



24G APPLICATION REF: 14/2/4/2/1/F2/2/0008/20

ENQUIRIES: Ziyaad Allie

The Trustees
Drooge Rivier Boerderye (Pty) Ltd
P. O. Box 2391
SOMERSET WEST
7290

Tel: (071) 585 6415
Email: pieter.vblommestein@gmail.com

Attention: Pieter Canzius van Blommenstein

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE RECTIFICATION, REDEVELOPMENT AND DIVERSIFICATION OF THE AGRICULTURAL BUSINESS ON FARM 241 RESTANT, FARM 241 PORTION 2, FARM 240 PORTION 2, FARM 243 PORTION 14 AND FARM 240 RESTANT, DROOGE RIVIER, CEDERBERG MUNICIPALITY

With reference to your application dated 17 July 2020 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 17 July 2020.

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

Drooge Rivier Boerderye (Pty) Ltd
 c/o Mr Pieter Canzius van Blommenstein
 P. O. Box 2391
 SOMERSET WEST
 7290

Cell: Tel: (071) 585 6415
 Email: pieter.vblommestein@gmail.com

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
Government Notice No. R. 1182 of 1997 – Activity Number: 2 Activity Description: <i>The change of land use for grazing to any other form of agricultural use.</i>	2x25ha centre pivot for potato production was established 2x25ha centre pivot irrigation circles for potatoes – these overlapped with those circles established in 1997.
Government Notice No. R386 of 2006 – Activity Number: 12 Activity Description: <i>The transformation or removal of indigenous vegetation of 3 hectare (ha) or more.</i>	1x10 ha circle established in the centre of the property. 185.5 ha's of Rooibos Tea were established, part of which were old Rooibos Tea Lands older than 10 years.
Government Notice No. R387 of 2006 –	

<p>Activity Number: 2 Activity Description: <i>Any development activity, including associated structures and infrastructure, where the total area of the developed area is 20 has or more.</i></p>	
<p>Government Notice No. R546 of 18 June 2010 – Activity Number: 12 Activity Description: <i>The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</i></p>	<p>Between 2012-2013 3X10ha centre pivots were established.</p>
<p>Government Notice No. R546 of 18 June 2010 – Activity Number: 13 Activity Description: <i>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</i></p>	
<p>Government Notice No. R546 of 18 June 2010 – Activity Number: 14 Activity Description: <i>The clearance of an area of 5 ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</i></p>	
<p>Government Notice No. R. 983 of 4 December 2014 Activity Number: 27 Activity Description: <i>The clearance of an area of 1 hectares or more of indigenous vegetation.</i></p>	<p>In December 2014 1x10 hectares circle cleared for potato production.</p>
<p>As similarly listed in Government Notice No. 325 of 07 April 2017 - 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) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in</i></p>	<p>The activity of clearing potato circles has resulted in the clearance of more than 20 ha's of natural vegetation.</p>

<i>accordance with a maintenance management plan.</i>	
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The abovementioned list is hereinafter referred to as "the listed activities.

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Farms 241 Restant and Farm 241 Portion 2, Farm 240 Portion 2, Farm 243/14 and Farm 240 Restant, Drooge Rivier, Piketberg

The SG digit code are:

Farm 241 Restant = C02000000000024100000

Farm 241 Portion 2 = C02000000000024100002

Farm 240 Portion 2 = C02000000000024000002

Farm 240 Restant = C02000000000024000000

Farm 243 Portion 14 = C02000000000024300014

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 17' 4.6314" South	18° 40' 6.7794" East
2	32° 17' 39.339" South	18° 40' 38.4774 East
3	32° 18' 11.44" South	18° 41' 25.263" East
4	32° 19' 7.161" South	18° 40' 25.1034" East

Refer to:

Annexure 1: Locality Plan

Annexure 2: Site Plan

Annexure 3: Drooge Rivier Sandveld EMF map

Annexure 4: Farm 240 Portion 2 EMF map

Annexure 5: Farm 240 Restant EMF map

Annexure 6: Farm 241 Portion 2 EMF map

Annexure 7: Langevalley EMF map

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

FOOTPRINT Environmental Services

C/o Mr Sean Ranger

PO Box 454

PORTERVILLE

6810

Cell: 083 294 8776

Email: sean.ranger1@gmail.com

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The activities undertaken relate to the clearance of vegetation for agricultural purposes. Consultation with the farm owner and manager and analysing satellite imagery between 1984 and 2018 was carried out by the Environmental Assessment Practitioner (“EAP”) to discern the timeline of the activities undertaken. By 1998 most of the potato circles that are still in production today had been cleared. The “end-1998” production configuration remained unchanged to the present date. Additional areas of natural vegetation have been cleared, which constitute an expansion. Below is a timeline of activities which have been undertaken and then follows on with the developments which are still to be undertaken on the property.

1996-1998

An expansion to the centre pivot production footprint happened in the period between 1996 and 1998 where 2 x 25ha circles had been cleared by December 1997. A further 2 x 25 ha's circles were cleared in 1998 – these overlapped approx. 50% with the circles cleared in 1997 and appear to be a realignment of the two (1996-1997) circles further south. However additional natural vegetation was cleared at this time. In the following years the initial clearing (i.e. 1996-1997) was allowed to rehabilitate and remains thus to the current date.

2006-2008

A further expansion to the centre pivot production footprint occurred in 2006 where Google Earth Satellite Imagery shows a centre pivot irrigation circle of approximately 10ha cleared on the image of October 2006. Consultation with the owner/manager indicate

that this area was already transformed and was the area historically used for potato production prior to the advent of centre pivot irrigation systems for potato production. This circle is located at the approximate centre of the property adjacent and north of the river drainage line in an area that appears to have been fallow for more than 10 years.

Further development of a Rooibos Tea land occurred in 2008 in the most southerly portion of the property, where Google Earth satellite imagery, dated December 2008, shows the clearance of an area of approximately 185.5ha of Rooibos Tea land strips (total production area including natural strips that were retained to control wind erosion). From earlier Google Earth imagery it appears that a portion of this area was historically cleared for Rooibos Tea production but that this portion of the property had been fallow for a period exceeding 10 years prior to 2008.

2013-2014

Further expansion of the centre pivot potato production footprint occurred in natural vegetation in 2013 where Google Earth Imagery of September 2013, shows the clearance of 3 x 10ha circles in the south eastern portion of the property. The final expansion on the centre pivot potato production footprint occurred in 2014, where Google Earth Imagery shows the clearance of an additional 10ha adjacent to the 3 x 10ha circles cleared in 2013.

Development in furtherance of the listed activities that are to be completed:

Potatoes

Research undertaken indicates that the size of a centre pivot irrigation system correlates to an increase in productivity from 25ha to 10ha circles. A reduction of the circles size is positively correlated to increased productivity being achieved for smaller circles (i.e. increased yield – historical max. on 25ha's being 40 Tons/hectare while a historical minimum of 55 Tons/ha is achieved on a 10 ha's circle), increased product quality with a longer shelf life and using less water per weight of produce. The layout of the new circles will follow the existing layout of the current 25ha circles. This will result in the conversion of these circles to 38 x10ha circles. An area of approximately 172ha of natural vegetation will be transformed as a result of the realignment and reduction in size for the smaller pivots. An additional consequence of this and the closure of previous areas that were historically used for agricultural production will be the rehabilitation of approximately 215ha of currently transformed land.

