



REFERENCE: 16/3/3/1/D6/32/0006/19

ENQUIRIES: Shireen Pullen

DATE OF ISSUE:
03 SEP 2019

The Director
Ruiterbosch Agri (Pty) Ltd
PO Box 359

GREAT BRAK RIVER

6525

Attention: Mr. L. Vorster

Tel: (015) 309 0001

Fax: 086 206 9951

Email: louisvo@westfaliafruit.co.za

Dear Sir

EXTENSION OF TIME PERIOD TO COMPLY WITH SUB-REGULATION 19(1) OF THE ENVIRONMENTAL ASSESSMENT REGULATIONS, 2014: BASIC ASSESSMENT REPORT FOR THE PROPOSED RUITERBOS AGRICULTURE DEVELOPMENT ON PORTION 413 OF THE FARM MOOIPLAAS, RUITERBOS, MOSSEL BAY

1. The abovementioned and the Final Basic Assessment Report dated July 2019 that was received by this Department on 12 August 2019 refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department.
3. Section 47C of the National Environmental Management Act (Act 107 of 1998) states that;
"The Minister or an MEC may extend, or condone a failure by a person to comply with, a period in terms of this Act or a specific environmental management Act, except a period

which binds the Minister or MEC." As such, failure of the applicant to comply with sub-regulation 19(1)(a) of the Environmental Assessment Regulations, 2014, is hereby condoned in accordance with Section 47C of the aforementioned Act.

4. In light of paragraph 3 above, this Department will consider the abovementioned Basic Assessment Report in accordance with the prescribed timeframes and advise you accordingly.
5. This Department reserves the right to revise initial comments and request further information based on the information received.

Yours Faithfully



MR GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copy:

Mr. Warren Manuel

Mr. L. Coertzen

Mossel Bay Municipality

EAP

Fax: (044) 606 5062

Email: llwelyn@nodecology.com



REFERENCE: 16/3/3/1/D6/32/0006/19
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 1.0 DEC 2019

The Director
Ruiterbosch Agri (Pty) Ltd
PO Box 359
GREAT BRAK RIVER
6525

Attention: Mr. L. Vorster

Tel: (015) 309 0001
Fax: 086 206 9951
Email: louisvo@westfaliafruit.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED RUITERBOS AGRICULTURE DEVELOPMENT ON PORTION 413 OF THE FARM MOOIPLAAS, RUITERBOS, MOSSEL BAY

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

Yours faithfully


MR GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copy:

Mr. Warren Manuel
Mr. L. Coertzen

Mossel Bay Municipality
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Fax: (044) 606 5062
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93 York Street, George, 6529
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Western Cape
Government

Department of Environmental Affairs and Development Planning
Development Management (Region 3)
Jessica.Christie@westerncape.gov.za
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Private Bag X6509, George, 6530
4th Floor, York Park Building, 93 York Street, George, 6529

EIA REFERENCE NUMBER: 16/3/3/1/C2/3/0008/19
NEAS REFERENCE: WCP/EIA/0000621/2019
ENQUIRIES: Ms Jessica Christie
DATE OF ISSUE: 25 NOV 2019

The Municipal Manager
PRINCE ALBERT MUNICIPALITY
Private Bag X 53
PRINCE ALBERT
6930

Attention: Ms. A. Vorster

Tel: 023 541 1320
Fax: 023 541 1321
E-mail: anneleen@pamun.gov.za

Dear Madam

NOTICE OF DECISION: APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED UPGRADE OF THE KLAARSTROOM OXIDATION POND WASTE WATER TREATMENT SYSTEM, PRINCE ALBERT LOCAL MUNICIPALITY

1. With reference to the aforementioned application, the Department hereby notifies you of its decision to **grant Environmental Authorisation in respect to the activity applied for**, attached herewith together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment 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

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to:	Ms Inge Erasmus (EAP)	E-mail: inge@enviroafrica.co.za
	Mr Carlo Abrahams (BGCMA)	E-mail: cabrahams@bgcma.co.za
	Heritage Western Cape (CEO)	E-mail: Ceoheritage@westerncape.gov.za
	Mr Colin Fordham (CapeNature)	E-mail: cfordham@capenature.co.za
	Mr Bernard Niemand (DEA&DP: DDF)	E-mail: Bernard.Niemand@westerncape.gov.za



