GEORGE
TEL: +27 (0) 44 873 4923 **FAX:** +27 (0) 44 874 5953
EMAIL: info@sescc.net **WEBSITE:** www.sescc.net
ADDRESS: 102 Merriman Street, George 6530
PO BOX: 9087, George , 6530

CAPE TOWN
TEL: +27 (0) 21 554 5195 **FAX:** +27 (0) 86 575 2869
EMAIL: betsy@sescc.net **WEBSITE:** www.sescc.net
ADDRESS: Tableview, Cape Town, 7441
PO BOX: 443, Milnerton, 7435

SECTION 24G APPLICATION FORM AND CHECKLIST

FOR

ALLEGED UNLAWFUL CONSTRUCTION OF A ROAD AND CLEARANCE OF VEGETATION TO ESTABLISH A HOUSE ON THE REMAINDER OF FARM 91, HOLLE KLOOF AND PORTION 1 OF THE FARM 131, PLATTEKLOOF, FARM 296, WABOOMSKRAAL, GEORGE MUNICIPALITY WESTERN CAPE PROVINCE

In terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the amended (April 2017) Environmental Impact Assessment Regulations, 2014

PREPARED FOR: Octo Trading 377 cc
PO Box 35904
Menlo Park
0102

DATE: 2 November 2022

24G REFERENCE: 14/2/4/1/D2/53/0003/21

Western Cape Government
Environmental Affairs and Development Planning

BETTER TOGETHER.

NEMA SECTION 24G APPLICATION COMPLETENESS CHECKLIST

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.	X	
	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).	X	
	2.4. A description of the receiving environment **after** commences of the activity(ies).	X	
	2.5. All appendices and annexures:		
	2.5.1. Locality map	X	
	2.5.2. Site plans or/and Layout plan	X	
	2.5.3. Building plans (if applicable)	X	
	2.5.4. Colour photographs	X	
	2.5.5. Biodiversity overlay map	X	
	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	X	
	2.5.8. Environmental Management Programme	X	
	2.5.9. Certified copy of Identity Document of Applicant	X	
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	X	
	2.6. Signed declaration forms.	X	
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	X	
	• 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.	X	
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).	X	
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).	X
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	X
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).	X
	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;	X
	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	X
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	X
	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;	X
	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.	X
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)**	

NEMA SECTION 24G APPLICATION FORM

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")**

April 2018

Form Number S24GAF/04/2018

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 Environmental Assessment Practitioner ("EAP").

3. This Application Form is current as of 01 April 2018. 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 01 April 2018.

4. **<u>The contents of this Application Form includes the following:</u>**

   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 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.

6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must 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. **No faxed or e-mailed application forms will be accepted.**

10. 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.

11. 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(1)(i-viii) of the NEMA.

e) 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.

f) 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.

g) 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.

h) **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.

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.

DEPARTMENTAL DETAILS

Department of Environmental Affairs and Development Planning,
Directorate: Environmental Governance
Attention: Sub-directorate: Rectification
Private Bag X9086
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)	14/2/4/1/D2/53/0003/21
Administrative Fine Reference	

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

File Reference number (Enforcement), if applicable	
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

ALLEGED UNLAWFUL CONSTRUCTION OF A ROAD AND CLEARANCE OF VEGETATION TO ESTABLISH A HOUSE ON THE REMAINDER OF FARM 91, HOLLE KLOOF AND PORTION 1 OF THE FARM 131, PLATTEKLOOF, AND FARM 296, WABOOMSKRAAL, GEORGE MUNICIPALITY
24G CONSULTATION REFERENCE: 14/2/4/1/D2/53/0003/21

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~~	~~Parastatal~~	~~Organ of State~~	
	Directors of a Company	~~Members of a Board~~	~~Other, please specify~~	Close corporation		

Applicant's details (duplicate this section where there is more than one applicant)			
Applicant Name:	Mr. Andre Spammer (Managing Director)		
RSA Identity Number/ Passport Number of Applicant, if natural person:			
Name of Firm (if applicable):	Octo Trading 377 cc		
Firm Registration Number:	2009/138280/23		
Contact Person at the Firm:	Mr. Andre Spammer (Managing Director)		
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below – **(In the list below, delete the firms that are not applicable to this application)**		
● Directors of a company; or ● Members of the board; or ● Executive committee or other managing body of a corporate body or parastatal; or ● Members of close corporation; or ● Partners of a partnership; or ● Trustees of a trust	Name: Andre Spammer RSA ID No. 5411085083081 Name: RSA ID No. Name: RSA ID No. Name: RSA ID No. Name: RSA ID No. Name: RSA ID No.		
Postal address:	PO Box 35904		
	Menlo Park	Postal code:	0102
Telephone:	012 460 6304	Cell:	083 257 8307
E-mail:	andre@ancil.co.za	Fax:	086 6314834
Project Consultant	DMS Structural Consulting Engineering		
Contact person:	Koenraad Potgieter Pr Tech Eng, BTech Eng (Civil)		
Postal address:	65 York St, George Central		
	George	Postal code:	6529
Telephone:	( )	Cell:	083 722 6132
E-mail:	pottiekh@gmail.com	Fax:	( )
Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:	John Sharples Michael Bennett		
Company name (if any):	Sharples Environmental Services cc		
Postal address:	PO Box 9087		
	George	Postal code:	6530

Telephone:	044 873 4923	Cell:	
E-mail:	michael@sescc.net info@sescc.net	Fax:	( )
EAP Qualifications	John Sharples: • Master Degree in Environmental Management • B-Tech in Nature Conservation Michael Bennett: • BSc: Environmental Science and Oceanography		
EAP Registrations/Associations	John Sharples, EAPASA registration no: 1485 Michael Bennett, EAPASA registration no: 2021/3163		

Name of the Landowner:	**Portion 1 of Farm Platte Kloof 131**	Octo Trading 377 cc - Andre Spammer
	Remainder of Farm Holle Kloof 91	In Bev Hops Farms Waboomskraal – Brenton Strauss (Operations Manager)
	Farm 296	
Name of the contact person for the land owner (if other):	**Portion 1 of Farm Platte Kloof 131**	Octo Trading 377 cc – Andre Spammer
	In Bev Hops Farms Waboomskraal Remainder of Farm Holle Kloof 91	Brenton Strauss (Operations Manager)
	Farm 296	
Postal address:	**Portion 1 of Farm Platte Kloof 131**	PO Box 35904 Menlo Park 0102
	Remainder of Farm Holle Kloof 91	Rob Roy Farm, Montague Road, Blanco, George, 6530
	Farm 296	

Andre Spammer	Telephone:	Tel: 012 460 6304	Cell:	M : 083 257 8307
	E-mail:	andre@ancil.co.za	Fax:	( )
In Bev Hops Farms (Brenton Strauss)	Telephone:	Tel: +27 44 802 8400	Cell:	M : +27 82 312 4683
	E-mail:	brenton.strauss@za.ab-inbev.com	Fax:	( )

Person in control of land:	Brenton Strauss - In Bev Hops Farms Waboomskraal Andre Spammer - Portion 1 of Farm 131

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.

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.

Municipality in whose area of jurisdiction the activity falls:	George Municipality		
Contact person, if known:	Dr Michelle Gratz (Municipal Manager) Lauren Waring (Director Planning and Development)		
Postal address:	PO Box 19		
	George	Postal code:	6530
Telephone	044 801 9111	Cell:	
E-mail:	tlduplooy@george.gov.za / mjordaan@george.gov.za	Fax:	

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):	Waboomskraal, George Municipality	
Farm/Erf name(s) & number(s) including portion(s)	Portion 1 of Farm Platte Kloof 131	
	Remainder of Farm Holle Kloof 91	
	Farm 296	
Property size(s) (m^2)	Portion 1 of Farm Platte Kloof 131	87.53 ha
	Remainder of Farm Holle Kloof 91	51.11 ha
	Farm 296	71.73 ha

Development footprint size(s) (m^2)	Approximately 15 000 m^2	
SG21 Digit code(s)	Portion 1 of Farm Platte Kloof 131	C02700000000013100001
	Remainder of Farm Holle Kloof 91	C02700000000009100000
	Farm 296:	C02700000000029600000

Property boundary: Please refer to the Figure 1 for the locality of the points below

Point	Property	Latitude (S)	Longitude (E)
1	RE/91	33°52'36.89"S	22°21'39.60"E
2		33°52'40.79"S	22°22'8.14"E
3		33°53'2.08"S	22°22'5.73"E
4		33°53'2.77"S	33°53'2.77"S
5	1/131	33°52'59.99"S	22°20'47.89"E
3		33°53'2.08"S	22°22'5.73"E
6		33°53'12.08"S	22°22'3.20"E
7		33°53'7.93"S	22°20'47.99"E
8	296	33°52'31.82"S	22°21'9.25"E
9		33°52'16.14"S	22°21'9.42"E
10		33°52'28.21"S	22°22'15.82"E

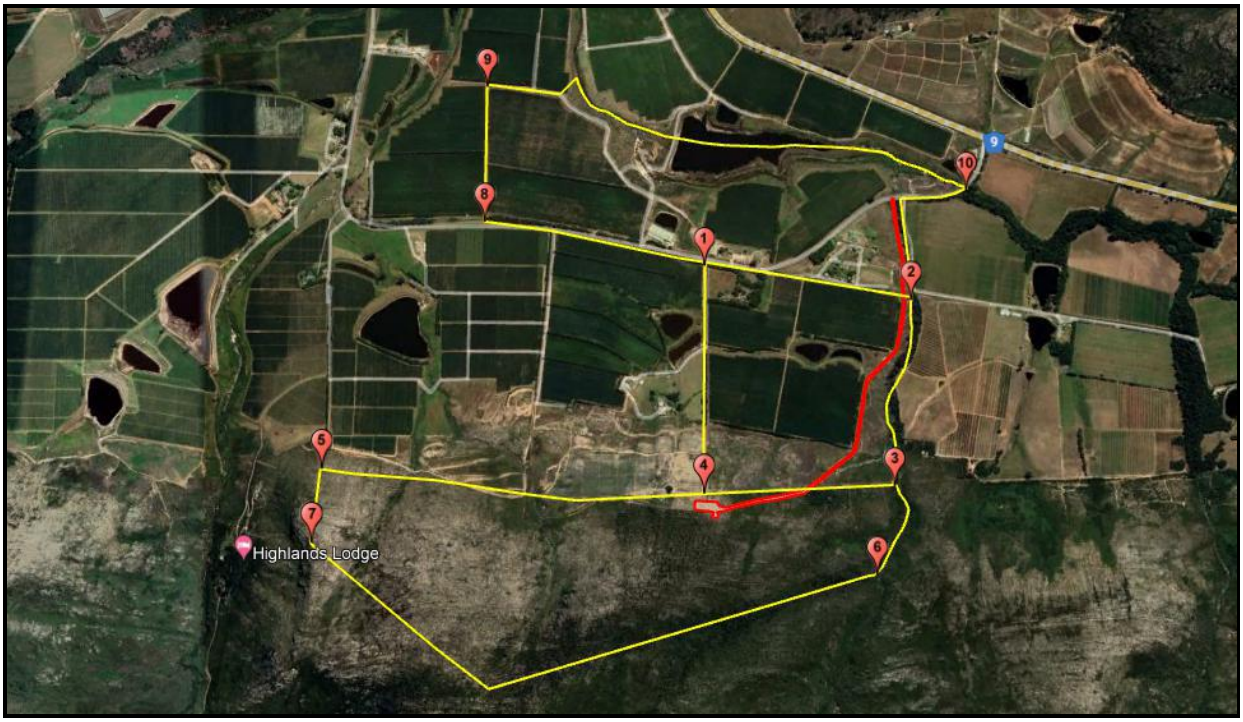


Figure 1: Locality of GPS coordinate points

The co-ordinates for the site boundary are: Please refer to Figure 2 for the locality of the points

Point	Latitude (S)	Longitude (E)
1	33°53'4.86"S	22°21'41.57"E
2	33°53'2.17"S	22°21'53.43"E
3	33°52'58.11"S	22°21'59.89"E
4	33°52'50.12"S	22°22'2.07"E
5	33°52'46.72"S	22°22'6.02"E
6	33°52'39.16"S	22°22'6.99"E
7	33°52'29.34"S	22°22'5.68"E

Figure 2: Locality of GPS coordinate points

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:	The properties are accessed from National Route 9 (N9)		
Magisterial District or Town:	George		
Closest City/Town:	George	Distance	13 (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?		
Is a rezoning application required?	~~YES~~	**NO**
Is a consent use application required?	~~YES~~	**NO**

Locality map:	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)		
Which authority considered the application:		
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): Mr. Andre Spammer **Signature:** _____

Place: Pretoria **Date:** 11/11/2022

EAP (Full names): Michael Bennett **Signature:** _____

Place: George **Date:** 2/11/2022

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~~
~~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,~~			
~~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~~
~~Government Notice No. R387 Activity~~	~~Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed~~	~~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~~

No(s): **(Listing Notice 2 of 2006)**	activity/ies")		
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
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
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
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. 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.	State the date of commencement of each activity
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.	State the date of commencement of each activity
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.	State the date of commencement of each activity

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
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

~~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~~
~~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~~

Please note:

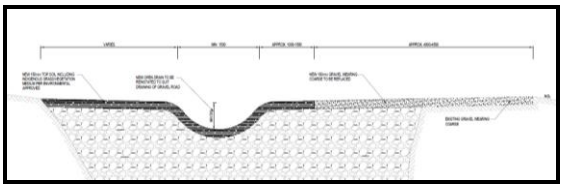
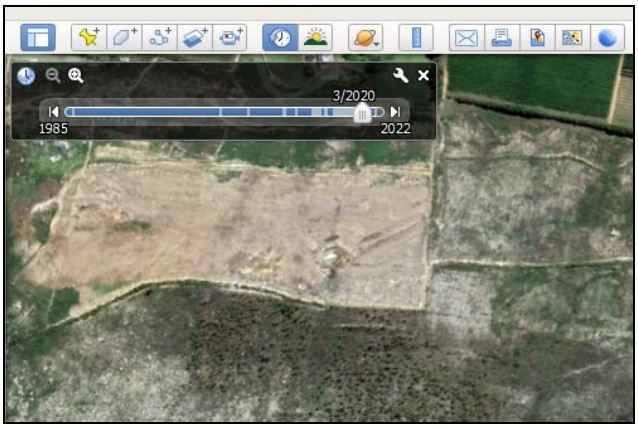
The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.

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, 2014 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.
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.	The ground material eroded during the heavy rains of November 2021 washed into the nearby river and wetland even though the river and wetland are more than 32 meters away. This activity was included in the consultation form however it was not triggered by the applicants' activities on site as the specialists found that no watercourses were traversed by the applicant activities. It was confirmed by the DEADP that this activity will be triggered by the rehabilitation measures proposed to fill in the erosion gully which was formed during the November 2021 flood event.
24	**The development of a road—** (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or **(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres**;	The section of road which junctions with the tarred road north of the site is less than 4m wide and runs along the hops fields. However, as the road breaks away from next to the hops fields, the road is between 4 and 4.5m in width however as a result of the flood event the width of the road and the rehabilitation measures proposed could exceed 8m, as seen in Figure 3 below, extracted from the

	but excluding a road— (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or **(c) which is 1 kilometre or shorter.**	Technical Report (Attached as Appendix M).  **Figure 3: Cross section of proposed rehabilitation** The erosion gully is proposed to be rehabilitated and revegetated and as such once the rehabilitation is complete only the footprint of the road (4 to 4.5m wide) will remain unvegetated. This activity was therefore not triggered as the new section of road is shorter than 1km and the width of the road will be less than 8m wide.
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.	The areas cleared on the applicant's property by the neighbour were surveyed by G.S. Savage & Associates Professional land Surveyor (Figure 6), this area is approximately 1.6 ha. This activity was however not undertaken by the applicant nor with the Applicant's knowledge. Applicant bought the farm in January 2021 and as seen below in the historical google earth Image dated March 2020, the area was cleared of vegetation before the purchase of the property.  It has been confirmed by the DEADP that this activity is applicable because the clearance was undertaken on the property however the applicant cannot be held responsible for the activities undertaken on the property prior to acquiring the property.
48	**The expansion of—** **(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or** (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; where such expansion occurs— **(a) within a watercourse;** (b) in front of a development setback; or	This activity is not triggered, as confirmed by the freshwater specialists, no watercourses were traversed by the applicants' activities for the southern section of the road. The upgrading of the existing road from the tarred road up till it reaches the hops fields is located within 32m of the Kleinbos River, however this was for the upgrading of the existing access road.

	(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding— (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion 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 expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads, road reserves or railway line reserves.	
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.
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.
4	**The development of a road wider than 4 metres with a reserve less than 13,5 metres.** **i. Western Cape** i. Areas zoned for use as public open space or equivalent zoning; **ii. Areas outside urban areas;** **(aa) Areas containing indigenous vegetation;** (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.	The new section of road constructed off the existing jeep track up to the house platform (approximately 255m) located over a mix of alien and indigenous vegetation triggers this activity.
12	**The clearance of an area of 300 square metres or more of indigenous vegetation** except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. **i. Western Cape** i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically	Clearance of vegetation for the upgrading and extension of the road and possibly the re-clearance of vegetation on the site which was already cleared by the neighbouring farmer, for the future creation of the house platform was considered however this activity was not triggered. Please refer to Figure 6 for the surveyed area cleared by the neighbouring farmer on the applicant's property. Please note that as confirmed in the letter (Ref: 16/3/3/6/6/D2/54/0017/22), dated 16 February

	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.	2022, this activity is not triggered as agricultural zoning is not considered equivalent to conservational zoning.  **Figure 4: The site - prior to clearance**  **Figure 5: The site - post clearance**
15	**The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.** **f. Western Cape** **i. Outside urban areas, or** ii. Inside urban areas: (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010; (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.	The current cleared footprint for the house is just under 3000m^2. Please note that as confirmed in the letter (Ref: 16/3/3/6/6/D2/54/0017/22), dated 16 February 2022, this activity is not triggered as agricultural zoning is not considered equivalent to conservational zoning.

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 / EXPANSION**
Octo Trading 377 bought the farm in January 2021 from the previous owner J.W. De Villiers. J.W. De Villiers left the country more than five years ago and settled in Canada. Since then, there was no farming activity and the access to farm 131/1 via the Holle Kloof farm RE/91 was not maintained or used. Therefore, this road/jeep track deteriorated over time, got overgrown and became unusable. The current owner plans to develop the farm as a Lifestyle farm (small scale farming), be totally self-sufficient, remove all the Wattle and many of the Pine trees. Construct the necessary infrastructure, i.e., house, shed, green houses, fruit trees and vegetables garden.		

Before the current landowner was able to develop his house, it was noted that the landowner of Portion 2 of the Farm Holle Kloof 91 had cleared beyond the boundary of their farm and cleared into the portion 1 of Farm 131. The landowner therefore appointed a land surveyor to survey the area cleared by his neighbour on his property. Please refer to the Figure 6 for the survey of the cleared area and Figure 7 for a google image of the area.

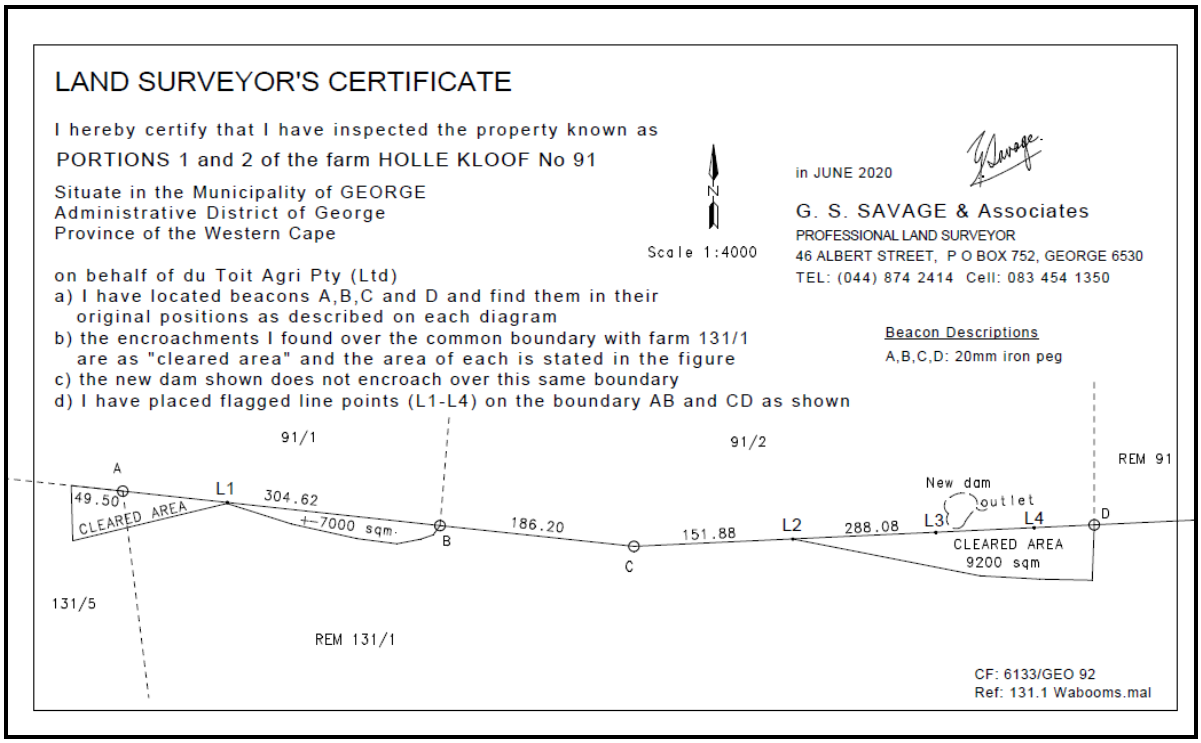


Figure 6: Area cleared by neighbour

The survey shows that 16249.5m^2 of land was cleared by the neighbour.

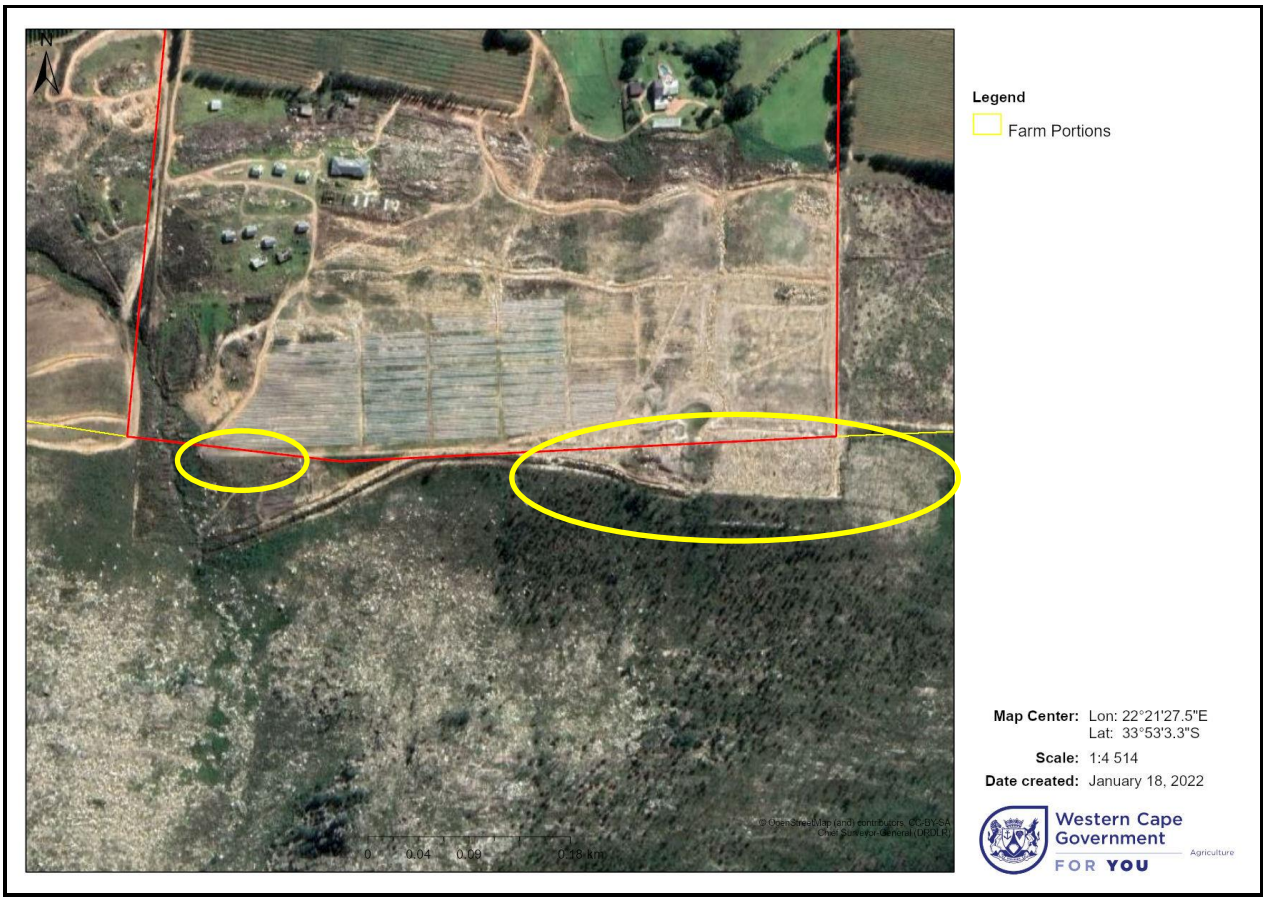


Figure 7: Google Image of the cleared area

After the survey the landowner decided to utilise the area cleared by the neighbour to establish the house on.

The construction of the road commenced on 9th of July 2021. Some material was sourced from the proposed house platform location for the construction of the road.

The existing road was upgraded as the farm was not used for approximately 5 years. Since there was no farming activity and the access to farm 131/1 via the Holle Kloof farm RE/91 was not maintained or used the road deteriorated over time. The applicant therefore upgraded the road, cleared vegetation, and sourced some material for the road from the location of the house.

The activities to the road were therefore upgrades and extension thereof (255 m of new road) and the clearance and excavation of some material from the house platform location were new activities, although they were undertaken on a previously disturbed / cleared area. The activities commenced on 9th of July 2021, four (4) months later on 11 November 2021 the civil contractor was instructed to stop works and remove all machinery within 24hrs by Mr Dyers the COF of SABH, according to the applicant. The activities were left incomplete and the heavy rains from the George Flood event of 22 November 2021 resulted in erosion of the partially upgraded road creating a large erosion gully on the neighbouring SABH farm.

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.

Please refer to Figure 8 when reading this section. The applicant upgraded a jeep track on the neighbouring SABH farm, which ran along the hops fields and from Point 2 till Point 7. A new section of road (255m) was constructed from where the existing jeep track crossed into the applicant's property, from Point 1 till Point 2. The applicant also excavated some material on a previously disturbed/cleared area on his property, at Point 1, from the house platform location as the platform would have to be cut and filled for the construction of the house. None of the activities were fully completed, as the contractor was instructed to stop activities and leave the site, as mentioned above.

