



**LORNAY**  
ENVIRONMENTAL CONSULTING

## **PROOF OF PUBLIC PARTICIPATION**

Unauthorised Clearance of Indigenous Vegetation on Portion 7 of the Farm  
259, Caledon

**May 2025**

**Consultant:**

**Michelle Naylor** | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPASA  
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Unit 5/1F, Hemel & Aarde Wine Village, Hermanus  
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

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## **1. INTRODUCTION**

The Public Participation Process was conducted in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended). All potential interested and affected parties (I&APS) and applicable organs of state were notified of the 24G application report. One round of public participation for the 24G application was conducted for a 30-day period to I&APS and organs of state, to register and comment. Noticeboards were placed on site and a newspaper advertisement was placed in the local newspaper. All comments were recorded in a comments and response report and a register for I&APS was opened. Once the 30-day public participation on the 24G Application was complete, all comments made were attended to and the FINAL 24G Application is amended as required. The 24G Application is then submitted for consideration to the Department of Environmental Affairs and Development Planning (DEA&DP).

## 2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE

In line with the requirements of NEMA, all potential Interested and Affected Parties (I&APS) were notified of the project and provided with an opportunity to comment. This included applicable organs of state. See list of I&AP's identified for the project:

<p><b>DEADP</b> Najah Ben Yena Gunguluzi Private Bag X9086 Cape Town 8000 Utilitas Building 1 Dorp Street 8001</p> <p><b>Cape Nature</b> Rhett Smart Private Bag x5014 Stellenbosch 7599 <a href="mailto:landuse@capenature.co.za">landuse@capenature.co.za</a></p> <p><b>Theewaterskloof Municipality</b> Johan Viljoen <a href="mailto:johanvi@twk.gov.za">johanvi@twk.gov.za</a></p>	<p><b>BOCMA</b> R. le Roux / F. Smith o233468000 <a href="mailto:rleroux@bocma.co.za">rleroux@bocma.co.za</a> <a href="mailto:fsmith@bocma.co.za">fsmith@bocma.co.za</a></p> <p><b>Dept of Agriculture</b> Cor vd Walt <a href="mailto:corvdw@elsenburg.com">corvdw@elsenburg.com</a> B. Layman <a href="mailto:Brandon.Layman@westerncape.gov.za">Brandon.Layman@westerncape.gov.za</a></p> <p><b>Overberg District Municipality</b> Private Bag x 22 Bredasdorp 7280 <a href="mailto:rvolschenk@odm.org.za">rvolschenk@odm.org.za</a> R. Volschenk</p>
<p><b>Farm No 259/3 Rietfontein</b> Klipfontein Trust MG Lötter <a href="mailto:admin@klipfonteintrust.co.za">admin@klipfonteintrust.co.za</a></p> <p><b>Farm no. 260 Rietfontein</b> Tresso Trading <a href="mailto:haasieskop@gmail.com">haasieskop@gmail.com</a></p> <p><b>Farm No. 259/11 Rietfontein</b> Langhoogte Trust Josias le Roux <a href="mailto:langhoogteplase@whalemail.co.za">langhoogteplase@whalemail.co.za</a></p> <p><b>Farm no. 261 De Vleytjes</b> G Le Roux <a href="mailto:vleijtjes@twk.co.za">vleijtjes@twk.co.za</a></p> <p><b>RE/259 Reitfonten</b></p>	

S. Smal St. George's Street 11 Caledon 7230
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### **3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:**

The I&AP's identified above were given written notice of the proposed development, via registered mail or courier, as appropriate. The written notice included details of the applicable legislation, the proposed expansion and means to provide comment or register as I&AP. See written notice below:



23 July 2024

DEA&DP Ref. No.: 14/1/1/E2/9/9/3/0808/23  
Lornay Ref. No.: 7/259

**NOTICE OF SECTION 24 G PUBLIC PARTICIPATION  
THE UNLAWFUL CLEARANCE OF VEGETATION ON PORTION 7 OF THE FARM 259**

Notice is hereby given in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), the Environmental Impact Assessment (EIA) Regulations 2014 (as amended) and Section 24 G Fine Regulations 2017 (Government Notice No. R 698), for the following:

Section 24 G Retrospective Environmental Authorisation Application for the removal of vegetation for agricultural purposes on a portion of Portion 7 of the Farm 259 Caledon RD

**Location:** Portion 7 of the Farm Rietfontein No. 259, between Botrivier and Caledon

**Applicant:** Johannes Petrus du Toit

**Activities commenced with:** Removal of natural vegetation for agricultural purposes

Environmental Authorisation is required in terms of NEMA. The applicant is applying for ex post facto Environmental Authorisation for the following commenced listed activities in terms of:

***Listing Notice 1 of 2014 (As amended): (27)***

***Listing Notice 3 of 2014 (As amended): (12)***

Interested and affected Parties (I&AP's) are hereby invited to register as I&AP's and / or provide comment on the application. Only registered I&AP's will be notified during the remainder of the public participation process. Requests and / or comments must be submitted via email or post on / or before **23 August 2024** via the following contact details:

LORNAY ENVIRONMENTAL CONSULTING  
ATT. Michelle Naylor  
Tel. 083 245 6556  
Email. [michelle@lornay.co.za](mailto:michelle@lornay.co.za) | Website. [www.lornay.co.za](http://www.lornay.co.za)

**Michelle Naylor** | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPSA  
cell: 083 245 6556 | fax: 086 585 2461 | [michelle@lornay.co.za](mailto:michelle@lornay.co.za) | [www.lornay.co.za](http://www.lornay.co.za)  
PO Box 1990, Hermanus, 7200  
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

#### 4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE

Written notice was provided to I&APs and Organs of State via registered mail or courier, as indicated in the proofs below:

**michelle@lornay.co.za**

**From:** michelle@lornay.co.za  
**Sent:** Tuesday, 23 July 2024 08:38  
**To:** 'Najah Ben Jeddou'; 'info@bocma.co.za'; Fabion Smith; 'Brandon Layman'; Cor Van der Walt; Rhett Smart; 'johanvi@twk.gov.za'; Rulien Volschenk  
**Subject:** Notice of Public participation: 24G | Clearing of vegetation without EA | Ptn 7 of the Farm 259  
**Attachments:** Notice of Public participation Ptn 7 of the Farm 259 Caledon.pdf

Dear I&AP and Organ of State,

DEADP Ref: 14/1/1/E2/9/9/3/0808/23

Kindly see attached notice of Public Participation for the clearance of vegetation without Environmental Authorisation. The documents are available on our website for download or upon request.  
Should you have no further comment, please ignore this notice.

Kind regards



**LORNAY**  
ENVIRONMENTAL CONSULTING

Michelle Naylor  
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIA  
Hemel & Aarde Wine Village – Unit 3A  
PO Box 1990, Hermanus, 7200, South Africa  
T +27 (0) 83 245 6556  
E [michelle@lornay.co.za](mailto:michelle@lornay.co.za) | W [www.lornay.co.za](http://www.lornay.co.za)  
Reg No. 2015/445417/07

**michelle@lornay.co.za**

---

**From:** michelle@lornay.co.za  
**Sent:** Tuesday, 23 July 2024 08:44  
**To:** 'admin@klipfonteintrust.co.za'; 'haasjeskop@gmail.com';  
'langhoogteplase@whalemail.co.za'; 'vleitjies@twk.co.za'  
**Subject:** Notice of Public participation: 24G | Clearing of vegetation without EA | Ptn 7 of the Farm 259  
**Attachments:** Notice of Public participation Ptn 7 of the Farm 259 Caledon.pdf

Dear I&AP and Organ of State,

DEADP Ref: 14/1/1/E2/9/9/3/0808/23

Kindly see attached notice of Public Participation for the clearance of vegetation without Environmental Authorisation. The documents are available on our website for download or upon request. Should you have no further comment, please ignore this notice.

Kind regards



**LORNAY**

**ENVIRONMENTAL CONSULTING**

*Michelle Naylor*

*M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIA*

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Reg No. 2015/445417/07



## **5. NEWSPAPER ADVERTISEMENT**

An advertisement was placed in the local newspaper, the Hermanus Times, regarding the proposed development:

## UP TO 15% DISCOUNT ON TRADITIONAL & LIFESTYLE PRODUCTS

TRELLIDOR OVERBERG: 028 312 3215 | WINTER PROMOTION ENDS 30 JUNE 2024



### From Page 1

Gayton Mackenzie's Patriotic Alliance (PA) swept up 1 565 votes (3,46%) and the VF Plus came fourth with 1 832 votes (4,22%). The Land Party (3,08%) and the EFF (2,27%) wrestled fifth and six place.

#### Theewaterskloof

In the Theewaterskloof municipal area Gayton Mackenzie's Patriotic Alliance (PA) swept up 3 437 votes (10,97%) while Good got 2005 votes (6,40%).

In total 63 392 citizens registered to vote but only 31 531 votes were cast (50,54). The DA placed first with 14 000 (44,67%) votes, a 4,25% drop compared to the 2019 elections. In the second place is the ANC with 8 185 (26,12%), a steep decline compared to 2019 when the party received 36,45%. The EFF also showed an improvement of 0,53% with 1 313 votes.

#### Cape Agulhas

Despite the controversial dismissal of its Mayor, Paul Swart, the residents of Cape Agulhas cast their votes on 29 May. A total of 22 152 voters were registered to vote, and only 13 279 votes were actually cast (59,94%).

At the Nelson Mandela Community Hall 3 484 voters registered and only 1 449 cast their votes (41,58%).

The Suidpunt Dutch Reformed Church Hall had the best turnout with 2 579 registered voters and 2 188 (84,06%) cast their votes.

The top four parties are the DA with 7 453 votes (56,45%), the ANC with 2 525 (19,12%), the PA with 1 975 (14,96%) and the VF Plus 489 votes (3,53%).

The ANC indicated a steep decline in supporters with 9,55%.

#### Regional ballot paper

The 2024 elections also saw the introduction of the third, regional ballot paper, which received 88 535 valid votes in the Overstrand, Cape Agulhas and Theewaterskloof municipal areas.

In first place, the DA received 27 612 votes (31,17%) in the Overstrand, while the ANC placed second with 7 327 votes (8,39%). The VF Plus placed third with 1 832 votes (2,10%).

In the Cape Agulhas Municipal area the DA is first with 7 334 votes (55,62%), the ANC second with 2 530 votes (19,19%) and the PA third with 1 973 votes (14,96%).

In the Theewaterskloof municipal area the DA is the winner with 13 652 votes (43,83%), the ANC second with 8 335 votes (26,76 %) and the PA with 3 696 votes (11,87%).

#### Safety

No incidents of violence or intimidation were reported at the voting stations and according to Brigadier Donovan Heilbron, deputy district commissioner of the police in the Overberg, additional police officials as well as officers from the Public Order Police (POP) unit were deployed to maintain safety and security during the elections.

"In the Overberg we had a total of 113 voting stations of which 13 stations were classified as medium-risk. This was based on previous incidents during elections, the crime rate of that specific area as well as the possibility of disruptions due to community dissatisfaction," Heilbron explained.

Three of these stations (two in Grabouw and one in Caledon) were in the Theewaterskloof municipal district, six in Zwelihle and one in Stanford in the Overstrand and three in Swellendam.

# Syndicate busted

#### Blanca Du Plessis

Three men from the Overberg are among seven suspects arrested by the Serious Organized Crime Investigation team early Monday morning in connection with their alleged involvement in an abalone smuggling syndicate.

Reliable sources have confirmed one of the suspects is a Law Enforcement official employed by a local municipality in the Overberg. Another suspect is said to be a well-known builder based in the Hermanus area.

The seven suspects between the ages of 45 and 65 were arrested during a multi-disciplinary operation led by the Directorate for Priority Crime Investigation team (Hawks) in the Western Cape, supported by the Public Order Police and anti-gang unit attached to the Overberg District.

These suspects and their co-accused as well as an export company are linked to the 12 cases that date back as far as 2016, and involved the seizure of 25,3 tons of abalone with an estimated value of more than R37 million.

