

PROOF OF PUBLIC PARTICIPATION

Clearance of Indigenous vegetation on Portion 1 of the Farm Volmoed No. 586,
Hemel and Aarde, Hermanus

November 2025

Consultant:

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PO Box 1990, Hermanus, 7200
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

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1. INTRODUCTION

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

Following the comments received during the initial Public Participation Process, the Department of Environmental Affairs and Development Planning: Rectification (DEADP), in correspondence dated 23 April 2025, requested additional information, amendments to the specialist report, and revisions to the 24G application. Furthermore, an additional 30-day round of public participation was requested to ensure that the changes made to the report, as well as any new specialist information, could be reviewed by Interested and Affected Parties (I&APs) and relevant State Departments. This second round of public participation is being conducted in accordance with the same statutory requirements, with all comments received and incorporated into the updated Comments and Response Report, and the Register prior to the final submission of the 24G application to the Department.

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

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

DEADP	BOCMA
Fahd Said	R. le Roux / F. Smith
Private Bag X9086	0233468000
Cape Town	rleroux@bocma.co.za
8000	fsmith@bocma.co.za
Utilitas Building	
1 Dorp Street	Dept of Agriculture
8001	Cor vd Walt
Fahd.Said@westerncape.gov.za	corvdw@elsenburg.com
	B. Layman
Cape Nature	Brandon.Layman@westerncape.gov.za
Rhett Smart	
Private Bag x5014	Overberg District Municipality
Stellenbosch	Private Bag x 22
7599	Bredasdorp
landuse@capenature.co.za	7280
	rvolschenk@odm.org.za
Overstrand Municipality	R. Volschenk
Penelope Aplon	
paplon@verstrand.gov.za	
I&APs	
Farm 586 Ptn 2	Farm 586 Ptn 6
Vrede Boerdery Trust	Bouchard Finlayson Pty Ltd
jadrinita2@gmail.com	accounts@bouchardfinlayson.co.za
	Farm 586 Ptn 6
Farm RE 586	Roaming Wild Properties (Pty) Ltd
Bouchard Finlayson Pty Ltd	aletta@theron.io
accounts@bouchardfinlayson.co.za	
Farm 585 Portion 15	
Camphill Farm Community Hermanus	
bernadene@camphill-hermanus.org.za	
Farm 947	
Viking Pony Prop 355 (Pty) Ltd	
accounts@lavierge.co.za	

3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:

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



LORNAY
ENVIRONMENTAL CONSULTING

14 August 2024

**NOTICE OF SECTION 24 G PUBLIC PARTICIPATION
THE UNLAWFUL CLEARANCE OF VEGETATION ON PORTION 1 OF THE FARM VOLMOED NO. 586, HERMANUS, CALEDON RD**

DEA&DP Ref. No.: 14/1/1/E2/7/6/4/0815/23
Lornay Ref. No.: 1/586

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

Section 24 G Retrospective Environmental Authorisation Application for the removal of vegetation for establishment of residential dwelling and an office on Portion 1 of the Farm Volmoed No. 586, Hermanus, Caledon RD

Location: Portion 1 of the Farm Volmoed No. 586, Hemel en Aarde, Hermanus, Caledon RD
Applicant: The Volmoed Trust for Healing and Reconciliation
Activities unlawfully commenced with: Removal of vegetation for agricultural purposes

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

Listing Notice 3 of 2014 (As amended): (12) The clearance of an area of 300 square metres or more of indigenous vegetation i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

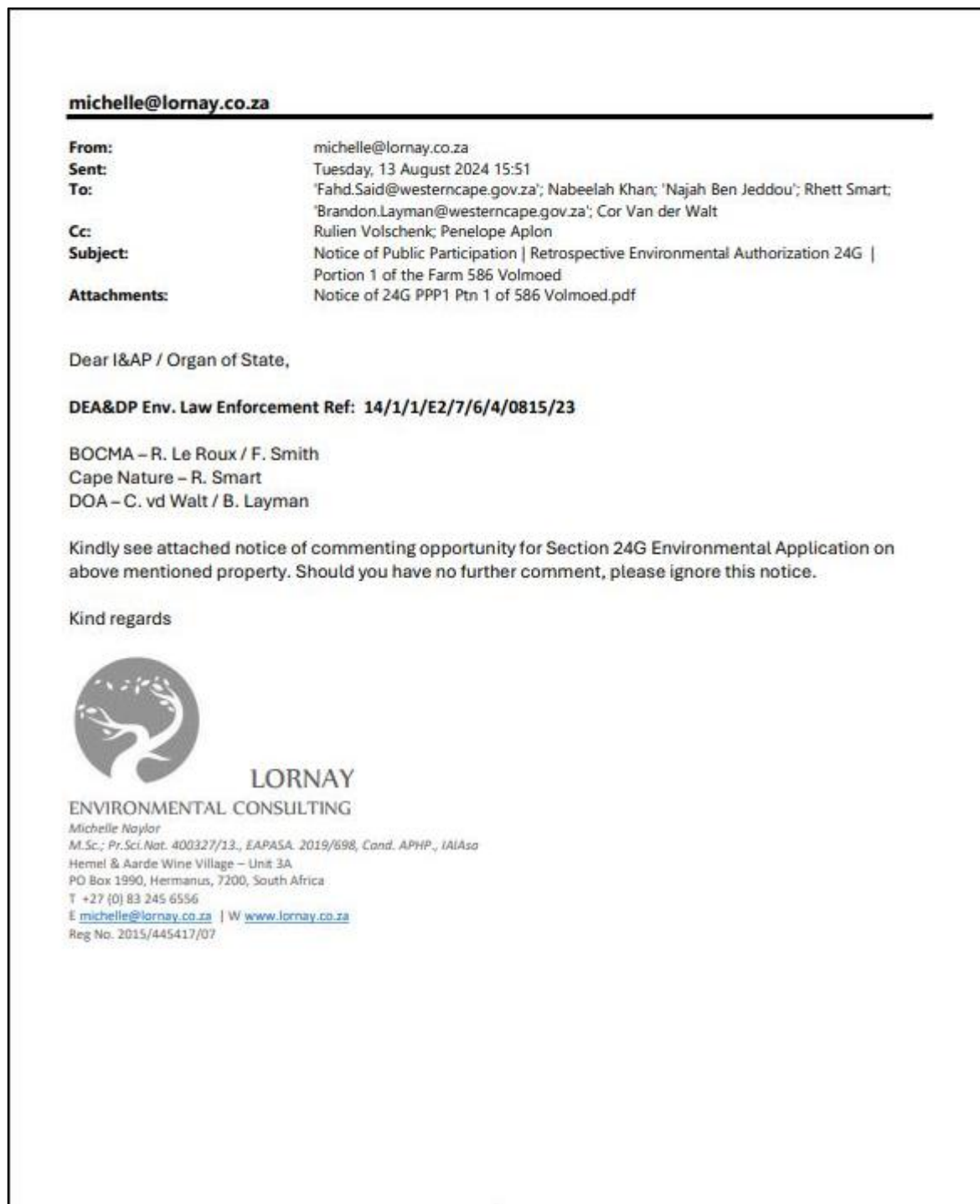
Interested and affected Parties (I&AP's) are hereby invited to register as I&AP's and / or provide comment on the application. Only registered I&AP's will be notified during the remainder of the public participation process. Requests and / or comments must be submitted via email or post on / or before **13 September 2024** via the following contact details:

