



REFERENCE: 16/3/3/1/D6/29/0017/22
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 20 January 2023

The Director
Group Editors Company (Pty)Ltd
PO Box 806
GEORGE
6530

Attention: Ms. Nicole Rimbault

Tel: (044) 8742424
Email: nicolem@groupeeditors.co.za

Dear Madam

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED ON 7 APRIL 2017): PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE DEVELOPMENT OF AVOCADO ORCHARDS ON THE REMAINDER OF PORTION 29, FARM WOLVEDANS 129, MOSSEL BAY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), received by this Department on 15 September 2022 as prepared and submitted by Greenfire Enviro, the appointed Environmental Assessment Practitioner ("EAP").

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Ms. Nicole Rimbault
Group Editors Company (Pty)Ltd
PO Box 806
GEORGE

6530

Tel: (044) 8742424

Email: nicolem@groupeeditors.co.za

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as “**the Holder**”).

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 Government Notice No. 326 of 7 April 2017	
Activity Number: 27 Activity Description: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	The proposed development will result in the clearance of approximately 7 hectares of indigenous vegetation for the extension of agricultural fields for the planting of avocado orchards.
Environmental Impact Assessment Regulations Listing Notice 3 Government Notice No. 324 of 7 April 2017	
Activity Number: 12 Activity Description: The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. i. Western Cape <ol style="list-style-type: none"> 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 Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; 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 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. 	The proposed development will result in the clearance of approximately 7 hectares (more than 300m ²) of endangered Garden Route Shale Fynbos.

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The Holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development and development footprint area:

The clearance of approximately 7 hectares of indigenous and endangered vegetation on three areas identified on site in order to extend the existing agricultural fields for the planting of avocado orchards. The site development plan is attached to this EA as Annexure 2. Clearance activities will be limited to the three areas depicted on the site development plan. Growing conditions will be optimized by planting in the direction for production, North-South. The optimum planting direction is 15 degrees east of North and shade net wind breaks will be planted on the windward side of the orchard rows. Trees will be planted at a 3 m x 6 m spacing.

C. SITE DESCRIPTION AND LOCATION

The Farm Wolwedans West is situated on the western bank of the Wolwedans Dam, approximately 3 km north of the town of Groot Brak Rivier in the Mossel Bay Municipal area. The farm consists of three portions, namely, Portion 10 of Farm 129, Portion 95 of Farm 129 and Remainder of Portion 29 of Farm 129, with the new orchards being proposed on RE/29/129. This property is 164 ha in extent and contains 49 ha of cultivated land according to Cape Farm Mapper. A portion of approximately 60 ha was expropriated by the State for a buffer area for the Wolwedans Dam.

The agricultural fields are surrounded to the north, east and south by very steep, sloping land which all leads to various watercourses. The project area is located in National Freshwater Ecosystem Priority Areas (NFEPA) area 9083, which is classified as a Fish Support Area (FSA).

The preferred property is the Remainder of Portion 29 of the farm Wolwedans 129.
Coordinates:

Latitude (South)	Longitude (East)
34 ° 00' 54.55"	22 ° 13' 10.12"
34 ° 00' 58.35"	22 ° 13' 21.99"
34 ° 00' 55.99"	22 ° 13' 28.90"

SG digit code: C05100000000012900029

Refer to Annexure 1: Locality Plan of this Environmental Authorisation.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Greenfire Enviro
% Ms Desiree du Preez
17 Mountain Road
Glenbarrie,
GEORGE
6530

Tel: 087 808 4823
Email: desiree@greenfireenviro.co.za
Website: www.greenfireenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from the date of issue until **23 January 2028 and all clearance and cultivation activities must be concluded by this date.**

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 15 September 2022 on the proposed site as indicated on the site development plan contained in Annexure 2 of this EA. Clearance may only take place within the three areas as identified and depicted on the site development plan.

The Holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development and development footprint area:

The proposed development entails the clearance of endangered and indigenous vegetation for the extension of agricultural fields for the planting of avocado orchards on the three areas identified on the site development plan attached to this EA as Annexure 2. Growing conditions will be optimized by planting in the direction for production, North-South. The optimum planting direction is 15 degrees east of North and shade net wind breaks will be planted on the windward side of the rows. Trees will be planted at a 3 m x 6 m spacing.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. 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.
5. Any changes to, or deviations from the scope of the alternative described in section B 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 in order 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.

