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Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlife Towers, T-Floor, Tel: 053 807 7300, Fax: 053 807 7328

Equiries :
Dipatlisilo : Ms. O Ndzumo
Navrae :
Imibuzo
Reference
Tshupelo : NC/EIA/01/NAM/HAN/NIE1/2017
Verwysing
Isalathiso

Date:28th November 2017

Nama Khoi Local Municipality
Mr. Deon Magerman
P.O. Box 17
Springbok
8240

Deon.magerman@namakhoi.gov.za

Dear Sir/Madam

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR: GN.R 984: ACTIVITY 15: THE PROPOSED ESTABLISHMENT OF 21 HECTARES ROOIBOS CULTIVATION LANDS AT SONDERWATERKRAAL, FARM 951/0 NIEUWOUDTVILLE, HANTAM MA LOCAL MUNICIPALITY, NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2014, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION FOR: GN.R 984: ACTIVITY 15: THE PROPOSED ESTABLISHMENT OF 21 HECTARES ROOIBOS CULTIVATION LANDS AT SONDERWATERKRAAL, FARM 951/0 NIEUWOUDTVILLE, HANTAM MA LOCAL MUNICIPALITY, NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the Final Environmental Impact Assessment Report dated July 2017 subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit 40/2017

Your attention is drawn to Chapter 2 of the National Appeal Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge an appeal, as prescribed in regulation 4 of the National Appeal Regulations, 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, Kimberley, 8300.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully



**MR. B FISHER – DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT**

DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION

DATE OF DECISION:

1 December 2017

**Cc: Cedarberg Conservation Services t/a FOOTPRINT Environmental Services
Sean.ranger1@gmail.com**

**Northern Cape Province
DEPARTMENT OF
ENVIRONMENT & NATURE
CONSERVATION**



**Porofensi Ya Kapa Bokone
LEFAPHA LA TIKOLOGO LE
TSHOMARELO YA THLAGO**

ENVIRONMENTAL AUTHORISATION

**in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the
Environmental Impact Assessment Regulations, 2014**

**Authorisation Register
Number:**

Permit 40/2017

Reference Number:

NC/EIA/01/NAM/HAN/NIE1/2017

Last Amended:

N/A

Holder of Authorisation:

**Department of Agriculture, Land Reform and Rural
Development**

Location of activity:

**Sonderwaterkraal, farm 951/0 Nieuwoudtville,
Ward 4, Hantam Local Municipality, Namakwa
District Municipality**

DEFINITIONS

"Activity" means an activity identified in any notice published by the Minister or MEC in terms of section 24D (1) (a) of the Act as a listed activity or specified activity;

"Proponent" means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

"Appellant" means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of the appeal Regulations;

"Application" means an application for an -

- (a) environmental authorization in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;
- (c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;
- (d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

"Environmental Impact Assessment", means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR.

"EAP" means an Environmental Assessment Practitioner as defined in section 1 of the Act;

"EMPr" means an environmental management programme contemplated in regulations 19 and 23 of the 2014 Environmental Impact Assessment regulations;

"Registered Interested and Affected Party" in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

"Public Participation Process" means the process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific activity;

"SIP" Strategic Infrastructure Projects

"NCNCA" Northern Cape Nature Conservation Act No. 9 of 2009

"Department" means the Northern Cape Department of Environment and Nature Conservation; and

"The Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises

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Department of Agriculture, Land Reform and Rural Development

with the following contact details –

Mr Darren Engelbrecht
P.O Box 18
Springbok
8240

E-mail: darrenlengelbrecht@gmail.com

to undertake the following activity (hereafter referred to as “the activity”)

The proposed establishment of 21 hectares Rooibos cultivation lands at Sonderwaterkraal, farm 951/0 Nieuwoudtville, Hantam Ma Local Municipality, Namakwa District Municipality, Northern Cape, and Listed Activity Authorised:

Activity No. 15 of GN. R.984 of 04 December 2014

The clearance of an area of 20 hectares or more of indigenous vegetation

Sonderwaterkraal, farm 951/0 Nieuwoudtville, Ward 4, Hantam Ma Local Municipality, Namakwa District Municipality with the following co-ordinates;

From Point 0 (Latitude (S) 31° 50' 30.9357" Longitude (E) 19° 2' 53.3231" till Point 35 Latitude (S) 31° 51' 40.1358" Longitude (E) 19° 4' 55.3949" as attached in Appendix 4 of the application form hereafter referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation **must** be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activities which are authorised **must** only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities **must** not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs, National Department of Agriculture, Forestry and Fisheries, Department of Agriculture Land Reform and Rural Development, Department of Water and Sanitation, South African Heritage Resources Agency).
12. The activities, including site preparation, must not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. **Seven (7) days** written notice must be given to the Department before commencement with the activity addressed to DENC: Compliance and Enforcement Unit (Adriaan le Roux-027 718 8800; adriaanleroux7@gmail.com).
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following condition described herein:
 - i. Condition: 11
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.

15. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
16. Environmental Management Inspectors employed by the Department must be given access to the property as described above (see detailed description of the property) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorization. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
17. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
18. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
19. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
20. The applicant must be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
21. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phase.

