



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/1/E4/5/1024/18
NEAS REFERENCE: WCP/EIA/0000474/2018
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 2018 -11- 01

The Board of Directors
Ithemba Elitsha Farming (Pty) Ltd
PO Box 43
GRABOUW
7160

Attention: Mr Wilmer Ferreira/D Jacobs

Tel.: (021) 859 7536
Fax: (086) 604 2029

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED REMOVAL OF NATURAL VEGETATION FOR CULTIVATION OF PORTION 7 OF CORNER FARM NO. 466, CALEDON

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt** the Maintenance Management Plan, 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, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

Cc: (1) Lauren Abrahams (Eco Impact Legal Consulting)
(2) Johan Viljoen (Theewaterskloof Municipality)

Fax: (021) 671 9976
Fax (028) 214 1289



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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 (AS AMENDED): PROPOSED REMOVAL OF NATURAL VEGETATION FOR CULTIVATION OF PORTION 7 OF CORNER FARM NO. 466, CALEDON

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Alternative 1, as described in the Basic Assessment Report ("BAR"), dated 16 July 2018.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) and (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the new agricultural development: Corner Farm (Portion 7 of Farm No. 466, Caledon) included as Appendix H2 in the BAR dated 16 July 2018.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
c/o Mr. Wilmer Ferreira/D Jacobs
Ithemba Elitsha Farming(Pty) Ltd
PO Box 43
GRABOUW
7160

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828 Fax: +27 21 483 3098
E-mail: Samornay.Smidt@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

Tel: (021) 859 7536

Fax: (086) 604 2029

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	Activities/Project Description
<p>EIA Regulations Listing Notice 1 of 2014 –</p> <p>Activities Number 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres 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> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activities 21 in this Notice, in which case that activities applies,</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activities 26 in Listing Notice 2 of 2014 applies.</p>	<p>The proposed upgrading and removal of the river crossings will result in the infilling/deposition into and excavation, removal or moving of more than 10 cubic metres of material from the watercourse.</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activities Number: 27</p> <p>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 -</p> <p>(i) the undertaking of a linear activities; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The development entails the clearance of 4ha of indigenous vegetation as part of the greater development for the establishment of fruit orchards.</p>
<p>EIA Regulations Listing Notice 1 of 2014 –</p> <p>Activities Number: 48</p> <p>The expansion of:</p>	<p>The existing "upper" drainage line crossing between Sites A & B must be upgraded to ensure access to Site B.</p>

<ul style="list-style-type: none"> (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; where such expansion occurs - <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; <p>excluding -</p> <ul style="list-style-type: none"> (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (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; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads, road reserves or railway line reserves. 	
<p>EIA Regulations Listing Notice 3 of 2014 –</p> <p>Activities Number: 12</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>Western Cape</p> <ul style="list-style-type: none"> 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; ii. Within critical biodiversity areas identified in bioregional plans; 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; 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 v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a 	<p>The development entails the clearance of 4ha of critically endangered indigenous vegetation for the establishment of fruit orchards.</p>

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:

This alternative entails the establishment of 16.5ha of fruit orchards, which will require the clearance 4ha of natural vegetation on Portion 7 of Corner Farm No. 466, Caledon. Four areas will be cleared, comprising of 7ha within Site A (with a 32m buffer between the site and watercourse), 4ha of indigenous vegetation within Site B, 1.8ha within Site C and 3.7ha within the south-eastern portion of Site D (with a 32m buffer between the site and watercourse). The co-ordinates of no-go areas within Sites A, B and D (indicated by the green polygons labelled as buffers on the site plan) will be plotted and demarcated by a professional land surveyor before clearance commences. The existing upper drainage line crossing will be upgraded to provide access to Site B. The upgrades include placing two 600mm diameter cement pipes (approximately 2.4m in length) within the drainage line. The areas next to and above the pipes will be filled with large rocks and the completed footprint will be approximately 6m long and 2.4m wide. The remaining rubble at the partially washed-away lower drainage line crossing will be removed and the site will be rehabilitated with appropriate riparian vegetation.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on portion 7 of Corner Farm No. 466, Caledon