Notification and administration of 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 –
 - (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 3;
 - (c) the date of the decision; and
 - (d) 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 Appeal Regulations, 2014 (as amended) detailed in Section G 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 the:
- (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) 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 2014 National Appeals Regulations (as amended).
- 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 6.6. 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 i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
- 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
- 7.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 9, 12, 20 and 22
8. Seven calendar days' written notice must be given to the Competent Authority on completion of the clearance activities.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to incorporate the following —
- (a) All ECO monthly compliance monitoring reports **must** be submitted to this Directorate on a monthly basis.
 - (b) All the conditions given in this Environmental Authorisation;
 - (c) A map which clearly indicates the demarcated no-go areas.
10. The amended EMPr must be submitted to the Competent Authority for approval, prior to the construction activities commencing on site.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), prior to commencement of any works (i.e. removal and movement of soil) and for the duration of the construction and rehabilitation phases of implementation contained herein.
13. The ECO must—
- 13.1. ensure compliance with the EMPr and the conditions contained herein;

- 13.2. keep record of all activities on the site; problems identified; transgressions noted and a schedule of tasks undertaken by the ECO;
 - 13.3. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
14. 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 be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
15. Access to the site referred to in Section C 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.

Auditing

16. The Holder must, for the period during which the environmental authorisation; and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
17. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
- 17.1. Auditing during the non-operational phase (construction activities):
 - (a) During the period which the activities have been commenced with on site until cultivation and rehabilitation is completed, rehabilitation and monitoring requirements have been completed, the Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.
 - (b) A final Environmental Audit Report for the construction phase must be submitted to the Competent Authority within **three (3) months** of completion of the post construction rehabilitation and monitoring requirements.
18. The Environmental Audit Report(s), must –
- 18.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 18.2. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 18.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 18.4. evaluate the effectiveness of the EMPr;
 - 18.5. identify shortcomings in the EMPr;
 - 18.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 18.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;

- 18.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
 - 18.9. include a photographic record of the site applicable to the audit; and
 - 18.10. be informed by the ECO reports.
19. The Holder must, within 7 calendar days of the submission of the audit 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).

Specific Conditions

20. The No-Go areas (buffer areas and endangered vegetation) must be physically and clearly demarcated with temporary fencing, prior to any earthworks or construction activities commencing. This area may not be used to store any materials. All construction related activities such as materials, storage and site camp establishment must occur within an identified area approved by the ECO.
21. The two small dams proposed for removal may not be removed. Without a continuous water supply they function more like depression wetlands. To ensure that no water storage is taking place, all pipes allowing inflow to the two minor dams that were previously identified to be infilled must be removed and a vegetation buffer of a minimum of 5 metres must be retained around each of these dams.
22. A Plant Search and Rescue Operation must be undertaken by a suitably qualified botanical specialist prior to commencement of clearance activities. This includes all succulents and bulbs from within the approved development areas. All rescued plants must be carefully removed and transplanted at a suitable site within the same habitat type, prior to commencement of construction activities.
23. No work must take place within the 66kV Cable or 132kV Cable ESKOM servitude.
24. Clearing activities must be scheduled for the dry season or when the probability of rainfall is low. Clearance must also take place one block at a time and only continue with the next block once a cover crop has been sown on the disturbed soil.
25. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements (e.g. CARA Permit conditions) that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not complete the listed activities within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

Where a validity period has been specified for operational aspects, the onus is on the Holder to ensure the activities are always undertaken in terms of a valid environmental authorisation.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of 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.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, 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. The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction

rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. **6, 9, 12, 20 and 22**). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs including any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAAdmin.George@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision and any registered I&AP including any Organ of State with an interest in the matter; and
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAAdmin.George@westerncape.gov.za
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN

8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority 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 Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

MS. MARE-LIEZ OOSTHUIZEN
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT
WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
DATE OF DECISION: 20 JANUARY 2023

