



24G Application: 14/2/4/2/2/B1/17/0021/23

ENVIRONMENTAL AUTHORISATION

The Owner
Olifantsberg Olive Farm
PO Box 5115
WORCESTER
6850

Tel: (082) 777 4561
Email: philipnnel@gmail.com

Attention: Philip and Colleen Nel

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL CLEARANCE OF VEGETATION ON PTN 1 OF FARM NO. 298, OLIFANTSBERG OLIVE FARM, WORCESTER

With reference to your application in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C as described in the application and environmental assessment.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Philip and Colleen Nel
Olifantsberg Olive Farm
PO Box 5115
WORCESTER
6850
Cell: (082) 777 4561
Email: philipnnel@gmail.com

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

C. LIST OF ACTIVITIES AUTHORISED

D.

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 983 of 2014 –</p> <p>Activity Number: 19</p> <p>Activity Description: <i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</i></p> <p><i>(i) a watercourse</i></p>	<p>An area of approximately 1.88ha of vegetation was cleared on Portion 1 of Farm 298, Worcester in order to establish an olive plantation between 2016 and 2017. The area planted with olives was cleared sometime between 2016 and 2017. The vegetation within the cleared strip totalling 0.1ha was removed sometime between 2021 and 2022. The major river in the region is the Jan du Toits River to the west of the site and a non-perennial drainage line flows through the area where the vegetation was cleared. As part of the clearing of the site in order to establish the olive plantation, the excavation of more than 5 cubic metres of material took place within the non-perennial watercourse.</p>

<p>Government Notice No. R983 of 2014 – Activity Number: 27 Activity Description: <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.</i></p>	<p>Two portions of land falling within the endangered vegetation types of Breede Alluvium Fynbos and/or Breede Shale Renosterveld was cleared on the study area to accommodate the olive plantation. According to the botanical specialist, it is likely that Breede Shale Renosterveld was the dominant ecosystem on the site prior to being cleared. An area of approximately 1.88ha of vegetation was cleared on Portion 1 of Farm 298, Worcester in order to establish an olive plantation between 2016 and 2017. The area planted with olives was cleared sometime between 2016 and 2017. The vegetation within the cleared strip totalling 0.1 ha was removed sometime between 2021 and 2022.</p>
<p>Government Notice No. R985 of 2014 – Activity Number: 12 Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes in accordance with a maintenance plan.</i> (a) In Western Cape provinces:</p>	<p>Two portions of land were cleared on the site to accommodate the olive plantation. An area of approximately 1.88ha of Breede Alluvium Fynbos and/or Breede Shale Renosterveld vegetation was cleared on Portion 1 of Farm 298, Worcester in order to establish an olive plantation between 2016 and 2017. The area planted with olives was cleared sometime between 2016 and 2017.</p>
<p>Government Notice No. R327 of 2017 – Activity Number: 19 Activity Description: <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse</i></p>	<p>An area of approximately 1.88ha of vegetation was cleared on Portion 1 of Farm 298, Worcester in order to establish an olive plantation between 2016 and 2017. The area planted with olives was cleared sometime between 2016 and 2017. The vegetation within the cleared strip totalling 0.1ha was removed sometime between 2021 and 2022. The major river in the region is the Jan du Toits River to the west of the site and a non-perennial drainage line flows through the area where the vegetation was cleared. As part of the clearing of the site in order to establish the olive plantation, the</p>

	excavation of more than 5 cubic metres of material took place within the non-perennial watercourse.
<p><i>Government Notice No. R327 of 2017 –</i> Activity Number: 27 Activity Description: <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>Two portions of land falling within the endangered vegetation types of Breede Alluvium Fynbos and/or Breede Shale Renosterveld was cleared on the study area to accommodate the olive plantation. According to the botanical specialist, it is likely that Breede Shale Renosterveld was the dominant ecosystem on the site prior to being cleared. An area of approximately 1.88ha of vegetation was cleared on Portion 1 of Farm 298, Worcester in order to establish an olive plantation between 2016 and 2017. The area planted with olives was cleared sometime between 2016 and 2017. The vegetation within the cleared strip totalling 0.1ha was removed sometime between 2021 and 2022.</p>
<p><i>Government Notice No. R324 of 2017 –</i> Activity Number: 12 Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken with a maintenance management plan.</i> <i>a. Western Cape</i></p>	<p>Two portions of land were cleared on the site to accommodate the olive plantation. An area of approximately 1.88ha of Breede Alluvium Fynbos and/or Breede Shale Renosterveld vegetation was cleared on Portion 1 of Farm 298, Worcester in order to establish an olive plantation between 2016 and 2017. The area planted with olives was cleared sometime between 2016 and 2017.</p>

