



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

ADMINISTRATIVE FINE NOTICE

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

ADMINISTRATIVE FINE 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. Your application in terms of section 24G of the NEMA ("the section 24G application") received by this Department on 28 November 2025, refer.
2. In order for the Department to process your application, you are required to pay an administrative fine of **R125 000 (One hundred and twenty-five thousand rand)** in accordance with section 24G(4) of the NEMA.
3. The above administrative fine is determined by the type of activity or activities undertaken and the impact or impacts it has on the environment.
4. Please note that the continued operation, conduct or undertaking of the activity or activities will remain unlawful and should an environmental authorisation be issued at the conclusion of the section 24G application process, it shall only take effect from the date on which it has been issued.
5. Please note that in terms of section 24G(4) of the NEMA you must pay the administrative fine **before** the competent authority may consider your report and thereafter issue or refuse an environmental authorisation.



Notification of the administrative fine decision

6. The applicant must in writing, within 14 days of the date of the administrative fine decision ("the decision") –
 - 6.1. Notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1. The amount of the administrative fine;
 - 6.1.2. The reasons for the decision as detailed in Annexure A; and
 - 6.1.3. The date of the decision;
 - 6.2. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.3. Provide the details of all registered I&APs (postal and/ physical address, contact number, facsimile and e-mail address) to all registered I&APs and the original decision-maker in the event that an appeal has been lodged in terms of the *National Appeal Regulations, 2025*.

Method of payment of the administrative fine

7. Please be advised that payment of the above administrative fine may be made by electronic transfer in the following manner:

Electronic Transfer

An electronic transfer may be made to the following bank account:

Name of Bank	:	NEDBANK
Name of Account	:	Provincial Government of the Western Cape: Department of Environmental Affairs and Development Planning
Account Type	:	Current Account
Account Number	:	1452 045 003
Branch Name	:	NEDBANK CORPORATE
Branch Code	:	145 209
Reference No.	:	S24G00420

8. Kindly forward a copy of **the proof of payment** (e.g. receipt, electronic transfer confirmation) to the Department and quote the abovementioned reference number to ensure that the Department may acknowledge payment of the administrative fine.
9. This proof of payment must also be accompanied by proof that the abovementioned administrative fine was brought to the attention of registered I&APs as required in paragraph 6 above.
10. The fine must be **paid within 30 (thirty) calendar days** from the date of this letter. **If no such payment is received** within the specified timeframe and no appeal has been lodged with the appeal administrator, **the said section 24G NEMA Application will have lapsed. The matter to be referred for criminal investigation.**
11. You may apply for extension of the 30 (thirty) day period for payment of the administrative fine. Such request for extension must **fall within** the stipulated **30-day period. The request for extension must be supported by the following representation:**
 - 11.1. Your financial circumstances, including financial disclosures;
 - 11.2. An indication of monthly instalments (if any) within a specified time period for full payment of the administrative fine; and
 - 11.3. Any additional information you deem necessary to support your request for payment extension.
12. When applying for extension of payment of the administrative fine, the competent authority **may direct the ceasing of the activities being applied for** until such time that the section 24G NEMA Administrative Fine has been paid in full.
13. Should an extension for payment be granted and the administrative fine is not paid within the latest specified time period, **the section 24G NEMA Application lapses, and any partial amounts paid to the competent authority will not be refunded to the applicant.**
14. The Department may proceed with appropriate criminal investigative action which may result in criminal prosecution.

15. Please be advised that the notice of payment of the administrative fine is **not an authorisation** for the consequences of unlawful commencement of a listed activity/ies according to the NEMA.
16. Further consideration of your application will only continue upon receipt and acknowledgement of payment of the administrative fine.

Appeals

17. Appeals must comply with the provisions contained in the National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025. Please note the provisions of Regulation 1(2) & (3) of the National Appeal Regulations, 2025 when calculating the period of days.
18. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&AP's) and the decision maker (Competent Authority who issued the decision) within **20 calendar days** from the date this decision was sent by the decision maker.
19. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&AP's by the holder (applicant) of the decision.
20. All appeals submitted must:
- 20.1. be in writing in the appeal form obtainable from the Departmental website;
 - 20.2. include supporting documents referred to in the appeal; and
 - 20.3. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
21. The holder (applicant) of the decision must:
- 21.1. Notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within **5 calendar days** after the 20-day appeal period ends.

