundation and saturation over time indicated by these images suggests that the camp site is located within a waterbody, although the extent to which this system is natural is not clear from these images.

³ Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. and Smart, R. (2017). The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: Cape Nature.

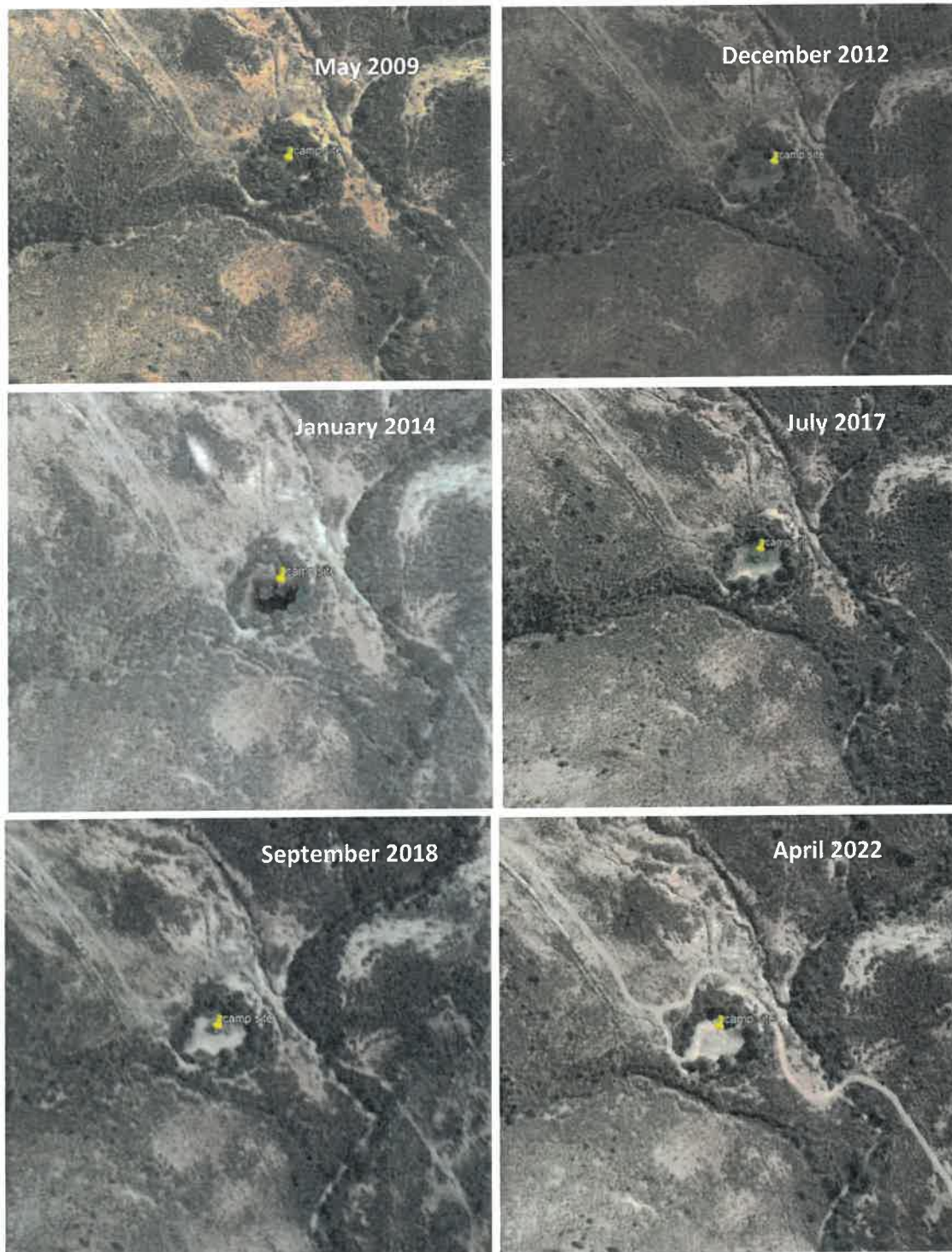


Figure 2 Series of aerial images taken from Google Earth showing changes in vegetation cover and inundation of the apparent wetland between May 2009 and April 2022.

Aerial imagery sourced from NGI indicates the presence of this waterbody as far back as 1980. It appears as an inundated dam with no fringing or riparian vegetation (Figure 3), suggesting that it is an artificial system possibly created for livestock watering.

