CONSERVATION INTELLIGENCE: LANDSCAPE CENTRAL

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reference SSD14/2/6/1/7/4/82-22_S24G_Ind_Klipfontein_Villiersdorp
date **15 Augustus 2025**

Naadiya Wookey
Department of Environmental Affairs and Development Planning
Section 24 G (Rectification) Directorate
1 Dorp Street, Cape Town City Centre
Cape Town
8000

By email: Naadiya.Wookey@westerncape.gov.za

Dear Ms Wookey

RE: Unauthorized Clearing of Indigenous Vegetation on Portion 22 of Farm 82 Klipfontein, Vyeboom, Villiersdorp
DEA&DP Ref: 14/1/1/E2/9/9/3/0845/24

CapeNature would like to thank you for the opportunity to comment on this Section 24 G application. Please note that our comments pertain primarily to impacts on biodiversity and not to the overall desirability of the project.

Desktop Information

1. According to the South African Vegetation Map (2018), the area surrounding the site supports Elgin Shale Fynbos and patches of Kogelberg Sandstone Fynbos (to the South-west of the property), both listed as Critically Endangered vegetation types as well as wetland areas.

2. The site is situated within a Critical Biodiversity Area (CBA 2: Degraded), according to the 2023 Biodiversity Spatial Plan (BSP). CBA2 include areas that may be degraded or secondary condition but are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. The CBA is mapped due to presence of the threatened vegetation types and for Water Source Protection (Breede River) and it is essential that these areas are maintained in a natural or near-natural state, with no further loss of natural habitat; degraded areas should be rehabilitated, and only low-impact, biodiversity-sensitive land-uses are appropriate.

   The delineated natural NFEPA wetland area corresponds to the Aquatic Critical Biodiversity Area (CBA1) previously mapped in the 2017 BSP, which can be seen on Cape Farm Mapper (See Figure 1 below). Additionally, the site falls within a Strategic Water Source Area (SWSA) for Surface Water (Boland) and Groundwater (Southwestern Cape Ranges).

Historical Activities & Background

3. The history of the site dates back to 2017 - there was unlawful digging of trenches on the property which was reported by CapeNature end of July 2017. The site investigation in August 2017, subsequent to the digging of trenches revealed that there were significant volumes of water draining along the trench. The purpose of the trenches appears to have been to drain the wetland occurring on site and the drainage trench has been successful in drying up the wetland such that the extent of wetland had been significantly reduced.

The Western Cape Nature Conservation Board trading as **CapeNature**
Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Ms Chwayita Shude-Mareka, Dr Razeena Omar

4. A wetland report was compiled by CapeNature's Freshwater Ecologist in October 2017 following the reporting of unlawful digging of trenches and is an important reference and comparison for the current condition of the wetland. Furthermore, it is important to note that the site was visited, and the wetland was ground-truthed and delineated prior to the wetland report. The ground-truthing, that was undertaken in June 2017 shortly before the trenches were dug, formed part of the wetland ground-truthing which informs the national wetland inventory. The delineated wetland is more extensive than the National Wetland Mapping, extending further upslope and encompassing most of the wetland area mapped for the freshwater assessment for this application (Refer to Appendix A: Klipfontein 22/82 – Wetland Report; Gouws, J.E., 2017).

5. A rehabilitation plan was compiled (by EnviroAfrica) in accordance with the Compliance Notice issued in order the rehabilitate the site to its original condition (DEA&DP ref. no. 14/1/1/E2/5/9/3/0336/17). The rehabilitation plan in terms of the Compliance Notice required that the site be rehabilitated to its original condition which previously supported a wetland. No further applications should be considered until the rehabilitation in terms of the Compliance Notice is complete. The trenches were infilled – but no confirmation was received that the final rehabilitation/audit report was received and that the site was adequately restored.

6. In 2022, the current owners undertook a Basic Assessment, to apply for the clearing of vegetation to construct a platform or truck parking area on site. The Pre-Application draft Basic Assessment Report (BAR) was prepared by Cornerstone Environmental Consultants. CapeNature objected to this application and also recommended that a hydropedological assessment be undertaken to inform the application. The wetlands are partly groundwater fed and the large volumes of water that drained into the trenches further indicated the importance of the subsurface drainage within the wetland system. A hydropedological assessment is more appropriate for this case than a general geohydrological study, as it is focused on subsurface flow of water through the soil layers, and can assist in informing the freshwater assessment. Similar studies have been required for other cases of channel incision (whether through erosion or digging) and drainage of wetlands.

7. Following the commenting period on the Pre-Application BAR, the applicant proceeded (in 2023) with the clearing of 1 ha of Critically Endangered Elgin Shale Fynbos, the construction of a 2500m^2 concrete platform, as well as clearing out the central and historic trench without any Environmental Authorization. These specific trenches were required to be rehabilitated by the Compliance Notice, and the site should have been returned to its original condition.

Botanical Impact Assessment

8. The botanical impact assessment verifies that the vegetation type occurring throughout the property is Elgin Shale Fynbos which is a highly threatened vegetation type and is of high conservation value. This vegetation type is in fact one of the twenty most heavily transformed in the entire country, having lost about 94% of its original extent. With only 6% of its original extent remaining, and an unreachable national conservation target of 30% of original total extent, all remaining viable patches of this habitat are regional and national conservation priorities, and no further loss of habitat should be allowed. Elgin Shale Fynbos is gazetted as Critically Endangered on a national scale, and any significant loss of intact habitat will thus have a High negative impact.

9. It is however noted that the botanical impact assessment only refers to the 1 ha area where the development of the platform took place, albeit that the botanical sensitivity map indicates the development footprint as medium sensitivity and the remainder of the site as very high sensitivity. We further wish to note that there was a botanical assessment undertaken in 2017 and 2022 to assess the impact of the trenching and in the previous assessment there was no differentiation regarding the botanical sensitivity or conservation value of the site. It is likely that impacts of the trenches in terms of draining of the wetlands has also impacted on the vegetation composition, in particular the wetland species, and hence also the botanical sensitivity.

Freshwater Assessment

10. The freshwater assessment includes a wetland delineation which was based on a combination of desktop and ground-truthing methodology and was evaluated based on the current site condition. The assessment does not take into account the trenches for draining of the wetland and only refers to this as an activity which has been rehabilitated. The delineated wetland occupies the majority of the site upslope of the trenches, however there is no wetland delineated downslope of the trenches. The delineated wetland differs significantly from the National Wetland Mapping with few areas of overlap, indicating likely change in the wetland's extent due to the unauthorised activities which occurred on the site

11. The wetland is further described as a valley bottom wetland which receives water from both surface and groundwater sources and was assessed to have a present ecological state (PES) of largely natural, and the ecological importance and sensitivity (EIS) is high. Due to the pristine state and high conservation value of the wetland, the recommendation is that there is no loss of wetland and that a buffer of no development of 50 m is applied to the wetland.

Conclusion

12. The Wetland delineation in Figure 3 of the Section 24G Report does not correspond to the NFEPA Wetland mapping (Figure 1 below) and CapeNature's 2017 Wetland Field Report (Attached as Appendix A). We therefore do not agree with the statement "All the activities fall outside the delineated wetland found on site. Therefore, the activities do not take place within a wetland or watercourse." Listing Notice 1, Activity 19 is triggered by the unlawful activities, and these activities took place within a wetland.