LORNAY ENVIRONMENTAL CONSULTING
ATT. Michelle Naylor
Tel. 083 245 6556
Email. michelle@lornay.co.za | Website. www.lornay.co.za

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPSA
cell: 083 245 6556 | tel: 028 316 1769 | fax: 086 585 2461 | michelle@lornay.co.za | www.lornay.co.za
PO Box 1990, Hermanus, 7200 | Unit 3A, Hemel and Aarde Wine Village
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

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

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



michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Tuesday, 13 August 2024 15:52
To: 'jadrinita2@gmail.com'; 'accounts@bouchardfinlayson.co.za'; 'bernadene@camphill-hermanus.org.za'; 'accounts@lavierge.co.za'; 'aletta@theron.io'
Subject: Notice of Public Participation | Retrospective Environmental Authorization 24G | Portion 1 of the Farm 586 Volmoed
Attachments: Notice of 24G PPP1 Ptn 1 of 586 Volmoed.pdf

Dear I&AP / Organ of State,

DEA&DP Env. Law Enforcement Ref: 14/1/1/E2/7/6/4/0815/23

Kindly see attached notice of commenting opportunity for Section 24G Environmental Application on above mentioned property. Should you have no further comment, please ignore this notice.

Kind regards



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor

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

Hemel & Aarde Wine Village – Unit 3A

PO Box 1990, Hermanus, 7200, South Africa

T +27 (0) 83 245 6556

E michelle@lornay.co.za | W www.lornay.co.za

Reg No. 2015/445417/07

5. NEWSPAPER ADVERTISEMENT

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

14 Hermanus Times | 14 Augustus 2024

GET added VALUE



All vacancies advertised in our weekly newspapers are uploaded onto our bolandmedia.biz website, every Friday.

LIQUIDATION AND DISTRIBUTION ACCOUNT ADVERTISEMENT

In the Estate of the Late ANNA CATHERINE BROWN (IDENTITY NUMBER: 294818087) OF 91 3RD STREET VOLLEKOP HERMANUS, 7200

Registration Number: 0221-01/2021

The FIRST AND FINAL LIQUIDATION AND DISTRIBUTION Account in the above estate will be for inspection at the Master of the High Court, Cape Town, and at the Office of the Resident Magistrate HERMANUS for a period of twenty-one days from the date of publication.

AD DATE: 14 AUGUST 2024

AGENTS: QUINN TRUST PTY LTD PO BOX 2275 CAPE TOWN 8000

Vacancies / Betrekings

BETREKING *supa quick* TYRE EXPERTS

Tel. 028 312 2270

UITLAAT / SKOKBREKER & SUSPENSIE TEKNIKUS

Supa Quick Hermanus beskik oor 'n vakature vir 'n persoon met kennis van suspensie werk, skokbrekers, remme en uitlaat stelsels. Kennis van wetsporsing sal as aanbeveling dien.

Opleiding kan ook verskaf word aan 'n jong dinamiese persoon met wilskrag wat hierdie pos sy beroep wil maak. Persoon moet 'n geldige motor bestuur lisensie besit.

Stuur CV aan e-pos: info@hermanustyres.co.za CV kan ook persoonlik afgeleë word.

THEEWATERSKLOOF MUNICIPALITY

APPLICATION FOR CONSENT USE: PORTION 4 OF BOTRIVIER FARM NO. 473, CALEDON DISTRICT.

Applicant: A Rodrigues WP Planning CC (T: 021 552 5258) info@wpplanning.co.za

Owner: Siskand o Park CC

Reference number: FA 473/4 (App. ID: 4305)

Property Description: Portion 4 of Farm Botrivier no. 473, Farm Botrivier, 443 (Hermanus / Botrivier Rd), KOR 15/2024

Physical Address: Hermanus / Botrivier Rd, KOR 15/2024

Notice Number: KOR 15/2024

Detailed description of proposal: Application for Consent Use in terms of Section (2)(j) of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2022 for the installation of a 1.5m free-standing base telecommunication station on Portion 4 of Botrivier Farm No. 473, Caledon District.

Notice is hereby given in terms of the Theewaterskloof Municipality: By-law on Municipal Land Use Planning, 2022 for the installation of a 1.5m free-standing base telecommunication station on Portion 4 of Botrivier Farm No. 473, Caledon District.

Any written comments or objections may be addressed in terms of section 50 of the said legislation to the Municipal Manager, P.O. Box 24, Caledon, 7200 / Fax: 028 214 1287 / E-mail: hermanus@eng.co.za on or before 20 September 2024 from the date of publication of this notice, quoting your name, address, or contact details, interest in the application and reasons for comments.

Telephonic enquiries can be made to: Ms S. Du Toit Administrative Town Planning T: 028 214 1300

The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a municipal official by transcribing their comments.

THEEWATERSKLOOF MUNISIPALITEIT

AANSOEK OM VERGUNNINGSGEBRUIK: GEDELTJE 4 VAN PLAS BOTRIVIER NR. 473, CALEDON DISTRIK.

Aansoeker: A Rodrigues WP Planning CC (T: 021 552 5258) info@wpplanning.co.za

Eienaar: Siskand o Park CC

Verenigingsnommer: FA 473/4 (App. ID: 4305)

Grondgebruiksoort: Portion 4 van Plas Botrivier nr. 473, Caledon distrik.

Plas Botrivier, 443 (Hermanus / Botrivier pad), KOR 15/2024

Kennissgewingsnommer: KOR 15/2024

Volledige beskrywing van aansoek: Aansoek om vergunninggebruik ingevolge Artikel 15(2)(j) van die Theewaterskloof Munisipaliteit: Verordening op Munisipale Grondgebruikspasering (2022), vir die opstelling van 'n 1.5m vrystaande basis-telekommunikasie-stasie op Gedeelte 4 van Botrivier Plas no. 473, Caledon Distrik.

Kennis word hiermee gegee ingevolge die Theewaterskloof Munisipaliteit se Verordening op Munisipale Grondgebruikspasering dat bogenoemde aansoek ontvang is en beskikbaar is insake vanaf 14 Augustus 2024 tot 20 September 2024 gedurende kantoorure by die Botrivier Dopskantoer en Departement Stadsbeplanning en Boudrewe, Caledon by 4 Reinstraat Caledon, 7200.

Elke skriftelike bewere of kommentaar teen die voorstel kan ingevolge Artikel 50 van die genoemde wetgewing aan die Munisipale Bestuurder, Posbus 24, Caledon, 7200 / Faks nr: 028 214 1287 / E-pos: hermanus@eng.co.za gestuur word op of voor 20 September 2024 na die publikasie van hierdie kennisgewing, met vermelding van jou naam, adres of kontakinformasie, belang in die aansoek en redes vir kommentaar.

Telefoniese navraag kan gemaak word na: Mv. S. Du Toit Administratiewe Stadsbeplanning T: 028 214 1300

Die Munisipaliteit kan weier om enige kommentaar te aanvaar wat na die sluitingsdatum ontvang word. Persone wie nie kan skryf nie, kan by die munisipale kantoor aanskied en in munisipale amp teenoor of behulpzaam wees om die relevante kommentaar of klagte skriftelik te dokumenteer.

