



REFERENCE: 16/3/3/2/F2/4/2021/21
NEAS REFERENCE: WCP/EIA/0000900/2021
DATE: 18 February 2022

The Trustees
Welbedacht Rooibos Trust
P. O. Box 225
CLANWILLIAM
8135

Attention: Mr. Charl van der Merwe

Tel: 028 050 1373

E-mail: sales@biedouwvalleyrooibos.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE CULTIVATION OF ROOIBOS ON DRIE PIEKE (FARM WELBEDACHT NO. 537/1), CLANWILLIAM.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA 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 summarised in the attached Environmental Authorisation.

Yours faithfully

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to:

- 1) C. du Plessis/ S. Ranger (Footprint Environmental Services)
- 2) D. Joubert (Cederberg Municipality)

E-mail: charlduplessis2@afrihost.co.za

E-mail: dannej@cederbergmun.gov.za



REFERENCE: 16/3/3/2/F2/4/2021/21
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE CULTIVATION OF ROOIBOS ON DRIE PIEKE (FARM WELBEDACHT NO. 537/1), CLANWILLIAM.

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 activity specified in section B below with respect to the preferred Alternative , described in the Environmental Impact Assessment Report ("EIR"), dated October 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Welbedacht Rooibos Trust
% Mr. C. van der Merwe
P. O. Box 225
CLANWILLIAM
8135

Tel: 028 050 1373
E-mail: sales@biedouwvalleyrooibos.co.za

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

B. AUTHORISED ACTIVITIES

Listed Activity	Activity/Project Description
Listing Notice 2 of the EIA Regulations, 2014 (as amended)– Activity Number: 15 <i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for –</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i>	The development will result in the clearance of approximately 126ha of indigenous vegetation for the cultivation of dryland rooibos.

The abovementioned list is hereinafter referred to as “**the listed activity**”.

The holder is herein authorised to undertake the following alternative that includes the listed activity relating to the development:

The proposal entails the clearance of approximately 126ha of indigenous vegetation on Farm Drie Pieke (Portion 1 of Farm No. 537, Clanwilliam for the dryland cultivation of rooibos.

The proposed development will utilise existing farm infrastructure, farm roads and jeep tracks. No new access roads form part of this development.

C. SITE DESCRIPTION AND LOCATION

The site is located east of the Cederberg Mountains on the mountain plateau above Biedouw Valley on Farm Drie Pieke (Portion 1 of Farm Welbedacht 537) near Clanwilliam. The site is located off Wupperthal Road in the Biedouw Valley of the Cederberg.

The site co-ordinates:

Latitude (S)	32°	12'	51.269"
Longitude (E)	19°	14'	39.533"

The SG digit code:

Farm Welbedacht 537/1, Clanwilliam	C02000000000053700001
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The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Cedarberg Conservation Services t/a FOOTPRINT Environmental Services
 % Mr. S. Ranger
 P.O. Box 454
 Porterville
 8135

Tel.: 083 294 8776

E-mail: sean.ranger1@gmail.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the EIR dated October 2021 on the site as described in Section C above.
2. Authorisation for the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
 - b) A period of ten (**5**) years, from the date the holder commenced with an authorised listed activity during which period the authorised listed activity must be concluded.
4. The authorised activity must only be carried out at the site described in Section C above in terms of the approved “Environmental Management Programme” (“EMP”).
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be 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 such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1. notify all registered Interested and Affected Parties of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date of issue of the decision;
 - 6.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4. provide the registered Interested and Affected Parties 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;
- 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

- 7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

- 9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of land clearing activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10, 11, 15 and 20

Management of activities

- 10. The draft EMPr (dated October 2021) submitted as part of the application for Environmental Authorisation must be amended to include the following:
 - 10.1. An updated site layout which demarcates the 32m buffer areas between the cultivated areas and no-go areas.
- 11. The updated EMPr must be submitted to the competent authority for approval before the commencement of land clearing activities.
- 12. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
- 13. The EMPr must be included in all contract documentation for all phases of implementation.
- 14. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

15. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the land clearing, construction and rehabilitation phases of implementation. The ECO must–
 - 15.1. be appointed prior to commencement of any land clearing, demarcation of no-go areas or construction activities commencing;
 - 15.2. ensure compliance with the EMPr and the conditions contained herein; and
 - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid–
 - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit at least two environmental audit reports to the competent authority during the construction phase. The holder must submit the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must –

- 17.1. 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 extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 17.2. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.3. evaluate the effectiveness of the EMPr;
 - 17.4. identify shortcomings in the EMPr;
 - 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.6. 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;
 - 17.7. include a photographic record of the site applicable to the audit; and
 - 17.8. be informed by the ECO reports.
18. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

19. The following recommendations provided in the Botanical Baseline Assessment Report dated 29 November 2019, compiled by Nick Helme Botanical Surveys, must be implemented:
 - 19.1. A minimum of two 300m wide north- south ecological corridors should be left undeveloped between the main strips of the proposed cultivation area.