The SG21 digit code is: C01300000000046600007

Co-ordinates:

	Latitude	Longitude
Site A	34° 14' 13.75"	19° 07' 29.30"
Site B	33° 14' 13.53"	19° 07' 44.92"
Site C	33° 14' 36.18"	19° 07' 07.69"
Site D	34° 14' 40.62"	19° 06' 59.73"

Site Drainage Line Crossing	Latitude	Longitude
Upper	34° 14' 07.29"	19° 07' 42.94"
Lower	33° 14' 11.56"	19° 07' 37.45"

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

ECO Impact Legal Consulting (Pty) Ltd
c/o Ms Lauren Abrahams
P.O. Box 45070
CLAREMONT
7735

Tel: (021) 671 1660

Fax: (021) 671 9976

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 Alternative 1, as described in the BAR dated 16 July 2018 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, 9 and 19.

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 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 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, and
 - 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).
8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activities

9. The draft Environmental Management Programme ("EMPr") dated 25 May 2018, submitted as part of the application for Environmental Authorisation must be amended and resubmitted to this Department for acceptance before site preparation or clearance activities commence. The EMPr must be amended to include the following:
 - 9.1 The operational EMPr must include detailed measures to mitigate impacts on the environment and surrounding land users with regard to herbicides, pesticides and fertilizers as described in the Objective 6 of the Construction and Rehabilitation phase.
10. The MMP adopted as part of this Environmental Authorisation must be implemented.

11. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

Monitoring

12. 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 EMPr, MMP and the conditions contained herein.
13. 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.
14. 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

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

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 (six months after operation commenced).

The holder must, within 7 days of the submission of the 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

16. 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.

17. 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.
18. The relevant requirements with respect to occupational health and safety must be adhered to at all times.
19. The GPS co-ordinates of the identified no-go areas must be plotted and clearly demarcated by a professional land surveyor prior to commencement of the any clearing activities.
20. The drainage line crossing must not impede water flow.

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 (as amended) must be submitted.

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

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

Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014, (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority–
 - 8.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 8.2. 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 on which 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 Organs 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 Organs 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 Jaap de Villiers (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 Jaap.DeVilliers@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 Jaap.DeVilliers@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. ZAHIR TOEFY

