



**REFERENCE:** 16/3/3/1/B2/21/1082/22  
**NEAS REFERENCE:** WCP/EIA/0001186/2022  
**ENQUIRIES:** Ntanganedzeni Mabasa  
**DATE OF ISSUE:** 24 April 2023

The Trustees  
Francois Botha Trust  
46 Reitz Street  
**PAARL**  
7646

**Attention: Mr. Jacobus Francois Botha**

Cell: 083 603 3455  
Email: botha@53pp.co.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED CULTIVATION OF VIRGIN SOIL ON REMAINDER OF FARM HOLLAND NO. 630, RAWSONVILLE.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the 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 environmental authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 summarized in the attached environmental authorisation.

Yours faithfully

**MS. MARE-LIEZ OOSTHUIZEN**  
**ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ingrid Eggert (In Clover Environmental Consultants (Pty) Ltd) Email: ingrid@inclover.co.za  
(2) Alana Duffell-Canham (CapeNature) E-mail: aduffell-canham@capenature.co.za  
(3) Mr Jaco Steyn (Breede Valley Municipality) Email: jsteyn@bvm.gov.za  
(4) Elkerine Rossouw (BGCMA) Email: erossouw@bgcma.co.za  
(5) Chris Meintjies (DoA) Email: Chris.Meintjies@westerncape.gov.za

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## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CULTIVATION OF VIRGIN SOIL ON REMAINDER OF FARM HOLLAND NO. 630, RAWSONVILLE.**

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

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative described in the Basic Assessment Report ("BAR"), received on 11 January 2023.

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

Francois Botha Trust  
c/o Jacobus Francois Botha  
46 Reitz Street

**PAARL**  
7646

Cell: 083 603 3455  
Email: botha@53pp.co.za

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

**B. LIST OF ACTIVITIES AUTHORISED**

Listed Activities	Project Description
<p><b>Listing Notice 1 – Activity Number: 12</b></p> <p>The development of—</p> <ul style="list-style-type: none"> <li>i. dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>ii. infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</li> <li>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</li> <li>(dd) where such development occurs within an urban area;</li> <li>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</li> <li>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous.</li> </ul>	<p>The proposed development includes infrastructure of more than 100 m<sup>2</sup> within 32 m of a watercourse.</p>

<p><b>Listing Notice 1 – Activity Number: 19</b></p> <p>The infilling or depositing of any material of more than 10 cubic metres of into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>-but excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <ul style="list-style-type: none"> <li>a) will occur behind a development setback line;</li> <li>b) Is for maintenance undertaken in accordance with maintenance management plan;</li> <li>c) falls within the ambit of activity 21 of this Notice, in which case that activity applies;</li> <li>d) occurs within existing harbours that will not increase the development footprint of the harbour or port; or</li> <li>e) where such a development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</li> </ul>	<p>The development and rehabilitation activities will result in the movement, excavation and infilling of material of more than 10m<sup>3</sup> within the watercourses.</p>
<p><b>Listing Notice 1 Activity Number 27</b></p> <p>The clearance of an area of 1ha or more, but less than 20ha of indigenous vegetation, except where such clearance of indigenous vegetation is required for –</p> <ul style="list-style-type: none"> <li>(i) The undertaking of a linear activity, or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul>	<p>The proposed cultivation will require the clearance of an area of indigenous vegetation exceeding 1ha in size.</p>
<p><b>Listing Notice 3 - Activity 12</b></p> <p>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.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <li>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;</li> </ul>	<p>The proposed cultivation will require the clearance of endangered indigenous vegetation exceeding of 300m<sup>2</sup> in size.</p>

<ul style="list-style-type: none"> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</li> <li>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</li> <li>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</li> </ul>	
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The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The preferred alternative entails:

- The cultivation of approximately 18.5 ha of virgin soil for the production of fruit (such as grapes, citrus or blueberries) that may be covered with shade netting. Internal farm roads will be created, and a 160mm diameter water pipeline will be installed from the closest existing pipeline to the new cultivation area.
- Re-establishing and improving the wide ecological watercourse corridor associated with the Jan du Toits, Wit, and Bothaspruit Rivers on the floodplain south of the new cultivated area in accordance with the Rehabilitation Plan compiled by the freshwater specialist (dated December 2022). This will entail:
  - Restoring and maintaining variable water and moisture regime across the broader area by re-establishing the flow of the Bothaspruit Tributary through the site;
  - Facilitating the regrowth of natural vegetation and wetland habitat on the wider floodplain of the Jan du Toits River; and
  - Management and control of alien and invasive plant species.

