



REFERENCE: 16/3/3/1/D6/29/0022/22
NEAS REFERENCE: WCP/EIA/0001150/2022
DATE OF ISSUE: 03 APRIL 2023

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE CULTIVATION OF AGRICULTURAL ZONED LAND ON PORTION 34 OF FARM 223, KLEINEPLAATS, MOSSEL BAY MUNICIPALITY

ENVIRONMENTAL AUTHORISATION

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 **a part of the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), 13 December 2022 as prepared and submitted by HillLand Environmental, 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

K TERBLANCHE PROPERTIES (PTY) LTD
c/o Mr. Kuyler Terblanche
P.O. Box 2281
George
6530

Cell: 082 823 6772
Email: kuykert@gmail.com

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)	
<p>Activity Number: 27 Activity Description:</p> <p><i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</i></p> <p>(i) <i>the undertaking of a linear activity; or</i> (ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The clearance of not more than 6ha (Camp A and Camp B) of indigenous vegetation will be for the cultivation of additional agricultural land as indicated on attached site layout plan (Annexure 2).</p>
Environmental Impact Assessment Regulations Listing Notice 3 (Government Notice No. 324 of 7 April 2017)	
<p>Activity Number: 12 Activity Description:</p> <p><i>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></p> <p>i. Western Cape</p> <p>(i). Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>(ii). <i>Within critical biodiversity areas identified in bioregional plans;</i> (iii). <i>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 even in urban areas;</i> (iv). <i>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</i> (v). <i>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.</i></p>	<p>The proposal will require the clearance of more than 300 m² of endangered Garden Route Shale Fynbos.</p>

The abovementioned list is hereinafter referred to as "**the listed activity**".

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 not more than 6 hectares of indigenous and endangered vegetation on two sites respectively, in order to expand the existing agricultural fields for the planting of avocado and/or macadamia orchards. The areas to be cleared will be on old previously cultivated land that are not too steep and that is suited for expansion. The site development plan is attached to this EA as Annexure 2.

C. SITE DESCRIPTION AND LOCATION

The proposed clearance of indigenous and endangered vegetation will take place on Portion 34 of the Farm 223 Kleineplaats, Mossel Bay. The site is situated on farmland immediately north of the Wolwedans dam approximately 3km north of the town of Groot Brak Rivier in the Mossel Bay Municipal area. Access to the property is gained via a gravel road that branches off the Friemersheim Road Wolwedans. The portion to be cut off and consolidated with the larger farm to the north will be approximately 20.35ha and the development footprint area will be not more than 6ha, consisting of two areas of not more than 4.00ha and 2.32ha area each, as indicated on the site layout plan attached in Annexure 2.

Site Coordinates:

Position:	Latitude (South)	Longitude (East)
Camp A	33° 59' 42.38"	22° 13' 14.37"
Camp B	34° 0' 0.05"	22° 13' 16.54"

SG digit code: C02700000000022300034

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)