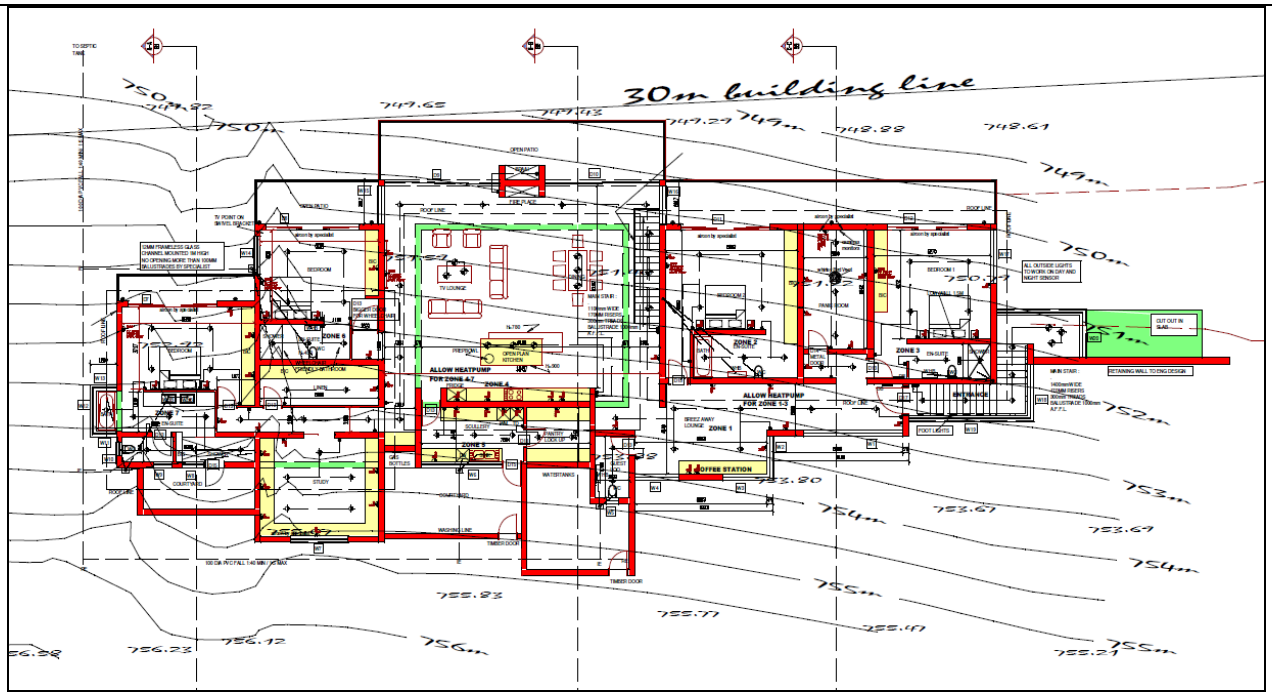
Figure 8: The site

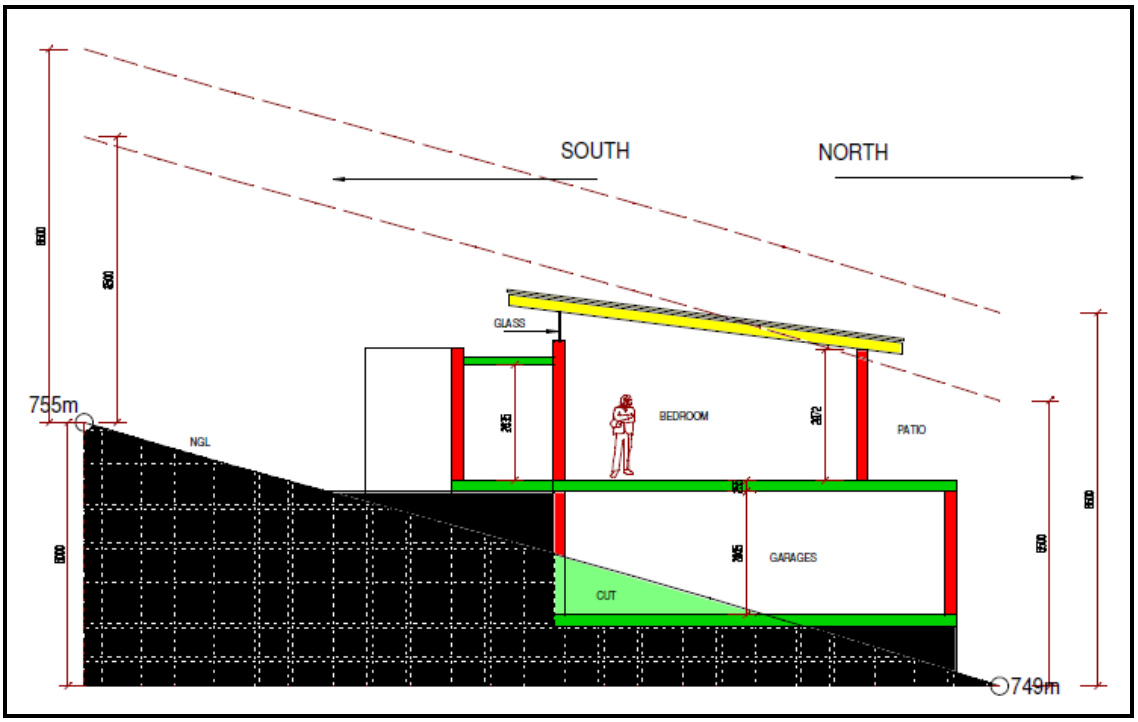
(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).

Buildings	~~YES~~	**NO**

Provide brief description:

The applicant excavated some material from the house platform location for the construction of the road. Once the cut and fill is completed on the house platform location a house will be constructed.





Infrastructure (e.g. roads, power and water supply/ storage)	**YES**	~~NO~~
Provide brief description:		
The applicant resurfaced the property's access road from the tarred road, just east of the Waboomskraal New Apostolic Church (Waboomskraal e-Centre) and partially upgraded a jeep track on the neighbouring SABH farm leading up towards his property and partially created a new section of road (255m) leading towards his proposed house platform.		
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):	15 000 m² (Approximately 12000m² was previously disturbed/existing road/cleared areas, 3 100m² cleared for the new section of the road, from point 1 to 2 of Figure 9)
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	15 000 m² (Approximately 12000m² was previously disturbed/existing road/cleared areas, 3100m² cleared for the new section of the road, from point 1 to 2 of Figure 9)
Total area:	15 000 m² (Approximately 12000m² was previously disturbed/existing road/cleared areas, 3100m² cleared for the new section of the road, from point 1 to 2 of Figure 9)

Figure 9: The site

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:		
The existing jeep track (approximately 1100 m) was realigned and upgraded. A new section of road was constructed (approximately 255 m) from the bend in the road (as it enters the applicant's property) up towards the house platform, as seen in Figure 9. Please refer to Figure 10 for the state of the road before construction.		

Figure 10: Site access prior to construction activities

5. SITE PHOTOGRAPHS

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 refer to Appendix D for the Site Photographs

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):
National Environmental Management Act, 1998 (Act No. 107 of 1998),	Department of Forestry, Fisheries and the Environment (DFFE)	Environmental Authorisation	
2014 Environmental Impact Assessment Regulations, promulgated in terms of Section 24(5) of NEMA (as amended on 07 April 2017)	DFFE	Environmental Authorisation	
National Water Act, 1998 (Act No. 36 of 1998), as amended.	Department of Human Settlements, Water and Sanitation	WULA/GA regsitration	
National Heritage Resources Act, 1999 (Act No. 25 of 1999)	South African Heritage Resources Agency (SAHRA)	Comment / Record of Decision	

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Department's Circular EADP 0028/2014 (dated 9 December 2014) on the "One Environmental Management System"	Circular and guidelines consulted and adhered to when undertaking this Basic Assessment Report.
Guidelines on EIA Regulations 2014	Guideline was consulted while compiling the S24G Application.
Guidelines on Public Participation, 2014	Guideline was consulted while compiling the S24G Application.
Guidelines on Need and Desirability, 2013	Guideline was consulted while compiling the S24G Application.
Guidelines on Alternatives, 2014	Guideline was consulted while compiling the S24G Application.
Guideline for Environmental Management Plans (June 2005)	Guideline was consulted while compiling the S24G Application.
Guideline for the Review of Specialist Input in the EIA process (June 2005).	Guideline was consulted while compiling the S24G Application.
Eden Spatial Development Framework (2017)	Guideline was consulted while compiling the S24G Application.
Prince Albert Spatial Development Framework (2014)	Guideline was consulted while compiling the S24G Application.
Prince Albert Municipality – IDP 2017 – 2022	Guideline was consulted while compiling the S24G Application.

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?	YES	NO
If no, please provide evidence of existing water use rights (if applicable) with this application form.	PLEASE REFER TO APPENDIX F	
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 21(c)&(i) water uses in terms of the National Water Act 36 of 1998 (NWA)	Breede-Gouritz Catchment Management Agency	No (in process)	

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**	**X**
SHALE		DOLOMITE	

SANDSTONE	**X**	DOLERITE	
OTHER (specify)	the principal geology being of quartzitic sandstone laid down in the Ordovician Period of the Palaeozoic Era. Rock of the Table Mountain Group is made up of the Peninsula, Pakhuis and Cederberg Formations and the Nardouw Subgroup, comprising three formations, Goudini, Skurweberg and Rietvlei-Baviaanskloof. The underlying geology of the area of interest is of the Nardouw Subgroup whereas the upper, south point of Portion 1 of Platte Kloof 131 lies on Peninsula Formation sandstone.		

2. GRADIENT OF THE SITE

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

~~Flat~~	**Flatter than 1:10**	**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~~	~~Plain~~	~~Undulating plain/low hills~~	~~Dune~~	~~Sea-front~~	~~Other~~
If other, please describe									
The site is located is on uncultivated, moderately steep mid-slopes below Geelhoutboomberg.									

4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

The soils of the area of interest are rocky, well-drained, highly leached and nutrient-poor (oligotrophic) lithosols of the Mispah and Glenrosa soil forms

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.

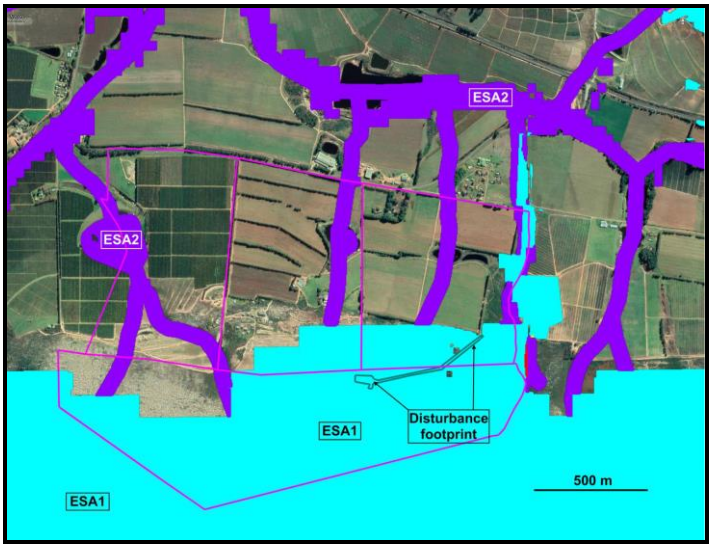
6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)

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	Indigenous Vegetation with heavy alien infestation	**X**
Describe the vegetation type above:		Describe the vegetation type above: According to the Vegetation Compliance Statement: The South Outeniqua Sandstone Fynbos that would have originally occurred on the 'house platform', upper platform and the access road, would have been a low to mid-high restioid—ericoid shrubland. The Proteaceae were represented by *Leucadendron uliginosum subsp. uliginosum* and *Mimetes cucullatus*. Rebelo et al. (2006) list a large number of species for this vegetation type, some of which are endemic. However, since this investigation is about the vegetation that was lost, only a small proportion of the possible plant species that could occur were noted in the area of undisturbed fynbos immediately upslope from the house platform. Species recorded include, *Acacia mearnsii*, Brunia nudiflora, Elegia cf. fistulosa, Erica*	

		densifolia, Erica uberiflora, Hakea sericea, Hypodiscus albo-aristatus, Lanaria lanata, Leucadendron uliginosum subsp. uliginosum, Linum sp., Metalasia cf. trivialis, Metalasia densa, Mimetes cucullatus, Penaea cneorum subsp. cneorum, Pinus radiata*, Psoralea pinnata, Pteridium aquilinum, Seriphium plumosum, Stoebe alopecuroides, Struthiola cf. eckloniana, Struthiola ciliata, Syncarpha paniculata, Tetraria ustulata* and *Thesium sp*. (This list is not a complete inventory of species!). The two main alien invasive species occurring in the vegetation around the house platform and along the sides of the access road are *Pinus radiata* (Monterey Pine) and *Acacia mearnsii* (Black Wattle). A third species, Hakea sericea (Silky Hakea), is also present but with lower abundance. These species have a serious negative impact on indigenous vegetation and must be cleared. The pine trees have been present for some time, judging by their size, and apart from being scorched by the fire four years ago, most of them have survived. The fire also stimulated the germination and growth of the silky hakea, black wattle and pine. (*= invasive alien plant species)
~~Provide ecosystem status for above:~~	~~Provide Ecosystem status for above:~~	Provide ecosystem status for above: No Red List species (i.e. species of conservation concern [SCC]) (sensu Raimondo et al. 2009) were found on the site or in the surrounding vegetation. According to the National List of Threatened Terrestrial Ecosystems (Government Gazette, 2011), South Outeniqua Sandstone Fynbos was classified with a conservation status of Least Concern (since it was not listed). That has not changed in the most recent appraisal in 2021 of what is now called Red List Ecosystems (RLE) (SANBI, 2021). The area of interest is in a habitat type with a low risk of loss and negative impacts due to anthropogenic activities, since it is well conserved in the mountain catchments of the Outeniqua Mountain Range.
~~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)~~	~~Cultivated land~~	~~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)~~	An overlay on Google Earth ™ imagery of the map of Critical Biodiversity Areas from the Western Cape Biodiversity Plan [WCBSP] (Pence, 2017; Pool-Stanvliet et. al. 2017). The 'disturbance footprint' falls in an Ecological Support Area 1.  **Figure 11: The WCBSP map for the area of interest showing that the 'disturbance footprint' is in a ESA1. (Figure 34 of the Vegetation Compliance Statement)** Ecological Support Areas (ESAs): Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of Protected Area (PAs) and Critical Biodiversity Areas (CBAs) and are often vital for delivering ecosystem services. They support landscape connectivity, encompass the ecological infrastructure from which ecosystem goods and services flow, and strengthen resilience to climate change. They include features such as regional climate adaptation corridors, water source and recharge areas, riparian habitat surrounding rivers or wetlands, and Endangered vegetation. ESAs need to be maintained in at least a functional and often natural state, in order to support the purpose for which they were identified, but some limited habitat may be acceptable. A greater range of land uses over wider areas is appropriate, subject to an authorisation process that ensures the underlying biodiversity objectives and ecological functioning are not compromised. Cumulative impacts should also be explicitly considered. In the maps, a distinction is made between ESAs that are still likely to be functional (i.e., in a natural, near natural or moderately degraded condition, ESA1; and ESAs that are severely degraded or have no natural cover remaining and therefore require restoration (ESA2)

(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		**Biodiversity** The site is surrounded by cultivated fields on the north, west and eastern sides. The slope immediately up and to the south of the cleared area comprises disturbed fynbos vegetation with relatively high levels of alien tree infestations (wattle and pine). The density of alien trees becomes less, further up the slope. The area immediately adjacent to the cleared area on the north side is highly disturbed where evidence of the large infestations of alien trees exists. Many alien saplings are re-establishing in this area. The site and immediate surrounds are considered modified, and the natural habitat disturbed. Very little faunal activity was observed during the site visit. The only activity observed included small passerine birds such as sparrows and waxbills, and evidence of steenbok in the form of droppings. Overall, the site (and immediate surrounds) displays a low sensitivity from a terrestrial biodiversity and faunal-perspective. The site is largely in a modified state due to the previous alien tree infestations and clearing activities including burning. The vegetation secondary in nature and highly disturbed in places with alien tree re-establishing. The site has limited use by fauna and no animal SCC are expected to occur on the site. **Vegetation** The sensitivity of the footprint of the 'house platform' and access road is actually Very Low. However, there is general agreement with the outcome of the Screening Tool since the habitat surrounding the disturbance footprint has a Medium sensitivity. It is thus the Medium sensitivity that should be applied in the present situation when judging what may have been lost.
Near Natural (includes areas with low to moderate level of alien invasive plants)		
Degraded (includes areas heavily invaded by alien plants)	10% - Area south of the site (upslope)	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	90% - Rest of the site and surroundings (north, east and west)	

(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)

Vegetation Compliance Statement:
Dr David J. McDonald of Bergwind Botanical Surveys & Tours CC was appointed to compile the Vegetation Compliance Statement. According to the Statement:

The area of interest experienced an intense wildfire in October 2018. The fynbos on the north-facing slopes was completely burnt. Some of the invasive pine trees (Pinus radiata) on the slope above the

'house platform' were completely burnt whereas others were scorched but survived. Fire is necessary in fynbos ecosystems and has a rejuvenating effect. The fynbos vegetation in the area of interest is approaching four years of age and is in a vigorous post-burn phase of growth.

Prior to Mr & Mrs Spammer acquiring Portion 1 of Platte Kloof 131, when the property still belonged to Mr de Villiers, the proprietors of the neighbouring farm (Portion 2 of Holle Kloof 91) transgressed the boundary and cleared the natural vegetation on the site of the 'house platform' as well as an area to the west of the 'house platform' on Portion 1, Platte kloof 131. Consequently, the new owners were not responsible for the initial clearing of vegetation for the site of the 'house platform'.

Despite being on the north-facing slopes of the Outeniqua Mountains, the vegetation of the area of interest is all classified as South Outeniqua Sandstone Fynbos (Mucina, Rutherford & Powrie 2005; Rebelo et al. 2006; SANBI, 2018).

The South Outeniqua Sandstone Fynbos that would have originally occurred on the 'house platform', upper platform and the access road, would have been a low to mid-high restioid—ericoid shrubland. The Proteaceae were represented by Leucadendron uliginosum subsp. uliginosum and Mimetes cucullatus. Rebelo et al. (2006) list a large number of species for this vegetation type, some of which are endemic. However, since this investigation is about the vegetation that was lost, only a small proportion of the possible plant species that could occur were noted in the area of undisturbed fynbos immediately upslope from the house platform. Species recorded include, Acacia mearnsii*, Brunia nudiflora, Elegia cf. fistulosa, Erica densifolia, Erica uberiflora, Hakea sericea*, Hypodiscus albo-aristatus, Lanaria lanata, Leucadendron uliginosum subsp. uliginosum, Linum sp., Metalasia cf. trivialis, Metalasia densa, Mimetes cucullatus, Penaea cneorum subsp. cneorum, Pinus radiata*, Psoralea pinnata, Pteridium aquilinum, Seriphium plumosum, Stoebe alopecuroides, Struthiola cf. eckloniana, Struthiola ciliata, Syncarpha paniculata, Tetraria ustulata and Thesium sp. (*= invasive alien plant species) (This list is not a complete inventory of species!).

The two main alien invasive species occurring in the vegetation around the house platform and along the sides of the access road are Pinus radiata (Monterey Pine) and Acacia mearnsii (Black Wattle). A third species, Hakea sericea (Silky Hakea), is also present but with lower abundance. These species have a serious negative impact on indigenous vegetation and must be cleared. The pine trees have been present for some time, judging by their size, and apart from being scorched by the fire four years ago, most of them have survived. The fire also stimulated the germination and growth of the silky hakea, black wattle and pine.

No Red List species (i.e. species of conservation concern [SCC]) (sensu Raimondo et al. 2009) were found on the site or in the surrounding vegetation.

According to the National List of Threatened Terrestrial Ecosystems (Government Gazette, 2011), South Outeniqua Sandstone Fynbos was classified with a conservation status of Least Concern (since it was not listed). That has not changed in the most recent appraisal in 2021 of what is now called Red List Ecosystems (RLE) (SANBI, 2021). The area of interest is in a habitat type with a low risk of loss and negative impacts due to anthropogenic activities, since it is well conserved in the mountain catchments of the Outeniqua Mountain Range. The 'disturbance footprint' falls in an Ecological Support Area 1.

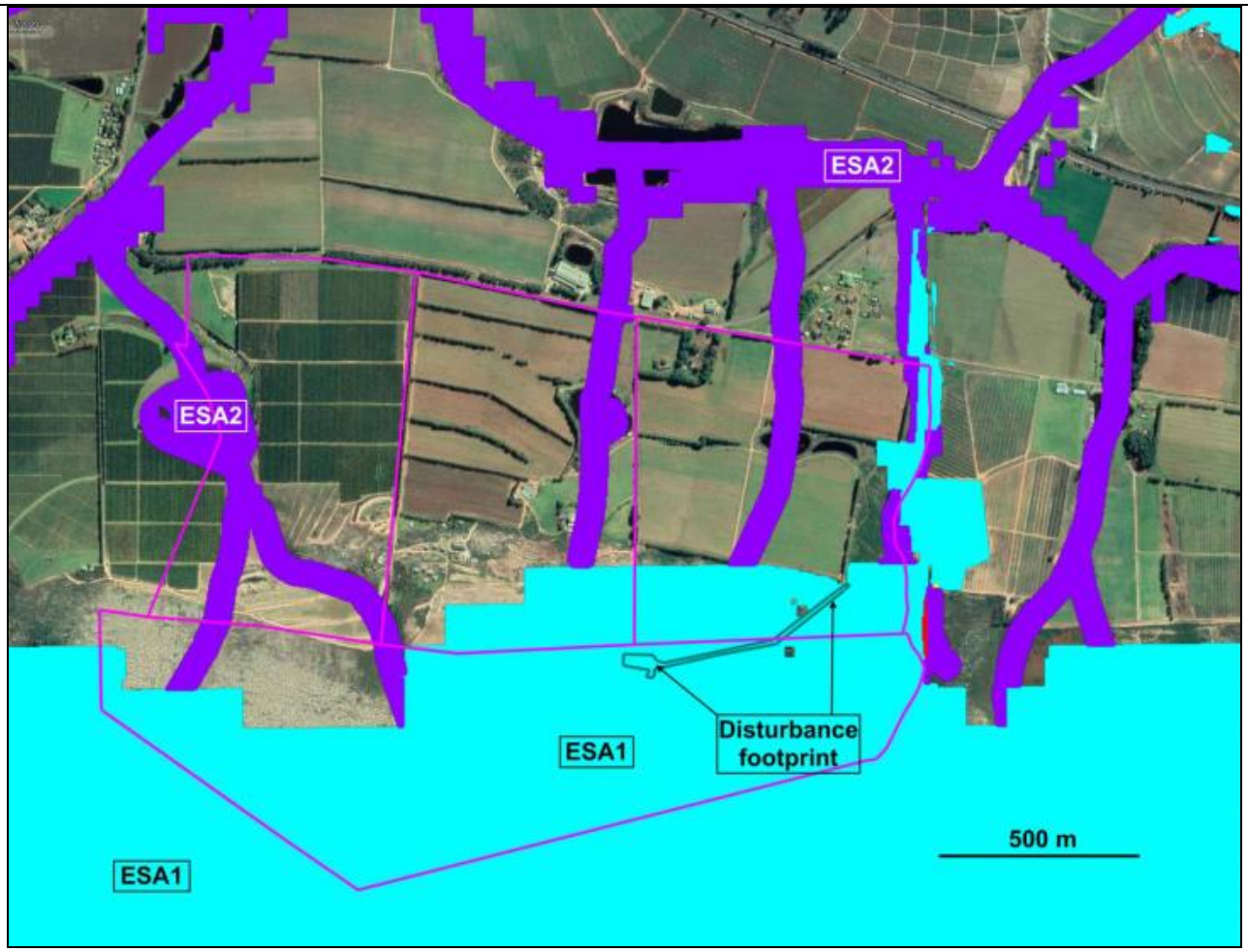


Figure 12: Critical Biodiversity Areas

Site sensitivity as determined in the field
Owing to the disturbance as described above, the sensitivity of the footprint of the 'house platform' and access road is actually Very Low. However, there is general agreement with the outcome of the Screening Tool since the habitat surrounding the disturbance footprint has a Medium sensitivity. It is thus the Medium sensitivity that should be applied in the present situation when judging what may have been lost.

Comment on potential impacts
It can be confidently stated that at the most, the site of the 'house platform' and access road was not more than Medium sensitivity, even before the neighbours illegally cleared in the area. It is true that authorisation should have been obtained to proceed with the establishment of the house platform and access road. In the case of the house platform, there is a mitigating circumstance in that there was already significant disturbance in place prior to the earthworks that were carried out. In this case, any penalties should be limited to the minimum. However, for the access road, there was only a two-spoor track prior to the formalization of the road. The significant earthworks that took place were, however, also in a Medium sensitivity environment. No important plant communities or rare or threatened plant species were affected by the construction of the access road. This is the important aspect from a botanical perspective and a narrow view must be maintained when assessing whether or not there was any serious loss of natural habitat due to the unauthorized activities.

The greatest and unintended consequence of the unauthorized activities was that the road (and to a more limited extent the house platform) was not finished and thus not properly drained prior to the heavy rain of 22 November 2021, resulting in the high degree of erosion and formation of dongas.

Aside for the negative effect of the heavy rain, the impact of the construction of the house platform and the access road is considered to be Medium Negative.

General Assessment and Recommendations
• According to the National List of Threatened Ecosystems (Government Gazette, 2011) the originally occurring vegetation on the disturbed house platform and road footprint was South Outeniqua

Sandstone Fynbos, a Least Threatened vegetation type.

• No rare or threatened plant species were found during the site visit. The level of probability of such species occurring is moderate (medium) in the vegetation type on the subject property, but on the actual disturbance footprint, the probability is Low to Very Low.

• As much as it was necessary to stop the house platform and road construction in 2021, it is now imperative that the rehabilitation of the damage caused by the heavy rain should be permitted as soon as possible. The road must be carefully drained with pipes and humps (water bars) to divert the water from running directly down the road. Gabions may also be necessary in the dongas to slow the water velocity. At the point where the water cut through to disgorge into the catchment of the Kleinbos River, gabions must be installed to divert and prevent runoff water from running into the stream.

Conclusions
From the data collected during the site visit, and the desktop analysis, the conclusion is reached that although at a local scale the negative impact of the unauthorized activities is high, in the greater scheme of the ecosystem as a whole, the impact is no more than Medium Negative and the cumulative impact is Low Negative.

It is strongly recommended that rehabilitation works should be permitted as soon as possible to prevent further environmental damage and degradation that would become extremely costly to repair and have a high hidden cost to the ecosystem as well, if unchecked.

Mention has been made above of the alien invasive pines and black wattle. Although not central to the matter dealt with in this report, it is strongly advised that these alien invasive species be tackled soon, especially the young pine and wattle saplings, to prevent their further spread in the mountain catchment.

Addendum to the Vegetation Compliance Statement:
A second visit was undertaken to Waboomskraal on 23 September 2022, and more specifically to Remainder Holle Kloof 91, George, to investigate the condition of the section of road (Figure A1 of the Addendum to the freshwater compliance statement) that I had not included in the first appraisal.

According to the addendum:
There is no intact indigenous plant community anywhere adjacent to the section of road investigated. The environment is extremely disturbed and generally invaded by alien black wattle (*Acacia mearnsii*) and Kikuyu grass (*Pennisetum clandestinum*). A pine plantation was formerly present on the east side of the road, but it was burnt in the last severe fires in the area and the burnt trees have been felled. Opportunistic *Seriphium plumosum* (slangbos), grasses and other ruderal species have established in the burnt area.

The access road to Portion 1 Platte Kloof 131, George, was merely an upgrade of an existing farm track / road on the farm Remainder Holle Kloof 91. No indigenous vegetation was disturbed in the process and there was also no obvious widening of the track, except to accommodate the side drainage channel. It is thus my opinion that the upgrade of the access road along the lower section as described above has had a Very Low Negative impact because not natural (indigenous) vegetation was disturbed in the process.

It is strongly recommended that the alien invasive black wattle saplings should be cleared as soon as possible before they become large, and the exercise becomes unwieldy and costly.

Freshwater:
Christel du Preez of Fen Consulting was appointed to compile a Freshwater Assessment for the activities undertake on the remainder of Farm 91, Holle Kloof and Portion 1 of the Farm 131, Platte kloof, Waboomskraal.

