



APPENDIX J2 - PRE-DIRECTIVE (30 JUNE 2025)

Prepared by: Department of Environmental Affairs and Development
Planning



REFERENCE: 14/1/1/E2/8/9/3/0894/24

ENQUIRIES: Yena Gunguluzi

BY EMAIL: warwick@alu-cab.co.za

WABD Investments (Pty) Ltd

Mr Warwick Leslie

Portion 54/516 of Farm Potteberg Estates

Infanta

5800

PRE-DIRECTIVE

Dear Mr Warwick Leslie (In your capacity as a director)

INTENTION TO ISSUE A DIRECTIVE IN TERMS OF SECTION 28(4) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

1. During an investigation into allegations of pollution and/or degradation of the environment a site inspection was conducted at Portion 54/516 of Farm Potteberg Estates by an Environmental Management Inspectors from the Department's Directorate: Environmental Law Enforcement on 18 February 2025, and it was confirmed that you have cleared indigenous vegetation and development within a distance of 100m inland of the high-water mark of the estuary.

34°22'43.60"S 20°42'58.37"E



Aerial map 1: Location of alleged illegal activity.



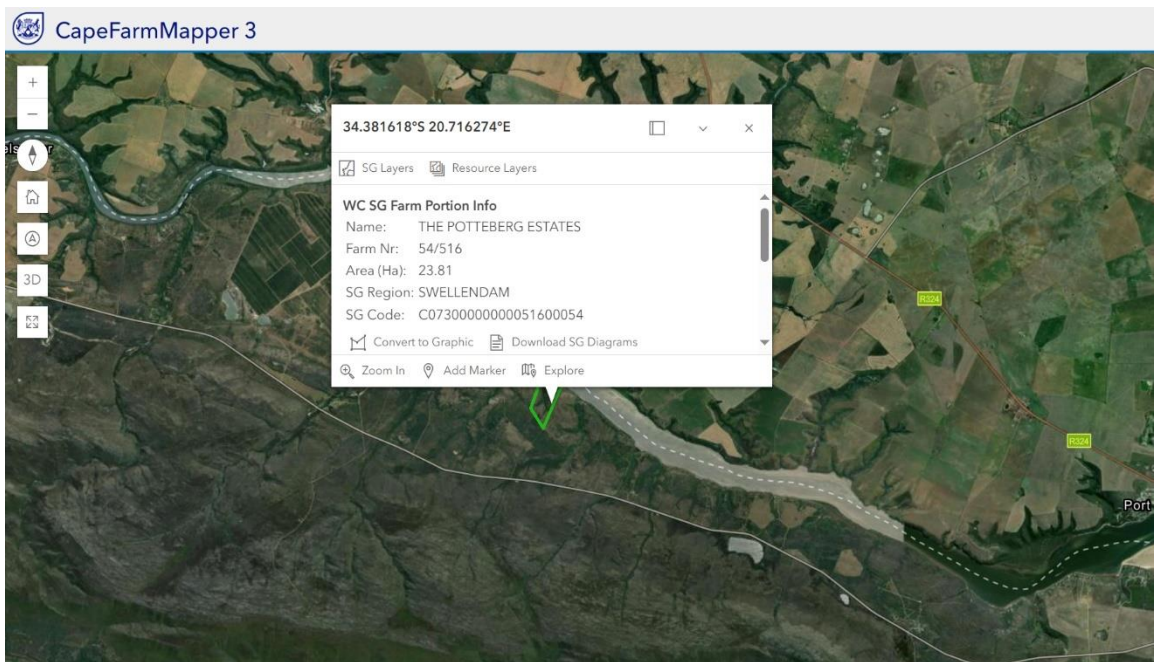
Aerial map 2: Location of alleged illegal activity November 2023.



Aerial map 3: Location of alleged illegal activity May 2024.