Zinzi Hani, a provincial spokesperson for the Hawks, reported that a combined total of 77 charges stemmed from these 12 cases. The syndicate, she said, operated mainly in the Western Cape and Gauteng.

An eighth suspect, Jianxian Wu, was arrested in Beitza in the North West. He was transported to George where he made his first appearance in the George Regional Court in 21 May.

Hani confirmed Wu remained in custody pending a formal bail application and was scheduled to appear on Tuesday 11 June along with his co-accused.

All the suspects face charges of the transportation and illegal storage of abalone, operating an illegal fish processing establishment and for the illegal exporting of abalone.

"Furthermore, the suspects will also be charged in terms of the Prevention of Organized Crime Act for money laundering and managing the affairs of a criminal enterprise through a pattern of racketeering activity," Hani said.

A source has confirmed that some of these charges stem from an incident in 2016 when two Chinese nationals were arrested during a special operation on a farm outside Greyton carried out by the Hawks and the Department of Forestry, Fisheries and Environment's special investigation unit.

More than 2 000 dried abalone as well as equipment, including gas burners, drying racks and huge pots with an estimated street value of R5,5 million, were seized during this operation. The suspects were sentenced after entering into a plea agreement with the State.



### Community on the roll

It has been proven more than once that the police cannot fight crime without the cooperation of the community. And this is also the case in Zwelihle. The sector manager of Zwelihle, Sgt Vuyisa Ndonga, with the help of Col Gustav Tamboer, station commander, and acting Vispol commander Capt Riaan du Toit handed uniforms, flashlights and bicycles to members from Zwelihle to be the eyes and ears of the police in Zwelihle. According to Capt Fadila September, spokesperson for Hermanus police, the assistance of community members will be drawn on for crime fighting in the areas with the help of Ndonga and Du Toit.

### NOTICE OF SECTION 24 G PUBLIC PARTICIPATION: THE UNLAWFUL REMOVAL OF VEGETATION ON PORTION 7 OF FARM NO. 259, CALEDON RD Ref.: 14/1/1/E2/9/3/0808/23

Notice is hereby given in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), the Environmental Impact Assessment (EIA) Regulations 2014 (as amended) and Section 24 G Fine Regulations 2017 (Government Notice No. R698), for the following:

Section 24 G Retrospective Environmental Authorisation Application for the removal of vegetation for agricultural purposes on a portion of Portion 7 of the Farm 259, Caledon RD

Activities unlawfully commenced with: Removal of vegetation without necessary Environmental Authorisation  
Locations: Portion 7 of the Farm Rietfontein No. 259, between Botrivier and Caledon  
Applicant: Johannes Petrus du Toit

Environmental Authorisation is required in terms of NEMA. The applicant is applying for *ex post facto* Environmental Authorisation for the following commenced activities:

Listing Notice 1 of 2014 (As amended): (27)  
Listing Notice 3 of 2014 (As amended): (12)

Interested and affected Parties (I&AP's) are hereby invited to register as I&AP's and / or provide comment on the application. Only registered I&AP's will be notified during the remainder of the public participation process. Requests and / or comments must be submitted via email or post on / or before 15 July 2024 via the following contact details:



Lornay  
Environmental Consulting

LORNAY ENVIRONMENTAL CONSULTING  
For Attn: Michelle Naylor  
PO Box 1990, Hermanus, 7200  
Tel. 083 245 6556  
Email: michelle@lornay.co.za | www.lornay.co.za

Hermanus Times - part of Boland Media & WP Media - are thrilled to announce an exciting joint venture that promises to bring the enchanting Winelands of the Western Cape closer to the readers than ever before. Available from 28 June 2024.

Come and EXPLORE this wonderful opportunity to advertise your

- Vineyard
- Restaurant
- Boutique Hotel
- Farmstall, etc
- in this edition.

Phone Gail or Olivia @ Hermanus Times for all the info you need to be part of this once in a lifetime opportunity. 028 312 3717

# Explore

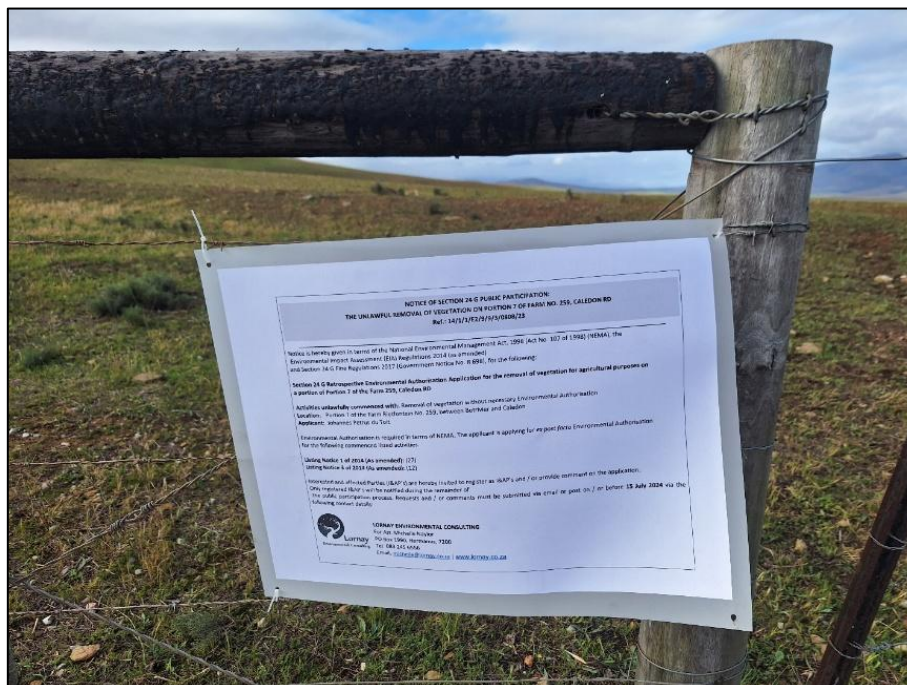
28 June 2024

Tyger People'sPost Paarl Post Ekestad Standard DistrictMail Times Gazette Weslander



## 6. NOTICEBOARDS

Noticeboards were placed on site, as required in terms of the legislation:





## **7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR I&APS**

A Register was opened during the first round of public participation, to list all I&APs who wished to be registered as such. The Register included contact details, date and comment made.


A Comments and Response report was also opened at the onset of the public participation. This report contains the comment made by the I&AP, as well as formal response by the Environmental Assessment Practitioner (EAP).



## REGISTER FOR INTERESTED AND AFFECTED PARTIES

**PROJECT:** Portion 7 of the Farm 259

NAME:	ORGANISATION:	POSTAL ADDRESS:	TEL:	EMAIL:	COMMENT:	DATE & REF:
Johan Viljoen	Theewaterskloof Municipality			<a href="mailto:johanvi@twk.gov.za">johanvi@twk.gov.za</a>	<b>Email dated 23 July 2024</b>  Theewaterskloof Municipality take note of the Application No further comments	Date 23/07/2024
Odette Curtis Scott	Overberg Renosterveld Conservation Trust	-	-	<a href="mailto:info@overbergrenosterveld.org.za">info@overbergrenosterveld.org.za</a>	<b>24 July 2024</b>  Hi Michelle Just to make it 'official', please register us as IAPs on this one. Thanks and best wishes Odette	Date: 24/07/2024
Griet Rich	Warmoeskraal Boerdery	-		<a href="mailto:admin@klipfonteintrust.co.za">admin@klipfonteintrust.co.za</a>	<b>Email dated 08 August 2024</b>  Good day Michelle Naylor,  Please register <a href="mailto:admin@klipfonteintrust.co.za">admin@klipfonteintrust.co.za</a> as an interested party.	Date: 08/08/2024

					<p>Regards. Griet Rich Sekretaresse/ Secretary</p> <p>Tel: (028) 284 9855</p>  <p>WARMOESKRAAL BOERDERY (PTY) LTD VAT Nr.: 476 026 0309 • Reg nr.: 2012/012410/07</p>	
Rulien Volschenk	Overberg District Municipality	-		<a href="mailto:rvolschenk@odm.org.za">rvolschenk@odm.org.za</a>	<p><b>Email dated 22 August 2024</b></p> <p>RE: NOTICE OF SECTION 24G PUBLIC PARTICIPATION- THE UNLAWFUL CLEARANCE OF VEGETATION ON PORTION 7 OF THE FARM 259</p> <p>The Environmental Management Services Department of the Overberg District Municipality take cognisance of the section 24G Report for the unlawful clearance of vegetation on Portion 7 of the Farm 259.</p> <p>Based on the Western Cape Biodiversity Spatial Plan of 2017 the cleared area falls partly in a Critical Biodiversity Areas (CBAs) and forms part of a critically endangered ecosystems, namely Western Rûens Shale Renosterveld. With reference to the Overberg District Municipality's Spatial Development Framework of 2022, CBAs is classified as Coe 1 under the Spatial Planning Categories. These areas must be regarded as "no-go" for development and must be kept in a natural state, with a management plan focused on maintaining or improving the state of biodiversity. There should be no further loss of natural habit and degraded areas should be rehabilitated.</p> <p>Given conservation status of Renosterveld, any remnants, irrespective of its state (pristine or degraded) should be excluded from any development activities.</p>	<p>Date: 22/08/2024</p>

					<p>The application discusses two alternatives:</p> <ul style="list-style-type: none"> <li>• ALTERNATIVE 1 Ceasing the activity and allowing the area to rehabilitate itself naturally.</li> <li>• ALTERNATIVE 2 (PREFERRED) This preferred option, where the landowner obtains retrospective authorisation to continue with the activity.</li> </ul> <p>The applicant argues that Alternative 1 not feasible because of the potential post mitigation:</p> <ol style="list-style-type: none"> <li>1) Exposure to continuous development impacts (mainly agriculture); and</li> <li>2) The negative ecological impacts of ongoing, unmanaged alien plant invasion, habitat loss and degradation, species loss.</li> </ol> <p>The Municipality do not agree with this assessment of alternative 1 and would propose this to be the preferred option. By ceasing the activities and managing the disturbed area as a buffer zone could prevent further encroachment of the agricultural activities within pristine Renosterveld. As per the National Environmental Management: Biodiversity Act of 2004 as well as the Conservation of Agricultural Resources Act of 1983, each landowner is responsible for the management of invasive species on their properties. Therefore, any listed alien invasive species should be removed with regular follow-up clearing.</p> <p>In addition the mitigation measure to investigation alternative Conservation Easements as a potential offset is support.</p> <p>The ODM reserves the right to revise its comments and requests further information based on any additional information that may be received.</p>	
Rhett Smart	Cape Nature	16 17th Avenue, Voëlklip, Hermanus, 7200	087 087 8017	<a href="mailto:rsmart@capenature.co.za">rsmart@capenature.co.za</a>	<p><b>Email dated 22 August 2024</b></p> <p><b>RE: NOTICE OF SECTION 24G PUBLIC PARTICIPATION- THE UNLAWFUL CLEARANCE OF VEGETATION ON PORTION 7 OF THE FARM 259</b></p> <p>The Environmental Management Services Department of the Overberg District Municipality take cognisance of the section 24G</p>	22/10/2024

