

EIA REFERENCE: 16/3/3/2/E1/9/1002/21
NEAS REFERENCE: WCP/EIA/0000854/2021
DATE: 29 September 2021

The Board of Directors
Quoin Rock Wines (Pty) Ltd.
P. O. Box 23
Elsenburg
STELLENBOSCH
7607

Attention: Mr. Nicolas Walker

Tel.:(021) 888 4740
E-mail: nico@quoinrock.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR CULTIVATION ACTIVITIES ON THE FARM BOS KLOOF (COMPRISING OF THE REMAINING EXTENT AND PORTION 4 OF THE FARM BOS KLOOF NO. 138, PORTIONS 1 AND 17 OF THE FARM PIETERCIELIES KLOOF NO. 202 AND THE REMAINING EXTENT AND PORTION 1 OF THE FARM TOEKOMS NO. 244), ELIM

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are hereby instructed to ensure, within fourteen (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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

EIA REFERENCE: 16/3/3/2/E1/9/1002/21
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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 ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR CULTIVATION ACTIVITIES ON THE FARM BOS KLOOF (COMPRISING OF THE REMAINING EXTENT AND PORTION 4 OF THE FARM BOS KLOOF NO. 138, PORTIONS 1 AND 17 OF THE FARM PIETERCIELIES KLOOF NO. 202 AND THE REMAINING EXTENT AND PORTION 1 OF THE FARM TOEKOMS NO. 244), ELIM

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the Listed Activities specified in section B below with respect to the preferred Alternative that is described in the Environmental Impact Assessment Report ("EIAR") received by the Department on 18 June 2021.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Quoin Rock Wines (Pty) Ltd.
C/O Mr. Nicolas Walker
P. O. Box 23
Elsenburg
STELLENBOSCH
7607

Tel.: 021 888 4740
E-mail: nico@quoinrock.co.za

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 2</p> <p>Activity Number: 15 Activity Description: <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></p>	<p>The proposed development entails the clearance of more than 20ha of untransformed indigenous vegetation for the cultivation of wildflower and honeybush tea.</p>
<p>Listing Notice 3</p> <p>Activity Number: 12 Activity Description: <i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i> ii. <i>Within critical biodiversity areas identified in bioregional plans;</i> iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> v. <i>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."</i> 	<p>The proposed development entails the clearance of more than 300m² of Critically Endangered vegetation for the cultivation of wildflower and honeybush tea.</p>

The abovementioned Listed Activities are hereinafter referred to as "**the Listed Activities**".

The holder is herein authorised to undertake the following alternative that includes the Listed Activities relating to the development:

The proposed development entails the clearance of indigenous vegetation for the cultivation of specific fynbos species (wildflower) and honeybush tea on the Farm Bos Kloof, comprising of six adjoining properties, namely, the Remaining Extent and Portion 4 of the Farm Bos Kloof No. 138, Portions 1 and 17 of the Farm Pietercielies Kloof No. 202 and the Remaining Extent and Portion 1 of the Farm Toekoms No. 244, Elim. Approximately 430.8ha of cultivated areas will be developed and a conservation area of approximately 1102.6ha (which includes 100m wide corridors on each side of the watercourses traversing the study area) will be established.

Existing and/or informal vehicle tracks will be used to gain access to the proposed site.

C. SITE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on the Farm Bos Kloof.

The SG 21-digit codes comprising the Farm Bos Kloof are:

Farms	SG 21-digit code
The Remaining Extent of the Farm Bos Kloof No. 138, Elim	C01100000000013800000
Portion 4 of the Farm Bos Kloof No. 138, Elim	C01100000000013800004
Portion 1 of the Farm Pietercielies Kloof No. 202, Elim	C01100000000020200001
Portion 17 of the Farm Pietercielies Kloof No. 202, Elim	C01100000000020200017
The Remaining Extent of the Farm Toekoms No. 244, Elim	C01100000000024400000
Portion 1 of the Farm Toekoms No. 244, Elim	C01100000000024400001

The co-ordinates of the site are given below:

Site	Latitude (S)	Longitude (E)
The Farm Bos Kloof	34° 31' 42.43" S	19° 50' 17.09" E

Refer to Annexure 1: Locality Map(s). Refer to Annexure 2: Site Development Plan(s).