NOTICE OF SECTION 24 G PUBLIC PARTICIPATION: PORTION 1 OF THE FARM VOLLEKOP NO. 586, HEMEL AND AARDE, HERMANUS

Ref: 14/1/1/E2/7/6/4/0815/23

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

Section 24 G Retrospective Environmental Authorisation Application for the removal of vegetation for the establishment of single residential dwelling and an office on Portion 1 of Farm Vollekoop No. 586, Hermanus, Caledon RD

Location: Portion 1 of the Farm Vollekoop No. 586, Hemel and Aarde, Hermanus, Caledon RD

Applicant: The Vollekoop Trust for Healing and Reconciliation

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

Listing Notice 3 of 2014 (As amended): (12) The clearance of an area of 300 square metres or more of indigenous vegetation.

Interested and affected Parties (SAPs) are hereby invited to register as SAPs and / or provide comment on the application. Requests and / or comments must be submitted on / or before 13 September 2024 via the following contact details:

 LORNEY ENVIRONMENTAL CONSULTING
For Attn: Michelle Naylor
Unit 3A, Hemel & Aarde Wine Village, Hermanus
Tel. 083 245 6556
Email: michelle@lornay.co.za | www.lornay.co.za

NOTICE OF SECTION 24 G PUBLIC PARTICIPATION: ENF 5629 BETTY'S BAY, CALEDON RD

Ref: 14/1/1/E2/7/6/4/0815/23

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

Section 24 G Retrospective Environmental Authorisation Application for the removal of vegetation for the construction of a single residential dwelling.

Location: Enf 5629, Betty's Bay

Applicant: Jacques Dumont Smith

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

Listing Notice 1 of 2014 (As amended): (12); (19)
Listing Notice 3 of 2014 (As amended): (12)

Interested and affected Parties (SAPs) are hereby invited to register as SAPs and / or provide comment on the application. Requests and / or comments must be submitted on / or before 13 September 2024 via the following contact details:

 LORNEY ENVIRONMENTAL CONSULTING
For Attn: Michelle Naylor
Unit 3A, Hemel & Aarde Wine Village, Hermanus
Tel. 083 245 6556
Email: michelle@lornay.co.za | www.lornay.co.za

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HERMANUS Times

028 312 3717

PUBLIC NOTICE

Application for approval to conduct Confined Field Trials of a Genetically Modified Organism

Biolegal (Pty) Ltd hereby informs the public that Trigali Genetics S.A., a Uruguayan company with domicile at Carlos Gómez 1445, Montevideo, Uruguay intends to submit an application for the intentional release, in a confined field trial, of a genetically modified wheat product in South Africa.

HB4 wheat (IND-00412-7) has been modified via particle bombardment of the commercial wheat variety Cadena, to express a trait that protects crop yield conferring increased tolerance to environmental stress, such as drought. HB4 wheat carries the *HahB4* gene, coding for a sunflower transcription factor (*HahB4*) that is involved in the plant response to environmental stresses, and the bar gene from *Streptomyces hygroscopicus*, expressing the glufosinate-inactivating enzyme phosphinothricin N-acetyl transferase (PAT) to enable selection of transformants.

The scope of the application is to request approval for controlled environmental release of HB4 wheat to field test the efficacy of HB4 wheat in conferring increased tolerance to environmental stress conditions. The trial release will occur at three locations in the Western Cape Province (near Moorreesburg, Protea and Swellendam) and one location in the Northern Cape Province (near Hopetown). Each trial will be approximately 0.5 ha in extent. Trials will be managed in accordance with the Genetically Modified Organisms Act (Act No. 15 of 1997).

HB4 Wheat has already received an approval for all uses in food, feed and processing in South Africa in terms of the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) (Permit number 39.4/6/22/290).

For further information on these applications, or to submit comments, please contact the Registrar at: The Registrar: Genetically Modified Organisms Act Private Bag X973, Pretoria 0001, South Africa Fax: 012 319 6298 | Email: GMOAppComments@daff.gov.za

All communication must be received by the Registrar within 30 days from the publication of this notice.

www.biolegal.co.za



6. NOTICEBOARDS

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





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

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

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



REGISTER FOR INTERESTED AND AFFECTED PARTIES

PROJECT: Ptn 1 of Farm Volmoed 586

NAME:	ORGANISATION:	POSTAL ADDRESS:	TEL:	EMAIL:	COMMENT:	DATE & REF:
R Volschenk	ODM			rvolschenk@odm.org.za	Email dated 12 September 2024 RE; NOTICE OF SECTION 24G PUBLIC PARTICIPATION- THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION ON PORTION 1 OF THE FARM VOLMOED NO. 586, HERMANUS, CALEDON. The Overberg District Municipality's Department of Environmental Management Services takes cognisance of the S24G application for the unlawful clearance of vegetation on portion 1 of the Farm 586. The ODM has no objection against the proposed development.	Date: 12/09/2024
Rhett Smart	Cape Nature			rsmart@capenature.co.za	Email dated 15 September 2024 Draft NEMA Section 24G Assessment Report for the	Date: 15/09/2024

					Unlawful Clearing of Indigenous Vegetation for the Expansion of the Volmoed Retreat, Portion 1 of Farm Volmoed 586, Hemel-en-Aarde Valley CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. The unlawful activities undertaken consist of the clearing of indigenous vegetation for the construction of a dwelling and a container office. The retreat footprint is mapped as No Natural in the Western Cape Biodiversity Spatial Plan but is surrounded by Critical Biodiversity Area 1 (CBA). The vegetation occurring on the footprints consists of Elim Ferricrete Fynbos listed as endangered. There are no watercourses on or within the direct vicinity of the footprints, with the Onrus River and associated wetland to the west of the retreat. The results from the screening tool reveal a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species. The site sensitivity verification however indicates that no specialist studies are required. It is accepted that an aquatic biodiversity assessment is not required as there is an adequate buffer between the footprints and aquatic features and that an animal species assessment is not required as the footprints are small and additionally surrounded by the existing development (and disturbance to fauna) and therefore it is unlikely that there would have been a significant impact on any animal species, in particular since the species flagged are birds. The transgression consists of clearing of indigenous vegetation; therefore it is necessary to determine the impact as a result of the loss of habitat. Therefore, we do	
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					not accept the motivation that no terrestrial biodiversity assessment is required. The impact assessment of the loss of vegetation must be undertaken by a specialist, as the condition and type of vegetation needs to be evaluated to assess the impact, not only the size of the footprint. The vegetation occurring adjacent to the footprints should be evaluated to infer the vegetation that is likely to have occurred on the footprints, as indicated in Photos 5 and 7 of the site sensitivity verification report. The likelihood of impacts on plant species of conservation concern having been incurred must also be assessed. In conclusion, CapeNature recommends that a terrestrial biodiversity and plant species impact assessment must be undertaken before the application can be considered further. Regards	
Cor Van Der Walt	Department of Agriculture			Cor.VanderWalt@westerncape.gov.za	Email dated 28 October 2024 SECTION 24G APPLICATION THE UNLAWFUL CLEARANCE OF VEGETATION: DIVISION CALEDON PORTION 1 OF THE FARM VOLMOED NO. 586 Your application of 14 August 2024 reference. The Western Cape Department of Agriculture has no objection to the 24G application. Please be advised, that this office is a commenting authority and further discussions on your application must be taken up with the decision makers. Further consultation will only be considered when requested by the decision maker. Please note.	Date: 28/10/2024

					Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.	
Naadiya Wookey	DEADP			Naadiya.Wookey@westerncape.gov.za	Letter dated 23 April 2025 PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) (“NEMA”): THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION ON PORTION 1 OF FARM VOLMOED NO. 586, HERMANUS. 1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1) of the NEMA. 2. The Department has received your application on 14 March 2025 regarding the unlawful clearing of indigenous vegetation on Portion 1 of Farm Volmoed No. 586, Hermanus. 3. Having considered the information in respect of your application, you are hereby given notice of the delegated authority’s intention to issue you with a Directive in terms of section 24G of the NEMA (as amended), which will direct you to: 3.1 Investigate, evaluate and assess the impact of the activity on the environment, 3.2 Compile a report containing a description of the public participation process followed during the course of compiling the application and assessment report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed, and 3.3 Provide such other information or undertake such further studies as the relevant competent authority may	

					deem necessary. 4. Kindly be reminded of the NEMA public participation requirements for applications for environmental authorisation: (i) Section 24(1A) and 24(4)(a) of the NEMA stipulate the minimum requirements for applications for environmental authorisation and includes the requirement for public participation to be undertaken. (ii) (ii) Please refer to Chapter 6 of the Environmental Impact Assessment Regulations, 2014 (as amended G.N. No 326 of 7 April 2017) for detail on the public participation process to be followed for applications for environmental authorisation. (iii) (iii) In terms of section 24O of the NEMA, the Environmental Assessment Practitioner ("EAP") must 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. (iv) (iv) Based on the information contained in the section 24G application form (dated March 2025), you are advised that the following organs of state / State departments must be included in addition to the list provided in the section 24G application: • Heritage Western Cape • Department of Water and Sanitation 5. The application must therefore be made available to registered Interested and Affected Parties (I&APs) and State Departments for a 30-day commenting period. 6. The applicant / Environmental Assessment Practitioner	
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					("EAP") is required to inform this Department, in writing, upon submission of the application to the relevant State Departments. 7. In terms of the public participation process ("PPP") to be undertaken, kindly be advised that the EAP must record and respond to all comments received during the public participation process. The comments and responses must be captured in a Comment and Response Report ("C&RR") and must include a description of the PPP followed. 8. Following the initial 30-day commenting period, the application and the C&RR must be made available to registered I&APs and State Departments for an additional 21-days for review and/or comment, if any, advising them how their issues or concerns have been addressed, before it is submitted to the Department for consideration. Proof of notification of the additional 21-day commenting period must be appended to the final C&RR. 9. You are advised that an unredacted version of the public participation report must be provided to the delegated authority for decision-making purposes. 10. This Directorate has considered the information contained in the draft section 24G application assessment report, and provide the following comments: 10.1. Unlawfully Commenced Activities: 10.1.1. The EAP has indicated that Site 1 (i.e. comprising a container office on an area of approximately 133m² in extent) entailed the placement of a shipping container on an existing lawned area for office use between 2020 and 2021. According to the EAP, this development resulted in the removal of domestic lawn and did not involve the clearance of indigenous vegetation. 10.1.1.1. However, based on satellite imagery dated prior to April 2018, this Directorate notes that Site 1 and surrounding area appeared to support indigenous vegetation, which may have been cleared incrementally in association with the broader cluster development of	
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					Volmoed Trust – Retreat Centre. Clarification is therefore required regarding the status of the site prior to 2018, the lawful clearance of indigenous vegetation on this portion and particularly in relation to the extent and condition of the naturally occurring vegetation that may have existed at the time. 10.2. Activity Description 10.2.1. The activity description provided on page 25 of the draft section 24G application assessment report refers to the clearance of approximately 667m² of indigenous vegetation and “lawn” across Sites 1 and 2 on Portion 1 of Farm Volmoed No. 586, Hermanus. Please note that the removal of domestic lawn does not constitute a listed activity in terms of the NEMA EIA Regulations, 2014 (as amended). Accordingly, the activity description must be revised to accurately reflect the extent and nature of the unlawful commencement of the listed activity, specifically in relation to the unlawful clearance of indigenous vegetation. 10.2.2. Furthermore, you are advised that the activity description must include detailed information regarding the nature and purpose of the unlawfully commenced activity, as well as the type, extent, and classification of the indigenous vegetation that was affected as a consequence of the unlawful commencement. 10.2.2.1. This Directorate notes that the type of vegetation mapped and ground-truthed / verified as relevant to the site is predominantly Elim Ferricrete Fynbos and Overberg Sandstone Fynbos described as Endangered vegetation in the draft section 24G application assessment report and respective appendices. In accordance with the National List of Ecosystems that are Threatened and in Need of Protection, 2011, and as confirmed by the botanical specialist the respective vegetation types were classified as Critically Endangered ecosystems at the time of the unlawful clearance activities. Please correct this error.	
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					10.3. Impact Assessment 10.3.1. You are advised that a clear demonstration of the differentiation between the pre-commencement and post-commencement status of the activity through a comparative assessment of the associated environmental aspects and impacts is essential for the effective evaluation of a section 24G application. This comparison is critical to understanding the extent and significance of the environmental changes resulting from the unlawfully commenced development. 10.3.1.1. A detailed description of the environmental context prior to the unlawful activity must be provided, including baseline environmental conditions and any ecological sensitivities. This information is necessary to assess the potential impacts that would have been associated with the proposed development / activity had it been lawfully proposed / initiated. 10.3.1.2. The post-commencement description must include an assessment of the actual environmental impacts resulting from the unlawfully commenced activity. This may include, but is not limited to, the loss of habitat, sedimentation, alterations to land use and topography, as well as socio-economic implications. 10.4. Specialist Assessments 10.4.1. You are advised that the Botanical Assessment Report (compiled by the Hermanus Botanical Society and dated August 2024) provided in Appendix G of the section 24G application assessment report must be undertaken and contain the minimum information required in accordance with the relevant Protocols for the Specialist Assessment and Minimum Report Content Requirements for Environmental Impacts on Terrestrial Plant Species. 10.4.1.1. Based on the sensitivity rating of the botanical specialist (i.e. Medium) with the confirmation of presence of species of conservation concern, you are reminded that a Terrestrial Plant Species Specialist Assessment must be	
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					submitted in accordance with the requirements specified for “very high” and “high” sensitivity in the relevant protocol. 10.4.1.2. The botanical assessment must include, inter alia, a discussion on the cumulative impacts as well as the impact management actions and outcomes proposed by the specialist to be included in the Environmental Management Programme. 10.4.2. The botanical specialist has excluded Site 1 from the assessment on the basis that no fynbos has been removed from this area. A revised botanical assessment may be required given the investigation required in paragraph 10.1.1 above. 10.5. Environmental Management Programme (“EMPr”) 10.5.1. The EMPr provided in Appendix F of the section 24G application assessment report refers to the undertaking of agricultural activities, the incorrect property details and incorrect applicant. Please correct this error. 10.5.2. The EMPr must be updated to include the relevant specialist recommendations in terms of proposed mitigation and management actions. 10.6. Quantum of Section 24G Fine 10.6.1. Section C: Part 1 of the section 24G application assessment report indicates the Biodiversity Impact Index as “the activity is not giving, has not given and will not give rise to any impacts on biodiversity”. Based on the findings of the botanical specialist and the fact that a loss of biodiversity has occurred, a revised adequate motivation as to why the EAP has indicated that the activity has not given rise to any impacts on biodiversity is required. 10.6.2. Section C: Part 2 of the section 24G application assessment report indicates that previous administrative action was not previously taken against the applicant in respect of a contravention of section 24F(1) of the NEMA. However, a Pre-Compliance Notice in terms of section 31L of the NEMA (Ref. No. 14/1/1/E2/7/6/4/0815/23 and dated	
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					30 May 2024) has been issued in respect of Portion 1 of Farm Volmoed No. 586, Hermanus. Please correct this error 11. Based on the above, you are advised that a revised draft section 24G assessment report must be subjected to an additional round of PPP comprising a 30-day commenting period prior to the submission of the final S24G application with updated Comments and Response Report for decision-making. 12. Together with a public participation process, that comprises of comments and responses, the section 24G application process includes the issuing and payment of an administrative fine, prior to deciding on the application. 13. Please note that a duly dated and signed declaration page must be included as part of the s24G application and must therefore be submitted with the final application for decision making. 14. The EAP must ensure that the section 24G application be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document. 15. Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate: Environmental Governance. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date but will advise you accordingly. 16. In addition to any representations made in the application, you are afforded a period of 7 (seven) calendar days from the date of receipt of this Pre-Directive to make written representations to the Department as to why a Directive should not be issued. 17. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of	
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					49A(1)(g) of the NEMA. 18. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine not exceeding R10 million, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment. 19. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.	
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COMMENTS AND RESPONSE REPORT			
PROJECT: PTN 1 of the Farm Volmoed No. 586			
DRAFT BAR / PRE-APPLICATION			
NAME:	COMMENT:	RESPONSE:	DATE & REF:
R Volschenk ODM	Email dated 12 September 2024 RE; NOTICE OF SECTION 24G PUBLIC PARTICIPATION- THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION ON PORTION 1 OF THE FARM VOLMOED NO. 586, HERMANUS, CALEDON. The Overberg District Municipality's Department of Environmental Management Services takes cognisance of the S24G application for the unlawful clearance of vegetation on portion 1 of the Farm 586. The ODM has no objection against the proposed development.	Noted. No actions required.	Date: 12/09/2024
Rhett Smart Cape Nature	Email dated 15 September 2024 Draft NEMA Section 24G Assessment Report for the Unlawful Clearing of Indigenous Vegetation for the Expansion of the Volmoed Retreat, Portion 1 of Farm Volmoed 586, Hemel-en-Aarde Valley		Date: 15/09/2024

	CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. The unlawful activities undertaken consist of the clearing of indigenous vegetation for the construction of a dwelling and a container office. The retreat footprint is mapped as No Natural in the Western Cape Biodiversity Spatial Plan but is surrounded by Critical Biodiversity Area 1 (CBA). The vegetation occurring on the footprints consists of Elim Ferricrete Fynbos listed as endangered. There are no watercourses on or within the direct vicinity of the footprints, with the Onrus River and associated wetland to the west of the retreat. The results from the screening tool reveal a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species. The site sensitivity verification however indicates that no specialist studies are required. It is accepted that an aquatic biodiversity assessment is not required as there is an adequate buffer between the footprints and aquatic features and that an animal species assessment is not required as the footprints are small and additionally surrounded by the existing development (and disturbance to fauna) and therefore it is unlikely that there would have been a significant impact on any animal species, in particular since the species flagged are birds. The transgression consists of clearing of indigenous vegetation; therefore it is necessary to determine the impact as a result of the loss of habitat. Therefore, we do not accept the motivation that no terrestrial biodiversity assessment is required. The impact assessment of the loss of vegetation must be undertaken by a specialist, as the condition and type of vegetation needs to be evaluated to assess the impact, not only the size of the footprint. The vegetation occurring adjacent to the footprints should be evaluated to infer the vegetation that is likely to have occurred on the	The terrestrial biodiversity assessment is included in the 24G application. The terrestrial biodiversity Impact assessment was undertaken and the impact rating has been reduced to low negative, and therefore the site	
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	footprints, as indicated in Photos 5 and 7 of the site sensitivity verification report. The likelihood of impacts on plant species of conservation concern having been incurred must also be assessed. In conclusion, CapeNature recommends that a terrestrial biodiversity and plant species impact assessment must be undertaken before the application can be considered further. Regards	does not qualify for biodiversity offset. However the botanical specialist recommended that the remainder of the site be considered for Stewardship. The terrestrial biodiversity assessment was undertaken, which also covers plant species theme.	
Cor Van Der Walt DOA	Email dated 28 October 2024 SECTION 24G APPLICATION THE UNLAWFUL CLEARANCE OF VEGETATION: DIVISION CALEDON PORTION 1 OF THE FARM VOLMOED NO. 586 Your application of 14 August 2024 reference. The Western Cape Department of Agriculture has no objection to the 24G application. Please be advised, that this office is a commenting authority as further discussions on your application must be taken up with the decision makers. Further consultation will only be considered when requested by the decision maker. Please note. Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.	Noted.	Date: 28/10/2024
Naadiya Wookey	Letter dated 23 April 2025 PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION ON PORTION 1 OF FARM VOLMOED NO. 586, HERMANUS.		

