



24G Application: 14/2/4/2/2/B1/17/0002/22

ENVIRONMENTAL AUTHORISATION

The Managing Director

Email: jacques@esperance.co.za/paul@esperance.co.za

Esperance Vineyards Farming (Pty) Ltd

PO Box 743

WORCESTER

6849

Attention: Paul Jacques Naude (Senior and Junior)

Dear Sirs

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"); UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION ON PORTION 54 OF FARM NO. 361, NOOITGEDACHT FARM, WORCESTER

With reference to your application dated 23 September 2022 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.

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 in accordance with the preferred alternative as described in the application and environmental assessment dated 23 September 2022.

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

Esperance Vineyards Farming (Pty) Ltd
 C/o Mr Paul Jacques Naude (Senior and Junior)
 PO Box 743
 WORCESTER
 6849

Cell: (082) 451 2251

Email: jacques@esperance.co.za/paul@esperance.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
Government Notice No. R. 983 of 4 December 2014 (as amended 7 April 2017) - Activity Number: 27 Activity Description: <i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation.</i>	An area of approximately 12.63 ha was cleared early 2020 for the purpose of cultivation. The site forms part of a 32ha pivot irrigation circle of which only half (16 ha) was existing and currently under cultivation.
Government Notice No. 985 of 4 December 2014 (as amended 7 April 2017) - Activity Number: 12	The physical transformation of 12.63 ha with the anticipation to clear a total of 16 ha resulted in the loss of natural habitat

The clearance of an area of 300 square meters or more of indigenous vegetation i) Western Cape i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA ii Within critical biodiversity areas identified in bioregional plans.	within a Critical Biodiversity Area (CBA) and an endangered ecosystem.
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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 Portion 54 of Farm No. 361, Nooitgedacht Farm, Worcester.

The SG digit code is: C08500000000036100054

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 38' 51.96" South	19° 34' 03.27" East
2	33° 38' 56.14" South	19° 34' 08.51" East
3	33° 39' 26.58" South	19° 34' 13.01" East
4	33° 39' 45.95" South	19° 34' 03.55" East
5	33° 39' 58.35" South	19° 33' 37.11" East
6	33° 39' 44.39" South	19° 33' 27.09" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 39' 29.71" South	19° 33' 43.47" East
2	33° 39' 39.60" South	19° 34' 06.64" East
3	33° 39' 24.97" South	19° 34' 01.06" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.
Herein-after referred to as "the site".

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

McGregor Environmental Services

C/o Ms Marizanne McGregor

P. O. Box 559

WORCESTER

6849

Cell: (082) 554 2910

Fax: (086) 764 4419

Email: marizannemcgregor@gmail.com

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The unlawful clearing of indigenous vegetation on portion 54 of Farm No. 361, Nooitgedacht Farm, Worcester.

During February 2020 an area of approximately 12.63 ha was cleared for the purpose of cultivation. The site forms part of a 32ha pivot irrigation circle of which only half (16 ha) was an existing and currently cultivated area. The landowner anticipated extending the cultivation into the remaining portion of the pivot circle due to advanced irrigation technology that allows for more efficient water use. Approximately 12.63 ha of the anticipated remaining 16 ha new cultivation area were then cleared. All works had stopped following a complaint and subsequent investigation conducted by authorities.

According to the landowner the site consisted of old lands but was cultivated more than ten years ago. The site is also used for grazing. Farming activities can be seen within the northern half of the circle on the 2000 aerial image. The site is accessed by means of existing farm tracks and no additional infrastructure is required to accommodate the expansion.

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 activity/ies specified in Section C above in accordance with and restricted to the preferred alternative described in the application and assessment report dated 23 September 2022 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 commencement of the development 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 the following condition:
Condition 5

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 3;
 - 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. 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

7. The draft Environmental Management Programme (“EMPr”) of September 2022 compiled by McGregor 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 phases of implementation.

