



LORNAY
ENVIRONMENTAL CONSULTING

NEMA SECTION 24 G APPLICATION COMPLETENESS CHECKLIST

Farm Windhoek Portion 7 of No. 116
Farm Schietpad No. 326, Bredasdorp
November 2023
Updated February 2024
Updated Revised November 2024

Consultant:

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Unit 5/1F, Hemel & 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. (Note: Failure to meet the Regulation 8 will result in rejection of the application)	<input checked="" type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	
	2.2. A list of all similarly listed activities in terms of the current EIA regulations (if applicable).	<input checked="" type="checkbox"/>	
	2.3. A description of the receiving environment before commences of the activity(ies).	<input checked="" type="checkbox"/>	
	2.4. A description of the receiving environment after commences of the activity(ies).	<input checked="" type="checkbox"/>	
	2.5. All appendices and annexures:	<input checked="" type="checkbox"/>	
	2.5.1. Locality map	<input checked="" type="checkbox"/>	
	2.5.2. Site plans or/and Layout plan	<input checked="" type="checkbox"/>	
	2.5.3. Building plans (if applicable)	<input checked="" type="checkbox"/>	
	2.5.4. Colour photographs	<input checked="" type="checkbox"/>	
	2.5.5. Biodiversity overlay map	<input checked="" type="checkbox"/>	
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	<input checked="" type="checkbox"/>	
	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	<input checked="" type="checkbox"/>	
	2.5.8. Environmental Management Programme	<input checked="" type="checkbox"/>	
	2.5.9. Certified copy of Identity Document of Applicant	<input checked="" type="checkbox"/>	
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)		
	2.6. Signed declaration forms.	<input checked="" type="checkbox"/>	
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	<input type="checkbox"/> Y	<input type="checkbox"/> N√
	3.1. If yes, has the specialist assessment report been attached to the application?		
4.	An assessment of the impacts of the activity or activities in terms of the following categories:		
	• Socio-economic	<input checked="" type="checkbox"/>	
	• Biodiversity	<input checked="" type="checkbox"/>	
	• Sense of place &/or Heritage/ Cultural	<input checked="" type="checkbox"/>	
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	<input checked="" type="checkbox"/>	
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	<input checked="" type="checkbox"/>	
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).	<input checked="" type="checkbox"/>	
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	<input checked="" type="checkbox"/>	

8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	√
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	√
9.	Compliance history of the applicant:	√
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	√
	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).	√
	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;	√
	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	√
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	√
	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;	√
	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.	√
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	√
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	√
	10.2 Copies of comments and responses included in the application.	√
	10.2 Comments and Response report attached to the application.	√
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) (if conducted/undertaken)	√



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")**

April 2018

Form Number S24GAF/04/2018

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 Environmental Assessment Practitioner ("EAP").
3. This Application Form is current as of 01 April 2018. 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 01 April 2018.
4. **The contents of this Application Form includes 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 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.
6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must 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. No faxed or e-mailed application forms will be accepted.**
10. 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.
11. 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 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(1) (i-viii) of the NEMA.
- e) 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.
- f) 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.
- g) 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.
- h) **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.

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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DEPARTMENTAL DETAILS

Department of Environmental Affairs and Development Planning,
Directorate: Environmental Governance
Attention: Sub-directorate: Rectification
 Private Bag X9086
 Cape Town, 8000

Registry Office
 1st 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/E2/6/2/3/0688/22 14/1/1/E2/6/2/3/0687/22
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

CLEARANCE OF 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 City of Cape Town and West Coast District	REGION 2 Cape Winelands District and Overberg District	REGION 3 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)					
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)					x
1.2.1	If a firm, please tick the relevant box below:					
	Body Corporate	Partnership	Trust	Parastatal	Organ of State	
	Directors of a Company x	Members of a Board	Other, please specify			

Applicant's details (duplicate this section where there is more than one applicant)		ANDRE WESSELS	
Applicant Name:			
RSA Identity Number/ Passport Number of Applicant, if natural person:		7806295029089	
Name of Firm (if applicable):		SCHIETPAD PLASE BDY	
Firm Registration Number:		2016/080173/07	
Contact Person at the Firm:		ANDRE WESSELS	
List of all (as applicable at the relevant time):		Please insert the names and RSA ID numbers of the relevant persons below – (In the list below, delete the firms that are not applicable to this application)	
<ul style="list-style-type: none"> • Directors of a company; or • Members of the board; or • Executive committee or other managing body of a corporate body or parastatal; or • Members of close corporation; or • Partners of a partnership; or • Trustees of a trust 		Name: ANDRE WESSELS RSA ID No. 7806295029089 Name: DIRK CORNELIUS HENDRIK WESSELS RSA ID No. 5308315043085 Name: RSA ID No. Name: RSA ID No. Name: RSA ID No.	
Postal address:		POSBUS 59	
		NAPIER	Postal code: 7270
Telephone:		082 4444 969	Cell: 082 4444 969
E-mail:		andrew@inteligro.co.za	Fax: -
Project Consultant		LORNAY ENVIRONMENTAL CONSULTING PTY LTD	
Contact person:		MICHELLE NAYLOR	
Postal address:		PO BOX 1990	
		HERMANUS	Postal code: 7200
Telephone:		083 245 6556	Cell:
E-mail:		michelle@lornay.co.za	Fax: ()
Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:		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:	michelle@lornay.co.za	Fax:	()
EAP Qualifications	MASTER OF SCIENCE		
EAP Registrations/Associations	EAPASA 2019/698		
Name of the Landowner: ANDRE WESSELS			
Name of the contact person for the land owner (if other):	-		
Postal address:	POSBUS 59		
	NAPIER	Postal code:	7420
Telephone:	082 4444969	Cell:	
E-mail:		Fax:	()
Person in control of land: 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:	CAPE AGULHAS MUNICIPALITY		
Contact person, if known:	ENVIRONMENTAL MANAGER		
Postal address:	PO BOX 51		
	BREDASDORP	Postal code:	
Telephone:	028 425 5500	Cell:	
E-mail:	info@capeagulhas.gov.za	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):	PORTION 7 OF THE FARM 116 WINDHOEK WESSELS, BREDASDORP		
	FARM 326 SCHIETPAD, BREDASDORP		
Farm/Erf name(s) & number(s) including portion(s)	PORTION 7 OF THE FARM 116 WINDHOEK WESSELS, BREDASDORP FARM 326 SCHIETPAD, BREDASDORP		
Property size(s) (m ²)	7/116 – 94.25 HA 326 – 909.15 HA		
Development footprint size(s) (m ²)	7/116 – 1.3 HA 326 – 13.93 HA		
SG21 Digit code(s)	FARM 7/116 – C01100000000011600007 FARM 326 – C01100000000032600000		

PROPERTY BOUNDARY:

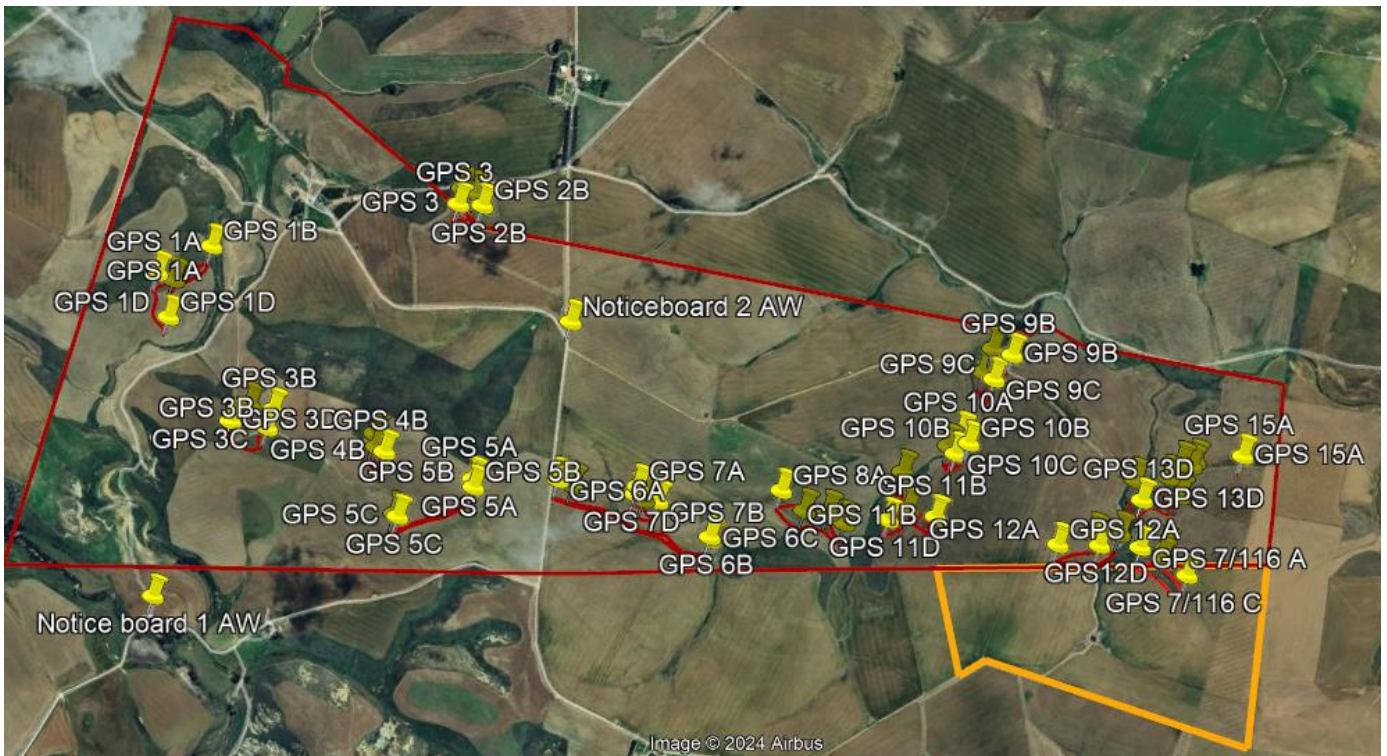
FARM 326:

;	Latitude (S)	Longitude (E)
1	34°23'14.95" South	19°48'53.29" East
2	34°23'24.80" South	19°52'31.21" East
3	34°23'51.84" South	19°52'35.46" East
4	34°24'42.26"° South	19°48'48.87" East

FARM 7/116:

Point	Latitude (S)	Longitude (E)
1	34°24'6.39" South	19°51'37.36" East
2	34°23'52.82" South	19°52'36.11" East
3	34°24'20.27" South	19°52'41.12" East
4	34°24'20.45" South	19°51'45.75" East

THE CO-ORDINATES FOR THE SITE BOUNDARY ARE:



AREA	SIZE (M ²)	NAME OF POINT	S	E
FARM 326				
Clearing 1	18618	GPS 1A	34°23'55.59"S	19°49'1.17"E
		GPS 1B	34°23'49.42"S	19°49'9.73"E
		GPS 1C	34°23'55.95"S	19°49'4.34"E
		GPS 1D	34°23'55.80"S	19°49'9.20"E
Clearing 2	3470	GPS 2A	34°23'30.97"S	19°49'53.00"E
		GPS 2B	34°23'32.80"S	19°49'57.60"E
		GPS 2C	34°23'33.50"S	19°49'53.19"E
		GPS 2D	34°23'31.21"S	19°49'55.88"E
Clearing 3	16108	GPS 3A	34°24'11.55"S	19°49'24.89"E
		GPS 3B	34°24'11.29"S	19°49'29.51"E
		GPS 3C	34°24'14.24"S	19°49'29.22"E
		GPS 3D	34°24'14.73"S	19°49'22.13"
Clearing 4	2134	GPS 4A	34°24'10.82"S	19°49'48.94"E
		GPS 4B	34°24'13.11"S	19°49'51.63"E
		GPS 4C	34°24'12.72"S	19°49'49.82"E
		GPS 4D	34°24'12.17"S	19°49'49.11"E
Clearing 5	5458	GPS 5A	34°24'13.50"S	19°50'9.05"E
		GPS 5B	34°24'14.71"S	19°50'9.53"E
		GPS 5C	34°24'22.14"S	19°49'57.09"E
		GPS 5D	34°24'21.90"S	19°49'56.38"E
Clearing 6	8337	GPS 6A	34°24'10.39"S	19°50'24.14"E
		GPS 6B	34°24'13.04"S	19°50'54.15"E
		GPS 6C	34°24'13.43"S	19°50'54.48"E
		GPS 6D	34°24'10.66"S	19°50'27.00"E
Clearing 7	4436	GPS 7A	34°24'8.28"S	19°50'38.79"E
		GPS 7B	34°24'9.71"S	19°50'43.07"E
		GPS 7C	34°24'10.02"S	19°50'40.38"E
		GPS 7D	34°24'9.55"S	19°50'38.65"E
Clearing 8	22135	GPS 8A	34°24'3.27"S	19°51'4.87"E
		GPS 8B	34°24'5.64"S	19°51'17.84"E
		GPS 8C	34°24'4.73"S	19°51'14.38"E
		GPS 8D	34°24'5.38"S	19°51'10.03"E
Clearing 9	9900	GPS 9A	34°23'33.61"S	19°51'36.47"E
		GPS 9B	34°23'33.83"S	19°51'40.23"E
		GPS 9C	34°23'38.18"S	19°51'38.13"E
		GPS 9D	34°23'37.53"S	19°51'35.79"E
Clearing 10	4077	GPS 10A	34°23'47.60"S	19°51'34.86"E
		GPS 10B	34°23'48.74"S	19°51'36.60"E

		GPS 10C	34°23'50.87"S	19°51'34.67"E
		GPS 10D	34°23'49.96"S	19°51'33.05"E
Clearing 11	15144	GPS 11A	34°23'55.68"S	19°51'26.05"E
		GPS 11B	34°24'1.05"S	19°51'34.02"E
		GPS 11C	34°24'1.00"S	19°51'28.65"E
		GPS 11D	34°24'3.36"S	19°51'25.59"E
Clearing 12	10883	GPS 12A	34°24'0.31"S	19°51'57.31"E
		GPS 12B	34°23'57.49"S	19°52'3.56"E
		GPS 12C	34°23'56.27"S	19°52'8.37"E
		GPS 12D	34°23'58.83"S	19°52'5.15"E
Clearing 13	16554	GPS 13A	34°23'47.60"S	19°52'8.74"E
Schiet extra		GPS 13B	34°23'45.87"S	19°52'14.60"E
		GPS 13C	34°23'48.27"S	19°52'17.36"E
		GPS 13D	34°23'50.36"S	19°52'10.78"E
Clearing 14	1146	GPS 14A	34°23'43.37"S	19°52'16.15"E
Schiet extra 2		GPS 14B	34°23'42.48"S	19°52'18.43"E
		GPS 14C	34°23'43.28"S	19°52'18.10"E
		GPS 14D	34°23'43.83"S	19°52'16.99"E
Clearing 15	912	GPS 15A	34°23'39.80"S	19°52'26.67"E
Schiet extra 3		GPS 15B	-	-
		GPS 15C	-	-
		GPS 15D	-	-
SUBTOTAL	139312 (13.93 HA)			
Clearance 1 portion 7 of 116	12957	GPS 7/116 A	34°23'57.51"S	19°52'12.65"E
		GPS 7/116 B	34°23'56.58"S	19°52'17.25"E
		GPS 7/116 C	34°23'59.82"S	19°52'22.33"E
		GPS 7/116 D	34°23'58.39"S	19°52'17.03"E
SUBTOTAL	12957 (1.29 HA)			
TOTAL	152269 (15.2 HA)			

Street address:	BREDASDORP AREA; R 316		
Magisterial District or Town:	BREDASDORP RD		
Closest City/Town:	BREDASDORP AND NAPIER	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	NO X
If yes, what was the previous zoning?		
N/A		
Is a rezoning application required?	YES	NO X
Is a consent use application required?	YES	NO X
Locality map:	A locality map must be attached to the Application Form as an appendix. The scale of the	

	<p>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"> • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s) • a north arrow; • a legend; • the prevailing wind direction; and • 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)
<p>Landowner(s) Consent:</p>	<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>Note: 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).

<p>Has any national, provincial or local authority considered any development applications on the property previously?</p>	<p>Yes</p>	<p>No X</p>
<p>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)</p>		
<p>N/A</p>		
<p>Which authority considered the application:</p>		
<p>N/A</p>		
<p>Has <u>any</u> one of the previous application/s on the property been approved or refused? If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).</p>	<p>Yes</p>	<p>No X</p>
<p>N/A</p>		
<p>Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.</p>		
<p>N/A</p>		

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): ANDRE WESSELS

Signature: 

Place: HERMANUS

EAP (Full names): MICHELLE NAYLOR

Signature:



Place: HERMANUS

Date: 07/11/2024

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

1.1 Applicable EIA listed activities

ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002			
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			
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		
ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006			
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,			
	N/A		
NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010			
Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA			
GN R386 Activity No(s): (Listing Notice 1 of 2006)	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): (Listing Notice 2 of 2006)	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		
NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014			
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,			
GN No. R. 544 Activity No(s): (Listing Notice 1 of 2010)	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	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA	Describe the portion of the development as per the project description that relates to	State the date of commencement

No(s): (Listing Notice 2 of 2010)	2010 Scoping/EIA listed activity/ies")	the applicable listed activity.	of each activity
	N/A		
GN No. R. 546 Activity No(s): (Listing Notice 3 of 2010)	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		
NEMA EIA Contraventions: on or after 08 December 2014			
Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,			
GN No. R. 983 Activity No(s): (Listing Notice 1 of 2014)	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	Portion 7 of the Farm 116 – Approximately 1.3 ha of vegetation was cleared between 2018 / 2018 Farm 326 – Approximately 11.06 ha of vegetation was cleared between 2016 and 2019	2016 to 2019
GN No. R. 984 Activity No(s): (Listing Notice 2 of 2014)	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): (Listing Notice 3 of 2014)	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	Portion 7 of the Farm 116 – Approximately 1.3 ha of vegetation was cleared between 2018 / 2018 Farm 326 – Approximately 11.06 ha of vegetation was cleared between 2016 and 2019 Vegetation status – CR Endangered Central Ruens Shale Renosterveld	2016 to 2019

	<p>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 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

List the relevant waste management activity/ies applied for: **NOT APPLICABLE**

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): (Listing Notice 1 of 2014)	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 hectare or more, but less than 20 hectares of indigenous vegetation	The site was previously characterized as having vegetation belonging to the Central Ruens Shale Renosterveld (CR) and more than 1 ha was cleared on both properties together
GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	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): (Listing Notice 3 of 2014)	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	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from 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</p>	The site was previously characterized as having vegetation belonging to the Central Ruens Shale Renosterveld (CR)

Framework adopted by the MEC or Minister
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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).

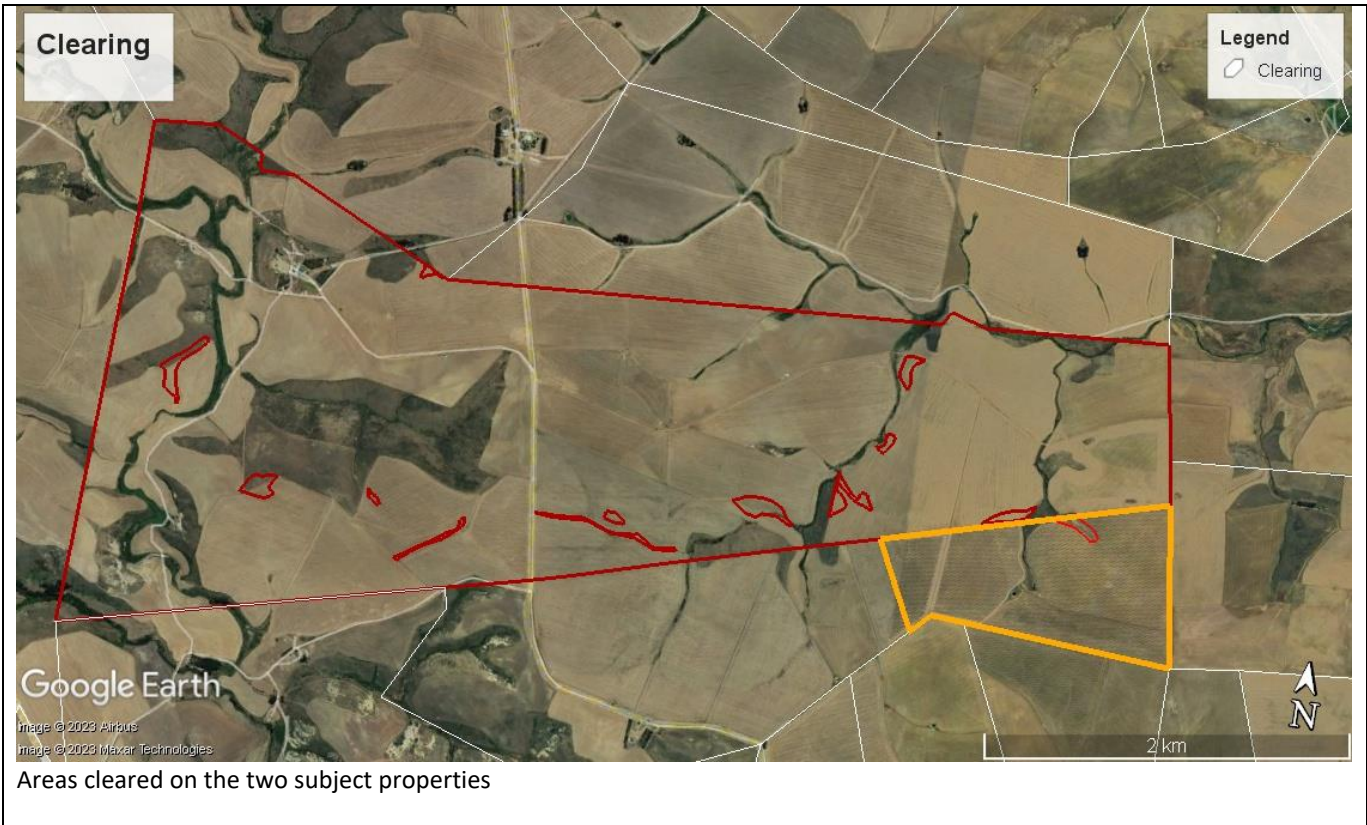
Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed X	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced <u>as well as</u> the original date of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

The two properties in question being portion 7 of the farm 116 and farm 326, Bredasdorp, have been farmed for many years predating NEMA / ECA Regulations. During the Period of 2016 to 2019, the landowner cleared various small patches of indigenous pockets of vegetation which were located between active farming areas on the property.

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.

