



**REFERENCE NUMBER:** 16/3/3/2/F1/11/2050/21  
**NEAS REFERENCE NUMBER:** WCP/EIA/0000981/2021  
**ENQUIRIES:** Ms. N. Wookey  
**DATE OF ISSUE:** 18 August 2022

The Trustees  
Stephan en Seun Boerdery Trust  
P.O. Box 475  
**PIKETBERG**  
7320

**For Attention: Mr. S. Stephan**

Cell: (083) 274 0748  
Email: [Stef@stephanenseun.co.za](mailto:Stef@stephanenseun.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 ESTABLISHMENT OF CENTRE PIVOT IRRIGATION AND ASSOCIATED INFRASTRUCTURE FOR POTATO PRODUCTION ON PORTION 1 OF FARM ST. HELENA FONTEIN NO. 29, PIKETBERG.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the 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 Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Ms. A. Joubert (Bergrivier Municipality)  
(2) Mr. S. Ranger (Footprint Environmental Services)  
(3) Mr. C. du Plessis (Footprint Environmental Services)

Email: [JoubertA@bergmun.org.za](mailto:JoubertA@bergmun.org.za)  
Email: [Sean.ranger1@gmail.com](mailto:Sean.ranger1@gmail.com)  
Email: [CharlDuplessis2@afrihost.co.za](mailto:CharlDuplessis2@afrihost.co.za)



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**REFERENCE NUMBER:** 16/3/3/2/F1/11/2050/21

## 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 ESTABLISHMENT OF CENTRE PIVOT IRRIGATION AND ASSOCIATED INFRASTRUCTURE FOR POTATO PRODUCTION ON PORTION 1 OF FARM ST. HELENA FONTEIN NO. 29, PIKETBERG.**

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 ("EIAR"), dated May 2022.

### A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

Stephan en Seun Boerdery Trust  
% Mr. S. Stephan  
P.O. Box 475  
**PIKETBERG**  
7320

Cell: (083) 274 0748  
Email: [Stef@stephanenseun.co.za](mailto:Stef@stephanenseun.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 Activity	Activity / Project Description
<p>Listing Notice 2 of the NEMA 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>(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 establishment of centre pivots on Portion 1 of Farm St. Helena Fontein No. 29, Piketberg will result in the clearance of more than 20ha of indigenous vegetation.</p>

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

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

The authorised development entails the clearance of indigenous vegetation for the establishment of centre pivot irrigation and associated infrastructure for potato production on Portion 1 of Farm St. Helena Fontein No. 29, Piketberg and will comprise the following:

- The clearance of approximately 60ha of indigenous vegetation (i.e., Saldanha Flats Strandveld) within existing interrow windrow strips for the establishment of 4x 25ha centre pivot circles for irrigated potato production;
- The installation of a 200mm PVC irrigation pipeline approximately 2.3km in length, within a 1.8m deep trench along the existing northern access road to link into an existing pipeline for the provision of water for irrigation purposes. The water will be source from existing boreholes on the adjacent property; and
- Associated infrastructure.

A no-go area will be maintained on the southern boundary of the proposed site in accordance with the sensitivity map contained in the Botanical Impact Assessment (compiled by Advanced Environmental Corporation and dated December 2021). No clearance, cultivation and associated activities will take place in this area.

Access to the site will be obtained from existing access roads. Existing electricity and water supply is sufficient and available. No additional electricity and water supply is required.

The development footprint will be approximately 100ha in extent.

## C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Portion 1 of the Farm St. Helena Fontein No. 29, Piketberg.

The 21-digit Surveyor General code is:

Portion 1 of the Farm St. Helena Fontein No. 29, Piketberg	C0580000000002900001
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The central co-ordinate for the proposed development is:

Middle (Point)	32° 36' 31.77" South	18° 19' 50.79" East
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The central co-ordinate for the proposed no-go area is:

Middle (Point)	32° 36' 54.92" South	18° 19' 45.55" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plan

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

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Footprint Environmental Services (Pty) Ltd.  
% Mr. S. Ranger / Mr. C. du Plessis  
P. O. Box 454  
**PORTERVILLE**  
6810

Cell: (079) 172 4340

Email: [Sean.ranger1@gmail.com](mailto:Sean.ranger1@gmail.com) / [Charl Duplessis2@afrihost.co.za](mailto:Charl Duplessis2@afrihost.co.za)

#### 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 Section B above and in the EIAR dated May 2022 on the site as 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 land clearing activities must be concluded within **five (5) 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 alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

##### Written notice to the Competent Authority

6. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activity.
  - 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, 18.2 and 19.