The abovementioned list is hereinafter referred to as “the listed activities/development”.

E. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Farm Portion 1/298, Worcester.

The SG digit code is: C08500000000029800001

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 36' 22.322" South	19° 21' 48.744" East
2	33° 36' 30.762" South	19° 22' 10.504" East
3	33° 36' 52.864" South	19° 21' 52.389" East
4	33° 36' 50.661" South	19° 21' 49.473" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 36' 44.812" South	19° 21' 55.957" East
2	33° 36' 48.258" South	19° 21' 56.126" East
3	33° 36' 52.773" South	19° 21' 52.452" East
4	33° 36' 50.449" South	19° 21' 49.29" East

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

Herein-after referred to as "the site".

F. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Sillito Environmental Consulting

C/o Chantel Muller

PO Box 30134

TOKAI

7140

Tel: 071 313 4193

Email: chantel@environmentalconsultants.co.za

G. DETAILS OF THE ACTIVITIES UNDERTAKEN

The development involved the clearance of approximately 1.88 hectares of vegetation on Portion 1 of Farm 298, located in Worcester, for the establishment of an olive plantation between 2016 and 2017. An additional strip of vegetation, measuring approximately 0.1 hectares, was cleared between 2021 and 2022. The site is situated to the east of the Jan du Toits River, the primary watercourse in the region. A non-perennial drainage line traverses the area where vegetation clearance occurred. As part of the site preparation for the olive plantation, excavation activities exceeding 5 cubic metres of material were undertaken within the non-perennial watercourse. The clearance occurred within the boundaries of an existing operational farm, and from an agricultural standpoint, was considered a favourable land-use option. However, the activity involved the removal of endangered vegetation and resulted in adverse impacts on both critically endangered and endangered ecological systems. This occurred despite the fact that the affected vegetation types were previously identified as significantly degraded or modified.

The vegetation clearing activities did not affect any designated Critical Biodiversity Areas or Ecological Support Areas. However, the intervention involved the removal of the endangered Breede Shale Renosterveld vegetation. This has led to significant modification of the site. Notably, evidence of indigenous species regeneration suggests that portions of the original soil seedbank remain viable.

The impacts associated with the construction phase have been assessed as Medium negative, with proposed rehabilitation measures expected to reduce this to Low. The current ecological condition of the cleared area is classified as Highly degraded to Transformed, with a Moderate rehabilitation potential, given the persistence of some indigenous flora.

During the operational phase, the anticipated agricultural activities are likely to result in the loss of remaining indigenous species. These impacts are rated as Low negative, and under the current scenario, no feasible mitigation measures exist to reduce this impact further. Nonetheless, the rehabilitation of the non-perennial drainage line and the removal of invasive alien species are considered essential mitigation actions to support ecological recovery and limit further degradation.

H. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to the implemented Alternative described in the application and assessment report on the site as described in Section D above.
2. 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.
3. Any changes to, or deviations from the scope of the alternative described in Section F 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 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.

PART II

Written notice to the competent authority

4. Seven (7) calendar days' notice, in writing, must be given to the competent authority for continuation of the agricultural activities.
 - 4.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 4.2 The notice must also include proof of compliance condition 5.