REFERENCE: 16/3/3/1/D6/32/0006/19
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 03 SEP 2019

The Director
Ruiterbosch Agri (Pty) Ltd
PO Box 359
GREAT BRAK RIVER
6525

Attention: Mr. L. Vorster

Tel: (015) 309 0001

Fax: 086 206 9951

Email: louisvo@westfaliafruit.co.za

Dear Sir

EXTENSION OF TIME PERIOD TO COMPLY WITH SUB-REGULATION 19(1) OF THE ENVIRONMENTAL ASSESSMENT REGULATIONS, 2014: BASIC ASSESSMENT REPORT FOR THE PROPOSED RUITERBOS AGRICULTURE DEVELOPMENT ON PORTION 413 OF THE FARM MOOPLAAS, RUITERBOS, MOSSEL BAY

1. The abovementioned and the Final Basic Assessment Report dated July 2019 that was received by this Department on 12 August 2019 refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department.
3. Section 47C of the National Environmental Management Act (Act 107 of 1998) states that;
"The Minister or an MEC may extend, or condone a failure by a person to comply with, a period in terms of this Act or a specific environmental management Act, except a period

which binds the Minister or MEC." As such, failure of the applicant to comply with sub-regulation 19(1)(a) of the Environmental Assessment Regulations, 2014, is hereby condoned in accordance with Section 47C of the aforementioned Act.

4. In light of paragraph 3 above, this Department will consider the abovementioned Basic Assessment Report in accordance with the prescribed timeframes and advise you accordingly.
5. This Department reserves the right to revise initial comments and request further information based on the information received.

Yours Faithfully



MR GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

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Mr. Warren Manuel

Mr. L. Coertzen

Mossel Bay Municipality

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Western Cape
Government

Department of Environmental Affairs and Development Planning
Development Management (Region 3)
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Tel: +27 44 805 8600 | Fax.: +27 44 8058650
Private Bag X6509, George, 6530
4th Floor, York Park Building, 93 York Street, George, 6529

REFERENCE: 16/3/3/1/C2/3/0008/19
ENQUIRIES: Ms. Jessica Christie
DATE OF ISSUE: 2019 -10- 18

The Municipal Manager
PRINCE ALBERT MUNICIPALITY
Private Bag X 53
PRINCE ALBERT
6930

Attention: Ms. A. Vorster


Tel: 023 541 1320
E-mail: anneleen@pamun.gov.za

Dear Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT FOR THE PROPOSED UPGRADE OF THE PRINCE ALBERT MUNICIPALITY'S KLAARSTROOM OXIDATION POND WASTEWATER TREATMENT SYSTEM SITUATED ON REMAINDER OF PORTION 32 OF THE FARM KLAARSTROOM 178, PRINCE ALBERT, WESTERN CAPE

1. The final Basic Assessment Report dated October 2019, received by this Department on 9 October 2019, refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department.
3. This Department will consider the Basic Assessment Report in accordance with the prescribed timeframes and advise you accordingly.
4. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an environmental authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
5. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: Ms Inge Erasmus

(EAP)

E-mail: inge@enviroafrica.co.za



REFERENCE: 16/3/3/1/D6/32/0006/19
ENQUIRIES: Shireen Pullen
DATE OF ISSUE:

1.0 DEC 2019

The Director
Ruitersbosch Agri (Pty) Ltd
PO Box 359
GREAT BRAK RIVER
6525

Attention: Mr. L. Vorster

Tel: (015) 309 0001
Fax: 086 206 9951
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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 RUITERBOS AGRICULTURE DEVELOPMENT ON PORTION 413 OF THE FARM MOOIPLAAS, RUITERBOS, MOSSEL BAY

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

ENVIRONMENTAL AUTHORISATION

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 Department herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred alternative, described in the final Basic Assessment Report ("BAR") dated July 2019 and the addendum to the BAR received by this Department on 25 October 2019 and the additional information received by this Department on 25 November 2019.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director

4th Floor, York Park Building,
93 York Street, George, 6529
tel: +27 44 805 8600 fax: +27 44 874 2423

Private Bag X6509, George, 6530

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% Mr. L. Vorster
 Ruiterbosch Agri (Pty) Ltd
 PO Box 359
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 6525

Tel: (015) 309 0001
 Fax: 086 206 9951
 Email: louisvo@westfaliafruit.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

The holder is herein authorised to undertake the following alternative that includes the listed activities:

The proposal entails the expansion of existing agricultural land by clearance of less than 20 hectares (19,61 hectares) of indigenous vegetation of which some are vulnerable and least threatened vegetation, on the above-mentioned property. The new lands will be used to establish orchards.