Rooibos Tea

The holder aims to develop 106ha for Rooibos tea production which will entail the clearance of natural vegetation, firstly by brush cutting the vegetation and then ploughing it into the soil during the preparation of the production areas. Cleared vegetation will be removed from the developed area and ploughed in or distributed to the adjacent natural veld where it will decompose naturally.

Irrigated Citrus

The holder intends to seek a development partner to expand production on Drooge Rivier to include irrigated citrus production. This will require the clearing of 50ha of natural vegetation.

Summary of activities undertaken and continued

Existing Circles = New circles cleared without authorisation = 462 929m²

Proposed new layout of smaller circles = 1 72 000m²

Proposed new Rooibos Tea production areas = 1 060 000m²

Proposed new Citrus production areas = 500 000m²

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 Alternative 1 described in the application and assessment report dated 17 July 2020 on the site as described in Section D above.
2. 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.
3. 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

4. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of the development and rehabilitation activities.
 - 4.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 4.2 The notice must also include proof of compliance with conditions 5, 14 and 15 of this EA.

PART III

Notification and administration of an appeal

5. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 5.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 5.1.1 the outcome of the application;
 - 5.1.2 the reasons for the decision as included in Annexure 8;
 - 5.1.3 the date of the decision; and
 - 5.1.4 the date when the decision was issued.
 - 5.2 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.
 - 5.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
 - 5.4 provide the registered I&APs with:
 - 5.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 5.4.2 name of the responsible person for this Environmental Authorisation;

- 5.4.3 postal address of the holder;
- 5.4.4 telephonic and fax details of the holder;
- 5.4.5 e-mail address, if any, of the holder; and
- 5.4.6 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*.

6. 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

7. The draft Environmental Management Programme ("EMPr") dated 17 July 2020 compiled by Footprint Environmental Services and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

8. The EMPr must be included in all contract documentation for all relevant phases of implementation.

PART V

Monitoring

9. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, 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).

10. 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

11. 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, 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* (as amended).

PART VII

Activity/ Development Specific Conditions

12. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

13. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
14. The holder must compile a Farm-Level Management Plan ("FLMP") for the sites, consistent with the Sandveld Environmental Management Framework (EMF), 2019 in order to minimise the overall effect of negative impacts on the biodiversity pattern and processes and to sustain ecological process and systems. The FLMP must use the land use categories and subcategories, as described in the Sandveld EMF. The categories include, "Protected Areas, Areas to be Protected, Cultivated Lands and Lands to be

Cultivated" and the sub-categories include, "Critical Biodiversity Areas, Ecological Support Areas, Other Natural Areas, Existing Irrigated Agriculture, Existing Dryland Agriculture, To be Rehabilitated, Proposed Irrigated Agriculture, Proposed Dry Land Agriculture". The final map of the Sandveld EMF can be accessed on Cape Farm Mapper and the DEA&DP GIS Site. For ease of reference, the portions applicable to the farm are included in this EA as Annexures 3 to 7.

15. The FLMP must show all designated conservation areas overlaid with the development footprint. The FLMP must be provided to the Department of Agriculture, CapeNature and the Department of Water and Sanitation (relevant organs of state) in order to provide input into the FLMP and must be submitted to the competent authority for approval prior to any clearance/rehabilitation/development activities on the sites.
16. Should compilation of the FLMP result in revision of the preferred alternative (as authorised in Condition 1), an amendment application must be submitted to the competent authority for approval.
17. All uncultivated on the property and areas not herewith approved for development should be included within formalized conservation areas. This formalized conservation area should include all remaining natural vegetation of High and Very High sensitivity on the greater property and should be conserved by a Stewardship Biodiversity (or Contract) Agreement with CapeNature.

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 activity/ies.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. 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.

4. 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, appointed in terms of the conditions of this Environmental Authorisation, shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation

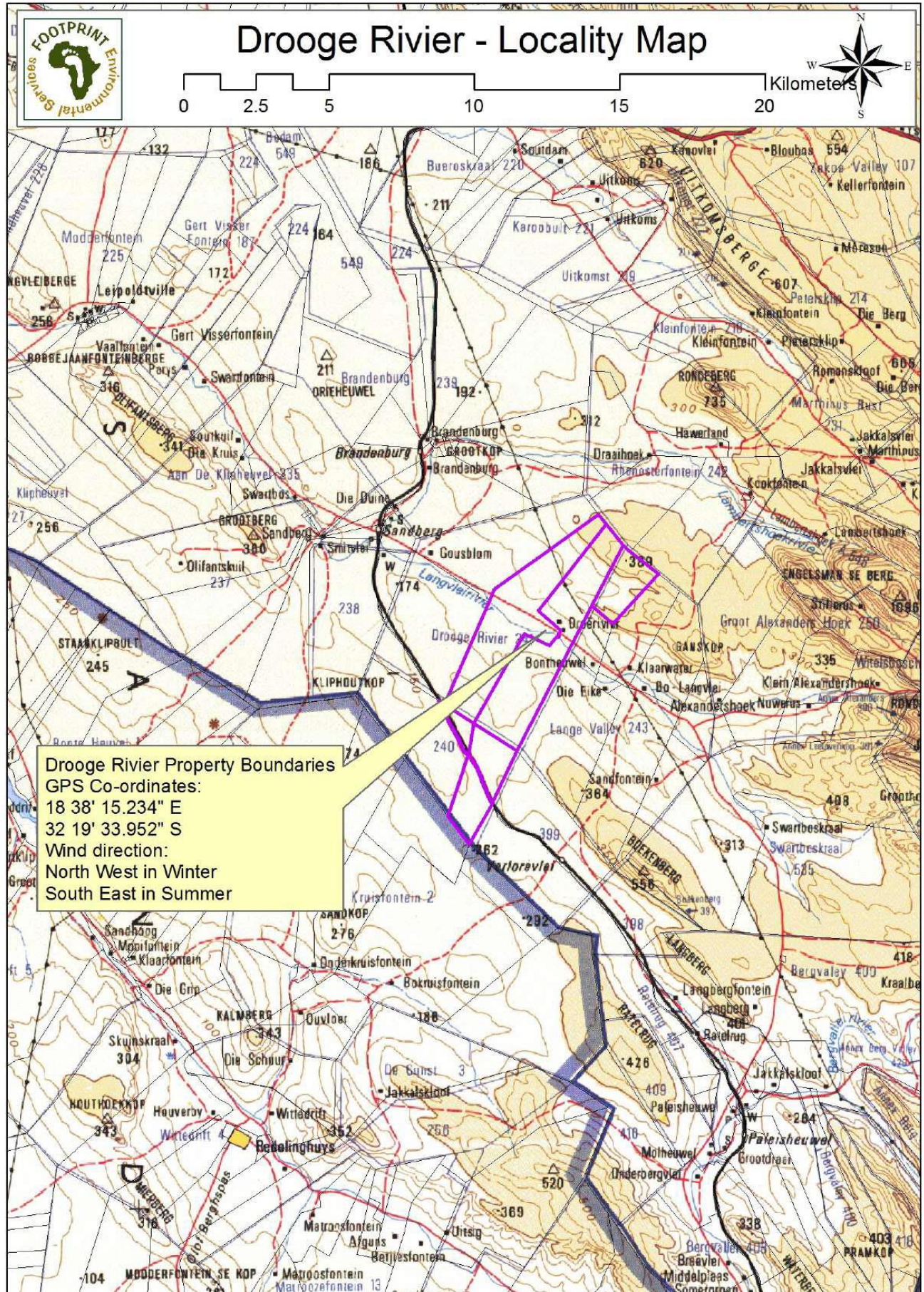
subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully