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Duncan Heard Environmental Consulting
Duncan H. W. Heard
12 Sepia Avenue
Vermont
ONRUSRIVIER
7201

Tel.: 028 316 3386
Cell: 082 495 3943
E-mail: duncanheard@telkomsa.net

E. CONDITIONS OF ENVIRONMENTAL AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the Listed Activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above.
2. The holder must commence with the Listed Activities 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.
3. The holder must commence with the Listed Activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
4. The development (vegetation clearance) must be concluded within **ten (10) years** from the date of commencement of the Listed Activities.
5. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or

deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written Notice to the Competent Authority

7. A written notice of seven (7) calendar days must be given to the Competent Authority before land clearing can be commenced with.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must include proof of compliance with the following conditions described herein:
Conditions: 8, 9, 11, 22 and 23.

Notification of Environmental Authorisation and Administration of Appeal

8. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 8.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 8.1.1. the decision reached on the application;
 - 8.1.2. the reasons for the decision as included in Annexure 3;
 - 8.1.3. the date of the decision; and
 - 8.1.4. the date when the decision was issued.
 - 8.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 8.4. provide the registered I&APs with the
 - 8.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 8.4.2. name of the responsible person for this Environmental Authorisation,
 - 8.4.3. postal address of the holder,
 - 8.4.4. telephonic and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,
 - 8.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

Commencement

9. The Listed Activities, including site preparation, must not be commenced with within (20) twenty calendar days from the date the applicant notifies the registered I&APs of this decision.
10. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of Activities

11. The draft Environmental Management Programme ("EMPr"), submitted together with the final EIAR on 18 June 2021, is hereby approved and must be implemented.
12. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein.
14. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office and must be made available to any authorised official of the Competent Authority on request.
15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

16. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and the updated Rehabilitation Plan. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
17. The audit reports must be compiled and subsequently submitted to the Department in the following manner:
 - 17.1. The first audit report must be submitted to the Competent Authority within three (3) months of the clearance of indigenous vegetation.
 - 17.2. Thereafter, an audit report must be submitted every five (5) years while the Environmental Authorisation remains valid;
18. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management;
19. The holder must, within seven (7) calendar days of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request.

Specific Conditions

20. Should any heritage remains be exposed during excavations or any other actions on the site, this 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 disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

21. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

22. The areas where the cultivated fynbos land will be located must be clearly demarcated. All areas outside the development footprint must be regarded as “no-go” areas, including the 100m riverine buffer area, prior to the commencement of each land clearing phase.
23. A Search and Rescue operation of all transplantable indigenous bulbs and succulents that occur on the site must be undertaken in late winter/early spring, by a suitably qualified and experienced botanical/ horticulturalist specialist. The species must be relocated to areas already under rehabilitation or to the conservation area that will be located on the Remaining Extent and Portion 138 of the Farm Bos Kloof No. 4, Elim. Proof of the above must be provided to the Competent Authority and to CapeNature, seven (7) days prior to the commencement of each land clearing phase.
24. A conservation servitude, for the conservation of 1102.6ha on the farm, must be negotiated and registered with the relevant authority, in collaboration with CapeNature, within one (1) year from the date of this Environmental Authorisation. Copies of the registered servitude must be provided to the Competent Authority, Overberg District Municipality and Cape Agulhas Municipality.
25. A Conservation Management Plan for the conservation servitude must be drawn up within six (6) months of the date the servitude is registered. This Conservation Management Plan must include fire management, alien vegetation management, and erosion control measures. The Conservation Management Plan must also describe conservation requirements for managing buffer areas in the natural/agricultural interface and address the successful and sustainable rehabilitation and restoration of the vegetation types located within the conservation area.
26. The holder of the Environmental Authorisation must ensure that adequate training is provided in the appropriate language to all on-site personnel, to help ensure that the conditions of the Environmental Authorisation are complied with and the EMPr requirements are met.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the Listed Activities.
2. Non-compliance with any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.
4. An application for amendment of the Environmental Authorisation must be submitted 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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within twenty (20) 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 twenty (20) 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 twenty (20) 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 2659)
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 at 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>.

