



**LORNAY**  
ENVIRONMENTAL CONSULTING

# SECTION 24G APPLICATION FORM AND ASSESSMENT REPORT

Portion 57 of the Farm Rocklands No. 633, Caledon Rd

May 2024

**Consultant:**

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PO Box 1990, Hermanus, 7200 | Unit 3A, Hemel and Aarde Wine Villiage  
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07





**IMPORTANT:** Kindly ensure that this checklist is completed and attached to the NEMA SECTION 24G Application.

Please indicate by ticking the following below to serve as confirmation that the required information has been included in the application.

No.	Application Requirements	Please tick for confirmation	
1.	Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. <b>(Note: Failure to meet the Regulation 8 will result in rejection of the application)</b>	X	
2.	Application form has been completed and attached, which includes among others:		
	2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with.	X	
	2.2. A list of all <b>similarly listed</b> activities in terms of the current EIA regulations (if applicable).	X	
	2.3. A description of the receiving environment <b>before</b> commences of the activity(ies).	X	
	2.4. A description of the receiving environment <b>after</b> commences of the activity(ies).	X	
	2.5. All appendices and annexures:	X	
	2.5.1. Locality map	X	
	2.5.2. Site plans or/and Layout plan	X	
	2.5.3. Building plans (if applicable)	NA	
	2.5.4. Colour photographs	X	
	2.5.5. Biodiversity overlay map	X	
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	X	
	2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information	X	
	2.5.8. Environmental Management Programme	X	
	2.5.9. Certified copy of Identity Document of Applicant	X	
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	X	
	2.6. Signed declaration forms.	X	
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	Y X	N
	3.1. If yes, has the specialist assessment report been attached to the application?	X	
4.	An assessment of the impacts of the activity or activities in terms of the following categories:		
	• Socio-economic	X	
	• Biodiversity	X	
	• Sense of place &/or Heritage/ Cultural	X	
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	X	
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	X	
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations: Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).		

7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	X
8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	X
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	X
9.	Compliance history of the applicant:	X
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	X
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	X
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	X
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	X
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	X
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	X
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply.	X
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	X
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	X
	10.2 Copies of comments and responses included in the application.	X
	10.2 Comments and Response report attached to the application.	X
11.	Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") (GN No. R.326 of 7 April 2017) <b>(if conducted/undertaken)</b>	X



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**Section 24G Application Form for the consequences of unlawful commencement of listed activity/ies in terms of the:**

- National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA");
- National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM: WA")

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**OCTOBER 2022**

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**Form Number S24GAF/10/2022**

**Kindly note that:**

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.
2. This **Application Form** must be completed for all section 24G applications, by an Independent and Registered Environmental Assessment Practitioner ("EAP").
3. This Application Form is current as of 10 October 2022. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 10 October 2022.

**4. The contents of this Application Form include the following:**

**PART 1 -**

**Section A: Background Information**

**Section B: Activity Information**

**Section C: Description of Receiving Environment**

**Section D: Need and Desirability**

**Section E: Alternatives**

**Section F: Impact Assessment, Management, Mitigation and Monitoring Measures**

**Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties**

**Section H: Recommendations of the EAP**

**Section I: Representations - Response to an Incident or Emergency Situation**

**Section J: Public Participation Process**

**PART 2 –**

**ANNEXURE A of Fine Regulations**

**Section A: Directives**

**Section B: Deferral of the Application**

**Section C: Quantum of the section 24G fine**

**Section D: Preliminary advertisement**

**PART 3 –**

**Appendices and Declarations**

**PART 4 –**

**ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**

5. An **Independent and Registered EAP** must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence. **Copies of the EAPS and Specialists Registration Certificates be submitted with this application.**
6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted. Email copies to be submitted
7. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department's website <https://www.westerncape.gov.za/eadp/>
8. The use of "not applicable" in the Application Form must be done with circumspection.
9. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.
10. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

**PROCESS TO BE FOLLOWED:**

- a) **Prior to submission of an Application Form**, the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").
- b) Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.
- c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.
- d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G of the NEMA (as amended).
- e) After submission of the application, **consultation with organs of state in terms of section 24O of the NEMA** will be required and public participation with interested and affected parties to inform the application. Any comments received must be compiled in a Comments and Response Report.
- f) In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.
- g) The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.
- h) The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.
- i) **Proof of payment of the fine must be submitted to the Department.** Upon payment of the administrative fine, the MEC/Competent Authority may-
  - refuse to issue an environmental authorisation; or
  - issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
  - direct the applicant to provide further information or take further steps prior to making a decision provided for above;
  - together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

**CIRCULARS, GUIDELINES AND TOOLS:**

1. The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations and guidelines must be taken into account when completing this Application Form.

2. The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link <https://screening.environment.gov.za/screeningtool> to generate the Screening Report. The Screening Report must be attached to this Application Form as an Appendix.

**PLEASE NOTE THE FOLLOWING:**

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.
2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from—
  - (a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of NEMA or any specific environmental management Act;
  - (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.
3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and—
  - (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
  - (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
  - (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.
4. A person is guilty of an offence if that person:
  - Prior to submission of a section 24G application:
    - o fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant's website, if any or
    - o fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
    - o fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
    - o fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.
  - Provides incorrect, false or misleading information in any form, including in any document submitted to a competent authority in terms of the Section 24G Fine Regulations or omits information that may have an influence on the outcome of a recommendation of the fine committee or determination of the competent authority.
5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

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**DISCLAIMER**

With regards to the Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA), please note that all personal information is being voluntarily submitted for the purposes of your participation in this environmental application process. The information will be held by EAP on behalf of the Applicant and will be submitted to the Competent Authority for the decision on the application. Personal information may also be made available to the Appellant/s so that they may participate in the appeal process in the event that the decision on the application is appealed. Personal information may also be made available to third-party auditors so that you can be notified of future audits of the environmental decision.

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**DEPARTMENTAL DETAILS**

The Application Form must be sent to the following details:

Western Cape Government  
Department of Environmental Affairs and Development Planning  
Attention: Directorate: Environmental Governance  
Private Bag X 9086  
Cape Town,  
8000

Registry Office  
1<sup>st</sup> Floor Utilitas Building  
1 Dorp Street,  
Cape Town

Queries should be directed to the Sub-directorate: Rectification  
at:  
Tel: (021) 483-5827  
Fax (021) 483-4033

**DEPARTMENTAL REFERENCE NUMBER(S)** (for official use)

File Reference number (S24G)	
Administrative Fine Reference	

**DEPARTMENTAL REFERENCE NUMBER(S)** (to be completed by the EAP)

File Reference number (Enforcement), if applicable	14/1/1/E2/7/9/3/0733/22
File reference number (EIA), if applicable:	
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

View the Department's website on

<http://www.westerncape.gov.za/eadp> for the latest version of the documents

**PART 1**

**PROJECT TITLE AND GENERAL DESCRIPTION OF THE DEVELOPMENT**

**CLEARING OF INDIGENOUS VEGETATION WITHOUT ENVIRONMENTAL AUTHORISATION**

**RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED**

Cross out the appropriate box "☒" in which region the unlawful activity/ies has commenced.

REGION 1	REGION 2	REGION 3
City of Cape Town and West Coast District	Cape Winelands District and Overberg District	Central Karoo District and Eden District
	X	



## SECTION A: BACKGROUND INFORMATION

### 1. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

1.1	The applicant is a Natural Person (individual)	X
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)	
1.2.1	If a firm, please tick the relevant box below:	
	Body Corporate	Partnership
	Trust	Parastatal
	Organ of State	
	Directors of a Company	Members of a Board
	Other, please specify	

<b>Applicant's details</b> (duplicate this section where there is more than one applicant)	MR THOMAS IGNATIUS SIEBERT (IGNO SIEBERT)
Applicant Name:	AS ABOVE
Name of Firm (if applicable):	-
Firm Registration Number:	-
Contact Person at the Firm:	-
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below – <b>(In the list below, delete the firms that are not applicable to this application)</b>
<ul style="list-style-type: none"> <li>● <del>Directors of a company; or</del></li> <li>● <del>Members of the board; or</del></li> <li>● <del>Executive committee or other managing body of a corporate body or parastatal; or</del></li> <li>● <del>Members of close corporation; or</del></li> <li>● <del>Partners of a partnership; or</del></li> <li>● <del>Trustees of a trust</del></li> </ul>	Name:  Name:  Name:  Name:  Name:  Name:
Postal address:	25 JAPONIKA AVENUE
	WELGEDACHT, BELLVILLE <span style="float: right;">Postal code: 2530</span>
Telephone:	021 913 3223 <span style="float: right;">Cell: 072 436 0736</span>

E-mail:	<a href="mailto:igno@sun.ac.za">igno@sun.ac.za</a>	Fax:	-
<b>Project Consultant</b>			
	N/A		
Contact person:	-		
Postal address:	-		
	-	Postal code:	
Telephone:	( )	Cell:	
E-mail:	-	Fax:	( )
<b>Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:</b>			
	MICHELLE NAYLOR		
Company name (if any):	LORNAY ENVIRONMENTAL CONSULTING PTY LTD		
Postal address:	PO BOX 1990 HERMANUS		
		Postal code:	7200
Telephone:	083 245 6556	Cell:	083 245 6556
E-mail:	<a href="mailto:michelle@lornay.co.za">michelle@lornay.co.za</a>	Fax:	( )
EAP Qualifications	Master of Science (Rhodes University)		
EAP Registrations/Associations and registration number/s	EAPASA. 2019/698,, SACNASP., IAIASA		
<b>Name of the Landowner:</b>			
	AS ABOVE		
Name of the contact person for the land owner (if other):	-		
Postal address:	-		
	-	Postal code:	-
Telephone:	( )	Cell:	-
E-mail:	-	Fax:	( )
<b>Person in control of land:</b>			
	AS ABOVE		
Contact person:	-		
Postal address:	-		
	-	Postal code:	-

Telephone:	( )	Cell:	-
E-mail:	-	Fax:	( )

**Please note:**

In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.

A certified copy of the applicant's (if natural person), alternatively a director's (as defined), Identity Document must be attached to the application.

A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application.

Municipality in whose area of jurisdiction the activity falls:	OVERSTRAND MUNICIPALITY		
Contact person, if known:	PENELOPE APLON / CHESTER ARENDSE		
Postal address:	PO BOX 20		
	HERMANUS	Postal code:	7200
Telephone	021 313 8000	Cell:	
E-mail:	<a href="mailto:paplon@overstrand.gov.za">paplon@overstrand.gov.za</a> <a href="mailto:gbenvironmental@overstrand.gov.za">gbenvironmental@overstrand.gov.za</a>	Fax:	( )

**Please note:**

In instances where there is more than one Municipality involved, please attach a list of Municipalities with their respective contact details to the form.

Property location(s):	R43 BETWEEN HERMANUS AND STANFORD
Farm/Erf name(s) & number(s) including portion(s)	PORTION 57 OF THE FARM ROCKLANDS NO. 633, CALEDON RD
Property size(s) (m <sup>2</sup> )	49.03 HA
Development footprint size(s) (m <sup>2</sup> )	9 HA
SG21 Digit code(s)	C0130000000063300057

**Property boundary:**

Point	Latitude (S)	Longitude (E)
1	34 ° 23 ' 56.17 " South	19 ° 21 ' 46.55 " East
2	34 ° 23 ' 52.34 " South	19 ° 22 ' 26.24 " East

3	34 ° 24 ' 8.28 " South	19 ° ' 27.13 " East
4	34 ° 24 ' 14.39 " South	19 ° 22 ' 12.15 " East
5	34 ° 24 ' 9.92 " South	19 ° 21 ' 55.14 " East



The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
a	34 ° 24 ' 4.99 " South	19 ° 21 ' 59.00 " East
b	34 ° 24 ' 1.69 " South	19 ° 22 ' 9.16 " East

c	34° 24 ' 8.99 " South	19° 22 ' 16.71 " East
d	34° 24 ' 13.21 " South	19° 22 ' 7.82 " East



Please note:

Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.

Street address:	R43 BETWEEN HERMANUS AND STANFORD		
Magisterial District or Town:	HERMANUS, CALEDON RD		
Closest City/Town:	HERMANUS AND STANFORD	Distance	5 (km)
Zoning of Property:	AGRICULTURAL ZONE 1		

Please note:

In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.

Was the property rezoned after commencement of activities?		YES	<b>NO x</b>
If yes, what was the previous zoning?			
N/A			
Is a rezoning application required?		YES	<b>NO X</b>
Is a consent use application required?		YES	<b>NO X</b>
Locality map:	<p>A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:</p> <ul style="list-style-type: none"> <li>• an accurate indication of the project site position as well as the positions of the alternative sites, if any;</li> <li>• road names or numbers of all the major roads as well as the roads that provide access to the site(s)</li> <li>• a north arrow;</li> <li>• a legend;</li> <li>• the prevailing wind direction; and</li> <li>• GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)</li> </ul>		
Landowner(s) Consent:	<p>If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.</p> <p><b>Note:</b> The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the <i>Infrastructure Development Act, 2014 (Act No. 23 of 2014)</i>.</p>		

**2. APPLICATION HISTORY**


(Cross out the appropriate box "X" and provide a description where required).

Has any national, provincial or local authority considered any development applications on the property previously?	Yes	No X
If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications)		
Which authority considered the application:		
Has <u>any</u> one of the previous application/s on the property been approved <b>or</b> refused? If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).		
Yes		No
N/A		
Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.		

## SECTION B: ACTIVITY INFORMATION

### 1. ACTIVITIES APPLIED FOR

I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.

Applicant (Full names): Thomas Ignatius Sobot Signature:   
Place: Pinebords Date: 6/2/2024

EAP (Full names): MICHELLE NAYLOR Signature:   
Place: HERMANUS Date: 02/02/2024

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

<b>ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002</b>			
<b>Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989</b>			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
<b>ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006</b>			
<b>Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989,</b>			
N/A			
<b>NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010</b>			
<b>Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA</b>			
GN R386 Activity No(s): ( <b>Listing Notice 1 of 2006</b> )	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
Government Notice No. R387 Activity No(s): ( <b>Listing Notice 2 of 2006</b> )	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
<b>NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014</b>			
<b>Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>			
GN No. R. 544 Activity No(s): ( <b>Listing Notice 1 of 2010</b> )	Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
GN No. R. 545 Activity No(s): ( <b>Listing Notice 2 of 2010</b> )	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			



GN No. R. 546 Activity No(s): <b>(Listing Notice 3 of 2010)</b>	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
<b>NEMA EIA Contraventions: on or after 08 December 2014</b>			
<b>Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>			
GN No. R. 983 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
27	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) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	Approximately 9 ha of indigenous vegetation was cleared	Applicant purchased the property in October 2020, the activities commenced in December 2020
GN No. R. 984 Activity No(s): <b>(Listing Notice 2 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
GN No. R. 985 Activity No(s): <b>(Listing Notice 3 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
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. i. Western Cape 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; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater	Approximately 9 ha of indigenous vegetation was cleared	Applicant purchased the property in October 2020, the activities commenced in December 2020

	<p>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 Development Framework adopted by the MEC or Minister.</p>		
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Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

1.2 Applicable Waste Management Activities

**There are no waste management activities applicable to the case file**

List the relevant waste management activity/ies applied for:

Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013			
Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008			
GN No. 718 – Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
N/A			
GN No. 718 – Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
N/A			

Waste Management Activity Contraventions: On or after 29 November 2013			
Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,			
GN No. 921 – Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
N/A			
GN No. 921 – Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
N/A			

Please note:

**The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.**

Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted.

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014.

The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s):  <b>(Listing Notice 1 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014  ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
27	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) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	Approximately 9 ha of indigenous vegetation was cleared
GN No. R. 325 Activity No(s):  <b>(Listing Notice 2 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014  ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
	N/A	
GN No. R. 324 Activity No(s):  <b>(Listing Notice 3 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.
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. i. Western Cape	Approximately 9 ha of indigenous vegetation was cleared

	<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; ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from 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 Development Framework adopted by the MEC or Minister.</p>	
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**Please note:**

**Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.**

**2. ACTIVITY DESCRIPTION**

(Cross out the appropriate box "☒" and provide a description where required).

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	<b>Completed X</b>	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced <u>as well as</u> the original date of commencement if the application is an upgrade.	<b>New X</b>	Upgrade
The applicant purchased the property in 2020 and the activities commenced in December 2020		

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.
<p>The applicant purchased the property in October 2020. The activities commenced in December 2020.</p> <p>The applicant has planted Macadamia Nut trees covering an area of approximately 9 ha, which was completed in September 2021. It is important to note that due to the type of planting, the actual footprint of the activity is much less since the natural vegetation still exists between the Macadamia trees.</p> <p>The site was prepared by brush cutting only. <b>No ploughing or mechanical intervention was implemented. This was done to ensure that the natural vegetation would grow in a natural manner between the planted</b></p>

**Macadamia trees.** The trees were then planted. No chemicals have been applied and the aim is to create a natural orchard where the fynbos thrives amongst the trees.  
Landbouweekblad issued an article about the mechanism of environmentally friendly and the use of the natural vegetation between the trees as a natural windbreak (Landbouweekblad, 9 Februarie 2023, Landbou.com).