HillLand Environmental (Pty) Ltd
% Mr. Stefan Delpont,
P.O. Box 590
George
6530

Tel: (044) 889 0229

Email: environmental@hilland.co.za

Website: www.hilland.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 **28 February 2030 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 activity specified in Section B above in accordance with a part of the Preferred Alternative described in the FBAR dated 13 December 2022 on the site as described in Section C above. Clearance may only take place on the two areas as identified and depicted on the Site Layout Plan (Annexure 2) of this Environmental Authorisation.
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 preferred 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 –
 - 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,
 - 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 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, 19 and 20
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 or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to include the following aspects and resubmitted for approval, prior to the commencement of the activities:
- 9.1. The EMPr must be amended to incorporate the following —
 - 9.1.1. The conditions of this environmental authorisation and the following submitted to this Directorate, before commencement of clearance activities.
 - 9.1.2. All ECO monthly compliance monitoring reports must be submitted to this Directorate on a monthly basis.
 - 9.1.3. A map which clearly indicates the demarcated no-go areas.
 - 9.1.4. Alien Invasive Management Plan to control alien invasion on the neighbouring areas outside the site development plan approved by this Directorate, prior to the commencement of the clearance activities.
 - 9.1.5. The methodology that will be implemented for the clearance of indigenous vegetation.
 - 9.1.6. Auditing schedule detailing when environmental audits will be undertaken for the duration that the Environmental Authorisation is valid.
10. The amended EMPr must be submitted to the Competent Authority for approval, prior to the clearance 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 clearance and rehabilitation phases of the implementation contained herein.
13. The ECO must–
 - 13.1. be appointed prior to commencement of any works (i.e. removal and movement of soil);
 - 13.2. ensure compliance with the EMPr and the conditions contained herein;
 - 13.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 13.4. remain employed until 28 February 2030 when all development activities are concluded, and the post development/implementation 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 (clearance activities):
 - 17.1.1. A final Environmental Audit Report for the clearance phase (non-operational component) must be submitted to the Competent Authority within **three (3) months** of completion of the post development rehabilitation and monitoring requirements, but no later than 30 November 2029.
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–
 - 18.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 18.2.2. 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 must be physically and clearly demarcated, prior to any earthworks or clearance 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. A Plants Search and Rescue Operation must be undertaken by a suitable qualified botanical specialist prior to commencement of clearance activities. This includes all bulb and aloes found within the area. All rescued plants must be carefully removed and transplanted at a suitable site within in the same habitat type, prior to commencement of clearance activities.
22. The hedgerows of thicket species occurring along the fence lines must be retained as natural windbreaks for the orchard.
23. The remaining natural extent must be conserved and areas of medium sensitivity must be avoided.
24. Protected and indigenous trees must be Geo-pinned in order to determine their exact position to ensure that these are being incorporated within the Site Layout Map (Annexure 2) or handled in terms of a permit in terms of the National Forests Act, 1998.

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.

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.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity 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.
3. 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.
4. 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.

5. 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.

6. 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

7. 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).
8. 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-development rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.
9. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e., 6, 9 & 12). 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.
10. 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.
11. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

F. 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:
Zaahir.Toefy@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:
Zaahir.Toefy@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>.

