



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/1/B2/32/1036/19  
**ENQUIRIES:** BERNADETTE OSBORNE  
**DATE OF ISSUE:** 2019 -11- 21

The Board of Directors  
Rabiesberg (Pty) Ltd  
PO Box 5295  
**WORCESTER**  
6851

**Attention: Mr Johannes Rabie**

Tel: (023) 004 0891  
E-mail: janrabie@gmail.com

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA")  
REGULATIONS, 2014: THE AGRICULTURAL EXPANSION ON LEIPZIG RABIESBERG FARM,  
PORTION 48 OF FARM KLOPPERSBOSCH NO. 338, WORCESTER.**

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

Yours faithfully

  
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**MR ZAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1**

Date of decision: 21/11/2019

Cc: (1) Mr Ross Holland (Holland and Associates Environmental Consultants)  
(2) Mr Jaco Steyn (Breede Valley Municipality)  
(3) Ms Philippa Huntly (CapeNature)  
(4) Ms Najma Adam (Department of Agriculture)  
(5) Ms Elkerine Rossouw (BGCMA)

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**REFERENCE:** 16/3/3/1/B2/32/1036/19  
**NEAS REFERENCE:** WCP/EIA/ 0000608/2019  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 2019 -11- 2 1

## **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 AGRICULTURAL EXPANSION ON LEIPZIG RABIESBERG FARM, PORTION 48 OF FARM KLOPPERSBOSCH NO. 338, WORCESTER.**

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 Layout Alternative 2 described in the Basic Assessment Report ("BAR"), dated July 2019.

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**

Rabiesberg (Pty) Ltd  
c/o Mr Johannes Rabie  
PO Box 5295  
**WORCESTER**  
6851

6th Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 3679 Fax: +27 21 483 3098  
E-mail: [Bernadette.Osborne@westerncape.gov.za](mailto:Bernadette.Osborne@westerncape.gov.za)

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

Tel: (023) 004 0891  
 E-mail: janrabie@gmail.com

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>Activity 27 of Listing Notice 1:</b>  <b>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-</b>            (i) <i>The undertaking of a linear activity; or</i>            (ii) <i>Maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The clearance of an area of 6.67 hectares containing indigenous vegetation.</p>
<p><b>Activity 12 of Listing Notice 3:</b>  <b>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.</b></p> <p><b>(i) Western Cape:</b></p> <p>i. <b>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;</b></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>Within the littoral active zone or 100 metres inland from the 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;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the</i></p>	<p>The clearance of Breede Alluvium Renosterveld vegetation which is classified as endangered.</p>

*prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.*

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

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

The cultivation of 6.67 hectares on Agricultural Expansion Area 2 (west) on Portion 48 of Farm Klopperbosch No. 338, Worcester.

### **C. SITE DESCRIPTION AND LOCATION**

The site where the authorised listed activities will be undertaken is located on Leipzig Rabiesberg Farm, Portion 48 of Farm Klopperbosch No. 338, Worcester and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	33° 38' 13.18" South	19° 38' 40.38" East

The SG digit code is: C08500000000033800048

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**

Holland and Associates Environmental Consultants  
c/o Mr Ross Holland  
PO Box 45707  
**CLAREMONT**  
7735

Tel: (021) 448 6573

Fax: 086 653 1765

### **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 the Preferred Layout Alternative 2 described in the Basic Assessment Report ("BAR"), dated July 2019 on the site as described in Section C above.

2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
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 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. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
  - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11

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

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.

- 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4 provide the registered I&APs with:
  - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
  - 7.4.2 name of the responsible person for this Environmental Authorisation,
  - 7.4.3 postal address of the holder,
  - 7.4.4 telephonic and fax details of the holder,
  - 7.4.5 e-mail address, if any, of the holder,
  - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. 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**

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, 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 and submit Environmental Audit Reports to the Competent Authority. The Environmental 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.

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.

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.

17. The current ecological condition of the watercourses must be improved through the removal of alien plants and replanting of indigenous riparian vegetation, as recommended in the Freshwater Impact Assessment conducted by Toni Belcher from Bluescience, dated December 2018.