13. Based on the above, CapeNature objects to this application and requests that the structures (concrete platform) be removed, the trenches and wetland areas be rehabilitated to its original condition and the Elgin Shale Fynbos vegetation be actively rehabilitated and success thereof monitored for at least three years.

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

Yours sincerely

Leandra Knoetze

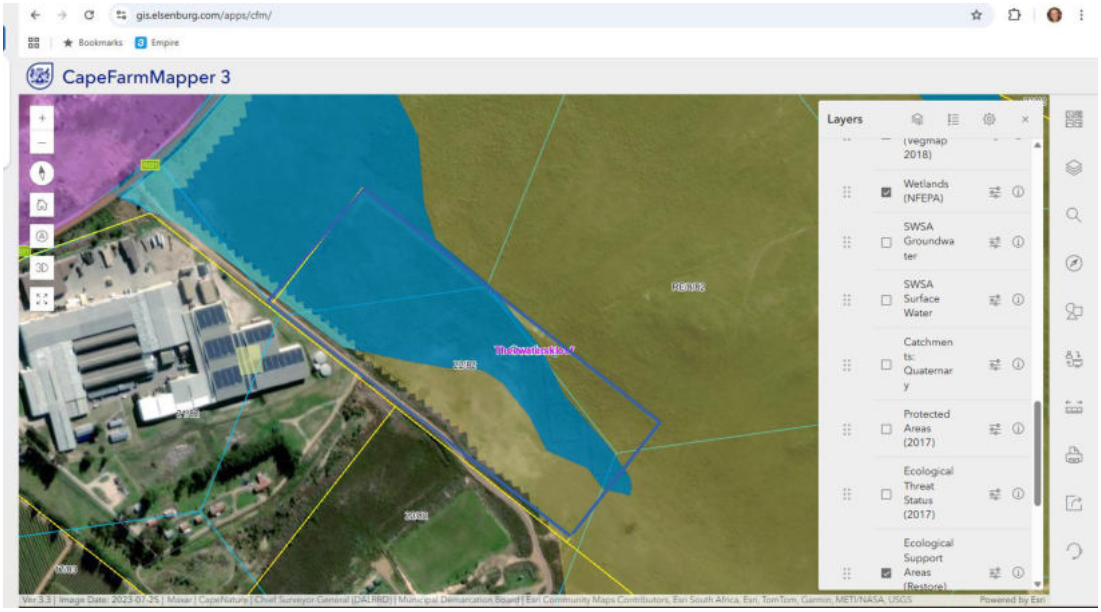


Figure 1: Map indicating the Aquatic CBA1 & NFEPA Wetland Area (Darker Blue), CBA2 (Green) and ESA2 (Light blue) areas within the property

Western Cape Government

Department of Environmental Affairs and Development Planning
Naadiya Wookey
Rectification
Naadiya.Wookey@westerncape.gov.za | Tel: 021 483 2742

24G Consultation: 14/2/4/1/E4/27/0013/25

Pre-Application – Information Requirements letter

The Director
Cropmax Business Trust
P. O. Box 149
VILLIERSDORP
6848

Attention: Mr. N. Wilkinson

Cell: 087 808 8147
Email: info@cropmax.co.za

INFORMATION REQUIREMENTS OF THE POTENTIAL SECTION 24G APPLICATION IN TERMS OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998)* ("NEMA") FOR THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION AND INFILLING OF A WETLAND ON PORTION 22 OF FARM KLIPFONTEIN NO. 82, VILLIERSDORP.

1. This draft section 24G application form dated 28 March 2025 and received by this Departments sub-directorate: Rectification ("this Directorate") on 28 March 2025 refers.

2. Please be advised that the *Section 24G Fine Regulations (GN. No. 698 of 20 July 2017* (hereafter referred to as "the fine regulations") were published on 20 July 2017. The fine regulations require that public participation be conducted **prior** to the submission of an application and that an application must include the representations as set out in Annexure A of the fine regulations.

3. You are advised that since this draft section 24G application form has been submitted simultaneously with initial advertisement in terms of the Regulation 8 of the fine regulations, a non-application reference has been assigned to this submission. Therefore, you are further advised that the **draft section 24G application be re-submitted with proof of prior public participation requirements** in terms of the fine regulations and allow for additional 30-day public participation. This Directorate will subsequently assign the relevant application reference accordingly. Further details are provided in paragraph 16 herein.

   3.1. In light of the above, this correspondence will constitute an information requirements letter with respect to the requirements for the processing of a Section 24G application in terms of the Section 24G Fine Regulations and the NEMA EIA Regulations, 2014 (as amended).

4. Please be advised that submission of a section 24G application shall in no way derogate from an investigation of any transgression in terms of the *National Environmental Management Act,1998 (Act 107 0F 1998)* ("NEMA") nor from the National Prosecuting Authority's legal authority to institute criminal proceedings.

5. You are reminded that a **Registered EAP must take full responsibility** for the compilation and submission of the application / documents and must hold primary responsibility for the planning, management, coordination or review of environmental impact assessments (EIAs) and associated EMPrs in terms of the Section 24H Regulations of the NEMA.

Listed activities that are being applied for:

6. A section 24G application is only relevant to listed activities that has commenced without the pre-requisite environmental authorisation. Only those activities applied for will be considered for environmental authorisation.

7. The applicant is thus required to ensure that all the applicable listed activities are included in the application to be submitted. In this regard, the timeframe of commencement of the listed activity and the relevant Environmental Impact Assessment legislative period / regime is of particular importance.

8. Please also ensure that the similarly listed activities in terms of the current *Environmental Impact Assessment Regulations, 2014* (as amended) are applied for should the listed activities not have commenced within this period.

9. The appointed EAP is required to provide a detailed explanation as to why the unlawfully commenced activity is still similarly listed in terms of the NEMA.

10. Commencement of listed activities

10.1. In accordance with the information contained in the draft section 24G application form (dated 28 March 2025), the following listed activities have been triggered by the unlawful commencement of the development activities, i.e.:

Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended)

Activity Number: 12
Activity Description:

"The development of—
(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
(ii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs—
(a) within a watercourse;
(b) in front of a development setback; or

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —

excluding—

(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;

(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;

(dd) where such development occurs within an urban area;

(ee) where such development occurs within existing roads, [or] road reserves or railway line reserves; or

(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared."

Activity Number: 19
Activity Description:

"The infilling or depositing of any material of more than [5] 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—

(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

(e) 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 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; or

(ii) maintenance purposes undertaken in accordance with a maintenance management plan."

Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended)

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 Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."*

Activity Number: 14
Activity Description:

"The development of-
(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or
(ii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs-
(a) within a watercourse;
(b) in front of a development setback; or
(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

i. Western Cape
i. Outside urban areas:
(aa) A protected area identified in terms of NEMPAA, excluding conservancies;
(bb) National Protected Area Expansion Strategy Focus areas;
(cc) World Heritage Sites;

(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

(ee) Sites or areas listed in terms of an international convention;

(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

(gg) Core areas in biosphere reserves; or

(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined."