PART III

Notification and administration of an appeal

5. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

- 5.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 5.1.1 the outcome of the application;
 - 5.1.2 the reasons for the decision as included in Annexure 3;
 - 5.1.3 the date of the decision; and
 - 5.1.4 the date when the decision was issued.
- 5.2 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 Appeals Regulations, 2025* detailed in Section I below.
- 5.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
- 5.4 provide the registered I&APs with:
 - 5.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 5.4.2 name of the responsible person for this Environmental Authorisation;
 - 5.4.3 postal address of the holder;
 - 5.4.4 telephonic and fax details of the holder;
 - 5.4.5 e-mail address, if any, of the holder; and
 - 5.4.6 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, 2025*.
- 6. 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.

PART IV

Management of the activity/development

- 7. The draft Environmental Management Programme ("EMPr") of March 2024 compiled by Silito Environmental Consultants and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
- 8. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

9. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).
10. Access to the site referred to in Section D 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.

PART VI

Auditing

11. In terms of regulation 34 of the *EIA Regulations, 2014* 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 upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

12. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts 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.

13. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
14. The area impacted for the fence was Intact and Semi-intact prior to installation, and this vegetation (Bonnievale Matfig) would have had a High sensitivity due to the Endangered status of the ecosystem. If the existing fence is to be moved or removed, the population of this Bonnievale Matfig must be marked off to ensure it remains undisturbed. Furthermore, it should be propagated via seed and/or cuttings and re-introduced to the area disturbed by any further fence related activities.
15. The following rehabilitation measures are to be carried out:
 - 15.1 Stabilisation of non-perennial drainage lines and prevention of further erosion.
 - 15.2 Implementation of alien invasive plant control programme.
 - 15.3 Progressive rehabilitation of disturbed areas with indigenous species where feasible.
16. Proof of compliance with condition 15. Must be retained for compliance monitoring purposes and must be made available upon request from the competent authority.

I. GENERAL MATTERS

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

4. 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 *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

J. APPEALS

Appeals must comply the *National Appeal Regulations, 2025* (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). Please note the provisions of Regulation 1(2) & (3) of the *National Appeal Regulations, 2025* when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&AP's) and the decision maker (Competent Authority who issued the decision) within **20 calendar** days from the date this decision was sent by the decision maker.
2. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&AP's by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within **5 calendar days** after the 20-day appeal period ends.
 - b. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.

5. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the *National Appeal Regulations, 2025* may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
- a. **By e-mail:**
DEADP.Appeals@westerncape.gov.za or
 - b. **By hand** where that person submitting does not hold an electronic mail account:
Attention: Mr Marius Venter
Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001
- Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.
7. A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za

K. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

L. DISCLAIMER

The Western Cape Government, 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.

