October 2026

DEADP 24G CONSULTATION REF: 14/2/4/1/E4/27/0013/25

Document Version: Statutory Phase

PHS CONSULTING
environmental, land-use, eco-tourism planning and management.

NEMA Section 24G Application

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



EAP Responsible for the application:

Jenna Theron (EAP) - EAPASA Reg. No. 2022/5926

Josie Howard (Candidate EAP) - EAPASA Reg. No. 2025/19917

Contact Details: Tel: 028 312 1734 | Cell: 082 740 8046 | Email: jt@phsconsulting.co.za | josie@phsconsulting.co.za

Postal Address: PO Box 1752, Hermanus, 7200

IMPORTANT: Kindly ensure that this checklist is completed and attached to the NEMA SECTION 24G Application.

Please indicate by ticking the following below to serve as confirmation that the required information has been included in the application.

No.	Application Requirements	Please tick for confirmation
1.	Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. **(Note: Failure to meet the Regulation 8 will result in rejection of the application)**	√
2.	Application form has been completed and attached, which includes among others:	
	2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with.	√
	2.2. A list of all **similarly listed** activities in terms of the current EIA regulations (if applicable).	√
	2.3. A description of the receiving environment **before** commences of the activity(ies).	√
	2.4. A description of the receiving environment **after** commences of the activity(ies).	√
	2.5. All appendices and annexures:	√
	2.5.1. Locality map	√
	2.5.2. Site plans or/and Layout plan	√
	2.5.3. Building plans (if applicable)	N/A
	2.5.4. Colour photographs	√
	2.5.5. Biodiversity overlay map	√
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	√
	2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information	√
	2.5.8. Environmental Management Programme	√
	2.5.9. Certified copy of Identity Document of Applicant	√
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	√
	2.6. Signed declaration forms.	√
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	**Y** N
	3.1. If yes, has the specialist assessment report been attached to the application?	√
4.	An assessment of the impacts of the activity or activities in terms of the following categories:	
	• Socio-economic	√
	• Biodiversity	√
	• Sense of place &/or Heritage/ Cultural	√
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	√
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	√
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations: Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).	√
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	√
8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	√
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	√
9.	Compliance history of the applicant:	√

	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	√
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	√
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	√
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	√
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	√
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply.	√
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	√
	10.1 Proof of Consultation with relevant State departments, including, *inter alia*, notices, adverts etc.	√
	10.2 Copies of comments and responses included in the application.	√
	10.2 Comments and Response report attached to the application.	√
11.	Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") *(GN No. R.326 of 7 April 2017)* **(if conducted/undertaken)**	√

Section 24G Application Form for the consequences of unlawful commencement of listed activity/ies in terms of the:

- **National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA");**
- **National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM: WA")**

OCTOBER 2022

Form Number S24GAF/10/2022

Kindly note that:

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.

2. This **Application Form** must be completed for all section 24G applications, by an Independent and Registered Environmental Assessment Practitioner ("EAP").

3. This Application Form is current as of 10 October 2022. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 10 October 2022.

4. **The contents of this Application Form include the following:**

PART 1 -
Section A: Background Information
Section B: Activity Information
Section C: Description of Receiving Environment
Section D: Need and Desirability
Section E: Alternatives
Section F: Impact Assessment, Management, Mitigation and Monitoring Measures
Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties
Section H: Recommendations of the EAP
Section I: Representations - Response to an Incident or Emergency Situation
Section J: Public Participation Process

PART 2 –
ANNEXURE A of Fine Regulations
Section A: Directives
Section B: Deferral of the Application
Section C: Quantum of the section 24G fine
Section D: Preliminary advertisement

PART 3 –
Appendices and Declarations
~~**PART 4 –**~~
~~**ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**~~

5. An **Independent and Registered EAP** must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence. **Copies of the EAPS and Specialists Registration Certificates be submitted with this application.**

6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted. Email copies to be submitted

7. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department's website https://www.westerncape.gov.za/eadp/

8. The use of "not applicable" in the Application Form must be done with circumspection.

9. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.

10. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

PROCESS TO BE FOLLOWED:

a) **Prior to submission of an Application Form,** the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 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 published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").

b) Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.

c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.

d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G of the NEMA (as amended).

e) After submission of the application, **consultation with organs of state in terms of section 24O of the NEMA** will be required and public participation with interested and affected parties to inform the application. Any comments received must be compiled in a Comments and Response Report.

f) In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.

g) The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.

h) The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.

i) **Proof of payment of the fine must be submitted to the Department**. Upon payment of the administrative fine, the MEC/Competent Authority may-

- refuse to issue an environmental authorisation; or
- issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
- direct the applicant to provide further information or take further steps prior to making a decision provided for above;
- together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

CIRCULARS, GUIDELINES AND TOOLS:

1. The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations and guidelines must be taken into account when completing this Application Form.
2. The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link https://screening.environment.gov.za/screeningtool to generate the Screening Report. The Screening Report must be attached to this Application Form as an Appendix.

PLEASE NOTE THE FOLLOWING:

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.

2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from—

   (a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of NEMA or any specific environmental management Act;
   (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.

3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and—
   (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
   (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
   (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

4. A person is guilty of an offence if that person:
   - Prior to submission of a section 24G application:
     - fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant's website, if any or
     - fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
     - fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
     - fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.

   - Provides incorrect, false or misleading information in any form, including in any document submitted to a competent authority in terms of the Section 24G Fine Regulations or omits information that may have an influence on the outcome of a recommendation of the fine committee or determination of the competent authority.

5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

DISCLAIMER

With regards to the Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA), please note that all personal information is being voluntarily submitted for the purposes of your participation in this environmental application process. The information will be held by EAP on behalf of the Applicant and will be submitted to the Competent Authority for the decision on the application. Personal information may also be made available to the Appellant/s so that they may

participate in the appeal process in the event that the decision on the application is appealed. Personal information may also be made available to third-party auditors so that you can be notified of future audits of the environmental decision.

DEPARTMENTAL DETAILS

The Application Form must be sent to the following details:

Western Cape Government
Department of Environmental Affairs and Development Planning
Attention: Directorate: Environmental Governance
Private Bag X 9086
Cape Town,
8000

Registry Office
1st Floor Utilitas Building
1 Dorp Street,
Cape Town

Queries should be directed to the Sub-directorate: Rectification at:
Tel: (021) 483-5827
Fax (021) 483-4033

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

File Reference number (S24G)	
Administrative Fine Reference	

DEPARTMENTAL REFERENCE NUMBER(S) (to be completed by the EAP)

File Reference number (Enforcement), if applicable	14/1/1/E2/9/9/3/0845/24
File reference number (EIA), if applicable:	
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

View the Department's website on http://www.westerncape.gov.za/eadp for the latest version of the documents

PART 1

PROJECT TITLE AND GENERAL DESCRIPTION OF THE DEVELOPMENT

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

RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

Cross out the appropriate box "☒" in which region the unlawful activity/ies has commenced.

REGION 1 City of Cape Town and West Coast District	**REGION 2** **Cape Winelands District and Overberg District**	REGION 3 Central Karoo District and Eden District
	X	

SECTION A: BACKGROUND INFORMATION

1. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

1.1	The applicant is a Natural Person (individual)					
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)					X
1.2.1	If a firm, please tick the relevant box below:					
	Body Corporate	Partnership	Trust X	Parastatal	Organ of State	
	Directors of a Company	Members of a Board	Other, please specify			

Applicant's details			
Applicant Name:	Cropmax Business Trust		
Name of Firm (if applicable):	Cropmax Business Trust		
Firm Registration Number:	1354/2007		
Contact Person at the Firm:	Nuco Wilkinson		
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below –		
● Trustees of a trust	Nuco Wilkinson - 6606115014084 Wikus Erasmus - 7011235054087		
Postal address:	PO Box 149,		
	Villiersdorp	Postal code:	6848
Telephone:	N/A	Cell:	087 808 8147
E-mail:	info@cropmax.co.za	Fax:	N/A
Project Consultant	N/A		
~~Contact person:~~			
~~Postal address:~~			
		~~Postal code:~~	
~~Telephone:~~		~~Cell:~~	

~~E-mail:~~		~~Fax:~~	
Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:	Josie Howard/Jenna Theron		
Company name (if any):	PHS Consulting		
Postal address:	PO Box 1752		
	Hermanus	Postal code:	7200
Telephone:	028 312 1734	Cell:	072 921 4314/ 082 566 1660
E-mail:	josie@phsconsulting.co.za / jt@phsconsulting.co.za	Fax:	N/A
EAP Qualifications	Josie Howard – MSc Plant Science Jenna Theron - BA, MPhil		
EAP Registrations/Associations and registration number/s	Jenna Theron: EAPASA Registration No. 2022/5926 A member of the International Association for Impact Assessments (IAIAsa); and an accredited Associate member with the Association of Professional Heritage Practitioners – Western Cape (APHP). Josie Howard: EAPASA Candidate EAP No. 2025/19917		
Name of the Landowner:	Cropmax Business Trust		
Name of the contact person for the land owner (if other):	Nuco Wilkinson		
Postal address:	PO Box 149,		
	Villiersdorp		
Telephone:	N/A	Cell:	087 808 8147
E-mail:	info@cropmax.co.za	Fax:	N/A
Person in control of land:	Cropmax Business Trust		
Contact person:	Nuco Wilkinson		
Postal address:	PO Box 149,		
	Villiersdorp	Postal code:	
Telephone:	N/A	Cell:	087 808 8147
E-mail:	info@cropmax.co.za	Fax:	N/A

Please note:

In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.

A certified copy of the applicant's (if natural person), alternatively a director's (as defined), Identity Document must be attached to the application [Appendix K].

A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application [Appendix L].

Municipality in whose area of jurisdiction the activity falls:	Theewaterskloof Local Municipality		
Contact person, if known:	Municipal Manager - Johan Viljoen		
Postal address:	PO Box 24		
	Caledon	Postal code:	7230
Telephone	028 214 3300	Cell:	082 499 5024
E-mail:	johanvi@twk.org.za	Fax:	N/A

Please note:

In instances where there is more than one Municipality involved, please attach a list of Municipalities with their respective contact details to the form.

Property location(s):	14 km southwest of Villiersdorp, off the R321; within the westernmost section of the Riviersonderend River Valley, with the Theewaterskloof Dam situated directly to the north and northwest of the site.
Farm/Erf name(s) & number(s) including portion(s)	Portion 22 of Klipfontein Farm 82, Villiersdorp
Property size(s) (m^2)	Approx.10 ha
Development footprint size(s) (m^2)	Approximately 1.4 ha (initially ±1.5ha area cleared)
SG21 Digit code(s)	C01300000000008200022

Property boundary: See Figure 1 below.

Point	Latitude (S)	Longitude (E)
1	34° 2' 52.73" S	19° 9' 49.79" E
2	34° 2' 57.07" S	19° 9' 44.20" E
3	34° 3' 8.87" S	19° 9' 57.35" E
4	34° 3' 4.50" S	19°10 '2.97" E

The co-ordinates for the site boundary are: See Figure 1 below.

Point	Latitude (S)	Longitude (E)
1	34° 2'55.33" S	19° 9'50.44" E
2	34° 2'57.35" S	19° 9'46.09" E
3	34° 2'59.95" S	19° 9'48.79" E
4	34° 2'58.30" S	19° 9'52.92" E
5	34° 2'56.45" S	19° 9'45.00" E



Figure 1: Google Earth image showing the property (in red) where the listed activities took place and the location of the listed activities within the property (green).

Please note:

Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.

Street address:	R321, Vyeboom, 7171		
Magisterial District or Town:	Theewaterskloof		
Closest City/Town:	Villiersdorp	Distance	14 (km)
Zoning of Property:	Agriculture		

Please note:

In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.

Was the property rezoned after commencement of activities?	YES	**NO**
If yes, what was the previous zoning?		
N/A		
Is a rezoning application required?	YES	**NO**
Is a consent use application required?	YES	**NO**
Locality map: **Appendix A**	A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following: • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s)	

	• a north arrow; • a legend; • the prevailing wind direction; and • GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)
Landowner(s) Consent:	If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated. **Note:** The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the *Infrastructure Development Act, 2014 (Act No. 23 of 2014)*.

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)		

Refer to the Table below including the Application History of the site.

Date	**Activity and/or Event**	**Appendix No.**
2017 [Landowner: Mr Miller]	Unauthorised clearance of vegetation, excavation of drainage trenches and infilling within wetland.	Appendix N1
7 September 2017	Pre-Compliance Notice issued by DEA&DP REF: 14/1/1/E2/5/9/3/03361/17	
26 October 2017	Botanical Assessment Submitted (Nick Helme, 2017)	Appendix J3
10 October 2019	Compliance Notice Issued DEA&DP REF: 14/1/1/E2/5/9/3/03361/17	Appendix J1
10 October 2019	Directive issued DEA&DP REF: 14/1/1/E2/5/9/3/03361/17	Appendix J2
2021-2022 [Landowner: Mr Miller sells the property to Cropmax Trust]	In 2021 a Rehabilitation Plan was compiled by EnviroAfrica who was appointed by Mr Miller to rehabilitate the unlawful trenches on the property, in response to the DEA&DP: Law Enforcement's Pre-Compliance Notice and Pre-Directive, both dated 7 September 2017. Although the content and the status of the Rehabilitation Plan is unclear, there is evidence of a Close-out Report undertaken by EnviroAfrica during March 2022. However, it appears that the Rehabilitation undertaken was not completely successful.	
25 October 2022 [Landowner: Cropmax Trust]	Cornerstone Environmental Consultants were appointed (2021) to undertake a Basic Assessment Process. The Draft BAR is advertised to I&APS including DEA&DP. DEA&DP REF: 16/3/3/6/7/1/E4/27/1387/22	
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"	
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."	
2024	Cropmax cleared and reinstated some of the trenches and built a concrete platform without authorisation	
5 September 2024	Pre-Compliance Notice issued DEA&DP REF: 14/1/1/E2/9/9/3/0845/24	Appendix J4
26 September 2024	Compliance Notice issued DEA&DP REF: 14/1/1/E2/9/9/3/0845/24	Appendix J5
2025	PHS Consulting undertake a Draft Section 24G Application (Pre-application) which was advertised for public comment during: 26 June – 28 July 2025. DEA&DP REF: 14/1/1/E2/9/9/3/0845/24	CURRENT PROCESS/ APPLICATION
November 2025 - February 2026	Additional Reports are undertaken: The December 2025 Freshwater Rehabilitation Plan by EverWater The February 2026 Wetland Verification Based on Soil Augering Report by EverWater.	Appendix I2 Appendix H3
March 2026	BOCMA approves Freshwater Rehabilitation Plan.	
September 2026	BOCMA official site visit. It was concluded that a General Authorisation for the Section 21(c) and (i) water uses is acceptable.	

Which authority considered the application:

Refer to the Table above.

Has any one of the previous application/s on the property been approved **or** refused? If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).	Yes	**No**

Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.

SECTION B: ACTIVITY INFORMATION

1. ACTIVITIES APPLIED FOR

I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.

Applicant (Full names): Neels J Wilkinson **Signature:** [signature]

Place: Villiersdorp **Date:** 26/10/26

EAP (Full names): Jenna Theron **Signature:** [signature]

Place: Hermanus **Date:** October2026

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002			
Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006			
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989,			
N/A			
NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010			
Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA			
GN R386 Activity No(s): **(Listing Notice 1 of 2006)**	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			

Government Notice No. R387 Activity No(s): **(Listing Notice 2 of 2006)**	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014			
Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,			
GN No. R. 544 Activity No(s): **(Listing Notice 1 of 2010)**	Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
GN No. R. 545 Activity No(s): **(Listing Notice 2 of 2010)**	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
GN No. R. 546 Activity No(s): **(Listing Notice 3 of 2010)**	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			
NEMA EIA Contraventions: on or after 08 December 2014			
Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,			
GN No. R. 983 Activity No(s): **(Listing Notice 1 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
Activity 12	***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*	The unlawful construction of the central trench and clearing of the historic trench by the previous landowner was undertaken partially within 32m of a watercourse. Cropmax, thereafter cleared out the historic and unlawful central trench once again.	A trenched drainage system was unlawfully constructed in 2017 by the previous landowner (Mr Miller). In 2024 the existing landowner (Cropmax) cleared out the central and historic trench. A portion of the central trench and historic trench falls within 32m of a watercourse.

	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, 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 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—* (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.	All the activities fall outside the delineated wetland found on site. Therefore, the activities do not take place within a wetland or watercourse. **<u>This activity would therefore NOT be triggered.</u>**	No work took place by either party within the delineated wetland on site.
Activity 27	***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.*	Clearing of approx.1.5 ha of Elgin Shale Fynbos Vegetation to establish a concrete platform and associated infrastructure.	Approximately 1.5 ha of indigenous vegetation was cleared by Cropmax in 2024. Approximately, 2500m^2 of this was previously cleared by Mr Muller in 2017.
GN No. R. 984 Activity No(s): **(Listing Notice 2 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A			

GN No. R. 985 Activity No(s): **(Listing Notice 3 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
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.* ***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.*	Clearing of Approx.1.5 ha of Critically Endangered Elgin Shale Fynbos Vegetation within a CBA to establish a concrete platform and associated infrastructure.	Approx. 1.5 ha of indigenous vegetation was cleared by Cropmax in 2024. Approximately, 2500m^2 of this was previously cleared by Mr Muller in 2017.
Activity 14	*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.**	The unlawful construction of the central trench and clearing of the historic trench by the previous landowner was undertaken partially within 32m of a watercourse. Cropmax, thereafter cleared out the historic and unlawful central trench once again.	A trenched drainage system was unlawfully constructed in 2017 by the previous landowner (Mr Muller). In 2024 the existing landowner (Cropmax) cleared out the central and historic trench. A portion of the central trench and historic trench falls within 32m of a watercourse.

Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013			
Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008			
GN No. 718 – Category A Activity No(s):	Describe the relevant Category A waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
N/A			
GN No. 718 – Category B Activity No(s):	Describe the relevant Category B waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
N/A			

Waste Management Activity Contraventions: On or after 29 November 2013			
Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,			
GN No. 921 - Category A Activity No(s):	Describe the relevant Category A waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
N/A			
GN No. 921 – Category B Activity No(s):	Describe the relevant Category B waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
N/A			

Please note:

The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.

Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted.

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014.

The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): **(Listing Notice 1 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
Activity 12	***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*	The unlawful construction of the central trench and clearing of the historic trench by the previous landowner was undertaken partially within 32m of a watercourse. Cropmax, thereafter cleared out the historic and unlawful central trench once again. A portion of the central trench and historic trench falls within 32m of a watercourse.

	(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, 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 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—* (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.	All the activities fall outside the delineated wetland found on site. Therefore, the activities do not take place within a wetland or watercourse. **This activity would therefore NOT be triggered.**

Activity 27	***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.*	Clearing of Approx. 1.5 ha of Elgin Shale Fynbos Vegetation to establish a concrete platform and associated infrastructure.
GN No. R. 325 Activity No(s): **(Listing Notice 2 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
N/A		
GN No. R. 324 Activity No(s): **(Listing Notice 3 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.
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.* ***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*	Clearing of Approx. 1.5 ha of Elgin Shale Fynbos Vegetation to establish a concrete platform and associated infrastructure within a CBA.

	Spatial Development Framework adopted by the MEC or Minister.	
Activity 14	*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.**	The unlawful construction of the central trench and clearing of the historic trench by the previous landowner was undertaken partially within 32m of a watercourse. Cropmax, thereafter cleared out the historic and unlawful central trench once again. A portion of the central trench and historic trench falls within 32m of a watercourse.

Please note:

Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.

2. ACTIVITY DESCRIPTION

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

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	**Incomplete**
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced as well as the original date of commencement if the application is an upgrade.	**New**	**Upgrade**

In 2017, the previous landowner, Mr Miller, re-excavated the existing/historic trench along the south-western boundary of the property (Figure 2, orange arrow) and excavated additional trenches across the centre of the property (Figure 2, green arrow) and along a portion of the northern boundaries (Figure 2, blue arrows). The purpose of the exercise was to redirect the flow of surface water. These activities took place within close proximity to a wetland and approx. 2500m^2 of indigenous vegetation was cleared along the trenched areas. The subsoil drainage system/ trench was approximately 900 m in length. Mr Muller attempted to rehabilitate the area but it was not completed.

In 2021 the property was purchased from Mr Miller by Cropmax Business Trust (the Applicant).

In 2024, the Applicant cleaned out the previously excavated drainage systems across the middle/ centre of the property and on the south-western boundary (orange and green arrows in Figure 2). The trenches on the northern boundaries (blue arrows) were left untouched. These trenches have already rehabilitated, whether naturally or through assistance by the previous owner is unclear. The trenches along the northern boundaries, as indicated by the blue arrows, have closed and vegetation has largely re-established itself within these cleared areas. However, the Applicant cleared approximately a further 1.25 ha of indigenous vegetation and infilled a portion of this area with concrete to build a hardstand.

None of these activities took place within the delineated wetland.



Figure 2: Google Earth image from 2017, showing the property outline (red) and the location of the four trenches. The trenches that were cleaned by Cropmax are indicated by the orange and green arrows and the trenches that have rehabilitated are indicated by the blue arrows.



Figure 3: Completed activities/current site layout in relation to a delineated wetland (and 50m buffer zone [dark blue line]).

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.
COMPLETED (refer to Figure 3 above):

In 2024 the Applicant unlawfully cleared approx.1.5 ha of indigenous vegetation (Elgin Shale Fynbos - CR), levelled the area and constructed a 2500 m^2 concrete platform for the purposes of creating a parking space for trucks and the storage of fruit pallets. A new primary entrance was created with concrete supports for an electric gate and a culvert was inserted in the historic trench and infilled to create the bridge crossing. Furthermore, two open trenches (trench 1 runs along the western boundary and trench 2 runs through the centre of the property) were cleared out.

TO BE COMPLETED (refer to Figure 4 below):

The Applicant intends to obtain Environmental Authorisation to formalise a 1.4 ha area by expanding the existing concrete platform, as an approximate footprint of 5000m^2 is required. An area will be formalised in the form of G5 compaction for the road and truck movement. In addition, as a result of input from the freshwater specialist, the wetland's 50m buffer zone was established which will require rehabilitation (see **Appendix I2** for detailed plan). This would result in moving the central trench (trench 2) and reconstructing it outside the wetlands 50m buffer zone in the form of a swale and rehabilitating a portion of trench 1. A ±1.5m buffalo grass buffer will be planted on the inside edge of the 1.5 ha formalised area to slow down run-off water and prevent erosion from the hardened surfaces. Buffalo grass will also be planted along the edge of the swales to prevent edge erosion. The trench crossing (trench 1) for the primary entrance will be upgraded to ensure the structure will not result in erosion. Lastly, a small storm water retention area will be constructed in the northwestern corner to "filter" water as it drains out of the property.

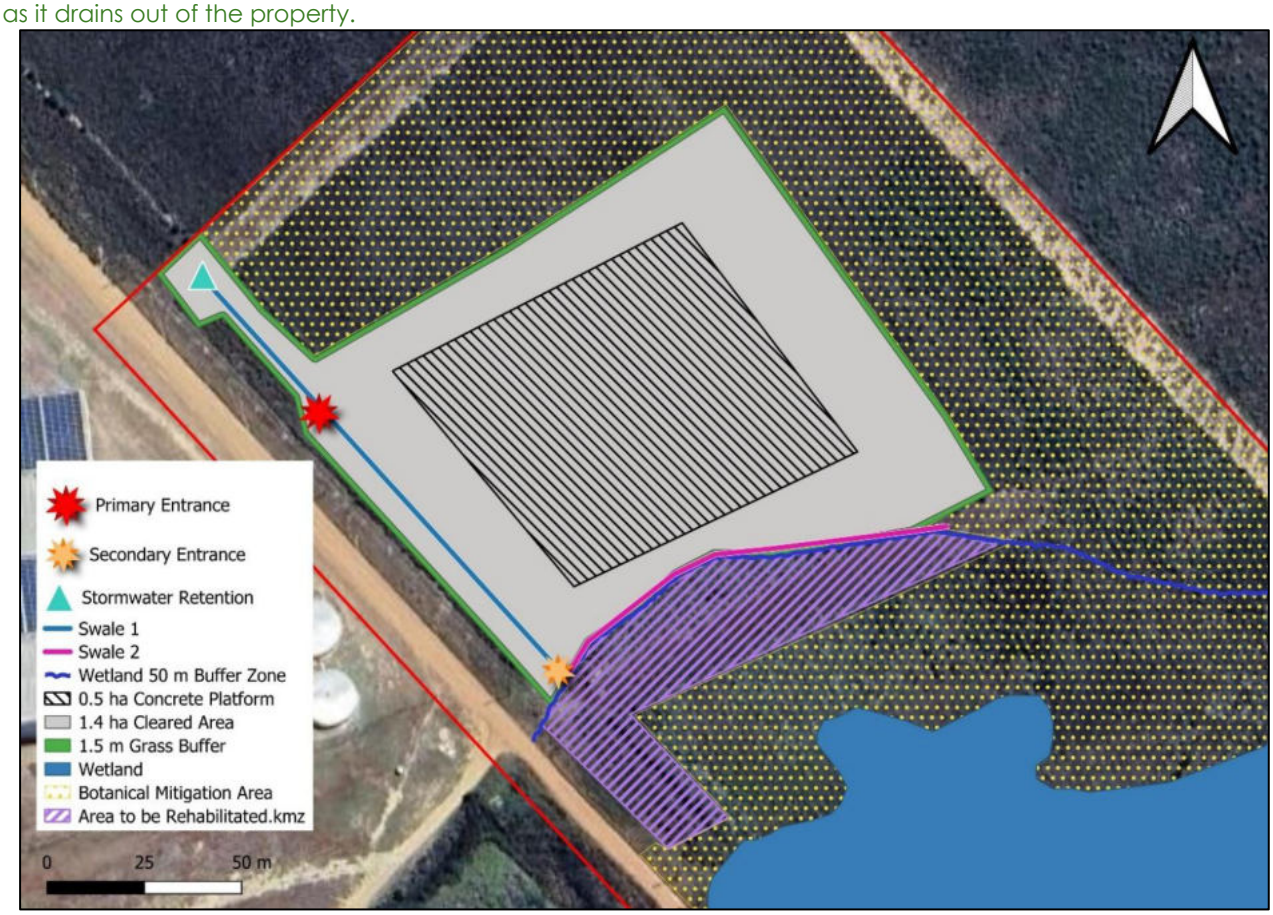


Figure 4: Site Development Plan, i.e. all activities to be completed.

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).		
Buildings	YES	**NO**
Provide brief description:		
Infrastructure (e.g. roads, power and water supply/ storage)	**YES**	NO
Provide brief description:		
Completed: • Clearing of approx. 1.5 ha indigenous vegetation; • Construction of a 2500 m^2 concrete platform;		

• Clearing out of two drainage trenches (trench 1(west) and trench 2 (central)); and • Establishment of a primary entrance (with concrete support for electric gate over trench). **To be completed:** • The expansion of the concrete platform by an additional approx. 2500 m²; • Compaction of roads and truck movement areas around the platform • Planting a ±1.5m buffalo grass buffer around the concrete platform to prevent water run-off/erosion; • Rehabilitation of the Wetland's 50m buffer zone (**Appendix I2**); • Moving the central trench (trench 2) and reconstructing it outside the wetlands 50m buffer zone in the form of a swale in accordance with the Rehabilitation Plan (**Appendix I2**); • Planting buffalo grass along the edge of the swales to prevent edge erosion; • Upgrading the trench crossing (trench 1) for the primary entrance to ensure the structure will not result in erosion; and • Constructing a small storm water retention area in the northwestern corner of the property.		
Processing activities (e.g. manufacturing, storage, distribution)	YES	**NO**
Provide brief description:		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)		
Provide brief description	YES	**NO**
Storage and treatment facilities for solid waste and effluent generated by the project	Yes	**No**
Provide brief description		

(d) Other activities (e.g. water abstraction activities, crop planting activities)	Yes	**No**
Provide brief description		

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	14 000	m²
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	15 000	m²
Total area: [footprint of proposed project]	**14 000**	m²

4. SITE ACCESS

Was there an existing access road?	**YES**	NO
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length)	m
	(width)	m
Describe the type of access road constructed:		
Although there was an existing access point onto the site off the gravel road, a primary access point has now been established with the existing access being utilised as a secondary access for emergency purposes. Access points are depicted in Figure 4 above.		

Please Note:

Indicate the position of the access road on the site plan (See Section 5 below)

5. SITE PHOTOGRAPHS

Please refer to Appendix D

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form.

Please note:

Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.

6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (if already obtained):
Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of S24G (GN 40994 dated 20 July 2017)	DEA&DP	For consideration	Pending this process
National Environmental Management Act 107 of 1998, as amended (NEMA)	DEA&DP	Environmental Authorisation	Pending this process
Environmental Impact Assessment Regulations, 2014 (as amended)	DEA&DP	Environmental Authorisation	Pending this process
National Water Act 36 of 1998 (NWA)	BGCMA	Registration of GA	Pending

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Guidelines for EMP's (June 2015)	DEA&DP
Guidelines on Alternatives (March 2013)	DEA&DP
Guideline for involving Biodiversity Specialists in the EIA process (2005)	DEA&DP
Circular EADP 0028/2014: One Environmental Management System	DEA&DP
Western Cape Provincial Spatial Development Framework (PSDF) (2014)	DEA&DP
Guideline on Public Participation (2017)	DEA&DP
Guideline for involving a Heritage Specialist in an EIA process (2005)	DEA&DP
Guideline for the review of Specialist Input in the EIA process (June 2005)	DEA&DP
Guideline on Need and Desirability (2017)	DEA&DP
BGIS	SANBI
Theewaterskloof SDF (November 2019)	Theewaterskloof Local Municipality
Theewaterskloof IDP (2006 – 2010/11 & 2022 - 2027)	Theewaterskloof Local Municipality

7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS ("SEMAs")

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?	YES	**NO**
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	**YES**	NO
If yes, has an application been submitted to the licensing authority? This process for obtaining a General Authorisation is underway and BOCMA is being consulted with (**Appendix M3**).	**YES**	NO

If no, please provide evidence of existing water use rights (if applicable) with this application form.		
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?	YES	**NO**
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act ("NEM: ICMA")?	YES	**NO**
If yes, has an application been submitted to the relevant competent authority?	YES	NO
If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA		

8.

APPLICATIONS IN TERMS OF OTHER LEGISLATION

Is any permission, licence or other approval required in terms of any other legislation? (Please tick)	YES	**NO**

If yes, please complete the table below:

Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)

SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

Site/Area Description

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan.

Section C Copy No. (e.g. 1, 2, or 3):

1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (Tick the appropriate box)

GRANITE		QUARTZITE	
SHALE	**X**	DOLOMITE	
SANDSTONE		DOLERITE	
OTHER (specify)			

2. GRADIENT OF THE SITE

Indicate the general gradient of the site(s) (cross out the appropriate box).

Flat	**Flatter than 1:10 X**	1:10 – 1:5	Steeper than 1:5

3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site (cross out ("☒") the appropriate boxes).

Ridgeline	Plateau	Side slope of hill/mountain	Closed valley	**Open valley X**	Plain	Undulating plain/low hills	Dune	Sea-front	Other
If other, please describe									

4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)

Is the site(s) located on or near any of the following (cross out ("☒") the appropriate boxes)?

Shallow water table (less than 1.5m deep)	**YES**	NO	UNSURE
Seasonally wet soils (often close to water bodies)	**YES**	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	**NO**	UNSURE
Dispersive soils (soils that dissolve in water)	YES	**NO**	UNSURE
Soils with high clay content	YES	**NO**	UNSURE
Any other unstable soil or geological feature	YES	**NO**	UNSURE
An area sensitive to erosion	**YES**	NO	UNSURE

4.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)

Shallow water table (less than 1.5m deep)	**YES**	NO	UNSURE
Seasonally wet soils (often close to water bodies)	**YES**	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	**NO**	UNSURE
Dispersive soils (soils that dissolve in water)	YES	**NO**	UNSURE
Soils with high clay content	YES	**NO**	UNSURE
Any other unstable soil or geological feature	YES	**NO**	UNSURE
An area sensitive to erosion	**YES**	NO	UNSURE

If any of the answers to the above are "YES" or "unsure", specialist input may be requested by the Department.
(Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

5. SURFACE WATER

5.1 SURFACE WATER (PRE-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

Perennial River	YES	**NO**	UNSURE
Non-Perennial River	YES	**NO**	UNSURE
Permanent Wetland	**YES**	NO	UNSURE

Seasonal Wetland	YES	**NO**	UNSURE
Artificial Wetland	YES	**NO**	UNSURE
Estuarine / Lagoonal wetland	YES	**NO**	UNSURE

5.2 SURFACE WATER (POST-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

Perennial River	YES	**NO**	UNSURE
Non-Perennial River	YES	**NO**	UNSURE
Permanent Wetland	**YES**	NO	UNSURE
Seasonal Wetland	YES	**NO**	UNSURE
Artificial Wetland	YES	**NO**	UNSURE
Estuarine / Lagoonal wetland	YES	**NO**	UNSURE

6. VEGETATION AND/OR GROUNDCOVER

Please note: The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult http://bgis.sanbi.org.za or BGIShelp@sanbi.org.za. Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP's responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an **appendix** to this form.

6.2 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)

Cross out ("☒") the block **and** describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity.

Indigenous Vegetation - good condition		**Indigenous Vegetation with scattered aliens**	**X**	Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:		Describe the vegetation type above: Elgin Shale Fynbos. The cleared area was dominated – prior to clearing - by just a few weedy species typical of disturbed soils, including *Pennisetum macrourum, Seriphium plumosum, Passerina corymbosa, Tenaxia stricta, Anthospermum aethiopicum* and *Imperata cylindrica*. No plant Species of Conservation Concern (SoCC) were recorded in the subject area, although various SoCC are present in the adjacent areas.		Describe the vegetation type above:	
Provide ecosystem status for above:		Provide ecosystem status for above: Critically Endangered (CR)		Provide Ecosystem status for above:	
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe	
Bare soil		Building or other structure		Sport field	
Other (describe below) **Open trench system and a formal drainage sump. Servitude area for power line. Small dam.**		**Cultivated land (historic)** **Evidence of small-scale subsistence Farming around existing Dam.**		Paved surface	

(a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

Systematic Biodiversity Planning Category				**If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan**
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	Wetland CBA1 and Terrestrial CBA2: Degraded. From the NFEPA map, the larger catchment in which the development took place, lies within a Fish Support Area, with the large wetland falling on site, classified as East Coast Shale Renosterveld Floodplain wetland (FEPA rank 2). Additionally, according to the vegetation map of South Africa, the original vegetation type present on the majority of the site is Elgin Shale Fynbos.