Minimum requirements for every application for environmental authorisation:

11. You are reminded that section 24G is an application for environmental authorisation and thus an applicant must comply with the requirements of the NEMA in relation to the submission of an application for environmental authorisation and any other relevant information (section 24(1A)(e) of the NEMA). Section 24(4)(a) of the NEMA specifies the "procedures for the investigation, assessment and communication of the potential consequences or impacts of the activities on the environment" that every application for environmental authorisation must comply with.

12. Taking the above into consideration, together with the information requirements of Annexure A, Section C, Part 1 of the fine regulations related to the environmental impacts and representations to be completed by an Environmental Assessment Practitioner ("EAP"); and to be submitted together with the section 24G application; you are hereby advised that the application be informed by an environmental impact assessment.

13. When conducting such environmental impact assessment, the applicant/EAP must take into account the applicable guidelines developed by the Department, which may be downloaded from the Department's website (see above). In particular, the following are applicable:

    13.1. Guideline for Environmental Management Plans;
    13.2. Guideline on Public Participation
    13.3. Guideline on Alternatives
    13.4. Guideline on Need and Desirability
    13.5. Departmental guideline series for involving specialist assessments

14. This Directorate notes the Site Sensitivity Verification Report ("SSVR") (dated 26 June 2025) provided in Appendix M2 of the draft section 24G application assessment report. You are advised that this Directorate largely agrees with the findings of the EAP.

    14.1. Please not that should reasonable concerns arise from any potential interested and affected parties that require additional assessment, such assessment may be required.

    14.2. Please note that where a specialist assessment is required, but no specific environmental theme protocol has been prescribed, the level of assessment must be based on the

findings of the site sensitivity verification and must comply with Appendix 6 of the NEMA EIA Regulations, 2014 (as amended).

15. Based on the information contained in the draft section 24G application assessment report, please note the following:

15.1. Since the proposed use of the unlawfully commenced activities is for the parking of heavy vehicles and storage of crates / pallets within a watercourse (i.e. wetland) and a high veld fire risk area, the potential impacts on groundwater resources, pollution prevention and fire vulnerabilities / risks must be assessed as part of the environmental impact assessment.

15.2. In accordance with the Freshwater Assessment (compiled by everWater Freshwater Consulting Services and dated February 2025), the wetland delineation is limited to the south-eastern portion of the property. It is further noted that the site inspections undertaken by the freshwater specialist took place on 25 May 2022 (prior to the wetter seasons) and 29 January 2025 (i.e. mid dry summer season).

15.2.1. Confirmation as to whether these time of conducting site inspection are optimal for wetland delineation purposes considering the mapping of the National Freshwater Ecosystem Priority Areas Wetlands layer depicting a wetland flat traversing a large portion of the cadastral property.

Public Participation Process:

16. Preliminary Advertisement

16.1. Kindly note the requirements of Regulation 8 and Annexure A, Section D of the fine regulations which stipulate that when submitting an application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

16.2. Please note further that the advertisement must state that the applicant commenced a listed/ specified/ waste management activity(ies) without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. The advertisement **must** include (a) the date, (b) the location, (c) the applicable legislative provision contravened, (d) and the listed activity(ies) commenced with without the required authorisation.

16.3. Interested and affected parties (I&APs) must be provided with the details of where they can register as an I&AP and submit their comment. Please be advised that **at least 20 days** must be provided in which to do so. Proof of compliance with Regulation 8 of the fine regulations must be submitted together with your application.

16.4. Should you decide to compile a draft section 24G Application and of your own accord make it available for comment, it is recommended that the draft section 24G

Application report be made available simultaneously with the Preliminary Advertisement requirement.

17. Section 24O consultation with organs of state/State departments

17.1. Kindly note that any public participation undertaken **prior to submission of the section 24G Application report**, does not exempt from compliance with section 24O of the NEMA.

17.2. According to Section 24 O (2) of NEMA, upon submission of the complete and signed application to this Department, it is the responsibility of the EAP to consult with every organ of state that administers a law relating to a matter affecting the environment. Proof of consultation must be included as part of the final report submitted to this Department.

17.3. You are required to submit a list of organs of state to be consulted in terms of section 24O together with the complete duly dated and signed application. The list of organs of state must be include their contact details with fax/email and the relevant contact person.

17.4. Based on the information provided, you are advised that the following State departments / organs of state must be included:

- This Department's Directorate: Pollution and Chemicals Management.
- This Department's Directorate: Coastal and Biodiversity Management.

17.5. Copies of the section 24G application may be made available for comment to the relevant organs of state upon simultaneous submission of the application to the Department.

Note: this does not qualify as the Regulation 8 public participation requirement which is required to be conducted **prior to submission of an application.**

17.6. In terms of the public participation process ("PPP") to be undertaken, kindly be advised that you/the EAP must record and respond to all comments received during the public participation process. The comments and responses must be captured in a Comment and Response Report (C&RR) and must also include a description of the PPP followed.

17.7. Following the initial **30-day commenting period**, the application and the C&RR must be made available to registered Interested and Affected Parties and State Departments for an **additional 21 days** for review and/or comment, if any, advising them how their comments and concerns have been addressed, before it is submitted to the Department for consideration. Proof of notification of the additional 21-day commenting period must be appended to the final C&RR.

18. It is noted that your activity/development may require a water use licence. Please provide proof of submission of the application to the relevant authority together with your section 24G application form.

19. This Directorate notes that the intended section 24G application for Portion 22 of Farm Klipfontein No. 82, Villiersdorp is associated with previous administrative enforcement actions and a prospective application for environmental authorisation in terms of the NEMA EIA Regulation, 2014 (as amended). You are hereby requested to provide further details regarding the prospective application, the subsequent unlawful commencement of listed activities, and to **include relevant information** from the prior public participation process, insofar as it pertains to the section 24G application, **for consideration by the Competent Authority**.

20. The Environmental Management Programme ("EMPr") contents must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Appendix 4 of the NEMA EIA Regulations, 2014 (as amended). The EMPr must address the environmental impacts of the activity throughout the development life cycle including an auditing protocol for the assessment of the effectiveness of monitoring and management arrangements after implementation.

21. The EAP must ensure that the section 24G application be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document.

22. Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date but will advise you accordingly.

23. You are reminded that it is an offence in terms of section 49A of the NEMA to commence with a listed activity unless the competent authority has granted environmental authorisation for the undertaking of the activity, and it is an offence to fail to comply with a directive issued in terms of NEMA. A person convicted of an offence is liable to a fine not exceeding **R10 million** or **imprisonment for a period not exceeding 10 years**, or to both such fine and imprisonment.

24. Kindly quote the abovementioned reference number in any future correspondence in respect of this pre-application consultation phase.

