



REFERENCE: 16/3/3/2/F4/23/3054/21
NEAS REFERENCE: WCP/EIA/0000999/2021
DATE: 07 September 2022

The Board of Directors
Grootsyfer Beleggings (Pty) Ltd
P.O. Box 165
VANRHYNSDORP
8170

Attention: Mr. J. Zandberg

Cell: 082 879 6608
E-mail: jaco@mylan.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 DRYLAND ROOIBOS TEA CULTIVATION ON PORTION 2 OF THE FARM KONINGS VLEI NO. 138, AND PORTION 1 OF THE FARM NIEUWE RUST NO. 89, VREDENBURG.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to:

CC: (1) Ms. Mari de Villiers (Cornerstone Environmental Consultants (Pty) Ltd)
(2) Ms. Nazeema Duarte (Saldanha Bay Municipality)

E-mail: mari@cornerstoneenviro.co.za
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR DRYLAND ROOIBOS TEA CULTIVATION ON PORTION 2 OF THE FARM KONINGS VLEI NO. 138, AND PORTION 1 OF THE FARM NIEUWE RUST NO. 89, VREDENBURG.

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 Alternative 2, described in the Environmental Impact Assessment Report ("EIR"), dated May 2022.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Grootsyfer Beleggings (Pty) Ltd

% Mr. J. Zandberg

P.O. Box 165

VANRHYNSDORP

8170

Cell: 082 879 6608

E-mail: jaco@mylan.co.za

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

B. AUTHORISED ACTIVITIES

Listed Activities	Activity/Project Description
<p>Listing Notice 2 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 15</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></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The development will result in the clearance of approximately 127.3ha of indigenous vegetation for the cultivation of dryland rooibos.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p><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</i></p> <p><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></p>	<p>Portions of the development fall within the endangered Saldanha Flats Strandveld ecosystem and will result in the clearance of more than 300m² of indigenous vegetation therein.</p>

The abovementioned list is 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 proposal entails the clearance of approximately 127.3ha of indigenous vegetation for the cultivation of dryland rooibos on Portion 2 of the Farm Konings Vlei No. 138 and Portion 1 of the Farm Nieuwe Rust No. 89, Vredenburg.

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

C. SITE DESCRIPTION AND LOCATION

The site is located approximately 7 km east of Vredenburg and approximately 4 km north-west of Langebaanweg, along the R27, in Saldanha Bay on Portion 2 of the Farm Konings Vlei No. 138 and Portion 1 of the Farm Nieuwe Rust No. 89, Vredenburg. The proposed development will take place within 4 sites with varying development footprints, demarcated on the aforementioned properties, viz. Sites, 1, 3, 4 and 5.

The site co-ordinates:

Site 1			
Latitude (S)	32°	53'	35.08"
Longitude (E)	18°	06'	02.19"
Site 3			
Latitude (S)	32°	54'	38.13"
Longitude (E)	18°	05'	56.32"
Site 4			
Latitude (S)	32°	54'	43.76"
Longitude (E)	18°	06'	32.35
Site 5			
Latitude (S)	32°	55'	15.09"
Longitude (E)	18°	06'	39.67"

The SG digit codes:

Portion 2 of Farm Konings Vlei No. 138, Vredenburg	C04600000000013800002
Portion 1 of the Farm Nieuwe Rust No. 89, Vredenburg	C04600000000008900001

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Cornerstone Environmental Consultants (Pty) Ltd
 % Ms. M. de Villiers
 P.O. Box 12606
DIE BOORD
 7613

Tel.: 021 887 9099
 Cell: 083 235 8733
 E-mail: mari@cornerstoneenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the EIR dated May 2022 on the site as described in Section C above.
2. Authorisation for the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed 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.

This Environmental Authorisation is granted for–

- a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activities during which period the authorised listed activities must be concluded.
4. The authorised activities must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1. notify all registered Interested and Affected Parties of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date of issue of the decision;
 - 6.2. draw the attention of all registered Interested and Affected Parties ("I&APs") to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4. provide the registered I&APs with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,
 - 6.4.4. telephonic and fax details of the holder,
 - 6.4.5. e-mail address, if any;
 - 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

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

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of land clearing activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 11, 15 and 19.2.