G. 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

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 03 APRIL 2023

Copy:
Mr. Stefan Delport

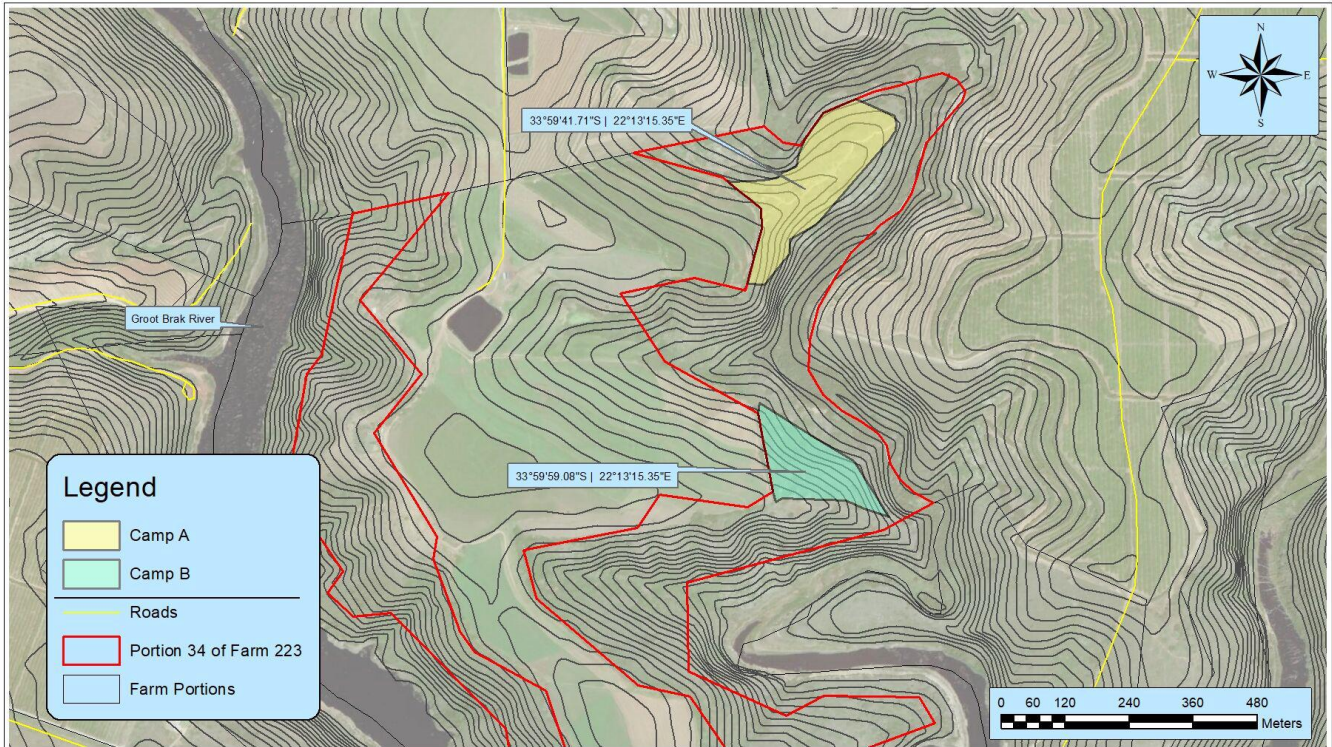
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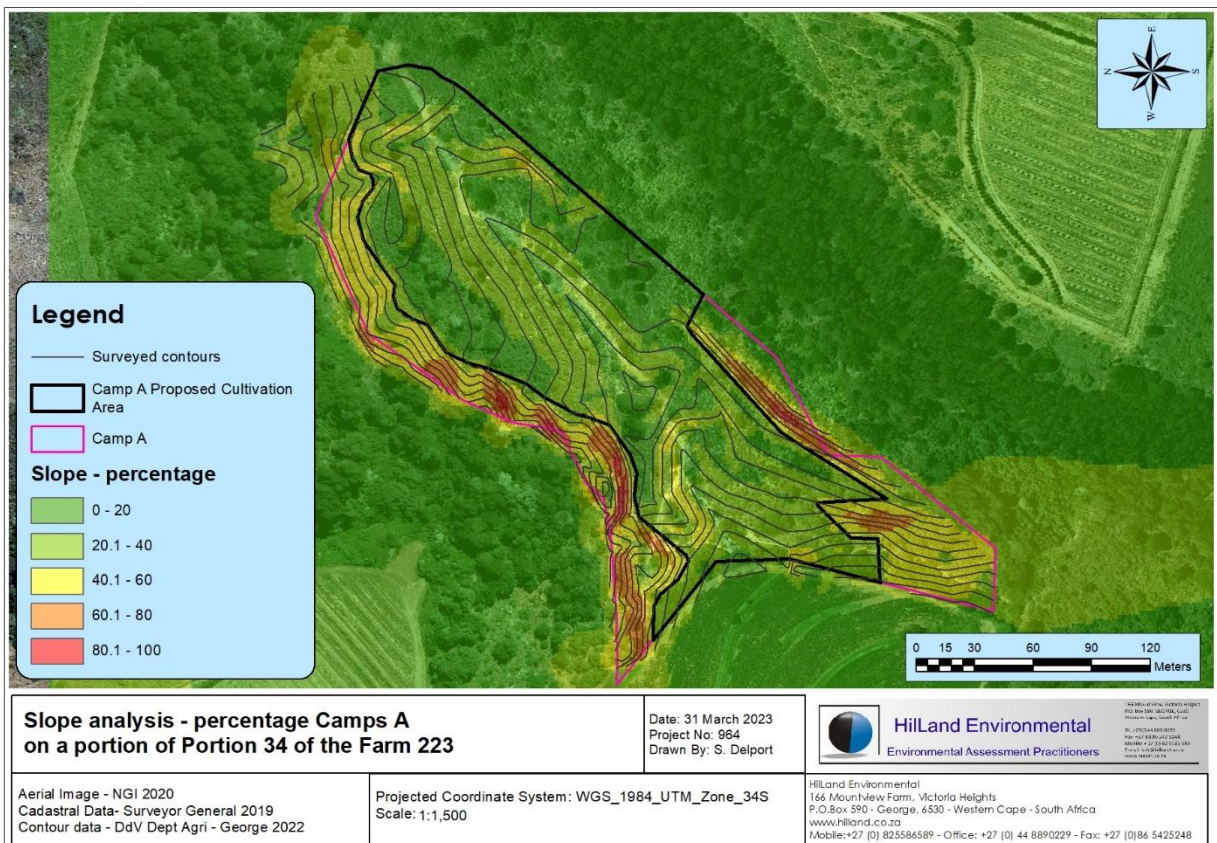
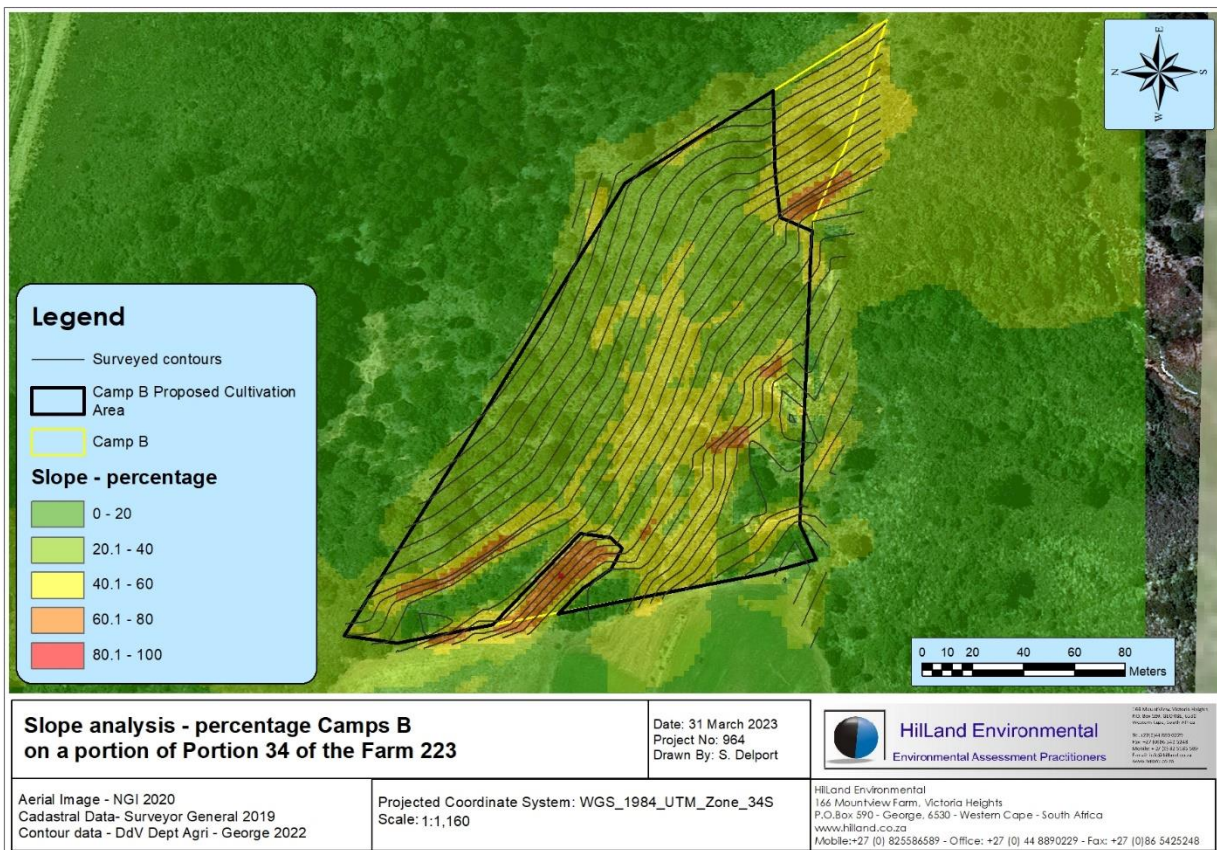
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NEAS REFERENCE: WCP/EIA/0001150/2022