	1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1) of the NEMA. 2. The Department has received your application on 14 March 2025 regarding the unlawful clearing of indigenous vegetation on Portion 1 of Farm Volmoed No. 586, Hermanus. 3. Having considered the information in respect of your application, you are hereby given notice of the delegated authority's intention to issue you with a Directive in terms of section 24G of the NEMA (as amended), which will direct you to: 3.1 Investigate, evaluate and assess the impact of the activity on the environment, 3.2 Compile a report containing a description of the public participation process followed during the course of compiling the application and assessment report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed, and 3.3 Provide such other information or undertake such further studies as the relevant competent authority may deem necessary. 4. Kindly be reminded of the NEMA public participation requirements for applications for environmental authorisation: (v) Section 24(1A) and 24(4)(a) of the NEMA stipulate the minimum requirements for applications for environmental authorisation and includes the requirement for public participation to be undertaken. (vi) (ii) Please refer to Chapter 6 of the Environmental Impact Assessment Regulations, 2014 (as amended G.N. No 326 of 7 April 2017) for detail on the public participation process to be followed for applications for environmental authorisation. (vii) (iii) In terms of section 24O of the NEMA, the Environmental Assessment Practitioner ("EAP") must		
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	5. The application must therefore be made available to registered Interested and Affected Parties (I&APs) and State Departments for a 30-day commenting period. 6. The applicant / Environmental Assessment Practitioner (“EAP”) is required to inform this Department, in writing, upon submission of the application to the relevant State Departments. 7. In terms of the public participation process (“PPP”) to be undertaken, kindly be advised that the EAP must record and respond to all comments received during the public participation process. The comments and responses must be captured in a Comment and Response Report (“C&RR”) and must include a description of the PPP followed. 8. Following the initial 30-day commenting period, the application and the C&RR must be made available to registered I&APs and State Departments for an additional 21-days for review and/or comment, if any, advising them how their issues or concerns have been addressed, before it is submitted to the Department for consideration. Proof of notification of the additional 21-day commenting period must be appended to the final C&RR. 9. You are advised that an unredacted version of the public participation report must be provided to the delegated authority for decision-making purposes. 10. This Directorate has considered the information contained in the draft section 24G application assessment report, and provide the following comments: 10.1. Unlawfully Commenced Activities: 10.1.1. The EAP has indicated that Site 1 (i.e. comprising a container office on an area of approximately 133m² in extent) entailed the placement of a shipping container on an existing lawned area for		
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	office use between 2020 and 2021. According to the EAP, this development resulted in the removal of domestic lawn and did not involve the clearance of indigenous vegetation. 10.1.1.1. However, based on satellite imagery dated prior to April 2018, this Directorate notes that Site 1 and surrounding area appeared to support indigenous vegetation, which may have been cleared incrementally in association with the broader cluster development of Volmoed Trust – Retreat Centre. Clarification is therefore required regarding the status of the site prior to 2018, the lawful clearance of indigenous vegetation on this portion and particularly in relation to the extent and condition of the naturally occurring vegetation that may have existed at the time. 10.2. Activity Description 10.2.1. The activity description provided on page 25 of the draft section 24G application assessment report refers to the clearance of approximately 667m² of indigenous vegetation and “lawn” across Sites 1 and 2 on Portion 1 of Farm Volmoed No. 586, Hermanus. Please note that the removal of domestic lawn does not constitute a listed activity in terms of the NEMA EIA Regulations, 2014 (as amended). Accordingly, the activity description must be revised to accurately reflect the extent and nature of the unlawful commencement of the listed activity, specifically in relation to the unlawful clearance of indigenous vegetation. 10.2.2. Furthermore, you are advised that the activity description must include detailed information regarding the nature and purpose of the unlawfully commenced activity, as well as the type, extent, and classification of the indigenous vegetation that was affected as a consequence of the unlawful commencement. 10.2.2.1. This Directorate notes that the type of vegetation mapped and ground-truthed / verified as relevant to the site is predominantly Elim Ferricrete Fynbos and Overberg Sandstone Fynbos described as	Noted. Noted. The 24G report has been updated. The vegetation occurring on site was classified as a Critically Endangered vegetation type at the time when the unlawful clearance took place, as per Revised List of Ecosystems that are in Need of Protection (2011). However, following the 2022 revision of the National List of Ecosystems that are	
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	Endangered vegetation in the draft section 24G application assessment report and respective appendices. In accordance with the National List of Ecosystems that are Threatened and in Need of Protection, 2011, and as confirmed by the botanical specialist the respective vegetation types were classified as Critically Endangered ecosystems at the time of the unlawful clearance activities. Please correct this error. 10.3. Impact Assessment 10.3.1. You are advised that a clear demonstration of the differentiation between the pre-commencement and post-commencement status of the activity through a comparative assessment of the associated environmental aspects and impacts is essential for the effective evaluation of a section 24G application. This comparison is critical to understanding the extent and significance of the environmental changes resulting from the unlawfully commenced development. 10.3.1.1. A detailed description of the environmental context prior to the unlawful activity must be provided, including baseline environmental conditions and any ecological sensitivities. This information is necessary to assess the potential impacts that would have been associated with the proposed development / activity had it been lawfully proposed / initiated. 10.3.1.2. The post-commencement description must include an assessment of the actual environmental impacts resulting from the unlawfully commenced activity. This may include, but is not limited to, the loss of habitat, sedimentation, alterations to land use and topography, as well as socio-economic implications. 10.4. Specialist Assessments 10.4.1. You are advised that the Botanical Assessment Report (compiled by the Hermanus Botanical Society and dated August 2024)	Threatened and in Need of Protection, the threat status of these vegetation types has since been reclassified as Endangered. The report has been amended accordingly to reflect this classification. Noted. The 24G report has been updated. Noted. This section has been amended in the report. Noted. The Terrestrial Biodiversity Impact Assessment is attached as Appendix G.	
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	provided in Appendix G of the section 24G application assessment report must be undertaken and contain the minimum information required in accordance with the relevant Protocols for the Specialist Assessment and Minimum Report Content Requirements for Environmental Impacts on Terrestrial Plant Species. 10.4.1.1. Based on the sensitivity rating of the botanical specialist (i.e. Medium) with the confirmation of presence of species of conservation concern, you are reminded that a Terrestrial Plant Species Specialist Assessment must be submitted in accordance with the requirements specified for “very high” and “high” sensitivity in the relevant protocol. 10.4.1.2. The botanical assessment must include, inter alia, a discussion on the cumulative impacts as well as the impact management actions and outcomes proposed by the specialist to be included in the Environmental Management Programme. 10.4.2. The botanical specialist has excluded Site 1 from the assessment on the basis that no fynbos has been removed from this area. A revised botanical assessment may be required given the investigation required in paragraph 10.1.1 above. 10.5. Environmental Management Programme (“EMPr”) 10.5.1. The EMPr provided in Appendix F of the section 24G application assessment report refers to the undertaking of agricultural activities, the incorrect property details and incorrect applicant. Please correct this error. 10.5.2. The EMPr must be updated to include the relevant specialist recommendations in terms of proposed mitigation and management actions. 10.6. Quantum of Section 24G Fine 10.6.1. Section C: Part 1 of the section 24G application assessment	The assessment notes that there are no plant species of conservation concern identified near the site. However, four Proteaceae species of were identified in the Overberg Sandstone Fynbos vegetation type. Cumulative impacts are included in the Report Site 1 has been included in the updated specialist report. EMP has been updated. Noted. As Above This section has been updated.	
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	report indicates the Biodiversity Impact Index as “the activity is not giving, has not given and will not give rise to any impacts on biodiversity”. Based on the findings of the botanical specialist and the fact that a loss of biodiversity has occurred, a revised adequate motivation as to why the EAP has indicated that the activity has not given rise to any impacts on biodiversity is required. 10.6.2. Section C: Part 2 of the section 24G application assessment report indicates that previous administrative action was not previously taken against the applicant in respect of a contravention of section 24F(1) of the NEMA. However, a Pre-Compliance Notice in terms of section 31L of the NEMA (Ref. No. 14/1/1/E2/7/6/4/0815/23 and dated 30 May 2024) has been issued in respect of Portion 1 of Farm Volmoed No. 586, Hermanus. Please correct this error 11. Based on the above, you are advised that a revised draft section 24G assessment report must be subjected to an additional round of PPP comprising a 30-day commenting period prior to the submission of the final S24G application with updated Comments and Response Report for decision-making. 12. Together with a public participation process, that comprises of comments and responses, the section 24G application process includes the issuing and payment of an administrative fine, prior to deciding on the application. 13. Please note that a duly dated and signed declaration page must be included as part of the s24G application and must therefore be submitted with the final application for decision making. 14. The EAP must ensure that the section 24G application be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document. 15. Reports must be submitted via email to the case officer, with	This section has been updated.	
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	attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate: Environmental Governance. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date but will advise you accordingly. 16. In addition to any representations made in the application, you are afforded a period of 7 (seven) calendar days from the date of receipt of this Pre-Directive to make written representations to the Department as to why a Directive should not be issued. 17. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of 49A(1)(g) of the NEMA. 18. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine not exceeding R10 million, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment. 19. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.		
IN PROCESS PUBLIC PARTICIPATION			

