



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 1)

**EIA REFERENCE NUMBER:** 16/3/3/1/F3/16/3007/19  
**NEAS REFERENCE:** WCP/EIA/0000581/2019  
**ENQUIRIES:** Ms. M. Schippers  
**DATE OF ISSUE:** 2019 -08- 16

The Applicant  
P. O. Box 192  
**VANRHYNSDORP**  
8170

**Attention: Mr. G. T. J. van Zyl**

Tel: (027) 2019 1537  
Email: [marievanzyl50@gmail.com](mailto:marievanzyl50@gmail.com)

Dear Sir

**ENVIRONMENTAL AUTHORISATION 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 ROOIBOS TEA ON PORTION 1 OF FARM VLAK POORT NO. 346, VANRHYNSDORP.**

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 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 Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**ZAAHIR TOEPEY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copies to: (1) Mr. J. A. van der Walt (Advanced Environmental Corporation)  
(2) Mr. B. Smit (Matzikama Municipality)

Fax: (086) 556 4669  
Fax: (027) 213 3238



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### ENVIRONMENTAL AUTHORISATION

**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE CULTIVATION OF ROOIBOS TEA ON PORTION 1 OF FARM VLAK POORT NO. 346, VANRHYNSDORP.**

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) and the Environmental Impact Assessment Regulations, 2014 as amended on 07 April 2017 ("NEMA EIA Regulations, 2014") 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 06 June 2019.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Applicant  
c/o Mr. G. T. J. van Zyl  
P. O. Box 192  
**VANRHYNSDORP**  
8170

Tel: (027) 219 1537  
Email: marievanzyl50@gmail.com

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

**B. LISTED ACTIVITY AUTHORISED**

The listed activity in terms of the NEMA EIA Regulations as amended on 07 April 2017.

<b>Listed activity</b>	<b>Activity/Project description</b>
Listing Notice 1  Activity Number: 27 Activity Description:  <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>  <i>(i) the undertaking of a linear activity or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i>	The proposed development will entail the clearance of approximately 6.6ha of indigenous vegetation.

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

The applicant is herein authorised to undertake the following alternative related to the listed activity:

The proposed activity entails the clearance of indigenous vegetation to allow for the cultivation of rooibos tea on Portion 1 of Farm Vlak Poort No. 346, Vanrhynsdorp. The area to be cleared will be approximately 6.6ha.

Access to the proposed site will be gained from existing farm tracks.

**C. PROPERTY DESCRIPTION AND LOCATION**

The proposed development will be located on Portion 1 of Farm Vlak Poort, Vanrhynsdorp.

Co-ordinates

31° 38' 34.19" South  
18° 59' 23.75" East

SG 21 digit code:

C07800000000034600001

Refer to Annexure 1: Locality Map

hereinafter referred to as "the site".

## **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Advanced Environmental Corporation (Pty) Ltd.  
c/o Mr. J. A. van der Walt  
P. O. Box 325  
**PORTERVILLE**  
6810

Cell: (082) 305 8945  
Fax: (086) 556 4669

## **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 06 June 2019.
2. The holder must commence with the listed activity 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.
3. This Environmental Authorisation is granted for a period of five (5) years, from the date of issue, during which period the holder must commence with the authorised 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 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.

### **Written notice to the Competent Authority**

6. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of the development phase.
  - 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: 7, 13 and 20.

### **Notification and administration of appeal**

7. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
  - 7.1. Notify all registered interested and affected parties 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 of issue of the decision;
- 7.2. Draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 detailed in section F below;
- 7.3. Draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
- 7.4 Provide the registered Interested and Affected Parties with-
    - 7.4.1. the name of the holder (entity) of this Environmental Authorisation;
    - 7.4.2. the name of the responsible person for this Environmental Authorisation;
    - 7.4.3. the postal address of the holder;
    - 7.4.4. the telephonic and fax details of the holder;
    - 7.4.5. the e-mail address if any; and
    - 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 2014 National Appeals Regulations.

### **Commencement**

- 8. The listed activity, including site preparation, must not be commenced with within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
- 9. 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**

- 10. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority if any amendments are to be made to the EMPr other than those required by this Environmental Authorisation, and this may only be implemented once the amended EMPr has been authorised by the competent authority.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

- 13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate to ensure compliance with the EMPr and the conditions contained herein.
- 14. A copy of the Environmental Authorisation and the EMPr, audit reports and compliance monitoring reports must be kept at the site office and must be made available to anyone on request.

15. Access to the site referred to in section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

### **Auditing**

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct an environmental audit to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit the environmental audit report to the Competent Authority.
  - 16.1. The audit report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended);
  - 16.2. An audit report must be submitted to the Competent Authority within three (3) months after clearing the indigenous vegetation;
  - 16.3. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management;
  - 16.4. The holder must, within 7 days of the submission of an audit report to the Competent Authority, notify potential and registered I&APs of the submission and make the report available to anyone on request; and
  - 16.5. If the audit report is not submitted, the competent authority may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

### **Specific conditions**

17. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings and graves or unmarked human burials.
18. The recommendations as contained in Section 10 of the Terrestrial Biodiversity Impact Assessment Report (dated January 2019 and compiled by Advanced Environmental Corporation) must be implemented (Attached as Appendix A).
19. The footprint of the proposed development must be limited to the areas required for actual land clearing activities.
20. The areas required for land clearing must be clearly demarcated and all areas outside the demarcated land clearing area must be demarcated as "no-go" areas prior to the commencement of land clearing activities.
21. Employment opportunities must be afforded to the local community (as far as possible).

