



APPENDIX G1 – PUBLIC PARTICIPATION INFORMATION

Prepared by: PHS Consulting



PUBLIC PARTICIPATION INFORMATION :

**SECTION 24G APPLICATION FOR UNAUTHORIZED
INDIGENOUS VEGETATION CLEARING, SOIL REMOVAL,
EXCAVATION AND DEVELOPMENT ON PORTION 54 OF
FARM 516, THE POTTEBERG ESTATES, INFANTA**

Prepared by: PHS Consulting

Date: June 2026

Document Version : 1.0

EAP: Paul Slabbert - EAPASA Reg. No. 2019/1036

Candidate EAP: Olivia Venter - EAPASA Reg. No. 2023/6743

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1. INTERESTED AND AFFECTED PARTIES REGISTER

1.1. Pre-Application I&AP List

State Departments			
Stakeholder Organisation	Contact Person	Email Address	Tel
DEA&DP: Directorate: Environmental Governance (Rectification)	Zaidah Toefy & Nabeelah Khan Ziyaad Allie	Zaidah.Toefy@westerncape.gov.za Nabeelah.Khan@westerncape.gov.za Ziyaad.Allie@westerncape.gov.za	021 483 2443
DEA&DP: Directorate: Environmental Law Enforcement	Yena Gunguluzi	Yena.Gunguluzi@westerncape.gov.za	021 483 0779
DEADP Directorate: Pollution and Chemical Management	Gunther Frantz Rabia Reynolds	Gunther.Frantz@westerncape.gov.za Rabia.Reynolds@westerncape.gov.za	021 483 2660
DEADP Directorate: Biodiversity and Coastal Management	Mercia Liddle	mercia.liddle@westerncape.gov.za	021 483 4627
BOCMA	Nolutando Ndumbini Elkerine Rossouw	info@bocma.co.za nndumbini@bocma.co.za erossouw@bocma.co.za	023 346 8000
Western Cape Department of Agriculture	Cor van der Walt	Cor.VanderWalt@westerncape.gov.za Brandon.Layman@westerncape.gov.za	021 808 5099
Overberg District Municipality	Rulien Volschenk	rvolschenk@odm.org.za	028 425 1157
Swellendam Local Municipality	Ron Brunings	rbrunings@swellendam.gov.za	028 514 8500
Cape Nature	Rhett Smart Vicki Hudson	rsmart@capenature.co.za vhudson@capenature.co.za	087 087 8017 / 072 835 8741
Department of Transport and Public Works	TBD	land.use@westerncape.gov.za	021 483 2203
Ward Counsellor	Cllr. Donovan Jeremy Julius	donovanj@swellendam.gov.za juliusdonovan7@gmail.com	061 834 6189

Neighbouring landowners and identified IAPs			
PLEASE NOTE: THE CONTACT INFORMATION OF PRIVATE LANDOWNERS AND IAPS IS SUBJECT TO POPIA AND HAS BEEN REDEACTED FROM DOCUMENTS MADE AVAILABLE IN THE PUBLIC DOMAIN			
Stakeholder Organisation	Contact Person	Email Address	Tel
Portion 53 of Farm 516	Billy Jones		
Portion 55 of Farm 516	Brian Allcock		
Portion 3 of Farm 516	Sean White		

Lower Breede River Conservancy Trust	TBD	info@breede-river.org conservation@breede-river.org	028 537 1296 / 064 774 3862
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1.2. Application I&AP List

State Departments			
Stakeholder Organisation	Contact Person	Email Address	Tel
DEA&DP: Directorate: Environmental Governance (Rectification)	Zaidah Toefy & Nabeelah Khan Ziyaad Allie	Zaidah.Toefy@westerncape.gov.za Nabeelah.Khan@westerncape.gov.za Ziyaad.Allie@westerncape.gov.za	021 483 2443
DEA&DP: Directorate: Environmental Law Enforcement	Yena Gunguluzi	Yena.Gunguluzi@westerncape.gov.za	021 483 0779
DEADP Directorate: Pollution and Chemical Management	Gunther Frantz Rabia Reynolds	Gunther.Frantz@westerncape.gov.za Rabia.Reynolds@westerncape.gov.za	021 483 2660
DEADP Directorate: Biodiversity and Coastal Management	Mercia Liddle	mercia.liddle@westerncape.gov.za	021 483 4627
BOCMA	Elkerine Rossouw	erossouw@bocma.co.za CRautenbach@bocma.co.za nlesele@bocma.co.za	023 346 8000
National Department of Agriculture	TBD	LUAHelpdesk@dalrrd.gov.za	012 319 7583
Overberg District Municipality	Rulien Volschenk	rvolschenk@odm.org.za	028 425 1157
Swellendam Local Municipality	Ron Brunings	rbrunings@swellendam.gov.za	028 514 8500
Cape Nature	Rhett Smart Vicki Hudson	rsmart@capenature.co.za vhudson@capenature.co.za djula@capenature.co.za jburger@capenature.co.za	087 087 8017 / 072 835 8741
Ward Counsellor	Cllr. Donovan Jeremy Julius	donovanj@swellendam.gov.za juliusdonovan7@gmail.com	061 834 6189

Neighbouring landowners and identified IAPs			
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Stakeholder Organisation	Contact Person	Email Address	Tel
Portion 53 of Farm 516	Billy Jones		
Portion 55 of Farm 516	Brian Allcock		
Portion 3 of Farm 516	Sean White		

Lower Breede River Conservancy Trust	TBD	info@breede-river.org conservation@breede-river.org management@breede-river.org	028 537 1296 / 064 774 3862
Breede River Estuary Forum	Carmen Van Uys	Carmen.VanUys@westerncape.gov.za caren.george@westerncape.gov.za	021 483 2811
Malgas Ratepayers & Residents' Association	TBD	chairman@malgas.org.za	

2. ADVERTISEMENTS AND SITE NOTICES

2.1. Advertisement published in the Suidernuus:

NOTICE OF A PUBLIC PARTICIPATION PROCESS

NEMA SECTION 24G APPLICATION FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL AND DEVELOPMENT WITHIN A DISTANCE OF 100M INLAND OF THE HIGH-WATER MARK OF THE ESTUARY ON PORTION 54 OF FARM 516, POTTEBERG ESTATES, INFANTA

DEA&DP Directorate Environmental Law Enforcement Ref: 14/1/1/E2/8/9/3/0894/24

DEA&DP Directorate Environmental Governance Ref : 14/2/4/1/E3/6/0002/26

Notice is hereby given of a Public Participation Process in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998; "NEMA"), as amended, and the Environmental Impact Assessment Regulations 2014 as amended. As this activity took place prior to the Applicant obtaining Environmental Authorisation, in terms of the below listed activities, this application is being undertaken to obtain ex post facto approval in terms of Section 24G of NEMA. A S24G process will therefore be followed, and an application will be submitted to the Department of Environmental Affairs & Development Planning (DEA&DP) directorate of rectification.

NEMA activities undertaken without authorisation:

- Activities commenced with post 2014 that required authorisation in terms of the NEMA EIA Regulations dated 8 December 2014 (as amended) which were the lawful regulations at the time:
 - Government Notice No. 327 of 2014 (Listing Notice 1 of 2014): Activity 19, Activity 19A and Activity 54 are applicable.
 - Government Notice 324 of 2014 (Listing Notice 3 of 2014): Activity 12 is applicable.
- These activities would still require authorization today as the NEMA EIA Regulations dated 8 December 2014 (as amended) are still the lawful regulations in place.

Date of contraventions: February 2024

Location: Portion 54 of Farm 516, The Potteberg Estates, Infanta.

Contraventions: Indigenous vegetation clearing and soil removal associated with the construction of a garage, pumproom, caretaker's cottage, and proposed additions to the existing main dwelling.

Name of Proponent/Applicant: WABD Investments (Pty) Ltd

Opportunity to participate: A Draft Section 24G Application, EMPr and technical documentation will be available on our website www.phsconsulting.co.za under the public participation tab for a 30-day commenting period, from 3 April 2026 up to and including 6 May 2026. Extension of the commenting period over public holidays has been allowed for.