- 19.2. The holder must maintain a buffer of at least 32m between the cultivation areas and the very high sensitivity areas.
20. A botanical specialist must be appointed to oversee the demarcation of the very high sensitivity areas based on the presence of species of conservation concern and no-go areas on site prior to the commencement of construction activities.
 21. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
 22. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
 23. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). 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 and graves or unmarked human burials.

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 in accordance with the requirements of the relevant authority.

F. RECOMMENDATIONS

1. The holder of the environmental authorisation should, within six months from the date of issue of this Environmental Authorisation, initiate discussions with CapeNature in order to formalise a Stewardship agreement or contract for those areas of high botanical significance that have been identified as no-go /avoided areas. The holder should thereafter provide the Directorate with a status report every six months until the agreement or contract has been concluded. The holder should submit the final Stewardship agreement or contract to this Directorate within 30 days after it has been concluded, for record purposes.
2. Should a Stewardship Agreement not be reached, the holder should include the continuous management of the no-go or avoidance areas in a 'farm level management plan' to ensure the protection of these areas. The holder should submit this plan to the Directorate within 30 days after it has been concluded, for record purposes.

G. 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. If the holder does not commence with the listed activity within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the 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.

3. 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.
 - 3.1 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.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1 Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

H. 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 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 Interested and Affected Parties, 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 Interested and Affected Parties -
 - 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 Interested and Affected Party, 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 Interested and Affected Party 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: Attention: Marius Venter
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 requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

I. 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

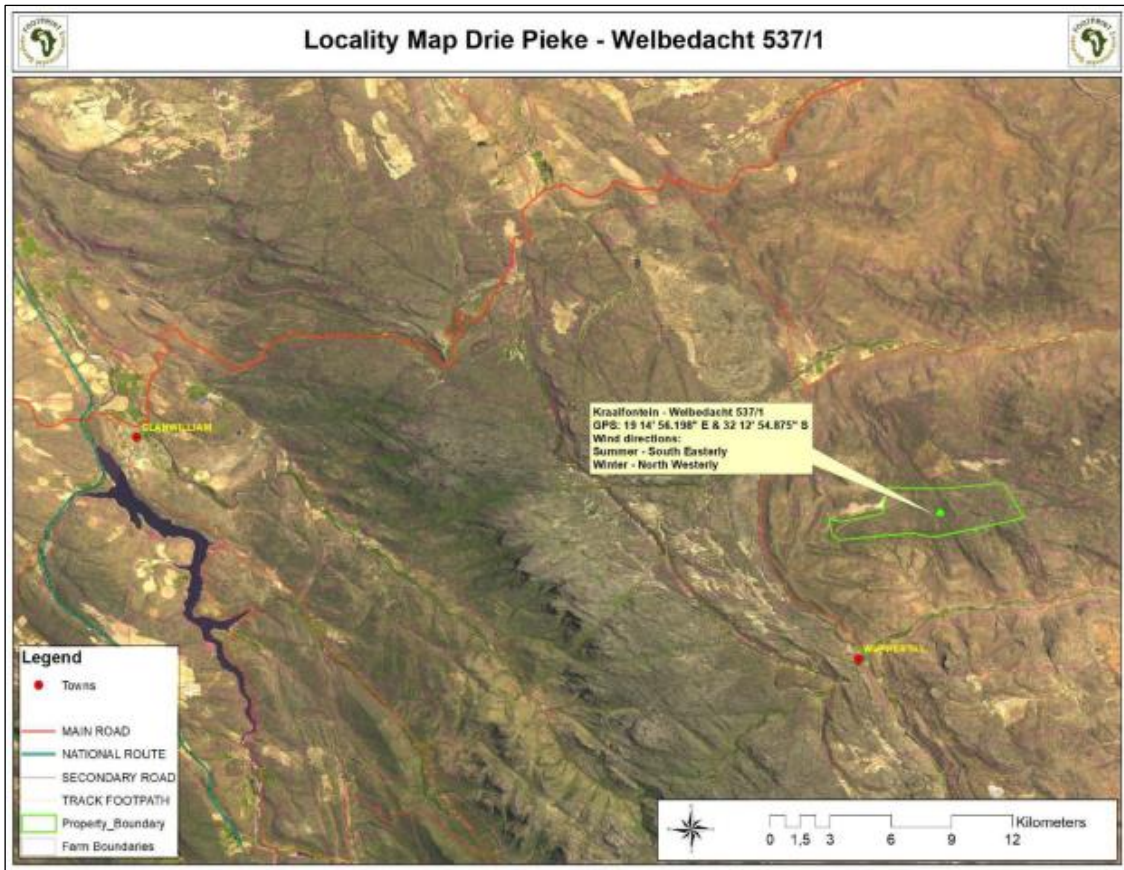
MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 18 FEBRUARY 2022

