



REFERENCE: 16/3/3/1/E2/27/1014/25
NEAS REFERENCE: WCP/EIA/0001620/2025
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: **04 AUGUST 2025**

Mr. Hermann Boeddinghaus
29 Canterbury Drive
BISCHOPSCOURT
7708

Tel: (021) 761 2095
E-mail: hb@4stonebuildings.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE REMOVAL OF INDIGENOUS VEGETATION FOR THE ESTABLISHMENT OF VINEYARDS ON A PORTION OF THE REMAINDER OF THE FARM NO. 585, HEMEL EN AARDE VALLEY, CALEDON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, 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 Appeal Regulations, 2025, 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)

Cc: (1) Ms. Michelle Naylor (Lornay Environmental Consulting)
(2) Ms. Penelope Aplon (Overstrand Municipality)
(3) Mr. Grant Jephthas (Department of Agriculture)
(4) Mr. Fabion Smith (BOCMA)

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE REMOVAL OF INDIGENOUS VEGETATION FOR THE ESTABLISHMENT OF VINEYARDS ON A PORTION OF THE REMAINDER OF THE FARM NO. 585, HEMEL EN AARDE VALLEY, CALEDON.

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, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Layout Alternative 3 described in the Basic Assessment Report ("BAR"), dated 10 April 2025.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

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

c/o Hermann Boeddinghaus
29 Canterbury Drive
BISCHOPSCOURT
7708

Tel: (021) 761 2095
E-mail: hb@4stonebuildings.com

B. ACTIVITIES AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 27 The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance is required for –</p> <p>(i) The undertaking of linear activity; or (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>Approximately 19ha of indigenous vegetation will be cleared.</p>
<p>Listing Notice 3 – Activity Number: 12 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.</p> <p>(i) Western Cape:</p> <p>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;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial</p>	<p>The proposed development will result in the clearance of Elim Ferricrete Fynbos vegetation and Overberg Sandstone Fynbos vegetation, which are both classified as Critically Endangered ecosystems.</p>

Development Framework adopted by the MEC or Minister.	
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The abovementioned activities are hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities:

The proposed development entails the clearance of approximately 19ha of indigenous vegetation for the establishment of vineyards on a Portion of the Remainder of Farm No. 585, Hemel en Aarde, Caledon. The vineyards will be developed across three blocks (Block 1 – 1.5ha, Block 2 – 16.9ha and Block 3 - 0.6ha), which will be in line with the delineated wetlands on the site. Buffer areas of 20m and 30m will be implemented for the watercourses located on the proposed site.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on a Portion of the Remainder of Farm No. 585, Hemel en Aarde, Caledon and have the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates: Block 1	34° 23' 0.12" South	19° 14' 13.80" East
Co-ordinates: Block 2	34° 22' 59.06" South	19° 14' 26.60" East
Co-ordinates: Block 3	34° 23' 4.83" South	19° 14' 39.29" East

The SG digit codes are: C013 000000000 5850 0000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Lornay Environmental Consulting
c/o Ms. Michelle Naylor
Unit 5/1F, Hemel en Aarde Wine Village

HERMANUS

7200

Cell: 083 245 6556

E-mail: michelle@lornay.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 Layout Alternative 3 described in the BAR dated 10 April 2025 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

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

Conditions: 7, 8, 11 and 17

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;

- 7.1.2 the reasons for the decision as included in Annexure 3;
- 7.1.3 the date of the decision; and
- 7.1.4 the date when the decision was issued.

7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2025 detailed in Section G below;

7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;

7.4 provide the registered I&APs with:

7.4.1 the name of the holder (entity) of this Environmental Authorisation,

7.4.2 name of the responsible person for this Environmental Authorisation,

7.4.3 postal address of the holder,

7.4.4 telephonic and fax details of the holder,

7.4.5 e-mail address, if any, of the holder,

7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2025 National Appeals Regulations.

8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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.

Management of activity

9. The construction phase Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct monthly site visits and must submit ECO reports on a quarterly basis to the competent authority.

12. A copy of the Environmental Authorisation, EMPr, audit report and compliance monitoring report must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority once a year during the development phase.

A final Environmental Audit Report must be submitted within 6 (six) months of the completion of the development activities.