Zaidah Toefy (53677480) Digitally signed by Zaidah Toefy (53677480) Date: 2025.08.08 14:54:43 +02'00'

Ms Z Toefy
Head of Rectification
Directorate: Environmental Governance
Date: 08 August 2025

CC: (1) Ms. J. Theron / Ms. J. Howard (PHS Consulting) Email: Jt@phsconsulting.co.za, Josie@phsconsulting.co.za

(2) Mr. J. Viljoen (Theewaterskloof Municipality) Email: Johanvi@twk.org.za

Outlook

RE: Cropmax - false claims in S24G Report

From Pieter De Villiers [redacted]
Date Mon 04 Aug 2025 09:51
To Paul Slabbert <paul@phsconsulting.co.za>; josie@phsconsulting.co.za <josie@phsconsulting.co.za>; jt@phsconsulting.co.za <jt@phsconsulting.co.za>
Cc zaidah.toefy@westerncape.gov.za <zaidah.toefy@westerncape.gov.za>; 'Naadiya Wookey' <naadiya.wookey@westerncape.gov.za>; 'Najah Ben Jeddou' <najah.benjeddou@westerncape.gov.za>

Good day Paul,

Our telephonic discussion on 31 July 2025 refers.

I appreciate and thank you for your apology.

We have agreed that you will change the stated wording in the S24G report and provide me an opportunity to review these before you circulate it for the next round of PP. You do not need to include the green highlighted text, as indicated below in my previous email, in the Comments and Responses Report (C&RR).

However, after consideration, I still believe that you have misrepresented some of the facts, and that these should be retracted from the S24G Report and a public statement should be made in this regard.

Comments and Responses Report:

I request that you indicate these changes in the C&RR and include that Cornerstone rejected the previous statements as not being a true reflection of their involvement in the project and BA process.
You should also please inform all the previously notified and registered I&APs of our opinion (that we did not agree with some of your statements) and the corrections made.

I trust that you will find the above in order and ask that you acknowledge receipt of this and our previous email.

Groete/Regards
Pieter de Villiers
CORNERSTONE
ENVIRONMENTAL CONSULTANTS
[redacted]

From: Pieter De Villiers
Sent: Thursday, 31 July 2025 13:33
To: 'paul@phsconsulting.co.za' <paul@phsconsulting.co.za>; 'josie@phsconsulting.co.za' <josie@phsconsulting.co.za>; 'jt@phsconsulting.co.za' <jt@phsconsulting.co.za>
Cc: Zaidah Toefy <zaidah.toefy@westerncape.gov.za>; Naadiya Wookey <naadiya.wookey@westerncape.gov.za>; Najah Ben Jeddou <najah.benjeddou@westerncape.gov.za>
Subject: Cropmax - false claims in S24G Report

Dear Paul, Josie and Jenna.

UNAUTHORISED CLEARING OF INDIGENOUS VEGETATION ON PORTION 22 OF KLIPFONTEIN FARM 82, VILLIERSDORP.

It has come to my attention yesterday, 30 July 2025, that PHS Consulting is assisting Cropmax with a S24G process. As you know I was the EAP previously involved with this.

I had a very quick look at your S24G Report and I strongly disagree with various statements made. Below are some examples:

Pg. 12:

2. APPLICATION HISTORY

(Cross out the appropriate box "☒" and provide a description where required).

Has any national, provincial or local authority considered any development applications on the property previously?	**Yes**	**No**
If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications)		
A Basic Assessment was undertaken in 2022, and a pre-application draft BAR was prepared by Cornerstone Environmental Consultants for Cropmax Business Trust. The pre-application BAR was submitted in October 2022; however, the Environmental Authorisation process was never completed. The 2022 BAR process should however not have been allowed to proceed as the Law Enforcement case was still open against the previous landowner (Mr Muller) who had commenced with activities in 2017.		
Which authority considered the application:		

Pg. 77 (refer specifically to the yellow highlights):

Index	Any other relevant information that the applicant would like to be considered.
	The Applicant purchased the site from the previous landowner (Mr Muller) who had already commenced with excavation of surface drains and vegetation removal, with the intent to develop approx. 1 ha of the site. Cropmax was under the impression that the site is developable considering that disturbance of the area already took place. In 2022 Cropmax started a NEMA process (BAR) after being advised by EAP's that they need to apply in terms of NEMA for an EA to develop the site. However, they were not advised that a pending Law Enforcement case was still outstanding and that a BAR process cannot be followed. This process had significant financial implications on the Applicant who should have been advised upfront that a BAR process could not be followed. When the Applicant found out well into the process that this was the incorrect process to follow, they cleared the 1 ha area based on the botanical report dated August 2022 which stated that the 1 ha is likely suitable for development. The land use rights indicate the site is identified for agricultural purposes. It was available in the open market numerous times with no conservation purchaser interested. Since early years the site has been used and drained. The Applicants intent was purely to construct a platform to store trucks and fruit crates within a portion of the site identified as an area suitable for development.

Please note that this project has a complex history, with EnviroAfrica being involved prior to my involvement.

The above are serious misrepresentations of the facts, which I regard with utmost concern. The allegations you have made against my professional integrity and judgment are unfounded and based on untruths. These claims unjustly harm my professional reputation and that of my company, which are essential to my livelihood and ability to practice my profession.

I categorically reject your statements in their entirety and reserve all my legal rights in this matter.

A reasonable professional Environmental Assessment Practitioner (EAP) would have engaged in a direct conversation with a fellow EAP to gather accurate background information and facts before making unfounded allegations about another EAP's professional work in a public document.

I demand that you immediately retract all false statements from your report and engage with me on this matter before you continue with the S24G process. Failure to comply will leave me no choice but to pursue legal action.

Kindly register me as an I&AP for this process, and include my comments, as well as your responses, in the Comments and Responses Report for this project, once you proceed again, albeit that the comment period ended on 28 July 2025.

Thank you for your prompt attention to this matter.

Groete/Regards,



Outlook

RE: PUBLIC PARTICIPATION PROCESS: ALLEGED ILLEGAL CLEARING OF INDIGENOUS VEGETATION ON PORTION 22 OF FARM 82 KLIPFONTEIN, VYEBOOM

From Johan Viljoen <johanvi@twk.gov.za>
Date Wed 25 Jun 2025 14:06
To josie@phsconsulting.co.za <josie@phsconsulting.co.za>; jt@phsconsulting.co.za <jt@phsconsulting.co.za>; Paul Slabbert <paul@phsconsulting.co.za>

Dankie
Korespondensie ontvang
Neem kennis

Regards,

Johan Viljoen
Manager: Environmental Disater Managment
Directorate: Community Services

THEEWATERSKLOOF MUNICIPALITY
Head Office. 22 Plein Street, Caledon, 7230
Call Centre. 028 214 3300 | **Emergency.** 080 021 4730 | **Email.** johanvi@twk.gov.za
Website. www.twk.gov.za | **Follow us on Facebook, X, Instagram.** @twkmun



PRIVACY AND CONFIDENTIALITY DISCLAIMER: The Theewaterskloof Municipality and Staff are committed to ensuring that it safeguards personal/private information of data subjects and to respect their right to privacy in accordance with the provisions of the South African Constitution, the Protection of Personal Information Act, 2013 (POPIA) and the Promotion of Access to Information Act, 2000 (PAIA). This email message contains information which may be confidential, personal, private, or privileged in nature and is intended solely for use by the recipient and others authorized to receive it for the specific purpose for which it was sent. If you are not the intended recipient, you are prohibited from using, misusing, disseminating, altering, forwarding, storing, or copying the information, and are hereby notified that such action in relation to the contents of this information is unlawful which may result in your being held liable arising out of your non-compliance. If you have received this message in error, please notify the sender immediately and delete and/or destroy the message from your system.

