



LORNAY
ENVIRONMENTAL CONSULTING

NEMA 24G APPLICATION AND ASSESSMENT FORM

Unauthorised Clearance of indigenous vegetation for the Expansion of Agricultural land on
Portion 7 of the Farm Rietfontein 259, Caledon RD

28 May 2025

Consultant:

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Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07



EXECUTIVE SUMMARY

Background to the project

A section 24G Application is being conducted for Portion 7 of the Farm Remkuil No. 259, Caledon. The subject property is located within the rural area of Caledon on actively farmed land. The farm is approximately 56.71 ha in extent with approximately 47.84 ha in the property currently being farmed. An area of approximately 1.7 ha of Western Ruens Renosterveld, (CR) was cleared on the property without Environmental Authorisation. This application seeks to retrospectively apply for Environmental Authorisation for the unauthorized clearance of indigenous vegetation on Portion 7 of Farm Remkuil No. 259, Caledon. This cleared area, characterized by uneven farming edges adjacent to existing fields, was intended to facilitate improved movement of large-scale farming machinery challenges previously imposed by the irregular terrain and narrow field margins.

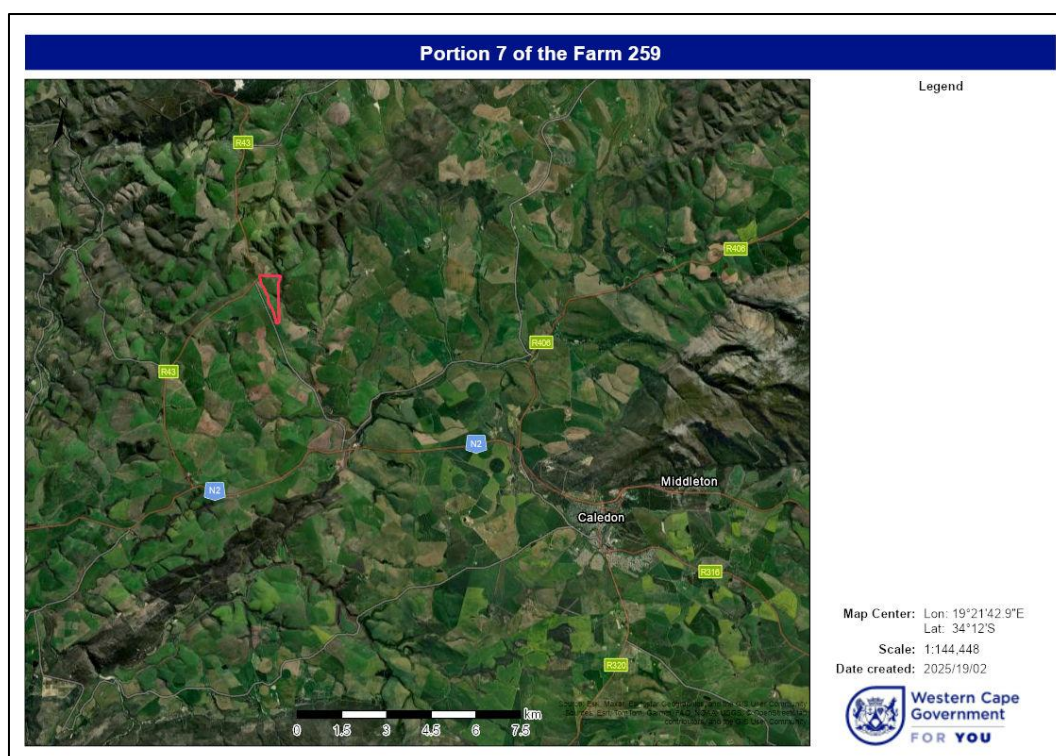


Figure i: Locality of the subject property.

Need and Desirability of the proposed activity

The proposed activity involves the retrospective Environmental Authorisation for the clearance of indigenous vegetation on Portion 7 of Farm 259, Caledon.

The farming operation on this property is well-established and supports both the local economy and the livelihoods of many unskilled and semi-skilled workers in the surrounding area. The applicant will optimize land management practices to utilise the disturbed area and improve operational efficiency with modern large-scale agricultural machinery to enhance productivity. This will enable the farming enterprise to remain competitive within an increasingly challenging agricultural sector due to climate variability and economic pressures. The activity responds to a need for more productive and efficient agricultural practices. The Province of the Western Cape is known to be a great contributor to national agricultural production, wherein 11.5 million hectares of land is under cultivation (WCSDP, 2014). According to the Western Cape Spatial Development Framework of 2014, the region contributes a total of 21% of the country's agricultural production. The local economies rely heavily on the continued growth and sustainability of the sector (WCSDP, 2014). This regional and national imperative will be reinforced by the proposed development through enabling more intensified use of the land, without detracting from the economic value of the asset.

Desirability of this activity is further reinforced in the existing condition of the site and the context within which it is situated. The site forms part of an active farmland, remnants of natural vegetation are impacted by adjacent agricultural activities.

Summary of the Alternatives

Two alternatives were assessed based on site conditions and specialist input.

Alternative 1 (No-Go Alternative)

This option allows the disturbed site to rehabilitate naturally over time. While it could reduce further environmental impacts, the recovery of the critically endangered Western Ruens Shale Renosterveld would be slow and uncertain due to historical fragmentation, proximity to historical farming and the absence of necessary fire cycles. Additionally, this alternative would prevent the applicant from utilizing the property for agricultural purposes, limiting economic viability and job creation.

Alternative 2 (Preferred Alternative)

This alternative involves continued agricultural use of the already disturbed land while ensuring compliance with environmental regulations and implementing mitigation measures to prevent further impact on adjacent undisturbed areas. Specialist assessments indicate that while natural vegetation in the area varies in condition, past clearance has affected a Critical Biodiversity Area (CBA1). Given the extent of disturbance and ongoing agricultural runoff, passive rehabilitation is unlikely to succeed without significant intervention. Mitigation measures will be implemented to minimize further environmental impacts while maintaining the agricultural productivity of the site.

Specialists Assessment

Terrestrial Biodiversity

- The natural vegetation on site is confirmed as Western Ruens Shale Renosterveld, which is gazetted as Critically Endangered on a national basis.
- About half the ripped vegetation was mapped as CBA1 in the CapeNature Spatial Biodiversity Plan, and the ripped area is about 2ha in extent. The area was ripped, but not ploughed, sown or fertilised.
- Most of the approximately 2ha lost to unauthorised cultivation (ripping) was probably of High botanical conservation value, and may have supported between one and four plant SoCC (Species of Conservation Concern), although none were noted there now.
- The overall botanical impact of the loss and degradation of the approximately 2ha of Renosterveld on site is deemed to have had a Medium to High negative impact before mitigation, and Medium negative after mitigation (see Section 7 for all required mitigation).
- All mitigation outlined in Section 7 is considered feasible, reasonable and essential, and must be implemented timeously and correctly.
- As per the DEA Biodiversity Offset Guidelines (DEA 2022) a conservation contribution (easement) of at least 60ha of Renosterveld is required as the primary mitigation for loss of 2ha of Critically Endangered Western Ruens Shale Renosterveld. A commitment of this nature would not impede existing farming activities in any substantive way, but will require a solid commitment by the landowner to abide by the NEMA laws in future. A conservation easement or contract reserve for the relevant, chosen offset area should be accompanied by an Integrated Management Plan for the conservation area which would focus on the most important management principles related to fire, alien clearing, livestock management and erosion control.

Required Mitigation

The following mitigation for the unauthorised 2ha of new cultivation undertaken in the study area is deemed feasible, reasonable and mandatory:

- No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently ripped/cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process.
- In lieu of a Biodiversity Offset, the owner is currently in engagement with the Overberg Renosterveld Trust (ORT) towards establishment of a Conservation Easement (servitude) to secure at least 30 ha of renosterveld habitat, this was confirmed in writing by the ORT, and is attached as **Appendix N**.
- All costs associated with this must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.
- If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.

Aquatic Biodiversity Compliance Statement

During the desktop assessment, it was determined that there were no rivers, or natural / artificial wetlands within the cleared area. Surrounding the area cleared of vegetation are various watercourses located downstream; a northern drainage line is located 51 m away, with an associated CVB wetland, which lies 90 m away. Both watercourses are separated by dense natural terrestrial vegetation. To the east, a CVB wetland is located 100 m from the cleared area, with a buffer comprising an agricultural field and natural vegetation. A southwestern drainage line and associated CVB wetland is located 217 m away and buffered by an agricultural field. To the south, the farm dam, and associated drainage line, and CVB wetland are situated at distances of 177 m, 214 m, and 270 m, respectively, all buffered by an agricultural field and / or natural vegetation.

These watercourses are all located more than 50 m away and are buffered by dense natural vegetation, and/or agricultural fields with associated furrows and associated vegetation. Therefore, it is the specialist's opinion that surrounding watercourses were not impacted by the upstream clearance of vegetation; and will not be impacted by the proposed cultivation within this area.

The following mitigation / management measures are recommended:

- Of importance is that the 50 m buffer of natural vegetation which surrounds the northern watercourses located closest to the activity, must be maintained as dense undisturbed indigenous vegetation for the lifecycle of the farming activities.
- Although no erosion or sedimentation was noted during the site visit, the surrounding watercourses, and particularly the northern 50 m buffer area, should be monitored for any potential erosion on a regular basis. Should erosion be observed, appropriate measures should be taken such as:
 - Covering steep/unstable/erosion prone areas with geotextiles.
 - Covering areas prone to erosion with brush packing, straw bales, mulch.
 - Stabilizing cleared/disturbed areas susceptible to erosion with sandbags.
 - Constructing silt fences / traps in areas prone to erosion, to retain sediment-laden runoff. Silt fences must be adequately maintained. Furthermore, the farm manager must monitor sediment fences / traps after every heavy rainfall event and any sediment that has accumulated must be removed by hand.
- 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.
- Dumping and littering within any surrounding watercourses is strictly prohibited.
- 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.

As there is no risk to surrounding watercourses, it is concluded that no Water Use Authorisation (WUA) in terms of Section c and i water uses with the Department of Water and Sanitation (DWS) is required. From an aquatic ecological perspective, there should be no reason the clearance and proposed cultivation cannot be approved.

Biodiversity Offset Applicability Assessment

Pursuing an official Biodiversity Offset in this scenario, is not recommended. The reasons for this can be summarised as follows:

- The findings of the Terrestrial Biodiversity Assessment and the state of the vegetation on the property and impacted areas was not consistent with the CR vegetation type due to operational impacts associated with the active farming.
- It is not possible to fully apply the mitigation hierarchy to retrospective applications as the impact has already occurred.
- The clearance was done in error, in small pockets of vegetation within the farmland. The clearance aimed to create straight lines to more effectively operate the farming equipment.
- The landowner already has existing Conservation Servitude agreements with the Overberg Renosterveld Conservation Trust (ORCT) and has shown willingness to not only rectify his NEMA infringement but engage with the ORCT for new and future conservation opportunities. The value of the existing partnership between these two parties is significant.
- A letter of confirmation from the ORCT which is dated 23 April 2025 to establish a Conservation Easement to secure at least 30 ha of Renosterveld habitat on the farm has been declared.

Given the information contained in this report, it is the recommendation of the EAP that an official Biodiversity Offset process is not pursued as per the National Biodiversity Offset Guidelines. Instead, it is advised that the landowner be instructed to actively pursue the Conservation Servitude agreement with the Overberg Renosterveld Conservation Trust. A Memorandum of Understanding (MoU) between the applicant and Overberg Renosterveld Conservation Trust has been finalised as per **Appendix N**.



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

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

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

	Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).	
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	
8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	
9.	Compliance history of the applicant:	
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply.	
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	
	10.2 Copies of comments and responses included in the application.	x
	10.2 Comments and Response report attached to the application.	x
11.	Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") (GN No. R.326 of 7 April 2017) (if conducted/undertaken)	x



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

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

OCTOBER 2022

Form Number S24GAF/10/2022

Kindly note that:

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

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

PART 1 -

Section A: Background Information

Section B: Activity Information

Section C: Description of Receiving Environment

Section D: Need and Desirability

Section E: Alternatives

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

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

Section H: Recommendations of the EAP

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

Section J: Public Participation Process

PART 2 -

ANNEXURE A of Fine Regulations

Section A: Directives

Section B: Deferral of the Application

Section C: Quantum of the section 24G fine

Section D: Preliminary advertisement

PART 3 -

Appendices and Declarations

PART 4 -

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

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

PROCESS TO BE FOLLOWED:

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

CIRCULARS, GUIDELINES AND TOOLS:

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

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

PLEASE NOTE THE FOLLOWING:

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

DISCLAIMER

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

DEPARTMENTAL DETAILS

The Application Form must be sent to the following details:

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

Registry Office
1st Floor Utilitas Building
1 Dorp Street,
Cape Town

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

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

File Reference number (S24G)	
Administrative Fine Reference	

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

File Reference number (Enforcement), if applicable	
File reference number (EIA), if applicable:	
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

View the Department's website on <http://www.westerncape.gov.za/eadp> for the latest version of the documents

PART 1**PROJECT TITLE AND GENERAL DESCRIPTION OF THE DEVELOPMENT**

Clearance of indigenous vegetation without Environmental Authorisation on Portion 7 of the Farm Rietfontein 259, Caledon RD

RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

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

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

SECTION A: BACKGROUND INFORMATION

1. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

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

Applicant's details (duplicate this section where there is more than one applicant)		Remkuil Boerdery BK
Applicant Name:	Johannes Petrus du Toit	
Name of Firm (if applicable):	-	
Firm Registration Number:	6811145014084	
Contact Person at the Firm:	As above	
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below – (In the list below, delete the firms that are not applicable to this application)	
<ul style="list-style-type: none"> • Directors of a company; or • Members of the board; or • Executive committee or other managing body of a corporate body or parastatal; or • Members of close corporation; or • Partners of a partnership; or • Trustees of a trust 	Name: Name: Name: Name: Name: Name:	
Postal address:	Portion 7 of Farm Rietfontein No. 259	

The NEMA SECTION 24G APPLICATION AND ASSESSMENT REPORT

	Caledon	Postal code:	7230
Telephone:	N/A	Cell:	082 897 0624
E-mail:	remkuil@ruens.co.za	Fax:	N/A
Project Consultant			
Contact person:			
Postal address:			
		Postal code:	
Telephone:	{ — }	Cell:	
E-mail:		Fax:	{ — }
Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:	Michelle Naylor		
Company name (if any):	Lornay Environmental Consulting		
Postal address:	Unit 5/1F, Hemel and Aarde Valley		
	Hermanus	Postal code:	7200
Telephone:	()	Cell:	083 245 6556
E-mail:	michelle@lornay.co.za	Fax:	()
EAP Qualifications	Master of Science (Rhodes University)		
EAP Registrations/Associations and registration number/s	2019/698		
Name of the Landowner:	Johannes Petrus du Toit Trust		
Name of the contact person for the land owner (if other):	As above		
Postal address:	-		
	-	Postal code:	-
Telephone:	()	Cell:	-
E-mail:	-	Fax:	()
Person in control of land:	As above		
Contact person:	-		