Vegetation was cleared in between existing fields on both farm properties. The areas indicated are small pockets within existing cultivated fields and this was undertaken in order to facilitate better movement of the ploughing vehicles and allowing for ploughing along contours. The minor expansion of the existing farmed areas in places facilitated better farming practices and logistics. The expansions took place in isolated patches in already transformed fields and therefore these areas had already been significantly impacted by agricultural practices in the past. For practical purposes, to allow the ploughing machinery to work in all areas, the farmer needed to plough out the small sections that were left remaining amongst the already farmed areas.

Field number		Size (ha)
Portion 7 of the Farm 116		
1	Area 1	1.30 ha
	Subtotal	1.30 ha
Farm 326		
1	Area 1	1.86
2	Area 2	0.35
3	Area 3	1.61
4	Area 4	0.21
5	Area 5	0.55
6	Area 6	0.83
7	Area 7	0.44
8	Area 8	2.2
9	Area 9	0.99
10	Area 10	0.41
11	Area 11	0.51
12	Area 12	1.1
	Subtotal	11.06 ha
	TOTAL CLEARANCE	12.36 ha



(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
Provide brief description:		
N/A		
Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO X
Provide brief description:		
N/A		
Processing activities (e.g. manufacturing, storage, distribution)	YES	NO X
Provide brief description:		
N/A		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)		
Provide brief description	YES	NO X
N/A		
Storage and treatment facilities for solid waste and effluent generated by the project	Yes	NO X
Provide brief description		
N/A		

(d) Other activities (e.g. water abstraction activities, crop planting activities)	Yes	No
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Provide brief description

The activities in question relate to the clearance of vegetation to improve existing farming practices on the two subject properties.

PORTION 7 OF THE FARM 116

Aerial maps and indications from the landowner indicate that clearing took place between 2018 and 2019:



Aerial from 2003 – area in question indicated



Aerial from 2017 – area in question indicated and still intact



Aerial from 2019 – area in question cleared – 1.30 ha was cleared in 2018/19 on PORTION 7 OF THE FARM 116.

FARM RE326



Aerial photo from 2003



2022 aerial photo showing cleared areas in red on both Farm 326 and Portion 11 of the Farm 116, Bredasdorp

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	Both subject properties have been farmed predating ECA and NEMA m ²		
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	Field number		
	Size (ha)		
	Portion 7 of the Farm 116		
	1	Area 1	1.30 ha
	Subtotal		1.30 ha
	Farm 326		
	1	Area 1	1.86
	2	Area 2	0.35
	3	Area 3	1.61
	4	Area 4	0.21
	5	Area 5	0.55
	6	Area 6	0.83
	7	Area 7	0.44
	8	Area 8	2.2
	9	Area 9	0.99
10	Area 10	0.41	
11	Area 11	0.51	
12	Area 12	1.1	
Subtotal		11.06 ha	
TOTAL CLEARANCE		12.36 ha	
Total area:	Portion 7 of the Farm 116 – 1.30 ha Farm 326 – 12.36 ha Total: 12.36 ha		

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. Not Applicable	(Length)	-m
	(width)	m
Describe the type of access road constructed:		
N/A		

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? N/A	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? In place	YES	NO
If no, please provide evidence of existing water use rights (if applicable) with this application form.	ATTACHED	
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? N/A	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? N/A	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 <input checked="" type="checkbox"/>
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If yes, please complete the table below: **N/A**

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	<input type="checkbox"/>	QUARTZITE	<input type="checkbox"/>
SHALE	<input checked="" type="checkbox"/>	DOLOMITE	<input type="checkbox"/>
SANDSTONE	<input type="checkbox"/>	DOLERITE	<input type="checkbox"/>
OTHER (specify)	Ceres Subgroups - Mudrock, shale, siltstone, feldspathic arenite and wacke		

2. GRADIENT OF THE SITE

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

The site is undulating across the subject properties.

Flat	Flatter than 1:10	1:10 – 1:5	Steeper than 1:5
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3. LOCATION IN LANDSCAPE

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

Ridgeline	Plateau	Side slope of hill/mountain <input checked="" type="checkbox"/>	Closed valley	Open valley	Plain <input checked="" type="checkbox"/>	Undulating plain/low hills <input checked="" type="checkbox"/>	Dune	Sea-front	Other
If other, please describe									
Rolling hills and cultivated land									

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

5.1 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	NO x	UNSURE
Permanent Wetland	YES	NO x	UNSURE
Seasonal Wetland	YES	NO x	UNSURE
Artificial Wetland	YES	NO x	UNSURE
Estuarine / Lagoonal wetland	YES	NOx	UNSURE

5.2 SURFACE WATER (POST-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	NO x	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

6. VEGETATION AND/OR GROUND COVER

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. 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 GROUND COVER (PRE-COMMENCEMENT)

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

Indigenous Vegetation - good condition		Indigenous Vegetation with scattered aliens		Indigenous Vegetation with heavy alien infestation	x
Describe the vegetation type above:		Describe the vegetation type above:		Describe the vegetation type above: The pockets of vegetation contained on the site were heavily impacted by existing agricultural practices on the properties. This is clearly evident in the photo report which shows similar areas that were cleared.	
Provide ecosystem status for above:		Provide ecosystem status for above:		Provide Ecosystem status for above: The area in general is classified at CR Central Ruens Shale Renosterveld, however the areas were heavily transformed	
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species x		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe	
Bare soil x		Building or other structure		Sport field	
Other (describe below)		Cultivated land x		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) x	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	The site is classified as a mix of highly transformed and CBA

(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	%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	90%	

- (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)	Critical X	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)			Estuary		Coastline	
	Endangered							
	Vulnerable							
	Least Threatened							
		YES	NO X	UNSURE	YES	NO X	YES	NO X

- (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 Botanical Impact Assessment, Nick Helme 2024 – Appendix I:

“The study area is part of the East Coast Renosterveld bioregion (Mucina & Rutherford 2006), and is part of the Fynbos biome, located within what is now known as the Core Region of the Greater Cape Floristic Region (GCFR; Manning & Goldblatt 2012). The GCFR is one of only six Floristic Regions in the world, and is the only one largely confined to a single country (the Succulent Karoo component extends into southern Namibia). It is also by far the smallest floristic region, occupying only 0.2% of the world’s land surface, and supporting about 11500 plant species, over half of all the plant species in South Africa (on 12% of the land area). At least 70% of all the species in the Cape region do not occur elsewhere, and many have very small home ranges (these are known as narrow endemics). Many of the lowland habitats are under pressure from agriculture, urbanisation and alien plants, and thus many of the range restricted species are also under severe threat of extinction, as habitat is reduced to extremely small fragments. Data from the nationwide plant Red Listing project indicate that 67% of the threatened plant species in the country occur only in the southwestern Cape, and these total over 1800 species (Raimondo et al 2009). It should thus be clear that the southwestern Cape is a major national and global conservation priority, and is quite unlike anywhere else in the country in terms of the number of threatened plant species.

The East Coast Renosterveld bioregion is characterised by relatively high rainfall (mostly in winter), moderate rainfall gradients, rich, loamy soils, moderate topographic diversity, and very extensive cultivation (mostly for cereals) and sheep farming. Due to this combination of factors the loss of natural vegetation in this bioregion has been severe (>60% of original extent lost within the region), and the bioregion has a very high number of threatened plant species (Raimondo et al 2009).

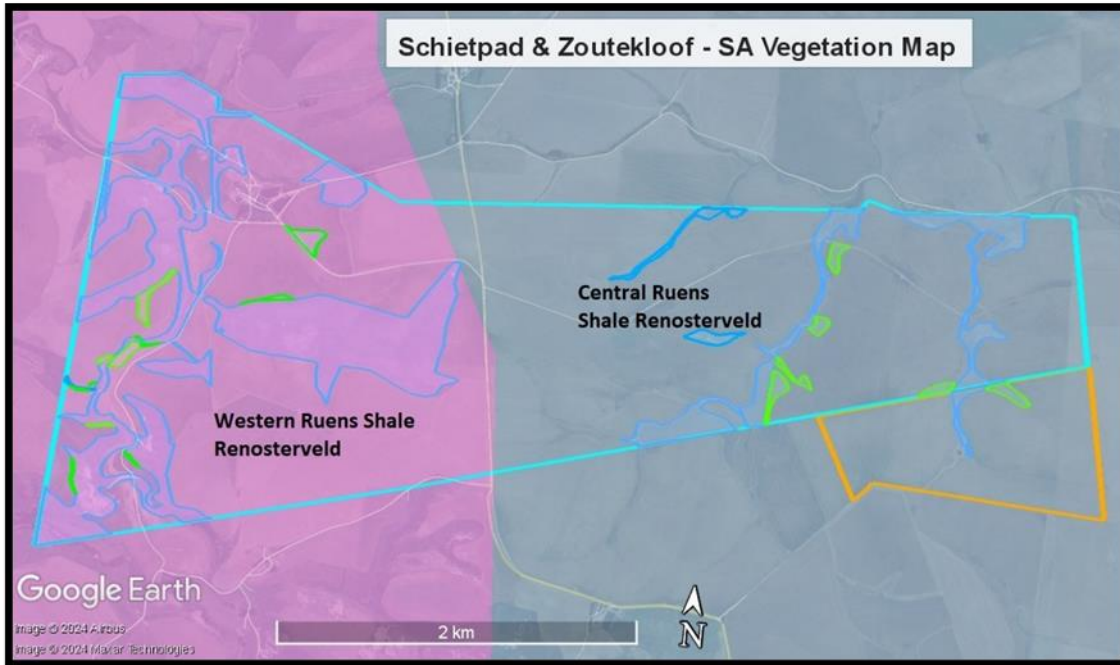
The CapeNature Spatial Biodiversity Plan (2017) for the area (Figure 2) shows that most of the Renosterveld patches are mapped as high priority CBA1 (Critical Biodiversity Areas, terrestrial), with drainage lines mapped as ESA2 and CBA1 (wetland). There are some errors in the mapping (both over and under mapping of Renosterveld) but it is generally fairly accurate and shows good congruence with my sensitivity mapping.

THE VEGETATION

According to the SA Vegetation Map there are two original natural vegetation types in the study area – Western Ruens Shale Renosterveld and Central Ruens Shale Renosterveld (Mucina & Rutherford 2018; see Figure 3). Based on my ground-truthing I largely agree with this mapping.

Western Ruens Shale Renosterveld is gazetted as **Critically Endangered** on a national basis (Government of South Africa 2022), with about 14% of its total original extent remaining intact, less than 1% conserved, and a national conservation target of 27% (Rouget *et al* 2004). The unit supports a fairly high number of endemic plant species, many threatened species, and occurs on nutrient rich, shale derived soils in the western Overberg, and the vegetation type needs fire for optimal ecological functioning (Helme *et al* 2016).

Central Ruens Shale Renosterveld is also gazetted as **Critically Endangered** on a national basis (Government of South Africa 2022), with less than 13% of its total original extent remaining intact, less than 1% conserved, and a national conservation target of 27% (Rouget *et al* 2004). The unit supports a fairly high number of endemic plant species, many threatened species, and occurs on nutrient rich, shale derived soils in the central Overberg, and the vegetation type needs fire for optimal ecological functioning (Helme *et al* 2016).



Extract of the SA Vegetation Map, showing the two mapped vegetation types in the study area. Blue polygons are remaining Renosterveld, green areas are areas cleared 2014-2024.

Some of the remaining vegetation has been burnt in the last 5-8 years (Mr Wessels - pers. comm.), but other patches have not been burnt for at least fifteen years, and this is a common problem in natural areas between cultivated, production lands, as landowners are reluctant to allow wild fires to burn through their veld, or undertake controlled burns, as the risk of losing crops and infrastructure can be high. Vegetation that has not burnt for more than 12 years in this area can usually be regarded as senescent (some species dying of old age; diversity dropping), as this type of Renosterveld should burn once every 8-12 years for optimal ecological functioning (Helme *et al* 2016).

