



EIA REFERENCE NUMBER: 16/3/3/2/F3/17/3021/22
NEAS REFERENCE NUMBER: WCP/EIA/0001101/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 30 March 2023

The Chairperson
Ebenhaeser Community Property Association
P.O. Box 37
EBENHAESER
8149

For Attention: Ms. M. van Niekerk

Tel: (027) 217 1114
Email: ebenhaesercpa@gmail.com

Dear Madam

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 AGRICULTURAL PURPOSES ON A PORTION OF THE REMAINDER OF FARM EBENEZER KOLONIE NO. 187, VREDENDAL.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, 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 decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 below.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies: (1) Ms. S. de Kock (Cederberg Environmental Assessment Practice)
(2) Mr. B. Smit (Matzikama Municipality)

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EIA REFERENCE NUMBER: 16/3/3/2/F3/17/3021/22

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 AGRICULTURAL PURPOSES ON A PORTION OF THE REMAINDER OF FARM EBENEZER KOLONIE NO. 187, VREDENDAL.

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 Layout Alternative 3 (Preferred Alternative), described in the Environmental Impact Assessment Report ("EIA") dated 24 November 2022.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Chairperson
c/o Ms. M. van Niekerk
Ebenhaeser Community Property Association
P.O. Box 37
EBENHAESER
8149

Tel: (027) 217 1114
Email: ebenhaesercpa@gmail.com

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

B. ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 2 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number 15 Activity Description:</p> <p><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></p> <p>(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposed development will entail the clearance of approximately 101ha of indigenous vegetation for agricultural purposes on a portion of the Remainder of Farm Ebenezer Kolonie No. 187, Vredendal.</p>

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 authorised development:

The authorised development entails the clearance of 101ha of indigenous vegetation for agricultural purposes on a portion of the Remainder of Farm Ebenezer Kolonie No. 187, Vredendal. The proposed clearance of indigenous vegetation will allow for the provision of additional irrigation plots (“erfies”) varying from 1.8ha to 2ha in extent. This is for community members who are emerging as upcoming farmers and for existing small-scale farmers who wish to extend their current cultivation practices and/or by using their full water quota. The pipelines required for irrigation purposes will not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

A 300m wide buffer measured from the outside of the riparian edge of the Olifants River will be established along the northern section of the proposed development. No development will occur within the 300m buffer area in order to avoid any impacts on the Olifants River and associated Floodplain wetland. All areas identified as very high botanical conservation value (as identified in Figure 14 of the Botanical Assessment compiled by Nick Helme Botanical Surveys and dated 30 November 2018) (attached as Annexure 2b) have been excluded from the development footprint.

Existing roads will be used to gain access to the site.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on a portion of the Remainder of Farm Ebenezer Kolonie No. 187, Vredendal. An existing access road will be used to access the site.

The 21-digit Surveyor General code for the proposed site is:

Remainder of Farm Ebenezer Kolonie 187, Vredendal	C07800000000018700000
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Site co-ordinates for the proposed site is:

Middle point	31° 34'30.08" South	18° 13'37.02" East
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Access points for the existing access road to be used to access the site are:

Start point	31° 34'21.62" South	18° 13'44.49" East
Middle point	31° 34'25.22" South	18° 13'40.74" East
End point	31° 34'46.98" South	18° 13'28.16" East

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

The said section of land is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Cederberg Environmental Assessment Practice
c/o Ms. Susan de Kock
P.O. Box 18915
UPINGTON
8800

Cell.: (082) 679 6780
Email: susandekock@oranjenet.net

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 EIA report dated 24 November 2022 on the site described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternatives 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 to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing must be given to the Competent Authority before commencement of land clearing activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 11, 16 and 17.1.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties (“I&APs”) of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. 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 National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided, i.e., the listed activity, including site preparation, must not be commenced with until the appeal is decided.