Current state of the site as of March 2023. The nut trees are established with the natural indigenous vegetation evident in between the trees.

The pre compliance notice has alleged that the landowner cleared approximately 9 ha of critically endangered vegetation specifically, Elim Ferricrete Fynbos and Agulhas Limestone Fynbos without Environmental Authorisation.

In response to the above, Lornay Environmental Consulting was appointed to conduct the 24G Application process and Nature Works Environmental Consultancy was appointed to conducted the Botanical Impact Assessment in order to determine the impact of the vegetation removal.

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).

Buildings	YES	NO x
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Provide brief description:

The activity only involved the planting of the macadamia nut trees and establishment of the nut grove. No machinery was used in the preparation of the area and the site was not ploughed. There are no new buildings or other infrastructure applicable.

Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO x
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Provide brief description:

The activity only involved the planting of the macadamia nut trees and establishment of the nut grove

Processing activities (e.g. manufacturing, storage, distribution)	YES	NO x
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Provide brief description:

The activity only involved the planting of the macadamia nut trees and establishment of the nut grove

Storage facilities for raw materials and products (e.g. volume and substances to be stored)	YES	NO x
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Provide brief description

The activity only involved the planting of the macadamia nut trees and establishment of the nut grove

Storage and treatment facilities for solid waste and effluent generated by the project	Yes	No x
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Provide brief description

The activity only involved the planting of the macadamia nut trees and establishment of the nut grove

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(d) Other activities (e.g. water abstraction activities, crop planting activities)	Yes	No x
Provide brief description		
The activity only involved the planting of the macadamia nut trees and establishment of the nut grove		

**3. PHYSICAL SIZE OF THE ACTIVITY**

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	9 ha
Total area:	9 ha
	The disturbed area should be considered to be significantly less, since the natural vegetation was brush cut and no machinery was used to prepare the land prior to planting. The natural fynbos vegetation has now re-established alongside the macadamia trees.

**4. SITE ACCESS**

Was there an existing access road?	YES x	NO
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length)	m
	(width)	m
Describe the type of access road constructed:		
No new access has been constructed.		

**Please Note:**

Indicate the position of the access road on the site plan (See Section 5 below)

**5. SITE PHOTOGRAPHS**

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form.

**Please note:**

Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.

**6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES**

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (if already obtained):
National Environmental Management Act	DEA&DP	Authorisation	-
NEMBA (10 of 2004) – The Revised National List of Ecosystems that threatened and in need of protection	Cape Nature	Comment	Pending

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, AS AMENDED (NEMA) & THE EIA REGULATIONS (2014) AS AMENDED – ENVIRONMENTAL IMPACT ASSESSMENT PROCESS	DEA&DP
OVERSTRAND MUNICIPALITY BY LAW ON MUNICIPAL LAND USE PLANNING, 2015	Overstrand Municipality
EIA GUIDELINE AND INFORMATION DOCUMENT SERIES, DATED MARCH 2013: APPLIED TO VARIOUS COMPONENTS IN THE BASIC ASSESSMENT PROCESS. THE FOLLOWING GUIDELINES WERE CONSIDERED THROUGHOUT THIS BASIC ASSESSMENT PROCESS:  - Guideline for the Review of Specialist Input in the EIA process (June 2005); - Guideline for Environmental Management Plans (June 2005) - Guideline on Alternatives (March 2013) - Guideline on Need and Desirability	DEA&DP

**7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS (“SEMAs”)**

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?	YES	NO X
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	YES	NO X
If yes, has an application been submitted to the licensing authority?	YES	NO
If no, please provide evidence of existing water use rights (if applicable) with this application form.		



Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?	YES	NO X
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act ("NEM: ICMA")?	YES	NO X
If yes, has an application been submitted to the relevant competent authority?	YES	NO
If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA		
N/A		

**8. APPLICATIONS IN TERMS OF OTHER LEGISLATION**

Is any permission, licence or other approval required in terms of any other legislation? (Please tick)	YES	NO X
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If yes, please complete the table below:

Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)

## SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

### Site/Area Description

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan.

Section C Copy No. (e.g. 1, 2, or 3):

### 1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (Tick the appropriate box)

GRANITE		QUARTZITE	
SHALE		DOLOMITE	
SANDSTONE		DOLERITE	
OTHER (specify)	PENINSULA, PAKHUIS AND CEDARBERG FORMATIONS  Lithology:      Pebbly      quartz arenite,      diamictite,      minor conglomerate, mudrock, siltstone and shale		

### 2. GRADIENT OF THE SITE

Indicate the general gradient of the site(s) (cross out the appropriate box).

Flat	Flatter than 1:10	1:10 – 1:5 X  Approximately 10 percent slope	Steeper than 1:5
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### 3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site (cross out ("X") the appropriate boxes).

Ridgeline	Plateau	Side slope of hill/mountain X	Closed valley	Open valley	Plain X	Undulating plain/low hills	Dune	Sea-front	Other
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If other, please describe

Gradual sloping plain from mountain base



Photo of the site from approximately 2000 prior to activity



View of the site prior to planting



2023 view of the site post planting



Photo taken in April 2024 showing current status of the Macadamia grove.

**4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE**

**4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)**

Is the site(s) located on or near any of the following (cross out ("X") the appropriate boxes)?

Shallow water table (less than 1.5m deep)	YES	NO x	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO x	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO x	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO x	UNSURE
Soils with high clay content	YES	NO x	UNSURE
Any other unstable soil or geological feature	YES	NO x	UNSURE
An area sensitive to erosion	YES	NO x	UNSURE

**4.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)**

Shallow water table (less than 1.5m deep)	YES	NO x	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO x	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO x	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO x	UNSURE
Soils with high clay content	YES	NO x	UNSURE
Any other unstable soil or geological feature	YES	NO x	UNSURE
An area sensitive to erosion	YES	NO x	UNSURE

If any of the answers to the above are "YES" or "unsure", specialist input may be requested by the Department. (Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

**5. SURFACE WATER**

**2.1 SURFACE WATER (PRE-COMMENCEMENT)**

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("X") the appropriate boxes)?

Perennial River	YES	NO x	UNSURE
Non-Perennial River	YES x	NO	UNSURE
GIS mapping indicated the presence of 2 non perennial streams on the outside of the impacted area to the east and west			
Permanent Wetland	YES	NO x	UNSURE
Seasonal Wetland	YES	NO x	UNSURE

Artificial Wetland	YES	NO x	UNSURE
Estuarine / Lagoonal wetland	YES	NO x	UNSURE

**2.2 SURFACE WATER (POST-COMMENCEMENT)**

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

Perennial River	YES	NO x	UNSURE
Non-Perennial River  GIS mapping indicated the presence of 2 non perennial streams on the outside of the impacted area to the east and west	YES x	NO	UNSURE
Permanent Wetland	YES	NO x	UNSURE
Seasonal Wetland	YES	NO x	UNSURE
Artificial Wetland	YES	NO x	UNSURE
Estuarine / Lagoonal wetland	YES	NO x	UNSURE

**3. VEGETATION AND/OR GROUNDCOVER**

**Please note:** The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult <http://bgis.sanbi.org.za> or [BGIShelp@sanbi.org.za](mailto:BGIShelp@sanbi.org.za). Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP's responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an **appendix** to this form.

**6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)**

Cross out ("☒") the block **and** describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity.

Indigenous Vegetation - good condition	x	Indigenous Vegetation with scattered aliens	x	Indigenous Vegetation with heavy alien infestation	x
Describe the vegetation type above:		Describe the vegetation type above:		Describe the vegetation type above:	
Provide ecosystem status for above:		Provide ecosystem status for above:		Provide Ecosystem status for above:	
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe	

Bare soil	Building or other structure	Sport field
Other (describe below)	Cultivated land	Paved surface

(a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

Systematic Biodiversity Planning Category				If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	<p><b>Critical Biodiversity Areas</b></p> <p>Category 1: CBA: Terrestrial</p> <p>Category 2: CBA: Terrestrial</p> <p><b>Definition:</b> Areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.</p> <p><b>Objective:</b> Maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.</p>

As per the map below, only a very small section in the southeast section of the nut grove fell within the CBA area.



(b) Highlight and describe the habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	10 %	Very limited sections were in a natural state due to alien vegetation and previous impacts
Near Natural (includes areas with low to moderate level of alien invasive plants)	60 %	Some areas where the macadamias were planted
Degraded (includes areas heavily invaded by alien plants)	20 %	Some areas where the macadamias were planted included old roads, paddocks etc
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	10 %	Some areas where the macadamias were planted included old roads, paddocks etc

- (c) Complete the table to indicate:  
 (i) the type of vegetation, including its ecosystem status, that was previously present on the site; and  
 (ii) whether an aquatic ecosystem was previously present on site.

Terrestrial Ecosystems		Aquatic Ecosystems											
Ecosystem threat status as per the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)  Elim Ferricrete Fynbos Agulhas Limestone Fynbos	Critical x	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)	Estuary		Coastline		YES	NO x	UNSURE	YES	NO x	YES	NO x
	Endangered												
	Vulnerable												
	Least Threatened												

- (d) Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)



Extract from the Botanical Impact Assessment:

### **The vegetation of the Study Area**

#### ***The national vegetation and ecosystem threat status***

According to the Vegetation Map of South Africa, Lesotho and Swaziland (SANBI, 2018) (VEGMAP), the vegetation type occurring in the study area and surrounds is Elim Ferricrete Fynbos and Agulhas Limestone Fynbos.

**Elim Ferricrete Fynbos**, as assessed by the IUCN Red List of Ecosystems (IUCN RLE v1.1), is categorized as "Critically Endangered." This designation is based on specific trigger criteria (A3) that indicate a severe decline in its spatial extent and overall health.

**Spatial Decline:** National land cover and supplementary provincial and metropolitan land cover data reveal that Central Ruens Shale Renosterveld, which includes the Elim Ferricrete Fynbos, has experienced a dramatic decline of approximately 90% of the original extent. This significant loss of habitat is a major concern for the ecosystem's survival.

**Biodiversity and Structural Diversity:** Elim Ferricrete Fynbos is characterized by undulating hills and plains, featuring open to closed dwarf shrubland with occasional scattered tall shrubs. It is a diverse unit, encompassing various structural fynbos types. Extensive areas are covered with asteraceous fynbos, which is dominated by low proteoid elements.

**Degradation:** When degraded, this vegetation type becomes dominated by *Elytropappus rhinocerotis*.

**Geology and Soils:** Elim Ferricrete Fynbos grows on Glenrosa and Mispah soils derived from various geological formations, including Bokkeveld Shale, Cape Granite (of the Hermanus Suite), ferricrete, and silcrete. The land types are primarily Fb and Db.

**Climate:** The ecosystem experiences a mainly winter-rainfall regime, with some summer rain. The mean annual precipitation (MAP) ranges from 350 to 770 mm, with a peak from May to August. Mean daily maximum and minimum temperatures for January and July are 25.8°C and 6.7°C, respectively.

Overall, Elim Ferricrete Fynbos is facing a critical threat due to substantial spatial declines, degradation, and changes in species composition. The diverse and unique nature of this fynbos ecosystem, with its proteoid elements and other distinctive plant species, makes its conservation crucial for maintaining regional biodiversity.

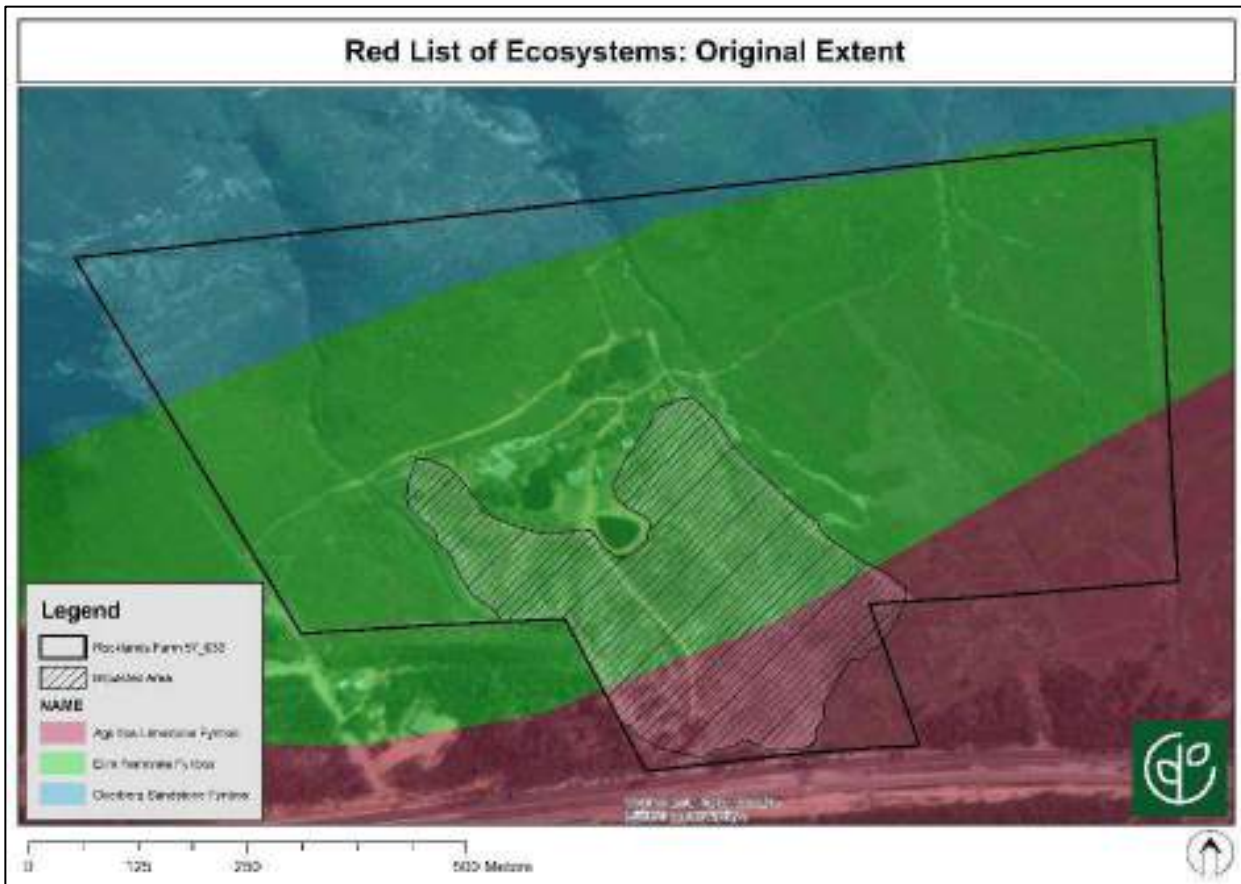
**Agulhas Limestone Fynbos**, as assessed by the IUCN Red List of Ecosystems (IUCN RLE v1.1), is classified as "Critically Endangered".

**Vegetation & Landscape Features,** Agulhas Limestone Fynbos is primarily found on the low hills and plains along the coastal margin of the Agulhas coastal forelands. It also occurs at higher altitudes, such as on Soetanyberg. The ecosystem is characterized by moderately dense, low shrublands containing tall, emergent proteoids. It comprises mainly asteraceous and proteoid fynbos, with restioid fynbos in sandy areas and on limestone pavements. Wetter areas, including waterlogged bottomlands, are dominated by *Leucadendron linifolium*, restioid fynbos, transitioning to Agulhas Sand Fynbos in deeper sand areas.

**Geology & Soils:** Agulhas Limestone Fynbos grows on shallow alkaline bedrock and alkaline, grey, regic sands located on limestones of the Bredasdorp Formation. Land types are mainly classified as Hb, Db, and Fa.