ADV. CHARMAINE MARÉ
DIRECTOR: ENVIRONMENTAL GOVERNANCE

Copied to: (1) Mr. Sean Ranger (Footprint Environmental Services)	Email: sean.ranger1@gmail.com
(2) Eldon van Boom (DEA&DP: Development Management – Region 1)	Email: Eldon.vanBoom@westerncape.gov.za
(3) Alana Duffell-Canham (CapeNature)	Email: aduffell-canham@capenature.co.za
(4) Jan Smit (Department of Agriculture)	Email: Jan.Smit@westerncape.gov.za
(5) Abrie Genade (Farm Manager)	Email: abrie.genadel@adept.co.za

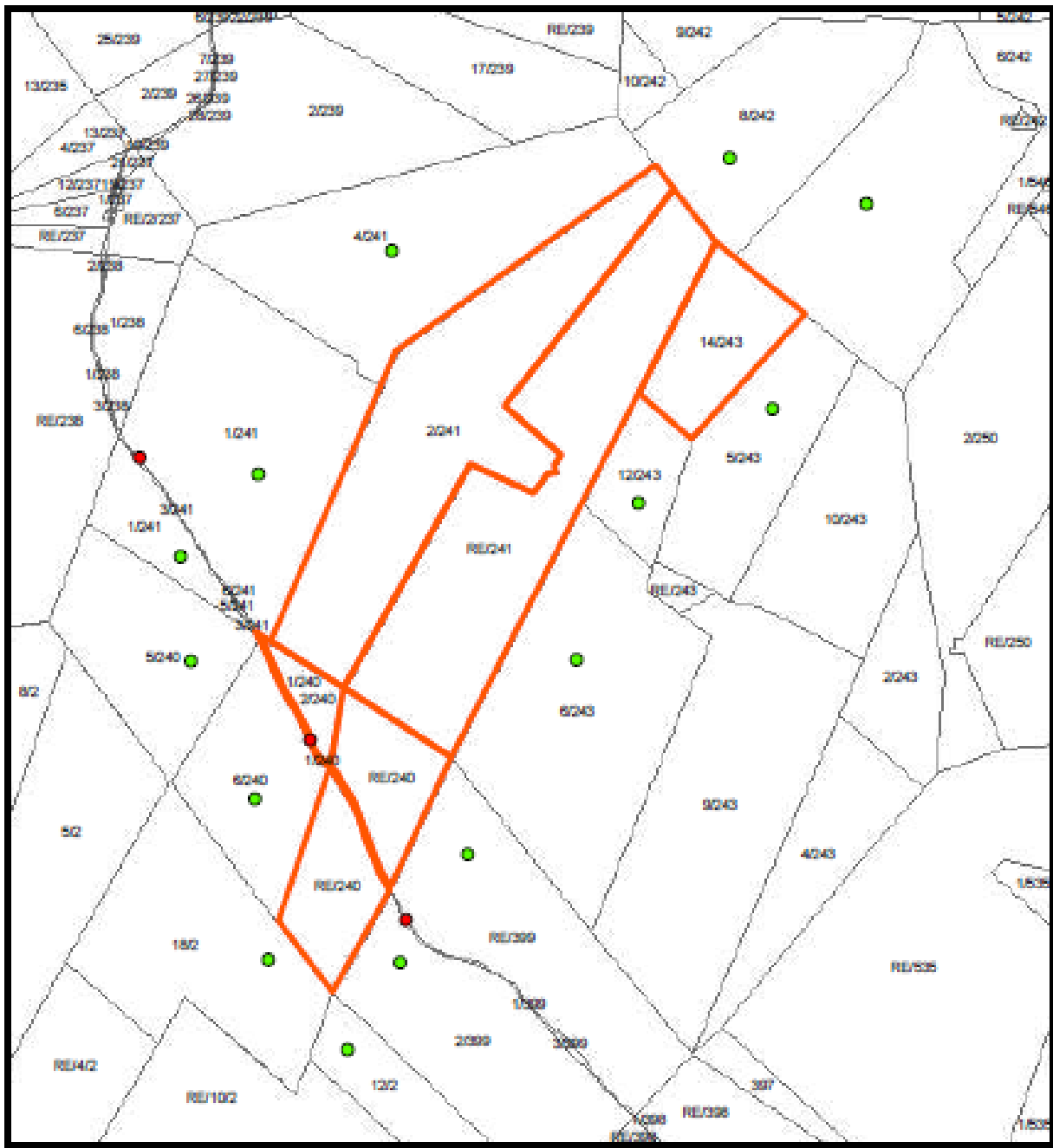
ANNEXURE 1: LOCALITY MAP



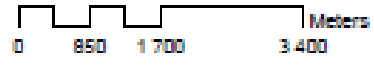


Droerivier - Adjacent Neighbours, Zoning & Current Landuse

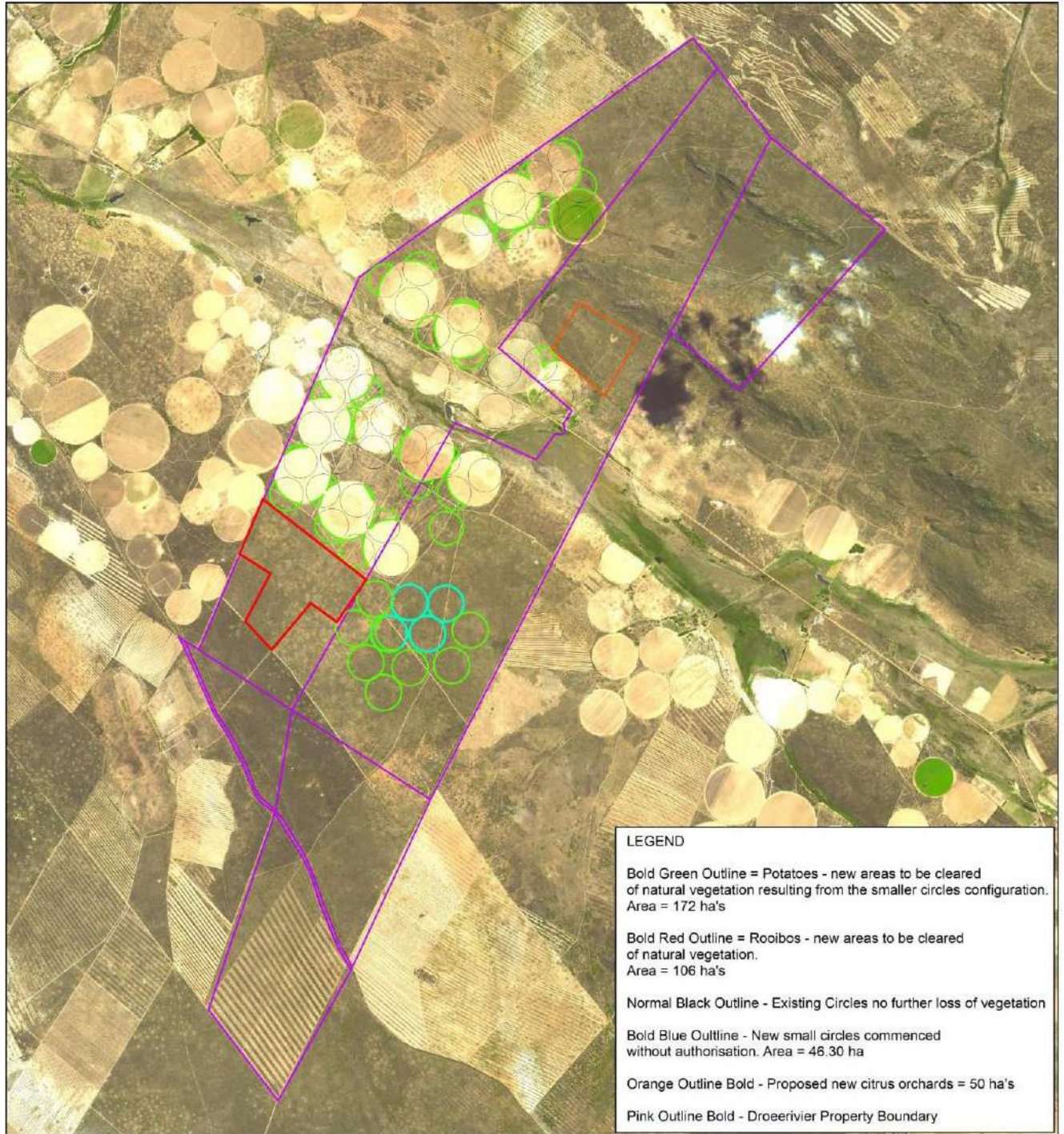
- = Zoned Agriculture 1, Current Landuse - Agriculture
- = Railway Line Servitude



