Department of Environmental Affairs and Development Planning
Shafeeq Mallick
Rectification
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24G Application: 14/2/4/2/2/E1/5/0032/23

ENVIRONMENTAL AUTHORISATION

The Managing Director
Schietpad Plase BDY
PO Box 59
NAPIER
7270

Tel: (082) 4444 969
Email: andrew@inteligro.co.za

Attention: Andre Wessels

APPLICATION IN TERMS OF SECTION 24G OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998)* ("NEMA") FOR THE UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL CLEARANCE OF VEGETATION ON PTN 7 OF FARM 116 WINDHOEK WESSELS AND FARM 326 SCHIETPAD, BREDASDORP

With reference to your application dated November 2024 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the preferred Alternative as described in the application and environmental assessment dated November 2024.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Schietpad Plase BDY
C/o Mr Andre Wessels
PO Box 59
NAPIER
7270

Tel: (082) 444 4969
Email: andrew@inteligro.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Government Notice No. R. 983 of 2014 – **Activity Number: 27** Activity Description: *The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—* *(i) the undertaking of a linear activity*	Historical aerial imagery indicates that approximately 1.3 hectares of vegetation was cleared on Portion 7 of Farm 116 between 2017 and 2018, while approximately 11.06 hectares of vegetation was cleared on Farm 326 between 2016 and 2019. These activities resulted in the transformation of

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	indigenous vegetation for agricultural and associated land-use purposes.
Government Notice No. R. 985 of 2014 – **Activity Number: 12** Activity Description: *The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan* *i. Western Cape* *i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;* *ii. Within critical biodiversity areas identified in bioregional plans;* *iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas.* *iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or* *v. On land designated for protection or conservation purposes in an*	Historical aerial imagery indicates that approximately 1.3 hectares of indigenous vegetation was cleared on Portion 7 of Farm 116 between 2018 and 2019, while approximately 11.06 hectares of indigenous vegetation was cleared on Farm 326 between 2016 and 2019. The affected vegetation is mapped as Critically Endangered Central Ruens Shale Renosterveld, a vegetation type that has undergone extensive historical transformation and is recognised as being of high conservation importance. The clearance of this vegetation resulted in the loss and fragmentation of indigenous habitat, thereby contributing to cumulative impacts on a vegetation type that is already under significant pressure throughout its distribution range.

Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.	
As similarly Listed in terms of Government Notice No. R327 of 2017 – **Activity Number: 27** Activity Description: *The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation.*	The affected site was historically characterised by vegetation belonging to the Critically Endangered Central Ruens Shale Renosterveld vegetation type. Historical vegetation clearance on Portion 7 of Farm 116 and Farm 326 resulted in the transformation of more than 1 hectare of this indigenous vegetation across the two properties.
As similarly Listed in terms of Government Notice No. R324 of 2017 – **Activity Number: 12** Activity Description: *The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan* *i. Western Cape* *i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;* *ii. Within critical biodiversity areas identified in bioregional plans;* *iii. Within the littoral active zone or 100 metres inland from high water mark of the*	The site was previously characterized as having vegetation belonging to the Central Ruens Shale Renosterveld (CR).

sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas. *iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or* *v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister*	

The abovementioned list is hereinafter referred to as "the listed activities/development".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Portion 7 of the Farm 116 Windhoek Wessels and Farm 326 Schietpad, Bredasdorp.

The SG digit codes are FARM 7/116 –C01100000000011600007
FARM 326 – C01100000000032600000

The co-ordinates for the property boundary are:

Farm 326		
Point	Latitude (S)	Longitude (E)
1	34° 23' 14.95" South	19° 48' 53.29" East
2	34° 23' 24.80" South	19° 52' 31.21" East
3	34° 23' 51.84" South	19° 52' 35.46" East

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4	34° 23' 42.26" South	19° 48' 48.87" East

Farm 7/116		
Point	Latitude (S)	Longitude (E)
1	34° 24' 06.39" South	19° 51' 37.36" East
2	34° 24' 52.82" South	19° 52' 36.11" East
3	34° 24' 20.27" South	19° 52' 41.12" East
4	34° 24' 20.45" South	19° 51' 45.75" East

The co-ordinates for the site boundary (sites cleared) are:

Clearing 1		
Point	Latitude (S)	Longitude (E)
1	34° 23' 55.59" South	19° 49' 01.17" East
2	34° 23' 49.42" South	19° 49' 09.73" East
3	34° 23' 55.95" South	19° 49' 04.34" East
4	34° 23' 55.80" South	19° 49' 09.20" East

Clearing 2		
Point	Latitude (S)	Longitude (E)
1	34° 23' 30.97" South	19° 49' 53.00" East
2	34° 23' 32.80" South	19° 49' 57.60" East
3	34° 23' 33.50" South	19° 49' 53.19" East
4	34° 23' 31.21" South	19° 49' 55.88" East