According to the report:
During the field verification, undertaken in April and September 2022, no freshwater ecosystems were identified to be traversed by the study area. As such, the study area can be considered of low aquatic biodiversity sensitivity although cognisance must be given to the position of the road in the landscape in relation to more sensitive drainage features. The Kleinbos River, located approximately 200 m east of the partially upgraded road, was identified to be the only freshwater ecosystem impacted by the erosion gully that formed as a result of the road development. The detailed results of the field assessment are contained in Section 5 of the Freshwater Assessment and summarised in the table below.

Table 1: Summary of the results of the Kleinbos River

Watercourse	**Present Ecological State (PES)**	**Ecoservices**	**Ecological Importance and Sensitivity (EIS)**	**Recommended Ecological Category (REC), Recommended Management Objective (RMO) and Best Attainable State (BAS)**
Kleinbos River	B/C (moderately modified)	very low to moderately high (indicator dependent)	Moderate	REC: Category B/C (Maintain) BAS: Category B/C (Moderately modified) RMO: Maintain
Extent of modification	**Reversible** Rehabilitation of the erosion gully will ensure that no further sedimentation o the Kleinbos River occurs. Together with revegetation of all disturbance footprints, the modification/impacts to the Kleinbos River can be reversed.			

Following the assessment of the watercourses, the DWS Risk Assessment Matrix and the NEMA impact assessment was applied to determine the retrospective impact of the erosion gully to the Kleinbos River and to ascertain the significance of possible impacts which may occur as a result of the proposed rehabilitation activities.

The results of the risk and impact assessment are presented in Section 7 of the freshwater assessment, of which a summary is provided below.

Table 2: Summary of the DWS Risk Assessment and Impact Assessment outcomes.

Activity	**DWS Risk Assessment (Mitigated)**	**Impact Assessment**	
		Un-mitigated	**Mitigated**
Construction Phase (retrospective)			
Site access, clearing and preparation for civil works in the study area, outside the 100 m GN509 ZoR (Zone of Regulation) of the Kleinbos River.	**Moderate**	**Medium - Low**	**-**
Ongoing construction Phase			
Continuation of access road construction & building infrastructure in the study area, outside the 100 m GN509 ZoR of the Kleinbos River.	**Low**	**Low**	**Very Low**
Infilling of the erosion gully along the access road and the section thereof in the 100 m GN509 ZoR of the Kleinbos River and the furrow	**Low**	**Low**	**Very Low**
Rehabilitation of the erosion gully between the furrow and the river	**Low**	**Low**	**Very Low**
Upgrading of access road within the 32 m NEMA ZoR	**Moderate**	**Low**	**Very Low**
Operational Phase			
Operation of the access road and stormwater management systems installed along the road	**Low**	**Low**	**Very Low**

Based on the retrospective application of the DWS Risk Assessment and the NEMA impact assessment, the initial access road upgrading and the subsequent erosion thereof (due to the lack of stormwater

management infrastructure) resulting in an erosion gully and consequently the sedimentation of the Kleinbos River, was determined to have a 'Moderate' risk/ 'Medium low' impact to the river. It is however acknowledged that the duration of this impact was short as no significant sediment deposition is currently noticeable in the active channel of the river. However, sediment deposition was still evident on the embankment of the river and this sediment will, over time, migrate to the river systems. Should the erosion gully not be rehabilitated, further erosion of the gully, and thus additional long term sedimentation of the river is expected. It is considered imperative that the erosion gully be rehabilitated (infilled) to prevent ongoing erosion of the gully and subsequent sedimentation of the Kleinbos River.

Ongoing erosion will result in exacerbated sedimentation of the river active channel as well as change the geomorphological characteristics of the river. It's the opinion of the freshwater specialist that that transverse gabion stabilising walls also be installed in the gully to further stabilise the gully at strategic intervals. By allowing approximately 30 cm of the gabion wall to protrude above the ground surface, siltation and sediment deposition will be encouraged on the upgradient side of each structure, thus reducing flow velocity and intensity and the potential of downgradient erosion. Should the recommended mitigation measures (as provided in the Freshwater Assessment Report) be implemented and the erosion gully and Kleinbos River be monitored until suitable vegetation cover has established, the impacts from the initial access road upgrading can be deemed reversible with limited significant cumulative and latent impacts and latent impacts expected provided that the source of sedimentation is stopped at the source through the proposed rehabilitation measures.

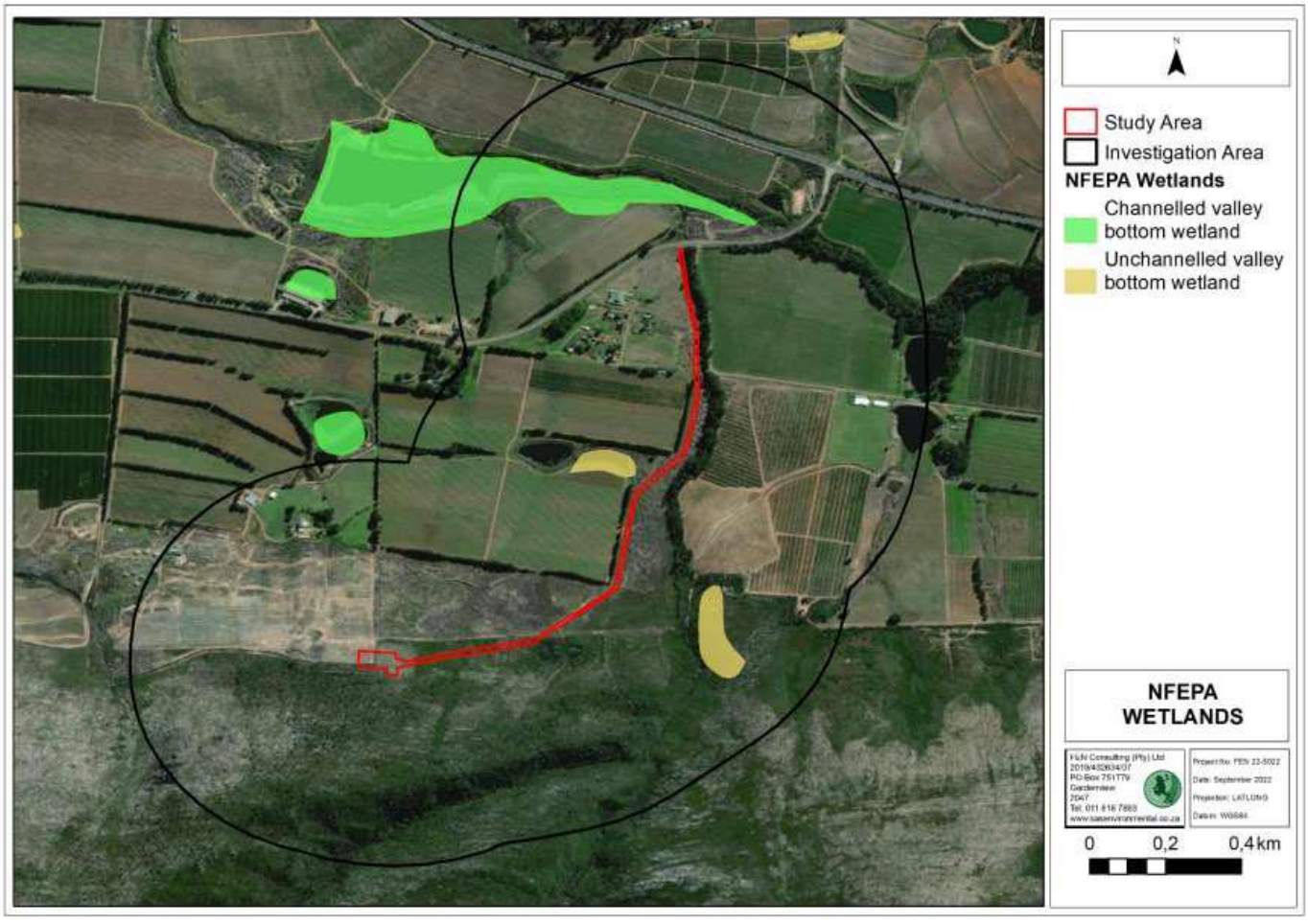


Figure 13: Wetlands associated with the study and investigation areas according to the NFEPA database (2011), Figure 5 of the Freshwater Assessment report

Table 3: Desktop data (from desktop databases only) relating to the characteristics of the associated with the study area

Aquatic ecoregion and sub-regions in which the study area is located	Detail of the study area in terms of the NFEPA, 2011 database

Ecoregion	South Eastern Coastal Belt		
Catchment	Gourits	FEPACODE	The study area is located within a sub-quaternary catchment considered of importance as an upstream management area, which are sub-quaternary catchments in which human activities needs to be managed to prevent degradation of downstream river FEPAs and FSAs (FEPA CODE = 4).
Quaternary Catchment	J35B		
WMA	Gouritz		
subWMA	Olifants	NFEPA Wetlands (Figure 13)	According to the NFEPA database, no wetlands are associated with the study area. Two unchannelled valley bottom wetlands are identified by this dataset which are located in the investigation area, the wetland to the east is classified as a natural wetland and is considered to be in a moderately modified ecological condition (WETCON = C). The wetland to the north is classified as an artificial wetland and was verified as an artificial impoundment during the site assessment.
Dominant characteristics of the South Western Coastal Belt Ecoregion Levell II (20.02)(Kleynhans *et al.,2007)*			
Level II Code	20.02		
Dominant primary terrain morphology	Closed hills, moderate and high relief, Plains, moderate relief.	Wetland Vegetation Type	The study area and investigation area are situated within Eastern Fynbos-Renosterveld Sandstone Fynbos (Least Threatened) Wetland Vegetation Type. The threat status is provided by Mbona *et al.* (2015).
Dominant primary vegetation types	Mountain fynbos, Afromontane forest, dune thicket, grasst fynbos, south and south-west coast renosterveld		
Altitude (m a.m.s.l)	0 - 1300	NFEPA Rivers	As per the NFEPA database, no rivers are associated with the study area or the investigation area.
MAP (mm)	500 - 800		
The coefficient of Variation (% of MAP)	<20 - 30	Importance of the study area according to the Western Cape Biodiversity Spatial Plan (2017)	
Rainfall concentration index	<15		
Rainfall seasonality	All year	According to the Western Cape Biodiversity Spatial Plan (2017), a small area outside the eastern boundary of the study area is classified as a Critical Biodiversity Area (CBA) 1, of aquatic ecological importance. CBAs are areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure, in this case specifically for riverine environments. The study area and the southern extent of the investigation area is considered to be an Ecological Support Area (ESA). These areas are important in supporting the functioning of CBAs and are often vital for delivering ecosystem services. These areas are classified as ESA 1, which area areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. The study area and the majority of the investigation area is associated with an ESA 1 of terrestrial importance. Small areas directly north and east of the study area are	
Mean annual temp. (°C)	14 - 18		
Winter temperature (July)	6 - 18		
Summer temperature (Feb)	14 - 28		
Median annual simulated runoff (mm)	80 - >250		
Detail National Biodiversity Assessment (2018): South			

African Inventory of Inland Aquatic Ecosystems (SAIIAE)	classified as ESA 1s of aquatic/watercourse importance. Areas along the northern and eastern boundary of the investigation areas are classified as ESA 2, which are areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of protected areas (PAs) or CBAs and are often vital for delivering ecosystem services.
According to the NBA 2018: SAIIAE no wetlands or rivers are located in the study or investigation area.	
National web based environmental screening tool (2020)	
The screening tool is intended for pre-screening of sensitivities in the landscape to be assessed within the EIA process. This assists with implementing the mitigation hierarchy by allowing developers to adjust their proposed development footprint to avoid sensitive areas.	The study area is located in an area considered of very high aquatic biodiversity sensitivity. This is due to the study area located within a strategic water source area, and due to the presence of rivers and aquatic CBAs. According to the Strategic Water Source Area Database (2017), the study area is situated within the Outeniqua Surface Water Area.

CBA = Critical Biodiversity Area; CESA = Critical Ecological Support Area; CR = Critically Endangered; EI = Ecological Importance; ES = Ecological Sensitivity; ESA = Ecological Support Area; EN = Endangered; m.a.m.s.l = Metres above mean sea level; MAP = Mean Annual Precipitation; NFEPA = National Freshwater Ecosystem Priority Area; OESA = Other Ecological Support Area; PES = Present Ecological State; WMA = Water Management Area.

Figure 14: Proposed remediation actions for the erosion gully (donga – green and red) along the access road (yellow), as provided by DMS Consulting Structural Engineering (March 2022). Note that stormwater cut-off berms will be installed in the erosion gully section along the southern portion of the road (green). The gully will be infilled for the section it diverts from the road (red) toward the Kleinbos River (blue dashed line) in the east. (Figure 3 of the Freshwater Assessment)

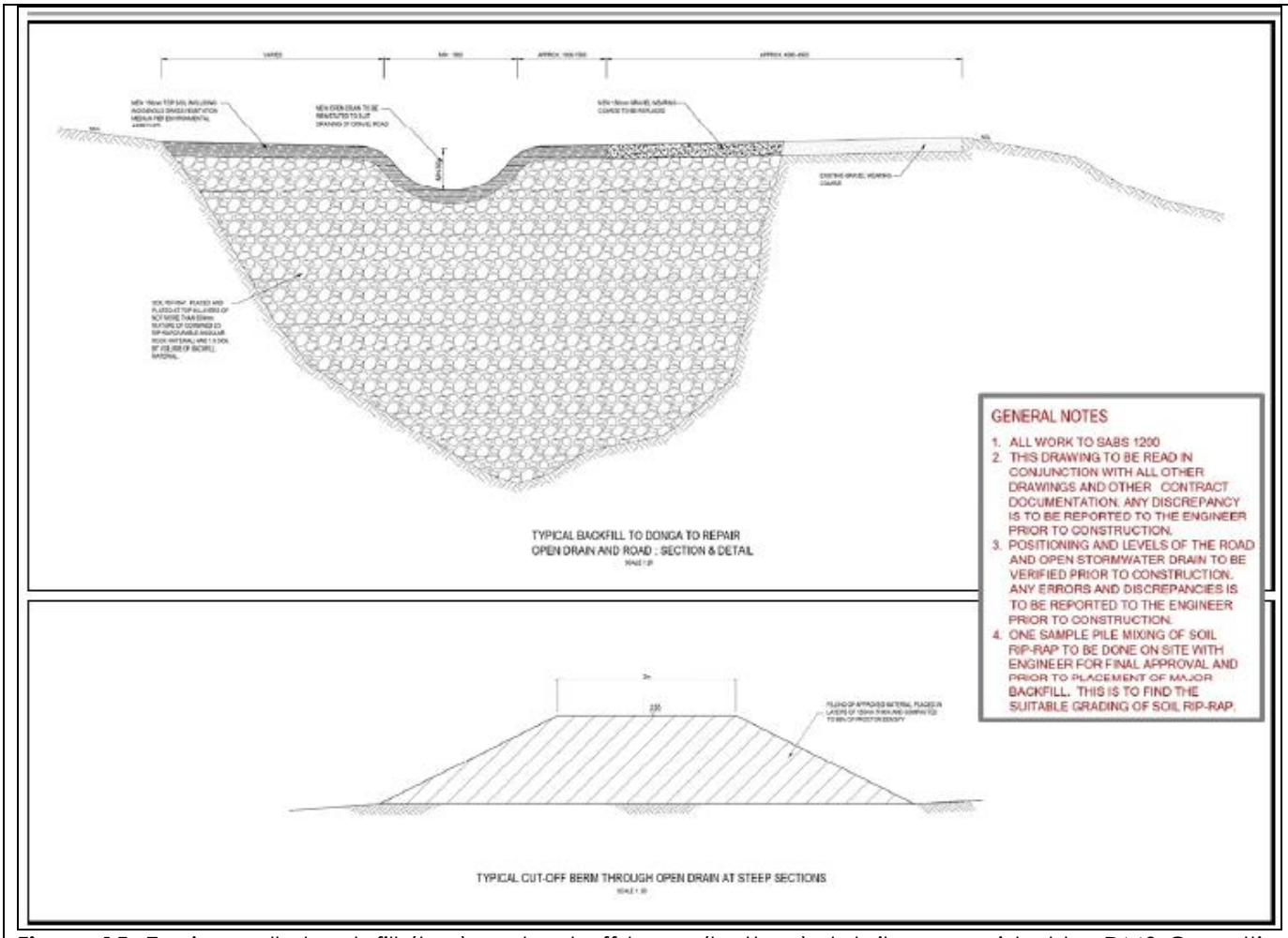


Figure 15: Erosion gully back fill (top) and cut-off berm (bottom) details as provided by DMS Consulting Structural Engineering (March 2022), Figure 4 of the Freshwater Assessment

Field Verification Outcome

During the field verification, undertaken in April and September 2022, no freshwater ecosystems were identified to be traversed by the study area. As such, the study area can be considered of low aquatic biodiversity sensitivity although cognisance must be given to the position of the road in the landscape in relation to more sensitive drainage features. The Kleinbos River, located approximately 200 m east of the partially upgraded road, was identified to be the only freshwater ecosystem impacted by the erosion gully that formed as a result of the road development.

The downgradient area, north of the partially upgraded road, was also investigated considering faint digital signatures noted in the historical photograph (Figure 8). Although a small valley was noted, no distinct freshwater ecosystem signatures were identified in this area (Figure 9). Considering the slope of this area it is acknowledged that surface water runoff would flow into this small valley but is not retained in the landscape for a sufficient period to encourage the establishment of a floral community that relies on an increased abundance of water within the effective rooting zone. As this water is collected in the downgradient furrow, no flow drains further towards the downgradient area. As such, the feature in this valley does not meet the definitions of a freshwater ecosystem from an ecological perspective (as defined by the National Water Act, 1998 (Act No. 36 of 1998)) and therefore does not require any further assessment.

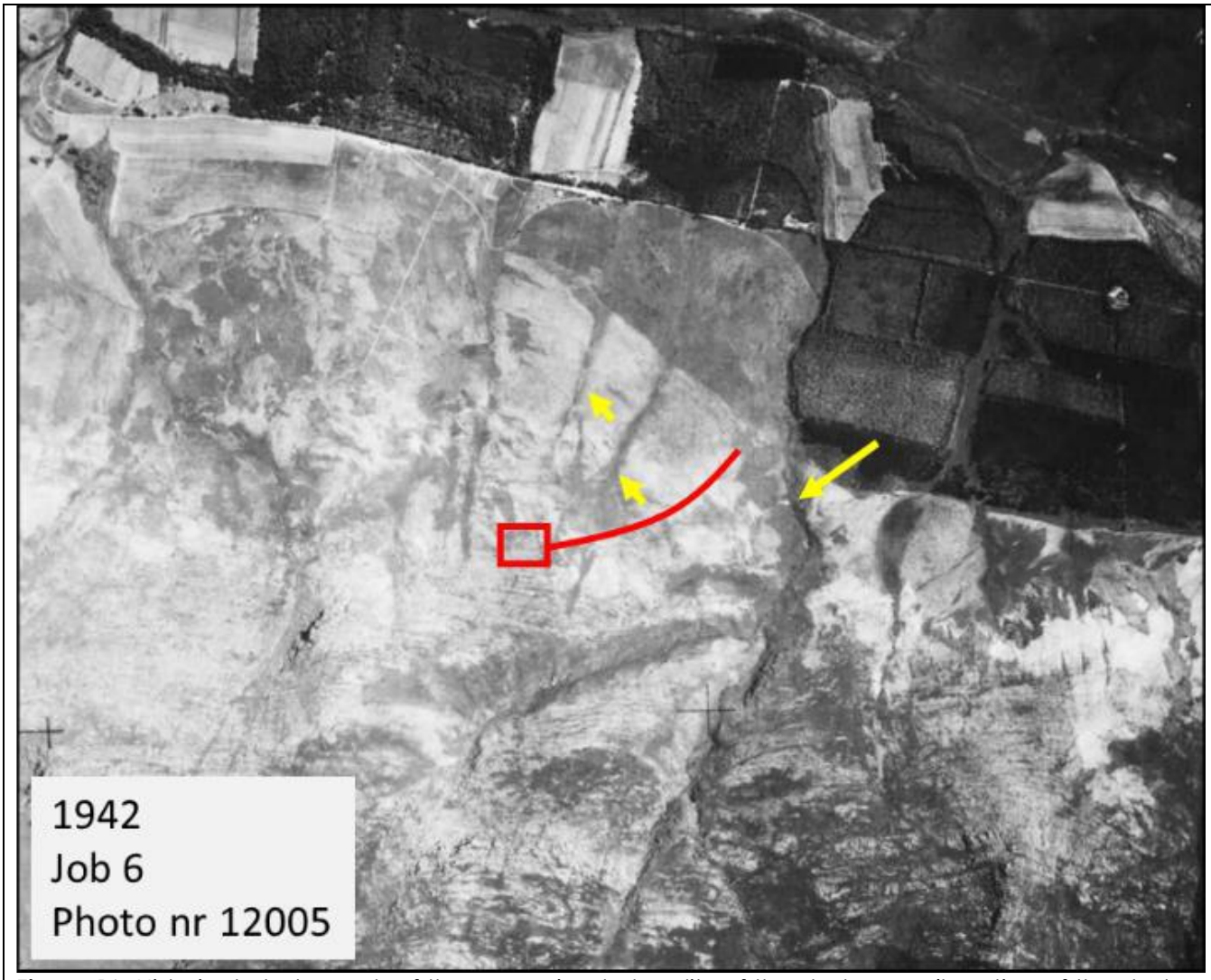


Figure 16: Historical photograph of the approximate locality of the study area (location of the study area indicated in red). The yellow arrows depict signatures that may potentially represent watercourses. (Figure 7 of the Freshwater Assessment)

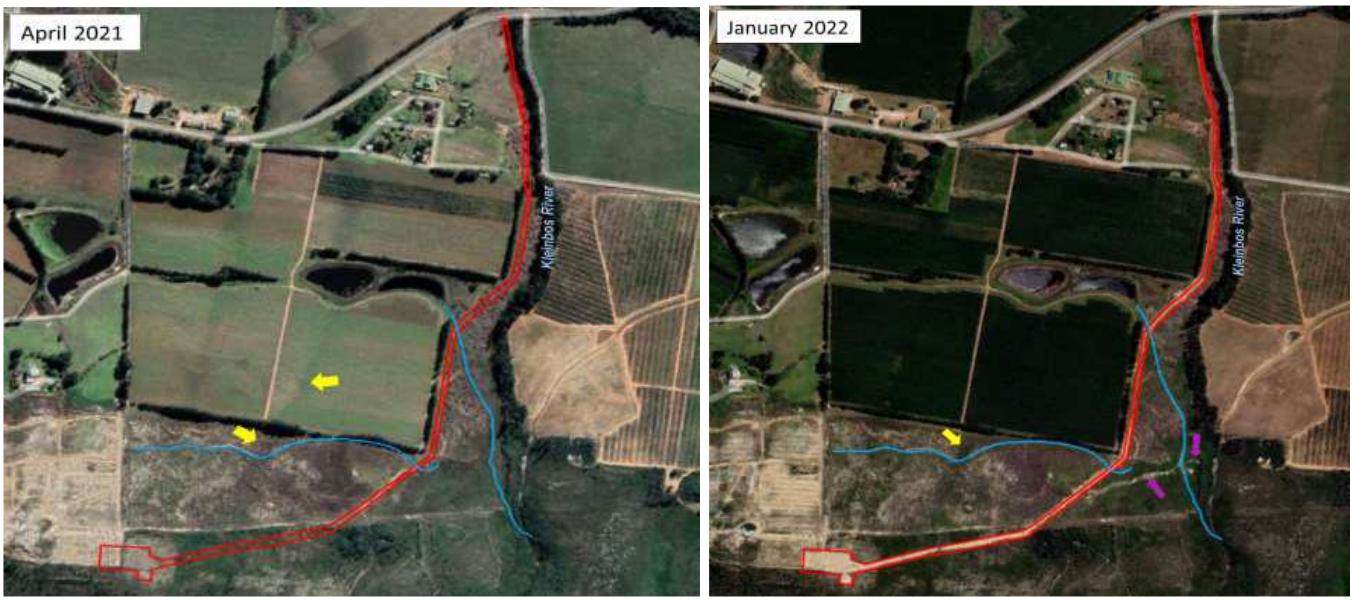


Figure 17: Digital satellite imagery depicting the locality of the study area (red outline) prior to the construction activities (2021) and after (2022). Furrows (white dashed lines) drain surface runoff and water from the Kleinbos River. Faint signatures (yellow arrows) associated with potential small drainage lines are evident north of the study area. An erosion gully (pink arrows) is noticeable, diverting away from the access road to the Kleinbos River. (Figure 8 of the Freshwater Assessment)

A large erosion gully was noted along the southern side of the partially upgraded access road (Figure 8). The significant flooding event in November 2021 caused the erosion gully to divert from the partially upgraded road towards the downgradient Kleinbos River (Figure 17). The gully breached an existing furrow, which resulted in sediment deposition along the western bank of the river as well as conveying sediment into the active channel of the river (Figure 17). The delineated extent of the Kleinbos River relative to the study area is presented in Figure 18.

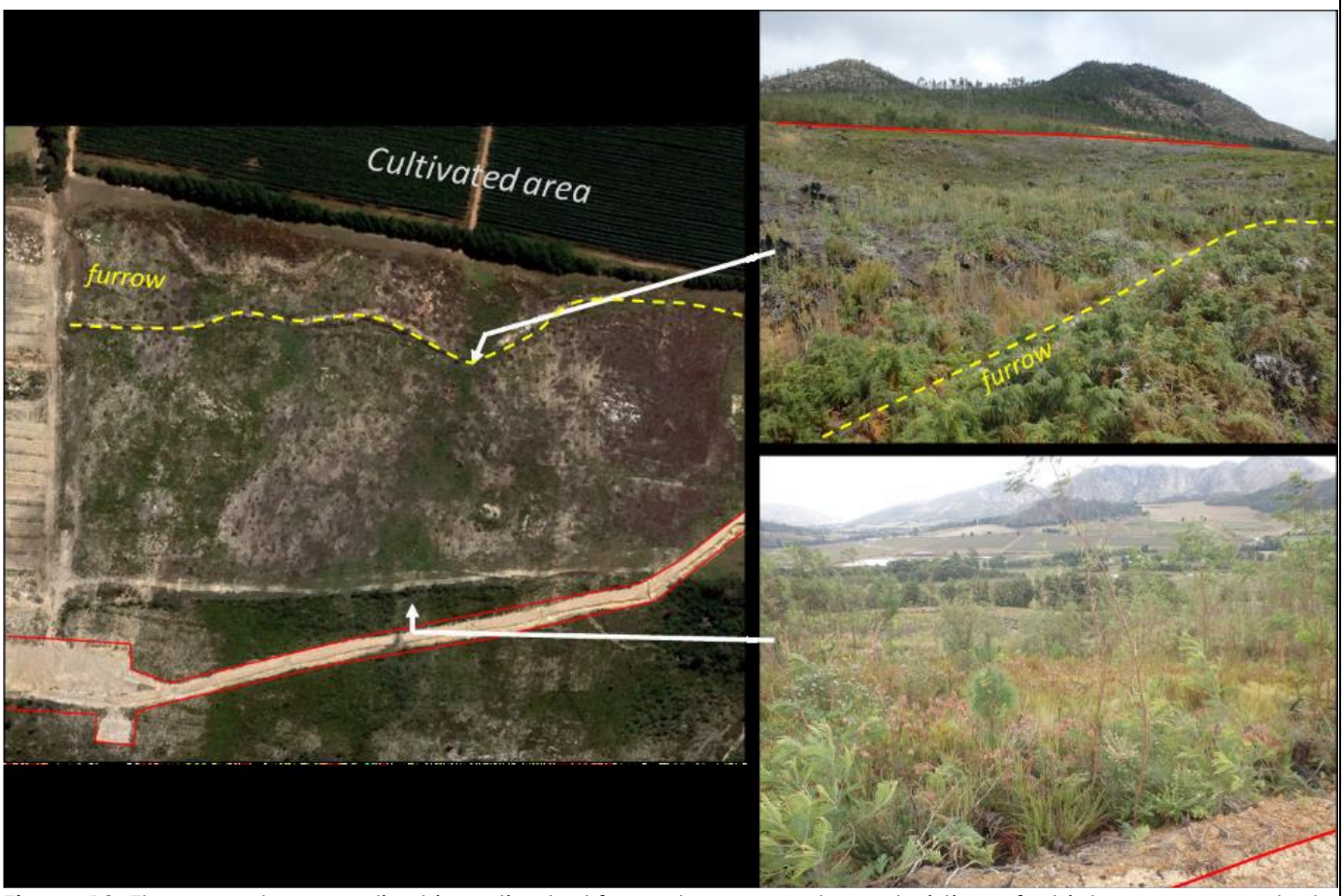


Figure 18: The area downgradient investigated for watercourse characteristics, of which none was noted. The relatively steep slope (Top left) allows surface flow into the downgradient furrow. (Bottom left) view of the downgradient area taken from the access road. (Figure 9 of the Freshwater Assessment).