- Legend**
- Droerivier Farm Boundary
 - Cadastral Boundaries



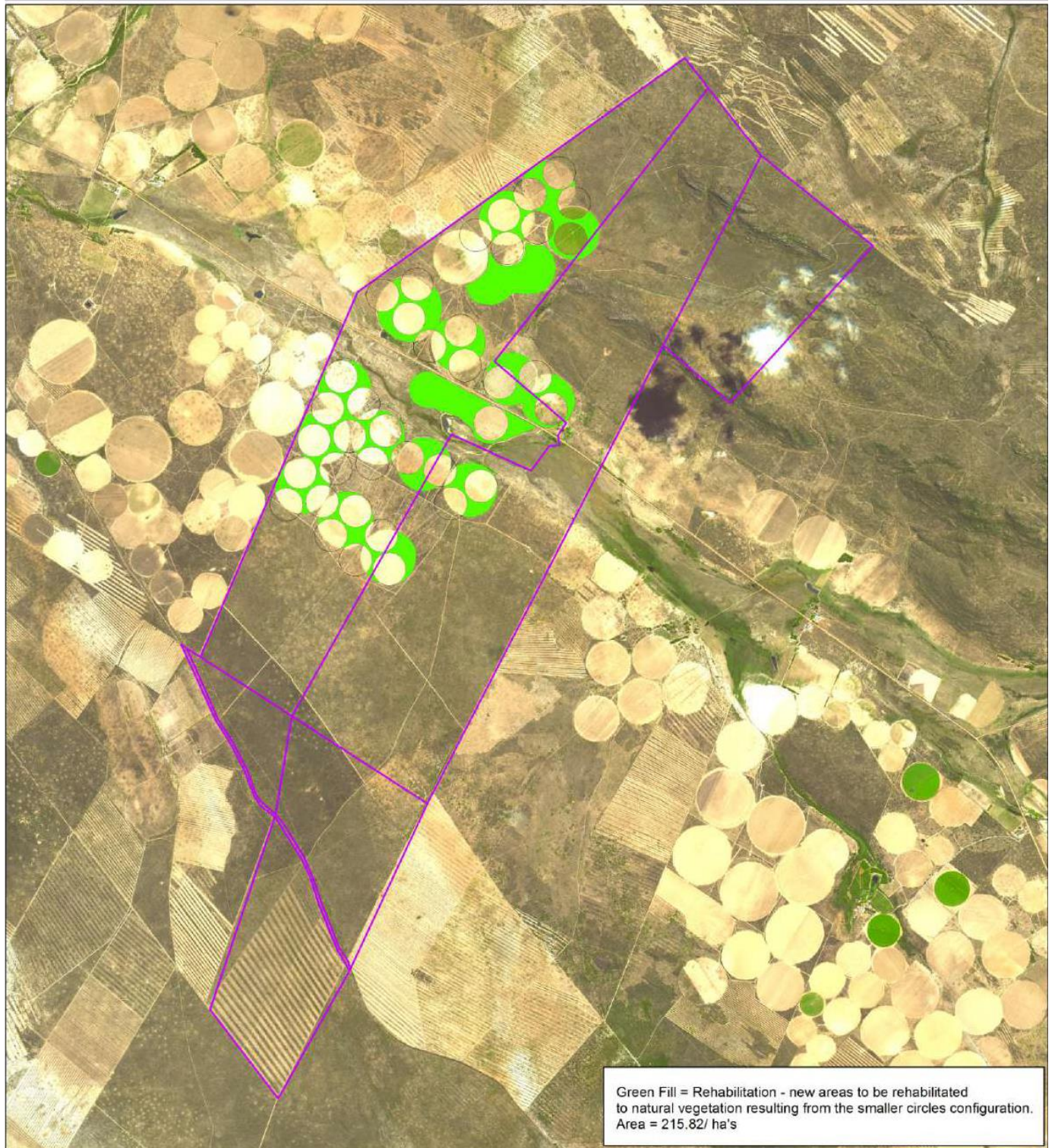
Drooge Rivier - Amended Site Layout Plan Response to Environmental Sensitivity