Aerial map 4: Location of the property in relation to nearest town



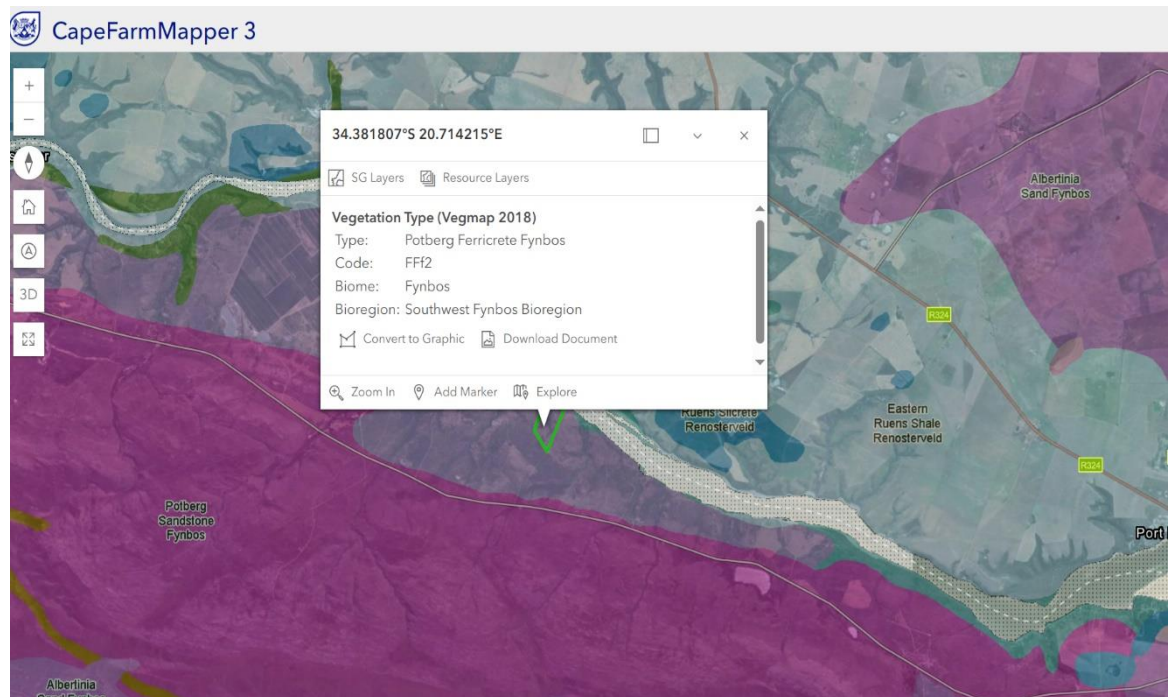
Aerial map 5: SG code and property details on Cape Farm Mapper.



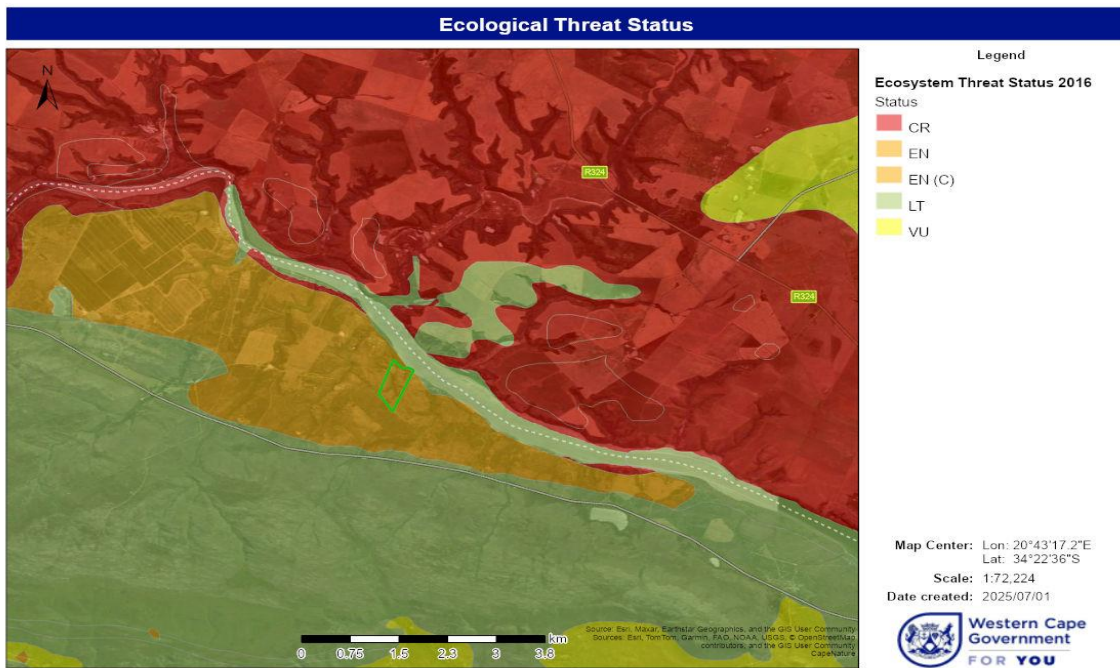
Aerial map 6: Location of property in relation to freshwater resources.