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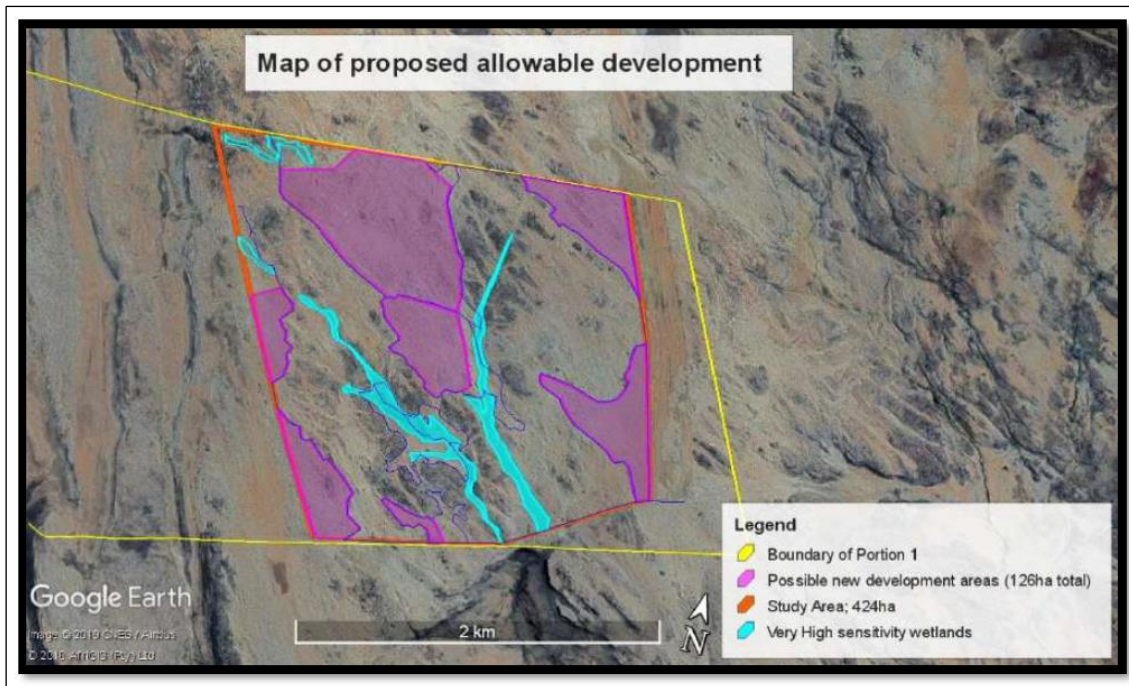
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E-mail: charlduplessis2@afrihost.co.za
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 15 April 2021, the final Scoping Report dated 4 June 2021, the EIR dated October 2021, the EMPr submitted together with the EIR and the additional information received on 11 February 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the EIR dated October 2021.

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 Interested and Affected Parties ("I&APs");
- fixing notices at the site where the listed activity will be undertaken;
- the placing of a newspaper advertisement in the "Ons Kontrei" on the 11 September 2020;
- the placing of site notification boards at the entrance of the property;
- the pre-application draft Scoping Report was made available for public review from 15 September 2020 until 16 October 2020;
- E-mail notifications were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity, about the availability of the report with reminders sent to submit comments;
- the post application Scoping Report was made available to I&APs for public review and comment from 3 May 2021 to 3 June 2021; and
- the post application draft EIR was made available to I&APs for public review and comment from 2 August 2021 until 3 September 2021.