8. COMMENTS RECEIVED DURING DRAFT / PRE-APPLICATION PUBLIC PARTICIPATION

OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

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

Navrae/Enquiries: Francois Kotze

Bylyn/Ext.:

Privaatsak:
Private Bag:
BREDASDORP
7280

Tel.: (028) 4251157

Faks/Fax: (028) 4251014

E-mail/E-pos: rvolschenk@odm.org.za

X22

12 September 2024

LORNAY ENVIRONMENTAL CONSULTING

P.O. BOX 1990
HERMANUS
7200

For attention: Michelle Naylor

**RE: NOTICE OF SECTION 24G PUBLIC PARTICIPATION – THE UNLAWFUL
CLEARANCE OF VEGETATION ON PORTION 1 OF THE FARM VOLMOED NO. 586,
HERMANUS, CALEDON RD**

Reference number: 14/1/1/E2/7/6/4/0815/23

The Overberg District Municipality's department of Environmental Management Services takes cognisance of the S24G application for the unlawful clearance on vegetation on portion 1 of Farm 586.

The ODM has no objection against the proposed development.

Yours faithfully,

R. BOSMAN
MUNICIPAL MANAGER

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



CONSERVATION INTELLIGENCE: SOUTH

postal 16 17th Avenue, Voëtklip, Hermanus, 7200
physical 16 17th Avenue, Voëtklip, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/7/2/586-1_S24G_Hemel-en-Aarde
date 15 September 2024

Lornay Environmental Consulting
P.O. Box 1990
Hermanus
7200

Attention: Michelle Naylor
By email: michelle@lornay.co.za

Dear Ms Naylor

Draft NEMA Section 24G Assessment Report for the Unlawful Clearing of Indigenous Vegetation for the Expansion of the Volmoed Retreat, Portion 1 of Farm Volmoed 586, Hemel-en-Aarde Valley

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

The unlawful activities undertaken consist of the clearing of indigenous vegetation for the construction of a dwelling and a container office. The retreat footprint is mapped as No Natural in the Western Cape Biodiversity Spatial Plan but is surrounded by Critical Biodiversity Area I (CBA). The vegetation occurring on the footprints consists of Elim Ferricrete Fynbos listed as endangered. There are no watercourses on or within the direct vicinity of the footprints, with the Onrus River and associated wetland to the west of the retreat.

The results from the screening tool reveal a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species. The site sensitivity verification however indicates that no specialist studies are required. It is accepted that an aquatic biodiversity assessment is not required as there is an adequate buffer between the footprints and aquatic features and that an animal species assessment is not required as the footprints are small and additionally surrounded by the existing development (and disturbance to fauna) and therefore it is unlikely that there would have been a significant impact on any animal species, in particular since the species flagged are birds.

The transgression consists of clearing of indigenous vegetation, therefore it is necessary to determine the impact as a result of the loss of habitat. Therefore, we do not accept the motivation that no terrestrial biodiversity assessment is required. The impact assessment of the loss of vegetation must

The Western Cape Nature Conservation Board trading as CapeNature

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

be undertaken by a specialist, as the condition and type of vegetation needs to be evaluated to assess the impact, not only the size of the footprint. The vegetation occurring adjacent to the footprints should be evaluated to infer the vegetation that is likely to have occurred on the footprints, as indicated in Photos 5 and 7 of the site sensitivity verification report. The likelihood of impacts on plant species of conservation concern having been incurred must also be assessed.

In conclusion, CapeNature recommends that a terrestrial biodiversity and plant species impact assessment must be undertaken before the application can be considered further.

Regards

RSmart

Rhett Smart

For: Manager: Landscape Conservation Intelligence South



Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/2/882
YOUR REFERENCE : 1/586
DEA&DP REFERENCE : 14/1/1/E2/7/6/4/0815/23
ENQUIRIES : Cor van der Walt

Lornay Environmental Consulting
PO Box 1990
HERMANUS
7200

Att: Michelle Naylor

SECTION 24G APPLICATION
THE UNLAWFUL CLEARANCE OF VEGETATION: DIVISION CALEDON
PORTION 1 OF THE FARM VOLMOED NO 586

Your application of 14 August 2024 has reference.

The Western Cape Department of Agriculture has no objection to the 24G authorization application.

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

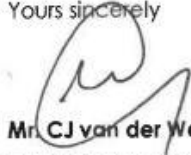
Please note:

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



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

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-10-28

Copies:

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

Overstrand Municipality
PO Box 20
HERMANUS
7200



**Western Cape
Government**

Department of Environmental Affairs and Development Planning
Naadiya Wookey

Rectification

Naadiya.Wookey@westerncape.gov.za | Tel: 021 483 2742

24G Application: 14/2/4/2/2/E2/15/0006/25

SECTION 24G PRE-DIRECTIVE

The Trustees
The Volmoed Trust for Healing and Reconciliation
P. O. Box 130
HERMANUS
7200

Attention: Mr. D. Ludik / Ms M. Roos

Tel: 028 312 1282

Email: manager@volmoed.co.za

Dear Sir / Madam

PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION ON PORTION 1 OF FARM VOLMOED NO. 586, HERMANUS.

1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1) of the NEMA.
2. The Department has received your application on 14 March 2025 regarding the unlawful clearing of indigenous vegetation on Portion 1 of Farm Volmoed No. 586, Hermanus.
3. Having considered the information in respect of your application, you are hereby given notice of the delegated authority's intention to issue you with a Directive in terms of section 24G of the NEMA (as amended), which will direct you to:
 - 3.1 Investigate, evaluate and assess the impact of the activity on the environment,
 - 3.2 Compile a report containing a description of the public participation process followed during the course of compiling the application and assessment report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed, and
 - 3.3 Provide such other information or undertake such further studies as the relevant competent authority may deem necessary.
4. Kindly be reminded of the NEMA public participation requirements for applications for environmental authorisation:



www.westerncape.gov.za
Department of Environmental Affairs and Development Planning

