



**EIA REFERENCE:** 16/3/3/1/E4/26/1021/18  
**NEAS REFERENCE:** WCP/EIA/0000394/2018  
**ENQUIRIES:** Lorretta Osborne  
**DATE OF ISSUE:** 2018 -09- 19

The Trustees  
Klipfontein Agricultural Trust  
PO Box 648  
**GRABOUW**  
7160

**Attention: Mr D Priga**

Cell: 082 472 0473  
Fax: (086) 545 1056

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): CLEARING OF VEGETATION FOR CULTIVATION ON PORTION 23 OF FARM KLIPFONTEIN NO. 82, VILLIERSDORP**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Mr S Ranger/ Mr C du Plessis (Footprint Environmental Services) Fax: (086) 655 8060  
(2) Mr J Viljoen (Theewaterskloof Municipality) Fax: (028) 217 1289  
(3) Ms C Rampartab (CapeNature) Fax: (021) 866 1523  
(4) Mr R Le Roux (Breede-Gouritz Catchment Management Agency) Fax: (023) 347 2012  
(5) Mr M Prins (Stargrow Consult (Pty) Ltd) Fax: (021) 880 1485  
(6) Ms S Phologane (Department of Agriculture, Forestry and Fisheries) Fax: (021) 944 1427  
(7) [amortimer@capenature.co.za](mailto:amortimer@capenature.co.za)



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## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): CLEARING OF VEGETATION FOR CULTIVATION ON PORTION 23 OF FARM KLIPFONTEIN NO. 82, VILLIERSDORP

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 the preferred Layout Alternative, as depicted in the electronic correspondence dated 30 August 2018 to be read in conjunction with the Basic Assessment Report ("BAR"), dated 12 June 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 Trustees  
Klipfontein Agricultural Trust  
% Mr D Priga  
PO Box 648  
**GRABOUW**  
7160

Cell: 082 472 0473  
Fax: (086) 545 1056

6<sup>th</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 3696/4349 Fax: +27 21 483 3098  
E-mail: Lorretta.Osborne@westerncape.gov.za

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

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

**B. LIST OF ACTIVITIES AUTHORISED**

<b>Listed Activities</b>	<b>Activities/Project Description</b>
<p>Listing Notice 1 of 2014 -</p> <p><b>Activity Number: 27</b></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> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul>	<p>The development entails the clearance of indigenous vegetation for the establishment of orchards.</p>
<p>Listing Notice 3 of 2014 -</p> <p><b>Activity Number: 12</b></p> <p><i>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.</i></p> <p>i. <i>In the Western Cape:</i></p> <ul style="list-style-type: none"> <li>(i) <b><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;</i></b></li> <li>(ii) <i>within critical biodiversity areas identified in bioregional plans;</i></li> <li>(iii) <i>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 even in urban areas; or</i></li> <li>(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;</i></li> <li>(v) <i>on land designated for protection or conservation purposes in an Environmental</i></li> </ul>	<p>Indigenous vegetation of more than 300 square metres within a critically endangered ecosystem will be cleared.</p>

<i>Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i>	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

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

The proposal entails the clearing of vegetation of three areas (Sites 1, 2 and 3 as depicted in Annexure 2 of this Environmental Authorisation) with a development footprint of approximately 19.4 hectares on Portion 23 of Farm Klipfontein No. 82, Villiersdorp.

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

The listed activities will be undertaken on Portion 23 of Farm Klipfontein No. 82, Villiersdorp.

The co-ordinates of the development are:

Site 1 (5.31ha): Latitude (S): 34° 02' 42.57" South  
Longitude (E): 19° 10' 43.98" East,

Site 2 (8.82ha): Latitude (S): 34° 02' 37.06" South  
Longitude (E): 19° 10' 22.30" East,

Site 3 (5.28ha): Latitude (S): 34° 02' 20.29" South  
Longitude (E): 19° 10' 35.37" East,

The SG digit code is: C0130000000008200023

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**

Footprint Environmental Services

% Mr S Ranger

P.O. Box 454

**PORTERVILLE**

6810

Cell: 083 294 8776

Fax: (086) 655 8060

## **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, as depicted in the electronic correspondence dated 30 August 2018 to be read in conjunction with the Basic Assessment Report ("BAR"), dated 12 June 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 any land clearing 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, 11 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).