### **Notification and administration of appeal**

7. The holder must in writing, within **fourteen (14)** 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 Section H;
    - 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 F below;
  - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 7.4. Provide the registered I&APs with:
    - 7.4.1. The name of the holder (entity) of this amended Environmental Authorisation;
    - 7.4.2. The name of the responsible person for this amended Environmental Authorisation;
    - 7.4.3. The postal address of the holder;
    - 7.4.4. The telephonic and fax details of the holder;
    - 7.4.5. The e-mail address, if any, of the holder; and
    - 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 commence within **twenty (20)** 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 commence until the appeal is decided.

### **Management of activity**

9. The Environmental Management Programme (“EMPr”) (compiled by Footprint Environmental Services and dated May 2022) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all relevant contract documentation for the applicable phases of implementation i.e., construction and operational phases.

### **Monitoring**

11. The holder must appoint a suitably experienced environmental control officer (“ECO”), or site agent where appropriate, before the commencement of any land clearing 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 site of the authorised activity during the development

activities thereafter it must be kept at the office of the holder 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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA 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 one (1) month after the completion of undertaking the environmental audit.
  - 14.2. A final Environmental Audit Report must be submitted to the Competent Authority three (3) month after the completion of the land clearing activities.
  - 14.3. The holder must, within seven (7) days of the submission of the reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to any I&APs upon request.

## **Specific Conditions**

15. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay.

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 bones and fossil shells); 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. Surface, storm or 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.
17. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be investigated and implemented instead.
18. In accordance with the Botanical Impact Assessment (compiled by Advanced Environmental Corporation and dated December 2021), the following mitigation measure must be implemented:
  - 18.1. The southern strip of the proposed site (as indicated in Annexure 2.2) must be demarcated as a "no-go" area prior to the commencement of activities and must be maintained as such through-out the life-cycle of the proposed development.

- 18.2. Proof of demarcation of the "no-go" area prior to commencement must be provided along with the notification of commencement to the Competent Authority.
19. The site must be clearly demarcated prior to the commencement of any land clearing activities. The development footprint of the proposed development must be limited to the demarcated area.
20. 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 referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA 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 (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–

- 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
- 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:
  - 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 M. Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building  
1 Dorp Street  
**CAPE TOWN**  
8001
  - By e-mail:         [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)
4. A 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](mailto: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 Addendum to the 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