Interested and/or affected parties are welcome to register and/or provide written comments on the application to PHS Consulting on or before 6 May 2026 using the contact details below. If you require assistance in recording your comments or objections, support is available upon request via the below details. Please note that all information submitted by I&APs will become public information, unless otherwise protected by law

EAP information:

PHS Consulting (Attention: Olivia Venter)

PO Box 1752, Hermanus, 7200

Tel: 028 312 1734

e-mail: olivia@phsconsulting.co.za



GESOEK | WANTED

WANTED: CONSTRUCTION WORK, NAPIER & BREDASDORP

Paving, topping a floor, plastering, painting, waterproofing, gabions, Landscaping and gardening. Available to look after your garden when you are away.

References available.
Isaac 081 481 1154

DIENSTE | SERVICES

**THE ORIGINAL HANDY MAN
MIKE MUNRO**

SINCE 1994
PHONE 082 927 7014

Ode aan die lappieskombers

Vanaf p.12

sedert 2023. Maar dis soos enige vaardigheid: jy moet eers die basics verstaan voordat jy die reëlboek kan weggooi.

Dan begin die sports. Soos gekwiltte skoene met die herkenbare heksagoon-vorm. Of 'n kwilt wat lyk soos 'n mosaïek van Vermeer se 'Meisje met de parel' – hoe verder mens staan, hoe beter sien jy die skildery in die bont blokkies. Op 'n kwilt getiteld 'Kaapse wynlande' sien mens dadelik die fraaie Kaaps-Hollandse gewels. Maar met Visser as gids ontdek jy veel meer: Motiewe van druiwetrosse, wynglase, proteas, selfs Tafelberg se silhoeët spring uit – as jy net weet waar om te kyk.

'n Kwilt is dikwels 'n spanpoging, verduidelik Visser. Die 'maker' ontwerp en prakseer die kwilt se aansig. Maar die kwiltwerk – die proses om die voorkant, opstoppel en keersy aanmekeer te heg met dekoratiewe stikwerk regoor die kombers, deur al drie lae – word gewoonlik deur iemand met 'n spesiale kwiltmasjien gedoen.

Tog verkies party mense om met die hand te kwilt – 'n selfs hoër vorm van toewyding waar handgestikte



Die begin van 'n kwilt waar die patroon gestalte kry. "Dis eintlik stap twee, want die blokkies is darem al uitgeknip!" skerts Ruané van Dyk.

lappies aanmekeargery word soos 'n legkaart. Ure en ure se werk, dikwels oor maande.

Ongeag die metode, kry elke kwilt 'n tuiste in 'n geliefde se huis. Voor die kaggel, in die kot, aan die bed se voetenent – daar waar dit 'n hele lewe meemaak voor dit oorgeëf word deur die nasate wat self klein-tyd daarin toegewikkel was.

IN MEMORIAM

LEWIS ROSSIE ANDREW HENDRICKS

Op die 6de April is jy
31 jaar van ons weg.
Mis jou elke dag.

Norma, Lovine, Lounora, John, Mario

KENNISGEWINGS | NOTICES

NOTICE OF A PUBLIC PARTICIPATION PROCESS

NEMA SECTION 24G APPLICATION FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL AND DEVELOPMENT WITHIN A DISTANCE OF 100M INLAND OF THE HIGH-WATER MARK OF THE ESTUARY ON PORTION 54 OF FARM 516, POTTEBERG ESTATES, INFANTA

DEA&DP Directorate Environmental Law Enforcement Ref:

14/11/E2/8/9/3/0894/24

DEA&DP Directorate Environmental Governance Ref :

14/2/4/1/E3/6/0002/26

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PO Box 1752, Hermanus, 7200
Tel: 028 331 1734
e-mail: olivia@phsconsulting.co.za



DAGBOEK | DIARY

SATERDAG, 4 APRIL:

- Easter egg hunt – outdoor games & pinata bashing (9:00-12:00; R180 p.p.; Route 316 Farmstall, Napier)
- Easter market day – food stalls, plant sales & egg hunt for kids (9:00-13:00; Living Waters Nursery, 78 Main Road, Struisbaai)
- Easter egg hunt – prizes to be won! (9:30 for ages 0-6; 11:00 for ages 7-11; R75 p.p. – basket incl.; Under the Oaks Market, 8 Voortrek Street, Swellendam; bookings – 066 478 0306)
- Opening of 'fable' – exhibition of new works by local and visiting artists (11:00; Gallery Arterie; 6 Voortrek Street, Swellendam; 066 370 2479)
- Adult Easter egg hunt – chocolate and other gifts & treats (17:00-18:00; R150 p.p.; Wokini Wellness Retreat, Elim Road, Napier; RSVP – danielledebbo@gmail.com)

SONDAG, 5 APRIL:

- Easter egg hunt (11:00; R80 p.p. – parcel & hotdog incl.; Ouskool, 12 Strandveld Street, Baardskeerdersbos; bookings – Jenny: 082 713 9343)

MAANDAG, 6 APRIL:

- Napier Tennis Club Open Day – bring own racket or use one of ours (11:00-15:00; R50 entry fee for guests; R100 family rate; RSVP – Hilary: 082 596 5681)

SATERDAG, 11 APRIL:

- Radio Overberg bied aan: 'In die bed met Bibi' – 'n oggend met digter en skrywer Bibi Slippers (10:30; R100; Kapula Candles Gallery, 13 Cereal Street, Bredasdorp; bespreek via whatsapp – 076 712 9026)
- Agulhas Erfenis- en Bewaringsvereniging: Algemene Jaarvergadering (10:30 vir 11:00; Kerkzaal, L'Agulhas)



'n Versameling outydse en miniatuurnaaimasjien was ook deel van die uitstalling in Napier se kerkzaal. Foto's: Anri Matthee



2.3. Site notice placed at the boundary of Portion 54 of Farm 516, The Potteberg Estates, Infanta

NOTICE OF A PUBLIC PARTICIPATION PROCESS

NEMA SECTION 24G APPLICATION FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL AND DEVELOPMENT WITHIN A DISTANCE OF 100M INLAND OF THE HIGH-WATER MARK OF THE ESTUARY ON PORTION 54 OF FARM 516, POTTEBERG ESTATES, INFANTA

DEA&DP Directorate Environmental Law Enforcement Ref: 14/11/E2/8/9/3/0894/24

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EAP information:

PHS Consulting (Attention: Olivia Venter)

PO Box 1752, Hermanus, 7200

Tel: 028 312 1734

e-mail: olivia@phsconsulting.co.za



2.4. Proof of placement of the site notice at the boundary of the remainder of Portion 54 of Farm 516, The Potteberg Estates, Infanta on 2 April 2026



Photo 1: Pin location of site notice



Photo 2: Close-up of site notice placed



Photo 3: Location of site notice placed.



Photo 4: Location of site notice placed.

3. Pre-application PPP (3 April 2026 – 6 May 2026)

3.1. Proof that the pre-application Draft BAR and supporting documentation were available for download from the PHS website from 2 April 2026

4/13/26, 11:13 AM

SECTION 24G APPLICATION FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL AND ...