### **Management of activities**

- 8. The draft Environmental Management Programme ("EMPr") dated September 2018, submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 9. A supplementary report to be read with the abovementioned approved EMPr must be submitted to the Department for approval within **three months** from the date of issue of this Environmental Authorisation. The report must include the following:
  - 9.1 An Alien Invasive Species Rehabilitation Plan;
  - 9.2 A Fire Management Plan; and
  - 9.3 Effective storm water and erosion monitoring and management measures to be in place throughout the development.
- 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 activities to ensure compliance with 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 activities, and must be made available to anyone on request, including a publicly accessible website.
- 13. Access to the site referred to in Section C 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 (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**

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 relevant requirements with respect to occupational health and safety must be adhered to at all times.
18. The development must be restricted to the approved footprint in terms of the preferred Layout Alternative as illustrated in Annexure 2, on page 11 of this Environmental Authorisation and only the target areas for cultivation may be cleared.

19. The co-ordinate points as depicted in Annexure 3, on page 12 of this Environmental Authorisation must be clearly demarcated with painted wooden poles and "danger tape" prior to commencement of land clearing activities and must be regarded as conservation set-aside area. All areas outside the development footprint must be treated as no-go areas.
20. A final georeferenced farm level map showing the exact areas to be cleared, drainage lines, buffers, existing cultivated land and natural areas must be submitted to CapeNature, the Department of Agriculture, Forestry and Fisheries, the Breede Gouritz Catchment Management Agency and this Department within **three months** from the date of issue of this Environmental Authorisation.

## **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 activity.
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 activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (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 GN No. 326 of 7 April 2017 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–



- 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 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  
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 [Jaap.DeVilliers@westerncape.gov.za](mailto: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](mailto: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. ZAAHIR TOEFY**

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

DATE OF DECISION: 19/09/2018

Cc: (1) Mr S Ranger/ Mr C du Plessis (Footprint Environmental Services)  
(2) Mr J Viljoen (Theewaterskloof Municipality)  
(3) Ms C Rampartab (CapeNature)  
(4) Mr R Le Roux (Breede-Gouritz Catchment Management Agency)  
(5) Mr M Prins (Stargrow Consult (Pty) Ltd)  
(6) Ms S Phologane (Department of Agriculture, Forestry and Fisheries)  
(7) [gmortimer@capenature.co.za](mailto:gmortimer@capenature.co.za) (CapeNature)

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Fax: (023) 347 2012  
Fax: (021) 880 1485  
Fax: (021) 944 1427