2014 NEMA EIA Listed activities (as amended on 7 April 2017) –

Listed Activities	Activity/Project Description
<p>Government Notice No GN No. 327 of 7 April 2017</p> <p>Activity 27 Activity Description</p> <p>The clearance of an area of 1ha or more, but less than 20ha of indigenous vegetation, except where such clearance of indigenous vegetation is required for – (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The establishment of new agricultural land will require the removal of not more than 20 hectares of indigenous vegetation.</p>
<p>Government Notice No GN No. 324 of 7 April 2017</p> <p>Activity 12 Activity Description</p> <p>The clearance of an area of 300m² 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) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEM:BA 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;</p>	<p>The establishment of new agricultural land will require the removal of more than 300m² of vegetation that is classified as critically endangered or endangered ecosystem listed in terms of section 52 of the NEM:BA</p>

<p>(iii) Within the littoral active zone or 100m 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;</p> <p>(iv) On land, where, at the time of the coming into effect of this Notice or thereafter such a land was zoned open space, conservation or had an equivalent zoning; or</p> <p>(v) On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	
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C. Site description and location

The listed activities described above will take place on Portion 413 of the farm Mooiplaas located approximately 30 km Northwest from Mossel Bay town, Mossel Bay Local Municipality, Western Cape. The site can be accessed via a gravel road by taking the Haelkraal turnoff from the R328 (between Brandwacht and Bonnievale).

SG 21 Code: C0510000000041300000

The listed activities will be undertaken at the following co-ordinates:
Coordinates:

Site	Latitude (S)	Longitude
A	33°56'50"S	21°59'4"E
B	33°56'39"S	21°59'1"E
C	33°56'46"S	21°58'51"E
D	33°56'55"S	21°58'41"E
E	33°57'11"S	21°58'53"E
F	33°57'5"S	21°58'52"E
G	33°57'13"S	21°58'32"E

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

Node Ecology

% Mr. Llwelyn Coertzen

7 Orion Avenue

Sundowner

RANDBURG

2261

Tel: 0828287935

Email: llwelyn@nodeecology.com

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 following preferred Alternative as described in Section B above:

The proposal entails the removal of approximately 19,9 hectares of indigenous vegetation of (which some species are vulnerable and least threatened in terms of conservation status) in order to expand the existing agricultural activities on the farm by adding more agricultural lands. The new land will be used to establish orchards. The clearance of vegetation will take place on the sites as indicated on site development plan attached as Annexure 2.

2. The construction activities must be concluded within a period of **ten 10) years** from the date of issue of this authorisation; during which period all rehabilitation and monitoring requirements and final environmental auditing and reporting must be finalised.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Department

5. Seven calendar days' notice, in writing, must be given to the Department before start of construction activities.

5.1 The notice must make clear reference to the site details and EIA Reference number given above.

5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 8, 14, 15 and 16

Notification of authorisation and right to appeal

6. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision–

6.1 notify all registered Interested and Affected Parties ("I&APs") of –
6.1.1 the outcome of the application;

- 6.1.2 the reasons for the decision as included in Annexure 2;
- 6.1.3 the date of the decision; and
- 6.1.4 the date when the decision was issued.

- 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 detailed in Section F below;

- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision;

- 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any, of the holder,
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.