(b) Highlight and describe the habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	0%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	90 - 95%	The majority of the vegetation on the property was in good condition and described as Elgin Shale Fynbos. Several indigenous species were recorded, and 10 species of conservation concern were confirmed present. The vegetation within the wetland area was made up of typical indigenous wetland plants. Some areas were lightly invaded with alien plant species.
Degraded (includes areas heavily invaded by alien plants)	0%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	5-10%	An open trench system, formal drainage sump and a servitude area for a power line. Evidence of small-scale subsistence farming around existing Dam.

(c) Complete the table to indicate:
(i) the type of vegetation, including its ecosystem status, that was previously present on the site; and
(ii) whether an aquatic ecosystem was previously present on site.

Terrestrial Ecosystems		Aquatic Ecosystems						
Ecosystem threat status as per the National Environmental Management: Biodiversity Act,2004 (Act No. 10 of 2004)	**Critical**	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)			Estuary		Coastline	
	Endangered							
	Vulnerable							
	Least Threatened							
		YES	NO	UNSURE	YES	**NO**	YES	**NO**

(d) Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)

The vegetation map of South Africa (Mucina & Rutherford 2006 and online update dated 2018) indicates that the original vegetation type present on the majority of the site is Elgin Shale Fynbos. This vegetation type is restricted to nutrient rich, shale derived soils in the relatively high rainfall Elgin and Vyeboom areas. Due to the high winter rainfall, the rich soils, and the relatively gentle topography the area has a long history of intensive agriculture (mostly for fruit trees). 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 (Rouget et al 2004), 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 (Government of South Africa 2022), and any significant loss of intact habitat must thus have a High negative impact (DEA 2011).

Although some Kogelberg Sandstone Fynbos is shown on site, in reality there is no semblance of this vegetation type on site. It should however be noted that Kogelberg Sandstone Fynbos is also regarded as Critically Endangered on a national basis, due to the very high number of rare and localised plant species that it supports, not because the habitat is inherently threatened (DEA 2011).

The cleared area was dominated – prior to clearing - by just a few weedy species typical of disturbed soils, including *Pennisetum macrourum, Seriphium plumosum, Passerina corymbosa, Tenaxia stricta, Anthospermum aethiopicum* and *Imperata cylindrica*. No plant Species of Conservation Concern (SoCC) were recorded in the subject area, although various SoCC are present in the adjacent areas. Botanical sensitivity in this area was relatively low (Medium on a site scale).

A large valley-bottom wetland extends from the centre of the property toward the southeast. This wet area comprises a permanently saturated Typha-dominated zone, along with seasonally wet grassland areas.

Water inputs primarily originate from an upstream channel, where flow becomes dispersed, as well as from adjacent slopes and groundwater. Water movement through the wetland occurs mainly as diffuse surface flow and interflow, with temporary water retention in depressional areas. Under natural conditions, outflow primarily occurs through diffuse surface flow and infiltration.

The hydrodynamics of the wetland are predominantly characterized by horizontal, unidirectional diffuse surface flow.

6.3 VEGETATION AND/OR GROUNDCOVER (POST-COMMENCEMENT)

Cross out ("☒") the block **and** describe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

Indigenous Vegetation - good condition		**Indigenous Vegetation with scattered aliens**	**X**	Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:		Describe the vegetation type above: Elgin Shale Fynbos, just a few weedy species typical of disturbed areas, including *Pennisetum macrourum, Seriphium plumosum, Passerina corymbosa, Tenaxia stricta, Anthospermum aethiopicum* and *Imperata cylindrica.* No plant Species of Conservation Concern (SoCC) were recorded in the subject area, although various SoCC are present in the adjacent areas.		Describe the vegetation type above:	
Provide ecosystem status for above:		Provide ecosystem status for above: Critically Endangered		Provide Ecosystem status for above:	
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe	
Bare soil		Building or other structure		Sport field	
Other (describe below) **Open trench system and formal sump. Powerline servitude. Historic dam and irrigation infrastructure present on site.**		Cultivated land		**Paved surface** **Concrete platform**	

(a) Highlight and describe the post-construction habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	0%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	80-85%	A large portion of the property (outside of the project's footprint) is good condition Elgin Shale Fynbos vegetation. The trenches on the northern boundaries have naturally rehabilitated to a degree . Additionally, there are areas outside of the project footprint covered by indigenous vegetation and lightly invaded by alien plant species.
Degraded (includes areas heavily invaded by alien plants)	0%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	15-20%	The historical trench line is present as well as the central trench, an area of land has been cleared of vegetation and a portion thereof has been hardened in the form of a concrete platform. The formal drainage sump and electrical servitude area is still applicable. Evidence of small-scale subsistence farming around an existing historic Dam is still evident.

(b)How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

The Recommended Ecological Category (REC) for the wetland is Class A, and a 50m buffer zone was determined using the Buffer Zone Tool for the Determination of Aquatic Impact Buffers (DWA, 2014).
In the initial wetland assessment, due to its pristine state at the time and its critically endangered status, it was concluded that no loss of wetland should be permitted. However, the newly cleared area has encroached approximately 34 meters into the proposed buffer zone, with drainage channels extending right up to the edge of the wetland.

The clearing of vegetation for the platform lead to loss and degradation of the existing natural and partly natural vegetation of approx. 1.5 ha. The relevant vegetation type, Elgin Shale Fynbos is gazetted as Critically Endangered on a national basis. No plant Species of Conservation Concern are likely to have occurred in the cleared area, and the sensitivity of the vegetation in that area was relatively low.

6.4 VEGETATION / GROUNDCOVER MANAGEMENT

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

No management or mitigation measures were adopted as yet.

7. LAND USE OF THE SITE (PRE-COMMENCEMENT)

Please note: The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	**Dam ~~or reservoir~~**
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	**~~River, stream or~~ wetland**	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):	Drainage system, Sump, power line servitude, and evidence of historic small scale subsistence farming in the form of irrigation around the old dam.			

(a) Please provide a description.

A drainage line red arrow has existed (before 2004) along the south-west boundary of the property (Figure 5 below). This "historic" drainage line starts off-site further upslope and then crosses under the road into portion 22 of Farm 82 Klipfontein continuing downwards, parallel to the dirt road, towards the Theewaterkloof Dam. A large built sump has also existed, in association with the drainage line (see Figure 6 below).

In 2017, the previous landowner, Mr Miller, furthermore, re-excavated the existing trench along the western boundary of the property and excavated additional trenches across the centre of the property and along a portion of the northern and eastern property boundaries (Figure 3 above). The purpose of the exercise was to redirect the flow of surface water with the intent to develop the area between the trenches. These activities took place near a wetland and indigenous vegetation was cleared along the trenched areas.

A servitude line bisects the property, to facilitate the powerlines running through the area. Remnants of an old dam and irrigation are also visible on site (Figure 5 – yellow arrow and Figure 7). Please refer to **Appendix N2**.

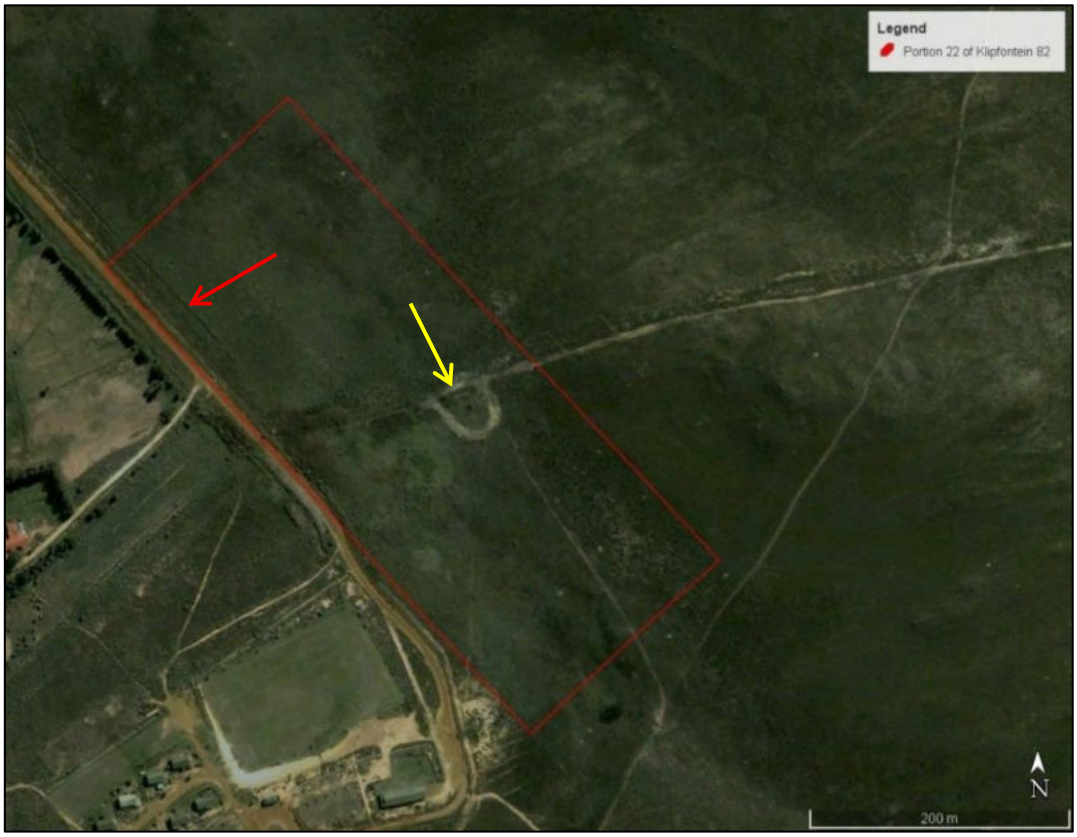


Figure 5: 2004 image of the site showing the existence of a drainage line on the south-western boundary (red arrow) of the property and the servitude area for the powerlines bisecting the property and the old dam (yellow arrow).



Figure 6: Sump found on the south-western boundary of the property.





Figure 7: Left: Old irrigation infrastructure. Right: Old dam wall.

8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Cross out ("☒") the block that reflects the past land uses and/or prominent features that occur/red within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	**Low density residential**	Medium density residential	High density residential	Informal residential
Retail	**Commercial & warehousing**	**Light industrial**	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	**Dam or reservoir**
Hospital/medical centre	**School**	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	**Agriculture**	**River, stream or wetland**	**Nature conservation area**
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Cross out ("☒") the block that reflects the current land uses and/or prominent features that occur(s) within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	**Low density residential**	Medium density residential	High density residential	Informal residential
Retail	**Commercial & warehousing**	**Light industrial**	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	**Dam or reservoir**
Hospital/medical centre	**School**	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	**Agriculture**	**River, stream or wetland**	**Nature conservation area**

Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

10. SOCIO-ECONOMIC CONTEXT

10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

The Integrated Development Plan for the Theewaterskloof Municipality for the time period of 2006-2010/11 was consulted:

Demographic Profile:
In 2006 the population of the Theewaterskloof Local Municipality totalled 101 804 persons with a growth rate of 1,8% from 2001-2006. This growth rate is considerably lower than the district rate of 2,8%. It should also be noted that from 1996-2001 the region experienced a relatively high growth rate of 5,1%. The growth rate thus declined from the 1996-2001 to the 2001-2006 cycle and estimates suggest that the declining trend will continue. The region is steadily undergoing urbanisation which is resulting in a substantial increase in the urban population while the rural population is declining. In 2001 the age dependency ratio for the area was 49,38%, which is lower than the district average of 52,56%. The ratio was projected to decline marginally to 49,03% by 2006. Despite this, the dependency ratio can still be regarded as very high. It implies that almost half of the population of the area is either too young or too old to fend for themselves. This places a huge burden on both the working-age population and on the area's dependency on social grants.

Education:
In the Theewaterskloof municipal area, the average learner-teacher ratio for 2006 was estimated at 37:1 which is relatively high given that the recommended upper limits are 35:1-40:1. The illiteracy rate in the Theewaterskloof area is 32%, which is higher than the district average of 27%. Almost 40,3% of the age group 5 – 24 does not attend any educational facilities. Only 15% of the Theewaterskloof population aged 20+ have attained a matric certificate. This is considerably lower than the district rate of 19,4% and the provincial rate of 23,4%. An estimated 58% of the workers in the Theewaterskloof area are low-skilled individuals. The high percentage of low-skilled workers corresponds with high illiteracy rates registered in the area, as well as poor educational attainment. The dominance of the agricultural sector, which, in most cases, does not demand high skills, is one of the major reasons for the low skills levels in the area.

Poverty:
The Theewaterskloof area has low-income levels compared to the district and provincial average. This is indicative of high levels of poverty. In 2001 31,09% of households received income of less than R9 600 per annum. This is higher than the district average of 28,3% of households in this income bracket. Furthermore, the proportion of households with no income at all was at 10,8% the highest in the Overberg district.

Employment:
Theewaterskloof had an unemployment rate of 18,6% in 2001 indicating a drastic increase in unemployment from 1996 during which time the unemployment rate was 8,9%. Between 1996 and 2001 the Theewaterskloof labour force increased by 10 432 people (an annual average rate of 5,7%), whereas the jobs created over the same period only reached 5 299 people. Employment creation thus did not keep pace with the labour force growth in the area. The major causes of unemployment are the shrinking agricultural sector, capital intensity of agricultural activities, poor labour absorption in the manufacturing sector, seasonal nature of employment in the agricultural sector and the low industrial base in some of the areas in the Theewaterskloof. The agricultural sector has been declining rapidly since 1996. From 1996 to 2001 the agricultural sector's share in employment dropped from 53,7% to 50,09 and although still high, the high reliance on this sector for employment thus poses a risk for the Theewaterskloof workforce and new immigrants.

Local Economy
Agriculture, as the major economic activity, contributed 34,95% of the total GDPR of the Overberg in 2004. It is furthermore important to note that in 2004 agricultural activities in Theewaterskloof contributed a massive 67,9% of the total agrarian sector of the Overberg. Despite its high contribution to GDPR, the agriculture and forestry sector projects one of the slowest growth rates (1,23% in 2001-2004). This poses a threat to the Theewaterskloof economy and again illustrates the sector's susceptibility to downside risks. The agricultural sector is extremely vulnerable to factors beyond the control of any person or institution. Droughts and other negative natural occurrences, exchange rate fluctuations and world market trend can have an immediate detrimental effect on the sector. As such diversification could play an important role in the long-term viability of the local agricultural sector.

10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

The socio-economic context post-commencement will remain the same as that stated above. The proposed activity would contribute towards job creation through the temporary job opportunities available onsite during the construction phase and minor indirect jobs associated with the operational phase. The characteristics of the community have not been affected by the commencement of activities, nor are any negative socio-economic changes anticipated as a result of the activities. Improved operational efficiencies (provided by this development) could lead to increased handling of products and in turn, increased contribution to local employment and the municipal economy.

11. HISTORICAL AND CULTURAL ASPECTS

(a) Please be advised that every application for Environmental Authorisation including an application for a Waste Management Licence, must include, where applicable the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows: "*38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-*

(a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;

(b) the construction of a bridge or similar structure exceeding 50m in length;

(c) any development or other activity which will change the character of a site-

(i) exceeding 5 000 m² in extent; or

(ii) involving three or more existing erven or subdivisions thereof; or

(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or

(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;

(d) the re-zoning of a site exceeding 10 000 m² in extent; or

(e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,

must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."

(b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "*3(2) Without limiting the generality of subsection (1), the national estate may include—*

(a) places, buildings, structures and equipment of cultural significance;

(b) places to which oral traditions are attached or which are associated with living heritage;

(c) historical settlements and townscapes;

(d) landscapes and natural features of cultural significance;

(e) geological sites of scientific or cultural importance;

(f) archaeological and palaeontological sites;

(g) graves and burial grounds, including—

(i) ancestral graves;

(ii) royal graves and graves of traditional leaders;

(iii) graves of victims of conflict;

(iv) graves of individuals designated by the Minister by notice in the Gazette;

(v) historical graves and cemeteries; and

(vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);

(h) sites of significance relating to the history of slavery in South Africa;

(i) movable objects, including—

(i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;

(ii) objects to which oral traditions are attached or which are associated with living heritage;

(iii) ethnographic art and objects;

(iv) military objects;

(v) objects of decorative or fine art;

(vi) objects of scientific or technological interest; and

(vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	**NO**	UNCERTAIN
If YES, explain:	Please refer to **Appendix F** for Final Comment from HWC.			
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		YES	**NO**	UNCERTAIN
If YES, explain:				
Was any building or structure older than 60 years affected in any way?		YES	**NO**	UNCERTAIN
If YES, explain:				

Please Note:

If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form.

12. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)

(a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).