ANNEXURE 1: LOCALITY MAP

Locality Map - Klipfontein

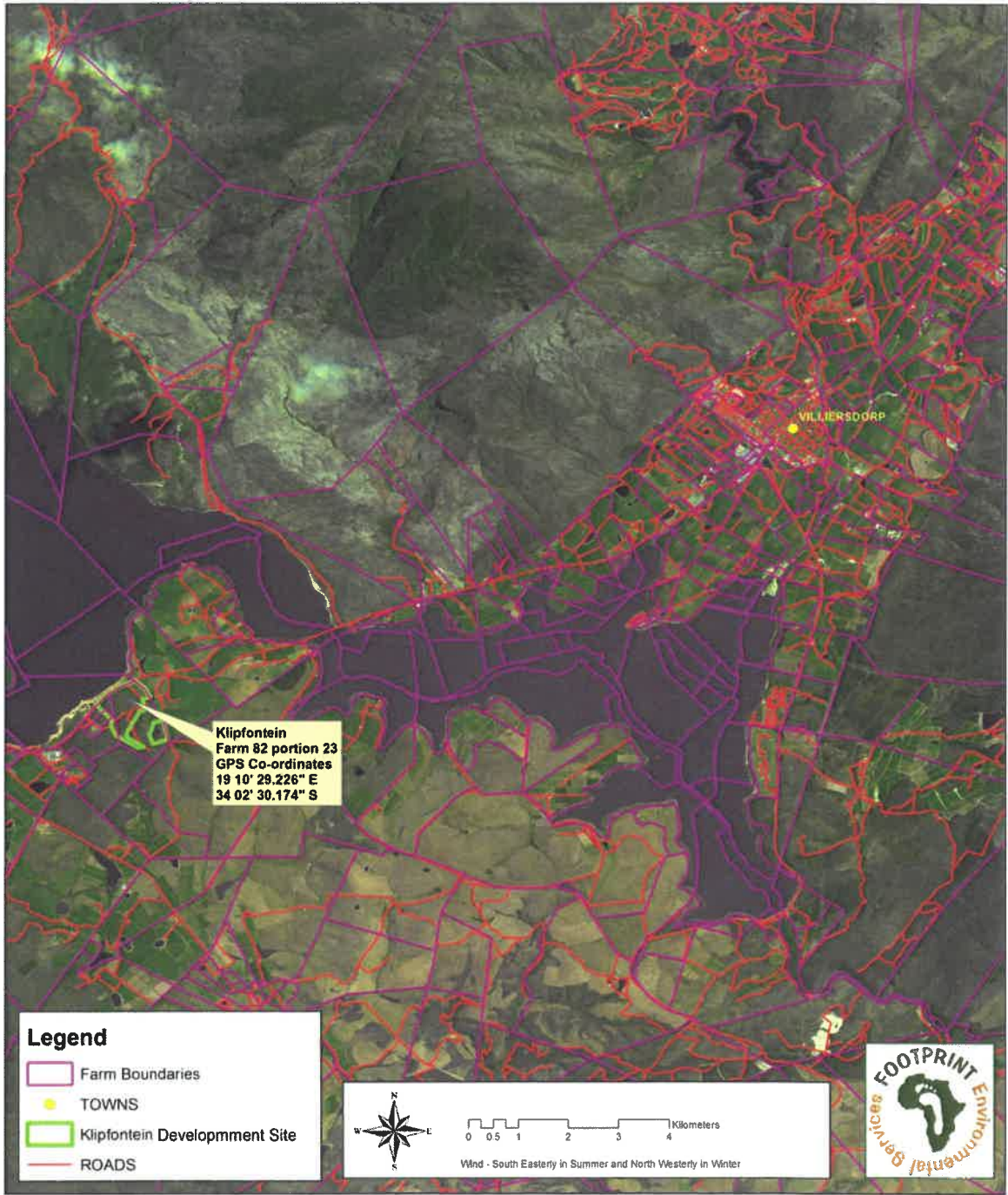


Figure 1: Locality map of Portion 23 of Farm Klipfontein No. 82, Villiersdorp

## ANNEXURE 2: SITE PLAN



Figure 2: Site Plan of the areas to be cleared for cultivation on Portion 23 of Farm Klipfontein No. 82, Villiersdorp