Management of activity

- 7. The draft Environmental Management Programme (EMPr) submitted as part of the application for Environmental Authorisation must be amended to address the following aspects, and must be re-submitted to the Department and approved, prior to the start of construction activities:
 - 7.1 Incorporate all the conditions given in this Environmental Authorisation;
 - 7.2 Comply with section 24N of the National Environmental Management Act, 1998 and Appendix 4 of the Environmental Impact Assessment Regulations, 2014;]
 - 7.3 Clearly list the impact management outcomes and impact management actions for the proposed development;
 - 7.4 Include a demarcation map, which clearly illustrates the no-go areas and where erosion control measures must be put in place to ensure that the aforementioned areas are suitably demarcated at all the required places, prior to construction;
 - 7.5 Include the appointment letter of an appropriately qualified botanical specialist who will be responsible for the search and rescue and the date when such search and rescue will take place,
 - 7.6 Include a detailed Erosion Management Plan, which clearly detail the measures that must be implemented to mitigate erosion, including measures after cultivation.
 - 7.7 Include information regarding the phasing of the construction activities in an attempt to minimise the impacts,
 - 7.8 Include an alien management and rehabilitation plan for the initial clearance activities and the long-term on-going management of the property. This must include a schedule with the intervals when alien clearing and follow-up controls will take place.

An application for amendment of the EMPr must be submitted to the Department if any further amendments to the EMPr are proposed, other than those mentioned above, and this may only be implemented once the amended EMPr has been authorised by the Department.

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

Monitoring

8. The holder must appoint a suitably experienced environmental control officer ("ECO") for the duration of the Pre-Construction and Construction Phases to monitor that the applicant is in compliance with all of the requirements of the EMPr and the EA. Such appointment must take place prior to the start of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
9. 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 on request.
10. 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 Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Environmental Audit Reports

11. The holder must, for the period during which the environmental authorisation and EMPr remain valid—
 - 11.1 ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;
 - 11.2 undertake during the construction phase annual environmental audit(s) and submit these Environmental Audit Report(s) to the Competent Authority.
 - 11.3 submitted the final construction phase Environmental Audit Report(s) to the Competent Authority within **two (2)** months from completion of construction activities;
 - 11.4 ensure that an environmental audit report is prepared by an independent person with the relevant environmental auditing expertise and submit these to the Competent Authority.
12. The Environmental Audit Report, must –
 - 12.1 provide verifiable findings, in a structured and systematic manner, on—
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 12.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 12.3 evaluate the effectiveness of the EMPr;
 - 12.4 identify shortcomings in the EMPr;
 - 12.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 12.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 12.7 indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;

- 12.8 include a photographic record of the site applicable to the audit and be informed by the ECO reports.
13. The holder must, within 7 days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

14. Buffer areas must be demarcated as no-go areas, prior to the start of clearing activities.
15. A water use licence must be in place at the time when this Environmental Authorisation is implemented.
16. A search and rescue mission must be undertaken by a suitably qualified botanist in order to rescue and transplant all conservation-worthy vegetation. These plants must be translocated to an area or conservancy where they will be protected.
17. No plants identified in terms of Schedules 3 and 4 of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may be picked or removed without the relevant permit from CapeNature.
18. The clearance activities must be done in phases to minimise the magnitude of the impacts. Rehabilitation must be done immediately after disturbance of soil where planting will not take place.
19. Ploughing and planting must take place during pre-raining or early rain season to mitigate the effects of erosion.
20. Effective pollution and erosion control measures must be implemented on the subject property. This must be done in accordance with the Erosion Management Plan that must be submitted and approved by this Department as part of the EMPr, prior to commencement of construction activities.
21. 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.
22. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains.

RECOMMENDATION

It is recommended that on-going alien invasive management be undertaken on the subject property in order to comply with the general duty of care as provided for in Section 28 of NEMA.

F. General

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. An application for amendment of the Environmental Authorisation to the Competent Authority is required where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to grant such 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.

The onus is on the holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

4. The validity period of the environmental authorisation may not be extended unless the required process to amend the environmental authorisation as contemplated in the Environmental Impact Assessment Regulations, 2014 (or subsequent notice) is followed.
5. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the holder to confirm the legislative process requirements for the above scenarios at that time.

6. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

7. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

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
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DATE OF DECISION: 10/12/2019

Copy:

Mr. Warren Manuel
Mr. L. Coertzen

Mossel Bay Municipality
EAP

Fax: (044) 606 5062
Email: llwelyn@nodecology.com

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/1/D6/32/0006/19

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0000603/2019

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN

Ruiterbos Addendum: Final Layouts

- ▭ Farm Portion/Land Parcel
- ▭ Revised final layout (October 2019)

Site	Area (ha)	Total area (ha)
Site A	6.292	39.614
Site B	1.34	39.614
Site C	2.144	39.614
Site D	3.272	39.614
Site E	2.662	39.614
Site F	1.851	39.614
Site G	3.293	39.614

0 0.2 0.4 km



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 7 May 2019;
- b) The final BAR dated July 2019 and the EMPr submitted together with the final BAR on 12 August 2019;
- c) The information contained in the addendum to the final BAR dated 16 October 2019 and received by this Department on 25 October 2019;
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives (dated March 2013);
- e) 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);
- f) The comments received from I&APs and responses to these, included in the final BAR;
- g) The balancing of negative and positive impacts and proposed mitigation measures; and
- h) The observations made during the site visit that was conducted on 9 October 2019. Persons present: Shireen Pullen (DEA&DP), Malcolm Fredericks (DEA&DP), Llwelyn Coertzen (EAP), Louis Vorster (holder), to familiarize ourselves with the proposed site and surrounding area.
- i) The information contained in the additional information document received by this department on 25 November 2019

All information presented to the Department 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 interested and affected parties (I&APs);
- An advertisement that was placed in the Mossel Bay Advertiser on 18 October 2019;
- Draft BAR that was circulated on 31 May 2019 for 30 days;
- Authority site meeting on 9 October 2019;
- Fixing a notice board at the site where the listed activities will be undertaken;
- Giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state who has jurisdiction in respect of any aspect of the listed activities; and

Issues raised during the Public Participation Process (PPP) can be summarized as follows:

CapeNature raised concerns regarding the close proximity of the new agricultural land to watercourses and the fact that a lot of these lands are located within threatened and endangered ecosystems. Furthermore, CapeNature raised concerns regarding whether

the specialist took into account the Western Cape Biodiversity Spatial Plan (WCBSP). The EAP addressed the comment by taking the WCBSP into account and changing the layout slightly and excluding sensitive areas from the proposal by maintaining buffers around the watercourses and moving clearance out of the sensitive areas.

The BGCMA raised concerns regarding water rights and where the existing registered water rights are sufficient to accommodate the proposal. BGCMA also raised concerns regarding the proximity of the proposed development to watercourses and the EAP addressed this by incorporating buffer areas around watercourses. A water use licence is applicable to the proposal and the proposed development cannot be implemented without such approval.

The Department of Agriculture raised concerns regarding the steep nature of the areas where agricultural activities are proposed and indicated that they do not support development on slopes steeper than 12% because of the high risk of erosion. Based on the information provided by the EAP, all the sites, except for a small section of site D is within an acceptable range and in order to mitigate against potential erosion, orchard rows for planting are deeply ripped (promoting infiltration) and developed using either ridge and/or terrace techniques paralleled spaced between 4 and 6 metres along natural contour lines (i.e. trees are planted on small ridges and/or benches created along the contour line).

2. Alternatives

The following alternatives were considered:

A few lay-out alternatives were considered, but after deliberation based on the inputs received from CapeNature, this Department and the Department of Agriculture the lay-outs have changed to minimise the potential impact of soil erosion, pollution of the watercourse or stream, which ultimately informed the approved lay-out.

Seven (7) sites were initially selected on the farm based on a preliminary soil suitability assessment that was conducted by Nulandis in September 2017. The proposed sites are adjacent to existing cultivated lands with existing infrastructure to make the expansion of agricultural fields easier for orchard establishment. According to the BAR, areas with obvious sensitive features and landscapes, large rivers and drainage lines were avoided and areas with suitable gradients that were already modified, degraded and disturbed areas were chosen. Sites outside the 50m buffer from surrounding rivers and drainage channels were selected.

Preferred Alternative

The BAR submits that the majority of the study area is covered by wattle trees (Site A and C) or is degraded or disturbed (Sites B, C, D, E, F, G). Some natural fynbos components occur within the landscape (Sites B, C, D, F and G).

The initial proposal on site A required the removal of 7,63 hectares and was amended to 6,2 hectares of indigenous vegetation, which is a slight decrease compared to the previous proposal. The area proposed for clearance was moved slightly north in order to include a slightly bigger piece of degraded area instead of disturbing the indigenous vegetation.

