



EIA REFERENCE: 16/3/3/1/F1/11/2015/23
NEAS REFERENCE: WCP/EIA/0001280/2023
DATE OF ISSUE: 03 October 2023

The Trustees
CJ Malan Beleggings Trust
P. O. Box 256
PIKETBERG
7320

For Attention: Mr. Chris Malan

Cell.: 082 774 5743

E-mail: chris.middelpos@gmail.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE ESTABLISHMENT OF MANGO ORCHARDS AS WELL AS THE CONSTRUCTION OF INTERNAL ROADS ON THE REMAINDER OF PORTION 3 OF THE FARM NO. 144, RIETKLOOF, PIKETBERG

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered Interested and Affected Parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the Environmental Authorisation below.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to:

- (1) Mr. Mari De Villiers (Cornerstone Environmental Consultants (Pty) Ltd.)
- (2) Mr. Werner Wagenaar (Bergrivier Local Municipality)
- (3) Mr. P. Claasen (Bergrivier Local Municipality)
- (4) Ms. Angila Joubert (Bergrivier Local Municipality)

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EIA REFERENCE: 16/3/3/1/F1/11/2015/23
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE ESTABLISHMENT OF MANGO ORCHARDS AS WELL AS THE CONSTRUCTION OF INTERNAL ROADS ON THE REMAINDER OF PORTION 3 OF THE FARM NO. 144, RIETKLOOF, PIKETBERG

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 NEMA and the EIA Regulations, 2014 (as amended), 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 Activity Alternative, described in the final Basic Assessment Report (“BAR”), dated 20 July 2023.

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

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Trustees
C/O Mr. Chris Malan
CJ Malan Beleggin Trust
P. O. Box 256
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The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as “**the holder**”.

B. LISTED ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>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."</p>	<p>More than 1ha (approximately 6.7ha) of indigenous vegetation will be cleared for the cultivation of mangos and the establishment of internal roads on the site.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 4 Activity Description: "The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</p>	<p>Roads wider than 4 metres with a reserve less than 13.5 metres will be constructed on land, which contains indigenous vegetation on a site located outside an Urban Area.</p>

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 relating to –

The proposed clearance of indigenous vegetation for the establishment of mango orchards as well as the construction of internal roads on the Remainder of Portion 3 of the Farm No. 144, Rietkloof, Piketberg.

The four (4) new internal roads will be established, as follows –

- Road 1: measuring approximately 4m in width and approximately 310m in length with a total footprint of approximately 1240m²;
- Road 2: measuring approximately 4m in width and approximately 305m in length with a total footprint of approximately 1220m²;
- Road 3: measuring approximately 4m in width and approximately 305m in length with a total footprint of approximately 1220m²; and
- Road 4: measuring approximately 4m in width and approximately 210m in length with a total footprint of approximately 840m².

With the exception of the aforementioned new internal roads, existing farm roads will be used to provide access to the proposed cultivation area.

Drip irrigation will be installed and water for irrigation will be sourced from existing dams on the farm.

The total development footprint amounts to approximately 6.7ha in extent.

C. SITE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on the Remainder of Portion 3 of the Farm Rietkloof No. 144, Piketberg, which is located approximately 8km north-west of Piketberg.

The SG 21-digit code, is given below:

Remainder of Portion 3 of the Farm Rietkloof No. 144, Piketberg	C0580000000014400003
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The co-ordinates for the four (4) new roads, are given below:

Remainder of Portion 3 of the Farm Rietkloof No. 144, Piketberg	Latitude (S)	Longitude (E)
	32° 52' 27.05" South	18° 39' 54.04" East

Road 1	Latitude (S)	Longitude (E)
Start point	32° 52' 23.17" South	18° 39' 44.64" East
Middle point	32° 52' 24.18" South	18° 39' 50.18" East
End point	32° 52' 25.02" South	18° 39' 55.98" East

Road 2	Latitude (S)	Longitude (E)
Start point	32° 52' 26.96" South	18° 39' 43.99" East
Middle point	32° 52' 27.49" South	18° 39' 49.61" East
End point	32° 52' 27.66" South	18° 39' 51.91" East

Road 3	Latitude (S)	Longitude (E)
Start point	32° 52' 29.92" South	18° 39' 43.71" East
Middle point	32° 52' 30.47" South	18° 39' 49.37" East
End point	32° 52' 31.01" South	18° 39' 55.49" East

Road 4	Latitude (S)	Longitude (E)
Start point	32° 52' 23.17" South	18° 39' 44.64" East
Middle point	32° 52' 26.96" South	18° 39' 43.99" East
End point	32° 52' 29.92" South	18° 39' 43.71" East

Refer to **Annexure 1**: Locality Maps. Refer to **Annexure 2**: Site Layout Plan.

