

REFERENCE: 16/3/3/1/D1/15/0009/22
NEAS REFERENCE: WCP/EIA/0001119/2022
DATE OF ISSUE: 23 September 2022

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 CLEARANCE OF INDIGENOUS VEGETATION TO EXPAND EXISTING AGRICULTURAL USE ON PORTION 21 AND 22 OF FARM 232, REDFORD FARM, THE CRAGS, PLETTENBERG BAY, BITOU MUNICIPALITY, WESTERN CAPE

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 **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), 20 June 2022 as prepared and submitted by Hilland 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

ALGUADA FARMING VENTURES CC
c/o Mr. Brett Archibald
9 Rondebosh Road, The Craggs
PLETTENBERG BAY
6600

Tel: (044) 534 8015
Email: brett@lodestonewines.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. R.983 of 4 December 2014, as amended)	
Activity Number: 27 Activity Description: <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> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i>	Approximately 6.15ha of indigenous vegetation will be cleared for the establishment of additional vineyards.

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 as it relates to the development and development footprint area:

The clearance of 6.15 hectares of indigenous vegetation for the establishment of additional vineyards. The indigenous vegetation will be cleared as depicted in the site development plan attached as Annexure 2 of this Environmental Authorisation.

C. SITE DESCRIPTION AND LOCATION

The proposed clearance of indigenous vegetation to establish additional vineyards will occur on Portion 21 and 22 of Farm Redford 232, The Craggs, Plettenberg Bay. The site is located on farmland inland of The Craggs to the north of the N2 road from Plettenberg Bay to Port Elizabeth, close to Nature's Valley. The property is part of an agricultural node and is located between the N2 and the Langkloof mountains, surrounded by forestry plantations and natural areas.

Site Coordinates:

Position:	Latitude (South)	Longitude (East)
Middle Point (Portion 21 of 232)	33° 56' 30.93"	23° 26' 09.69"
Middle Point (Portion 22 of 232)	33° 56' 27.63"	23° 26' 20.97"

SG digit code of Portion 21 of the farm Redford 232: C03900000000023200021

SG digit code of Portion 22 of the farm Redford 232: C03900000000023200022

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
% Ms. Cathy Avierinos,
P.O. Box 590
George
6530

Tel: (044) 889 0229
Email: cathy@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 date of issue until **31 August 2029**:
2. The implementation phase of the Environmental Authorisation is subject to the following:
 - 2.1 The Holder must start with the physical implementation of the EA and conclude the authorised listed activity on the site by **31 August 2029**.

2.2 The holder must finalise the post development/implementation, rehabilitation and monitoring requirements within a period of 3-months from the date the development activity (implementation phase) is concluded, but by no later than **30 April 2029**

Note: Failure to complete the post development/implementation, rehabilitation and monitoring requirements at least three (3) months, prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.

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).

3. The Holder is authorised to undertake the listed activity specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 20 June 2022 on the site as described in Section C above.

The listed activity as it relates to the clearance of 6.15 hectares of indigenous vegetation for the establishment of additional vineyards. The indigenous vegetation will be cleared as depicted in the site development plan (Annexure 2) of this Environmental Authorisation.

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").

5. 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.

6. 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

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 decision reached on 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 the:
 - 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. 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).
- 7.5. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 7.6. 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, may not commence until the appeal is decided).

Written notice to the Competent Authority

8. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 8.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 8.2. The notice must also include proof of compliance with the following conditions described herein: **Conditions: 7, 9 and 10.**

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. 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.
 - 9.1.3. The entire drainage valley, inclusive of all slopes steeper than the surrounding landscape, must be excluded from the development site and these areas must also

have a buffer area in which existing vegetation is kept intact in order to minimise erosion and other effects on the drainage system.