Appeal of authorisation:

22. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days, of receiving notice of the Department's decision to authorise the activity.
23. The notification referred to in condition 22 must –
 - (a) specify the date on which the authorisation was issued;
 - (b) inform the interested and affected party of the appeal procedure provided for in Appeals Regulations; and
 - (c) advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

24. If the applicant should appeal against this Environmental Authorisation, an appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from: the date that the notification of the decision for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant; or (b) the date that the notification of the decision was sent to the applicant by the competent authority

Management of activity:

25. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental is an extension of this authorisation and must be implemented and adhered to.
26. Drainage must be established in areas where it has been disconnected to maintain an effective drainage system.
27. The development footprint of 21 ha clearance applied for is not approved as it is an unacceptable high negative.
28. The development footprint approved is 16.5 ha as it excludes all the high sensitive areas.
29. The modified, preferred development layout as shown in green in figure 2 and 4 is approved.
30. All high sensitivity areas must be no go areas as shown in figure 4 of the Botanical Sensitivity Map.
31. Development must only be on the preferred development areas shown in figure 4 of the Botanical Sensitivity Map.
32. Soils that have become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
33. Degraded remnants must be avoided as they have high conservation value.
34. Strip clearing must be practiced to minimize wind erosion and aid rehabilitation.
35. The project must adopt a wide range of good practices to reduce the risk of hydro-meteorological hazards.
36. Protected species in terms of the NCNCA 9 of 2009 must not be disturbed in any way prior obtaining the necessary permit from the Department of Environment and Nature Conservation.

Monitoring

37. Erosion prevention measures must be employed to ensure sustainable agriculture.
38. Appropriate measures must be taken to prevent alien vegetation from colonizing the area.
39. An alien invasive plant management programme must be established onsite for initial and follow up clearing.
40. The cleared natural vegetation must be ploughed back into the soil during the preparation phase.

Environmental Control Officer (ECO) and Duties

41. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience and expertise in the environmental field for the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
42. The ECO must be appointed before commencement of any authorised activity.
43. The ECO must meet with the contractors to discuss the conditions of the **Environmental Authorisation** and the contents of the EMPr prior to commencement of activities.
44. Once appointed, the name and contact details of the ECO must be submitted to DENC: Compliance and Enforcement Unit (Adriaan le Roux-027 718 8800;adriaanleroux7@gmail.com).
45. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
46. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and Reporting to the Department

47. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
48. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Compliance and Enforcement Unit of the Department within seven (7) days of written request by the said Officer.

Environmental audit report

49. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.
50. The Environmental audit report must:
 - Be compiled by an independent environmental auditor;
 - Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
 - Include measures to be implemented to attend to any non-compliances.
 - Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
 - Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.

- Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

Commencement of the activity:

51. Seven (7) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
52. The authorised activities must not commence before the statutory 30 days of an appeal period has expired.
53. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you must not commence with the activities unless authorised by the minister in writing.
54. Chemical mobile toilets must be available for workers on site, and must be safely secured to prevent them from being blown away. Sewage waste must be disposed of at the Municipal sewage plant on a regular basis. No open space or surrounding bush must be used as toilet facility under any circumstances.
55. The Holder of this Environmental Authorisation must ensure construction and operation adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.
56. All the access roads must be wetted to minimise fugitive dust emissions.
57. Only existing farm tracks must be used and maintained by the applicant to be in good condition.
58. Should archaeological remains be uncovered or found during agricultural operations these must be immediately reported to the South African Heritage Resources Agency (Mr Phillip Hine 021 462 4502)

Site Closure and Decommissioning:

59. Should the proposed activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorization, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

APPEAL

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.



MR. B. FISHER
DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: _____

1 December 2017

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Department of Agriculture, Land Reform and Rural Development** applied for authorization to carry on the following activity –

to undertake the following activity (hereafter referred to as "the activity")

The proposed establishment of 21 hectares Rooibos cultivation lands at Sonderwaterkraal, farm 951/0 Nieuwoudtville, Hantam Ma Local Municipality, Namakwa District Municipality, Northern Cape, and Listed Activity Authorised:

Activity No. 15 of GN. R.984 of 04 December 2014

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From Point 0 (Latitude (S) 31° 50' 30.9357" Longitude (E) 19° 2' 53.3231" till Point 35 Latitude (S) 31° 51' 40.1358" Longitude (E) 19° 4' 55.3949" as attached in Appendix 4 of the application form hereafter referred to as "the property".

- a) The applicant appointed Cedarberg Conservation Services t/a FOOTPRINT Environmental Services to undertake a Scoping and Environmental Impact Assessment process in terms of the EIA Regulations of 2014.
- b) The process followed is in accordance with Appendix 3 of the 2014 regulations.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration –

- a) The Environmental Assessment Practitioner complied with NEMA Regulations of 04 December 2014.
- b) Public participation followed is in line with Regulation 41 of 04 December 2014 and proof was submitted together with the Final Basic Assessment Report submitted in respect of this application.
- c) The information contained in the Final EIA Report dated August 2017.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- e) The findings of the site visit undertaken by Ms. Onwabile Ndzumo (DENC) dated 02 June 2017.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The high sensitivity areas identified on site and rocky areas have been excluded from the development footprint.
- b) Details provided of the qualifications of the EAP show competency to carry out the EIA process.
- c) The findings of the specialist studies conducted and their recommended mitigation measures.
- d) The need and desirability for the proposed development.
- e) All impacts with proper mitigation will be reduced to insignificant.
- f) The crops identified are suitable for the climate conditions.
- g) The development will contribute to food security while ensuring job creation.
- h) The farmers are currently producing organic Rooibos Tea as a main income.
- i) The crop is drought resistant.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The proposed development will not negatively affect the sense of place as it is in character with the existing land use.
- b) Development is striving for sustainability use of the allocated resources while promoting agricultural growth.
- c) The cleared natural vegetation will be ploughed back into the soil during the preparation phase.
- d) Traditional strips rather than total clearance will be used to minimize wind erosion and facilitate rehabilitation
- e) The identified areas have Clovelly soils which are suitable for production of Rooibos Tea.
- f) The project will have no use of pesticides and fertilizers, thereby protecting future productivity, as well as the environment.
- g) The development does not require additional agriculture infrastructure as it is an expansion.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.