## **F. GENERAL MATTERS**

1. The holder is 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.
2. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary 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.
3. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
4. The applicant must submit an application for amendment in terms of Chapter 5 of the NEMA EIA Regulations, 2014 (as amended) of the Environmental Authorisation to the competent authority where any detail or scope with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.
5. 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.
6. Non-compliance with a condition of this Environmental Authorisation or EMPr may result in suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.

## **G. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder) must –
  - 1.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the Competent Authority of this decision.
2. An appellant (if NOT the holder) must –
  - 2.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&AP, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of the decision.
3. The holder (if not the appellant), the decision-maker, I&AP and Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below:

By post: 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 3721)  
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where development or operation subsequent to development 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 (REGION 1)**

DATE OF DECISION: 16/08/2019

Copies to: (1) Mr. J. A. van der Walt (Advanced Environmental Corporation)  
(2) Mr. B. Smit (Matzikama Municipality)

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**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

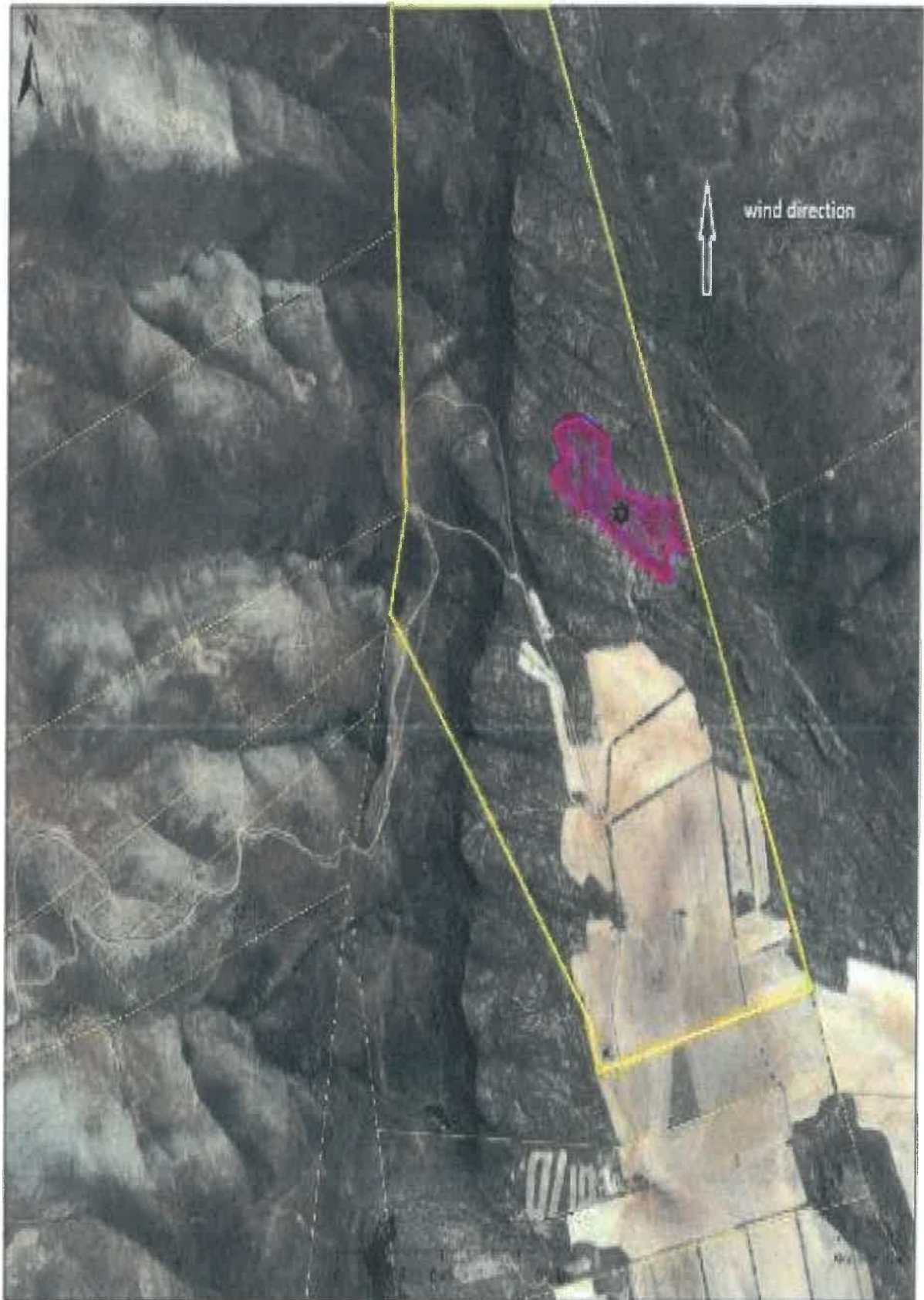
**16/3/3/1/F3/16/3007/19**

**NEAS EIA REFERENCE NUMBER:**

**WCP/EIA/0000581/2019**



ANNEXURE 1: LOCALITY MAP



## **ANNEXURE 2: REASONS FOR THE DECISION**

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The listed activity applicable in terms of the NEMA EIA Regulations as amended on 07 April 2017.
- b) The information contained in the application form dated 15 March 2019 and received by the competent authority on 26 March 2019, the BAR received by the competent authority on 14 June 2019 and the EMPr submitted together with the BAR;
- c) The assessment of the activity in the BAR received by the competent authority on 14 June 2019;
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- e) 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);
- f) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR received by the Department on 14 June 2019; and
- g) No visits were conducted where the proposed development will be located. The competent authority had sufficient information before it to make an informed decision.

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") included, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activity is to be undertaken;
- giving written notice to the owners of the land and owners and 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; and
- the placing of a newspaper advertisement in the 'Ons Kontrei' on 16 November 2018.

The 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 response report.

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr to adequately address significant concerns raised.

### **2. Alternatives**

#### Alternatives

Two alternatives with respect to the amount of indigenous vegetation to be cleared for cultivation purposes were investigated. These included either clearing 7.2ha or 6.6ha of indigenous vegetation. The clearance of 6.6ha of indigenous vegetation for the cultivation of rooibos tea on Portion 1 of Farm Vlak Poort No. 346, Vanrhynsdorp was the preferred alternative (herewith authorised). This alternative was preferred as it will exclude a small population of species of conservation concern.

## "No-Go" Alternative

The "no-go" alternative will result in the status quo being maintained. The preferred alternative will not result in unacceptable environmental impacts, therefore the "no-go" alternative was not warranted.