**ANNEXURE 3: CONSERVATION SET-ASIDE AREAS**

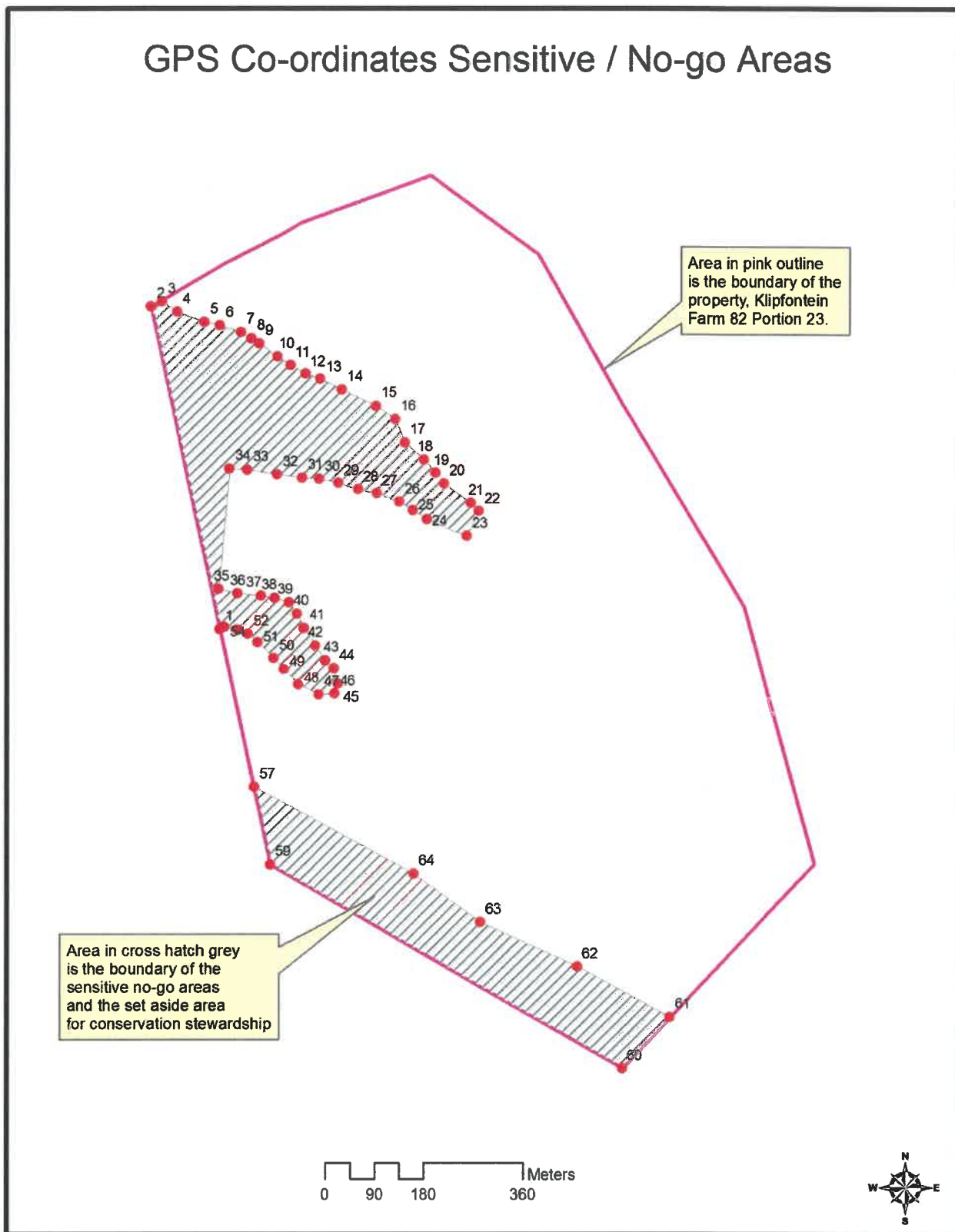


Figure 3: Site Plan of sensitive/ no-go areas on Portion 23 of Farm Klipfontein No. 82, Villiersdorp. See below table of co-ordinates.

<b>Points</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
1	34° 2' 36.34" South	19° 10' 15.48" East
2	34° 2' 17.28" South	19° 10' 11.44" East
3	34° 2' 16.99" South	19° 10' 12.08" East
4	34° 2' 17.57" South	19° 10' 13.00" East
5	34° 2' 18.18" South	19° 10' 14.59" East
6	34° 2' 18.38" South	19° 10' 15.50" East
7	34° 2' 18.79" South	19° 10' 16.74" East
8	34° 2' 19.15" South	19° 10' 17.35" East
9	34° 2' 19.45" South	19° 10' 17.81" East
10	34° 2' 20.23" South	19° 10' 18.89" East
11	34° 2' 20.74" South	19° 10' 19.66" East
12	34° 2' 21.25" South	19° 10' 20.54" East
13	34° 2' 21.56" South	19° 10' 21.41" East
14	34° 2' 22.18" South	19° 10' 22.70" East
15	34° 2' 23.16" South	19° 10' 24.75" East
16	34° 2' 23.93" South	19° 10' 25.88" East
17	34° 2' 25.32" South	19° 10' 26.45" East
18	34° 2' 26.33" South	19° 10' 27.60" East
19	34° 2' 27.10" South	19° 10' 28.29" East
20	34° 2' 27.73" South	19° 10' 28.79" East
21	34° 2' 28.87" South	19° 10' 30.35" East
22	34° 2' 29.36" South	19° 10' 30.82" East
23	34° 2' 30.85" South	19° 10' 30.13" East
24	34° 2' 29.87" South	19° 10' 27.76" East
25	34° 2' 29.31" South	19° 10' 26.92" East
26	34° 2' 28.82" South	19° 10' 26.11" East
27	34° 2' 28.33" South	19° 10' 24.77" East
28	34° 2' 28.09" South	19° 10' 23.67" East