ANNEXURE 1: LOCALITY MAP



Locality Map of Proposed New Agricultural Fields on Portion 34 of Farm 223, Great Brak River		Date: 29 March 2021 Project No: 964 Drawn By: S. Delpont	 Hiland Environmental Environmental Assessment Practitioners <small>166 Mountview Farm, Victoria Heights P.O.Box 590 - George, 6530 - Western Cape - South Africa www.hiland.co.za Mobile: +27 (0) 825586589 - Office: +27 (0) 44 8890229 - Fax: +27 (0)86 5425248</small>
Aerial Image - Google Earth 2020 Cadastral Data- Surveyor General 2019	Projected Coordinate System: WGS_1984_UTM_Zone_34S Contour: 5m	Hiland Environmental cc 166 Mountview Farm, Victoria Heights P.O.Box 590 - George, 6530 - Western Cape - South Africa www.hiland.co.za Mobile: +27 (0) 825586589 - Office: +27 (0) 44 8890229 - Fax: +27 (0)86 5425248	

ANNEXURE 2: 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 received on 19 August 2022, the Final Basic Assessment Report (FBAR) and EMPr dated December 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 13 December 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 Regulation 2014 for public involvement. The public participation process included:

- a) identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- b) fixing a notice board at the sites on 24 September 2022;
- c) giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 26 September 2022;
- d) the draft BAR was made available for comment from 26 September 2022 until 26 October 2022;
- e) the placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 23 September 2022.