Postal address:	-		
	-	Postal code:	-
Telephone:	()	Cell:	
E-mail:	-	Fax:	()

Please note:

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

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

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

Municipality in whose area of jurisdiction the activity falls:	Theewaterskloof Municipality		
Contact person, if known:	Johan Viljoen		
Postal address:	PO Box 24		
	Caledon	Postal code:	7230
Telephone	028 840 1130	Cell:	
E-mail:	joohanvi@twk.gov.za	Fax:	()

Please note:

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

Property location(s):	Near R43 Road, between Botrivier and Caledon
Farm/Erf name(s) & number(s) including portion(s)	Farm Rietfontein 259, Portion 7
Property size(s) (m ²)	567100 m ² (56.71 ha)
Development footprint size(s) (m ²)	Approximately 17000 (1.7 ha)
SG21 Digit code(s)	C01300000000025900007

Property boundary:

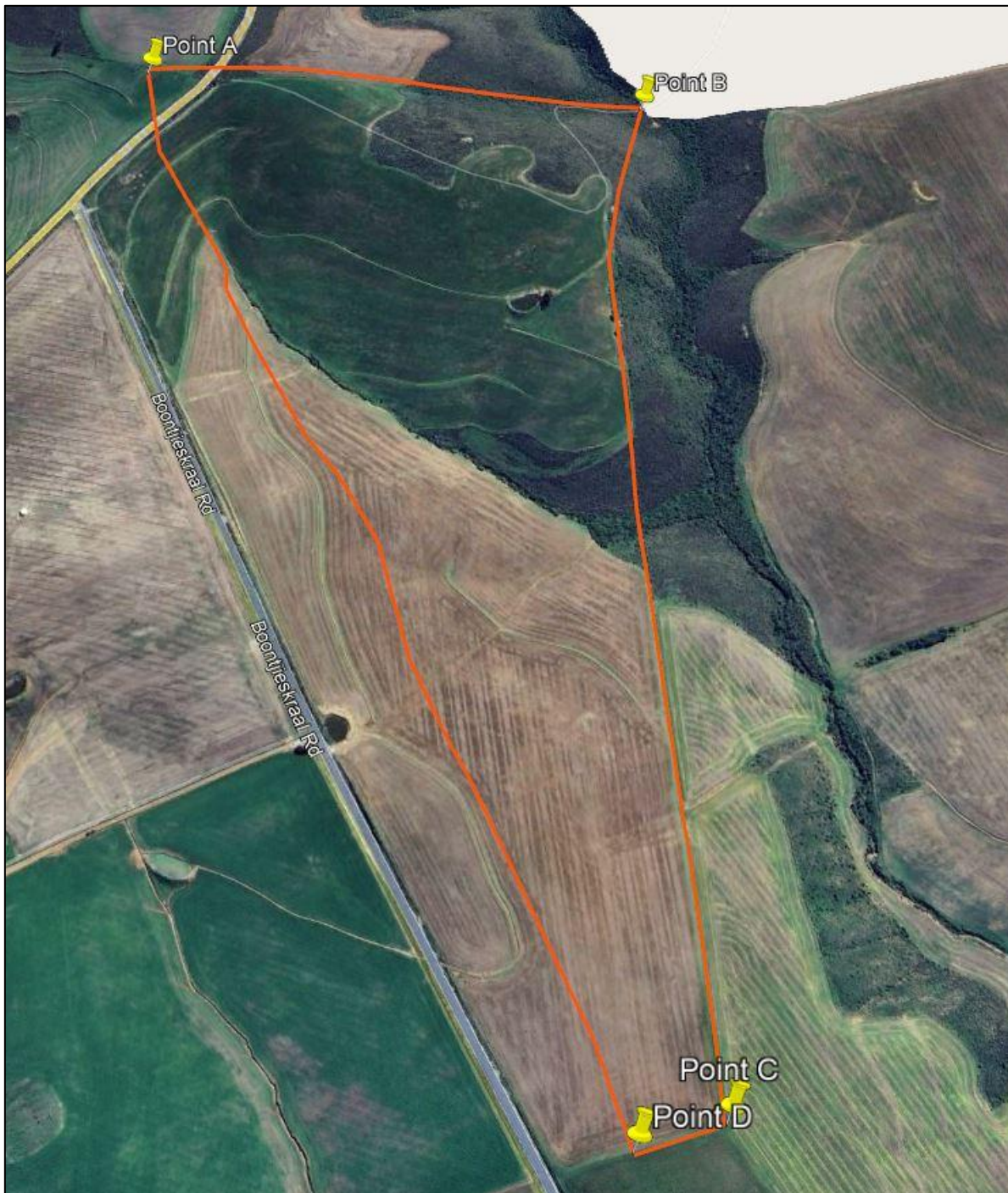


Figure 1: Property boundary

Point	Latitude (S)				Longitude (E)		
A	34°	9'	31.94"	South	19°	18'	13.94" East
B	34°	9'	32.55"	South	19°	18'	43.64" East
C	34°	10'	22.88"	South	19°	18'	41.95" East
D	34°	10'	23.82"	South	19°	18'	37.56" East

The co-ordinates for the site boundary are:



Figure 2.1: coordinates of the impacted area

Point	Latitude (S)	Longitude (E)
1	34° 9' 34.20" South	19° 18' 28.69" East
2	34° 9' 37.85" South	19° 18' 28.86" East
3	34° 9' 35.57" South	19° 18' 33.67" East
4	34° 9' 37.06" South	19° 18' 38.46" East
5	34° 9' 38.82" South	19° 18' 37.53" East

Please note:

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

Street address:	R43 Between Botrivier and Caledon		
Magisterial District or Town:	Caledon		
Closest City/Town:	Caledon	Distance	12 (km)
Zoning of Property:	Agricultural Zone 1		

Please note:

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

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

2. APPLICATION HISTORY

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

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

SECTION B: ACTIVITY INFORMATION

1. ACTIVITIES APPLIED FOR

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

Applicant (Full names): JOHANNES PETRUS DU TOIT Signature: [Signature]
 Place: Caledon Date: 20/05/2024

EAP (Full names): MICHELLE NAYLOR Signature: [Signature]
 Place: Hermanus Date: 15 April 2024

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

1.1 Applicable EIA listed activities

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

	N/A		
GN No. R. 546 Activity No(s): (Listing Notice 3 of 2010)	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
	N/A		
NEMA EIA Contraventions: on or after 08 December 2014			
Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,			
GN No. R. 983 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
27	<p>The clearance of an area of 1 hectares or more but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	Approximately 1.7 hectares of Critically Endangered Western Ruens Shale Renosterveld indigenous vegetation has been cleared on the subject property.	21-27 August 2023
GN No. R. 984 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
	N/A		
GN No. R. 985 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
12	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within</p>	More than 300 squares of Vegetation type on the property and surrounding areas-mapped as Western Ruens Shale Renosterveld which is gazetted as a Critically Endangered Vegetation.	21- 27 August 2023

	critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.		
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Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

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

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

Please note:

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

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

1.3 Activities listed similarly in terms of the EIA Regulations

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

The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
27	The clearance of an area of 1 hectare or more but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	Approximately 1.7 ha of Critically Endangered, Western Ruens Shale Renosterveld vegetation type was cleared on the property.
GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
	N/A	
GN No. R. 324 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.
12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous	

	<p>vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>Approximately 1.7 ha of Critically Endangered, Western Ruens Shale Renosterveld vegetation type was cleared on the subject property.</p>
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Please note:

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

2. ACTIVITY DESCRIPTION

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

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed <input checked="" type="checkbox"/>	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced <u>as well as</u> the original date of commencement if the application is an upgrade.	New	Upgrade <input checked="" type="checkbox"/>
<p>The activity is considered an upgrade of an existing development, as it forms part of the expansion of the existing cultivated area on Portion 7 of the Farm No. 259, located on the eastern side of the R43 road between Villiersdorp and Botrivier. Access to the property is gained via Boonjieskraal Road, which connects to the R43. The activity involved the clearing of approximately 1.7 hectares of Critically Endangered Western Ruens Shale Renosterveld vegetation to allow</p>		

for the extension of cultivation on the property. The vegetation clearance and associated disturbance commenced between 21 and 27 August 2023.

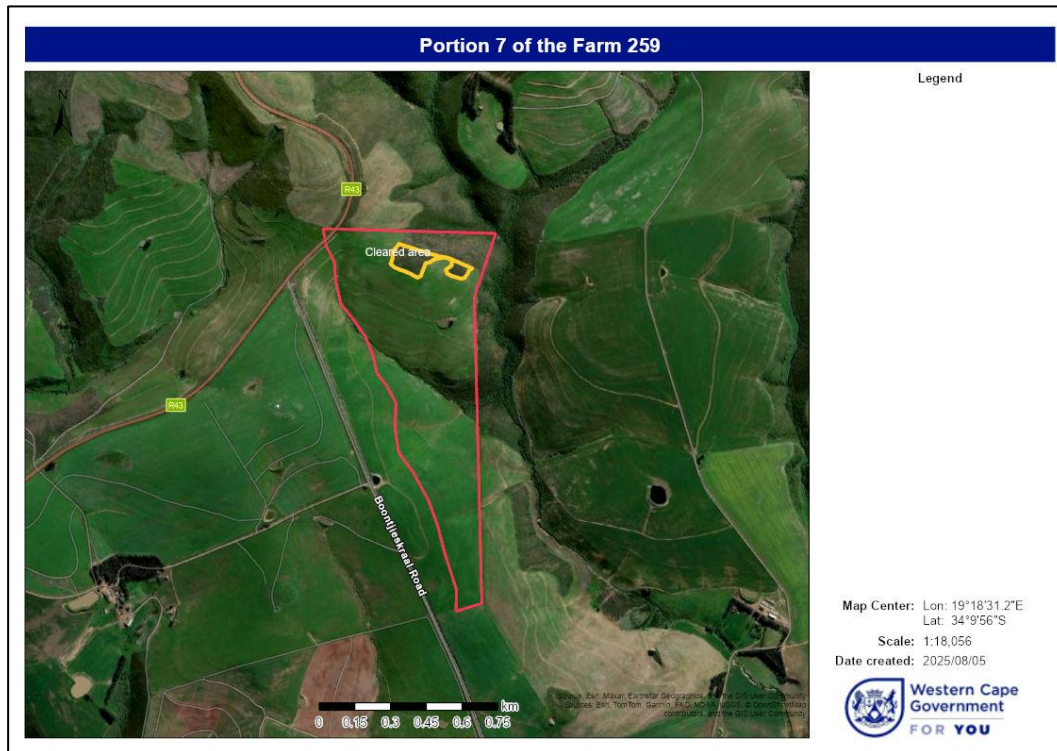


Figure 2.2: Overview of the property as well as the area that cleared, as indicated in yellow.

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

The activity undertaken involved the unauthorised clearance of approximately 1.7 ha of indigenous vegetation, specifically within the Critically Endangered Western Rûens Shale Fynbos vegetation type. The vegetation clearance occurred on the Northeastern part of the subject property between 21 to 27 of August 2023 and has since been completed in its entirety. No ploughing has taken place, additionally there are no physical infrastructure or built structures that were installed as part of this activity.

The clearance was conducted using agricultural machinery with the intention of expanding the area available for crop cultivation. The area targeted comprised uneven or narrow strips along the edges of existing ploughed and cultivated fields. These strips were cleared to facilitate more efficient movement and operation of large-scale farming equipment. The impacted area was specifically chosen due to its gentler slope and accessibility for mechanised farming operations.

The site currently reflects the cleared state, as illustrated in the series of site photographs (**Photos 1–5**), which show the transitional edge between the previously farmed area and the newly cleared area, as well as the remaining intact vegetation adjacent to the disturbed zone. No further clearing has occurred beyond the mentioned extent, and no additional infrastructure or services have been constructed or initiated on the site.



Photo 1: View of the edge between existing farmed area and area cleared.



Photo 2. Cleared area on site.



Photo 3. Photo of cleared area alongside remaining intact vegetation.



Photo 4. Photo of cleared area alongside remaining intact vegetation.



Photo 5. The current state of the site as of May 2024. The clearance of approximately 1.7 ha of indigenous vegetation within the critically endangered area.

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

Buildings	YES	NO x
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Provide brief description:

The activity was limited to the clearance of approximately 1.7 hectares of indigenous vegetation, classified as Western Rûens Shale Fynbos, which is a Critically Endangered ecosystem type. The purpose of the clearance was to incorporate the affected area into existing agricultural operations for crop production. No buildings, structures, or associated infrastructure were constructed as part of this activity. The clearance was executed mechanically, without the installation of services such as roads, irrigation infrastructure, fencing, or buildings.

There are currently no engineering drawings, architectural plans, or process flow diagrams associated with the activity, as no construction or permanent modifications to the landscape were undertaken beyond the vegetation clearance.

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

The activity undertaken was limited solely to the clearance of indigenous vegetation. No associated infrastructure such as roads, power supply, water supply, or storage facilities was developed, installed, or altered in relation to the clearance. The existing agricultural infrastructure remains unchanged, and no physical infrastructure activities were undertaken as part of the unauthorised development.

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

The activity was limited exclusively to the clearance of indigenous vegetation. No processing, manufacturing, storage, or distribution facilities have been established, nor do they form part of this application.

Storage facilities for raw materials and products (e.g. volume and substances to be stored)		
Provide brief description	YES	NO x
The activity only involves the clearance of indigenous vegetation.		
Storage and treatment facilities for solid waste and effluent generated by the project		
Provide brief description	Yes	NO x
The activity only involved the clearance of indigenous vegetation.		

(d) Other activities (e.g. water abstraction activities, crop planting activities)		
Provide brief description	Yes	NO x
The activity only involved the clearance of indigenous vegetation.		

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	m ²
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	±17000 m ²
Total area:	±17000 m ² / 1.7 ha

4. SITE ACCESS

Was there an existing access road?	YES x	NO
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length)	m
N/A	(width)	m
Describe the type of access road constructed:		
No new access road has been constructed. This application pertains solely to the clearance of approximately 1.7 ha of indigenous vegetation on the subject property to facilitate the expansion of existing agricultural land. All activities were undertaken using pre-existing farm access routes, and no modifications or upgrades to roads occurred as part of the clearance activity.		