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

**DATE OF DECISION: 18 AUGUST 2022**

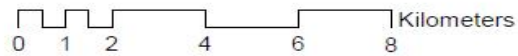
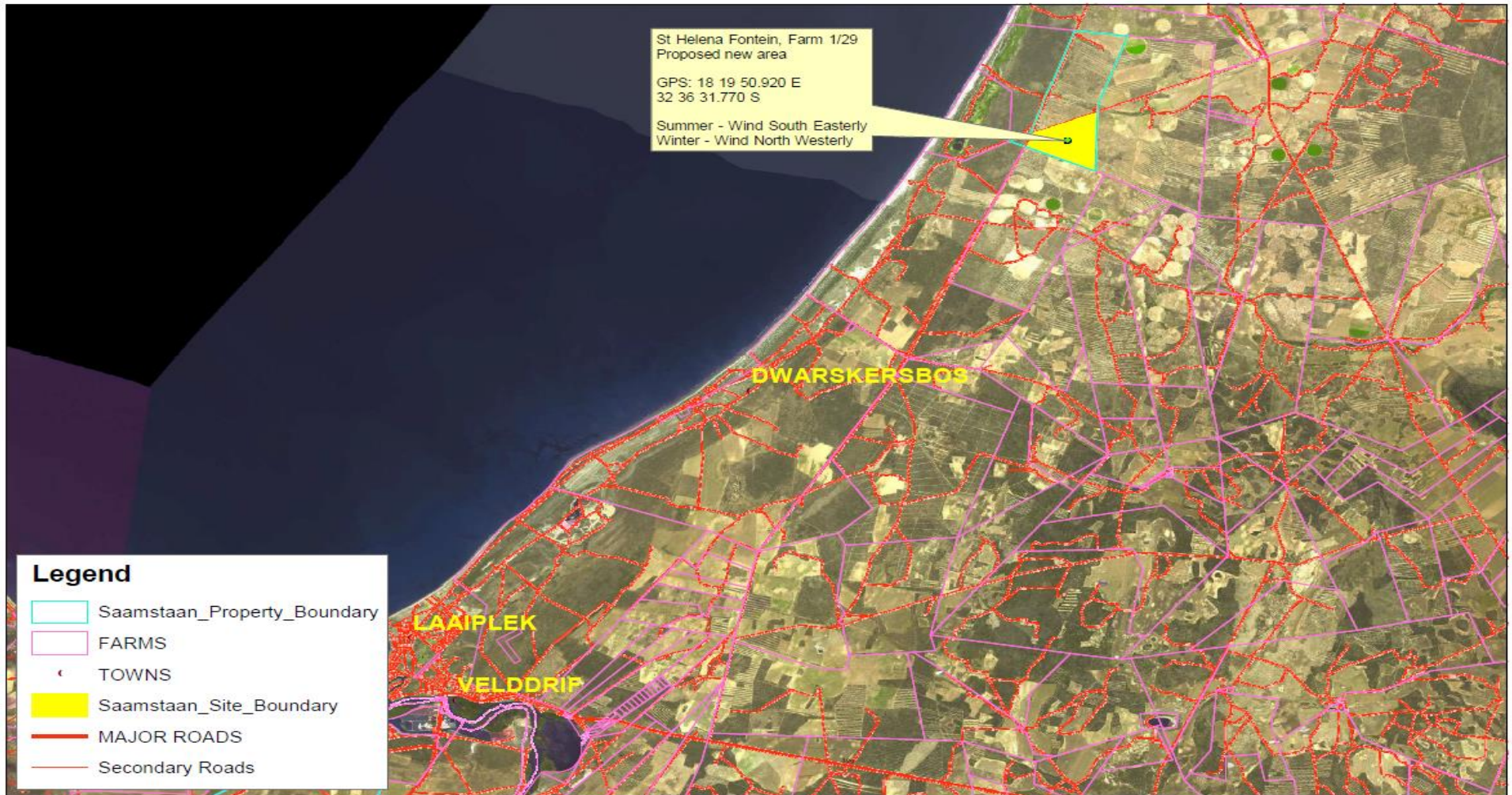
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ANNEXURE 1: LOCALITY PLAN