Aerial map 7: Location of property in relation to water resources, showing estuarine functional zone and floodplain wetland.



Aerial map 8: Vegetation type on the property is Potberg Ferricrete Fynbos.



Aerial map 9: Ecosystem Threat Status of the vegetation located on the property.

2. Section 28(1) of the National Environmental Management Act, 1998 (“NEMA”) provides 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.

3. On considering the evidence before me there are reasonable grounds to believe that you have caused significant pollution or degradation of the environment and that you have not taken reasonable measures to prevent such pollution and/or degradation from continuing.



Photo 1: View of the expansion area adjacent to the existing dwelling where there was clearing of indigenous vegetation and excavation into the slope.



Photo 2: Alternate view of the site showing the existing dwelling and cleared areas located to the east and west of the dwelling.



Photo 3: Visible clearing down the slopes of the site.

4. In terms of section 49A(1)(e) or (f) of the NEMA it is an offence to unlawfully and intentionally or negligently commit any act or omission which causes significant pollution or degradation of the environment or is likely to cause significant pollution or degradation of the environment.
5. As such, you are hereby given notice of the Department's intention to issue you with a Directive in terms of section 28(4) of the NEMA, which will direct you to:
 - 5.1 investigate, assess and evaluate the impact on the environment;
 - 5.2 inform and educate employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing significant pollution and/or degradation of the environment;
 - 5.3 cease, modify or control any act, activity or process causing the pollution or degradation;

- 5.4 contain or prevent the movement of pollutants or the cause of the degradation;
 - 5.5 eliminate any source of the pollution or degradation;
 - 5.6 remedy the effects of the pollution or degradation; or
6. In terms of section section 49A(1)(g) of the NEMA failure to comply with a Directive is an offence.
 7. A person convicted of the above offences is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.
 8. You are afforded a period of **7 (seven) calendar days** from the date of receipt of this Pre-Directive to make written representations to the Department as to why a Directive should not be issued.
 9. Should you inform the Department, in respect of paragraph 8 above that you intend to remedy the pollution and/or degradation, you must submit to the Department for approval, **within 30 (thirty) calendar days** of receipt of this Pre-Directive, a rehabilitation plan compiled by a suitably qualified and experienced independent environmental assessment practitioner, which must include the following:
 - 9.1 assessment and evaluation of the impact on the environment; and
 - 9.2 identification of proposed remedial and/or mitigation measures.

10. If the above plan is approved by the Department, you will be obliged to take the necessary remedial / mitigation measures at your own cost.



Mr A. Bassier

Director: Environmental Law Enforcement

Date: 30/06/2025

Cc: Angie Leslie [WABD Investments (Pty) Ltd]

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