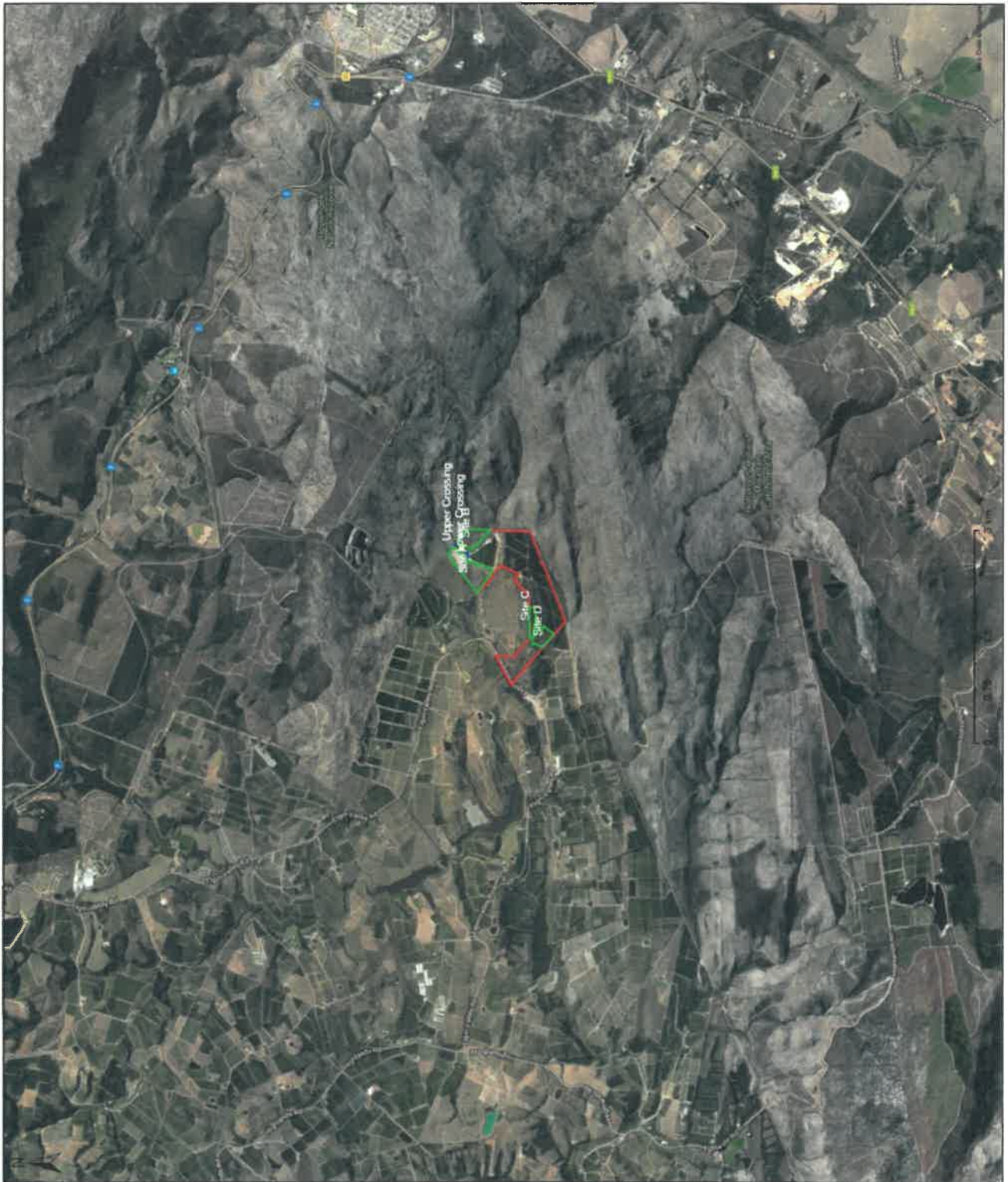
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 01/11/2018