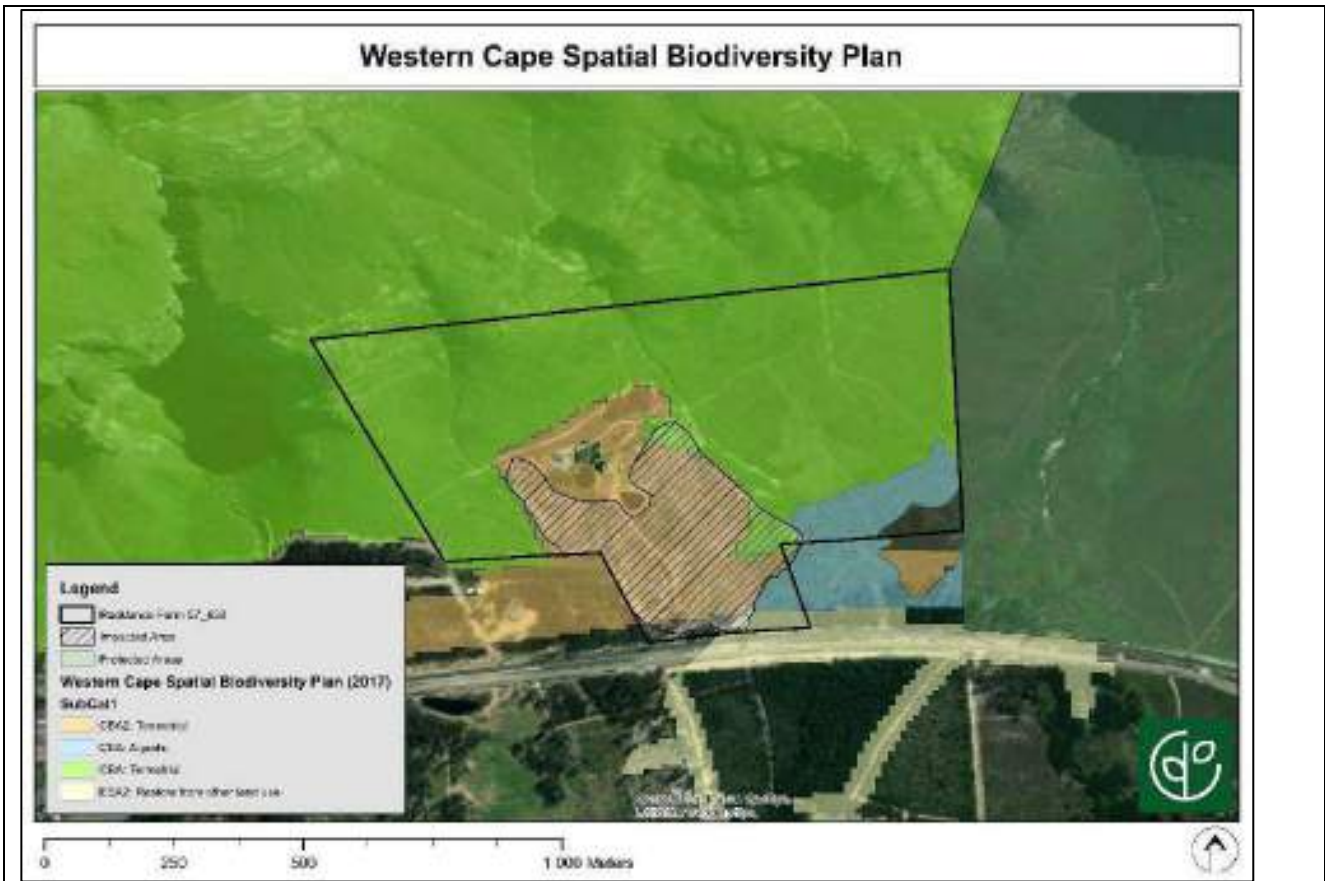
**Climate:** The ecosystem experiences a mean annual precipitation (MAP) ranging from 410 to 660 mm, with a peak slightly from June to August. It is the wettest of all the limestone fynbos units. Mean daily maximum and

minimum temperatures for January and July are 25.5°C and 7.0°C, respectively. Frost incidence occurs about three days per year.



The agricultural development has resulted in the approximate loss of 6.428 ha and 2.975 ha of Elim Ferricrete Fynbos and Agulhas Limestone Fynbos, respectively.

According to the WCBSA, the development on the site directly impacts CBA1: Aquatic, CBA1: Terrestrial, CBA2: Terrestrial, and ESA2: Restore from other land use, comprising 0.04 Ha, 0.979 Ha, 8.042 Ha, and 0.08 Ha, respectively:



**Historical botanical context of the site**

*Extract from Botanical Report:*

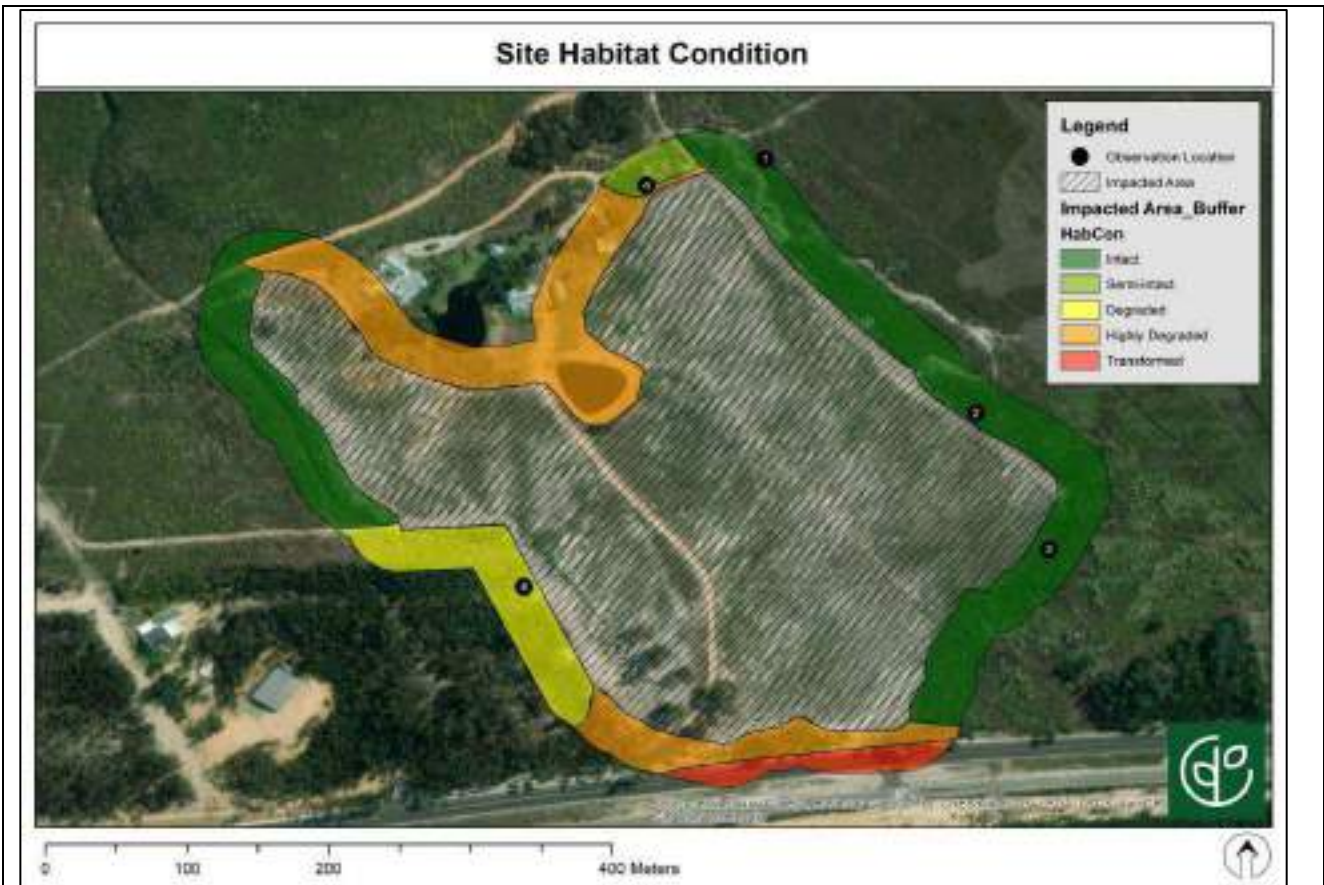
Given that the site has already undergone transformation from natural habitat to agricultural land, assessing the current habitat condition on-site becomes an impractical task. In light of this, I conducted an assessment of the historical habitat condition using available Google Earth satellite imagery. The following summary outlines the findings from this evaluation, which is primarily based on my knowledge of the local vegetation structure. The objective was to map significant disturbances that could provide evidence and indications of the site's habitat condition before its transformation for agricultural use.

The historical imagery dating back to 2003 reveals that the impacted area experienced various historical disturbances. Notably, in 2003, Invasive Alien Plants (IAPs) were observed in the affected area. By 2006, it was evident that the IAPs had spread throughout the site, a road was constructed to facilitate access for building new dwellings, and two small dams were created directly to the north of the impacted area. In 2012, alien clearing efforts were undertaken, and management actions were implemented by the landowner, resulting in the rehabilitation of the impacted area, as depicted in Figure 5 of the Botanical report. Therefore, it is reasonable to infer that the site's habitat, prior to the illegal clearing, was in a semi-intact condition.



2020 Google Earth image

There were five different habitat conditions observed (by the botanist) during the onsite assessment surrounding the impacted area. These conditions are: intact, semi-intact, degraded, highly degraded, and transformed:



**Summary of the habitat conditions of the areas surrounding the impacted site**

The assessment of the site's historical and current habitat conditions provides valuable insights into its ecological status. In 2003, the site showed signs of disturbances, with the presence of Invasive Alien Plants (IAPs) marking an early impact. By 2006, the situation had worsened, with IAPs spreading, a road constructed for new dwellings, and the creation of dams to the north of the site. In 2012, efforts were made to manage and rehabilitate the area, suggesting that before illegal clearing, the site was in a semi-intact condition, with potential for restoration.

Currently, the habitats surrounding the impacted site exhibits a range of habitat conditions, classified into five categories. The "Intact Habitat" in the western and eastern region adjacent to the impacted area showcases pristine Elim Ferricrete Fynbos, with minimal historical disturbances and a high level of biodiversity. Semi-intact areas closely resemble the native vegetation but have experienced some historical disruption. In contrast, the "Degraded Habitat" lacks native species and is densely invaded by IAPs, including Eucalyptus and Acacia saligna.

Highly degraded habitats are evident in the southern and northern corners of the site, with a prevalence of Eucalyptus species and little to no native vegetation remaining. The transformed habitat extends southward, where the presence of the R43 road is indicative of extensive modification.

In summary, the site presents a spectrum of habitat conditions, ranging from well-preserved and biodiverse areas to those heavily impacted by invasive plants and human activities.

6.2 VEGETATION AND/OR GROUND COVER (POST-COMMENCEMENT)

Extract from Botanical report:

The agricultural development on Farm Rocklands 57/633 has resulted in the loss of approximately 6.428 ha and 2.975 ha of Elim Ferricrete Fynbos and Agulhas Limestone Fynbos, respectively. The site's surrounding habitats exhibit a range of conditions, from intact and semi-intact areas with high biodiversity and ecological connectivity to highly degraded and transformed habitats heavily impacted by invasive alien plants and agricultural activities. The historical assessment suggests that the impacted site was once in a semi-intact condition, with potential for recovery.

The impact significance of the assessed impacts were determined to be of medium negative significance. However, the proposed mitigation measures aim to address secondary activities and improve the ecological resilience of the surrounding habitats. Mitigation measures should be applied to restore and rehabilitate surrounding affected habitats, implement effective stormwater management, erosion control, and establish a regular monitoring and reporting system. It is important to note that the landowner has permitted the natural propagation of indigenous vegetation native to the area between the planted trees. Serving as a corridor, enhancing connectivity between the surrounding natural habitats, and has played a role in rehabilitating the impacted site. The landowner is also committed to implementing regenerative and sustainable farming to prevent any secondary impacts on the surrounding intact habitats.

In summary, while the agricultural development has already had a significant impact on the site, mitigation measures and active restoration efforts can help minimize the negative effects and contribute to the recovery of the affected ecosystems. Long-term monitoring and adaptive management are crucial to ensuring the health and resilience of the surrounding environment. The development's suitability from a botanical perspective depends on the rigorous implementation of these mitigation measures and the commitment to sustainable land management practices.

Cross out ("☒") the block **and** describe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

Indigenous Vegetation - good condition	x	Indigenous Vegetation with scattered aliens	x	Indigenous Vegetation with heavy alien infestation	x
Describe the vegetation type above:  Areas surrounding the planted area are in good condition	Describe the vegetation type above:  Areas surrounding the planted area are characterised by indigenous vegetation and scattered alien vegetation		Describe the vegetation type above:  Areas surrounding the planted area are characterised by indigenous vegetation and dense alien vegetation		
Provide ecosystem status for above:  Elim Ferricrete Fynbos (EN) and Agulhas Limestone Fynbos (CR)	Provide ecosystem status for above:  -		Provide Ecosystem status for above:  -		
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface x  The landowner has retained natural indigenous vegetation between the planted trees and only brush cut the natural vegetation to plant the trees	Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe		

Bare soil	Building or other structure x Other existing agricultural infrastructure, buildings, roads, paddocks, dams etc exist on site	Sport field
Other (describe below)	Cultivated land	Paved surface

(a) Highlight and describe the post-construction habitat condition on site

Note that the “site” is defined as the ~9 ha planted area and **NOT** the remaining areas on the farm.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	50%	The remaining natural areas between the planted trees
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	50 %	The planted macadamia nuts between the indigenous vegetation

(b) How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

The agricultural development on Farm Rocklands 57/633 has resulted in the loss of approximately 6.428 ha and 2.975 ha of Elim Ferricrete Fynbos and Agulhas Limestone Fynbos, respectively. The site's surrounding habitats exhibit a range of conditions, from intact and semi-intact areas with high biodiversity and ecological connectivity to highly degraded and transformed habitats heavily impacted by invasive alien plants and agricultural activities. The historical assessment suggests that the impacted site was once in a semi-intact condition, with potential for recovery.

The Site Ecological Importance assessment, considering Conservation Importance, Functional Integrity, and Receptor Resilience, indicates a high SEI. This classification implies that the site holds significant ecological value and should be subject to mitigation measures to reduce impacts.

The impact significance of the assessed impacts were determined to be of medium negative significance. However, the proposed mitigation measures aim to address secondary activities and improve the ecological resilience of the surrounding habitats. Mitigation measures should be applied to restore and rehabilitate surrounding affected habitats, implement effective stormwater management, erosion control, and establish a regular monitoring and reporting system.

It is important to note that the landowner has permitted the natural propagation of indigenous vegetation native to the area between the planted trees. Serving as a corridor, enhancing

connectivity between the surrounding natural habitats, and has played a role in rehabilitating the impacted site. The landowner is also committed to implementing regenerative and sustainable farming to prevent any secondary impacts on the surrounding intact habitats.

In summary, while the agricultural development has already had a significant impact on the site, mitigation measures and active restoration efforts can help minimize the negative effects and contribute to the recovery of the affected ecosystems. Long-term monitoring and adaptive management are crucial to ensuring the health and resilience of the surrounding environment. The development's suitability from a botanical perspective depends on the rigorous implementation of these mitigation measures and the commitment to sustainable land management practices.

### 6.3 VEGETATION / GROUNDCOVER MANAGEMENT

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

Since the impact has already occurred, mitigating the impact during the development phase is not possible. It is however important to note that the landowner has already taken steps to enhance and manage the remaining areas of the farm through intensive alien vegetation management and low impact agricultural practices and plants (brush cutting and allowing natural vegetation to persist between macadamia nut groves)

The botanist has recommended mitigation measures that will reduce the impact of agricultural development on the surrounding environment, as follows:

- Restore and rehabilitate surrounding affected habitats by replanting native vegetation and removing invasive alien species – Note: *The landowner is already attending to this via an intensive alien clearing programme which has been drafted specifically for the property by a specialist consultant – report attached*
- Implement effective stormwater management systems to reduce runoff and prevent pollution.
- Implement erosion control measures, such as stabilizing slopes, to prevent soil erosion and sedimentation in nearby freshwater bodies.
- Ensure proper disposal of waste and hazardous materials, including recycling and safe chemical disposal to prevent environmental contamination.



- Establish a regular monitoring and reporting system to track changes in habitat conditions and any potential negative impacts. This can help with a timely response and adjustment of mitigation measures.
- Regenerative and sustainable farming practises must be implemented and strictly monitored to prevent any secondary effects and cumulative impacts on the surrounding intact habitats.
- Consider setting aside adjacent areas as protected area or conservation easements to offset any habitat loss due to the project.
- Implement habitat restoration programs to promote the recovery of the habitat surrounding the impacted area, particularly for SCC. This may include removing invasive species, planting native vegetation, and ensuring a suitable environment for these species – Alien clearing and property management already underway at a site specific level
- Create buffer zones around sensitive habitats to minimize the direct impacts of development activities on these areas. Restrict access to critical habitats.
- Establish ongoing monitoring programs to track the recovery and population trends of SCC. Implement adaptive management strategies to adjust mitigation efforts as needed.
- Continue and enhance efforts to control and manage invasive alien plant species in the areas surrounding the impacted area. This will help restore native vegetation and ecosystem functionality.
- Strengthen protection of intact and undisturbed areas within the landscape to ensure the maintenance of biodiversity and ecosystem functionality.

**7. LAND USE OF THE SITE (PRE-COMMENCEMENT)**

The site described below is the entire farm – Portion 57 of the Farm 633, Caledon RD, 49 ha

**Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

Untransformed area x	Low density residential x	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture x	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge x	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

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(a) Please provide a description.

The site described below is the entire farm – Portion 57 of the Farm 633, Caledon RD, 49 ha. The site comprises low key agricultural activities and residential dwelling. Access to the site as well as internal access was also existing. The remaining areas were a mix of intact and degraded vegetation.