Copies to: Ms. Desireé du Preez
Mr. Eddie Kruger

Greenfire Enviro (EAP)
Mossel Bay Municipality

Email: desiree@greenfireenviro.co.za
Email: ekruger@mosselbay.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D6/29/0017/22

NEAS REFERENCE: WCP/EIA/0001118/2022

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received on 21 June 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 15 September 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 15 September 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and

The Department had sufficient information at its disposal to understand the environmental and spatial context and the case officer is also familiar with the site and surrounding area. 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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations 2014 for public involvement. The public participation process included the following:

➤ Pre-application Public Participation Process

- Local Newspaper advertisement in the Mossel Bay Advertiser on 3 February 2022
- 1 Site Notice at the corner of Blesbok and Amy Searle Streets on 3 February 2022
- Letters to neighbours and authorities distributed by email on 31 January 2022
- Hard copy report made available at the Ellen van Rensburg Library on 31 January 2022
- Letter drops and information sharing on 31 January 2022
- Report was made available electronically on [www. Greenfireenviro.co.za](http://www.Greenfireenviro.co.za)
- Comment period of 32 days from 3 February 2022 – 7 March 2022

➤ Basic Assessment Public Participation

- The application was submitted on 21 June 2022.
- The draft BAR was made available for public comment from 01 July 2022 to 01 August 2022.
- All registered I&APs received communication by email and reports were also made available via email.
- The outcome of the application will be communicated, and the environmental authorisation will be made available to all interested and affected parties.

➤ The following Organs of State provided comment on the proposal:

- Department of Environmental Affairs and Development Planning
- Breede-Gouritz Catchment Management Agency
- Department of Agriculture, Land Reform and Rural Development
Department of Agriculture Western Cape Province
- Heritage Western Cape
- George Air Traffic Control
- Mossel Bay Municipality
- Garden Route District Municipality
- CapeNature
- South African Civil Aviation Authority
- Eskom

Eskom had no objection and gave their approval to the proposal subject to several conditions.

Heritage Western Cape indicated that the National Heritage Resources Act is not triggered by the proposal.

The Breede-Gouritz Catchment Management agency (BGCMA) indicated that the proposed activity may be approved by General Authorisation.

The National Department of Agriculture indicated that in terms of the Conservation of Agricultural Resources Act 43 of 1983 (CARA) they have no objection to the proposal provided that the CARA is complied with. The Western Cape Department of Agriculture gave their in-principle support to the proposal provided that the applicant implements conservation agriculture methods through a suitable ground cover within the orchard rows. The Department of Agriculture also indicated that they are satisfied with the methods proposed for erosion control and set specifications regarding the gradient of the road/contour bank. This was incorporated into the preferred alternative.

CapeNature did not object to the proposal but raised numerous concerns that were addressed in the Basic Assessment Report.

In general support for the proposed development was received from the adjacent landowners.

All the comments and issues raised by the respective Organs of State that were captured in the Basic Assessment Report were adequately responded to by the EAP. The Competent Authority is satisfied with the responses obtained from the EAP and the additional consultation with Organs of State.

2. Alternatives

Initial Alternative (Alternative 1)

The initial alternative entailed the clearance of an area of approximately 10 ha on Portion 10 of Farm 129, which is included in the soil map and was included in the study area for the botanist to investigate. This area is mapped as primarily Garden Route Granite Fynbos, a vegetation unit that is considered Critically Endangered. The indigenous species diversity is high, and there is almost no alien invasive vegetation, except one pine tree. This area has therefore been excluded from the development.

Another natural area on Portion 95 of Farm 129 was investigated and forms part of the original alternative. A large portion of this area consists of a drainage line and its buffer that must be avoided. This area is vegetated with good quality fynbos and thicket vegetation and the botanist recommended exclusion of this area from development. In addition, the Knysna Woodpecker (*Campethera notata*) was found in this area, which provided more motivation for exclusion of this farm portion from the study area.

The initial alternative also included less steep land to the north and south of the cultivated farm on the Remainder of Portion 29 of Farm 129. The study area was reduced by the freshwater ecologist's recommendation for a buffer to the river valley and the sensitivity mapping of the botanist and zoologists.