Management of activity

9. The Environmental Management Programme (“EMPr”) (dated 24 November 2022) and submitted as part of the application for Environmental Authorisation is hereby approved.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer (“ECO”) before commencing with clearance activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the office of the EA holder of the authorised listed activity and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see these for the purpose of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. 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 and the EMPr and submit Environmental Audit Reports to the Competent Authority. The 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).
 - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority within one (1) month of completion of the environmental audit.
 - 14.2. A final Environmental Audit Report must be submitted to the Competent Authority within one (1) month of the completion of the clearance activities.
 - 14.3. The holder must, within 7 (seven) days of the submission of the Environmental 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.

Specific conditions

15. Any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. A 300m wide buffer (measured from the outside of the riparian edge of the Olifants River landward) must be demarcated along the northern section of the proposed development prior to the commencement of any land clearing activities. No development must occur within the 300m buffer area in order to avoid any impacts on the Olifants River and associated Floodplain wetland during any phase of the development.
17. All areas identified as very high botanical conservation value (as identified in Figure 14 of the Botanical Assessment compiled by Nick Helme Botanical Surveys and dated 30 November 2018) (attached as Annexure 2b) must be regarded as a “no-go” during all phases of the development.
 - 17.1. Area 1 (located closest to the western boundary of the development area must be demarcated prior to the commencement of land clearing activities and the demarcation must be maintained through-out all phases of the development.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with the listed activity within the period specified in Condition 2, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. 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.

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

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

Amendments to the EMPr, must be 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.

G. APPEALS

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

1. An appellant must –
 - 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 form/s must be submitted by means of one of the following methods:

By post: Attention: Mr. M. 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. M. Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of 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 holder, 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