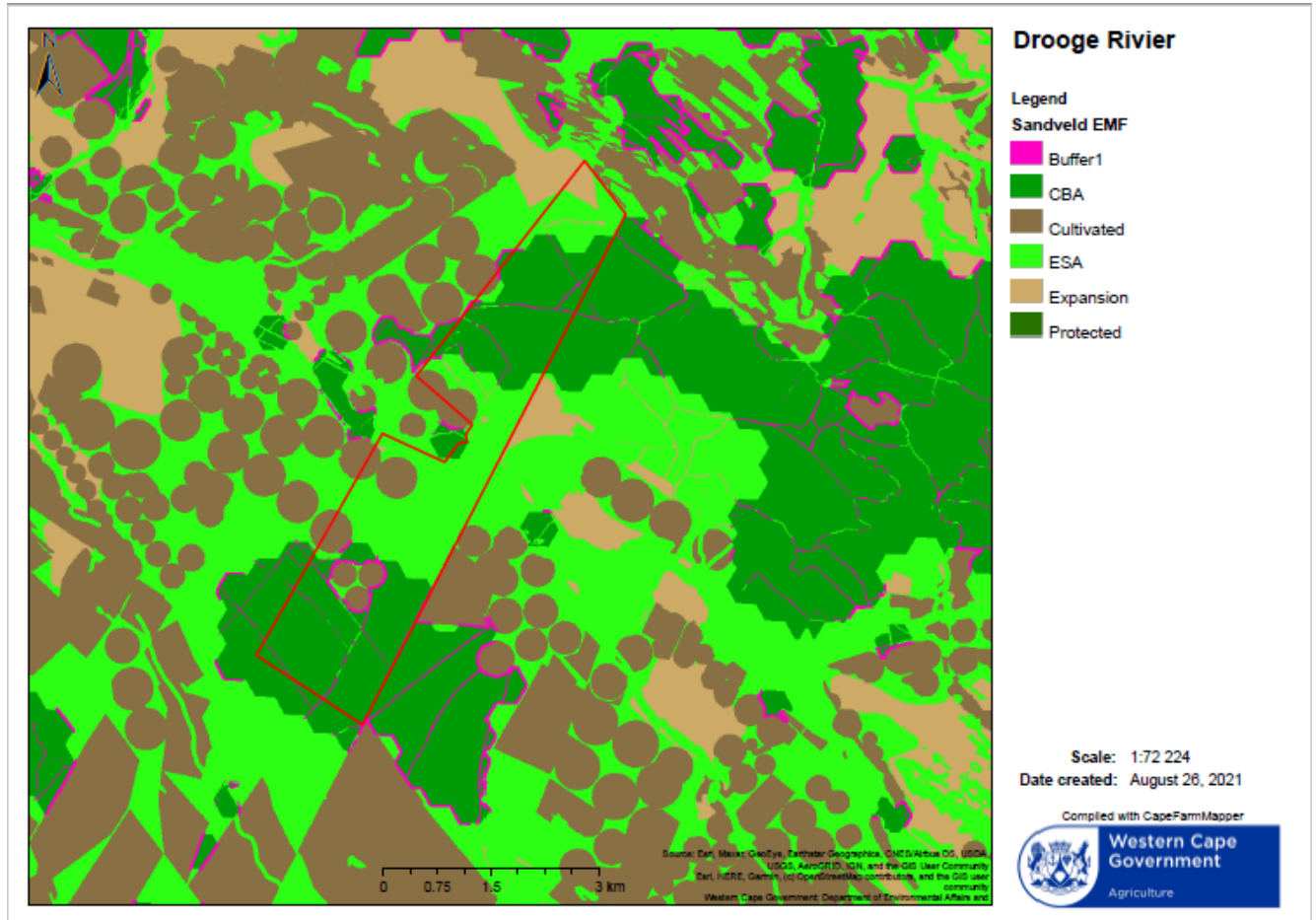
Date: 2020/01/27
Time: 12:02:20
Author: Sean Ranger