## **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 the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activities, 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 –



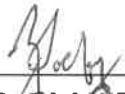
- 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority 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

## 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 (REGION 1)**

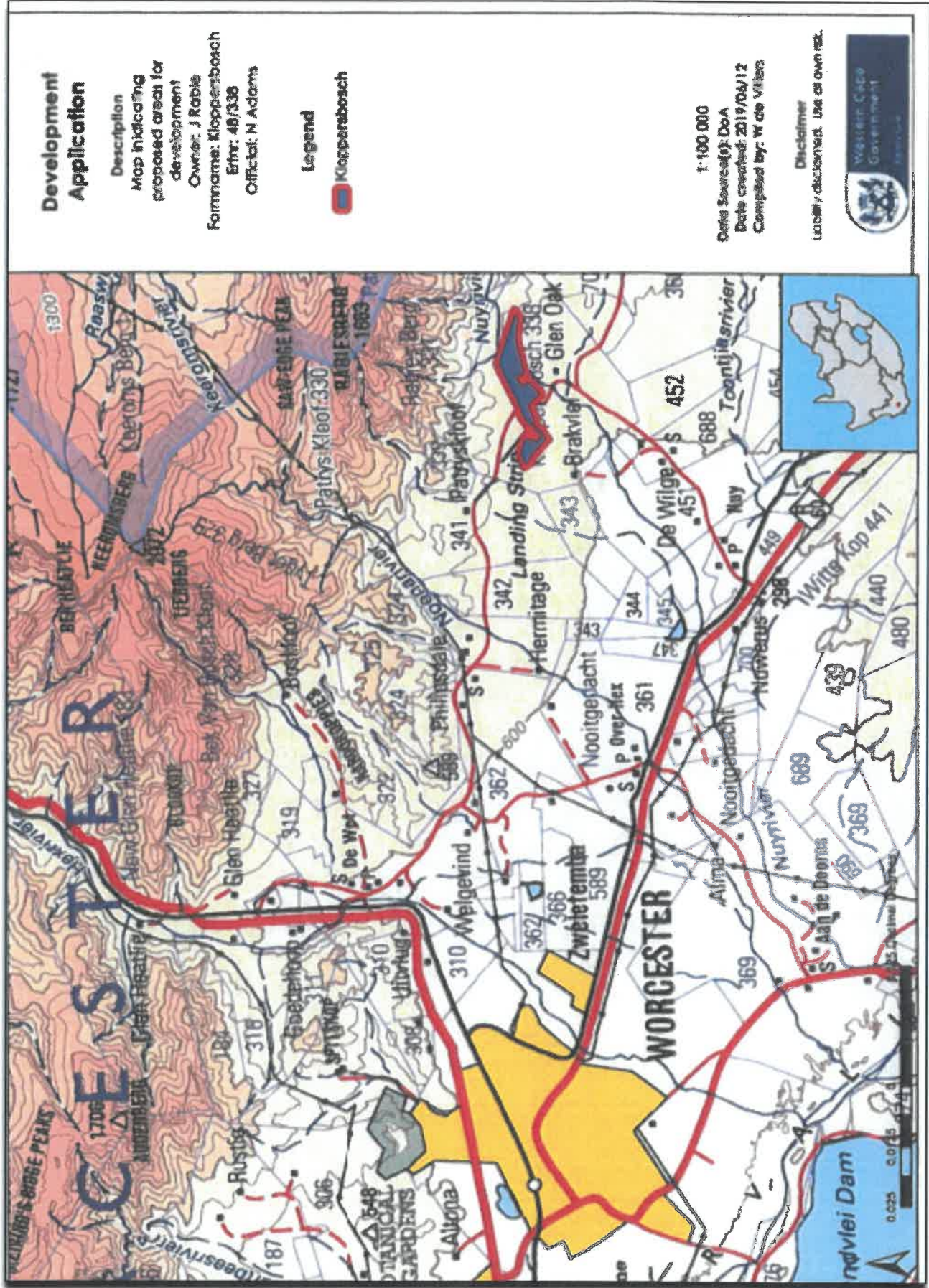
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Date of decision: 21/11/2019