HOME SERVICES ABOUT US PUBLIC PARTICIPATION
CORPORATE RESPONSIBILITY CONTACT

Paul Slabbert
Apr 02 2026

**SECTION 24G
APPLICATION FOR THE
UNLAWFUL CLEARANCE
OF INDIGENOUS
VEGETATION, SOIL
REMOVAL AND
DEVELOPMENT WITHIN A
DISTANCE OF 100M
INLAND OF THE HIGH-
WATER MARK OF THE
ESTUARY ON PORTION
54 OF FARM 516,
POTTEBERG ESTATES,
INFANTA**

Pre-Application Draft

DEA&DP Directorate Environmental Law
Enforcement Ref: 14/1/1/E2/8/9/3/0894/24

<https://phsconsulting.co.za/section-24g-application-for-the-unlawful-clearance-of-indigenous-vegetation-soil-removal-and-development-within-a-di...>

1/3

DEA&DP Directorate Environmental
Governance Ref : 14/2/4/1/E3/6/0002/26

Closing date for comment: 6 May 2026

Please select below which document you wish to download:

-  [NEMA 24G Application Form - Farm 54-516 Potteberg Estates - 16 March 2026](#)
-  [Appendix A - Locality and Topocadastral Map](#)
-  [Appendix B1 - Proposed Site Plan](#)
-  [Appendix B2 - Site Plan Showing Unauthorised Clearance](#)
-  [Appendix B3 - Environmental Sensitivities](#)
-  [Appendix D - Photo Report Portion 54 of Farm 516 Potteberg](#)
-  [Appendix E - Biodiversity overlays of Portion 54 of Farm 516](#)
-  [Appendix F - Proof of Service Provision](#)
-  [Appendix G1 - IAP Register](#)
-  [Appendix H1 - Botanical and Faunal Impact Assessment](#)
-  [Appendix H2 - Freshwater Impact Assessment](#)
-  [Appendix I - EMPr](#)
-  [Appendix J1 - Pre-Compliance Notice \(30 June 2025\)](#)
-  [Appendix J2 - Pre-Directive \(30 June 2025\)](#)
-  [Appendix J3 - Applicant Response to Pre-Compliance](#)
-  [Appendix J4 - Additional Response to Pre-Compliance](#)
-  [Appendix J5 - Estimated Project Timeframe](#)
-  [Appendix J6 - Compliance Notice \(25 August 2025\)](#)
-  [Appendix K - Certified copy of Identity Document of Applicant](#)
-  [Appendix L - Certified copy of the title deed](#)
-  [Appendix M1 - Screening Tool Report](#)
-  [Appendix M2 - Site Sensitivity Verification Report](#)

3.2. Written Notice Provided to I&APs



**PUBLIC PARTICIPATION PROCESS FOR A NEMA SECTION 24G APPLICATION FOR THE UNLAWFUL
CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL AND DEVELOPMENT WITHIN A DISTANCE OF
100M INLAND OF THE HIGH-WATER MARK OF THE ESTUARY ON PORTION 54 OF FARM 516, POTTEBERG
ESTATES, INFANTA**

DEA&DP Directorate Environmental Law Enforcement Ref: 14/1/1/E2/8/9/3/0894/24

DEA&DP Directorate Environmental Governance Ref: 14/2/4/1/E3/6/0002/26

30 March 2026

Dear Interested and Affected Party,

Notice is hereby given of a Public Participation Process in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998; "NEMA"), as amended, and the Environmental Impact Assessment Regulations 2014 as amended. As this activity took place prior to the Applicant obtaining Environmental Authorisation, in terms of the below listed activities, this application is being undertaken to obtain *ex post facto* approval in terms of Section 24G of NEMA. A NEMA S24G process will therefore be followed, and an application will be submitted to the Department of Environmental Affairs & Development Planning (DEA&DP) Directorate Environmental Governance (Rectification).

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- These activities would still require authorization today as the NEMA EIA Regulations dated 8 December 2014 (as amended) are still the lawful regulations in place.

NEMA Listed Activities Applied For:

Listing Notice 1 of 2014 (GN327):

tel: (028) 312 1734 | olivia@phsconsulting.co.za | PO Box 1752 | Hermanus 7200
Fynbosland 323 CC t/a PHS Consulting Reg 2005/081216/23

Activity 19: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (i) will occur behind a development setback;
- (ii) is for maintenance purposes undertaken in accordance with a maintenance management plan; [or]
- (iii) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (iv) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (v) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity 19A: The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- (i) the seashore;
- (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or
- (iii) the sea; —

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity 54: The expansion of facilities—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

in respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or

- (e) [buildings where the building is expanded by 50 square metres or more; or] [
- (f) infrastructure or structures where the development footprint is expanded by 50 square metres or more, but excluding—
- (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (bb) where such expansion occurs within an urban area.

Listing Notice 3 of 2014 (GN324):

Activity 12: 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 Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.

A NEMA Section 24G Application will be submitted to Department of Environmental Affairs and Development Planning (DEA&DP) Directorate: Environmental Governance (Rectification) to carry out the following:

Activity: Indigenous vegetation clearing and soil removal associated with the construction of a garage, pumproom, caretaker's cottage, and proposed carport and additions to the existing main dwelling.

Location: Portion 54 of Farm 516, The Potteberg Estates, Infanta. (The farm is located between Malgas and Infanta)

Name of Proponent: WABD Investments (Pty) Ltd

Date of contraventions: February 2024

Availability of Report and Opportunity to Comment: A draft Section 24G Application will be available on our website, www.phsconsulting.co.za, for a period of 30 days. Interested and/or affected parties are welcome to register and lodge comments, queries or issues to **PHS CONSULTING** from **Friday 3 April 2026** up to and inclusive of **Wednesday 6 May 2026** via the below-mentioned contact details. Extension of the commenting period over public holidays has been allowed for.

Furthermore, please can adjacent landowners inform their tenants/farmworkers/occupiers of the property of the proposal and opportunity to comment, and/or provide the EAP with the necessary contact details. Likewise, please can all occupiers/tenants who reside adjacent to the site, inform their landowners of the proposal and opportunity to comment, and/or provide the EAP with the necessary contact details.

Individuals who need special assistance, may request assistance in recording their comments or objections, at the details below.

Comments must be sent on or before 6 May 2026 to:

PHS CONSULTING (Attention Olivia Venter)

PO Box 1752, Hermanus, 7200

Tel: 028 312 1734

e-mail: olivia@phsconsulting.co.za

EAP: Paul Slabbert (EAPASA Reg 2019-1036) & Candidate EAP: Olivia Venter (EAPASA Reg 2023/6743)

Yours sincerely,

Olivia Venter

BSc Conservation Ecology

Candidate Natural Scientist (154065)

Candidate Environmental Assessment Practitioner (2023/6743)

3.2.1. Proof of Communication to DEADP on 30 March 2026

Olivia Brunings

From: Olivia Brunings <olivia@phsconsulting.co.za>
Sent: Monday, 30 March 2026 13:21
To: 'Zaidah Toefy'; 'Ziyaad.Allie@westerncape.gov.za'; 'Nabeelah Khan'
Cc: 'paul@phsconsulting.co.za'
Subject: Notice of Public Participation: NEMA 24G Application Form - Farm 54-516 Potteberg Estates - S24G Consultation 14/2/4/1/E3/6/0002/26
Attachments: Advert and Site Notice - Breede S24G.pdf; IAP Written Notice - Ref 14241E36000226.pdf

Good day Zaidah and Ziyaad,

I trust you are well.

The above project refers:

- Compliance Notice: 14/1/1/E2/8/9/3/0894/24
- 24G Consultation: 14/2/4/1/E3/6/0002/26

We have prepared a comprehensive draft Section 24G application, which is scheduled to undergo a 30-day public participation process from 3 April 2026 to 6 May 2026. The commenting period has been extended to account for the intervening public holidays.

For ease of reference, please use the Dropbox link below to access and download the relevant documentation for review and commenting purposes. Kindly confirm once the documents have been successfully downloaded:

<https://www.dropbox.com/scl/fo/pp7riw6ssqncpt3skgiy/AEhFRgpqEG8QN5Gpj6RoasM?rlkey=3bygar75nl0vazm5lz302ep70&st=5txpw07w&dl=0>

Please note that the application has been completed in line with the currently applicable application forms. It is comprehensive and is hereby submitted prior to the launch of the online application portal, with the expectation that it will be processed in accordance with the current procedures.

You will also be copied on the correspondence to I&APs scheduled for 2 April 2026. Please find attached the advertisement that will be published and written notification that will be circulated to all identified I&APs.