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Clearing 3		
Point	Latitude (S)	Longitude (E)
1	34° 24' 11.55" South	19° 49' 24.89" East
2	34° 24' 11.29" South	19° 49' 29.51" East
3	34° 24' 14.24" South	19° 49' 29.22" East
4	34° 24' 14.73" South	19° 49' 22.13" East

Clearing 4		
Point	Latitude (S)	Longitude (E)
1	34° 24' 10.82" South	19° 49' 48.94" East
2	34° 24 13.11" South	19° 49' 51.63" East
3	34° 24 12.72" South	19° 49' 49.82" East
4	34° 24' 12.17" South	19° 49' 49.11" East

Clearing 5		
Point	Latitude (S)	Longitude (E)
1	34° 24' 13.50" South	19° 50' 09.05" East
2	34° 24 14.71" South	19° 50' 09.53" East
3	34° 24 22.14" South	19° 49' 57.09" East
4	34° 24' 21.90" South	19° 49' 56.38" East

Clearing 6		
Point	Latitude (S)	Longitude (E)
1	34° 24' 10.39" South	19° 50' 24.14" East

2	34° 24 13.04" South	19° 50' 54.15" East
3	34° 24 13.43" South	19° 50' 54.48" East
4	34° 24' 10.66" South	19° 50' 27.00" East

Clearing 7		
Point	Latitude (S)	Longitude (E)
1	34° 24' 08.28" South	19° 50' 38.79" East
2	34° 24 09.71" South	19° 50' 43.07" East
3	34° 24 10.02" South	19° 50' 40.38" East
4	34° 24' 09.55" South	19° 50' 38.65" East

Clearing 8		
Point	Latitude (S)	Longitude (E)
1	34° 24' 03.27" South	19° 51' 04.87" East
2	34° 24 05.64" South	19° 51' 17.84" East
3	34° 24 04.73" South	19° 51' 14.38" East
4	34° 24' 05.38" South	19° 51' 10.03" East

Clearing 9		
Point	Latitude (S)	Longitude (E)
1	34° 23' 33.61" South	19° 51' 36.47" East
2	34° 23' 33.83" South	19° 51' 40.23" East
3	34° 23' 38.18" South	19° 51' 38.13" East
4	34° 23' 37.53" South	19° 51' 35.79" East

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Clearing 10		
Point	Latitude (S)	Longitude (E)
1	34° 23' 47.60" South	19° 51' 34.86" East
2	34° 23' 48.74" South	19° 51' 36.60" East
3	34° 23' 50.87" South	19° 51' 34.67" East
4	34° 23' 49.96" South	19° 51' 33.05" East

Clearing 11		
Point	Latitude (S)	Longitude (E)
1	34° 23' 55.68" South	19° 51' 26.05" East
2	34° 24' 01.05" South	19° 51' 34.02" East
3	34° 24' 01.00" South	19° 51' 28.65" East
4	34° 24' 03.36" South	19° 51' 25.59" East

Clearing 12		
Point	Latitude (S)	Longitude (E)
1	34° 24' 00.31" South	19° 51' 57.31" East
2	34° 23' 57.49" South	19° 52' 03.56" East
3	34° 23' 56.27" South	19° 52' 08.37" East
4	34° 23' 58.83" South	19° 52' 05.15" East

Clearing 13		
Point	Latitude (S)	Longitude (E)
1	34° 23' 47.60" South	19° 52' 08.74" East

2	34° 23' 45.87" South	19° 52' 14.60" East
3	34° 23' 48.27" South	19° 52' 17.36" East
4	34° 23' 50.36" South	19° 52' 10.78" East

Clearing 14		
Point	Latitude (S)	Longitude (E)
1	34° 23' 43.37" South	19° 52' 16.15" East
2	34° 23' 42.28" South	19° 52' 18.43" East
3	34° 23' 43.28" South	19° 52' 18.10" East
4	34° 23' 43.83" South	19° 52' 16.99" East

Clearing 15		
Point	Latitude (S)	Longitude (E)
1	34° 23' 39.80" South	19° 52' 26.67" East

Clearance 1 portion 7 of 116		
Point	Latitude (S)	Longitude (E)
1	34° 23' 57.51" South	19° 52' 12.65" East
2	34° 23' 56.58" South	19° 52' 17.25" East
3	34° 23' 59.82" South	19° 52' 22.33" East
4	34° 23' 58.39" South	19° 52' 17.03" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

LORNAY ENVIRONMENTAL CONSUL5TING PTY LTD
C/o Ms Michelle Naylor
P.O. Box 1990
HERMANUS
7200

Tel: (083) 245 6556
Email: michelle@lornay.co.za

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

Vegetation clearance took place within small, isolated patches of indigenous vegetation located between existing cultivated fields on both farm properties. These areas occurred as remnant patches within an agricultural landscape that had already undergone varying degrees of historical transformation associated with farming activities.