Cc: (1) Mr Ross Holland (Holland and Associates Environmental Consultants)  
(2) Mr Jaco Steyn (Breede Valley Municipality)  
(3) Ms Philippa Huntly (CapeNature)  
(4) Ms Najma Adam (Department of Agriculture)  
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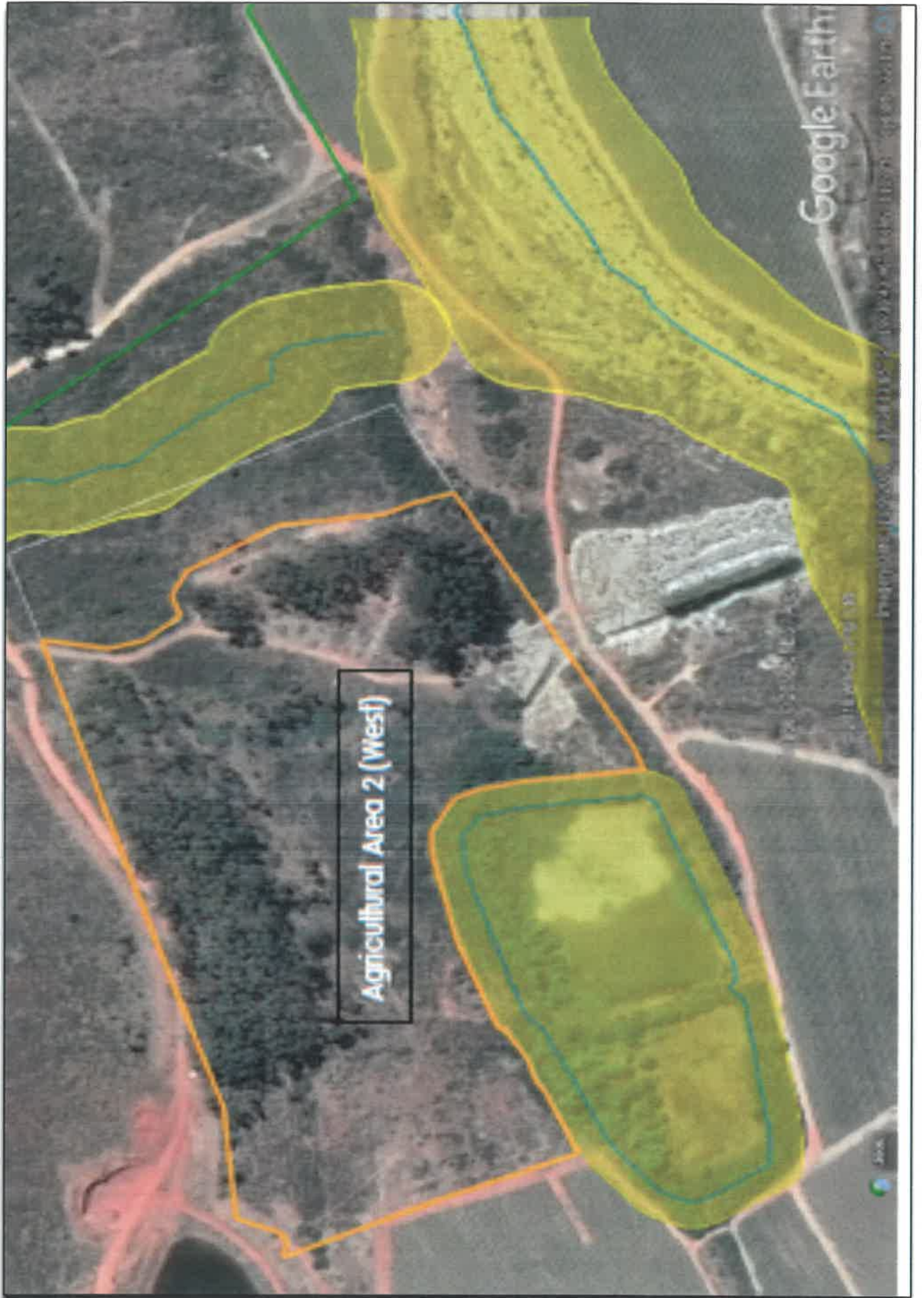
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**ANNEXURE 1: LOCALITY MAP**





**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 submitted on 28 May 2019, the EMPr submitted together with the final Basic Assessment Report on 5 August 2019 and the additional information received electronically on 31 October 2019;
- 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 final Basic Assessment Report received on 5 August 2019 and the additional information received electronically on 31 October 2019; and
- 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;
- Notice boards were placed at the site where the listed activities are to be undertaken;
- the placing of a newspaper advertisement in the 'Worcester Standard' on 28 February 2018;
- 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 28 February 2019 and 1 March 2019;
- making the pre-application draft BAR available to I&APs for public review from 4 March 2019; and
- making the in-process draft BAR available to I&APs for public review from 29 May 2019.