					<p>Report for the unlawful clearance of vegetation on Portion 7 of the Farm 259.</p> <p>Based on the Western Cape Biodiversity Spatial Plan of 2017 the cleared area falls partly in a Critical Biodiversity Areas (CBAs) and forms part of a critically endangered ecosystems, namely Western Rûens Shale Renosterveld. With reference to the Overberg District Municipality's Spatial Development Framework of 2022, CBAs is classified as Coe 1 under the Spatial Planning Categories. These areas must be regarded as "no-go" for development and must be kept in a natural state, with a management plan focused on maintaining or improving the state of biodiversity. There should be no further loss of natural habit and degraded areas should be rehabilitated.</p> <p>Given conservation status of Renosterveld, any remnants, irrespective of its state (pristine or degraded) should be excluded from any development activities.</p> <p>The application discusses two alternatives:</p> <ul style="list-style-type: none"> <li>• ALTERNATIVE 1 Ceasing the activity and allowing the area to rehabilitate itself naturally.</li> <li>• ALTERNATIVE 2 (PREFERRED) This preferred option, where the landowner obtains retrospective authorisation to continue with the activity.</li> </ul> <p>The applicant argues that Alternative 1 not feasible because of the potential post mitigation:</p> <ol style="list-style-type: none"> <li>3) Exposure to continuous development impacts (mainly agriculture); and</li> <li>4) The negative ecological impacts of ongoing, unmanaged alien plant invasion, habitat loss and degradation, species loss.</li> </ol> <p>The Municipality do not agree with this assessment of alternative 1 and would propose this to be the preferred option. By ceasing the activities and managing the disturbed area as a buffer zone could prevent further encroachment of the agricultural activities within pristine Renosterveld. As per the National Environmental Management: Biodiversity Act of 2004 as well as the Conservation of Agricultural Resources Act of 1983, each landowner is responsible</p>	
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					<p>for the management of invasive species on their properties. Therefore, any listed alien invasive species should be removed with regular follow-up clearing.</p> <p>In addition the mitigation measure to investigation alternative Conservation Easements as a potential offset is support.</p> <p>The ODM reserves the right to revise its comments and requests further information based on any additional information that may be received.</p>	
Rafeeq Le Roux	BOCMA			<a href="mailto:rleroux@bocma.co.za">rleroux@bocma.co.za</a>	<p><b>Email dated 30 August 2024</b></p> <p>Attention: Ms Michelle Naylor</p> <p><b>COMMENT ON THE PUBLIC PARTICIPATION PROCESS FOR S24G:THE UNLAWFUL CLEARANCE OF VEGETATION ON PTN 7 FARM 259, CALEDON. DEA&amp;DP REFERENCE NUMBER 14/1/1/E2/9/9/3/0808/23.</b></p> <p>With reference to the above application received on <b>26/07/2024</b>.</p> <p>This office comments as follows:</p> <p>1. Section 21 Water Use The following Water Use in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998) are applicable:  <i>Section 21 (a) – taking of water</i>  <i>Section 21 (b) – storing water</i>  <i>Section 21 (c) – impeding or diverting the flow of water in a watercourse</i>  <i>Section 21 (i) - altering the bed, banks, course or characteristics of a watercourse</i></p> <p><b>2. Water Use Authorisation</b> The above Water Uses require water use authorisation in terms of the National Water Act, 1998 (Act 36 of 1998) i.e. Existing Lawful Water Use, Water Use License or General Authorisation.</p> <p>The application does not have sufficient water use detail to determine what authorisation is required.</p>	30/10/2024

					<p>3. Information Required:</p> <p>3.1. Proof of lawfulness of the water uses as indicated above, and a water balance indicating compliance to the lawfully authorised water use, alternatively the following:</p> <p>3.2. Water balance</p> <p>3.3. Rehabilitation Plan/Proposal</p> <p>3.4. Stormwater Management plan including both water quality and quantity aspects.</p> <p>3.5. Civil and technical drawings for stream crossings / in stream dam / pipelines.</p> <p>3.6. Survey of the in -stream dam confirming dam capacity and specifications.</p> <p>3.7. Master Plan.</p> <p>3.8. Method Statements.</p> <p>3.9. Confirmation of the properties ownership and zoning.</p> <p>3.10. Freshwater Impact Assessment including a Risk Matrix.</p> <p>4. As the activity has already commenced, and it is unclear whether authorisation has been formally obtained before commencement in terms of the National Water Act, 1998 (Act 36 of 1998), the matter is referred for Compliance, Monitoring and Enforcement (CME) investigation.</p> <p>General comments:</p> <p>5. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.</p> <p>6. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).</p> <p>7. No pollution of surface water or ground water resources may occur due to any activity.</p> <p>8. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.</p>	
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					<p>9. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).</p> <p>10. No permanent structures may be constructed within the regulated area of any watercourse (seasonal or permanent river, stream etc.), without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998).</p> <p>11. No pollution of surface water or ground water resources may occur due to any activity.</p> <p>12. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.</p> <p>13. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.</p> <p>14. The water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.</p> <p>Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.</p>	
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					<p>The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for</p> <p>Please do not hesitate to contact this office if you have any further queries.</p> <p>Please ensure to quote the above reference in doing so.</p> <p>Yours Faithfully</p>	
Cor Van De Walt	Department of Agriculture			<a href="mailto:Cor.VanderWalt@westerncape.gov.za">Cor.VanderWalt@westerncape.gov.za</a>	<p><b>Email dated 29 October 2024</b></p> <p><b>SECTION 24G APPLICATION FOR THE REMOVAL OF VEGETATION FOR AGRICULTURAL PURPOSES: DIVISION CALEDON PORTION 7 OF THE FARM RIETFontein NO. 259</b></p> <p>Your application of 23 July 2024 has reference.</p> <p>The Western Cape Department of Agriculture has no objection to the 24G process. Please note that the applicant must also obtain consent from the National Department of Agriculture in terms of the Conservation of Agricultural Resources Act No. 43 of 1983 to cultivate virgin land.</p> <p>Please be advised, that this office is a commenting authority and further discussions on your application must be taken up with the decision makers. Further consultation will only be considered when requested by the decision maker.</p> <p>Please note:</p> <ul style="list-style-type: none"> <li>• Kindly quote the above-mentioned reference number in any future correspondence in respect of the application</li> <li>• The Department reserves the right to revise initial comments and request further information based on the information received.</li> </ul>	29/10/24

Naadiya Wookey	DEADP: Rectification			<a href="mailto:Naadiya.Wookey@westerncape.gov.za">Naadiya.Wookey@westerncape.gov.za</a>	<p><b>Letter dated 17 April 2025</b></p> <p><b>PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"); THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION ON PORTION 7 OF FARM RIETFontein NO. 259, CALEDON.</b></p> <p>1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1) of the NEMA.</p> <p>2. The Department has received your application on 14 March 2025 regarding the unlawful clearing of indigenous vegetation on Portion 7 of Farm Rietfontein No. 259, Caledon.</p> <p>3. Having considered the information in respect of your application, you are hereby given notice of the delegated authority's intention to issue you with a Directive in terms of section 24G of the NEMA (as amended), which will direct you to: 3.1 Investigate, evaluate and assess the impact of the activity on the environment, and</p> <p><i>3.2 Provide such other information or undertake such further studies as the relevant competent authority may deem necessary.</i></p> <p>4. This Directorate has considered the information contained in the section 24G Draft Assessment Report ("DAR"), and herewith provide the following comments and request for additional information in respect of the section 24G application: 4.1. Applicant Details 4.1.1. Section A. 1: Applicant Profile Index on page 12 of the DAR indicates the applicant as an individual / natural person whereas additional information in the section 24G DAR refers to the applicant as <b>Remkuil Boerdery Bpk</b>. Since the unlawful activities are in relation to what appears to be a commercial agricultural operation farming dryland oat with large-scale farming machinery, clarification of the respective type / category of applicant</p>	<p><b>Date:</b> 17/04/25</p>
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					<p>in relation to the unlawful commencement of activities is therefore required.</p> <p>4.2. Landowner Consent 4.2.1. Section A. 1: Applicant Profile Index indicates that the applicant is the landowner of Portion 7 of Farm Rietfontein No. 259, Caledon ('the site'). However, the Title Deed (Ref. T85376 / 96) refers to the endorsements regarding the servitude of water supply and conservation servitude in favour of WWF South Africa with respect to Portion 7 of Farm Rietfontein No. 259, Caledon and is held by Klipfontein Trust. 4.2.1.1. Furthermore, the Title Deed (Ref. T 42512 / 22) appears to be for the cession and transfer of property from Klipfontein Trust to Dreyer van Niekerk Trust with respect to Farm No. 749, Caledon on which a conservation servitude in the favour of WWF South Africa is noted.</p> <p>4.2.1.2. Clarification with respect to the confirmation of property ownership of the applicant relevant to the site (i.e. Portion 7 of the Farm Rietfontein No. 259, Caledon) is required <b>as a matter of urgency</b>.</p> <p>4.3. Property Details 4.3.1. Please be advised that the property description contained in the Executive Summary on page i of the DAR refers to Portion <b>2</b> of the Farm Remkuil No. 259, Caledon. It is understood that Section 24G application is with respect to Portion 7 of the Farm Rietfontein No. 259, Caledon. Please correct this error. 4.3.2. The 21-digit Surveyor-General code provided on page 14 of the DAR is incorrect. Please correct this error.</p> <p>.4. Listed Activities</p> <p>4.4.1. This Directorate confirms that the unlawful activities on Portion 7 of Farm Rietfontein No. 259, Caledon have constituted of the following listed activities:</p> <p><b>Note:</b> This appears to be repeated in the application submitted to the Department of Agriculture. Land Reform and Rural Development in</p>	
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					<p>terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).</p> <ul style="list-style-type: none"> <li>• Activity 27 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended); and</li> <li>• Activity 12 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended).</li> </ul> <p>4.5. Activity Description</p> <p>4.5.1. The activity description provided on page 18 must be revised to contain detailed information regarding the approximate extent, type and classification of indigenous vegetation impacted as a consequence of the unlawful commencement of activities.</p> <p>4.5.2. You are reminded that the activity description must be indicative of the nature of the activity regarding the full scope, scale and size, and context regarding the location / site.</p> <p>4.6. Site Development Plan</p> <p>4.6.1. You are advised that the Site Development Plan ("SDP") provided as part of the Section 24G does not include the mitigation measure proposed by the freshwater specialist. A revised SDP that reflects the input of the relevant specialists must be provided.</p> <p>4.7. Protocols 4.7.1. You are advised that "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation" ("the Protocols") (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) came into effect on 09 May 2020. It is noted that the protocols are applicable to the development.</p> <p>4.7.1.1. According to the Protocols, prior to commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool, must be confirmed by undertaking a site sensitivity verification.</p> <p>4.7.1.2. A site sensitivity verification report ("SSVR") in accordance with the Protocols indicating a motivation as to why certain specialist</p>	
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					<p>studies highlighted in the Screening Report will/will not be conducted, must be included in the section 24G application. An SSVR with respect to the environmental themes identified in the Screening Report must be included as part of the S24G application.</p> <p>4.7.1.3. Please not that should reasonable concerns arise from any potential interested and affected parties that require additional assessment, such assessment may be required.</p> <p>4.8. Impact Assessment</p> <p>4.8.1. The consequences of unlawful commencement of the development must be considered with respect to the assessment of impacts associated therewith. This Directorate notes that the recommended mitigation measures have been proposed with respect to the related construction and operational phase of the development / land use activity. However, neither an Environmental Management Programme or Biodiversity Offset Proposal with specialist recommendations relating to mitigation have been provided.</p> <p>4.8.2. The impact assessment must be revised to include the potential impacts related to, <i>inter alia</i>, watercourse / potential alteration of drainage patterns, soil erosion, habitat fragmentation, biodiversity loss, proliferation of invasive species, noise, dust, water or soil contamination and loss of ecosystem services. The relevant recommended management actions / mitigation measures must be included.</p> <p>4.8.3. The consequence of the unlawful activities with respect to the socio-economic aspects as required in Section F of the DAR has not been provided or is regarded as unknown. Further information with respect to this aspect is required in a revised Section 24G DAR.</p> <p>4.9. Biodiversity Offset</p> <p>4.9.1. This Directorate notes that residual impacts are proposed to be offset / eased as indicated in the S24G DAR and has been detailed as such in the impact assessment by the EAP. It is further noted that</p>	
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					<p>the EAP has provided recommendations in a Biodiversity Offset Applicability Assessment (compiled by Lornay Environmental Consultants and dated February 2025). The recommendation entails that an official Biodiversity Offset process need not be pursued in terms of the National Biodiversity Guidelines and that a conservation Servitude agreement is suitable in this instance. The recommendation is based on the fact that engagement between the applicant and Overberg Renosterveld Conservation Trust has been initiated.</p> <p>4.9.2. You are advised that the recommendation provided although appears to be in good faith is considered premature at this stage. This is based on the fact that the residual impacts include the permanent loss of 1.7 hectares of Critically Endangered indigenous vegetation with no formal signed Conservation Easement Agreement or Memorandum of Understanding ("MOU") in place.</p> <p>4.9.2.1. Furthermore, the consideration of the botanical specialist's findings that the vegetation loss is deemed Medium after mitigation and that such significance rating warrants a Biodiversity Offset in terms of the National Environmental Management: National Biodiversity Offset Guidelines, 2023 remains. Therefore, the recommendations of the botanical specialist must be formally incorporated as part of the S24G application with respect to Easement Agreement / MOU or the relevant Biodiversity Offset proposal.</p> <p>4.9.2.2. In addition, this Directorate is cognisant of the fact that the legal requirement that predates the unlawful commencement of activities in relation to the conservation endorsements attached to Portion 7 of Farm Rietfontein No. 259, Caledon.</p> <p>4.9.3. Progress with respect to the finalisation of a Conservation Easement Agreement / MOU or Biodiversity Offset proposal with the relevant Stakeholders with respect to the impacts on Portion 7 of Farm Rietfontein No. 259, Caledon must be made. Such Easement Agreement / MOU or Biodiversity Offset proposal must include input / approval from CapeNature and be subjected to a Public Participation Process. This must be included in the final S24G</p>	
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					<p>application to be submitted to the Competent Authority for decision-making.</p> <p>4.10. Environmental Management Programme (“EMPr”) 4.10.1. This Directorate notes that an EMPr has not been provided as part of the Section 24G DAR, however there are recommendations in terms of mitigation measures and management actions proposed by the relevant specialists. An EMPr must therefore be included in the final S24G application to be submitted to the Competent Authority for decision-making.</p> <p>4.10.2. You are reminded that the EMPr contents must meet the requirements outlined in Section 24N (2) &amp; (3) of the NEMA (as amended) and Appendix 4 of the NEMA EIA Regulations, 2014 (as amended). The EMPr must address the environmental impacts of the activity throughout the development life cycle including an auditing protocol for the assessment of the effectiveness of monitoring and management arrangements after implementation.</p> <p>5. Based on the above, you are advised that a revised S24G DAR must be subjected to an <b>additional round of PPP comprising a 30-day commenting period</b> prior to the submission of the final S24G application with updated Comments and Response Report for decision-making.</p> <p>6. The EAP must ensure that the section 24G application be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document.</p> <p>7. Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate: Environmental Governance. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date but will advise you accordingly.</p> <p>8. In addition to any representations made in the application, you are afforded a period of <b>7 (seven) calendar days</b> from the date of receipt</p>	
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					<p>of this Pre-directive to make written representations to the Department as to why a Directive should not be issued.</p> <p>9. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of 49A(1)(g) of the NEMA.</p> <p>10. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine <b>not exceeding R10 million</b>, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.</p> <p>11. Kindly quote the abovementioned reference number in any future correspondence in respect of this application. <i>This Department reserves the right to revise or withdraw comments or request further information based on any information received.</i></p>	
Vuyolwethu Maqala	BOCMA: CME			<a href="mailto:vmagala@bocma.co.za">vmagala@bocma.co.za</a>	<p><b>Email dated 30 April 2025</b></p> <p><b>INVESTIGATION FEEDBACK REGARDING THE ALLEGED UNAUTHORIZED CLEARANCE OF VEGETATION ON PORTION 7 OF FARM RIETFontein 259, CALEDON RD</b></p> <p>1. The Breede-Olifants Catchment Management Agency (BOCMA) received an S24G application for comment regarding the alleged unauthorized clearance of vegetation on Portion 7 of Farm Rietfontein 259, Caledon RD.</p> <p>2. The S24G application was referred to the Compliance Monitoring and Enforcement Unit (BOCMA) for further investigation dated 10 September 2024 due to potential illegal water uses that may contravene Section 21 of the National Water Act (Act 36 of 1998) ("NWA"), no water use authorization was identified based on a desktop investigation of Portion 7 of Farm Rietfontein 259, Caledon.</p> <p>3. BOCMA Compliance Monitoring and Enforcement (CME) officials conducted an investigation on 26 February 2025 on Portion 7 of Farm Rietfontein 259, Caledon RD. The following findings were made and serve as a reason for its decision on this matter:</p> <p>3.1 During the site investigation, it was confirmed that as much as the activity falls within 100m of a watercourse, due to the densely vegetated land in between and the distance between the activity</p>	<p><b>Date:</b> <b>30/04/2025</b></p>