The following Organs of State provided comment on the proposal:

- a) *Breede Gouritz Catchment Management Agency (BGCMA)*
- b) *Department of Forestry*
- c) *Department of Agriculture*
- d) *CapeNature*

Breede Gouritz Catchment Management Agency (BGCMA)

BGCMA stated that the Ecologist from this office has visited the site twice and confirmed that there is no wetland present within the area to be cleared.

Department of Forestry

Forestry requested that all protected/indigenous trees be Geo-pinned in order to determine their exact position to be indicated and be incorporated within the development proposal as no-go areas in order to ensure the protection of the protected/indigenous trees.

Department of Agriculture

The Western Cape Department of Agriculture: Land Use Management supports the additional cultivation as it will contribute towards the overall agriculture productivity of the farm portion. The cultivation layout must take slope and natural drainage into consideration with the objective to minimize the risk of erosion. The mitigation measures associated with the present soil & erosion management plan is satisfactory and must be implemented and monitored.

Cape Nature

Cape Nature stated that; *"The proposed sites and the surrounding environment were historically distributed by agriculture but were not cultivated in the last 20 years."* It is crucial to conserve the remaining natural extent and to avoid area of medium sensitivity.

All the comments and issues raised by the respective Organs of State that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses from the EAP to the I&APs comments and concerns.

2. Alternatives

The applicant's preferred site alternative:

The applicant's preferred alternative includes the clearance of indigenous vegetation and endangered vegetation of 6.34 hectares in order to establish additional avocado orchards on Portion 34 of the Farm 223 Kleineplaats, Mossel Bay. Portion 34 of Farm 223 is being subdivided which will be consolidated with the property to the north – Portion 16 of the Farm 223. The two camps (Camp A & B) are the preferred sites. The sites were historically cultivated which supported the land viability to continue cultivation.

Part of applicant's preferred site alternative (Herewith Approved – Preferred Alternative):

This site alternative is the same as the applicant's preferred site alternative above, but excludes most of the steep areas (areas with slopes of 40% or steeper), especially at the edge of the proposed cultivation areas. Clearance of indigenous vegetation must be limited to the less steep areas as indicated on the Layout Map compiled by Hilland Environmental attached in Annexure 2.

Preferred Activity Alternative

Cultivation of land to plant Avocado's and/or Macadamia nuts within the selected sites (Camp A and Camp B) using ridges and cover crop in-between. In recent years it became evident that avocados can be grown organically in the region. According to the BA the demand for avocados is on the rise locally and internationally.

Activity Alternatives investigated. (Alternative)

The BAR submits that the alternative to plough the land for pastures and/or natural grazing for cattle was assessed and rejected based on economic viability, as the slopes will not be suited for cattle farming. With this alternative fence camps will need to be constructed and pastures will have a higher carbon footprint than avocado orchards.

"No-Go" Alternative

According to the BAR the no-go alternative will entail no clearing of indigenous vegetation in order to establish cultivation and the landowner will continue to use the property within its permissible land-use – agricultural land. Not implementing the preferred alternative will result in a missed opportunity to supply produce to the local market and to provide additional employment opportunities and utilised brownfield land for its intended purpose – agriculture on historically cultivated land. This is not the applicant's preferred alternative.

3. Impact Assessment and Mitigation Measures

3.1. Activity Need and Desirability

The BAR submits that the desirability of the area for avocado production has been established though the surrounding planting where the area has been regarded as a "late harvest" region. This implies that fruit is harvested in the area after the crops in other growing regions of South Africa have been harvested. This allows local produce to enter the market in a season where fruit traditionally has to be imported from other growing regions in the world. This makes the supply of fruit affordable and sustainable. In terms of timing and activity the trend in the area is towards orchard cultivation in favour of meat and dairy. The carbon sequestration that occurs through the establishment of orchards is far in excess to that of grazing pastures. The avocado and macadamia production in the area is growing and in demand. This strengthens the agricultural economy of the area.

3.2. Integrated Development Plan (IDP)

The proposal is in line with the Municipal IDP and will result in viable crop that provides fruit to the market in the "late harvest" category, means that local supply will be available during times when fruit traditionally needs to be imported to supply the local demand. It will provide much needed sustainable job opportunities (permanent and temporary) and assist towards food security.