Please Note:

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

5. SITE PHOTOGRAPHS

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

Please note:

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

6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES

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

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (if already obtained):
National Environmental Management Act (Act 107 of 1998), As amended.	DEA&DP	Authorisation	-
Conservation of Agricultural Resources Act (CARA) (App	Department of Agriculture	Plough Permit	Submitted and pending

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
National Environmental Management Act 107 of 1998, As amended (NEMA) & The EIA Regulations (2014) As amended- Environmental Impact Assessment Process	DEA&DP
Overstrand Municipality By Law on Municipal Land Use Planning, 2015	Overstrand Municipality
EIA Guideline and Information Document Series, Dated Mach 2013: Applied to various components in the Basic Assessment Process. The following Guidelines were considered throughout this Basic Assessment Process: - Guideline for the Review of Specialist Input in the EIA process (June 2005); - Guideline for Environmental Management Plans (June 2005) - Guideline on Alternatives (March 2013) - Guideline on Need and Desirability	DEA&DP

7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS ("SEMA")

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?	YES	NO X
If yes, has an application been submitted to the licensing authority? N/A	YES	NO
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	YES	NO X
If yes, has an application been submitted to the licensing authority? N/A	YES	NO

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

8. APPLICATIONS IN TERMS OF OTHER LEGISLATION

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

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

SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

Site/Area Description

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

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

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

GRANITE		QUARTZITE	
SHALE		DOLOMITE	
SANDSTONE		DOLERITE	
OTHER (specify) X	Dark grey mudrock, siltstone, with feldspatic/micaceous and quartz arenite		

2. GRADIENT OF THE SITE

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

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

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

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



Photo 6. Showing gradual slope of the site



Photo 7. Showing gradual slope of the site, with the cleared area and remaining intact vegetation alongside. The slope steepens in the uncleared areas as ploughing machinery and farming tools cannot access these areas.

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

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

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

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

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

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

5. SURFACE WATER**5.1 SURFACE WATER (PRE-COMMENCEMENT)**

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

Perennial River	YES	NO x	UNSURE
Non-Perennial River	YES	NO x	UNSURE
Permanent Wetland	YES	NO x	UNSURE
Seasonal Wetland	YES	NO x	UNSURE
Artificial Wetland	YES	NO x	UNSURE

Estuarine / Lagoonal wetland	YES	NO x	UNSURE
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5.2 SURFACE WATER (POST-COMMENCEMENT)

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

Perennial River	YES	NO x	UNSURE
Non-Perennial River	YES	NO x	UNSURE
Permanent Wetland	YES	NO x	UNSURE
Seasonal Wetland	YES	NO x	UNSURE
Artificial Wetland	YES	NO x	UNSURE
Estuarine / Lagoonal wetland	YES	NO x	UNSURE

6. VEGETATION AND/OR GROUNDCOVER

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

6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)

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

Indigenous Vegetation - good condition	x	Indigenous Vegetation with scattered aliens		Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above: The site is characterised by Western Rûens Shale Renosterveld vegetation, gazetted as Critically Endangered.		Describe the vegetation type above:		Describe the vegetation type above:	
Provide ecosystem status for above: Critically endangered ecosystem		Provide ecosystem status for above:		Provide Ecosystem status for above:	

Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil	Building or other structure	Sport field
Other (describe below) Transformed	Cultivated land	Paved surface

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

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

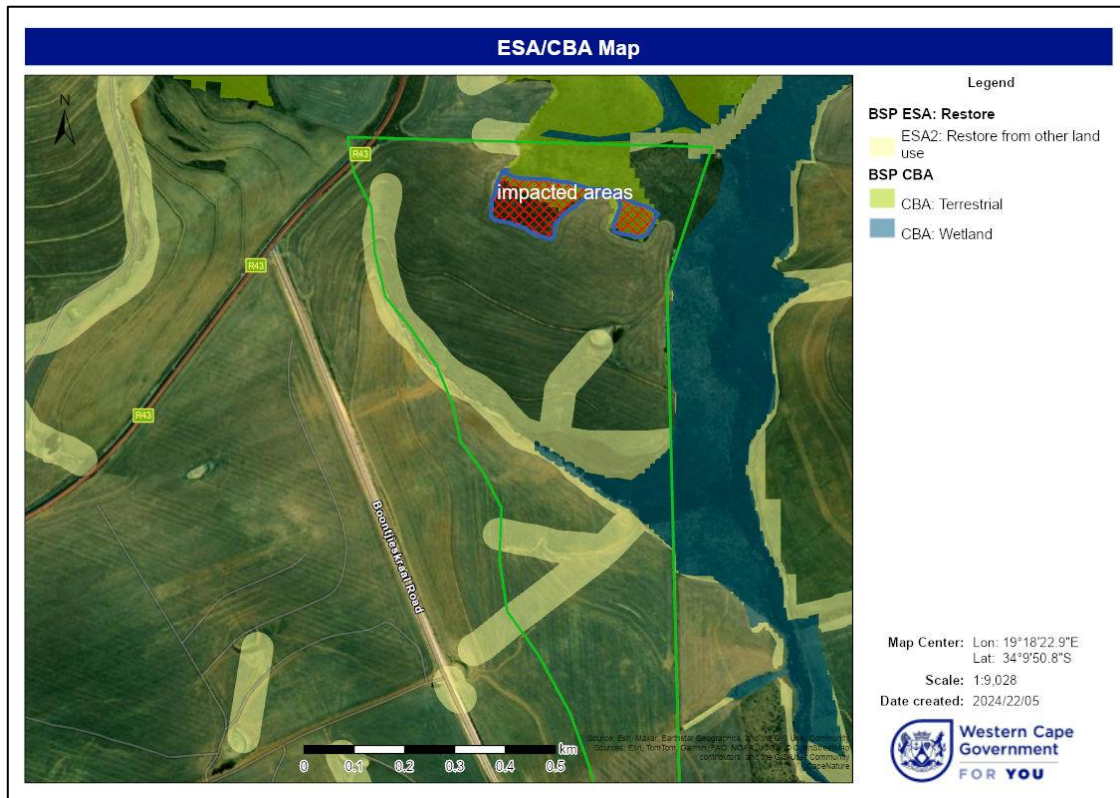


Figure 3. The property as a whole contains CBA1, CBA2, and ESA2 mapped areas. However, the area where the clearance took place only affected the edge of a CBA1 area, as shown on the map above. It is important to note that the areas cleared were located directly alongside actively farmed lands and therefore were already fairly disturbed by the adjacent farming.

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

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	15 %	Very little limited sections were in a natural state due to cultivation and previous impacts on site and location alongside actively farmed land.
Near Natural (includes areas with low to moderate level of alien invasive plants)	%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	85 %	The site was mostly transformed with only small patches of indigenous vegetation.

(c) Complete the table to indicate:

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

Terrestrial Ecosystems		Aquatic Ecosystems		
Ecosystem threat status as per the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) Western Rûens Shale Renosterveld	Critical x	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps)	Estuary	Coastline
	Endangered			
	Vulnerable			

	Least Threatened	pans, and artificial wetlands)						
		YES	NO <input checked="" type="checkbox"/>	UNSURE	YES	NO <input checked="" type="checkbox"/>	YES	NO <input checked="" type="checkbox"/>

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

Extract from Botanical Assessment:

The site is located within the Overberg region of the Western Cape and is predominantly situated within the Western Ruens Shale Renosterveld (Mucina & Rutherford 2018). Western Ruens Shale Renosterveld is gazetted as Critically Endangered on a national basis (Government of South Africa 2022), with about 14% of its total original extent remaining intact, less than 1% conserved, and a national conservation target of 27% (Rouget et al 2004). The unit supports a fairly high number of endemic plant species, many threatened species, and occurs on nutrient rich, shale derived soils in the western Overberg, and the vegetation type needs fire for optimal ecological functioning (Helme et al 2016). This vegetation type is characterised by a high diversity of geophytes and a dominance of renosterbos (*Elytropappus rhinocerotis*) along with various species of grasses and shrubs. The remaining patches of natural vegetation on the site are considered to be of high conservation value, as this vegetation type has been extensively transformed, with less than 10% remaining in a natural or near-natural condition.

The ripped areas are essentially northeast facing, and are part of a subtle ridgetop, which accounts for the relatively shallow, rocky soils in the area.

The adjacent natural vegetation has not been burnt in the last 5-8 years, and perhaps for as long as 15 years. This type of Renosterveld should burn once every 8-12 years for optimal ecological functioning (Helme et al 2016).

The approximately 6ha of remaining natural vegetation in the study area shown in **Figure 1** (Botanical Assessment) ranges from poor to pristine condition, with degradation caused by proximity to production lands and associated high levels of fertiliser and pesticide runoff, which encourages invasion of alien grasses. There are no woody or large herbaceous alien invasives in the higher quality patches of natural Renosterveld.

The patches of Renosterveld cleared in the study area during the last year have been ripped, but not ploughed, sown or fertilized, and thus may have fairly good rehabilitation potential. Indigenous species observed alive in the ripped areas include *Drimia capensis*, *Dicerotheramnus rhinocerotis*, *Oxalis purpurea*, *Oxalis obtusa*, *Asparagus capensis*, *Cyanella hyacinthoides*, *Pentameris eriostoma*, *Felicia filifolia*, *Eriocephalus africanus*, *Helichrysum patulum*, *Tenaxia stricta* and *Aspalathus angustifolius*. This is about 15-20% of what is still present in the adjacent undisturbed Renosterveld areas and can be expected to increase to about 30-40% of the adjacent flora in the coming year, if left uncultivated. All Renosterveld areas in moderate to good condition are likely to be of High regional sensitivity (due mainly to the Critically Endangered status of the underlying vegetation types), in accordance with what the Screening Tool indicates.



Photo 8. View of the westernmost ripped patch, looking southeast. The rocky nature of the site is clearly seen, as are scattered, surviving indigenous plants (source: Helme, 2024)



Photo 9. View of intact Renosterveld (on left) and northern edge of one of the ripped patches, looking east. Scattered indigenous plants can still be seen alive in the ripped areas, including *Drimia capensis* bulbs (maerman). (source: Helme, 2024).



Photo 10. One of the ripped patches, looking west. Current natural vegetation cover is about 5% of what it was prior to ripping, and the areas have not been sown.

Indigenous species noted in the adjacent, undisturbed Renosterveld include the above noted species, as well as *Oedera genistifolia*, *Chrysocoma ciliata*, *Cotula turbinata*, *C. ceniifolia*, *Geissorhiza parva*, *Tribolium obtusum*, *Helichrysum rosum*, *Selago glutinosa*, *Restio multiflorus*, *Selaginella pygmaea*, *Pentameris airoides*, *Ornithogalum thyrsoides*, *Wachendorfia paniculata*, *Aizoon pubescens*, *Heliophila pendula*, *Clutia tomentosa*, *Drosanthemum hispidum*, *Anthospermum galioides*, *Gnaphalium* sp., *Ehrharta calycina*, *Arctopus echinatus*, *Searsia pallens*, *Crossyne guttata*, *Hermannia diversistipula*, *H. confusa* and *Gnidia laxa*.

Plant Species of Conservation Concern

No plant Species of Conservation Concern (SoCC) were recorded in the ripped areas during the survey. However, two SoCC were recorded within 200m in the remaining Renosterveld areas, and the first could reasonably have been expected to have occurred on site prior to ripping.

Babiana purpurea is a geophyte Redlisted as Endangered, and a few scattered plants were found nearby.

Aspalathus barbiger is a large shrub found on the south facing slopes (not found on north slopes) some 200m north of the site, and is Redlisted as Vulnerable.

Other SoCC that may have occurred on site include *Watsonia aletroides* (Near Threatened), *Freesia caryophyllacea* (Near Threatened), *Elegia squamosa* (Endangered) and *Gladiolus abbreviatus* (Vulnerable). The Screening Tool indicates that upwards of 50 other plant SoCC are known to occur in the general area, but none of these are likely to have been present in the impacted area.

Aquatic Biodiversity Compliance Statement

As per compliance statement issued by the freshwater specialist, there are no mapped watercourses within the cleared area, however there are several Channelled Valley Bottom (CVB) to the north, east, south, and southwest, according to the NWM5 (SANBI, 2018). Additionally, one northern drainages line and a farm dam are mapped within the 500 m (wetlands) and 100 m (rivers) regulated proximity according to the topographical and watercourse information from the Department of Rural Development and Land Reform (DRDLR). The NFEPA spatial data (CSIR, 2011) maps the northern CVBW as a seep wetland and the eastern, southern and southwestern CVBW as a floodplain wetland.

The Initial Site Sensitivity Verification was undertaken by a desktop assessment, and a field assessment conducted on the 15th of November 2024. The study area was deemed to be of “Low” aquatic sensitivity. During the field assessment, the cleared area was determined to be terrestrial, with no natural or functional watercourses present. Surrounding the area cleared of vegetation are various watercourses located downstream; however, these watercourses are located more than 50 m away and are buffered by dense natural vegetation, or agricultural fields with associated furrows and associated vegetation. Therefore, it is the specialist’s opinion that surrounding watercourses were not impacted by the upstream clearance of vegetation.

Biophysical context

The study area falls within the CSB class of the Köppen-Geiger Climate Classification (Beck et al., 2018), and therefore experiences warm dry summers characterised as warm-summer Mediterranean climate. The area receives a mean annual rainfall of 447 mm, which mostly occurs during the winter months of June to August (Schulze, 2009). The mean annual temperature is 16.70 °C, with a high average monthly temperature of 22 °C in February, and a low average monthly temperature of 12 °C during June to August (Schulze, 2009).

Geology of the area consists of mudstone, siltstone, shale and feldspathic sandstone of the Bokkeveld Group (ENPAT, 2021). Soils are characterised by Glenrosa and/or Mispah forms (other soils may occur), lime rare or absent in upland soils but generally present in low-lying soils. During the site assessment it was noted that soil is shallow on hard / weathering rock, as per DAFF Soil Types and Descriptions for the Western Cape. The surrounding natural terrestrial vegetation, where present, consists of the Western Ruens Shale Renosterveld. The Western Ruens Shale Renosterveld vegetation type is listed as Critically Endangered (CR) on the revised list of ecosystems that are threatened and is classified as Moderately Protected (MP). The natural wetland vegetation, where wetlands are present, comprises East Coast Shale Renosterveld (CSIR, 2011) which is listed as CR and Zero Protected (ZP)- Poorly protected (PP) depending on wetland type.

There are no mapped watercourses within the study area, however there are several Channelled ValleyBottom (CVB) to the north, east, south, and southwest, within the 500 m (wetlands) regulated proximity according to the NWM5 (SANBI, 2018). Additionally, one northern drainages line and a farm dam are mapped within the 500 m (wetlands) and 100 m (rivers) regulated proximity according to the topographical and watercourse information from the Department of Rural Development and Land Reform (DRDLR). The NFEPA spatial data (CSIR, 2011) maps the northern CVBW as a seep wetland and the eastern, southern and southwestern CVBW as a floodplain wetland (**Figure 4 - Figure 6**).