- 9.1.4. The small triangle of fynbos must be excluded from the development and these areas must be managed to promote vegetation health, including the use of fire every 10-15 years.
- 9.1.5. Effective erosion control measures must be implemented on the subject property. This must be done in accordance with the Erosion Management Plan that must be submitted and approved by this Directorate as part of the EMPr, prior to commencement of clearance activities.
- 9.1.6. Measures to mitigate surface run-off and to prevent loss of topsoil must be clearly described in the EMPr.
- 9.1.7. The methodology that will be implemented for the clearance of indigenous vegetation.
- 9.1.8. Submission of ECO monthly compliance monitoring reports during the development phase.
- 9.1.9. All the conditions contained in this Environmental Authorisation;
- 9.1.10. Auditing schedule detailing when environmental audits will be undertaken for the duration that the Environmental Authorisation is valid.

Monitoring

10. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
11. The ECO must–
 - 11.1. be appointed prior to commencement of any works (i.e. removal and movement of soil);
 - 11.2. ensure compliance with the EMPr and the conditions contained herein;
 - 11.3. report any non-compliance with the Environmental Authorisation and/or EMPr to the competent authority as soon as possible;
 - 11.4. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 11.5. remain employed until all development activities are concluded, and the post development/implementation rehabilitation and monitoring requirements are finalised.
12. 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.

13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. 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.

15. 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:

15.1. Auditing during the non-operational phase (clearance activities):

15.1.1. 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 April 2029.

16. The Environmental Audit Report(s), must –

16.1. 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;

16.2. provide verifiable findings, in a structured and systematic manner, on–

16.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

16.2.2. 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.

16.3. identify and assess any new impacts and risks as a result of undertaking the activity;

16.4. evaluate the effectiveness of the EMPr;

16.5. identify shortcomings in the EMPr;

16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

16.7. 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;

- 16.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
- 16.9. include a photographic record of the site applicable to the audit; and
- 16.10. be informed by the ECO reports.
17. 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

18. The No-Go areas must be physically and clearly demarcated, prior to any earthworks commencing. This area may not be used to store any materials.
19. Alien Invasive Management Plan must be implemented to control invasions in the neighbouring areas and approved by this Directorate as part of the EMPr, prior the commencement of the clearance activities.
20. The entire drainage valley, inclusive of all slopes steeper than the surrounding landscape, must be excluded from the development and these areas must also have a buffer area in which existing vegetation is kept intact in order to minimise erosion and other effects on the drainage system.
21. The small triangle of fynbos must be excluded from the development and these areas must be managed to promote vegetation health of indigenous vegetation, including the use of fire every 10-15 years.
22. Effective erosion control measures must be implemented on the subject property. This must be done in accordance with the Erosion Management Plan that must be submitted and approved by this Directorate as part of the EMPr, prior to commencement of clearance activities.
23. Measure to mitigate surface run-off and to prevent loss of topsoil must be clearly described in the EMPr.
24. The methodology that will be implemented for the clearance of indigenous vegetation must be included in the EMPr.
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.

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.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start and complete the authorised 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.

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.
3. 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.

4. 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.

5. 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

6. 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).
7. 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.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- Failure to complete the post construction rehabilitation and monitoring requirements at least three months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
- Failure to complete the final auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not

being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.

8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 7, 8, 9 and 10). 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.
9. 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.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. 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:
Gavin.Benjamin@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:
Gavin.Benjamin@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>.

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

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 23 SEPTEMBER 2022

Copy:
Ms. Cathy Avierinos

Hilland Environmental

Email: cathy@hilland.com /
environmental2@hilland.co.za /
environmental@hilland.co.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D1/15/0009/22
NEAS REFERENCE: WCP/EIA/0001119/2022