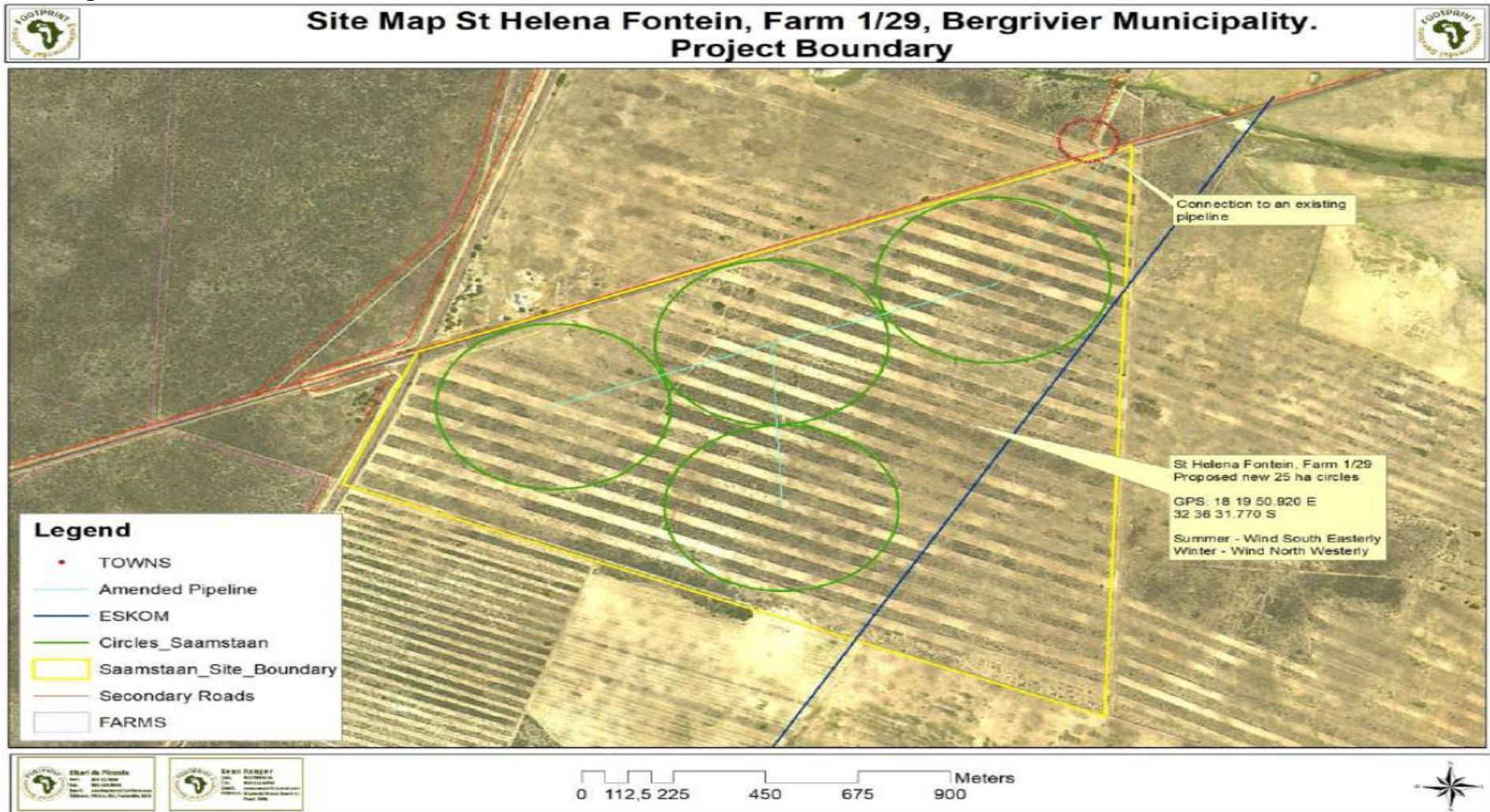
Locality Map St Helena Fontein, Farm 1/29, Bergrivier Municipality.



