



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: ENVIRONMENTAL GOVERNANCE
SUB-DIRECTORATE: RECTIFICATION**

REFERENCE: 14/2/1/3/D1/13/0022/16

ENQUIRIES: Ziyaad Allie

The Director
Honeybush Investments (Pty) Ltd
Postnet Suite 55
Private Bag X1006
PLETTENBERG BAY
6600

Attention: Mr Michael Mouat

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF LISTED ACTIVITIES: THE UNLAWFUL CLEARANCE OF VEGETATION ON PORTION 7 OF FARM WITTEDRIFT NO. 306, PLETTENBERG BAY

With reference to your application dated 10 May 2017 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below, as described in the application and environmental assessment dated 28 November 2018.

REGISTERED MAIL

Cell: (082) 526 9806

Fax: (044) 535 9093

Email: jillmouat@yebo.co.za

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Honeybush Investments (Pty) Ltd.
 c/o Mr Michael Campbell Mouat
 Postnet Suite 55
 Private Bag X 1006
 PLETTENBERG BAY
 6600

Tel: (082) 562 9806
 Fax: (044) 535 9093
 Email: jillmouat@yebo.co.za

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p><i>Government Notice No. 983 of 4 December 2014 -</i> Activity Number: 67 Activity Description: <i>Phased activities for all activities listed in this Notice, which commenced on or after the effective date of this Notice; or</i> <i>ii. similarly listed in any of the</i></p>	<p>The cultivation of 40.28ha of Honeybush in three phases, of which 31ha has already been planted.</p>

<p>previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold;</p> <p><u>As similarly listed in terms of:</u> Government Notice No. 327 of 7 April 2017 -</p> <p>Activity Number: 67 Activity Description: <i>Phased activities for all activities listed in this Notice, which commenced on or after the effective date of this Notice; or</i></p> <p><i>ii. similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold;</i></p>	<p>Same as above</p>
<p>Government Notice No. 984 of 4 December 2014 -</p> <p>Activity Number: 15 Activity Description: <i>The clearance of an area of 20ha or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for –</i></p> <p><i>i. The undertaking of a linear activity; or</i> <i>Maintenance purposes undertaken in accordance to a maintenance management plan.</i></p>	<p>The clearance of an area for the construction of 2 residential dwellings, a shed, nursery and cultivation of agricultural land. More than 20 hectares of indigenous vegetation was cleared for the cultivation of 40.28ha of Honeybush tea.</p> <p>The areas for construction of 2 residential houses is approximately 448m² each (Total 896m²). Furthermore, and extra 50m² working area around each property. This will result in a total area of land cleared for the developments to be approximately 2800m².</p>

<p><u>As similarly listed in terms of:</u> Government Notice No. 325 of 7 April 2017 -</p> <p>Activity Number: 15 Activity Description: <i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The construction of a shed of approximately 200m² situated adjacent to the existing dam.</p> <p>A Temporary nursery was established on site. The nursery is 1200m² in size. The nursery was placed in an area that was already brush cut.</p> <p>Same as above</p>
<p>Government Notice No. 985 of 4 December 2014 -</p> <p>Activity Number: 4 Activity Description: <i>The development of a road wider than 4 meters with a reserve less than 13.5 meters.</i> <i>(a) In Western Cape</i> <i>i. Areas outside urban areas:</i> <i>(aa) Areas containing indigenous vegetation;</i></p> <p><u>As similarly listed in terms of:</u> Government Notice No. 325 of 7 April 2017 -</p> <p>Activity Number: 4 Activity Description: <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i> <i>Western Cape</i> <i>i. Areas zoned for use as public open</i></p>	<p>Certain sections (the top and bottom) of the newly constructed road/ formalised road are wider than 4m to allow for the passing of vehicles.</p> <p>Same as above</p>

<p>space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	
<p>Government Notice No. 985 of 4 December 2014 -</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p>The clearance of an area of 300 square meters 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.</p> <p><u>As similarly listed in terms of:</u></p> <p>Government Notice No. 325 of 7 April 2017 -</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p>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.</p> <p>Western Cape</p> <p>i. Within any critically endangered or endangered 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</p>	<p>The reconstruction of a dilapidated jetty and boardwalk 39m² in size.</p> <p>The installation of a pipeline from a borehole will be 2000 meters in length and more than 300 square meters of indigenous vegetation will be removed.</p> <p>Same as above.</p>