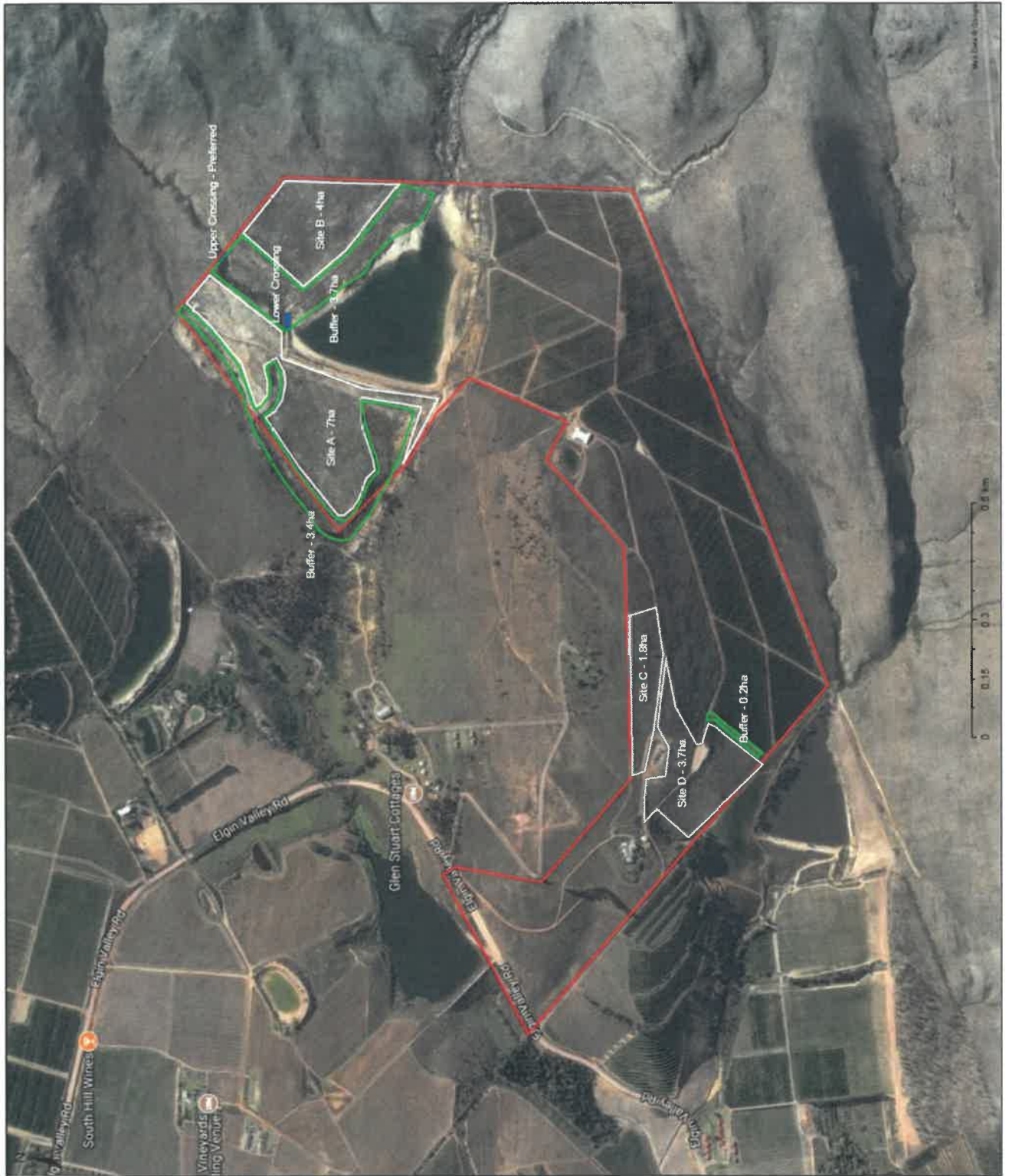
Cc (1) Lauren Abrahams (ECO Impact Legal Consulting)
(2) Johan Viljoen (Theewaterskloof Municipality)

Fax: (021) 671 9976
Fax: (028) 214 1289

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN





Site A: GPS Co-ordinates

	LONGITUDE	LATITUDE
1	34°14'04.09" S	19°07'38.30" E
2	34°14'04.38" S	19°07'38.86" E
3	34°14'06.80" S	19°07'36.11" E
4	34°14'08.06" S	19°07'33.96" E
5	34°14'09.32" S	19°07'30.24" E
6	34°14'10.32" S	19°07'31.95" E
7	34°14'10.00" S	19°07'33.52" E
8	34°14'10.53" S	19°07'34.11" E
9	34°14'11.08" S	19°07'33.29" E
10	34°14'10.94" S	19°07'30.98" E
11	34°14'09.98" S	19°07'29.48" E
12	34°14'12.32" S	19°07'24.75" E
13	34°14'14.84" S	19°07'21.09" E
14	34°14'15.74" S	19°07'21.43" E
15	34°14'17.60" S	19°07'24.90" E
16	34°14'17.09" S	19°07'27.89" E
17	34°14'16.55" S	19°07'31.15" E
18	34°14'05.67" S	19°07'36.33" E
19	34°14'07.41" S	19°07'33.65" E
20	34°14'08.73" S	19°07'29.75" E

Site B: GPS Co-ordinates

	LONGITUDE	LATITUDE
1	34°14'08.55" S	19°07'44.64" E
2	34°14'12.53" S	19°07'40.08" E
3	34°14'15.58" S	19°07'43.11" E
4	34°14'18.21" S	19°07'46.70" E
5	34°14'19.36" S	19°07'48.82" E
6	34°14'06.35" S	19°07'41.75" E
7	34°14'08.81" S	19°07'39.21" E
8	34°14'11.39" S	19°07'36.70" E
9	34°14'10.58" S	19°07'42.29" E