Regards

Olivia Venter

BSc Conservation Ecology

Candidate Natural Scientist (154065)

Candidate Environmental Assessment Practitioner (2023/6743)

PHS Consulting

Environmental, Heritage, Eco-Tourism and Land-Use

Cell: 076 849 5969

Email: olivia@phsconsulting.co.za

Website: www.phsconsulting.co.za

Company postal address: PO Box 1752, Hermanus, 7200

3.2.2. Proof of Communication to State Departments on 2 April 2026

Olivia Brunings

From: Olivia Brunings <olivia@phsconsulting.co.za>
Sent: Thursday, 02 April 2026 16:05
To: 'Zaidah Toefy'; 'Nabeelah Khan'; 'Ziyaad Allie'; 'Yena Gunguluzi'; 'Gunther.Frantz@westerncape.gov.za'; 'Rabia.Reynolds@westerncape.gov.za'; 'mercia.liddle@westerncape.gov.za'; 'info@bocma.co.za'; 'Nolutando Ndlumbini'; 'Elkerine Rossouw'; 'Cor.VanderWalt@westerncape.gov.za'; 'Brandon.Layman@westerncape.gov.za'; 'rvolschenk@odm.org.za'; 'Ron Brunings'; 'rsmart@capenature.co.za'; 'vhudson@capenature.co.za'; 'land.use@westerncape.gov.za'; 'donovanj@swellendam.gov.za'; 'juliusdonovan7@gmail.com'
Cc: 'paul@phsconsulting.co.za'
Subject: Notice of Public Participation: NEMA Section 24G Application for the unlawful clearance of indigenous vegetation, soil removal and development within a distance of 100m inland of the high-water mark of the estuary on portion 54 of farm 516, Infanta
Attachments: IAP Written Notice - P54 of Farm 516.pdf

Dear Interested and Affected Party,

Notice is hereby given of a Public Participation Process in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998; "NEMA"), as amended, and the Environmental Impact Assessment Regulations 2014, as amended. This process relates to a NEMA Section 24G application for the clearance of indigenous vegetation, soil removal and development within a distance of 100m inland of the high-water mark of the estuary on portion 54 of farm 516, Infanta. As this activity took place prior to the Applicant obtaining Environmental Authorisation, in terms of the applicable listed activities, this application is being undertaken to obtain *ex post facto approval* in terms of Section 24G of NEMA.

Interested and/or affected parties are welcome to register and lodge comments, queries or issues with PHS CONSULTING from Friday 3 April 2026 up to and inclusive of Wednesday 6 May 2026. Extension of the commenting period over public holidays has been allowed for.

Please find attached notification letter to all I&APs for further information on the public participation process.

A Pre-Application Draft Section 24G Report, EMPr and supporting information will be available on our website www.phsconsulting.co.za.

Please do not hesitate to contact me should you require additional information.

Should you not wish to comment please indicate by return email.

Regards
Olivia Venter
BSc Conservation Ecology
Candidate Natural Scientist (154065)
Candidate Environmental Assessment Practitioner (2023/6743)

PHS Consulting
Environmental, Heritage, Eco-Tourism and Land-Use
Cell: 076 849 5969

3.2.3. Proof of Communication to IAPs & Adjacent Landowners on 2 April 2026

OB

Olivia Brunings <olivia@phsconsulting.co.za>

↩ Reply

↩ Reply All

→ Forward

⋮

Thu 2026/04/02 16:05

To

○ 'Zaidah Toefy'; ○ 'Nabeelah Khan'; ○ 'Ziyaad Allie'; ○ 'Yena Gunguluzi'; ○ 'Gunther.Frantz@westerncape.gov.za'; ○ 'Rabia.Reynolds@westerncape.gov.za'; ○ 'mercia.liddle@westerncape.gov.za'; ○ 'info@bocma.co.za'; ○ 'Nolutando Ndlumbini'; ○ 'Elkerine Rossouw'; ○ 'Cor.VanderWalt@westerncape.gov.za'; ○ 'Brandon.Layman@westerncape.gov.za'; ○ 'rvolschenk@odm.org.za'; ○ 'Ron Brunings'; ○ 'rsmart@capenature.co.za'; ○ 'vhudson@capenature.co.za'; ○ 'land.use@westerncape.gov.za';

Cc

○ 'paul@phsconsulting.co.za'

Bcc

 IAP Written Notice - P54 of Farm 516.pdf
378 KB

Dear Interested and Affected Party,

Notice is hereby given of a Public Participation Process in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998; "NEMA"), as amended, and the Environmental Impact Assessment Regulations 2014, as amended. This process relates to a NEMA Section 24G application for the clearance of indigenous vegetation, soil removal and development within a distance of 100m inland of the high-water mark of the estuary on portion 54 of farm 516, Infanta. As this activity took place prior to the Applicant obtaining Environmental Authorisation, in terms of the applicable listed activities, this application is being undertaken to obtain *ex post facto approval* in terms of Section 24G of NEMA.

Interested and/or affected parties are welcome to register and lodge comments, queries or issues with PHS CONSULTING from Friday 3 April 2026 up to and inclusive of Wednesday 6 May 2026. Extension of the commenting period over public holidays has been allowed for.

Please find attached notification letter to all I&APs for further information on the public participation process.

A Pre-Application Draft Section 24G Report, EMPr and supporting information will be available on our website www.phsconsulting.co.za.

Please do not hesitate to contact me should you require additional information.

Should you not wish to comment please indicate by return email.

Regards
Olivia Venter
BSc Conservation Ecology
Candidate Natural Scientist (154065)
Candidate Environmental Assessment Practitioner (2022/6742)

3.2.4. Proof of USB delivered to the Department of Agriculture on 7 April 2026

**PROOF OF S24G REPORT USB FOR PUBLIC PARTICIPATION PROCESS FOR THE UNLAWFUL CLEARANCE OF
INDIGENOUS VEGETATION, SOIL REMOVAL AND DEVELOPMENT WITHIN A DISTANCE OF 100M INLAND
OF THE HIGH-WATER MARK OF THE ESTUARY ON PORTION 54 OF FARM 516, POTTEBERG ESTATES,
INFANTA**

DEA&DP Directorate Environmental Law Enforcement Ref: 14/1/1/E2/8/9/3/0894/24

DEA&DP Directorate Environmental Governance Ref : 14/2/4/1/E3/6/0002/26

Applicant: WABD Investments (Pty) Ltd

Application to obtain ex post facto approval to competent authorities, to undertake the following activities:

- EIA activities to DEA&DP:
 - NEMA LN 1 of 2014: Activity 19, Activity 19A and Activity 54
 - NEMA LN 3 of 2014: Activity 12

Commenting period: The pre-application draft S24G Report will be available for public comment from **3 April 2026** up to and inclusive of **6 May 2026**.

Department of Agriculture Provincial Government of the Western Cape Confirmation of Receipt on 7 April 2026:

Consultant Contact Information:



PHS CONSULTING (Attention: Amanda Fritz-Whyte)
Address: PO Box 1752, Hermanus, 7200
Tel: 028 312 1734; Cell: 072 630 8716 (Whatsapp)
Email: amanda@phsconsulting.co.za

3.3.Pre-Application IAP Registrations

Pre-App IAP Registrations PLEASE NOTE: THE CONTACT INFORMATION OF PRIVATE LANDOWNERS AND IAPS IS SUBJECT TO POPIA AND HAS BEEN REDEACTED FROM DOCUMENTS MADE AVAILABLE IN THE PUBLIC DOMAIN			
Contact Person	Stakeholder Organisation	Date of Comment	Email Address
Ron Brunings	Swellendam Municipality	9 April 2026 & 15 April 2026	rbrunings@swellendam.gov.za
Nabeelah Khan & Ziyaad Allie	DEADP Directorate Environmental Governance	14 April 2026	Nabeelah.Khan@westerncape.gov.za Ziyaad.Allie@westerncape.gov.za
Mercia Liddle	DEADP Directorate Biodiversity and Coastal Management	21 April 2026	Mercia.Liddle@westerncape.gov.za
Rulien Volschenk	Overberg District Municipality	6 May 2026	rvolschenk@odm.org.za
Rhett Smart	Cape Nature	7 May 2026	rsmart@capenature.co.za vhudson@capenature.co.za djula@capenature.co.za jburger@capenature.co.za
Vanessa Stoffels	Department of Infrastructure Chief Directorate: Road Planning	14 May 2026	Vanessa.Stoffels@westerncape.gov.za
Elkerine Rossouw	BOCMA	21 May 2026	erossouw@bocma.co.za CRautenbach@bocma.co.za nlesele@bocma.co.za

3.4.Comments Received during the Pre-Application PPP Phase

3.4.1. Email received from Swellendam Municipality dated 9 April 2026

Olivia Brunings

From: Ron Brunings <rbrunings@swellendam.gov.za>
Sent: Thursday, 09 April 2026 16:19
To: Olivia Brunings
Cc: Johannes Bothma
Subject: RE: Notice of Public Participation: NEMA Section 24G Application for the unlawful clearance of indigenous vegetation, soil removal and development within a distance of 100m inland of the high-water mark of the estuary on portion 54 of farm 516, Infanta

Dear Olivia

Please register the Swellendam Municipality as an Interested and Affected Party in this application. My name can be used as the contact person. The Municipality will look to lodge appropriate input within the commenting period.