Management of activities

10. The draft EMPr (dated May 2022) submitted as part of the application for Environmental Authorisation must be amended as follows:
 - 10.1. An updated site development map that includes the demarcated "no-go" areas highlighted in red, must be included in the EMPr.
11. The updated EMPr must be submitted to the competent authority for approval before the commencement of land clearing activities.
12. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
13. The EMPr must be included in all contract documentation for all phases of implementation.
14. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

15. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the land clearing, construction and rehabilitation phases of implementation.

The ECO must–
 - 15.1. be appointed prior to commencement of any land clearing, demarcation of no-go areas or construction activities commencing;
 - 15.2. ensure compliance with the EMPr and the conditions contained herein; and
 - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid-
 - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit at least two environmental audit reports to the competent authority during the construction phase. The holder must submit the first audit report within four (4) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

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

Specific conditions

19. The following recommendations provided in the Terrestrial Biodiversity Assessment Report dated 24 January 2022, as compiled by Johlene Krige, as included in the EMPr, must be implemented:
 - 19.1. The near threatened species of conservation concern *Manulea altissima* subsp. *altissima* found within Site 3 must be translocated through seed harvesting and sowing which should be conducted in consultation with a botanical specialist; and
 - 19.2. All No-Go Areas should be clearly demarcated prior to the commencement of any vegetation clearance.
20. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.

22. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

F. RECOMMENDATIONS

1. The holder should include the continuous management of the no-go areas in a 'farm level management plan' to ensure the protection of these areas. The holder should submit this plan to the Directorate within 30 days after it has been concluded, for record purposes.

G. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
 - 3.1. Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

H. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered 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 Interested and Affected Parties -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker i.e., the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

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

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

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

I. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 07 SEPTEMBER 2022

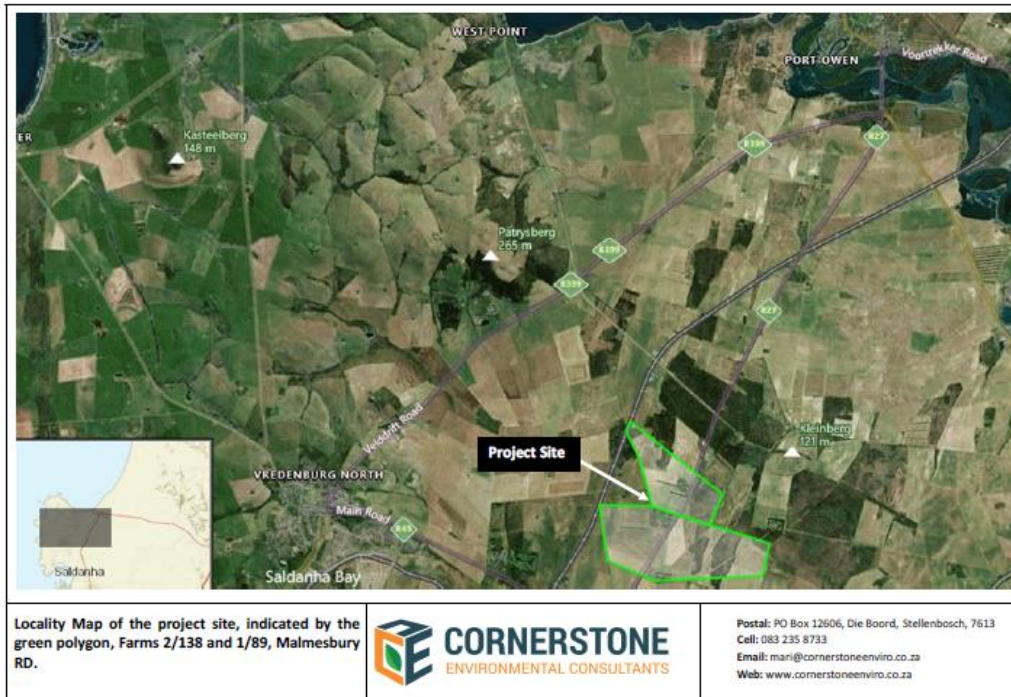
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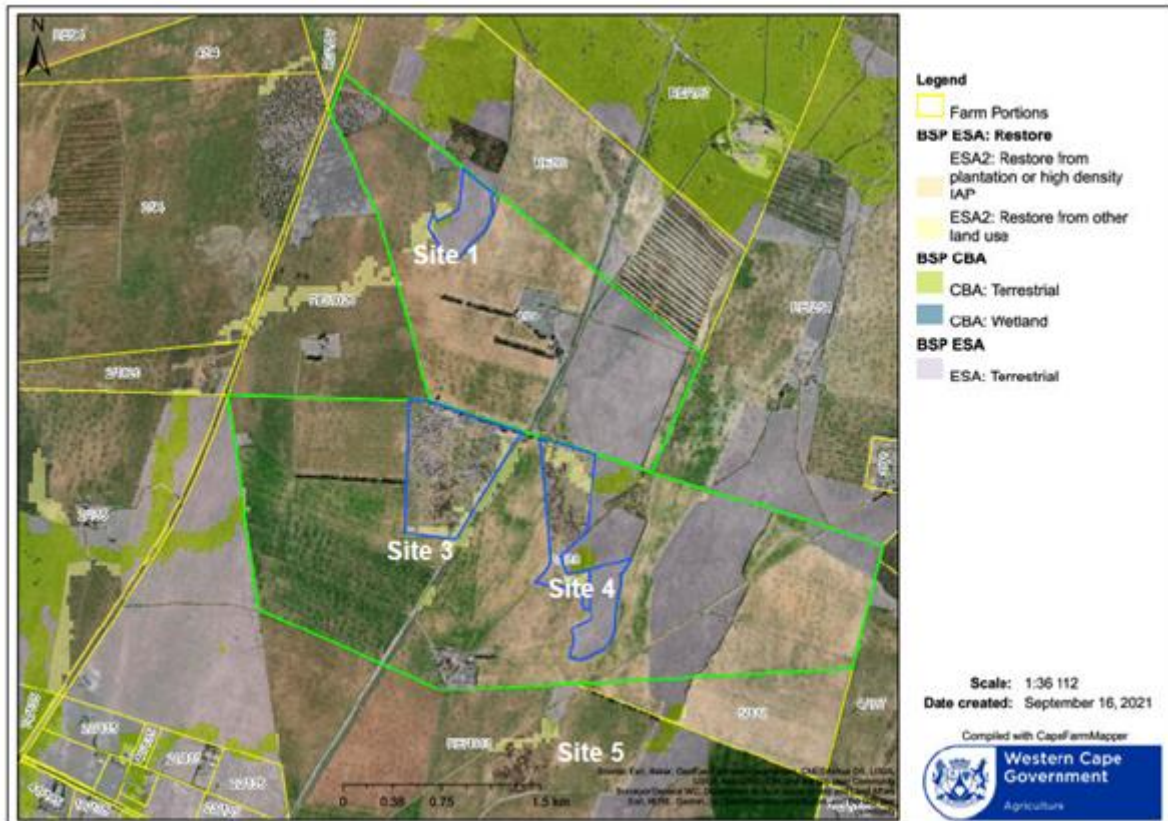
E-mail: mari@cornerstoneenviro.co.za