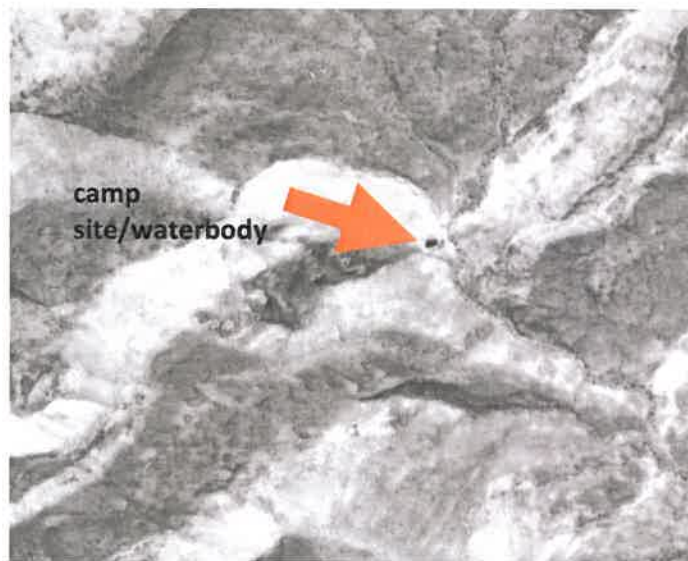


Figure 3 Aerial image of the landscape flown in 1980 (Source: NGI) clearly showing the supposed wetland as an inundated dam with no riparian (fringing vegetation) at the time.

This supposed wetland was not identified as a wetland within the NFEPA layer and neither is it identified as an ecosystem requiring protection in terms of the 2017 Western Cape Biodiversity Spatial Plan (Figure 4). It does, however fall within the buffer of the ephemeral stream to the south.

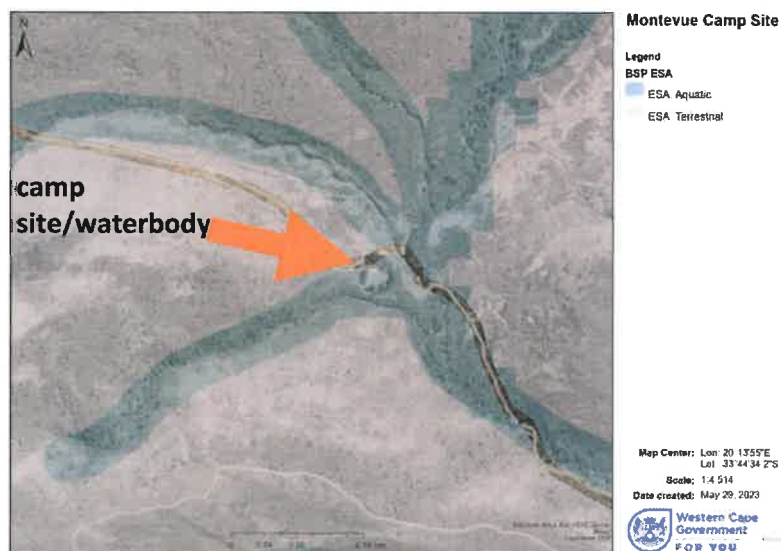


Figure 4 The camp site falls within the Ecological Support Area (ESA) designated for the ephemeral streams that confluence immediately downslope of the supposed wetland, although the wetland itself is not identified as a resource requiring protection within the Biodiversity Spatial Plan.

The waterbody proposed as camp site on Montavue Farm was visited on the 27th May 2023 to verify its characteristics and potential classification as a wetland. The soils were augured to a depth of at least 50 cm to establish the presence of features typical of hydromorphic soils indicative of wetlands. Furthermore, vegetation was recorded to establish the presence of vegetation indicators (i.e. the presence of obligate or facultative wetland plants) found most often in wetlands.

Key findings:

- The waterbody proposed for use of a camp site contains hydromorphic soils with clear mottling⁴ at about 20 cm depth at its lowest point suggesting seasonal wetland habitat. Soils are predominantly clay with a hue of 10YR, a value of 4 and a chroma of 4 according to the Munsell chart and were saturated to 50 cm during the time of the site visit. The centre of the wetland was covered by weedy herbaceous vegetation not found in the surrounding landscape, suggesting that it favours saturated conditions within the waterbody.
- The waterbody is surrounded by a man-made low berm, most prominent at its southern (downslope extent) that retains runoff and promotes inundation and saturation following rainfall events (Figure 5). The berm is vegetated with shrubs often found along the temporary margins of wetlands typical of arid regions of the western Cape, including *Searsia glauca*, *Searsia pendulina* and the false olive (*Buddleja saligna*).
- The waterbody is fed primarily by a man-made channel that runs along the hillslope to the north-west (Figure 6). This channel captures sheet flow from the hillslope that then discharges into the waterbody (Figure 7).
- Thus, despite saturation, soil and vegetation features suggesting that the waterbody is a wetland, it is fed by a completely artificial water source, with an artificial berm that retains runoff and has unnaturally promoted inundation and saturation of the area for more than 40 years.
- The waterbody is therefore best described as an artificial dam, possibly created for livestock watering, although the artificial channel that directs sheet flow to the waterbody may have been created to prevent erosion of the road immediately east of the channel.