21.2. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.

22. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the *National Appeal Regulations, 2025* may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.

23. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:

By e-mail: DEADP.Appeals@westerncape.gov.za

By hand: Attention: Mr Marius Venter
Room 809
8th Floor Utilitas Building,
1 Dorp Street
CAPE TOWN
8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

23.1. A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za

MRS. Z TOEFY
DELEGATED AUTHORITY
DIRECTORATE: ENVIRONMENTAL GOVERNANCE
DATE: 30 JULY 2026

Copied to:

(1) Ms. M. Naylor (Lornay Environmental Consulting)
(2) Ms. P. Aplon (Overstrand Municipality)

Email: Michelle@lornay.co.za
Email: paplon@overstrand.gov.za

ANNEXURE A: REASONS FOR THE DECISION

In determining the quantum of the administrative fine, the competent authority took, *inter alia*, the following into consideration:

- The section 24G application of 28 November 2025 with supporting environmental impact assessment and mitigation measures.
- Public participation conducted for the application by the Environmental Assessment Practitioner.
- The Environmental Management Programme (EMPr) of October 2025 submitted for the application.
- Relevant information contained in the Departmental EIA Guideline and Information Document Series, including, the Guidelines on Need and Desirability, Public Participation and Alternatives.
- The site inspection conducted on 14 August 2025, attended by officials of the Directorate: Environmental Governance.

All relevant information presented to the competent authority was taken into account in the determination of the fine quantum. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. PUBLIC PARTICIPATION

A public participation process as outlined in section 24G(1)(vii)(dd) of the NEMA, "...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 issues raised have been addressed..." was undertaken.

The public participation process conducted by the environmental assessment practitioner ("EAP"), comprised of the following:

- An advertisement was placed in the "*Hermanus Times*" newspaper on 14 August 2024;
- A site notice was erected at the site, in August 2024 - 2025;
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor and allowed for commenting periods between 14 August 2024 – 13 September 2024, and 06 November 2025 – 27 November 2025; and
- The section 24G Application Assessment Report and Environmental Management Programme were made available for public review via an electronic link for file transfer / the EAP's website.

1.1 Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- Breede-Olifants Catchment Management Agency (BOCMA)
- CapeNature
- WCG: Department of Agriculture
- Overberg District Municipality

Comments provided by interested and affected parties ('I&AP') primarily related to the biodiversity sensitivity, specialist input and water resource management. These concerns were adequately addressed through mitigation measures and commitments included in the Environmental Management Programme (EMPr). All comments received were considered and responded to by the EAP and taken into account by the competent authority.

No objections remained outstanding from authorities following the conclusion of the process. Upon conclusion of the public participation process, the comments submitted by interested and affected parties were thoroughly considered and appropriately addressed by the EAP.

2. CALCULATION OF THE ADMINISTRATIVE FINE

Section 44(1)(aC) of the NEMA makes provision for the *"Minister to make regulations relating to the procedure and criteria to be followed in the determination of an administrative fine in terms of section 24G."*

The section 24G Fine Regulations, 2017 ("the regulations") as referred to above have come into effect on 20 July 2017 which stipulate the procedure to be followed and criteria for the determination of a section 24G administrative fine. All applications submitted after the promulgation date are subject to the aforesaid regulations which stipulate the maximum fine applicable to an application is R5 million or R10 million, as per the NEMA amendments, respectively.

The section 24G fine calculator is a guide that is not rigidly applied and is used to determine an appropriate fine (to the maximum of R5 million (in this instance) based on applicable impacts resulting from the unlawful commencement activity/ies on the receiving environment. The determination of a fine is based on the assessment undertaken for the section 24G application and the significance of impacts of the activity/ies on the environment. Each section 24G administrative fine is determined on its own merit and is dependent on the information provided in the application. The section 24G fine is not a criminal sanction and the section 24G process is distinct and not punitive in nature.

In accordance with section 24(4) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") the application contains, *inter alia*, an assessment of the consequences and impacts on the environment, including cumulative impacts, and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the activity as well as a description of the mitigation measures that will be undertaken.