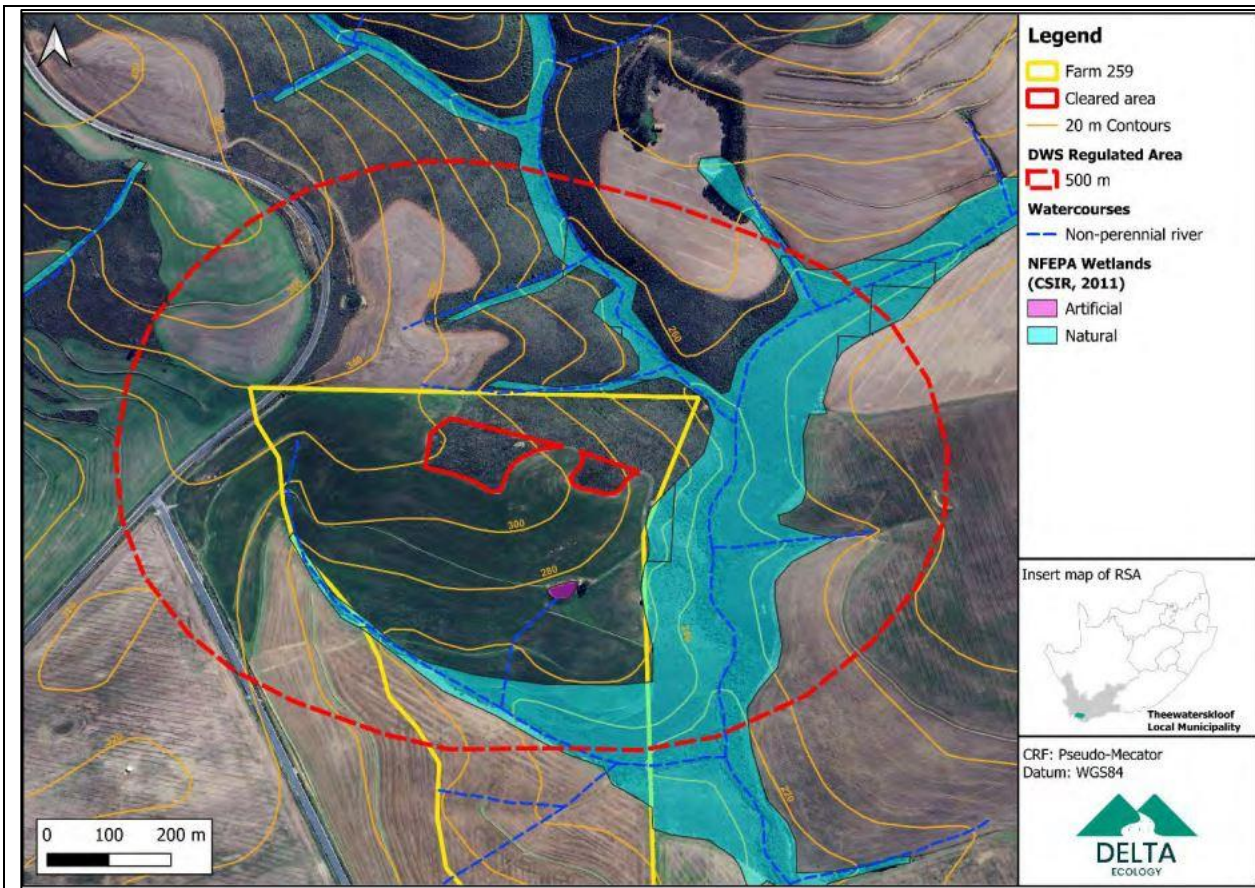


Figure 4: NFEPA (CSIR, 2011), and NGI (2019) watercourse map.

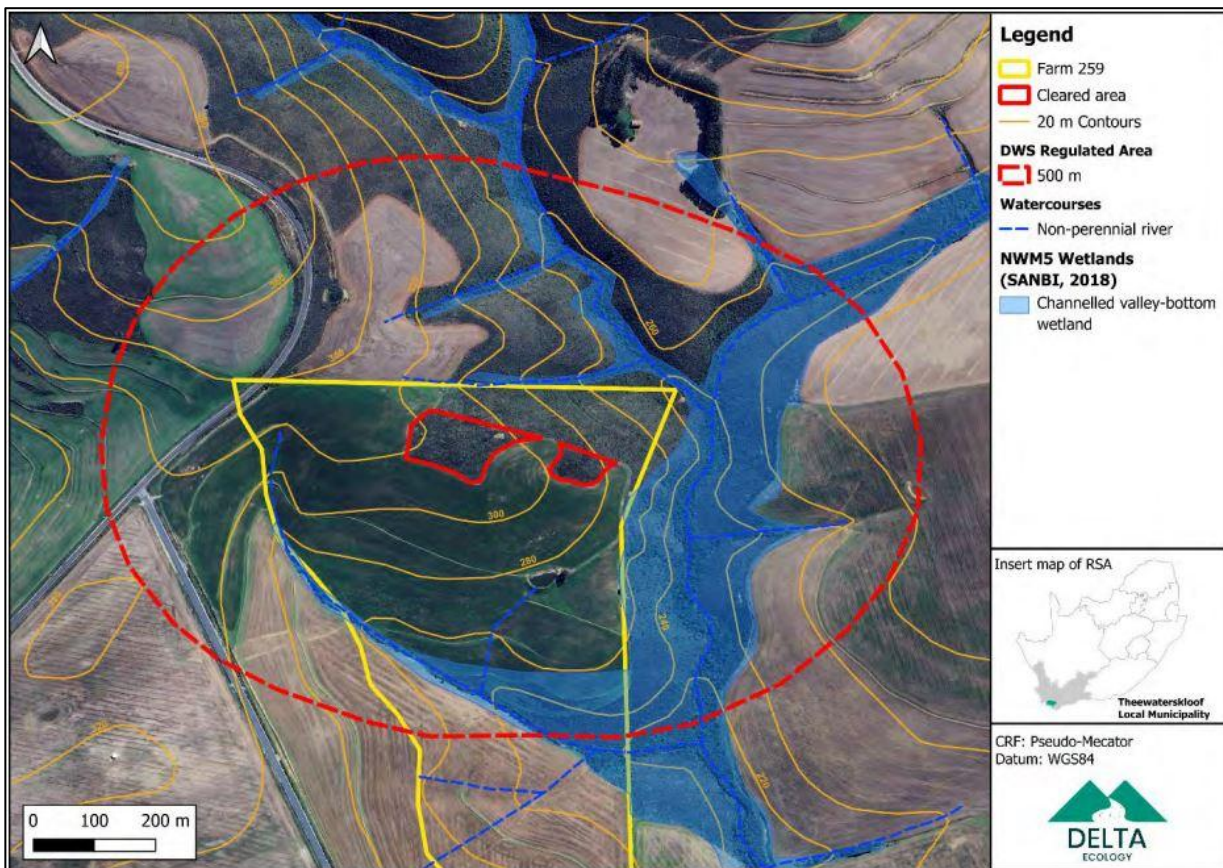


Figure 5: No mapped NWM5 (SANBI, 2018) watercourses indicated within the cleared area.

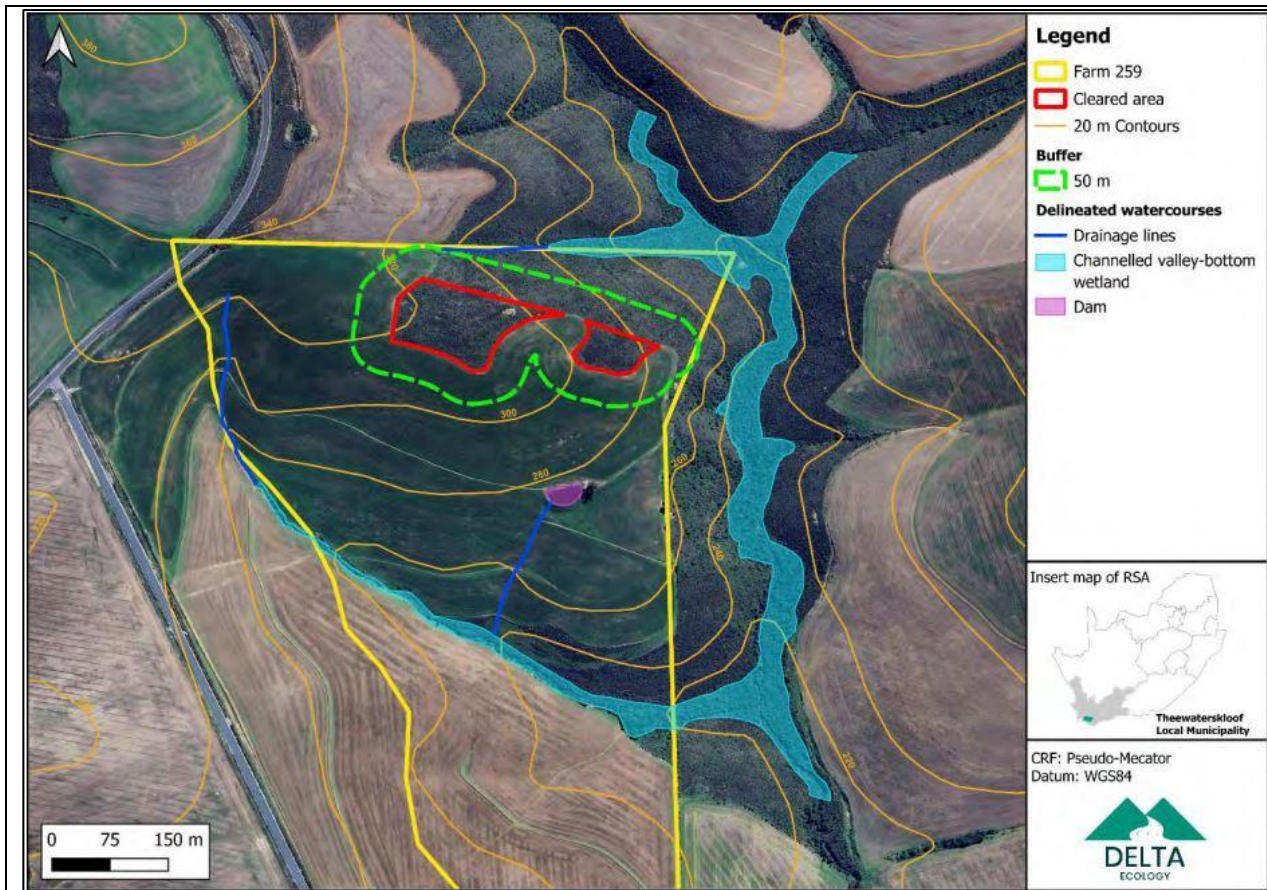


Figure 6: Watercourse Delineation Map. No watercourses are within 50 m of the cleared area.

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

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

Indigenous Vegetation - good condition		Indigenous Vegetation with scattered aliens		Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:	Describe the vegetation type above:		Describe the vegetation type above:		
Western Rûens Shale Renosterveld, most of the vegetation onsite is taken up for farming.					
Provide ecosystem status for above:	Provide ecosystem status for above:		Provide Ecosystem status for above:		
Critically endangered					
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe		
Bare soil	Building or other structure		Sport field		

Other (describe below)	Cultivated land	Paved surface

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

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	10 %	Only few patches of intact indigenous vegetation are present on the subject property.
Near Natural (includes areas with low to moderate level of alien invasive plants)	%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	90 %	Most of the vegetation on site is taken up for farming.

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

Botanical Assessment

The Botanical Assessment indicates that the vegetation on site which is primarily Western Ruens Shale Renosterveld, has been substantially affected by recent land disturbance activities. Western Ruens Shale Renosterveld, a Critically Endangered vegetation type, supports numerous endemic and threatened plant species. This vegetation type is particularly sensitive to environmental changes and relies on fire cycles for ecological health, ideally burning every 8-12 years. However, the adjacent natural Renosterveld has not been burned for 5-15 years, leading to potential ecological stress.

Approximately 6 hectares of remaining natural vegetation in the study area are in variable condition, with degradation in proximity to agricultural lands due to fertilizer and pesticide runoff, which promotes invasive grass species. Despite disturbance, patches of natural vegetation that have not been ploughed or fertilized retain a fair amount of indigenous species, allowing potential for rehabilitation. Currently, about 15-20% of the indigenous flora found in adjacent undisturbed Renosterveld areas remains in the disturbed areas, with expectations that this could reach 30-40% if left uncultivated.

No Species of Conservation Concern (SoCC) were directly recorded within the ripped areas during the survey; however, some nearby Renosterveld patches contain two SoCC: *Babiana purpurea* (Endangered) and *Aspalathus barbiger* (Vulnerable). Other SoCC may also have existed on-site before disturbance.

Aquatic Biodiversity Compliance Statement

The freshwater specialist conducted a site visit on the property and confirmed that there were no rivers, or natural / artificial wetlands within the cleared area. Surrounding the area cleared of vegetation are various watercourses located downstream; a northern drainage line is located 51 m away, with an associated CVB wetland, which lies 90 m away. Both watercourses are separated by dense natural terrestrial vegetation. To the east, a CVB wetland is located 100 m from the cleared area, with a buffer comprising an agricultural field and natural vegetation. A southwestern drainage line and associated CVB wetland is located 217 m away and buffered by an agricultural field. To the south, the farm dam, and associated drainage line, and CVB wetland are situated at distances of 177 m, 214 m, and 270 m, respectively, all buffered by an agricultural field and / or natural vegetation.

These watercourses are all located more than 50 m away and are buffered by dense natural vegetation, and/or agricultural fields with associated furrows and associated vegetation. Therefore, it is the specialist's opinion that surrounding watercourses were not impacted by the upstream clearance of vegetation; and will not be impacted by the proposed cultivation within this area.

6.3 VEGETATION / GROUNDCOVER MANAGEMENT

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

Botanical Assessment

Mitigation/management measures

- No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently ripped/cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process.
- In lieu of a Biodiversity Offset, the owner must negotiate the previously discussed easement with Overberg Renosterveld Conservation Trust (ORCT) which ensures that at least 60ha of good quality Western Ruens Shale

Renosterveld is formally conserved. As per the letter from the ORCT (dated 23 April 2024) a key goal should be re-consolidating the 30ha purchased by the applicant from Mr Lotter back into the neighbouring land portion still owned by Mr Lotter. An additional 30ha of Renosterveld will also need to be found and secured for conservation by means of a similar easement/contract with the applicant.

- All costs associated with this must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.
- If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.

Aquatic Biodiversity Compliance Statement

Mitigation measures

- 50 m buffer of natural vegetation which surrounds the northern watercourses located closest to the activity, must be maintained as dense undisturbed indigenous vegetation for the lifecycle of the farming activities.
- Although no erosion or sedimentation was noted during the site visit, the surrounding watercourses, and particularly the northern 50 m buffer area, should be monitored for any potential erosion on a regular basis. Should erosion be observed, appropriate measures should be taken such as:
 - Covering steep/unstable/erosion prone areas with geotextiles.
 - Covering areas prone to erosion with brush packing, straw bales, mulch.
 - Stabilizing cleared/disturbed areas susceptible to erosion with sandbags.
 - Constructing silt fences / traps in areas prone to erosion, to retain sediment-laden runoff. Silt fences must be adequately maintained. Furthermore, the farm manager must monitor sediment fences / traps after every heavy rainfall event and any sediment that has accumulated must be removed by hand.
- 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.
- Dumping and littering within any surrounding watercourses is strictly prohibited.
- 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.

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

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

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport

Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture x	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

(a) Please provide a description.