The cleared areas were situated amongst existing cultivated lands and formed part of a broader pattern of established agricultural use on the properties. Historical aerial imagery indicates that the surrounding areas had been cultivated prior to the expansion activities, with the cleared sections representing relatively small pockets of vegetation remaining between farmed areas.

The clearance resulted in a minor expansion and consolidation of the existing cultivated fields. Following the clearing activities, the affected areas became incorporated into the broader agricultural footprint of the respective properties and are currently utilised as part of the existing farming operations.

The activities were therefore undertaken within an already modified agricultural landscape and did not involve the creation of a new agricultural precinct separate from the existing cultivated areas. The cleared patches were spatially associated with, and surrounded by, established cultivated fields on both properties.

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

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to the preferred described in the application and assessment report dated November 2024 on the site as described in Section D above.

2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision for continuation of the activities.

3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

4. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of activities.

5.1 The notice must make clear reference to the site details and 24G Reference number given above.

5.2 The notice must also include proof of compliance with the following condition: Condition 6

PART III

Notification and administration of an appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

6.1 notify all registered Interested and Affected Parties ("I&APs") of –

6.1.1 the outcome of the application;

6.1.2 the reasons for the decision as included in Annexure 3;

6.1.3 the date of the decision; and

6.1.4 the date when the decision was issued.

6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2025* detailed in Section I below.

6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

6.4 provide the registered I&APs with:

6.4.1 the name of the holder (entity) of this Environmental Authorisation;

6.4.2 name of the responsible person for this Environmental Authorisation;

6.4.3 postal address of the holder;

6.4.4 telephonic and fax details of the holder;

6.4.5 e-mail address, if any, of the holder; and

6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2025*.

7. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

8. The draft Environmental Management Programme ("EMPr") dated November 2023 compiled by Lornay Environmental Consulting Pty Ltd and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

9. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

10. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before continuation of any land clearing or rehabilitation activities to ensure compliance with the EMPr and the conditions contained herein.

11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and must be made available to anyone on request.

12. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

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PART VI

Auditing

13. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority **.** The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

14. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

    Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

16. The holder must ensure implementation of the Biodiversity Offset proposal as put forward for the application. This includes:

    16.1 The formal conservation of all remaining indigenous renosterveld remnants and associated natural drainage features occurring on Portion 7 of Farm 116, Farm 326 and any additional properties included within the biodiversity offset proposal, through the registration of the existing conservation servitude/easement over approximately 223 ha within twelve (12) months of the date of this authorisation.

16.2 Evidence of registration of the conservation servitude/easement at the Deeds Office must be submitted to the competent authority within 30 days of registration, or within 30 days of this decision if the registration process has already been completed.

17. No further clearing, ploughing, cultivation, earthmoving, grading, grazing infrastructure expansion, or vegetation removal may occur within any remaining indigenous vegetation remnants, drainage lines, or conservation servitude areas without prior environmental authorisation where required by law.

18. Within 12 months, all remaining renosterveld remnants and associated natural drainage features included within the conservation servitude shall be delineated by a suitably qualified ecologist and surveyor and reflected on a GIS map. These areas shall be physically demarcated in the field through pegs, markers, or other approved means.
The GIS shapefile and delineation report must be submitted to the competent authority and CapeNature.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

Note that:
(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development.
(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

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(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

   Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
   Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply 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.

1. 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.

2. 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.

3. All appeals submitted must:
   a. be in writing in the appeal form obtainable from the Departmental website;
   b. include supporting documents referred to in the appeal; and

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c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.

4. The holder (applicant) of the decision must:
   a. 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.
   b. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.

5. 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.

6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
   a. **By e-mail**:
      DEADP.Appeals@westerncape.gov.za or

   b. **By hand** where that person submitting does not hold an electronic mail account:
      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.

7. 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

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J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, appointed in terms of the conditions of this Environmental Authorisation, shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully

Digitally signed by Zaidah Toefy
Date: 2026.11.06 11:37:17
+02'00'