The remaining natural vegetation on the study area – a total of about 172ha - ranges from uninvaded to quite heavily impacted by alien invasive vegetation. The most common invasives are alien grasses such as rye grass (*Lolium*) and oats (*Avena*), mainly in drainage lines and areas where livestock are fed, and woody invasives are rare, except in the area shown in Plate 2, on the boundary between Zoutkraal and Schietpad. Here the drainage line and adjacent areas have been invaded by Port Jackson (*Acacia saligna*), which in this fairly small area covers 10-25% of the area.

The general Renosterveld matrix is not described here in any detail, other than to say it is usually in good condition, is species rich, and has all the microhabitats and plant communities that one would expect for Renosterveld in the area.

The Renosterveld areas (approximately 12ha) cleared in the study area during the last ten years have all been cultivated (ripped, ploughed, sown, fertilized) repeatedly since first clearing and thus currently have low rehabilitation potential.

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

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

Indigenous Vegetation - good		Indigenous Vegetation with		Indigenous Vegetation with heavy	
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condition		scattered aliens		alien infestation	
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 X With small pockets of natural in between		Paved surface	

(a) Highlight and describe the post-construction 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	%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	10%	Small pockets of natural vegetation still existing in areas where farming cannot take place
Degraded (includes areas heavily invaded by alien plants)	20%	Fridge areas on some of the natural areas and smaller remaining pockets are degraded
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	70%	The large majority of the sites are fully cultivated and transformed

(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 subject properties have been historically farmed and part of the family for many generations. The farming in this area is not recent and dates back over thirty years. New pockets were transformed into agriculture, and as indicate din the map above, these pockets are small and sprawled across the entire properties. The reason for this is that the farming practices become increasingly difficult with the small pockets on natural areas between the cultivated areas. The farmer implemented clearing in order to improve the farming practices. Because the areas that have been cleared were located amongst existing cultivated lands, it is expected that the status of these cleared areas prior to clearing was not unique and that they had already been significantly transformed and impacted over time.

Extract from Botanical Report:

According to the SA Vegetation Map there are two original natural vegetation types in the study area – Western Ruens Shale Renosterveld and Central Ruens Shale Renosterveld (Mucina & Rutherford 2018; see Figure 3). Based on my ground-truthing I largely agree with this mapping.

Western Ruens Shale Renosterveld is gazetted as Critically Endangered on a national basis (Government of South Africa 2022), with about 14% of its total original extent remaining intact, less than 1% conserved, and a national conservation target of 27% (Rouget et al 2004). The unit supports a fairly high number of endemic plant species, many threatened species, and occurs on nutrient rich, shale derived soils in the western Overberg, and the vegetation type needs fire for optimal ecological functioning (Helme et al 2016).

Central Ruens Shale Renosterveld is also gazetted as Critically Endangered on a national basis (Government of South Africa 2022), with less than 13% of its total original extent remaining intact, less than 1% conserved, and a national conservation target of 27% (Rouget et al 2004). The unit supports a fairly high number of endemic plant species, many threatened species, and occurs on nutrient rich, shale derived soils in the central Overberg, and the vegetation type needs fire for optimal ecological functioning (Helme et al 2016). Some of the remaining vegetation has been burnt in the last 5-8 years (Mr Wessels - pers. comm.), but other patches have not been burnt for at least fifteen years, and this is a common problem in natural areas between cultivated, production lands, as landowners are reluctant to allow wild fires to burn through their veld, or undertake controlled burns, as the risk of losing crops and infrastructure can be high. Vegetation that has not burnt for more than 12 years in this area can usually be regarded as senescent (some species dying of old age; diversity dropping), as this type of Renosterveld should burn once every 8-12 years for optimal ecological functioning (Helme et al 2016).

The remaining natural vegetation on the study area – a total of about 172ha - ranges from uninvaded to quite heavily impacted by alien invasive vegetation. The most common invasives are alien grasses such as rye grass (*Lolium*) and oats (*Avena*), mainly in drainage lines and areas where livestock are fed, and woody invasives are rare, except in the area shown in Plate 2, on the boundary between Zoutkraal and Schietpad. Here the drainage line and adjacent areas have been invaded by Port Jackson (*Acacia saligna*), which in this fairly small area covers 10-25% of the area.

The general Renosterveld matrix is not described here in any detail, other than to say it is usually in good condition, is species rich, and has all the microhabitats and plant communities that one would expect for Renosterveld in the area.

The Renosterveld areas (approximately 12ha) cleared in the study area during the last ten years have all been cultivated (ripped, ploughed, sown, fertilized) repeatedly since first clearing and thus currently have low rehabilitation potential.

6.3 VEGETATION / GROUND COVER MANAGEMENT

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

N/A

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

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 Small pockets of uncultivated land between agriculture x	Low density residential	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
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	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

(a) Please provide a description.

The land has been used for intensive agriculture for many generations predating the NEMA and ECA regulations. See attached SG diagrams.

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	Low density residential	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	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	Low density residential	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	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 community relies on agriculture for employment and income generation. This is not significantly different pre and post commencement

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 community relies on agriculture for employment and income generation. This is not significantly different pre and post commencement

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 m² 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 m² 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 properties have been part of the agricultural landscape and the activities have not changed the character of the site.		
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:			
Was any building or structure older than 60 years affected in any way?		YES	NO x UNCERTAIN
If YES, explain:			

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
The property is zoned for agricultural use			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES x	NO	Please explain
Economic development, activity in line with property zoning			
Urban edge / Edge of Built environment for the area	YES	NO x	Please explain
Located outside the urban edge			
Integrated Development Plan of the Local Municipality	YES x	NO	Please explain
Economic development, activity in line with property zoning			
Spatial Development Framework of the Local Municipality	YES x	NO	Please explain
Activities on agriculturally zoned land			
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
N/A			
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 (<http://www.capegateway.gov.za/eadp>).

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES X	NO	Please explain
The property has been farmed for many generations and is zoned for agriculture			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES X	NO	Please explain
Socio and economic input for the area, agriculture within agriculturally zoned area			

(b) Urban edge / Edge of Built environment for the area	YES	NO X	Please explain
Outside 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 X	NO	Please explain
Agricultural activities within agricultural area, socio economic benefits through agricultural development and job creation. With the conservation agreement as proposed, a ecological benefit will also be felt.			
(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
N/A			
(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
Many decades of farming in the area on these subject properties			

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	NO	Please explain
N/a – the farm has been in practice for many years – the farmer needed to remove the areas on natural areas located within the farming area, for practical reasons. Because the land has been farmed for some long, it is not expected that these last reining pockets were of major ecological significance			

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 X	NO	Please explain
Socio economic development, skills transfer, job creation, investment in the area Long term protection of the remainder of the farms through an easement agreement with the Overberg Renosterveld Conservation Trust.			

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 be attached to the Application Form / additional information as an appendix , where applicable.)	YES	NO	Please explain
N/A – does not require services sufficient water in terms of historical right			

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 appendix , where applicable.)	YES	NO	Please explain
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N/A

8. Was this project part of a national programme to address an issue of national concern or importance?	YES	NO	Please explain
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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
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Existing farming areas, mostly already impacted

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
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No significant impact due to the fact that the areas cleared were small remnants of natural areas between large scale and long-term agriculture and therefore had long since been impacted and transformed.

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
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N/A – no change in land use or activity

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	NO X	Please explain
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The areas transformed are historically part of the larger agricultural area and are not expected to have exhibited a very natural state prior to clearing

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

- job creation, skills development, investment in the area, education of farmers re 24 g and compliance matters, investment and use of agriculturally viable land
- Opportunity for formal protection of the remaining open land on the property in conjunction with the Overberg Renosterveld Conservation Trust

NEGATIVE

- loss of CR Endangered vegetation of approx. 12. 4 ha (medium negative after mitigation)

14. Is/was the development the best practicable environmental option for this land/site?	YES X	NO	Please explain
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The area as a whole has been farmed for decades and falls within active agricultural viable land. The use of the remnants of land between the active farms to increase existing agriculture can be considered positive from a Agricultural perspective. However the loss of CR endangered vegetation type is a negative impact from a ecological perspective. The mitigation proposed to secure the remaining 127 ha via a Conservation Easement agreement with the Overberg Renosterveld Conservation Trust, is considered a significant ecological win, particularly as the area is under threat from numerous mining applications.

15. What are/were the benefits to society in general and to the local communities?	Please explain
<ul style="list-style-type: none"> - Continuation of viable agriculture in an area, in an area which is already relatively impacted by farming activities. The surrounding communities of Napier and Bresdadsdorp rely on farming for job creation, skills transfer and investment in the area. - The proposed Conservation Servitude / Easement Agreement in favour of the Overberg Renosterveld Conservation Trust of approx. 127 ha, is a major win for conservation in the area and protects the remaining open spaces from other future development and mining applications. 	

16. Any other need and desirability considerations related to the activity?	Please explain
<p>The landowner has farmed this area for many decades. The areas cleared were small pockets of remnant vegetation on contours and areas which were previously not easily farmed. With the evolution of farming implements and larger pivots and machinery, the small pockets of natural areas has made the farming difficult, and the machinery could not fit. As per the recommendations of the Botanist, the Conservation Servitude Easement Agreement which has been negotiated between the applicant and the Overberg Renosterveld Conservation Trust (ORCT) is a major positive impact for the broader area and forms as protection against the current threat of mining in these areas.</p>	

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:
<p>All potential impacts of the proposed development have been investigated fully with the input of the Botanical Specialist. Impacts identified have been assessed and communicated herein. Any suitable alternatives 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.</p>

18. Please describe how the principles of environmental management as set out in section 2 of NEMA were taken into account:
<p>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 aims to allow development which will take place cautiously ensuring limited to no significant impact.</p> <p>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 as far as possible.</p>

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 (<http://www.capegateway.gov.za/eadp>).

"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:

N/A

(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 are possible – the site has been farmed for many years – the vegetation clearance was required to improve operations within the already transformed landscape

(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 alternatives are possible – the site has been farmed for many years – the vegetation clearance was required to improve operations within the already transformed, agricultural landscape

(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:

N/A

(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 are applicable – the activities are in line with existing agricultural activities on site.

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

Ceasing the activity is not possible, as the clearance is complete.

Rehabilitation is not a viable option, as the cleared areas are small pockets within an agricultural landscape.

The following mitigations have been recommended by the Botanist:

- No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently cultivated areas on the property (as per the January 2024 satellite imagery and mapping shown in Figure 1), unless authorised via a formal environmental application process.
- All woody alien invasive vegetation (mostly *Port Jackson - Acacia saligna*) should be removed from all areas of natural vegetation on the property by the end of 2024. Removal of the alien vegetation must be undertaken using methodology outlined in the Best Practise Guidelines (see Martens et al 2021), and no heavy machinery may be used to uproot trees. The cut stumps of the trees will need to be painted with the relevant poison to prevent resprouting.
- **This Section 24G application should only be approved on condition that the remainder of all the natural vegetation on the subject property (i.e. all Renosterveld and watercourses mapped and shaded blue in Figure 1; a total of at least 172ha) is committed to conservation in perpetuity, through a title deed restriction. This can take the form of a Nature Reserve or Biodiversity Agreement through CapeNature, or a conservation easement/servitude with the Overberg Renosterveld Renosterveld Conservation Trust (ORCT). All costs associated with either of these options must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.**
- As the required conservation contribution on the study site is not big enough (172ha) to compensate for loss of 12.47ha of Renosterveld (at the required 20:1 ratio recommended in Dept. of Forestry, Fisheries & Environment, 2022), an additional area will have to be added to the conservation contribution. Fortunately the applicant also owns the adjacent property to the south - Windhoek 367 (248.58ha), and this property still supports about 47.3ha of natural vegetation (see Figure 4), which can and should be added to the offset total and the conservation area, taking it up to 219ha of conserved Renosterveld, which is a more acceptable ratio of 17.7:1. This entire Renosterveld area (on the three properties) should then be managed as a single unit.
- If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.