From: josie@phsconsulting.co.za <josie@phsconsulting.co.za>
Sent: Wednesday, 25 June 2025 11:49
To: jt@phsconsulting.co.za; Paul Slabbert <paul@phsconsulting.co.za>
Subject: PUBLIC PARTICIPATION PROCESS: ALLEGED ILLEGAL CLEARING OF INDIGENOUS VEGETATION ON PORTION 22 OF FARM 82 KLIPFONTEIN, VYEBOOM

You don't often get email from josie@phsconsulting.co.za. Learn why this is important

Dear Interested and/ or Affected Party.

NOTICE OF PUBLIC PARTICIPATION PROCESS FOR 24G APPLICATION - ALLEGED ILLEGAL CLEARING OF INDIGENOUS VEGETATION ON PORTION 22 OF FARM 82 KLIPFONTEIN, VYEBOOM, VILLIERSDORP, WESTERN CAPE.

OVERBERG DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI

MELD ASB/PLEASE QUOTE

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

Navrae/Enquiries: Francois Kotze

Bylyn/Ext.:

Privaatsak: X22
Private Bag:
BREDASDORP
7280
Tel.: **(028) 4251157**
Faks/Fax: **(028) 4251014**
E-mail/E-pos: **rvolschenk@odm.org.za**

28 July 2025

PHS CONSULTING

P.O Box 1752
HERMANUS
7200

RE: APPLICATION FOR RETROSPECTIVE ENVIRONMENTAL AUTHORISATION - UNAUTHORISED CLEARING OF INDIGENOUS VEGETATION ON PORTION 22 OF KLIPFONTEIN FARM 82, VILLIERSDORP.

DEA&DP Ref. no.: 14/1/1/E2/9/9/3/0845/24

The Environmental Management Services Department of the Overberg District Municipality take cognisance of the S24G Report for the unlawful clearance of vegetation on portion 22 of the farm 82.

Based on the Western Cape Biodiversity Spatial Plan of 2023 the cleared area falls within Critical Biodiversity Areas (Degraded). 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..

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. Accordingly, the mitigation measures proposed in the Aquatic and Terrestrial Biodiversity Impact Assessments are supported. Priority should be given to the

rehabilitation of highly sensitive wetland areas and the prevention of further ecological degradation.

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

Yours sincerely



pp
R. BOSMAN
MUNICIPAL MANAGER

BREEDE-OLIFANTS
CATCHMENT MANAGEMENT AGENCY

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

T. 023 346 8000 E. info@bocma.co.za W. www.breedegouritzcma.co.za

	023 347 2020		Private Bag X3055, Worcester, 6849		Ms. N Ndlumbini Ms. Kamogelo Morokong
	071 871 0586			☎	023 346 8000
e-mail:	nndlumbini@bocma.co.za kmorokong@bocma.co.za	**Our Ref**	4/10/3/H60B/Klipfontein 82/22, Villiersdorp	**DEADP Ref**	14/1/1/E2/9/9/3/0845/24

BY EMAIL

PHS Consulting
PO Box 1752
Hermanus
7200

Attention : Josie Howard

Email : josie@phsconsulting.co.za

COMMENTS ON THE NEMA SECTION 24G RECTIFICATION PROCESS: UNAUTHORISED CLEARING OF INDEGENOUS VEGETATION ON PORTION 22 OF FARM 82, KLIPFONTEIN, VYEBOOM, VILLIERSDORP

Reference is made to the abovementioned document received by the Breede-Olifants Catchment Management Agency (BOCMA) on 25 July 2025.

1. On the 25 July 2025 the BOCMA received a Pre-application Section 24G Assessment Report compiled by PHS Consulting and a request for comments for the regularization of the unlawful commencement or continuation of a listed activity in terms of Section 24G of the National Environmental Management Act,1998 (Act No. 107 of 1998) as amended: for unlawful clearance of indigenous vegetation for the tourism development on farm 82/22 Klipfontein, Vyeboom, Villiersdorp.
2. The Section 24G assessment report was reviewed, and BOCMA has the following findings:

   2.1 The pre-application section 24G report by PHS Consulting states that in 2017, the previous landowner re-excavated the existing/historic trench along the south-western boundary of the property and excavated additional trenches across the centre of the property and along a portion of the northern boundaries. of water. These activities took place within close

proximity to a wetland and approx. 2500m2 of indigenous vegetation was cleared along the historic and central trench areas. The subsoil drainage system/ trench was approximately 900 m in length.

2.2 In 2024, the Applicant cleaned out the previously excavated drainage systems across the middle of the property and on the south-western boundary.

2.3 The Applicant cleared approximately a further 1 ha of indigenous vegetation and infilled a portion of this area with concrete to build a hardstand.

2.4 The report highlighted the work to be completed included the rehabilitation of the wetland.

2.5 Based on BOCMA CME investigation process in this matter, the requirements for the issued notice have not yet fully achieved.

2.6 The above-mentioned activities conducted within a regulated area of a watercourse triggered water use in terms of section 21(c) – impeding or diverting the flow of water in a watercourse and section 21(i) – altering the bed, banks, course or characteristics of a watercourse of the National Water Act, 1998 ("NWA") (Act 36 of 1998).

2.7 Water use authorisation in terms of the NWA should have been attained before commencement of the water use activities undertaken within a regulated area of a watercourse.

2.8 Section 22(1) of NWA provides that: A person may only use water –

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

if that water use is permissible as a continuation of an existing lawful use;

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

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

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

2.9 A regulated area of a watercourse referred to above as defined in Government Gazette 49833 no 208 dated 8 December 2023 means:

(a) The outer edge of the 1 in 100-year flood line or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, dams and lakes;

(b) In the absence of a determined 1 in 100-year flood line or riparian area as contemplated in (a) above the area within 100m distance from the edge of a watercourse where the edge of the watercourse (excluding flood plains) is the first identifiable annual bank fill flood bench (subject

to compliance to section 144 of the National Water Act 36 of 1998);

(c) In respect of a wetland: a 500 m radius around the delineated boundary (extent) of any wetland or pan.

3. Please note that, due to the unlawful water use activities and pending fulfilment of the issue notice as indicated above, this matter will be referred to the CME investigation officer for further handling to ensure compliance. As such, no further comments will be provided in relation to this Section 24G application.

4. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.

5. Please be advised that no activities may commence without the appropriate approvals/authorisations, where needed, from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorisation for.

6. This office reserves the right to amend and revise its comments as well as to request any further information.

7. 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,

P.P

JAN VAN STADEN

CHIEF EXECUTIVE OFFICER (ACTING)

DATE: 30/07/2025

CORNERSTONE
ENVIRONMENTAL CONSULTANTS

[redacted]

PHS Consulting
Environmental, Heritage, Eco-Tourism and Land-Use
PO Box 1752,
Hermanus,
7200
Cell: 072 921 4314

27 March 2026

Emailed to:

josie@phsconsulting.co.za

jt@phsconsulting.co.za

paul@phsconsulting.co.za

Attention: Ms Josie Howard and Ms. Jenna Theron.