Yours faithfully



MRS Z TOEFY

DELEGATED AUTHORITY

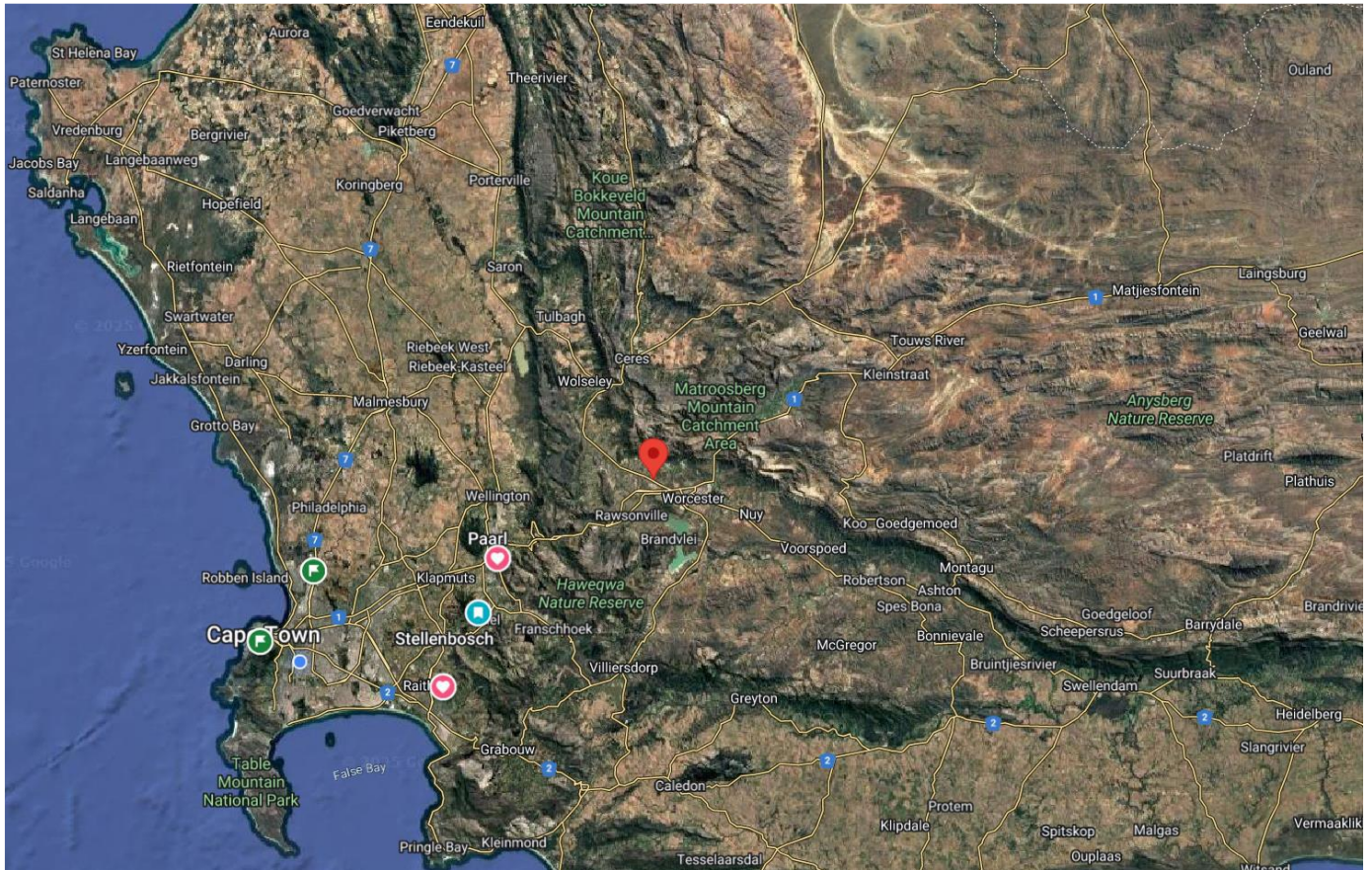
DIRECTORATE: ENVIRONMENTAL GOVERNANCE

DATE: 17 September 25

Cc: (1) Chantel Müller (EAP)
(2) Jonathan van Gesselleen (Project Consultant/Attorney)

Email: chantel@environmentalconsultants.co.za
Email: jgesselleen@dkvg.co.za

ANNEXURE 1: LOCALITY MAP



Farm Locality Map

Legend



Map Center: Lon: 19°21'42.1"E
Lat: 33°36'43.6"S

Scale: 1:18 056

Date created: April 11, 2023



Western Cape Government
FOR YOU
Agriculture

ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/2/B1/17/0021/23

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of **R55 000 (Fifty-Five thousand rand)** to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form and assessment report, including the comments and responses report.
- b) The Environmental Management Programme ("EMPr") of March 2024 submitted together with the application.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on

Date/s: 23 April 2024

Attended by: Officials from the Directorate: Environmental Governance

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 Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the Standard newspaper on 21 September 2023;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor;
- I&APs were afforded the opportunity to provide comments on the application.

Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state were provided the opportunity to comment on the application:

- Breede Valley Municipality
- Department of Agriculture
- Department of Water and Sanitation (DWS)
- CapeNature

At the end of the public participation process, no comments were received from any organs of state. Comments were received from an I&AP. A summary of the comments follows below.