2.1. ASSESSMENT OF IMPACTS, BENEFITS AND MITIGATION MEASURES

The determination of the administrative fine is based on the administrative fine calculator which was developed by the National Department of Forestry, Fisheries and Environment. The fine calculator (which is a guide that is not applied rigidly) was based on the following indexes that were informed by the EAP as specified in the section 24G application:

- Socio-Economic Impact Index
- Biodiversity Impact Index
- Sense of Place &/ or Heritage Impact Index
- Pollution Impact Index.

The administrative fine decision and the reasons for the decision were informed by the section 24G application with supporting information, submitted by the EAP, and additional information which stated *inter alia* the following:

2.1.1 Socio-economic Impact

The **Socio-Economic Impact Index** was rated by the EAP that "*The activity is not giving, has not given and will not give rise to any negative socio-economic impacts*".

The EAP provided motivation that the unlawfully commenced activity is aligned with the existing development activities on the greater property and is expected to generate positive socio-economic benefits, including the maintenance of employment opportunities i.e. approximately 18 permanent employment opportunities.

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the application that: "*the activity is not giving, has not given and will not give rise to any negative socio-economic impacts*" i.e. a weighting factor of 0.5 be applied in this instance.

The motivation for this rating is that a potential positive socio-economic impact is anticipated with direct and indirect positive impacts in terms of job opportunities and local economic growth to the surrounding community and tourism sector. The unlawful development activities are associated with the tourism industry, contributing to employment creation and local economic activity. Additionally, the nature of the development is centred on civic services such as church retreats and youth programmes contributing to the greater community / societal wellbeing. No negative socio-economic impacts were identified. In addition, state revenue is strengthened in respect of rates, taxes and service fees.

2.1.2 Biodiversity Impacts

The **Biodiversity Impact Index** was rated by the EAP as *"The activity is not giving, has not given and will not give rise to any impacts on biodiversity"*.

The EAP's rating was motivated by although the sensitivity of the affected vegetation was classified as Critically Endangered at the time of the clearance, the extent of the clearance was limited and confined to an existing built-up area of the farm adjacent to existing infrastructure and access roads. As such, the activity did not result in development sprawl or encroachment into the farm's intact natural areas or undisturbed ecological edges.

Having regard to the impacts caused by the unlawful activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored as *"The activity is giving, has given or could give rise to localised impacts on biodiversity"* i.e. a weighting factor of 3 be applied in this instance.

This finding is justified by the fact that indigenous vegetation within a threatened ecosystem was permanently lost as a result of the unlawful activities. Although the footprint was limited to approximately 667 m² and the impacts were assessed by specialists as localised and of low significance, the biodiversity sensitivity of the vegetation type and the irreversible nature of the vegetation loss warrant a biodiversity weighting of 3. CapeNature initially raised concerns regarding biodiversity impacts and requested additional specialist investigations, which were subsequently undertaken.

Furthermore, the competent authority notes the applicant's ongoing commitment to biodiversity conservation through invasive alien vegetation clearing, restoration of portions of the Onrus River and riparian zone, participation in fire management initiatives and discussions with CapeNature and WWF regarding stewardship arrangements over portions of the property. These measures are recognised as positive mitigation considerations but do not negate the occurrence of the unlawful clearance itself.

2.1.3 Sense of place and Heritage Impacts

The **Sense of place and Heritage Impacts Index** was rated by the EAP that *"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"*.

The EAP motivated this rating on the basis that the development is located within an existing developed tourism and accommodation precinct on the property and forms part of the broader rural hospitality character of the Volmoed Retreat Centre. The development footprint occupies a small area within an already developed node and does not result in significant changes to the surrounding landscape character.

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the section 24G application that *"The activity is in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage"* i.e. a weighting factor of 0.5 be applied in this instance.

The motivation for this rating is based on the fact that the development footprint is below the thresholds that would trigger heritage assessment requirements and no heritage resources were identified within or adjacent to the affected areas. The unlawful activities occurred within an established developed precinct and are considered consistent with the existing tourism and accommodation land uses occurring on the property.

2.1.4 Pollution Impact

The **Pollution Impact Index** was rated by the EAP that *"The activity is not giving, has not given and will not give rise to any pollution"*.