If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

AREA	**YES**	**NO**	**UNSURE**	**If "YES": Distance to nearest area (m)**
An area within 100m of the high water mark of the sea	YES	**NO**	UNSURE	
An area within 100m of the high water mark of an estuary/lagoon	YES	**NO**	UNSURE	
An area within the littoral active zone	YES	**NO**	UNSURE	
An area in the coastal public property	YES	**NO**	UNSURE	
Major anthropogenic structures	YES	**NO**	UNSURE	
An area within a Coastal Protection Zone	YES	**NO**	UNSURE	
An area seaward of the coastal management line	YES	**NO**	UNSURE	
An area within the high risk zone (20 years)	YES	**NO**	UNSURE	
An area within the medium risk zone (50 years)	YES	**NO**	UNSURE	
An area within the low risk zone (100 years)	YES	**NO**	UNSURE	
An area below the 5m contour	YES	**NO**	UNSURE	
An area within 1km from the high water mark of the sea	YES	**NO**	UNSURE	

A rocky beach	YES	**NO**	UNSURE	
A sandy beach	YES	**NO**	UNSURE	

(b) If any of the answers to the above is "YES" or "UNSURE", specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

13. REGIONAL PLANNING CONTEXT

Is the activity permitted in terms of the property's existing land use rights?	**YES**	NO	Please explain
The property is within the Theewaterskloof Rural Development Area and is zoned for Agriculture. The Applicant intends to use the site for the parking of trucks and storage of fruit packing pallets/crates during season. This acts in service of the fruit farming industry as the Applicant runs a transport logistics company, transporting fruit for distribution between farms and the co-op/ packhouses.			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	**YES**	NO	Please explain
The Western Cape Provincial Development Framework Rural Land Use Planning and Management Guidelines (2018) indicates that the 2 key objectives of agriculture are: 1. Protect agriculture as the dominant land use in rural areas; and 2. Improve economic viability of farmland through intensification, diversification and value adding. This project contributes to the efficiency of agricultural practices within the area, as the Applicants transport logistics will be more efficient having a storage base during season while transporting fruit produced by the local farms.			
Urban edge / Edge of Built environment for the area	**YES**	NO	Please explain
The activity involves agricultural related activities and is located within the Theewaterskloof Rural Development Area, outside of the Urban Edge.			
Integrated Development Plan of the Local Municipality	**YES**	NO	Please explain
The approval of this application does not compromise the integrity of the existing IDP/ SDF of the Local Municipality. The development will help to improve the operational efficiencies of the existing agricultural activities being undertaken within the area (transport of fruit) and the associated indirect effects of this on agricultural growth and expansion for the municipal area and employment opportunities.			
Spatial Development Framework of the Local Municipality	**YES**	NO	Please explain
The approval of this application does not compromise the integrity of the existing IDP/ SDF of the Local Municipality. The development will help to improve the operational efficiencies of the existing agricultural activities being undertaken within the area (transport of fruit) and the associated indirect effects of this on agricultural growth and expansion for the municipal area and employment opportunities.			
Approved Structure Plan of the Municipality	**YES**	NO	Please explain
This project involves the development of a concrete platform for the use by trucks and the storage of fruit packing pallets/crates. This project aims to improve the agricultural efficiency of the fruit farming industry (specifically the delivery and transport of fruit) and thus will indirectly have a positive impact, albeit limited, on employment opportunities and maintaining agriculture as the main land use within the rural area. The application does not contradict the Structure Plan of the Municipality in any way.			
An Environmental Management Framework (EMF) adopted by the Department	**YES**	NO	Please explain
Theewaterskloof Municipality has not adopted any EMF.			
Any other Plans	YES	NO	**Please explain**
Not applicable.			

SECTION D: NEED AND DESIRABILITY

Please Note: Before completing this section, first consult this Department's *Guideline on Need and Desirability* (March 2013) available on the Department's website (**http://www.capegateway.gov.za/eadp**).

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	**YES**	NO	Please explain

The property is within the Theewaterskloof Rural Development Area and is zoned for Agriculture. The Applicant intends to use the site for the parking of trucks and storage of fruit packing pallets/crates during season. This acts in service of the fruit farming industry as the Applicant runs a transport logistics company, transporting fruit for distribution between farms and the co-op/packhouses.			
2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	**YES**	NO	Please explain
The Western Cape Provincial Development Framework Rural Land Use Planning and Management Guidelines (2018) indicates that the 2 key objectives of agriculture are: 1. Protect agriculture as the dominant land use in rural areas; and 2. Improve economic viability of farmland through intensification, diversification and value adding. This project contributes to the efficiency of agricultural practices within the area, as the Applicants transport logistics will be more efficient having a storage base during season while transporting fruit produced by the local farms.			
(b) Urban edge / Edge of Built environment for the area	**YES**	NO	Please explain
The activity involves agricultural related activities and is located within the Theewaterskloof Rural Development Area, outside of the Urban Edge.			
(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	**YES**	NO	Please explain
The approval of this application does not compromise the integrity of the existing IDP/ SDF of the Local Municipality. The development will help to improve the operational efficiencies of the existing agricultural activities being undertaken within the area (transport of fruit) and the associated indirect effects of this on agricultural growth and expansion for the municipal area and employment opportunities.			
(d) Approved Structure Plan of the Municipality	**YES**	NO	Please explain
This project involves the development of a concrete platform for the use by trucks and the storage of fruit packing pallets/crates. This project aims to improve the agricultural efficiency of the fruit farming industry (specifically the delivery and transport of fruit) and thus will indirectly have a positive impact, albeit limited, on employment opportunities and maintaining agriculture as the main land use within the rural area. The application does not contradict the Structure Plan of the Municipality in any way.			

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	**YES**	NO	Please explain
Not applicable. Theewaterskloof Municipality has not adopted an EMF.			
(f) Any other Plans (e.g. Guide Plan)	YES	NO	**Please explain**
Not applicable.			

3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)?	**YES**	NO	Please explain
The Applicant is a transport logistics company that transport fruit etc. between farms and co-ops during harvesting season. The Applicant intends to use the site as storage for trucks and packing pallets/crates. This project is well aligned with the Theewaterskloof IDP and SDF. Agriculture makes up a third of the municipality's economy and as discussed, this project aids the agriculture industry and will indirectly support the growth and success of fruit farming within the area.			

4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced?	**YES**	NO	Please explain
The proposed site is owned by the Applicant and is approximately 10ha in extent. The site is zoned for Agriculture, and it is the Applicant's intention to utilise a 1.5 ha portion of the site for the storage of trucks and pallets/crates during harvesting season. The Applicant runs a transport logistics company, aiding farmers to transport fruit etc. between farms and co-ops/packhouses. Having a base during peak season would assist the Applicant with the efficiency of the transport logistics company. Furthermore, the site is located within the Vyeboom agricultural hub as well as being adjacent to the Vyeboom farming co-op and the IdeaFruit packaging facility.			

5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)	YES	**NO**	Please explain
The community did not need the activity however the project will indirectly contribute to improved operational efficiencies of the existing agricultural industry within the area.			

6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.)	**YES**	NO	Please explain
No municipal services were/ are required.			

7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.)	YES	**NO**	Please explain
The development activities do not require additional municipal infrastructure, as such the activity did not impact infrastructure planning of the Municipality.			

8. Was this project part of a national programme to address an issue of national concern or importance?	YES	**NO**	Please explain
This project was not listed as part of any national programme however, the development activities will contribute to the development of local employment opportunities, albeit limited, within the sustainable agriculture industry, which is supported by the local IDP and SDF.			

9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	**YES**	NO	Please explain
The development is situated within an agricultural landscape and is adjacent to an existing IdeaFruit's product delivery and collection area. The site is strategically located for logistic operations to assist the surrounding agricultural area.			

10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?	**YES**	NO	Please explain

The Recommended Ecological Category (REC) for the wetland is Class A, and a 50m buffer zone was determined using the Buffer Zone Tool for the Determination of Aquatic Impact Buffers (DWA, 2014).
In the initial wetland assessment, due to its pristine state at the time and its critically endangered status, it was concluded that no loss of wetland should be permitted. However, the newly cleared area has encroached approximately 34 meters into the proposed 50 m buffer zone.

The clearing of vegetation for the platform lead to loss and degradation of the existing natural and partly natural vegetation. The relevant vegetation type, Elgin Shale Fynbos is gazetted as Critically Endangered on a national basis. No plant Species of Conservation Concern are likely to have occurred in the cleared area, and the sensitivity of the vegetation in that area was relatively low.

The activity does not impact on any heritage or cultural areas. A Heritage Screener Report and Notice of Intent to Develop (NID) were submitted to Heritage Western Cape (HWC). Through the heritage screener assessment, the Heritage Consultant from CTS Heritage argued that it is unlikely that the proposed development will negatively impact on significant archaeological, palaeontological, built environment or cultural landscape heritage resources. HWC agreed with this opinion and confirmed there are no perceived impacts.

11. How did/does the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc.)?	YES	**NO**	Please explain

The development will not impact on people's health and wellbeing. When one considers the neighbouring activities, the IdeaFruit pack shed and Vyeboom Farmers' Co-op, the clearing of a small area of vegetation and the presence of trucks and packing pallets is not a new occurrence (see Figure 8 below). Currently from the R321 one can see (at the pack shed) trucks and stacks of packing pallets thus this development will not change the already present visual aesthetic of the landscape. No odours or additional noise will be created as a result of the proposed activity.



Figure 8: Image taken in April 2025 of the IdeaFruit packing operation on the property directly to the west of the study site. One can see the stacks of packing pallets/crates and large trucks.

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	**NO**	Please explain
Considering the nature and scale of the activity, it would not result in unacceptable opportunity costs should all mitigation measures be adhered to.			

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	**YES**	NO	Please explain
Positive: The development will help to improve the operational efficiencies of the logistics company and will have positive, indirect effects of this on agricultural growth and expansion for the municipal area and employment opportunities (both permanent and temporary, albeit limited). **Negative:** From a botanical perspective - the cumulative ecological impacts are in many ways equivalent to the regional ecological impacts, in that the vegetation type/s impacted by the new cultivation have been, and will continue to be, impacted by numerous developments and other factors (the cumulative impacts) within the region. The primary cumulative impacts in the region are loss of natural vegetation and threatened plant species to ongoing agriculture, urban development and alien plant invasion (Mucina & Rutherford 2012; Helme et al 2016). The overall cumulative ecological impact of the 1.5 ha of new clearing in the study area at the regional scale is likely to have been Low negative. From an aquatic perspective - according to the National Freshwater Ecosystem Priority Areas (NFEPA) map, the larger catchment in which the development took place, is located falls within a Fish Support Area, while the large wetland on-site is classified as an East Coast Shale Renosterveld Floodplain Wetland (FEPA rank 2). The Recommended Ecological Category (REC) for the wetland is Class A, and a 50 m buffer zone was determined using the Buffer Zone Tool for the Determination of Aquatic Impact Buffers (DWA, 2014). The cleared area has encroached approximately 34 meters into the proposed buffer zone. The long-term impacts of these activities were assessed as having a medium to very high negative impact on a local to regional scale, with a high probability of significant wetland loss over time.			

14. Is/was the development the best practicable environmental option for this land/site?	**YES**	NO	Please explain
The site is located within an agricultural landscape (the Theewaterskloof Rural Development Area), is zoned Agriculture and is adjacent to the IdeaFruit packing shed and the Vyeboom Farmers' Co-op. With this project there is the possibility for a win-win situation. The Applicant can expand their operation and indirectly contribute to the agricultural industry of the area while at the same time preserving the remaining vegetation found on the property. The site is small and not an economic farming unit, it's ideal for a small-scale development and considering the value of the property it can't merely be left unused. The property was in the openmarket numerous times, and no conservation entity purchased it considering it's expensive to buy and the conserve it. Due to its strategic location and size its attractive for development of this nature.			

15. What are/were the benefits to society in general and to the local communities?	Please explain
Considering the nature of the activity the benefits to society in general and to the local communities is limited. However, the development will help improve the operational efficiencies of existing agricultural activities by providing a storage space for the Applicant. The associated indirect effects, albeit limited, would result in continued agricultural growth within the municipal area resulting in minor employment opportunities within the sector.	

16. Any other need and desirability considerations related to the activity?	Please explain
No other need and desirability considerations are relevant to the activity. The development activities that commenced on the property do not impact or restrict surrounding landowners to exercise their legal rights. The development activity is in line with the existing land use of the property and allows for the expansion of an existing operation to ensure ongoing viability of the business.	

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:
General objectives of Integrated Environmental Management were taken into account retrospectively by doing the following: - A Botanist was appointed to assess the significance of the vegetation features/attributes that would have been present within the cleared areas and to determine the impacts that have resulted from development on these features. Suitable mitigation measures to address and reduce the identified botanical impacts to within acceptable limits were outlined within the botanical report. Please refer to the Botanical Impact Assessment included as **Appendix H1**. - An Aquatic Specialist was also appointed to assess the significance of the onsite aquatic features and to determine the aquatic impacts that have resulted from the development activities undertaken. Suitable mitigation measures to address and reduce the identified aquatic impacts to within acceptable limits were outlines within the aquatic report. Please refer to the Aquatic Impact Assessment included as **Appendix H2** and Additional Augering Report included as **Appendix H3**. - The specialist reports along with the current application identifies, predicts, assesses, and communicates the actual and potential impacts associated with the development activities that have already been undertaken and the proposed ongoing use of the cleared areas. Remedial measures to address existing impacts have been identified and outlined and will be implemented onsite. In addition, all potential impacts that may result from the proposed use of the cleared areas have been identified and rated, and suitable management and mitigation measures have been outlined that aim to avoid and/or mitigate potential impacts. - An Environmental Management Programme (EMPr) has been compiled that includes all specialist and general required mitigation and management activities. Implementation of the EMPr will be carried out onsite and will ensure ongoing management of the operation in line with suitable environmental practices and continued mitigation efforts. A public participation process (PPP) will be implemented as per the EIA Regulations 2014 and DEA&DP's guidelines on PPP which allows sufficient opportunity for public consultation. An advertisement will be placed in a newspaper, informing members of the public of the application and available information. Details on how members of the public can register as interested and affected parties (I&APs) will be included. Other stakeholders (ward councillor, local authorities, adjacent landowners, organs of state, state departments, etc.) will be identified and will be notified of the process. A site notice will be placed on site.

18. Please describe how the **principles of environmental management** as set out in section 2 of NEMA were taken into account:

The aim of the principles of environmental management as set out in section 2 of NEMA is to guide stakeholders to undertake a holistic evaluation of the proposed development activities and to ensure that the precautionary principle is applied to encourage sustainable development. The aim of the current project is to facilitate the expansion of agricultural production by working within the natural resources of the property and minimising the potential impacts on the natural environment. The impact assessment process undertaken takes all three spheres of sustainability, namely economic, social and environmental sustainability into account. Impacts related to each of these aspects are assessed and suitably addressed.

This impact assessment will consider people and their needs through affording interested and affected parties the opportunity to comment during the public participation processes. The development will play an important role in increasing the agricultural potential of the property and the long-term economic viability of the existing agri-operation, helping to sustain existing and future employment opportunities.

The environmental impacts resulting from the development activities undertaken will be addressed through the implementation of suitable mitigation/rectification measures as outlined by specialists. An EMPr has been developed which will guide suitable management of the facility throughout the operational phase of the development to prevent and/or minimize any potential environmental impacts.

SECTION E: ALTERNATIVES

Please Note: Before completing this section, first consult this Department's *Guideline on Alternatives* (March 2013) available on the Department's website (**http://www.capegateway.gov.za/eadp**).

"Alternatives", in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

(a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;

(b) the type of activity to be undertaken;

(c) the design or layout of the activity;

(d) the technology to be used in the activity;

(e) the operational aspects of the activity; and

(f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

- ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
- include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to "*identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management*" set out in NEMA.

1. In the sections below, please provide a description of any considered alternatives and alternatives that were found to be feasible and reasonable.

Please note:

- Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.

- Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.
- In respect of a section 24 application, the option of not implementing the activity ("no-go"), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

(a) Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The property is owned by the Applicant and there is no other property Alternatives. The property is approximately 10ha in extent, zoned for Agriculture and it is the Applicant's intention to utilise approximately 1.4ha portion of the site.

Cropmax bought the property (Portion 22 of the Farm Klipfontein No. 82) to establish their own area for the handling and storing of fruit bins etc. This property is ideally situated along the R321(Vyeboom/Villiersdorp Road) and adjacent to IdeaFruit's pack shed, with an existing entrance and road off the R321. This site is therefore close to the product source, which optimises their operations. This is furthermore the Applicant's only property that they own for these purposes in this area The previous owner started with development on site and the indication was that 1.5 ha is developable, due to previous reports provided to the owners.

(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

In 2024 the Applicant unlawfully cleared 1.5 ha of indigenous vegetation (Elgin Shale Fynbos - CR), levelled the area and constructed a 2500 m^2 concrete platform for the purposes of creating a parking space for trucks and the storage of fruit pallets. A new primary entrance was created with concrete supports for an electric gate and a culvert was inserted in the trench and to create the bridge crossing. Furthermore, two open trenches (trench 1 runs along the western boundary and trench 2 runs through the centre of the property) were cleared out.

Furthermore, the Applicant intends to obtain Environmental Authorisation to expand the existing concrete platform, as approximately 5000m^2 is required. An area will be formalised in the form of a road for truck movement purposes around the platform. In addition, as a result of input from the freshwater specialist, the wetland's 50m buffer zone was established which will require rehabilitation. This would result in moving the central trench (trench 2) and reconstructing it outside the wetlands 50m buffer zone in the form of a swale and rehabilitating a portion of trench 1. A ±1.5m buffalo grass buffer will be planted around the concrete platform to slow down water run-off and prevent erosion. Buffalo grass will also be planted along the edge of the swales to prevent edge erosion. The trench crossing (trench 1) for the primary entrance will be upgraded to ensure the structure will not result in erosion. Lastly, a small storm water retention area will be constructed in the northwestern corner to "filter" water as it drains out of the property.