The holder must, within 7 days of the submission of the above-mentioned report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. 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 palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A 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.
17. The areas to be cleared must be demarcated prior to the commencement of clearance activities. All areas outside the demarcated areas must be regarded as “no-go” areas.
18. No agricultural shade netting may be erected in the areas approved for vineyards in this Environmental Authorisation.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. 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.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. 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.

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.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this 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: 04 AUGUST 2025

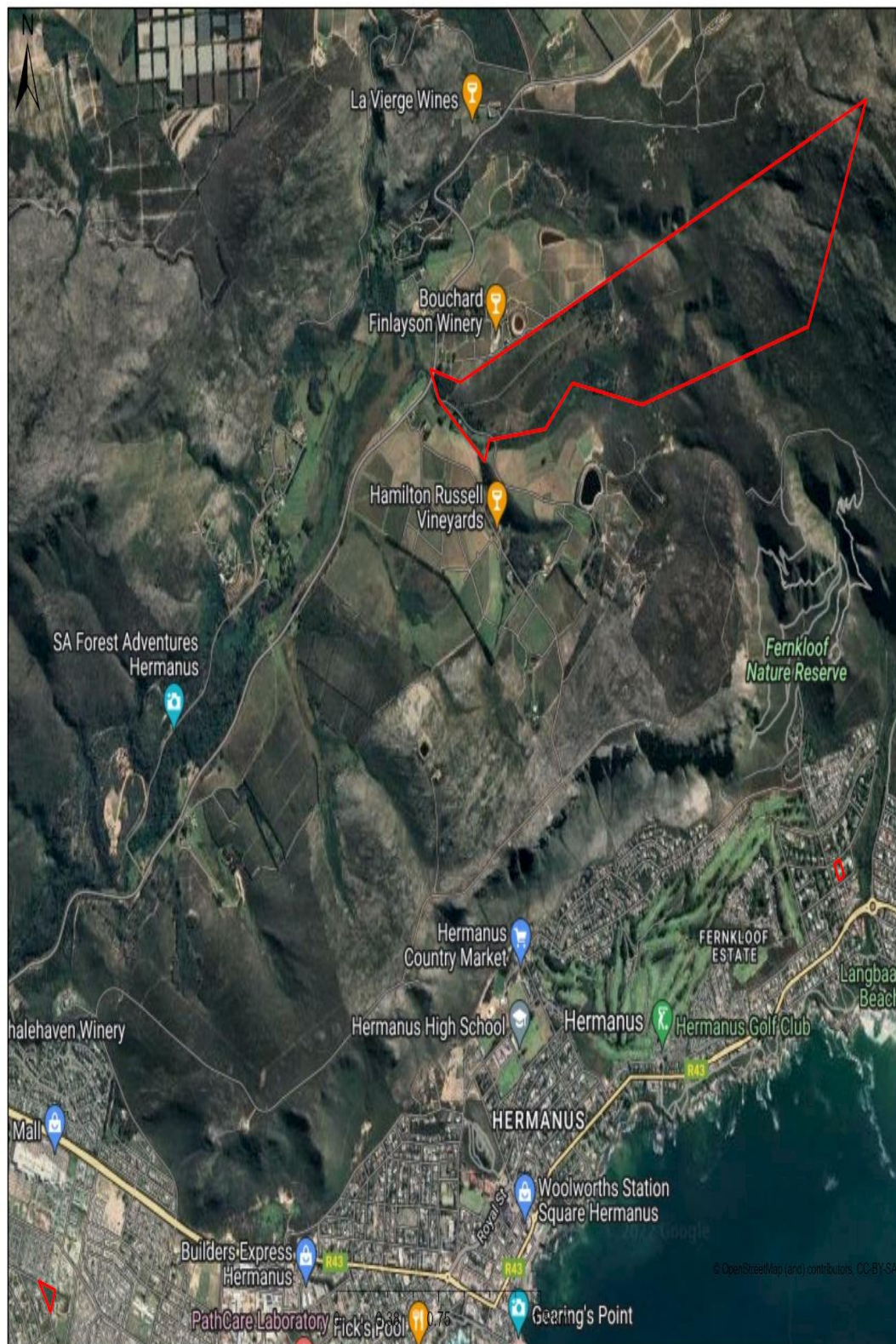
Cc: (1) Ms. Michelle Naylor (Lornay Environmental Consulting)
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E-mail: fsmith@bocma.co.za