<p>The site is on Portion 7 of Farm Rietfontein No. 359, Caledon RD. The farm is approximately 56.71 hectares in extent with most of the natural vegetation taken up for farming purposes. The access to the site and internal access was already existing. The remaining natural areas on site are already protected under a Conservation Easement agreement as signed by the previous landowner.</p>
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8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

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

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

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

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

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

10. SOCIO-ECONOMIC CONTEXT

10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

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

The subject property is situated within the Theewaterskloof Local Municipality, adjacent to the R43 main road that links the towns of Botrivier and Caledon in the Western Cape. The surrounding region is predominantly rural and agricultural in nature, with commercial farming being the primary economic activity. Agricultural enterprises in the area typically include livestock grazing, grain production, and viticulture.

The broader municipal area experiences relatively high levels of unemployment and limited access to economic opportunities, particularly in smaller rural settlements and farming communities. Employment is largely seasonal and dependent on agricultural cycles, resulting in economic vulnerability among farmworkers and surrounding rural populations.

Against this backdrop, any initiative that stimulates job creation, infrastructure investment, or agricultural diversification is of socio-economic significance. The proposed development will contribute to local economic upliftment by providing employment opportunities during the construction and operational phases.

10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)

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

The subject property is located in the Theewaterskloof Municipality near R43 main road between Botriver and Caledon. The area is characterised by mainly agriculture.

Job creation and investment in the area is important to assist the increasing need for employment opportunities. The improvement of the farm as a whole will have the overall positive effect on the site and the surroundings.

11. HISTORICAL AND CULTURAL ASPECTS

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

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

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50m in length;
- (c) any development or other activity which will change the character of a site-
 - (i) exceeding 5 000 m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- (d) the re-zoning of a site exceeding 10 000 m² in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,

must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."

- (b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "3(2) Without limiting the generality of subsection (1), the national estate may include—

- (a) places, buildings, structures and equipment of cultural significance;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and palaeontological sites;
- (g) graves and burial grounds, including—

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

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

Please Note:

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

12. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)

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

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

AREA	YES	NO x	UNSURE	If "YES": Distance to nearest area (m)
An area within 100m of the high-water mark of the sea	YES	NO x	UNSURE	

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

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

13. REGIONAL PLANNING CONTEXT

Is the activity permitted in terms of the property's existing land use rights?	YES x	NO	Please explain
Agricultural activities on an Agriculturally zoned property			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES x	NO	Please explain
<p>The proposed agricultural development on Portion 7 of Farm 259 in Caledon aligns with the objectives and directives of the Western Cape Provincial Spatial Development Framework (PSDF). The PSDF serves as the spatial policy framework for the province, guiding sustainable land use and development decisions.</p> <p>Agricultural Development</p> <p>The PSDF emphasizes the importance of sustainable agricultural practices and the protection of high-value agricultural land. It supports initiatives that enhance the agricultural sector's productivity and resilience, thereby contributing to economic growth and food security. The proposed development, focusing on agricultural activities, aligns with these objectives by promoting efficient land use and potentially increasing agricultural output.</p> <p>Job Creation</p> <p>The PSDF recognizes the role of agriculture in job creation, especially in rural areas. By enhancing agricultural activities, the proposed development can contribute to employment opportunities, supporting the PSDF's goal of fostering inclusive economic growth and reducing unemployment in the province.</p>			
Urban edge / Edge of Built environment for the area	YES	NO x	Please explain
The farm is located outside the urban area.			

Integrated Development Plan of the Local Municipality	YES x	NO	Please explain
<p>Extract from Theewaterskloof Municipality IDP 2023:</p> <p>“Agriculture is the heart of the Theewaterskloof economy, accounting for a third of employment and about 20% of land use. The region is:</p> <ul style="list-style-type: none"> → Home to world class fruit producers and some of the largest pack houses in the Western Cape. The largest apple producing region in SA. The third largest pear producing region in SA Home to Appletiser and SAB’s largest malting plant in SAA growing premier white wine producing area → The driver of the Overberg agricultural economy.” <p>The activity contributes to agricultural development, investment in the area and job creation.</p>			
Spatial Development Framework of the Local Municipality	YES x	NO	Please explain
The activity took place outside the urban area within active farmland			
Approved Structure Plan of the Municipality	YES	NO	Please explain
N/A			
An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
No EMF is in place for the Theewaterskloof Municipality.			
Any other Plans	YES	NO x	Please explain
N/A			

SECTION D: NEED AND DESIRABILITY

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

PLEASE TAKE NOTE OF THE ADDITIONAL INFORMATION RELATING TO NEED AND DESIRABILITY IN LINE WITH THE DEPARTMENTAL GUIDELINE:

1. How will this development (and its separate elements/aspects) impact on the ecological integrity of the area?

1.1. How were the following ecological integrity considerations taken into account?:

1.1.1. Threatened Ecosystems –

The clearance of 1.67 ha of Western Rûens Shale Renosterveld (CR) took place on site for the extension of the cultivated area. The impact of cultivation (ripping) was the loss and degradation of the existing natural and partly natural vegetation type. Based on the Botanical Specialist findings, the indigenous vegetation species observed alive in the ripped areas include *Drimia capensis*, *Dicerotheramnus rhinocerotis*, *Oxalis purpurea*, *Oxalis obtusa*, *Asparagus capensis*, *Cyanella hyacinthoides*, *Pentameris eriostoma*, *Felicia filifolia*, *Eriocephalus africanus*, *Helichrysum patulum*, *Tenaxia stricta* and *Aspalathus angustifolius*. There no Species of Conservation Concern (SoCC) recorded in the ripped area during the survey, however, two SoCC were recorded within 200m in the remaining Renosterveld areas, and the first could be the reasonably have been expected to have occurred on site prior ripping. The landowner, however, is in active discussions with the Overberg Renosterveld Conservation Trust (ORCT) to map out conservation easement areas on his properties in the area.

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

N/A – The impacted area was located adjacent to active farmland

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

A few small sections of the cleared area are classified as CBA1, however, given the location of this cleared area on the direct edge of active farmland, the status of the CBA is not likely.

1.1.4. Conservation targets

The illegal clearance of 1,67 ha of CR vegetation has opened up current and future opportunity for large scale and long-term conservation easement agreements with the ORCT and the applicant is actively engaging with ORCT regarding this.

1.1.5. Ecological drivers of the ecosystem

Small scale clearance alongside active farmland not likely to have a significant impact on ecological drivers.

1.1.6. Environmental Management Framework

No EMF in place for Theewaterskloof Municipality

1.1.7. Spatial Development Framework

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

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

The clearance of the vegetation has opened up opportunity for conservation easements and the applicant is actively engaging with the ORCT regarding this.

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES x	NO	Please explain
The activity undertaken falls within the parameters of agricultural use, and the subject property is zoned for agricultural purposes.			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES x	NO	Please explain
<p>The activity is in line with the Provincial Spatial Development Framework (PSDF) of the Western Cape. The PSDF promotes sustainable agricultural development, rural investment, and job creation objectives that are directly supported by the activity undertaken on Portion 7 of Farm 259 in Caledon.</p> <p>The activity involves agricultural development on land already zoned for such use, thereby reinforcing the PSDF's aim of protecting productive agricultural land from fragmentation or inappropriate land use conversion. Additionally, the investment in farming infrastructure and operations contributes to the rural economy and supports the PSDF's strategic objectives to stimulate rural job creation, reduce poverty, and build economic resilience in non-urban areas.</p>			
(b) Urban edge / Edge of Built environment for the area	YES	NO x	Please explain
The property is situated outside the designated urban edge in an area primarily characterized by agricultural land use.			
(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	YES x	NO	Please explain
Extract from the Theewaterskloof Municipality IDP and SDF 2022-2027 "Theewaterskloof Municipality can be categorised as a rural area with open spaces and farming activities as it is clear from the land and areas occupied by agriculture, small holdings and other land uses. The municipality is constantly driving local economic development in primary economic sectors such as agriculture, tourism, agricultural product processing, and industries"			
(d) Approved Structure Plan of the Municipality	YES	NO x	Please explain
N/A			

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	YES	NO x	Please explain
No EMF is in place.			
(f) Any other Plans (e.g. Guide Plan)	YES	NO	Please explain
N/A			

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

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

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

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

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

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

9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	YES x	NO	Please explain
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The property is located outside the urban area within agriculturally zoned property. The area which was cleared was cleared for practical reasons to allow the heavy-duty farming equipment to work in straight lines as opposed to curved areas within the farmed zone. The aim of the vegetation removal was to straighten the edges of the farmland for more effective and efficient equipment use.

10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?	YES	NO	Please explain
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The activity has resulted in the removal of Critically Endangered indigenous vegetation using the machinery.

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

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	NO X	Please explain
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The proposed activity involved clearing a small section of indigenous vegetation on-site. However, the applicant is working with the Overberg Renosterveld Conservation Trust (ORCT) to formalise Conservation Easement agreements on their other adjacent farms. There is also potential for more future easement agreements should the landowner purchase more land. The applicant was not aware of the requirements relative to the clearing he had undertaken and is actively engaging with the ORCT to remedy this. A MOU has been finalised and attached hereto.

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	YES	NO	Please explain
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Negative: The primary cumulative impacts in the region are loss of natural vegetation and threatened plant species to ongoing agriculture, urban development and alien plant invasion (Mucina & Rutherford 2012; Helme et al 2016).

Positive: Landowner has a positive relationship with the ORCT. Opportunity for current and future Conservation Easement agreements with the applicant on his other properties and possible future properties.

14. Is/was the development the best practicable environmental option for this land/site?	YES X	NO	Please explain
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The activity in question involves the unauthorized removal of indigenous vegetation. The choice of this particular option was necessitated by the need for the applicant's machinery to traverse an even path, as alternative areas are situated on steep slopes and uneven farming edges, that could otherwise pose a risk on the big machinery. Nonetheless, the applicant is collaborating with the Overberg Renosterveld Conservation Trust, indicating a commitment to environmentally responsible practices. To address the issue, the applicant intends to establish an easement which will serve as a compensatory measure to mitigate the environmental impact.

15. What are/were the benefits to society in general and to the local communities?	Please explain
No direct benefits, other than small scale job creation and exposure of Conservation Easements and the role of the ORCT, to the broader agricultural community.	
16. Any other need and desirability considerations related to the activity?	Please explain
The activity took place within the existing Agricultural Zone 1, adjacent to ongoing agricultural operations. The landowner has prepared the site to facilitate the movement of heavy machinery, given the steepness of the slopes and unevenness of the farming edges, in adjacent areas.	
17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:	
<p>The general objectives of Integrated Environmental Management (IEM), as set out in Section 23 of the National Environmental Management Act (NEMA), have been thoroughly considered and implemented in this application. Specialist studies were conducted to investigate all potential environmental impacts associated with the activity, ensuring a comprehensive understanding of its implications. These studies informed the identification, assessment, and communication of potential impacts. A transparent and inclusive public participation process was followed, involving Interested and Affected Parties (I&APs), local authorities, and conservation organizations such as the Overberg Renosterveld Conservation Trust (ORT). All comments and concerns received during this process were carefully reviewed and addressed in the application. Furthermore suitable mitigation measures were explored to reduce or prevent future potential impacts.</p>	
18. Please describe how the principles of environmental management as set out in section 2 of NEMA were taken into account:	
<p>The aim of these principles is to guide stakeholders in order to ensure a holistic evaluation is achieved, with the precautionary principle used as a focus in order to encourage development which is sustainable, and which retains the sense of place as far as possible, whilst exploring feasible and reasonable alternatives to achieve such objectives. The proposed development here rectifies and allow development which will take place cautiously ensuring mitigated and managed impact outcomes and benefits as far as possible. The applicant is working with the Overberg Renosterveld Conservation Trust to rectify the occurrence through finding the best suitable land for easement.</p> <p>Furthermore, a cautious approach should be encouraged with the best possible environmental option being explored and retrofitted to the activity as far as practical or financially feasible. Specific attention will be given to sensitive and vulnerable ecosystem's which may exist in the vicinity and the Environmental Management Plan (EMP) for operation should be implemented to guide an eco-centred approach into the long term for the whole property, as far as possible.</p>	

SECTION E: ALTERNATIVES

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

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

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

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

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

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

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

Please note:

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

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

No property, location or site alternatives exist.

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

No activity Alternatives exist

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

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

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

No technology alternatives exist

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

No operational alternatives exist

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

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

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

No other alternatives exist for the case. The applicant wishes to apply for retrospective Environmental Authorisation for the activity.

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

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

Two alternatives will be assessed herein, being:

Alternative 1 – Ceasing the activity, allowing the land to rehabilitate itself. This is not the preferred option going forward.

Alternative 2 (Preferred) - this is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity. The applicant is investing large amounts of money on correct management of the remaining areas of the farm, through site specific environmental conservation.

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

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

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

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

(a) Geographical and physical aspects:

The development involved clearing the existing vegetation to establish ploughed and cultivated areas. This process transformed the small section of the landscape from one covered with indigenous vegetation to one of bare soil, ready for new agricultural use. It is important to note that the activity is within the Agricultural Zone 1.

(b) Biological aspects:

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

The CapeNature Spatial Biodiversity Plan (2017) for the area (Figure 2) shows that most of the two ripped patches are mapped as high priority CBA1 (Critical Biodiversity Areas, terrestrial). There are some errors in the mapping – the adjacent CBA2 is in good condition and should be higher level CBA1 rather than CBA2, but apart from that it is generally fairly accurate and shows adequate congruence with my sensitivity mapping.