MRS Z TOEFY
HEAD OF RECTIFICATION
DIRECTORATE: ENVIRONMENTAL GOVERNANCE

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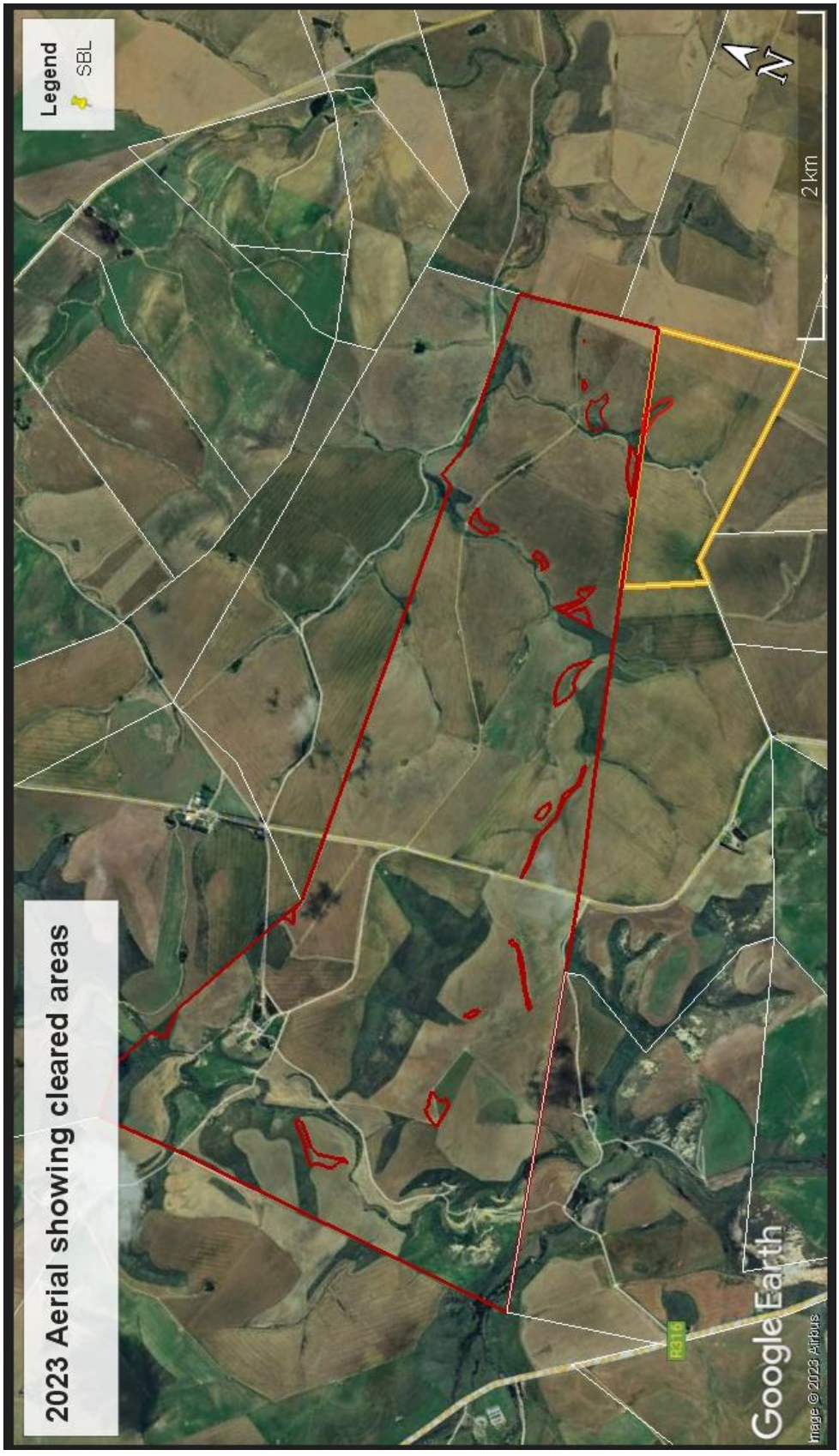
(1) Michelle Naylor (EAP) Email: michelle@lornay.co.za

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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/2/E1/5/0032/23

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R250 000 (Two hundred and fifty thousand rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia,* considered the following:

a) The information contained in the application form dated November 2024 with supporting environmental impact assessment and mitigation measures.
b) The Environmental Management Programme ("EMPr") dated November 2023 submitted together with the application form.
c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
g) The site visit conducted on 14 August 2025
   Attended by: Officials of the Directorate: Environmental Governance
h) The appeal decision on the 24G administrative fine dated 24 March 2026.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. 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 Process

In terms of 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 the issues raised have been addressed* …", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the Cape Argus newspaper on 13 November 2023;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 10 November 2023 and 07 November 2024;
- I&APs were afforded the opportunity to provide comments on the application.

The Overberg Renosterveld Conservation Trust (ORCT) provided comment on this matter. The ORCT is an NPO based in the Overberg, focused on the conservation of remnant renosterveld (of which there is an estimated 5% remaining) on privately-owned land. The ORCT works with landowners in the region towards conserving, managing and restoring renosterveld through their Conservation Easement Programme (CEP).

The ORCT explained that they are part of a working group known as the Overberg Renosterveld Task Team (comprising both NGOs and parastatals) and it was through the collaboration with partners in CapeNature that they were made aware of the ploughing on Schietpad farm. Because the area falls within the ORCT's area of operations, they registered as an Interested and Affected Party and presented their comments on the application.