Alternative 3

This alternative entails the clearance of indigenous vegetation similar to the preferred alternative, but excludes the narrow strip of land approximately 1 ha in size along the north-eastern boundary. It incorporates clearing of fences in the northern block.

□ Preferred Alternative

The preferred alternative entails the clearance of indigenous vegetation in the form of a narrow strip of land approximately 1 ha in size along the north-eastern boundary (block 3) and a strip of approximately 6-ha of land between the existing fields and the 175 m contour along the southern side of the farm, east of the access road (Blocks 1 & 2 as shown in Annexure 2) in the design as discussed below. Growing conditions will be optimized by planting in the direction for production, North-South. The optimum planting direction is 15 degrees east of North and shade net wind breaks will be planted on the windward side of the orchard rows. Trees will be planted at a 3 m x 6 m spacing.

□ Design alternative

This alternative entails optimising the growing conditions on site by planting in the direction for production, North-South. In the Southern Cape the strong north-westerly winds are, however, a limiting factor. To accommodate the wind, the optimum planting direction is 15 degrees east of North. Shade net wind breaks are planted on the windward side of the rows. Trees are planted at a 3 m x 6 m spacing. This planting design does not follow the contours, but the access roads are designed to follow contours and lead water from the rows away towards natural drainage lines. The short length of rows between access roads limits the stormwater volume flowing down each interrow valley, spreading out stormwater rather than concentrating it. This is the design alternative that will be implemented as part of the preferred alternative.

□ No-Go alternative

This alternative entails no development, hence no clearance of indigenous vegetation for the establishment of the avocado orchards. This is not the applicant's preferred alternative as it will result in no socio-economic benefit to the people that will benefit in terms of job creation, the broader southern Cape or the applicant.

3. Impact Assessment and Mitigation Measures

3.1 Site

Remainder of Portion 29 of the Farm Wolwedans 129 is 164 ha in extent and according to Cape Farm Mapper contains 49 ha of cultivated land. A portion of approximately 60 ha was expropriated by the State for a buffer area for the Wolwedans Dam and the proposal falls well outside of this buffer. Four large powerlines (66kV /689 Blanco/Grootbrak 1 66 kV Overhead line) and three 132 kV lines (732 Blanco/Proteus 1, 731 Blanco/Proteus 2 and 465 Blanco/Proteus 3 132 kV) run parallel to each other across the farm. A servitude for access in favour of Eskom exists 15.5 m from the outside line of the four lines, to each side of the series of lines. Eskom requires vehicle access from pole to pole along the powerlines. Another 11kV farm line crosses the study area from the south and requires that an area of 11 m on each side of the line be kept free of trees.

According to the Western Cape Biodiversity Spatial Plan the property comprises of Critical Biodiversity Areas, Terrestrial and Aquatic and Ecological Support Areas (Terrestrial). The proposed area has numerous drainage lines, dams and mapped FEPAs wetlands. The site is within the National Strategic Water Source Area for surface water for the Outeniqua region and serves as a watercourse protection for the South-eastern Coastal Belt.

3.2 Activity Need and Desirability

According to the Final BAR the Western Cape's climate was previously considered to be too cold for avocado production. However, the region has a Mediterranean climate much like other avocado production regions in California and Spain. With the help of new technologies that are an integral part of

modern agricultural practices, it has become easier for farmers to identify and define specific low frost or frost-free microclimates and soils where avocado production is possible. During the past few years, productions have been growing in the milder coastal climates of the Southern Cape in the regions between Swellendam, Heidelberg and George.

The proposed development will create jobs for the forestry workers from the Ruitersbos area, which will be retrained. According to the Final BAR, forestry was phased out in the Southern Cape in favour of conservation, adding many hectares of Critical Biodiversity to the Gourits Cluster Biosphere Reserve, at the cost of employment opportunities and the economy. The BAR submits that this project may affect approximately 5 ha of Critical Biodiversity Area, but proves that it has the potential to create work opportunities for the aforementioned forestry workers and other individuals in an area where employment opportunities are scarce.