Site D: GPS Co-ordinates

	LONGITUDE	LATITUDE
1	34°14'40.09" S	19°07'04.33" E
2	34°14'40.24" S	19°07'05.00" E
3	34°14'41.97" S	19°07'03.59" E
4	34°14'43.68" S	19°07'01.69" E
5	34°14'43.61" S	19°07'01.27" E
6	34°14'41.86" S	19°07'03.06" E
7	34°14'40.63" S	19°07'04.34" E

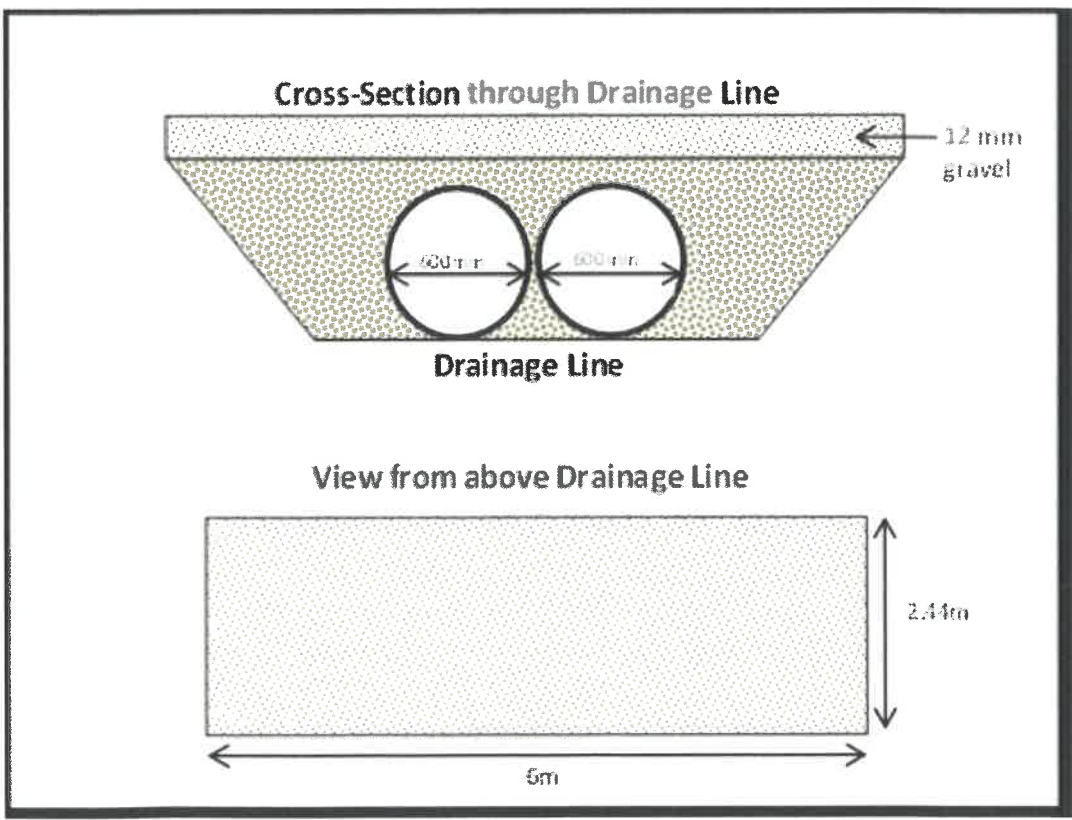


DIAGRAM DEPICTING PROPOSED DRAINAGE LINE CROSSING UPGRADE

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 16 April 2018 and the BAR together with the EMPr and MMP dated 16 July 2018 and submitted on 18 July 2018;
- 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 BAR dated 16 July 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was not 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 included:

- identification of and engagement with I&APs;
- fixing notice boards at the site where the listed activities is to be undertaken on 13 September 2017;
- the placing of an advertisement in the '*Theewaterskloof & Cape Agulhas Gazette*' newspaper on 19 September 2017;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities from 18 September 2017;
- circulating the pre-application draft BAR to I&APs from 26 February 2018;
- circulating the in-process draft BAR to registered I&APs from 16 April 2018;

The Department is satisfied that the Public Participation Process 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, EMPr and MMP to adequately address the concerns raised.