Schietpad farm falls within one of the last clusters of relatively well-connected, Critically Endangered, Western Rûens Shale Renosterveld; on the vegetation map the whole farm straddles the ecotone between Western- and Eastern-Rûens Shale Renosterveld. The site contains exceptional plant diversity and is one of the most important properties in the region for these critically endangered vegetation types. While the removal of some smaller remnants / corridors is deeply regrettable, the property still presents a unique opportunity to conserve a portion of these highly under-conserved, severely threatened vegetation types.

A section 24G needs to seek environmental justice, particularly when a vegetation type of this high threat status has been impacted. The rehabilitation or restoration of the ploughed

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renosterveld will not be possible, due to the aridity of the area, and the fact that the areas have been planted numerous times already. It was therefore strongly recommended that the S24G application is only approved with the condition that the remainder of all the natural vegetation on the property (i.e. all renosterveld and watercourses roughly mapped as per Figure 2) is committed to conservation in perpetuity, through a title deed restriction. This can take the form of a Nature Reserve or Biodiversity Agreement through CapeNature, or a conservation easement/servitude with the ORCT; the costs of either would be carried by the landowner.

A commitment of this nature would not impede existing farming activities in any way at all (barring some more controlled / managed grazing on the renosterveld which has also been subjected to high and inappropriate levels of burning and grazing) and would in fact essentially be seen as a more solid commitment by the landowner to abide by the NEMA laws in future. A conservation easement or contract reserve would be accompanied by an Integrated Management Plan which would focus on the most important management principles related to fire, alien clearing, livestock management and erosion control. Because of the high conservation value of the remnants on this property, the ORCT would be willing to engage with the landowner on a conservation easement / servitude. However, the ORCT are more than willing to support a nature reserve option through CapeNature too. The merits and advantages of both options can be discussed (amongst them, the potential to secure the property against future mining).

The ORCT stated that the draft screening-tool report reveals that this application should be accompanied by specialist reports, which appear to be lacking here. As a minimum, there needs to be a thorough assessment of the terrestrial biodiversity (particularly botanical) on the property. Furthermore, it is known that Critically Endangered Redfin Minnows *Pseudobarbus burchellii* occur in the river on this farm (they were first discovered in a pool on this property by the ORCT in 2016), thus a freshwater study may also prove necessary. It is thus further recommended that the relevant specialist studies are conducted to assess the impacts of the developments and inform the conditions of an S24G, should it be approved.

Regarding the ORCT's previous comments on the 24G application for the above-mentioned sites, the ORCT confirm that the landowners of these properties signed a conservation servitude agreement (easement) with the ORCT on the 22 November 2024, committing 223ha of renosterveld to conservation in perpetuity through a title-deed endorsement.

The recently signed documentation was delivered and will be registered at the Deeds Office as soon as bondholder (ABSA) consent is secured. The ORCT anticipate this will happen before year-end.

The ORCT can also provide a copy of the management plan, if requested.

Current offset guidelines suggest a 1:30 ratio for unlawfully cleared CR and EN vegetation. Given that a total of 1.67ha was cleared, the recommended offset would be in the region of 50.1ha. However, the remaining renosterveld on the properties owned by the Wessels do not exceed 223ha and ALL these hectares have been included in the conservation servitude. The ORCT is satisfied that the offset is sufficient and that the 24G application be approved on this basis.

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:

- CapeNature (CN)
- Breede Overberg Catchment Management Agency (BOCMA)
- Department of Agriculture (DoA)
- Overberg District Municipality (ODM)

During the first round of the Public Participation Period, CapeNature Indicated that comments provided only pertain to the biodiversity related impacts and not to the overall desirability of the application.

CapeNature

According to the Western Cape Biodiversity Spatial Plan, the patches of indigenous vegetation which were cleared consisted of Critical Biodiversity Area 1 (CBA). The vegetation occurring on the properties consists of Western Rûens Shale Renosterveld in the west and Central Rûens Shale Renosterveld in the east, both of which are classified as critically endangered. There are patches of vegetation cleared within both vegetation types however the Section 24G Report only refers to the one vegetation type.

A total of thirteen patches of vegetation clearing are identified in the S24G Report, however it is noted that the pre-compliance and compliance notices only refer to two patches. CN supports that all patches of indigenous vegetation that have been cleared within the legislated 10-year timeframe and had not been cleared in the preceding 10 years must be included within the S24G application. There is a good correlation between overlays of CBAs on areas currently occupied by cultivated lands and the identified cleared patches.

It would be useful to provide an estimated date of clearing for each patch as CN noted that there is an additional patch that was cleared within these timeframes which was identified, and which is visible in the comparison between the 2003 and 2012 images on page 16 of the S24G Report, with clearing having taken place between 2012 and 2014. Historical Google

Earth imagery was used to verify and identify cleared vegetation and is assumed to have also been used for the S24G Report.