ANNEXURE 1: LOCALITY MAP

RE585 Caledon

Legend



Map Center: Lon: 19°14'18.5"E
Lat: 34°23'43.7"S

Scale: 1:36 112

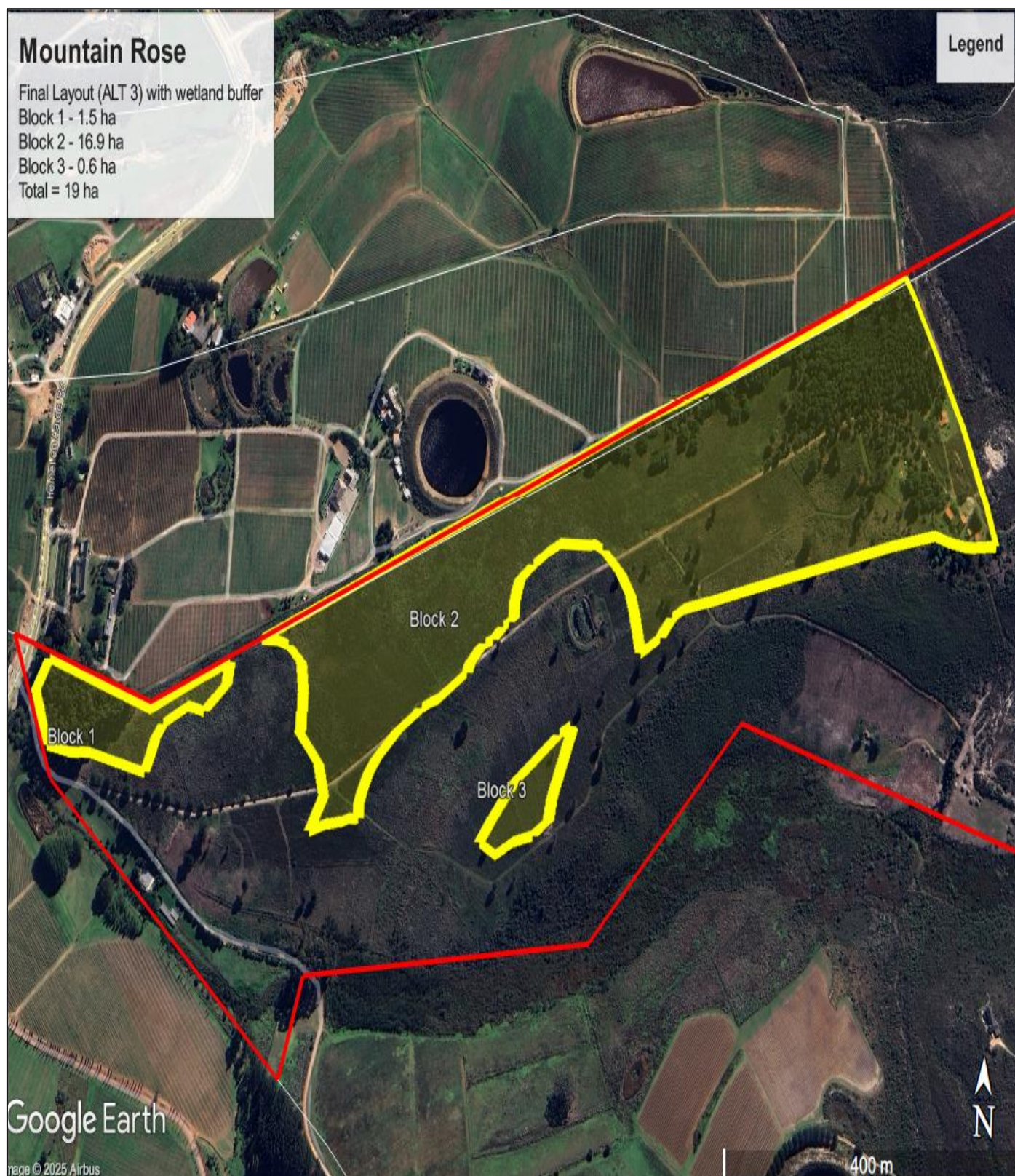
Date created: May 12, 2022



Western Cape
Government
FOR YOU

Agriculture

ANNEXURE 2: SITE 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 17 February 2025 and the EMPr submitted together with the final BAR dated 10 April 2025;
- 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 National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated 10 April 2025; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues 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;
- A site notice was placed;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 11 October 2022;
- Placing of a newspaper advertisement in the '*Hermanus Times*' on 12 October 2022;
- Making the Pre-application Draft BAR available for a 30-day commenting period from 11 October 2022 until 11 November 2022; and
- Making the in-process Draft BAR available for a 30-day commenting period from 3 March 2025 until 3 April 2025.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Two layout alternatives were considered and assessed. The first layout alternative entails the clearance of 18.78ha of indigenous vegetation for the establishment of vineyards on a Portion of the Remainder of Farm No. 585, Hemel en Aarde, Caledon. The vineyards will be established on two blocks. This alternative was not preferred, as it was not supported by the Botanical and Freshwater specialists.

The Preferred Alternative (herewith authorised) entails the clearance of approximately 19ha of indigenous vegetation for the establishment of vineyards on a Portion of the Remainder of Farm No. 585, Hemel en Aarde, Caledon. The vineyards will be developed across three blocks (Block 1 – 1.5ha, Block 2 – 16.9ha and Block 3 - 0.6ha), which will be in line with the delineated wetlands on the site. Buffer areas of 20m and 30m will be implemented for the watercourses located on the proposed site. This alternative was preferred as it avoids the watercourses and does not impact areas of high conservation value on the site.

“No-go” Option

This alternative represents the current “*status quo*”, in which agricultural activities would not proceed. It is not the preferred option, as the site is suitable for vineyards and was previously used for this purpose. Furthermore, this alternative would not provide any capital gain for the Applicant. Opportunities for agricultural growth, increased productivity, and both temporary and permanent job creation in the area would be lost.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is zoned as “Agriculture” and thus the development is accommodated within the property’s existing land use rights. The cultivation areas will be irrigated in accordance with Existing Lawful Water Use rights for the property. The development is in line with the Provincial Spatial Development Framework, will provide opportunities in terms of agricultural growth, and will secure the continued income of the farm.