(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:

The clearing has been implemented, therefore there are no alternatives to the activity. As explained above, rehabilitation of the sites is also not practical.

(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.

SUMMARY OF ALTERNATIVES

ALTERNATIVE 1: restore site to former state being small pockets of vegetation between large scape agricultural landscape

ALTERNATIVE 2 (COMMENCEMENT): site to remain as is with smaller cleared pockets included in the total agricultural area. No rehabilitation of disturbed areas. This is the preferred and practical option. Essential mitigations as indicated by the botanist must be implemented,

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:

No geographical impacts are noted. Physically, the small remnants of natural area between a larger agricultural area, has been transformed.

(b) Biological aspects:

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

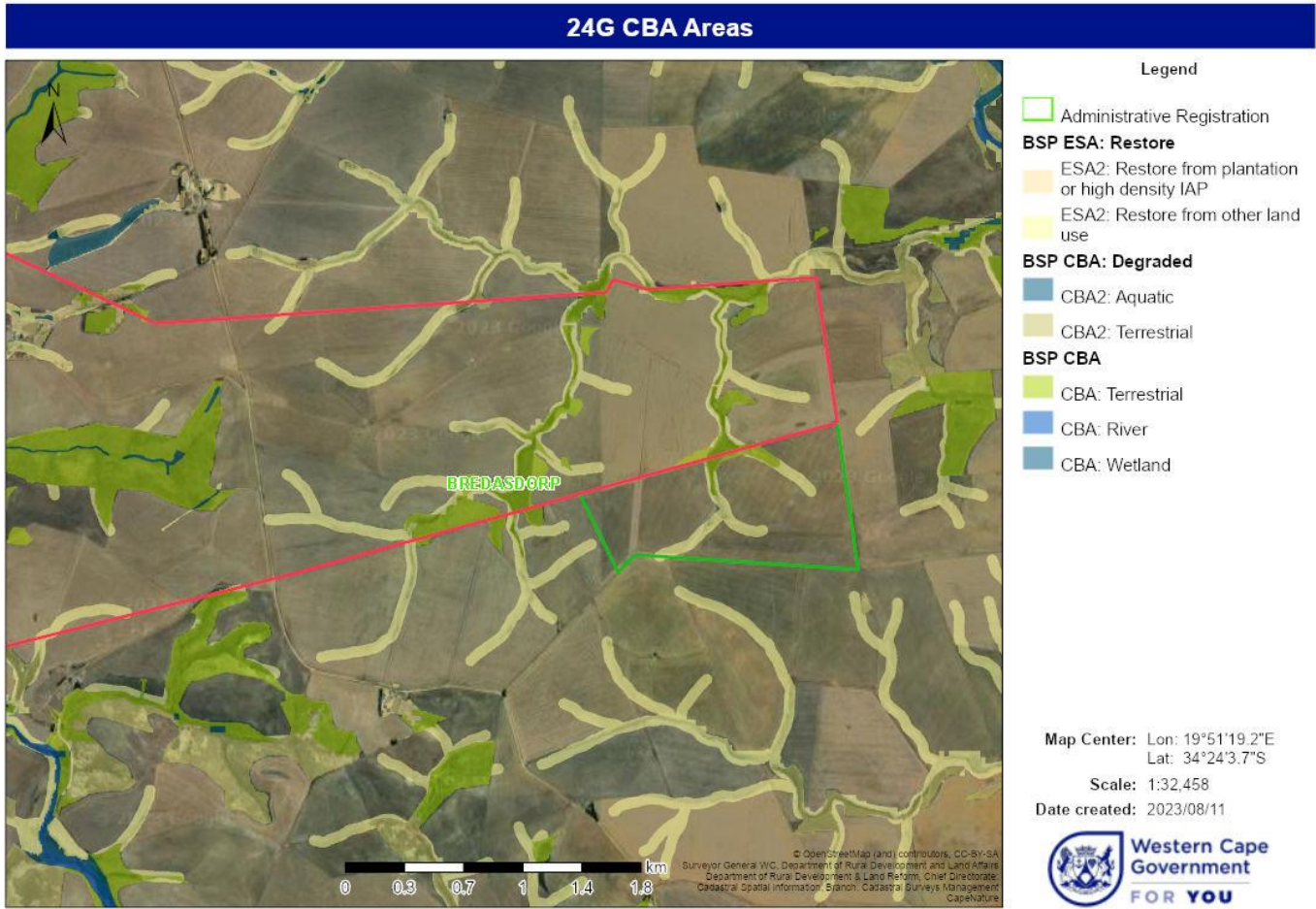


Figure showing all CBA's and ESA's across the property on a 2023 satellite image.

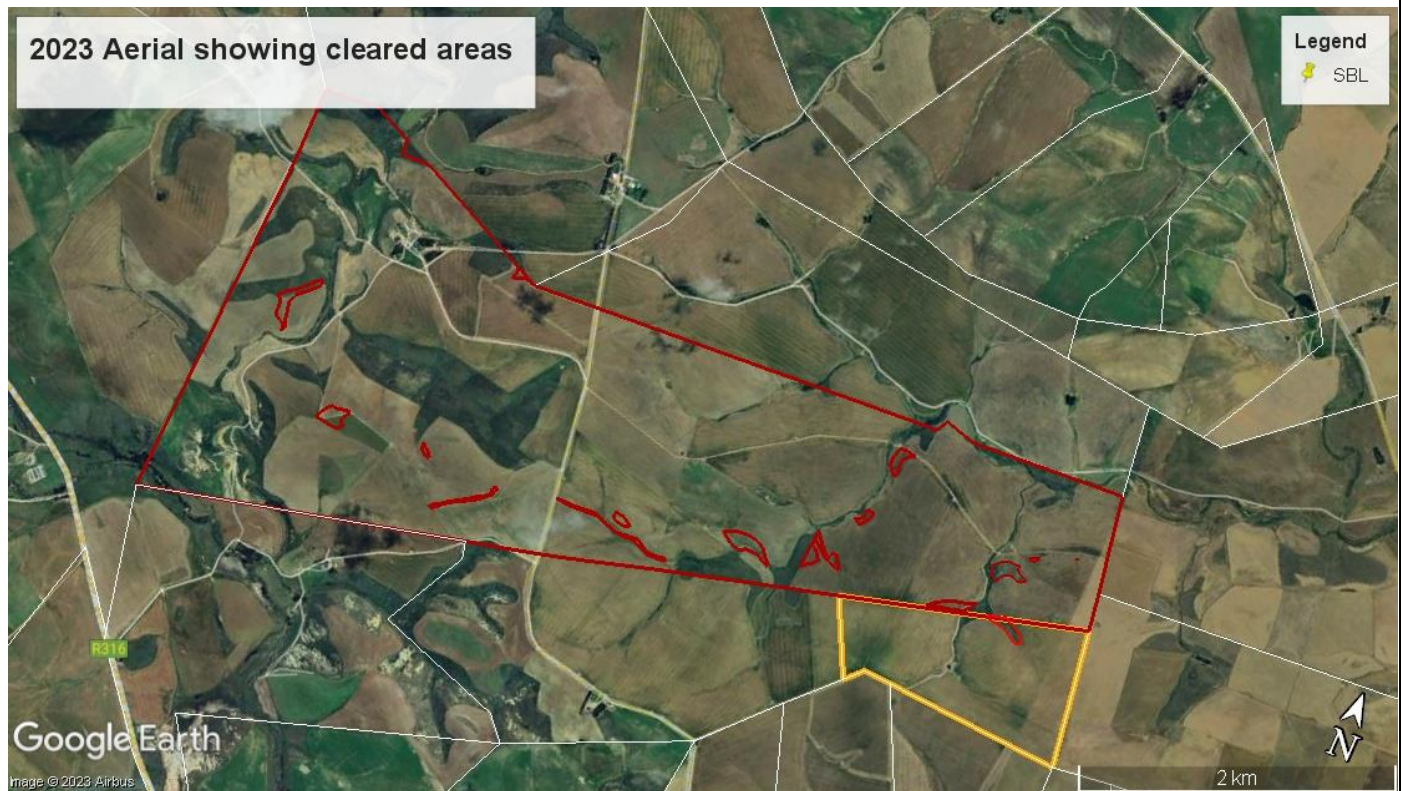
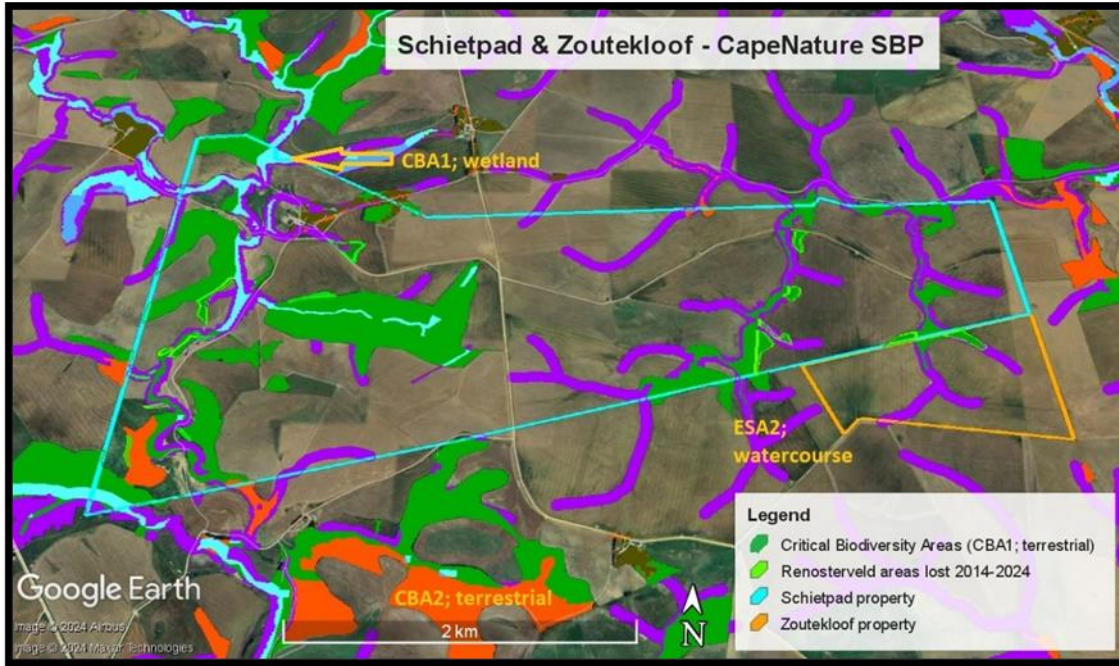


Figure showing all cleared areas on a 2023 aerial image. Relative to the CBA and ESA image above, most of the remaining CMA and ESA areas are still intact. It is recommended that these areas be rehabilitated and made no go areas for any future agricultural activities.