<p>Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	
<p>Government Notice No. 985 of 4 December 2014 -</p> <p>Activity Number: 14</p> <p>Activity Description:</p> <p>The development of –</p> <p>(viii) jetties exceeding 10m²</p> <p>(xi) Boardwalks exceeding 10m²</p> <p>Where such development occurs</p> <p>(a) within a watercourse</p> <p>(c) if no development setback has been adopted, within 32 meters of a watercourse, measured from the edge of a watercourse</p> <p>(f) In Western Cape</p> <p>i. Outside urban areas in:</p> <p>(ff) Critical Biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</p> <p>(hh) Areas on the estuary side of the development setback line or in the estuarine functional zone where no setback line has been determined.</p> <p><u>As similarly listed in terms of:</u></p> <p>Government Notice No. 325 of 7 April 2017 -</p> <p>Activity Number: 14</p> <p>Activity Description:</p>	<p>The reconstruction of a jetty and boardwalk 39m² in size. The installation of a pipeline from a borehole will be 2000 meters in length and more than 300 square meters of indigenous vegetation will be removed.</p>

<p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse.</p>	<p>Same as above.</p>
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The abovementioned list is hereinafter referred to as "the listed activities/development".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Portion 7 of Farm Wittedrift No. 306, Plettenberg Bay

The SG digit code is: C03900000000030600007

The co-ordinates for the property boundary are:

Point	Latitude (S)		Longitude (E)	
1	34° 00' 43.49"	South	23 ° 20' 25.97"	East
2	34 °01' 12.08"	South	23 ° 20' 47.72"	East
3	34° 01' 07.80"	South	23 ° 21' 27.75"	East
4	34° 00' 33.53"	South	23° 21' 17.92"	East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 00' 44.84" South	23° 20' 34.21" East
2	34° 01' 08.17" South	23° 20' 46.17" East
3	34° 01' 06.82" South	23° 20' 47.06" East
4	34° 0' 48.24" South	23° 20' 53.23" East

Refer to Annexure 1: Locality Plan

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Eco Route Environmental Consultancy

C/o Janet Ebersohn

P.O. Box 1252

SEDGEFIELD

6573

Tel: (082) 55 77 122

Fax: (086) 402 9562

Email: janet@ecoroute.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The activities have taken place on Farm Wittedrift No. 306 and is approximately 291.98ha in extent. The farm lies within a predominantly Critical Biodiversity Area, bordered by Ecological Support Areas. The development is for the cultivation of Honeybush tea with associated infrastructure and entails the following:

- Cultivation of 40.28ha of Honeybush tea;
- Expansion of an existing dam from 05ha to 1.88ha;
- The construction of two residential dwellings of approximately 448m² each;
- The construction of a shed of approximately 200m²;

- The development of a temporary nursery of 1200m² on an area which was previously brush cut;
- The construction of a road measuring approximately 480m in length and 4m wide, except the top and bottom of the road which are both wider than 4m;
- The reconstruction of a jetty of 39m². The jetty has been reconstructed at the site where the previously existing jetty was dilapidated.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to the implemented Alternative described in the application and assessment report dated 27 November 2018 on the site as described in Section D above.
2. The construction activities related to the development must be concluded within five years from the date of continuation of the development.
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 F 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 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.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of construction related to the above development.
 - 5.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 5.2 The notice must include proof of compliance with conditions 6 and 8.

PART III

Notification and administration of an appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I 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 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs

in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

7. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

8. The draft Construction and Operational Environmental Management Programme ("EMPr") of August 2017 compiled by Samantha Robertson of Eco Route Environmental Consultancy dated and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

10. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
11. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, 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 (if applicable).
12. Access to the site referred to in Section D 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.

PART VI

Auditing

13. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

H. 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 or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or 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 must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid

pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

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

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

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

I. APPEALS

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

1. An appellant (if the holder) must –

- 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

- 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and

the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator 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 the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

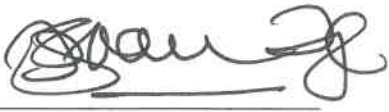
J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government 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.