### C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is on a portion of Remainder of Farm No. 630, Rawsonville and has the following co-ordinates:

Co-ordinates:	Latitude (S)	Longitude (E)
	33° 38' 20.81" South	19° 19' 38.88" East

The SG digit code is: C0850000000063000000

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

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

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

In Clover Environmental Consultants (Pty) Ltd  
c/o Ingrid Eggert  
PO Box 3420  
**TYGERVALLEY**  
7536

Cell: 083 278 7107

Email: [ingrid@inclover.co.za](mailto:ingrid@inclover.co.za)

#### **E. CONDITIONS OF AUTHORISATION**

##### **Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Preferred Alternative described in the Basic Assessment Report ("BAR"), received on 11 January 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority

This Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activities.
  - (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
  4. Any changes to, or deviations from the scope of the alternative described in section B above must be 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**

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
  - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 10

### **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 outcome of 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 Appeals Regulations, 2014 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:
    - 6.4.1 the 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 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.
7. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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**

8. The draft Environmental Management Programme ("EMPr") dated December 2022 is hereby approved and must be implemented.

9. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

10. The holder must appoint a suitably experienced environmental control officer ("ECO), before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
11. The ECO must conduct monthly site visits, and report on compliance with the EMPr to this Department and the relevant authorities, in writing, on a monthly basis during the construction phase.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner and Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority every six months during the establishment of the cultivation area (including the rehabilitation actions). The final Environmental Audit Report must be submitted to the Competent Authority within three months after establishment of the cultivation area is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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**

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; marine shell heaps; stone artifacts and bone remains; structures and other built features



with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to 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. The holder must submit an application for amendment of the Environmental Authorisation 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 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 done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

## **G. APPEALS**

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

1. An appellant (if the holder of the decision) must, within 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, 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 and the responding statement must be submitted to the address listed below:

By post:                   Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile:           (021) 483 4174; or

By hand:                   Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> 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](mailto:DEADP.Appeals@westerncape.gov.za).
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority 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 construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