Extract from Botanical Assessment:

The CapeNature Spatial Biodiversity Plan (2017) for the area (Figure 2) shows that most of the Renosterveld patches are mapped as high priority CBA1 (Critical Biodiversity Areas, terrestrial), with drainage lines mapped as ESA2 and CBA1 (wetland). There are some errors in the mapping (both over and under mapping of Renosterveld) but it is generally fairly accurate and shows good congruence with my sensitivity mapping.



Extract of the CapeNature Spatial Biodiversity Plan (2017) for the area, showing that most of the Renosterveld patches are mapped as high priority CBA1 (Critical Biodiversity Areas, terrestrial), with drainage lines mapped as ESA2 and CBA1 (wetland).

It is clear from the mapping that there has been some loss of CBA1 Renosterveld on site since the CapeNature mapping imagery was taken (2014 - 2016). The large area of CBA2 in the southwest of the site (and south of the site) has been erroneously interpreted by the software as being degraded, when in reality it is just a naturally sparsely vegetated clay area of high ecological sensitivity and should thus be CBA1.

The majority of the remaining natural vegetation on site, in about 2014 and currently, is mapped as CBA1 in the CapeNature Spatial Biodiversity Plan and is about 172ha in extent.

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

YES x

NO

If yes, please describe:

Terrestrial vegetation has been removed. However it should be noted that these areas were very small pockets amongst a completely transformed landscape. In addition, the clearance in some areas encroached on drainage lines.

Extract from the Botanical Impact Assessment:

It can safely be assumed that the primary construction phase botanical impact of the cultivation was loss of all of the existing natural and partly natural vegetation in the development footprints (in this case in the study period between Jan 2014 and Jan 2024). The two relevant vegetation types are now gazetted (and probably were at the time of loss) as Critically Endangered on a national basis. It has been calculated that at least 12.47ha of Renosterveld was lost over this period on the two properties (see Figure 1 of Botanical Assessment).

The presence or absence of plant Species of Conservation Concern in the cultivated areas has to be inferred from adjacent, currently natural areas. However, the survey was undertaken in the middle of the dry season and thus few such species were recorded (Helme 2016), but this author believes it likely that 2-5 plant SoCC may have occurred in the 12ha of Renosterveld lost.

The botanical significance of this vegetation loss is High negative before mitigation, given that these are Critically Endangered vegetation types.

The No Go alternative would clearly have had a lower direct (construction phase) botanical impact than the cultivation - presumably best rated as Neutral.

The extent of the impacts are deemed to be local and regional, but also national, in that the vegetation types and threatened species are also assessed at a national level.

Summary table of botanical impacts:

<u>Impact</u>	<u>Extent of impact</u>	<u>Duration of impact</u>	<u>Intensity</u>	<u>Probability of impact</u>	<u>Irreplaceable loss of biodiversity</u>	<u>Significance before mitigation</u>	<u>Significance after mitigation *</u>
Loss of 12.47ha of Renosterveld (Critically Endangered)	Local & regional	Permanent	High	Definite	High	High -ve	Medium -ve
No Go	Local	Unknown and variable	Neutral to low negative	Not likely	Low	Neutral	Neutral

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
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If yes, please describe:

It can safely be assumed that the primary botanical impact of the cultivation was loss of all of the existing natural and partly natural vegetation in the development footprints (in this case in the study period between Jan 2014 and Jan 2024). The two relevant vegetation types are now gazetted (and probably were at the time of loss) as Critically Endangered on a national basis. It has been calculated that at least 12.47ha of Renosterveld was lost over this period on the two properties (see Figure 1).

The presence or absence of plant Species of Conservation Concern in the cultivated areas has to be inferred from adjacent, currently natural areas. However, the survey was undertaken in the middle of the dry season and thus few such species were recorded (Helme 2016), but this author believes it likely that 2-5 plant SoCC may have occurred in the 12ha of Renosterveld lost.

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

N/A

(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 NOT KNOWN	
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?	N/A	
What was the value of the employment opportunities during the construction phase?	R N/A	
What percentage of this accrued to previously disadvantaged individuals?	N/A%	
How was this ensured and monitored (please explain):		
The applicant is a large-scale employer in the area with numerous farming activities in the area and therefore providing jobs and skills transfer to many in the area.		
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	N/A	
What is the current/expected value of the employment opportunities during the first 10 years?	R UNKNOWN	
What percentage of this accrued/will accrue to previously disadvantaged individuals?	N/A %	
How was/will this be ensured and monitored (please explain):		
N/A		
Any other information related to the manner in which the socio-economic aspects was/will be impacted:		
The activities did not result in a significant socio – economic impact, however made operations and use of machinery more practical		

(d) Cultural and historic aspects:

None – the activities are inline with existing agricultural activities and remain as such.
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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	NO X
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 ³	
N/A		

Does the activity produce waste during its operational phase?	YES	NO X
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type? N/A	m ³	

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
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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
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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
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Does the facility have an operating license? (If yes, please attach a copy of the license.) N/A	YES	NO
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Facility name:
Contact person:
Postal address:

	Postal code:
Telephone:	Cell:
E-mail:	Fax:

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)

Municipal	Water board X there are no changes to the water use as a result of the activity	Groundwater	River, Stream, Dam or Lake	Other	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:

N/A m³

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 X

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:

N/A

4. POWER SUPPLY

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

N/A

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.

ALTERNATIVE 1: RESTORE SITE TO FORMER STATE BEING SMALL POCKETS OF VEGETATION BETWEEN LARGE SCALE AGRICULTURAL LANDSCAPE

ALTERNATIVE 2 (COMMENCEMENT): SITE TO REMAIN AS IS WITH SMALLER CLEARED POCKETS INCLUDED IN THE TOTAL AGRICULTURAL AREA. NO REHABILITATION OF DISTURBED AREAS. THIS IS THE PREFERRED AND PRACTICAL OPTION. WORK WITH THE LANDOWNER TO FIND APPROPRIATE AND MEANINGFUL LONG TERMS CONSERVATION OPPORTUNITIES ON OTHER PROPERTIES OR LAND PORTIONS

ALTERNATIVE ONE – RESTORE IMPACTED AREAS

This alternative is NOT the preferred alternative as the areas which were impacted were already located within active agricultural landscape and fringe impacts were already impacting the natural functioning of the sites.

- (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:	Loss of approx.. 12 ha of Renosterveld
Extent and duration of impact:	Local and regional, long term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Vegetation removal in remnant areas
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	High -ve
Degree to which the impact can be mitigated:	Possible
Proposed mitigation:	Rehabilitate patches where vegetation was removed
Cumulative impact post mitigation:	Vegetation removal in CR habitat
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium to high

Impact on biological aspects:	
Nature of impact:	Disturbance of vegetation and possible watercourse edges, removal of any form of refuge for fauna
Extent and duration of impact:	Local; long term
Probability of occurrence:	High
Degree to which the impact can be reversed:	Possible
Degree to which the impact may cause irreplaceable loss of resources:	Medium
Cumulative impact prior to mitigation:	Loss of vegetation and disturbance to watercourses edges

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Med
Proposed mitigation:	Rehabilitate remnant patches and edges which were disturbed
Cumulative impact post mitigation:	Clearance of vegetation
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impacts on socio-economic aspects:	
Nature of impact:	No change
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)	-

Impacts on cultural-historical aspects:	
Nature of impact:	None
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:	None
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)	-

Visual impacts / Sense of Place:	
Nature of impact:	None
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.**

Impacts on the geographical and physical aspects:	
Nature of impact:	Loss of refuge for fauna – rehabilitation of the remanent patches allows for small patches of refuge amongst the agricultural landscape
Extent and duration of impact:	Local; long term
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Refuge for fauna
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Med
Degree to which the impact can be mitigated:	Med
Proposed mitigation:	Rehabilitate impacted areas
Cumulative impact post mitigation	Refuge for fauna
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low +

Impact on biological aspects:	
Nature of impact:	Loss of refuge for fauna – rehabilitation of the remanent patches allows for small patches of refuge amongst the agricultural landscape
Extent and duration of impact:	Local; long term
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Refuge for fauna
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Med
Degree to which the impact can be mitigated:	Med
Proposed mitigation:	Rehabilitate impacted areas
Cumulative impact post mitigation:	Refuge for fauna
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low +

Impacts on the socio-economic aspects:	
Nature of impact:	N/A
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)	-

Impacts on the cultural-historical aspects:	
Nature of impact:	N/A
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:	N/A
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)	-

Visual impacts / Sense of Place:	
Nature of impact:	N/A
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)	-

ALTERNATIVE 2 – PREFERRED – LAND REMAINS AS IS

(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.**

Impacts on geographical and physical aspects:	
Nature of impact:	Impacted areas remain as part of the landscape, agricultural activities and machinery can proceed in a more practical manner
Extent and duration of impact:	Local; long term
Probability of occurrence:	Likely
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Area cleared remain part of the agricultural landscape to facilitate improved practices and more efficient actions
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Med to low
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	-
Cumulative impact post mitigation:	Area cleared remain part of the agricultural landscape to facilitate improved practices and more efficient actions
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low – due to impacted area of surrounds and small pockets cleared within agricultural landscape

Impact on biological aspects:	
Nature of impact:	Leave cleared areas as is to be included in the farming area and negotiate

	conservation of other areas which are not already part of the active agricultural area.
Extent and duration of impact:	Local; long term
Probability of occurrence:	Possible with negotiations with landowner
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Leave cleared areas as is to be included in the farming area and negotiate conservation of other areas which are not already part of the active agricultural area.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Med
Degree to which the impact can be mitigated:	N/A
Proposed mitigation:	N/A
Cumulative impact post mitigation:	Leave cleared areas as is to be included in the farming area and negotiate conservation of other areas which are not already part of the active agricultural area.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	HIGH +VE

Impacts on geographical and physical aspects:	
Nature of impact:	Loss of approx. 12 ha of Renosterveld
Extent and duration of impact:	Local and regional, long term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Vegetation removal in remnant areas
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	High -ve
Degree to which the impact can be mitigated:	Possible
Proposed mitigation:	See below:
Cumulative impact post mitigation:	Vegetation removal in CR habitat
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium -ve

Botanical mitigations:

- No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently cultivated areas on the property (as per the January 2024 satellite imagery and mapping shown in Figure 1), unless authorised via a formal environmental application process.
- All woody alien invasive vegetation (mostly Port Jackson - *Acacia saligna*) should be removed from all areas of natural vegetation on the property by the end of 2024. Removal of the alien vegetation must be undertaken using methodology outlined in the Best Practise Guidelines (see Martens et al 2021), and no heavy machinery may be used to uproot trees. The cut stumps of the trees will need to be painted with the relevant poison to prevent resprouting.
- This Section 24G application should only be approved on condition that the remainder of all the natural vegetation on the subject property (i.e. all Renosterveld and watercourses mapped and shaded blue in Figure 1; a total of at least 172ha) is committed to conservation in perpetuity, through a title deed restriction. This can take the form of a Nature Reserve or Biodiversity Agreement through CapeNature, or a conservation easement/servitude with the Overberg Renosterveld Renosterveld Conservation Trust (ORCT). All costs associated with either of these options must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.
- As the required conservation contribution on the study site is not big enough (172ha) to compensate for loss of 12.47ha of Renosterveld (at the required 20:1 ratio recommended in Dept. of Forestry, Fisheries & Environment, 2022), an additional area will have to be added to the conservation contribution. Fortunately the applicant also owns the adjacent property to the south - Windhoek 367 (248.58ha), and this property still supports about 47.3ha of natural vegetation (see Figure 4), which can and should be added to the offset total and the conservation area, taking it up to 219ha of conserved Renosterveld, which is a more acceptable ratio of 17.7:1. This entire Renosterveld area (on the three properties) should then be managed as a single unit.
- If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.