PART V

Monitoring

9. The holder must appoint a suitably experienced Environmental Control Officer (“ECO”) or site agent where appropriate, before continuation of commencement of any land clearing or maintenance/rehabilitation activities to ensure compliance with the EMPr and the conditions contained herein.
10. A copy of the Environmental Authorisation, EMPr, 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.
11. 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

12. 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*.

The holder must, within 7 (seven) days of the submission of the report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

PART VII

Activity/ Development Specific Conditions

13. 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.

14. 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.

15. All buffer areas to be conserved, as confirmed as part of the preferred alternative, should be maintained.

16. The boundary road should be kept within the existing disturbed footprint and not expanded on the north side of the circle or closer to the river than it is currently.

17. Erosion must be prevented and there should be no use of pesticides and herbicides close to the watercourse.

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. 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

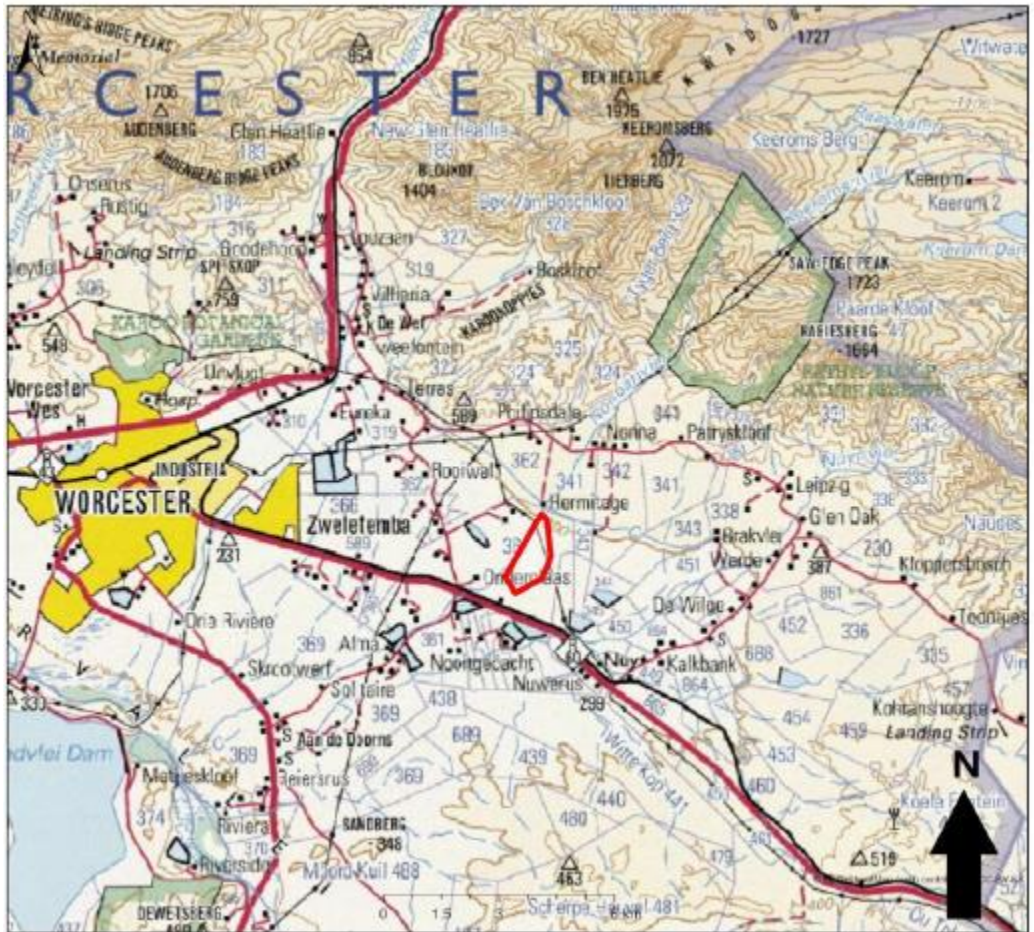
ZAIDAH TOEFY
ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