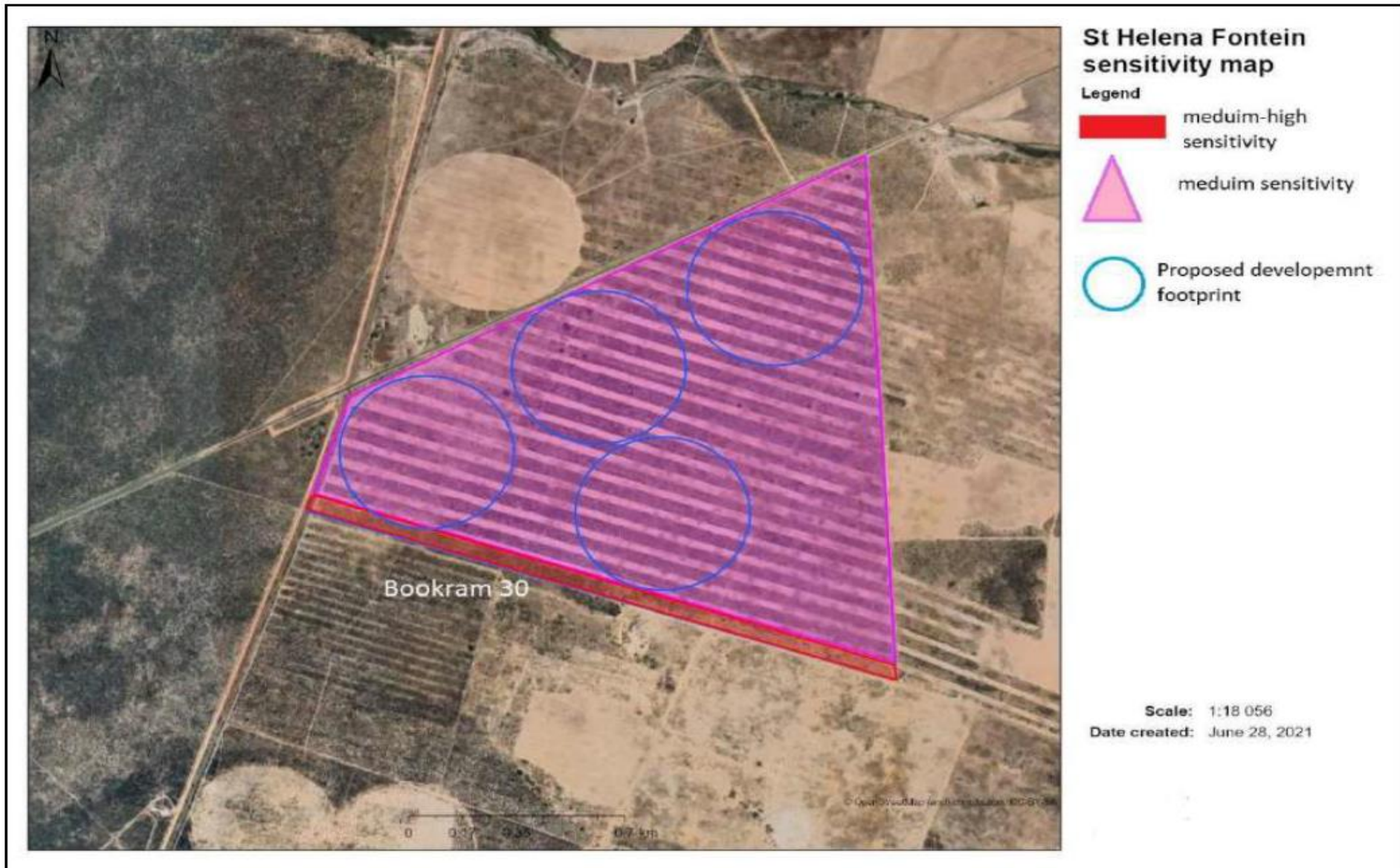
## ANNEXURE 2

### 2.1: SITE DEVELOPMENT PLAN

Site development plan of the proposed establishment of centre pivot irrigation for potato production on Portion 1 of Farm St. Helena Fontein No. 29, Piketberg.



## 2.2. DEMARCATED “NO-GO” AREA HIGHLIGHTED IN RED



## ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

- a) The information contained in the Application Form dated 21 September 2021 and received by the Competent Authority on 23 September 2021, the final Scoping Report dated November 2021 received by the Competent Authority on 08 November 2021, the acceptance of the Scoping Report dated November 2021 by the Competent Authority on 13 January 2022, the final EIA Report and EMPr dated May 2022 and received by the Competent Authority on 29 April 2022;
- 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 National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the Final EIA Report dated May 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 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 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 included:

- identification of and engagement with I&APs;
- fixing notice boards at the boundary of the proposed site where the listed activity is to be undertaken on 10 August 2021;
- the placing of a newspaper advertisement in the 'Die Weslander' on 05 August 2021;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 20 January 2022;
- Making the pre-application draft Scoping Report available to I&APs for public review from 10 August 2021 to 10 September 2021;
- Making the pre-application draft Scoping Report available at the Velddrif Public Library on 10 August 2021 for public review;
- Making the post-application draft Scoping Report available to I&APs for public review from 05 October 2021 to 05 November 2021;
- Making the draft EIA Report available to I&APs for public review from 08 February 2022 to 11 March 2022;
- The PPP undertaken was in accordance with the approved Public Participation Plan (dated 25 July 2021) as agreed to by the Competent Authority on 28 July 2021.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

## 2. Alternatives

Site, activity and technology alternatives were screened out due to the fact that the proposed development for agricultural development, which is considered a continuation of the agricultural activities on adjacent properties owned by the applicant. Site selection criteria used to select the preferred area on the proposed site included areas previously used for agricultural purposes, the location of service infrastructure, its proximity to the existing processing and packaging warehouse, and the pipeline infrastructure required for irrigation purposes. The Preferred Alternative was therefore selected based on the criteria above. In addition, the Preferred Alternative was further refined and too cognisance of the botanical specialists' recommendations.