Kindest Regards



Ron Brunings *Pr.Pln (A/794/1994)*

Senior Manager : Town Planning,
Building Control &
Environment (Directorate Planning &
Infrastructure Services)

Phone: +27 (0)28 514 8539

Fax: +27 (0)28 514 2694

E-mail: rbrunings@swellendam.gov.za

Web: <https://www.swellendam.gov.za>

Swellendam Municipality

P.O Box 20, Swellendam, 6740, Western
Cape,

The contents of this message and any attachments are intended solely for the use of the recipient and may be legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution of the contents of this e-mail transmission, or the taking of any action in reliance thereon or pursuant thereto, is strictly prohibited. If this message was sent to you in error, please notify the sender immediately by reply e-mail and then delete the message from your system to destroy any copies thereof. Opinions, conclusions and other information in this message may be personal to the sender and is not necessary the opinion, policy or intent of Swellendam Municipality and is therefore not endorsed by Swellendam Municipality. Due to e-mail communication being insecure, Swellendam Municipality does not guarantee confidentiality, security, accuracy or performance of the e-mail. Any liability for viruses is excluded to the fullest extent.

3.4.2. Letter received from Swellendam Municipality dated 15 April 2026



+27 28 514 8500

info@swellendam.gov.za

swellenmun

www.swellendam.gov.za

+27 28 514 2694

49 Voortrek Street, Swellendam | P.O Box 20, Swellendam 6740

Date: 15 April 2026
Enquiries: R. Brunings (rbrunings@swellendam.gov.za)
Ref: 15/1/1_EIA_516-54 (24G)

PHS CONSULTING (Attention Olivia Venter)
PO Box 1752
HERMANUS
7200

(e-mail: olivia@phsconsulting.co.za)

Dear Ms Venter

COMMENT: NEMA SECTION 24G APPLICATION FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL AND DEVELOPMENT WITHIN A DISTANCE OF 100M INLAND OF THE HIGH-WATER MARK OF THE ESTUARY ON PORTION 54 OF FARM 516, POTTEBERG ESTATES, INFANTA

1. Your communication dated 30 March 2026 in the above regard refers. Thank you for the opportunity to comment.
2. Portion 54 of the farm Potteberg Estates No.516 is located within the Swellendam municipal area and is as such also subject to various applicable municipal legislation. Key in this regard would be the Swellendam Municipality By-law on Municipal Land Use Planning (2020) and the Swellendam Integrated Zoning Scheme By-law (2020). The National Building Regulations and Building Standards Act 1977 (Act 103 of 1977), read together with the Swellendam By-law relating to the Submission of Building Plans, 2019, is also applicable.
3. Portion 54 of the farm Potteberg Estates No.516 is zoned Agricultural Zone. According to our records, the property has no allocated Consent Use or Departure authorization. Also, and most importantly, there are no approved building plans for the property on file – unless the registered owners can provide same for our edification. Moreover, the Municipality has no current (proposed) building plans for consideration for the applicant property. This begs the question, why was the additional clearing, levelling and compacting initiated by the current owner, knowing full well that no building plans had yet been prepared, lodged and / or authorized? The lodging and approval of building plans is a requirement in terms of national legislation. All landowners ought to be fully aware of this, and if not the owner themselves, the appointed architect or draftsman. Said architect / draftsman (if indeed appointed) would also have pointed out the environmental / floodline issues well prior to any clearing / excavation, in other words before the (obvious) damage was done. Given all the above, it is considered quite possible that the illegal clearing, excavation and compaction was pre-arranged. It is also likely that additional unauthorized building works would have been conducted, had the current environmental process not been initiated. The relatively large number of water tanks already accommodated on the cleared property, relative to the size of the existing dwelling house, provides further impetus to this position.

4. Given the aforementioned, it ought to be formally established whether or not the groundworks contractor did in fact operate outside of the agreed-to scope of works, as it speaks to intent. Earthworks machinery runs at a significant cost per hour, a professional contractor would surely have confirmed the final extent of work prior to commencement. The extent of the transgressions is also not insignificant and should therefore not be reduced to a simple mistake and / or a miscommunication, between the property owner and the contractor. It would be of immense value to this investigation if formal input from the relevant earthworks contractor could be secured to confirm or deny the statements being made.
5. Further, whilst the Section 24G application is considered thorough, it would be useful to know how many actual cubic metres of marsh and soil was removed / excavated. This quantum would serve to illustrate more tangibly the material extent of the transgression, rather than the fact that the minimum volumes in terms of the NEMA triggers have been exceeded.
6. Finally, I am satisfied that the environmental elements of the transgression have been adequately evaluated, and that appropriate mitigation measures have been proposed. However, as the old adage goes "ignorantia juris non excusat" (ignorance of the law is no excuse / not a defense). It is this Administration's opinion that additional non-compliances would likely have occurred on site had there not been intervention by the authorities. A strong message needs to be sent to landowners via this process that they must undertake comprehensive, professional-led due diligence processes well prior to any on-site actions, and more particularly so in this environmentally sensitive environment.
7. Feedback on the above would be much appreciated.

Yours faithfully

pp
A. VORSTER
MUNICIPAL MANAGER



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

Nabeelah Khan
Rectification

24G APPLICATION: 14/2/4/2/2/E3/6/0010/26

Receipt of Application Acknowledgement

The Managing Director
WABD Investments (Pty) Ltd
Blomvlei Road
NERISSA ESTATE
7780

Email: warwick@alu-cab.co.za

Attention: Warwick Leslie

ACKNOWLEDGEMENT OF RECEIPT OF THE SECTION 24G APPLICATION: THE UNLAWFUL CLEARING OF THE INDIGENOUS VEGETATION PORTION 54 OF FARM POTTEBERG ESTATES 516, INFANTA

The documentation received by this Department, is hereby acknowledged.

1. The Department will consider the information in respect of the application and advise you accordingly.
2. Please be advised that in terms of section 24G of the *National Environmental Management Act, 1998 (Act 107 of 1998)* ("NEMA") an applicant is required to pay an administrative fine which may not exceed R5 million, prior to a decision being taken on the 24G application.
3. In terms of the Section 24G Fine Regulations 2017, Regulation 6(4) "In the event that the applicant fails to pay the fine within the time period specified in the determination, including any extension thereof in accordance with sub regulation (2)(b), the application shall lapse and partial amounts paid to the competent authority, if any, will not be refunded to the applicant".
4. Please be reminded that it is an offence in terms of Section 49A (1) (a) of the *National Environmental Management Act, 1998 (Act 107 of 1998)* ("NEMA") for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of said activity. A person convicted of an offence is liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment, in terms of Section 49B of NEMA.
5. Kindly quote the abovementioned reference number in any future correspondence in respect of this application

Mrs Z Toefy
Head of Rectification
Directorate: Environmental Governance

CC: (1) Ziyaad Allie (DEA&DP: Rectification)
(2) Olivia Venter (EAP)

Email: ziyaad.allie@westerncape.gov.za

Email: olivia@phsconsulting.co.za

www.westerncape.gov.za

Department of Environmental Affairs and Development Planning



3.4.4. Letter received from DEADP Directorate Biodiversity and Coastal Management dated 21 April 2026



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

Mercia Liddle

Biodiversity and Coastal Management

Mercia.Liddle@westerncape.gov.za | Tel: 021 483 4627

DEA&DP Reference: 14/2/4/1/E3/6/0002/26

CMU Reference: 17/1/8(CMU 033/2026)

The EAP
PHS Consulting
P.O. Box 1752
HERMANUS
7200

Attention: Ms Olivia Venter

Tel: 028 312 1734

Email: olivia@phsconsulting.co.za

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE NEMA SECTION 24G APPLICATION FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL AND DEVELOPMENT WITHIN A DISTANCE OF 100M OF THE HIGH-WATER MARK OF THE ESTUARY ON PORTION 54 OF FARM 516, POTTEBERG ESTATES, INFANTA.