ANNEXURE 1: LOCALITY PLAN

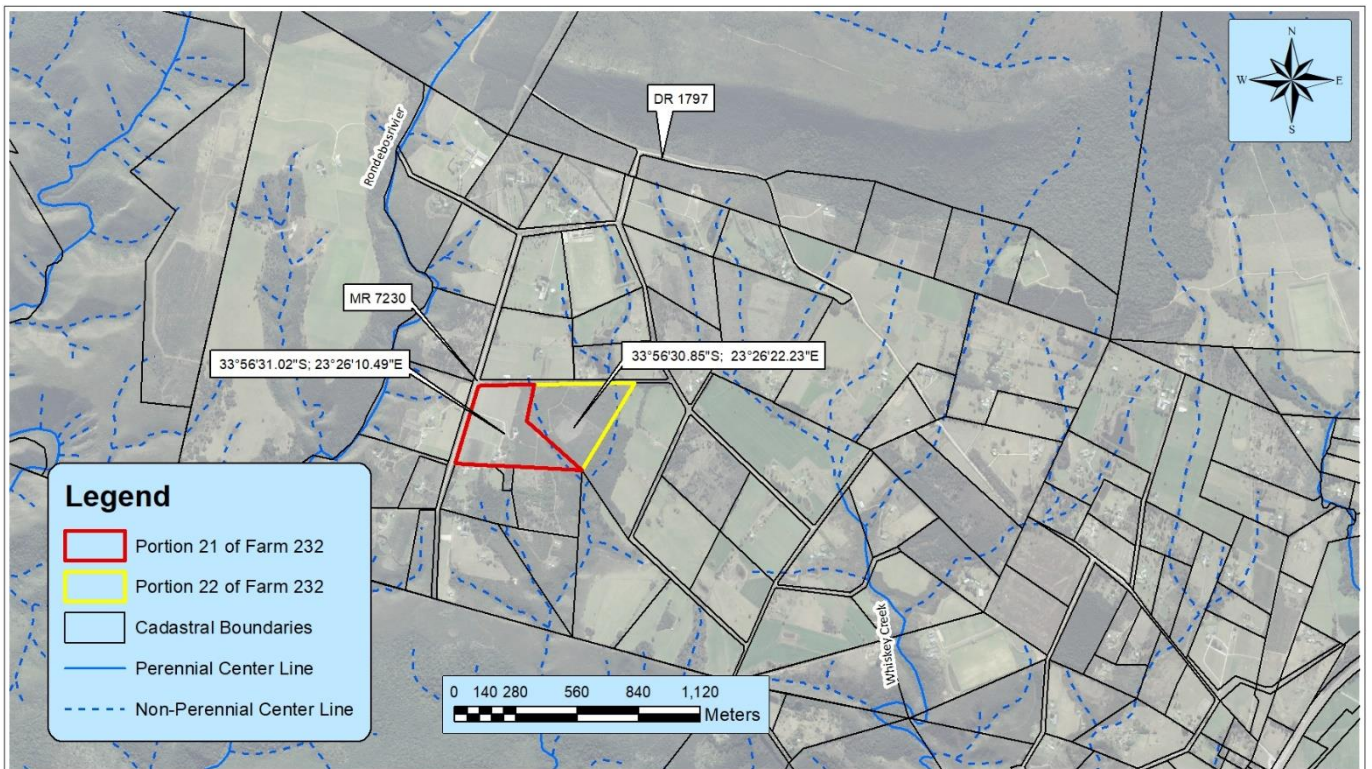


Figure 1: Locality Map of Portion 21 and 22 of Farm 232, The Crags, Plettenberg Bay