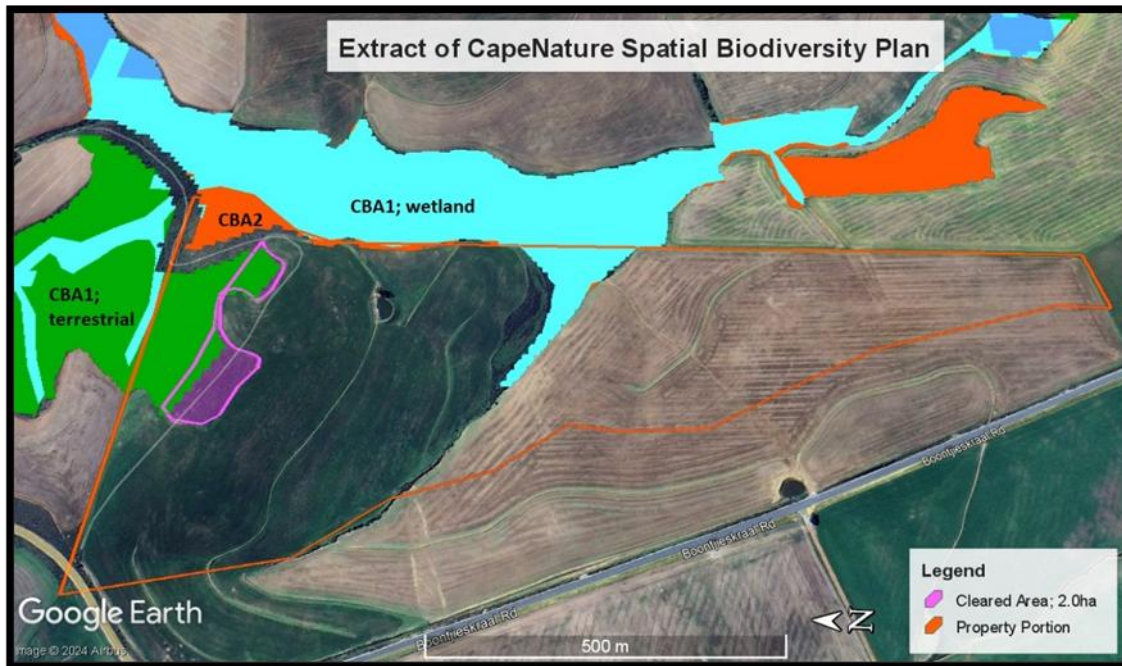


Figure 7. showing that about half the two ripped patches (cleared areas) were mapped as high priority terrestrial CBA1 (Critical Biodiversity Areas). (source: Helme, 2024)

Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES x	NO
If yes, please describe:		
<p>According to the Botanical Specialist the impact on the site relates to clearance of indigenous vegetation for the expansion of the cultivated area. The patches of Renosterveld cleared in the study area during the last year have been ripped (see Photo 8-10), but not ploughed, sown or fertilized, and thus may have fairly good rehabilitation potential. Indigenous species observed alive in the ripped areas include <i>Drimia capensis</i>, <i>Dicerotheramnus rhinocerotis</i>, <i>Oxalis purpurea</i>, <i>Oxalis obtusa</i>, <i>Asparagus capensis</i>, <i>Cyanella hyacinthoides</i>, <i>Pentameris eriostoma</i>, <i>Felicia filifolia</i>, <i>Eriocephalus africanus</i>, <i>Helichrysum patulum</i>, <i>Tenaxia stricta</i> and <i>Aspalathus angustifolius</i>. This is about 15-20% of what is still present in the adjacent undisturbed Renosterveld areas and can be expected to increase to about 30-40% of the adjacent flora in the coming year, if left uncultivated. All Renosterveld areas in moderate to good condition are likely to be of High regional sensitivity (due mainly to the Critically Endangered status of the underlying vegetation types), in accordance with what the Screening Tool indicates.</p>		
Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species?	YES x	NO
If yes, please describe:		

As per botanical specialist findings, two SoCC were recorded within 200m in the remaining Renosterveld areas, and the first could reasonably have been expected to have occurred on site prior to ripping.

Babiana purpurea is a geophyte Redlisted as Endangered, and a few scattered plants were found nearby.

Aspalathus barbiger is a large shrub found on the south facing slopes (not found on north slopes) some 200m north of the site, and is Redlisted as Vulnerable.

Other SoCC that may have occurred on site include *Watsonia aletroides* (Near Threatened), *Freesia caryophyllacea* (Near Threatened), *Elegia squamosa* (Endangered) and *Gladiolus abbreviatus* (Vulnerable).

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

Only indigenous vegetation was impacted and removal thereof.

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	R not known
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	R-
Has/will the activity have contributed to service infrastructure?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
How many new employment opportunities were/will be created in the construction phase of the activity?	Not known
What was the value of the employment opportunities during the construction phase?	R Not known / minimal
What percentage of this accrued to previously disadvantaged individuals?	The majority of farm labourers are PDI %
How was this ensured and monitored (please explain):	
N/A	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	None
What is the current/expected value of the employment opportunities during the first 10 years?	R not known
What percentage of this accrued/will accrue to previously disadvantaged individuals?	As above %
How was/will this be ensured and monitored (please explain):	
N/A	
Any other information related to the manner in which the socio-economic aspects was/will be impacted:	
The farm and associated activities provide job opportunities for the surrounding communities.	

(d) Cultural and historic aspects:

Not applicable, the activity is in line with activities on and surrounding the farm.

2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

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

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

Where and how was/will the waste be treated / disposed of (describe)?		
N/A		
Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority	YES	NO
N/A		
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream?	YES	NO
N/A		
If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility:	YES	NO
N/A		
Does the facility have an operating license? (If yes, please attach a copy of the license.)	YES	NO
N/A		
Facility name: N/A		
Contact person: N/A		
Postal address: N/A		
	Postal code: N/A	
Telephone: N/A	Cell: N/A	

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

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	NO x
If yes, does it require approval in terms of relevant legislation?	YES	NO x
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		
None		

3. WATER USE

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

Municipal	Water board	Groundwater	River, Stream, Dam or Lake	Other	The activity did/does/will not use water x The type of crop is dryland oats and wheat and therefore not require water
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If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate the volume that was extracted per month:	
	N/A m ³

Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole)	
Did/does the activity require a water use permit / license from DWA? Any additional water use required in the cleared area will be in line with existing farming practises. The vegetation clearance did not require water.	YES NO x
If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable.	
Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water:	
N/A	

4. POWER SUPPLY

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

N/A

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

5. ENERGY EFFICIENCY

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

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

N/A

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

Please note:

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

SUMMARY OF ALTERNATIVES

2 alternatives are assessed herein:

Alternative 1 Ceasing the activity and allowing the area to rehabilitate itself naturally.

Alternative 2 This is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity. The activity in question involves the unauthorized removal of indigenous vegetation. The choice of this particular option was necessitated by the need for the applicant's machinery to traverse an even path, as alternative areas are situated on steep slopes and uneven farming edges, that could otherwise pose a risk on the big machinery. Nonetheless, the applicant is collaborating with the Overberg Renosterveld Conservation Trust, indicating a commitment to environmentally responsible practices. To address the issue, the applicant intends to establish an easement which will serve as a compensatory measure to mitigate the environmental impact.

No further alternatives are considered practical or reasonable for the case.

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

ALTERNATIVE 1

Ceasing the activity and allowing the area to rehabilitate itself naturally PLANNING, DESIGN AND CONSTRUCTION PHASES

Alternative 1 Ceasing the activity and allowing the area to rehabilitate itself naturally.

Impacts on geographical and physical aspects:	Botanical Assessment
Nature of impact:	Loss of 1.67 ha of Renosterveld (Critically Endangered).
Extent and duration of impact:	Local; Permanent
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Medium
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Loss of natural vegetation and threatened plant species to ongoing agriculture including possible loss of an estimated 1-4 plant SoCC
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium – High negative
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<ul style="list-style-type: none"> → No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process. → The ripped area must be allowed to rehabilitate naturally over time, and may not be ripped, ploughed, cultivated, sprayed or fertilised in any way at any stage in the future, all of which will degraded the Renosterveld rehabilitation potential. → The applicant must engage with the Overberg Renosterveld Conservation Trust (ORCT) in order to implement a suitable Biodiversity Offset that ensures at least 60ha good quality Western Ruens Shale Renosterveld is formally conserved. As per the letter from the ORCT (dated 23 April 2024) a key goal should be re-consolidating the 30ha purchased by the applicant from Mr Lotter back into the neighbouring land portion still owned by Mr Lotter. An additional 30ha of Renosterveld will also need to be found and secured for conservation. → All costs associated with this must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised. → If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld

	Conservation Trust (ORCT), a licensed conservation NGO operating in this area.
Cumulative impact post mitigation:	The vegetation type impacted by the clearing has been, and will continue to be, impacted by numerous developments (mainly agricultural) and other factors (the cumulative impacts) within the region.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium (-ve)

Impact on biological aspects:	Botanical Assessment
Nature of impact:	In this instance the primary direct impacts have already occurred, being the disturbance and/or clearing of about 1.67 ha of previously largely natural Western Rûens Shale Renosterveld.
Extent and duration of impact:	Local; 1.67 hectares; long-term
Probability of occurrence:	Definite (already occurred)
Degree to which the impact can be reversed:	Medium
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Loss of natural vegetation and threatened plant species to ongoing agriculture including possible loss of an estimated 1-4 plant SoCC
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	High-Medium negative
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	→ Engagements with Overberg Renosterveld Conservation Trust and beginning the process of obtaining permanent conservation easements. → Ceasing the activity
Cumulative impact post mitigation:	The vegetation type and ecosystem impacted by the clearing has been, and will continue to be, impacted by numerous developments (mainly agricultural) and other factors (the cumulative impacts) within the region.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium (-ve)

Impacts on socio-economic aspects:	
Nature of impact:	Short term job creation in the preparation and establishment of the agricultural area
Extent and duration of impact:	Local; short to long-term
Probability of occurrence:	Likely
Degree to which the impact can be reversed:	N/A

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

Impacts on cultural-historical aspects:

Nature of impact:	None identified – the activity is in line with the zoning, the area is transformed by agricultural activities.
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

Noise impacts:

Nature of impact:	No noise impacts applicable
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-

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

Visual impacts / Sense of Place:

Nature of impact:	No visual or sense of place impacts area applicable. The ploughing is in line with existing agricultural activities in the area
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

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

Impacts on the geographical and physical aspects:

Nature of impact:	<p>No operational phase will be applicable through the ceasing of the activity.</p> <p>Loss of topsoil and degradation would have occurred, allow for natural regeneration of the site over time</p>
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Extent and duration of impact:	Local; 1.67 hectares, short-term
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

Impact on biological aspects:	
Nature of impact:	<p>No operational activities would take place, the farming would not take place on the disturbed land and the impacted area would be left to regenerate over time</p> <p>Likely further random loss of habitat to unauthorised activities, largely unmanaged alien plant invasion, and possible unpredictable future impacts.</p>
Extent and duration of impact:	Site; local; long-term
Probability of occurrence:	Low-Medium
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low-Medium negative
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	N/A
Cumulative impact post mitigation:	The negative ecological impacts of ongoing, unmanaged alien plant invasion, habitat loss and degradation, species loss.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A

Impacts on the socio-economic aspects:	
Nature of impact:	None
Extent and duration of impact:	N/A
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation:	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated:	N/A
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A

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

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

Visual impacts / Sense of Place:	
Nature of impact:	None identified
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

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

Decommissioning is not application to the activity or this alternative

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

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

ALTERNATIVE 2 (PREFERRED)

This is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity.

PLANNING, DESIGN AND CONSTRUCTION PHASES

Alternative 2 is the preferred alternative. This entails the continue with the activity, and farming in the disturbed area via retrospective environmental authorisation. This alternative allows for current and future relationship building and Conservation Easement possibilities with the Overberg Renosterveld Conservation Trust. The applicant is already in consultation with the ORCT regarding this.

Impacts on geographical and physical aspects:		Botanical Assessment
Nature of impact:		Loss and degradation of the existing natural and partly natural vegetation in the 2ha development area.
Extent and duration of impact:		Local; long-term
Probability of occurrence:		Definite
Degree to which the impact can be reversed:		High
Degree to which the impact may cause irreplaceable loss of resources:		Low
Cumulative impact prior to mitigation:		→ 1.67 ha CR Endangered vegetation has been removed and soil was disturbed by machinery to be taken up into the active adjacent farmland.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)		High-Medium Negative
Degree to which the impact can be mitigated:		Low
Proposed mitigation:		<p>→ No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently ripped/cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process.</p> <p>→ In lieu of a Biodiversity Offset, the owner must negotiate the previously discussed easement with Overberg Renosterveld Conservation Trust (ORCT) which ensures that at least 60ha of good quality Western Ruens Shale Renosterveld is formally conserved. As per the letter from the ORCT (dated 23 April 2024) a key goal should be re-consolidating the 30ha purchased by the applicant from Mr Lotter back into the neighbouring land portion still owned by Mr Lotter. An additional 30ha of Renosterveld will also need to be found</p>

	<p>and secured for conservation by means of a similar easement/contract with the applicant.</p> <p>→ All costs associated with this must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.</p> <p>→ If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.</p>
Cumulative impact post mitigation:	Continued loss of CR vegetation type
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium (-)

Impact on biological aspects:	
Nature of impact:	In this instance the primary direct impacts have already occurred, being the permanent loss of 1.67 ha of previously largely natural Western Rûens Shale Renosterveld. The ploughing effectively removed much of the vegetation above ground, and in most cases significantly disturbed the seed bank and roots.
Extent and duration of impact:	Local; 1.67 hectares; long-term
Probability of occurrence:	Possible (already occurred)
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	<p>1.67 ha of vegetation has been removed and soil was disturbed by machinery.</p> <p>Possible loss of red-listed endemics typical of Western Rûens Shale Renosterveld (WRSR) include <i>Morea comptonii</i>, <i>Drosanthemum flavum</i>, <i>Babiana purpurea</i>, <i>Aloe brevifolia</i>, and several others.</p>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	High negative
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<p>→ No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently ripped/cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process.</p> <p>→ In lieu of a Biodiversity Offset, the owner must negotiate the previously discussed easement with Overberg Renosterveld Conservation Trust (ORCT) which ensures that at least 60ha of good quality Western Ruens Shale Renosterveld is formally conserved. As per the letter from the ORCT (dated 23 April 2024) a key goal should be re-consolidating the 30ha purchased by the applicant from Mr Lotter back into the neighbouring land portion still owned by Mr Lotter. An additional 30ha of Renosterveld will also need to be found and secured for conservation by means of a similar easement/contract with the applicant.</p>

	<p>→ All costs associated with this must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.</p> <p>→ If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.</p>
Cumulative impact post mitigation:	Continued loss of CR endangered vegetation
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium (-)

Impacts on socio-economic aspects:	
Nature of impact:	Short-term job creation in the preparation and establishment of the agricultural area
Extent and duration of impact:	Local; short to long-term
Probability of occurrence:	Likely
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation:	Small scale socio-economic benefits associated with the land preparation
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	N/A
Proposed mitigation:	N/A
Cumulative impact post mitigation:	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium positive

Impacts on cultural-historical aspects:	
Nature of impact:	None identified – the activity is in line with the zoning, and farming activities in the area
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-

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

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

Visual impacts / Sense of Place:	
Nature of impact:	No visual or sense of place impacts area applicable. The farming activities are in line with farming activities in the area
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-
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- (b) **Impacts that result from the operational phase** (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.