Good Day,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned NEMA Section 24G Application received on 2 April 2026, refers.

1. CONTEXT

- 1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".

- 1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The Western Cape Provincial Coastal Management Programme ("WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and available upon request.
- 1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans.
- 1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC: PCMP 2022-2027. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.

2. COMMENT

- 2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:
 - 2.1.1. The abovementioned Section 24G application was submitted to obtain retrospective Environmental Authorisation for development activities undertaken on Portion 54 of Farm 516, Potteberg Estates, Infanta. Historically the site has been used for residential purposes and the current owner intends to continue this residential use through the expansion of the existing main dwelling and the construction of a caretaker's cottage on Farm 54/516, Infanta. Unlawful clearing of indigenous vegetation, excavation and development within 100m from the estuary has taken place without the required Environmental Authorisation. The following activities are linked to the unlawful works on site and form part of the application:
 - 2.1.1.1. Proposed additions to the existing main dwelling within Footprint 1
 - 2.1.1.2. No development is planned for Footprint 2 and the area will be rehabilitated to restore its ecological function.

- 2.1.1.3. Landscaping with primary indigenous vegetation within all undeveloped disturbed portions of Footprints 1 and 3.
- 2.1.2. Be advised that on page 20 of the S24G Application, the applicant stated that the NEM: ICMA is not applicable to this application. This assertion is incorrect as Farm 54/516 is partially within the Coastal Protection Zone (CPZ), as contemplated in Section 16 of the NEM: ICMA. The applicant further confirmed, on pages 35-44 of the application, that Footprints 1 and 2 are indeed located within the CPZ.
- 2.1.3. The purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to safeguard people and property against risks associated with dynamic coastal processes, including sea level rise. In light of the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be taken into account where an authorisation is required in terms of Chapter 5 of the NEMA. In addition, Section 62 of the NEM: ICMA places an obligation on all organs of state responsible for regulating land-use planning to apply such legislation in a manner that gives effect to the purpose of the CPZ. Accordingly, the relevant provisions of the NEM: ICMA, including Section 63 must be duly considered by the competent authority and the relevant local authority in the exercise of their environmental authorisation and land use planning functions in respect of the subject property.
- 2.1.4. As per page 36 of the application, the relevant portion of Farm 54/516 is situated seaward of the Overberg District's Coastal Management Line ("CML"). The technical delineation of the CML was undertaken to ensure that development within the coastal zone is regulated in a manner that is responsive to risks, vulnerabilities and environmental sensitivities associated with such areas. In this regard, the delineation of the CML was informed by various layers of information, including inter alia, biodiversity considerations, estuarine functionality, flood risk, and wave run-up modelling, and was developed in consultation with, and supported by, relevant organs of state. The principal purpose of the CML is to protect coastal public property, private property, and public safety; to protect the coastal protection zone; and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the effects of climate change, as it involves both the quantification of risks and pro-active planning for future development.
- 2.1.5. Furthermore, all clearance Footprints on Farm 54/516 is located within the Rural Risk Zone and a precautionary approach should be applied in such areas as they are vulnerable to risk of flooding. The SD: CM noted that the applicant has in this regard situated the development on an elevated part of the landscape and stated that no new infrastructure will be proposed within the 1:100-year floodline

- 2.1.6. The applicant should note that in terms of the Departmental Circular, DEA&DP 0004/2021, regarding *'The consideration of coastal risk in land use decisions as well as the way forward with respect to the establishment and implementation of Coastal Management Lines in terms of the NEM: ICMA'*, a precautionary approach must be adopted with respect to land use decisions within risk areas. Although the applicant has made efforts to elevate the development within the Rural Risk Zone, the SD: CM generally does not support any development within this sensitive zone as per the Departmental Circular, as all developments are encouraged to be outside the Rural Risk Zone.
- 2.1.7. The Pre-Compliance and Pre-Directive issued on 30 June 2025 for Farm 54/516, is therefore supported by the SD: CM as the subject area is located within the CPZ and Section 63 of the NEM: ICMA was not considered for the existing developments and activities.
- 2.1.8. Farm 54/516 is located adjacent to the Breede River estuary and in close proximity to its Estuarine Functional Zone (EFZ). The SD: CM notes that the applicant has considered the Breede River Estuary Management Plan and identified the EMP's management objectives applicable to the proposal and emphasised that no new infrastructure is proposed within EFZ as the development is situated on elevated ground, limiting the potential risks to estuarine processes and supporting the IDP's biodiversity conservation objectives.
- 2.1.9. Based on the information provided, with the applicant's attempt to rectify the development by aligning it with the recommendations of the DEA&DP 0004/2021 Circular, ensuring no new developments are proposed within the EFZ or seaward of the CML, the SD: CM does not object to the Section 24G application for Farm 54/516 Infanta, provided that all the above mentioned items are taken into consideration and all recommended mitigation measures are strictly adhered to.
- 2.1.10. Be advised that the SD: CM does not condone developments seaward of the CML, in the EFZ or within General/Rural Risk Zones and the applicant should note that any future developments within these vulnerable zones on Farm 54/516, will not be supported by the SD: CM based on the above.
3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."* together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.

4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.

Yours faithfully

leptieshaam Bekko
CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT
DATE: 21 April 2026

OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

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

Navrae/Enquiries:

Bylyn/Ext.:

Francois Kotze

Privaatsak: X22

Private Bag:
BREDASDORP
7280

Tel.: (028) 4251157

Faks/Fax: (028) 4251014

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

05 May 2026

PHS CONSULTING

P.O Box 1752

HERMANUS

7200

For attention: Olivia Venter

RE: PUBLIC PARTICIPATION PROCESS FOR A NEMA SECTION 24G APPLICATION FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL AND DEVELOPMENT WITHIN A DISTANCE OF 100M INLAND OF THE HIGH-WATER MARK OF THE ESTUARY ON PORTION 54 OF FARM 516, POTTEBERG ESTATE, INFANTA.

DEA&DP: LAW ENFORCEMENT - 14/1/1/E2/8/9/3/0894/24

DEA&DP: ENVIRONMENTAL GOVERNANCE - 14/2/4/1/E3/6/0002/26

The Environmental Management Services Department of the Overberg District Municipality take cognisance of the S24G Report for the unlawful clearance of vegetation on portion 54 of the farm 516 for the upgrade of existing structures and construction of new infrastructure.

In terms of Section 28 of the National Environmental Management Act (Act No. 107 of 1998), the property owner bears a legal duty of care to take reasonable measures to prevent, minimize, and rectify environmental degradation. This obligation applies irrespective of whether environmental authorisation has been granted.

Based on the Western Cape Biodiversity Spatial Plan of 2023 the cleared areas falls within Critical Biodiversity Areas. With reference to the Overberg District Municipality's Spatial Development Framework of 2022, CBAs is classified as Core 2 under the Spatial Planning Categories. These areas must be maintained in a natural or near-natural state, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land-uses are appropriate..

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

Accordingly, the mitigation measures proposed in the specialist studies and Environmental Management Programme (EMPR) are supported. Priority should be given to the rehabilitation of highly sensitive ecological areas and the prevention of further ecological degradation.

As per the National Environmental Management: Biodiversity Act of 2004 as well as the Conservation of Agricultural Resources Act of 1983, each landowner is responsible for the management of invasive species on their properties. The alien vegetation management plan as proposed in the EMPR are supported.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'E. Phillips', written over a horizontal line.