During the public participation process, concerns were raised by CapeNature regarding the significant loss of indigenous vegetation. The EAP obtained follow up comments from the botanical specialist in response to the concerns raised by CapeNature. Further, the preferred alternative has been revised to reduce the impact on the recorded Species of Conservation Concern by at least 50%. The botanist further recommended a stewardship agreement between CapeNature and the applicant for all non-development areas on the property. The impacts associated with the proposed development was assessed and sufficient information was provided for the Competent Authority's decision-making.

Responses to the comments raised during the public participation process were included in both the Scoping as well as EIA Reports. This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements.

2. Alternatives

No other site alternatives were investigated and considered for the proposed clearance of approximately 126 ha of indigenous vegetation on Portion 1 of Farm Welbedacht No. 537, Clanwilliam for the dryland cultivation of rooibos, as the site is owned by the landowner and is suitable for rooibos cultivation.



The alternatives considered were Activity Alternatives, Layout and Site scale Alternatives and the "No-go" Alternative.

Activity Alternatives

The applicant investigated the mix of intensive (crop production) and extensive use (animal production) of the land. In terms of livestock production, the property is best suited for goat farming. However, this was not preferred as this farming practice is not considered as economically sustainable for this locality and would result in significant job losses, as livestock farming requires approximately 80 percent less staff than a cultivation-based farming operation producing Rooibos tea.

Operational Alternatives

The applicant investigated the use of manual labour versus mechanical labour during the harvesting of rooibos which is an annual occurrence. The harvesting and processing of rooibos requires the employment of temporary manual labour. This alternative is preferred as rooibos plants need to be cut dependent on dimensions of the individual plant thus increasing the lifespan and productivity of an individual plant.

Technology Alternatives

The applicant has investigated the technology of regenerative farming. The dryland cultivation of rooibos is a farming practice that has the potential to conserve soil fertility and conserve biota associated with undisturbed soils in-field. This is preferred as it leads to a reduction in dependency on soil amendments and fertilisers.

Layout and Site scale Alternatives

The sites identified for the proposed development has been selected based on the agricultural potential which relates to soil type and suitability for optimal rooibos production. This was confirmed by the findings of the soil suitability report. Larger sites are considered more favourable based on the requirement of 4m turning circles to be located along field boundaries for tractors. The alternative of considering fewer but larger crop fields versus more smaller crop fields is focused on land use efficiency and for this reason, this alternative is preferred.

Initial Layout Alternative investigated:

This alternative entailed the clearance of a 156ha area on the proposed site. Based on the findings of the Botanical Assessment Report and in response to CapeNature's comments regarding the retention of conservation corridors, the layout was revised. The findings of the scoping assessment in terms of site sensitivity across all areas were that the main wetlands were ecologically very important and were regarded as having Very High ecological sensitivity. Some of these wetlands fell within proposed development areas and the wetlands additionally showed good congruence with the Ecological Support Area 1 (wetland) mapping in the Western Cape Biodiversity Spatial Plan. Therefore, in order to avoid significant impact on botanical/ ecological sensitivity, this alternative was discarded, and the layout was revised.

Preferred Layout Alternative

The preferred alternative entails the cultivation of approximately 126ha of indigenous vegetation on Drie Pieke Farm Welbedacht No. 537/1, Clanwilliam. This layout was based on the findings of a Botanical Assessment undertaken on the proposed site. This alternative is preferred as the site layout excludes certain high sensitivity areas and it considers the botanical constraints identified by the botanical specialist and CapeNature's comments.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain. This alternative is not preferred as the zoning of the property is Agriculture which is aligned with the landuse planning within this region. The cultivation of rooibos keeps the area economically active and the environmental conditions within the region is best suited for rooibos production.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability

The area is economically active due to its suitability for the cultivation of dryland rooibos and the proposed development is in line with current activities and land use practices of the surrounding properties. The benefits of the proposed development include, providing job opportunities, stimulating the local economy and the export of commodities/agricultural produce.

3.2 Planning Context

The site is zoned Agriculture 1, and the proposed development is permitted in terms of the property's existing landuse rights. The forward planning vision for the wider region is generally in support of agriculture as a primary landuse. As such, the proposed development is therefore consistent with this forward planning context.