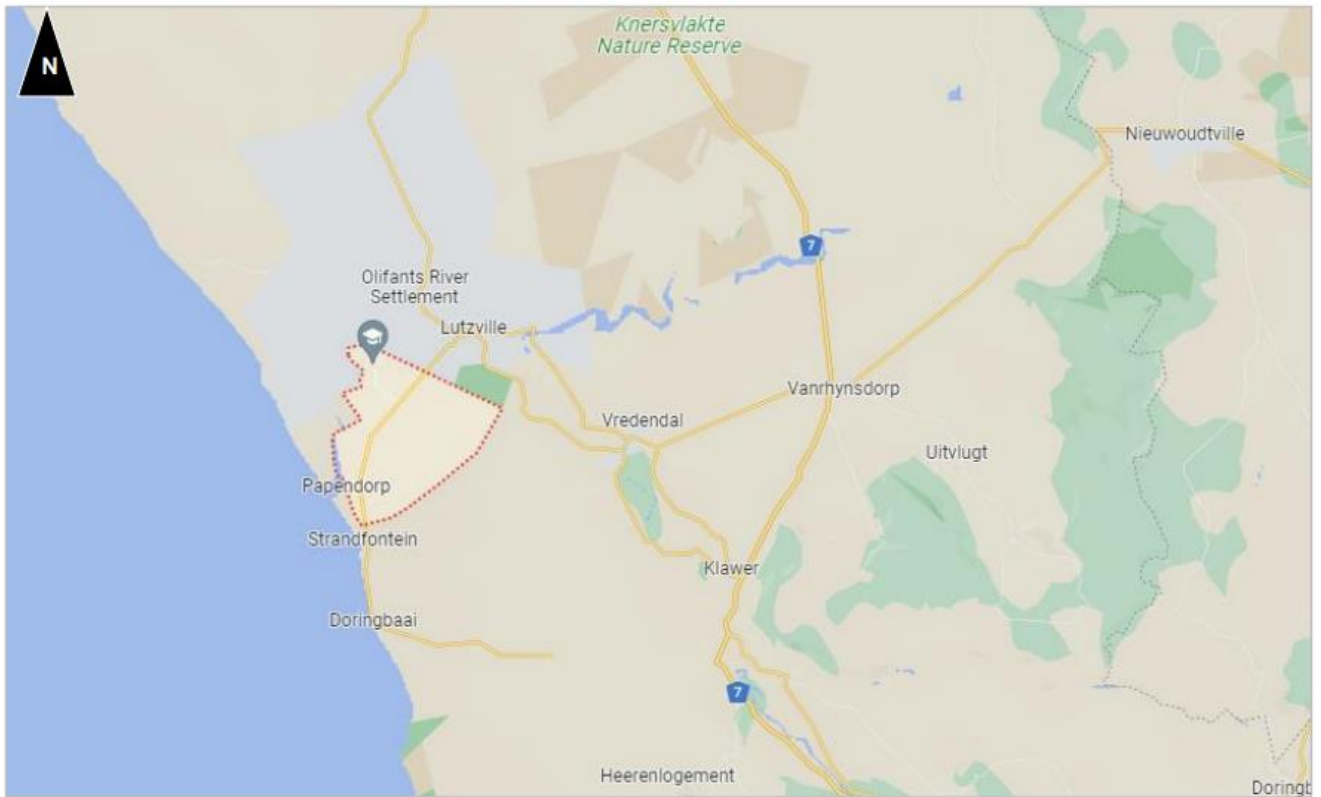
DATE OF DECISION: 30 MARCH 2023

Copies: (1) Ms. S. de Kock (Cederberg Environmental Assessment Practice)
(2) Mr. B. Smit (Matzikama Municipality)