Table 4 below provides a summary of the field verification findings in terms of relevant aspects (hydrology, geomorphology and vegetation components) associated with the Kleinbos River.

Table 4: Desktop data (from desktop databases only) relating to the characteristics of the associated with the study area

Ecological & socio-cultural service provision graph:

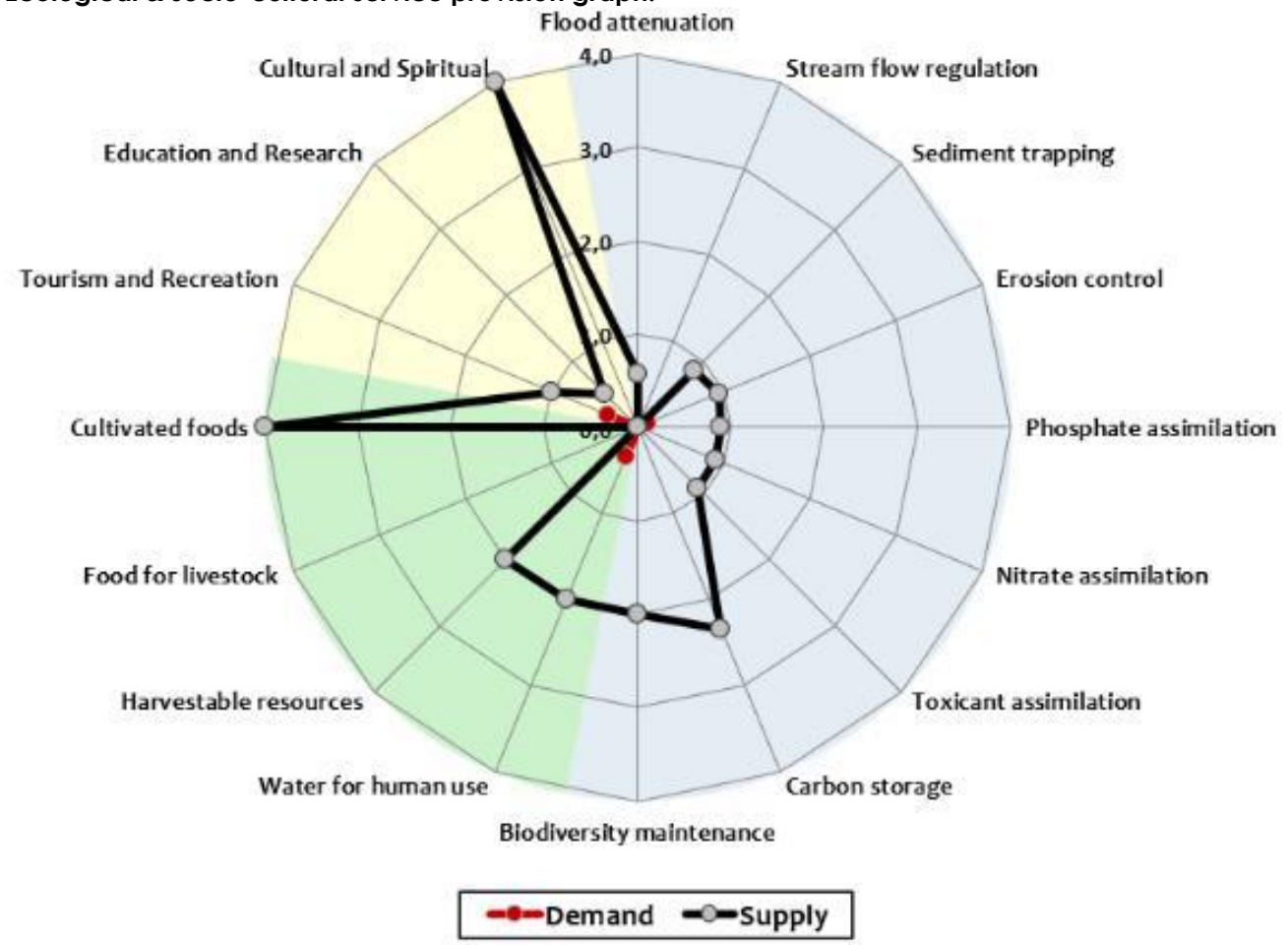


Figure 19: Representative photographs of the Kleinbos River. (Left) Red dashed line indicates the flow path that transported the sediment into the river. (Right) Blue lines indicate direction of flow. Not the steep western embankment of the river (on the right side of the photograph).

IHI Discussion	**IHI Category: B/C (moderately modified)** The river is considered to be largely natural in its upper reaches, with modifications noted within the assessed reach of the river. This largely pertains to the furrows created to convey water from the river to artificial impoundments and the invasion of alien plant species in	**Ecoservice provision**	**Ecoservice Provisioning: very low to moderately high (indicator dependent)** The Kleinbos River and surrounding area is considered to have the characteristics to supply ideal conditions for the cultivation of food. Considering that the catchment is largely protected as part of the

	the lower reach. As the erosion gully did breach the furrow, sediment deposition was noted along the western bank of the river as well as a flow path into the river. Despite this, no significant sediment disposition was noted in the assessed reach.		Outeniqua Mountain area, the demand for such cultivation activities is considered reduced. The furrows allow for abstraction of water (moderate supply). The organic soils associated with the river contributes to carbon storage and hosts a diversity of plant species that provides habitat for a variety of species. Due to the low density of agricultural developments in the catchment and the reliance of humans on the ecosystem services provided by this river, most ecosystem services as considered to be of low demand and thus of very low importance.
EIS discussion	**EIS Category: Moderate** This river is considered of moderate ecological importance on a landscape scale, primarily due to the diversity of habitat types provided by the river and the connectivity thereof to downstream watercourses. Considering the overall ecological state of the wetland, it can be considered sensitive to changes in the landscape, as can be witnessed from the recent significant rainfall event, relating to the erodibility of the soil in the catchment.		
REC Category, BAS and RMO	**REC: Category B/C (Maintain)** **BAS: Category B/C (Moderately modified)** **RMO: Maintain** The outcome of the RMO indicates that the PES of the river must be maintained at a category of B/C (moderately modified). It is therefore critical that the erosion gully be rectified to avoid ongoing erosion and subsequent sedimentation of die Kleinbos River.		
Watercourse characteristics:			
This river originates from the Outeniqwa Mountain range, north of the study area and is driven by surface and subsurface flows originating from the mountainous areas. The upstream reach of the river and beyond the investigation area is hydrologically intact. Some interruption to the hydrological integrity of the river is noted due to the taking of water via furrows. Despite this, no significant changes to the hydrological regime of the assessed reach were observed, nor were any other biota stresses noted. Due to the locality of the assessed reach of the river being in the upper part of the catchment and in consideration that water is coming from the surrounding mountainous area, the water is of good quality. The geomorphology of the upstream reach of the river system (located in the hillslope position) is considered to be largely natural due to no apparent anthropogenic disturbances. Erosion of the active channel was noted; however, it cannot be decerned if this erosion was caused by the influx of sediment during the significant rainfall event (and subsequent scouring of the river channel) or if erosion of the channel occurred previously. Nonetheless, no obvious sediment deposition was noted within the assessed reach of the river, indicating that either the sediment was transported downstream into the Kleinbos River dam (located approximately 1 km downstream of the sediment entry point) or the volume of sediment into the river can be regarded as negligible, with the majority thereof deposited along the western embankment of the river (Figure 17). In either case the significance of impact from sedimentation is considered limited and transient. The river hosts a diversity of indigenous fynbos species associated with both wetland and terrestrial ecosystems. As land uses changed along the river (most notably the downstream reach) invasion of large alien trees (*Acacia mearnsii* and *Pinus species*) became significant. The system is listed as an Ecological Support Area (ESA) in accordance with the Western Cape Biodiversity Spatial Plan database (2017). In terms of ecoservice provision the system likely provides suitable habitat for various faunal species and can be considered an important migratory corridor in the landscape.			
Extent of modification anticipated	**Reversible** Rehabilitation of the erosion gully will ensure that no further sedimentation o the Kleinbos River occurs. Together with revegetation of all disturbance footprints, the		

	modifications to the Kleinbos River can be reversed.
Impact Significance and Business Case:	**Moderate (retrospectively)** Based on the retrospective application of the DWS Risk Assessment and an impact assessment, the initial access road upgrading and the subsequent erosion thereof (due to the lack of stormwater management infrastructure) resulting in an erosion gully and consequently the sedimentation of the Kleinbos River, was determined to have a 'Moderate' risk/ 'Medium low' impact to the river. It is however acknowledged that the duration of this impact was short as no significant sediment deposition is currently noticeable in the active channel of the river. However, sediment deposition was still evident on the embankment of the river and this sediment will, over time, migrate to the river systems. Should the erosion gully not be rehabilitated, further erosion of the gully, and thus additional long term sedimentation of the river is expected. The rehabilitation of the erosion gully will pose a 'Low' risk/impact significance, should the recommended mitigation measures be implemented, with specific mention of installing drift/sediment fences in the erosion gully during infilling to prevent any sediment laden runoff from entering the downgradient Kleinbos River.

Based on the retrospective application of the DWS Risk Assessment, the initial access road upgrading and the subsequent erosion thereof (due to the lack of stormwater management infrastructure) resulting in an erosion gully and consequently the sedimentation of the Kleinbos River, was determined to have a 'Medium' risk to the river. It is however acknowledged that the duration of this impact was short as no significant sediment deposition is currently noticeable in the active channel of the river. However, sediment deposition was still evident on the embankment of the river and this sediment will, over time, migrate to the river systems. Should the erosion gully not be rehabilitated, further erosion of the gully, and thus additional long term sedimentation of the river is expected.

The rehabilitation of the erosion gully will pose a 'Low' risk significance, should the recommended mitigation measures be implemented, with specific mention of installing drift/sediment fences in the erosion gully during infilling to prevent any sediment laden runoff from entering the downgradient Kleinbos River. Additionally, it's the opinion of the freshwater specialist that that transverse gabion stabilising walls also be installed in the gully to further stabilise the gully at strategic intervals. By allowing approximately 30 cm of the gabion wall to protrude above the ground surface, siltation and sediment deposition will be encouraged on the upgradient side of each structure, thus reducing flow velocity and intensity and the potential of downgradient erosion.

Impact Assessment

The following impact assessment was applied as a retrospective assessment as part of the section 24G rectification of unlawful activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998). The impact assessment summarises the probability of occurrence and what the extent and duration of its impact is, together with the degree that the impact can be avoided, else mitigated, else managed, else reversed and the degree that the impact can cause irreplaceable loss of resources. These are considered in the assessment outputs which refer to the significance of impacts prior to and post mitigation and thereafter the consequences of impact, and cumulative impacts pre- and post-mitigation.

The results of the impact assessment are summarised in Tables 5 to 9 that follows, including reference to key mitigation measures which are summarised in the DWS Risk Assessment Matrix for each activity, that must be implemented to reduce the impacts of the unlawful activities and the potential impact of the rehabilitation activities.

Table 5: Retrospective impact assessment for the initial upgrading of the access road.

CONSTRUCTION PHASE (RETROSPECTIVE)
Activity: Site access, clearing and preparation for civil works in the study area, outside the 100 m GN509 ZoR of the Kleinbos River. **Aspect:** - Removal of vegetation within the study area; - Compaction of road. **Nature of impact**:

- Concentrated stormwater runoff resulting in an erosion gully that resulted in the deposition of sediment along and within the Kleinbos River;
- Potential increased dust generation, leading to potential smothering of riparian vegetation and potentially altering surface water quality within the river;
- Decreased ecoservice provision.

	Probability of Impact	Sensitivity of receiving environment	Severity	Spatial scale	Duration of impact	Likelihood	Consequence	Significance
UNMITIGATED	5	3	3	2	2	8	7	56 (Medium Low)
MITIGATED	-	-	-	-	-	-	-	-

Applicable mitigation measures:
No mitigation possible for the construction phase since the construction has already occurred. The risk significance was thus assessed based on the assumed approach to construction at that time and based on an assumed level of mitigation.

Table 6: Construction phase impact assessment for the continuation of access road construction.

ONGOING CONSTRUCTION PHASE

Activity: Continuation of access road construction & building infrastructure in the study area, outside the 100 m GN509 ZoR of the Kleinbos River.

Aspect:
- Installation of stormwater cut-off drains along the road;
- General road upgrading activities.

Nature of impact:
- Potential increased dust generation, leading to potential smothering of riparian vegetation and potentially altering surface water quality within the river; and
- Decreased ecoservice provision.

	Probability of Impact	Sensitivity of receiving environment	Severity	Spatial scale	Duration of impact	Likelihood	Consequence	Significance
UNMITIGATED	3	3	2	2	3	6	7	42 (Low)
MITIGATED	1	3	1	1	3	4	5	20 (Very Low)

Applicable mitigation measures:
It is acknowledged that these activities are located outside the 100m GN509 ZoR of the Kleinbos River, however, considering the previous impacts that occurred to the Kleinbos River due to the construction of the road, this activity was included.

- Drift fences be installed (such as hessian curtains) in the erosion gully, at intervals and downgradient of where the stormwater cut-off drains will be installed, to prevent any sediment run-off from entering the downgradient Kleinbos River.
- General good housekeeping control measures must be adhered to.

Table 7: Construction phase impact assessment for the infilling of the erosion gully.

ONGOING CONSTRUCTION PHASE

Activity: Infilling of the erosion gully along the access road and the section thereof in the 100 m GN509 ZoR of the Kleinbos River and the furrow (Figure 20).

Figure 20: The length of erosion gully proposed to be infilled with rip-rap, as per the engineering drawing (Figure 3) relative to the Kleinbos River and the 100m GN509 ZoR.

Aspect:
- Importing of fill material (rip-rap and soil);
- Installation of transverse gabion walls at 30m intervals in the erosion gully;
- Stockpiling of material;
- Movement of construction personnel;
- Vegetation disturbance;
- Compaction of soil.

Nature of impact:
- Potential habitat disturbance and vegetation removal to access the erosion gully;
- Soil compaction leading to preferential flow paths that transport sediment laden runoff into the Kleinbos River.

	Probability of Impact	Sensitivity of receiving environment	Severity	Spatial scale	Duration of impact	Likelihood	Consequence	Significance
UNMITIGATED	3	3	3	2	3	6	8	48 (Low)
MITIGATED	1	3	1	1	3	4	5	20 (Very Low)

Applicable mitigation measures:
It is considered imperative that a further downgradient section (the extent of the erosion gully within the 100m GN509 ZoR) also be infilled to ensure that future surface runoff doesn't further erode the gully and to avoid latent impacts to the Kleinbos River. The DWS Risk Assessment was thus applied assuming that the full extent of the erosion gully in the 100m GN509 ZoR is infilled and that transverse gabion walls be installed in the erosion gully at 30m intervals.

- All construction personnel or vehicle movement must be limited to the area between the road and the furrow to avoid the delineated extent of the Kleinbos River;
- All stockpiles should not exceed 2 m in height. All exposed soil must be protected for the duration of the construction phase with a suitable geotextile (e.g. Geojute or hessian sheeting) to prevent erosion and sedimentation of the downgradient river;
- Drift fence/sediment traps must be installed in the erosion gully and its embankment to limit any sediment laden runoff from entering the downstream Kleinbos River;
- The fill material must be suitably mixed and compacted to ensure stability of the erosion gully and to withstand any concentrated flows to avoid the development of a new gully;
- All disturbed areas surrounding the gully and the gully itself must be rehabilitated, and where

required, suitable vegetation to be planted to promote reestablishment of vegetation and increase the surface roughness of the disturbance footprint. All rehabilitation activities must be signed off by a suitably qualified freshwater ecologist.

Table 8: Construction phase impact assessment for the rehabilitation of the erosion gully between the furrow and river.

ONGOING CONSTRUCTION PHASE

Activity: Rehabilitation of the erosion gully between the furrow and the river (Figure 21)

Figure 21: Area to be rehabilitated by infilling the shallow gully/flow path with the deposited sediment and revegetating the area.

Aspect:
- Infilling of the erosion gully with deposited sediment;
- Movement of construction personnel within close proximity to the river;
- Vegetation disturbance;
- Compaction of soil.

Nature of impact:
- Potential habitat disturbance and vegetation removal to access the erosion gully;
- Soil compaction leading to preferential flow paths that transport sediment laden runoff into the Kleinbos River.

	Probability of Impact	Sensitivity of receiving environment	Severity	Spatial scale	Duration of impact	Likelihood	Consequence	Significance
UNMITIGATED	3	3	3	2	3	6	8	48 (Low)
MITIGATED	2	3	1	1	3	5	5	25 (Very Low)

Applicable mitigation measures:

- Disturbance areas downgradient of the furrow must be kept as small as possible to avoid impacts to the Kleinbos River and further disturbance of the vegetation in the area along the river;
- No construction vehicles/machinery may enter the area below the furrow, and all rehabilitation activities must be undertaken by personnel only;
- Deposited sediment may be utilised to infill the erosion gully but no other material downgradient of the furrow may be used for these purposes. Should more material be required,

suitable material must be imported;
- The entry point of the erosion gully into the active channel of the river must be suitably compacted and sloped to ensure stability. Should it be required the slope can be reinforced by the placement of rip-rap (or in situ rocks from the active channel) along the embankment, but no hard engineering infrastructure may be utilised;
- Drift fence/sediment traps must be installed in the erosion gully and its embankment to limit any sediment laden runoff from entering the downstream Kleinbos River;
- The fill material must be suitably compacted to ensure stability of the erosion gully and to withstand any concentrated flows to avoid the development of a new gully;
- All disturbed areas surrounding the gully and the gully itself must be rehabilitated, and suitable vegetation to be planted to promote reestablishment of vegetation and increase the surface roughness of the disturbance footprint. All rehabilitation activities must be signed off by a suitably qualified freshwater ecologist.

Table 9: Construction phase impact assessment for the continuation of access road construction

ONGOING CONSTRUCTION PHASE

Activity: Upgrading of access road within the 32 m NEMA ZoR of the Kleinbos River.

Aspect:
- General road upgrading activities.
- Removal of vegetation within the study area
- Compaction of road.

Nature of impact:
- Potential increased dust generation, leading to potential smothering of riparian vegetation and potentially altering surface water quality within the river; and
- Decreased ecoservice provision.
- Concentrated stormwater runoff from the road

	Probability of Impact	Sensitivity of receiving environment	Severity	Spatial scale	Duration of impact	Likelihood	Consequence	Significance
UNMITIGATED	3	3	3	2	2	6	7	42 (Low)
MITIGATED	2	3	21	1	1	5	4	20 (Very Low)

Applicable mitigation measures:
- Silt traps must be installed (such as hessian curtains or hay bales) perpendicular to the slope to
- prevent any sediment run-off from entering the downgradient Kleinbos River.
- Appropriate stormwater management must be implemented throughout the construction process, e.g. adding swales within the stormwater runoff furrow next to the road.
- General good housekeeping control measures

Table 10: Operational phase impact assessment for the access road.

OPERATIONAL PHASE

Activity: Operation of the access road and stormwater management systems installed along the road

Aspect:
- Potential dust generation due to usage of road;
- Concentrated stormwater runoff from the road.

Nature of impact:
- Smothering of surrounding vegetation by dust;
- Sediment laden runoff into surrounding areas, and eventually into the Kleinbos River;
- Proliferation of alien and invasive plant species within the river.

	Probability of Impact	Sensitivity of receiving environment	Severity	Spatial scale	Duration of impact	Likelihood	Consequence	Significance
UNMITIGATED	2	3	2	2	5	5	9	45 (Low)
MITIGATED	1	3	1	1	4	4	6	24 (Very Low)

Applicable mitigation measures:

- No vehicles are permitted to enter the 100m GN509 ZoR of the Kleinbos River to ensure successful establishment of vegetation within the disturbance footprints;
- Stormwater runoff from the road into the area between the road and the river must be released in a dispersed manner to avoid concentrated flow paths from establishing;
- Alien and invasive plant species must be eradicated on an ongoing basis, and monitoring of the establishment of indigenous vegetation associated with the disturbance footprint are recommended. This is to ensure successful rehabilitation and to increase the surface roughness of the 100m GN509 ZoR of the Kleinbos River to ensure successful establishment of vegetation within the disturbance footprints;
- The erosion gully footprint must be regularly inspected for erosion or subsidence, specifically after rainfall events. Should erosion be noted, it must be infilled with in situ material and be suitably revegetated.

As per the outcome of the DWS Risk Assessment, the retrospective impact of the access road upgrading and the consequent erosion gully and sedimentation, was determined to have has a 'Medium Low' impact to the Kleinbos River. The erosion gully rehabilitation with the recommended mitigation measures is expected to pose an overall 'Low' impact significance to the Kleinbos River.

Cumulative Impacts

Cumulative impacts are activities and their associated impacts on the past, present, and foreseeable future, both spatially and temporally, considered together with the impacts identified above and in Section 7.1 and 7.2 of the Freshwater Assessment Report. Wetlands and riparian areas within the region are under continued threat due to ongoing land use transformation and the invasion of alien and invasive plant species. It is considered imperative that the erosion gully be rehabilitated (infilled) to prevent ongoing erosion of the gully and subsequent sedimentation of the Kleinbos River. Also, it is essential that any additional upgrading activities of the remainder of the road to the north must be carried out with the necessary erosion prevention mechanisms in place. Ongoing erosion will result in exacerbated sedimentation of the river active channel as well as change the geomorphological characteristics of the river. As such, should the recommended mitigation measures (as provided in this report) be implemented and the erosion gully and Kleinbos River be monitored until suitable vegetation cover has established, the impacts from the initial access road upgrading can be deemed reversible with limited significant cumulative and latent impacts and latent impacts expected provided that the source of sedimentation is stopped at the source through the proposed rehabilitation measures.

6.2 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		**Indigenous Vegetation with heavy alien infestation**	X
Describe the vegetation type above:		Describe the vegetation type above:		Describe the vegetation type above: Same as Pre-commencement vegetation type however the footprint of the development has been cleared completely of vegetation for the	

		construction of the road and house platform, therefore the category selected above refers to the vegetation surrounding the development footprint.
~~Provide ecosystem status for above:~~	~~Provide ecosystem status for above:~~	Provide Ecosystem status for above: Least Threatened
~~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 (road and house platform)**	~~Sport field~~
Gravel road	~~Cultivated land~~	~~Paved surface~~

(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	%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	100%	Gravel road and cleared area for the house platform

(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)?

Vegetation:

The affected area has been cleared of vegetation in order to upgrade, realign and extend the existing jeep track to a gravel road, additional the previously cleared/disturbed area was cleared and cut to create the house platform.

According to the vegetation Compliance Statement:
Owing to the previous disturbances of the site, the sensitivity of the footprint of the 'house platform' and access road is actually Very Low. However, there is general agreement with the outcome of the Screening Tool since the habitat surrounding the disturbance footprint has a Medium sensitivity. It is thus the Medium sensitivity that should be applied in the present situation when judging what may have been lost.

It can be confidently stated that at the most, the site of the 'house platform' and access road was not more than Medium sensitivity, even before the neighbours illegally cleared in the area. It is true that authorisation should have been obtained to proceed with the establishment of the house platform and access road. In the case of the house platform, there is a mitigating circumstance in that there was already significant disturbance in place prior to the earthworks that were carried out. In this case, any penalties should be limited to the minimum. However, for the access road, there was only a two-spoor track prior to the formalization of the road. The significant earthworks that took place were, however, also in a Medium sensitivity environment. No important plant communities or rare or threatened plant species were affected by the construction of the access road. This is the important aspect from a botanical perspective and a narrow view must be maintained when assessing whether or not there was any serious loss of natural habitat due to the unauthorized activities.

The greatest and unintended consequence of the unauthorized activities was that the road (and to a more limited extent the house platform) was not finished and thus not properly drained prior to the heavy rain of 22 November 2021, resulting in the high degree of erosion and formation of dongas.

Aside for the negative effect of the heavy rain, the impact of the construction of the house platform and the access road is considered to be Medium Negative.

No rare or threatened plant species were found during the site visit. The level of probability of such species occurring is moderate (medium) in the vegetation type on the subject property, but on the actual disturbance footprint, the probability is Low to Very Low.

The conclusion is reached that although at a local scale the negative impact of the unauthorized activities is high, in the greater scheme of the ecosystem as a whole, the impact is no more than Medium Negative and the cumulative impact is Low Negative.

Freshwater:

The activities had no direct impact to freshwater features however a combination of the road construction being stopped before any stormwater management measures could be incorporated, and the significant flood event of November 2021 resulted in an erosion donga/gully being formed. In the process sedimenting the nearby (200m) Kleinbos River.

According to the Freshwater Assessment Report:
No watercourses were identified to be traversed by the study area. As such, the study area can be considered of low aquatic biodiversity sensitivity although cognisance must be given to the position of the road in the landscape in relation to more sensitive drainage features. The Kleinbos River, located approximately 200 m east of the partially upgraded road, was identified to be the only watercourse impacted by the erosion gully that formed as a result of the road development.

A large erosion gully was noted along the southern side of the partially upgraded access road. The significant flooding event in November 2021 caused the erosion gully to divert from the partially upgraded road towards the downgradient Kleinbos River. The gully breached an existing furrow, which resulted in sediment deposition along the western bank of the river as well as conveying sediment into the active channel of the river.

6.3 VEGETATION / GROUNDCOVER MANAGEMENT

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

The Applicant selected to utilise and upgrade the existing road and to construct the house platform on the disturbed/previously cleared area. This greatly reduced the amount of indigenous vegetation removed. This would have been recommended for the placement of the house and road if the correct authorisation process was undertaken first. Following the damage created by the flood event of November 2021 the applicant constructed several emergency berms along the flood damaged road to reduce any further erosion of the already badly eroded road.

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):	The property is zoned Agriculture but has not been used for more than 5 years			

(a) Please provide a description.

Octo Trading 377 bought the Farm Platte Kloof 131/1 in January 2021 from the previous owner J.W. De Villiers, and plans to develop the farm as a self-sustaining lifestyle farm (small scale farming) for personal use, remove all the alien trees (wattle and pine trees), construct the necessary infrastructure, i.e., house, shed, green houses, fruit trees and vegetables garden. J.W. De Villiers left the country more than five years ago and settled in Canada. There have been no farming activities since then and the access to farm via the Farm Holle Kloof RE/91 was not maintained or used.

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 property is located in Waboomskraal, a farming community situated approximately 13km northwest of George, at the top of the Outeniqua Pass.

The farm lies in the Waboomskraal farming community and is as with most rural communities made up of a combination of wealthy and poor households. Due to the high unemployment rate in South Africa, it is estimated that at least 30% of the population who are able to work, do not have employment.

The property was unused for more than 5 years and therefore was not contributing positively or negatively towards any socio-economic aspects.

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.

There were minor positive economic aspects associated with commencement as the contractor and his staff have been renumerated for activities already undertaken and this will continue during the rehabilitation and construction phase.

There will also be minor socio positives in the form of casual or permanent job opportunities associated with the maintenance of the property and cleaning of the house. These are not expected to be large in nature as the intensions are for a small-scale lifestyle farm so likely 3 to 4 permanent opportunities.