2. Alternatives

Four sites (Sites A-D) of approximately 20ha were initially identified on Portion 7 of Corner Farm No. 466, for the expansion of orchards. Botanical and freshwater impact assessments were conducted to investigate whether these sites are suitable and practical for the proposed expansion of the current cultivation activities. Based on the outcome of the basic assessment process and botanical and freshwater impact assessment findings, the following site and layout alternatives are proposed:

Layout Alternative 1 (Preferred Alternative herewith authorised)

This alternative entails the establishment of 16.5ha of fruit orchards, which will require the clearance 4ha of natural vegetation on Portion 7 of Corner Farm No. 466, Caledon. Four areas will be cleared, comprising of 7ha within Site A (with a 32m buffer between the site and watercourse), 4ha of indigenous vegetation within Site B, 1.8ha within Site C and 3.7ha within Site D (with a 32m buffer between the site and watercourse). The co-ordinates of no-go areas within Sites A, B and D (indicated by the green polygons labelled as buffers on the site plan) will be plotted and demarcated by a professional land surveyor before clearance commences. This layout is preferred from an environmental perspective since it considers the recommendations and mitigation measures outlined in the botanical and freshwater impact assessments. The no-go areas delineated in the above specialist reports have been incorporated into the preferred layout and will ensure ongoing protection of these areas during development of the orchards and the operational phase.

Layout Alternative 2

This alternative entails the clearance of 19.6ha of vegetation for the establishment of fruit orchards on the Portion 7 of Corner Farm No. 466, Caledon, comprising 9.6ha within Site A, 4.9ha within Site B, 1.7ha within Site C and 3.4ha within Site D. This layout is not preferred from an environmental perspective since the recommended no-go areas outlined in the specialist reports have not been included in the layouts. The proposed development areas of Sites A, B & D will encroach into the sensitive botanical and freshwater features thereby resulting in a significant increase of the potential environmental impacts.

Drainage Line Crossing Alternatives

Alternative 1 – Upper Crossing (Preferred Alternative)

The alternative entails the upgrading of the upper drainage line crossing to provide access to Site B. The upgrades include placing two 600mm diameter cement pipes (approximately 2.4m in length) within the drainage line. The areas next to and above the pipes will be filled with large rocks and the completed footprint will be approximately 6m long and 2.4m wide. The upgraded crossing will be designed to not impede water flow and will be able to accommodate 1:50 year flood events. The crossing was created at the narrowest point in the drainage line and is therefore the preferred crossing to upgrade to minimise potential impacts and maintenance requirements.

The remaining rubble at the partially washed-away lower drainage line crossing will be removed and the site will be rehabilitated with appropriate riparian vegetation.

Alternative 2 – Lower Crossing

The alternative entails upgrading the lower drainage line crossing. This crossing was constructed by infilling the drainage line with a gravel crossing of about 30m long and 10m wide. This crossing was constructed at one of the widest points in the drainage line and a section thereof has since washed away at the eastern end of the crossing and can no longer be used. This alternative was not

preferred as the additional works due to the bigger footprint of the crossing would significantly increase the potential impact on the drainage line. Instead it was recommended that this crossing be removed and the area be rehabilitated with appropriate riparian vegetation. This has been included in the preferred alternative for authorisation.

"No-Go" Alternative

The 'no-go' alternative was considered but is not preferred. The applicant wishes to expand the current cultivation footprint to improve the economic viability of the farm and since the site is zoned for this purpose, the additional areas for cultivation will be in line with the forward planning for this area. The opportunity to create job opportunities and to protect the sensitive areas on the farm will also be lost.

3. Impact Assessment and Mitigation measures

3.1 Activities need and desirability

One of the objectives of the Western Cape Spatial Development Framework is sustainability and resilience, whereby agricultural resources should be protected and that existing agricultural activities and soils with high grazing and cultivation capabilities be retained to ensure agriculture's key position in the regional economy. The site is located outside the urban edge in a prime agricultural area, is zoned for agricultural use and the required infrastructure, equipment and operational processes for successful cultivation processes are in place and can be easily expanded to accommodate the proposed development. The preferred site and layout alternative have also been amended to take the on-site environmental constraints into consideration to avoid and/or limit the potential impacts.