The BAR also submits that avocado production in the Southern Cape opens a window in the market traditionally supplied from imports. Expansion of avocado orchards in the south contributes to the local economy through reduced imports, while providing fruit for export. This can only be a benefit to the Southern Cape and together with the job creation and economic benefit to the applicant, it can be said that there is a need and the development proposal is desirable in terms of time and place.

3.3 Planning

The property is zoned for Agriculture I, which allows for cultivation of crops. The proposal is to expand the existing fields with a high value crop by planting avocados on the existing cultivated land and adding additional cultivated land where possible.

The proposed development is in line with all major forward planning documents as it will support the importance of life-supporting ecosystem services, which will play a role in underpinning the economy, specifically through agriculture. Furthermore, agriculture is identified as a key sector with value-chain investment opportunities. The proposed development will also promote social and economic development and accelerate the rural development programme to alleviate poverty. The fact that the proposed development will create temporary and permanent jobs will greatly assist in this regard.

Furthermore, the Rural Industrial Development Strategy and the Integrated Sustainable Rural Development Strategy (RIDS) calls on all regions to build their industrial economies based on local competitive advantages and opportunities. It aims to bridge the first-second economy gap in South Africa based on the spatial development principles of the NSDP (National Spatial Development Framework).

3.4 Water Rights

The existing lawful (registered) water allocation for the farm from the Wolwedans Dam is 585 800 m³/a in total. This allocation allows for 6102 m³/ha/a, which is the water requirement for vegetables. Avocados require 5000 m³/ha/a under drip irrigation, which is more economical than vegetables and will result in optimal use of the available allocated water.

3.5 Biophysical Impacts

□ Aquatic Biodiversity

The study area is situated in the Groot Brak River quaternary catchment which is, along with all the wetland areas, indicated to be a Freshwater Ecosystem Priority Area river, which is also a priority fish support area. The farm drains mainly towards the Wolwedans Dam and the Groot Brak River. Drainage occurs via several drainage lines (non-perennial streams).

Drainage lines

There are two drainage lines located to the north (leading to Wolwedans Dam) and one to the south (parallel to the access road). The present ecological state (PES) of the northern drainage lines was

classified as B, Largely Natural. The two drainage lines meet at a confluence and had similar pre-existing impacts which are considered minimal. According to the Final BAR the main impact affecting these drainage lines are vegetation clearance on historical fields in the catchment. The cleared vegetation has been left in the watercourse and will create an obstacle to flow. However, in the short-term this may benefit the watercourses downstream as recent clearance on the fields for avocado planting has rendered the soil susceptible to erosion into the watercourse. A localised invasion of black wattle is present in the catchment of the drainage lines and for now, the piled vegetation and soil forms a barrier restricting this.

The BAR submits that the drainage line parallel to the access road has been slightly more impacted and has a PES of C, Moderately Modified. Outer riparian vegetation has been historically and recently disturbed or removed along the length of the drainage line both for the access road and in the field where historically vegetables, and now avocados will be planted (Figure 8 in the BAR). The small dam excavated at the top of the drainage line creates a slight impact to flows from the catchment although it is not located within the drainage channel. This Directorate is in agreement herewith.

Wetland

The PES of the wetland was determined to be B, Largely Natural (Table 8 in the BAR). The primary impacts affecting the PES are related to the road crossing which is the access road to RE/29/129, and agricultural fields on adjacent farms upstream of the road crossing. These are predominantly dryland and appear to be for grazing. The road crossing is the result of infilling the wetland, and slightly alters the hydrology, although there is no obvious sedimentation or erosion associated with the crossing. There are extensive areas of black wattle and *Eucalyptus* growth, but for the most part the vegetation is in good condition, consisting of indigenous species typically associated with wetlands in the region. This Directorate is in agreement with the findings of the specialist and the risk matrix that there is a very low risk posed by the current and potential expansion of the agricultural fields to the hydrology of any of the watercourses or wetlands.

Dams

The Wolwedans Dam is an important strategic water source sustaining industry and agriculture in the region. The water quality is of a high standard and surrounding land use should ensure that this is not compromised for other users.