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:	The clearance of more than 5000 square meters means that the NHRA is applicable as this is a trigger for requiring permission from HWC. Please however note that of the approximately 15000 m^2 disturbed areas on the property, 12000m^2 of that area was undertaken previously disturbed area or undertaken on existing footprints (such as the resurfacing/upgrading of section of road and the house platform was created on a disturbed area which was previously cleared. Therefore, only an area of 3100m^2 was cleared for the new section of the road undertaken by the applicant. As such the applicants activities do not trigger the need to Submit a HWC NID to HWC however the previous disturbances undertaken on the property did, the Department to please advise the way forward in this regard.		
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 applicant is permitted to construct a house on his Agriculture zoned property			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	**YES**	~~NO~~	Please explain
The PSDF indicates this area as farming and therefore the construction of a house is allowed.			
Urban edge / Edge of Built environment for the area	**YES**	~~NO~~	Please explain
This area is well outside the urban edge but the activity does not need to take place within the urban edge.			
Integrated Development Plan of the Local Municipality	**YES**	~~NO~~	Please explain
This area is designated as a farming area on the IDP.			
Spatial Development Framework of the Local Municipality	**YES**	~~NO~~	Please explain
This area is designated as a farming area on the SDF.			
Approved Structure Plan of the Municipality	~~YES~~	~~NO~~	Please explain
This area is designated as a farming area on the Municipal planning documents.			
An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
Any other Plans	YES	NO	Please explain

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 applicant was allowed to complete this activity in terms of the properties land use rights.			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	**YES**	~~NO~~	Please explain
The PSDF does not specifically mention whether a house can be built but the activities are in line with farming practices.			
(b) Urban edge / Edge of Built environment for the area	~~YES~~	**NO**	Please explain
The property is located outside 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
It is in line with the IDP and SDF			
(d) Approved Structure Plan of the Municipality	~~YES~~	~~NO~~	Please explain
It is in line with the municipal development planning.			

(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
No adopted EMF for the area			
(f) Any other Plans (e.g. Guide Plan)	~~YES~~	**NO**	Please explain

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 area was not specifically identified for projects and programmes but is already included into the SDF as an agricultural 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

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
Any type of employment is most welcome in the area and contributes to national goals of decreasing unemployment. The establishment of infrastructure as well as the construction of a house would all contribute to the local economy. Any employment opportunities would range from temporary to permanent work. Temporary jobs would include construction of the house and associated services. Permanent jobs could include labour to maintain the property, cleaning and helping when the applicant decides to undertake subsistence farming activities.			

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	~~YES~~	**NO**	Please explain

be attached to the Application Form / additional information as an **appendix**, where applicable.)			
There were no services required from the Local Municipality. The applicant envisages to develop an off the grid self-sustained house, whereby not placing pressure on bulk services.			

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
There will be no impact on the Local Authority other than a slight increase in the economy due to costs spent on developing the house and upgrading the access road.			

8. Was this project part of a national programme to address an issue of national concern or importance?	~~YES~~	**NO**	Please explain
This was not part of any identified projects but it does contribute to national goals of decreasing unemployment while increasing agricultural output.			

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 applicant wants to construct a farmhouse which is allowed in terms of the property zoning. Within the property itself, the applicant chose a previously disturbed / cleared area on the property to source some material for the construction of the rad as the area would be later used to construct the house platform in order to minimise the impact on vegetation.			

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 impact of the activities themselves had a medium and low impact on biophysical however due to the fact that the road construction was halted before completion, coupled with the devastating flood event of November 2021, a large erosion gully was formed. Even so the impact of the large erosion gully did not have a large or high negative impact on the surrounding biophysical features.			

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 impact on the employment of local people will also be positive. The impact on the visual and sense of place will depend on the receiver however the partially upgraded road which resulted in the large erosion gully is an eyesore on the surrounding landowners.			

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
The large donga can be rehabilitated and the placement of the house is in the right place at the right time and therefore did not result in unacceptable opportunity costs.			

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	**YES**	~~NO~~	Please explain

Cumulative Impact to:	Nature of Impact	Significance of Impact	
		Prior mitigation	Post mitigation
Terrestrial Biodiversity and Animal Species	Negative	Negligible	Negligible
Vegetation loss for the footprint of the development	Negative	Low	Low
Potential loss of SCC (species of conservation	Negative	Very low	Very low

concern) Flora			
Aquatic biodiversity	Negative	Negligible	Negligible
Erosion and sedimentation of the Kleinbos River	Negative	Medium	Negligible
Continuation of construction of access road and rehabilitation of erosion gully	Negative	Low	Negligible
Temporary Job Opportunities	Positive	Medium	Medium
Capital expenditure	Positive	Medium	Medium
Cost of rehabilitation	Negative	High	Low – Medium
Noise impacts	Negative	Insignificant	Insignificant
Visual impacts / Sense of Place	Negative	Medium	Negligible
Concentration of stormwater runoff from road	Negative	Medium Low	Negligible

According to the Freshwater Assessment, cumulative impacts are activities and their associated impacts on the past, present and foreseeable future, both spatially and temporally, considered together with the impacts identified above and in Section 7.1 and 7.2 of the Freshwater Assessment Report. Wetlands and riparian areas within the region are under continued threat due to ongoing land use transformation and the invasion of alien and invasive plant species. It is considered imperative that the erosion gully be rehabilitated (infilled) to prevent ongoing erosion of the gully and subsequent sedimentation of the Kleinbos River. Ongoing erosion will result in exacerbated sedimentation of the river active channel as well as change the geomorphological characteristics of the river. As such, should the recommended mitigation measures (as provided in this report) be implemented and the erosion gully and Kleinbos River be monitored until suitable vegetation cover has established, the impacts from the initial access road upgrading can be deemed reversible with limited significant cumulative and latent impacts and latent impacts expected provided that the source of sedimentation is stopped at the source through the proposed rehabilitation measures.

14. Is/was the development the best practicable environmental option for this land/site?	**YES**	~~NO~~	Please explain
The site selected for the house and the road was correct as it made use of previous disturbed areas and an existing road. In this case the large donga was formed due to unpredictable environmental conditions (Flood of November 2021) coupled with the unfinished road.			

15. What are/were the benefits to society in general and to the local communities?	Please explain
The temporary job opportunities during the construction phase will benefit the labourers used and additional, possibly permanent positions will become available to maintain the property and help with the subsistence farming planned for the near future	

16. Any other need and desirability considerations related to the activity?	Please explain
The applicant needs to rehabilitate the donga on site as soon as practical possible as with each rainfall event the donga becomes bigger, which in return pushes up the costs and time needed to rehabilitate it.	

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:
The general objectives of NEMA were not specifically taken into account by the applicant when he excavated material from the house platform location or was busy upgrading the road however, indirectly by choosing the disturbed area for the house platform and partially using the existing jeep track to upgrade the road. Some of the general objectives of NEMA were therefore unintentionally applied to the activities as they overlap with best practices and in some cases common sense.

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

In terms of public participation, the legislation will be complied with and all neighbours and relevant authorities will be given the opportunity to comment on the S24G process.
Site notices will be placed and a press advertisement will be placed in the local newspaper.
All comment will be encapsulated in a comments and response report to ensure the essence of the comments have been understood and taken into account.

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 applicant does not have additional properties in the area to explore location/site alternatives.

(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:

No activity alternative will be investigated as the applicant wants to build a house to live within on the property and there is no known activity alternative to this which will still achieve the same goal. Additionally, the upgrading of the jeep track is also essential in being able to access the property and house.
Alternative routes are also not really an option. The only other alternative would be for the applicant to have bought a 4x4 to access his property but then he would always need a 4x4 and so would anyone visiting them and access even with a 4x4 in wet conditions may not always be possible.
The applicant could also have made the road 3.9m wide, where by avoiding one listed activity.

(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:

As seen from Figures 22 to 24 a large percentage (Majority) of the property is mountainous with very little area to actually develop and barely any agricultural lands to farm on.

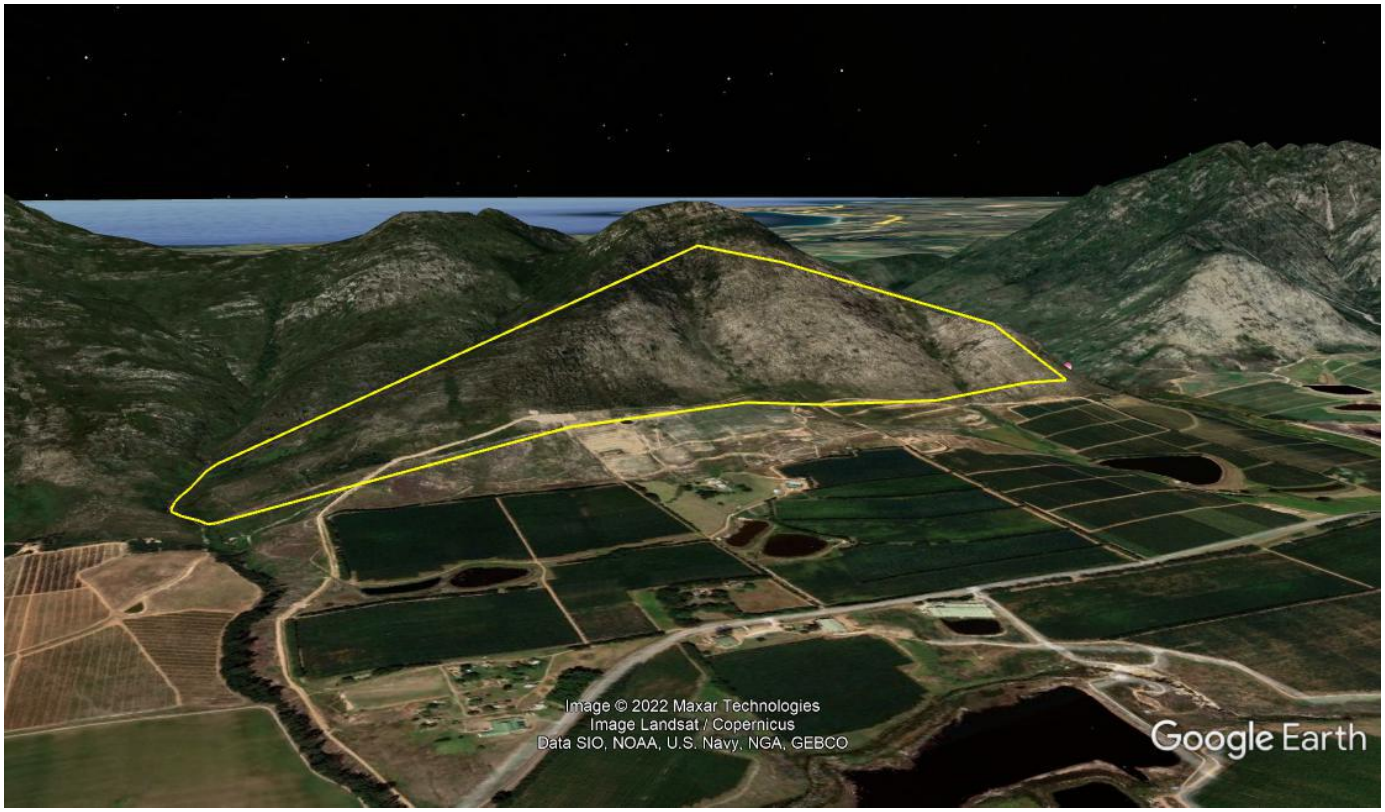


Figure 22: Extent of the property

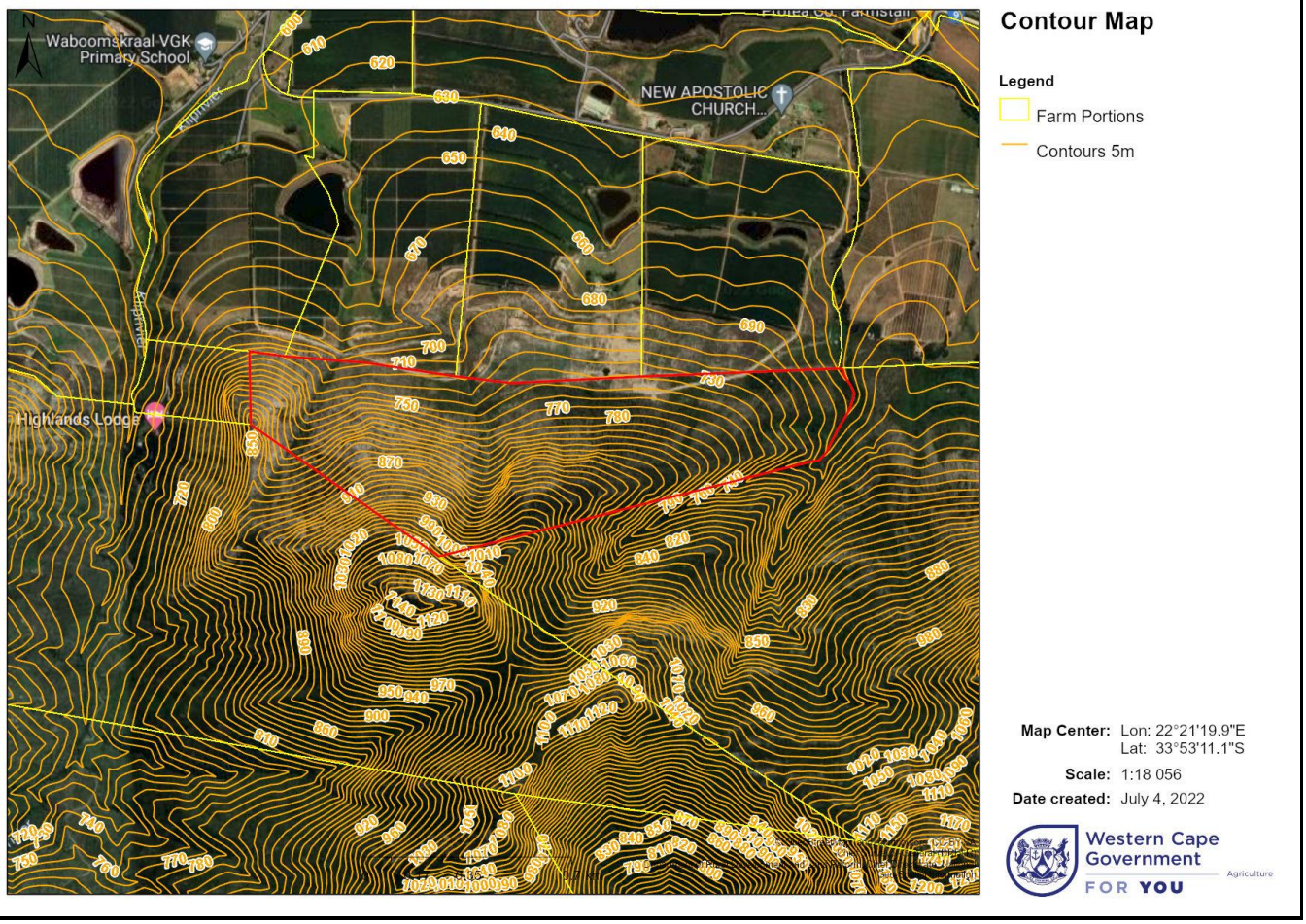


Figure 23: Contour Map

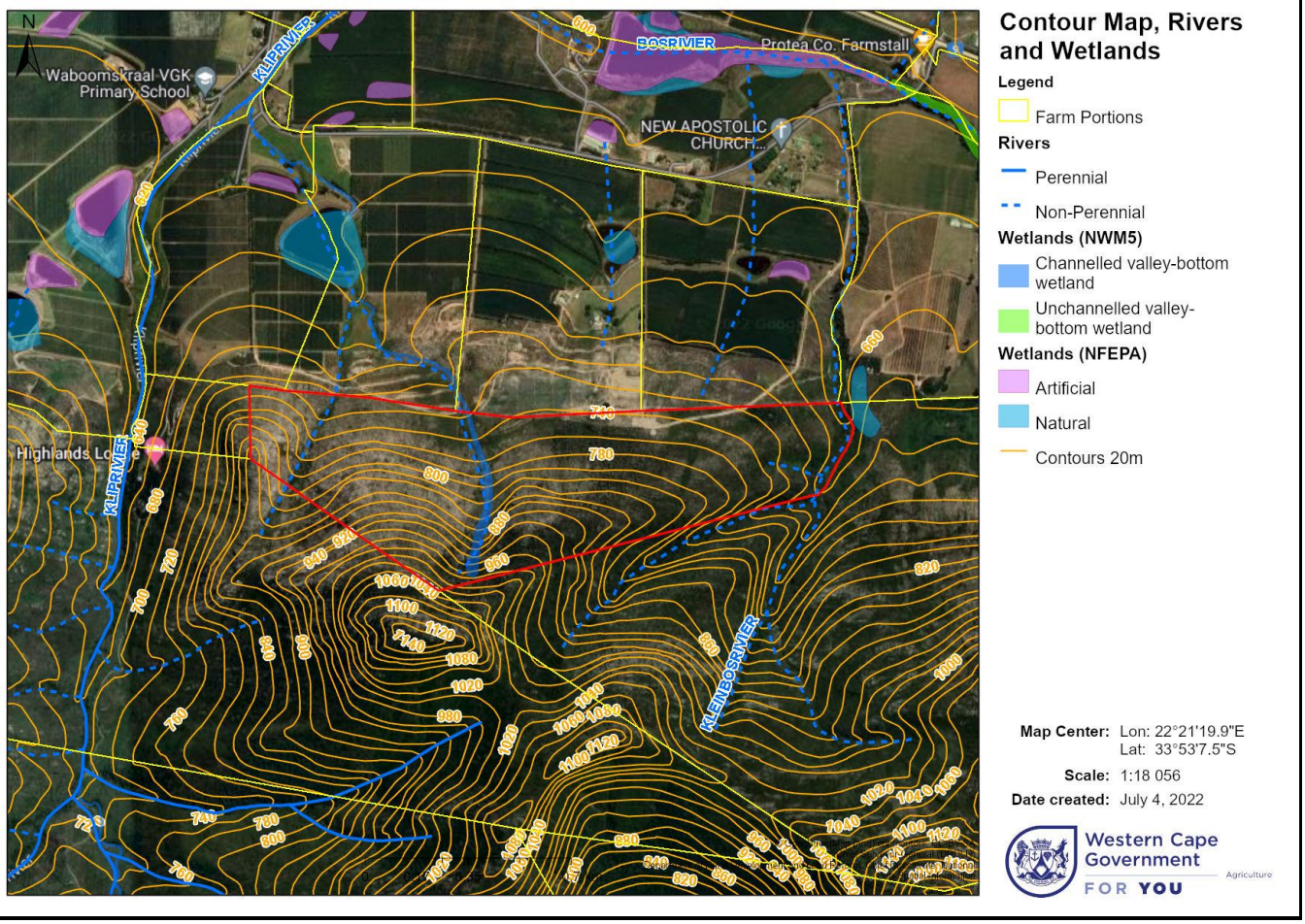


Figure 24: Contour and Watercourses Map

Due to the disturbed nature of the housing platform site, this seemed to be the obvious choice for the applicant for the location of the house. We concur with this selection as it is relatively the flattest area on the property with the other relatively flat areas being located within or within close proximity to the river leading down the mountain located west of the current house platform location.

The applicant considered an alternative route to the site for access however accessing the house site from the west would have required greater construction and the road would have had to cross the river and the furrow (located west of the house platform).

In our opinion the applicant inadvertently selected the best practical option with the least Environmental Impact. There was already a jeep track in place and the site for the house was already disturbed.

Alternative Site locations

Figures 25 and 26 show two Alternative site location which could have been explored if the activities were proposed in a Basic Assessment Report. These Alternative site locations would have been explored due to the relatively flat nature of the areas however both sites are located within close proximity to watercourses and undisturbed areas. New access roads would have to have been constructed to these locations.

Figure 25: Site alternatives

Figure 26: Site Alternatives

(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:

No reasonable or feasible technology alternatives exist for the construction of a house and road,

(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:

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

This is the option with the highest overall impact. Due to the fact that all of the disturbances would have been for no outcome. Additionally, with the applicant living in the house the road and property will be maintained, whereas if the property is unusable it will likely be sold off and with it barely being able to be farmed and if no house can be constructed on it, it would likely become neglected once again. The applicant intends to remove all wattle and some of the pine trees on the property to conserve the property. The option of ceasing the activity therefore means that a large area will remain in a disturbed and recovering stage for a very long period of time and as recommended by the specialist studies, the road should be rehabilitated as soon as possible to reduce the impact of erosion on the area and the sedimentation of the Kleinbos River.

(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 feasible alternative was explored as there are not many alternatives to a road and house. This may be amended once initial comments have been received during the PPP.

(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.

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:

The existing jeep track was partially upgraded and material excavated from the house platform were being undertaken. After the activities we stopped the flood event of November 2021 resulted in a lot of erosion creating a donga. However even without the creation of the donga, the construction of the road triggered a listed activity.

Figure 27: The site Pre-commencement

Figure 28: The site after commencement and the flood of November 2021

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	**YES**	~~NO~~
If yes, please describe:		

The site is mapped ESA 1 however as noted in the Botanical Compliance Statement:
An overlay on Google Earth ™ imagery of the map of Critical Biodiversity Areas from the Western Cape Biodiversity Plan [WCBSP] (Pence, 2017; Pool-Stanvliet et. al. 2017) is presented in Figure 29. The 'disturbance footprint' falls in an Ecological Support Area 1. The definition of Ecological Support Areas is given below (see text box) as defined by Pool-Stanvliet et al. (2017). Note that the ESA2 definition below is not strictly correct since the ESA2 areas in Figure 29 are watercourses with their azonal habitat characteristics.

Ecological Support Areas (ESAs): Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of Protected Area (PAs) and Critical Biodiversity Areas (CBAs), and are often vital for delivering ecosystem services. They support landscape connectivity, encompass the ecological infrastructure from which ecosystem goods and services flow, and strengthen resilience to climate change. They include features such as regional climate adaptation corridors, water source and recharge areas, riparian habitat surrounding rivers or wetlands, and Endangered vegetation.

ESAs need to be maintained in at least a functional and often natural state, in order to support the purpose for which they were identified, but some limited habitat may be acceptable. A greater range of land uses over wider areas is appropriate, subject to an authorisation process that ensures the underlying biodiversity objectives and ecological functioning are not compromised. Cumulative impacts should also be explicitly considered.

In the maps, a distinction is made between ESAs that are still likely to be functional (i.e. in a natural, near-natural or moderately degraded condition, ESA1; and ESAs that are severely degraded or have no natural cover remaining and therefore require restoration (ESA2)

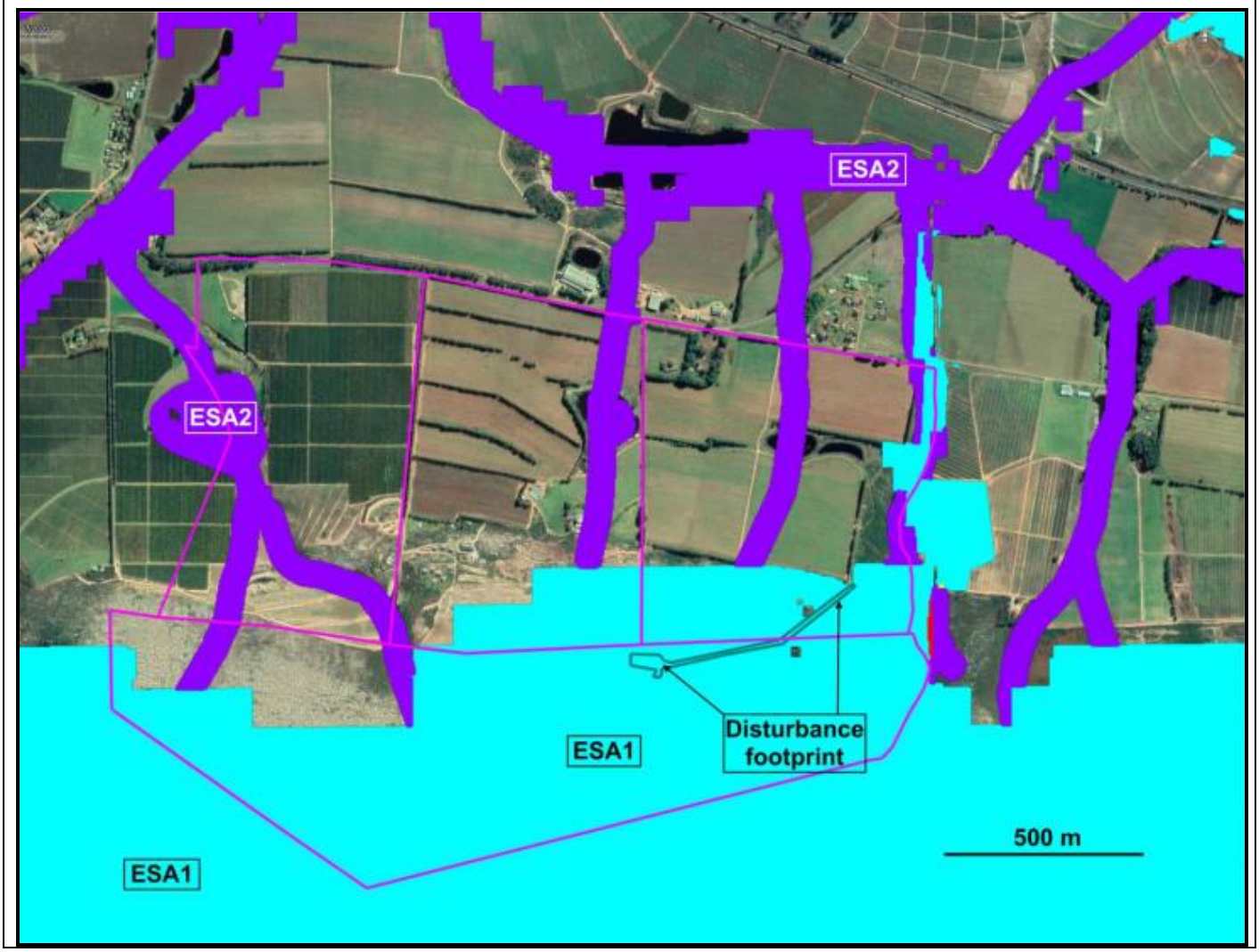


Figure 29: The WCBSP map for the area of interest showing that the 'disturbance footprint' is in a ESA1.

Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	**YES**	~~NO~~
If yes, please describe:		

Terrestrial:

The Terrestrial Biodiversity and Animal Species Compliance Statement notes that: "According to past satellite imagery (Google Earth ©), the site was covered with dense alien vegetation, most likely wattle (*Acacia mearnsii*) and pine (*Pinus sp*.), since 2014 with the infestations starting in the 2000s. The presence of alien trees impacts negatively on local biodiversity by outcompeting the indigenous species. Clearing of the alien trees was undertaken in 2017 and 2018 and the site was burnt in late 2018. The action of clearing the trees would have severely disturbed the site. Refer to the images taken from Google Earth historical imagery from 2014 to 2019 below. The light blue outline refers to the currently cleared footprint."