E-mail: susandekock@oranjenet.net
E-mail: bsmit@matzikamamun.co.za

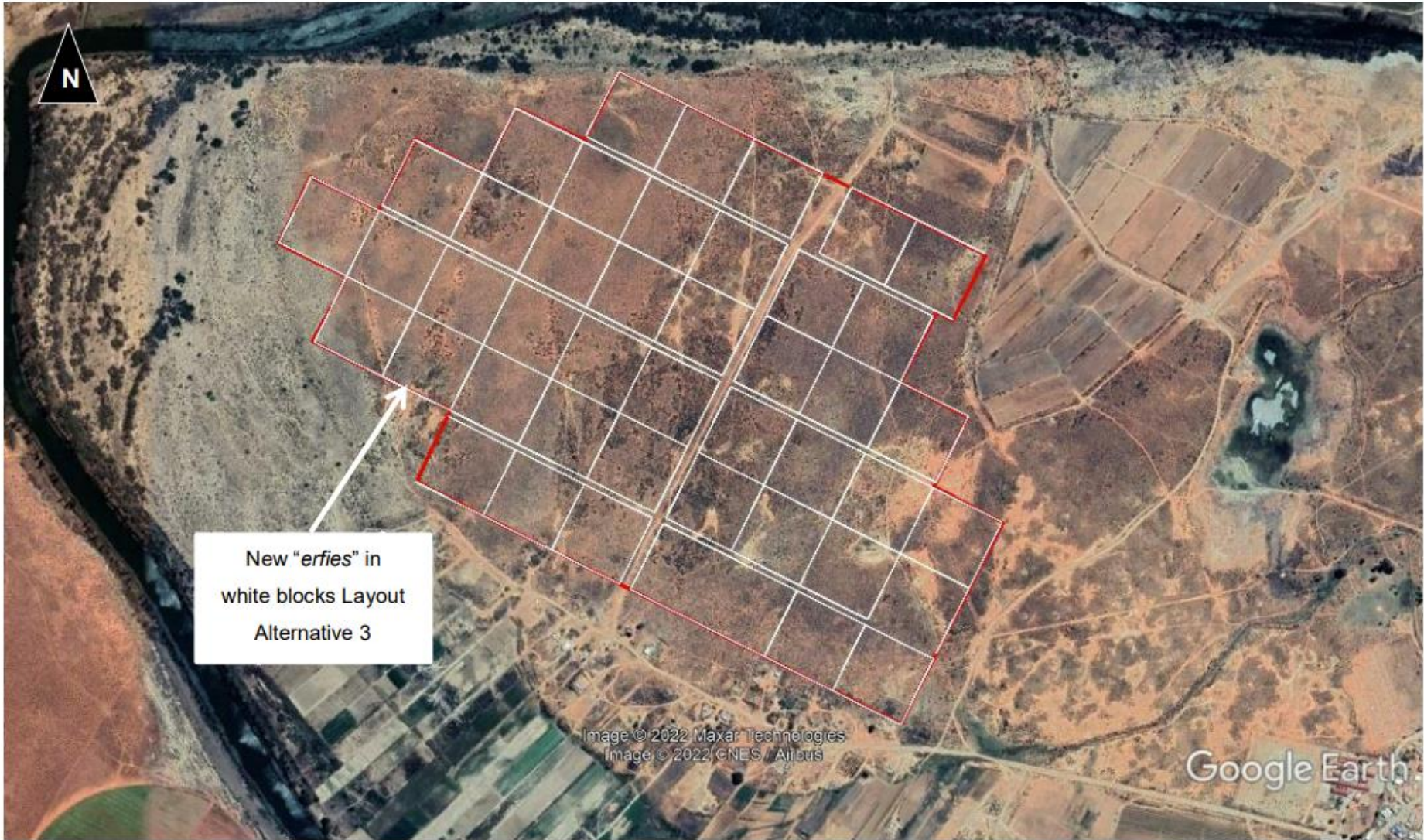
ANNEXURE 1: LOCALITY MAP

The subject property is demarcated in red below.

