



EIA REFERENCE NUMBER: 16/3/3/1/F3/15/3010/22
NEAS REFERENCE NUMBER: WCP/EIA/0001043/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 09 SEPTEMBER 2022

The Director
Fryers Cove Vineyards (Pty) Ltd.
P.O. Box 7896
HALFWAY HOUSE
1685

For Attention: Ms. L. Goodwin

Tel: (060) 967 0220
Email: liza@fryerscove.co.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR AGRICULTURAL PURPOSES ON PORTION 79 OF FARM NO. 270, HALLEBAKSTRANDFONTEIN, STRANDFONTEIN.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment 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 attached Environmental Authorisation below.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies: (1) Mr. N. Hanekom (Enviro-EAP (Pty) Ltd.)
(2) Mr. B. Smit (Matzikama Municipality)

E-mail: nicolaas@enviro-eap.co.za
E-mail: bsmit@matzikamamun.co.za

EIA REFERENCE NUMBER: 16/3/3/1/F3/15/3010/22

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR AGRICULTURAL PURPOSES ON PORTION 79 OF FARM NO. 270, HALLEBAKSTRANDFONTEIN, STRANDFONTEIN.

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated 17 May 2022.

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
Fryers Cove Vineyards (Pty) Ltd.
P.O. Box 7896
HALFWAY HOUSE
1685

Tel: 060 967 0220
Email: liza@fryerscove.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. 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:</p> <p><i>“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></p> <p><i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance.”</i></p>	<p>The proposed development will entail the clearance of approximately 3ha of Namaqualand Strandveld (classified as least threatened indigenous vegetation) for agricultural purposes on Portion 79 of Farm No. 270, Strandfontein.</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 activity relating to the authorised development:

The authorised development entails the clearance of approximately 3ha of indigenous vegetation for the planting of vineyards on Portion 79 of Farm No. 270, Strandfontein.

No associated infrastructure will be required to support the proposed development. The vineyards planted will be dry land and not irrigated. Existing roads will be used to gain access to the site.

No municipal services will be required.

The total development footprint will be approximately 3ha in extent.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Portion 79 of Farm No. 270, Strandfontein.

The 21-digit Surveyor General code for the proposed site is:

Portion 70 of Farm No. 270	C07800000000027000079
----------------------------	-----------------------

Site co-ordinates for the proposed site is:

Middle point	31° 46' 18.91" South	18° 13' 51.53" East
--------------	----------------------	---------------------

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

The said section of land is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviro-EAP (Pty) Ltd.
c/o Mr. Nicolaas Hanekom
2 School Street

AGULHAS
7287

Cell.: (076) 963 6450
Email: nicolaas@enviro-eap.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated 17 May 2022 on the site described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10)** years from the date of commencement of the listed activity.
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 alternatives 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 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.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing must be given to the Competent Authority before commencement of land clearing activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –

- 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
- 7.2. 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;
- 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4. Provide the registered I&APs with:
- 7.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. 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 activity, including site preparation, must not be commenced with until the appeal is decided.

Management of activity

9. The Environmental Management Programme ("EMPr") (compiled by Enviro-EAP (Pty) Ltd and dated May 2022) and submitted as part of the application for Environmental Authorisation is hereby approved.
10. The 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 commencing with land clearing activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the office of the EA holder of the authorised listed activity and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see these for the purpose of assessing and/or monitoring 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 and submit Environmental Audit Reports to the Competent Authority.

The 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).

- 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority within one (1) month of completion of the environmental audit.
- 14.2. A final Environmental Audit Report must be submitted to the Competent Authority within one (1) year after the completion of the land clearing/development phase.
- 14.3. The holder must, within 7 (seven) days of the submission of the Environmental 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.

Specific conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; 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.
16. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

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 activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period specified in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
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.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (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 must –
 - 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 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, 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 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Mr. M. Venter
 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. M. Venter (Tel: 021 483 3721)
 Room 809
 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the holder, 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