The results from the national web-based screening tool report are presented which rates terrestrial biodiversity and aquatic biodiversity themes for the site as very high sensitivity and animal species and plant species themes as high sensitivity. The S24G Report however states that the removal of vegetation has taken place within a highly transformed agricultural landscape and therefore no specialist input has been sought. CN disagrees with this motivation as the two renosterveld vegetation types occurring on site are two of the most threatened vegetation types with lowest remaining extent within South Africa, and both support a high number of endemic threatened species. The only remaining vegetation occurs as remnants within the matrix of the agricultural landscape, and it is essential that each remnant is protected from transformation.

CN supports the results of the screening tool and recommend that as a minimum, specialist studies must be undertaken to identify and assess the impacts for the terrestrial biodiversity and plant species themes, as the activity which was undertaken was clearing of indigenous vegetation (the terrestrial biodiversity and plant species themes can be combined into one study). The impact assessment section has been completed without the inputs of a specialist; however, this requires specialist expertise to assess the impacts. As in the case of S24G cases the vegetation is no longer present, the vegetation which would have occurred must be inferred based on desktop information, past experience, available evidence on site and the remaining intact vegetation occurring in the vicinity of the cleared area.

The specialist assessment/s must take into account the gazetted National Biodiversity Offset Guidelines and we recommend that there should be consultation with CapeNature in this regard prior to completion of the study. Each of the cleared patches must be assessed and recommendation provided should this differ between patches. The EAP confirmed during the draft Public Participation Period that Specialist studies will be sought and the concerns raised above will be addressed before the next round of Public Participation.

CN was not in support of the first draft of the NEMA Section 24G Report as no specialist studies had been undertaken. A botanical assessment has accordingly been undertaken to evaluate the impacts that were incurred as a result of the ploughing of renosterveld for the purposes of expansion of the cultivated lands.

The botanical assessment includes a delineation of the areas which were cleared based on a comparison of the aerial imagery dating over the past 10 years between 2014 and 2024. The total area cleared was a total of 12.47 ha. However, the total area cleared should date from 10 years prior to the investigation of the unlawful activities and therefore should include the additional areas identified in the initial S24G Report for which the total area was calculated

to amount to 15.2 ha. The additional area identified by CN should also be included. Therefore, the total area cleared needs to be recalculated including all the remnants identified by the environmental assessment practitioner, the botanical specialist and CapeNature dating from 2012 to date. The total area will amount to more than 15.2 ha and should be presented in a high-resolution spatial format, preferably as a shapefile or kmz file and a high-resolution image. The EAP indicated that the additional area identified by Cape Nature has been included in the final report and this has brought up the total area cleared to 16.8 ha on both farms. The EAP has assessed all clearing activities as per CapeNature's comment.

The botanical assessment confirms that the remaining remnants of renosterveld are representative of the original vegetation type and in a good condition and species rich. The vegetation is not described in detail as it would not be possible to determine the exact condition and species composition of the fragments which were lost however the remaining fragments provide good evidence of the likely condition and conservation value.

The remaining fragments do have alien invasive species in parts, mainly consisting of alien grasses. Another impact as a result of fragmentation is the exclusion of fire which results in senescence. The assumption is however made that all renosterveld remnants on the property that were present before the clearing commenced and those still persisting are of very high conservation value. Two plant species of conservation concern (SCC) were encountered; however the site visit was undertaken in a sub-optimal time of year and there are likely to be many more SCCs present if an additional survey were undertaken in August/September. A spring survey is however not considered necessary due to the assumption of very high conservation value of all remnants and that additional SCCs are present.

The impact assessment of the clearing of vegetation is rated as high negative impact prior to mitigation and medium negative after mitigation. The required mitigation in this instance is to ensure that no further clearance of vegetation occurs on site; clearance of alien invasive species from natural areas; and conservation of the remainder of the natural vegetation either through a stewardship agreement with CapeNature or a conservation easement with the Overberg Renosterveld Conservation Trust (ORCT).

The National Biodiversity Offset Guidelines indicate that a biodiversity offset is required if the residual impact after following the mitigation hierarchy is medium negative or higher. Although the guidelines are aimed primarily at NEMA applications prior to the commencement of activities, the guidelines indicate that the same principles can be applied to other processes such as NEMA S24G processes. We therefore recommend that a biodiversity offset is required to remedy the loss of habitat.

As the two vegetation types affected are critically endangered, the maximum offset ratio of 1:30 must be applied. Although the total extent of vegetation cleared must still be calculated

the extent of 15.2 ha included in the S24G Report would require that 456 ha must be conserved. The botanical assessment used a ratio of 1:20 and the area of 12.47 ha requiring 172 ha to be conserved. If the property to the south also owned by the landowner is also included (Windhoek 367) a total area of 219 ha of renosterveld remains which can be conserved. The ratios using the botanical assessment calculations amounts to 1:17.7.