29	34° 2' 27.72" South	19° 10' 22.50" East
30	34° 2' 27.49" South	19° 10' 21.34" East
31	34° 2' 27.40" South	19° 10' 20.34" East
32	34° 2' 27.21" South	19° 10' 18.86" East
33	34° 2' 26.92" South	19° 10' 17.11" East
34	34° 2' 26.86" South	19° 10' 16.06" East
35	34° 2' 33.98" South	19° 10' 15.44" East
36	34° 2' 34.25" South	19° 10' 16.52" East
37	34° 2' 34.36" South	19° 10' 17.90" East
38	34° 2' 34.50" South	19° 10' 18.72" East
39	34° 2' 34.77" South	19° 10' 19.55" East
40	34° 2' 35.44" South	19° 10' 20.04" East
41	34° 2' 36.28" South	19° 10' 20.43" East
42	34° 2' 37.32" South	19° 10' 21.11" East
43	34° 2' 38.20" South	19° 10' 21.72" East
44	34° 2' 38.68" South	19° 10' 22.22" East
45	34° 2' 39.59" South	19° 10' 22.44" East
46	34° 2' 40.17" South	19° 10' 22.26" East
47	34° 2' 40.22" South	19° 10' 21.32" East
48	34° 2' 39.63" South	19° 10' 20.11" East
49	34° 2' 38.71" South	19° 10' 19.26" East
50	34° 2' 38.09" South	19° 10' 18.67" East
51	34° 2' 37.12" South	19° 10' 17.72" East
52	34° 2' 36.64" South	19° 10' 17.14" East
53	34° 2' 36.40" South	19° 10' 16.54" East
54	34° 2' 36.23" South	19° 10' 15.76" East
55	34° 2' 45.67" South	19° 10' 17.50" East
56	34° 2' 50.28" South	19° 10' 18.44" East
57	34° 2' 2.32" South	19° 10' 39.16" East

58	34° 2' 59.30" South	19° 10' 42.01" East
59	34° 2' 56.30" South	19° 10' 36.54" East
60	34° 2' 53.68" South	19° 10' 30.89" East
61	34° 2' 50.82" South	19° 10' 26.97" East

### **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 23 March 2018, the amended application form and the BAR dated 12 June 2018, the EMPr submitted together with the BAR on the same day and the additional information received between 17 August 2018 and 18 September 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 12 June 2018 and the additional information received between 17 August 2018 and 18 September 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was conducted on 28 August 2018 by officials from the Department of Environmental Affairs and Development Planning, the Environmental Assessment Practitioner, officials from CapeNature and the applicant.

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;
- 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 councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 16 April 2018;
- fixing notice boards at the site where the listed activities are to be undertaken on 17 April 2018;



- the placing of a newspaper advertisement in the 'Theewaterskloof and Kaap Agulhas Gazette' newspaper on 17 April 2018;
- circulating the in-process draft BAR to registered I&APs from 24 April 2018;

All the concerns raised by I&APs were responded to during the public participation process. Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions, in this Environmental Authorisation.

## 2. Alternatives

Due to the nature and intent of the proposed development and the limitations for the investigation of other alternatives, only one layout alternative was assessed. However, CapeNature was not supportive of the preferred alternative and after conducting a site visit on 28 August 2018, a new layout plan was proposed, in consultation with CapeNature. The following alternatives were, therefore considered:

### Layout Alternative 1:

This alternative entails an area of approximately 40 hectares that was identified as acceptable for development from a botanical perspective. Of this, 19.99 hectares is proposed (and applied for in this application) for development at this point in time. A further approximately 13.05 hectares could be applied for in future.

This alternative was not preferred for the following reason:

- This option will encroach onto areas which are considered to be environmentally sensitive as a result of biodiversity features.

### Preferred Layout Alternative (Herewith Authorised):

This alternative entails the clearing of vegetation of three areas (Sites 1, 2 and 3 as depicted in Annexure 2 of this Environmental Authorisation) with a development footprint of approximately 19.4 hectares on Portion 23 of Farm Klipfontein No. 82, Villiersdorp.