Date: 03 August 2020
 Project No: 1056
 Drawn By: I. Delpont

Hiland Environmental
 Environmental Assessment Practitioners

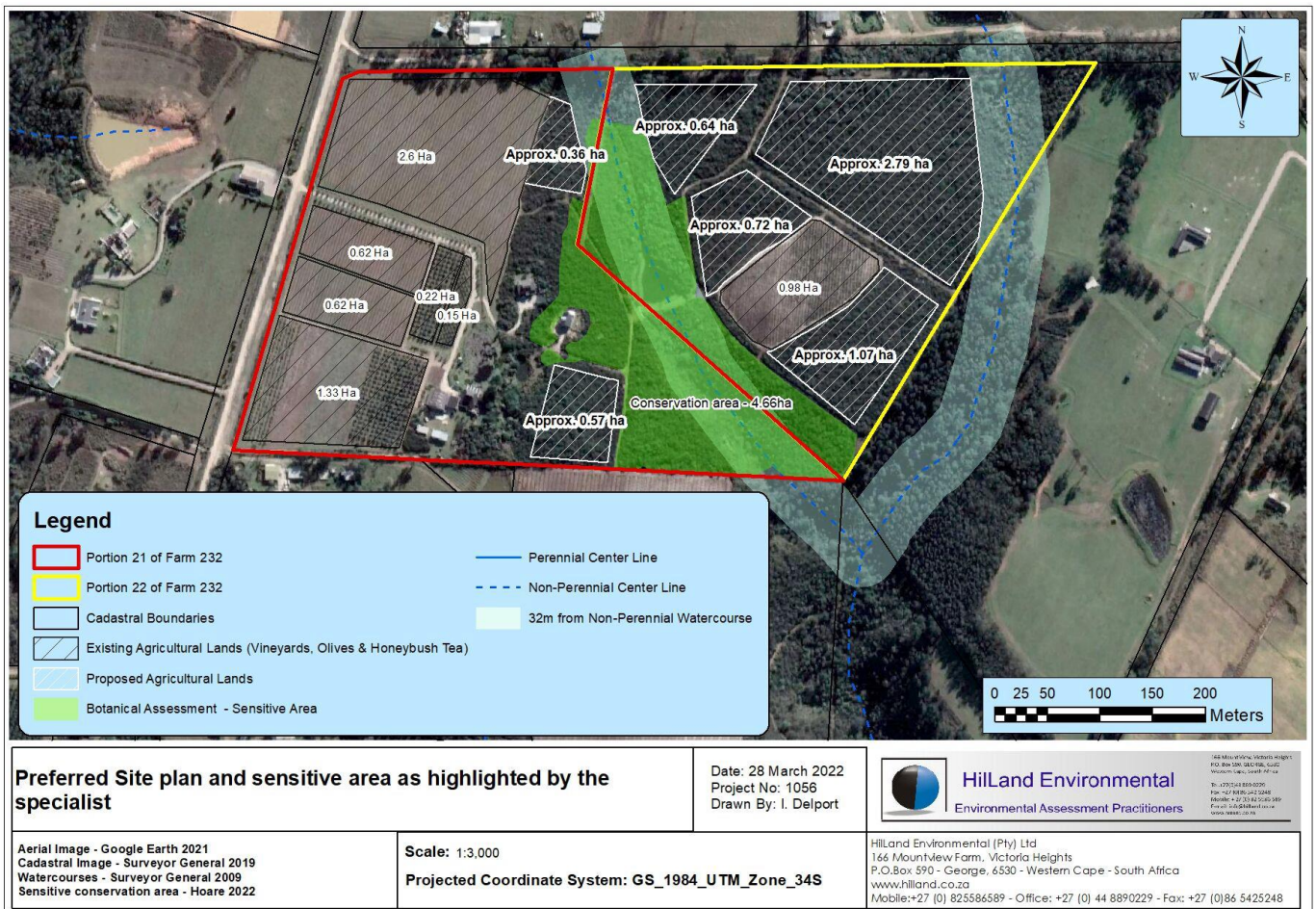
166 Mount Mew Farm, Victoria Heights
 P.O. Box 590 - George, 6530 - Western Cape - South Africa
 www.hiland.co.za
 Mobile: +27 (0) 825586589 - Office: +27 (0) 44 8890229 - Fax: +27 (0) 86 5425248

Aerial Image - Surveyor General 2015/2016
 Cadastral Image - Surveyor General 2019

Scale: 1:15,011
 Projected Coordinate System: **GS_1984_UTM_Zone_34S**

Hiland Environmental (Pty) Ltd
 166 Mount Mew 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 DEVELOPMENT 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 15 March 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 20 June 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 20 June 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) The Department had sufficient information at its disposal to understand the environmental and spatial context.
- g) A Site visit was conducted on 15 July 2022 and attended by This Directorate (Dorien Werth and Jessica P. Christie), Hilland and Associates (Cathy Avierinos) and the Landowner of Aguada Farming Ventures CC (Brett Archibald).