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 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 29 SEPTEMBER 2021

CC: Mr. Abraham Theron (Cape Agulhas Municipality Town and Regional Planning)
Mr. Duncan H. W. Heard (Duncan Heard Environmental Consulting)

E-mail: abraham@capeagulhas.gov.za

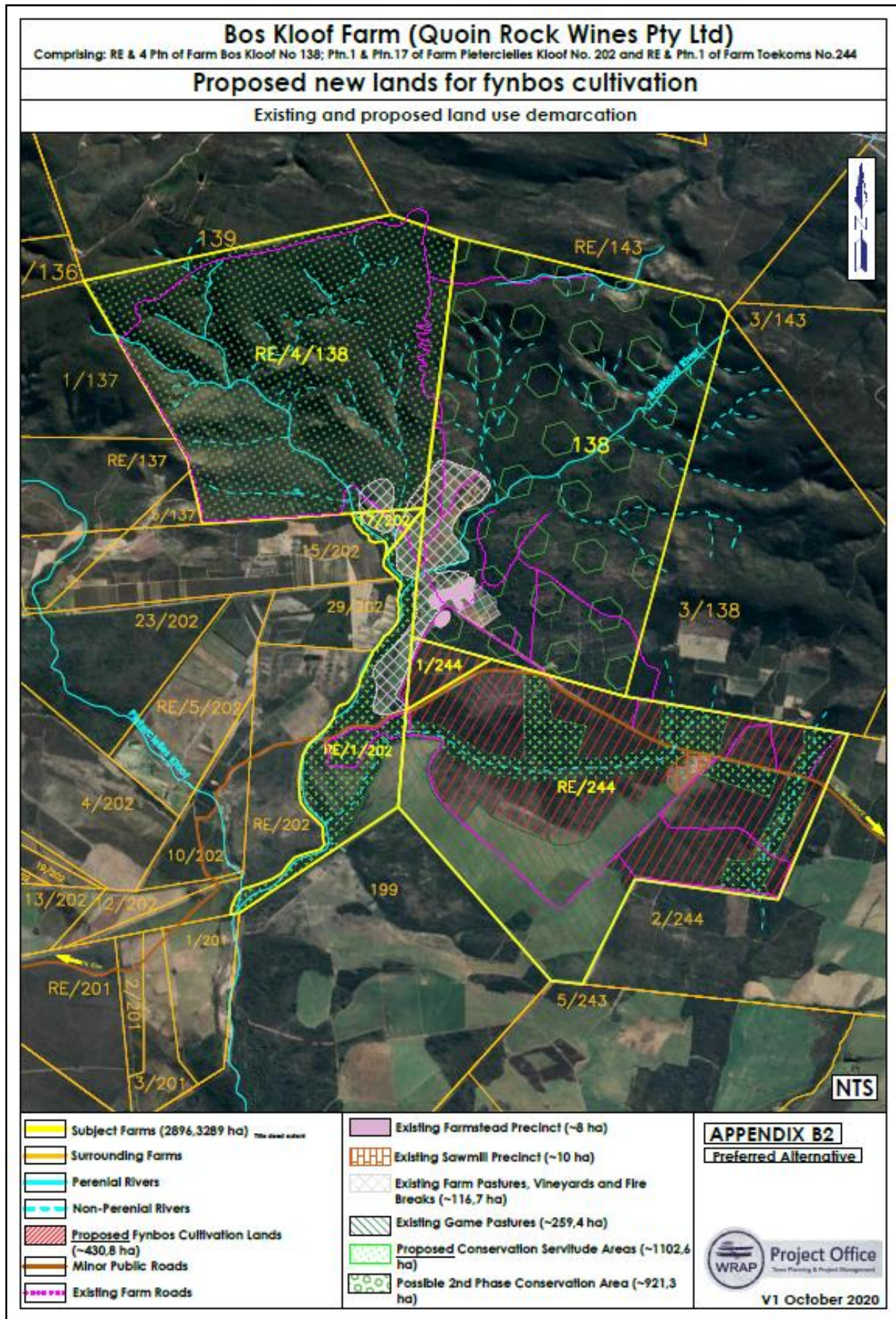
E-mail: duncanheard@telkomsa.net

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ANNEXURE 2: SITE DEVELOPMENT PLAN(S)