**MS. MARE-LIEZ OOSTHUIZEN**

**ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 24 April 2023

CC: (1) Ingrid Eggert (In Clover Environmental Consultants (Pty) Ltd)  
(2) Alana Duffell-Canham (CapeNature)  
(3) Mr Jaco Steyn (Breede Valley Local Municipality)  
(4) Elkerine Rossouw (BGCMA)  
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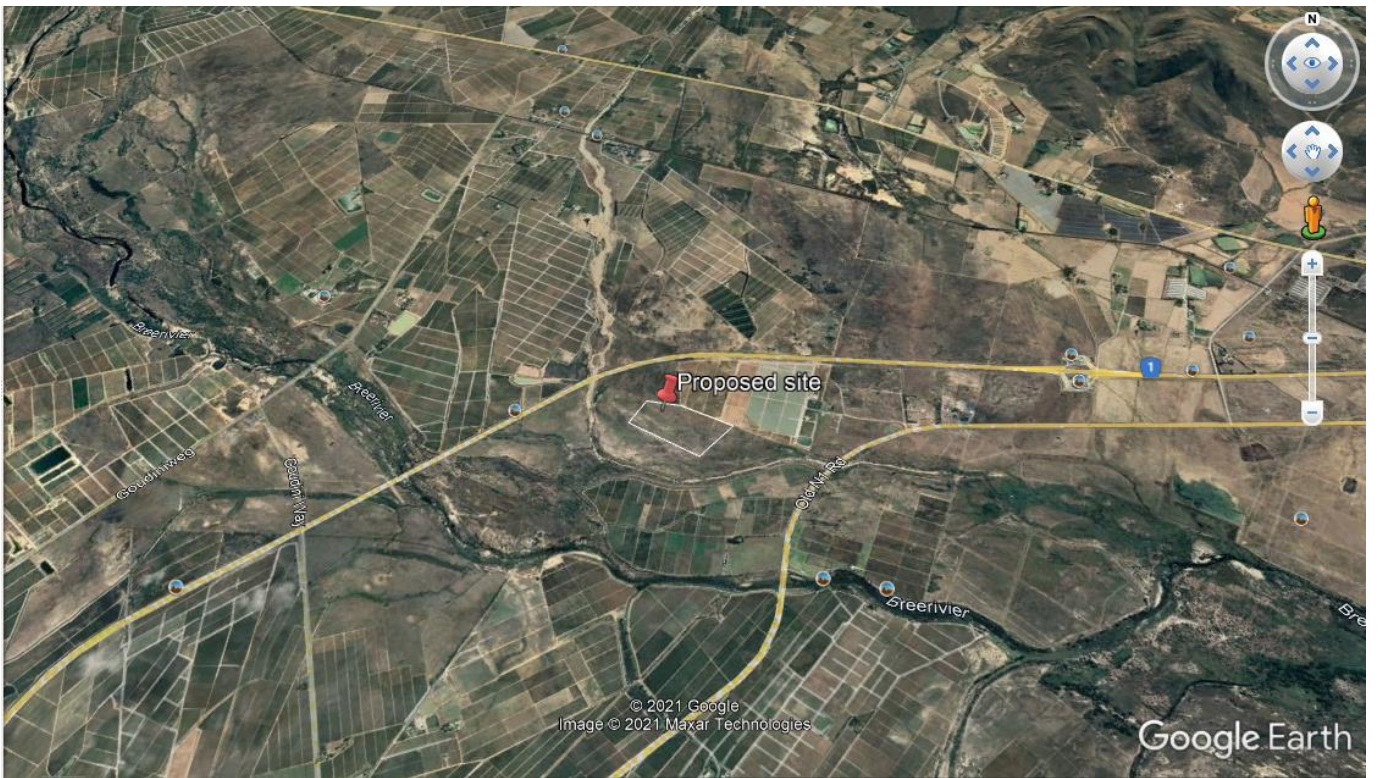
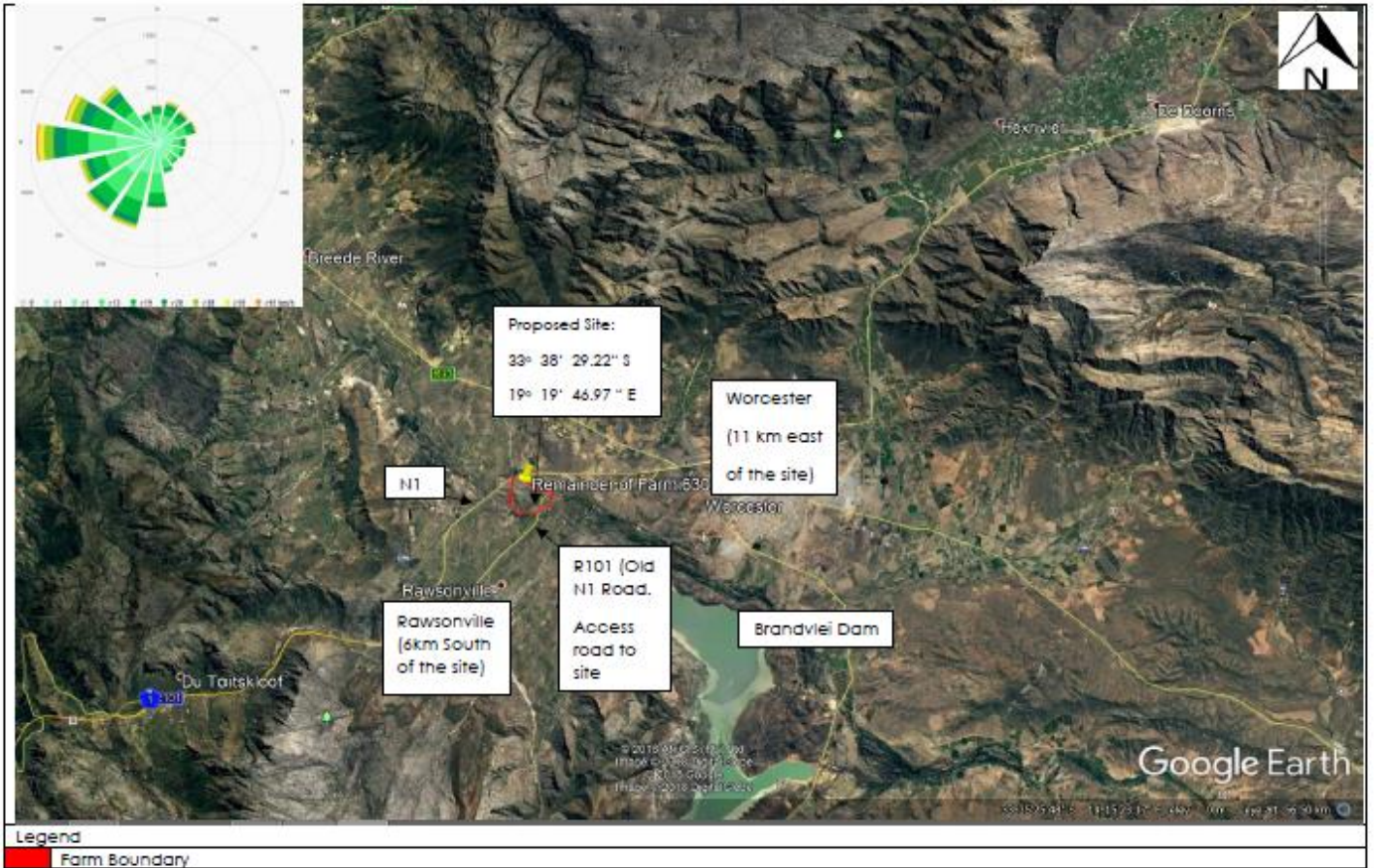
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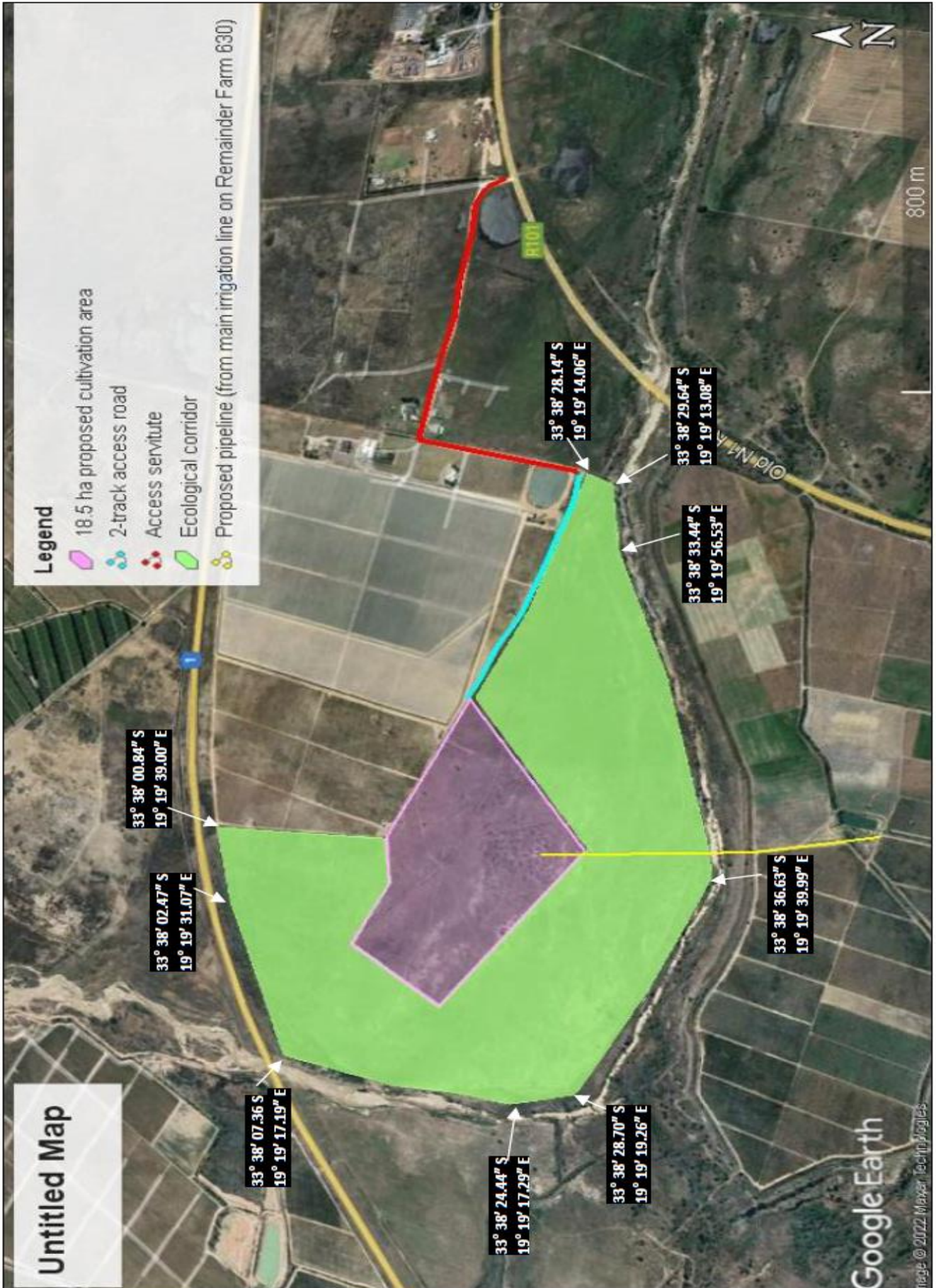