E. PHILLIPS
ACTING MUNICIPAL MANAGER

3.4.6. Letter received from the Cape Nature dated 7 May 2026



CONSERVATION INTELLIGENCE: SOUTH

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
physical 16 17th Avenue, Voëlklip, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/7/3/516-54_S24G dwelling_Infanta
date 7 May 2026

PHS Consulting
P.O. Box 1752
Hermanus
7200

Attention: Olivia Venter
By email: olivia@phsconsulting.co.za

Dear Ms Venter

**Draft NEMA Section 24G Report for Unlawful Expansion of Dwellings on
Portion 54 of Farm Potteberg Estates 516, Infanta
(DEA&DP ref: 14/1/1/E2/8/9/3/0894/24)**

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments.

Desktop Information

The unlawful activities undertaken constituted clearing of three area of indigenous vegetation for a garage (Footprint 1), pump room (Footprint 1) and caretaker's cottage (Footprint 3). The purpose for clearing Footprint 2 is not provided and clarification should be provided in this regard.

The footprints are mapped as Critical Biodiversity Area 1 (CBA) in the 2023 Western Cape Biodiversity Spatial Plan (BSP), except part of Footprint 1 which is No Natural. The report states that the clearing took place in February 2024, which was prior to the adoption of the 2023 BSP, therefore the 2017 BSP would have been relevant. The mapping for the 2017 BSP is the same except that Footprint 1 is mapped as Ecological Support Area 2 (ESA).

The vegetation mapped for the footprints is Potberg Ferricrete Fynbos, listed as critically endangered. Footprint 2 and the lower end of Footprint 1 are located within the estuarine functional zone (EFZ) of the Breede River Estuary as mapped in the National Wetland Map (NWM) and the upper end of Footprint 1 is located within a floodplain wetland. Footprint 2 is located within the 1 in 50 and 1 in 100 year floodlines for the Breede River Estuary and there is encroachment of Footprint 1 into the floodlines. Footprint 2 is located in front of the

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coastal management line (CML) and within the coastal protection zone (CPZ), while Footprint 1 is within the CPZ but behind the CML.

The results from the screening tool reveal very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species. The site sensitivity verification report indicates that the terrestrial biodiversity, animal species and plant species themes are dealt with in a botanical and faunal impact assessment and the aquatic biodiversity theme is dealt within in a freshwater assessment.

Botanical and Faunal Assessment

The botanical and faunal assessment confirms that the vegetation occurring over most of the property is Potberg Ferricrete Fynbos. The vegetation which would have occurred on Footprint 1 and 3 is confirmed to have consisted of intact Potberg Ferricrete Fynbos based on the vegetation in the immediate surroundings. Four plant species of conservation concern (SCCs) were recorded for Footprint 3, one of which was also recorded at Footprint 1. The BSP mapping for Footprint 1 is queried. We wish to note that the resolution of the BSP is not accurate to the scale of the footprints which were cleared, and based on interpretation of the mapping, the No Natural areas on site are the buffers from existing roads (including those which may no longer be used).

The vegetation occurring at Footprint 2 is however confirmed to be estuarine saltmarsh, which although does not correlate with the National Vegetation Map, is consistent with the NWM. The vegetation is dominated by typical salt tolerant species, and the habitat is addressed in the freshwater assessment.

A separate detailed fauna assessment was not undertaken, however any fauna observed on site during the botanical fieldwork were recorded and the likelihood of faunal SCCs flagged in the screening tool was assessed. Due to the small size of the disturbance footprints, we support the approach. It states that eight bird species were flagged in the screening tool, of which seven are expected to be present in or close to these areas. The exception stated is the Caspian Tern (*Hydroprogne caspia*), however the Footprint 1 and 2 are close to the estuary where this species is confirmed to be present (SSI Environmental et al 2025; CWAC counts¹). It is further noted that the screening tool report provided as Appendix M1 only includes seven bird species. We further wish to query the presence of suitable habitat on site for the African Finfoot (*Podica senegalensis*).

Two invertebrate species are discussed which could have a more localised distribution and home range compared to the bird species, although the footprints are still considered to be small relative to surrounding intact habitat. Only one of these invertebrates is listed in the screening tool report in Appendix M1.

¹ <https://cwac.birdmap.africa/sites.php?sitecode=34212042>

The botanical conservation value, combining the terrestrial biodiversity and plant species themes is rated as medium-high for Footprints 1 and 3 and medium for Footprint 2. Several impacts on habitat, threatened plant species and fauna are identified for both the construction and operational phase, all of which are low-medium negative or less both prior to and after mitigation. The overall botanical impacts are rated as low-medium significance both before and after mitigation and the faunal impacts are rated as low significance before and after mitigation.

There is a section listing required mitigation measures which includes management of alien invasive plant species with specifications regarding the methodology and reporting/monitoring, no further soil disturbance, no landscaping around the caretaker's cottage and a stewardship agreement with CapeNature for the property. The proposed mitigation measures are supported and agreed that it should be required mitigation.

Section 8 of the Environmental Management Programme (EMPr) constitutes an Alien Invasive Plant Management Plan which incorporates the recommendations provided in the botanical and faunal assessment. With regards to the prohibition of alien invasive Kikuyu grass (*Cenchrus clandestinus*) for landscaping, we wish to query the grass species which has been already used for landscaping around the main dwelling. The footprint cleared around the main dwelling is much larger than the requirements for the proposed additional buildings/structures and is therefore likely to be for the purposes of a garden based on the photographs. Due to the sensitive location and proximity to high conservation value terrestrial and aquatic habitats we recommend that the landscaping species list must be approved by the botanist, whereby any species which are not locally indigenous and potentially invasive should not be permitted.

We note in the final sentence of the conclusions the report refers to the recommendation of no fine/penalty and hence the alien clearing costs are acceptable. We recommend that a response is required in terms of the Regulations Relating to the Procedure to be Followed and Criteria to be Considered when Determining an Appropriate Fine in terms of Section 24G (GG 40994, GN 698, 20 July 2017). If required, the botanical and faunal assessment should be amended accordingly.

Freshwater Assessment

The freshwater assessment includes a delineation of the aquatic features on site, consisting of the estuarine wetland and the unchannelled valley bottom wetland. We wish to query if freshwater assessment is an accurate term for an assessment of estuarine features and recommend it should either be termed an aquatic ecosystem assessment or freshwater and estuarine assessment. The NWM and BSP are referenced and confirmation is provided that the floodplain wetland is not present and the footprint of Footprint 1 is not located within a wetland. Footprint 2 is however located within the unchannelled valley bottom wetland.

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There is additionally a stream which terminates in the unchannelled valley bottom wetland. Footprint 3 is located approximately 60 m from the stream.

Two aquatic habitats are identified, namely floodplain saltmarsh and Breede River EFZ. The floodplain saltmarsh occurs within the unchannelled valley bottom wetland and encroaches partly into the estuarine wetland, with the remainder of the estuarine wetland occupied by Breede River EFZ. The description of the floodplain saltmarsh correlates with the botanical and faunal assessment description of estuarine saltmarsh habitat. The fauna which utilise the saltmarsh habitat are mentioned, however it requires further emphasis, particularly for bird species, including migratory waders. The saltmarsh and other estuarine habitat could be considered as the most important faunal habitat on site.

The description of the EFZ refers to the Breede River Estuarine Management Plan (EMP) (SSI Environmental et al 2025). It does not however describe the habitat. We note that Figure 18 of the EMP indicates the estuary habitats with the subject property mainly mapped as reeds and sedges with a patch of floodplain saltmarsh in the higher up sections of the stream. We note that the photographs in the freshwater assessment indicate reedbeds to the north of the jetty boardwalk and salt marsh to the south. The floodplain saltmarsh is partly within the EFZ as per the standard 5 m contour proxy and the floodlines, and further the term floodplain indicates that the primary source of water is from the estuary. The estuarine hydrology would explain the saline habitat, although the seasonal/ephemeral rivers in the area emanating from shale geology can also result in saline habitat. We therefore recommend that the Breede River EFZ is not a valid estuarine habitat, partly because a large proportion of the floodplain saltmarsh would also fall under the definition of the EFZ as currently understood.