Figure 30: 2014

Figure 31: 2017

Figure 32: 2018

Figure 33: 2019

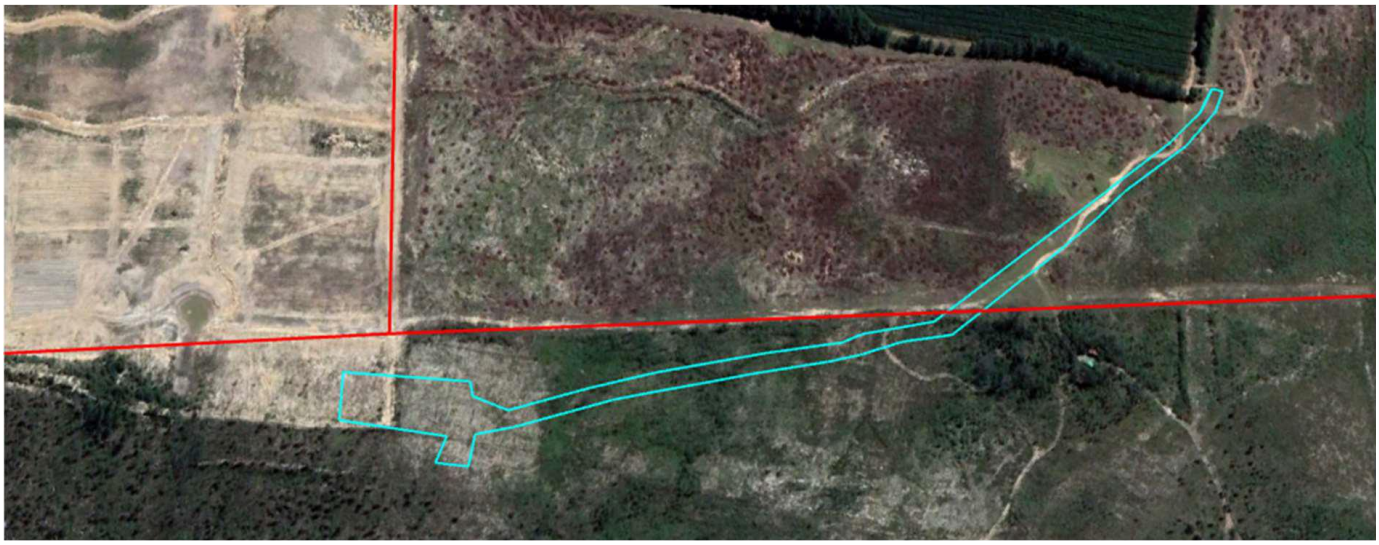


Figure 34: 2020, see section cleared by neighbouring farmer

Figure 35: 2022

According to past satellite imagery (Google Earth ©), the section of road that was extended to the tar road was also covered with dense alien vegetation, most likely wattle (Acacia mearnsii) and pine (Pinus sp.), since the 2000s and likely since prior to 1985. The alien trees appear to have infested the Kleinbos River and immediate surroundings, leaving little indigenous vegetation remaining. There appeared to be an existing track running along the farm boundaries, which was upgraded to form the new access road. Clearing of the alien trees on the west bank of the Kleinbos River began in late 2019 and early 2020. Refer to the images taken from Google Earth historical imagery from 2003 to 2020 below. The red line refers to the route of the currently graded road.

Figure 36: 2003 – Alien tree infestation

Figure 37: 2019 – Clearing of alien trees.

Figure 38: 2020 – More clearing of alien trees.

Figure 39: 2022 – The currently graded road.

"Overall, the site (and immediate surrounds) displays a low sensitivity from a terrestrial biodiversity and faunal perspective. The site is largely in a modified state due to the previous alien tree infestations and clearing activities including burning. The vegetation secondary in nature and highly disturbed in places with alien tree re-establishing. The site has limited use by fauna and no animal SCC are expected to occur on the site. In terms of regional biodiversity, the footprint of the site is relatively small, and it is evident both from the historical satellite imagery and the site visit that the site is largely in a modified state and was so prior to the site clearing in July 2021. The site is therefore not considered a representative portion of the vegetation type or ecosystem and is not considered important for reaching biodiversity targets due to the small size. The site is therefore considered to be of low importance from a terrestrial biodiversity perspective, especially when compared to the surrounding mountain slopes that support intact mountain fynbos vegetation and have limited alien tree infestations (see example below, Figure 40)."

Figure 40: Intact mountain fynbos on the slopes to the southeast of the site towards the Witfontein Nature Reserve

Due to the disturbed habitat, the study area is of low sensitivity for terrestrial biodiversity and terrestrial animal species;

Botanical

According to the Botanical Compliance Statement:
From the sensitivity analysis, it can be confidently stated that at the most, the site of the 'house platform' and access road was not more than Medium sensitivity, even before the neighbours illegally cleared in the area. It is true that authorisation should have been obtained to proceed with the establishment of the house platform and access road. In the case of the house platform, there is a mitigating circumstance in that there was already significant disturbance in place prior to the earthworks that were carried out. In this case, any penalties should be limited to the minimum. However, for the access road, there was only a two-spoor track prior to the formalization of the road. The significant earthworks that took place were, however, also in a Medium sensitivity environment. No important plant communities or rare or threatened plant species were affected by the construction of the access road. This is the important aspect from a botanical perspective and a narrow view must be maintained when assessing whether or not there was any serious loss of natural habitat due to the unauthorized activities.

The greatest and unintended consequence of the unauthorized activities was that the road (and to a more limited extent the house platform) was not finished and thus not properly drained prior to the heavy rain of 22 November 2021, resulting in the high degree of erosion and formation of dongas.

Aside for the negative effect of the heavy rain, the impact of the construction of the house platform and the access road is considered to be Medium Negative.

From the data collected during the site visit, and the desktop analysis, the conclusion is reached that although at a local scale the negative impact of the unauthorized activities is high, in the greater scheme of the ecosystem as a whole, the impact is no more than Medium Negative and the cumulative impact is Low Negative.

Aquatic

According to the Freshwater Assessment:
No watercourses were identified to be traversed by the study area. The Kleinbos River, located approximatley 200 m east of the partially upgraded road, was identified to be the only watercourse impacted by the erosion gully. The results of the ecological assessment of the Kleinbos River are discussed in Section 5, of the Aquatic report is summarised in the table below:

Table 11: Summary of the results of the Kleinbos River

Watercourse	Present Ecological State (PES)	Ecoservices	Ecological Importance and Sensitivity (EIS)	Recommended Ecological Category (REC), Recommended Management Objective (RMO) and Best Attainable State (BAS)
Kleinbos River	B/C (moderately modified)	very low to moderately high (indicator dependent)	Moderate	REC: Category B/C (Maintain) BAS: Category B/C (Moderately modified) RMO: Maintain
Extent of modification	**Reversible** Rehabilitation of the erosion gully will ensure that no further sedimentation of the Kleinbos River occurs. Together with revegetation of all disturbance footprints, the modification/impacts to the Kleinbos River can be reversed.			

Based on the retrospective application of the DWS Risk Assessment and an impact assessment, the initial access road upgrading and the subsequent erosion thereof (due to the lack of stormwater management infrastructure) resulting in an erosion gully and consequently the sedimentation of the Kleinbos River, was determined to have a 'Moderate' risk/ 'Medium low' impact to the river. It is however acknowledged that the duration of this impact was short as no significant sediment deposition is currently noticeable in the active channel of the river. However, sediment deposition was still evident on the embankment of the river and this sediment will, over time, migrate to the river systems. Should the erosion gully not be rehabilitated, further erosion of the gully, and thus additional long term sedimentation of the river is expected.

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:

According to the Terrestrial Biodiversity and Animal Species Compliance Statement:
It is likely that the clearing activities did not have any impact on terrestrial animal SCC

According to the Botanical Compliance Statement:
No Red List species (i.e., species of conservation concern [SCC]) (sensu Raimondo et al. 2009) were found on the site or in the surrounding vegetation.

Please describe the manner in which any other biological aspects were impacted:

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	R 12+ Million Purchase price: R 2.15 Mill Road construction: R 0.3 Mill Architects: R 0.3 Mill Section 24 G: R 0.5 Mill Rehabilitation: R 0.3 Mill House: R 6.5 Mill Infrastructure (Water, Solar, Shed, Security, etc.): R 1.0 Mill Other (Greenhouses, Servant Accommodation, etc): R 1.0 Mill Plants, trees, rehabilitation of invasive Pine and Wattles: R 0.5 Mill Total: R12+ 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?	Initial year R 3.5+ Million	
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?	20 to 30	

What was the value of the employment opportunities during the construction phase?	R 3.5+ Million
What percentage of this accrued to previously disadvantaged individuals?	40%
How was this ensured and monitored (please explain):	
Still to happen but the use of local labour is the only option.	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	3 to 5
What is the current/expected value of the employment opportunities during the first 10 years?	R 4+ Million
What percentage of this accrued/will accrue to previously disadvantaged individuals?	90%
How was/will this be ensured and monitored (please explain):	
It's the only option in this remote part of the world.	
Any other information related to the manner in which the socio-economic aspects was/will be impacted:	
Labour will be sourced from as close as possible to the job because otherwise the construction cost will be too high.	

(d) Cultural and historic aspects:

None associated with the site at this stage, input from HWC will however be gained during the PPP to confirm this.

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?		

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?	Household related waste, therefore minimal amounts	

Where and how was/will the waste be treated / disposed of (describe)?		
Whatever cannot be recycled, will be taken to a landfill, like George's landfill.		
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	~~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?	~~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:	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:
Everything reusable will be used on the intended lifestyle farm, that which cannot be recycled will be taken to an appropriately registered landfill site.

(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:		

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:	30000 litres

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:		
Water will only be used for household use and water trees. Rainwater will also be collected from the roofs.		

4. POWER SUPPLY

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

Off grid – own sourced

If power supply is not available, where will power be sourced from?

5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:
The house will be off the grid, therefore "green" technologies will incorporated into the house such as a heat pump and being well insulated.

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

The house will be off of the municipal grid and will therefore make use of renewable sources into the design, such as heat pumps and being well insulated

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.**

Impact on biological aspects: Terrestrial Biodiversity and Animal Species The site is surrounded by cultivated fields on the north, west and eastern sides. The slope immediately up and to the south of the cleared area comprises disturbed fynbos vegetation with relatively high levels of alien tree infestations (wattle and pine). The density of alien trees becomes less, further up the slope. The area immediately adjacent to the cleared area on the north side is highly disturbed where evidence of the large infestations of alien trees exists. Many alien saplings are re-establishing in this area. Overall, the site and immediate surrounds are considered modified, and the natural habitat disturbed. Very little faunal activity was observed during the site visit. The only activity observed included small passerine birds such as sparrows and waxbills, and evidence of steenbok in the form of droppings.	
Nature of impact:	Negative
Extent and duration of impact:	Local and short term
Probability of occurrence:	Improbable
Degree to which the impact can be reversed:	Completely reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resource
Cumulative impact prior to mitigation:	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	Can be mitigated
Proposed mitigation:	• An experienced, independent Environmental Control Officer (ECO) must be appointed to oversee the rehabilitation and construction activities and compliance with the EMPr. • The repair and rehabilitation of the eroded sections of the road must commence as soon as possible to avoid further erosion and siltation of downstream watercourses. • A formal Stormwater Management (engineering)Plan should be compiled, and an appropriate stormwater management system must be incorporated into all the designs. This should be designed to at least a 1:50 year rainfall or flooding event. Considering the steep slopes in the area, the natural drainage lines on the site must be taken into consideration in the stormwater design. • The site must be cleared of all alien plants during the rehabilitation process. In addition, an Invasive Alien Plant (IAP) Species Management Plan must be compiled with a focus on eradicating the alien trees up the slope to the south of the site. The alien clearing process will require input from a fynbos specialist / botanist to ensure that no sensitive fynbos plant species are impacted, especially further up the slope. • During construction, no wild animal may under any circumstance be handled, removed, or be interfered with by construction workers. No wild animal may under any circumstance be hunted, snared, captured, injured, or killed. This includes animals perceived to be vermin. • The construction of the house and access road should remain within the currently cleared footprint as far as possible. While the areas down-slope from the site (to the north side) are not sensitive, no natural vegetation, especially further up the slope and in the surrounding areas to the south may be cleared.

Cumulative impact post mitigation:	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**Very Low**

Impact on biological aspects: Vegetation loss for the footprint of the development	
The site of the 'house platform' and access road was not more than **Medium** sensitivity, even before the neighbours illegally cleared in the area. In the case of the house platform, there is a mitigating circumstance in that there was already significant disturbance in place prior to the earthworks that were carried out. For the access road, there was only a two-spoor track prior to the formalization of the road. The significant earthworks that took place were, however, also in a **Medium** sensitivity environment. No important plant communities or rare or threatened plant species were affected by the construction of the access road. This is the important aspect from a botanical perspective and a narrow view must be maintained when assessing whether or not there was any serious loss of natural habitat due to the activities.	
Nature of impact:	Negative
Extent and duration of impact:	Local and permanent
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	Marginal loss of resource
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Not able to mitigate
Proposed mitigation:	it is now imperative that the rehabilitation of the damage caused by the heavy rain should be permitted as soon as possible. The road must be carefully drained with pipes and humps (water bars) to divert the water from running directly down the road. Gabions may also be necessary in the dongas to slow the water velocity. At the point where the water cut through to disgorge into the catchment of the Kleinbos River, gabions must be installed to divert and prevent runoff water from running into the stream.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**Medium**

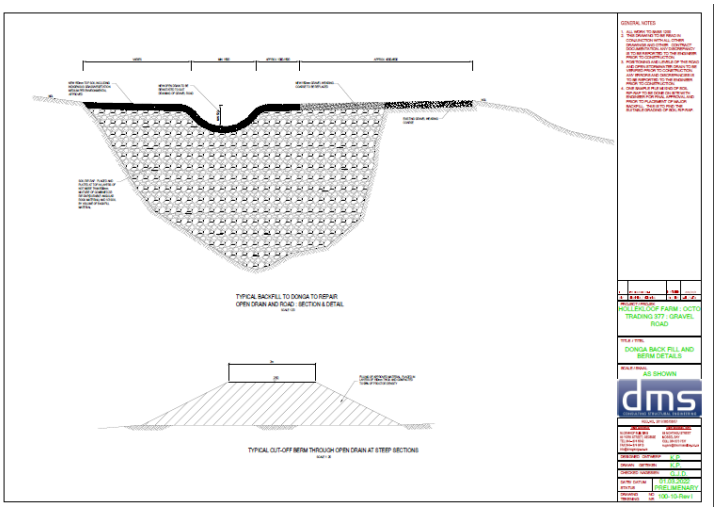
Impact on biological aspects: Potential loss of SCC (species of conservation concern) Flora	
No rare or threatened plant species (i.e. species of conservation concern [SCC]) were found during the site visit. The level of probability of such species occurring is moderate (medium) in the vegetation type on the subject property, but on the actual disturbance footprint, the probability is Low to Very Low.	
Nature of impact:	Negative
Extent and duration of impact:	Local and permanent
Probability of occurrence:	Low to Very Low
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	Marginal to no loss of resource
Cumulative impact prior to mitigation:	Very Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low to Very Low
Degree to which the impact can be mitigated:	Not able to mitigate
Proposed mitigation:	-
Cumulative impact post mitigation:	Very Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**Low to Very low**

Impact on biological aspects: Aquatic biodiversity
No watercourses were identified to be traversed by the study area. As such, the study area can be considered of low aquatic biodiversity sensitivity although cognisance must be given to the position

of the road in the landscape in relation to more sensitive drainage features. The Kleinbos River, located approximately 200 m east of the partially upgraded road, was identified to be the only watercourse impacted by the erosion gully that formed as a result of the road development.	
Nature of impact:	Negative
Extent and duration of impact:	Site specific and temporary
Probability of occurrence:	Improbable
Degree to which the impact can be reversed:	Completely reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resource
Cumulative impact prior to mitigation:	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	Can be mitigated
Proposed mitigation:	See mitigation measures for the following impact: "Erosion and sedimentation of the Kleinbos River" (to follow)
Cumulative impact post mitigation:	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**Low to Very low**

Impact on geographical and physical aspects: Erosion and sedimentation of the Kleinbos River The initial access road upgrading and the subsequent erosion thereof (due to the lack of stormwater management infrastructure) resulting in an erosion gully and consequently the sedimentation of the Kleinbos River, was determined to have a 'Moderate' risk/ 'Medium low' impact to the river. It is however acknowledged that the duration of this impact was short as no significant sediment deposition is currently noticeable in the active channel of the river. However, sediment deposition was still evident on the embankment of the river and this sediment will, over time, migrate to the river systems. Should the erosion gully not be rehabilitated, further erosion of the gully, and thus additional long term sedimentation of the river is expected.	
Nature of impact:	Negative
Extent and duration of impact:	Local and Transient
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Completely reversible
Degree to which the impact may cause irreplaceable loss of resources:	No Loss of Resource
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium-Low
Degree to which the impact can be mitigated:	Can be mitigated
Proposed mitigation:	DMS Consulting Structural and Civil Engineers was appointed to compile the Technical Report for the rehabilitation of the Gravel Road on Hollekloof Portion 1 of Farm 131, Waboomskraal, George. Please see the report for the technical aspects of rehabilitation the erosion gully (attached as Appendix M). The following concluding recommendations are made: • The construction of a formalised culvert to cross the furrow on Farm RE/91. This will provide access to the Farm 131/1 via and Farm RE/91 where the majority of the work is required at the upper section of the road. It is currently not possible to reach this area accept from another 4 x 4 track situated on Farm RE/91. • The infilling of the large donga to proceed as soon as possible to prevent any further damage to the road, the road's side drain as well as the current undisturbed areas. • The rest of the works(i.e. berms and additional stormwater culverts) to be constructed as soon as possible to provide protection against the 1 in 5-year flood. It should be noted that the proposed works will

minimise the concentrated stormwater flows which currently accumulates from the high-lying areas into the the road's new stormwater drain. This will relieve the current erosion at the furrow



The following mitigation measures were recommended in the freshwater Assessment Report:

Development footprint

- All development footprint areas should remain as small as possible and should not encroach into watercourses unless absolutely essential and where project activities are located in the watercourses. It must be ensured that the watercourse habitat is off-limits to construction vehicles and non-essential personnel;
- The boundaries of footprint areas, including contractor laydown areas, are to be clearly defined and it should be ensured that all activities remain within defined footprint areas. Edge effects will need to be extremely carefully controlled;
- Planning of temporary roads and access routes (if applicable) should avoid watercourses and be restricted to existing roads where possible;
- Appropriate sanitary facilities must be provided for the life of the construction phase and all waste removed to an appropriate waste facility;
- All hazardous chemicals as well as stockpiles should be stored on bunded surfaces and have facilities constructed to control runoff from these areas;
- It must be ensured that all hazardous storage containers and storage areas comply with the relevant SABS standards to prevent leakage;
- No fires should be permitted in or near the construction area; and
- Ensuring that an adequate number of waste and "spill" bins are provided will also prevent litter and ensure the proper disposal of waste and spills.

Vehicle access

- All vehicles must be regularly inspected for leaks. Re-fuelling must take place on a sealed surface area to prevent ingress of hydrocarbons into the topsoil;
- In the event of a vehicle breakdown, maintenance of vehicles must take place with care and the recollection of spillage should be practiced near the surface area to prevent ingress of hydrocarbons into

	topsoil and subsequent habitat loss; and • All spills should they occur, should be immediately cleaned up and treated accordingly. <u>Vegetation</u> • Removal of the alien and weed species encountered on the property must take place in order to comply with existing legislation (amendments to the regulations under the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) and Section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998)) Removal of species should take place throughout the construction, operational, and maintenance phases; and • Species specific and area specific eradication recommendations: ▪ Care should be taken with the choice of herbicide to ensure that no additional impact and loss of indigenous plant species occurs due to the herbicide used; ▪ Footprint areas should be kept as small as possible when removing alien plant species; and ▪ No vehicles should be allowed to drive through designated sensitive wetland areas during the eradication of alien and weed species. <u>Soil</u> • Sheet runoff from access roads should be slowed down by the strategic placement of berms; • As far as possible, all construction activities should occur in the low flow season, during the drier summer months; • As much vegetation growth as possible (of indigenous floral species) should be encouraged to protect soil; • No stockpiling of topsoil is to take place within the recommended buffer zone around the watercourses (unless specified otherwise), and all stockpiles must be protected with a suitable geotextile to prevent sedimentation of the wetland; • All soil compacted as a result of construction activities as well as ongoing operational activities falling outside of project footprint areas should be ripped and profiled; and • A monitoring plan for the development and the immediate zone of influence should be implemented to prevent erosion and incision. <u>Rehabilitation</u> • Construction rubble/silt removed from the dam must be collected and disposed of at a suitable landfill site; and • All alien vegetation in the footprint area as well as immediate vicinity of the proposed development should be removed. Alien vegetation control should take place for a minimum period of two growing seasons after rehabilitation is completed.
Cumulative impact post mitigation:	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on geographical and physical aspects: Continuation of construction of access road and rehabilitation of erosion gully

The rehabilitation of the erosion gully and the completion of the road will be undertaken simultaneously, resulting in additional temporary disturbances associated with large vehicle movements and ensuring that the rehabilitation of the erosion gully is undertaken in a safe manner.	
Nature of impact:	Negative
Extent and duration of impact:	Site specific and temporary
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Completely reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of Resource
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Can be mitigated
Proposed mitigation:	Further activities must be undertaken in accordance with an approved EMPr and compliance monitored by an appointed ECO. The following mitigation measures are recommended in Table 5 of the Freshwater Assessment Report: • Drift fences be installed (such as hessian curtains) in the erosion gully, at intervals and downgradient of where the stormwater cut-off drains will be installed, to prevent any sediment run-off from entering the downgradient Kleinbos River. • General good housekeeping control measures must be adhered to. • All construction personnel or vehicle movement must be limited to the area between the road and the furrow to avoid the delineated extent of the Kleinbos River; • All stockpiles should not exceed 2 m in height. All exposed soil must be protected for the duration of the construction phase with a suitable geotextile (e.g. Geojute or hessian sheeting) to prevent erosion and sedimentation of the downgradient river; • Drift fence/sediment traps must be installed in the erosion gully and its embankment to limit any sediment laden runoff from entering the downstream Kleinbos River; • The fill material must be suitably mixed and compacted to ensure stability of the erosion gully and to withstand any concentrated flows to avoid the development of a new gully; • All disturbed areas surrounding the gully and the gully itself must be rehabilitated, and where required, suitable vegetation to be planted to promote reestablishment of vegetation and increase the surface roughness of the disturbance footprint. All rehabilitation activities must be signed off by a suitably qualified freshwater ecologist. • Disturbance areas downgradient of the furrow must be kept as small as possible to avoid impacts to the Kleinbos River and further disturbance of the vegetation in the area along the river; • No construction vehicles/machinery may enter the area below the furrow, and all rehabilitation activities must be undertaken by personnel only; • Deposited sediment may be utilised to infill the erosion gully but no other material downgradient of the furrow may be used for these purposes. Should more material be required, suitable material must be

	imported; • The entry point of the erosion gully into the active channel of the river must be suitably compacted and sloped to ensure stability. Should it be required the slope can be reinforced by the placement of rip-rap (or in situ rocks from the active channel) along the embankment, but no hard engineering infrastructure may be utilised;
Cumulative impact post mitigation:	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on geographical and physical aspects: Upgrading of access road within the 32 m NEMA ZoR of the Kleinbos River. The completion of the road will result in additional temporary disturbances associated with large vehicle movements and ensuring that the rehabilitation of the erosion gully is undertaken in a safe manner.	
Nature of impact:	Negative
Extent and duration of impact:	Site specific and temporary
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Completely reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of Resource
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	Can be mitigated
Proposed mitigation:	• Silt traps must be installed (such as hessian curtains or hay bales) perpendicular to the slope to prevent any sediment run-off from entering the downgradient Kleinbos River. • Appropriate stormwater management must be implemented throughout the construction process, e.g., adding swales within the stormwater runoff furrow next to the road. • General good housekeeping control measures
Cumulative impact post mitigation:	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Very Low

Impacts on socio-economic aspects: Temporary Job Opportunities The contractor was renumerated for the activities undertaken and will receive further renumeration on completion of the activities. The activities are expected to provide 20 to 30 temporary job opportunities during the construction phase	
Nature of impact:	Positive
Extent and duration of impact:	Regional and temporary
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Completely reversible
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	N/A
Proposed mitigation:	N/A
Cumulative impact post mitigation:	Medium
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impacts on socio-economic aspects: Capital expenditure It is anticipated that the development and rehabilitation costs will amount to more than R12 million, once all intended activities are completed. This will be spent on local and/or Regional contractors,

materials suppliers and consultants.	
Nature of impact:	Positive
Extent and duration of impact:	Local to Regional and Temporary
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	N/A
Proposed mitigation:	N/A
Cumulative impact post mitigation:	Medium
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impacts on socio-economic aspects: Cost of rehabilitation Although the property is registered in a trust the applicant is a private person and not a large entity or consortium which has been benefiting from commencement of the activities before obtaining authorisation and have capital reserves to invest into the process. The intentions are to establish a retirement house which can be expanded into a lifestyle farm.	
Nature of impact:	Negative
Extent and duration of impact:	Site specific and long term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Can be mitigated
Degree to which the impact may cause irreplaceable loss of resources:	Significant loss of resources – Retirement funds/savings are finite
Cumulative impact prior to mitigation:	High
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Can be mitigated
Proposed mitigation:	When considering the fine for the applicant the following should be taken into consideration: • The applicant did not intent to create an erosion gully • The applicant excavated material from the house platform site on an area cleared by the neighbouring farmer • The applicant upgraded an existing road and only constructed a new section of road from where the road enters the property to the house platform (approximately 255m). This was the only activity that was undertaken before obtaining Environmental Authorisation. • The applicant was not aware that Environmental Authorisation was required for this activity and complied immediately when he was told to halt activities on site. • Large scale erosion such as that created on the SABH property during the flood event of November 2021 was also created at various other locations around George during the same flood event (such as the Sassveld Road, the Montagu Pass and the contour path in Geelhout Boom. • The cost associated with rehabilitating the erosion gully only will be in excess of R 300 000 • The applicant actually wants to conserve the property.
Cumulative impact post mitigation:	Low – Medium
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low - Medium

Noise impacts: Due to the nature of the site being amongst active farms with no other nearby noise receptors the level of noise impacts will be insignificant.	
Nature of impact:	Negative
Extent and duration of impact:	Site and Surroundings, Short term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Barely
Degree to which the impact may cause irreplaceable loss of resources:	Not loss of resources
Cumulative impact prior to mitigation:	Insignificant
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	Partially
Proposed mitigation:	This insignificant impact has already occurred however restricting activities to normal working hours would ensure that no unreasonable noise impacts are experienced.
Cumulative impact post mitigation:	Insignificant
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Insignificant

Visual impacts / Sense of Place: Geographical scar / eyesore created by the disturbed area and erosion gully.	
Nature of impact:	Negative
Extent and duration of impact:	Site specific
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Completely Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	Medium The current erosion gully and cleared house platform draw the attention of passing eyes and neighbouring farmers
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Can be mitigated
Proposed mitigation:	Rehabilitate the erosion gully in accordance with the Technical Report and revegetate the disturbed areas
Cumulative impact post mitigation:	Negligible Once the site has been rehabilitated and vegetation has re-established on the disturbed areas the development will blend into the surrounding landscape and will be aligned with the visual character of the area.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low to Very Low

(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: Concentration of stormwater runoff from road	
Nature of impact:	Negative
Extent and duration of impact:	Site Specific and long term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resource
Cumulative impact prior to mitigation:	Medium Low • Sediment laden runoff into surrounding areas and eventually into the Kleinbos River • Proliferation of alien and invasive plant species

	within the river
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium Low
Degree to which the impact can be mitigated:	Can be mitigated
Proposed mitigation:	• No vehicles are permitted to enter the 100m GN509 ZoR of the Kleinbos River to ensure successful establishment of vegetation within the disturbance footprints; • Stormwater runoff from the road into the area between the road and the river must be released in a dispersed manner to avoid concentrated flow paths from establishing; • Alien and invasive plant species must be eradicated on an ongoing basis, and monitoring of the establishment of indigenous vegetation associated with the disturbance footprint are recommended. This is to ensure successful rehabilitation and to increase the surface roughness of the 100m GN509 ZoR of the Kleinbos River to ensure successful establishment of vegetation within the disturbance footprints; • The erosion gully footprint must be regularly inspected for erosion or subsidence, specifically after rainfall events. Should erosion be noted, it must be infilled with in situ material and be suitably revegetated.
Cumulative impact post mitigation:	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Very Low

Impacts on socio-economic aspects: Temporary and Permanent Job Opportunities Temporary and / or permanent casual job opportunities maybe created to assist in maintaining the property and cleaning of the house. It is expected that 3 to 5 permanent Job opportunities will be created for daily running of the lifestyle farming once completed.	
Nature of impact:	Positive
Extent and duration of impact:	Local, temporary and / or long term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Completely Reversible
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation:	Medium • Sustainable livelihoods for employees and their dependants • Reduction in local and national unemployment rates • Increased income tax revenue for the government • Increased spending potential of employees, which increase the revenue at the shops they make use of
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium Low
Degree to which the impact can be mitigated:	N/A
Proposed mitigation:	N/A
Cumulative impact post mitigation:	Medium
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium Low

(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.