### **3. Impacts, assessment and mitigation measures**

#### 3.1. Activity Need and Desirability

The proposed cultivation activities will occur on a farm that is zoned Agriculture. No additional services or infrastructure is required from the local authority. Rooibos tea has become a valuable agricultural crop due to its high demand from overseas countries. The expansion of the area for rooibos cultivation is therefore required by the applicant.

#### 3.2. Biophysical Environment

According to the Terrestrial Biodiversity Impact Assessment Report (dated January 2019 and compiled by Advanced Environmental Corporation), the proposed site is regarded as an Ecological Support Area and the vegetation occurring on the proposed site is Bokkeveld Sandstone Fynbos which is not classified as a critical endangered or endangered ecosystem in terms of the National Environmental Management: Biodiversity Act of 2004 ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, December 2011. A small population of species of conservation concern are located on the proposed site. However, this will be excluded from the development footprint.

#### 3.3. Visual/Sense of Place

Due to the fact that existing agricultural activities occur on the proposed site and the site is not visible from any public roads, no significant visual impacts are anticipated as a result of the proposed development.

#### 3.4. Heritage/Archaeological Impacts

A Notice of Intent to Develop dated (05 November 2018) was submitted to Heritage Western Cape ("HWC"). HWC in the comment (dated 31 January 2019) indicated that there is no reason to believe that the proposed development will impact on heritage resources.

#### 3.5. Impact Assessment and significance rating

##### Impact Assessment and significance rating

The loss of natural vegetation a result of the proposed development has been identified in the BAR as being of medium negative significance after mitigation. Potential impacts will be mitigated by the implementation of the conditions of this Environmental Authorisation and the EMPr.

### **National Environmental Management Act Principles**

The National Environmental Management Act 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.

The development will result in both negative and positive impacts.

Negative Impacts Include:

- Loss of indigenous vegetation.

Positive impacts Include:

- The proposed development will result in additional rooibos production;
- The proposed development will be economic benefit; and
- Some employment opportunities.

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 the 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

**APPENDIX A**

RECOMMENDATIONS AS CONTAINED IN THE TERRESTRIAL BIODIVERSITY IMPACT ASSESSMENT REPORT

## 9. PROPOSED MITIGATION MEASURES

The following mitigation measures are proposed:

- The small population of *Leucadendron loranthifolium* should be excluded from the proposed development and therefore the alternative development footprint should be the preferred option for consideration.

## 10. RECOMMENDATIONS AND CONCLUSIONS

The following recommendations are made in terms of the proposed development:

1. The small population of *Leucadendron loranthifolium* should be protected. The proposed development footprint has been altered to exclude these plants. The proposed alternative development footprint is 6,6 ha and is attached to this report as Appendix B. This should be the preferred proposed development option.
2. Although it is highly unlikely that there are tortoises present on the proposed development footprint, a search and rescue for tortoises should be undertaken. It can be performed by the farm employees under supervision by the EAP.
3. A controlled burn for the general area should be investigated as the fynbos on the plateau has become senescent due to fire exclusion.
4. Strip cultivation is not a viable option due to the small footprint of the development. Strip cultivation also excludes future fires from these strips of natural vegetation strips.