E-mail: nazeema.duarte@sbm.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

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

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs ;
- fixing notices at the site where the listed activities will be undertaken;
- the placing of a newspaper advertisement in the "Weslander" on the 27 May 2021;
- the placing of site notification boards at the entrance of the property;
- the pre-application draft Scoping Report was made available for public review from 28 May 2021 until 30 June 2021;
- E-mail notifications were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the report with reminders sent to submit comments;
- the draft Scoping Report was made available to I&APs for public review and comment from 22 October 2021 to 22 November 2021; and
- the draft EIR was made available to I&APs for public review and comment from 13 April 2022 until 18 May 2022.

During the public participation process, concerns were raised by CapeNature regarding the significant loss of indigenous vegetation associated with the initial proposed layout alternative. The botanical specialist revised the botanical assessment in response to the concerns raised by CapeNature. Further, the preferred alternative has been revised to exclude the very high sensitivity areas which include the northern portion of Site 2 (23ha) and Sites 6 and 7 in its entirety. The potential impacts associated with the proposed development were assessed and sufficient information was provided for the Competent Authority's decision-making.

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

2. Alternatives

No other site alternatives were investigated and considered for the proposed clearance of approximately 127.3 ha of indigenous vegetation on for the dryland cultivation of rooibos, as the site is owned by the landowner and is suitable for rooibos cultivation.

The alternatives considered were Layout Alternatives and the "No-go" Alternative.