Yours faithfully



MR. PIET VAN ZYL

HEAD OF DEPARTMENT

DATE: 17.06.2020

Copied to: (1) J Ebersohn (Eco-Route Environmental Consultant)

Fax: (086) 402 9562

Email: janet@ecoroute.co.za

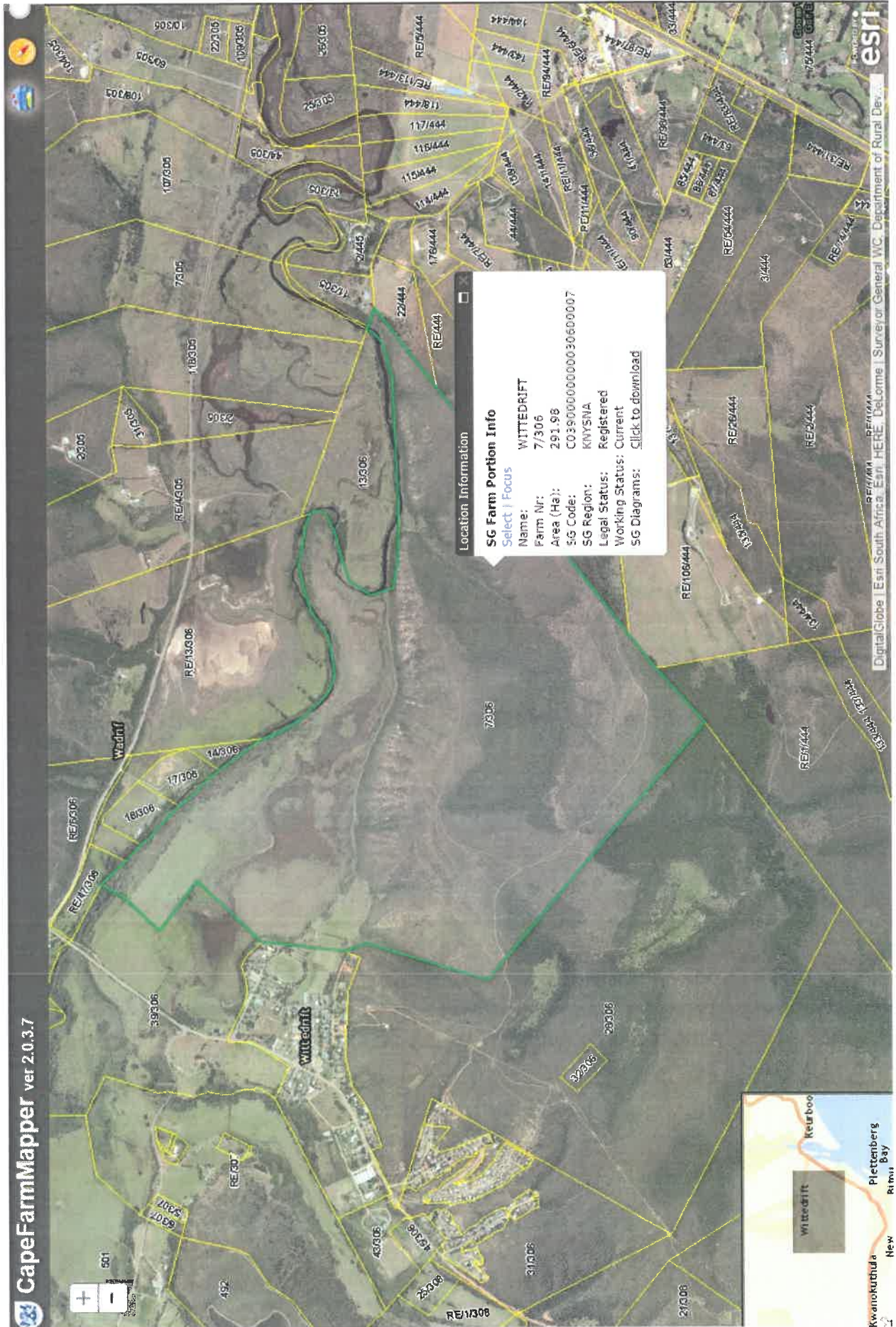
(2) D Baartman (Bitou Municipality)

Fax: (044) 501 1603

Email: dbaartman@plett.gov.za

(3) J Oelofse (DEA&DP: Environmental Law Enforcement- George) Email: Johan.Oelofse@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R250 000 (Two hundred and fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The section 24G application and Environmental Impact Assessment and Mitigation Measures as outlined in the section 24G Environmental Impact Assessment ("EIA") Report dated 28 November 2018.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- f) The site inspections conducted on 10 November 2016, 24 February 2017 and 10 July 2019, attended by officials from this department.