CN noted the correspondence from the ORCT dated August 2024 included as an appendix to the S24G Report and the subsequent correspondence following the release of the report for public comment dated November 2024. CN highlights the fact that Section 7.6.2 of the guidelines indicates that "*environmental authorisation holders are responsible for covering all of the costs of a biodiversity offset*". One of the NEMA principles underpinning biodiversity offsets is the "*polluter pays principle*". Motivations regarding the funding constraints of the ORCT are therefore misplaced as it is the responsibility of the applicant. Any actions which the ORCT undertake in respect of the biodiversity offset would be on behalf of the applicant in terms of their offset obligations.

As the primary threat is incremental reduction in the renosterveld remnants it is essential that the current extent of the remnants is delineated. Surveying of the extent of the renosterveld remnants is therefore considered essential and should be permanently pegged out on site to determine if there are any further transgressions. Compilation of the biodiversity offset report and the biodiversity offset management plan and implementation of the management interventions included within the management plan are the financial responsibility of the applicant.

CN raised concern regarding the security of a conservation easement against further loss of habitat, in particular if the easement does not explicitly refer spatially to the remnants which are to be protected i.e. surveyed remnants. Precedents where clearing has taken place in conservation easements have not revealed any additional protection compared to other critically endangered remnants without a status. Additional protection measures would therefore be necessary if the option of an easement is selected such as an undertaking by the landowner to not disturb remnants further with consequences for transgressions, which is bindings on successors in title. A conservation easement would also not be an effective measure to protect the property from mining. Only nature reserves declared in terms of the National Environmental Management: Protected Areas Act (NEM: PAA) are secure from mining (prospecting and mining can take place in NEM: PAA Protected Environments if agreed to by the Minister of Environmental Affairs).

The total area of natural habitat which the landowner has available to place into conservation is 223 ha (slightly more than reported in the botanical assessment). CN supports that the landowner places 223 ha into conservation, however as indicated above the total area which

is required to be conserved exceeds this amount. CN therefore recommends that options to meet the offset requirements are investigated further. The acceptability of the offset should be determined by the competent authority (DEA&DP) with the advice of CN.

Additional properties should be investigated to meet the additional offset requirements and could include acquisition or an agreement with the landowner which may include a financial contribution from the applicant. Another option could be to include adding areas which have been disturbed to the conservation area to improve connectivity, although these areas would have to be recognised as containing low conservation value habitat however play a role in ecological connectivity and a buffer for edge effects for the highly fragmented remnants and can also be faunal habitat. Should it not be feasible to obtain an additional offset area this must be taken into account in the decision-making by the competent authority.

CN therefore recommends that the total area which was cleared within the timeframes of 10 years since the transgression was reported is calculated and presented spatially in an appropriate format and resolution. The offset requirements should then be calculated based the area cleared at a ratio of 1:30. Additional offset areas must be investigated, and it must be ensured that the offset is aligned to the National Biodiversity Offset Guideline. CN strongly recommends that the proposed offset should only be considered for authorisation after review by both the Biodiversity Offset Advisory Panel and the CapeNature Stewardship Review Committee. The EAP highlighted that the Conservation Easement agreement has already been signed and concluded. The agreement is classified as a Conservation Servitude Agreement (Easement) with the ORCT, with a commitment of 223 ha of remaining renosterveld to conservation in perpetuity through a title deed endorsement.

<u>Breede Overberg Catchment Management Agency</u>

BOCMA acknowledged the remarks made in NEMA Section 24G Application that terrestrial vegetation has been removed and the clearance in some areas encroached on drainage lines. This activity therefore triggers water uses in terms of section 21(c) and (i) of the National Water Act (NWA). Furthermore, such water use activities were exercised without water use authorisation which contravenes section 22(1) of the NWA. The BOCMA CME unit and Freshwater ecologist will therefore conduct a site investigation regarding the alleged unlawful water use activities (clearance of vegetation within the drainage lines of the water course) which was exercised without authorisation in terms of section 21 (c) and (i) of the NWA. This will allow enforcement process to rectify the alleged unauthorised water use activities taking place at Farm Windhoek Portion 7 of No. 116 and Farm Schietpad No. 326, Bredasdorp.

Your attention is drawn to Section 22 (1) of the National Water Act, which states:

22. (1) A person may only use water

(a) without a licence if that water use is permissible under Schedule 1;

(i) if that water use is permissible as a continuation of an existing lawful use; or

(ii) if that water use is permissible in terms of a general authorisation issued under section 39;

(b) if the water use is authorised by a licence under this Act; or

(c) if the responsible authority has dispensed with a licence requirement under subsection (3)

It is advised that the BOCMA stands on this matter in terms of enforcement during the assessment of this application.

Overberg District Municipality

The Environmental Management Services Department of the Overberg District Municipality take cognisance of the S24G report for the unlawful clearance of vegetation on the subject farm.