(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.

Impacts on the geographical and physical aspects:	
Nature of impact:	Loss of vegetation and terrestrial habitat
Extent and duration of impact:	Local to regional; long term
Probability of occurrence:	Definite – already occurred
Degree to which the impact can be reversed:	low
Degree to which the impact may cause irreplaceable loss of resources:	Medium
Cumulative impact prior to mitigation:	Loss of vegetation (CR Renosterveld)
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium -ve
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	Offer conservation opportunities on other portions of the property in conjunction with ORCT
Cumulative impact post mitigation:	Loss of CRvegetation and terrestrial habitat
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Med to Low -ve

Impact on biological aspects:	
Nature of impact:	Leave cleared areas as is to be included in the farming area and negotiate conservation of other areas which are not already part of the active agricultural area.
Extent and duration of impact:	Local; long term
Probability of occurrence:	Possible with negotiations with landowner
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Leave cleared areas as is to be included in the farming area and negotiate conservation of other areas which are not already part of the active agricultural area.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Med
Degree to which the impact can be mitigated:	N/A
Proposed mitigation:	N/A
Cumulative impact post mitigation:	Leave cleared areas as is to be included in the farming area and negotiate conservation of other areas which are not already part of the active agricultural area.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	HIGH +VE

(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.

NOT APPLICABLE TO EITHER ALTERNATIVES

Potential impacts on the geographical and physical aspects:	
Nature of impact:	N/A
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)	-

Potential impact on biological aspects:	
Nature of impact:	N/A
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)	-

Potential impacts on the socio-economic aspects:	
Nature of impact:	N/A
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)	-

Potential impacts on the cultural-historical aspects:	
Nature of impact:	N/A
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)	-

Potential noise impacts:	
Nature of impact:	N/A
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)	-

Potential visual impacts:	
Nature of impact:	N/A
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) Any other impacts:

Potential impact:	N/A
Nature of impact:	-
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)	-

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 (<http://www.capegateway.gov.za/eadp>). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

Botanical specialist mitigation measures required as condition of approval:

- No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently cultivated areas on the property (as per the January 2024 satellite imagery and mapping shown in Figure 1), unless authorised via a formal environmental application process.
- All woody alien invasive vegetation (mostly Port Jackson - *Acacia saligna*) should be removed from all areas of natural vegetation on the property by the end of 2024. Removal of the alien vegetation must be undertaken using methodology outlined in the Best Practise Guidelines (see Martens et al 2021), and no heavy machinery may be used to uproot trees. The cut stumps of the trees will need to be painted with the relevant poison to prevent resprouting.
- This Section 24G application should only be approved on condition that the remainder of all the natural vegetation on the subject property (i.e. all Renosterveld and watercourses mapped and shaded blue in Figure 1; a total of at least 172ha) is committed to conservation in perpetuity, through a title deed restriction. This can take the form of a Nature Reserve or Biodiversity Agreement through CapeNature, or a conservation easement/servitude with the Overberg Renosterveld Renosterveld Conservation Trust (ORCT). All costs associated with either of these options must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.
- As the required conservation contribution on the study site is not big enough (172ha) to compensate for loss of 12.47ha of Renosterveld (at the required 20:1 ratio recommended in Dept. of Forestry, Fisheries & Environment, 2022), an additional area will have to be added to the conservation contribution. Fortunately the applicant also owns the adjacent property to the south - Windhoek 367 (248.58ha), and this property still supports about 47.3ha of natural vegetation (see Figure 4), which can and should be added to the offset total and the conservation area, taking it up to 219ha of conserved Renosterveld, which is a more acceptable ratio of 17.7:1. This entire Renosterveld area (on the three properties) should then be managed as a single unit.
- If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.

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):
Removal of vegetation (-ve)	High to medium -ve
Loss of refuge in agricultural landscape (-ve)	Med / low -ve
Improved agricultural practice by removing small patches between farmed areas	High +ve
Opportunity for formal conservation agreement with landowner with a CR vegetation type (+ve)	High +ve

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.

<p>Summary:</p> <ol style="list-style-type: none"> 1. Removal of remnant patches of CR indigenous vegetation to accommodate the existing agricultural practices on site 2. Loss of last refuge areas for fauna within an active agricultural landscape 3. Positive impact – opportunity to negotiate with landowner for meaningfully conservation areas which are not in close proximity to active agriculture
--

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.

<ol style="list-style-type: none"> 1. Further vegetation removal must be avoided 2. Conservation opportunity should be sought with the farm for area which are not appropriate for agriculture
--

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

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 impact assessment has been conducted in an open and transparent nature, providing the public an opportunity to comment on the proposed development. The assessment has been done in accordance with the NEMA EIA regulations (2014) (as amended).

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

	conditions.
Definite	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:

Negligible	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’
Minor	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
Moderate	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.
Major	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.

NONE KNOWN

(d) Please describe the underlying assumptions.

NONE KNOWN

(e) Please describe the uncertainties.

NONE KNOWN

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
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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.

- ✓ No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently cultivated areas on the property (as per the January 2024 satellite imagery and mapping shown in Figure 1), unless authorised via a formal environmental application process.
- ✓ All woody alien invasive vegetation (mostly Port Jackson - *Acacia saligna*) should be removed from all areas of natural vegetation on the property by the end of 2024. Removal of the alien vegetation must be undertaken using methodology outlined in the Best Practise Guidelines (see Martens et al 2021), and no heavy machinery may be used to uproot trees. The cut stumps of the trees will need to be painted with the relevant poison to prevent resprouting.
- ✓ This Section 24G application should only be approved on condition that the remainder of all the natural

vegetation on the subject property (i.e. all Renosterveld and watercourses mapped and shaded blue in Figure 1; a total of at least 172ha) is committed to conservation in perpetuity, through a title deed restriction. This can take the form of a Nature Reserve or Biodiversity Agreement through CapeNature, or a conservation easement/servitude with the Overberg Renosterveld Renosterveld Conservation Trust (ORCT). All costs associated with either of these options must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.

- ✓ As the required conservation contribution on the study site is not big enough (172ha) to compensate for loss of 12.47ha of Renosterveld (at the required 20:1 ratio recommended in Dept. of Forestry, Fisheries & Environment, 2022), an additional area will have to be added to the conservation contribution. Fortunately the applicant also owns the adjacent property to the south - Windhoek 367 (248.58ha), and this property still supports about 47.3ha of natural vegetation (see Figure 4), which can and should be added to the offset total and the conservation area, taking it up to 219ha of conserved Renosterveld, which is a more acceptable ratio of 17.7:1. This entire Renosterveld area (on the three properties) should then be managed as a single unit.

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).

"The applicant must place a preliminary advertisement in-

(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 **register must be attached to the application form and included in the report**, 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.		

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	DEVIATION	N/A X
(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	√	
CAPE NATURE	√	
Dept of Agriculture	√	
BOCMA	√	
Local Municipality	x	Non response
Overberg District Municipality	√	

2. Provide a summary of the issues raised by I&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.)

BOCMA:

- ✓ **BOCMA Responsibility:** The Breede-Olifants Catchment Management Agency (BOCMA) is responsible for ensuring compliance with the National Water Act (NWA) by identifying unlawful water uses.
- ✓ **Acknowledgement of Comments:** BOCMA acknowledges comments on the NEMA Section 24G Application for Farm Windhoek Portion 7 and Farm Schietpad No. 326, noting that vegetation clearance encroached on drainage lines.
- ✓ **Water Use Violation:** The vegetation clearance and disturbance of watercourse edges trigger water use activities under Section 21(c) and (i) of the NWA, which were carried out without necessary authorization, violating Section 22(1) of the NWA.
- ✓ **Site Investigation:** BOCMA's Compliance Monitoring and Enforcement (CME) unit and a freshwater ecologist will conduct a site investigation to assess unlawful water use related to vegetation clearance in drainage lines.
- ✓ **NWA Section 22(1):** Water use is only allowed without a license under specific conditions (Schedule 1, continuation of lawful use, or general authorization), otherwise a license is required.
- ✓ **Enforcement Recommendation:** BOCMA recommends standing by the enforcement actions outlined in the letter for rectifying unlawful activities.
- ✓ **Right to Revise:** BOCMA reserves the right to revise comments or request additional information as needed during the application assessment.

OVERBERG RENOSTERVELD CONSERVATION TRUST

- ✓ **Organization Background:** The Overberg Renosterveld Conservation Trust (ORCT) is an NPO focused on conserving renosterveld, a critically endangered vegetation type in the Overberg region. It works with landowners to conserve over 4500 ha through conservation easements.
- ✓ **Involvement in Schietpad Case:** ORCT is an Interested and Affected Party in the S24G application for ploughing on Schietpad farm, which lies in a key area of Western Rûens Shale Renosterveld, critical for plant biodiversity.
- ✓ **Vegetation Significance:** Schietpad farm is home to unique, highly threatened vegetation, which includes one of the last relatively connected patches of Western Rûens Shale Renosterveld. The farm's plant diversity is exceptional, making it a priority for conservation.
- ✓ **Recommendations:**
 1. **Conservation Commitment:** Approval of the S24G application should be conditional on a commitment to conserve the remaining natural vegetation (renosterveld and watercourses) in perpetuity through a title deed restriction (Nature Reserve, Biodiversity Agreement with CapeNature, or conservation easement with ORCT). This would ensure long-term protection and not interfere with farming activities.
 2. **Specialist Reports:** The application lacks necessary specialist reports. A full assessment of terrestrial biodiversity (particularly botanical) and a freshwater study (due to the presence of Critically Endangered Redfin Minnows) should be conducted to properly evaluate environmental impacts.
- ✓ **ORCT's Role:** ORCT is willing to engage with the landowner on implementing a conservation easement or a Nature Reserve agreement through CapeNature. Both options could help secure the property's future conservation and protect it from future threats such as mining.
- ✓ **Further Actions:** ORCT awaits further correspondence and offers to discuss any aspects of their proposals.

CAPE NATURE

- ✓ CapeNature's Comments: CapeNature acknowledges the opportunity to comment on the Section 24G Environmental Assessment Report, focusing on the biodiversity-related impacts (not the overall desirability of the application).
- ✓ Vegetation Impact: The cleared vegetation consists of Critical Biodiversity Area 1 (CBA) and includes critically endangered Western and Central Rûens Shale Renosterveld. The Section 24G report only mentions one vegetation type, but clearing has occurred in both.
- ✓ Cleared Areas: Thirteen patches of cleared vegetation are identified in the report, but pre-compliance and compliance notices refer to only two patches. CapeNature supports including all cleared patches within the legislated 10-year timeframe in the S24G application.
- ✓ Additional Clearing Identified: CapeNature identified an additional patch of cleared vegetation, which was missed in the original report. Historical imagery between 2012 and 2014 shows this clearing (Figure 1).
- ✓ Screening Tool Results: The national web-based screening tool indicates very high sensitivity for terrestrial and aquatic biodiversity, with high sensitivity for plant and animal species. CapeNature disagrees with the report's assertion that no specialist input is needed, given the high conservation value of the two renosterveld vegetation types on site.
- ✓ Specialist Studies Recommended: CapeNature recommends undertaking specialist studies to assess the impacts on terrestrial biodiversity and plant species. The impact assessment in the S24G report lacks specialist input and needs expertise to evaluate the impacts of vegetation clearing.
- ✓ National Biodiversity Offset Guidelines: Any specialist studies should take the gazetted National Biodiversity Offset Guidelines into account. Consultation with CapeNature is recommended before finalizing the studies.
- ✓ Conclusion: CapeNature does not support the current S24G Report due to insufficient information. A plant species and terrestrial biodiversity impact assessment must be conducted, including mitigation recommendations and adherence to biodiversity offset guidelines.
- ✓ Right to Revise: CapeNature reserves the right to revise its comments and request further information based on any new data received.