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the **Knysna-Plett Herald** newspaper on 17 August 2017;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 14 August 2017 and 22 October 2018.
- I&APs were afforded the opportunity to provide comments on the draft and final EIA Reports.

Many I&APs (mostly members of the Wittedrfit community) commented on the application, advising that they are in favour of the development due to the associated economic benefits.

1.1 Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- The Department of Forestry and Fisheries ("DAFF")
- Breede-Gouritz Catchment Management Agency ("BGCMA")
- Heritage Western Cape ("HWC")
- This Department's Directorate: Pollution and Chemicals Management ("D: P&CM")
- CapeNature
- Bitou Municipality ("BM")

The DAFF has advised that the *National Forests Act, 1998 (Act 84 of 1998)* ("NFA") does not apply to the activities undertaken and proposed. Should protected trees according to the NFA be identified, these species should be retained. They further advised that the provisions of the *National Veld and Forest Fire Act, 1998 (Act 101 of 1998)* do apply on the farm. Therefore, the applicant has been cautioned to ensure that these provisions are taken into consideration and that the farm be part of the

local Southern Cape Fire Protection Association. The EAP responded that the property has been registered with the Southern Cape Fire Protection Association.

The DAFF further advised that soil conservation works must be implemented before the land is cultivated, to which the EAP responded that the Western Cape Department of Agriculture compiled a water runoff control plan and that a soils specialist (T.A. Robertson) has compiled a Soils and Land Use Potential Report. The mitigation and recommendations from these reports were implemented during cultivation to ensure soil protection and sustainable cultivation.

Further comments from the DAFF is that monitoring and evaluating procedures should be put in place to determine if rehabilitation initiatives are needed and that all slopes and degraded areas should be rehabilitated. Rehabilitation works have commenced and prove to be successful based on observations during the departmental site inspection on 10 July 2019. Rehabilitation measures have been identified by the EAP and form part of the site-specific Rehabilitation Programme. All bare areas have been rehabilitated and land cultivation has taken place in phases in order to minimize the time period within which land cleared of vegetation is left bare. Furthermore, ongoing alien vegetation clearing is addressed in the EMPr.

The BGCMA advised that the applicant must apply for authorisation in terms of section 21(a) and (b) of the *National Water Act, 1998 (Act 36 of 1998)* and that proof of the submission of a Water Use License Application ("WULA") should be provided. Proof of the WULA submission has been provided.

HWC commented advising that there is no reason to believe that the development activities on Portion 7 of Farm Wittedrift 306, Plettenberg Bay, has impacted on heritage resources, hence no further action under Section 38 of the *National Heritage Resources Act, 1999 (Act 25 of 1999)* is required. Should any heritage resources, including evidence of graves and human burials archaeological material and paleontological material be discovered during the execution of the proposed activities, all works must be stopped immediately and HWC notified without delay.

The D: P&CM noted that if pesticides are used as part of the production process, excessive use may impact on the watercourse below the cultivated area due to run-off and may bio-accumulate over time. The EAP responded stating that no pesticides are being used during the production process.

CapeNature highlighted the importance of the clearance of invasive alien vegetation and veld fire management. These concerns were addressed in the EAP's response to the DAFF's comments above.

The Bitou Municipality supports the development proposals due to the associated employment benefits for the local community.

No further comments were received at the end of the public participation process.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Location/Site Alternatives

Implemented Alternative (Herewith authorised)

This entails the following:

- Cultivation of 40.28ha of Honeybush tea;
- Expansion of an existing dam from 05ha to 1.88ha;
- The construction of two residential dwellings of approximately 448m² each;
- The construction of a shed of approximately 200m²;
- The development of a temporary nursery of 1200m² on an area which was previously brush cut;
- The construction of a road measuring approximately 480m in length and 4m wide, except the top and bottom of the road which are both wider than 4m;
- The reconstruction of a jetty of 39m². The jetty has been reconstructed at the site where the previously existing jetty was dilapidated.

Alternative 2- Harvesting methods

Honeybush tea is currently harvested by hand. Alternatively, tea can be harvested by sickle or pruning- shears.

Alternative 3- Harvesting practice alternatives

This alternative entails:

- Harvesting of only the young growth;
- Cutting of the bush as low as possible from the ground;
- Cutting the bush approximately 0.3m from the ground.