The present ecological state (PES) for the floodplain saltmarsh and for the EFZ are both B/C and the ecological importance and sensitivity (EIS) is moderate for the floodplain saltmarsh and very high for the EFZ. Several impacts are identified broadly under the topics of loss of biodiversity and water quality and sedimentation impacts, during the construction and operational phases. The impacts during the construction phase are rated as low prior to mitigation and very low to negligible after mitigation while the impact during the operational phase are rated as medium prior to mitigation and low after mitigation. The operational phase impacts take into account the cut and fill which was undertaken to create a level platform for the additional buildings/structure and garden and the relatively steep slopes at the edge of the platform which presents a risk of erosion and sedimentation.

Key mitigation measures include restriction of activities to the existing disturbance footprint, rehabilitation of disturbed areas including Footprint 2, clearing of invasive alien species, buffer zones from the saltmarsh and EFZ and prevention of erosion and sedimentation. The proposed mitigation measures are supported.

Section 7 of the EMPr constitutes a wetland rehabilitation plan. The mitigation measures for the 20 m buffer for the salt marsh and 30 m buffer from the EFZ includes no vehicle access

outside of existing roads. We do not support this proposed measure and instead recommend that there is no vehicle access permitted within the delineated wetland areas and that the roads beyond the existing labourer's cottage (as per the layout plan) must be decommissioned and rehabilitated where necessary. The presence of roads/tracks traversing the saltmarsh are visible on the aerial imagery. While roads did not form part of the transgressions in this application, it is evident that the existing roads have had a negative impact on the estuarine habitat over time and therefore prohibition of access and rehabilitation could have a positive impact compared to the current condition. The area which will be rehabilitated in terms of the wetland rehabilitation plan must be clearly delineated on a map, and we recommend a monitoring and auditing schedule must be included which must be approved by the competent authority and preferably also provided to CapeNature for comment.

We recommend that the rehabilitation plan should also encompass Footprints 1 and 3 and provide specifications for rehabilitation, landscaping and stabilisation of the platform slopes, as also discussed under the botanical and faunal assessment.

General

The floodlines as discussed above are included in the layout plan for the development proposal, which provide evidence that all buildings and structures will be located above the 1 in 100 year floodline. The CML which functions as a setback in terms of the National Environmental Management: Integrated Coastal Management Act (NEM:ICMA) is in front the floodlines and therefore the development proposal is compliant with the CML. With regards to the jetty and lengthy boardwalk on the property, we can confirm that there are an existing environmental authorisation and Sea Shore Lease in place.

We wish to raise concern regarding the discrepancies in the depiction of the area which was cleared. The layout plan in Appendix B1 provides a more accurate depiction of the area which was cleared indicated by the areas which are shaded in brown. This can be confirmed when cross-referenced with the historical Google Earth imagery. The area indicated in Appendix B2 only includes a portion of the area cleared on Footprint 1. We request that the layout plan as indicated in Appendix B1 is overlaid on the Google Earth image dated May 2024 subsequent to the undertaking of the activities. It must be ensured that the area cleared is accurately calculated as this has an outcome on the application.

The recommendation in the Botanical and Faunal Assessment regarding stewardship is supported and has also been included within the NEMA S24G Report as a proposed mitigation measure and further states that the applicant is willing to undertake stewardship. The properties located between De Hoop Nature Reserve and the Breede River Estuary is a protected area expansion focus area for CapeNature, although the largest properties are prioritized. We further wish to note that there have been proposals for multiple property protected areas (Protected Environment) within this area and conservation partners assisting

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with protected area expansion. We therefore recommend that CapeNature can be contacted to discuss stewardship further, following which the site would need to be presented at the CapeNature Stewardship Review Committee Meeting. We further wish to note that many of the operational management measures included in this application, such as alien clearing and rehabilitation can be addressed in a stewardship agreement.

Conclusion

In conclusion, CapeNature agrees with the recommendations provided in NEMA Section 24G application, however we recommend that the following must be addressed before the application is considered further:

- The exact area which was cleared must be accurately calculated and depicted on a map as per the discussion above.
- The wetland rehabilitation plan must be amended to include the closure and rehabilitation of roads within the wetland and EFZ and the disturbance footprints around the dwellings.
- Clarification must be provided regarding the wetland types and wetland/estuarine habitats as described in the freshwater assessment.
- Clarification must be provided regarding the recommendations and administrative fine as mentioned in the botanical and faunal assessment.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Regards

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

cc. Dumisane Jula, CapeNature

References:

SSI Environmental, Royal HaskoningDHV & DEA&DP. 2025. Draft Revised Breede River Estuarine Management Plan 2025

3.4.7. Letter received from the Chief Directorate Roads Planning dated 14 May 2026



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: DOI/CFS/RN/LU/REZ/SUB-27/150 (Application No: 2026-04-0059)

PHS Consulting

PO Box 1752

HERMANUS

7200

Attention: Ms O Brunings

Dear Madam

**PORTION 54 OF FARM THE POTTEBERG ESTATES NO.516, SWELLENDAM: NEMA SECTION 24G
APPLICATION FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION, SOIL REMOVAL
AND DEVELOPMENT WITHIN 100M INLAND OF THE HIGH-WATER MARK OF THE ESTUARY**

1. Your e-mail to this Branch dated 01 December 2025 refers.
2. The subject property is located 15km north-west of Infanta and takes access off a private road.
3. This Branch offers no objection to the issuing of Environmental Authorisation in terms of the National Environmental Management Act 107 of 1998.

Yours Sincerely

DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 6 MAY 2026

3.4.8. Letter received from the BOCMA dated 21 May 2026



BREEDDE-OLIFANTS
CATCHMENT MANAGEMENT AGENCY

T. 023 346 8000

E. info@bocma.co.za

W. www.breeddegouritzcma.co.za

A. Corner Mountain Mill & Eastlake Road.
Worcester, Western Cape.
South Africa 6850

Enquiries: erossouw@bocma.co.za

Ref: 4/10/3/H70K/POTTEBERG ESTATES, 516/54 SWELLENDAM

PHS Consulting
PO Box 1752
HERMANUS
7200

E-mail: olivia@phsconsulting.co.za

Attention: Adel Groenewald

COMMENTS: APPLICATION FOR NEMA SECTION 24G RETROSPECTIVE APPROVAL FOR THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION FOR THE ESTABLISHMENT OF DWELLINGS ON PORTION 54 OF THE FARM POTTEBERG ESTATES NO. 516, SWELLENDAM

The Breedde-Olifants Catchment Management Agency (BOCMA) has received the request for comment on documents dated 7 April 2026 and older with relation to the subject matter.

BOCMA through their Control, Monitoring and Enforcement unit, has assessed the information provided and conducted site visits to confirm the impact on the Water uses in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998).

After the aforementioned site visit, and the recommendation from the CME unit, BOCMA will support the Section 24G application, subject to the following conditions:

1. The BOCMA confirms that the activities are not within the Regulatory area of the Breede River.
2. The property will develop an alien clearing and rehabilitation programme for the unnamed tributary for implementation over a period of 3 years, that aligns with the prescribed Alien Clearing and Rehabilitation protocols used by the Zonderend WUA.
3. No development may be taking place without the necessary confirmation if conducted outside of the footprint of the existing application.
4. Proof from the Municipality or contractor responsible for pumping the wastewater of the conservancy tank used for the disposal of sewer water must always be available on-site.
5. A detailed stormwater management plan for the property that mitigates impacts on the unnamed tributary located on the property and the Breede River, should be developed.
6. Jetties or any structure that will be erected near the river should be authorised before being constructed.
7. The documents must be forwarded to the Breede River Estuary Forum for comments.

General Conditions:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- Stormwater management must be addressed both in terms of flooding, erosion and pollution potential.
- No stormwater runoff from any premises containing waste, or water containing waste may be discharged into a water resource. Polluted stormwater must be contained.



- In the event of water abstraction from any water resource, the necessary authorisation must be obtained from the Department of Water and Sanitation.
- Please note that engaging in any activity that triggers the National Water Act without authorisation is an offence and will result in the BOCMA taking legal action against the proponent in terms of Section 151 of the National Water Act, 1998 (Act 36 of 1998).

This office reserves the right to amend and revise its comments as well as to request any further information. Please do not hesitate to contact this office if you have any further queries. Please ensure to quote the above reference in doing so.

Yours faithfully,

JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)