### 8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Cross out ("☒") the block that reflects the past land uses and/or prominent features that occur/red within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area x	Low density residential x	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility x
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir x
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture x	River, stream or wetland x	Nature conservation area x Coppull Private Nature Reserve directly adjacent
Mountain, koppie or ridge x	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

### 9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Cross out ("☒") the block that reflects the current land uses and/or prominent features that occur(s) within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area x	Low density residential x	Medium density residential	High density residential	Informal residential
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Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir x
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture x	River, stream or wetland x	Nature conservation area x
Mountain, koppie or ridge x	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

## 10. SOCIO-ECONOMIC CONTEXT

### 10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

The subject property is located in the Overstrand Municipal area, on the R43 between Stanford and Hermanus. The immediate area is characterised by a mix of low density / rural residential, tourism, agriculture and natural environmental.

Job creation and investment in the area is important to assist in the increasing need for employment opportunities.

### 10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

The subject property is located in the Overstrand Municipal area, on the R43 between Stanford and Hermanus. The immediate area is characterised by a mix of low density / rural residential, tourism, agriculture and natural environmental.

Job creation and investment in the area is important to assist in the increasing need for employment opportunities. The production of Macadamias on site, although relatively small scale, will result in a small niche market being create. Operations on site as well as harvesting will result in both permanent and temporary job creation and skills transfer. The improvement of the farm as a whole through site specific ecological management will have an overall positive effect on the site and surrounds.

## 11. HISTORICAL AND CULTURAL ASPECTS

- (a) Please be advised that every application for Environmental Authorisation including an application for a Waste Management Licence, must include, where applicable the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows: "38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
  - (b) the construction of a bridge or similar structure exceeding 50m in length;
  - (c) any development or other activity which will change the character of a site-
    - (i) exceeding 5 000 m<sup>2</sup> in extent; or
    - (ii) involving three or more existing erven or subdivisions thereof; or
    - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
    - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
  - (d) the re-zoning of a site exceeding 10 000 m<sup>2</sup> in extent; or
  - (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,
 

*must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."*
- (b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "3(2) Without limiting the generality of subsection (1), the national estate may include—
- (a) places, buildings, structures and equipment of cultural significance;
  - (b) places to which oral traditions are attached or which are associated with living heritage;
  - (c) historical settlements and townscapes;
  - (d) landscapes and natural features of cultural significance;
  - (e) geological sites of scientific or cultural importance;
  - (f) archaeological and palaeontological sites;
  - (g) graves and burial grounds, including—
    - (i) ancestral graves;

- (ii) royal graves and graves of traditional leaders;
- (iii) graves of victims of conflict;
- (iv) graves of individuals designated by the Minister by notice in the Gazette;
- (v) historical graves and cemeteries; and
- (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- (h) sites of significance relating to the history of slavery in South Africa;
- (i) movable objects, including—
  - (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
  - (ii) objects to which oral traditions are attached or which are associated with living heritage;
  - (iii) ethnographic art and objects;
  - (iv) military objects;
  - (v) objects of decorative or fine art;
  - (vi) objects of scientific or technological interest; and
  - (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	NO x
		UNCERTAIN	
If YES, explain:	The activity which took place is agricultural in nature and in line with land use in the area.		
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		YES	NO x
		UNCERTAIN	
If YES, explain:	N/A		
Was any building or structure older than 60 years affected in any way?		YES	NO X
		UNCERTAIN	
If YES, explain:	N/A		

**Please Note:**

If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form.

**12. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)**

(a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).

If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

AREA	YES	NO	UNSURE	If "YES": Distance to nearest area (m)
An area within 100m of the high water mark of the sea	YES	NO X	UNSURE	
An area within 100m of the high water mark of an estuary/lagoon	YES	NO X	UNSURE	

An area within the littoral active zone	YES	NO X	UNSURE	
An area in the coastal public property	YES	NO X	UNSURE	
Major anthropogenic structures	YES	NO X	UNSURE	
An area within a Coastal Protection Zone	YES	NO X	UNSURE	
An area seaward of the coastal management line	YES	NO X	UNSURE	
An area within the high risk zone (20 years)	YES	NO X	UNSURE	
An area within the medium risk zone (50 years)	YES	NO X	UNSURE	
An area within the low risk zone (100 years)	YES	NO X	UNSURE	
An area below the 5m contour	YES	NO X	UNSURE	
An area within 1km from the high water mark of the sea	YES	NO X	UNSURE	
A rocky beach	YES	NO X	UNSURE	
A sandy beach	YES	NO X	UNSURE	

(b) If any of the answers to the above is "YES" or "UNSURE", specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

**13. REGIONAL PLANNING CONTEXT**

Is the activity permitted in terms of the property's existing land use rights?	YES X	NO	Please explain
<b>Agricultural activities – no ploughing too place</b>			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES x	NO	Please explain
<b>Agricultural development, investment in the area, environmentally sensitive farming, job creation</b>			
Urban edge / Edge of Built environment for the area	YES	NO x	Please explain
<b>The farm is located outside the urban area</b>			
Integrated Development Plan of the Local Municipality	YES x	NO	Please explain
<b>Agricultural development, investment in the area, environmentally sensitive farming, job creation</b>			
Spatial Development Framework of the Local Municipality	YES x	NO	Please explain
<b>Agricultural development in agriculturally zoned areas</b>			
Approved Structure Plan of the Municipality	YES	NO	Please explain
N/A			
An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
<b>Overstrand Municipal Environmental Management Overlay Zone → Mountain Catchment Zone</b>			
Any other Plans	YES	NO	Please explain
N/A			

## SECTION D: NEED AND DESIRABILITY

**Please Note:** Before completing this section, first consult this Department's *Guideline on Need and Desirability* (March 2013) available on the Department's website (<https://www.westerncape.gov.za/dept/eadp/services>).

### ADDITIONAL INFORMATION RELATING TO NEED AND DESIRABILITY IN LIEN WITH THE DEPARTMENTAL GUIDELINE:

#### 1. How will this development (and its separate elements/aspects) impact on the ecological integrity of the area? 1.1. How were the following ecological integrity considerations taken into account?:

**1.1.1. Threatened Ecosystems** – botanical impact assessment conducted and mitigation measures provided therein

**1.1.2. Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure**

The area where the activity took place is located away from the above and given the type of agriculture and how it was undertaken, would have limited impact on adjacent drainage lines

**1.1.3. Critical Biodiversity Areas (“CBAs”) and Ecological Support Areas (“ESAs”)**

Only very small sections of the area is classified as CBA/ ESA

**1.1.4. Conservation targets**

The areas which were impacted form part of a larger farm portion which is being cleared of alien vegetation and managed in order to meet conservation targets.

**1.1.5. Ecological drivers of the ecosystem**

The agricultural activity and vegetation clearance was not done using machinery and the natural vegetation was allowed to remain between the planted trees. This create a natural corridor through the agricultural area as oppose to a sterile environmental as is seen with normal agricultural activities and ploughing

**1.1.6. Environmental Management Framework**

Mountain catchment area not impacted, remaining site management to allow for natural functioning

**1.1.7. Spatial Development Framework**

Agricultural development on agricultural land, environmentally sensitive whilst contributing towards agricultural development

**1.1.8. Global and international responsibilities relating to the environment (e.g. RAMSAR sites, Climate Change,**

Environmentally sensitive agriculture and alternative practises which reduce the impact on the environment

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES X	NO	Please explain
Agricultural activities in line with agricultural zoning			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES x	NO	Please explain
Agricultural development, investment in the area, environmentally sensitive farming, job creation			
(b) Urban edge / Edge of Built environment for the area	YES	NO x	Please explain

No – the property is located outside the urban edge			
(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	YES	NO	Please explain
Agricultural development, investment in the area, environmentally sensitive farming, job creation, agricultural activities			
(d) Approved Structure Plan of the Municipality	YES	NO	Please explain
N/A			

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	YES	NO	Please explain
The property is located within the Mountain Catchment area – the development however is only on the south portion of the farm and away from the mountain slopes itself			
(f) Any other Plans (e.g. Guide Plan)	YES	NO	Please explain
N/a			

3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP?)	YES x	NO	Please explain
Agricultural development within agriculturally zoned property			

4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced?	YES x	NO	Please explain
Agricultural development within agriculturally zoned property			

5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)	YES	NO	Please explain
The project is not a social priority.			

6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must	YES	NO	Please explain
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be attached to the Application Form / additional information as an <b>appendix</b> , where applicable.)			
The activity does not require service infrastructure or use.			

7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an <b>appendix</b> , where applicable.)	YES	NO	Please explain
No impact into infrastructure planning			

8. Was this project part of a national programme to address an issue of national concern or importance?	YES	NO	Please explain
N/A			

9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	YES X	NO	Please explain
<p>The property is located outside the urban area within agriculturally zoned property. Prior to commencement of the activity, the landowner consulted with the Western Cape Government Department of Agriculture – Sustainable Resource Management Landcare (Gary Jones), about the feasibility of planting macadamia nuts on the subject property. The Department made the following recommendations relative to the proposal:</p> <p>1. As per the Conservation of Agricultural Resource Act 43 of 1983 (CARA) legislation the landowner and/or user should :</p> <p>1.1 Protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of water and wind.</p> <p>1.2 Protect the irrigated land on his farm unit effectively against waterlogging and salinization.</p> <p>1.3 Not utilize the vegetation in a vlei, marsh or water sponge or within the flood area of a water course or within 10 meters horizontally outside flood area in a manner that causes or may cause the deterioration of or damage to the natural agricultural resources.</p> <p>1.4 Should not develop any slopes more than 20% slope unless authorized in writing by the executive officer.</p> <p>1.5 Remove and control all declared weeds and invasive plants as listed in Regulation 15, Table 3.</p> <p>1.6 The landowner should ensure that no-till practice is followed; and that sufficient and a diverse variety of cover crops are established to improve the sustainability of agroecosystem attributes in the soil. Cover crops must be planted in between the crop rows to improve the soils saturation capacity and therefor create a retention effect, minimizing surface water run-off. This will also improve the microclimate in the soil and promote healthy soil conditions for microbes.</p>			

10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?	YES	NO	Please explain
The activity has resulted in the removal of indigenous vegetation. However, the planting was done in a sensitive manner, where during the planting process, the indigenous vegetation was brush cut and not removed using			

machinery. The nut trees were planted amongst the brush cut vegetation and the natural vegetation was allowed to grow between the groves.

11. How did/does the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc.)?	YES	NO	Please explain
No impact anticipated.			

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	NO	Please explain
Whilst a large section of indigenous vegetation has been cleared, the clearing was not done mechanically and the natural vegetation was left to persist amongst the planted trees, which assists in reducing the overall impact. The long-term management of the remaining areas on site to create pristine natural environment is a positive impact which is derived from the activity.			

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	YES	NO	Please explain
Loss of critically endangered and endangered vegetation			

14. Is/was the development the best practicable environmental option for this land/site?	YES	NO	Please explain
The botanist had concluded that the site had been impacted by various activities overtime but the potential for rehabilitation would have been there before the planting. However, landowners also need to generate income to correctly maintain and manage their agricultural properties and therefore one could conclude that given the low impact type of planting and the benefits for management of the remaining site, the activity could be seen as the best practical option for the site.			

15. What are/were the benefits to society in general and to the local communities?	Please explain
No direct benefits, other than small scale job creation and exposure to the Agricultural community about the benefits of ecologically sensitive planting.	
Landbouweekblad issued an article about the mechanism of environmentally friendly and the use of the natural vegetation between the trees as a natural windbreak (Landbouweekblad, 9 Februarie 2023, Landbou.com).	

16. Any other need and desirability considerations related to the activity?	Please explain
It is important to note that the landowner did not use heavy machinery to clear the land. The site was prepared by brush cutting only. No ploughing or mechanical intervention was implemented. The trees were then planted. No chemicals have been applied and the aim is to create a natural orchard where the fynbos thrives amongst the trees.	

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:

All potential impacts of the proposed development will be investigated fully. Any impacts identified will be assessed and communicated. Any suitable alternative to reduce any identified impacts will be explored in order to mitigate or prevent any potential impacts. The public participation process will ensure that any shortfalls or gaps in knowledge are identified and reported.

18. Please describe how the **principles of environmental management** as set out in section 2 of NEMA were taken into account:

The aim of these principles is to guide stakeholders in order to ensure a holistic evaluation is achieved, with the precautionary principle used as a focus in order to encourage development which is sustainable, and which retains the sense of place as far as possible, whilst exploring feasible and reasonable alternatives to achieve such objectives. The proposed development here rectifies and allow development which will take place cautiously ensuring mitigated and managed impact outcomes and benefits as far as possible.

Furthermore, a cautious approach should be encouraged with the best possible environmental option being explored and retrofitted to the activity as far as practical or financially feasible. Specific attention will be given to sensitive and vulnerable ecosystem's which may exist in the vicinity and the Environmental Management Plan (EMP) for operation should be implemented to guide an eco-centred approach into the long term for the whole property, as far as possible.

## SECTION E: ALTERNATIVES

**Please Note:** Before completing this section, first consult this Department's *Guideline on Alternatives* (March 2013) available on the Department's website (<https://www.westerncape.gov.za/dept/eadp/services>).

"Alternatives", in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

- (a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity;
- (d) the technology to be used in the activity;
- (e) the operational aspects of the activity; and
- (f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

- ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
- include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to “identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management” set out in NEMA.

1. In the sections below, please provide a description of any considered alternatives and alternatives that were found to be feasible and reasonable.

**Please note:**

- Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.
- Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.
- In respect of a section 24 application, the option of not implementing the activity (“no-go”), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

(a) Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No property, location or site alternatives exist

(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No activity alternatives exist

(c) Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No design or layout alternatives are available, since the activity has already taken place.

(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

No technology alternatives exist

(e) Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No operational alternatives exist

(f) The option of ceasing the activity (the refusal of the activity(ies) and/or rehabilitation of the site):

The option of ceasing the activity and rehabilitating the site will be explored as Alternative 1 – however this is **not** the preferred option going forward.

(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No other alternatives exist for the case. The applicant wishes to pursue retrospective rectification for the activity.

(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

**Please note:** If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

Two alternatives will be assessed herein, being:

**Alternative 1** – Ceasing the activity, removing the planted trees and allowing the land to rehabilitate itself

**Alternative 2 (Preferred)** - this is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity. The applicant is investing large amounts of money on correct management of the remaining areas of the farm, through site specific alien vegetation clearing. In addition, the type of farming which has taken place is environmentally sensitive and did not use heavy machinery during the site preparation and vegetation clearance. The macadamia nuts are planted amongst the existing indigenous vegetation.

**SECTION F: IMPACT ASSESSMENT, MANAGEMENT, MITIGATION AND MONITORING MEASURES**

Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.

Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).

**1. PLEASE DESCRIBE THE MANNER IN WHICH THE DEVELOPMENT HAS IMPACTED ON THE FOLLOWING ASPECTS:**

(a) Geographical and physical aspects:

The clearance of vegetation took place to establish the Macadamia nut grove

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	YES x	NO
If yes, please describe:		

Small sections of CBA Terrestrial, were impacted by the clearance of vegetation, as per the map below:



Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?

YES  
x

NO

If yes, please describe:

Approximately 9 ha of vegetation was disturbed to establish the Macadamia nut grove. It is important to note that no heavy machinery was used in the preparation of the land and the natural vegetation was brush cut only. No ploughing took place. The trees were then planted amongst the natural vegetation and the natural vegetation is allowed to grow alongside the nut trees.

Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species?