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 received by this Department on 18 January 2021, the Scoping Report dated March 2021, the EIAR dated June 2021, and the EMPr submitted together with the final EIAR for decision-making on 18 June 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the EIAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visit was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

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

1. Public Participation

- identification of and engagement with I&APs;
- fixing two site notices at visible and accessible locations at the entrances to the Farm Bos Kloof from the public road;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the site where the Listed Activities are to be undertaken, the Municipality, Organs of State and State Departments having jurisdiction in respect of any aspect of the proposed development;
- the placing of a newspaper advertisement in the 'Suidernuus, Bredasdorp'; and
- making the pre-application Scoping Report and Plan of Study ("SR and PoS") available to I&APs for comment from 26 October 2020 to 27 November 2020, the post application draft SR and PoS from 24 January 2021 until 24 February 2021 and the draft EIAR from 26 April 2021 to 28 May 2021.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

Two layout alternatives were investigated. The original layout was reduced to allow for the protection and conservation of the watercourses that flow through the Farm Bos Kloof (up to 100m on either side of the watercourse edge). Additionally, the original layout was amended to include a conservation area of approximately 1102.6ha, which incorporates the watercourses and the 100m riverine buffer areas, on the Farm Bos Kloof. The preliminary alternative was therefore scoped out of further assessment.

2.1 The Preferred Alternative (herewith authorised)

The Preferred Alternative entails the clearance of indigenous vegetation for the cultivation of specific fynbos species (wildflower) and honeybush tea on the Farm Bos Kloof, comprising of six adjoining properties, namely; the Remaining Extent and Portion 4 of the Farm Bos Kloof No. 138, Portions 1 and 17 of the Farm Pietercielies Kloof No. 202 and the Remaining Extent and Portion 1 of the Farm Toekoms No. 244, Elim. Approximately 430.8ha of indigenous vegetation will be removed and a conservation area of approximately 1102.6ha (which includes 100m wide corridors each side of the watercourses traversing the study area) will be established.

Existing and/or informal vehicle tracks will be used to gain access to the proposed site.

This alternative is preferred due to the following:

- The 'no-till' cultivation of wildflower and honeybush tea allows for a range of other naturally occurring fynbos species to co-exist in the cultivated lands;
- The Farm Bos Kloof will become more financially viable as an agricultural unit and assist in consolidating the growing wildflower and honeybush tea local and export business sector;
- The cultivation will contribute towards the regional agricultural economy;
- The cultivation will allow for the creation of some temporary employment opportunities;
- The cultivation will support the further implementation of an Invasive Alien Plant ("IAP") control programme on the Farm Bos Kloof; and
- The conservation of more than a third of the Farm Bos Kloof (approximately 1102.6ha) will contribute to local Agulhas Plain conservation initiatives.

2.2 'No-Go' Alternative

The "No-Go" alternative of not proceeding with the clearance of approximately 430.8ha of indigenous vegetation for the cultivation of wildflower and honeybush tea and the establishment of a conservation area of approximately 1102.6ha on the Farm Bos Kloof was considered. However, it is not preferred, since it will not provide an opportunity to increase the economic viability of the farm, which is required to generate the necessary funds for the management of invasive alien vegetation on the farm. Only the existing cultivated areas will remain. Additionally, high value conservation-worthy areas located on the farm will also not be set aside through a formal conservation servitude registration.

3. **Key Factors Affecting the Decision**

3.1 Need and Desirability

The proposed development entails the cultivation of land zoned for Agriculture. Establishment of additional cultivated wildflower and honeybush tea land on the Farm Bos Kloof will increase the production capacity and economic viability of the farm, which in turn will sustain existing and future employment opportunities and allow for the continued implementation of an invasive alien plant control programme. The development will also allow for the establishment of a conservation area that will ensure long-term maintenance of ecological process and contribute to regional conservation targets. Furthermore, the development is consistent with the surrounding land use and is therefore in line with the objectives of the Western Cape Provincial Spatial Development Framework.

3.2 Heritage Resources

Heritage Western Cape confirmed in a correspondence dated 27 November 2020, that there is no reason to believe any heritage assessment is required, as the site is deemed to have no heritage significance.