DEADP Rectification – S. Mallick

- ✓ **Section 24G NEMA:** Section 24G of the National Environmental Management Act (NEMA) applies to any person who commences a listed or specified activity without environmental authorization, in contravention of Section 24F(1).
- ✓ **Application Received:** The Department received the Section 24G application on 28 November 2023 for the unlawful clearance of vegetation on Portion 7 of Farm 116 Windhoek Wessels and Farm 326 Schietpad, Bredasdorp.
- ✓ **Intention to Issue Directive:** The Department intends to issue a Directive in terms of Section 24G, directing the applicant to:
 - **Public Participation Report:** Compile a report detailing the public participation process, including comments from Interested and Affected Parties (I&APs) and how these issues were addressed.
 - **Additional Information:** Include the following:
 - Coordinates of property boundaries and areas of unlawful clearing.
 - Proof of pre-application public participation, including advertisement in a local newspaper and on the applicant's website (if applicable).
- ✓ **Public Participation Requirements:**
 1. **NEMA Public Participation:** Applicants must follow the minimum public participation requirements as per NEMA Section 24(1A) and 24(4)(a), and Chapter 6 of the 2014 EIA Regulations.
 2. **Consultation with State Departments:** The relevant competent authority must consult with state departments responsible for laws affecting the environment.
 3. **30-Day Commenting Period:** The application must be made available to I&APs and State Departments for 30 days for comments.

4. **Confirmation of Submission:** The EAP must inform the Department in writing upon submission of the application to relevant State Departments.
 5. **Comment and Response Report (C&RR):** The EAP must record and respond to all comments in a C&RR, which must also include a description of the public participation process.
 6. **Additional 21-Day Review Period:** After the 30-day commenting period, the application and C&RR must be available for an additional 21 days for review and comment.
- ✓ **Administrative Fine:** As part of the Section 24G process, an administrative fine must be paid before the application is considered.
 - ✓ **Signed Declaration:** A signed declaration page must be included with the Section 24G application.
 - ✓ **Opportunity for Representation:** The applicant has 7 calendar days from receipt of this pre-directive to make written representations as to why a Directive should not be issued.
 - ✓ **Consequences of Non-Compliance:** Failure to comply with the Directive constitutes a criminal offence under Section 49A(1)(g) of NEMA, with penalties including fines up to R10 million, imprisonment for up to 10 years, or both.
 - ✓ **Reference Number:** The applicant must quote the provided reference number in future correspondence regarding this application.

Department of Agriculture

- ✓ **Application Reference:** The Section 24G retrospective application for the removal of vegetation for agricultural purposes on Portion 7 of Farm 116 and Farm 326, Bredasdorp, was submitted on 13 November 2023.
- ✓ **Vegetation Clearance:**
 - Approximately 1.3 ha on Portion 7 of Farm 116 and 11.06 ha on Farm 326 were cleared.
 - The cleared areas consist of small patches primarily within Critical Biodiversity Areas (CBA), located between existing cultivated fields.
- ✓ **Comments from Western Cape Department of Agriculture:**
 - **No Objection:** The Department has no objection to the Section 24G process.
 - **Future Guidance:** The Department does not support cultivation in CBAs or within buffer zones of watercourses.
 - **Vegetation Clearance Timeline:** The clearance of critically endangered vegetation between 2016 and 2018 has already occurred, and no further comments are provided by the Department.
- ✓ **Important Notes:**
 - The applicant must reference the provided application number in any future correspondence.
 - The Department reserves the right to revise its comments or request additional information based on new data received.

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.

None

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.

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.		
State Department	Name of person	Contact details

<p>DEADP Zaidah Toefy, Fahd Said, Yena Gunguluzi Private Bag X9086 Cape Town 8000 Utilitas Buidling 1 Dorp Street 8001</p> <p>Cape Nature Rhett Smart Private Bag x5014 Stellenbosch 7599 landuse@capenature.co.za</p>	<p>BOCMA R. le Roux / F. Smith o233468000 rleroux@bocma.co.za fsmith@bocma.co.za</p> <p>Dept of Agriculture Cor vd Walt corvdw@elsenburg.com B. Layman Brandon.Layman@westerncape.gov.za</p> <p>Overberg District Municipality Private Bag x 22 Bredasdorp 7280 rvolschenk@odm.org.za R. Volschenk</p> <p>Cape Agulhas Municipality Municipal Planner Sunel Nel SunelN@capeagulhas.gov.za</p>
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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>	
ii	<i>investigate, evaluate and assess the impact of the activity on the environment</i>	
iii	<i>remedy any adverse effects of the activity on the environment</i>	
iv	<i>cease, modify or control any act, activity, process or omission causing pollution or environmental degradation</i>	
v	<i>contain or prevent the movement of pollution or degradation of the environment</i>	
vi	<i>eliminate any source of pollution or degradation</i>	
vii	<i>compile a report containing-</i>	
	aa	<i>a description of the need and desirability of the activity</i>
	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 geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity</i>
	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>
	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>
	ee	<i>an environmental management programme</i>
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>	

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 THAT THE LANDOWNER'S AGRICULTURAL ACTIVITIES WILL CONTINUE UNTIL SUCH TIME THAT A DECISION IS TAKEN ON THE COMPLIANCE MATTER.

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:

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?	YES <hr style="width: 100%;"/>	NO X <hr style="width: 100%;"/>	UNCERTAIN <hr style="width: 100%;"/>
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.			
Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?	YES <hr style="width: 100%;"/>	NO X <hr style="width: 100%;"/>	UNCERTAIN <hr style="width: 100%;"/>
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.			
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>	YES <hr style="width: 100%;"/>	NO X <hr style="width: 100%;"/>	UNCERTAIN <hr style="width: 100%;"/>
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.			

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

Index	Socio Economic 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 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: THE ACTIVITY DOES NOT HAVE ANY NEGATIVE SOCIO-ECONOMIC IMPACTS. THE ACTIVITY ALLOWS FOR IMPROVED FARMING PRACTICES AND THEREFORE IMPROVED PERFORMANCE OF THE FARMER WHICH WILL ENSURE LONG TERM JOB SECURITY FOR EMPLOYEES AND CONTINUED INVESTMENT IN THE AREA		

Index	Biodiversity 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 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.	
Motivation: THE LANDOWNER REMOVED APPROX. 12 HA OF CR RENOSTERVELD		

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	
Motivation: THE LANDOWNER REMOVED SMALL AND DISPERSED PATCHES OF REMAINING NATURAL VEGETATION ACROSS THE SUBJECT PROPERTIES. THESE REMNANT AREAS HAD ALREADY BEEN IMPACTED BY THE FRINGE EFFECTS OF LONG TERMS FARMING PRACTICES AND THEREFORE WERE NOT A TRUE REPRESENTATION OF THE CR VEGETATION OF THE AREA PRIOR TO DISTURBANCES		

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.	
Motivation: NO POLLUTION IMPACTS ARE APPLICABLE		

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 not 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.
	Motivate and explain fully: The mitigation which comes about as a result of this activity will result in a Conservation Agreement / Servitude for approx. 127 ha on the remaining areas on the applicant's property. This is a significant win for the broader area and conservation and will help relieve the mining pressure currently being experienced in this area.

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).

SEE ATTACHED PROOF OF PUBLIC PARTICIPATION DOCUMENT ATTACHED

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	√
Appendix B:	Site plan(s)	√
Appendix :	Building plans (if applicable)	
Appendix C:	Colour photographs	√
Appendix D:	Biodiversity overlay map	√
Appendix E:	Permit(s) / license(s) from any other organ of state including service letters from the municipality WATER	√
Appendix F:	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 as required in Section J above.	√
Appendix :	Specialist Report(s),	
Appendix G:	Environmental Management Programme	√
Appendix :	Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.	
Appendix :	Certified copy of Identity Document of Applicant	
Appendix :	Certified copy of the title deed (or title deeds in the case of linear activities)	
Appendix H:	Any Other (if applicable) (describe) SCREENING TOOL	√
Appendix I:	Botanical Impact Assessment	√

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

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

DECLARATIONS

THE APPLICANT

Note: Duplicate this section where there is more than one applicant

- I ANDRE WESSELS, in my personal capacity or duly authorised as DIRECTOR (state capacity) by SCHIEPRAK PRAK Bdy thereto hereby declare/affirm that all the information contained in this application to be true and correct, and that I:
 - am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and all relevant specific environmental management Act(s), and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
 - appointed the environmental assessment practitioner as indicated above, which meet all the requirements in terms of Regulation 13 of the EIA Regulations to act as the independent Environmental Assessment Practitioner for this application;
 - have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
 - am aware that I may be issued with a directive and that I must comply with such a directive;
 - am fully aware of the administrative fine to be paid before a decision, with respect to the continuation of the listed activity(ies), will be made;
 - will be responsible for the costs incurred in complying with the environmental legislation including but not limited to –
 - o costs incurred in connection with the appointment of the environmental assessment practitioner or any specialist appointed in terms of Regulation 13 of the EIA Regulations;
 - o costs incurred in respect of the undertaking of any process required in terms of this application;
 - o costs in respect of any prescribed fee payable in respect of this application;
 - o costs in respect of specialist reviews, if the competent authority decides to recover costs;
 - o the provision of security to ensure compliance with the applicable management and mitigation measures; and
 - o fine costs
 - am responsible for complying with the conditions that might be attached to any decision(s) issued by the competent authority;
 - have the ability to implement the applicable management, mitigation and monitoring measures; and
 - hereby indemnify, the government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible.
- am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations, 2014 (

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

Signature of the applicant:

ANDRE WESSELS

Name:

SCHIEPRAK PRAK Bdy

Name of Firm (if applicable):

13/11/2022

Date:

THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I MICHELLE NAYLOR as the appointed independent environmental practitioner ("EAP") hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- act/ed as the independent EAP in this application;
- regard the information contained in this application to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and the relevant specific environmental management Act(s);
- have and will not have any vested interest in the proposed activity proceeding;
- have disclosed, to the applicant and competent authority, any 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 required in terms of the NEMA, the EIA Regulations, the NEM:WA and any specific environmental management Act(s);
- am able to meet the responsibilities in terms of NEMA, the EIA Regulations (specifically in terms of Regulation 13 of the EIA Regulations, 2014) and any specific environmental management Act, and am fully aware that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the application was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- have ensured that the comments of all interested and affected parties were considered, recorded and submitted to the competent authority in respect of the application;
- have kept a register of all interested and affected parties that participated in the public participation process; and
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.
- am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations

Note: The terms of reference must be attached.

mncaylor

Signature of the environmental assessment practitioner:

LORNAY ENVIRONMENTAL CONSULTING

Name of company:

07/11/2024

Date:

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
		Tons/ Month	M ³ / Month	Method & Location	Method & Location and Contractor details	

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		
500-9,999		
10,000-199,999		
200,000 upwards		

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	<input type="checkbox"/>
Recycling installation	<input type="checkbox"/>
Formal salvaging	<input type="checkbox"/>
Contractor	<input type="checkbox"/>
No salvaging planned	<input type="checkbox"/>

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
 Indicate the distance to the boundary of the industrial area

metres
metres

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 "	o i "
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