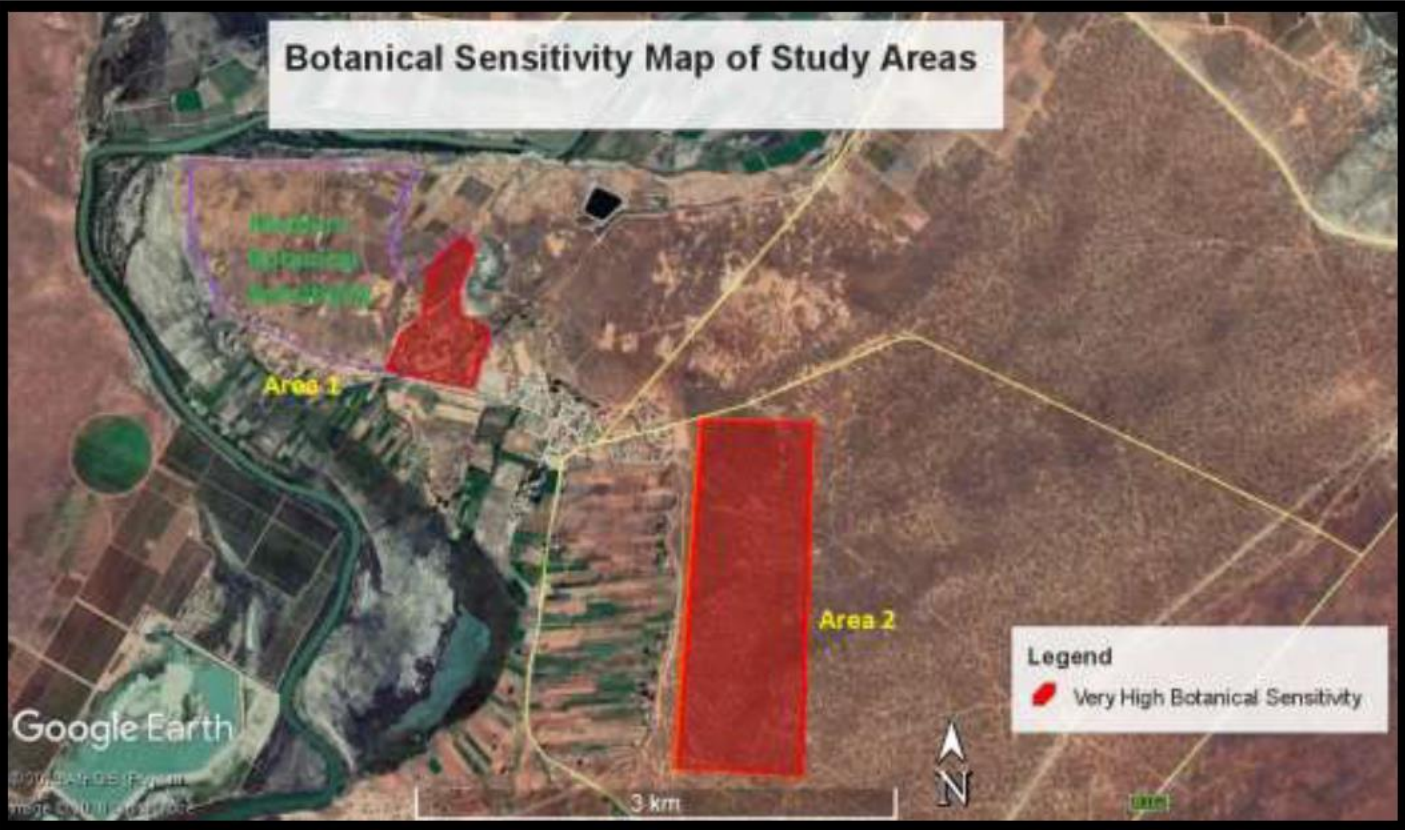


ANNEXURE 2a: SITE PLAN

Site plan for the proposed clearance.



ANNEXURE 2b: Areas of very high botanical conservation value



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 and received by the competent authority on 17 May 2022, the final Scoping Report received by the Competent Authority on 28 June 2022, the final EIAR dated and received by the Competent Authority on 24 November 2022 and the additional information received from the EAP on 28 February 2023;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (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 responses to these, included in the EIA report dated 24 November 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision.

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 which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process ("PPP") was undertaken for the application process and entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site and Ebenhaeser Library where the listed activity is to be undertaken on 11 February 2022;
- A hard copy of the pre-application draft Scoping Report was placed at the Ebenhaeser Library on 11 February 2022;
- Giving written notice to the occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 17 May 2022 (Draft Scoping Period) and 17 October 2022 (Draft EIA Period);
- The placing of a newspaper advertisement in the "Ons Kontrei" on 17 February 2022;
- A draft Scoping Report was released for a 30-day public review period from the 18 May – 20 June 2022;
- A draft EIAR was released for a 30-day comment period from 18 October 2022 – 18 November 2022; and
- Upon request from a registered I&AP, a public meeting was held on 15 September 2022 at the Community Hall in Ebenhaeser. All registered I&AP's were informed of the public meeting on 07 September 2022. No Registered I&AP's nor the person that requested the meeting had attended the public meeting.

All of the concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Department is satisfied that the PPP that was followed met the minimum legal requirements and all 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 the concerns raised.

2. Alternatives

Three layout alternatives and the “No-Go” alternative were identified and assessed as follows:

Layout Alternative 1

Layout Alternative 1 entailed the clearance of 354ha of indigenous vegetation for agricultural purposes on a portion of the Remainder of Farm Ebenezer Kolonie No. 187, Vredendal. Layout Alternative 1 consisted of two areas, where Area 1 was located north west of the Ebenhaeser village and Area 2 was located adjacent to the existing agriculture plots (“erfies”).

Layout Alternative 1 was not deemed preferred since the botanical and freshwater constraints on the site were not taken into account.

Layout Alternative 2

Layout Alternative 1 entailed the clearance of 140ha of indigenous vegetation for agricultural purposes on a portion of the Remainder of Farm Ebenezer Kolonie No. 187, Vredendal.

Although Layout Alternative 2 was proposed by the Botanist and excludes Area 2 and the eastern portion of Area 1, Layout Alternative 2 was not deemed the preferred since the freshwater constraints were not taken into account.