The property is not expected to be decommissioned

Potential impacts on the geographical and physical aspects:	
Nature of impact:	
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)	

Potential impact on biological aspects:	
Nature of impact:	
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)	

Potential impacts on the socio-economic aspects:	
Nature of impact:	
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)	

Potential impacts on the cultural-historical aspects:	
Nature of impact:	
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)	

Potential noise impacts:

Nature of impact:	
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)	

Potential visual impacts:	
Nature of impact:	
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)	

(d) Any other impacts:

Potential impact:	
Nature of impact:	
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)	

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:

Technical Report:

DMA Consulting Structural and Civil Engineers was appointed to compiled the Technical Report for the Rehabilitation of the erosion gully:

Scenario's

The following two scenarios were considered as part of this investigation:

- The existing conditions before the upgrade of the gravel road; and

- Conditions after the upgrading of the gravel road.

For each of these scenarios, the 1 in 2-year, 1 in 5-year and 1 in 10-year conditions were investigated. For the purpose of this gravel road the road is designed for a 1 in 5-year flood. A range of possible interventions was considered to mitigate the extent of the flooding that was determined by the above investigations. The 1 in 5-year flood considered practical for this type of road and were then tested in the model. The proposed interventions of these analyses are presented below.

Interventions to mitigate erosion of road's side drain and irrigation furrow.

Possible stormwater interventions:

A number of options were considered to minimise the extent of erosion of the gravel road's side drain. As mentioned above it is important to note that runoff from the area was designed for a 1 in 5-year flood. This effectively means that the road's side drain, during higher recurrence interval events, is likely to have erosion occurring. The interventions that are considered most viable to minimise the flow of stormwater from upstream catchments to the lower area during a 1 in 5-year flood are seen as indicated in Drawing No. 100-1(See Appendix 2 of the Technical Report and the Figure 37 below) and as discussed below.

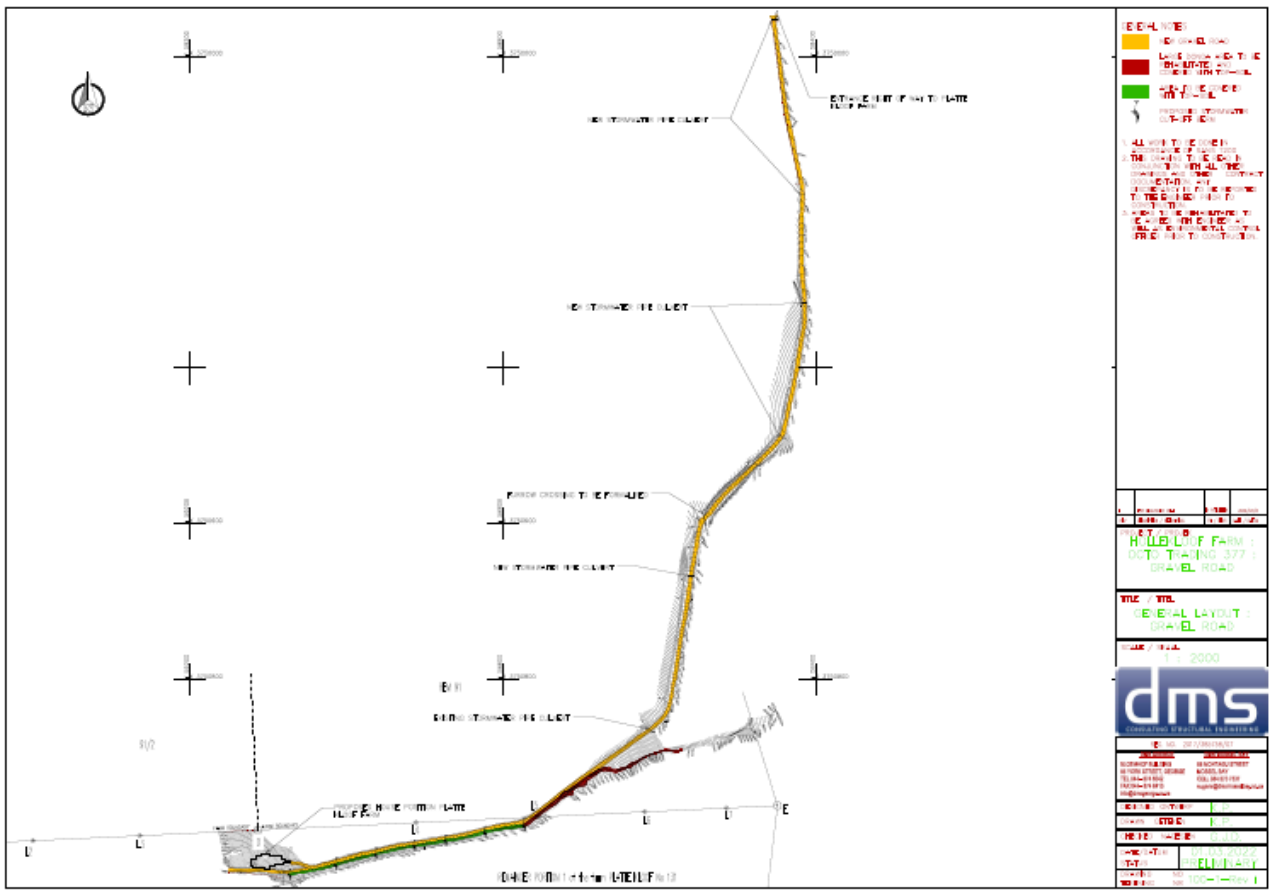


Figure 36: Drawing No. 100-1

Upgrade stormwater drain and additional stormwater berms and culverts

The need for the berm is not a requirement for stormwater management, per se, but rather to manage erosion resulting from the concentration of stormwater flows from the high lying catchment area as indicated in Drawing No. 100-2 (See Appendix 3 of the Technical Report and the Figure 38 below). The proposed berms will assist in protecting the gravel road's side drain against erosion and high flow velocities. This is particularly important as most of the damage to the road were in the stormwater drains next to the road.

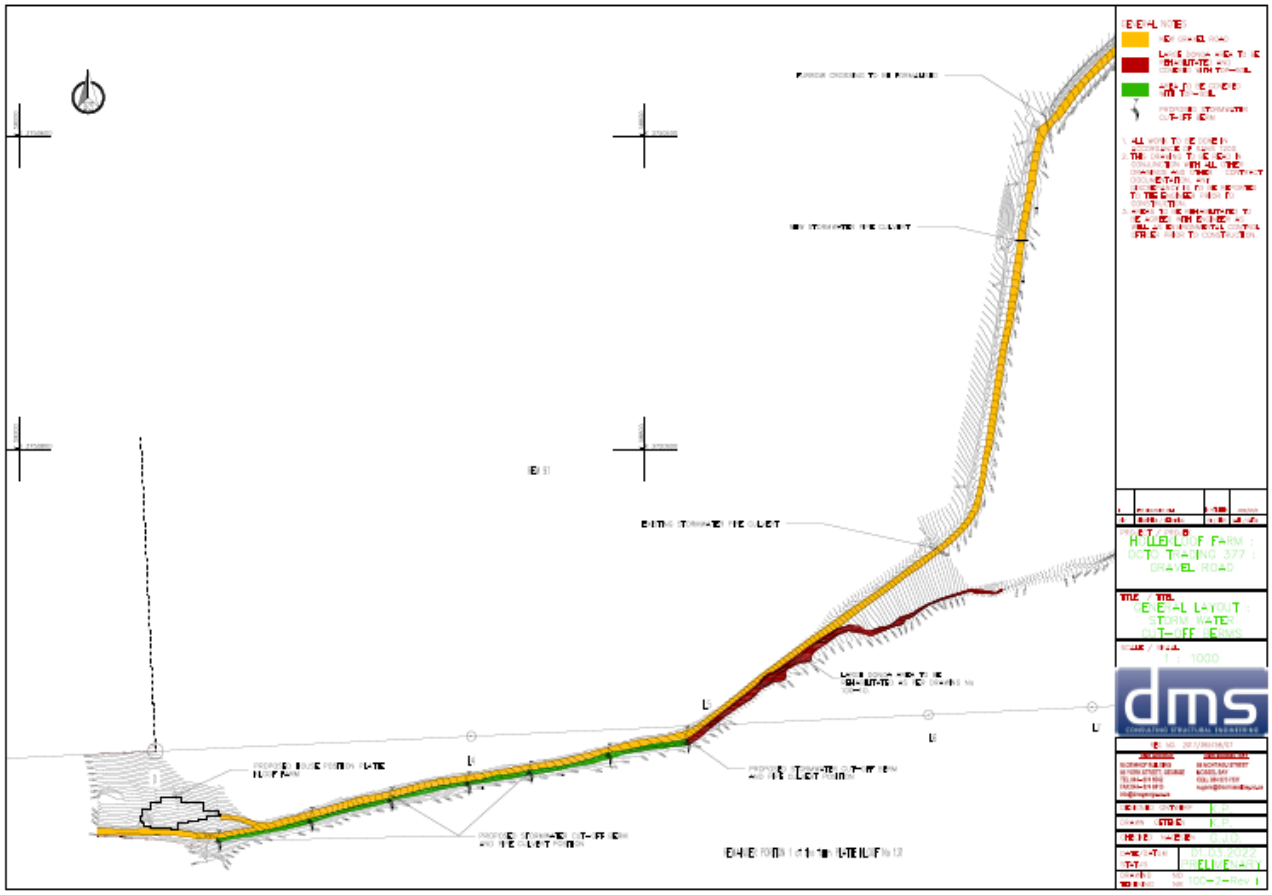


Figure 37: Drawing No. 100-2

The flooding of the drains originates from the upgraded road's crossfall as well as concentrated flows due to the steep slopes from the upper catchment area which end up in the road's stormwater drain. The crossfall upgrade was done to prevent ponding of water on the road's surface and to prevent sheet flow on top of the road's surface during a storm event.

Another option that would be of benefit in managing erosion during storm events is to fill the exposed incomplete stormwater drains with topsoil found from the local Waboomskraal area. The area of topsoil required is estimated in the order of 1300m^2. This will provide a very good growing medium for plants, grass etc. where indigenous grass and "fynbos" can be seeded, typically found from the local area. Additional stormwater culverts are required to be constructed at the high lying area of the gravel road as indicated. This will further assist with conveying the upper catchment's runoff to the lower catchment area similar to the flood routing as in the past. From here stormwater will evenly be distributed over the lower catchment area, where flatter slopes exist. Stormwater in these flatter areas can run as sheet flow where lower stormwater velocities will be achieved. This will further mitigate erosion on both the farm properties since the stormwater will evenly soak away in these flat slopes and flow to the old stormwater drainage streams and furrows as in the past.

<u>Infill of the large donga</u>

A large donga formed on both properties at the road's stormwater side drain. This was the major damage which occurred during the flash flood in November 2021. The best practice to do the repair work at the side drain is by filling the large dongas with soil rip-rap. The estimated soil rip-rap required for fill is above 1000m^3 but expected to be less than 1500m^3. Soil rip-rap will have the following benefits above any other conventional fill repair methods for this application.

They are;

- In soil rip-rap voids between the rip-rap will be filled with soil, whereas conventional rip-rap will have voids/holes between the rip-rap. This is beneficial whereas the soil can be filled in these voids and the last layer on top of the soil rip-rap can also be finished with a layer of 150mm topsoil. This will provide a very good growing medium for plants, grass etc. The combination of soil and plant roots creates an excellent filter for the underlying soil. This will also prevent "piping" of the underlying soil materials.
- Bedding material is not required before the placement of the soil rip-rap. This is extremely

beneficial since the soil rip-rap can directly be placed in layers which only need to be pleated from the bottom of the donga up to the recreated side drain's invert level. With conventional filling methods over excavation of the donga will be required to fill the donga in layers compacted of not more than 200-300mm. The over excavation of the donga will have further major impact on the current undisturbed areas on both properties. It is therefore not recommended to do conventional filling of the donga.

- Vegetation can be established on top of soil rip-rap which can't be done with other conventional rip-rap methods. The vegetation on top of soil-rip will create excellent protection layer on top of the stormwater drains and surrounding areas.
- Soil rip-rap in combination with natural vegetation will minimize the flow velocities at the bottom of the stormwater drains and will prevent erosion of the drains and soils.
- The soil rip-rap together with the natural vegetation will provide a natural and aesthetic look of the environment.

See Drawing No. 100-10 (See Appendix 4 of the Technical Report and Figure 39 below) which provides a typical section of the proposed filling method for the large donga.

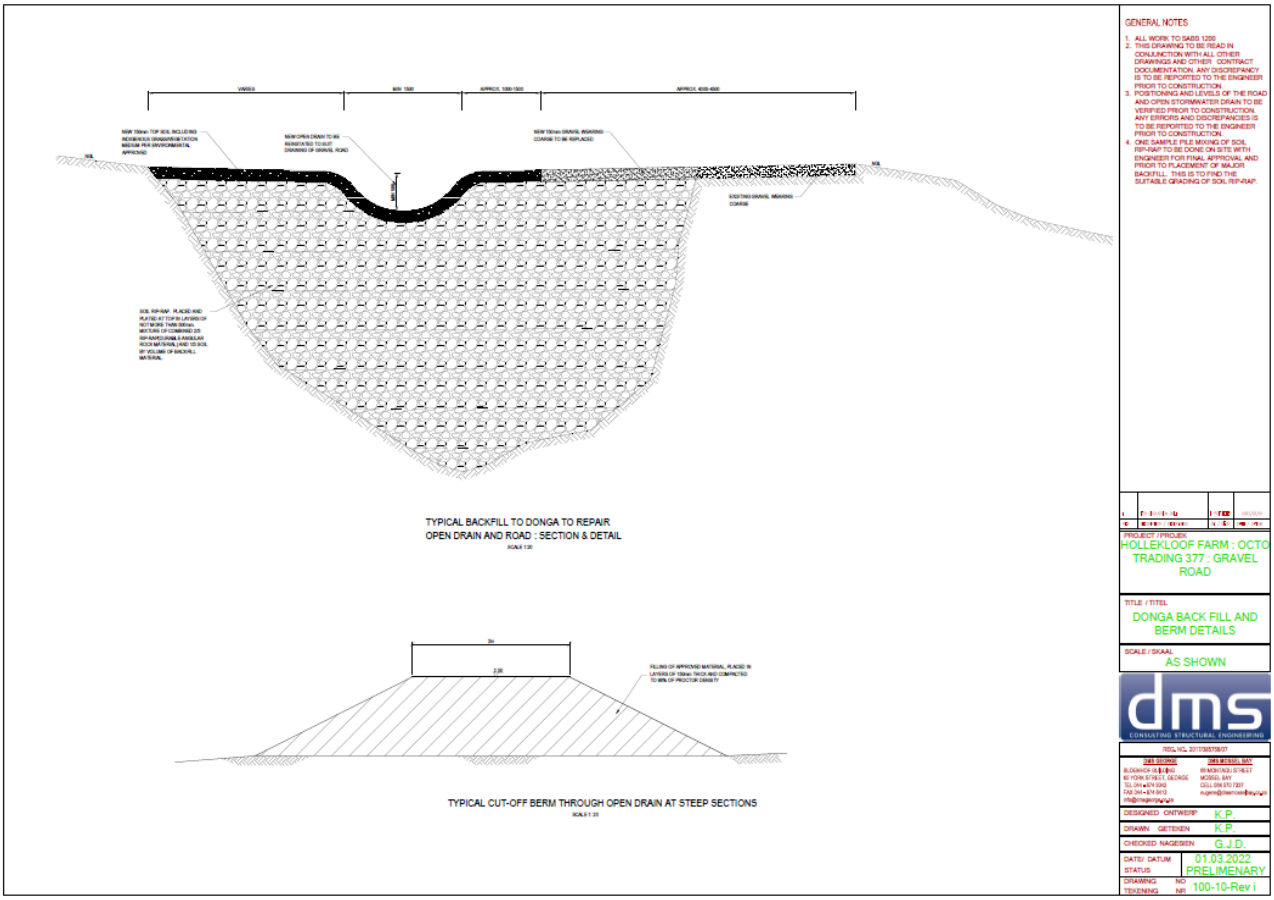


Figure 38: Drawing No. 100-10

We do not recommend any other fill materials for the filling of the large donga. This will not provide the necessary protection of the stormwater drain for a 1 in 5-year storm event and will not be able to provide a natural and aesthetic look of the environment to be rehabilitated.

Proposed stormwater erosion interventions for the 1 in 5-year flood

If no changes are made to the gravel road other than the modifications described above then flooding and erosion could still occur during storm events greater than or equal to a 1 in 5-year recurrence interval event.

We therefore recommend that the following measures and interventions shown in Drawing No. 100-2 are constructed:

- The construction of berms to the upper gravel road section as discussed and shown in the drawings are required to prevent concentration of stormwater in the road's side drains. This

will allow for sufficient capacity of the stormwater drain by maintaining the required flows rates and velocities to the of the low-lying catchment area and environment.
- As indicated above it is important to install additional stormwater culverts to prevent concentrated flow in the road's side drain and to re-direct the stormwater from the high-lying catchment to the low-lying catchment.
- The proposed measures should be integrated with seeding the damaged areas with natural plants and indigenous grass seeds from the Waboomskraal area for further protection.

Recommendations

The following recommendations are made:

- The construction of a formalised culvert to cross the furrow on Farm RE/91. This will provide access to the Farm 131/1 via and Farm RE/91 where the majority of the work is required at the upper section of the road. It is currently not possible to each this area accept from another 4 x 4 track situated on Farm RE/91.
- The infilling of the large donga to proceed as soon as possible to prevent any further damage to the road, the road's side drain as well as the current undisturbed areas.
- The rest of the works (i.e. berms and additional stormwater culverts) to be constructed as soon as possible to provide protection against the 1 in 5-year flood.

It should be noted that the proposed works will minimise the concentrated stormwater flows which currently accumulates from the high-lying areas into the road's new stormwater drain. This will relieve the current erosion at the furrow discussed in Section 1.1 of the technical report.

Terrestrial Biodiversity and Animal Species Compliance Statement

Cossypha Ecological was appointed to compile the Terrestrial Biodiversity and Animal Species Compliance Statement. The statement indicates that according to past satellite imagery, the site was covered with dense alien vegetation, most likely wattle (*Acacia mearnsii*) and pine (*Pinus sp.*), since 2014 with the infestations starting in the 2000s. The presence of alien trees impacts negatively on local biodiversity by outcompeting the indigenous species. Clearing of the alien trees was undertaken in 2017 and 2018 and the site was burnt in late 2018. The action of clearing the trees would have severely disturbed the site.

Overall, the site (and immediate surrounds) displays a low sensitivity from a terrestrial biodiversity and faunal perspective. The site is largely in a modified state due to the previous alien tree infestations and clearing activities including burning. The vegetation secondary in nature and highly disturbed in places with alien tree re-establishing. The site has limited use by fauna and no animal SCC are expected to occur on the site. In terms of regional biodiversity, the footprint of the site is relatively small, and it is evident both from the historical satellite imagery and the site visit that the site is largely in a modified state and was so prior to the site clearing in July 2021. The site is therefore not considered a representative portion of the vegetation type or ecosystem and is not considered important for reaching biodiversity targets due to the small size. The site is therefore considered to be of low importance from a terrestrial biodiversity perspective, especially when compared to the surrounding mountain slopes that support intact mountain fynbos vegetation and have limited alien tree infestations.

Botanical Compliance Statement

Bergwind Botanical Surveys and Tours was appointed to compile the Botanical Compliance Statement.

Site sensitivity as determined in the field

Owing to the previous disturbance of the site (as described in the Botanical Compliance Statement, the sensitivity of the footprint of the 'house platform' and access road is actually Very Low. However, there is general agreement with the outcome of the Screening Tool since the habitat surrounding the disturbance footprint has a Medium sensitivity. It is thus the Medium sensitivity that should be applied in the present situation when judging what may have been lost.

Comment on potential impacts

From the site sensitivity analysis, it can be confidently stated that at the most, the site of the 'house platform' and access road was not more than Medium sensitivity, even before the neighbours illegally cleared in the area. It is true that authorisation should have been obtained to proceed with the establishment of the house platform and access road. In the case of the house platform, there is

a mitigating circumstance in that there was already significant disturbance in place prior to the earthworks that were carried out. In this case, any penalties should be limited to the minimum. However, for the access road, there was only a two-spoor track prior to the formalization of the road. The significant earthworks that took place were, however, also in a Medium sensitivity environment. No important plant communities or rare or threatened plant species were affected by the construction of the access road. This is the important aspect from a botanical perspective and a narrow view must be maintained when assessing whether or not there was any serious loss of natural habitat due to the unauthorized activities.

The greatest and unintended consequence of the unauthorized activities was that the road (and to a more limited extent the house platform) was not finished and thus not properly drained prior to the heavy rain of 22 November 2021, resulting in the high degree of erosion and formation of dongas.

Aside for the negative effect of the heavy rain, the impact of the construction of the house platform and the access road is considered to be Medium Negative.

General Assessment and Recommendations

- According to the National List of Threatened Ecosystems (Government Gazette, 2011) the originally occurring vegetation on the disturbed house platform and road footprint was South Outeniqua Sandstone Fynbos, a Least Threatened vegetation type.
- No rare or threatened plant species were found during the site visit. The level of probability of such species occurring is moderate (medium) in the vegetation type on the subject property, but on the actual disturbance footprint, the probability is Low to Very Low.
- It is now imperative that the rehabilitation of the damage caused by the heavy rain should be permitted as soon as possible. The road must be carefully drained with pipes and humps (water bars) to divert the water from running directly down the road. Gabions may also be necessary in the dongas to slow the water velocity. At the point where the water cut through to disgorge into the catchment of the Kleinbos River, gabions must be installed to divert and prevent runoff water from running into the stream.

Conclusions

From the data collected during the site visit, and the desktop analysis, the conclusion is reached that although at a local scale the negative impact of the unauthorized activities is high, in the greater scheme of the ecosystem as a whole, the impact is no more than Medium Negative and the cumulative impact is Low Negative.

It is strongly recommended that rehabilitation works should be permitted as soon as possible to prevent further environmental damage and degradation that would become extremely costly to repair and have a high hidden cost to the ecosystem as well, if unchecked.

Freshwater Assessment

FEN Consulting was appointed to compile the freshwater Assessment.

During the field verification, undertaken on the April and September 2022, no watercourses were identified to be traversed by the study area. As such, the study area can be considered of low aquatic biodiversity sensitivity although cognisance must be given to the position of the road in the landscape in relation to more sensitive drainage features. The Kleinbos River, located approximately 200 m east of the partially upgraded road, was identified to be the only watercourse impacted by the erosion gully that formed as a result of the road development.

In November 2021 a significant rainfall event occurred in the catchment area which resulted in the erosion of the partially upgraded road. A large erosion gully established along the southern boundary of the access road, which ultimately resulted in the sedimentation of the downgradient Kleinbos River, located east of the study area. It is proposed to rehabilitate the erosion gully along the road through the addition of various stormwater cut-off berms and by infilling the extent of the gully that diverted from the road with rip-rap. The Kleinbos River was determined to be in a moderately modified ecological condition. No significant sediment deposition in the active channel of the river was noted. Sediment deposition was noted along the western embankment (within the non-marginal zone of the system).

Based on the retrospective application of the DWS Risk Assessment and the NEMA impact

assessment, the initial access road upgrading and the subsequent erosion thereof (due to the lack of stormwater management infrastructure) resulting in an erosion gully and consequently the sedimentation of the Kleinbos River, was determined to have a 'Moderate' risk/ 'Medium low' impact to the river. It is however acknowledged that the duration of this impact was short as no significant sediment deposition is currently noticeable in the active channel of the river. However, sediment deposition was still evident on the embankment of the river and this sediment will, over time, migrate to the river systems. Should the erosion gully not be rehabilitated, further erosion of the gully, and thus additional long term sedimentation of the river is expected. It is considered imperative that the erosion gully be rehabilitated (infilled) to prevent ongoing erosion of the gully and subsequent sedimentation of the Kleinbos River. Ongoing erosion will result in exacerbated sedimentation of the river active channel as well as change the geomorphological characteristics of the river. As such, should the recommended mitigation measures (as provided in this report) be implemented and the erosion gully and Kleinbos River be monitored until suitable vegetation cover has established, the impacts from the initial access road upgrading can be deemed reversible with limited significant cumulative and latent impacts expected provided that the source of sedimentation is stopped at the source through the proposed rehabilitation measures.

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 before mitigation (Low, Medium, Medium-High, High, Very High):	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
Construction Phase Impacts		
Terrestrial Biodiversity and Animal Species	Low (-)	Very Low (-)
Vegetation loss for the footprint of the development	Medium (-)	Medium (-)
Potential loss of SCC Flora	Low to Very Low (-)	Low to Very Low (-)
Aquatic biodiversity	Low (-)	Low to Very Low (-)
Erosion and sedimentation of the Kleinbos River	Medium – Low (-)	Low (-)
Continuation of construction of access road and rehabilitation of erosion gully	Medium (-)	Low (-)
Upgrading of access road within the 32 m NEMA ZoR	Low (-)	Very Low (-)
Temporary Job Opportunities	Medium (+)	Medium (+)
Capital expenditure	Medium (+)	Medium (+)
Cost of rehabilitation	High (-)	Low – Medium (-)
Noise impacts	Insignificant (-)	Insignificant (-)
Visual impacts / Sense of Place	Medium (-)	Low to Very Low (-)
Operational Phase Impacts		
Concentration of stormwater runoff from road	Medium (-)	Very Low (-)
Temporary and Permanent Job Opportunities	Medium Low (+)	Medium Low (+)

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:
It is evident from the specialist reports that the negative impacts associated with the commenced activities are within reasonable ratings and apart from a few additional mitigation measures that could have been implemented during the construction phase, the activities would have been undertaken in much the same fashion as they were.