# ANNEXURE 1: LOCALITY MAP





ANNEXURE 2: SITE PLAN



## **ANNEXURE 3: REASONS FOR THE DECISION**

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

- a) The information contained in the Application Form received on 21 February 2022, the EMPr submitted together with the revised Basic Assessment Report, received on 11 January 2023.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and 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 revised final Basic Assessment Report received on 11 January 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 that were considered to be the most significant for the decision is set out below.

### **1. Public Participation**

The Public Participation Process ("PPP") included:

- identification of and engagement with I&APs;
- placing notice boards at the site where the listed activities are to be undertaken;
- placing of a newspaper advertisement in the 'Standard News' on 3 November 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 3 November 2022;
- the in-process draft BAR from 4 November 2022.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report. Specific alternatives, management, and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

### **2. Alternatives**

The farm is 250ha in extent and approximately 88ha comprise existing cultivation areas and agricultural structures and infrastructure. The remainder of the farm is vacant and is periodically used for grazing. The applicant originally earmarked 80ha for additional cultivation, however, subsequent to initial botanical and freshwater specialist investigations during 2018, the potential cultivation area was reduced to 20ha. Following additional specialist assessments and input received during the public and authority consultation process, the preferred alternative was further reduced and refined, giving rise to the best practicable

environmental option from a biophysical and socio-economic perspective. The preferred alternative resulted from several iterations where the boundaries of the cultivation area were shifted to allow for a buffer between the site and the botanically sensitive areas and accommodate the recreation of a freshwater ecological corridor. This is the only option that was acceptable to all the specialists.

**Preferred Alternative (herewith authorised):**

The preferred alternative entails:

- The cultivation of approximately 18.5 ha of virgin soil for the production of fruit (such as grapes, citrus or blueberries) that may be covered with shade netting. Internal farm roads will be created, and a 160mm diameter water pipeline will be installed from the closest existing pipeline to the new cultivation area.
- Re-establishing and improving the wide ecological watercourse corridor associated with the Jan du Toits, Wit, and Bothaspruit Rivers on the floodplain south of the new cultivated area in accordance with the Rehabilitation Plan compiled by the freshwater specialist (dated December 2022). This will entail:
  - Restoring and maintaining variable water and moisture regime across the broader area by re-establishing the flow of the Bothaspruit Tributary through the site;
  - Facilitating the regrowth of natural vegetation and wetland habitat on the wider floodplain of the Jan du Toits River; and
  - Management and control of alien and invasive plant species.

**No-go Option**

The no-go option was also assessed, but is not deemed as the preferred alternative, since the opportunity to improve the economic viability of the farm and re-establish a wide freshwater ecological corridor will be lost. There would also be no associated employment opportunities created during the construction phase of the development.

**3. Impact Assessment and Mitigation measures**

**3.1 Activity need and desirability**

The site is zoned for agricultural activities and the development is therefore in accordance with the existing land use rights and the local Spatial Development Framework that supports socio-economic initiatives in the agricultural sector. The proposed development allows for the re-establishment and improvement of a wide freshwater ecological corridor south of the cultivation areas, which will aid in ensuring ecological connectivity of the sensitive areas located to the north, east, and south. It will improve the overall economic viability of the farm, create job opportunities during the construction phase and provide job security for existing employees. The site is zoned for agricultural use, has surplus water use rights available, and the soil conditions are deemed appropriate for cultivation. Furthermore, there are limited negative impacts associated with the proposed cultivation (with mitigation).