NEMA SECTION 24G APPLICATION: UNAUTHORISED CLEARING OF INDIGENOUS VEGETATION ON PORTION 22 OF KLIPFONTEIN FARM 82, VILLIERSDORP: COMMENTS

This letter serves to provide the necessary history, facts and comments associated with the following document compiled by PHS Consulting, dated March 2026, titled: NEMA Section 24G Application UNAUTHORISED CLEARING OF INDIGENOUS VEGETATION ON PORTION 22 OF KLIPFONTEIN FARM 82, VILLIERSDORP. DEADP Ref: 14/1/1/E2/9/9/3/0845/24.

The document was sent to the undersigned by e-mail on 23 March 2026.

The input provided below relates to specific sections and pages from the above-mentioned document (S24G Report), as are indicated below.

We request that you revise the S24G Report by including our comments below and carry this over into the Comments and Responses Report, which is included as Appendix G5, where relevant.

1. Section 24G Application Report Section A.2: Application History (pages 12 and 13):

- Extract from page 12 of the Section 24G Application Report:

2021	Rehabilitation Plan compiled by EnviroAfrica. It is unclear to what extent the Rehabilitation Plan was implemented or the status thereof, however all indications are that rehabilitation was not completed.	

The above statement from the Section 24G Application Report is incorrect.

EnviroAfrica was appointed by the previous owner, Mr. Miller, to rehabilitate the unlawful trenches on the property, in response to the Department of Environmental Affairs and Development Planning (DEA&DP): Law Enforcement's Pre-Compliance Notice and Pre-Directive, both dated 7 September 2017. See **Appendix A** attached for a letter dated 17 August 2020 from EnviroAfrica to Ms. Naja Ben Jeddou. The letter states the following:

> "*Please note that EnviroAfrica will undertake the detailed Rehabilitation Plan as required in the Department's Directive dated 10 October 2019 and Appeal Decision dated 03 July 2020*".

Rehabilitation was subsequently completed, as was confirmed in the Close-out Report issued by EnviroAfrica during March 2022. Refer to **Appendices B** and **C** respectively for the Close-out Report cover letter addressed to DEA&DP: Law Enforcement, and the Close-out Report itself.

- Extract from page 13 of the Section 24G Application Report:

3 October 2023	Najah Ben Jeddou from DEA&DP Law Enforcement confirmed that "No closure audit report was submitted (by Muller); hence the case was not closed".	

The above statement is incorrect, according to our understanding. It is our understanding that EnviroAfrica did submit the Close-out Report to Ms Ben Jeddou on 25 April 2022. See **Appendix B** for a cover letter addressed to the DEA&DP: Law Enforcement.

- Extract from page 13 of the Section 24G Application Report:

21 November 2023	Najah Ben Jeddou from DEA&DP Law Enforcement confirmed that "…the new owner can apply in terms of s24G of NEMA for rectification of unlawful activities conducted my Mr. Miller, since the rehabilitation work has not been completed and still in non-compliance."	

The above statement is incorrect as it was indicated in the Close-out Report issued by EnviroAfrica that the trenches were indeed rehabilitated.

2. Section 24G Application Report Section C: Quantum of the Section 24G Fine, Part 3 (pages 83 to 84):

- Extract from page 83 of the Section 24G Application Report:

"Cropmax was under the impression, albeit incorrectly, that the site is developable considering that disturbance of the area already took place. In 2022 Cropmax appointed EAP's to obtain the necessary environmental approvals and a NEMA Basic Assessment (BA) process was initiated. This process did not continue. However, during further investigation, through DEA&DP Law Enforcement, it has come to light that as a pending Law Enforcement case was still open (i.e. rehabilitation or a 24G process was not completed) a BAR process could not be followed and a S24G process is required if Cropmax wants to apply for retrospective authorisation."

The above statement is misleading, since Cropmax did know that their proposed project required authorisation. Furthermore, EnviroAfrica was appointed by the previous owner, Mr. Miller, to do the rehabilitation of the trenches in response to the DEA&DP's Pre-Compliance Notice and Pre-Directive, both dated 7 September 2017. See **Appendix A**. This letter was cc'd to Marius Venter and Nithzaam Albertyn, both from DEA&DP, who can perhaps be contacted to confirm if they ever received the information regarding the rehabilitation from EnviroAfrica.

The Rehabilitation Close-out report (**Appendix C** attached) prepared by EnviroAfrica confirms the period of the close-out activities to be 28 February 2022 to 11 March 2022.

It is our understanding that EnviroAfrica submitted the Close-out Report to Ms. Naja Ben Jeddou on 25 April 2022. See **Appendix B** for cover letter addressed to the DEA&DP: Law Enforcement. Upon a recent request for proof of submission of the Close-Out Report to DEA&DP: Law Enforcement, EnviroAfrica could not provide such proof as Mr. De Witt had subsequently passed away and his colleagues are not able to access communication sent by Mr. De Witt. But it was clear from the reporting from EnviroAfrica that the rehabilitation measures were undertaken and completed, in accordance with an approved Rehabilitation Plan.

Based on this rehabilitation that took place, it was clear that Mr. Miller's intention was to rehabilitate the trenches and not proceed illegally with any activities.

An Applicability Checklist, dated August 2021, which Mr. de Witt forwarded to me on 9 February 2022, was also prepared by EnviroAfrica, on behalf of Cropmax, with Mr. Billy Muller indicated as the name of person in control of the land. It is therefore assumed that Cropmax did not own the land at that stage. The following was stated in the checklist:

"*The site is relatively flat with a gradual slope towards the Theewaterskloof Dam. Soils, associated with the study area, may be described as deep, loamy sands with underlying shales. As per the Botanical Assessment (Appendix J), perched water may be present in the area and sub-surface water (i.e., groundwater) was observed in certain sections of the alleged illegally cleared vegetation and excavated channels within the wetland (present within the property).*
A Rehabilitation Plan (Appendix I) was compiled for the alleged illegal (i) clearance of vegetation within

the Elgin Shale Fynbos (Critically Endangered) and Koeberg Sandstone Fynbos (Least Threatened) vegetation types, and (ii) excavation of channels within a wetland on the property. The Rehabilitation Plan was submitted to the DEA&DP on the 16th April 2021. The above matter refers to a Compliance Notice (14/1/1/E2/5/9/3/0336/17) and Directive (14/1/1/E2/5/9/3/0336/17) issued by the DEA&DP as well as subsequent correspondence between the EAP, DEA&DP, Botanical Specialist, and/or the landowner regarding the status of these alleged illegal activities." (our emphasis)

The checklist reiterated the fact that a rehabilitation plan was submitted to the DEA&DP.

It is unknown whether the checklist was ever submitted to the DEA&DP, but the intention by Cropmax was clear. They knew that they required Environmental Authorisation for their proposed development of the platform.