Impacts on the geographical and physical aspects:	
Nature of impact:	Loss of critically endangered vegetation has already occurred. The farming will take place on the disturbed land.
Extent and duration of impact:	Local; 1.67 hectares, short-term
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Medium
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Loss of critically endangered Western Ruens Shale Renosterveld (WRSR) indigenous vegetation
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium- High negative
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<ul style="list-style-type: none"> → No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently ripped/cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process. → In lieu of a Biodiversity Offset, the owner must negotiate the previously discussed easement with Overberg Renosterveld Conservation Trust (ORCT) which ensures that at least 60ha of good quality Western Ruens Shale Renosterveld is formally conserved. As per the letter from the ORCT (dated 23 April 2024) a key goal should be re-consolidating the 30ha purchased by the applicant from Mr Lotter back into the neighbouring land portion still owned by Mr Lotter. An additional 30ha of Renosterveld will also need to be found and secured for conservation by means of a similar easement/contract with the applicant. → All costs associated with this must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised. • If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.
Cumulative impact post mitigation:	The vegetation type and ecosystem impacted by the clearing has been, and will continue to be, impacted by numerous developments (mainly agricultural) and other factors (the cumulative impacts) within the region.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

Impact on biological aspects:	
Nature of impact:	Loss of previous levels of ecological connectivity across the area, and associated habitat fragmentation, plus some reduction in overall viability of the Critically Endangered vegetation types at a local (site)
Extent and duration of impact:	Site; local; long-term
Probability of occurrence:	Likely
Degree to which the impact can be reversed:	Medium
Degree to which the impact may cause irreplaceable loss of resources:	Medium
Cumulative impact prior to mitigation:	Low - Loss of critically endangered Western Rûens Shale Renosterveld (WRSR) indigenous vegetation
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<ul style="list-style-type: none"> → No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently ripped/cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process. → In lieu of a Biodiversity Offset, the owner must negotiate the previously discussed easement with Overberg Renosterveld Conservation Trust (ORCT) which ensures that at least 60ha of good quality Western Ruens Shale Renosterveld is formally conserved. As per the letter from the ORCT (dated 23 April 2024) a key goal should be re-consolidating the 30ha purchased by the applicant from Mr Lotter back into the neighbouring land portion still owned by Mr Lotter. An additional 30ha of Renosterveld will also need to be found and secured for conservation by means of a similar easement/contract with the applicant. → All costs associated with this must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised. → If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.
Cumulative impact post mitigation:	The vegetation type and ecosystem impacted by the clearing has been, and will continue to be, impacted by numerous developments (mainly agricultural) and other factors (the cumulative impacts) within the region.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

Impacts on the socio-economic aspects:	
Nature of impact:	Short-term job creation in the preparation and establishment of the agricultural area
Extent and duration of impact:	Local; short to long-term
Probability of occurrence:	Likely

Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation:	Small scale socio-economic benefits associated with the land preparation
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	N/A
Proposed mitigation:	N/A
Cumulative impact post mitigation:	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	High positive

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

Noise impacts:	
Nature of impact:	No noise impacts identified
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-

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

Visual impacts / Sense of Place:	
Nature of impact:	No visual /sense of place impacts identified
Extent and duration of impact:	-
Probability of occurrence:	-
Degree to which the impact can be reversed:	-
Degree to which the impact may cause irreplaceable loss of resources:	-
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	-
Degree to which the impact can be mitigated:	-
Proposed mitigation:	-
Cumulative impact post mitigation:	-
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	-

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

The decommissioning and closure phase is not applicable to Alternative 2 – The preferred alternative.

7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

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

Specialist inputs/studies and recommendations:

Aquatic Biodiversity Compliance Statement

The compliance statement undertaken on site highlights that there are no rivers or natural artificial wetlands within the cleared area. Surrounding the area cleared of vegetation are various watercourses located downstream; a northern drainage line is located 51 m away, with an associated CVB wetland, which lies 90 m away. Both watercourses are separated by dense natural terrestrial vegetation. To the east, a CVB wetland is located 100 m from the cleared area, with a buffer comprising an agricultural field and natural vegetation. A south western drainage line and associated CVB wetland is located 217 m away and buffered by an agricultural field. To the south, the farm dam, and associated drainage line, and CVB wetland are situated at distances of 177 m, 214 m, and 270 m, respectively, all buffered by an agricultural field and / or natural vegetation.

These watercourses are all located more than 50 m away and are buffered by dense natural vegetation, and/or agricultural fields with associated furrows and associated vegetation. Therefore, it is the specialist's opinion that surrounding watercourses were not impacted by the upstream clearance of vegetation; and will not be impacted by the proposed cultivation within this area. No further application in terms of the National Water Act is therefore required.

Botanical Assessment

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

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

The CapeNature Spatial Biodiversity Plan (2017) for the area (Figure 2) shows that most of the two ripped patches are mapped as high priority CBA1 (Critical Biodiversity Areas, terrestrial). There are some errors in the mapping – the adjacent

CBA2 is in good condition and should be higher level CBA1 rather than CBA2, but apart from that it is generally fairly accurate and shows adequate congruence with my sensitivity mapping.

The Vegetation

According to the SA Vegetation Map there is only one original natural vegetation type in the study area – Western Ruens Shale Renosterveld (Mucina & Rutherford 2018). Based on my ground-truthing I agree with this mapping, and no copy of this map is included as it adds little value.

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

The ripped areas are essentially northeast facing, and are part of a subtle ridgetop, which accounts for the relatively shallow, rocky soils in the area.

The adjacent natural vegetation has not been burnt in the last 5-8 years, and perhaps for as long as 15 years. This type of Renosterveld should burn once every 8-12 years for optimal ecological functioning (Helme et al 2016).

The approximately 6ha of remaining natural vegetation in the study area shown in Figure 1 ranges from poor to pristine condition, with degradation caused by proximity to production lands and associated high levels of fertiliser and pesticide runoff, which encourages invasion of alien grasses. There are no woody or large herbaceous alien invasives in the higher quality patches of natural Renosterveld.

The patches of Renosterveld cleared in the study area during the last year have been ripped (see Plates 1-3), but not ploughed, sown or fertilized, and thus may have fairly good rehabilitation potential. Indigenous species observed alive in the ripped areas include *Drimia capensis*, *Dicrothamnus rhinocerotis*, *Oxalis purpurea*, *Oxalis obtusa*, *Asparagus capensis*, *Cyanella hyacinthoides*, *Pentameris eriostoma*, *Felicia filifolia*, *Erioccephalus africanus*, *Helichrysum patulum*, *Tenaxia stricta* and *Aspalathus angustifolius*. This is about 15-20% of what is still present in the adjacent undisturbed Renosterveld areas, and can be expected to increase to about 30-40% of the adjacent flora in the coming year, if left uncultivated. All Renosterveld areas in moderate to good condition are likely to be of High regional sensitivity (due mainly to the Critically Endangered status of the underlying vegetation types), in accordance with what the Screening Tool indicates.

Plant Species of Conservation Concern (SoCC)

No plant Species of Conservation Concern (SoCC) were recorded in the ripped areas during the survey. However, two SoCC were recorded within 200m in the remaining Renosterveld areas, and the first could reasonably have been expected to have occurred on site prior to ripping.

Babiana purpurea is a geophyte Redlisted as Endangered, and a few scattered plants were found nearby.

Aspalathus barbiger is a large shrub found on the south facing slopes (not found on north slopes) some 200m north of the site, and is Redlisted as Vulnerable.

Other SoCC that may have occurred on site include *Watsonia aletroides* (Near Threatened), *Freesia caryophyllacea* (Near Threatened), *Elegia squamosa* (Endangered) and *Gladiolus abbreviatus* (Vulnerable). The Screening Tool indicates that upwards of 50 other plant SoCC are known to occur in the general area, but none of these are likely to have been present in the impacted area.

Impact Assessment**Construction Phase (Direct) Botanical Impacts**

The primary construction phase botanical impact of the cultivation (ripping) was loss and degradation of the existing natural and partly natural vegetation in the 2ha development area. The relevant vegetation type is gazetted as Critically Endangered on a national basis. As the applicant wishes to cultivate the ripped area the loss can be assumed to be of a permanent nature.

The presence or absence of plant Species of Conservation Concern in the cultivated areas has largely to be inferred from adjacent, currently natural areas. It is possible that between one and four plant SoCC may have occurred in the 2ha of ripped Renosterveld.

The botanical significance of this vegetation degradation and loss is Medium to High negative before mitigation (Medium negative after mitigation), given that this is a Critically Endangered vegetation type, and may have supported 1-4 SoCC.

Operational Phase Botanical Impacts

Operational phase impacts will take effect as soon as the natural vegetation in the focus areas is lost or disturbed – which has already partly occurred - and will persist in perpetuity, or as long as the area is not fully rehabilitated (unlikely, as applicant wishes to cultivate this). Operational phase impacts include loss of previous levels of ecological connectivity across the area, and associated habitat fragmentation, plus some reduction in overall viability of the Critically Endangered vegetation types at a local (site) and regional scale.

Overall the operational phase botanical impact of the new cultivation in the 2ha area is likely to have been Low negative (prior to mitigation), and Low negative after mitigation.

8. IMPACT ASSESSMENT SUMMARY

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

Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
Construction phase: Clearance of 1.67 ha of Renosterveld (Critically Endangered) (occurred).	Medium negative
Post-construction phase: Loss of 2ha of Renosterveld (Critically Endangered)	Low negative

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

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

Summary:

Botanical Assessment

The primary construction phase botanical impact of the cultivation (ripping) was loss and degradation of the existing natural and partly natural vegetation in the 2ha development area. The relevant vegetation type is gazetted as Critically Endangered on a national basis. As the applicant wishes to cultivate the ripped area the loss can be assumed to be of a permanent nature.

The presence or absence of plant Species of Conservation Concern in the cultivated areas has largely to be inferred from adjacent, currently natural areas. It is possible that between one and four plant SoCC may have occurred in the 2ha of ripped Renosterveld.

The botanical significance of this vegetation degradation and loss is Medium to High negative before mitigation (Medium negative after mitigation), given that this is a Critically Endangered vegetation type, and may have supported 1-4 SoCC.

Terrestrial Biodiversity Compliance Statement

The freshwater specialist highlights that there are no mapped watercourses within the study area, however there are several Channelled Valley-Bottom (CVB) to the north, east, south, and southwest, according to the NWM5 (SANBI, 2018). Additionally, one northern drainages line and a farm dam are mapped within the 500 m (wetlands) and 100 m (rivers) regulated proximity according to the topographical and watercourse information from the Department of Rural Development and Land Reform (DRDLR). The NFEPA spatial data (CSIR, 2011) maps the northern CVBW as a seep wetland and the eastern, southern and southwestern CVBW as a floodplain wetland.

The study area was deemed to be of “Low” aquatic sensitivity. During the field assessment, the cleared area was determined to be terrestrial, with no natural or functional watercourses present. Surrounding the area cleared of vegetation are various watercourses located downstream; however, these watercourses are located more than 50 m away and are buffered by dense natural vegetation, or agricultural fields with associated furrows and associated vegetation. Therefore, it is the specialist’s opinion that surrounding watercourses were not impacted by the upstream clearance of vegetation.

10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES

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

Botanical Assessment

- No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently ripped/cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process.
- In lieu of a Biodiversity Offset, the owner must negotiate the previously discussed easement with Overberg Renosterveld Conservation Trust (ORCT) which ensures that at least 60ha of good quality Western Ruens Shale Renosterveld is formally conserved. As per the letter from the ORCT (dated 23 April 2024) a key goal should be re-consolidating the 30ha purchased by the applicant from Mr Lotter back into the neighbouring land portion still owned by Mr Lotter. An additional 30ha of Renosterveld will also need to be found and secured for conservation by means of a similar easement/contract with the applicant.

- All costs associated with this must be carried by the landowner/applicant. This process should be completed within 18 months of any S24G application being authorised.
- If the Department deems a fine appropriate in addition to the above the most appropriate recipient would be the Overberg Renosterveld Conservation Trust (ORCT), a licensed conservation NGO operating in this area.

Aquatic Biodiversity Compliance Statement

- Of importance is that the 50 m buffer of natural vegetation which surrounds the northern watercourses located closest to the activity, must be maintained as dense undisturbed indigenous vegetation for the lifecycle of the farming activities.
- Although no erosion or sedimentation was noted during the site visit, the surrounding watercourses, and particularly the northern 50 m buffer area, should be monitored for any potential erosion on a regular basis. Should erosion be observed, appropriate measures should be taken such as:
 - Covering steep/unstable/erosion prone areas with geotextiles.
 - Covering areas prone to erosion with brush packing, straw bales, mulch.
 - Stabilizing cleared/disturbed areas susceptible to erosion with sandbags.
 - Constructing silt fences / traps in areas prone to erosion, to retain sediment-laden runoff. Silt fences must be adequately maintained. Furthermore, the farm manager must monitor sediment fences / traps after every heavy rainfall event and any sediment that has accumulated must be removed by hand.
- 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.
- Dumping and littering within any surrounding watercourses is strictly prohibited.
- 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.

As there is no risk to surrounding watercourses, it is recommended that no Water Use Authorisation (WUA) in terms of Section c and i water uses with the Department of Water and Sanitation (DWS) is required. From an aquatic ecological perspective, there should be no reason the clearance and proposed cultivation cannot be approved.

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

The applicant has demonstrated a strong commitment to implementing effective environmental management and mitigation measures. Engagement is already underway with the Overberg Renosterveld Conservation Trust (ORCT) regarding the establishment of a Conservation Easement on the applicant's properties in the region. A letter of confirmation from the ORCT is included in **Appendix N**. In line with the National Biodiversity Offset Guideline, a 1:30 offset ratio has been agreed on for the 1.7 ha of Critically Endangered vegetation which was lost, equating to approximately 50 ha required for conservation. At present, the ORCT has confirmed that at least 30 ha of suitable indigenous vegetation is being assessed for inc. These areas, as shown on the attached map, comprise natural portions of the applicant's farm, Remkuil, starting with Remainder of the Farm 365, where he has already indicated a willingness to commit these areas toward conservation easement. These proactive steps reflect the applicant's ability and willingness to uphold best environmental practices and to comply with management, mitigation, and long-term monitoring obligations.

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

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

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

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

(b) Please describe the assessment criteria used.

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

Impact is described according to their nature or type, as follows:

Nature/ Type

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

Significance

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

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

Likelihood- the likelihood that an impact will occur

Likelihood	
Unlikely	The impact is unlikely to occur
Likely	The impact is likely to occur under the most conditions.
Definite	The impact will occur

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

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

Definition of significance:

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

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

Significance colour scale (if applicable):

Negative	Positive
Negligible	Negligible
Minor	Minor
Moderate	Moderate
Major	Major

Impact rating colour scale:

Negative	Positive
Negligible	Negligible

Low	Low
Medium	Medium
High	High

(c) Please describe the gaps in knowledge.

No gaps have been identified.

(d) Please describe the underlying assumptions.

N/A

(e) Please describe the uncertainties.

N/A

SECTION H: RECOMMENDATIONS OF THE EAP

In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for.	YES x	NO
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If "NO", list the aspects that should be further assessed through additional specialist input/assessment:		
N/A		
If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:		
Applicant should be directed to cease the activity:	YES	NO x
Please provide reasons for your opinion		
<p>The majority of the subject property is within agricultural land, which is transformed and the area cleared were small scale and degraded due to proximity to the farming activities on site. The botanist in his assessment also pointed out that approximately 6ha of remaining natural vegetation in the study area ranges from poor to pristine condition, with degradation caused by proximity to production lands and associated high levels of fertiliser and pesticide runoff, which encourages invasion of alien grasses. Due to these conditions as well as the rehabilitation potential of the vegetation type, much of the vegetation lost will not return back to its natural state. In addition rehabilitation would be extremely costly with a low success rate. The landowner is showing willingness to finding a viable land with the assistance of the ORCT for current and future Conservation Easement agreements. For this reason, the impact of the loss of a small area of the vegetation relative to the current and future potential for conservation agreements with the landowner, outweigh the negative impact.</p>		
If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.		