3.2 Biophysical Impacts

Portion 7 of Corner Farm No. 466 is situated in the Elgin valley, approximately 14km south-east from Grabouw. The property is bordered by agricultural activities on the west and northern boundaries and the Houwhoek Nature Reserve (World Heritage Site) on the southern and eastern boundaries. Two vegetation types occur across the designated site, namely Elgin Shale Fynbos and Kogelberg Sandstone Fynbos, which is classified as critically endangered. A Botanical Impact Report, dated December 2017, was compiled by Regalis Environmental Services cc on four sites (approximately 20ha in extent) to identify the main botanical constraints related to each site and inform the consideration of alternatives. Similarly, a Freshwater Ecological Impact Assessment, dated October 2017, was compiled by Eco Impact to assess the potential freshwater related constraints and impacts. These assessments confirmed the following:

Sites A and B consist of very similar flora. Both sites were heavily disturbed previously. Site A was ploughed previously but not within the last three years. Most of Site B was heavily disturbed several years ago when soil was removed to construct the adjacent dam. A total of 119 plant species were recorded on Sites A and B and most of these species occurred in small undisturbed patches within these two sites.

Sites C and D consist of previously ploughed areas but have not been cultivated for the last 3-5 years. A total of 57 plant species were recorded on these two sites, most of which are indigenous weedy species. No threatened species are expected to occur on these sites.

The overall freshwater ecological condition of the on-site wetlands, drainage lines, dams and remaining riparian habitats are deemed to be moderately to largely modified and the ecological importance and sensitivity are regarded as low. The functioning of the drainage lines and

associated wetland areas, as assessed on Sites A, B and D are important in maintaining current hydrological functioning and freshwater ecosystems on the sites and surrounds. Sites A and B have the most significant wetland characteristics associated with the natural and man-made drainage lines and the dam located along the north-western and southern borders of the proposed development sites. These wetlands, drainage lines and dam have also been mapped as Ecological Support Areas ("ESAs"), as well as Freshwater Ecosystem Priority Areas ("FEPAs"). The instream and riverbank habitat integrity of the drainage line that separates Sites A and B (north-western order of Site B) is still in a mostly natural and stable condition, except for the two man-made river crossings. The lower drainage line crossing was developed at one of the widest points in the drainage line (30m long and 10 m wide) and a section thereof has since washed away. The upper drainage line crossing has a smaller footprint (8m long and 5m wide) and was therefore selected for upgrading to minimise the potential impacts and maintenance requirements. A narrow channelled drainage line runs along the south-eastern border of Site D. Due to channelization of the channel more than 10 years ago, the instream habitat integrity and stability of the drainage line is relatively good. No evidence of any wetland conditions or drainage lines is visible at Site C.

The abovementioned sensitive areas within Sites A, B and D, together with adequate buffer areas have therefore been delineated as no-go areas and will be demarcated by a land surveyor before site clearance commences to ensure ongoing protection of these areas during development of the orchards and the operational phase. The only development allowed within these areas is the upgrade and maintenance associated with the upper drainage line crossing to gain access to Site B.

An application was submitted to the Breede-Gouritz Catchment Management Agency to confirm the requirements in terms of the National Water Act (Act No 36 of 1998) ("NWA"). A freshwater impact assessment and risk matrix was subsequently completed to apply for a Water Use Licence in terms of the NWA via the e-WULAAS system. This process is pending and will further consider and address the potential watercourse-related impacts.

Furthermore, a MMP has also been compiled to address future maintenance activities taking place in the affected watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

Negative Impacts:

- The proposed activities will result in elevated noise and dust levels during the construction phase.
- Impacts on the watercourse is anticipated during the construction phase.
- Indigenous vegetation will be removed during site preparation and construction.

Positive impacts:

- The sensitive botanical and freshwater aspects will be demarcated as no-go areas during development and operation.
- The development will ensure the economic viability of the farm and provide additional employment opportunities.

The conditions of the environmental authorisation contained herein and the EMPr, approved as part of this environmental authorisation, addresses these impacts adequately.

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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