For some reason, Cropmax felt that EnviroAfrica was no longer able to assist them with the environmental process, whereafter they contacted Cornerstone Environmental Consultants (Pty) Ltd. in November 2021. Based on the information available at the time there was no reason to advise Cropmax to do a rectification process on something that was in the process of being rehabilitated, as per EnviroAfrica.

The Pre-application Basic Assessment process that was commenced in October 2022 did not continue into the Application Phase because the Applicant, Cropmax, did not want to appoint a specialist to undertake the hydropedological assessment recommended by CapeNature at the time.

They indicated that they would pursue the project "*using other tools and consultants and hopefully it might be successful*".

- Extract from page 83 of the Section 24G Application Report:

  "This process to date had significant financial implications on the Applicant who should have been advised upfront by DEA&DP that a BAR process could not be followed. This led to frustration and the Applicant continued with the work Mr Muller started and cleared ± 1.5 ha area based on his understanding of the botanical report dated August 2022 (Appendix H1) which stated that the ±1 ha is likely suitable for development."

The above statement is factually incorrect. Looking at the unfolding of events, Mr. Miller's intention was to rehabilitate and not to carry on, and Cropmax knew this.

- Extract from page 83 of the Section 24G Application Report:

  "The Applicants property rights must also be considered. The site was subdivided in 1992 for a purpose most likely similar to the same size portions west of the site, that support the agricultural sector (site is zoned Agriculture). The Applicants intent was purely to construct a platform to store trucks and fruit crates within a portion of the site (10 - 15%) identified as an area potentially suitable for development. The Applicant did not construct the trenches, as a matter of fact less trenching is required than implemented by the previous landowner in 2017. The vegetation impact of the area cleared concludes that if all mitigation is implemented, the post mitigation impact of the unauthorised clearing could be reduced to Low negative, from Low to Medium negative prior to mitigation." (our emphasis)

The applicant was aware that development of the platform required Environmental Authorisation before construction, hence the commencement of the Pre-application Basic Assessment process during October 2022. The applicant therefore decided to knowingly carry on unlawfully.

You are welcome to contact the undersigned, should you have any questions or require any additional information.

Regards



Pieter de Villiers

Environmental Assessment Practitioner (2019/1372)
CORNERSTONE ENVIRONMENTAL CONSULTANTS (PTY) LTD.

List of Appendices attached:

Appendix A: Letter dated 17 August 2020 from EnviroAfrica addressed to Ms. Naja Ben Jeddou, DEA&DP: Law Enforcement

Appendix B: Cover letter 25 April 2022 to the Close-out report addressed to the DEA&DP: Law Enforcement

Appendix C: Rehabilitation Close-out Report dated March 2022

APPENDIX A

EnviroAfrica

17 August 2020

Department of Environmental Affairs and Development Planning
Directorate: Enformental Law Enforcement
Private Bag X 9086
Cape Town
8000

Email: Najah.BenJeddou@westerncape.gov.za

REPRESENTATION IN RESPECT OF THE DIRECTIVE ISSUED IN TERMS OF SECTION28(4) AND THE APPEAL DECISION IN TERMS OF SECTION 43 OF THE NEMA: ALLEDGED UNLAWFUL CLEARING OF VEGETATION, EXCAVATION OF TRENCHES AND INFILLING OF A WETLAND ON PORTION 22 OF FARM KLIPFONTEIN NO. 82, CALEDON

DEA&DP LAW ENFORCEMENT REFERENCE NUMBER: 14/1/1/E1/13/2/3/0503/18
DEA&DP APPEAL REFERENCE NUMBER: 14/3/1/E4/5/0454/20

Dear Ms Najah Ben Jeddou,

The Department's Directive dated 10 October 2019 and the Department's Appeal Decision dated 03 July 2020 as received by our client (Mr Billy Miller) on 16 July 2020, refers.

Please note that a meeting was held between Mr Billy Miller (our client) and EnviroAfrica on 14 August 2020. On 14 August 2020, Mr Miller appointed EnviroAfrica as the independent Environmental Assessment Practitioner ("EAP") to make representations to the Department so as to comply with the Directive issued on 10 October 2019 as well as the Appeal Decision from the Minister dated 03 July 2020. Please see attached appointment letter dated 14 August 2020.

In the Department's appeal decision dated 03 July 2020, our client was instructed to submit a detailed rehabilitation plan, compiled by a suitable qualified and experienced independent EAP, which must include:

- *An assessment and evaluation of of the impact of the degradation;*
- *The identification of proposed remedial work and/or mitigation measures; and*
- *Rehabilitate the site to its original condition.*

Please note that EnviroAfrica will undertake the detailed Rehabilitation Plan as required in the Department's Directive dated 10 October 2019 and Appeal Decision dated 03 July 2020.

Should you have any queries, please do not hesitate to contact us.



Yours faithfully

Emile Esquire
EnviroAfrica cc

Cc: Andries Sommers (CapeNature) E-mail: Asommers@capenature.co.za
Marius Venter(DEA&DP: Appeals) E-mail: DEADP.Appeals@westerncape.gov.za
Nithzaam Albertyn (DEA&DP: Law Enforcement) E-mail: Nithzaam.Albertyn@westerncape.gov.za
Billy Miller (Applicant) E-mail: [redacted]

APPENDIX B

EnviroAfrica

25 April 2022

Department of Environmental Affairs & Development Planning
Directorate: Environmental Law Enforcement
Private Bag X9086
CAPE TOWN
8000

E-mail: Naja.BenJeddou@westerncape.gov.za

REHABILITATION ON PORTION 22 OF FARM KLIPFONTEIN NO. 82, CALEDON

Dear Ms. Najah Ben Jeddou,

Herewith the close-out report for the mentioned rehabilitation of the alleged unlawful clearing of vegetation, excavation of trenches and infilling of a wetland on Potion 22 of Farm Klipfontein No. 82, Caledon.

Attached hereto are the following documentation:

- Close-out Report
- Declaration of Understanding
- Start-up Meeting & Checklist
- Daily Facility Checklist
- Induction – Signed by all on site
- Method Statement for Rehabilitation of Excavated Areas
- Method Statement for Waste Management
- Method Statement for Removal of Pipes

Please note that these documents is also available on our website:
www.enviroafrica.co.za/current

If there any futher enquiries, please feel free to contact our offices.

Thank you

Mark Gentle
EnviroAfrica CC
Cell: 085 555 6080

APPENDIX C

EnviroAfrica

EnviroAfrica

Environmental Assessment Practitioners

[redacted]

CLOSE-OUT REPORT

BASED ON ACTIVITIES RELATED TO COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

Compliance Notice issued to:	Mr. Billy Miller P.O. Box 25, Elgin, 7180
Compliance Notice by DEA&DP	14/1/1/E2/5/9/3/0336/17
Date of Compliance Notice issued:	10 October 2019
Period of close-out activities:	28 February 2022 – 11 March 2022
Auditor:	Mark Gentle
Close-out report No:	1
Close-out report checked by:	Bernard De Wit
Construction contractor:	Mr. Billy Miller

P.O. Box 5367
Helderberg 7135
Tel: +27 (0)21 851 1616
Fax: +27 (0)86 512 0154
e-mail: info@enviroafrica.co.za
Unit 7 Pastorie Park
Cnr Reitz & Lourens St.,Somerset West
CK 97/46008/23
VAT4870170513

1. Introduction

Following investigation by DEA&DP Environmental Management Inspectorate into allegations of the commencement of a listed activity in contravention of section 24F of the NEMA of portion 22 of Farm Klipfontein no. 28 Caledon, it was found that Mr. Billy Miller illegally commenced with the clearance of critically endangered vegetation know as Elgin Shale Fynbos, and conducted excavation of trenches and infilling activities within a functional wetland resulted in the drainage of water from the wetland and damage to vegetation without the necessary requisite environmental authorization.