The alternative chosen is to cut the Honeybush tea 0.3m/300mm from the ground as it leaves enough plant material for regrowth.

2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The "no-go" alternative would entail ceasing the activities. Ceasing the activity would result in the loss of employment for farm workers currently employed on the farm. The "no-go" would result in the socio-economic benefits of the development not being realised.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability

The property is located outside of the urban edge of Wittedrift town and is zoned agriculture. The site was previously used for agricultural purposes and thus the Honeybush tea farming practices will continue with the previous agricultural land use.

3.2. Regional/ Planning Context

The current agricultural land use is not inline with the approved Spatial Development Framework ("SDF") as Portion 7 of Farm Wittedrift 306 has been earmarked as private conservation area.

3.3. Cumulative

The activity has resulted in the loss of fynbos vegetation due to the brush-cutting that has taken place, the cultivation of Honeybush tea, the expansion of the existing dam, and the construction of the road leading to the plateau area. The activity has also caused severe soil erosion around the dam area, as well as along the road embankments. However, rehabilitation works have significantly reduced the severity of the soil erosion and natural fynbos regrowth.

3.4. Biophysical/Biodiversity Impacts

According to the EAP *"The activities (cultivation of Honeybush Tea, construction of the road, expansion of the dam, two dwellings, shed, and jetty) include the clearance of indigenous fynbos vegetation. It is unknown whether protected species were eradicated during the clearance of vegetation; however, due to the resilience of fynbos it is likely that vegetation will be rehabilitated through natural processes. This does not include vegetation that is permanently lost due to hard structures. It is also to be noted that the cultivation of Honeybush Tea also gives rise to positive biodiversity impacts. The species of Honeybush Tea used (Cyclopia Longifolia and Cyclopia Subternata) are both part of the Fynbos group. With specific reference to the Cyclopia Longifolia species; cultivation would increase the growth of this species that is currently enlisted as Critically Endangered. In addition, the farming method that will be used on Farm no. 306 Wittedrift will ensure that Fynbos naturally occurring in the area will be allowed to grow between each row of cultivated Honeybush Tea."*sic

Furthermore, the activities undertaken on the site has resulted in the following biodiversity/ biophysical impacts:

Loss of vegetation

Indigenous Fynbos vegetation has been cleared to allow for the activities which include the cultivation of Honeybush Tea, construction of a road, expansion of a dam, the construction of two dwellings, a shed, a nursery, solar panels and a jetty with a boardwalk. The development activity will result in the loss of indigenous vegetation and habitat, with possible negative impact on the connectivity of ecological corridors. According to the EIA Report, 28.8ha of land was brush-cut in preparation for planting and a further 11.48ha needs to be brush-cut for ultimate cultivation of 40.28ha of Honeybush. The expansion of the dam resulted in 1.2ha of vegetation being cleared and the road construction

activities resulted in the clearance of $\pm 2886\text{m}^2$ of vegetation. The development footprint is approximately 43ha. The vegetation type affected is Garden Route Shale Fynbos, classified as vulnerable according to Section 52 of the *National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)*. The assessment assigns this impact a negative rating of low-medium significance.

Freshwater impact

It is expected that the hydrological patterns (flow rate and volume) have been altered by the expansion of the dam. The contour furrows dug to divert rain water into the dam may result in water deprivation of the natural drains on site that feed into the wetlands and Bitou River; however, this would be a very limited volume.

Soil erosion

Due to the clearance of vegetation for the construction of the road and the expansion of the dam, soil erosion has become prevalent. Rehabilitation measures of the areas surrounding the dam has been implemented. Erosion runnels have been filled with fertile soil and the areas re-vegetated with indigenous Fynbos vegetation. The road embankments have been re-vegetated.

The assessment also notes the risk of erosion in the vicinity of the jetty area. The jetty was reconstructed in the existing jetty area (replacing the old jetty). According to the assessment, its presence will inevitably erode a portion of the river bank, as the hydrology of the river is altered by a hard structure. Monitoring of this area would be required.

Sedimentation of the dam

Due to the greatly reduced level of vegetation surrounding the dam, sedimentation of the dam is occurring. Sedimentation reduces the dam's capability to store as much water as intended. To reduce sedimentation of the dam, the areas surrounding the have been rehabilitated.

4. NEMA 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.

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 listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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