- No further areas of natural or partly natural vegetation should be disturbed or cultivated outside the currently ripped/cultivated areas on the property (as per the 2024 satellite imagery (not yet available on Google Earth), unless authorised via a formal environmental application process.
- In lieu of a Biodiversity Offset, the owner must negotiate the previously discussed easement with Overberg Renosterveld Conservation Trust (ORCT) which ensures that at least 60ha of good quality Western Ruens Shale Renosterveld is formally conserved. As per the letter from the ORCT (dated 23 April 2024) a key goal should be re-consolidating the 30ha purchased by the applicant from Mr Lotter back into the neighbouring land portion still owned by Mr Lotter. An additional 30ha of Renosterveld will also need to be found and secured for conservation by means of a similar easement/contract with the applicant.
- 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.
- 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.

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

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

N/A

Please note:

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

SECTION J:PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

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

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

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

Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper.

Public participation was undertaken in line with Regulation 8 and the NEMA requirements:
<ul style="list-style-type: none"> → All relevant organs of state and adjacent landowners were notified via email and / or registered post of the application → A noticeboard was erected on the fence in a visible place with details of the activity and relevant contact details → An advertisement was placed in the <i>Hermanus Times</i> on the 12 June regarding the application and commenting opportunity. → The documents were loaded onto the EAP's Website → The applicant does not have a website. → A Comments and Response report and register for I&APs was opened. → A 30-day commenting opportunity was provided.

Please indicate whether the applicant has a website (please tick relevant box):	YES	NO x
If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application.		
N/A		

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

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

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

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

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

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

1. Provide a list of all the state departments that has been / will be consulted:		
List of State Depts.	Comment obtained (YES/NO	If not, provide reasons
DEA&DP	Pending	
Cape Nature	YES	
Department of Agriculture	YES	
Theewaterskloof Municipality	YES	
BOCMA	YES	
Overberg District Municipality	YES	

2. Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed. (The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)			
Name/ Organisation	Comments	Response	
Theewaterskloof Municipality	Theewaterskloof Municipality take note of the application No further comment	Noted	
Odette Overberg Renosterveld Conservation Trust	Email dated 24 July 2024 Hi Michelle Just to make it 'official', please register us as IAPs on this one. Thanks and best wishes	Added to the list of I&APs	

	Odette	
Griet Rich	Please register admin@klipfonteintrust.co.za as an interested party.	Added to the list
Overberg District Municipality	<ul style="list-style-type: none"> All Renosterveld remnants, regardless of their condition, should be excluded from development activities. Municipality favours this option, proposing it as the preferred alternative. Municipality disagrees with the applicant's assessment and advocates for the implementation of Alternative 1. Investigating Conservation Easements as potential offsets is supported. 	Conservation easements are being actively explored by the applicant in collaboration with the Overberg Renosterveld Conservation Trust as part of the mitigation strategy to address the loss caused by the development and to provide a long-term remedy.
Cape Nature	<ul style="list-style-type: none"> A Screening Report from the National Web-based Screening Tool, required by protocols, is missing. Specialist studies, including a terrestrial biodiversity assessment, must inform the application. A site sensitivity verification report is mandatory to guide required studies. A separate biodiversity offset specialist study must ensure compliance with NEMA protocols. The proposed offset area should ideally become a NEM:PAA protected area for long-term protection. The transgressor must be held responsible for implementing and negotiating the offset. CapeNature does not support the application due to insufficient information and lack of adherence to due process. Further investigation into a biodiversity offset is welcomed within the context of NEMA legislation. 	<p>A screening Report has been generated 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>The SSVR is included in this application.</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.</p>
BOCMA	<ul style="list-style-type: none"> BOCMA highlights that the application does not have sufficient water use detail to determine what authorisation is required. Additional Information Required: 	<ul style="list-style-type: none"> Refer to the Aquatic Biodiversity Compliance Statement attached in Appendix F2, which confirms that no watercourses or wetlands are present or impacted within the cleared area. Furthermore, no Water Use Authorisation is required.

	<ul style="list-style-type: none"> ○ Proof of lawful water use and a detailed water balance. ○ Rehabilitation Plan/Proposal. ○ Stormwater Management Plan addressing water quality and quantity. ○ Civil and technical drawings for watercourse crossings, dams, and pipelines. ○ Survey of the in-stream dam (capacity and specifications). ○ Master Plan and Method Statements. ○ Confirmation of property ownership and zoning. ○ Freshwater Impact Assessment, including a Risk Matrix. • Since activities have already commenced without clarity on prior authorisation, the matter has been referred for Compliance, Monitoring, and Enforcement (CME). 	<ul style="list-style-type: none"> • Not applicable to this application • Not applicable to this application • Bot applicable to this application • Not applicable to this application • Not applicable to this application • Not applicable to this application • Not applicable to this application • Not applicable to this application • As above, no watercourses or wetlands impacted by the commenced activity on site, this was based on the findings by the Freshwater specialist.
DOA	<ul style="list-style-type: none"> • The Western Cape Department of Agriculture has no objection to the Section 24G application process. • The applicant must also obtain consent from the National Department of Agriculture under the Conservation of Agricultural Resources Act No. 43 of 1983 to cultivate virgin land. 	<p>Noted.</p> <p>An application for CARA permit has been submitted to the department.</p>
DEADP	<ul style="list-style-type: none"> • Confirm whether the applicant is an individual/natural person or a legal entity (e.g., Remkuil Boerdery Bpk). • Provide confirmation of landownership for Portion 7 of Farm Rietfontein No. 259, Caledon, especially in relation to endorsements and servitudes (e.g., WWF conservation servitude). • Correct property details 	<ul style="list-style-type: none"> • Noted. This section has been amended in the Report. •

		<ul style="list-style-type: none"> ○ Correct the property description (e.g., mislabelling as Portion 2 of Farm Remkuil). ○ Correct the Surveyor-General 21-digit code. <ul style="list-style-type: none"> • Revise activity description to: <ul style="list-style-type: none"> ○ Accurately reflect the extent, type, and classification of indigenous vegetation impacted. ○ Clearly describe the full scope, scale, and context of the activity on the specific site. • Update Site Development Plan (SDP) to incorporate specialist input, particularly freshwater specialist recommendations. • Include a Site Sensitivity Verification Report (SSVR): <ul style="list-style-type: none"> ○ Confirm site sensitivity using the Screening Tool. ○ Motivate for inclusion/exclusion of specialist studies per the Protocols (GN 320, 2020). • Revise the Impact Assessment to cover: <ul style="list-style-type: none"> ○ Consequences of unlawful commencement. ○ Impacts such as watercourse disruption, soil erosion, habitat fragmentation, biodiversity loss, invasive species, noise, dust, contamination, and loss of ecosystem services. ○ Include relevant management/mitigation measures. • Reassess Biodiversity Offset Proposal: <ul style="list-style-type: none"> ○ Acknowledge that the loss of 1.7 ha of Critically Endangered vegetation requires offsetting. 	<ul style="list-style-type: none"> • This section on the report has been updated with the correct property details and GD code • 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. • As above. • 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. • A site visit was undertaken by the EAP and the SSVR has been updated and contain the required information. <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> <ul style="list-style-type: none"> • All mitigation measures were provided by the specialists and have been incorporated into the report and the EMPr.
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	<ul style="list-style-type: none"> ○ Include botanical specialist's recommendation that significance remains Medium post-mitigation. ○ Provide progress on a formal Conservation Easement Agreement or MOU with Overberg Renosterveld Conservation Trust. ○ Obtain input/approval from CapeNature. ○ Subject offset proposal or easement to a Public Participation Process. 	<ul style="list-style-type: none"> • The Biodiversity Offset Applicability has been amended in response to the raised requirements. • A signed Memorandum of Understanding is attached as Appendix N. • A Memorandum of Understanding will be included in the final round of Public Participation which will be distributed to Cape Nature to provide input.
BOCMA:CME	<ul style="list-style-type: none"> • BOCMA received a Section 24G application concerning unauthorized vegetation clearance on the property. • The application was referred to the Compliance Monitoring and Enforcement (CME) Unit on 10 September 2024 due to potential illegal water uses under Section 21 of the National Water Act (NWA). • A desktop investigation revealed no water use authorization for the site • CME officials conducted an on-site investigation on 26 February 2025, with the following findings: <ul style="list-style-type: none"> ○ The activity occurs within 100m of a watercourse, but dense vegetation and distance are adequate to avoid direct impact on the watercourse. ○ Freshwater specialist recommendations include: <ul style="list-style-type: none"> ▪ Maintain dense indigenous vegetation between cleared areas and watercourses for the entire farming lifecycle. 	<ul style="list-style-type: none"> • Noted

		<ul style="list-style-type: none"> ▪ Monitor watercourses (especially the northern 50m buffer) regularly for erosion. ▪ Address erosion if observed; monitor and remove Alien Invasive Species (AIS) to prevent outcompetition of natural vegetation. ▪ Prohibit dumping and littering in surrounding watercourses. ▪ Ensure machinery is serviced regularly; fuel storage must be >15m from any watercourse in a bunded area. <ul style="list-style-type: none"> ○ Any future developments beyond the current cleared area will require a detailed aquatic/freshwater/wetland impact assessment and formal authorization 	
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3. Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.

N/A.

Please note:

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

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

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

3. LIST OF STATE DEPARTMENTS

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

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.			
State Department	Name of person	Contact details	
DEADP	Najah Ben Jeddou	Tel	
		Fax	
		E-mail	Najah.BenJeddou@westerncape.gov.za
BOCMA	R. le Roux/ Fabion Smith	Tel	
		Fax	
		E-mail	rleroux@bocma.co.za fsmith@bocma.co.za
Department of Agriculture	Cor vd Walt B. Layman	Tel	
		Fax	
		E-mail	corvdw@elsenburg.com Brandon.Layman@westerncape.gov.za
Cape Nature	Rhett Smart	Email	landuse@capenature.co.za rsmart@capenature.co.za
Overberg District Municipality	R. Volschenk	Email	rvolschenk@odm.org.za
Theewaterskloof Municipality	Johan Viljoen	Email	johanvi@twk.gov.za twkmun@twk.gov.za

Please note:

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

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

SECTION A: DIRECTIVES

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

i	immediately cease the activity pending a decision on the application submitted in terms of this subsection
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	No actions have been taken after clearance of vegetation.
ii	<i>investigate, evaluate and assess the impact of the activity on the environment</i> In process through this report and the appointment of Botanical Specialist.
iii	<i>remedy any adverse effects of the activity on the environment</i> The activity has already taken place and rehabilitation is not an option.
iv	<i>cease, modify or control any act, activity, process or omission causing pollution or environmental degradation</i> The activity has already occurred and the compensation for the loss includes easement on other portions as per consultations with ORCT.
v	<i>contain or prevent the movement of pollution or degradation of the environment</i> N/A
vi	<i>eliminate any source of pollution or degradation</i> N/A
vii	<i>compile a report containing-</i>
aa	<i>a description of the need and desirability of the activity</i> In process
bb	<i>an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity</i> In process
cc	<i>a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity</i> In process
dd	<i>a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed</i> In process
ee	<i>an environmental management programme</i> In process
viii	<i>provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.</i> In process

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

Please Note:

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

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

SECTION B: DEFERRAL OF THE APPLICATION

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

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

Kindly answer the following questions:

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

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

SECTION C: QUANTUM OF THE SECTION 24G FINE

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on

whether or not to grant an *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

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

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

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

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

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

Index	Biodiversity Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any impacts on biodiversity	
	The activity is giving, has given or could give rise to localised biodiversity impacts	X
	The activity is giving, has given or could give rise to significant biodiversity impacts	
	The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	
Motivation:		

The disturbance and removal of critically endangered vegetation took place alongside active farmland. However, the vegetation clearance is small scale at approximately 1.67 hectares. No ploughing took place. due to the proximity of the impacted area to longstanding agricultural areas, the impacted areas were not fully natural or representative if the original vegetation type and passive rehabilitation would not likely succeed.

Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
Description of variable		
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	X
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
Motivation:		
The activity is in line with the surrounding agricultural use.		

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

PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT

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

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

Index	Number of section 24G applications previously submitted by the applicant	Place an "x" in the appropriate box
	Description of variable	

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

PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES

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

Index	Any other relevant information that the applicant would like to be considered.
	<p>Motivate and explain fully:</p> <p>The landowner regrets what had happened and is open to finding a positive way forward for renosterveld. The owner is committed to finding suitable areas for Conservation Easement agreements for the loss of approximately 1.67 hectares of indigenous vegetation through consultation with the Overberg Renosterveld Conservation Trust, which has already been initiated. The landowner is already actively engaging with ORCT and as such ORCT has assisted with input into the compliance matter.</p>

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

SECTION D: PRELIMINARY ADVERTISEMENT

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

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

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

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

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

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

PART 3 -

APPENDICES

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

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	x
Appendix B:	Site plan(s)	x
Appendix C:	Colour photographs	X
Appendix D:	Biodiversity overlay map	x
		x
Appendix :	Permit(s) / license(s) from any other organ of state including service letters from the municipality	
Appendix E:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report,	X

	proof of notices, advertisements, Land owner consent and any other public participation information as required in Section J above.	
Appendix F:	Specialist Report(s), if any	X
Appendix G:	Environmental Management Programme	X
Appendix H:	Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.	X
Appendix I:	Certified copy of Identity Document of Applicant	X
Appendix J:	Certified copy of the title deed (or title deeds in the case of linear activities)	X
Appendix K:	Biodiversity Offset Applicability Assessment	X
Appendix M:	CARA Permit	X

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

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

DECLARATIONS**NEMA SECTION 24G APPLICATION AND ASSESSMENT REPORT****DECLARATIONS****DECLARATION OF THE APPLICANT**

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

I, J.P. van Toot, ID number 6811145014684, in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

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

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

DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

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

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

mnylor

	14/03/2025
Signature of the EAP:	Date:

Lornay Environmental Consulting Pty Ltd
Name of company (if applicable):

PART 4 -**ANNEXURE B - SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)****Not Applicable****1. WASTE QUANTITIES**

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

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

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

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

Determined from volumes

Determined with weighbridge/scale

Estimated

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

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

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	QUANTITIES	ON-SITE	OFFSITE RECOVERY	OFFSITE DISPOSAL
			RECOVERY	REUSE RECYCLING	
			REUSE	TREATMENT OR	
			RECYCLING	DISPOSAL	
			TREATMENT OR DISPOSAL		

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

2. GENERAL

Prevailing wind direction (e.g. NWW)

November – April

May – October

The size of population to be served by the facility:

	Mark with "X"	Comment
0-499		
500-9,999		
10,000-199,999		
200,000 upwards		

LANDFILL PARAMETERS (If applicable)

The method of disposal of waste:

Land-building ☐ Land-filling ☐ Both ☐

The dimensions of the disposal site in metres

	At commencement	After rehabilitation

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

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

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

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

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

The Salvage method

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

At source	
Recycling installation	
Formal salvaging	
Contractor	
No salvaging planned	

Fatal flaws for the site:

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

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

Indicate the distance to the boundary of the nearest residential area

metres
metres

Indicate the distance to the boundary of the industrial area

Wettest six months of the year

November–April	
May–October	

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

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

Location and depth of ground water monitoring boreholes:

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

Location and depth of landfill gas monitoring test pit:

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

The NEMA SECTION 24G APPLICATION AND ASSESSMENT REPORT

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