					<p>and the watercourse, these seem adequate to keep the impact out of the watercourse.</p> <p>3.2 The following considerations listed by the Freshwater specialist should be taken into consideration during the activity being undertaken, such as:</p> <p>3.2.1 Dense vegetation between the watercourses and the cleared areas must be maintained as dense undisturbed indigenous vegetation for the lifecycle of the farming activities.</p> <p>3.2.2 The surrounding watercourses, and particularly the northern 50 m buffer area, should be monitored for any potential erosion on a regular basis.</p> <p>3.2.3 Should erosion be observed, appropriate measures should be taken such as Alien Invasive Plant Species (AIS), which might colonize disturbed areas and outcompete natural vegetation, should be monitored for and removed during ongoing management of the farm.</p> <p>3.2.4 Dumping and littering within any surrounding watercourses is strictly prohibited.</p> <p>3.2.5 All farming machinery and vehicles used must be regularly serviced, fuel must be stored more than 15 m away from any watercourse in a bunded area.</p> <p>3.3 However, any future development beyond this currently cleared area will require a detailed aquatic/freshwater/wetland impact assessment, as this will be possibly undertaken much closer to the watercourses than the current activity and will therefore need to be subjected to a proper assessment and require an authorisation.</p> <p>4. The BOCMA reserves the right to revise its decision and comments on the interest of responsible water resource management.</p> <p>5. Should you have any further queries, please contact the relevant official of the details above.</p> <p>Yours faithfully</p>	
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## COMMENTS AND RESPONSE REPORT

**PROJECT:** PTN 7 OF 259

### DRAFT BAR / PRE-APPLICATION

NAME:	COMMENT:	RESPONSE:	DATE & REF:
Johan Viljoen Theewaterskloof Municipality	<b>Email dated 23 July 2024</b>  No further comment	Noted.	23/07/2024
Odette Curtis Scott  Overberg Renosterveld Conservation Trust	<b>Email dated 24 July 2024</b>  Hi Michelle Just to make it 'official', please register us as IAPs on this one. Thanks and best wishes Odette	Added to the list of I&APs	24/07/2024
Griet Rich	<b>Email dated 08 August 2024</b>  Good day Michelle Naylor,  Please register admin@klipfonteintrust.co.za as an interested party.  Regards. Griet Rich Sekretaresse/ Secretary  Tel: (028) 284 9855	Added to the list of I&APs	08/08/2024

<p>Rulien Volschenk – Overberg District Municipality</p>	<p><b>Email dated 22 August 2024</b></p> <p><b>RE: NOTICE OF SECTION 24G PUBLIC PARTICIPATION- THE UNLAWFUL CLEARANCE OF VEGETATION ON PORTION 7 OF THE FARM 259</b></p> <p>The Environmental Management Services Department of the Overberg District Municipality take cognisance of the section 24G Report for the unlawful clearance of vegetation on Portion 7 of the Farm 259.</p> <p>Based on the Western Cape Biodiversity Spatial Plan of 2017 the cleared area falls partly in a Critical Biodiversity Areas (CBAs) and forms part of a critically endangered ecosystems, namely Western Rûens Shale Renosterveld. With reference to the Overberg District Municipality's Spatial Development Framework of 2022, CBAs is classified as Coe 1 under the Spatial Planning Categories. These areas must be regarded as “no-go” for development and must be kept in a natural state, with a management plan focused on maintaining or improving the state of biodiversity. There should be no further loss of natural habit and degraded areas should be rehabilitated.</p> <p>Given conservation status of Renosterveld, any remnants, irrespective of its state (pristine or degraded) should be exclude from any development activities.</p> <p>The application discusses two alternatives:</p> <ul style="list-style-type: none"> <li>• ALTERNATIVE 1 Ceasing the activity and allowing the area to rehabilitate itself naturally.</li> <li>• ALTERNATIVE 2 (PREFERRED) This preferred option, where the landowner obtains retrospective authorisation to continue with the activity.</li> </ul> <p>The applicant argues that Alternative 1 not feasible because of the potential post mitigation:</p> <ol style="list-style-type: none"> <li>5) Exposure to continuous development impacts (mainly agriculture); and</li> <li>6) The negative ecological impacts of ongoing, unmanaged alien plant invasion, habitat loss and degradation, species loss.</li> </ol> <p>The Municipality do not agree with this assessment of alternative 1 and would propose this to be the preferred option. By ceasing the activities and managing the disturbed area as a buffer zone could prevent further encroachment of the agricultural activities within pristine Renosterveld. As per the National Environmental Management: Biodiversity Act of 2004 as well as the Conservation of Agricultural Resources Act of 1983, each landowner is responsible for the management of invasive species on their properties. Therefore, any listed alien invasive species should be removed with regular follow-up clearing.</p>	<p>The applicant cleared the 1.7 ha in order to facilitate improved use of farming equipment by creating clear agricultural lines and field edges. Practically, leaving the impacted areas to rehabilitate, still leaves these areas at risk of impact as they are 2 pockets within the agricultural area.</p> <p>The preferred options allows for further collaboration with Overberg Renosterveld conservation trust and conservation servitude with renosterveld which is in a more natural condition compared to the areas in question.</p>	<p>Date: 22/08/2024</p>
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	<p>In addition the mitigation measure to investigation alternative Conservation Easements as a potential offset is support.</p> <p>The ODM reserves the right to revise its comments and requests further information based on any additional information that may be received.</p>	<p>The remaining natural vegetation in some areas adjacent to the site have been identified to be in a near natural state.</p>	
<p>Rhett Smart Cape Nature</p>	<p><b>Email dated 23 August 2024</b></p> <p><b>Draft NEMA Section 24G Assessment Report for the Unlawful Clearing of Indigenous Vegetation on Portion 7 of Farm Rietfontein 259, Caledon</b></p> <p>CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.</p> <p>The application is for the unlawful clearing of indigenous vegetation for the purposes of crop cultivation. The affected area is mainly mapped as Critical Biodiversity Area 1 (CBA) in the Western Cape Biodiversity Spatial Plan (BSP). The vegetation which occurred on the footprint was Western Rûens Shale Renosterveld listed as critically endangered. There are no aquatic features within the affected footprint however there are non-perennial rivers and seep wetland mapped in the vicinity of the site.</p> <p>The NEMA Section 24G Report (top of page 6) indicates that a Screening Report generated by the National Web-based Screening Tool must be attached as an appendix, however this has not been undertaken. In accordance with the Procedures for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes (GN 320, March 2020; GN 1150 October 2020 – referred to as the “protocols”), a site sensitivity verification report must be compiled verifying the sensitivity of the environmental themes as identified in the screening tool and forms the basis for identifying the specialist studies which must be undertaken. We wish to note that CapeNature generated a screening tool report for the site which identified a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species.</p> <p>No specialist studies have been undertaken to inform the application and instead a motivation is provided that the landowner is in negotiation with the Overberg Renosterveld Conservation Trust (ORCT) to secure additional areas as an offset for the clearing of indigenous vegetation. Correspondence from the ORCT is provided confirming that critically endangered Western Rûens Shale Renosterveld was cleared, and that the property contains numerous Plant Species</p>	<p>A screening Report has been generated and included in this application.</p> <p>The SSVR is completed and included in this application.</p> <p>Specialist studies, including a Botanical Assessment and an Aquatic Biodiversity Compliance Statement, have been undertaken to guide the application.</p>	<p>Date: 23/10/24</p>