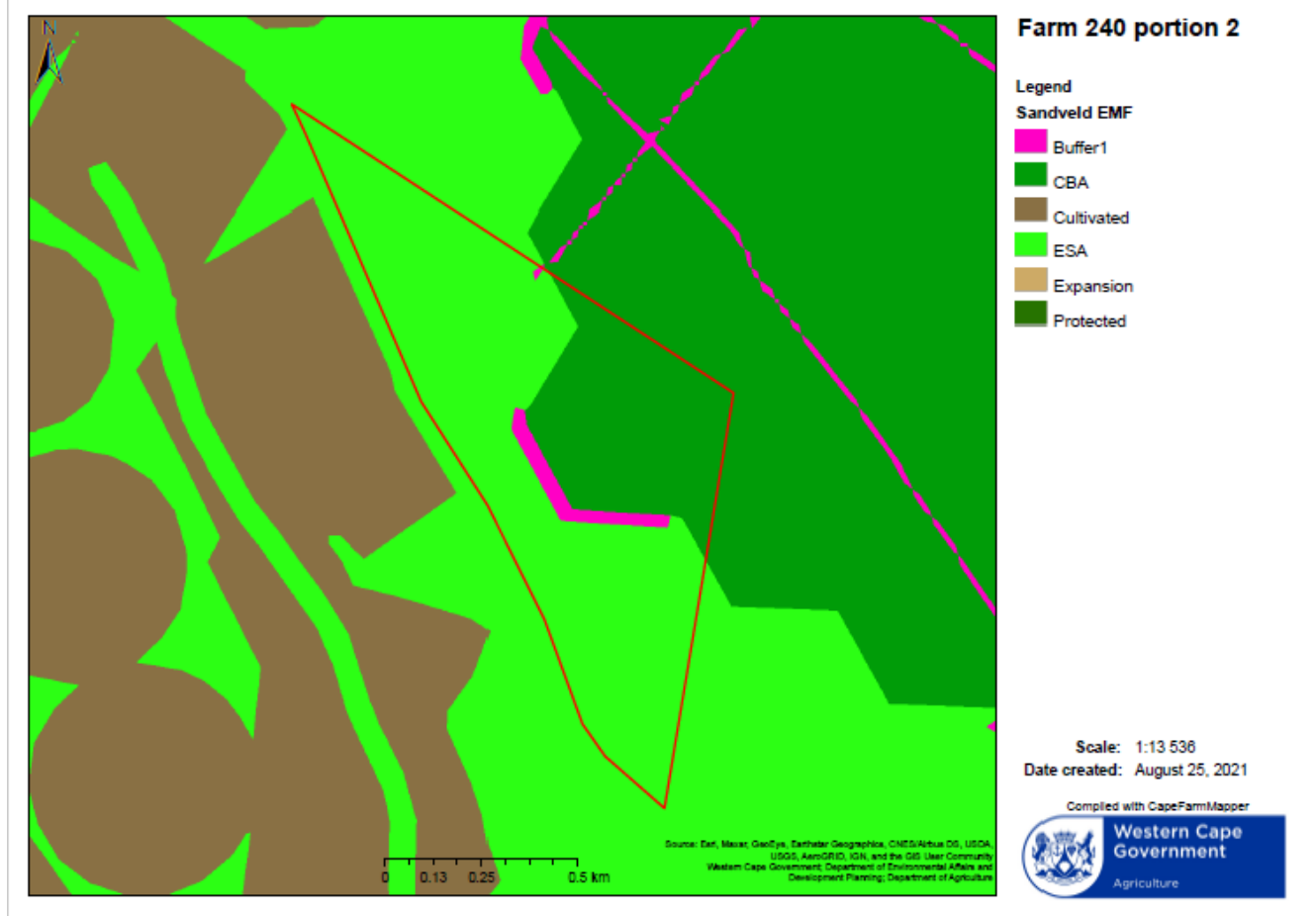
Drooge Rivier - Rehabilitation Sites



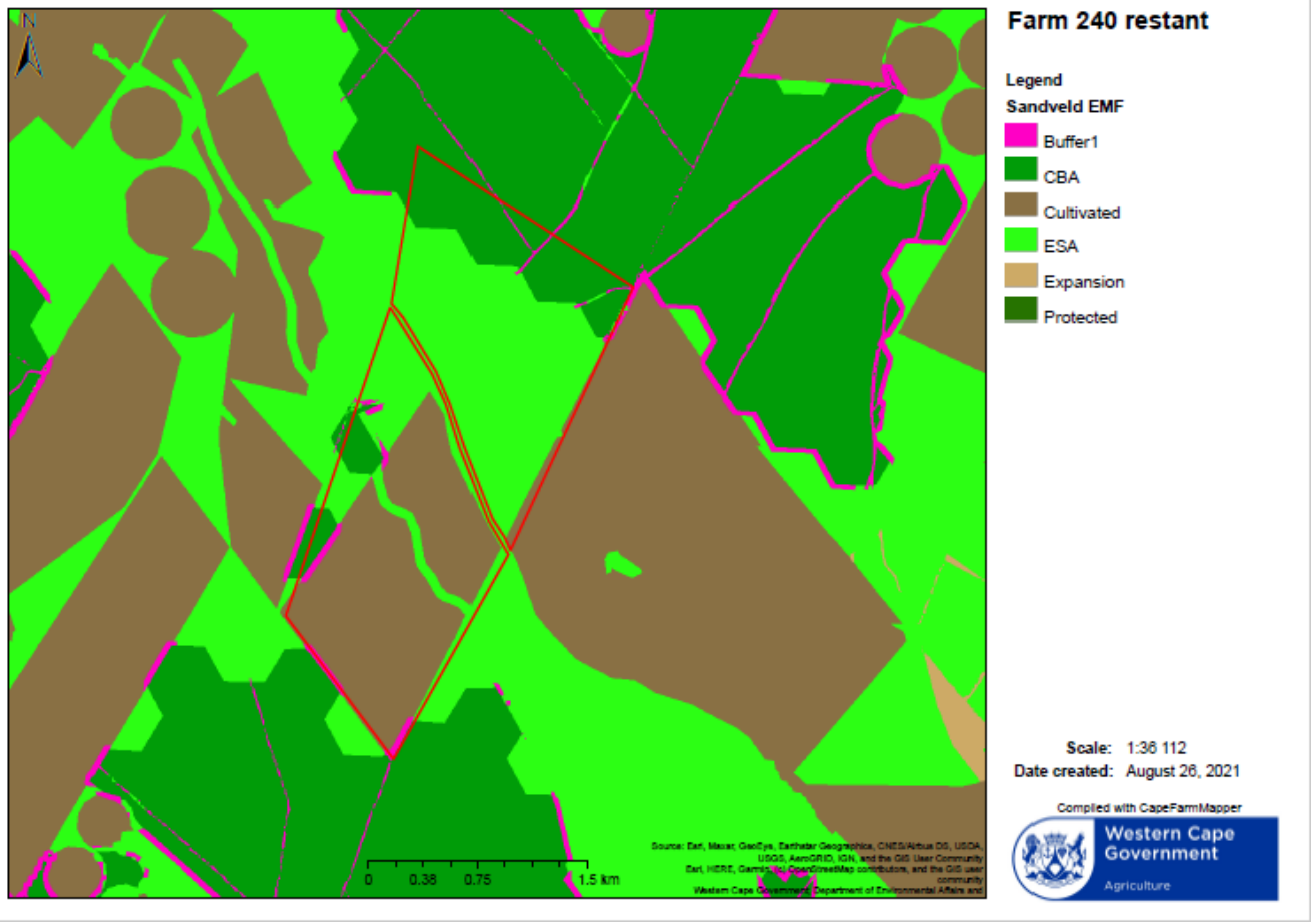
ANNEXURE 3: DROOGE RIVIER SANDVELD EMF MAP



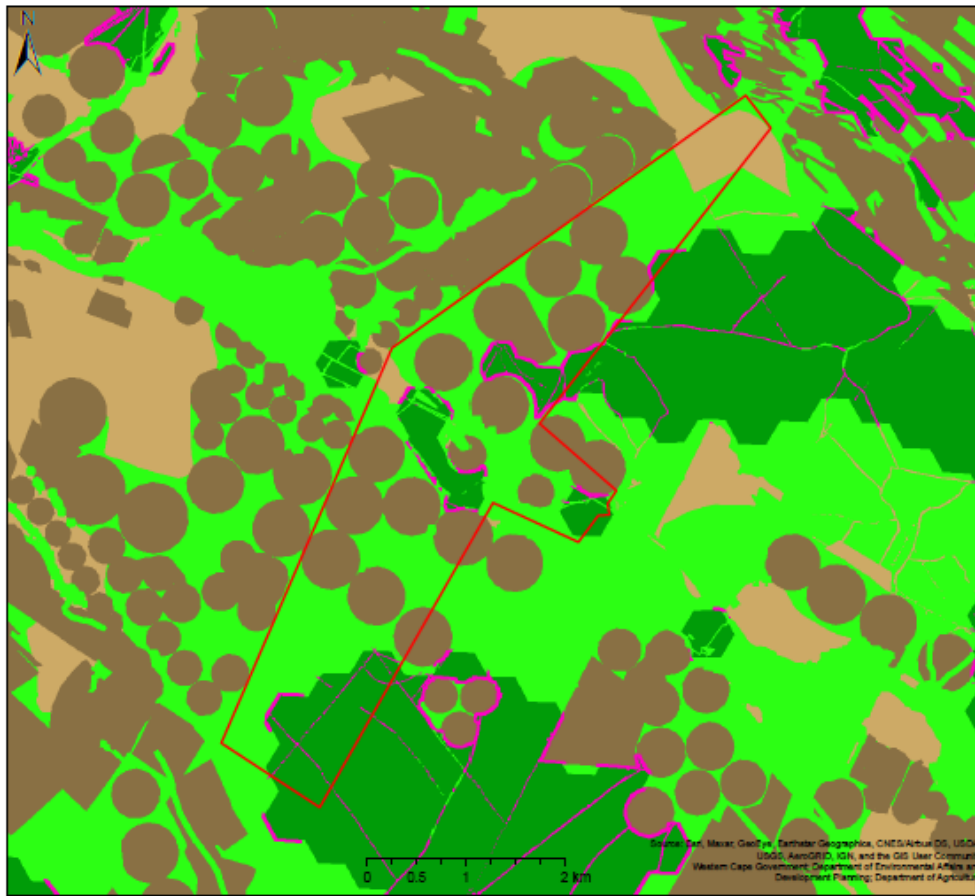
ANNEXURE 4: FARM 240 PORTION 2 EMF MAP



ANNEXURE 5: FARM 240 RESTANT



ANNEXURE 6: FARM 241 PORTION 2 EMF MAP



Farm 241 portion 2

- Legend**
Sandveld EMF
- Buffer1
 - CBA
 - Cultivated
 - ESA
 - Expansion
 - Protected