Without a continuous water supply, the small dams proposed to be infilled function more like depression wetlands. They have been excavated into the water table. Despite having no inflowing water for several months, several wetland plant species, amphibians and mammals associated with aquatic ecosystems were observed to utilise these habitats. Wetland plants included *Typha capensis* and several restio and sedge species. At some point Barbel (*Clarias gariepinus*) were introduced to the dam next to the access road, as dead specimens were observed in the dam basin during the site visit by the aquatic specialist.

It was found that the two dams proposed to be infilled should not be infilled and minimal disturbance of the dams functioning as wetlands is viewed as the preferable option. Their location at the very top of drainage lines means that they will receive and store little surface runoff, receiving mainly rainwater.

With the implementation of the EMP and the mitigation measures in the Aquatic Specialist Report, the proposed development will not result in any irreversible significant negative impacts on any watercourses, dams or wetlands.

□ Terrestrial Biodiversity

The Northern section

The vegetation of the study area is predominately mapped as containing Garden Route Shale Fynbos (which was classified as Vulnerable, but has now been updated to Endangered) by Mucina and Rutherford, with a small section of the property mapped as Garden Route Granite Fynbos which is an Endangered vegetation type. All the natural vegetation surrounding the cultivated fields have been mapped as Terrestrial Critical Biodiversity Areas.

There are two major powerlines which cross the property and the vegetation underneath these powerlines is entirely transformed. Thicket vegetation has established along the boundary fence, with seed spread by birds perching on the fence. On the north-eastern side of the farm RE29/129 there are natural, undisturbed vegetation, however, according to the EAP, the proposed site is not a suitable habitat for any of the identified sensitive plant species identified in the screening tool report.

According to the BAR the natural vegetation in this area represents a transition between fynbos and thicket. The thicket vegetation may support Knysna Woodpecker (*Campethera notata*), although it was not found in this area. None of the other sensitive bird species are likely to be dependent on this habitat, while it is unlikely that these small thicket clumps support Sensitive Species 5.

The BAR further submits that none of the fauna specialists found the identified Sensitive Species in this area, but a *Near Threatened* grasshopper, the *Paracinema ticolor* or Vlei grasshopper, was found in the grassy area near the drainage line in the west of the area.

Southern Section

According to the BAR the southern portion of the farm slopes gently, with increasing steepness down into the valley with a drainage line draining into the Groot Brak River below the Wolwedans Dam. The eastern end of the slope is densely vegetated with high fynbos and thicket. This area is rich in plant species, but not likely to provide suitable habitat for any of the sensitive animal species. The plant specialist found two plant Species of Conservation Concern (SoCC) here, which makes the sensitivity of the area for plant species high.

The BAR further states that towards the west, grassy patches are found and the fynbos becomes lower with increasing signs of grazing or other disturbance. An 11kV powerline dissects the study area. The likelihood of other SoCC or any of the Sensitive Species being undetected here is rated Low to Moderate. No SoCC were flowering during a visit in the late flowering season.

Birds

During the site visit, the specialist found only threatened and Near Threatened birds and observed a pair of Blue Cranes and Knysna Woodpecker, respectively. According to the Terrestrial specialist report, the screening report listed the Knysna Woodpecker as being potentially adversely impacted on by the proposed development, however, this species has not been previously recorded within 3 km of the centre of the farm, but it has been recorded elsewhere in the area in which the farm is located and in some of the neighbouring pentads.

The specialist further elaborates that the African Marsh Harrier breeds in and feeds over wetlands and is unlikely to occur in any of the areas for the proposed development as it is more likely to breed and feed in the CBA1-R areas, none of which are proposed for development.

The Knysna Warbler breeds and feeds in dense tangled thickets on the edge of indigenous forests and riparian forests. Similar to the African Marsh Harrier, it is more likely to occur in the CBA1-R areas and not in any of the areas proposed for the development of the avocado orchards. The Black Harrier breeds and forages over a wide range of fynbos and shrubland habitats. The remaining CBA1 areas provide sufficient habitat in which the birds could breed and over which they could forage.

In summary, the proposed developments on the preferred sites will have no impact on the African Marsh Harrier, Black Harriers, Knysna woodpecker, Denham's Bustard or blue cranes.

Mammals

The Screening Tool report identifies Species 5 to occur on the proposed site, however, the most recent sighting of this species is approximately 30km from the site. Their habitat is forest areas and because the proposed site contains no forest areas it is safe to say that the proposed development will not affect this species.