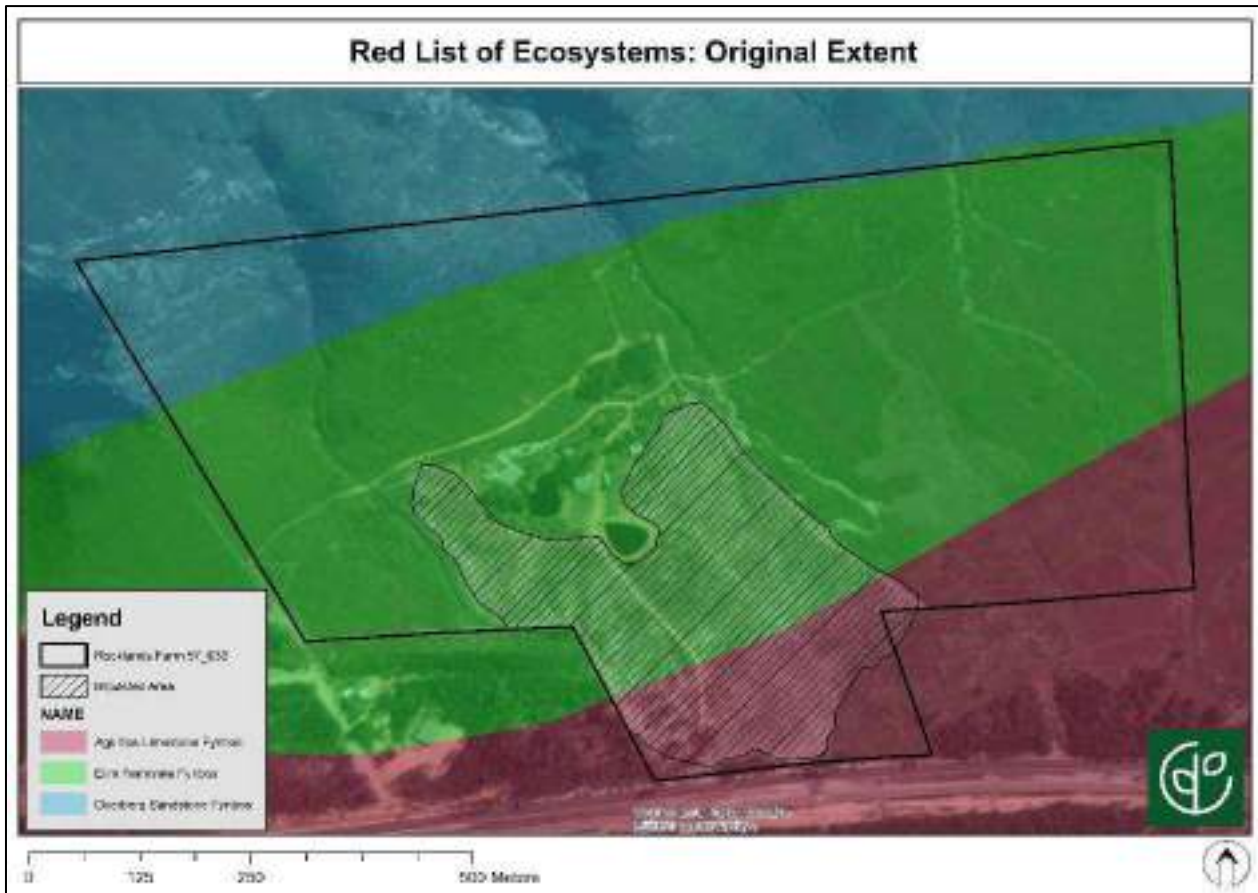
YES  
x

NO

If yes, please describe:

Approximately 9 ha of vegetation was disturbed to establish the Macadamia nut grove. It is important to note that no heavy machinery was used in the preparation of the land and the natural vegetation was brush cut only. No ploughing took place. The trees were then planted amongst the natural vegetation and the natural vegetation is allowed to grow alongside the nut trees.

The original extent of the vegetation was classified as a mix of Agulhas Limestone Fynbos (CR) and Elim Ferricrete Fynbos (CR):



Please describe the manner in which any other biological aspects were impacted:

The landowner has opted to implement ecologically sensitive agricultural land use, as described herein. In addition, the landowner has implemented site specific alien clearing and vegetation management of the remaining extent of the farm.

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	R not known	
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	R See below	
Has/will the activity have contributed to service infrastructure?	YES	NO x
How many new employment opportunities were/will be created in the construction phase of the activity?	See below	



What was the value of the employment opportunities during the construction phase?	R
What percentage of this accrued to previously disadvantaged individuals?	100 %
How was this ensured and monitored (please explain):	
<b>Employing from local community</b>	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	
What is the current/expected value of the employment opportunities during the first 10 years?	R not known
What percentage of this accrued/will accrue to previously disadvantaged individuals?	100 %
How was/will this be ensured and monitored (please explain):	
-	
Any other information related to the manner in which the socio-economic aspects was/will be impacted:	
<p>The above figures are not available, however the breakdown on site currently is as follows:</p> <ul style="list-style-type: none"> <li>→ 2 permanent workers</li> <li>→ 6 people 2x year for 1 month to apply mulch to the ridges</li> <li>→ 4 people 2x year for 2 weeks to clean aliens on the farm</li> <li>→ 4 people 2x year for 1 month to clear aliens in the orchard</li> <li>→ team of bee keepers to rehabilitate the bees and produce honey</li> <li>→ maintenance of infrastructure/ roads 2x year for 2 weeks</li> <li>→ once in harvest: 20 people for 2 months 2x year</li> <li>→ Once successful in harvesting: there is the option to process the macadamias locally and distribute from the farm/locally.</li> </ul>	

(d) Cultural and historic aspects:

Not applicable, the activity is in line with activities on and surrounding the farm. In addition, the area was not ploughed or cleared of vegetation and all new trees were planted amongst the natural vegetation. No mechanical vegetation removal took place, only brush cutting.
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## 2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	YES	<b>NO x</b>
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	m <sup>3</sup>	
N/A		

Does the activity produce waste during its operational phase?	YES	NO X
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If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	m <sup>3</sup>
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Where and how was/will the waste be treated / disposed of (describe)?		
N/A		
Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority N/A	YES	NO
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream? N/A	YES	NO
If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility: N/A	YES	NO
Does the facility have an operating license? (If yes, please attach a copy of the license.) N/A	YES	NO
Facility name: N/A		
Contact person: N/A		
Postal address: N/A		
	Postal code: N/A	
Telephone: N/A	Cell: N/A	
E-mail: N/A	Fax: N/A	

Describe the measures that were/will be taken to reduce, reuse or recycle waste:
N/A

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	NO X
If yes, does it require approval in terms of relevant legislation? N/A	YES	NO
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		
N/A		

**3. WATER USE**

Please indicate the source(s) of water for the activity by ticking the appropriate boxes)

- 3 months, 4 weeks per month, 5 days per week, = 60 days
- 4 months, 4 weeks per month, 3 days per week = 48 days
- 5 months, 4 weeks per month, 2 days per week, = 40 days.
- total water used per year= 4,4 mil l / 4400 m<sup>3</sup> per annum
- average 12 000 litres per day / 12 m<sup>3</sup> per day

Sources: natural mountain water. Borehole for own use.

Municipal	Water board	Groundwater	River, Stream, Dam or Lake	<b>Other x</b>  <b>As outlined in the Title Deed – attached Under Appendix I</b>	The activity did/does/will not use water
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If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate the volume that was extracted per month:

Water from borehole is reasonable domestic use only and therefore as per Schedule 1 of the National Water Act – no further registration and licensing required

Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole)

Did/does the activity require a water use permit / license from DWA? YES  NO

If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable.

Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water:

General principles relating to reducing water demand will be applied in both the domestic activities on site as well as the agricultural component

**4. POWER SUPPLY**

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

The activity does not require power supply

If power supply is not available, where will power be sourced from?

N/A

**5. ENERGY EFFICIENCY**

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:

N/A

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

N/A

**6. DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS prior to and after MITIGATION**

**Please note:**

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts.
- Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.

Two alternatives will be assessed herein, being:

**Alternative 1** – Ceasing the activity, removing the planted trees and allowing the land to rehabilitate itself

**Alternative 2 (Preferred)** - this is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity. The applicant is investing large amounts of money on correct management and rehabilitation of the remaining areas of the farm, through site specific alien vegetation clearing. In addition, the type of farming which has taken place is environmentally sensitive and did not use heavy machinery during the site preparation and vegetation clearance. The macadamia nuts are planted amongst the existing indigenous vegetation.

## ALTERNATIVE 1

- (a) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

Impacts on geographical and physical aspects:	
Nature of impact:	<b>Preparation of land for the establishment of the approximately 9ha Macadamia nut grove</b>
Extent and duration of impact:	<b>9 ha, short term</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>Possible</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Possible</b>
Cumulative impact prior to mitigation:	<b>Disturbance of natural vegetation to establish Macadamia nut grove</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium</b>
Degree to which the impact can be mitigated:	<b>Possible</b>
Proposed mitigation:	<b>Do not remove vegetation mechanically</b>
Cumulative impact post mitigation:	<b>Site preparation for establishment of Macadamia nut grove</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low -ve</b>

Impact on biological aspects:	
Nature of impact:	<b>Removal and disturbance of vegetation to establish the Macadamia nut grove</b>
Extent and duration of impact:	<b>Local; short term</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>Possible</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Medium – disturbance of CR endangered vegetation</b>
Cumulative impact prior to mitigation:	<b>Disturbance and removal of CR vegetation to establish Macadamia nut grove</b>

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>High</b>
Degree to which the impact can be mitigated:	<b>Possible</b>
Proposed mitigation:	<b>Limit the use of heavy machinery for vegetation removal, implement brush cutting to establish the agricultural area</b>
Cumulative impact post mitigation:	<b>Disturbance of vegetation to establish a 9ha Macadamia nut grove</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium -ve</b>

<b>Impacts on socio-economic aspects:</b>	
Nature of impact:	<ul style="list-style-type: none"> <li>→ <b>Short term job creation in the preparation and establishment of the agricultural area</b></li> <li>→ <b>Exposure of the community to ecologically sensitive planting and low impact vegetation disturbance</b></li> </ul>
Extent and duration of impact:	<b>Local; short to long term</b>
Probability of occurrence:	<b>Likely</b>
Degree to which the impact can be reversed:	<b>N/A</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>N/A</b>
Cumulative impact prior to mitigation:	<b>Small scale socio-economic benefits associated with the land preparation and exposure to new ecologically sensitive land preparation and planting methods</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>N/A</b>
Proposed mitigation:	<b>N/A</b>
Cumulative impact post mitigation:	<b>Small scale socio-economic benefits associated with the land preparation and exposure to new ecologically sensitive land preparation and planting methods</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium +ve</b>

<b>Impacts on cultural-historical aspects:</b>	
Nature of impact:	<b>None identified – the activity is in line with the zoning, the vegetation was cleared through brush cutting only</b>
Extent and duration of impact:	<b>-</b>

Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

<b>Noise impacts:</b>	
Nature of impact:	<b>No noise impacts applicable</b>
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

<b>Visual impacts / Sense of Place:</b>	
Nature of impact:	<b>No visual or sense of place impacts area applicable. The planting was done amongst the indigenous vegetation and the land was not ploughed or completely cleared during preparation</b>
Extent and duration of impact:	-

Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

(b) **Impacts that result from the operational phase** (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.

<b>Impacts on the geographical and physical aspects:</b>	
Nature of impact:	<b>The use of the 9ha for the growing of the Macadamia trees</b>
Extent and duration of impact:	<b>Local; long term</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>Low</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Low</b>
Cumulative impact prior to mitigation:	<b>The use of the 9ha for the growing of the Macadamia trees</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>Low</b>
Proposed mitigation:	<b>Retain indigenous vegetation between the planted trees</b>
Cumulative impact post mitigation:	<b>The use of the 9ha for the growing of the Macadamia trees</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low -ve</b>

**Impact on biological aspects:**



Nature of impact:	<b>The continued use of approximately 9 ha of agricultural land for the growing of Macadamia nut trees and the production of Macadamia nuts</b>
Extent and duration of impact:	<b>Local; long terms</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>N/A</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>N/A</b>
Cumulative impact prior to mitigation:	<b>The continued use of approximately 9 ha of agricultural land for the growing of Macadamia nut trees and the production of Macadamia nuts</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>High</b>
Proposed mitigation:	<ul style="list-style-type: none"> <li>→ <b>Ensure that the natural vegetation remains within the planted area</b></li> <li>→ <b>No chemicals to be applied to create a natural orchard amongst the natural vegetation</b></li> </ul>
Cumulative impact post mitigation:	<b>The continued use of approximately 9 ha of agricultural land for the growing of Macadamia nut trees and the production of Macadamia nuts</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low -ve</b>

<b>Impacts on the socio-economic aspects:</b>	
Nature of impact:	<b>Small scale job creation for the maintenance of the nut grove, job creation will increase slightly during harvest</b>
Extent and duration of impact:	<b>Local, long term</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>N/A</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>N/A</b>
Cumulative impact prior to mitigation:	<b>Small scale job creation for the maintenance of the nut grove, job creation will increase slightly during harvest</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium</b>
Degree to which the impact can be mitigated:	<b>N/A</b>
Proposed mitigation:	<b>N/A</b>

Cumulative impact post mitigation:	<b>Small scale job creation for the maintenance of the nut grove, job creation will increase slightly during harvest</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium +ve</b>

<b>Impacts on the cultural-historical aspects:</b>	
Nature of impact:	<b>N/A</b>
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

<b>Noise impacts:</b>	
Nature of impact:	<b>Typical noise impacts associated with the operation of a small-scale agricultural practice, minor increase in noise may be experienced every few years for a few days at a time during harvest</b>
Extent and duration of impact:	<b>Local, long term</b>
Probability of occurrence:	<b>Low</b>
Degree to which the impact can be reversed:	<b>Possible if required</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>None</b>
Cumulative impact prior to mitigation:	<b>Typical noise impacts associated with the operation of a small-scale agricultural practice, minor increase in noise may be experienced every few years for a few days at a time during harvest</b>

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>Possible</b>
Proposed mitigation:	<ul style="list-style-type: none"> <li>→ <b>Ensure no noisy machinery is used and if required, must be fitted with silencers and utilised during appropriate working times only</b></li> <li>→ <b>Create awareness amongst staff relating to noise impacts</b></li> </ul>
Cumulative impact post mitigation:	<b>Typical noise impacts associated with the operation of a small-scale agricultural practice, minor increase in noise may be experienced every few years for a few days at a time during harvest</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low -ve</b>

<b>Visual impacts / Sense of Place:</b>	
Nature of impact:	<b>None – activities are low key, nestled within the existing indigenous vegetation and in line with activities in the area</b>
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

(c) **Impacts that may result from the decommissioning and closure phase (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.**

Alternative 1 includes the decommissioning of the activity, removal of planted trees and rehabilitation of the site to a remanent of its former state.

<b>Potential impacts on the geographical and physical aspects:</b>
--

Nature of impact:	<b>Physical removal of the mature Macadamia nut trees, the trees are established and will require heavy machinery to remove them from the ground, which will result in disturbance of a wider area and disturbance to indigenous vegetation</b>
Extent and duration of impact:	<b>Local; short to long term</b>
Probability of occurrence:	<b>Likely</b>
Degree to which the impact can be reversed:	<b>Low</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>High – machinery will trample and disturb natural vegetation, soil disturbance with the removal of mature trees from the ground</b>
Cumulative impact prior to mitigation:	<b>Disturbance of approximately 9ha through trampling, removal of trees, destabilising of soils during the uprooting process etc</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>High -ve</b>
Degree to which the impact can be mitigated:	<b>None</b>
Proposed mitigation:	<b>N/a</b>
Cumulative impact post mitigation:	<b>Disturbance of approximately 9ha through trampling, removal of trees, destabilising of soils during the uprooting process etc</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>High -ve</b>

<b>Potential impact on biological aspects:</b>	
Nature of impact:	<ul style="list-style-type: none"> <li>→ <b>Disturbance of natural vegetation through destabilisation of the soil, tree removal and use of machinery to assist in the removal of mature trees</b></li> <li>→ <b>Loosened soils increase risk for erosion</b></li> </ul>
Extent and duration of impact:	<b>Local; long term</b>
Probability of occurrence:	<b>Likely</b>
Degree to which the impact can be reversed:	<b>Low</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Medium to high</b>
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> <li>→ <b>Disturbance of natural vegetation through destabilisation of the soil, tree removal and use of machinery to assist in the removal of mature trees</b></li> <li>→ <b>Loosened soils increase risk for erosion</b></li> </ul>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>High</b>

Degree to which the impact can be mitigated:	<b>Low</b>
Proposed mitigation:	<b>N/a</b>
Cumulative impact post mitigation:	<ul style="list-style-type: none"> <li>→ <b>Disturbance of natural vegetation through destabilisation of the soil, tree removal and use of machinery to assist in the removal of mature trees</b></li> <li>→ <b>Loosened soils increase risk for erosion</b></li> </ul>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>High -ve</b>

<b>Potential impacts on the socio-economic aspects:</b>	
Nature of impact:	<ul style="list-style-type: none"> <li>→ <b>Loss of jobs relating to the operation and harvesting of the nuts</b></li> <li>→ <b>Loss of revenue for management of the remainder of the farm</b></li> <li>→ <b>Loss of investment which was put into the establishment of the Macadamia nut grove</b></li> <li>→ <b>Loss of potential to exhibit ecologically sound and improved agricultural activity alternatives</b></li> </ul>
Extent and duration of impact:	<b>Local; long term</b>
Probability of occurrence:	<b>Likely</b>
Degree to which the impact can be reversed:	<b>Low</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>High</b>
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> <li>→ <b>Loss of jobs relating to the operation and harvesting of the nuts</b></li> <li>→ <b>Loss of revenue for management of the remainder of the farm</b></li> <li>→ <b>Loss of investment which was put into the establishment of the Macadamia nut grove</b></li> <li>→ <b>Loss of potential to exhibit ecologically sound and improved agricultural activity alternatives</b></li> </ul>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very high</b>
Degree to which the impact can be mitigated:	<b>Low</b>
Proposed mitigation:	<b>N/a</b>
Cumulative impact post mitigation:	<ul style="list-style-type: none"> <li>→ <b>Loss of jobs relating to the operation and harvesting of the nuts</b></li> <li>→ <b>Loss of revenue for management of the remainder of the farm</b></li> <li>→ <b>Loss of investment which was put into the establishment of the Macadamia nut grove</b></li> <li>→ <b>Loss of potential to exhibit ecologically sound and improved agricultural activity alternatives</b></li> </ul>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very high -ve</b>

<b>Potential impacts on the cultural-historical aspects:</b>	
Nature of impact:	<b>None identified</b>
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

<b>Potential noise impacts:</b>	
Nature of impact:	<b>Short term noise impacts associated with the removal of the trees</b>
Extent and duration of impact:	<b>Local; short term</b>
Probability of occurrence:	<b>High</b>
Degree to which the impact can be reversed:	<b>Low</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Low</b>
Cumulative impact prior to mitigation:	<b>Short term noise impacts associated with the removal of the trees</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>Typical noise mitigation measures can be applied</b>
Proposed mitigation:	<b>Typical noise mitigation measures</b>
Cumulative impact post mitigation:	<b>Short term noise impacts associated with the removal of the trees</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low -ve</b>

<b>Potential visual impacts:</b>	
Nature of impact:	<b>Visual impacts associated with the disturbance of the now establish natural nut grove, disturbance of soils</b>
Extent and duration of impact:	<b>Local; medium term</b>
Probability of occurrence:	<b>Likely</b>
Degree to which the impact can be reversed:	<b>Low</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Low</b>
Cumulative impact prior to mitigation:	<b>Visual impacts associated with the disturbance of the now establish natural nut grove, disturbance of soils</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium</b>
Degree to which the impact can be mitigated:	<b>Low</b>
Proposed mitigation:	<b>N/a</b>
Cumulative impact post mitigation:	<b>Visual impacts associated with the disturbance of the now establish natural nut grove, disturbance of soils</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium -ve</b>

## ALTERNATIVE 2 – PREFERRED

This is the preferred alternative and entails obtaining retrospective Environmental Authorisation to continue on the activity as described herein. The applicant was not aware that they were contravening the NEMA Regulations given the type of activity as well as past disturbances to this area on the farm. This alternative provides an exhibit of ecologically sensitive farming and the use of the and retention of the natural vegetation within planted areas.