Layout Alternative 3 (the Preferred Alternative - herewith authorised):

Layout Alternative 3 entails the clearance of 101ha of indigenous vegetation for agricultural purposes on a portion of the Remainder of Farm Ebenezer Kolonie No. 187, Vredendal. The proposed clearance of indigenous vegetation will allow for the provision of additional irrigation plots (“erfies”) varying from 1.8ha to 2ha in extent. This is for community members who are emerging as upcoming farmers and for existing small scale farmers who wish to extend their current cultivation practices and/or by using their full water quota. The pipelines required for irrigation purposes will not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

A 300m wide buffer measured from the outside of the riparian edge of the Olifants River will be established along the northern section of the proposed development. No development will occur within the 300m buffer area in order to avoid any impacts on the Olifants River and associated Floodplain wetland. All areas identified as very high botanical conservation value (as identified in Figure 14 of the Botanical Assessment compiled by Nick Helme Botanical Surveys and dated 30 November 2018) (attached as Annexure 2b) have been excluded from the development footprint.

“No-Go” Alternative

The “No-Go” alternative would result in maintaining the “status quo” of the existing property in its current state. The site would therefore remain undeveloped and would not result in additional agricultural development and potentially improve the significant socio-economic status of the area. Therefore, since the Preferred Alternative will not result in unacceptable environmental impacts, the “No-Go” alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned Agriculture and falls within an existing agricultural area and is surrounded by agricultural activities. No rezoning or consent use applications are therefore required in terms of the relevant planning legislation. The proposed development entails the expansion of existing agricultural developments on existing agricultural farmland for additional irrigation plots (“erfies”).

This is for community members who are emerging as upcoming farmers and for existing small-scale farmers who wish to extend their current cultivation practices and/or by using their full water quota. The proposed development is in accordance with Objective 8 of the Western Cape Spatial Development Framework (2014) given that existing agricultural activity and soils with high grazing and cropping capability must be retained to ensure agriculture's key position in the regional economy. An increase in agricultural produce is anticipated, which is not only beneficial to the local area but to the entire region. Additional employment opportunities will be created for the local community and the economic development of the area will benefit. The proposed development is therefore in line with the relevant planning policies applicable to the area.

The proposed development will further benefit local farmers and the community of Ebenhaeser with some employment opportunities and food security.

3.2. Soil impacts

A reconnaissance soil survey (conducted by Agri-Infinitem during May 2019) was undertaken to determine the accuracy of a soil study, which was done by Lanok (dated January 1998).

A digitized soil map dated 2012 was used as basemap. The soil map was used to identify the different locations where the soil classification control points should be placed.

Twelve (12) profile holes were classified within the development area. The position of each profile hole was recorded and the aim was to determine if the soil classification and soil forms correlates with the soil map dated 2012.

The soil survey conducted by Agri-Infinitem confirmed the findings of the previous soil survey in that the soil is suitable for cultivation with some deep rip action required in some areas. It is important that the correct soil preparation is done as well as all chemical amelioration applications before crops are established. The specialist further confirmed that the soils are suitable for the cultivation of vineyards, lucerne and a wide variety of vegetables.

3.3. Botanical Impacts

A Botanical Assessment (compiled by Nick Helme Botanical Surveys and dated 30 November 2018) was undertaken to assess the potential botanical impacts associated with the proposed development of two large areas on the Remainder of Farm Ebenezer Kolonie No. 187, Vredendal. Area 1 measured approximately 180ha in extent and Area 2 measured approximately 166ha in extent.

According to the Western Cape Biodiversity Spatial Plan, the western part of Area 1 is mapped as a terrestrial Critical Biodiversity Area 1 and a pan located to the east of an aquatic Ecological Support Area. The specialist indicated that the original natural vegetation in the study area is mapped as Namaqualand Strandveld, which is listed as a Least Threatened vegetation type. Area 1 borders on a Cape Inland Salt Pan and an Arid Estuarine Saltmarsh, which are also listed as a Least Threatened vegetation type and are located within the mapped aquatic Ecological Support Area.

Various specimens of a single plant Species of Conservation Concern (SCC) were found in the Very High sensitivity part of Area 1 (*Euphorbia schoenlandii* – Vulnerable). At least three plant Species of Conservation Concern (SCC) were found scattered throughout Area 2, with good potential for at least two others. One of these recorded species appears to be a 'vygie' that is new to science, and may be a very localized (and hence globally rare) species, with 85% of the known population currently within Area 2.