The above property, including internal road network, is hereinafter referred to as "**the site**".

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

Cornerstone Environmental Consultants (Pty) Ltd.
C/O Ms. Mari De Villiers
P. O. Box 12606
Die Boord
STELLENBOSCH
7613

Cell.: 083 243 0994

E-mail: info@cornerstoneenviro.co.za / mari@cornerstoneenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the Listed Activities specified in Section B above in accordance with and restricted to the Preferred Activity Alternative described in Section B above.
2. The holder must commence with, and conclude, the Listed Activities within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.

This Environmental Authorisation is granted for –

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised Listed Activities.
 - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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.

Written Notice to the Competent Authority

5. A written notice of seven (7) calendar days must be given to the Competent Authority before the commencement of any clearance and/or earthmoving activities on the site.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 11.

Notification of Environmental Authorisation and Administration of Appeal

6. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National 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:
 - 6.4.1. name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. name of the responsible person for this Environmental Authorisation;
 - 6.4.3. postal address of the holder;
 - 6.4.4. telephonic and fax details of the holder;
 - 6.4.5. e-mail address, if any, of the holder; and
 - 6.4.6. 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 Appeals Regulations, 2014 (as amended).

Commencement

7. The Listed Activities, including site preparation, must not be commenced with within twenty (20) calendar days from the date the applicant notifies the registered I&APs of this decision.
8. 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.

Management of Activity

9. The draft Environmental Management Programme ("EMPr") (dated May 2023), is hereby approved and must be implemented.
10. The Environmental Authorisation and EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of any clearance and/or earthmoving activities .
12. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the any clearance and/or earthmoving activities and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.

13. 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 the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
15. The audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
 - 15.1. The first audit report must be submitted to the Competent Authority within **six (6) months** of the commencement of the clearance and/or earthmoving activities on the site; and
 - 15.2. A final audit report must be submitted within **three (3) months** of the clearance and/or earthmoving activities, including the establishment of internal roads on the site, being completed.
 - 15.3. The holder must submit an environmental audit report **every five (5) years** while the Environmental Authorisation remains valid.
16. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.
17. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

Specific Conditions

18. Should any heritage remains be exposed during excavations or any other actions on the site, this 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 disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, 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 artifacts 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.

19. A qualified archaeologist and/or paleontologist 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.
20. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where

appropriate. Any solid waste that cannot be recycled, re-use shall be disposed of at a licensed waste disposal facility.

F. 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 any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.
4. An application for amendment of the Environmental Authorisation must be submitted 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 (as amended) must be submitted.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within twenty (20) 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, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
2. An appellant (if not the holder of the decision) must, within twenty (20) 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, any registered I&AP, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
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 twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to 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: Attention: Mr Marius Venter (Tel.: 021 483 2659)
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 at 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 Authority at: Tel.: (021) 483 3721, E-mail: DEADP.Appeals@westerncape.gov.za or URL: <http://www.westerncape.gov.za/eadp>.

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 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 03 OCTOBER 2023

Copied to:

- (1) Mr. Mari De Villiers (Cornerstone Environmental Consultants (Pty) Ltd.)
- (2) Mr. Werner Wagenaar (Bergrivier Local Municipality)
- (3) Mr. P. Claasen (Bergrivier Local Municipality)
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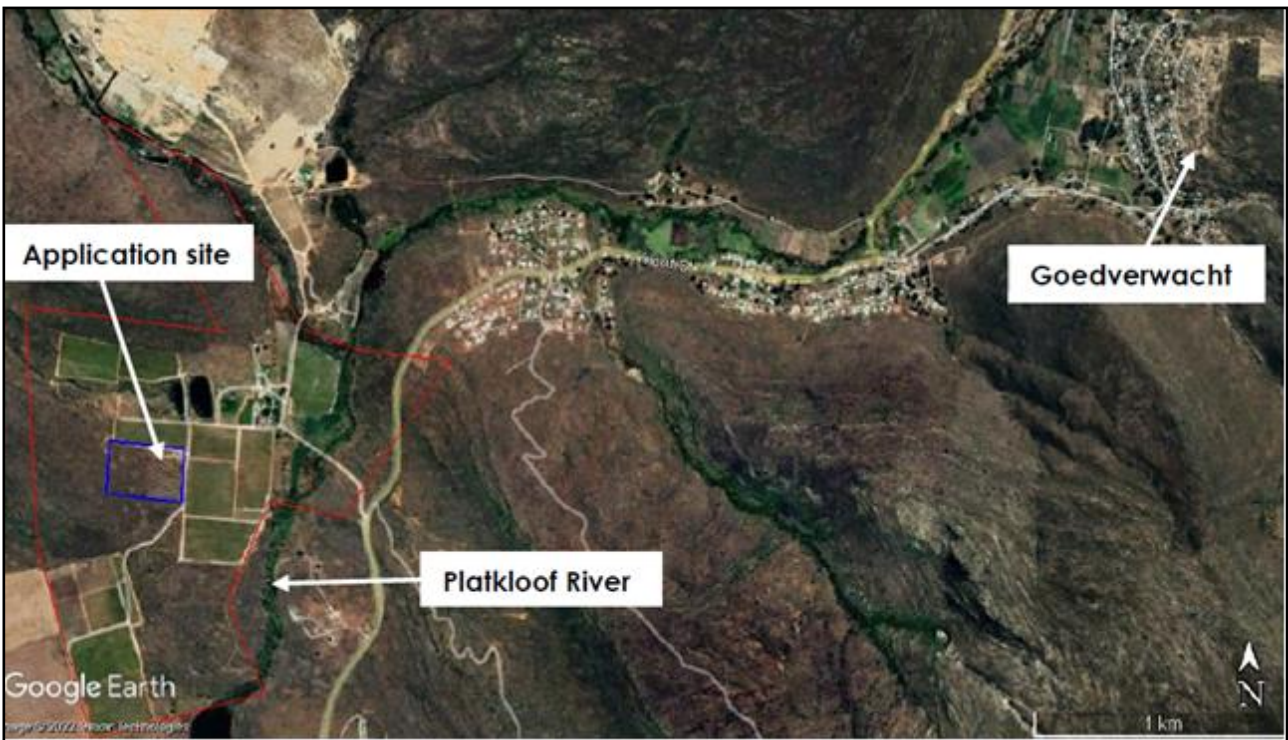
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EIA REFERENCE: 16/3/3/1/F1/11/2015/23

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ANNEXURE 1: LOCALITY MAPS



ANNEXURE 2: THE SITE LAYOUT 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 dated 11 May 2023), the final BAR (dated 20 July 2023), the EMPr (dated May 2023), and the additional information received by the Department via electronic mail correspondence on 15 September 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visit was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

The Public Participation Process ("PPP") included:

- Notification letters were sent to all relevant I&APs and stakeholders on 2 September 2022 and 5 September 2022, respectively;
- An advertisement was placed in the 'Swarthland Gazette' Newspaper on 6 September 2022;
- A notice was placed on the site on 18 May 2022;
- The pre-application BAR was made available for a minimum commenting period of thirty (30) days, from 6 September to 7 October 2022;
- The pre-application BAR and EMPr were made available for public viewing in the Goedverwacht Public Library as well as on the website of Cornerstone Environmental Consultants (Pty) Ltd. (www.cornerstoneenviro.co.za);
- The draft BAR was made available for a minimum commenting period of thirty (30) days, from 16 May 2023 to 15 June 2023; and
- The draft BAR and EMPr were available on the website of Cornerstone Environmental Consultants (Pty) Ltd. (www.cornerstoneenviro.co.za).

The Department is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the comments and responses report.

Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address any significant concerns raised.

2. Alternatives

Site Alternative (Authorised together with the Preferred Alternative)

The Preferred Site Alternative entails the clearance of indigenous vegetation for the establishment of mango orchards and internal roads on the Remainder of Portion 3 of the Farm Rietkloof 144, Piketberg.

This is the only and Preferred Site Alternative based on the following reasons:

- The indigenous vegetation clearance and subsequent cultivation activities will largely take place on sections of the site, which were previously disturbed and severely degraded;

- The clearance and cultivation activities will take place adjacent to existing site access roads on the property; and
- Existing infrastructure exists to support the development proposal, including the lawful allocation of water use rights for the property.