- (b) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

<b>Impacts on geographical and physical aspects:</b>	
Nature of impact:	<b>Preparation of land for the establishment of the approximately 9ha Macadamia nut grove</b>
Extent and duration of impact:	<b>9 ha, short term</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>Possible</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Possible</b>

Cumulative impact prior to mitigation:	<b>Disturbance of natural vegetation to establish Macadamia nut grove</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium</b>
Degree to which the impact can be mitigated:	<b>Possible</b>
Proposed mitigation:	<b>Do not remove vegetation mechanically</b>
Cumulative impact post mitigation:	<b>Site preparation for establishment of Macadamia nut grove</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low -ve</b>

<b>Impact on biological aspects:</b>	
Nature of impact:	<b>Removal and disturbance of vegetation to establish the Macadamia nut grove</b>
Extent and duration of impact:	<b>Local; short term</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>Possible</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Medium – disturbance of CR endangered vegetation</b>
Cumulative impact prior to mitigation:	<b>Disturbance and removal of CR vegetation to establish Macadamia nut grove</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>High</b>
Degree to which the impact can be mitigated:	<b>Possible</b>
Proposed mitigation:	<b>Limit the use of heavy machinery for vegetation removal, implement brush cutting to establish the agricultural area</b>
Cumulative impact post mitigation:	<b>Disturbance of vegetation to establish a 9ha Macadamia nut grove</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium -ve</b>

<b>Impacts on socio-economic aspects:</b>	
Nature of impact:	<ul style="list-style-type: none"> <li>→ <b>Short term job creation in the preparation and establishment of the agricultural area</b></li> <li>→ <b>Exposure of the community to ecologically sensitive planting and low impact vegetation disturbance</b></li> </ul>
Extent and duration of impact:	<b>Local; short to long term</b>
Probability of occurrence:	<b>Likely</b>



Degree to which the impact can be reversed:	<b>N/A</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>N/A</b>
Cumulative impact prior to mitigation:	<b>Small scale socio-economic benefits associated with the land preparation and exposure to new ecologically sensitive land preparation and planting methods</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>N/A</b>
Proposed mitigation:	<b>N/A</b>
Cumulative impact post mitigation:	<b>Small scale socio-economic benefits associated with the land preparation and exposure to new ecologically sensitive land preparation and planting methods</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium +ve</b>

<b>Impacts on cultural-historical aspects:</b>	
Nature of impact:	<b>None identified – the activity is in line with the zoning, the vegetation was cleared through brush cutting only</b>
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

**Noise impacts:**

Nature of impact:	<b>No noise impacts applicable</b>
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

<b>Visual impacts / Sense of Place:</b>	
Nature of impact:	<b>No visual or sense of place impacts area applicable. The planting was done amongst the indigenous vegetation and the land was not ploughed or completely cleared during preparation</b>
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

- (c) **Impacts that result from the operational phase** (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.

<b>Impacts on the geographical and physical aspects:</b>	
Nature of impact:	<b>The use of the 9ha for the growing of the Macadamia trees</b>
Extent and duration of impact:	<b>Local; long term</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>Low</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Low</b>
Cumulative impact prior to mitigation:	<b>The use of the 9ha for the growing of the Macadamia trees</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>Low</b>
Proposed mitigation:	<b>Retain indigenous vegetation between the planted trees</b>
Cumulative impact post mitigation:	<b>The use of the 9ha for the growing of the Macadamia trees</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low -ve</b>

<b>Impact on biological aspects:</b>	
Nature of impact:	<b>The continued use of approximately 9 ha of agricultural land for the growing of Macadamia nut trees and the production of Macadamia nuts</b>
Extent and duration of impact:	<b>Local; long terms</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>N/A</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>N/A</b>
Cumulative impact prior to mitigation:	<b>The continued use of approximately 9 ha of agricultural land for the growing of Macadamia nut trees and the production of Macadamia nuts</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>High</b>
Proposed mitigation:	<b>→ Ensure that the natural vegetation remains within the planted area</b>

	→ <b>No chemicals to be applied to create a natural orchard amongst the natural vegetation</b>
Cumulative impact post mitigation:	<b>The continued use of approximately 9 ha of agricultural land for the growing of Macadamia nut trees and the production of Macadamia nuts</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low -ve</b>

<b>Impacts on the socio-economic aspects:</b>	
Nature of impact:	<b>Small scale job creation for the maintenance of the nut grove, job creation will increase slightly during harvest</b>
Extent and duration of impact:	<b>Local, long term</b>
Probability of occurrence:	<b>Definite</b>
Degree to which the impact can be reversed:	<b>N/A</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>N/A</b>
Cumulative impact prior to mitigation:	<b>Small scale job creation for the maintenance of the nut grove, job creation will increase slightly during harvest</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium</b>
Degree to which the impact can be mitigated:	<b>N/A</b>
Proposed mitigation:	<b>N/A</b>
Cumulative impact post mitigation:	<b>Small scale job creation for the maintenance of the nut grove, job creation will increase slightly during harvest</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium +ve</b>

<b>Impacts on the cultural-historical aspects:</b>	
Nature of impact:	<b>N/A</b>
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-

Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

<b>Noise impacts:</b>	
Nature of impact:	<b>Typical noise impacts associated with the operation of a small-scale agricultural practice, minor increase in noise may be experienced every few years for a few days at a time during harvest</b>
Extent and duration of impact:	<b>Local, long term</b>
Probability of occurrence:	<b>Low</b>
Degree to which the impact can be reversed:	<b>Possible if required</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>None</b>
Cumulative impact prior to mitigation:	<b>Typical noise impacts associated with the operation of a small-scale agricultural practice, minor increase in noise may be experienced every few years for a few days at a time during harvest</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low</b>
Degree to which the impact can be mitigated:	<b>Possible</b>
Proposed mitigation:	<ul style="list-style-type: none"> <li>→ <b>Ensure no noisy machinery is used and if required, must be fitted with silencers and utilised during appropriate working times only</b></li> <li>→ <b>Create awareness amongst staff relating to noise impacts</b></li> </ul>
Cumulative impact post mitigation:	<b>Typical noise impacts associated with the operation of a small-scale agricultural practice, minor increase in noise may be experienced every few years for a few days at a time during harvest</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low -ve</b>

<b>Visual impacts / Sense of Place:</b>	
Nature of impact:	<b>None – activities are low key, nestled within the existing indigenous vegetation and in line with activities in the area</b>
Extent and duration of impact:	-

Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

(d) Impacts that may result from the **decommissioning and closure phase** (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.

Decommissioning is NOT applicable to the preferred alternative – Alternative 2.

**Please note:** If any of the above information is not available, specialist input may be requested.

## 7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

**Please note:** Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department's relevant Guidelines on the Involvement of Specialists in EIA Processes available on the Department's website (<https://www.westerncape.gov.za/dept/eadp/services>). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

A Terrestrial / Botanical Impact Assessment was undertaken for the activity, the following conclusions were made:

The agricultural development on Farm Rocklands 57/633 has resulted in the loss of approximately 6.428 ha and 2.975 ha of Elim Ferricrete Fynbos and Agulhas Limestone Fynbos, respectively. The site's surrounding habitats exhibit a range of conditions, from intact and semi-intact areas with high biodiversity and ecological connectivity to highly degraded and transformed habitats heavily impacted by invasive alien plants and agricultural activities. The historical assessment suggests that the impacted site was once in a semi-intact condition, with potential for recovery.

The Site Ecological Importance assessment, considering Conservation Importance, Functional Integrity, and Receptor Resilience, indicates a high SEI. This classification implies that the site holds significant ecological value and should be subject to mitigation measures to reduce impacts.

The impact significance of the assessed impacts was determined to be of **medium negative significance**. However, the proposed mitigation measures aim to address secondary activities and improve the ecological resilience of the surrounding habitats. Mitigation measures should be applied to restore and rehabilitate surrounding affected habitats, implement effective stormwater management, erosion control, and establish a regular monitoring and reporting system.

It is important to note that the landowner has permitted the natural propagation of indigenous vegetation native to the area between the planted trees. Serving as a corridor, enhancing connectivity between the surrounding natural habitats, and has played a role in rehabilitating the impacted site. The landowner is also committed to implementing regenerative and sustainable farming to prevent any secondary impacts on the surrounding intact habitats.

In summary, while the agricultural development has already had a significant impact on the site, mitigation measures and active restoration efforts can help minimize the negative effects and contribute to the recovery of the affected ecosystems. Long-term monitoring and adaptive management are crucial to ensuring the health and resilience of the surrounding environment. The development's suitability from a botanical perspective depends on the rigorous implementation of these mitigation measures and the commitment to sustainable land management practices.

The botanist has recommended mitigation measures that will reduce the impact of agricultural development on the surrounding environment, as follows:

- Restore and rehabilitate surrounding affected habitats by replanting native vegetation and removing invasive alien species – Note: *The landowner is already attending to this via an intensive alien clearing programme which has been drafted specifically for the property by a specialist consultant – report attached*
- Implement effective stormwater management systems to reduce runoff and prevent pollution.
- Implement erosion control measures, such as stabilizing slopes, to prevent soil erosion and sedimentation in nearby freshwater bodies.
- Ensure proper disposal of waste and hazardous materials, including recycling and safe chemical disposal to prevent environmental contamination.
- Establish a regular monitoring and reporting system to track changes in habitat conditions and any potential negative impacts. This can help with a timely response and adjustment of mitigation measures.
- Regenerative and sustainable farming practises must be implemented and strictly monitored to prevent any secondary effects and cumulative impacts on the surrounding intact habitats.
- Consider setting aside adjacent areas as protected area or conservation easements to offset any habitat loss due to the project.
- Implement habitat restoration programs to promote the recovery of the habitat surrounding the impacted area, particularly for SCC. This may include removing invasive species, planting native vegetation, and ensuring a suitable environment for these species – Alien clearing and property management already underway at a site-specific level
- Create buffer zones around sensitive habitats to minimize the direct impacts of development activities on these areas. Restrict access to critical habitats.
- Establish ongoing monitoring programs to track the recovery and population trends of SCC. Implement adaptive management strategies to adjust mitigation efforts as needed.
- Continue and enhance efforts to control and manage invasive alien plant species in the areas surrounding the impacted area. This will help restore native vegetation and ecosystem functionality.
- Strengthen protection of intact and undisturbed areas within the landscape to ensure the maintenance of biodiversity and ecosystem functionality.

**8. IMPACT ASSESSMENT SUMMARY**

Briefly describe the impacts (as appropriate), significance rating of impacts, mitigation and significance rating of impacts of the activity. This must include an assessment of the significance of all impacts.

Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
Vegetation loss	Medium negative

**9. SUMMARY OF THE CONSEQUENCES OF/ IMPACTS OF THE UNLAWFULLY COMMENCED ACTIVITY/IES**

Please provide a detailed summary of the consequences/impacts of commencement of the activity/ies on the environment.

**Summary:**

The most significant impact identified, relates to the disturbance of, and loss of indigenous vegetation onsite. Although this impact was measured to be 9 ha, the details relating to the vegetation disturbance, no heavy machinery used and natural vegetation left intact between the planted trees, should be considered when assessing the extent of the impact.

General agricultural impacts are also identified but not considered significant.

**10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES**

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures.

N/A

(b) Describe the ability of the applicant to implement the management, mitigation and monitoring measures.

The applicant is already showing commitment to ensuring a quality habitat and remainder on site. The type of agriculture has been highlighted in Landbou Weekly and provides a good example of sensitive planting and agriculture. The landowner has also committed to alien clearing for the remainder of the site, which is already taking place in line with the alien vegetation clearing management plan commissioned by the applicant for the site.



The above actions show commitment to achieving a quality environment.

**Please note:** A draft **ENVIRONMENTAL MANAGEMENT PROGRAMME** must be attached to this application as **Appendix I**.

**SECTION G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES**

(a) Please describe adequacy of the assessment methods used.

The assessment methods are in line with the NEMA provisions and informed by specialist input.

(b) Please describe the assessment criteria used.

An impact is any change to a resource or receptor brought about by a project component or through the execution of a project related activity. The evaluation of baseline data provides information for the process of evaluating and describing how the project could affect the biophysical and socio-economic environment.

Impacts are described according to their nature or type, as follows:

**Nature / type of impact**

Nature / Type of impact	Definition
Positive	An impact that is considered to represent an improvement on the baseline or introduces a positive change
Negative	An impact that is considered to represent an adverse change from the baseline, or introduces a new undesirable factor
Direct	Impacts that result from a direct interaction between a planned project activity and the receiving environment/receptors (e.g. between occupation of a site and the pre-existing habitats or between an effluent discharge and receiving water quality).
Indirect	Impacts that result from other activities that are encouraged to happen as a consequence of the Project (e.g. in-migration for employment placing a demand on resources).
Cumulative	Impacts that act together with other impacts (including those from concurrent or planned future third-party activities) to affect the same resources and/or receptors as the Project.

**Significance**

Impacts are described in terms of ‘significance’. Significance is a function of the magnitude of the impact and the likelihood of the impact occurring:

Impact Magnitude	
<b>Extent</b>	<b>On site</b> – impacts that are limited to the boundaries of the development site.
	<b>Local</b> – impacts that affect an area in a radius of 20 km around the Development site.
	<b>Regional</b> – impacts that affect regionally important environmental resources or are experienced at a regional scale as determined by administrative boundaries, habitat type/ecosystem.
	<b>National</b> – impacts that affect nationally important environmental resources or affect an area that is nationally important/ or have macro-economic consequences
<b>Duration</b>	<b>Temporary</b> – impacts are predicted to be of short duration and intermittent/occasional.
	<b>Short-term</b> – impacts that are predicted to last only for the duration of the construction period.
	<b>Long-term</b> – impacts that will continue for the life of the Project, but ceases when the project stops operating.
	<b>Permanent</b> – impacts that cause a permanent change in the affected receptor or resource (e.g. removal or destruction of ecological habitat) that endures substantially beyond the project lifetime.
<b>Intensity</b>	<b>BIOPHYSICAL ENVIRONMENT</b>
	<b>Negligible</b> – the impact on the environment is not detectable.
	<b>Low</b> – the impact affects the environment in such a way that natural functions and processes are not affected
	<b>Medium</b> – where the affected environment is altered but natural functions and processes continue, albeit in a modified way.
	<b>High</b> – where natural functions or processes are altered to the extent that they will temporarily or permanently cease.
	<b>SOCIO-ECONOMIC</b>
	<b>Negligible</b> – there is no perceptible change to people’s livelihood.
	<b>Low</b> - people/communities are able to adapt with relative ease and maintain pre-impact livelihoods.
	<b>Medium</b> – people/communities are able to adapt with some difficulty and maintain pre-impact livelihoods but only with a degree of support.
	<b>High</b> - affected people/communities will not be able to adapt to changes or continue to maintain pre-impact livelihoods.