Copied to:

(1) Marizanne McGregor (EAP)

Email: marizannemcgregor@gmail.com

ANNEXURE 1: LOCALITY MAP

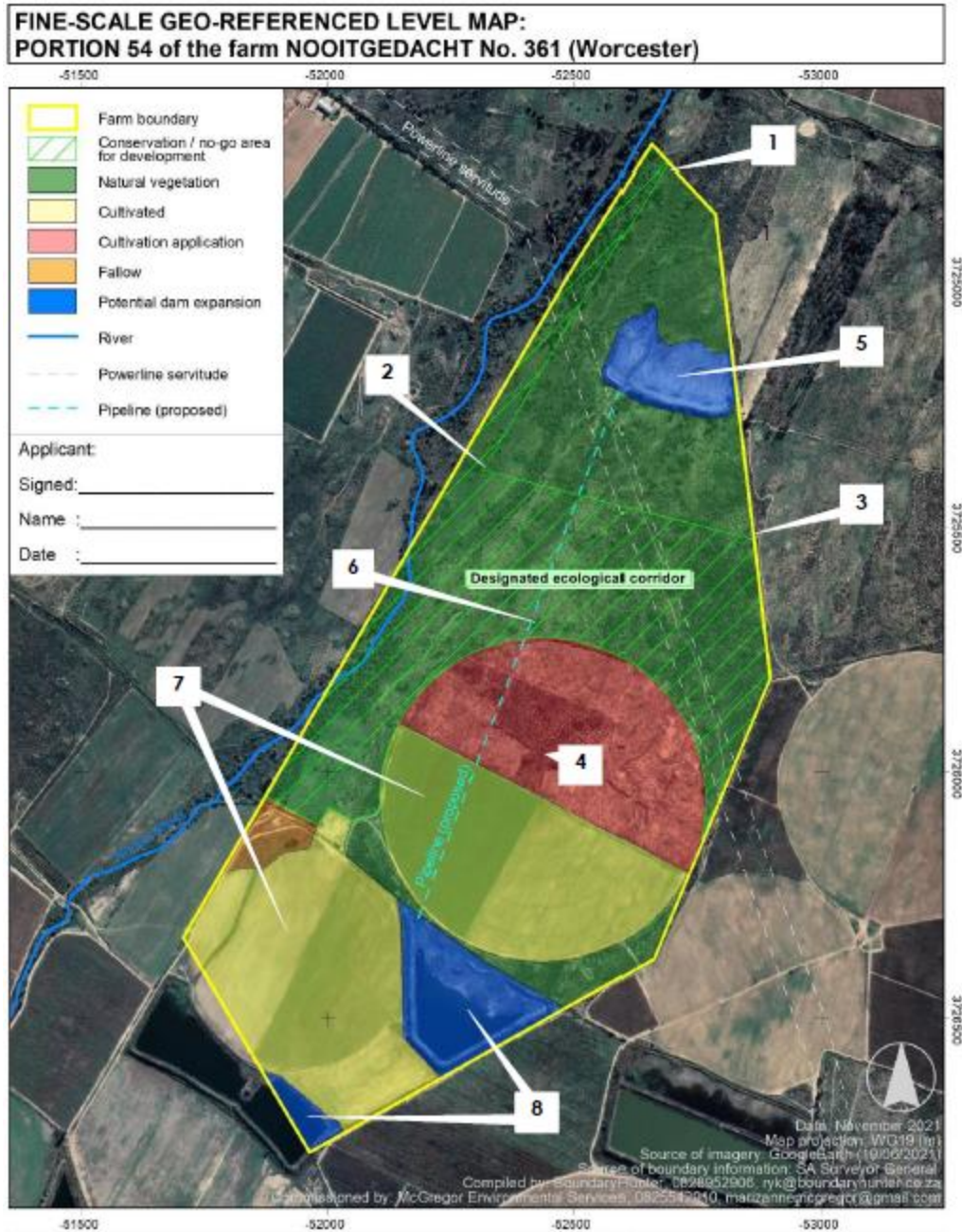


**FARM 54/361
WORCESTER**
Legend
Farm 54/361 Boundary

Scale: 1:144 448
Date created: February 26, 2021



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/4/2/2/B1/17/0002/22

ANNEXURE 3: 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 R125 000 (One hundred and twenty-five 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 information contained in the application form dated 23 September 2022.
- b) The Environmental Management Programme ("EMPr") of September 2022 submitted together with the application.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on 25 March 2022
Attended by: Officials of the 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:

- identification of and engagement with I&APs.
- An advertisement was placed in the Worcester Standard newspaper on 22 April 2021;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 6 October 2021 and 9 December 2021.
- I&APs were afforded the opportunity to provide comments on the application.

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

The following organs of state provided comment on the application:

- CapeNature (CN)
- Breede Gouritz Catchment Management Agency (BGCMA)
- Heritage Western Cape (HWC)
- Department of Agriculture (DoA)
- Department of Agriculture Land Reform and Rural Development

CN indicated that the main mitigation proposed is maintaining the remainder of the farm portion towards the north in its natural ecological state. This area appears to be approximately 30ha. CN is of the opinion that should this area alone be set-aside for conservation, it will not be sufficient mitigation unless the natural area on the property to the east can also be included and be guaranteed to remain undeveloped. The 30ha area alone is unlikely to remain viable and will be of less conservation value if it loses ecological linkages to other natural areas on the farm and surrounds.

As the area that has been transformed is approximately 12.6 ha (to increase to 16 ha) and is part of a circle that commenced over twenty years ago, CN would prefer to agree to mitigation which results in a biodiversity offset (implemented as per the guidelines on biodiversity offsets) not being triggered i.e. mitigation that reduces the impact rating to medium-low or low rather than medium to high. The current mitigation does not mitigate the

impact to below medium negative as the viability of the site is uncertain without the ecological connectivity to the east being guaranteed. The current proposed no-go area would also not qualify for Biodiversity Agreement on its own.