Activity Alternative (Preferred and Herewith Authorised)

The Preferred Activity Alternative entails the proposed the clearance of indigenous vegetation for the establishment of mangos and the development of internal farm roads on the Remainder of Portion 3 of the Farm Rietkloof No. 144, Piketberg.

Four (4) new internal roads will be constructed, as follows –

- Road 1: measuring approximately 4m in width and approximately 310m in length with a total footprint of approximately 1240m²;
- Road 2: measuring approximately 4m in width and approximately 305m in length with a total footprint of approximately 1220m²;
- Road 3: measuring approximately 4m in width and approximately 305m in length with a total footprint of approximately 1220m²; and
- Road 4: measuring approximately 4m in width and approximately 210m in length with a total footprint of approximately 840m².

With the exception of the aforementioned new internal roads, existing farm roads will be used to provide access to the proposed cultivation area.

Drip irrigation will be installed and water for irrigation will be sourced from the existing dams on the farm.

The total development footprint amounts to approximately 6.7ha in extent.

This is the Preferred Activity Alternative, based on the following reasons:

- No other feasible or reasonable activity alternatives, apart from the proposed cultivation activities, were deemed as being suitable for the proposed site;
- The proposed cultivation activities will allow the proponent to maximise- and realise the farms full agricultural potential; and
- sufficient water and associated water use rights to irrigate the proposed cultivation areas exist.

Design/Layout Alternative (Authorised together with the Preferred Alternative)

The Preferred Design/Layout Alternative entails the proposed the clearance of indigenous vegetation for cultivation of mangos and the development of internal roads adjacent to the existing cultivated fields on the farm.

This is the Preferred Design/Layout Alternative, based on the following reasons:

- The layout will ensure that the proposed cultivation fields avoid having any direct biophysical impacts on any sensitive botanical and aquatic ecosystems; and
- Since the proposed cultivation fields will be established adjacent to existing cultivated fields on the farm, existing access roads can be used, eliminating the requirement of establishing new access roads.

'No-go' Alternative

The 'No-Go' Alternative of not proceeding with the clearance of indigenous vegetation for the cultivation of mangos and the development of internal roads on the Remainder of Portion 3 of the Farm Rietkloof No. 144, Piketberg, was considered. The 'No-Go' Alternative was deemed to be unfeasible, as it will mean that an opportunity to expand agricultural activities will not be

realised. Consequently, the opportunity to increase the farm's productivity and provide additional employment opportunities will be lost. This, in turn, will translate into an inability to meaningfully contribute toward increased food production and food security in the Western Cape as well as contribute to local economic growth through export and employment.

3. Impact Assessment and Mitigation Measures

3.1 Need and Desirability

The proposed cultivation activities are required to enable the holder to unlock and maximise the farm's full agricultural potential, increasing production and contributing towards the local economy.

3.2 Regional and Local Planning

The proposed development is consistent with the forward planning and strategic context for the area, which generally earmarks the greater area, as suitable for agricultural activities. The site is zoned Agriculture and the proposed agricultural activity is a permitted landuse.

3.3 Aquatic Impacts

According to the Terrestrial Biodiversity Compliance Statement (dated 24 June 2022 and compiled by Ms. Johlene Krige), no watercourses traverse the site. Additionally, the existing cultivated fields separate the site from the nearest watercourse, which is located approximately 400m east of the said property. Two man-made irrigation dams are located approximately 160m and approximately 140m northeast of the site, respectively. The proposed development will therefore not have any direct negative impacts on any aquatic systems.

According to the data available, the aquifer beneath the site is classified as a minor fractured aquifer. Groundwater could potentially be located at 14.95 metres below ground level. However, given the nature of the proposed development, no direct negative impacts on the said aquifer is expected.

3.4 Biophysical Impacts

Whilst the proposed development will result in the clearance of approximately 6.7ha of indigenous vegetation, it was established that approximately 3ha of the total clearance footprint will extend into sections of the site that are already in a poor botanical condition due to historical disturbance. Furthermore, the Terrestrial Biodiversity Compliance Statement (dated 24 June 2022 and compiled by Ms. Johlene Krige), confirms that no threatened plant species nor declared ecological sensitive areas, such as ecological corridors, will be directly impacted by the proposed establishment of cultivation fields and internal roads. Low sensitivity in terms of the terrestrial biodiversity was similarly confirmed in the Site Sensitivity Verification Report (dated May 2023 and compiled by Ms. Mari De Villiers of Cornerstone Environmental Consultants (Pty) Ltd.).