Likelihood – the likelihood that an impact will occur

Likelihood	
<b>Unlikely</b>	The impact is unlikely to occur.
<b>Likely</b>	The impact is likely to occur under most conditions.
<b>Definite</b>	The impact will occur.

Once an assessment is made of the magnitude and likelihood, the impact significance is rated through a matrix process:

		Significance			
		Unlikely	Likely	Definite	
Magnitude	Negligible	Negligible	Negligible	Minor	
	Low	Negligible	Minor	Minor	
	Medium	Minor	Moderate	Moderate	
	High	Moderate	Major	Major	

Definitions of significance:

<b>Negligible</b>	An impact of negligible significance (or an insignificant impact) is where a resource or receptor (including people) will not be affected in any way by a particular activity, or the predicted effect is deemed to be 'negligible'
<b>Minor</b>	An impact of minor significance is one where an effect will be experienced, but the impact magnitude is small (with and without mitigation) and within accepted standards, and/or the receptor is of low sensitivity/value
<b>Moderate</b>	An impact of moderate significance is one within accepted limits and standards. The emphasis for moderate impacts is on demonstrating that the impact has been reduced to a level that is as low as reasonably practicable. This does not necessarily mean that 'moderate' impacts have to be reduced to 'minor' impacts, but that moderate impacts are managed effectively and efficiently.
<b>Major</b>	An impact of major significance is one where an accepted limit or standard may be exceeded, or large magnitude impacts occur to highly valued / sensitive resource / receptors. A goal of the EIA process is to get to a position where the Project does not have any major residual impacts.

Significance of an impact is then qualified through a statement of the degree of **confidence**. Degree of confidence is expressed as low, medium or high.

Significance colour scale (if applicable):

Negative	Positive
Negligible	Negligible
Minor	Minor
Moderate	Moderate
Major	Major

Impact rating colour scale:

Negative	Positive
Negligible	Negligible
Low	Low
Medium	Medium
High	High

(c) Please describe the gaps in knowledge.

No gaps have been identified.

(d) Please describe the underlying assumptions.

N/A

(e) Please describe the uncertainties.

N/A

**SECTION H: RECOMMENDATIONS OF THE EAP**

In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for.	YES x	NO
---	-------	----

If "NO", list the aspects that should be further assessed through additional specialist input/assessment:

N/A

If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:		
Applicant should be directed to cease the activity:	YES	NO X
Please provide reasons for your opinion		
N/A		
If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.		
<p>Mitigation measures provided by the botanist must be implemented:</p> <ul style="list-style-type: none"> <li>→ Restore and rehabilitate surrounding affected habitats by replanting native vegetation and removing invasive alien species – Note: <i>The landowner is already attending to this via an intensive alien clearing programme which has been drafted specifically for the property by a specialist consultant – report attached</i></li> <li>→ Implement effective stormwater management systems to reduce runoff and prevent pollution.</li> <li>→ Implement erosion control measures, such as stabilizing slopes, to prevent soil erosion and sedimentation in nearby freshwater bodies.</li> <li>→ Ensure proper disposal of waste and hazardous materials, including recycling and safe chemical disposal to prevent environmental contamination.</li> <li>→ Establish a regular monitoring and reporting system to track changes in habitat conditions and any potential negative impacts. This can help with a timely response and adjustment of mitigation measures.</li> <li>→ Regenerative and sustainable farming practises must be implemented and strictly monitored to prevent any secondary effects and cumulative impacts on the surrounding intact habitats.</li> <li>→ Consider setting aside adjacent areas as protected area or conservation easements to offset any habitat loss due to the project.</li> <li>→ Implement habitat restoration programs to promote the recovery of the habitat surrounding the impacted area, particularly for SCC. This may include removing invasive species, planting native vegetation, and ensuring a suitable environment for these species – Alien clearing and property management already underway at a site-specific level</li> <li>→ Create buffer zones around sensitive habitats to minimize the direct impacts of development activities on these areas. Restrict access to critical habitats.</li> <li>→ Establish ongoing monitoring programs to track the recovery and population trends of SCC. Implement adaptive management strategies to adjust mitigation efforts as needed.</li> <li>→ Continue and enhance efforts to control and manage invasive alien plant species in the areas surrounding the impacted area. This will help restore native vegetation and ecosystem functionality.</li> <li>→ Strengthen protection of intact and undisturbed areas within the landscape to ensure the maintenance of biodiversity and ecosystem functionality.</li> </ul>		

**SECTION I: REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION**

This section is only applicable to instances where Section 49A (2) of NEMA applies. Please list all steps that were taken in response to the incident or emergency situation.
N/A

**Please note:**

**Section 30 of NEMA deals with the procedures to be followed for the control of emergency incidents and Section 30A deals with procedures to be followed in the case of emergency situations.**

**SECTION J: PUBLIC PARTICIPATION**

**1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED**

**1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017**

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement).

<b>"The applicant must place a preliminary advertisement in-</b>		
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.		
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.		
(3) The applicant must open and maintain of a register of interested and affected parties.		
(4) The <b>register must be attached to the application form and included in the report</b> , or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of-		
(a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;		
(b) all persons who have requested the applicant, in writing, to place their names on the register; and		
(c) all organs of state that have jurisdiction in respect of the activity to which application relates."		

Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, <i>inter alia</i> , proof of preliminary advertisement in a local newspaper.		
An advertisement was placed in the local newspaper, notifying all potential I&APS of the opportunity to register as a I&AP regarding the Retrospective Environmental Authorisation / 24G process. Noticeboards were placed on the gate of the resort. All adjacent landowners were notified of the opportunity via Registered letters. All relevant organs of state were also notified of their opportunity to comment and register as I&APs. See Proof of public participation attached under Appendix G.		
Please indicate whether the applicant has a website (please tick relevant box):	YES	NO X
If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application.		
N/a		

Please note: Annexure A: Section D attached to this Application form must be strictly adhered to.

### 1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

1. In terms of regulation 41 of the EIA Regulations, 2014 -			
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -			
(i) the site where the activity to which the application relates is or is to be undertaken; and	YES x	DEVIATION	
(ii) any alternative site	YES x	DEVIATION	
(b) giving written notice, in any manner provided for in section 47D of the NEMA, to –			
(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES x	DEVIATION	N/A
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES x	DEVIATION	
(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	YES x	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES x	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES x	DEVIATION	
(vi) any other party as required by the Department;	YES x	DEVIATION	N/A
(c) placing an advertisement in -			
(i) one local newspaper; or	YES x	DEVIATION	
(ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	YES	DEVIATION	N/A x
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	DEVIATION	N/A x

(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to—  (i) illiteracy;  (ii) disability; or  (iii) any other disadvantage.	YES	DEVIATION	N/A x
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE:  2. The NEM: WA requires that a notice must be placed in at least two newspapers.			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	NO	
If "NO", then an application for exemption from the requirement must be applied for.			

1. Provide a list of all the state departments that has been / will be consulted:		
List of State Depts.	Comment obtained (YES/NO)	If not, provide reasons
DEADP	Pending	
CAPE NATURE	Pending	
Dept of Agriculture	Pending	
BOCMA	Pending	
Cape Agulhas Municipality	Pending	
Overberg District Municipality	Pending	

<p>2. Provide a summary of the issues raised by I&amp;APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed. (The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)</p>
<p>To be added</p>

<p>3. Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.</p>
<p>To be added</p>



**Please note:**

- A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.
- All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.
- The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.
- Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.

**2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014**

Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above.
N/a

**3. LIST OF STATE DEPARTMENTS**

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.

DEADP	BOCMA
Zaidah Toefy, Fahd Said, Yena Gunguluzi	R. le Roux / F. Smith
Private Bag X9086	0233468000
Cape Town	<a href="mailto:rleroux@bocma.co.za">rleroux@bocma.co.za</a>
8000	<a href="mailto:fsmith@bocma.co.za">fsmith@bocma.co.za</a>
Utilitas Building	
1 Dorp Street	<b>Dept of Agriculture</b>
8001	Cor vd Walt
	<a href="mailto:corvdw@elsenburg.com">corvdw@elsenburg.com</a>
	B. Layman

<b>Cape Nature</b>	<a href="mailto:Brandon.Layman@westerncape.gov.za">Brandon.Layman@westerncape.gov.za</a>
Rhett Smart	
Private Bag x5014	<b>Overberg District Municipality</b>
Stellenbosch	Private Bag x 22
7599	Bredasdorp
<a href="mailto:landuse@capenature.co.za">landuse@capenature.co.za</a>	7280
	<a href="mailto:rvolschenk@odm.org.za">rvolschenk@odm.org.za</a>
	R. Volschenk
	<b>Overstrand Municipality</b>
	Penelope Aplon
	<a href="mailto:paplon@overstrand.gov.za">paplon@overstrand.gov.za</a>

**Please note:**

A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.

## PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM

## SECTION A: DIRECTIVES

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

i	<i>immediately cease the activity pending a decision on the application submitted in terms of this subsection</i> <b>This is not applicable as the trees have been planted. No other actions beside basic care of the nut orchard, are taking place</b>
ii	<i>investigate, evaluate and assess the impact of the activity on the environment</i> <b>In process through this report and the appointment of the Botanical Specialist</b>
iii	<i>remedy any adverse effects of the activity on the environment</i> <b>The activity has already taken place and rehabilitation of the site is not an option</b>
iv	<i>cease, modify or control any act, activity, process or omission causing pollution or environmental degradation</i> <b>The activity continues, it has been done in an environmentally sound way and is not currently causing any pollution or environmental degradation</b>
v	<i>contain or prevent the movement of pollution or degradation of the environment</i> <b>The activity continues, it has been done in an environmentally sound way and is not currently causing any pollution or environmental degradation</b>
vi	<i>eliminate any source of pollution or degradation</i> <b>The activity continues, it has been done in an environmentally sound way and is not currently causing any pollution or environmental degradation</b>
vii	<i>compile a report containing-</i>
aa	<i>a description of the need and desirability of the activity</i> <b>In process</b>
bb	<i>an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the</i>

		<i>geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity</i> <b>In process</b>
	cc	<i>a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity</i> <b>In process</b>
	dd	<i>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</i> <b>In process</b>
	ee	<i>an environmental management programme</i> <b>In process</b>
viii		<i>provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.</i> <b>In process</b>

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

**Please Note:**

**Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive.**

**The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.**

## SECTION B: DEFERRAL OF THE APPLICATION

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

- (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
- (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or
- (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

<p>Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that <u>is not subject to this application</u> and in any province in the Republic?</p>	<p>YES</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>UNCERTAIN</p>
<p>If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.</p>			
<p><b>N/A</b></p>			
<p>Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that <u>is not subject to this application</u> and in any province in the Republic?</p>	<p>YES</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>UNCERTAIN</p>
<p>If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.</p>			
<p><b>N/A</b></p>			
<p>Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA <u>in terms of which this application directly relates</u>?</p>	<p>YES</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>UNCERTAIN</p>
<p>If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.</p>			
<p><b>N/A</b></p>			

If you have answered yes or uncertain to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

**SECTION C: QUANTUM OF THE SECTION 24G FINE**

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form.

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor.

**PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES**

<b>Index</b>	<b>Socio Economic Impact</b>	<b>Place an "x" in the appropriate box</b>
<b>Description of variable</b>		
	The activity is not giving, has not given and will not give rise to any negative socio-economic impacts	X
	The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
	The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
	The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts.	
Motivation:		
<b>The activity has no negative socio-economic impacts and is in line with other agricultural practices</b>		

<b>Index</b>	<b>Biodiversity Impact</b>	<b>Place an "x" in the appropriate box</b>
<b>Description of variable</b>		
	The activity is not giving, has not given and will not give rise to any impacts on biodiversity	
	The activity is giving, has given or could give rise to localised biodiversity impacts	X

The activity is giving, has given or could give rise to significant biodiversity impacts	
The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	
<p>Motivation:</p> <p><b>The disturbance and removal of CR vegetation took place to establish the nut grove, however, it is important to note that the vegetation clearance was far less than the total 9ha of the nut grove, as only the vegetation at each trees planting site was removed. The remaining areas amongst the trees were brushcut and the natural vegetation is allowed to persist within the grove, thereby creating a natural corridor and link between the nut grove and the remaining natural areas on site. This has significant flora and faunal benefits as opposed to creating a sterile agricultural landscape.</b></p>	

Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
Description of variable		
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	x
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
<p>Motivation:</p> <p><b>The activity is in line with surrounding agricultural use and is blended well into the environmental by allowing for the continued growth of the natural indigenous vegetation between the nut groves.</b></p>		

Index	Pollution Impact	Place an "x" in the appropriate box
Description of variable		
	The activity is not giving, has not given and will not give rise to any pollution	x
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	
<p>Motivation:</p>		

**The activity does not make use of any poisons, insecticides or pesticides as part of construction and operations.**

**PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT**

Index Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
Description of variable	
Administrative action was previously taken against the applicant in respect of the abovementioned provisions.	
No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken.	
Administrative action was <b>not</b> previously taken against the applicant in respect of the abovementioned provisions.	x
Explanation of all previous administrative action taken in respect of the above:	

Index Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
Description of variable	
The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity.	
The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	x
Explanation of all previous convictions in respect of the above:	



Index	Number of section 24G applications previously submitted by the applicant	Place an "x" in the appropriate box
Description of variable		
	Previous applications in terms of section 24G of NEMA were submitted by the applicant.	
	No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.	
	No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	x
Explanation in respect of all previous applications submitted in terms of section 24G:		

**PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES**

Index	Applicant's legal persona	Place an "x" in the appropriate box
Description of variable		
	The applicant is a natural person.	x
	The applicant is a firm.	
Describe the firm:		

Index	Any other relevant information that the applicant would like to be considered.
	<p>Motivate and explain fully:</p> <p><b>The type of farming conducted by the landowner was presented an a Landbou Weekly / Landbouweekblad article, for its ecologically advanced approach. The article highlighted the mechanism of environmentally friendly approach to the planting and the use of the natural vegetation between the trees as a natural windbreak (Landbouweekblad, 9 Februarie 2023, Landbou.com).</b></p> <p><b>In addition, no heavy machinery was used to remove the vegetation in preparation for planting. The natural vegetation was brush cut, and then the trees were planted amongst the natural vegetation. Therefore, in terms of the NEMA definition for clearance of vegetation, the quantity of removal is far less than the 9 ha grove.</b></p> <p><b>The applicant did not apply for Environmental Authorisation prior to the vegetation clearance for the following reasons:</b></p> <p>→ The landowner purchased the property in October 2020. After review of historical images and discussions with previous landowners, the new landowner and applicant herein, understood that the areas proposed for the nut gove had been previously disturbed various times in the past (As per the Motivation Documents submitted to DEADP in response to the Pre-Compliance Notice – Report dated 17 March 2023). As a result, he was under the impression that the land had been lawfully</p>

disturbed within the preceding 10 years and therefore did not need to apply for authorisation prior to the establishment of the nut grove.