**3.2 Biophysical Impacts**

The farm is already partially used and zoned for agriculture and is located within an established agricultural community outside Rawsonville.

The site historically contained endangered Breede Alluvium Fynbos vegetation. The proposed cultivation area of 18.5ha falls entirely within a highly degraded portion of the property, with only a few remnant or pioneer species remaining. The area's restoration potential has been determined to be low. No botanical Species of Conservation Concern ("SCC") were noted in the study area. Based on the findings of the Botanical Impact Assessment dated December 2021, compiled by Capensis, the



proposed development will be acceptable from a botanical perspective, subject to the exclusion and adequate buffering of the habitats with a "Very High", "High", and "Medium" sensitivity rating. In addition, the remainder of the site should be maintained as an ecological corridor. The preferred alternative incorporates these recommended mitigation measures.

The area is relatively flat and comprises a wide floodplain where the Wit, Amandelspruit and Bothaspruit Rivers and their associated secondary channels and floodplain wetlands join the Jan Du Toits River, within the Breede River Catchment. The reaches of the Jan du Toits, Bothaspruit, and Wit Rivers within the site have been moderately to largely modified through upstream and surrounding land use activities. The watercourses on site are in a moderately to largely modified ecological condition and have moderate ecological sensitivity and importance. The wetlands within the site area are mapped as FEPA wetlands and aquatic CBAs. Several secondary channels of the Jan du Toits, Bothaspruit, and Wit Rivers and patches of remaining floodplain wetlands in the area could be impacted by the proposed cultivation area. Subject to the recommended mitigation, rehabilitation, and maintenance activities outlined in the Aquatic Specialist Assessment dated April 2022 (compiled by Bluescience), the potential impacts can be lowered from a moderate significance to a low risk of impact on the affected aquatic features.

Initially, the movement of the berm adjacent to the Jan du Toits River was included as a rehabilitation measure to create a wider freshwater corridor to further mitigate the impacts associated with the proposed development. However, this proposal was reconsidered based on additional information becoming available. Following an on-site meeting between the applicant, the appointed freshwater ecologist, representatives from the Department of Agriculture, the Breede Gouritz Catchment Management Agency ("BGCMA") and CapeNature, as well as the EAP, it was concluded that an existing drainage channel, which previously diverted the Wit River, can be realigned around the proposed cultivation area, allowing periodic flows from this system to drain more naturally to the floodplain area between the proposed cultivation and the Jan du Toits River. This presents a suitable alternative to achieving the wider freshwater corridor and would still mitigate the freshwater impacts associated with the proposal to acceptable levels. The Rehabilitation Plan dated October 2022 was prepared by the freshwater ecologist, taking into account the inputs provided by the Department of Agriculture. The plan outlines the aforementioned rehabilitation measures and is supported by CapeNature, BGCMA, and the Department of Agriculture. These measures have been included in the preferred alternative and the EMPr approved as part of this Environmental Authorisation.

Existing lawful water use allocations to the property will be used for irrigation and therefore an application for additional abstraction rights was not required. Both the BGCMA and the Central Breede Water Users Association were in support of the proposal and a General Authorisation was issued for the proposed development on 12 July 2022. It was confirmed that no amendment to the registered General Authorisation dated 12 July 2022 is required, as proposed rehabilitation measures will be subject to the aforementioned rehabilitation plan.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- The development will result in a loss of natural habitat and will have an impact on the watercourses present on the site. These impacts will, however, be mitigated to an acceptable level with the implementation of the recommended mitigation measures, the preferred alternative and adherence to the EMPr.



- Construction phase impacts associated with the development are likely to be present, including elevated noise and dust levels. These impacts will be of temporary duration and mitigation measures have been incorporated into the EMPr for implementation during the construction phase.

**Positive impacts:**

- The development will allow the re-establishment and improvement of a wide freshwater ecological corridor south of the cultivation area, which will result in a positive biophysical impact.
- The proposed project will create additional employment opportunities.
- The development will improve the economic viability of the farm.

#### **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 activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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