The Preferred Alternative and the "No-Go" Alternative were therefore assessed as follows:

### The Preferred Alternative - herewith authorised

The Preferred Alternative entails the clearance of indigenous vegetation for the establishment of centre pivot irrigation and associated infrastructure for potato production on Portion 1 of Farm St. Helena Fontein No. 29, Piketberg and will comprise the following:

- The clearance of approximately 60ha of indigenous vegetation (i.e., Saldanha Flats Strandveld) within existing interrow windrow strips for the establishment of 4x 25ha centre pivot circles for irrigated potato production;
- The installation of a 200mm PVC irrigation pipeline approximately 2.3km in length, within a 1.8m deep trench along the existing northern access road to link into an existing pipeline for the provision of water for irrigation purposes. The water will be source from existing boreholes on the adjacent property; and
- Associated infrastructure.

A "no-go" area will be maintained on the southern boundary of the proposed site in accordance with the sensitivity map contained in the Botanical Impact Assessment (compiled by Advanced Environmental Corporation and dated December 2021). No clearance, cultivation and associated activities will take place in this area.

Access to the site will be obtained from existing access roads. Existing electricity and water supply is sufficient and available. No additional electricity and water supply is required.

The development footprint will be approximately 100ha in extent.

The Preferred Alternative takes cognisance of the botanical specialist's recommendations by avoiding a botanically sensitive strip located along the southern portion of the site. The Preferred Alternative is suitably located to link into existing pipeline infrastructure for irrigation purposes. In addition, the Preferred Alternative avoids the Eskom servitude located on the eastern portion of the proposed site.

### "No-Go" Alternative

The "No-Go" alternative entails the "status quo", i.e., not establishing a centre pivot irrigation for the production of potatoes on Portion 1 of Farm St. Helena Fontein No. 29, Piketberg. Since the alternative layout will not result in unacceptable environmental impacts, the potential positive impacts, the consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the "No-Go" alternative was not preferred.

### 3. Impact Assessment and Mitigation measures

#### 3.1. Activity Need and Desirability

The proposed site is zoned for agricultural purposes and was previously used for strip cultivation of rooibos tea. The surrounding land-uses are also for agricultural activities and therefore the proposed development is in-keeping with existing land use rights and the surrounding character and land uses. The proposed development is consistent with the local planning by-laws and policies since the proposed development is for the undertaking of an agricultural operation and is in-keeping with the Integrated Development Plan and Municipal Spatial Development Framework.

The proposed development is intended to provide additional social and economic opportunities in terms of potential employment and market share within the local market. Although the proposed development will result in the loss of approximately 60ha of indigenous vegetation, the proposed site is transformed and fragmented in nature. Remnant indigenous vegetation is limited to the interrow strips between the previous strip cultivation practices.

The proposed development will provide economic growth and development and is aligned with the objectives and strategic goals of the Provincial Spatial development Framework for boosting land reform and rural development, securing agricultural economy and the vulnerability of farm workers, diversifying rural livelihood and income earning opportunities. The economic development within the area will be boosted during the construction and operational phase of the proposed development by means of employment sustainability and upskilling of labour force and economic investment with increased production potential for markets. The EIA Report has demonstrated the consideration of sensitive biodiversity by the amendment to the layout of the development resulting in the Preferred Alternative to avoid the sensitive biodiversity area. Therefore, the Preferred Alternative is aligned with the Provincial Spatial Development Framework regarding the OneCape 2040.

#### 3.2. Agricultural Impacts

According to the Screening Report (dated 19 April 2021), the proposed site is located within a high sensitivity area from an agricultural perspective, which has been disputed since the proposed development is the undertaking of an agricultural activity.

This Directorate notes that the concerns raised by the Western Cape Department of Agriculture and the Department of Agriculture, Land Reform and Rural Development relating to soil erosion, cover crops and water use verification, and water activities have been adequately responded to in the EIR. The recommendations and proposed mitigation measures i.e., cover crop maintenance, etc. have been included in the EMPr.

The required permit with respect to the cultivation of virgin soil in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) was noted by the Western Cape Department of Agriculture and the intention of application thereof has been indicated by the EA holder.

#### 3.3. Botanical Impacts

According to the Screening Report (dated 19 April 2021), the proposed site is deemed to be located within a low sensitivity area from a plant species perspective and a very high sensitivity from a terrestrial biodiversity perspective.