This activity is the preferred and only activity alternative since it is the most feasible alternative assessed to facilitate improved operations for the Applicant. Since the Applicant wishes to improve the operational efficiencies of their current core business no other activity alternatives were considered.

(c) Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

From a Botanical perspective, the vegetation on the remainder of the site that was not yet cleared is mostly of Very High conservation value, and is confirmed as Elgin Shale Fynbos, a Critically Endangered vegetation type. At least 15 plant Species of Conservation Concern are likely to occur here, with at least 9 already confirmed. None of these occurred within the cleared area. The ±1.5 ha cleared was of Medium botanical conservation value as per Helme (2022) and was significantly more degraded than the rest of the property. The botanical specialist supports the proposed development of the 1ha area, provided that all required mitigation is fully and properly implemented. However, the post mitigation impact of the unauthorised clearing (±1.5ha) could be reduced to Low negative, from Low to Medium negative prior to mitigation.

From an aquatic perspective, the whole buffer zone should be completely rehabilitated and revegetated in order to prohibit any future loss of the pristine wetland area. Rehabilitation will take place in accordance with the rehabilitation plan included in **Appendix I2** and be monitored regularly (as stipulated in this plan), to ensure proper re-establishment of vegetation and habitat. The 50m buffer zone should be applied to the wetland area for all future activities on the property. No drainage structures should be allowed within the 50m buffer zone. All existing drainage channels within this zone must be rehabilitated and revegetated. Rehabilitation should involve infilling the excavated areas with similar soils, ensuring no soil compaction occurs in the newly filled channels. New drainage channels should be located outside the 50m buffer zone and should preferably be designed as vegetated, shallower, and wider stormwater swales. A small, vegetated stormwater retention area should be created at the property's boundary to allow for infiltration and to prevent erosion and sedimentation towards the downstream wetland areas.

The existing historical trench as well as the central trench that was cleared out by the Applicant was proposed for approval. Refer to the existing proposed layout of the trenches and cleared area proposed for the platform (Figure 9: Layout Alternative 1).

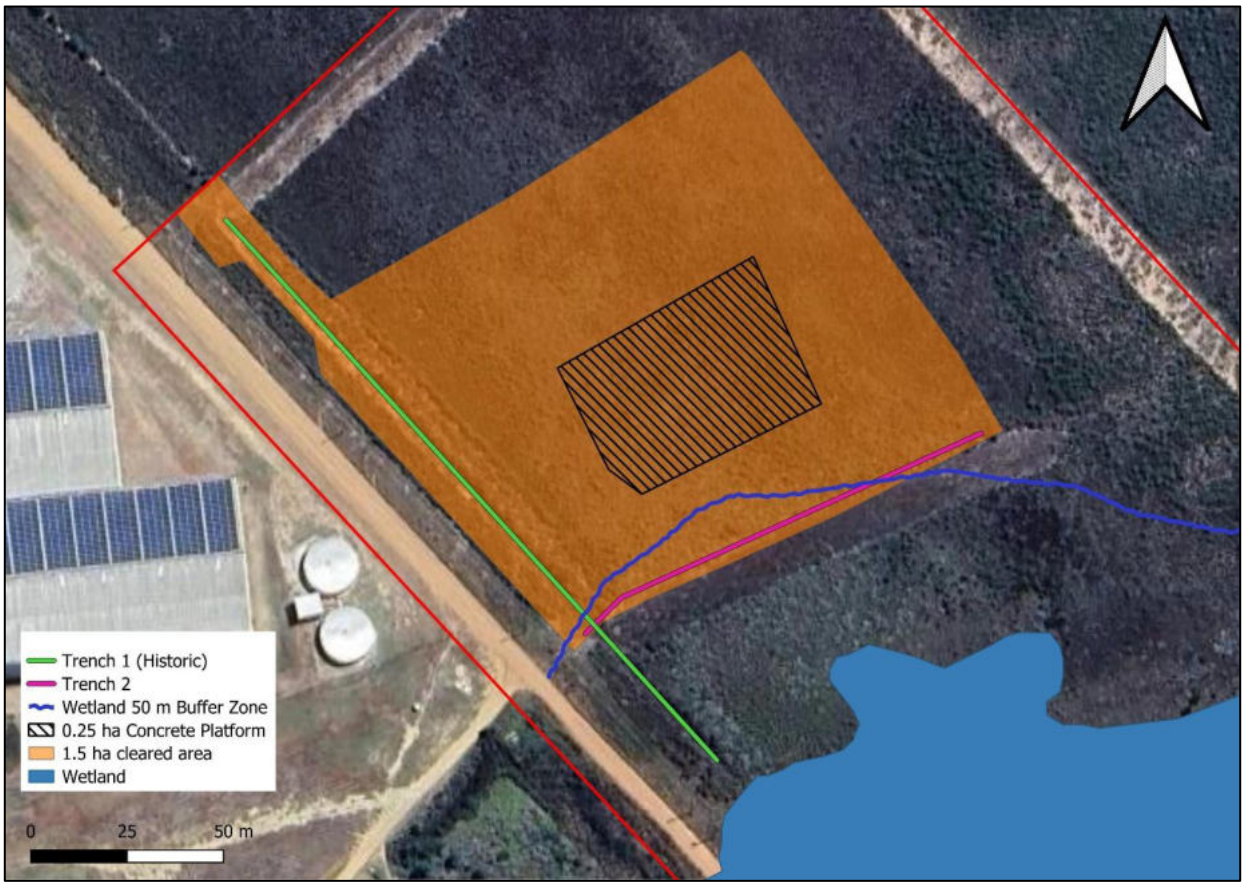


Figure 9: Layout Alternative 1, the current layout of the site.

However, as a result of Freshwater Impact Assessment, the proposed activity encroaches on the wetland area and therefore and alternative layout was proposed to implement a buffer area. Please refer to Layout Alternative

2 (Figure 10) which is the preferred layout alternative. This also includes moving Trench 2 and making the trenches more natural (swales). Additional mitigation measures included in this layout are a Stormwater Retention area at the property boundary and the ±8.5 ha botanical conservation area where alien vegetation must be managed.

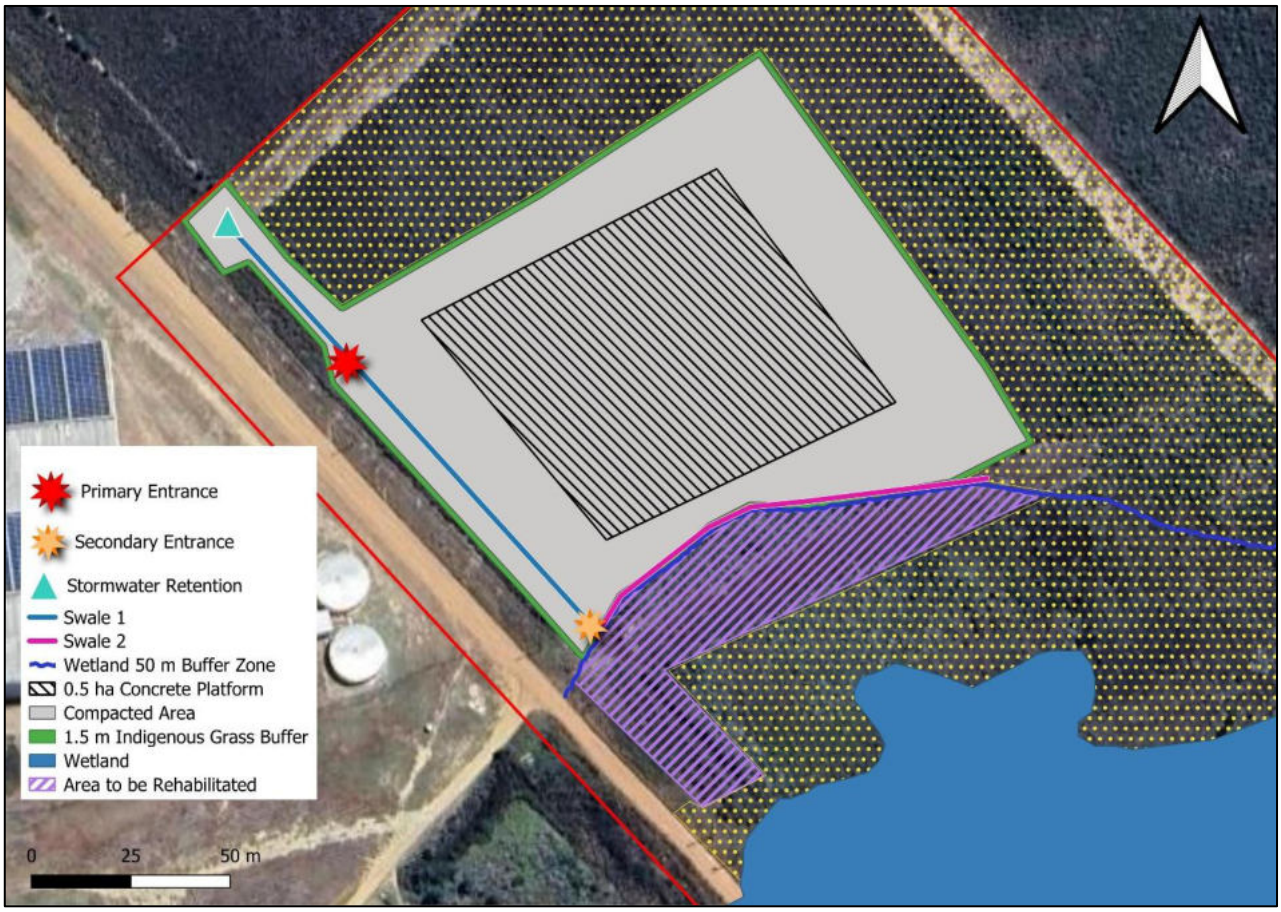


Figure 10: Layout Alternative 2, the preferred site plan.

(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

Due to the nature of the activity, no technology alternatives are being considered.

(e) Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The Applicant wishes to improve their operational efficiencies of their current core business within this area through the clearing of the ±1.5 ha area and the construction of the platform on which trucks can temporarily turn and park along with the storage of fruit bins. This activity is the only operational alternative since it is the most feasible alternative assessed to facilitate improved operations for the Applicant. Since the Applicant wishes to improve the operational efficiencies of their current core business no other operational alternatives were considered.

(f) The option of ceasing the activity (the refusal of the activity(ies) and/or rehabilitation of the site):

According to the Botanical Specialist, the no-go alternative is usually considered to mean a continuation of the status quo, which in this case is taken to mean no further habitat loss to development, minor unmanaged alien plant invasion, and possible unpredictable future impacts (such as the unauthorised excavation of trenches that occurred in 2017). Confidence in the likelihood of impacts is thus low, but the No Go alternative would on balance have been the environmentally preferred alternative, with a Very Low negative impact, but as impact has occurred this is totally theoretical. It should be noted that until the Very High sensitivity parts of this and adjacent priority areas (see Helme 2025) are declared formal nature reserves there is no guarantee that the site will not be developed at some stage, as the location, on flat ground adjacent to large developments, renders the site susceptible to similar impacts.

However, the site is ideally located for the operations of the Applicant within in close proximity to the Vyeboom farming hub and surrounding agricultural areas. The proposed site is owned by the Applicant and is approximately 10ha in extent. The site is zone for Agriculture, and it is the Applicant's intention to utilise a 1ha portion of the site for the storage of trucks and pallets/crates during harvesting season. The Applicant runs a transport logistics company, aiding farmers transport fruit etc. between farms and co-ops.

(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts exist. Layout Alternative 1, Layout Alternative 2 (Preferred) and the No-go Alternative, are the only reasonable or feasible alternatives that exist that allow the Applicant to exercise their rights as the property owner without jeopardizing the sensitivity of the botanical and freshwater features on and off site.

(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

Please note: If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

The Applicant wishes to improve their operational efficiencies of their current core business within this area through the clearing of the 1.5 ha area and the construction of the platform on which trucks can easily turn and park, and fruit bins can be stored. This activity is the preferred and only alternative since it is the most feasible alternative assessed to facilitate improved operations for the Applicant. Since the Applicant wishes to improve the operational efficiencies of their current core business no other operational alternatives were considered.

Layout Alternative 1: This is not the preferred alternative as it does not incorporate any mitigation measures suggested by the specialists (see Figure 9 above). In 2024 the Applicant unlawfully cleared ±1.5 ha of indigenous vegetation (Elgin Shale Fynbos - CR), levelled the area and constructed a 2500 m^2 concrete platform for the purposes of creating a parking space for trucks and the storage of fruit pallets. A new primary entrance was created with concrete supports for an electric gate, and a culvert was inserted in the trench and infilled to create the crossing. Furthermore, two open trenches (trench 1 runs along the western boundary and trench 2 runs through the centre of the property) were cleared out.

Layout Alternative 2 (Preferred): This is the preferred alternative as it fulfils the needs of the Applicant and the mitigation measures suggested by the specialists (see Figure 10 above). The Applicant intends to obtain Environmental Authorisation to expand the existing concrete platform, as approx. 5000m^2 is required. An area will be compacted and formalised for truck movement purposes. In addition, as a result of input from the freshwater specialist, the wetland's 50m buffer zone was established which will require rehabilitation. This would result in moving the central trench (trench 2) and reconstructing it outside the wetlands 50m buffer zone in the form of a swale and rehabilitating a portion of trench 1. A ±1.5m buffalo grass buffer will be planted around the concrete platform to slow down run-off and prevent erosion. Buffalo grass will also be planted along the edge of the swales to prevent edge erosion. The trench crossing (trench 1) for the primary entrance will be upgraded to ensure the structure will not result in erosion. Lastly, a small storm water retention area will be constructed in the northwestern corner to "filter" water as it drains out of the property. The total footprint will not exceed 1.4ha.

No-go alternative: According to the Botanical Specialist, the no-go alternative is usually considered to mean a continuation of the status quo, which in this case is taken to mean no further habitat loss to development, minor unmanaged alien plant invasion, and possible unpredictable future impacts (such as the unauthorised excavation of trenches that occurred in 2017). Confidence in the likelihood of impacts is thus low, but the No Go alternative would on balance have been the environmentally preferred alternative, with a Very Low negative impact, but as impact has occurred this is totally theoretical. It should be noted that until the Very High sensitivity parts of this and adjacent priority areas (see Helme 2025) are declared formal nature reserves there is no guarantee that the site will not be developed at some stage, as the location, on flat ground adjacent to large developments, renders the site susceptible to similar impacts. The no-go alternative will however not provide the socio-economic benefits required by the Applicant who purchased the site with the intention to utilise a portion thereof. The no-go Alternative is therefore not the preferred alternative.

SECTION F: IMPACT ASSESSMENT, MANAGEMENT, MITIGATION AND MONITORING MEASURES

Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.

Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).

1. PLEASE DESCRIBE THE MANNER IN WHICH THE DEVELOPMENT HAS IMPACTED ON THE FOLLOWING ASPECTS:

(a) Geographical and physical aspects:

Minimal geographical aspects have been negatively affected by the proposed development. Due to the location of the site, the historic disturbance of a portion of the site as well as the nature and the character of the surrounding land use types, i.e., agricultural, and the impact associated with this anticipated change is considered very low.

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	**YES**	NO

If yes, please describe:

The development area falls over a terrestrial CBA2 (see Figure 11 below). CBAs are Critical Biodiversity Areas, and should not be developed, lost or impacted, as they support critical habitat and species, and appropriate land uses should be low impact and biodiversity sensitive. The area making up the CBA is in good condition and the presence of the CR Elgin Shale Fynbos is confirmed.

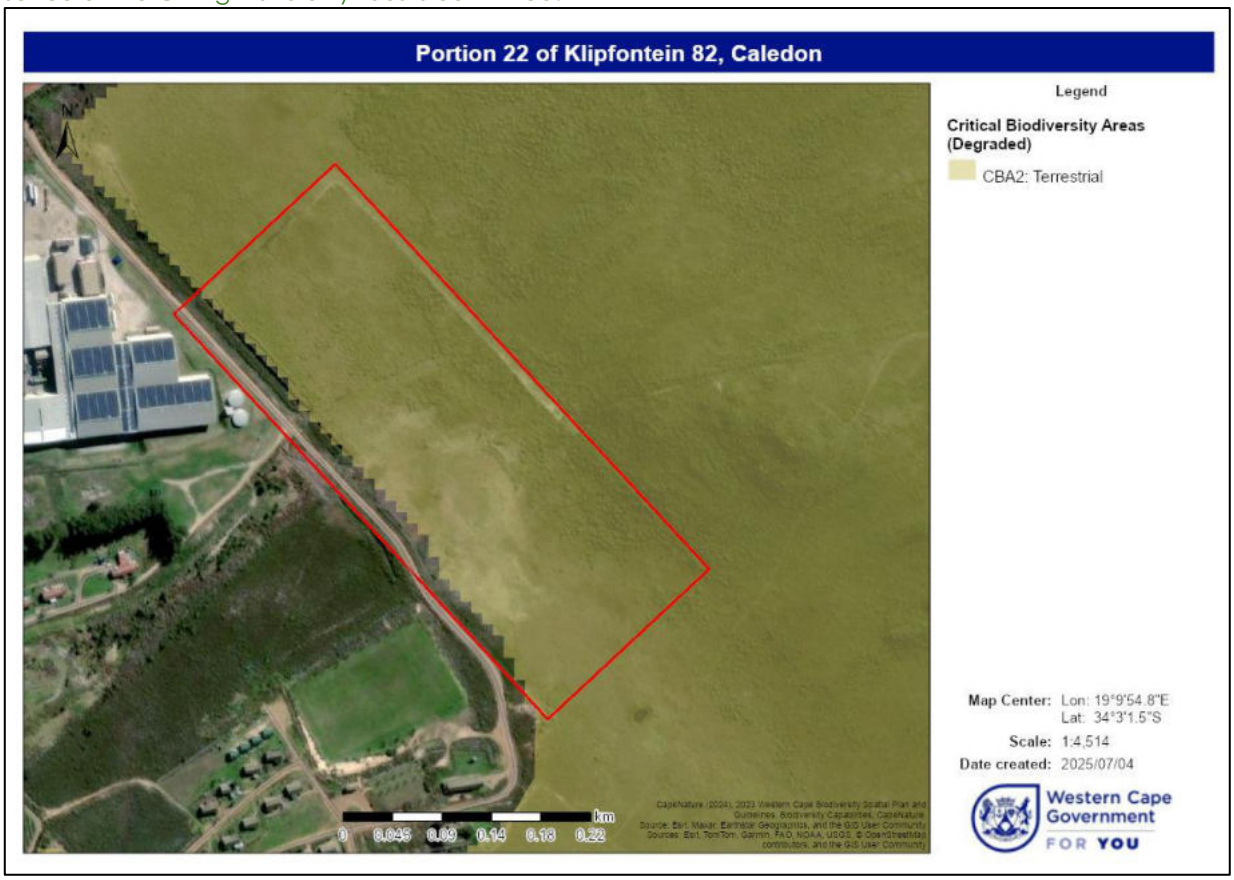


Figure 11: Map of CBA that covers the property.

Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	**YES**	NO
If yes, please describe:		
The vegetation on the remainder of Portion 22 not yet cleared is mostly of Very High conservation value, and is confirmed as Elgin Shale Fynbos, a Critically Endangered vegetation type (Government of South Africa 2022). At least 15 plant Species of Conservation Concern are likely to occur on Portion 22, with at least 9 already confirmed. None of these occurred within the cleared area. The 1.5 ha cleared was of Medium botanical conservation value as per Helme (2022) **(Appendix H1)** and was significantly more degraded than the rest of Portion 22. In the initial freshwater assessment (2022) **(Appendix H2)**., it was concluded that due to the wetland's pristine state and its critically endangered status, any loss of wetland would be deemed unacceptable. It was also stipulated that all development should remain outside the 50m buffer zone. Although the activity has occurred within this buffer zone, the activities do not take place within the delineated wetland. The construction and operational component of the activity has had an impact on the following: Loss of biodiversity, and ecological structure; Potential hydrology modification and change in aquatic habitat; Potential Water Quality impacts. These impacts were largely caused through site access, clearing of vegetation, excavation of soils and the creation of drainage channels around the wetland area. Additionally, the operational phase might also lead to a decline in water quality within the wet areas.		
Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species?	YES	**NO**
If yes, please describe:		
The vegetation on the remainder of Portion 22 not yet cleared is mostly of Very High conservation value, and is confirmed as Elgin Shale Fynbos, a Critically Endangered vegetation type (Government of South Africa 2022). At least 15 plant Species of Conservation Concern are likely to occur on Portion 22, with at least 9 already confirmed. None of these occurred within the cleared area. The 1.5 ha cleared was of Medium botanical conservation value as per Helme (2022) **(Appendix H1)** and was significantly more degraded than the rest of Portion 22. No threatened animal or plant species have been significantly, negatively impacted by the development. The Botanist has confirmed that it is unlikely that any species of conservation concern occurred within the development site.		
Please describe the manner in which any other biological aspects were impacted:		
No other biological aspects have been impacted on.		

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	±R 4 million	
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity? The operational aspects will not result in a direct contribution to the economy. The contribution would be indirectly in the form of improving the efficiency of the logistics company.		
Has/will the activity have contributed to service infrastructure?	YES	**NO**
How many new employment opportunities were/will be created in the construction phase of the activity?	Unknown	
What was the value of the employment opportunities during the construction phase?	Unknown	
What percentage of this accrued to previously disadvantaged individuals?	Unknown	

How was this ensured and monitored (please explain):	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	± 10
What is the current/expected value of the employment opportunities during the first 10 years?	Unknown
What percentage of this accrued/will accrue to previously disadvantaged individuals?	80%
How was/will this be ensured and monitored (please explain):	
Any other information related to the manner in which the socio-economic aspects was/will be impacted:	
N/A	

(d) Cultural and historic aspects:

According to the Heritage specialist, it is unlikely that the proposed development will negatively impact on any significant heritage resources i.e. archaeological, palaeontological, the built environment or cultural landscapes and as such, the specialist recommended that no further studies will be required in terms of Section 38 of the NHRA. HWC responded on the 7th of September 2022 (**Appendix F**), confirming that, since there is no reason to believe that the proposed clearance of indigenous vegetation on Portion 22 of Farm Klipfontein No.82 will impact on heritage resources, no further action under Section 38 of the NHRA is required.

2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	YES	**NO**
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?		m^3
Does the activity produce waste during its operational phase?	YES	**NO**
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?		m^3
Where and how was/will the waste be treated / disposed of (describe)?		
N/A		
Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority N/A	YES	NO
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream? N/A	YES	NO
If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility: N/A	YES	NO

Does the facility have an operating license? (If yes, please attach a copy of the license.)	YES	NO
Facility name:		
Contact person:		
Postal address:		
	Postal code:	
Telephone:	Cell:	
E-mail:	Fax:	

Describe the measures that were/will be taken to reduce, reuse or recycle waste:
N/A. No waste will be generated by the activity.

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	**NO**
If yes, does it require approval in terms of relevant legislation?	YES	NO
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		
N/A		

3. WATER USE

Please indicate the source(s) of water for the activity by ticking the appropriate boxes)

Municipal	Water board	Groundwater	River, Stream, Dam or Lake	Other	**The activity did/does/will not use water**

If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate the volume that was extracted per month:	m^3

Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole)		
Did/does the activity require a water use permit / license from DWA?	YES	NO
If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable.		
Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water:		
N/A		

4. POWER SUPPLY

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

Not applicable, the activity does not require use of electricity.

If power supply is not available, where will power be sourced from?
Not applicable, the activity does not require use of electricity.

5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:
Not applicable, the activity does not require use of energy.

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

Not applicable, the activity does not require use of any energy sources.

6. DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS prior to and after MITIGATION

Please note:

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts.
- Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.

(a) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

Impacts on geographical and physical aspects:	
Nature of impact:	**Loss of biodiversity, ecological and hydrological structure of the wetland area. Possible water quality impairment towards the surrounding freshwater features.**
Extent and duration of impact:	Local to regional; Long term
Probability of occurrence:	Medium to High
Degree to which the impact can be reversed:	Medium
Degree to which the impact may cause irreplaceable loss of resources:	Medium to High
Cumulative impact prior to mitigation:	Compromise groundwater recharge, as well as increase the risk of erosion and sedimentation, impacting downstream freshwater features.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	High to Very-High

Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	• Rehabilitation and revegetation of the wetland buffer zone to prohibit any future loss of pristine wetland • Rehabilitation in accordance with a formal rehabilitation plan and be monitored regularly • 50m buffer zone should be applied to the wetland for all future activities. • No drainage structures should be allowed within the 50m buffer zone. All existing drainage channels within this zone must be rehabilitated and revegetated. Rehabilitation should involve infilling the excavated areas with similar soils, ensuring no soil compaction occurs in the newly filled channels. • New drainage channels should be located outside the 50m buffer zone and should preferably be designed as vegetated, shallower, and wider stormwater swales. • A small, vegetated stormwater retention area should be created at the property's boundary to allow for infiltration and to prevent erosion and sedimentation towards the downstream wetland areas. • Implementation of the Rehabilitation Plan (**Appendix I2**).
Cumulative impact post mitigation:	Compromise groundwater recharge, as well as increase the risk of erosion and sedimentation, impacting downstream freshwater features.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impact on biological aspects:	
Nature of impact:	**Loss of 1.5ha of degraded vegetation (Critically Endangered)**
Extent and duration of impact:	Local and Regional, Permanent
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	The cumulative botanical impacts are understood to be equivalent to the regional botanical impacts, in that the vegetation type impacted by the proposed development has been, and will continue to be, impacted by numerous developments (mainly agricultural) and other factors (the cumulative impacts) within the region.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low to Medium
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	• No further disturbance or clearing of natural/partly natural vegetation outside of the already cleared area unless authorised via a formal environmental application process. • The development area must be surveyed and fences off

	• All invasive alien vegetation on the remaining ±8.5 ha must be removed using appropriate methods. No heavy machinery may be used. This must be done within 6 months of the 24G authorisation. • The untouched, ±8.5 ha area of Very High sensitivity vegetation must be submitted to CapeNature's Stewardship Program within one year of the 24G authorisation as a candidate for the highest level of formal protection. All costs associated with this application, and of the ongoing ecological management of this area (should be very minor), must be borne by the applicant. • The implementation of all mitigation must be independently audited within 18 months of any authorisation.
Cumulative impact post mitigation:	Local and Regional, Permanent
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on socio-economic aspects:	
Nature of impact:	**None anticipated**
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Impacts on cultural-historical aspects:	
Nature of impact:	**None anticipated – see Appendix F for HWC comment**
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	

Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Noise impacts:	
Nature of impact:	**None anticipated**
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Visual impacts / Sense of Place:	
Nature of impact:	**Negligible impacts anticipated.**
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	

Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

(b) **Impacts that result from the operational phase (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.**

Impacts on the geographical and physical aspects:	
Nature of impact:	**Loss of biodiversity, ecological and hydrological structure of the wetland area. Possible water quality impairment towards the surrounding freshwater features.**
Extent and duration of impact:	Local to regional; Long term
Probability of occurrence:	Medium to High
Degree to which the impact can be reversed:	Medium
Degree to which the impact may cause irreplaceable loss of resources:	Medium to High
Cumulative impact prior to mitigation:	Compromise groundwater recharge, as well as increase the risk of erosion and sedimentation, impacting downstream freshwater features.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	High to Very-High
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	• Rehabilitation and revegetation of the wetland buffer zone to prohibit any future loss of pristine wetland • Rehabilitation in accordance with a formal rehabilitation plan and be monitored regularly • 50m buffer zone should be applied to the wetland for all future activities. • No drainage structures should be allowed within the 50m buffer zone. All existing drainage channels within this zone must be rehabilitated and revegetated. Rehabilitation should involve infilling the excavated areas with similar soils, ensuring no soil compaction occurs in the newly filled channels. • New drainage channels should be located outside the 50m buffer zone and should preferably be designed as vegetated, shallower, and wider stormwater swales. • A small, vegetated stormwater retention area should be created at the property's boundary to allow for infiltration and to prevent erosion and sedimentation towards the downstream wetland areas. • Implementation of the Rehabilitation Plan (**Appendix I2**).
Cumulative impact post mitigation:	Compromise groundwater recharge, as well as increase the risk of erosion and sedimentation, impacting downstream freshwater features.

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impact on biological aspects:	
Nature of impact:	**Loss of 1.5ha of degraded vegetation (Critically Endangered)**
Extent and duration of impact:	Local and regional, permanent
Probability of occurrence:	Medium
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	The cumulative botanical impacts are understood to be equivalent to the regional botanical impacts, in that the vegetation type impacted by the proposed development has been, and will continue to be, impacted by numerous developments (mainly agricultural) and other factors (the cumulative impacts) within the region.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low to medium
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	• Alien species management within the greater property (outside of the development footprint). • Fencing of the development. • No disturbance of the remaining property (classified as "Very High Sensitivity" habitat). • The "Very High Sensitivity" habitat (±8.5 ha) should be submitted to CapeNature's Stewardship program.
Cumulative impact post mitigation:	Loss of habitat and natural vegetation.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on the socio-economic aspects:	
Nature of impact:	**Pollution and Fire Risk**
Extent and duration of impact:	Local
Probability of occurrence:	Medium
Degree to which the impact can be reversed:	Medium
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Potential for polluted runoff from the parking area towards the surrounding wet areas is a very probable future impact, especially during the wet rain season. This could then infiltrate and affect surface and groundwater quality. The site lies within

	a fire driven ecosystem thus there is a risk of fire spreading from the site to the surrounding areas.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	High
Proposed mitigation:	• Implementation of EMPr fire management plan (**Appendix I1**) • Implementation of Rehabilitation Plan (**Appendix I2**)
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on the cultural-historical aspects:	
Nature of impact:	**None anticipated – see Appendix F for HWC comment**
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Noise impacts:	
Nature of impact:	**None anticipated**
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Visual impacts / Sense of Place:	
Nature of impact:	**Negligible impacts anticipated.**
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

(c) Impacts that may result from the decommissioning and closure phase (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.

None anticipated as decommissioning and closure is unlikely to occur within the near future.

(d) Any other impacts: N/A

Please note: If any of the above information is not available, specialist input may be requested.

7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

Please note: Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department's relevant Guidelines on the Involvement of Specialists in EIA Processes available on the Department's website (**http://www.capegateway.gov.za/eadp**). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

Botanical Assessment:

Given the nature of the development activities undertaken, the Botanist Nick Helme was appointed to conduct an assessment. The aim of this assessment was to identify and describe the vegetation type coinciding with the study area, identify and locate any Species of Conservation Concern (SCC), identify and assess the botanical impacts of the clearing activities, identify and describe the potential cumulative impacts of the cultivation in relation to proposed and existing developments in the surrounding area and provide recommendations for impact mitigation. The Botanist conducted two assessments, one prior to 2024's illegal clearing and re-establishment of trenches and one post-development.

The detailed report and mitigation measures is available in **Appendix H1**. A summary of the findings and recommendations is presented below:

- The vegetation on the remainder of Portion 22 not yet cleared is mostly of Very High conservation value, and is confirmed as Elgin Shale Fynbos, a Critically Endangered vegetation type (Government of South Africa 2022).
- At least 15 plant Species of Conservation Concern are likely to occur on Portion 22, with at least 9 already confirmed. None of these occurred within the cleared area.
- The 1.5ha cleared was of Medium botanical conservation value as per Helme (2022) and was significantly more degraded than the rest of Portion 22.
- All mitigation noted in Section 7 must be timeously and properly implemented, in which case the post mitigation impact of the unauthorised clearing could be reduced to Low negative, from Low to Medium negative prior to mitigation.
- The author would support the proposed development of the 1ha area, provided that all required mitigation is fully and properly implemented.
- No additional biodiversity offset is deemed necessary if the required ±8.5ha Very High sensitivity area (remainder of Portion 22) is signed up in perpetuity with the CapeNature Stewardship Program, within one year of any Section 24G authorisation.
- No further disturbance or development of the ±8.5ha remainder of Portion 22 should be authorised.
- All mitigation outlined in Section 7 of the Botanical Impact Assessment is considered feasible, reasonable and essential, and must be implemented timeously and correctly.

Freshwater Assessment:

Desktop resources indicated the presence of aquatic constraints within the study area and wetland were identified onsite by the appointed a freshwater specialist: Jeanne Snyman of EverWater Freshwater Consulting Services. The aim of this assessment was to delineate all relevant onsite watercourses, determine the present ecological condition and importance of these watercourses (prior to the undertaking of the unlawful development activities), to assess the potential impact of the unlawful development activities on the onsite watercourses and to provide recommendations for impact mitigation and management.

The freshwater specialist conducted additional sampling with augering (refer to **Appendix H3**) and was able to further support their delineation of the wetland.

The detailed report and mitigation measures is available in **Appendix H2**. A summary of the findings and recommendations is presented below:

- According to the freshwater assessment, the wetland identified on-site was in an unmodified state prior to the new activity (based on the presumption that rehabilitation of the existing drainage channels would be completed) but has since degraded to a largely natural state. It retains moderate to high Ecological Importance and Sensitivity (EIS) and continues to provide high wetland function, primarily supporting the maintenance of biodiversity.

- The area affected by the alleged unlawful activity is classified as an aquatic Critical Biodiversity Area (CBA1) and a terrestrial Critical Biodiversity Area 2: Degraded. According to the National Freshwater Ecosystem Priority Areas (NFEPA) map, the larger catchment in which the development took place, is located falls within a Fish Support Area, while the large wetland on-site is classified as an East Coast Shale Renosterveld Floodplain Wetland (FEPA rank 2).
- The Recommended Ecological Category (REC) for the wetland is Class A, and a 50m buffer zone was determined using the Buffer Zone Tool for the Determination of Aquatic Impact Buffers (DWA, 2014).
- In the initial wetland assessment, due to its pristine state at the time and its critically endangered status, it was concluded that no loss of wetland should be permitted. However, the newly cleared area has encroached approximately 34 meters into the proposed buffer zone, with drainage channels extending right up to the edge of the wetland.
- The long-term impacts of these activities were assessed as having a medium to very high negative impact on a local to regional scale, with a high probability of significant wetland loss over time.

- Mitigation measures are as follows:
  - Rehabilitation and revegetation of the wetland buffer zone to prohibit any future loss of pristine wetland
  - Rehabilitation in accordance with a formal rehabilitation plan and be monitored regularly
  - 50m buffer zone should be applied to the wetland for all future activities.
  - No drainage structures should be allowed within the 50m buffer zone. All existing drainage channels within this zone must be rehabilitated and revegetated. Rehabilitation should involve infilling the excavated areas with similar soils, ensuring no soil compaction occurs in the newly filled channels.
  - New drainage channels should be located outside the 50m buffer zone and should preferably be designed as vegetated, shallower, and wider stormwater swales.
  - A small, vegetated stormwater retention area should be created at the property's boundary to allow for infiltration and to prevent erosion and sedimentation towards the downstream wetland areas.
  - The implementation of the Rehabilitation Plan included in **Appendix I2**.