3.3. Spatial Development Framework (SDF)

The Spatial Development Framework of Mossel Bay Municipality encourages the use of agriculturally zoned properties to be used for cultivation and agriculture purposes. The development proposal is in line with the SDF. The expansion of agricultural lands creates more job opportunities, increases the Gross Domestic Produce (GDP) and provides food security.

3.4. Biophysical Impacts

The National Biodiversity Areas mapping for 2022 indicated that the status is Endangered Garden Route Shale Fynbos ecosystem. Based on the Botanical assessment, the vegetation on site appears to be good quality, consisting of a mix of fynbos and thicket. There was a clear pattern of indigenous invasion of the fynbos by the thicket-forming species, as expected in the prolonged absence of fire. There was also a low degree of invasion by alien invasive trees/shrubs within the core of the site, but this became more severe towards the margins and with proximity to observed on site, despite a careful search for any such species that was assessed as having a possibility of occurring on site". Flora found on site that is protected under the Cape Nature and Environmental Conservation Ordinance 19 of 1974 are *Boophane distichia* (Amaryllidaceae), *Aloe ferox* and *Erica canaliculate* (Ericaceae). These species may require a permit to collect/rescue – the intent is that bulbous plants will be rescued and replanted into the surrounding natural areas. Erica species do not transplant with ease so will not be rescued. The loss of vegetation for the proposed

agricultural expansion will not be significant. The impact on the Critically Biodiversity Area (CBA) cannot be avoided as it is optimising agriculture potential of the available land, by expanding the agricultural land (north) to this suitable agricultural land. Based on the Biodiversity report it is confirmed that the proposed area comprises of historically cultivated land that has rehabilitated naturally. Given the aforementioned, the competent authority is of the opinion that the proposal will not have a significant negative impact on the biophysical receiving environment and can therefore be supported.

3.5. Geographical Aspects

The study area is characterized by slopes between 10% and 30% on the ridgeline and >30% on the side slopes. The Agricultural specialist reported that the soil forms in the proposed two camps consist of Glenrosa and Oakleaf, which supports the proposed agricultural activity – Macadamia nuts and/ or Avocado's. The Department of Agriculture have confirmed that the slopes are suitable for the intended production and confirmed that the ridging with the revegetation between ridges is successfully preventing erosion on the site and this same technique needs to be implemented in the two new orchards. This authorisation limits the area for cultivation and clearance of indigenous vegetation to the areas with slopes not steeper than 40%. The areas of steep slopes are excluded because of the risk of erosion, landslides, and the consideration that many of the protected tree species and important biodiversity occur on the steeper areas. The 40% threshold is reasonable, as the CARA Regulations are much more stringent and state amongst others: "Except on authority of a written permission by the executive officer, no land user shall cultivate any land if it – (a) has a slope of more than 20%".

3.6. Wetland

The National Freshwater Ecosystem Priority Area (NFEPA) mapping shows that there is a non-perennial river in the eastern valley, as well as in the valley between Camp A and Camp B. Both of these non-perennial streams will not be affected by the proposal. The biodiversity specialist has confirmed that there are no wetland features within Camp B despite being mapped wetland on the side slope in Camp B. BGCMA's ecologist confirmed that the site is not within the wetland. This Directorate is in agreement with this and that there will be no impacts on wetlands.

3.7. Heritage / Archaeological Aspects

Heritage Western Cape has confirmed that no further heritage studies were required. 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 have been taken into account with respect to the development proposal.

3.6. Other Impacts

No other impacts of significance are anticipated for the area that has been authorised in this Environmental Authorisation.

Considering the findings of the impact assessment and proposed mitigation measures to address the aforementioned impacts this Directorate is satisfied that the activity will not negatively impact on the receiving environment, subject to the strict implementation of the conditions of this EA and the mitigation measures contained in the EMPr.

4. **Scope and Validity Period of authorisation**

The applicant indicated that the clearance of indigenous vegetation activities (non-operational aspects) should be completed within 7 years of the date of issue of the environmental authorisation. The environmental authorisation's validity period has been granted for a period of seven (7) years, during which period the clearance activities must commence and be concluded, including rehabilitation and monitoring and submission of the final environmental audit. 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:

- a) the effects of decisions on all aspects of the environment to be taken into account;
- b) 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;
- c) the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- d) the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- e) 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 13 December 2022 can be regarded as a sufficient assessment of the key identified issues and impacts.
- (b) The procedure followed for the impact assessment is considered adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

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.

----- **END** -----