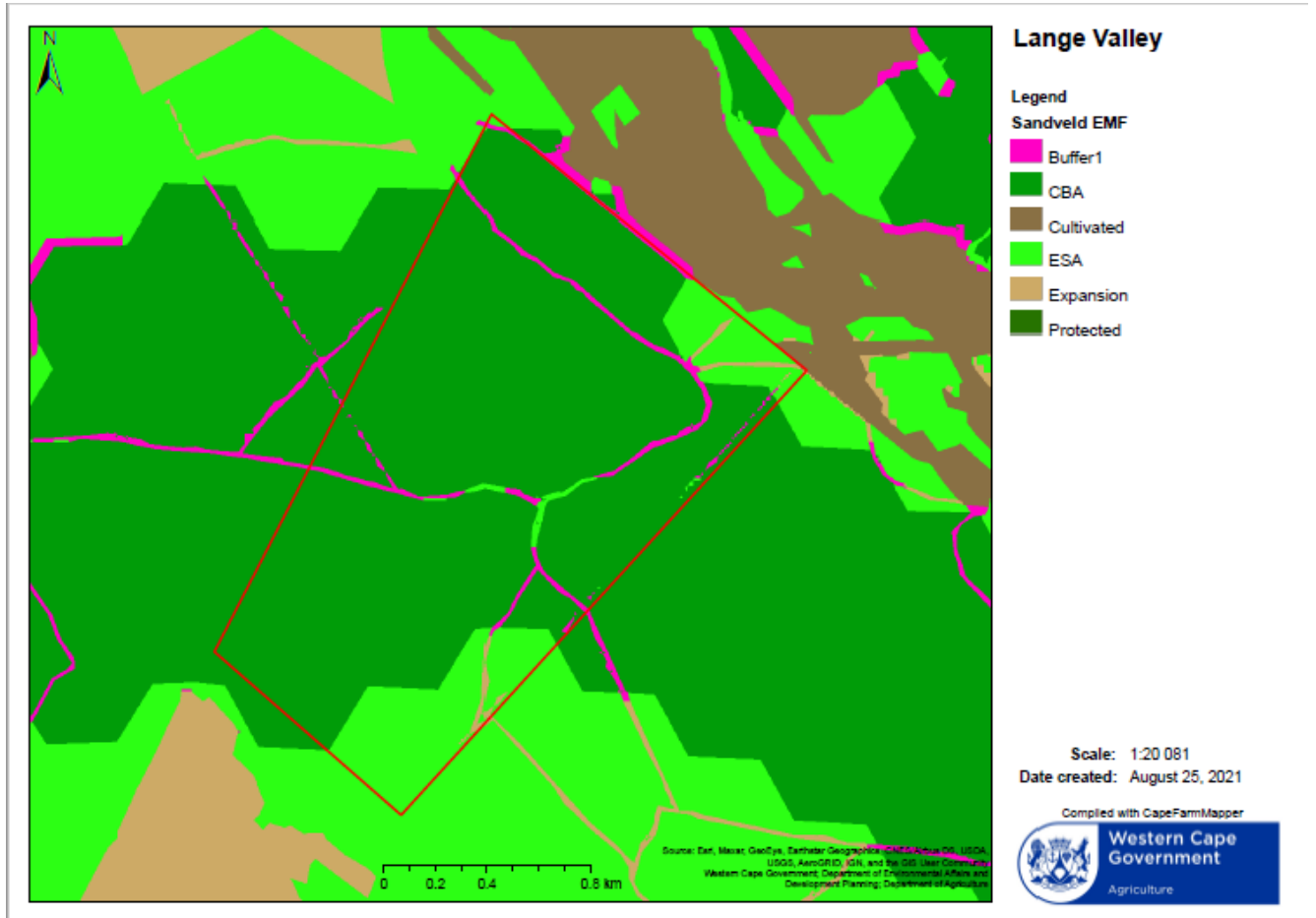
Scale: 1:53 345
Date created: August 25, 2021

Compiled with CapeFarmMapper



Source: Geo, Mapac, GeoT, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Western Cape Government, Department of Environmental Affairs and
Development Planning, Department of Agriculture

ANNEXURE 7: LANGEVALLEY EMF MAP



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/1/F2/2/0008/20

ANNEXURE 8: 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 R171 775 (One hundred and seventy-one thousand seven hundred and seventy-five 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 information contained in the application form dated 17 July 2020.
- b) The Environmental Management Programme ("EMPr") dated 17 July 2020 submitted together with the application.
- c) The Rehabilitation Plan dated 17 July 2020.
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- f) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.

The site visit conducted on 08 October 2020 attended by officials from this Department.

- h) The appeal decision on the 24G administrative fine dated 25 June 2021.

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 Ons Kontrei newspaper on 12 April 2019;

- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor.
- I&APs were afforded the opportunity to provide comments on the application.

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:

- CapeNature
- Department of Agriculture
- This department's directorate Development Management
- Heritage Western Cape

A summary of their comments follows below.

CapeNature

CapeNature highlighted the very high conservation importance of the farm and that all the remaining natural areas have been determined as Critical Biodiversity Areas (CBAs). This is for a number of reasons including habitat protection, watercourse protection, the presence of Species of Conservation Concern (SCC) and importantly, maintaining an ecological corridor serving as provincial climate change corridor. In combination, these factors make the CBAs irreplaceable.

The EAP responded by stating that there are significant areas where habitat conservation targets can be met as finer scale planning and environmental assessment is completed on farms for farm plan applications. SCC have been assessed by an independent specialist and their populations dealt with as no-go areas for any future development thus avoidance of impact on rare and endangered or vulnerable species. Moreover, these populations have been purposefully connected through significant corridors to ensure that corridor connectivity remains for more localised and regional ecological process preservation. All watercourses have been buffered and avoided in the design layout by margins that are greater than or equal to 300m. The preferred layout retains broad areas of connectivity both east to west and north to south across the property to ensure that the elevation in gradient from the lower areas to the higher lying areas is retained for climate change mitigation.

The EAP recommended that a condition of the approval, should it be granted, will be that a farm map is compiled and signed off by the applicant, CapeNature and the Department of Agriculture to ensure that the remaining areas are identified as conservation areas in the future.

CapeNature further stated that there are no other opportunities to maintain a north-south climate change which represents a number of upland-lowland interfaces (the main one being the Drooge River Valley). This is a macro-scale ecological corridor and the target width for the majority of the corridor should be >900m with no further pinch points created. Existing pinch points of 300m or less should be rehabilitated to a natural condition.

The EAP responded by stating that the site plan for the proposed citrus orchard has been significantly reduced and a corridor of 300m retained to the east and west of the proposed orchard, thus a 600m area ensure that this north south climate change corridor is maintained. To insist on a 900m corridor in a productive agricultural landscape may not be practical nor feasible and will be very difficult to motivate at farm level.

CapeNature stated that the remaining natural vegetation on site is therefore of high conservation value and any development proposal should aim to avoid any further loss of Endangered Leipoldtville Sand Fynbos and maintain a substantial corridor across the properties as is currently mapped CBA.

The EAP responded by stating that findings made by the Botanist during Scoping phase, resulted in the proposed development layout being significantly modified to avoid to the greatest practical extent the Very High sensitivity botanical areas, and to allow for an on-site ecological corridor along the eastern edge of the property.

In conclusion, CapeNature stated that the four pivots developed without authorisation have resulted in a significant loss of Endangered vegetation within the ecological corridor. No additional pivots should be permitted further to the north-east, north or southeast of these pivots. Expansion southwards is also non-desirable as this area is of high botanical sensitivity. Realignment areas should also be ground-truthed for wetlands to ensure no new wetland areas are impacted and existing pivots are withdrawn from wetland, floodplain and riparian areas.

The EAP responded by stating that the vegetation is not gazetted as Endangered but currently listed as Vulnerable. The layout has been guided by avoidance of botanical sensitivity in terms of Species of Conservation Concern. No wetlands occur in the areas identified for realignment; no pivots that will impact on extant vegetation are located in the floodplain areas. Large areas of the floodplain that were agricultural areas historically have however been identified for rehabilitation.

Department of Agriculture (DoA)

The DoA stated that it supports agricultural developments that are sustainable in the long term and is regulated in terms of the applicable legislation. DoA highlighted that the land user must also apply for a permit to cultivate virgin soil in terms of the Conservation of Agricultural Resources Act of 1983 ("CARA") and further recommends the use of a farm development plan methodology. The reduction of circle size from 25ha to 10ha, can contribute to an increased efficiency in water use, along with other benefits in production. Smaller circles may provide more crop rotation alternatives and lead to more effective use of available land. If managed correctly it can also lead to a reduction in wind erosion by reducing the size of uncovered areas. Diversifying the agricultural business, to include not only rooibos tea, but also citrus and livestock, can increase resilience to market fluctuations and lead to more financial stability. The DoA stated that it supports a centre point pivot layout that will improve resource use efficiency.