This alternative is preferred for the following reasons:

- This option takes into consideration the environmentally sensitive areas identified on the site and allows for adequate "no-go" areas.
- An existing irrigation system is available for this alternative.

### "No-Go" Alternative

The 'no-go' alternative was considered. However, it is not preferred since it will not provide an opportunity to increase the economic viability of the farm. Although the no-go option implies that no natural vegetation would be cleared for the purposes of cultivation, the option was not preferred as the agricultural potential of the property would not be realised. Furthermore, there would be no socio-economic contribution to the local community and economy through the lack of development. In addition, the opportunity to conserve 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 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 in the agricultural area of Villiersdorp and is zoned Agriculture Zone I. The areas identified for cultivation are located on viable land feasible for agricultural development, with an existing irrigation system. Cultivation of these areas will increase the production capacity and economic viability of the farm, which in turn will sustain existing and future employment opportunities. Since the project is an agricultural empowerment project for Previously Disadvantaged Individuals, it will fulfill the essential role of contributing to empowering emerging farmers.

#### 3.2 Biophysical Impacts

Portion 23 of Farm Klipfontein No. 82 is located along open ended valley bottom foothills of the Hottentots Holland Mountain Range and adjacent to the Theewaterskloof Dam. According to the Botanical Assessment dated December 2017, compiled by Regalis Environmental Services CC, the property is covered with Western Rûens Shale Renosterveld, which is classified as critically endangered in terms of Section 52 of National Environmental Management: Biodiversity Act (Act No. 10 of 2004) and South Sonderend Sandstone Fynbos, which is classified as least threatened in terms of Section 52 of National Environmental Management: Biodiversity Act (Act No. 10 of 2004). The three areas proposed for development have not been cultivated for a period of 10 years. Part of the property was previously cultivated, some parts are old plantations and some parts are heavily invaded by alien invasive plants. Based on the abovementioned assessment, the proposed development area intersects an area of high conservation value. The applicant signed a resolution committing the Trust to conclude the process of securing the extant and high sensitivity areas as a conservation set-aside. These areas will be treated as no-go areas and managed for conservation. The preferred layout incorporates the specialist's findings and recommendations as well as making provision for buffer areas along aquatic features on the property and excluding special habitats. These are requirements of this environmental authorisation and are also included in the Environmental Management Programme ("EMPr") (accepted in Section E as Condition 8).

A Freshwater Assessment was undertaken by CapeNature, dated 20 August 2018. According to the assessment there are seepage wetlands present on the property. The wetland type falls within the Southwest Shale Fynbos. It is considered to be least threatened and well protected. Based on the findings, it is clear that the areas that are proposed to be developed for Portion 23 of Klipfontein 82, Villiersdorp contain seepage wetland areas that feed into two respective valley-bottom wetland systems. One of these valley bottom systems feeds into the Bot River Catchment, while the other feeds into the Theewaterskloof Dam. Various mitigation measures, including the adherence of buffers ranging between 32 metres to 125 metres along aquatic features on the property have been incorporated into the preferred layout alternative and the sensitive/ no-go areas on the property. These mitigation measures are also included in the environmental authorisation and the EMPr (accepted in Section E as Condition 8).

The development will result in both negative and positive impacts.

**Negative Impacts:**

- The proposed development will result in construction related impacts such as dust, noise and visual intrusion during the clearance of vegetation.
- Loss of indigenous vegetation from the sites and disturbance to habitats and ecological processes.
- The development may result in the degradation of wetlands and drainage lines.
- A decline in water quality may result as well as erosion during the initial phases of preparation and establishment of the agricultural land. However, these impacts will be mitigated to a satisfactory level.

**Positive impacts:**

- The operational phase will result in socio-economic upliftment through employment opportunities.
- The agricultural potential in the immediate region will be increased.
- The development will contribute positively to local economic development in the area.
- Through implementation of the recommended mitigation measures, watercourses on site will potentially be better managed and rehabilitated.
- The preferred alternative takes into account the constraints and opportunities of the site and facilitates the conservation and buffering of significant botanical and freshwater features.

#### **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 activity can be mitigated to acceptable levels.

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