With the implementation of mitigation measures, included in the approved EMPr, botanical impacts can be mitigated to a Very Low Negative significance rating. These measures include the need to restrict all clearance activities to establish the cultivation fields and internal roads to demarcated areas and to ensure no disturbance occurs outside of demarcated areas.

CapeNature in their correspondence (dated 11 October 2022 and 27 June 2023, respectively), confirmed its support of the findings of the Terrestrial Biodiversity Compliance Statement (dated 24 June 2022 and compiled by Ms. Johlene Krige).

3.5 Agricultural Potential and Aspects

According to the Soil Report (dated January 2023 and compiled by Agrimotion), the site has a rocky material profile, which will need to be broken during soil preparation to improve effective rooting depth. Recommended soil preparation measures, management and irrigation techniques will be required to maintain optimal conditions to maintain the perennial crop production on the site. These required soil treatment techniques and measures have been included in the approved EMPr.

Correspondence from the Western Cape Government: Agriculture (dated 4 November 2022), confirmed that an application for the cultivation of virgin soil in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), was received.

Proof that the relevant application for the cultivation of virgin soil was submitted to the Competent Authority in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) was submitted together with the final BAR. Correspondence from the Western Cape Government: Agriculture (dated 8 September 2023), confirmed no objection to the proposed development.

Given the nature of the development proposal, it is expected that the proposed development will contribute positively towards increased agricultural production in the Western Cape.

3.6 Heritage Impacts

No significant negative impacts on cultural or heritage resources are anticipated due to the proposed development. Correspondence from Heritage Western Cape (dated 3 August 2022), indicated that there is no reason to believe that the proposed clearance of indigenous vegetation will impact heritage resources. This was reaffirmed in subsequent correspondence from HWC (dated 29 May 2023).

3.7 Visual Impacts

The proposed site comprises a farm located within a landscape in which agricultural activities, particularly cultivation activities, are predominant and on a farm with existing agricultural activities in operation. Hence the proposed cultivation activities will not be visually inconsistent with the surrounding area and the associated landuses.

3.8 Nuisance Impacts

Nuisance-related impacts during the construction phase, such as dust and potential soil erosion occurring during the clearance of indigenous vegetation, are expected to be short-term and managed in accordance with the provisions of the EMPr. These include adequate stockpiling and site preparation methods, which must be implemented.

During the operational phase, the impact of spray drift may impact negatively on adjacent natural vegetation and fauna. This impact can, however, be mitigated to a Very Low Negative significance, if the measures included in the approved EMPr, the best practice organic Integrated Pest Management Programme and the spraying of cultivated areas with pesticides on windless days, are implemented, as far as possible.

3.9 Service Requirements

It was confirmed in the final BAR, that a Water Use License is in place for the abstraction and storage of irrigation water on the said property. Adequate volumes of the existing authorised water allocation are thus available for the proposed cultivation activities. Adequate storage space in the existing dams also exist, and the allowable/authorised water allocation will not be exceeded due to the proposed cultivation activities. In order to reduce the demand placed on water resources, drip irrigation will be installed.

Whilst four (4) new internal roads are proposed, existing farm roads will be used to provide access to the proposed cultivation fields.

In correspondence from the Western Cape Government: Infrastructure (dated 18 July 2023), they indicated that they offer no objection to the proposed development.

No additional Municipal services are required, since existing water and electricity services will be used for the proposed cultivation activities.

3.10 Socio-economic Impacts

The proposed development is expected to yield positive socio-economic impacts, including the provision of employment opportunities. The increased agricultural activities through the cultivation of mango orchards are expected to contribute positively towards food production and security and feed into the local economy via exports.

The development proposal will result in both negative and positive impacts.

Negative Impact include:

- Clearance- and loss of indigenous vegetation;
- Potential soil erosion; and
- Nuisance impacts during the clearance of indigenous vegetation.

Positive Impacts include:

- Temporary and permanent employment opportunities throughout the lifecycle of the proposed development;
- Increased food production and security; and
- Maximised on-site agricultural activities and local economic inputs.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 activity (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.

5. Conclusion

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 authorised 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 undertaking of the Listed Activities can be mitigated to acceptable levels.

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