The EAP's motivation is on the basis that no pollution impacts were identified during the environmental assessment process. The unlawful activities were limited to the clearance of vegetation and establishment of small-scale infrastructure within an existing developed precinct. No contamination of land, water resources or air quality was identified.

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the section 24G application that *"The activity is not giving, has not given and will not give rise to any pollution"* i.e. a weighting factor of 0.5 be applied in this instance.

The motivation for this rating is based on the fact that no measurable pollution impacts have arisen as a consequence of the unlawful activities. Specialist assessments confirmed that no watercourses, wetlands, rivers or aquatic ecosystems were affected and no evidence of pollution was recorded during site verification investigations on Portion 1 of Farm No. 586, Hermanus.

The indices contained in the section 24G application submitted by the EAP were considered in the determination of the fine. This was assessed, reviewed and confirmed by observations obtained during the site inspection on 14 August 2025.

It should also be noted that the section 24G fine calculator distinguishes between the following two categories of offenders:

- **Category 1 offenders:** (firm) trusts, body corporates, partnerships, trust, close corporations, companies, parastatals, organs of state and government departments.
- **Category 2 offenders:** individual / natural persons.

The calculation of the administrative fine is also based on the fact that the applicant in this matter is a **Category 1** offender. Nevertheless, the amounts determined by the section 24G fine calculator for both categories were analysed to assess whether it is appropriate to regard the applicant under the abovementioned category, given the circumstances of the applicant. I am of the opinion that it is appropriate to regard the applicant in this matter is a **Category 1** offender.

The above determination is based on the categorisation of the offender as a firm is considered appropriate, notwithstanding the scale of the activity. This is based on the fact that the unlawful activities were undertaken through a registered juristic entity (i.e. company, close corporation, or trust) for commercial economic gain of the applicant. The determination of the offender category is informed by the legal status of the responsible party, rather than the scale, nature, or economic value of the activity. In this instance, there is evidence to suggest that the activity was undertaken by the legal entity, and liability is attributed to a juristic person. Notably, the continuation thereof is for economic gain of the juristic entity (i.e. firm / company). The applicant is a firm and deemed to meet the criteria to be classified as a Category 1 offender. Therefore, the recommended fine amount is justified with respect to consideration of categorisation of the offender.

2.2. OTHER CONSIDERATIONS AND REPRESENTATIONS

Further to the above, the following factors were taken into account in determining whether the fine recommended by the fine calculator is appropriate in the circumstances of this matter and whether there are reasons to deviate from the quantum of the fine recommended:

2.2.1. Aggravating factors, or the absence thereof, such a blameworthiness, non-compliance history and ignoring previous advice.

The unlawful activities resulted in the permanent clearance of approximately 667 m² of indigenous vegetation occurring within vegetation types that were classified as Critically Endangered at the time of clearing. The loss of indigenous vegetation is irreversible within the affected footprint and represents a transgression of the environmental authorisation requirements of NEMA. The competent authority further notes that the biodiversity value of threatened ecosystems requires a cautious approach when determining an appropriate administrative fine.

2.2.2. Mitigation factors such as preventative measures, co-operation with the environmental authority, immediate voluntary remediation and restoration and personal circumstances.

In this regard, I have considered the applicants conduct and am of the view that the fact that no previous convictions in terms of section 24F(1) of the National Environmental Management Act or section 20(b) of the National Environmental Management: Waste Act has been incurred is considered a mitigating factor. The unlawful activity undertaken contribute to sustainable employment through the

provision and maintenance of permanent employment, thereby supporting positive socio-economic outcomes. The development further provides direct and indirect revenue benefits to a local and regional scale in respect of tourism industry as well as the greater community / societal wellbeing. The development contributes to civic services at community level. The applicant has demonstrated co-operation with environmental authorities, has not been subject to prior administrative enforcement action under section 24F of NEMA, and has not previously submitted an application in terms of section 24G of NEMA.

Therefore, the calculated fine amount of **R625,000.00** was considered and discussed in respect of the identified mitigating and aggravating factors. A deviation from the calculated fine was considered and resulted in a deviated fine quantum of **R125,000.00** which was deemed adequate and appropriate.