- The landowner consulted with the Western Cape Government – Department of Agriculture, Sustainable Resource Management Landscape regarding the application to plant Macadamia nuts. The Department provided the applicant with information relating to the viability of the proposed planting, however the Department did not ever note that application should be made to DEADP before the planting takes place. This created further confusion for the applicant about the need to apply:

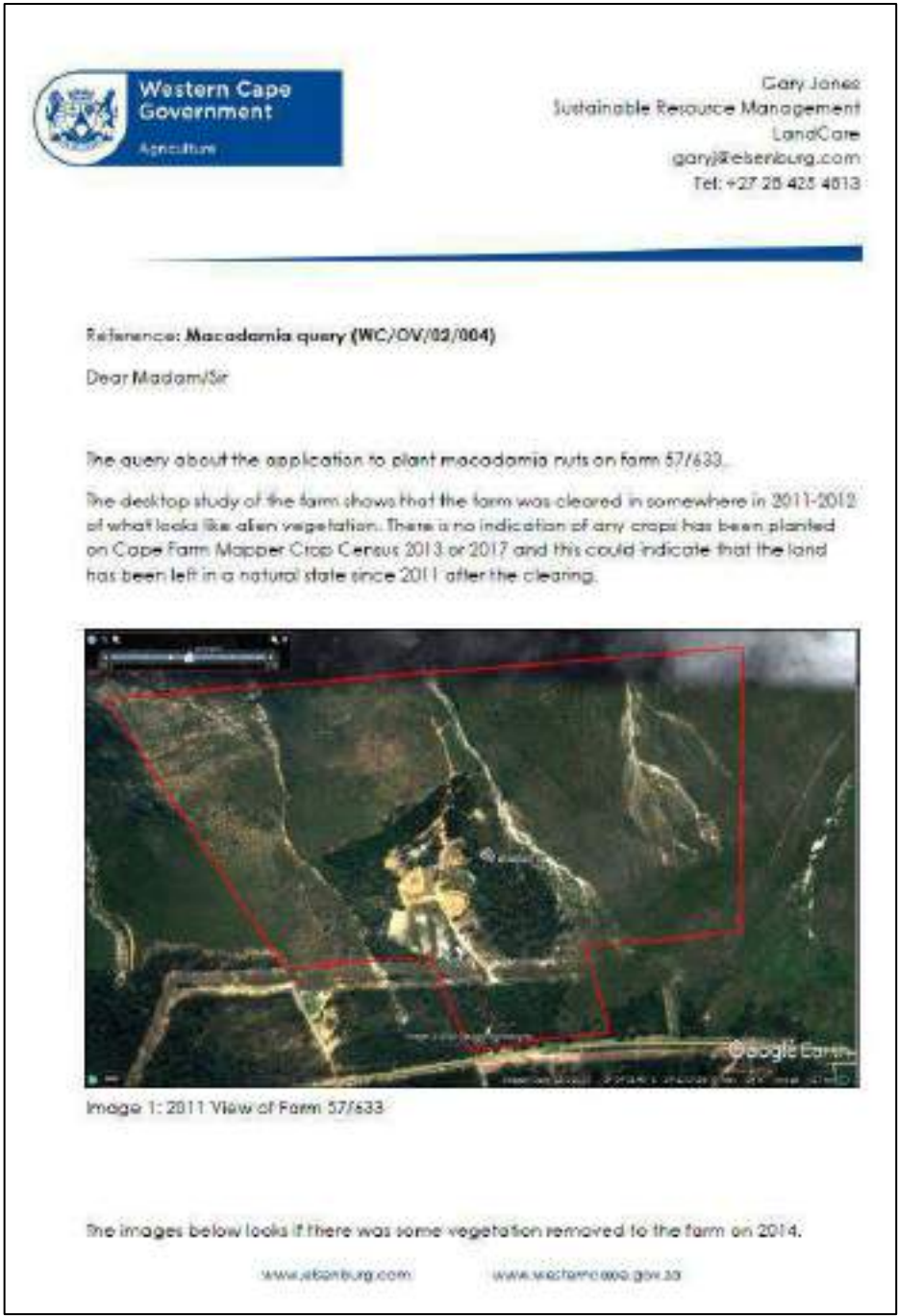




Image 2: 2012 View of Farm 57/633

The images below looks if there was some fire damage to the farm on 2014:



Image 3: 2014 View of Farm 57/633



Image 3: 2016 View of Farm 57/633



Image 4: 2018 View of Farm 57/633



Image 5: 2019 View of Farm 57/633

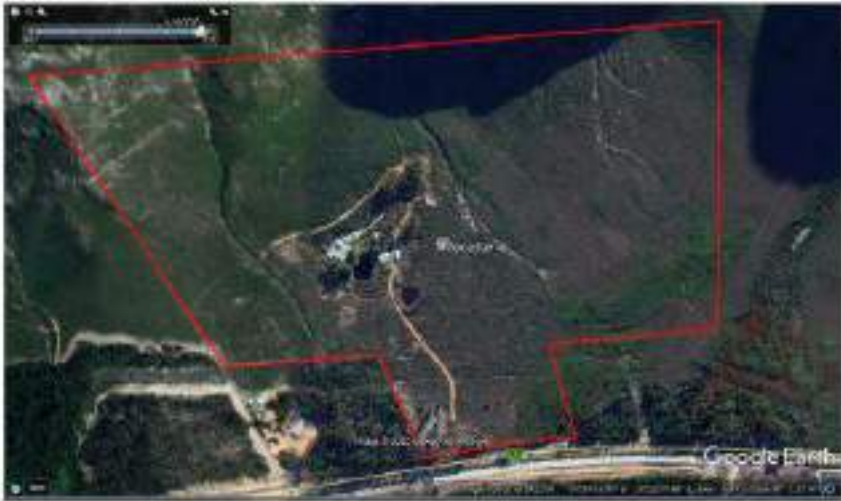
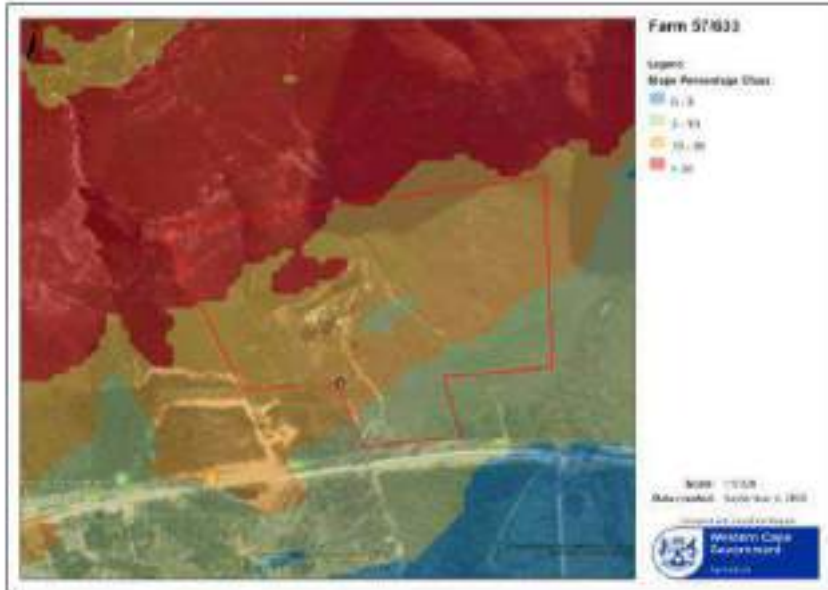


Image 6: 2020 View of Farm 57/633

The image below from Cape Farm Mapper displays that the farm as a slope percentage of 10% or more, except for a 0.8ha which is under 10%.



The Dept. of Agriculture Western Cape, Directorate: Sustainable Resource Management, has the following comments and recommendations on the proposed development:

- E. As per the Conservation of Agricultural Resource Act 43 of 1983 (CARA) legislation the landowner and/or user should:
  - 1.1 Protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of water and wind.
  - 1.2 Protect the irrigated land on his farm unit effectively against waterlogging and salinization.
  - 1.3 Not utilize the vegetation in a wet, marsh or water sponge or within the flood area of a water course or within 10 meters horizontally outside flood area in a manner that causes or may cause the deterioration of or damage to the natural agricultural resources.
  - 1.4 Should not develop any slopes more than 20% slope unless authorized in writing by the executive officer.

1.5 Remove and control all declared weeds and invasive plants as listed in Regulation 15, Table 3.

1.6 The landowner should ensure that no-till practice is followed; and that sufficient and a diverse variety of cover crops are established to improve the sustainability of agroecosystem attributes in the soil. Cover crops must be planted in between the crop rows to improve the soils saturation capacity and therefor create a retention effect, minimizing surface water run-off. This will also improve the micro climate in the soil and promote healthy soil conditions for microbes.

The owner can contact the LandCare officials (Gary Jones at the Bredasdorp office (028-425 4813) with regards to points above for further technical assistance.

Please contact me if there is any further enquiries regarding this application to develop.

Report compiled by:

**Gary Jones**

Sustainable Resource Management

04 September 2020

**NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.**

## SECTION D: PRELIMINARY ADVERTISEMENT

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. It must include the following:

- the date;
- the location;
- the applicable legislative provision contravened; and
- the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

**NOTE:** Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).



**PART 3 -****APPENDICES**

The following appendices must, where applicable, be attached to this form:

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	X
Appendix B:	Site plan(s)	X
Appendix :	Building plans (if applicable)	N/A
Appendix C:	Colour photographs	X
Appendix D:	Biodiversity overlay map	X
Appendix :	Permit(s) / license(s) from any other organ of state including service letters from the municipality	N/A
Appendix E:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Landowner consent and any other public participation information as required in Section J above.	X
Appendix F:	Specialist Report(s), if any	X
Appendix G:	Environmental Management Programme	X
Appendix H:	Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.	X
Appendix I:	Certified copy of Identity Document of Applicant	X
Appendix J:	Certified copy of the title deed (or title deeds in the case of linear activities)	X
Appendix :	Any Other (if applicable) (describe)	

Where an application has been made in terms of the waste management activities, please complete and annex Annexure 1 as in the following:

<b>Annexures for waste listed activity/ies supporting information</b>		<b>Tick the box if Annexure is attached</b>
<b>Annexure 1</b>	<b>Waste listed activities supporting information (as in prescribed attached form)</b>	
<b>Other</b>	(please list accordingly)	

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NEMA SECTION 24G APPLICATION AND ASSESSMENT REPORT

**DECLARATIONS**

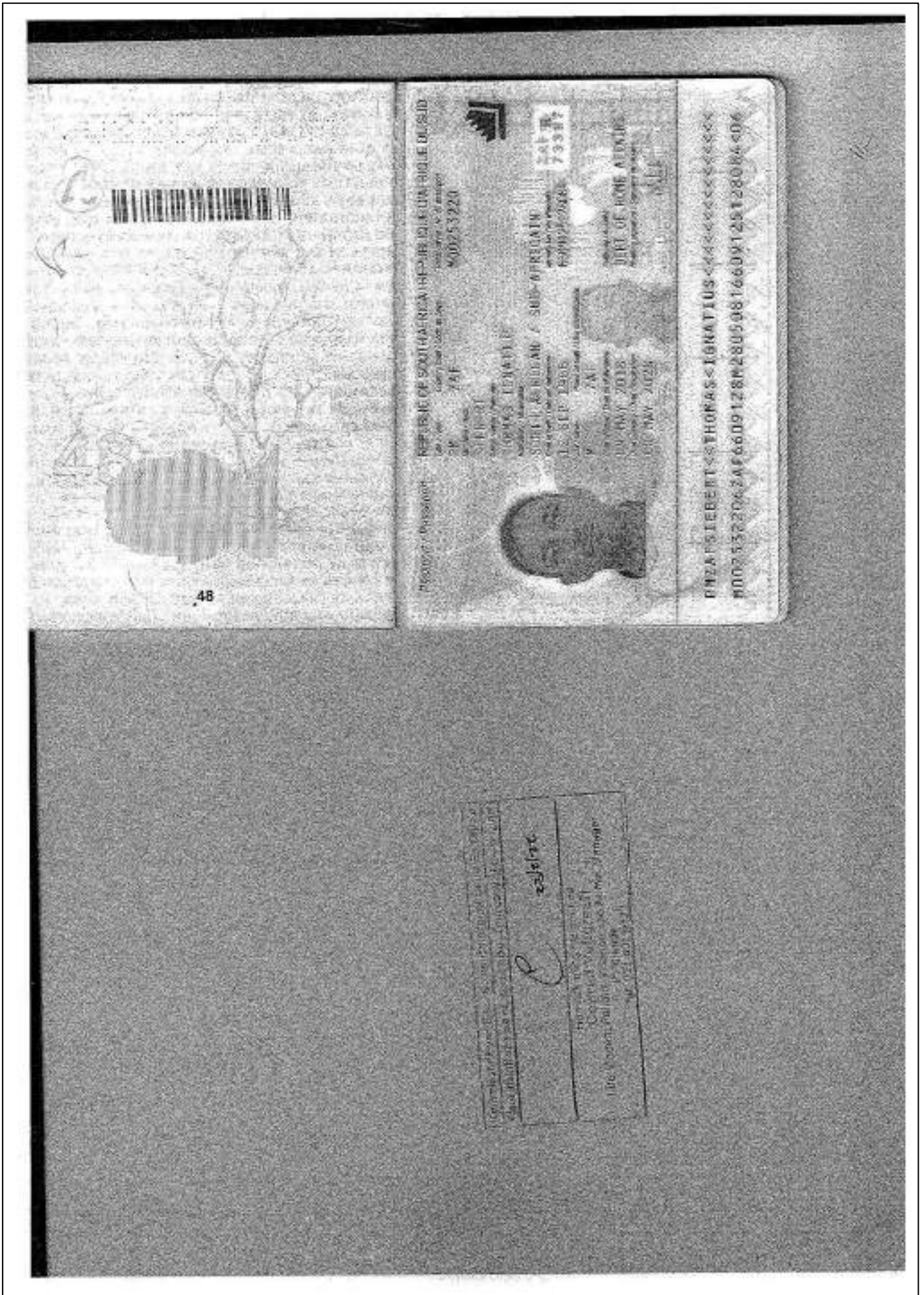
DECLARATION OF THE APPLICANT

Note: Duplicate this section where there is more than one Applicant.

I, D. S. S. S. ID number 6609125125 254 in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 [Act No. 107 of 1998] ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA;
- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I appointed the Environmental Assessment Practitioner ("EAP") (if not exempted from this requirement) which:
  - o meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
  - o meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;
- I will provide the EAP and any specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
  - o costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
  - o costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
  - o Legitimate costs in respect of specialist(s) reviews; and
  - o the provision of security to ensure compliance with applicable management and mitigation measures;
- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority, hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I or the EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

**Note:** If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

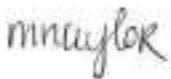


48

**DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)**

I **MICHELLE NAYLOR** EAPASA Registration number **2019/698** as the appointed EAP hereby declare/affirm the correctness of the information provided or to be provided as part of this application, and that:

- in terms of the general requirement to be independent:
  - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review EAP must be submitted);
- in terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- I have disclosed/will disclose, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;
- I have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded, responded to and submitted to the Competent Authority in respect of this application;
- I have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- I have kept/will keep a register of all interested and affected parties that participated in the public participation process;
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;



**19/04/2024**

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Signature of the EAP:

Date:

**LORNAY ENVIRONMENTAL CONSULTING PTY LTD**

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Name of company (if applicable):



**PART 4 -**

**~~ANNEXURE B – SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)~~**

**1. WASTE QUANTITIES**

Indicate or specify types of waste and list the estimated quantities (expected to be) managed daily (should you need more columns; you are advised to add more)

**Note:** In this case of hazardous waste, the National Department of Environmental Affairs is the relevant competent authority to consider the 24G application.

Non-hazardous waste	Total waste handled (tonnes per day)

Source of information supplied in the table above Mark with an "X"

Determined from volumes

Determined with weighbridge/scale

Estimated


**1.1. Recovery, Reuse, Recycling, treatment and disposal quantities:**

Indicate the applicable waste types and quantities expected to be disposed of and salvaged annually:

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	QUANTITIES		ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE DISPOSAL
				Method & Location	Method & Location and Contractor details	
		Tons/ Month	M <sup>3</sup> / Month			


**2. GENERAL**

Prevailing wind direction (e.g. NWW)

November – April

May - October

The size of population to be served by the facility:

	Mark with "X"	Comment
0-499	<input type="checkbox"/>	
500-9,999	<input type="checkbox"/>	
10,000-199,999	<input type="checkbox"/>	
200,000 upwards	<input type="checkbox"/>	

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**LANDFILL PARAMETERS (If applicable)**

The method of disposal of waste:

Land-building

Land-filling

Both



**The dimensions of the disposal site in metres**

	At commencement	After rehabilitation

**The total volume for the disposal of waste on the site:**

Volume Available	Mark with "X"	Source of information (Determined by surveyor/ Estimated)
Up to 99		
100-34 999		
35 000- 3,5 million		
>3,5 million		

**The total volume already used for waste disposal on the site:**

(a) Will the waste body be covered daily	Yes	No
(b) Is sufficient cover material available	Yes	No
(c) Will waste be compacted daily	No	No

If the answers (a) and/or (b) are No, what measures will be employed to prevent the problems of burning or smouldering of waste and the generation of nuisance?

**The Salvage method**

Mark with an "X" the method to be used.

At source	
Recycling installation	
Formal salvaging	
Contractor	
No salvaging planned	

**Fatal flaws for the site:**

Indicate which of the following apply to the facility for a waste management activity:

Within a 3000m radius of the end of an airport landing strip	Yes	No
Within the 1 in 50-year flood line of any watercourse	Yes	No
Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes)	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within an area adjacent to or above an aquifer	Yes	No
Within an area with shallow bedrock and limited available cover material	Yes	No
Within 100 m of the source of surface water	Yes	No
Within 1km from the wetland	Yes	No

Indicate the distance to the boundary of the nearest residential area

metres
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Indicate the distance to the boundary of the industrial area

metres
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**Wettest six months of the year**

November- April	
May -October	

For the wettest six-month period indicated above, indicate the following for the preceding 30 years

	Total rainfall for 6 months	Total rainfall for 6 months	Total rainfall for 6 months
--	-----------------------------	-----------------------------	-----------------------------

For the 1st wettest year			
For the 2nd wettest year			
For the 3rd wettest year			
For the 4th wettest year			
For the 5th wettest year			
For the 6th wettest year			
For the 7th wettest year			
For the 8th wettest year			
For the 9th wettest year			
For the 10th wettest year			

**Location and depth of ground water monitoring boreholes:**

Codes of the boreholes	Borehole locality	Depth (m)	Latitude	Longitude
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "

**Location and depth of landfill gas monitoring test pit:**

Codes of the boreholes	Borehole locality	Latitude	Longitude
		° ' "	° ' "
		° ' "	° ' "

		o I II	o I II
		o I II	o I II
		o I II	o I II
		o I II	o I II

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