	<p>of Conservation Concern. The proposed remedy for the loss is an offset at a ratio of 1:30 (area lost: area conserved). The area which was lost was calculated as 1.67 ha in extent therefore 50 ha need to be conserved using this ratio.</p> <p>The National Biodiversity Offset Guidelines should guide the need for and the design of biodiversity offsets. In this regard, a biodiversity offset is required if the residual impact after following the mitigation hierarchy is of medium significance or higher. The significance ratings should be determined in the specialist assessments. The impact ratings for the loss of habitat are rated as high negative significance prior to mitigation which is reduced to low-medium negative significance after mitigation, the latter of which consists of signing a conservation easement with the ORCT. We wish to note however that an easement falls within the realm of protected area expansion and hence should be considered as part of the offset rather than the mitigation. While we do not necessarily disagree with the impact ratings, these need to be determined by a specialist.</p> <p>As stated in the report, a conservation easement was signed for the property before the subdivision which resulted in the current farm portion. All renosterveld remnants were included in the conservation area for the easement and hence also included the vegetation cleared and assessed in this application. An easement is a conservation servitude signed in favour of a conservation entity to ensure that the relevant portions of the property are managed for conservation. It can be considered more or less equivalent to a Biodiversity Agreement within the CapeNature stewardship programme although different mechanisms are used. Both of these mechanisms have been approved as Other Effective Area-based Conservation Measures (OECMs) for South Africa in terms of the IUCN conservation targets and form an important second tier of conservation areas below formal protected areas in terms of the National Environmental Management Protected Areas Act (NEM:PAA) (i.e. nature reserves, national parks).</p> <p>With regards to the above, clearing of critically endangered vegetation within a conservation area increases the severity of the impact. Loss of habitat within a conservation area contradicts the purpose for which it is established. Although it is motivated that the new landowner was not aware of the easement on his property, page 12 of the title deed included as an appendix clearly stipulates that there is a conservation servitude in favour of WWF South Africa on the properties. The transgressor therefore must have known about the easement. Removal of title deed endorsements requires a formal application process with a public participation process which would include CapeNature.</p> <p>While the proposal for securing a biodiversity offset at a 1:30 ratio may ultimately be the desired outcome, due process must be followed which should include undertaking of specialist studies in accordance with the outcome of a site sensitivity verification report, as is required by</p>	<p>The applicant is currently in communication with Overberg Renosterveld Conservation Trust to find available land that will form part of easement. The landowner is already part of the programme and is an important role player for future conservation agreements. A amended agreement was concluded in May 2025 as per Appendix N of the S24g Report.</p> <p>The applicant is currently in communication with Overberg Renosterveld Conservation Trust to find available land that will form part of easement, the Biodiversity Offset will not be followed and an Easement agreement will be entered into between the owner and Overberg Renosterveld Conservation Trust.</p>	
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	<p>the protocols. Should a biodiversity offset be required a separate biodiversity offset specialist study must be compiled. It is noted that the areas under investigation for the offset include neighbouring properties. It must however be ensured that the transgressor is responsible for the implementation of the offset and is responsible for negotiating outcomes with other landowners. We further wish to recommend that ideally the offset should become a NEM:PAA protected area to provide additional protection from transformation in future.</p> <p>In conclusion, CapeNature does not support the application as currently proposed due to insufficient information. It is recommended that the site sensitivity verification report must be compiled and as a minimum a terrestrial biodiversity assessment is required to inform the outcome. It is likely that a biodiversity offset will be required and welcome further investigation in this regard within the context of the due process of NEMA and subsidiary legislation and documents.</p> <p>Regards R.Smart Rhett Smart For: Manager: Landscape Conservation Intelligence South</p>		
<p>Rafeeq Le Roux  BOCMA</p>	<p><b>Email dated 30 August 2024</b></p> <p>Attention: Ms Michelle Naylor</p> <p><b>COMMENT ON THE PUBLIC PARTICIPATION PROCESS FOR S24G:THE UNLAWFUL CLEARANCE OF VEGETATION ON PTN 7 FARM 259, CALEDON. DEA&amp;DP REFERENCE NUMBER 14/1/1/E2/9/9/3/0808/23.</b></p> <p>With reference to the above application received on <b>26/07/2024</b>.</p> <p>This office comments as follows:</p> <p>15. Section 21 Water Use The following Water Use in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998) are applicable:</p> <p style="padding-left: 40px;"><i>Section 21 (a) – taking of water</i> <i>Section 21 (b) – storing water</i> <i>Section 21 (c) – impeding or diverting the flow of water in a watercourse</i> <i>Section 21 (i) - altering the bed, banks, course or characteristics of a watercourse</i></p> <p><b>16. Water Use Authorisation</b></p>	<p>Refer to the Aquatic Biodiversity Compliance Statement attached in Appendix F2, which confirms that no watercourses</p>	<p>Date: 30/10/2024</p>

	<p>The above Water Uses require water use authorisation in terms of the National Water Act, 1998 (Act 36 of 1998) i.e. Existing Lawful Water Use, Water Use License or General Authorisation.</p> <p>The application does not have sufficient water use detail to determine what authorisation is required.</p> <p>17. Information Required:</p> <p>17.1. Proof of lawfulness of the water uses as indicated above, and a water balance indicating compliance to the lawfully authorised water use, alternatively the following:</p> <p>17.2. Water balance.</p> <p>17.3. Rehabilitation Plan/Proposal</p> <p>17.4. Stormwater Management plan including both water quality and quantity aspects.</p> <p>17.5. Civil and technical drawings for stream crossings / in stream dam / pipelines.</p> <p>17.6. Survey of the in -stream dam confirming dam capacity and specifications.</p> <p>17.7. Master Plan.</p> <p>17.8. Method Statements.</p> <p>17.9. Confirmation of the properties ownership and zoning.</p> <p>17.10. Freshwater Impact Assessment including a Risk Matrix.</p> <p>18. As the activity has already commenced, and it is unclear whether authorisation has been formally obtained before commencement in terms of the National Water Act, 1998 (Act 36 of 1998), the matter is referred for Compliance, Monitoring and Enforcement (CME) investigation.</p> <p>General comments:</p> <p>19. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.</p> <p>20. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the</p>	<p>or wetlands are present or impacted within the cleared area. Furthermore, no Water Use Authorisation is required.</p> <p>This has been amended in the 24G application. No additional water use is required.</p> <ul style="list-style-type: none"> <li>• The Aquatic Biodiversity Compliance Statement was conducted and it was noted that there are no wetland or watercourses impacted by the commenced activity on site.</li> <li>• Not applicable to this application</li> <li>• Not applicable to this application</li> <li>• Not applicable to this application</li> <li>• Not applicable to this application</li> <li>• Not applicable to this application</li> <li>• Not applicable to this application</li> <li>• Not applicable to this application</li> <li>• Not applicable to this application</li> <li>• Not applicable to this application</li> <li>• As above, no watercourses or wetlands impacted by the commenced activity on site, this was based on the findings by the Freshwater specialist.</li> </ul> <p><b>The site was visited by BOCMA CME and they have confirmed that there are no outstanding legal issues on the property relative to the National Water Act</b></p>	
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	<p>National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).</p> <p>21. No pollution of surface water or ground water resources may occur due to any activity.</p> <p>22. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.</p> <p>23. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).</p> <p>24. No permanent structures may be constructed within the regulated area of any watercourse (seasonal or permanent river, stream etc.), without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998).</p> <p>25. No pollution of surface water or ground water resources may occur due to any activity.</p> <p>26. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.</p> <p>27. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.</p> <p>28. The water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.</p> <p>Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.</p> <p>The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for</p> <p>Please do not hesitate to contact this office if you have any further queries.</p> <p>Please ensure to quote the above reference in doing so.</p>		
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	Yours Faithfully		
Cor Van De Walt DOA	<p><b>29 October 2024</b></p> <p><b>SECTION 24G</b> <b>APPLICATION FOR THE REMOVAL OF VEGETATION FOR AGRICULTURAL PURPOSES:</b> <b>DIVISION CALEDON</b> <b>PORTION 7 OF THE FARM RIETFontein NO. 259</b></p> <p>Your application of 23 July 2024 has reference.</p> <p>The Western Cape Department of Agriculture has no objection to the 24G process. Please note that the applicant must also obtain consent from the National Department of Agriculture in terms of the Conservation of Agricultural Resources Act No. 43 of 1983 to cultivate virgin land.</p> <p>Please be advised, that this office is a commenting authority and further discussions on your application must be taken up with the decision makers. Further consultation will only be considered when requested by the decision maker.</p> <p>Please note:</p> <ul style="list-style-type: none"> <li>• Kindly quote the above-mentioned reference number in any future correspondence in respect of the application</li> <li>• The Department reserves the right to revise initial comments and request further information based on the information received.</li> </ul>	Noted. CARA application form was submitted to the Department.	Date: 29/10/2024
Naadiya Wookey	<p><b>Letter dated 17 April 2025</b></p> <p><b>PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION ON PORTION 7 OF FARM RIETFontein NO. 259, CALEDON.</b></p>		Date: 17/04/25