2.2.3. The potential costs that the applicant will incur in complying with directions as to remedial measures.

In this regard, the competent authority notes that the applicant will continue to incur costs associated with implementation of environmental management measures, stewardship initiatives, alien invasive vegetation clearing, ecological restoration activities and ongoing environmental management commitments contained in the Environmental Management Programme.

2.2.4. Social/Public benefit factors resulting from activities.

In this regard, I am of the opinion that the applicant's activities contribute positively to the local economy through tourism, accommodation, conferencing, educational programmes and employment opportunities. The operation supports approximately 18 permanent jobs and contributes to social wellbeing through the provision of retreat and community-oriented facilities. These benefits were considered when determining whether a deviation from the calculated fine amount was justified. Therefore, the deviated fine amount is deemed adequate and appropriate.

It is acknowledged that the National Environmental Management Principles (set out in section 2 of the NEMA) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the

protection or management of the environment. In terms of the NEMA Principles, the effects of decisions on all aspects of the environment are to be taken into account. I am satisfied that the NEMA principles, including the consideration, assessment and evaluation of the social, economic and ecological impacts of activities (disadvantages and benefits), have been correctly applied in this application and this fine is appropriate in the light of such consideration and assessment.

In light of all the circumstances, and after weighting all the factors mentioned above, including the impact on the fine amount recommended by the fine calculator, when the activities in relation to a specific index had no adverse impact on the environment in that specific regard and where impact is evident, I am of the opinion that a fine of **R125 000 (One hundred and twenty-five thousand rand)** is an appropriate fine.

Please find attached a copy of the calculated fine ([Appendix 1](#)).

APPENDIX 1

14/2/4/2/2/E2/15/0006/25				
IMPACT INDEX CALCULATOR				
1 Socio Economic Impact Index		Weighting	20	
Description of variable			Selection	Score
a	The activity will not give rise to any negative socio-economic impacts	0,5	X	10
b	The activity could give rise to negative socio-economic impacts, but highly localised	3		0
c	The activity could give rise to significant negative socio-economic and regionalized impacts	7		0
d	The activity could result in wide-scale socio-economic impacts.	10		0
Notes: The activity has no negative socio-economic impacts and is in line with the existing activities on the property.				
2 Biodiversity Impact Index		Weighting	30	
Description of variable			Selection	Score
a	The activity will not give rise to any impacts on biodiversity	0,5		0
b	The activity could give rise to localised biodiversity impacts	3	X	90
c	The activity could give rise to significant biodiversity impacts	8		0
d	The activity is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	10		0
Notes: The biodiversity weighting of 3 is justified by the permanent loss of approximately 667 m ² of indigenous vegetation within a threatened ecosystem. While the footprint was limited and specialist assessments concluded that impacts were localised and of low significance, the sensitivity of the affected vegetation and its irreversible loss support this weighting.				
3 Sense of Place & / or Heritage Impact Index		Weighting	20	
Description of variable			Selection	Score
a	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	0,5	X	10
b	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	3		0
c	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	8		0
d	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	10		0
Notes: The activity is located within the developed area of the property, access and service infrastructure is already in place.				
4 Pollution Impact Index		Weighting	30	
Description of variable			Selection	Score
a	The activity will not give rise to any pollution	0,5	X	15
b	The activity could give rise to pollution with low impacts.	3		0
c	The activity could give rise to pollution with moderate impacts.	5		0
d	The activity could give rise to pollution with high impacts.	8		0
e	The activity could give rise to pollution with major impacts.	10		0
Notes: The activity involves the clearance of vegetation and construction of single residential dwelling and office. No pollution impacts.				
			TOTAL SCORE	125
			IMPACT INDEX	12,50%
Applicant				
Company , Government & Parastatal.			625 000,00	
Committee Reasons for Deviation (only when relevant)				
No previous administrative action was taken against the applicant in respect enforcement notices and S24F(1) of NEMA and the applicant was not previously convicted in terms of the abovementioned provisions.				
No previous applications in terms of section 24G of NEMA were submitted by the applicant.				
Positive socio-economic benefit - The development also contributes positively to sustainable employment, the local and regional tourism economy, community wellbeing, and civic services.				
Fine Amount			125 000,00	