□ Insects

The screening report identified the site as sensitive for *Aneuryphymus montanus*. Sampling of the three sites at Wolwedans resulted in four different species of grasshoppers being found, however, the *Aneuryphymus montanus* was not one of them. Based on these findings, the property is not sensitive for *Aneuryphymus montanus* and the cultivation of the virgin land will have no impact on this species. One individual Tricolor or vlei grasshopper (*Paracinema tricolor*) with a conservation status of "near threatened" was found on the northern side of the farm. This species usually occurs in wetland habitats. Due to the fact that the drainage line and its buffer as well as the area under the powerline will be avoided by the development, no impact on these species is expected.

3.6 Heritage / Archaeological Aspects

Heritage Western Cape (HWC) confirmed that the proposed development requires no studies in terms of heritage.

In considering the above, the view is held that the applicant has adequately considered the heritage and archaeological aspects and that the proposed development will not impact negatively on these aspects. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority regarding the proposed development have been taken into account.

3.7 Impact Assessment

The proposed development will result in negative, as well as positive impacts. It is however the opinion of this Directorate that the positive impacts of the proposal will largely outweigh the negative impacts of the development proposal.

The preferred alternative will result in the loss of about 7 ha of natural and near-natural vegetation, of which approximately 5 ha consists of Critical Biodiversity Area. In this alternative, only Garden Route Shale Fynbos would be affected. No drainage lines will be affected, and no recorded Species of Conservation Concern will be lost. The construction phase would cause topsoil disturbance and potential increased silt-laden runoff into the watercourses, which are priority freshwater ecosystems. The Wolwedans Dam is well buffered by the property that was expropriated along the sides of the dam for this purpose, while a narrow and fairly flat area will be affected with low erosion risk. This alternative entails the expansion of the development boundary and ecological corridors or connectivity will not be interrupted.

□ Summary of positive and negative impacts

Potential Positive impacts:

- Job opportunities and small business development
- Increased spending in local economy
- Local economic growth stimulation

Potential Negative impacts:

- Possible loss of Biodiversity and Sensitive Species (SoCC)
- Loss of about 7 ha of natural vegetation; 5 ha of which is CBA1.
- Increased turbidity and sedimentation of aquatic habitats
- Possible spills and leakage of hydrocarbons and other pollutants
- Reduced ecological quality
- Erosion of fields
- Runoff of pesticides and fertilizers

- Increased movement of people and traffic
- Increased human footprint on RE/29 Wolvedans 129

All of these negative impacts carry a low negative significance and can be mitigated to an acceptable level. Although the potential negative impacts identified are more than the potential positive impacts, the significance of the positive impacts are higher and therefore outweighs the potential negative impacts of the proposed development.

3.8 Cumulative Impact of the Proposal

According to the BAR, the cumulative impacts are in many ways equivalent to the regional impacts, in that the vegetation type/s and plant and animal species likely to be impacted by the proposed development have been, and will continue to be, impacted by other developments and other factors (the cumulative impacts) within the region. This Department agrees that the primary cumulative impacts in the region are loss of natural vegetation and threatened plant species to ongoing cultivation and expansion of agriculture, plus alien plant invasion of habitats, and disruption of the natural fire regimes. No other impacts of significance are anticipated.

4. Scope and Validity Period of authorisation

The applicant has indicated that the clearance of indigenous vegetation activities (non-operational aspects) should be completed within 5 years of the date of issue of the environmental authorisation. The environmental authorisation's validity period has been granted for a period of five (5) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

5. National Environmental Management Act 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.

6. Conclusion

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

- (a) The identification and assessment of impacts that are detailed in the FBAR dated 15 September 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) Compliance with the conditions of the EA will also contribute to the mitigation of the impacts that will result from the proposed development,
- (e) Mitigation measures for the development were proposed and were included in the FBAR and the EMPr to be implemented in the pre-construction, construction and rehabilitation phases of the proposed development and will ensure that the proposed development does not result in any irreversible significant impacts.
- (f) Due consideration was also given to the proponent's duty of care as described in Section 28 of NEMA: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment"*.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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