2. Remedial measures instituted as per directive from DEA&DP

- Immediately cease the identified illegal activities
- Submit to the department a rehabilitation plan compiled by a suitably qualified and experienced independent environmental assessment practitioner, which must include the following;
- Assessment and evaluation of the impact on the environment
- Identification of proposed remedial and/or mitigation measures; and
- Rehabilitate the entire site to its original condition; and
- Carry out any other measures to rectify the effects of the unlawful activity

3. Rehabilitation measures implemented as per approved rehabilitation plan

Activity	Required action/remediation to control environmental impact	Personnel responsible	In place Yes/No	Date
Overall impact on site	Environmental Awareness Training	Contractor / ECO	In place with on-site induction – signed off per worker	1 March 2022
Method statements	Draw up method statements for each remedial action	Contractor	Approved method statements	28 February 2022
Rehabilitation of excavated channels	Trenches completely filled in (process of in-filling to be followed by backfilling trenches in chronological order to maintain the different soil horizons	Contractor / ECO	In place as per recommendations illustrated in the rehabilitation plan	28 February – 5 March 2022
Backfilling process- No vegetation outside of the rehabilitation footprint is to be disturbed	Environmental induction and awareness of personnel on site i.e. apply good site management	Contractor / ECO	In place with on-site induction – signed off per worker	28 February – 5 March 2022
Moving substrate (subsoils) and separating vegetation from subsoils	Conservation of vegetation by placing excavated vegetation outside of substrate soil	Contractor / ECO	In place. Time of year February / March is very dry and dusty with little moisture in soils.	28 February – 5 March 2022
Infilling of eroded trenches – Trench running parallel with access road to Chiltern farm	Installation of silt fences and additional measures by inserting multiple **silt fences** with the 150m long trench	Contractor / ECO	In place. Multiple silt fences installed to prevent further erosion from activities further up the trench, but outside of the impact footprint	28 February – 5 March 2022
Infilling of eroded trenches – Trench running parallel with access road to Chiltern farm	Installation of additional erosion measures by inserting **bales of hay** within this trench by placing rows of bales of hay behind every third / fourth row of silt fence.	Contractor / ECO	In place. Inserting bales of hay 4 – 5 rows of additional mitigation measures inserted to prevent further erosion within the trench.	28 February – 5 March 2022
Addressing the occurrence of alien vegetation within the working footprint	Mechanical removal of alien invasive vegetation from the impacted footprint	Contractor / ECO	In place. Removal by mechanical means the occurrence of invasive vegetation.	28 February – 5 March 2022
Removal of preferential flow paths from the remediated footprint	All flow paths have been removed / levelled off to prevent any unnecessary drainage of the wetland	Contractor / ECO	In place. Removal and levelling of all identified flow paths from the identified footprint.	28 February – 5 March 2022

Removal of subsoils and infilling of trenches. Preventing unnecessary soil compaction.	Care taken not to over-compact the subsoils placed back into the trenches	Contractor / ECO	In place. Soils removed for infill not over compacted when placed in the trenches.	28 February – 5 March 2022
Revegetation of transferred soils placed as infill in the trenches	Only indigenous vegetation used to revegetate the soils transferred as infill materials	Contractor / ECO	In place. However...vegetation transferred during this dry season will take longer to revegetate relative to wet season transfers.	28 February – 5 March 2022
Removal / transfer of concrete pipes found within the trench running parallel with the access road to Chiltern Farm.	The concrete pipes were successfully removed from the trench by mechanical means.	Contractor / ECO	The Contractor used mechanical means to remove the pipes from the trench	28 February – 5 March 2022
Alien invasive plant removal from the impacted footprint	The Contractor will remain responsible for the management and removal of invasive plant species for a period of time. Vegetation will only be controlled by mechanical means.	Contractor / ECO	The Contractor will remain responsible for the management of invasive plant from the site.	Wet season period
Trenches adequately backfilled and levelled off to the level of the surrounding / adjacent areas	The berms on either side have been successfully levelled off to be coincide with the adjacent vegetation.	Contractor / ECO	In place. Materials and soils have been levelled off with the surrounding environment.	28 February – 5 March 2022
Toilets provided for all personnel on site	A portable toilet was provided for all personnel and placed within 150 meters from all activities	Contractor	In place.	28 February – 5 March 2022
Appointment of a suitably qualified ECO to oversee the project implementation	The Contractor appointed a suitably qualified ECO to oversee the rehabilitation project	Contractor	In place.	28 February – 5 March 2022
Monitoring of the rehabilitation project to be undertaken post construction and during the rehabilitation phase	The appointed ECO has maintained photographic evidence of the rehabilitation process.	Contractor / ECO	In place.	28 February – 5 March 2022
Maintaining the integrity of the 32m buffer zone which lies in close proximity of the proposed rehabilitation foot print	The 32m buffer zone was maintained and demarcated during the entire rehabilitation process. No activity took place near or within this buffer zone.	Contractor / ECO	In place.	28 February – 5 March 2022
Unnecessary clearing of vegetation from the rehabilitated footprint	No unnecessary vegetation was cleared from the rehabilitation / impacted footprint during the rehabilitation phase	Contractor / ECO	In place.	28 February – 5 March 2022
Generation of on-site waste during the rehabilitation phase	All materials / waste generated during the rehabilitation phase have been removed from site and disposed of as per the required waste stream regulations	Contractor / ECO	In place.	28 February – 5 March 2022
Erosion identified post rehabilitation	The Contractor will undertake to monitor erosion during the winter months and mitigate possible damage to trenches	Contractor / ECO	In place.	Post rehabilitation phase

4. Summary of cumulative environmental observations during the rehabilitation period

- No environmental non-compliances were observed during the rehabilitation period when evaluated against the rehabilitation plan criteria
- A chemical toilet was available at all times during the project
- No littering was observed during the entire rehabilitation project
- Drinking water was available for personnel at all times during the project
- Adequate numbers of silt fences with the addition of bales of hay installed within the trench running parallel with the access road to Chiltern farm.
- The noticeable lack of infill material (sub-soil) to infill the trench running parallel with the access road to Chiltern farm, was addressed by installing multiple silt fences to curb further erosion along the trench.
- To further mitigate possible erosion along the Chiltern Farm road trench, the contractor installed additional measures by inserting rows of bales of hay behind

every 3rd row of silt fence. This measure will further contribute towards water retention and slow-down water flow, which in turn will form siltation ponds between every silt fence.

5. Photographic monitoring of rehabilitation project