Layout Alternatives

Layout Alternative 1

The investigation of alternatives aimed to identify the most desirable cultivation areas from an agricultural and ecological perspective within approximately 360ha potential developable area on the property. Based on the findings of the preliminary Terrestrial Biodiversity Assessment the development footprint of Alternative 1 was reduced from approximately 360ha to approximately 276ha with the exclusion of the northern portions of Sites 2 and 6 and a significant portion of Site 7. The proposed developable areas for Layout Alternative 1 was comprised as follows:

- Site 1: 16.6 ha
- Site 2: 57.3 ha
- Site 3: 61.4 ha
- Site 4: 63.5 ha
- Site 5: 42.3 ha
- Site 6: 33.1 ha; and
- Site 7: 1.81 ha

During the Scoping Phase of the Environmental Impact Assessment, the appropriateness of Layout Alternative 1 was reviewed by the Organs of State and the appointed specialists. Despite the reduction of the development footprint, this alternative was not preferred as the impact significance of the associated botanical impacts of the proposed developable areas was still considered too high.

Layout Alternative 2 (Preferred Alternative herewith authorised)

Upon further investigation and taking the mitigation hierarchy into consideration, the previous layout alternative was revised further. The proposed developable areas for Layout Alternative 2 are comprised as follows:

- Site 1: 16.6ha ;
- Site 3: 61.4ha ;
- Site 4: 32.3ha (reduction of the proposed developable area due to the exclusion of 4.7ha of a botanically sensitive area identified as a "no-go" area and approximately 26.5ha as it was legally ploughed less than 10 years ago and does not require environmental authorisation;
- Site 5: 17ha (reduction of the proposed developable area due to the exclusion of a botanically sensitive area mapped as a Critical Biodiversity Area).

Layout Alternative 2 excludes Sites 2, 6 and 7 with the development footprints of the remaining proposed developable areas defined based on the preservation of the ecological connectivity between the proposed developable areas and the botanically sensitive "no-go" areas. This alternative is preferred as the site layout excludes certain high sensitivity areas and considers the botanical constraints identified by the botanical specialist and CapeNature.

Technology Alternatives

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

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain. This alternative is not preferred as the zoning of the property is Agriculture which is aligned with the landuse planning within this region.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability

Based on the findings of the Soil Potential Study dated June 2021 and compiled by Agrimotion, the soil of the subject area is sandy in texture, low in nutrient and moisture retention which limits the cultivation potential for most crops. The soil is suitable for rooibos cultivation and will activate

the agricultural potential of the property. The benefits of the proposed development include, providing job opportunities, stimulating the local economy and the export of commodities/agricultural produce.

3.2 Planning Context

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

3.3 Biophysical Impacts

The most significant impact of the proposed development is the loss of intact indigenous vegetation. The property is comprised of Saldanha Flats Strandveld and Hopefield Sand Fynbos, ecosystems which are categorised as endangered and least concerned, respectively. Based on the findings of the Terrestrial Biodiversity Assessment Report dated October 2020 (revised January 2022), as compiled by Johlene Krige, a number of endangered and vulnerable species of conservation concern were found within the seven sites identified as potential developable areas. The *Leucospermum hypophyllocarpodendron* subsp. *canaliculatum* a species of conservation concern regarded as vulnerable was recorded within the northern portion of Site 2. The endangered *Echiostachys spicatus* was recorded within Site 7 with both the northern portions of Site 2 and Site 7 containing high numbers of *Aspalathus ternate* (*near threatened*). Taking this into account the botanical specialist recommended the exclusion of the following highly sensitive botanical areas regarded as "no-go" areas: the northern portion of Sites 2 (23ha) and 6 (53ha) and Site 7 (8ha east of the dirt road). As such, at the Scoping Phase of the EIR process, the proposed layout of the developable areas on the properties was reduced from approximately 360ha to approximately 276ha.

Based on the findings of a Terrestrial Fauna Compliance Statement dated January 2021 compiled by Simon Todd from 3Foxes Biodiversity Solutions, no further assessment is required for Sites 1, 3 and Site 4 (except for the portion on Site 4 containing intact indigenous vegetation). In the correspondence from CapeNature dated 16 July 2021, it was highlighted that Sites 1, 2, 5, 6 and 7 are listed as Ecological Support Areas and are recognised as intact habitat areas. As such, CapeNature recommended that the aforementioned sites be protected as a buffer for the Critical Biodiversity Areas located north. In addition to this, CapeNature indicated that, "Dryland crop cultivation is classified as intensive agriculture, which is not recommended within Ecological Support Areas. In response to CapeNature's comments and findings of the Terrestrial Fauna Compliance Statement, the botanical specialist revisited Layout Alternative 1 and assessed the ecological connectivity of the sites in relation to the Critical Biodiversity Areas. In addition to this, due to the intact nature of the indigenous vegetation on Sites 2, 5, 6 and 7 and the high faunal sensitivity associated with the potential presence of *Circus maurus* (black harrier) and *Sagittarius serpen-tarius* (secretary bird), an Avifaunal Assessment dated January 2022 was compiled by Birds and bats Unlimited.