A Botanical Impact Assessment (compiled by Advanced Environmental Corporation and dated 02 December 2021) was therefore undertaken to determine the potential botanical impacts associated with the proposed development. The proposed site was previously used for rooibos tea strip cultivation and as such indigenous vegetation is located within the interrow strips that were not previously cultivated. The specialist indicated that Saldanha Flats Strandveld vegetation,

which is classified as a Vulnerable ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011 is located on the proposed site. The proposed site is not mapped as a Critical Biodiversity Area or Ecological Support Area. Species of conservation concern were noted across the proposed site by the specialist with a higher concentration of a species of conservation concern ("SCC") (i.e., *Argyrolobium velutinum*) located along the southern strip of the proposed site. Low dunes are also noted in the southern strip. The specialist therefore deemed the proposed site to be of medium botanical sensitivity. Although approximately 60ha of indigenous vegetation will be lost as a result of the proposed development, the overall botanical impacts were anticipated to be of medium to low negative significance prior to mitigation and low negative significance post mitigation. The specialist therefore recommended that the remainder of the property containing natural areas not be developed and that the southern strip of indigenous vegetation remain intact. Further, the specialist recommended that the most western pivot circle be moved approximately 20m north to avoid further impact on the indigenous vegetation. The recommendations of the botanical specialist have been included as a condition set in this Environmental Authorisation and in the EMPr.

CapeNature indicated (in their correspondence dated 06 September 2021) that the proposed development should consider a reduction in the number of crop circles that are proposed in order to reduce the potential impacts on the species of conservation concern identified by the specialist. However, the EIAR (dated May 2022) indicated that a reduction in the number of crop circles was not considered feasible from a disease and pest control perspective. CapeNature further indicated (in their comment dated 08 March 2022) that the Preferred Alternative is more favourable and should be implemented. In addition, CapeNature recommended that the species of conservation concern should be translocated if found within the development footprint of the proposed development. However, the specialist indicated that translocation is not possible given the life cycle of the plant species and the two SCC are widespread within other vegetation units / types across the Northern Cape and Western Cape and is not endemic to Strandveld vegetation units. Further, the botanical specialist indicated that the two SCC have been recorded in conservation areas i.e. the adjacent Rocher Pan Nature Reserve and Namaqua National Park.

Furthermore, concerns from CapeNature with respect to spray drift of insecticide were noted and the impracticality of assessment thereof was appropriately demonstrated as part of the response thereto in terms of complexity. However, precaution with respect to standard and best practice of agrochemical use within the agricultural industry as well as regulated use has been noted in the EIAR (dated May 2022).

#### 3.4. Freshwater / Aquatic Impacts

According to the Screening Report (dated 19 April 2021), the proposed site is deemed to be located within a very high sensitivity from an aquatic biodiversity perspective. The sensitivity rating has been disputed and determined to have no sensitivity by the EAP since no watercourses occur within the proposed site. Stormwater management measures, erosion control and pollution control measures for the conservation and protection of surface water have, however, been included in the EMPr.

#### 3.5. Heritage Impacts

A Notice of Intent to Develop (dated 27 April 2021) and Heritage Screener (compiled by CTS Heritage and dated April 2021) was submitted to Heritage Western Cape. Heritage Western Cape indicated (in their comment dated 21 May 2021) 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, 1999 (Act No. 25 of 1999) is required.



### 3.6. Dust / Visual Impacts

Potential dust and visual impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

### 3.7. Services

Existing electricity and bulk water supply (i.e., groundwater resource) is sufficient and available. No additional electricity supply or water supply is required.

Water from two existing boreholes located on Farm Modderfontein No. 26 and 28, Piketberg will be used for irrigation purposes. Both properties are owned by the applicant and a pipeline servitude will therefore not be required in this regard.

The two existing boreholes have sufficient water availability to supply the proposed development with water for irrigation purposes for approximately 100ha. A 200mm diameter pipeline will be installed along an existing northern access road and will link into the existing pipeline that receives water from registered boreholes. The pipeline will be approximately 2.3km in length.

Water use for the two existing boreholes has been registered in terms of the National Water Act, 1998 (Act No. 36 of 1998) with the Department of Water and Sanitation and is currently in process. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) will therefore be met.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Loss of indigenous vegetation;
- Potential freshwater impacts;
- Potential heritage resource impacts;
- Potential dust and visual impacts.

Positive impacts include:

- Avoidance of areas of highest botanical sensitivity;
- Contribution towards food security;
- Improved workforce skills;
- Employment opportunities; and
- Economic development.

## **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.

## 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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