- (i) Section 24(1A) and 24(4)(a) of the NEMA stipulate the minimum requirements for applications for environmental authorisation and includes the requirement for public participation to be undertaken.
 - (ii) Please refer to Chapter 6 of the *Environmental Impact Assessment Regulations, 2014* (as amended G.N. No 326 of 7 April 2017) for detail on the public participation process to be followed for applications for environmental authorisation.
 - (iii) In terms of section 24O of the NEMA, the Environmental Assessment Practitioner ("EAP") must 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.
 - (iv) Based on the information contained in the section 24G application form (dated March 2025), you are advised that the following organs of state / State departments must be included in addition to the list provided in the section 24G application:
 - Heritage Western Cape
 - Department of Water and Sanitation
5. The application must therefore be made available to registered Interested and Affected Parties (I&APs) and State Departments for a **30-day commenting period**.
6. The applicant / Environmental Assessment Practitioner ("EAP") is required to inform this Department, in writing, upon submission of the application to the relevant State Departments.
7. In terms of the public participation process ("PPP") to be undertaken, kindly be advised that the EAP must record and respond to all comments received during the public participation process. The comments and responses must be captured in a Comment and Response Report ("C&RR") and must include a description of the PPP followed.
8. Following the initial 30-day commenting period, the application and the C&RR must be made available to registered I&APs and State Departments for an **additional 21-days** for review and/or comment, if any, advising them how their issues or concerns have been addressed, before it is submitted to the Department for consideration. Proof of notification of the additional 21-day commenting period must be appended to the final C&RR.
9. You are advised that an unredacted version of the public participation report must be provided to the delegated authority for decision-making purposes.
10. This Directorate has considered the information contained in the draft section 24G application assessment report, and provide the following comments:
- 10.1. Unlawfully Commenced Activities
- 10.1.1. The EAP has indicated that Site 1 (i.e. comprising a container office on an area of approximately 133m² in extent) entailed the placement of a shipping container on an existing lawned area for office use between 2020 and 2021. According to the EAP, this development resulted in the removal of domestic lawn and did not involve the clearance of indigenous vegetation.
- 10.1.1.1. However, based on satellite imagery dated prior to April 2018, this Directorate notes that Site 1 and surrounding area appeared to support indigenous vegetation, which may have been cleared incrementally in association with the

broader cluster development of Volmoed Trust – Retreat Centre. Clarification is therefore required regarding the status of the site prior to 2018, the lawful clearance of indigenous vegetation on this portion and particularly in relation to the extent and condition of the naturally occurring vegetation that may have existed at the time.

10.2. Activity Description

10.2.1. The activity description provided on page 25 of the draft section 24G application assessment report refers to the clearance of approximately 667m² of indigenous vegetation and "lawn" across Sites 1 and 2 on Portion 1 of Farm Volmoed No. 586, Hermanus. Please note that the removal of domestic lawn does not constitute a listed activity in terms of the NEMA EIA Regulations, 2014 (as amended). Accordingly, the activity description must be revised to accurately reflect the extent and nature of the unlawful commencement of the listed activity, specifically in relation to the unlawful clearance of indigenous vegetation.

10.2.2. Furthermore, you are advised that the activity description must include detailed information regarding the nature and purpose of the unlawfully commenced activity, as well as the type, extent, and classification of the indigenous vegetation that was affected as a consequence of the unlawful commencement.

10.2.2.1. This Directorate notes that the type of vegetation mapped and ground-truthed / verified as relevant to the site is predominantly Elim Ferricrete Fynbos and Overberg Sandstone Fynbos described as Endangered vegetation in the draft section 24G application assessment report and respective appendices. In accordance with the National List of Ecosystems that are Threatened and in Need of Protection, 2011, and as confirmed by the botanical specialist the respective vegetation types were classified as **Critically Endangered** ecosystems at the time of the unlawful clearance activities. Please correct this error.

10.3. Impact Assessment

10.3.1. You are advised that a clear demonstration of the differentiation between the pre-commencement and post-commencement status of the activity through a comparative assessment of the associated environmental aspects and impacts is essential for the effective evaluation of a section 24G application. This comparison is critical to understanding the extent and significance of the environmental changes resulting from the unlawfully commenced development.

10.3.1.1. A detailed description of the environmental context prior to the unlawful activity must be provided, including baseline environmental conditions and any ecological sensitivities. This information is necessary to assess the potential impacts that would have been associated with the proposed development / activity had it been lawfully proposed / initiated.

10.3.1.2. The post-commencement description must include an assessment of the actual environmental impacts resulting from the unlawfully commenced activity. This may include, but is not limited to, the loss of habitat, sedimentation, alterations to land use and topography, as well as socio-economic implications.

10.4. Specialist Assessments

10.4.1. You are advised that the Botanical Assessment Report (compiled by the Hermanus Botanical Society and dated August 2024) provided in Appendix G of the section 24G application assessment report must be undertaken and contain the minimum information required in accordance with the relevant Protocols for the Specialist Assessment and Minimum Report Content Requirements for Environmental Impacts on Terrestrial Plant Species.

10.4.1.1. Based on the sensitivity rating of the botanical specialist (i.e. Medium) with the confirmation of presence of species of conservation concern, you are reminded that a Terrestrial Plant Species Specialist Assessment must be submitted in accordance with the requirements specified for "very high" and "high" sensitivity in the relevant protocol.

10.4.1.2. The botanical assessment must include, *inter alia*, a discussion on the cumulative impacts as well as the impact management actions and outcomes proposed by the specialist to be included in the Environmental Management Programme.

10.4.2. The botanical specialist has excluded Site 1 from the assessment on the basis that no fynbos has been removed from this area. A **revised botanical assessment may be required** given the investigation required in paragraph 10.1.1 above.

10.5. Environmental Management Programme ("EMPr")

10.5.1. The EMPr provided in Appendix F of the section 24G application assessment report refers to the undertaking of agricultural activities, the incorrect property details and incorrect applicant. Please correct this error.

10.5.2. The EMPr must be updated to include the relevant specialist recommendations in terms of proposed mitigation and management actions.

10.6. Quantum of Section 24G Fine

10.6.1. Section C: Part 1 of the section 24G application assessment report indicates the Biodiversity Impact Index as "*the activity is not giving, has not given and will not give rise to any impacts on biodiversity*". Based on the findings of the botanical specialist and the fact that a loss of biodiversity has occurred, a revised adequate motivation as to why the EAP has indicated that the activity has not given rise to any impacts on biodiversity is required.

10.6.2. Section C: Part 2 of the section 24G application assessment report indicates that previous administrative action was not previously taken against the applicant in respect of a contravention of section 24F(1) of the NEMA. However, a Pre-Compliance Notice in terms of section 31L of the NEMA (Ref. No. 14/1/1/E2/7/6/4/0815/23 and dated 30 May 2024) has been issued in respect of Portion 1 of Farm Volmoed No. 586, Hermanus. Please correct this error.

11. Based on the above, you are advised that a revised draft section 24G assessment report must be subjected to an **additional round of PPP comprising a 30-day commenting period** prior to the submission of the final S24G application with updated Comments and Response Report for decision-making.
12. Together with a public participation process, that comprises of comments and responses, the section 24G application process includes the issuing and payment of an administrative fine, prior to deciding on the application.
13. Please note that a duly dated and signed declaration page must be included as part of the s24G application and must therefore be submitted with the final application for decision making.
14. The EAP must ensure that the section 24G application be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document.
15. Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate: Environmental Governance. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date but will advise you accordingly.
16. In addition to any representations made in the application, you are afforded a period of **7 (seven) calendar days** from the date of receipt of this Pre-Directive to make written representations to the Department as to why a Directive should not be issued.
17. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of 49A(1)(g) of the NEMA.
18. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine **not exceeding R10 million**, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.
19. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.

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


Zaidah Toefy
MRS Z TOEFY
HEAD OF RECTIFICATION
DIRECTORATE: ENVIRONMENTAL GOVERNANCE
DATE: 23 APRIL 2025

Digitally signed by
Zaidah Toefy
Date: 2025.04.23
10:56:48 +02'00'

CC: (1) Ms. M. Naylor (Lornay Environmental Consulting)
(2) Ms. P. Aplon (Overstrand Municipality)
(3) Mr. R. Smart (CapeNature)
(4) Mr. F. Fahd (DEA & DP: Environmental Law Enforcement – Region 2)

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