Based on the findings of the revised Terrestrial Biodiversity Assessment dated January 2022 including the findings of the Terrestrial Faunal Compliance Statement and Avifaunal Assessment, the proposed developable area was further reduced to approximately 127.3ha with Sites 2, 6 and 7 excluded from the proposed developable area and certain areas regarded as "no-go" areas based on the botanical sensitivity and preservation of the ecological connectivity between the Critical Biodiversity Areas.

The impact significance rating was identified as medium-low negative prior to and low negative with the implementation of the mitigation measures which are included in the EMPr.

3.4 Heritage impacts

A Heritage Impact Assessment ("HIA") dated June 2021, as compiled by CTS Heritage assessed the impacts associated with the proposed development. The proposed development is located north of the West Coast Fossil Park, a National Monument and Provincial Heritage Site,

internationally renowned for its well- preserved fossil faunal remains. The findings of the HIA indicates that *'while it is unlikely that the proposed cultivation will negatively impact on significant archaeological heritage, there is always a chance that sub-surface archaeological material may be exposed during cultivation activities'*. As such, it is recommended that in the event that archeological material is discovered during excavation, the immediate temporary suspension of construction activities at the affected locations must take place with immediate effect. The continuation of construction activities is dependent on the successful implementation of the Heritage Western Cape Chance Fossil Finds Procedure. The HIA concluded that the proposed development is unlikely to impact significantly on heritage resources. Heritage Western Cape endorsed the findings of the HIA in the correspondence dated 14 October 2021, provided that the Heritage Western Cape Chance Fossil Finds Procedure is implemented accordingly. This has been included as mitigation measure within the EMPr.

3.5 Agricultural impacts

According to the Soil Report dated June 2021 compiled by Bruno Hermann of Agrimotion, a soil survey was conducted across the site to evaluate the soil's suitability for dryland rooibos crop production. It was confirmed in the Soil Report that the site was comprised of soils of a sandy texture and are low in nutrient and moisture retention which limits the cultivation potential for most crops. Furthermore, the soil and site conditions of the proposed developable sites are best suited for perennial crop production such as dryland rooibos. In the Western Cape Department of Agriculture's correspondence dated 26 August 2021 and 29 November 2021, the Department indicates that it has no objection to the proposed development.

3.6 Climate Change impacts

According to the Saldanha Bay Spatial Development Framework ("SDF"), 2019, dryland crop agricultural areas around Vredenburg should be protected. The application area is mapped in the Saldanha Bay SDF as "agriculture", which, according to the SDF, should be designated for the protection and expansion of agriculture, as well as "buffer", which is described in the SDF as ESA, extensive agriculture, or grazing. As such, it can be concluded that the proposed development is in line with the objectives of the SDF and the vision of the Greater Saldanha Environmental Management Framework, ("EMF"), 2021, especially as it considers the exclusion of the high botanical sensitivity areas from the proposed development (as per the preferred alternative). The strategic objectives of the Greater Saldanha EMF highlight the importance of applying the mitigation hierarchy and the assurance that development does not undermine the ecological integrity of the surrounding environment. Furthermore, the development promotes greater efficiency of energy, land and water use as the farming practices associated with the dryland cultivation of rooibos does not impact renewable natural resources. This farming practice is an adaptive response to climate change and resource/landscape/ habitat vulnerability. Organic and sustainable farming practices actively aim to increase farm productivity and profitability, which aims to enhance water and soil supply and improve food security and rural livelihoods. The proposed dryland cultivation of rooibos on Portion 2 of the Farm Konings Vlei No. 138 and Portion 1 of the Farm Nieuwe Rust No. 89, Vredenburg, adopts an organic and biodiversity conservation approach to rooibos farming and supports the protection of natural resources, which ultimately leads to lower farming input costs. Mitigation measures and recommendations provided by the Environmental Assessment Practitioner has been incorporated within the relevant sections of the EMPr.

3.7 Socio-economic impacts

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

The development will result in negative and positive impacts

Negative impacts:

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

Positive impacts:

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

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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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