3.2 Biophysical Impacts

According to the Botanical Impact Assessment Report (dated 1 November 2019 and the updated statements dated 9 October 2023 and 12 April 2025, respectively, compiled by Fynbos Ecoscapes) indigenous vegetation is present on the site, namely Elim Ferricrete Fynbos and Overberg Sandstone Fynbos, which are both classified as Critically Endangered ecosystems. However, the majority of the Elim Ferricrete Fynbos vegetation has been removed due to past agricultural activities. Furthermore, the high conservation areas on the farm will not be directly impacted, as the majority of the proposed development will be situated on land previously cleared for agricultural purposes. The botanical impact is regarded as medium negative significance after mitigation. Mitigation measures have been included in the EMPr.

According to the Aquatic Biodiversity Impact Assessment (dated December 2024, compiled by Delta Ecology), several watercourses are present on the site. These include a channelled valley-bottom wetland along the southern boundary, a seep wetland, and two non-perennial streams located within and near the site. The specialist recommended buffer areas of 20 m for the streams and the channel valley-bottom wetland and 30 m for the seep wetland, which were incorporated into the preferred layout alternative. The study concluded that, with the implementation of the recommended mitigation measures, the impacts on the watercourses from the proposed development would be of low negative significance. These recommendations have been included in the EMPr.

3.3 Heritage Impacts

The Heritage Impact Assessment (dated October 2024, compiled by ACRM) concluded that the proposed development does not pose a threat to local archaeological heritage resources, and the impacts are considered to be of low negative significance. Furthermore, the development is expected to result in a low visual impact. In comment dated 1 February 2024, Heritage Western Cape endorsed the findings and recommendations of the Heritage Impact Assessment.

The development will result in both negative and positive impacts.

Negative Impacts:

- Loss of indigenous vegetation.
- Potential disturbance of aquatic ecology.

Positive impacts:

- The development will create employment opportunities and opportunities for skills development.
- The development will contribute to tourism and investment in the area.

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.

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