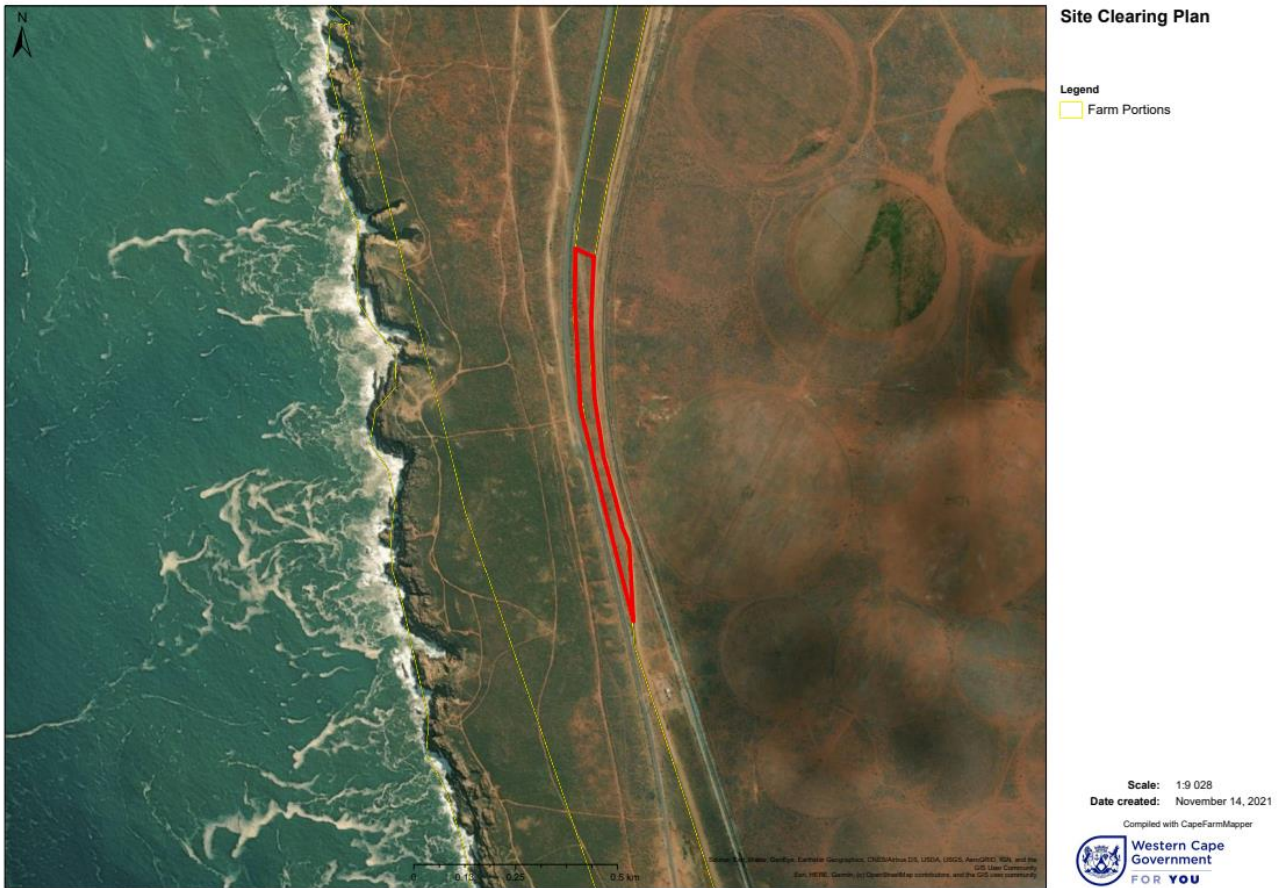
DATE OF DECISION:

Copies: (1) Mr. N. Hanekom (Enviro EAP (Pty) Ltd.)
(2) Mr. B. Smit (Matzikama Municipality)

E-mail: nicolaas@enviro-eap.co.za
E-mail: bsmit@matzikamamun.co.za

ANNEXURE 2: SITE PLAN

Site plan for the proposed clearance.



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 14 February 2022 and received by the competent authority on 21 February 2022, the BAR dated 17 May 2022 and received by the competent authority on 23 May 2022, the EMPr (dated May 2022) submitted together with the BAR and the additional information received from the EAP on 27 May 2022;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (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 responses to these, included in the BAR dated 17 May 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were 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 which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process ("PPP") was undertaken for the pre-application process and in accordance with an approved undated Public Participation Plan (approved on 15 December 2021) and entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site where the listed activity is to be undertaken on 06 October 2021;
- Giving written notice to the occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 11 October 2021;
- The placing of a newspaper advertisement in the "Ons Kontrei" on 22 October 2021;
- Placing the reports on the Environmental Assessment Practitioner's ("EAP") website for a minimum 30-day commenting period;
- Making the pre-application draft BAR available to I&APs for comment from 15 November 2021 to 15 December 2021;
- Making the draft BAR available to I&APs for comment from 03 March 2022 to 04 April 2022;

All of the concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Department is satisfied that the PPP that was followed met the minimum legal requirements and 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 the concerns raised.