The original site layout of site B required the removal of 2.95 ha of largely to seriously modified indigenous vegetation, but this was reduced to 1.37 ha following public input. This was further reduced after the site inspection conducted by this Department, bringing the total area for site B to be cleared down to 1,34 hectares.

Site C

This site originally required the clearance of 10.1 ha of intact fynbos communities along the upper slopes of the western section of the study area. Due to sensitivity, this was then reduced to 4.5 ha in order to limit the layout to areas that are largely to seriously modified. This was further reduced to 2,1 hectares in the preferred alternative.

Site D

The original site layout required the removal of 2.91 ha of indigenous vegetation and this was within the 32 m buffer area of the drainage line located north of Site D. This area was then increased to 3.12 ha towards the areas regarded as largely modified by moving out of the proposed 32 m buffer. However, following the site inspection conducted on 9 October 2019, this area was decreased to 2,2 hectares, subsequently moving more into the largely modified vegetation and further away from the drainage area.

Site E

The original site layout required the removal of 2.69 ha of indigenous vegetation of which much was within the 32 m buffer area of the drainage line south of Site E. This was then revised by reducing the area by 28% resulting in the removal of 1.94 ha of indigenous vegetation and moving out of the 32 m proposed buffer. However, the preferred alternative decreased the disturbance area to 1,88 hectares leaving the buffer area even larger.

Site F

The original site layout required the removal of 2.92 ha of indigenous vegetation and was located within the 32 m buffer area of the drainage line north of Site F. The proposal was then revised by decreasing the area slightly by 4% to 2.8 ha and moving out of the 32 m proposed buffer. The preferred alternative further reduced this area to 2,66 hectares.

Site G

The original site required the removal of 8.93 ha of indigenous vegetation and was located within the 50 m buffer area of the river east of Site G. The final proposed layout decreased the area by 29% to 6.3 ha and moving out of the 50 m proposed buffer. The preferred alternative almost halved the clearance area, only requiring the removal of 3,1 hectares of indigenous vegetation.

To summarize, the preferred alternative entails the removal of 6, 2 hectares on site A; 1,34 hectares on site B; 2,14 hectares on site C; 2,22 hectares on site D; 1,88 hectares on site E; 2,66 hectares on site F and 3,19 hectares on site G bringing the removal total up to 19,61 hectares for the establishment of new agricultural land. This will be in accordance with the blue areas indicated on the site development plan attached to this authorization as Annexure 2.

No-Go Alternative

This alternative entails no removal of vegetation to expand agricultural fields on the property. The land is zoned Agricultural and according to the soil suitability assessment that was conducted by Nulandis in September 2017 the soil on the subject property is suitable for agricultural activities and therefore can be utilized for such purposes.

Should this alternative be implemented, the property's inherent agricultural potential won't be realized and therefore this is not the applicant's preferred alternative.

3. Impact Assessment and Mitigation measures

3.1 Planning

According to the BAR the subject property is zoned for agricultural purposes and will be used as such, as the proposal entails the expansion of agricultural land by just under 20 hectares. Based on the above extractions from the Western Cape PSDF (2014), agriculture plays a significant role in the Province.

The BAR quotes what is stated in the Provincial Spatial Development Framework (PSDF) (2014): "The Western Cape economy is founded on the Province's unique asset base. These include farming resources that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g. agri-processing) underpin the Province's industrial sector. Not only is the economy dependent on these assets, but they also underpin livelihoods and set the parameters for the development and ultimate well-being of all residents. The significance of the Province's spatial asset base stems from the fact that it underpins the economy, particularly agriculture which provides food security, sustains rural livelihoods and draws income into the Province and; "Agriculture, the most space extensive economic activity, only contributes 4% of GDP yet underpins the economies of all districts outside of Cape Town as their manufacturing sector is involved in the processing of agricultural products. Economic sectors and specific areas targeted for support are: i. Agriculture – commercial agriculture focused primarily in the existing intensively farmed areas, small farmer development in proximity to settlements (especially where raw water is available), subsistence urban farming." This Department is of the opinion that the proposal is compatible with the aforementioned objectives of the PSDF and therefore supports the development proposal, subject to the conditions imposed in this environmental authorisation.