The I&AP stated that Portion 23/298 shares a boundary with Nel's farm Portion 1/298. It was stated that to stop Mr Nel, his employees and contractors from their serial trespassing and malicious damage to property and conservation efforts, several criminal charges were lodged with SAPS Worcester. Further to this, an interdict from the Cape High Court was obtained to stop Mr Nel's actions. In terms of "maintenance of a road", the I&AP stated that this is a false statement, as there was no road before. Allegations were made that Mr Nel had a new and illegal 6m wide road cleared by an excavator of Witels Earthmoving Contractors over both Portion 1 and 23 without consent. The I&AP further stated that it seems that the comprehensive CapeNature Investigation Report produced for this clearing event has been completely ignored. In terms of vegetation and groundcover, the I&AP stated that the box named "Veld dominated by alien species" was checked. This is only partly correct. Only the cleared section next to the curved road was infected by alien Wattle trees. Immediately opposite the new

olive plantation Bet-el primary school is located with only a road separating them. During the clearance stage bulldozer noise would certainly have affected pupils and staff and for months thereafter wind-blown dust from the cleared land. After the establishment of the olives regular work with a tractor is undertaken including brush cutting and spraying. It was commented that Mr Nel is following an insecticide and pesticide spraying program of which the close proximity could cause harm to pupils, school staff and parents accompanying their children to and from school.

In terms of activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternative exists; the majority of Renosterveld in this area has been lost to development. The comment further stated that extinction debt indicates that many species still visible might well be de facto extinct as the remaining habitat is unsustainable and it is therefore crucial that every possible effort be made to conserve the remaining habitat and that preference be given to alternative economic opportunities. Mr Nel is at best a hobby farmer and not dependent on his farm to sustain his living expenses.

The EAP responded adequately and within reason to the concerns and comments raised by the I&AP.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Location/Site Alternatives

Alternative 1 (Herewith authorised)

This alternative entails the establishment of an olive plantation on the site. The development involved the clearance of approximately 1.88 hectares of vegetation on Portion 1 of Farm 298. The site is situated to the east of the Jan du Toits River, the primary watercourse in the region. A non-perennial drainage line traverses the area where vegetation clearance occurred. As part of the site preparation for the olive plantation,

excavation activities exceeding 5 cubic metres of material were undertaken within the non-perennial watercourse. The clearance occurred within the boundaries of an existing operational farm, and from an agricultural standpoint, was considered a favourable land-use option. The site has undergone extensive clearing and transformation, resulting in a level of alteration that renders the complete removal of the olive plantation and full ecological restoration of the previously occurring Breede Shale Renosterveld vegetation type largely impractical and unlikely to be feasible under current conditions.

Alternative 2

Other activities for this portion of land, such as agri-tourism or conservation of this section and locating the olive plantation on a more degraded section of the farm could have been considered as activity alternatives.

Alternative 3

Potential technology alternatives that could have been considered if the activity first underwent an environmental assessment application could have included organic olive oil production practices such as the use of environmentally sustainable fertilizers and the recycling of olive pomace and olive vegetation waters (which is the water fraction of waste and represent the main by-product of olive processing) to reduce the environmental impact of these wastes.

2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The site has been cleared and completely altered, to such a degree that removal of the entire olive plantation and full rehabilitation of the previously occurring Breede Shale Renosterveld will most likely not be a practical or feasible option.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability and Planning Context

The property is zoned as agriculture and located outside of the urban edge. The development is in line with the intended land use as it is an agricultural activity.

3.2. Biophysical and Biodiversity Impacts

The vegetation clearance activities have resulted in substantial modification of the site. Nonetheless, evidence of indigenous species regeneration suggests that portions of the original soil seedbank remain viable. The clearance of endangered vegetation has had a detrimental effect on both critically endangered and endangered ecological systems, despite these systems having been previously classified as significantly degraded or modified. Importantly, the clearing of this land was undertaken without the prior completion of an environmental impact assessment or the development of appropriate mitigation measures. In light of this, the activity is not considered to have represented the best practicable environmental option. The anticipated agricultural activities are likely to result in the loss of remaining indigenous species. These impacts are rated as Low negative, and under the current scenario, no feasible mitigation measures exist to reduce this impact further. Nonetheless, the rehabilitation of the non-perennial drainage line and the removal of invasive alien species are considered essential mitigation actions to support ecological recovery and limit further degradation.

3.3 No other impacts have been identified.

4. **NEMA 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.

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 listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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