	<p>1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1) of the NEMA.</p> <p>2. The Department has received your application on 14 March 2025 regarding the unlawful clearing of indigenous vegetation on Portion 7 of Farm Rietfontein No. 259, Caledon.</p> <p>3. Having considered the information in respect of your application, you are hereby given notice of the delegated authority's intention to issue you with a Directive in terms of section 24G of the NEMA (as amended), which will direct you to: 3.1 Investigate, evaluate and assess the impact of the activity on the environment, and</p> <p><i>3.2 Provide such other information or undertake such further studies as the relevant competent authority may deem necessary.</i></p> <p>4. This Directorate has considered the information contained in the section 24G Draft Assessment Report ("DAR"), and herewith provide the following comments and request for additional information in respect of the section 24G application:</p> <p>4.1. Applicant Details</p> <p>4.1.1. Section A. 1: Applicant Profile Index on page 12 of the DAR indicates the applicant as an individual / natural person whereas additional information in the section 24G DAR refers to the applicant as <b>Remkuil Boerdery Bpk</b>. Since the unlawful activities are in relation to what appears to be a commercial agricultural operation farming dryland oat with large-scale farming machinery, clarification of the respective type / category of applicant in relation to the unlawful commencement of activities is therefore required.</p> <p>4.2. Landowner Consent 4.2.1.</p> <p>Section A. 1: Applicant Profile Index indicates that the applicant is the landowner of Portion 7 of Farm Rietfontein No. 259, Caledon ('the site'). However, the Title Deed (Ref. T85376 / 96) refers to the endorsements regarding the servitude of water supply and conservation servitude in favour of WWF South Africa with respect to Portion 7 of Farm Rietfontein No. 259, Caledon and is held by Klipfontein Trust. 4.2.1.1. Furthermore, the Title Deed (Ref. T 42512 / 22) appears to be for the cession and transfer of property from Klipfontein Trust to Dreyer van Niekerk Trust with respect to Farm No. 749, Caledon on which a conservation servitude in the favour of WWF South Africa is noted.</p>	<p>Noted. This section has been amended in the Report.</p> <p>Noted and amended</p>	
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	<p>4.2.1.2. Clarification with respect to the confirmation of property ownership of the applicant relevant to the site (i.e. Portion 7 of the Farm Rietfontein No. 259, Caledon) is required <b>as a matter of urgency</b>.</p> <p>4.3. Property Details 4.3.1. Please be advised that the property description contained in the Executive Summary on page i of the DAR refers to Portion <b>2</b> of the Farm Remkuil No. 259, Caledon. It is understood that Section 24G application is with respect to Portion 7 of the Farm Rietfontein No. 259, Caledon. Please correct this error.</p> <p>4.3.2. The 21-digit Surveyor-General code provided on page 14 of the DAR is incorrect. Please correct this error.</p> <p>4.4. Listed Activities 4.4.1. This Directorate confirms that the unlawful activities on Portion 7 of Farm Rietfontein No. 259, Caledon have constituted of the following listed activities:</p> <p><b>Note:</b> This appears to be repeated in the application submitted to the Department of Agriculture, Land Reform and Rural Development in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).</p> <ul style="list-style-type: none"> <li>• Activity 27 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended); and</li> <li>• Activity 12 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended).</li> </ul> <p>4.5. Activity Description</p> <p>4.5.1. The activity description provided on page 18 must be revised to contain detailed information regarding the approximate extent, type and classification of indigenous vegetation impacted as a consequence of the unlawful commencement of activities.</p> <p>4.5.2. You are reminded that the activity description must be indicative of the nature of the activity regarding the full scope, scale and size, and context regarding the location / site.</p> <p>4.6. Site Development Plan 4.6.1. You are advised that the Site Development Plan ("SDP") provided as part of the Section 24G does not include the mitigation measure proposed by the freshwater specialist. A revised SDP that reflects the input of the relevant specialists must be provided.</p> <p>4.7. Protocols</p> <p>4.7.1. You are advised that "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation" ("the</p>	<p>This section on the report has been updated with the correct property details and SG code</p> <p>The activity description has been updated to reflect the extent of the activity occurred as well as the classification of indigenous vegetation that was impacted.</p> <p>As above.</p> <p>The Terrestrial Biodiversity Impact Assessment and Aquatic Biodiversity Compliance Statement were undertaken and all their mitigation measures and recommendations are added into the Report and the EMPr.</p>	
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	<p>Protocols”) (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) came into effect on 09 May 2020. It is noted that the protocols are applicable to the development.</p> <p>4.7.1.1. According to the Protocols, prior to commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool, must be confirmed by undertaking a site sensitivity verification.</p> <p>4.7.1.2. A site sensitivity verification report (“SSVR”) in accordance with the Protocols indicating a motivation as to why certain specialist studies highlighted in the Screening Report will/will not be conducted, must be included in the section 24G application. An SSVR with respect to the environmental themes identified in the Screening Report must be included as part of the S24G application.</p> <p>4.7.1.3. Please not that should reasonable concerns arise from any potential interested and affected parties that require additional assessment, such assessment may be required.</p> <p>4.8. Impact Assessment</p> <p>4.8.1. The consequences of unlawful commencement of the development must be considered with respect to the assessment of impacts associated therewith. This Directorate notes that the recommended mitigation measures have been proposed with respect to the related construction and operational phase of the development / land use activity. However, neither an Environmental Management Programme or Biodiversity Offset Proposal with specialist recommendations relating to mitigation have been provided.</p> <p>4.8.2. The impact assessment must be revised to include the potential impacts related to, <i>inter alia</i>, watercourse / potential alteration of drainage patterns, soil erosion, habitat fragmentation, biodiversity loss, proliferation of invasive species, noise, dust, water or soil contamination and loss of ecosystem services. The relevant recommended management actions / mitigation measures must be included.</p> <p>4.8.3. The consequence of the unlawful activities with respect to the socio-economic aspects as required in Section F of the DAR has not been provided or is regarded as unknown. Further information with respect to this aspect is required in a revised Section 24G DAR.</p>	<p>A site visit was undertaken by the EAP and the SSVR has been updated and contain the required information.</p> <p>The Terrestrial Biodiversity Impact Assessment and Aquatic Biodiversity Compliance Statement were undertaken and they cover all this information. Additionally, the impacts associated with the clearance of vegetation have been covered in the Report and in the EMPr.</p> <p>All mitigation measures were provided by the specialists and have been incorporated into the report and the EMPr.</p> <p>Noted. This section has been amended in the Report.</p> <p>The Biodiversity Offset Applicability has been amended in response to the raised requirements and an agreement with the ORCT has been put in place.</p> <p>Updated</p>	
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	<p>4.9. Biodiversity Offset</p> <p>4.9.1. This Directorate notes that residual impacts are proposed to be offset / eased as indicated in the S24G DAR and has been detailed as such in the impact assessment by the EAP. It is further noted that the EAP has provided recommendations in a Biodiversity Offset Applicability Assessment (compiled by Lornay Environmental Consultants and dated February 2025). The recommendation entails that an official Biodiversity Offset process need not be pursued in terms of the National Biodiversity Guidelines and that a conservation Servitude agreement is suitable in this instance. The recommendation is based on the fact that engagement between the applicant and Overberg Renosterveld Conservation Trust has been initiated.</p> <p>4.9.2. You are advised that the recommendation provided although appears to be in good faith is considered premature at this stage. This is based on the fact that the residual impacts include the permanent loss of 1.7 hectares of Critically Endangered indigenous vegetation with no formal signed Conservation Easement Agreement or Memorandum of Understanding (“MOU”) in place.</p> <p>4.9.2.1. Furthermore, the consideration of the botanical specialist’s findings that the vegetation loss is deemed Medium after mitigation and that such significance rating warrants a Biodiversity Offset in terms of the National Environmental Management: National Biodiversity Offset Guidelines, 2023 remains. Therefore, the recommendations of the botanical specialist must be formally incorporated as part of the S24G application with respect to Easement Agreement / MOU or the relevant Biodiversity Offset proposal.</p> <p>4.9.2.2. In addition, this Directorate is cognisant of the fact that the legal requirement that predates the unlawful commencement of activities in relation to the conservation endorsements attached to Portion 7 of Farm Rietfontein No. 259, Caledon.</p> <p>4.9.3. Progress with respect to the finalisation of a Conservation Easement Agreement / MOU or Biodiversity Offset proposal with the relevant Stakeholders with respect to the impacts on Portion 7 of Farm Rietfontein No. 259, Caledon must be made. Such Easement Agreement / MOU or Biodiversity Offset proposal must include input / approval from CapeNature and be subjected to a Public Participation Process. This must be included in the final S24G application to be submitted to the Competent Authority for decision-making.</p> <p>4.10. Environmental Management Programme (“EMPr”)</p> <p>4.10.1. This Directorate notes that an EMPr has not been provided as part of the Section 24G DAR, however there are recommendations in terms of mitigation measures and management actions proposed by the relevant specialists. An EMPr must therefore be included in the final S24G application to be submitted to the Competent Authority for decision-making.</p>	<p>A signed Memorandum of Understanding is in place and is attached as <b>Appendix N</b>.</p> <p>Noted.</p> <p>A signed Memorandum of Understanding is attached as <b>Appendix N</b>.</p> <p>The Memorandum of Understanding will be included in the final round of Public Participation which will be distributed to Cape Nature to provide input.</p> <p>The EMP has been previously provided with the recommended mitigation measures.</p>	
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	<p>4.10.2. You are reminded that the EMPr contents must meet the requirements outlined in Section 24N (2) &amp; (3) of the NEMA (as amended) and Appendix 4 of the NEMA EIA Regulations, 2014 (as amended). The EMPr must address the environmental impacts of the activity throughout the development life cycle including an auditing protocol for the assessment of the effectiveness of monitoring and management arrangements after implementation.</p> <p>5. Based on the above, you are advised that a revised S24G DAR must be subjected to an <b>additional round of PPP comprising a 30-day commenting period</b> prior to the submission of the final S24G application with updated Comments and Response Report for decision-making.</p> <p>6. The EAP must ensure that the section 24G application be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document.</p> <p>7. Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate: Environmental Governance. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date but will advise you accordingly.</p> <p>8. In addition to any representations made in the application, you are afforded a period of <b>7 (seven) calendar days</b> from the date of receipt of this Pre-directive to make written representations to the Department as to why a Directive should not be issued.</p> <p>9. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of 49A(1)(g) of the NEMA.</p> <p>10. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine <b>not exceeding R10 million</b>, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.</p> <p>11. Kindly quote the abovementioned reference number in any future correspondence in respect of this application. <i>This Department reserves the right to revise or withdraw comments or request further information based on any information received.</i></p>		
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<p>Vuyolwethu Maqala</p>	<p><b>Email dated 30 April 2025</b></p> <p><b>INVESTIGATION FEEDBACK REGARDING THE ALLEGED UNAUTHORIZED CLEARANCE OF VEGETATION ON PORTION 7 OF FARM RIETFontein 259, CALEDON RD</b></p> <p>1. The Breede-Olifants Catchment Management Agency (BOCMA) received an S24G application for comment regarding the alleged unauthorized clearance of vegetation on Portion 7 of Farm Rietfontein 259, Caledon RD.</p> <p>2. The S24G application was referred to the Compliance Monitoring and Enforcement Unit (BOCMA) for further investigation dated 10 September 2024 due to potential illegal water uses that may contravene Section 21 of the National Water Act (Act 36 of 1998) ("NWA"), no water use authorization was identified based on a desktop investigation of Portion 7 of Farm Rietfontein 259, Caledon.</p> <p>3. BOCMA Compliance Monitoring and Enforcement (CME) officials conducted an investigation on 26 February 2025 on Portion 7 of Farm Rietfontein 259, Caledon RD. The following findings were made and serve as a reason for its decision on this matter:</p> <p>3.1 During the site investigation, it was confirmed that as much as the activity falls within 100m of a watercourse, due to the densely vegetated land in between and the distance between the activity and the watercourse, these seem adequate to keep the impact out of the watercourse.</p> <p>3.2 The following considerations listed by the Freshwater specialist should be taken into consideration during the activity being undertaken, such as:</p> <p>3.2.1 Dense vegetation between the watercourses and the cleared areas must be maintained as dense undisturbed indigenous vegetation for the lifecycle of the farming activities.</p> <p>3.2.2 The surrounding watercourses, and particularly the northern 50 m buffer area, should be monitored for any potential erosion on a regular basis.</p> <p>3.2.3 Should erosion be observed, appropriate measures should be taken such as Alien Invasive Plant Species (AIS), which might colonize disturbed areas and outcompete natural vegetation, should be monitored for and removed during ongoing management of the farm.</p> <p>3.2.4 Dumping and littering within any surrounding watercourses is strictly prohibited.</p> <p>3.2.5 All farming machinery and vehicles used must be regularly serviced, fuel must be stored more than 15 m away from any watercourse in a bunded area.</p> <p>3.3 However, any future development beyond this currently cleared area will require a detailed aquatic/freshwater/wetland impact assessment, as this will be possibly undertaken much closer to the watercourses than the current activity and will therefore need to be subjected to a proper assessment and require an authorisation.</p> <p>4. The BOCMA reserves the right to revise its decision and comments on the interest of responsible water resource management.</p> <p>5. Should you have any further queries, please contact the relevant official of the details above. Yours faithfully</p>	<p>Note – no further action required in terms of the National Water Act.</p>	<p><b>Date: 30/04/25</b></p>
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## 8. COMMENTS RECEIVED DURING DRAFT / PRE-APPLICATION PUBLIC PARTICIPATION

**michelle@lornay.co.za**

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**From:** Johan Viljoen <johanvi@twk.gov.za>  
**Sent:** Tuesday, 23 July 2024 12:19  
**To:** michelle@lornay.co.za  
**Subject:** RE: Notice of Public participation: 24G | Clearing of vegetation without EA | Ptn 7 of the Farm 259

Theewaterskloof Municipality take note of the application  
No further comments  
Johan Viljoen

Regards,

**Johan Viljoen**

Manager: Environmental Disaster Management  
Directorate: Community Services

**THEEWATERSKLOOF MUNICIPALITY**

Head Office. 22 Plein Street, Caledon, 7230

Call Centre. 028 214 3300 | Emergency. 080 021 4730 | Email. [johanvi@twk.gov.za](mailto:johanvi@twk.gov.za)

Website. [www.twk.gov.za](http://www.twk.gov.za) | Follow us on Facebook, X, Instagram. @twkmmun



PRIVACY AND CONFIDENTIALITY DISCLAIMER: The Theewaterskloof Municipality and Staff are committed to ensuring that it safeguards personal/private information of data subjects and to respect their right to privacy in accordance with the provisions of the South African Constitution, the Protection of Personal Information Act, 2013 (POPIA) and the Promotion of Access to Information Act, 2000 (PAIA). This email message contains information which may be confidential, personal, private, or privileged in nature and is intended solely for use by the recipient and others authorized to receive it for the specific purpose for which it was sent. If you are not the intended recipient, you are prohibited from using, misusing, disseminating, altering, forwarding, storing, or copying the information, and are hereby notified that such action in relation to the contents of this information is unlawful which may result in your being held liable arising out of your non-compliance. If you have received this message in error, please notify the sender immediately and delete and/or destroy the message from your system.