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 alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

## **2. Alternatives**

### **Layout alternative 1**

This alternative entails the cultivation of two areas, namely Agricultural Expansion Area 1 (east) (9.25ha) and Agricultural Expansion Area 2 (west) (8.3ha) on Portion 48 of Farm Klopperbosch No. 338, Worcester. The total area for cultivation will be 17.5ha. As a result of the specialist's findings, this alternative was not preferred since it did not take into account the high sensitivity of the intact portions of indigenous vegetation present on the site, nor the overall ecological functioning of the site.

### **Layout Alternative 2 (Preferred and herewith authorised)**

This alternative entails the cultivation of only one area namely Agricultural Expansion Area 2 (west). The total area proposed for cultivation is 6.67ha on Portion 48 of Farm Klopperbosch No. 338, Worcester. This alternative was preferred since it took into consideration the high sensitivity of the remaining intact portions of indigenous vegetation, as well as the overall ecological functioning of the site. Buffer areas between the site and the adjacent tributary of the Nuy River (~30m) and dam (~15m) have also been incorporated into the layout. This alternative was preferred since it will avoid disturbance of watercourses and sensitive vegetation, thereby resulting in a potential freshwater impact of low negative significance (with mitigation) and a potential botanical impact of low negative (with mitigation).

### **No-go option**

This alternative represents the current *status quo*, which means that the farm's agricultural production will remain the same. This alternative was not preferred since it will not protect the farm's future viability by expanding its agricultural production and ensuring job security for those who work on the farm.

## **3. Impact Assessment and Mitigation measures**

### **3.1 Activity need and desirability**

The site is located outside the urban area of Worcester and the proposed cultivation is permitted within the current land use rights of the property, which is zoned as Agriculture Zone 1. The development would protect the farm's future viability by expanding its agricultural production and ensuring job security for those who work on the farm.

### 3.2 Biophysical Impacts

The Freshwater Impact Assessment conducted by Toni Belcher from Bluescience, dated December 2018 indicated that under natural conditions the Nuy River and the lower reach of the tributaries would have been a braided network of channels, but as a result of past agricultural activities these watercourses are now confined to single channels on the site. The assessment recommended that buffer areas of 30m from the top of the bank of the current channels be left along the watercourses and that the current ecological condition of the watercourses should be improved where possible through the removal of alien plants and replanting of indigenous riparian vegetation. Follow up clearing should take place at least annually. The assessment also recommended a 15m buffer area measured from the edge of the dam to reduce the water quality impacts of the farming activities on the water supply. These recommendations were included in the preferred layout alternative and addressed in the EMPr. The removal of alien plants and the replanting of indigenous riparian vegetation was also included as Condition 17 under Section E of this Environmental Authorisation.

The Botanical Impact Assessment compiled by Dr D.J McDonald from Bergwind Botanical Surveys and Tours dated November 2018, indicated that the Agricultural Expansion Area 1 mostly contains *Breede Alluvium Renosterveld* vegetation which is classified as endangered. Agricultural Expansion Area 1 was not supported from a botanical perspective, since the loss of this area would have a high negative impact. This was effectively addressed in the preferred layout alternative which excluded Agricultural Expansion Area 1 and only includes Agricultural Expansion Area 2 which is moderately to highly disturbed, with only the far eastern side of the area containing intact *Breede Alluvium Renosterveld* vegetation. The study also recommended the exclusion of the best quality intact *Breede Alluvium Renosterveld* vegetation of approximately 2ha on the east of Agricultural Expansion Area 2. The implementation of this recommendation will reduce the impact to low negative and was included in the preferred layout alternative.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

The development will have a negative biophysical impact due to the loss of endangered vegetation on the site. These impacts will however be mitigated to a satisfactory level with the implementation of the preferred layout alternative and the mitigation measures contained in the EMPr.

#### **Positive impacts:**

- The development would protect the farm's future viability by expanding its agricultural production and ensuring job security for those who work on the farm.
- The development will improve the current ecological condition of the watercourses through the removal of alien plants and replanting of indigenous riparian vegetation.

#### 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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