Furthermore, the DoA stated that the locality of the site is supported in principle. The citrus proposal is located in an area with slopes ranging between 6% up to 11%. If this development site is allowed, from an environmental perspective, then finer planning in terms block layout is advised.

In terms of rehabilitation, the DoA stated that the Drooge Rivier development plan includes the rehabilitation of areas used for cultivation in the past. DoA together with CapeNature has registered a project to research rehabilitation of old potato circles. It is advised that the project team of this project review the proposed rehabilitation plan and

make recommendations where needed. It is also requested that access to these sites are provided, in order for rehabilitation to be monitored by government, in future.

The department's directorate Development Management ("DM")

The DM recommended that the development's components that are yet to be commenced with, be done in a phased approach, as far as possible. This means that instead of clearing land and vegetation all at once, a certain number of 'blocks' of land are cleared and cultivated as part of the phased approach. Since rehabilitation is proposed in the EIA report, it is recommended that the 'blocks' where cultivation has ceased first be rehabilitated prior to commencing with the clearance and cultivation of any new blocks. Any possible recommendations provided by CapeNature or any of the other authorities, must be included in the EMPr.

The EAP responded by stating that a phased approach will be followed but will depend to a great degree on which production blocks have been lying fallow for the requisite period of time to ensure that the build-up of soil pathogens is not promoted. This may require the clearance of natural vegetation as a part of the phased approach. Wherever possible however existing production areas that will be reconfigured as part of the application will be used in preference.

Heritage Western Cape ("HWC")

HWC stated that there is no heritage objection to the proposed extension of the cultivated lands on this farm on condition that the HWC Chance Fossil Finds procedure must be included in the EIA and implemented throughout the development phase.

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/Activity Alternatives

Alternative 1 (Herewith authorised)

This entails the clearance of vegetation for agricultural purposes. This includes activities which have been undertaken and proposed future activities.

Activities already undertaken:

1996-1998

An expansion to the centre pivot production footprint happened in the period between 1996 and 1998 where 2x25ha circles had been cleared by December 1997. A further 2x25 ha's circles were cleared in 1998 – these overlapped approx. 50% with the circles cleared in 1997 and appear to be a realignment of the two (1996-1997) circles further south. However additional natural vegetation was cleared at this time. In the following years the initial clearing (i.e. 1996-1997) was allowed to rehabilitate and remains thus to the current date.

2006-2008

A further expansion to the centre pivot production footprint occurred in 2006 where Google Earth Satellite Imagery shows a centre pivot irrigation circle of approximately 10ha cleared on the image of October 2006. Consultation with the owner/manager indicate that this area was already transformed and was the area historically used for potato production prior to the advent of centre pivot irrigation systems for potato production. This circle is located at the approximate centre of the property adjacent and north of the river drainage line in an area that appears to have been fallow for more than 10 years.

Further development of a Rooibos Tea land occurred in 2008 in the most southerly portion of the property, where Google Earth satellite imagery, dated December 2008, shows the clearance of an area of approximately 185.5ha of Rooibos Tea land strips (total production area including natural strips that were retained to control wind erosion). From earlier Google Earth imagery it appears that a portion of this area was historically cleared for Rooibos Tea production but that this portion of the property had been fallow for a period exceeding 10 years prior to 2008.

2013-2014

Further expansion of the centre pivot potato production footprint occurred in natural vegetation in 2013 where Google Earth Imagery of September 2013, shows the clearance of 3x10ha circles in the south eastern portion of the property. The final expansion on the centre pivot potato production footprint occurred in 2014, where

Google Earth Imagery shows the clearance of an additional 10ha adjacent to the 3x10ha circles cleared in 2013.

Development in furtherance of the commencement to be completed:

Potatoes

Research undertaken indicates that the size of a centre pivot irrigation system correlates to an increase in productivity from 25ha to 10ha circles. A reduction of the circles size is positively correlated to increased productivity being achieved for smaller circles (i.e. increased yield – historical max. on 25ha being 40 Tons/hectare while a historical minimum of 55 Tons/ha is achieved on a 10 ha's circle), increased product quality with a longer shelf life and using less water per weight of produce. The layout of the new circles will follow the existing layout of the current 25ha circles. This will result in the conversion of these circles to 38x10ha circles. An area of approximately 172ha of natural vegetation will be transformed as a result of the realignment and reduction in size for the smaller pivots. An additional consequence of this and the closure of previous areas that were historically used for agricultural production will be the rehabilitation of approximately 215ha of currently transformed land.

Rooibos Tea

The holder aims to develop 106ha for Rooibos tea production which will entail the clearance of natural vegetation, firstly by brush cutting the vegetation and then ploughing it into the soil during the preparation of the production areas. Cleared vegetation will be removed from the developed area and ploughed in or distributed to the adjacent natural veld where it will decompose naturally.

Irrigated Citrus

The holder intends to seek a development partner to expand production on Drooge Rivier to include irrigated citrus production. This will require the clearing of 50ha of natural vegetation.

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

The no go option has been assessed and there are a number of facts evident at this stage which indicate that the no go option is an unfeasible alternative in this instance. Primarily this is because there are significant indications that an inability to expand

and re-design the farming operation will inevitably lead to a collapse of the business and the loss of livelihoods. From an economic perspective this land use option is aligned with provincial and local forward planning - the mix of intensive and extensive use of the land does translate into the most economically sustainable land use for this locality. This is further supported by the historical context where the Sandveld has been a viable agricultural economy for many years. The opportunity cost weighs in favour of the proposed development due in part to the conservation status of the ecosystem types and the extent and potential to avoid significant impacts through the sensitive layouts proposed that avoid those values that are most important from a biodiversity perspective. The area is economically active due to its suitability for the cultivation of a mix of agricultural crops that are particularly suited to the terroir of the Sandveld. The diversification to the alternative crops of Citrus and Rooibos have already occurred in the surrounding landscape thus the trend is evident within the farming community.

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 and Planning context

The property is zoned Agriculture 1 and all development undertaken and planned is permitted under that zoning. The region has a well-established history of being a successful Potato and Rooibos tea production area, citrus is an emerging new market that has proved very successful on properties that fall within the same region. This region is particularly suitable due to its favourable climatic envelope and the suitability of its soils. The development is characteristic and aligned with that of the surrounding land use practices.

3.2. Biophysical and Biodiversity Impacts

A total of 374.3ha of natural vegetation (20% in Graafwater Sandstone Fynbos and 80% in Leipoldtville Sand Fynbos) will be lost, which includes 50ha for citrus, 106ha for new rooibos, 172ha for potatoes and 46.3ha of potato cultivation already undertaken. Approximately 20ha of Very High Sensitivity vegetation will be lost (in citrus area) and all the rest is of High Sensitivity. Loss of ecological connectivity in the study area as a result of the new development is likely to be an ecological issue mainly in the central part of the property, where there is substantial existing

cultivation, and this is also where most of the new cultivation will take place. Pesticide (and fertigation) spray drift may impact negatively on the adjacent natural vegetation and fauna.

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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