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. Legislated Requirements

The expansion of the existing agricultural activities constitutes clearance of indigenous vegetation of 6.15 hectares and thus will trigger Activity 27 of listing Notice 1 and will include the area of honeybush cultivation on portion 22 which is less than 1 hectare.

2. 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:

- 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;
- fixing a notice board at the sites on 17 March 2022;
- 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 17 March 2022;
- the draft BAR was made available for comment from 28 March 2022 until 03 May 2022;
- the placing of a newspaper advertisement in the 'Knysna Plett Herald' on 17 March 2022.

The following Organs of State provided comment on the proposal:

- Breede Gouritz Catchment Management Agency (BGCMA); and
- CapeNature
- Heritage Western Cape

Breede Gouritz Catchment Management Agency (BGCMA) stated "it is noted that existing cultivation fields are irrigated with existing lawful water use / allocation (ELU) from Rondebosch River Water Users Association, which will also be used for irrigation of the proposed fields".

Cape Nature highlighted the objectives of Critical Biodiversity Areas (CBA) and Ecological Support Areas (ESA). The specialist confirmed that the preferred alternative (Site Development Plan, Annexure 2) is in line with the objectives of the CBA and ESA areas and these areas will be conserved and rehabilitated.

Heritage Western Cape (HWC) provided comments in response to the NID (17 December 2022) and stated the "you are hereby notified that, since there is no reason to believe the proposed cultivation of a vineyard, olives and honeybush tea on Proposed 21 and 22 of Farm 232, Lodestone Plettenberg Bay will impact on heritage resources, no further action under Section 38 of the National Heritage Act (Act 25 of 1999) is required".

The Department of Agriculture, Land reform and Rural development has already issued a permit (CARA Permit) in terms of the provisions of Regulation 2 of the Conservation of Agriculture Resources Act (Act 43 of 1983) on 28 March 2022.

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

3. Alternatives

Development proposal (Herewith Approved – Preferred Alternative):

The preferred alternative entails the clearance of indigenous vegetation of 6.15 hectares in order to expand the existing agricultural activities on Portion 21 and 22 of the Redford Farm 232, The Craggs, Plettenberg Bay. The clearance of vegetation must be done in accordance with the Preferred Site Development Plan by Hilland Environmental (dated 28 March 2022) See Annexure 2.

Development proposal (Alternative)

This alternative entails clearing indigenous vegetation on all available land on Portion 21 and Portion 22 on Redford Farm 232. This will entail clearance of vegetation within 32m of non-perennial watercourse. This alternative was rejected due to the areas being located within the riparian area and primary fynbos areas.

"No-Go" Alternative

The no-go alternative will entail no agricultural expansion and no socio-economic benefit to the local area. As such the wine production of the farm will not be expanded which will result in socio-economic losses and an opportunity cost loss for agricultural production. This is not the applicant nor this Directorate's preferred alternative.

4. Impact Assessment and Mitigation Measures

4.1. Activity Need and Desirability

The site is located on Portion 21 and 22 of the Redford Farm No. 232, The Craggs, Plettenberg Bay within the Bitou Municipal area. Plettenberg Bay has an established reputation for producing high quality sparkling wine which has led to a substantial increase in demand for this product. As a result of this increase in demand, the expansion of the cultivation area is required to increase the production of wine.

Lodestone's wine is already sought after and an increase in production is required. Expansion of vines on the farm using the existing infrastructure and in areas previously used for agriculture is more desirable than establishing new cultivation areas further from the farm. The property is surrounded by agricultural areas, as such the addition of the proposed lands will add to the existing use and surrounded land uses.