3.3 Biophysical Impacts

The most significant impact of the proposed development is the loss of intact indigenous vegetation. The property is comprised of Swartuggens Quartzite Fynbos and Agter-Cederberg Shrubland, which are categorised as a least threatened vegetation type with total 98 percent and 97 percent original extent remaining of each vegetation type, respectively. After the initial clearance of the area, Rooibos tea will be planted on every two out of three rows with a row spacing of 1.6m where every third row will serve as a wind break to promote the regeneration of natural fynbos. Based on the findings of the Botanical Baseline Assessment Report dated November 2019, as compiled by Nick Helme from Nick Helme Botanical Surveys, no areas have been mapped as Critical Biodiversity Areas with the watercourses on site mapped as Ecological Support Areas. The area lies outside of the main Greater Cederberg Biodiversity Corridor, which is designed to link the Cederberg to the sea at Rocher Pan and Verlorenvlei.

However, 9 plant Species of Conservation Concern ("SCC") were found within the study area with the proposed development of which at least 5 plant species of conservation concern are recorded within the developable areas. Based on the recommendations made by the botanical specialist and comments from CapeNature, the proposed developable area was amended to exclude certain areas of very high sensitivity. According to the botanical specialist's, correspondence dated 4 October 2021 (in response to CapeNature's comments), it is noted that none of the SCC are being fully avoided in the preferred alternative, but that overall impact on SCC is about 50% less than for the initial proposed alternative. Complete avoidance of all SCC on a site like this would mean that no development would be possible.

Further, *"avoidance and mitigation is generally only partial, and seldom succeeds in totally avoiding impacts. Especially where the site is undisturbed the less area is cultivated the lower will be the impact – it's a fairly linear relationship, but is adjusted for habitat heterogeneity, and luckily about half the SCC on site occur in rockier areas that are not likely to be cultivated."* The areas stony and rockier areas will be demarcated as "no-go".

In conclusion, no significant loss of SCC will occur on a regional scale with the revised site development. Although the overall impact of the proposed development on indigenous vegetation is regarded as high, the impact significance rating can be reduced to medium as the revised site development layout represents a fair tradeoff between conservation and development given that the habitat concerned is still relatively well represented on the property. The botanist recommended that a formalised conservation stewardship agreement be negotiated with CapeNature and the applicant to conserve the no-go areas on the property, if CapeNature agrees and has capacity. This recommendation has been included as a recommendation of this Environmental Authorisation.

3.4 Heritage impacts

A Heritage Impact Assessment dated October 2019, as compiled by CTS Heritage assessed the impacts associated with the proposed development. The Cederberg Mountains are internationally renowned for the concentration of rock art and archaeological sites, which are some of the

densest in the world. These sites occur more or less throughout the region which has been inhabited since the Early Stone Age. A total of 6 'sites' were recorded on Farm 537/1 with an additional 5 observations including a site containing rock art found near the proposed development. The HIA concluded that no significant heritage resources will be impacted. In Heritage Western Cape's correspondence dated 16 September 2020 and 13 January 2021 Heritage Western Cape endorsed the findings of the HIA.

3.5 Agricultural impacts

According to the Soil Assessment dated 29 April 2021 compiled by Johann Lanz, it is noted that based on the performance of the existing rooibos fields, as well as the natural occurrence of rooibos within the surrounding areas, the soil and site conditions of all proposed new fields are best suited for successful rooibos cultivation. It is stated that the layout of rooibos fields will be perpendicular to the prevailing wind direction. In order to implement erosion mitigation strategies such as planting of cover crops to prevent wind erosion: "*The planting rows should have a west – east orientation i.e., across the prevailing winds.*" In the Western Cape Department of Agriculture's correspondence dated 15 September 2021, the Department offered to assist the proponent with technical support in the form of topographical surveys to assist with the design layout and orientation of the rooibos fields.

3.6 Visual / sense of place

A site assessment was undertaken to determine the presence of significant view corridors associated with the proposed site and line of sight from the surrounding landscape. It was determined that the proposed site is very isolated and not visible from surrounding farms or roads in the area. The proposed development will however not be out of character with its surrounding landscape which also comprises of similar agricultural type land uses.

3.7 Socio-economic impacts

It was projected that the proposed development will provide result in benefits ranging from employment creation, economic empowerment of employees as well as training and skills development.

The development will result in negative and positive impacts

Negative impacts:

- The development will result in the loss of indigenous vegetation; and
- An increase in soil erosion potential.

Positive impacts:

- Contribution to the local economy;
- Increased agricultural activities on agricultural land; and
- The development will provide additional employment opportunities.

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 activity 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.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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