⁴ These are orange, yellow or reddish-brown splotches that appear in mineral soils that are alternately wet and dry and therefore indicative of seasonal wetland habitat.



Figure 5 The waterbody is saturated within the lowlying central areas and is surrounded by a berm (seen in the foreground) to the south that retains runoff and results in periodic inundation and saturation.



Figure 6 The artificially created channel at the base of the hillslope looking south with the waterbody in the distance. Runoff from the channel captures sheet flow that is directed to the waterbody.

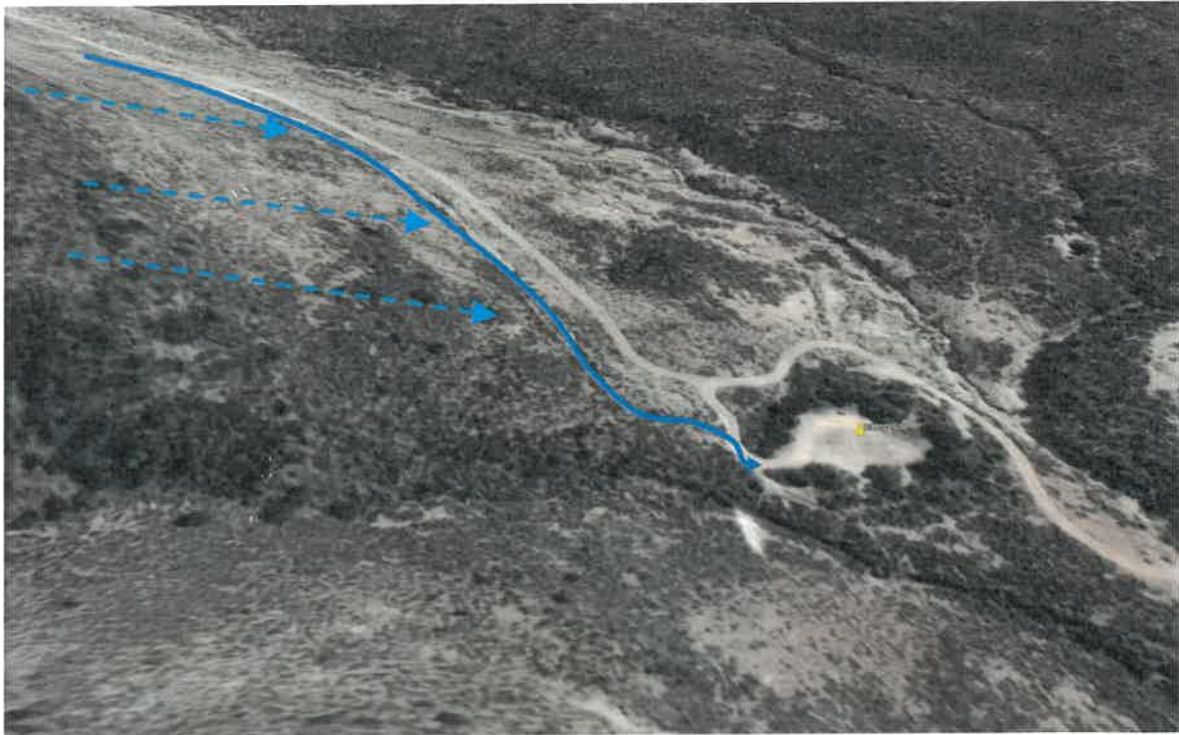


Figure 7 Aerial view showing the source of water to the waterbody. The artificial channel captures sheet flow at the base of the hillslope to the west. This channel may have been created to protect the road (immediately east) from erosion.

Based on these findings, I can confirm that the area proposed as camp site on Montevue Farm is an artificial waterbody, characteristic of a dam. Despite wetland features, this waterbody has limited, if any, ecological or functional value.

Thus, it is my opinion, use of the area as a camp site does not pose any significant risk to freshwater ecosystems within the area.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Ewart-Smith'.

Justine Ewart-Smith