Additionally, the applicant will comply with Conditions 19 and 20 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

3.3 Botanical and Freshwater Impacts

According to the Botanical Impact Assessment Report (dated 19 October 2020 and compiled by Fynbos Ecoscapes Botanical Consulting), the original vegetation within the proposed site would have been characterised by the vegetation types, Elim Ferricrete Fynbos and Overberg Sandstone Fynbos, which are classified as Critically Endangered and Cape Lowland Freshwater Wetlands, which is classified as Endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2014 (Act No. 10 of 2004) ("NEMBA"). Past agricultural activities have transformed all the Elim Ferricrete Fynbos, and the low-lying areas of the proposed site are characterised by very high levels of IAP infestation. As a result, the overall conservation value of

these areas is low. Furthermore, desktop analysis of past cultivation as well as a ground truthing survey conducted by the botanical specialist, confirmed that the 430.8ha area proposed for cultivation has low conservation value and will be suitable for cultivation. The Botanical Impact Assessment Report further indicates that the highest priority from a conservation perspective is the riverine and wetland areas. In light of this, the botanical specialist proposed that a buffer area of 100m for all rivers and wetlands be imposed and excluded from the cultivation area.

The development areas on the Remaining Extent and Portion 138 of the Farm Bos Kloof No. 4, Elim, comprising Critically Endangered Overberg Sandstone Fynbos and Endangered Cape Lowlands Freshwater Wetlands, are proposed for conservation. Portions of the farm have been defined as terrestrial and aquatic Critical Biodiversity Areas as well as Ecological Support Areas. As mitigation, a search and rescue operation for indigenous bulbs and succulents, as well as for species of conservation concern, will be undertaken by a suitably qualified and experienced botanical/horticulturalist specialist prior to land clearance activities commencing for each of the land clearing phases. The species will be relocated and transplanted in areas already under rehabilitation or to the conservation area, that will be established through a conservation servitude registration. A Conservation Management Plan will also be developed as part of the aforementioned conservation servitude registration and will address fire management, alien vegetation management and erosion control measures. The Conservation Management Plan will describe conservation requirements for managing the buffer areas in the natural/agricultural interface and will also address the successful and sustainable rehabilitation and restoration of the vegetation types located within the conservation area.

The potential impacts on vegetation that may result from the proposed establishment of cultivated fynbos land will be mitigated by the implementation of the conditions of this Environmental Authorisation, the mitigation measures in the EMPr (accepted in Section E, Condition 11) as well as the Conservation Management Plan.

The development proposal will result in both negative and positive impacts.

Negative impacts include:

- Loss of natural vegetation during site preparation; and
- Land clearing related impacts, such as dust, noise and visual intrusion during the clearance of vegetation.

The Competent Authority took into consideration the abovementioned negative impacts and although some impacts cannot altogether be prevented/avoided, they can be mitigated/reduced to acceptable levels.

Positive impacts include:

- All areas outside the demarcated development footprint will be regarded 'no-go' areas during the land clearing activities;
- A search and rescue operation for indigenous bulbs and succulents, as well as the species of conservation concern, will be conducted within the development footprint prior to the commencement of land clearing activities for each of the planned phases;
- A search and rescue operation for faunal species will be conducted within the development footprint prior to the commencement of land clearing activities for each of the planned phases.
- A conservation servitude, for an area of 1102.6ha on the farm that contributes to local Agulhas Plain conservation initiatives, will be registered for conservation purposes;
- A Conservation Management Plan that addresses fire management, alien vegetation management, erosion control measures and which describe conservation requirements for managing the 100m riverine buffer areas in the natural/agricultural interface will be compiled;
- The Conservation Management Plan will address the successful and sustainable rehabilitation and restoration of the vegetation types located within the conservation area;
- The development will ensure the economic viability of the farm and provide additional employment opportunities;
- Other naturally occurring fynbos species will co-exist in the cultivated lands through no-till' cultivation; and

- Some contribution towards the regional agricultural economy and increased financial support for the further implementation of an IAP control programme on the Farm Bos Kloof.

4. **National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 activity (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 authorised Listed Activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the Listed Activities can be mitigated to acceptable levels.

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