4.2. Integrated Development Plan (IDP)

The proposal is in line with the Municipal IDP and will result in several positive socio-economic impacts. It will result in additional job-opportunities, it will increase the production on the farm, economic investment in the area, tourism economic investment in the area, property value and production value of the of the property.

4.3. Spatial Development Framework (SDF)

According to the BAR the site falls outside the urban edge of the municipal SDF and as such the land use rights of the proposed project are supported. This Directorate is of the opinion that the proposed expansion of agricultural lands or area is in line with the Spatial Development Frameworks of the Local Municipality and can therefore be supported.

4.4. Biophysical Impacts

The BAR submits that the proposed cultivation will be located within an area mapped as Critically Biodiversity Area ("CBA ") (1-Natural) and Ecological Support Area ("ESA") (1-Terrestrial). The proposed cultivation areas have been assessed by a specialist and are proposed in historically cultivated areas. The areas of conservation value and linking corridors have been specifically indicated as an area to be retained as ecological

corridors. The area of CBA that will be cleared for cultivation is not an intact habitat but has been historically cultivated and has no ecological connectivity with any other surrounding ecosystems other than along the ecological corridors that have been identified by the specialists for conservation purposes.

According to the BAR the area does not pose significant impacts on any areas identified as CBA or ESA. The area has not been identified in any conservation initiative as a priority area. It is also not identified by CapeNature as requiring any form of Stewardship agreement as it is too small and has no connectivity to any other surrounding areas. Sufficient buffer areas will be retained to function as ecological corridor between remaining CBA and ESA areas without taking away the agricultural potential of the area previously used for agriculture. The site-specific sensitive biodiversity areas and watercourses are being retained and will be managed for a conservation outcome in accordance with the objectives of CBA/ESA.

According to the relevant aerial imagery the vegetation on Portion 21 and 22 of the Redford Farm is described as Tsitsikamma Sandstone Fynbos and classified as Least Threatened (LT). Secondary vegetation has developed in previously cleared areas on large parts of the site. There are also smaller parts of the site that are interpreted as being primary vegetation. According to the BAR there is one threatened species that can possibly occur on site, the Critically Endangered *Erica onusta*. Development of the proposed agricultural areas will affect both primary and secondary vegetation areas. The primary vegetation areas must be omitted from the development and be properly managed to promote vegetation health. Given the aforementioned, this Directorate is of the opinion that the proposal will not have a significant negative impact on the biophysical receiving environment and can therefore be supported.

4.5. 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.

4.6. 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 strict implementation of the conditions of this EA and the mitigation measures proposed in the EMPr.

5. Scope and Validity Period of authorisation

The environmental authorisation has been granted for a period of seven (7) years, during which period the clearance activities must commence and be concluded, including the post-development rehabilitation and monitoring and submission of the final environmental audit reports for the non-operational phase. In light of the proposed implementation programme, the monitoring and post-development rehabilitation can be adequately incorporated in the development phase.

Important milestones and dates:

- 30 April 2029, the last date by which the non-operational aspects (implementation/development phase) of the environmental authorisation must be concluded by. The development phase may be concluded at a sooner date, depending on the execution of the implementation plan.
- A period of 3-months is specified for the final monitoring and post-development rehabilitation to be completed after the construction phase is finalised, but by no later than 30 April 2029. Failure to complete the post development rehabilitation and monitoring requirements at least three (3) months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
- The final environmental audit must be submitted to the Competent Authority within three (3) months of completion of the post development rehabilitation and monitoring requirements being completed, but by no later than 31 August 2029.
- 31 August 2029, the end-date of the Environmental Authorisation's validity period and the date by which all development rehabilitation and monitoring requirements, will be deemed to be concluded at the site.
- 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.

6. 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.

7. Conclusion

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts are detailed in the FBAR dated 20 June 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- (b) The procedure followed for the impact assessment is 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.

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