Based on the Western Cape Biodiversity Spatial Plan of 2017 the cleared area falls partly within a CBA and form part of critically endangered ecosystems, namely Western Ruens Shale Renosterveld and Central Ruens Shale Renosterveld. With reference to the Overberg District Municipalities Spatial Development Framework of 2022, CBA is classified as core 1 under the Spatial Planning Categories. These areas must be regarded as no-go for development and must be kept in a natural state, with a management plan focussed on maintaining or improving the state of biodiversity. There should be no further loss of natural habitat and degraded areas should be rehabilitated

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

The mitigation measures and recommendations made in the Botanical Assessment is supported together with the establishment of a Conservation Easement. The management plan for such easement should form part of the EMP.

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

2. Alternatives

2.1 Technology/Location/Site/Activity Alternatives

No alternatives were considered for the current farming activities. The site has been utilised for agricultural purposes for many years and forms part of an established farming landscape. The vegetation clearance occurred within and adjacent to existing cultivated fields in areas that were already influenced by historical agricultural activities. The cleared areas comprised small remnant patches of indigenous vegetation situated between cultivated lands, and the activities resulted in the consolidation and expansion of the

existing agricultural footprint. Following the clearance, these areas were incorporated into the ongoing farming operations on the properties. The current farming practice is therefore considered to be the preferred alternative.

2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The no-go alternative would entail taking no further action in respect of the unauthorised clearance activities. However, this alternative is not considered feasible, as the vegetation clearance has already been completed and the affected areas have been transformed. The cleared areas occur as relatively small pockets within an existing agricultural landscape and are surrounded by cultivated lands. As a result, rehabilitation of these areas to their original ecological condition is considered impractical and unlikely to achieve a meaningful conservation outcome.

While the no-go alternative would avoid formalising the unauthorised activity, it would not provide a practical means of addressing the existing environmental impacts or securing long-term biodiversity conservation outcomes. The implementation of the recommended mitigation and conservation measures therefore represents the preferred environmental outcome.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability

The development is located within an area designated for agricultural use and is aligned with the agricultural development objectives contained in the Bredasdorp Integrated Development Plan (IDP) and Spatial Development Framework (SDF). The activity supports the continued productive use of agricultural land within an established farming landscape and contributes to the viability of existing agricultural operations.

From a socio-economic perspective, the development will contribute to agricultural production and associated economic activity within the local area. The continued use and improvement of agricultural land will support employment opportunities, both directly and indirectly, and contribute to the local agricultural economy.

In addition to the agricultural and socio-economic benefits, the proposed conservation agreement will secure ecological benefits through the formal protection and

management of natural vegetation areas. This will contribute to biodiversity conservation, promote ecosystem functioning, and support broader environmental objectives within the region. As such, the proposal seeks to achieve a balance between agricultural productivity and environmental stewardship, resulting in both economic and ecological benefits.

3.2. Biodiversity Impacts

The vegetation cleared on site was confirmed as Western Ruens Shale Renosterveld and Central Ruens Shale Renosterveld, both of which are gazetted as Critically Endangered on a national basis. According to the Botanical Impact Assessment, all remaining natural vegetation onsite, and most of the approximately 12.47ha lost to unauthorised cultivation in the last ten years, is and probably was of High botanical conservation value. The overall botanical impact of the loss of the approximately 12.47ha of Renosterveld on site is deemed to have had a High negative impact before mitigation, and Medium negative after mitigation.

3.3. Visual / Sense of Place

The site is situated within an established farming area and has been subject to agricultural use for an extended period. The current land cover comprises a mosaic of cultivated fields and remnant areas of indigenous vegetation, reflecting the historical transformation of the landscape associated with agricultural activities in the region.

No heritage impacts were identified as a result of the activities. The affected areas occur within an established agricultural landscape that has been subject to farming activities for an extended period. The transformation of the affected areas did not alter the overall land-use character of the properties, nor did it result in a discernible change to the broader cultural landscape of the area. Consequently, the cumulative heritage impact is considered to be negligible.

3.4. Cumulative

The continued agricultural use of the properties contributes positively to the local economy through the creation and maintenance of permanent and seasonal employment opportunities. Agricultural activities also support skills development and investment within the surrounding area. The productive use of agriculturally viable land supports the agricultural sector, while the application process provides an opportunity to investigate the formal conservation of the remaining natural habitat on the properties, potentially in partnership with organisations such as the Overberg Renosterveld

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Conservation Trust, thereby contributing to the long-term management and protection of indigenous vegetation.

Negative cumulative impacts are associated with the historical loss of approximately 12.4 ha of Critically Endangered Central Ruens Shale Renosterveld, which has contributed to the reduction and fragmentation of an already threatened vegetation type within the region. The loss of indigenous habitat further adds to the broader cumulative pressures affecting the extent and ecological functioning of this vegetation type across its natural distribution.

4. NEMA Principles

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), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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