2. Alternatives

No site, design, technology or operational alternatives were identified and assessed due to the fact that the proposed site is owned by the applicant, will not require infrastructure and does not contact environmentally sensitive areas that would have required avoidance. The Preferred Alternative and the "No-Go" alternative were therefore identified and assessed as follows:

The Preferred Alternative (herewith authorised):

The Preferred Alternative entails the clearance of approximately 3ha of indigenous vegetation for the planting of vineyards on Portion 79 of Farm No. 270, Strandfontein.

No associated infrastructure will be required to support the proposed development. The vineyards planted will be dry land and not irrigated. Existing roads will be used to gain access to the site.

No municipal services will be required.

The total development footprint will be approximately 3ha in extent.

The Preferred Alternative takes cognisance of the fact that the proposed site is owned by the applicant, requires no infrastructure and contains no environmentally sensitive areas. In addition, the Preferred Alternative is considered an expansion of the existing vineyards located on the property.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo". However, since the preferred alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not deemed the preferred.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned as Agriculture and is located outside an urban area. The clearing of the indigenous vegetation to extend the existing vineyards by approximately 3ha is needed to produce more grapes to meet the demand for the wine making industry. The proximity of the property to the sea creates an enabling environment for the dryland vineyards to produce good yields as the cool climate and ocean mist serves as a natural water source for the vineyards. The wine making facility is located in the Doringbay Harbour, which is close to the proposed site. The clearing of the vegetation will therefore secure and maintain the current employment. Additional direct and indirect employment opportunities may occur as a result of the proposed development.

3.2. Agricultural Impacts

The Department of Agriculture, Land Reform and Rural Development indicated (in their correspondence dated 13 December 2021), that the proposed area to be cleared is unused agricultural land. The area is too small to utilize for grazing and the fact that it is wedged between the road and railway line further isolates the site from other agricultural land uses. The proposed clearing of the vegetation to extend the vineyards will have a positive impact on agriculture and the use of this agricultural land.

The Western Cape Government Department of Agriculture Land Use Management indicated (in their correspondence dated 01 April 2022), that they have no objection to the clearing of indigenous vegetation for the purpose of expanding cultivated lands.

3.3. Terrestrial Biodiversity Impacts

A Terrestrial Biodiversity Impact Assessment (compiled by Enviro-EAP (Pty) Ltd and dated February 2022) was undertaken to determine the potential terrestrial biodiversity impacts associated with the proposed development. The proposed site is mapped as a Critical Biodiversity Area and an Aquatic Ecological Support Area.

The specialist indicated that the proposed site contains Namaqualand Strandveld vegetation, which is classified as Least Threatened. The proposed site is wedged between the Sishen-Saldanha railway line and an existing road, which limits the ecological functioning and connectivity of the proposed site to the surrounding area. No species of conservation concern for flora and fauna were noted on site. The specialist further indicated that there was no presence of sensitive habitats such as wetlands or pans and unique edaphic environments, such as rocky outcrops or quartz patches. The specialist indicated that the proposed clearance of indigenous vegetation will not impact or affect the objectives of Critical Biodiversity Areas ("CBA").

In addition, a Terrestrial Animal Species Compliance Statement (compiled by Enviro-EAP (Pty) Ltd and dated November 2021) indicated that no terrestrial animal species were observed on the site during the time of the survey. No animal species of conservation concern or the species listed as sensitive in the screening tool report were recorded. It was further noted by the specialist that the habitat present on site is not the preferred habitat of the animal species likely to occur in the area. A Terrestrial Plant Species Compliance Statement (compiled by Enviro-EAP (Pty) Ltd and dated February 2022) indicated that the site is not ecologically connected and does not support ecological processes and fine-scale habitats. This indicates the very low conservation value of the proposed site. The development of the site would have a Low Negative impact with no mitigations required and is therefore supported from a botanical perspective.

CapeNature indicated (in their correspondence dated 27 May 2022) that the revised terrestrial biodiversity assessment is accepted. The specialist's conclusions regarding the maintenance of coastal ecological corridor and CBA considered within the context of the proposed development are accepted.

3.4. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC confirmed (in their correspondence dated 22 February 2022) that since there is no reason to believe that the proposed cemetery expansion will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.5. Services

No municipal services will be required for the proposed development.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The loss of indigenous vegetation; and
- Possible erosion.

Positive impacts include:

- Contributing to the local economy of the area;
- The optimal use of the site for agricultural purposes in the planting of vineyards; and
- The creation of some employment opportunities.

4. 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.

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 proposed listed activity 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 activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"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."*

-----END-----