CONSTRUCTION PHASE
Terrestrial Biodiversity and Animal Species
The site is surrounded by cultivated fields on the north, west and eastern sides. The slope immediately

up and to the south of the cleared area comprises disturbed fynbos vegetation with relatively high levels of alien tree infestations (wattle and pine). The density of alien trees becomes less, further up the slope. The area immediately adjacent to the cleared area on the north side is highly disturbed where evidence of the large infestations of alien trees exists. Many alien saplings are re-establishing in this area. Overall, the site and immediate surrounds are considered modified, and the natural habitat disturbed. Very little faunal activity was observed during the site visit. The only activity observed included small passerine birds such as sparrows and waxbills, and evidence of steenbok in the form of droppings.
Impact significance without mitigation: Low (-)
Impact significance with mitigation: Very Low (-)

Vegetation loss for the footprint of the development
The site of the 'house platform' and access road was not more than **Medium** sensitivity, even before the neighbours illegally cleared in the area. In the case of the house platform, there is a mitigating circumstance in that there was already significant disturbance in place prior to the earthworks that were carried out. For the access road, there was only a two-spoor track prior to the formalization of the road. The significant earthworks that took place were, however, also in a **Medium** sensitivity environment. No important plant communities or rare or threatened plant species were affected by the construction of the access road. This is the important aspect from a botanical perspective and a narrow view must be maintained when assessing whether or not there was any serious loss of natural habitat due to the activities.
Impact significance without mitigation: Medium (-)
Impact significance with mitigation: Medium (-)

Potential loss of SCC (species of conservation concern) Flora
No rare or threatened plant species (i.e. species of conservation concern [SCC]) were found during the site visit. The level of probability of such species occurring is moderate (medium) in the vegetation type on the subject property, but on the actual disturbance footprint, the probability is Low to Very Low.
Impact significance without mitigation: Low to Very Low (-)
Impact significance with mitigation: Low to Very Low (-)

Aquatic biodiversity
No watercourses were identified to be traversed by the study area. As such, the study area can be considered of low aquatic biodiversity sensitivity although cognisance must be given to the position of the road in the landscape in relation to more sensitive drainage features. The Kleinbos River, located approximately 200 m east of the partially upgraded road, was identified to be the only watercourse impacted by the erosion gully that formed as a result of the road development.
Impact significance without mitigation: Low (-)
Impact significance with mitigation: Low to Very low (-)

Erosion and sedimentation of the Kleinbos River
The initial access road upgrading and the subsequent erosion thereof (due to the lack of stormwater management infrastructure) resulting in an erosion gully and consequently the sedimentation of the Kleinbos River, was determined to have a 'Moderate' risk/ 'Medium low' impact to the river. It is however acknowledged that the duration of this impact was short as no significant sediment deposition is currently noticeable in the active channel of the river. However, sediment deposition was still evident on the embankment of the river and this sediment will, over time, migrate to the river systems. Should the erosion gully not be rehabilitated, further erosion of the gully, and thus additional long term sedimentation of the river is expected.
Impact significance without mitigation: Medium - Low (-)
Impact significance with mitigation: Low (-)

Continuation of construction of access road and rehabilitation of erosion gully
The rehabilitation of the erosion gully and the completion of the road will be undertaken simultaneously, resulting in additional temporary disturbances associated with large vehicle movements and ensuring that the rehabilitation of the erosion gully is undertaken in a safe manner.

Impact significance without mitigation: Medium (-)
Impact significance with mitigation: Low (-)

Upgrading of access road within the 32 m NEMA ZoR
The upgrading of the access road within 32m of the Kleinbos River, was partially undertaken when the activities were undertaken and will likely have to be touched up again to ensure that the applicant and construction vehicle have appropriate access to the site. The road will also be maintained as required by addressing any erosion that may form after rainfall events and clear encroaching vegetation from next to and within the access road
Impact significance without mitigation: Low (-)
Impact significance with mitigation: Very Low (-)

Temporary Job Opportunities
The contractor was renumerated for the activities undertaken and will receive further renumeration on completion of the activities. Between 20 and 30 temporary job opportunities will be created during the construction phase
Impact significance: Medium (+)

Capital expenditure
It is anticipated that the development and rehabilitation costs will amount to over R12 million. This will be spent on local and/or regional contractors, materials suppliers and consultants.
Impact significance: Medium (+)

Cost of rehabilitation
Although the property is registered in a trust the applicant is a private person and not a large entity or consortium which has been benefiting from commencement of the activities before obtaining authorisation and have capital reserves to invest into the process. The intentions are to establish a retirement house which can be expanded into a lifestyle farm for personal enjoyment and fulfilment.
Impact significance without mitigation: High (-)
Impact significance with mitigation: Low - Medium (-)

Noise impacts
Due to the nature of the site being amongst active farms with no other nearby noise receptors the level of noise impacts will be insignificant.
Impact significance: Insignificant (-)

Visual impacts / Sense of Place
Geographical scar / eyesore created by the disturbed area and erosion gully. This is however a temporary impact and once the site has been rehabilitated and vegetation has re-established on the disturbed areas the development will blend into the surrounding landscape and will be aligned with the visual character of the area.
Impact significance without mitigation: Medium (-)
Impact significance with mitigation: Low to Very Low (-)

OPERATIONAL PHASE
Concentration of stormwater runoff from road
The construction of the road will result in an increase in stormwater runoff which must be managed. The existing erosion gully is a good example if no stormwater management is implemented on a sloped and disturbed area.
Impact significance without mitigation: Medium (-)
Impact significance with mitigation: Low to Very Low (-)

Temporary and Permanent Job Opportunities
Temporary and / or permanent casual job opportunities may be created to assist in maintaining the property and cleaning of the house. It is expected that 3 to 5 permanent Job opportunities will be created for daily running of the lifestyle farming once completed.
Impact significance without mitigation: Medium Low (+)
Impact significance with mitigation: Medium Low (+)

Impact Assessment conclusion:
From the identified and assessed impacts it is evident that the highest negative impact, Medium, is assigned to the loss of vegetation for the footprint of the house and road. However even though there were no important plant communities, or rare or threatened plant species affected by the construction of the access road the footprint will remain indefinitely transformed for the construction of the road and house.

Due the previous disturbances to the site and level of alien infestation it was determined that the impact to terrestrial biodiversity and animal species were low to very low with no direct impacts to any watercourses as these were avoided in the site selection and the selection of the house platform was that of an already disturbed area. As such, the study area can be considered of low aquatic biodiversity sensitivity. The initial access road upgrading and the subsequent erosion thereof (due to the lack of stormwater management infrastructure) resulting in an erosion gully and consequently the sedimentation of the Kleinbos River (located approximately 200 m east of the partially upgraded road), was determined to have a 'Moderate' risk/ 'Medium low' impact to the river. It is however acknowledged that the duration of this impact was short as no significant sediment deposition is currently noticeable in the active channel of the river.

All specialists inputs recommended that the erosion gully be upgraded as soon as possible, the activities associated there with will have a Low negative impact significance (when undertaken in accordance with an EMPr which will contain the recommended mitigation measures).

The capital expenditure associated with the rehabilitation measures and completion of the construction activities and the temporary job opportunities for the labour used will have a medium positive impact, providing income for those appointed to undertake the activities.

The costs associated with rehabilitating the erosion gully will have a high negative impact on the applicant. The site selected for the house was previously cleared by the neighbouring farmer and the construction of the road was halted before stormwater measures could be implemented.

The current visual impact of the erosion gully has a medium negative impact however this is temporary and will be mitigated to low or very low impact significance once the site has been rehabilitated and vegetation has re-established on site.

If the retrospective Environmental Authorisation is issued the impact associated with the concentration of stormwater runoff will be mitigated to a low or very low impact significance.

Temporary and / or permanent casual job opportunities may be created to assist in maintaining the property and cleaning of the house. This will have a medium to low positive impact to those receiving renumeration for work undertaken on the property.

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.

General Duty of Car will apply and the mitigation measures described in the EMPr will have to be implemented.

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

The applicant is able and willing to undertake the recommended mitigation measures to rehabilitate the erosion gully and to comply with the mitigation measure contained in the EMPr when undertaken the activities to complete the construction activities (if Environmental Authorisation is granted).

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.

The assessment methods are in accordance with the current protocols and the requirements thereof and as such are considered adequate for this assessment. The methodology used by each specialist is included below.

Terrestrial Biodiversity & Terrestrial Animal Species Compliance Statement:

According to the Compliance statement "a field inspection took place on the 6th of April 2022 where the site was inspected on foot. The season, late summer / early autumn, was deemed the appropriate time of year for the field survey."

Methodology

The approach included a desktop assessment as well as a site visit. The methodology broadly entailed the following:

Desktop Assessment:

The desktop assessment entailed the following:

- Review of available GIS layers relating to biodiversity conservation planning e.g. vegetation types, threatened ecosystems, relevant provincial spatial conservation or biodiversity plan, Important Bird Areas (IBAs), Protected Areas Database etc.;
- Review of all relevant literature including distribution data of fauna expected to occur on the site, as well as the conservation status of species; and
- Review of historical satellite imagery obtained from Google Earth © to ascertain historical land use of the study area.

Field Survey:

The field investigation was undertaken on the 6th of April 2022 when terrestrial biodiversity and faunal elements within the study area were assessed. A daytime survey was conducted on foot by meandering through the site for approximately 4 hours. Changes in land cover, habitat, and vegetation were observed and any fauna present on site recorded. Photographs were taken at a series of sample points to illustrate the condition of vegetation, habitat, and representative areas of the site. A total of 12 sample points were photographed and are described in the results section below. Coverage of the study area was deemed to be sufficient.

During the field survey the following aspects pertaining to terrestrial biodiversity and fauna were assessed:

- Current land use of the site and immediate surrounds;
- Current ecological state of habitats on site;
- Presence of terrestrial faunal SCC, protected species, or suitable habitat for such species on site; and
- Significant landscape features, ecological corridors, and landscape connectivity.

Botanical Compliance Statement

Methodology

Site Visit:

The fieldwork for the assessment of the condition and vegetation of the area of interest was undertaken on 6 April 2022 in fine weather.

Photographic waypoints were recorded at the house platform and along the access road using the GAIA GPS app on an iPhone XR. Photographs were also taken using a DSLR camera to support the recorded observations and to aid identification of the plants that were not immediately identified in the field.

Desk-top analysis and reporting:

The photographs obtained in the field as well as available literature, Google Earth Pro ™ and Cape Farm Mapper were used for description of the vegetation presented in this report. The National

Vegetation Map (Mucina et al. 2005; SANBI, 2012; 2018) (referred to as VEGMAP) was used as the 'base-map' to determine the principal original vegetation type.
In addition, the National Web-based Environmental Screening Tool was applied to determine the Relative Plant Species Theme Sensitivity as is required of botanical specialists.

Freshwater Assessment

Please refer to ANNEXURE C: Method of Assessment, of the Freshwater Assessment as it is too extensive to include in this section.

(b) Please describe the assessment criteria used.

The assessment criteria utilised in this environmental impact assessment is based on, and adapted from, the *Guideline on Impact Significance, Integrated Environmental Management Information Series 5* (Department of Environmental Affairs and Tourism (DEAT), 2002) and the *Guideline 5: Assessment of Alternatives and Impacts in Support of the Environmental Impact Assessment Regulations* (DEAT, 2006).

Determination of Extent (Scale):

Site specific	On site or within 100 m of the site boundary, but not beyond the property boundaries.
Local	The impacted area includes the whole or a measurable portion of the site and property, but could affect the area surrounding the development, including the neighbouring properties and wider municipal area.
Regional	The impact would affect the broader region (e.g. neighbouring towns) beyond the boundaries of the adjacent properties.
National	The impact would affect the whole country (if applicable).

Determination of Duration:

Temporary	The impact will be limited to the construction phase.
Short term	The impact will either disappear with mitigation or will be mitigated through a natural process in a period shorter than 8 months after the completion of the construction phase.
Medium term	The impact will last up to the end of the construction phase, where after it will be entirely negated in a period shorter than 3 years after the completion of construction activities.
Long term	The impact will continue for the entire operational lifetime of the development but will be mitigated by direct human action or by natural processes thereafter.
Permanent	This is the only class of impact that will be non-transitory. Such impacts are regarded to be irreversible, irrespective of what mitigation is applied.

Determination of Probability:

Improbable	The possibility of the impact occurring is very low, due either to the circumstances, design or experience.
Probable	There is a possibility that the impact will occur to the extent that provisions must therefore be made.
Highly probable	It is most likely that the impacts will occur at some stage of the development. Plans must be drawn up to mitigate the activity before the activity commences.
Definite	The impact will take place regardless of any prevention plans.

Determination of Significance (without mitigation):

No significance	The impact is not substantial and does not require any mitigation action.
Low	The impact is of little importance, but may require limited mitigation.
Medium	The impact is of sufficient importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels.
Medium-High	The impact is of high importance and is therefore considered to have a negative impact. Mitigation is required to manage the negative impacts to acceptable levels.
High	The impact is of great importance. Failure to mitigate, with the objective of reducing the impact to acceptable levels, could render the entire development option or entire project proposal unacceptable. Mitigation is therefore essential.
Very High	The impact is critical. Mitigation measures cannot reduce the impact to acceptable levels. As such the impact renders the proposal unacceptable.

Determination of Significance (with mitigation):

No significance	The impact will be mitigated to the point where it is regarded to be insubstantial.
Low	The impact will be mitigated to the point where it is of limited importance.
Medium	Notwithstanding the successful implementation of the mitigation measures, the impact will remain of significance. However, taken within the overall context of the project, such a persistent impact does not constitute a fatal flaw.
High	Mitigation of the impact is not possible on a cost-effective basis. The impact continues to be of great importance, and, taken within the overall context of the project, is considered to be a fatal flaw in the project proposal.

Determination of Reversibility:

Completely Reversible	The impact is reversible with implementation of minor mitigation measures
Partly Reversible	The impact is partly reversible but more intense mitigation measures
Barely Reversible	The impact is unlikely to be reversed even with intense mitigation measures
Irreversible	The impact is irreversible and no mitigation measures exist

Determination of Degree to which an Impact can be Mitigated:

Can be mitigated	The impact is reversible with implementation of minor mitigation measures
Can be partly mitigated	The impact is partly reversible but more intense mitigation measures
Can be barely mitigated	The impact is unlikely to be reversed even with intense mitigation measures
Not able to mitigate	The impact is irreversible, and no mitigation measures exist

Determination of Loss of Resources:

No loss of resource	The impact will not result in the loss of any resources

Marginal loss of resource	The impact will result in marginal loss of resources
Significant loss of resources	The impact will result in significant loss of resources
Complete loss of resources	The impact will result in a complete loss of all resources

Determination of Cumulative Impact:

Negligible	The impact would result in negligible to no cumulative effects
Low	The impact would result in insignificant cumulative effects
Medium	The impact would result in minor cumulative effects
High	The impact would result in significant cumulative effects

Determination of Consequence significance:

Negligible	The impact would result in negligible to no consequences
Low	The impact would result in insignificant consequences
Medium	The impact would result in minor consequences
High	The impact would result in significant consequences

(c) Please describe the gaps in knowledge.

(d) Please describe the underlying assumptions.

- It is assumed that all the information provided by the specialists and on which the report is based is correct and valid at the time receipt thereof.
- It is assumed that the proposed mitigation and rehabilitation measures will be implemented and adhered to by all the landowner.

Freshwater Assessment Assumptions and Limitations:

- The determination of the wetland or riparian zone boundaries is confined to the watercourses associated with the study area and is based on a single site visit undertaken on the 8th of April 2022. All watercourses identified within the investigation area were delineated in fulfilment of GN509 of the National Water Act, 1998 (Act No. 36 of 1998) using various desktop methods including the use of topographic maps, historical and current digital satellite imagery, and historical aerial photographs;

- As the partial upgrade of the access road and clearing of the platform already occurred, detailed information pertaining to the initial construction activities is unknown. As such, the construction phase for the road upgrading activities is assessed retrospectively based on the assumed approach to construction at that time and based on an assumed level of mitigation;
- The pre-impact characteristics of the Kleinbos River and the riparian zone are unknown. The ecological assessment as presented in this report is based on the assumed ecological condition of the river before impact, in relation to what the current ecological condition is and the impact there was;
- The geomorphological processes and sediment balance of the Kleibos River are inferred based on the observations made during the site assessment after the impact had occurred. Some misinterpretation of the pre-impact characteristics is possible; however, the analyses is considered sufficiently accurate to allow decision making and further rehabilitation planning to take place.
- Global Positioning System (GPS) technology is inherently somewhat inaccurate and some inaccuracies due to the use of handheld GPS instrumentation may occur. However, the delineations as provided in this report are deemed accurate enough to fulfil the environmental authorisation requirements as well as the implementation of the mitigation measures provided;
- Watercourses and terrestrial zones create transitional areas where an ecotone is formed as vegetation species change from terrestrial to obligate/facultative species. Within this transition zone, some variation of opinion on the watercourse boundaries may occur. However, if the DWAF (2008) method is followed, all assessors should get largely similar results; and
- With ecology being dynamic and complex, certain aspects (some of which may be important) may have been overlooked. However, it is expected that the watercourse has been accurately assessed and considered, based on the field observations and the consideration of existing studies and monitoring data in terms of riparian and wetland ecology.

Terrestrial Biodiversity & Terrestrial Animal Species Compliance Statement Assumptions and Limitations:

- It is assumed that all third-party information used (e.g. GIS data and satellite imagery) was correct at the time of generating this report.
- The survey was restricted to a single site visit conducted during one season (late summer / early autumn), and it is not considered necessary to perform an additional survey.
- The survey was conducted over approximately four hours during the morning.
- Findings, recommendations, and conclusions provided in this report are based on the author's best scientific and professional knowledge as well as information available at the time of compilation.

Botanical Compliance Statement Assumptions and Limitations:

- No limitations were experienced, or assumptions made.

(e) Please describe the uncertainties.

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:		
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		
No activities are currently being undertaken on site. According to the Applicant the contractor was instructed by Mr Dyers the COF of SABH to cease activities and remove machinery from the site on 11 November 2021. Emergency berms were however constructed in the road to try minimise further erosion. We believe that the activity (construction of the road and house) should however be authorised and the erosion gully rehabilitated.		
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.		
• The erosion gully must be rehabilitated in accordance with the Civil engineering technical report whilst implementing the EMPr. The EMPr will contain the mitigation measures recommended by the Specialists. • The river/watercourses must be cleared periodically of alien vegetation. • The mitigation measures and Rehabilitation measures as provided by the specialist and Civil Engineering Technical Report must be implemented; • An Environmental Control Officer (ECO) must be appointed to monitor the site in accordance with the EMPr once approved. • A Stormwater Management (engineering) Plan should be compiled for the proposed house.		

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.

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.		
A Site notice was erected at the start of the access road (point 7 of Figure 2) – 3rd August 2022		
Email Notifications were sent out on 3rd August 2022		
The Application and Appendices were placed on the SES (sescc.net) website		
A newspaper advert was published in the George Herald – 4th August 2022		
Please refer to Appendix G for the proof of PPP		
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.		

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.			
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**
WCG: DEADP: Rectification	No	CA for this application
WCG: DEADP: Development Management	Yes	
WCG: DEADP: Law Enforcement	No	Unsure – likely as the Applicant undertook S24G application on his own accord
DFFE: Biodiversity and Conservation	No	Unsure – Likely as there are no high level impacts to Biodiversity and Conservation and this application is being handled at the local level
Garden Route District Municipality	No	Unsure
WCG: Department of Agriculture	Yes	
Breede-Gouritz Catchment Management Agency	Yes	
Cape Nature	Yes	
South African Civil Aviation Authority	No	Unsure – likely due to no perceivable impacts to civil aviation airspace
George Municipality	No	Unsure
Heritage Western Cape	No	Unsure

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 the C&R Report (Appendix G)

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.**
• **An ECO must be appointed to monitor compliance with the EMPr** • **Stormwater Management Plan for the House must be developed and approved before the development of the house** • **A water use licence or GA registration is required before activities are undertaken within the ZoR (close to watercourses)**

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.

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	
Breede-Gouritz Catchment Management Agency	Mr. L Sodladla	Tel	023 346 8079
		Fax	044 873 2199
		E-mail	lsodladla@bgcma.co.za
WCG: DEADP: Development Management	Dorien Werth	Tel	044 814 2005
		Fax	-
		E-mail	Dorien.Werth@westerncape.gov.za
WCG: Department of Agriculture	C. van der Walt	Tel	021 808 5099
		Fax	021 808 5092
		E-mail	Cor.vanderwalt@westerncape.gov.za
CapeNature	Megan Simons	Tel	087 087 3060
		Fax	044 802 5313
		E-mail	msimons@capenature.co.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.*			
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.*			
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.*			

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: The activity has created temporary and permanent job opportunities to previously disadvantaged individuals who have several dependants to provide for.		

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: The activities resulted in the clearance of indigenous vegetation as well as the reshaping and channelisation of the Cordiers river and its tributaries in the vicinity of the site.		

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 line with the character of the area (Agriculture), feedback regarding the need for any further heritage studies is still to be received from HWC.		

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: No signs of pollution noted or expected as the land will be used for agricultural purposes	

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.	
	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 **not** previously taken against the applicant in respect of the abovementioned provisions.	**X**
	Explanation of all previous administrative action taken in respect of the above:	

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:	

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.	**X**
	Explanation in respect of all previous applications submitted in terms of section 24G:	

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.	**X**
	The applicant is a firm.	
	Describe the firm:	

Index	Any other relevant information that the applicant would like to be considered.
Motivate and explain fully:	

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

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 A1:	**Locality map**	X
Appendix A2:	**Survey of area cleared by neighbouring famer**	X
Appendix B1:	**House Site plan**	X
Appendix B2:	**Road Site plan and Erosion Gully survey**	X
Appendix C:	**Building plans (if applicable)**	X
Appendix D:	**Colour photographs**	X
Appendix E:	**Biodiversity overlay map**	X
Appendix F:	**Water use Registration – Contained within the Title Deeds**	X
Appendix G:	**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 as required in Section J above.**	X
Appendix H:	**H1: Botanical Compliance Assessment** **H2: Freshwater Assessment** **H3: Terrestrial Biodiversity and Animal Species Compliance Statement**	X X X
Appendix I:	**Draft Environmental Management Programme**	X
Appendix J:	**Authority correspondence**	X
Appendix K:	**Certified copy of Identity Document of Applicant and company registration**	X
Appendix L:	**Certified copy of the title deed**	X
Appendix M:	**Civil Engineering Technical Report**	X
Appendix N:	**Screening Tool Report**	X

Where an application has been made in terms of the waste management activities, please complete and annex Annexure 1 as in the following:

Annexures for waste listed activity/ies supporting information		Tick the box if Annexure is attached
Annexure 1	**Waste listed activities supporting information (as in prescribed attached form)**	
Other	(please list accordingly)	

DECLARATIONS

THE APPLICANT

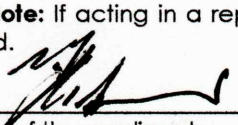
Note: Duplicate this section where there is more than one applicant

- I **Francois Andre Spammer**, in my personal capacity or duly authorised as **Managing Member** (state capacity) by **Octo Trading 377** thereto hereby declare/affirm that all the information contained in this application to be true and correct, and that I:

- am fully aware of my responsibilities in terms of t the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and all relevant specific environmental management Act(s), and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
- appointed the environmental assessment practitioner as indicated above, which meet all the requirements in terms of Regulation 13 of the EIA Regulations to act as the independent Environmental Assessment Practitioner for this application;
- have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
- am aware that I may be issued with a directive and that I must comply with such a directive;
- am fully aware of the administrative fine to be paid before a decision, with respect to the continuation of the listed activity(ies), will be made;
- will be responsible for the costs incurred in complying with the environmental legislation including but not limited to –
    - costs incurred in connection with the appointment of the environmental assessment practitioner or any specialist appointed in terms of Regulation 13 of the EIA Regulations);
    - costs incurred in respect of the undertaking of any process required in terms of this application;
    - costs in respect of any prescribed fee payable in respect of this application;
    - costs in respect of specialist reviews, if the competent authority decides to recover costs;
    - the provision of security to ensure compliance with the applicable management and mitigation measures; and
    - fine costs
- am responsible for complying with the conditions that might be attached to any decision(s) issued by the competent authority;
- have the ability to implement the applicable management, mitigation and monitoring measures; and
- hereby indemnify, the government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible.

am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations, 2014 (

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



Signature of the applicant:

Francois Andre Spammer

Name:

Octo Trading 377

Name of Firm (if applicable):

11 November 2022

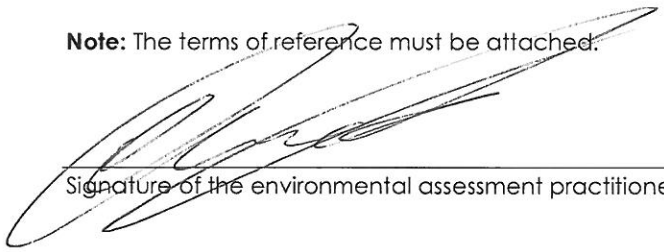
Date:

THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I **Michael Jon Bennett (EAPASA Reg: 2021/3163)**, as the appointed independent environmental practitioner ("EAP") hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- act/ed as the independent EAP in this application;
- regard the information contained in this application to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and the relevant specific environmental management Act(s);
- have and will not have any vested interest in the proposed activity proceeding;
- have disclosed, to the applicant and competent authority, any 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 required in terms of the NEMA, the EIA Regulations, the NEM:WA and any specific environmental management Act(s);
- am able to meet the responsibilities in terms of NEMA, the EIA Regulations (specifically in terms of Regulation 13 of the EIA Regulations, 2014) and any specific environmental management Act, and am fully aware that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the application was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- have ensured that the comments of all interested and affected parties were considered, recorded and submitted to the competent authority in respect of the application;
- have kept a register of all interested and affected parties that participated in the public participation process; and
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.
- am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations

Note: The terms of reference must be attached.



Signature of the environmental assessment practitioner:

Sharples Environmental Services cc

Name of company:

2 November 2022

Date:

PART 4 -

ANNEXURE B - SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)

1. WASTE QUANTITIES

Indicate or specify types of waste and list the estimated quantities (expected to be) managed daily (should you need more columns; you are advised to add more)

Note: In this case of hazardous waste, the National Department of Environmental Affairs is the relevant competent authority to consider the 24G application.

Non-hazardous waste	Total waste handled (tonnes per day)

Source of information supplied in the table above Mark with an "X"

Determined from volumes	
Determined with weighbridge/scale	
Estimated	

1.1. Recovery, Reuse, Recycling, treatment and disposal quantities:

Indicate the applicable waste types and quantities expected to be disposed of and salvaged annually:

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	QUANTITIES		ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE DISPOSAL
		Tons/ Month	M^3/ Month	Method & Location	Method & Location and Contractor details	

2. GENERAL

Prevailing wind direction (e.g. NWW)

November – April	
May - October	

The size of population to be served by the facility:

	Mark with "X"	Comment
0-499		
500-9,999		
10,000-199,999		
200,000 upwards		

LANDFILL PARAMETERS (If applicable)

The method of disposal of waste:

Land-building ☐ Land-filling ☐ Both ☐

The dimensions of the disposal site in metres

	At commencement	**After rehabilitation**

The total volume for the disposal of waste on the site:

Volume Available	Mark with "X"	Source of information (Determined by surveyor/ Estimated)
Up to 99		
100-34 999		
35 000- 3,5 million		
>3,5 million		

The total volume already used for waste disposal on the site:

(a) Will the waste body be covered daily	Yes	No
(b) Is sufficient cover material available	Yes	No
(c) Will waste be compacted daily	No	No

If the answers (a) and/or (b) are No, what measures will be employed to prevent the problems of burning or smouldering of waste and the generation of nuisance?

The Salvage method

Mark with an "X" the method to be used.

At source	
Recycling installation	
Formal salvaging	
Contractor	
No salvaging planned	

Fatal flaws for the site:
Indicate which of the following apply to the facility for a waste management activity:

Within a 3000m radius of the end of an airport landing strip	Yes	No
Within the 1 in 50-year flood line of any watercourse	Yes	No
Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes)	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within an area adjacent to or above an aquifer	Yes	No
Within an area with shallow bedrock and limited available cover material	Yes	No

Within 100 m of the source of surface water	Yes	No
Within 1km from the wetland	Yes	No

Indicate the distance to the boundary of the nearest residential area metres
Indicate the distance to the boundary of the industrial area metres

Wettest six months of the year

November- April
May -October

For the wettest six-month period indicated above, indicate the following for the preceding 30 years

	Total rainfall for 6 months	**Total rainfall for 6 months**	**Total rainfall for 6 months**
For the 1st wettest year			
For the 2nd wettest year			
For the 3rd wettest year			
For the 4th wettest year			
For the 5th wettest year			
For the 6th wettest year			
For the 7th wettest year			
For the 8th wettest year			
For the 9th wettest year			
For the 10th wettest year			

Location and depth of ground water monitoring boreholes:

Codes of the boreholes	**Borehole locality**	**Depth (m)**	**Latitude**	**Longitude**
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "

Location and depth of landfill gas monitoring test pit:

Codes of the boreholes	**Borehole locality**	**Latitude**	**Longitude**
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "

		° ' "	° ' "