# OVERBERG

DISTRIKSMUNISIPALITEIT  
DISTRICT MUNICIPALITY  
UMASIPALA WESITHILI



*MELD ASB/PLEASE QUOTE*

*Ons Verw./Our Ref.: 18/5/5/4*

*Navrae/Enquiries:* Francois Kotze

*Bylyn/Ext.:*

Privaatsak: X22

Private Bag:  
BREDASDORP  
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Faks/Fax: (028) 4251014

E-mail/E-pos: [rvolschenk@odm.org.za](mailto:rvolschenk@odm.org.za)

22 August 2024

## LORNAY ENVIRONMENTAL CONSULTING

P.O Box 1990  
HERMANUS  
7200

### RE: NOTICE OF SECTION 24G PUBLIC PARTICIPATION – THE UNLAWFUL CLEARANCE OF VEGETATION ON PORTION 7 OF THE FARM 259

DEA&DP Ref. no.: 14/1/1/E2/9/9/3/0808/23

The Environmental Management Services Department of the Overberg District Municipality take cognisance of the S24G Report for the unlawful clearance of vegetation on portion 7 of the farm 259.

Based on the Western Cape Biodiversity Spatial Plan of 2017 the cleared area falls partly in a Critical Biodiversity Areas (CBAs) and forms part of a critically endangered ecosystems, namely Western Rûens Shale Renosterveld. With reference to the Overberg District Municipality's Spatial Development Framework of 2022, CBAs is classified as Core 1 under the Spatial Planning Categories. These areas must be regarded as "no-go" for development and must be kept in a natural state, with a management plan focused on maintaining or improving the state of biodiversity. There should be no further loss of natural habitat and degraded areas should be rehabilitated.

Giving the conservation status of Renosterveld, any remnants, irrespective of its state (pristine or degraded), should be excluded from any development activities.

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word.  
All correspondence must be addressed to the Municipal Manager

The application discusses two alternatives:

- ALTERNATIVE 1 Ceasing the activity and allowing the area to rehabilitate itself naturally.
- ALTERNATIVE 2 (PREFERRED) This is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity.

The applicant argues that Alternative 1 is not feasible because of the potential post mitigation impacts:

- 1) Exposure to continuous development impacts (mainly agriculture); and
- 2) The negative ecological impacts of ongoing, unmanaged alien plant invasion, habitat loss and degradation, species loss.

The Municipality do not agree with this assessment of alternative 1 and would propose this to be the preferred option. By ceasing the activities and managing the disturbed area as a buffer zone it could prevent further encroachment of agricultural activities within pristine Renosterveld. As per the National Environmental Management: Biodiversity Act of 2004 as well as the Conservation of Agricultural Resources Act of 1983, each landowner is responsible for the management of invasive species on their properties. Therefore, any listed alien and invasive species should be removed with regular follow-up clearing.

In addition the mitigation measure to investigation alternative Conservation Easements as a potential offset is support.

The ODM reserves the right to revise its comments and request further information based on any additional information that may be received.

Yours sincerely

  
**R. BOSMAN**  
**MUNICIPAL MANAGER**



**CONSERVATION INTELLIGENCE: SOUTH**

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reference LS14/2/6/1/7/4/259-7\_S24G cultivation\_Caledon  
date 23 August 2024

Lornay Environmental Consulting  
P.O. Box 1990  
Hermanus  
7200

Attention: Michelle Naylor  
By email: [michelle@lornay.co.za](mailto:michelle@lornay.co.za)

Dear Ms Naylor

**Draft NEMA Section 24G Assessment Report for the Unlawful Clearing of Indigenous Vegetation on Portion 7 of Farm Rietfontein 259, Caledon**

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

The application is for the unlawful clearing of indigenous vegetation for the purposes of crop cultivation. The affected area is mainly mapped as Critical Biodiversity Area I (CBA) in the Western Cape Biodiversity Spatial Plan (BSP). The vegetation which occurred on the footprint was Western Rûens Shale Renosterveld listed as critically endangered. There are no aquatic features within the affected footprint however there are non-perennial rivers and seep wetland mapped in the vicinity of the site.

The NEMA Section 24G Report (top of page 6) indicates that a Screening Report generated by the National Web-based Screening Tool must be attached as an appendix, however this has not been undertaken. In accordance with the Procedures for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes (GN 320, March 2020; GN 1150 October 2020 – referred to as the “protocols”), a site sensitivity verification report must be compiled verifying the sensitivity of the environmental themes as identified in the screening tool and forms the basis for identifying the specialist studies which must be undertaken. We wish to note that CapeNature generated a screening tool report for the site which identified a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species.

No specialist studies have been undertaken to inform the application and instead a motivation is provided that the landowner is in negotiation with the Overberg Renosterveld Conservation Trust

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Mr Paul Slack

that ideally the offset should become a NEM:PAA protected area to provide additional protection from transformation in future.

In conclusion, CapeNature does not support the application as currently proposed due to insufficient information. It is recommended that the site sensitivity verification report must be compiled and as a minimum a terrestrial biodiversity assessment is required to inform the outcome. It is likely that a biodiversity offset will be required and welcome further investigation in this regard within the context of the due process of NEMA and subsidiary legislation and documents.

Regards

*RSmart*

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

cc. Zaidah Toefy, Department of Environmental Affairs and Development Planning

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Mr Paul Slack





# BREED-OLIFANTS

CATCHMENT MANAGEMENT AGENCY

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Reference No: 4/10/3/G40F/FARM 259/7, CALEDON

Date: 30<sup>th</sup> August 2024

Lornay Environmental Consultants

Hemel & Aarde Wine Village

Unit 3A

P.O. Box 1990

Hermanus

[michelle@lornay.co.za](mailto:michelle@lornay.co.za)

Attention: Ms Michelle Naylor

**COMMENT ON THE PUBLIC PARTICIPATION PROCESS FOR S24G:THE UNLAWFUL  
CLEARANCE OF VEGETATION ON PTN 7 FARM 259, CALEDON. DEA&DP REFERENCE  
NUMBER 14/1/1/E2/9/9/3/0808/23.**

With reference to the above application received on 26/07/2024.

This office comments as follows:

## **1. Section 21 Water Use**

The following Water Use in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998) are applicable:

*Section 21 (a) – taking of water*

*Section 21 (b) – storing water*

*Section 21 (c) – impeding or diverting the flow of water in a watercourse*

*Section 21 (i) - altering the bed, banks, course or characteristics of a watercourse*

## **2. Water Use Authorisation**

The above Water Uses require water use authorisation in terms of the National Water Act, 1998 (Act 36 of 1998) i.e. Existing Lawful Water Use, Water Use License or General Authorisation.

The application does not have sufficient water use detail to determine what authorisation is required.

### **3. Information required:**

- 3.1. Proof of lawfulness of the water uses as indicated above, and a water balance indicating compliance to the lawfully authorised water use, alternatively the following:
  - 3.2. Water Balance.
  - 3.3. Rehabilitation Plan / Proposal.
  - 3.4. Stormwater Management plan including both water quality and quantity aspects.
  - 3.5. Civil and technical drawings for stream crossings / in stream dam / pipelines.
  - 3.6. Survey of the in -stream dam confirming dam capacity and specifications.
  - 3.7. Master Plan.
  - 3.8. Method Statements.
  - 3.9. Confirmation of the properties ownership and zoning.
  - 3.10. Freshwater Impact Assessment including a Risk Matrix.
4. As the activity has already commenced, and it is unclear whether authorisation has been formally obtained before commencement in terms of the National Water Act, 1998 (Act 36 of 1998), the matter is referred for Compliance, Monitoring and Enforcement (CME) investigation.

### **General comments:**

5. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
6. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).
7. No pollution of surface water or ground water resources may occur due to any activity.
8. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
9. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).

10. No permanent structures may be constructed within the regulated area of any watercourse (seasonal or permanent river, stream etc.), without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998).
11. No pollution of surface water or ground water resources may occur due to any activity.
12. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
13. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.
14. The water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.

The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours Faithfully



**MR. JAN VAN STADEN**

**CHIEF EXECUTIVE OFFICER (ACTING)**

CC:  
BOCMA Compliance, Monitoring and Enforcement Unit

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**Western Cape  
Government**

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LandUse Management  
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**OUR REFERENCE : 20/9/2/4/2/599**  
**YOUR REFERENCE : 7/259**  
**DEA&DP REFERENCE : 14/1/1/E2/9/9/0808/23**  
**ENQUIRIES : Cor van der Walt**

Lornay Environmental Consulting  
Email: michelle@lornay.co.za

Att: Michelle Naylor

## **SECTION 24G**

### **APPLICATION FOR THE REMOVAL OF VEGETATION FOR AGRICULTURAL PURPOSES:**

#### **DIVISION CALEDON**

#### **PORTION 7 OF THE FARM RIETFontein NO 259**

Your application of 23 July 2024 has reference.

The Western Cape Department of Agriculture has no objection to the S24G process. Please note that the applicant must also obtain consent from the National Department of Agriculture in terms of the Conservation of Agricultural Resources Act No. 43 of 1983 to cultivate virgin land.

Please be advised, that this office is a commenting authority and further discussions on your application must be taken up with the decision makers. Further consultation will only be considered when requested by the decision maker.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.



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Western Cape Department of Agriculture



- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

  
**Mr. CJ van der Walt**  
**LANDUSE MANAGER: LANDUSE MANAGEMENT**  
**2024-10-29**

Copies:

Department of Environmental Affairs & Development Planning  
1 Dorp Street  
Cape Town  
8000

Theewaterskloof Municipality  
PO Box 24  
CALEDON  
7230



**Western Cape  
Government**

Department of Environmental Affairs and Development Planning

**Naadiya Wookey**

Rectification

[Naadiya.Wookey@westerncape.gov.za](mailto:Naadiya.Wookey@westerncape.gov.za) | Tel: 021 483 2742

24G Application: 14/2/4/2/2/E4/5/0005/25

## SECTION 24G PRE-DIRECTIVE

The Proponent

Portion 7 of Farm Rietfontein No. 259

**CALEDON**

7230

**Attention: Mr. J. P. du Toit**

Cell: 082 897 0624

Email: [remkuil@ruens.co.za](mailto:remkuil@ruens.co.za)

**PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION ON PORTION 7 OF FARM RIETFONTEIN NO. 259, CALEDON.**

1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1) of the NEMA.
2. The Department has received your application on 14 March 2025 regarding the unlawful clearing of indigenous vegetation on Portion 7 of Farm Rietfontein No. 259, Caledon.
3. Having considered the information in respect of your application, you are hereby given notice of the delegated authority's intention to issue you with a Directive in terms of section 24G of the NEMA (as amended), which will direct you to:
  - 3.1 *Investigate, evaluate and assess the impact of the activity on the environment, and*
  - 3.2 *Provide such other information or undertake such further studies as the relevant competent authority may deem necessary.*
4. This Directorate has considered the information contained in the section 24G Draft Assessment Report ("DAR"), and herewith provide the following comments and request for additional information in respect of the section 24G application:
  - 4.1. Applicant Details
    - 4.1.1. Section A. 1: Applicant Profile Index on page 12 of the DAR indicates the applicant as an individual / natural person whereas additional information in the section 24G DAR



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Department of Environmental Affairs and Development Planning

refers to the applicant as **Remkuil Boerdery Bpk**. Since the unlawful activities are in relation to what appears to be a commercial agricultural operation farming dryland oat with large-scale farming machinery, clarification of the respective type / category of applicant in relation to the unlawful commencement of activities is therefore required.