8. IMPACT ASSESSMENT SUMMARY

Briefly describe the impacts (as appropriate), significance rating of impacts, mitigation and significance rating of impacts of the activity. This must include an assessment of the significance of all impacts.

Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
CONSTRUCTION PHASE IMPACTS – POST MITIGATION	
Geographical and physical Impacts: Loss of biodiversity, ecological and hydrological structure of the wetland area. Possible water quality impairment towards the surrounding freshwater features.	Low
Biological Impacts: Loss of 1.5 ha of degraded vegetation (Critically Endangered)	Low
OPERATIONAL PHASE IMPACTS – POST MITIGATION	
Geographical and physical Impacts: Loss of biodiversity, ecological and hydrological structure of the wetland area. Possible water quality impairment towards the surrounding freshwater features.	Low
Biological Impacts: Loss of 1.5 ha of degraded vegetation (Critically Endangered)	Low
Pollution and Fire Risks	Negligible

9. SUMMARY OF THE CONSEQUENCES OF/ IMPACTS OF THE UNLAWFULLY COMMENCED ACTIVITY/IES

Please provide a detailed summary of the consequences/impacts of commencement of the activity/ies on the environment.

Summary:

Loss of 1.5 ha of degraded vegetation (Critically Endangered).

The vegetation on the remainder of the site that was not yet cleared is mostly of Very High conservation value, and is confirmed as Elgin Shale Fynbos, a Critically Endangered vegetation type. At least 15 plant Species of Conservation Concern are likely to occur here, with at least 9 already confirmed. None of these occurred within the cleared area. The 1ha cleared was of Medium botanical conservation value as per Helme (2022) **(Appendix H1)** and was significantly more degraded than the rest of the property.

Clearing of vegetation and construction of drainage channels within the wetland buffer zone.

In the initial freshwater assessment (2022) **(Appendix H2)**, it was concluded that due to the wetland's pristine state and its critically endangered status, any loss of wetland would be deemed unacceptable. It was also stipulated that all development should remain outside the 50m buffer zone. However, the new activity has occurred within this buffer zone, resulting in certain impacts. The cleared area has encroached approximately 34 meters into the proposed buffer zone, with drainage channels extending right up to the edge of the wetland. The long-term impacts of these activities were assessed as having a medium to very high negative impact on a local to regional scale, with a high probability of significant wetland loss over time. These impacts were largely caused through site access, clearing of vegetation, excavation of soils and the creation of drainage channels around the wetland area. Additionally, the operational phase might also lead to a decline in water quality within the wet areas.

The construction and operational component of the activity has had an impact on the following freshwater aspects:

- Loss of biodiversity, and ecological structure;
- Potential hydrology modification and change in aquatic habitat;
- Potential Water Quality impacts.

If all mitigation measures are adhered to, the impact of the proposed project will most likely be of Long-term, Low negative impact on the wetland and possibly on the larger freshwater system as well.

10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures.

- A rehabilitation and management plan has been developed as recommended by the freshwater specialist. Please refer to **Appendix I2**.
- A detailed EMPr has been developed that incorporates all specialists' recommendations together with additional relevant mitigation and management measures which will serve to guide onsite activities going forward and ensure that no environmental degradation results from the activities. Refer to **Appendix I1**.
- A formal Stewardship Agreement with CapeNature is proposed. The Applicant is willing to legally protect the remaining ± 8.5 hectares in the form of a Contract Nature Reserve. This will protect approximately 85% of the indigenous vegetation on their land in perpetuity.

(b) Describe the ability of the applicant to implement the management, mitigation and monitoring measures.

- The applicant is able to implement the management, mitigation and monitoring measures as prescribed by the EAP in this document and the accompanying EMPr.
- The applicant has both displayed a willingness to comply and is financially able to implement the requirements.

Please note: A draft **ENVIRONMENTAL MANAGEMENT PROGRAMME** must be attached to this application as **Appendix I**.

SECTION G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES

(a) Please describe adequacy of the assessment methods used.

Assessment methods used include the following:

- Multiple site visits to determine the nature and sensitivity of the site and the surrounding environment.
- Consulting with the Applicant to gain an understanding of the need for the development activity.
- Consideration of the applicable Legislation, Guidelines and Policies.
- Consideration of the district and provincial IDPs, SDFs in order to understand the socio-economic context of the development.
- A Botanical Impact Assessment was undertaken by Nick Helme **(Appendix H1).**
- A Freshwater Impact Assessment was undertaken by EverWater **(Appendix H2).**
- A Freshwater Augering Report undertaken by EverWater **(Appendix H3).**
- A Rehabilitation Plan was undertaken by EverWater **(Appendix I2)**
- Obtaining input from HWC **(Appendix F)** and BOCMA **(Appendix G4)**.

It is the opinion of the EAP that the assessment methods used were adequate. After ranking of the evaluation of the components (variables) on a scale for each potential impact, the significance of each potential impact was calculated.

(b) Please describe the assessment criteria used.

These criteria are drawn from the EIA Regulations published by the Department of Environmental Affairs and Tourism (April 1998) in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) and the latest BAR template provided by the DEA&DP. These criteria include:

Nature of the impact
This is an appraisal of the type of effect (positive or negative) the construction, operation and maintenance of a development would have on the affected environment. This description should include what is to be affected.

Extent of the impact
Extent defines the physical extent or spatial scale of the impact. The impact could:

- **Site specific:** limited to the site.
- **Local:** limited to the site and the immediate surrounding area (1-10km)
- **Regional:** covers an area that includes an entire geographic region or extends beyond one region to another.
- **National:** across national boundaries and may have national implications.

Duration of the impact
The specialist should indicate whether the lifespan of the impact would be:

- **Short term:** 0-5 years.
- **Medium term:** 5-15 years.
- **Long term:** beyond the operational phase, but not permanently.
- **Permanent:** where mitigation either by natural processes or by human intervention will not occur in such a way or in such time span that the impact can be considered transient or temporary.
- **Discontinuous or intermittent:** where the impact may only occur during specific climatic conditions or during a particular season of the year.

Consequence of impact
Indicate what will happen if the impact occurs.

Probability of occurrence
Probability describes the likelihood of the impact occurring. The likelihood can be described as:

- **Improbable/unlikely:** low likelihood of the impact occurring.
- **Probable:** distinct possibility the impact will occur.

- **Highly probable:** most likely that the impact will occur.
- **Definite:** impact will occur regardless of any prevention measures.

Irreplaceable loss of resources
Specialists should state whether the impacts may be irreversible or may result in an irreplaceable loss of resources. It can be **no loss**, **marginal loss**, **significant loss** or **complete loss** of resources.

Reversibility
This refers to the degree to which an impact can be reversed.

- **Fully reversible:** where the impact can be completely reversed.
- **Partly reversible:** where the impact can be partially reversed.
- **Irreversible:** where the impact is permanent.

Indirect impacts
Indirect impacts are secondary impacts and usually occur at a different place or time. Specialists will need to elaborate on any indirect or secondary impacts of proposed activities. If there are no indirect impacts specialist will need to briefly explain so.

Cumulative impact
An effect which may not be significant but may become significant if added to other existing or potential impacts that may result from activities associated with the proposed development or similar developments in the surrounding area. Cumulative impacts must be assessed prior to and post mitigation. Such impacts will be either positive or negative, and will be graded as being of **negligible**, **low**, **medium** or **high impact**.

Degree to which impact can be avoided
This indicates the degree to which an impact can be avoided. Impacts can either be **fully avoided** (impact is completely avoidable), **partly avoided** (impact is avoidable with moderate mitigation and/or management) or the impact is **unavoidable** (the impact cannot be avoided even with significant mitigation measures and/or management).

Degree to which impact can be managed
This indicates the degree to which an impact can be managed. Impacts can either be **fully managed** (impact is completely manageable), **partly managed** (impact is manageable with moderate mitigation and/or management) or the impact is **unmanageable** (the impact cannot be managed even with significant mitigation measures).

Significance
Based on a synthesis of the information contained in the above-described procedure, the significance of the potential impacts can be assessed (prior and post mitigation) in terms of the following significance criteria:

- No impact/Negligible
- **Low negative:** where it would have minor negative effects and would require little or no mitigation.
- **Low positive:** the impact will have minor positive effects.
- **Medium negative:** the impact will have moderate negative effects and will require moderate mitigation.
- **Medium positive:** the impact will have moderate positive effects.
- **High negative:** the impact will have significant effects and will require significant mitigation measures to achieve an accepted level of impact.
- **High positive:** the impact will have significant positive effects.
- **Very high negative:** the impact will have highly significant effects and are unlikely to be able to be mitigated adequately.
- **Very high positive:** the impact will have highly significant positive effects.

Residual impacts
Residual impacts are those impacts that remain following the implementation of mitigation measures. Residual impacts must be identified and discussed. If there are no residual impacts, the specialist will need to briefly explain that the activity will have no residual impacts.

(c) Please describe the gaps in knowledge.

No gaps in knowledge exist at this time, however, should any be identified, they will be communicated in an open and transparent manner and documented in the S24G application report.

(d) Please describe the underlying assumptions.

The following assumptions apply to this report:

- It is assumed that all information on which this report is based is both correct and truthful and without omission.
- It Is assumed that comprehensive specialist assessments were undertaken.
- It is assumed that all impacts associated with the development activities have been identified.
- It is assumed that all relevant mitigation measures specified in this report will be fully implemented and complied with on a long-term basis, in order to ensure that the impact on the surrounding environment is minimized, to an acceptable level.

The following limitations and assumptions apply to the **botanical specialist assessment**:

- The site was visited on 5 November 2024. This was after the optimal winter – spring flowering season in this winter rainfall area but given the totally disturbed nature of the 1ha study area this was not considered a constraint, especially the entire Portion 22 was surveyed (including the area cleared) in 2017 and again in August 2022.
- The botanical specialist has undertaken extensive work within the region, including on this actual site on at least two previous occasions, which facilitates the making of local and regional comparisons and inferences of habitat quality and conservation value.
- The cleared area and surrounding parts of Portion 22 were walked. Photographs of some of the key plant species were made using a Fuji mirrorless Single Lense Reflex (SLR) camera and have been uploaded to the biodiversity website iNaturalist.org.
- For the initial report in early 2025 satellite imagery dated 27 January 2023 was used to inform the assessment, and for mapping, and no Google Earth imagery of the site subsequent to the clearing was available then, which took place after February 2023. However, in 2026 the imagery was updated, and imagery from April 2025 is now available (see Figure 1), and it is evident from this imagery that the cleared area is about 1.5ha in extent, some 50% larger than the 1.0ha that was recommended as the maximum. Polygon areas were calculated using Google Earth.
- The botanical sensitivity of a site is a product of plant species diversity, plant community composition, rarity of habitat, degree of habitat degradation, rarity of species, ecological viability and connectivity, restorability of habitat, vulnerability to impacts, and reversibility of threats.

The following limitations and assumptions apply to the **aquatic specialist assessment:**

- Analysis of the freshwater ecosystems was undertaken at a rapid level and did not involve detailed habitat and biota assessments (Ecosystem level III).
- The WET-health assessment was carried out using South African Department of Water and Sanitation developed methodologies. These assessments were carried out to provide information on the ecological condition and ecological importance and sensitivity of the river systems impacted.
- As the assessment was conducted at the end of the dry season, it could be possible that other seasonally wet areas were missed during the field assessment.

Even though every care was taken to ensure the accuracy of this report, environmental assessment studies are limited in scope, time, and budget. Discussions and proposed mitigations are to some extent made on reasonable and informed assumptions built on bona fide information sources, as well as deductive reasoning.

(e) Please describe the uncertainties.

Please refer to section **(d)** above for limitations encountered within the specialist reports.

SECTION H: RECOMMENDATIONS OF THE EAP

In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for.	**YES**	NO

If "NO", list the aspects that should be further assessed through additional specialist input/assessment:		
N/A		
If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:		
Applicant should be directed to cease the activity:	YES	**NO**
Please provide reasons for your opinion		

The Applicant wishes to improve their operational efficiencies of their current core logistics business within this area through the construction of a solid platform on which trucks can turn and park, and where fruit bins can be stored. This activity is the preferred and only activity alternative since it is the most feasible alternative assessed to facilitate improved operations for the Applicant. Since the Applicant wishes to improve the operational efficiencies of their current core business no other operational alternatives need to be considered.

No other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts exist. Layout Alternative 1, Layout Alternative 2 (Preferred) and the No-go Alternative, are the only reasonable or feasible alternatives that exist. Layout Alternative 2 allows the Applicant to exercise their rights as the property owner without jeopardizing the sensitivity of the botanical and freshwater features on and off site.

Layout Alternative 2 is the preferred layout as it incorporates the Applicant's needs as well as fulfilling the mitigation required by the botanical and aquatic specialists.

- Applicant's needs: 0.5 ha concrete platform with an automated gate at primary entrance.
- Botanical mitigation: protection and alien management of ±8.5 ha of critically endangered vegetation.
- Aquatic mitigation: rehabilitating the wetland buffer zone, placing drainage systems outside buffer zone, making drainage system more natural in the form of swales and building a stormwater retention area at the property boundary.
- EAP suggested measures: grass buffer/fringe of ± 1.5 m in width around the swales and the concrete platform to further minimize any edge effects as a result of erosion.
- Furthermore, a formal Stewardship Agreement with CapeNature is proposed. The Applicant is willing to legally protect the remaining ± 8.5 hectares in the form of a Contract Nature Reserve. This will protect approximately 85% of the indigenous vegetation on their land in perpetuity. The remaining 15% will be utilised to maintain an operational business within the area.

If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.

All mitigation measures outlined in this report, and the botanical and aquatic specialist assessments should be implemented onsite. These are summarised below:

- No further disturbance or clearing of natural/partly natural vegetation outside of the already cleared area unless authorised via a formal environmental application process.
- The development area must be surveyed and fenced off
- All invasive alien vegetation on the remaining property must be removed using appropriate methods. No heavy machinery may be used. This must be done within 6 months of the 24G authorisation.
- The untouched, ±8.5 ha area of Very High sensitivity vegetation must be submitted to CapeNature's Stewardship Program within one year of the 24G authorisation as a candidate for the highest level of formal protection. All costs associated with this application, and of the ongoing ecological management of this area (should be very minor), must be borne by the applicant.
- The implementation of all mitigation must be independently audited within 18 months of any authorisation.

- Rehabilitation and revegetation of the wetland buffer zone to prohibit any future loss of pristine wetland
- Rehabilitation in accordance with a formal rehabilitation plan **(Appendix I2)** and be monitored regularly
- 50m buffer zone should be applied to the wetland for all future activities.
- No drainage structures should be allowed within the 50m buffer zone. All existing drainage channels within this zone must be rehabilitated and revegetated. Rehabilitation should involve infilling the excavated areas with similar soils, ensuring no soil compaction occurs in the newly filled channels.
- New drainage channels should be located outside the 50m buffer zone and should preferably be designed as vegetated, shallower, and wider stormwater swales.
- A small, vegetated stormwater retention area should be created at the property's boundary to allow for infiltration and to prevent erosion and sedimentation towards the downstream wetland areas.
- A formal Stewardship Agreement with CapeNature is proposed. The Applicant is willing to legally protect the remaining ± 8.5 hectares in the form of a Contract Nature Reserve. This will protect approximately 85% of the indigenous vegetation on their land in perpetuity.

SECTION I: REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION

This section is only applicable to instances where Section 49A (2) of NEMA applies. Please list all steps that where taken in response to the incident or emergency situation.
N/A

Please note:

Section 30 of NEMA deals with the procedures to be followed for the control of emergency incidents and Section 30A deals with procedures to the followed in the case of emergency situations.

SECTION J: PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement).

"The applicant must place a preliminary advertisement in-
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.
(3) The applicant must open and maintain of a register of interested and affected parties.

*(4) The **register must be attached to the application form and included in the report**, or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of-*

(a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;

(b) all persons who have requested the applicant, in writing, to place their names on the register; and

(c) all organs of state that have jurisdiction in respect of the activity to which application relates."

Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper.

- The S24G Report was advertised in the local newspaper (The Hermanus Times), and a site notice was placed at the entrance to the site.
- Adjacent landowners, relevant organs of state and state departments and any other identified I&APs were notified of the proposal and invited to comment or register as an I&AP.
- All reports were uploaded on the PHS Consulting website for the duration of the 30-day commenting period.
- A Comments and Response report has been generated after the public participation period including detail on the public participation process followed.
- An IAP register was kept during the public participation process and updated as needed.
- A 30-day comment period was held: 26 June – 28 July 2025.

Please refer to **Appendix G** for all details, comments and proof of pre-application PPP in compliance with Regulation 8.

Please indicate whether the applicant has a website (please tick relevant box):	YES	**NO**

If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application.

The Application was advertised on PHS website for the pre-application commenting period. The Application will again be placed on the PHS website for the statutory commenting period.

Please note: Annexure A: Section D attached to this Application form must be strictly adhered to.