CN therefore proposed the possibility of securing additional natural areas as “no-go” areas on the property east of the development area be investigated. Additionally, the watercourse is currently more than 50m from the development and this buffer should be maintained. The boundary road should be kept within the existing disturbed footprint and not expanded on the north side of the circle or closer to the river than it is currently. Erosion must be prevented and there should be no use of pesticides and herbicides close to the watercourse.

If the remainder of the crop circle is authorised for cultivation, it must be ensured that, in addition to the proposed river buffer area, a minimum of a 350m wide corridor is maintained from the edge of the road on the northern edge of the crop circle towards the north of the property and which extends from the west to the eastern edge of the property. 300m is the minimum width for a macro-ecological corridor (350m is recommended to allow for edge effects and should be wider where possible) which needs to be maintained between the Nonna and Nuy rivers. Maintaining this will allow for potential future connectivity to the farms to the east (even though development plans are not known at this stage) and establishment of a corridor which could potentially be prioritised for a stewardship agreement in future.

The boundary road should be kept within the existing disturbed footprint and not expanded on the north side of the circle or closer to the river than it is currently.

CN recommended that as part of the application for Environmental Authorisation, a geo-referenced farm map should be drawn up which clearly indicates existing infrastructure and cultivation, what is being applied for authorisation in this application, what may be applied for in future (e.g. dam expansion) and the “no-go” areas to be managed for conservation (inter alia the river buffer area and the corridor described in the point above). The farm map should be provided to CN for comment and ultimately signed off by DEA&DP, Department of Agriculture and CapeNature and included in the EA. The farm map will not only provide an indication of the agreed to no-go areas but will also form a record for a potential stewardship agreement in the future. Although the conservation corridors are conservation worthy, CN does not currently have the capacity to enter into an agreement. However, should the client wish for the site to be assigned a status in the meantime, you are welcome to arrange to present at one of our Stewardship Committee Review meetings.