4.2. Landowner Consent

4.2.1. Section A. 1: Applicant Profile Index indicates that the applicant is the landowner of Portion 7 of Farm Rietfontein No. 259, Caledon ('the site'). However, the Title Deed (Ref. T85376 / 96) refers to the endorsements regarding the servitude of water supply and conservation servitude in favour of WWF South Africa with respect to Portion 7 of Farm Rietfontein No. 259, Caledon and is held by Klipfontein Trust.

4.2.1.1. Furthermore, the Title Deed (Ref. T 42512 / 22) appears to be for the cession and transfer of property from Klipfontein Trust to Dreyer van Niekerk Trust with respect to Farm No. 749, Caledon on which a conservation servitude in the favour of WWF South Africa is noted.

4.2.1.2. Clarification with respect to the confirmation of property ownership of the applicant relevant to the site (i.e. Portion 7 of the Farm Rietfontein No. 259, Caledon) is required **as a matter of urgency**.

4.3. Property Details

4.3.1. Please be advised that the property description contained in the Executive Summary on page i of the DAR refers to Portion 2 of the Farm Remkuil No. 259, Caledon. It is understood that Section 24G application is with respect to Portion 7 of the Farm Rietfontein No. 259, Caledon. Please correct this error.

**Note:** This appears to be repeated in the application submitted to the Department of Agriculture, Land Reform and Rural Development in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

4.3.2. The 21-digit Surveyor-General code provided on page 14 of the DAR is incorrect. Please correct this error.

4.4. Listed Activities

4.4.1. This Directorate confirms that the unlawful activities on Portion 7 of Farm Rietfontein No. 259, Caledon have constituted of the following listed activities:

- Activity 27 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended); and
- Activity 12 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended).

4.5. Activity Description

4.5.1. The activity description provided on page 18 must be revised to contain detailed information regarding the approximate extent, type and classification of indigenous vegetation impacted as a consequence of the unlawful commencement of activities.



- 4.5.2. You are reminded that the activity description must be indicative of the nature of the activity regarding the full scope, scale and size, and context regarding the location / site.
- 4.6. Site Development Plan
- 4.6.1. You are advised that the Site Development Plan ("SDP") provided as part of the Section 24G does not include the mitigation measure proposed by the freshwater specialist. A revised SDP that reflects the input of the relevant specialists must be provided.
- 4.7. Protocols
- 4.7.1. You are advised that "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation" ("the Protocols") (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) came into effect on 09 May 2020. It is noted that the protocols are applicable to the development.
- 4.7.1.1. According to the Protocols, prior to commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool, must be confirmed by undertaking a site sensitivity verification.
- 4.7.1.2. A site sensitivity verification report ("SSVR") in accordance with the Protocols indicating a motivation as to why certain specialist studies highlighted in the Screening Report will/will not be conducted, must be included in the section 24G application. An SSVR with respect to the environmental themes identified in the Screening Report must be included as part of the S24G application.
- 4.7.1.3. Please note that should reasonable concerns arise from any potential interested and affected parties that require additional assessment, such assessment may be required.
- 4.8. Impact Assessment
- 4.8.1. The consequences of unlawful commencement of the development must be considered with respect to the assessment of impacts associated therewith. This Directorate notes that the recommended mitigation measures have been proposed with respect to the related construction and operational phase of the development / land use activity. However, neither an Environmental Management Programme or Biodiversity Offset Proposal with specialist recommendations relating to mitigation have been provided.
- 4.8.2. The impact assessment must be revised to include the potential impacts related to, *inter alia*, watercourse / potential alteration of drainage patterns, soil erosion, habitat fragmentation, biodiversity loss, proliferation of invasive species, noise, dust, water or soil contamination and loss of ecosystem services. The relevant recommended management actions / mitigation measures must be included.



- 4.8.3. The consequence of the unlawful activities with respect to the socio-economic aspects as required in Section F of the DAR has not been provided or is regarded as unknown. Further information with respect to this aspect is required in a revised Section 24G DAR.

4.9. Biodiversity Offset

- 4.9.1. This Directorate notes that residual impacts are proposed to be offset / eased as indicated in the S24G DAR and has been detailed as such in the impact assessment by the EAP. It is further noted that the EAP has provided recommendations in a Biodiversity Offset Applicability Assessment (compiled by Lornay Environmental Consultants and dated February 2025). The recommendation entails that an official Biodiversity Offset process need not be pursued in terms of the National Biodiversity Guidelines and that a conservation Servitude agreement is suitable in this instance. The recommendation is based on the fact that engagement between the applicant and Overberg Renosterveld Conservation Trust has been initiated.

- 4.9.2. You are advised that the recommendation provided although appears to be in good faith is considered premature at this stage. This is based on the fact that the residual impacts include the permanent loss of 1.7 hectares of Critically Endangered indigenous vegetation with no formal signed Conservation Easement Agreement or Memorandum of Understanding ("MOU") in place.

4.9.2.1. Furthermore, the consideration of the botanical specialist's findings that the vegetation loss is deemed Medium after mitigation and that such significance rating warrants a Biodiversity Offset in terms of the National Environmental Management: National Biodiversity Offset Guidelines, 2023 remains. Therefore, the recommendations of the botanical specialist must be formally incorporated as part of the S24G application with respect to Easement Agreement / MOU or the relevant Biodiversity Offset proposal.

4.9.2.2. In addition, this Directorate is cognisant of the fact that the legal requirement that predates the unlawful commencement of activities in relation to the conservation endorsements attached to Portion 7 of Farm Rietfontein No. 259, Caledon.

- 4.9.3. Progress with respect to the finalisation of a Conservation Easement Agreement / MOU or Biodiversity Offset proposal with the relevant Stakeholders with respect to the impacts on Portion 7 of Farm Rietfontein No. 259, Caledon must be made. Such Easement Agreement / MOU or Biodiversity Offset proposal must include input / approval from CapeNature and be subjected to a Public Participation Process. This must be included in the final S24G application to be submitted to the Competent Authority for decision-making.

4.10. Environmental Management Programme ("EMPr")

- 4.10.1. This Directorate notes that an EMPr has not been provided as part of the Section 24G DAR, however there are recommendations in terms of mitigation measures and management actions proposed by the relevant specialists. An EMPr must therefore be included in the final S24G application to be submitted to the Competent Authority for decision-making.

- 4.10.2. You are reminded that the EMPr contents must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Appendix 4 of the NEMA EIA Regulations, 2014 (as amended). The EMPr must address the environmental impacts of the activity throughout the development life cycle including an auditing protocol for the assessment of the effectiveness of monitoring and management arrangements after implementation.
5. Based on the above, you are advised that a revised S24G DAR must be subjected to an **additional round of PPP comprising a 30-day commenting period** prior to the submission of the final S24G application with updated Comments and Response Report for decision-making.
6. The EAP must ensure that the section 24G application be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document.
7. Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate: Environmental Governance. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date but will advise you accordingly.
8. In addition to any representations made in the application, you are afforded a period of **7 (seven) calendar days** from the date of receipt of this Pre-directive to make written representations to the Department as to why a Directive should not be issued.
9. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of 49A(1)(g) of the NEMA.
10. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine **not exceeding R10 million**, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.
11. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.

*This Department reserves the right to revise or withdraw comments or request further information based on any information received.*



Zaidah  
Toefy

Digitally signed by  
Zaidah Toefy  
Date: 2025.04.17  
11:22:52 +02'00'

**MRS Z TOEFY**  
**HEAD OF RECTIFICATION**  
**DIRECTORATE: ENVIRONMENTAL GOVERNANCE**  
**DATE: 17 APRIL 2025**

CC: (1) Ms. M. Naylor (Lornay Environmental Consulting)  
(2) Mr. J. Viljoen (Theewaterskloof Municipality)  
(3) Mr. R. Smart (CapeNature)  
(4) Ms. N. BenJeddou (DEA & DP: Environmental Law Enforcement – Region 2)

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**Mr. Johannes du Toit**  
**P.O. Box 1990**  
**Hermanus**

Attention: **Mr. Johannes du Toit**  
Tell No.: 082 897 0624  
Email: [remkuil@ruens.co.za](mailto:remkuil@ruens.co.za)

BY EMAIL OR HAND

Dear Sir

**INVESTIGATION FEEDBACK REGARDING THE ALLEGED UNAUTHORIZED  
CLEARANCE OF VEGETATION ON PORTION 7 OF FARM RIETFontein 259,  
CALEDON RD**

1. The Breede-Olifants Catchment Management Agency (BOCMA) received an S24G application for comment regarding the alleged unauthorized clearance of vegetation on Portion 7 of Farm Rietfontein 259, Caledon RD.
2. The S24G application was referred to the Compliance Monitoring and Enforcement Unit (BOCMA) for further investigation dated 10 September 2024 due to potential illegal water uses that may contravene Section 21 of the National Water Act (Act 36 of 1998) ("NWA"), no water use authorization was identified based on a desktop investigation of Portion 7 of Farm Rietfontein 259, Caledon.
3. BOCMA Compliance Monitoring and Enforcement (CME) officials conducted an investigation on 26 February 2025 on Portion 7 of Farm Rietfontein 259, Caledon RD. The following findings were made and serve as a reason for its decision on this matter:
  - 3.1 During the site investigation, it was confirmed that as much as the activity falls within 100m of a watercourse, due to the densely vegetated land in between and the distance between the activity and the watercourse, these seem adequate to keep the impact out of the watercourse.



**INVESTIGATION FEEDBACK REGARDING THE ALLEGED UNAUTHORIZED CLEARANCE OF  
VEGETATION ON PORTION 7 OF FARM RIETFontein 259, CALEDON RD**

3.2 The following considerations listed by the Freshwater specialist should be taken into consideration during the activity being undertaken, such as:

- 3.2.1 Dense vegetation between the watercourses and the cleared areas must be maintained as dense undisturbed indigenous vegetation for the lifecycle of the farming activities.
- 3.2.2 The surrounding watercourses, and particularly the northern 50 m buffer area, should be monitored for any potential erosion on a regular basis.
- 3.2.3 Should erosion be observed, appropriate measures should be taken such as Alien Invasive Plant Species (AIS), which might colonize disturbed areas and outcompete natural vegetation, should be monitored for and removed during ongoing management of the farm.
- 3.2.4 Dumping and littering within any surrounding watercourses is strictly prohibited.
- 3.2.5 All farming machinery and vehicles used must be regularly serviced, fuel must be stored more than 15 m away from any watercourse in a bunded area.

3.3 However, any future development beyond this currently cleared area will require a detailed aquatic/freshwater/wetland impact assessment, as this will be possibly undertaken much closer to the watercourses than the current activity and will therefore need to be subjected to a proper assessment and require an authorisation.

- 4. The BOCMA reserves the right to revise its decision and comments on the interest of responsible water resource management.
- 5. Should you have any further queries, please contact the relevant official of the details above.

Yours faithfully

P.P. 

**MR. JAN VAN STADEN**

**CHIEF EXECUTIVE OFFICER (ACTING)**

**DATE: 30/04/2025.....**

**INVESTIGATION FEEDBACK REGARDING THE ALLEGED UNAUTHORIZED CLEARANCE OF  
VEGETATION ON PORTION 7 OF FARM RIETFontein 259, CALEDON RD**



Corner Mountain Mill & East Lake Roads, Worcester, 6850

	023 347 2020		Private Bag X3055		Ms. V Maqala
	063 572 8153		Worcester		023 346 8000
<b>E-mail:</b>	<a href="mailto:vmaqala@bocma.co.za">vmaqala@bocma.co.za</a>		6850	<b>Ref</b>	ECMS: 33567 4/9/2/G40F/FARM 259/7, CALEDON

**INVESTIGATION FEEDBACK REGARDING THE ALLEGED UNAUTHORIZED CLEARANCE OF  
VEGETATION ON PORTION 7 OF FARM RIETFontein 259, CALEDON RD**

Received by: Dr. /Mr. /Ms. \_\_\_\_\_

ID Number/ Official Stamp: \_\_\_\_\_

On behalf of the company: \_\_\_\_\_

In my capacity as: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 2025, at \_\_\_\_\_