3.2 Terrain

According to Cape Farm Mapper and concerns raised by the Department of Agriculture, some of the proposed sites appear to be on very steep gradients. However, all slopes were re-assessed using a digital terrain model with a higher resolution than used by Cape Farm Mapper in order to determine the slope ranges for the sites. According to the EAP and based on this analysis, only site D has a small section that's above the 20% (or 11.3 degrees) limit according to CARA legislation that is regarded as very steep.

Nevertheless, all sites are still situated along the lower slopes fringing on the valley bottoms (previously used as planted pastures) of the property. Since soils are the most important criteria second to climate for selecting potential avocado orchard sites, the slightly higher lying sloping sites were chosen to accommodate for these factors i.e. suitable surface and sub-surface drainage and suitable micro-climate. Avocados are very sensitive to poorly-drained conditions and are also susceptible to *Phytophthora* root rot which thrives in poorly-drained soils. The lower lying plains and valley bottoms that were previously used for planted pastures doesn't have suitable micro-climate (higher frost risk to which avocados are very sensitive) or soils (poor drainage) and is therefore not suitable for the development of avocados within these areas. Higher areas were therefore required.

In order to mitigate against potential erosion, orchard rows for planting are deeply ripped (promoting infiltration) and developed using either ridge and/or terrace techniques parallelly spaced between 4 and 6 metres along natural contour lines (i.e. trees are planted on small ridges and/or benches created along the contour line). This significantly decreases the potential for soil erosion (even when compared to natural conditions) since runoff isn't

perpendicular to the hillside, but is instead stopped at each row from where it slowly infiltrates into the groundwater and/or slowly runs off parallel to the hillside.

3.3 Socio-economic

The surrounding community would benefit from the development in terms of a number of temporary and permanent employment opportunities during the construction and the operational phase (i.e. farm workers) of the proposed development. The Mossel Bay municipality would benefit via the applicant's contribution in rates and taxes. Furthermore, both the local and national community would benefit from the end product (the produce) as food security in South Africa and the world is vital. The BAR further submits that the local communities will also be exposed to international skills development and good practice. This Department concurs with the aforementioned statement/s and is of the opinion that the development proposal will create employment opportunities and positively contribute to economic growth of the area.

3.4 Site

According to the BAR the study area is surrounded by patches of agricultural activities to the east, south and west, where "koppies" and rivers prevent the complete transformation of the surrounding area. The BAR further submits that the study area consists of 4 main ecosystems. The two dominant ecosystems are Garden Route Shale Fynbos and Swellendam Silcrete Fynbos. The Garden Route Shale Fynbos and Swellendam Silcrete Fynbos comprise approximately 29% and 32% of the study area respectively. Both these ecosystems are nationally classified as Vulnerable according to NEMBA 2011. The BAR further notes that during the update of the Western Cape Biodiversity Spatial Plan (WCBSP) by Cape Nature in 2017, both these ecosystems status' have been upgraded to Endangered. The majority of the study area is covered by wattle trees (Site A and C) or is degraded or disturbed (Site B, C, D, E, F, G). Some natural Fynbos components occur within the landscape (Site B, C, D, F and G).

3.5 Vegetation

The BAR submits that the aim of the proposal is to convert pasture land and areas infested with wattle to establish orchards. However, among these old pastures and alien vegetation are some indigenous vegetation. According to the BAR the proposed clearing activities will be adjacent to existing planted pastures and no ploughing or planting will occur within a watercourse or its associated buffer area.

Sensitivity mapping used by the ecological specialist was based on the outcomes of a PES and EIS assessment, which are based on toolkits available for aquatic ecosystems. However, CapeNature highlighted that the Western Cape Biodiversity Spatial Plan (WCBSP 2017) should be consulted and identifies the vegetation units which will be impacted upon by the proposed activities as *Endangered* Garden Route Shale Fynbos, the *Endangered* Swellendam Silcrete Fynbos and the *Vulnerable* South Outeniqua Sandstone Fynbos. Furthermore, the endangered units are also listed as threatened ecosystems in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM: BA). The Garden Route Shale Fynbos contains 8 threatened plant species and 3 endemic plant species with 4% formally conserved and 44% of its original extent remaining in a natural condition. The conservation target for Garden Route Shale Fynbos vegetation unit is listed as 23% of its original extent. The Swellendam Silcrete Fynbos contains 23 red data plant species and 14 endemic plant species with 4% formally conserved and 49% of its original extent remaining in a natural condition. The conservation target for Swellendam Silcrete Fynbos