Due to the very high sensitivity areas identified (i.e. the whole of Area 2 and 25ha of Area 1), the specialist indicated that development of these areas are not supported as the development would result in unacceptably very high negative botanical impact, driven mainly by the loss of the various plant Species of Conservation Concern noted in the specialist report, including globally significant portions of populations of at least two species (*Euphorbia schoenlandii* and *Schlechteranthus sp. nov.*). The specialist has however indicated that the development of the medium sensitivity area (approximately 125ha area located in Area 1) could be supported if the development footprint is reduced to less than 125ha in extent.

Since the Botanical Assessment (dated November 2018) was outdated, a revised and updated Terrestrial Plant Species Impact Assessment (compiled by Enviro-EAP (Pty) Ltd and dated August 2022) was undertaken to verify and confirm the relevance of the Botanical Assessment (dated 30 November 2018).

The specialist confirmed that the potential botanical impacts assessed in the Botanical Assessment (dated November 2018) is still applicable and remains unchanged. The specialist indicated that although the proposed development area of approximately 106ha is smaller than the 125ha developable area, the potential botanical impacts will remain as medium negative significance. Mitigation measures have been included in the EMPr to ensure that potential botanical impacts are reduced as far as possible.

Cape Nature indicated (in their electronic mail correspondence dated 17 November 2022) that based on the revised and updated Terrestrial Plant Species Impact Assessment (dated August 2022), a biodiversity offset would not be able to mitigate against the loss of indigenous vegetation. However, it was recommended that a translocation plan for the identified species of conservation concern be developed. Since the identified species of conservation concern are not located within the area to be developed, CapeNature agreed (in their correspondence dated 21 November 2022) that a translocation plan is not required.

3.4. Faunal Impacts

A Terrestrial Animal Species Impact Assessment (compiled by Enviro-EAP (Pty) Ltd and dated June 2022) was undertaken to determine the potential faunal impacts associated with the proposed development.

The specialist indicated that no Species of Conservation Concern ("SCC") were recorded or observed at the time of the survey. The site consists of typical Namaqualand Strandveld, which is relatively homogenous on account of the prevailing sandy substrate. The site has finely-textured soils with characteristic heuweltjies and relatively sparse vegetation cover.

None of the species identified in the environmental screen tool report were recorded on site, namely: Black Harriers - *Circus maurus*, Invertebrate- *Brinckiella mauerbergerorum*, *Circus ranivorus*, *Neotis ludwigii* and Sensitive species 13. The proposed establishment of small holdings and clearing of vegetation will also not impact on these species, nor result in significant losses and impacts that will result in the extension or deterioration of its conservation status of vulnerable.

The study recorded the sensitivity of the area as medium. The development of the site would have a Low Negative impact on terrestrial animal species. The proposed development on the whole site will have relatively little animal species impacts provided that appropriate mitigation measures are adhered to.

Provided that activities are restricted to the site and the mitigation measures to reduce the impacts of the activities are implemented, then the activities are not likely to result in long-term degradation of the receiving environment or significant net loss of SCC animal species.

3.5. Heritage Impacts

Heritage Western Cape indicated (in their correspondence dated 31 August 2022) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

3.6. Noise and Dust Impacts

Potential noise and dust impacts are anticipated during the land clearing phase. The potential noise and dust impacts are anticipated to be very low negative with mitigation. Mitigation measures to reduce the potential noise and dust impacts have been included in the EMPr.

3.7. Services

No municipal services will be required for the proposed development. Water will be obtained from an existing reservoir located within close proximity to the proposed site. The Western Cape Department of Agriculture has confirmed (in their correspondence dated 05 April 2022) that an existing reservoir has sufficient capacity to provide water for irrigation purposes.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The loss of indigenous vegetation;
- Possible erosion; and
- Potential dust and noise impacts during the land clearing phase of the development.

Positive impacts include:

- Contributing to the local economy of the area;
- The optimal use of the site for agricultural purposes; and
- The creation of some 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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