Rehabilitation of disturbed areas in the no-go areas and on-going alien clearing must be implemented.

The EAP indicated that, if the remainder of the crop circle is authorised for cultivation (as per Alternative 1), the landowner has indicated that they would agree to CapeNature's proposal of a 350m wide corridor that extends from the west to the eastern edge of the property, in addition to the north-south river buffer along the western farm boundary proposed in the Draft S24G Report as per the Farm Map that has been drafted.

The DoA provided the following comment for the proposed activities:

- It is the farmer / landowner's responsibility to maintain a 32m buffer from any watercourse or water resource to reduce the risk of flooding.
- No-till practice is recommended on site to minimize soil disturbance and to reduce the risk of soil erosion.
- Proof of the availability of water to irrigate should be provided.
- Numerous Port Jacksons (*Acacia saligna*) saplings were identified on the property, therefore, an invasive alien clearing plan must be implemented.
- A complete soil analysis must be submitted to determine the agricultural value and characteristics of the soil.
- In areas where invasive alien vegetation has been removed, such areas should be rehabilitated with the appropriate indigenous vegetation as to mitigate the risk of erosion.

The BGCMA confirmed that the applicant provided proof of registered water as well as scheduled water for the property from the Worcester East Water User Association. Should the applicant want to extend the development, he would however require additional water which must be applied for through the water use licence application process of the Department of Water and Sanitation.

The applicant may not alter the flow of water courses without the necessary authorisation.

The applicant should monitor water use (water measurements taken at the source).

The applicant should apply for the Validation and Verification of the winter water with the BGCMA to ensure that the water is available as Existing Lawful Use or should be formally licenced.

The BGCMA stated that the following general conditions should be applied.

General Conditions:

- All relevant sections and regulations of the *National Water Act, 1998* (Act 36 of 1998) regarding water use must be adhered to.
- All applicable by-laws of the Breede Valley Municipality should be adhered to.

- All water containing waste should be managed according to the by-laws of the Breede Valley Municipality. The BGCMA does not support French drains and septic tanks within 100m of a watercourse or groundwater abstraction points.
- No pollution of surface water or groundwater resources may occur.
- Stormwater management must be addressed and applied both in terms of flooding and pollution potential.
- The areas developed may not be within the regulatory area of a water course without authorisation (100m / 100-year floodline from a river or 500m from a wetland).
- The applicant must contact the BGCMA should any change in properties take place, as this will impact the validated water uses.

HWC provided final comment on the application on 21 May 2021 confirming no further action is required under Section 38 of the *National Heritage Resources Act (25 of 1999)* since there is no reason to believe that the unlawful clearing of natural vegetation will or has impacted on heritage resources.

The DALRRD indicated the applicant must abide by all *Conservation of Agricultural Resources Act (Act 43 of 1983)* ('CARA') requirements.

Every land user shall by means of as many as the measures as are necessary in his situation, protect effectively against excessive soil loss as a result of erosion through the action of either wind or water. A suitable soil conservation work shall be constructed and thereafter be maintained in order to divert run-off water from other land or to restrict the run-off speed of run-off water if applicable, regulation 4(1)(a). Buffer of 32m from any watercourse or resources is required to reduce risk of flooding.

Alien and invader plants need to be controlled and removed (on-going clearing programs) as they can cause damage to the surrounding natural vegetation. According to CARA, methods of controlling alien plants are as follows:

- Uprooting; felling; cutting or burning;
- Treatment with a weed killer that is registered for use in connection with such plants in accordance with the directions for the use of such;
- Biological control carried out in accordance with the stipulations of the *Agricultural Pests Act (No. 36 of 1983)*;
- Any other method of treatment recognised by the executive officer that has its object the control of the plants concerned.