vegetation unit is listed as 30% of its original extent. Lastly the conservation target for the South Outeniqua Sandstone Fynbos is listed as 23% of its original extent. The specialist report was then amended to include this and further reduction within these ecosystems took place to arrive at the preferred alternative. The specialist also stated that it should be noted that many of the areas classified as CBA's and/or ESA's are in fact heavily disturbed or transformed. Accordingly, the sites were selected based on these transformed and/or disturbed areas where natural vegetation is minimal.

During a ground-truthing site inspection the specialist found no threatened plant species, however, two threatened fauna species, *Pelea capreolus* and *Philantomba monticola* have been recorded on site. The specialist also determined that the proposed development is not expected to negatively impact on fauna species, as their movement in the landscape will not be hindered, and their habitat will not be affected. The proposed development also excludes the watercourse and wetland habitats. Accordingly, sensitive habitats are being protected and a corridor for the movement of species is provided for within the lay-out.

3.6 Freshwater Aspects

The site is located in the Gouritz Water Management Area and according to the BAR and as was evident from the site inspection, the study area contains rivers, wetlands and likely groundwater-dependent communities or ecosystems. The presence of temporary or seasonal wetlands were assessed in the field in relation to the wetland map and proposed site layouts. Adjustments were recommended based on potential wetness for the final proposed layouts. Further, according to the BAR the proposed development also excludes the watercourse and wetland habitats. Accordingly, sensitive habitats are being protected and a corridor for the movement of species is in place. The BAR also list a number of aquatic ecological infrastructure features that are associated with the study area. However, the BAR states that all watercourses and wetlands have been excluded from ploughing, however, some natural vegetation will be removed.

3.7 Impacts

The impacts identified is loss of existing habitat due to loss of vegetation, increase in erosion and sedimentation run-off from clearing, chemical runoff into downstream water sources as a result of the spraying of pesticides and herbicides. However, by implementing the mitigation measures and the avoidance of certain areas will the impacts associated with the proposed development will be of an acceptable nature.

According to the specialist findings, only the riparian forest habitats resembling remnant patches of Southern Cape Afrotropical Forests and the intact fynbos communities along the upper slopes of the study area are regarded as critical habitats. Furthermore, the BAR states that the loss of natural habitat is limited to mostly areas already regarded as largely to seriously modified. The preferred alternative was derived at by excluding very intact and sensitive areas such as watercourses and buffer areas to minimize this impact. It was further fine-tuned to move the areas in such a fashion that the more intact habitats are excluded from the proposal.

According to the ecological specialist no threatened plant species have been observed during the site visit. Two threatened fauna species, *Pelea capreolus* and *Philantomba monticola* have been recorded on site, but the proposed development is not expected to negatively impact on them as their movement in the landscape will not be hindered, and their habitat will not be affected. The proposed development also excludes the watercourse and wetland habitats. Accordingly, sensitive habitats are being protected and a corridor for

the movement of species is in place. Furthermore, the proposed development will not hinder movement of fauna within the landscape, and will assist in the eradication of wattle and other alien invasive species.

The proposed development will not result in unacceptable biophysical and/or socio-economic impacts, after mitigation. The socio-economic impacts associated with the proposal are all positive as the development proposal will create jobs and as the produce will be exported, it will ensure that capital comes into the land. No (post mitigation) impacts of high negative significance will occur as a result of the implementation of the proposed activity during either the construction or operational phase.

Contour planting is ideally suited to moderate slopes where the directions and degree of fall are reasonably uniform as with the proposed sites. Current agricultural activities also take place on moderate slopes and is successfully managed by the proponent. The advantages associated with this kind of agriculture, besides maximizing the area, includes a reduction in soil erosion as downhill surface run-off is controlled. This type of agricultural activity also offers greater retention and absorption of rains of a more moderate nature and particularly of late winter rains.

Areas with pristine indigenous vegetation as well as watercourses were avoided and buffer areas of 50 metres and in some areas more around watercourses was incorporated into the preferred alternative. The preferred alternative also reduced the actual proposal with approximately 10 hectares.

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.

----- END -----