1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

1. In terms of regulation 41 of the EIA Regulations, 2014 -
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -

(i) the site where the activity to which the application relates is or is to be undertaken; and	**YES**	DEVIATION	
(ii) any alternative site	**YES**	DEVIATION	
(b) giving written notice, in any manner provided for in section 47D of the NEMA, to –			
(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	**N/A**
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	**YES**	DEVIATION	
(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	**YES**	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	**YES**	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	**YES**	DEVIATION	
(vi) any other party as required by the Department;	**YES**	DEVIATION	N/A
(c) placing an advertisement in -			
(i) one local newspaper; or	**YES**	DEVIATION	
(ii) any official *Gazette* that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	YES	DEVIATION	**N/A**
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	DEVIATION	**N/A**
(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	YES	DEVIATION	**N/A**
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE: 2. The NEM: WA requires that a notice must be placed in at least two newspapers. **N/A**			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	NO	
If "NO", then an application for exemption from the requirement must be applied for.			

1. **Provide a list of all the state departments that has been / will be consulted:**		
List of State Depts.	**Comment obtained (YES/NO)**	**If not, provide reasons**
DEADP Directorate Environmental Governance (Rectification)	Yes	
Cape Nature	Yes	

Western Cape Government Department of Agriculture	No	Notified but did not comment
Heritage Western Cape	Yes	
BOCMA	Yes	
Overberg District Municipality	Yes	
Theewaterskloof Local Municipality	Yes	

2. **Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed.** **(The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)**
Please refer to Appendix G4 for Comments and Response Report indicating all the issues raised and responses thereto.

3. **Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.**
Please refer to Appendix G4 for the Comments and Response Report.

Please note:

- **A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.**
- **All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.**
- **The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.**
- **Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.**

2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014

Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above.
Not applicable.

3. LIST OF STATE DEPARTMENTS

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.		
State Department	Name of person	Contact details

DEADP DIRECTORATE: ENVIRONMENTAL GOVERNANCE (RECTIFICATION)	Zaidah Toefy & Najah Ben Jeddou	Tel	021 483 2701 // 021 483 8314
		Fax	n/a
		Email	Zaidah.Toefy@westerncape.gov.za // Najah.BenJeddou@westerncape.gov.za
CAPE NATURE	Rhett Smart	Tel	087 087 8017
		Fax	n/a
		E-mail	rsmart@capenature.co.za
WESTERN CAPE DEPARTMENT OF AGRICULTURE	Cor van der Walt	Tel	021 808 5099
		Fax	021 808 5092
		E-mail	CorvdW@elsenburg.com
HERITAGE WESTERN CAPE	Notified via NID	Tel	021 483 9543
		Fax	n/a
		E-mail	Ceoheritage@westerncape.gov.za
BOCMA	Kgadi Makgakga	Tel	023 346 8000
		Fax	n/a
		E-mail	jmakgakga@bocma.co.za/ info@bocma.co.za
OVERBERG DISTRICT MUNICIPALITY	Rulien Volschenk	Tel	028 425 1157
		Fax	n/a
		E-mail	rvolschenk@odm.org.za
THEEWATERSKLOOF LOCAL MUNICIPALITY	Johan Viljoen	Tel	082 499 5724
		Fax	n/a
		E-mail	johanvi@twk.org.za

Please note:

A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.

PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM

SECTION A: DIRECTIVES

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

i	*immediately cease the activity pending a decision on the application submitted in terms of this subsection*	
ii	*investigate, evaluate and assess the impact of the activity on the environment*	
iii	*remedy any adverse effects of the activity on the environment*	
iv	*cease, modify or control any act, activity, process or omission causing pollution or environmental degradation*	
v	*contain or prevent the movement of pollution or degradation of the environment*	
vi	*eliminate any source of pollution or degradation*	
vii	*compile a report containing-*	
	aa	*a description of the need and desirability of the activity*
	bb	*an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity*
	cc	*a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity*
	dd	*a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed*
	ee	*an environmental management programme*
viii	*provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.*	

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

Please Note:

Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive.

The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.

SECTION B: DEFERRAL OF THE APPLICATION

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

(a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;

(b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or

(c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that is not subject to this application and in any province in the Republic?	*YES*	***NO***	*UNCERTAIN*
If yes provide details of the offence being investigated and authority conducting the investigation. *If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.*			
N/A			
Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is not subject to this application and in any province in the Republic?	*YES*	***NO***	*UNCERTAIN*
If yes provide details of the offence being investigated and authority conducting the investigation. *If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.*			
N/A			
Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA in terms of which this application directly relates?	*YES*	***NO***	*UNCERTAIN*

If yes provide details of the offence being investigated and authority conducting the investigation. *If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.*			
N/A			

If you have answered yes or uncertain to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

SECTION C: QUANTUM OF THE SECTION 24G FINE

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form.

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor.

PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES

Index	**Socio Economic Impact** **Description of variable**	**Place an "x" in the appropriate box**
	The activity is not giving, has not given and will not give rise to any negative socio-economic impacts	**X**
	The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
	The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
	The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts.	
	Motivation: Due to the nature of the activity, no negative socio-economic impacts are expected other than for the Applicant should he not be allowed to utilise a portion (approx. 15%) of the property. Minor, albeit limited, positive socio-economic impacts are expected in terms of the Applicants company efficiency, sustainability and in turn the surrounding agricultural hub of Vyeboom and associated farms.	

Index	Biodiversity Impact Description of variable	Place an "x" in the appropriate box
	The activity is not giving, has not given and will not give rise to any impacts on biodiversity	
	The activity is giving, has given or could give rise to localised biodiversity impacts	**X**
	The activity is giving, has given or could give rise to significant biodiversity impacts	
	The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	

Motivation:

Botanical:

The primary construction phase botanical impact of the clearing was loss and degradation of the existing natural and partly natural vegetation in the 1.5 ha development area. The relevant vegetation type is gazetted as Critically Endangered on a national basis. As the applicant wishes to develop the cleared area the loss can be assumed to be of a permanent nature. However, no plant Species of Conservation Concern are likely to have occurred in the cleared area, and the sensitivity of the vegetation in that area was relatively low.

The botanical significance of this vegetation degradation and loss is Low to Medium negative before mitigation (Low negative possible after mitigation, but that is at operational phase only). The extent of the impacts are deemed to be local and regional, but also national, in that the vegetation types are assessed at a national level.

Operational phase impacts will take effect as soon as the natural vegetation in the focus area is lost or disturbed – which has already occurred - and will persist in perpetuity, or as long as the area is not fully rehabilitated (unlikely, as applicant wishes to development this area). Operational phase impacts include loss of previous levels of ecological connectivity across the area, and associated habitat fragmentation, plus plant mortality due to siltation and flooding of the downstream areas. Overall, the operational phase botanical impact of the clearing in the 1.5ha area is likely to be Low to Medium negative (prior to mitigation), and Low negative after mitigation.

Positive ecological impacts could be realised in the future only if the applicant implements all required mitigation.

Furthermore, a formal Stewardship Agreement with CapeNature is proposed. The Applicant is willing to legally protect the remaining ± 8.5 hectares in the form of a Contract Nature Reserve. This will protect approximately 85% of the indigenous vegetation on their land in perpetuity. The remaining 15% will be utilised to maintain an operational business within the area.

Freshwater:

According to the freshwater assessment, the wetland identified on-site was in an unmodified state prior to the new activity (based on the presumption that rehabilitation of the existing drainage channels would be completed) but has since degraded to a largely natural state. It retains moderate to high Ecological Importance and Sensitivity (EIS) and continues to provide high wetland function, primarily supporting the maintenance of biodiversity.

The area affected by the alleged unlawful activity is classified as an aquatic Critical Biodiversity Area (CBA1) and a terrestrial Critical Biodiversity Area 2: Degraded. According to the National Freshwater Ecosystem Priority Areas (NFEPA) map, the larger catchment in which the development took place, is located falls within a Fish Support Area, while the large wetland on-site is classified as an East Coast Shale Renosterveld Floodplain Wetland (FEPA rank 2).

The construction and operational component of the activity has had an impact on the following:

- Loss of biodiversity, and ecological structure;

- Potential hydrology modification and change in aquatic habitat;
- Potential Water Quality impacts;

These impacts were largely caused through site access, clearing of vegetation, excavation of soils and the creation of drainage channels around the wetland area. Additionally, the operational phase might also lead to a decline in water quality within the wet areas.

The long-term impacts of these activities were assessed as having a medium to very high negative impact on a local to regional scale, with a high probability of significant wetland loss over time. However, if all mitigation measures are adhered to, the impact of the proposed project will most likely be of Long-term, Low negative impact on the wetland and possibly on the larger freshwater system as well.

Index	Sense of Place Impact and / or Heritage Impact Description of variable	Place an "x" in the appropriate box
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	**X**
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	

Motivation:

The activity is in keeping with the surrounding landscapes sense of place and has no heritage impacts (as confirmed by HWC **(Appendix F)**. The proposed site is located within the rural agricultural farming hub of Vyeboom, adjacent to the agricultural industry of the local Vyeboom Co-op and the IdeaFruit Pack Shed. According to the website of Idea Fruit, the packhouse is operational for 12 months of the year (operating day and night during peak periods) and packing up to 220 tons of fruit per day. The site is located directly adjacent to this facility.

The Applicant is willing to legally protect the remaining ± 8.5 hectares in the form of a Contract Nature Reserve. This will protect approximately 85% of the indigenous vegetation on their land in perpetuity. The remaining 15% will be utilised to maintain an operational business within the area.

Index	Pollution Impact Description of variable	Place an "x" in the appropriate box
	The activity is not giving, has not given and will not give rise to any pollution	**X**
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	

Motivation: The activity will not result in any pollution. Due to the nature of the proposed use of the developed area, which is primarily to be used as a parking area, polluted runoff is minimal however it has been mitigated through the implementation of the EMPr (**Appendix I1**) which include all the proposed mitigation measures (identified by the Specialists) and the implementation of the Rehabilitation Plan (**Appendix I2**) - these impacts are considered negligible.
PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT

Index	**Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act** **Description of variable**	**Place an "x" in the appropriate box**
	Administrative action was previously taken against the applicant in respect of the abovementioned provisions.	**X**
	No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken.	
	Administrative action was <u>not</u> previously taken against the applicant in respect of the abovementioned provisions.	
	5 September 2024 a Pre-Compliance Notice issued to the applicant - DEA&DP REF: 14/1/1/E2/9/9/3/0845/24 **(Appendix J4)** 26 September 2024 a Compliance Notice issued - DEA&DP REF: 14/1/1/E2/9/9/3/0845/24 **(Appendix J5)**	

Index	**Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act** **Description of variable**	**Place an "x" in the appropriate box**
	The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
	No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity.	
	The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	**X**
	Explanation of all previous convictions in respect of the above: N/A	

Index	**Number of section 24G applications previously submitted by the applicant**	

Description of variable	Place an "x" in the appropriate box
Previous applications in terms of section 24G of NEMA were submitted by the applicant.	
No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.	
No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	
Explanation in respect of all previous applications submitted in terms of section 24G: N/A, no S24G applications have been previously submitted by the Applicant.	

PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES

Index	Applicant's legal persona Description of variable	Place an "x" in the appropriate box
	The applicant is a natural person.	
	The applicant is a firm.	**X**
	Describe the firm: Cropmax Business Trust is a transports logistics company that provides transport of agricultural goods such as fruit within the greater Villiersdorp area.	

Index	Any other relevant information that the applicant would like to be considered.
	The Applicant's property rights and the historical disturbance of the site must 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 Applicant's intent is to construct a platform to store trucks and fruit crates within a portion of the site (15%) identified as an area potentially suitable for development. The Applicant did not construct the trenches; 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. The area where clearing has taken place had been identified by the botanical specialist as being of lower sensitivity than the rest of the property as it had been historically disturbed. The Applicant has proposed a Stewardship Agreement with CapeNature to turn the remaining 8.5ha (85%) into a Contract nature Reserve. Furthermore, the history of the site dates back much further than 2017. Please refer to **Appendix N1** in which a timeline of Aerial Images indicates the disturbed nature of the property over time. In terms of historical aerial imagery, the area has been subject to ad hoc disturbances and the steady expansion of agriculture and agricultural supportive services overtime. In 1989 the existing packshed developed to the west and the existing school to the east of the site. A small dam was constructed on site which was used by farm workers for subsistence farming post 1989. This becomes clear on the 1997 aerial image. (The more recent fires have

allowed the ground-truthing of the dam and the oral history around the site being used for agricultural purposes. A site visit was undertaken on the 17th of February 2026 and the following became evident: 1. The location of the dam was confirmed SE of the application area i.e. dam wall and depression visible; and 2. Agricultural uses of the site evident i.e. irrigation infrastructure visible.)

In 1997 the packshed development to the west is in operation and a road is constructed to the west of the site as a result of construction commenced on the 'hill' for staff housing. An additional road is visible across the property from east to west. This coincides with an electrical powerline servitude crossing the site as shown as "XY" on the SG Diagram. Furthermore, it is understood that excavations for a water pipeline were undertaken along this line. This is evident in the first colour aerial image (DWS) available which shows the extent of the servitude and the excavations undertaken of what is understood to be a channel for a water pipeline which bisects the site. This subsequently became a road across the site. Several new roads traverse the area during this time as well as a power line servitude. Furthermore, the road and staff housing is formalised and complete to the south (on the hill). A stormwater canal running parallel on both sides of the road from south to north is clearly visible.

It is our understanding that the position of the stormwater canal on site moved over time, initially the stormwater canal was ±25 m from the road on the subject site (note 2004 Aerial Image onwards), in later years a new canal appears much closer to the road (visible from 2012 onwards). Both these canals drained the site and the stormwater from the developed areas (in the west). Water was initially directed along the western side of the road, however, at some point, stormwater was also directed to the eastern side of the road and onto the site, resulting in wetter conditions over the years. This is clearly visible from 2004 onwards on aerial photos where a dark green wet area is visible, in the vicinity of a sump constructed (pre-2009) on the site to facilitate stormwater from the west. This coincides with the wetland area delineated by the Freshwater Specialist as part of the S24G.

It is also clear over the years that the site was a free draining system (1979) with more than one watercourse, whereby post development conditions resulted in the infilling of watercourses resulting in more post development water onto the site. The site was officially formed in 1992 as a 10-ha subdivision, with a purpose. Much like the similar size portions to the west, that fulfil a supportive role to agriculture. The above context also needs to be considered in this regard.

NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.

SECTION D: PRELIMINARY ADVERTISEMENT [APPENDIX G]

When submitting this 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.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex-post facto* approval. It must include the following:

- the date;
- the location;
- the applicable legislative provision contravened; and
- the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

NOTE: Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

PART 3 -

APPENDICES

The following appendices must, where applicable, be attached to this form:

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	√
Appendix B:	Site plan(s)	√
Appendix C:	Building plans (if applicable)	X
Appendix D:	Colour photographs	√
Appendix E:	Biodiversity overlay map	√
Appendix F:	HWC Comment	√
Appendix G1:	I&AP List	√
Appendix G2:	Proof of Public Participation Process	√
Appendix G3:	Comments Received	√
Appendix G4:	Comments and Response Report	√
Appendix H1:	Botanical Specialist Report	√
Appendix H2:	Freshwater Specialist Report	√
Appendix H3:	Additional Freshwater Augering Report	√
Appendix I1:	Environmental Management Programme	√
Appendix I2:	Freshwater Rehabilitation Plan	√
Appendix I3:	BOCMA Approval of Freshwater Rehabilitation Plan	√
Appendix J1:	Compliance Notice – Miller 2017	√
Appendix J2:	Directive – Miller 2017	√
Appendix J3:	Botanical Assessment – 2017	√
Appendix J4:	Pre-compliance Notice - Cropmax	√
Appendix J5:	Compliance Notice - Cropmax	√
Appendix K:	Certified copy of Identity Document of Applicant	√

Appendix L:	**Certified copy of the title deed (or title deeds in the case of linear activities)**	√
Appendix M1:	**Screening Tool**	√
Appendix M2:	**Site Sensitivity Verification**	√
Appendix M3:	**Proof of WULA Application**	√
Appendix N1:	**Historical Imagery and Timeline of Activities**	√
Appendix N2:	**Summary of Past Applications and Communications**	√
Appendix N3:	**ESKOM Vyeboom Longdown Substation Freshwater Assessment - 2014**	√

DECLARATIONS

DECLARATION OF THE APPLICANT

Note: Duplicate this section where there is more than one Applicant.

I, Nico J Wilkinson, ID number 6606115014 084 in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;

- I am aware of my general duty of care in terms of Section 28 of the NEMA;

- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;

- I appointed the Environmental Assessment Practitioner ("EAP") (if not exempted from this requirement) which:
  - meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
  - meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;

- I will provide the EAP and any specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;

- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
  - costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
  - costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
  - Legitimate costs in respect of specialist(s) reviews; and
  - the provision of security to ensure compliance with applicable management and mitigation measures;

- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority, hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I or the EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Signature of the Applicant: NJ Wilkinson Date: 26/10/2026

Name of Firm (close corporation/company/trust etc.) (if applicable):

DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I **JENNA THERON**, EAPASA Registration number 2022/5926 as the appointed EAP hereby declare/affirm the correctness of the information provided or to be provided as part of this application, and that:

- in terms of the general requirement to be independent:
  - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review EAP must be submitted);

- in terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;

- I have disclosed/will disclose, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;

- I have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;

- I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded, responded to and submitted to the Competent Authority in respect of this application;

- I have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;

- I have kept/will keep a register of all interested and affected parties that participated in the public participation process;

- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;



23 October 2026

Signature of the EAP: Date:

PHS Consulting

Name of company (if applicable):