Combination of one or more methods above, and any action taken to control alien plants shall be executed with caution and in a manner that will cause least possible damage to the

environment. Mitigation measures for the above-mentioned conditions must be included in the EMPr.

Therefore, DALRRD encourages the applicant to take responsibility that the above-mentioned conditions are adhered to. However, the DALRRD reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

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 Activity Alternatives

Alternative 1 (Herewith authorized)

Resume with and complete the cultivation of the 16ha area and implement and maintain the proposed ecological buffer areas (no-go areas for development) along the watercourse in the west of the property and area north of the irrigation circle as proposed in the Farm Map (as per the site Layout map). In order to ensure agricultural expansion and economic viability of the property the cultivation of the 16-ha site will be preferred from a socio-economic point of view. No other types of activities are proposed on the site. The landowner would only like to cultivate the site; thus no other feasible or reasonable activity alternatives exist apart from the option to cultivate (activity alternative 1) or the no-go option.

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

Since the site is mapped as a Critical Biodiversity Area and was covered by endangered Breede Alluvium Renosterveld, the alternative option would be to not proceed with the cultivation of the 16ha area which would significantly reduce impact on the receiving natural environment.

Cleared areas can be left in its current state, without future cultivation and allowing the natural regeneration of the ecosystem and habitat on site along with the implementation of duty of care measures such as erosion and alien vegetation monitoring and control. According to the botanical specialist the cleared site has a high natural rehabilitation potential (*Pers. comm. Johlene Krige, 3 June 2021*) which makes this a viable option from an environmental perspective. This is based on the observation that only the vegetation and a shallow layer of topsoil were disturbed. Heuweltjies and associated aardvark holes are still physically intact. Annuals and grasses were already re-establishing on site at the time the botanical study was conducted, and other natural elements including some geophytes and shrubs were also noted. The site should however be managed in terms of erosion and alien vegetation in the interim while vegetation re-establishes. This option is not preferred by the Applicant from a socio-economic point of view since they wish to expand their existing cultivation footprint to promote economic viability of the property, and especially since they have available electricity and water resources to do so. No new water use rights are required to accommodate this expansion.

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

Temporary and permanent employment opportunities will be created during the construction and operational phase. The development of agriculture is also seen as a positive economic driver for the local municipality as well as the region and the country. The proposed development will have a positive socio-economic impact.

3.2. Regional/ Planning Context

According to Chapter 3.8 'Economic Sectors and Employment Industry' of the Breede River Local Municipality Integrated Development Programme (IDP), agriculture is the biggest contributor (28.8%) to the local economy. The proposed development falls within this sector. According to the Breede River Local Municipality Spatial Development Framework (SDF) 'Map 8: Broad Brush spatial planning categories' the proposed development falls within an intensive agricultural land zone.

3.3. Biodiversity Impacts

Approximately 12.63 ha of Breede Alluvium Renosterveld were transformed with the anticipation of clearing a total of 16-ha. Breede Alluvium Renosterveld is listed as Vulnerable in the National List of Threatened Ecosystems (DEA 2011) and more recently as Endangered (NBA 2018). According to the WC State of Biodiversity Report (Jacobs *et al* 2017) the conservation target for Breede Alluvium Renosterveld is 27%. 42.6% (211.99.7 ha) of the original extent of this ecosystem is currently remaining.

Although the impact is localised, the transformation of 12.63 ha of vegetation on site has resulted in the loss of 0.06% of the remaining extent of this ecosystem. Clearing the entire 16 ha would have resulted in the loss of 0.07%.

3.4. Visual / Sense of Place

The surrounding landscape is largely agricultural in nature. From a cultural perspective, the proposed target area for the cultivation is located within an agricultural area, comprising of several other cultivated areas. As a result, the activity will be in keeping with the surrounding environment and will therefore not impact on the sense of place.

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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