



**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. <b>(Note: Failure to meet the Regulation 8 will result in rejection of the application)</b>	X
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 <b>similarly listed</b> activities in terms of the current EIA regulations (if applicable).	X
	2.3. A description of the receiving environment <b>before</b> commences of the activity(ies).	X
	2.4. A description of the receiving environment <b>after</b> 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	X
	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)	
	2.6. Signed declaration forms.	X
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	Y <input type="checkbox"/>
	3.1. If yes, has the specialist assessment report been attached to the application?	X
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).	
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	

8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	
9.	Compliance history of the applicant:	
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply.	
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	X
	10.2 Copies of comments and responses included in the application.	X
	10.2 Comments and Response report attached to the application.	X
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) <b>(if conducted/undertaken)</b>	X



**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. **The contents of this Application Form includes the following:**
  - PART 1 -**
    - Section A: Background Information**
    - Section B: Activity Information**
    - Section C: Description of Receiving Environment**
    - Section D: Need and Desirability**
    - Section E: Alternatives**
    - Section F: Impact Assessment, Management, Mitigation and Monitoring Measures**
    - Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties**
    - Section H: Recommendations of the EAP**
    - Section I: Representations - Response to an Incident or Emergency Situation**
    - Section J: Public Participation Process**
  - PART 2 –**
    - ANNEXURE A of Fine Regulations**
    - Section A: Directives**
    - Section B: Deferral of the Application**
    - Section C: Quantum of the section 24G fine**
    - Section D: Preliminary advertisement**
  - PART 3 –**
    - Appendices and Declarations**
  - PART 4 –**
    - ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**
5. An independent 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 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:
    - o 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
    - o fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
    - o fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
    - o 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.
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**DEPARTMENTAL DETAILS**

Department of Environmental Affairs  
and Development Planning,  
**Directorate:** Environmental Governance  
**Attention:** Sub-directorate: Rectification  
Private Bag X9086  
Cape Town, 8000

Registry Office  
1<sup>st</sup> Floor Utilitas Building  
1 Dorp Street, Cape Town

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

**DEPARTMENTAL REFERENCE NUMBER(S) (for official use)**

File Reference number (S24G)	
Administrative Fine Reference	

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

File Reference number (Enforcement), if applicable	
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**

THE UNLAWFUL CONSTRUCTION OF A DEVELOPMENT WITHIN 100M FROM HIGH WATER MARK OF AN ESTUARY ON PORTION 9 OF FARM VERMAAKLIKHEID 499 AND PORTION 3 OF FARM KLEINEFONTEIN 503, VERMAAKLIKHEID, RIVERSDALE

**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)					X
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)					
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			

<b>Applicant's details</b> (duplicate this section where there is more than one applicant)			
Applicant Name:	Jonathan Gersh		
RSA Identity Number/ Passport Number of Applicant, if natural person:	7004205603082		
Name of Firm (if applicable):	N/A		
Firm Registration Number:	N/A		
Contact Person at the Firm:	N/A		
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below – <b>(In the list below, delete the firms that are not applicable to this application)</b>		
<ul style="list-style-type: none"> <li>● Directors of a company; or</li> <li>● Members of the board; or</li> <li>● Executive committee or other managing body of a corporate body or parastatal; or</li> <li>● Members of close corporation; or</li> <li>● Partners of a partnership; or</li> <li>● Trustees of a trust</li> </ul>	Name:		
	RSA ID No.		
	Name:		
	RSA ID No.		
	Name:		
	RSA ID No.		
	Name:		
	RSA ID No.		
	Name:		
	RSA ID No.		
Postal address:			
		Postal code:	
Telephone: ( )		Cell:	
E-mail:		Fax:	( )
<b>Project Consultant</b>			
Contact person:			
Postal address:			
		Postal code:	
Telephone: ( )		Cell:	
E-mail:		Fax:	( )
<b>Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:</b>	Clinton Geysler		
Company name (if any):	EnviroAfrica		
Postal address:	P. O. Box 5367, Helderberg		
		Postal code:	7446
Telephone:	( 021)851 1616	Cell:	
E-mail:	clinton@enviroafrica.co.za	Fax:	( )
EAP Qualifications	Clinton Geysler – MSc: Geography and Environmental Management		
EAP Registrations/Associations	Clinton Geysler: 2021/3287		
<b>Name of the Landowner:</b>	Same as Applicant		
Name of the contact person for the land owner (if other):			
Postal address:			
		Postal code:	
Telephone: ( )		Cell:	
E-mail:		Fax:	( )

Person in control of land:			
Contact person:			
Postal address:			
		Postal code:	
Telephone: ( )		Cell:	
E-mail:		Fax: ( )	

**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:	Hessequa Local Municipality		
Contact person, if known:	P.J. Louw / Lelanie Steyn		
Postal address:			
		Postal code:	
Telephone	028 713 8000	Cell:	
E-mail:		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):	Vermaaklikheid
Farm/Erf name(s) & number(s) including portion(s)	Remainder Portion 9 of Farm Vermaaklikheid No. 499 – illegal structures Portion 3 of Farm Kleinefontein No. 503 – floating jetty
Property size(s) (m <sup>2</sup> )	234.5ha - Remainder Portion 9 of Farm Vermaaklikheid No. 499 20.3ha - Portion 3 of Farm Kleinefontein No. 503
Development footprint size(s) (m <sup>2</sup> )	
SG21 Digit code(s)	C06400000000049900009 C06400000000050300003

**Property boundary:**

Point	Latitude (S)	Longitude (E)
1	° ' " South	° ' " East
2	° ' " South	° ' " East
3	° ' " South	° ' " East
4	° ' " South	° ' " East

**The co-ordinates for the site boundary are:**

Point	Latitude (S)	Longitude (E)
1 – Main area	<b>34° 19' 44.00"</b> South	<b>21° 01' 40.20"</b> East
2 - Jetty	<b>34° 19' 46.15"</b> South	<b>21° 01' 17.85"</b> East
3	° ' " South	° ' " East
4	° ' " South	° ' " East



**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:	N/A		
Magisterial District or Town:	Riversdale		
Closest City/Town:	Witsand	Distance	19km
Zoning of Property:	Agriculture 1		

**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:	<p>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:</p> <ul style="list-style-type: none"> <li>• an accurate indication of the project site position as well as the positions of the alternative sites, if any;</li> <li>• road names or numbers of all the major roads as well as the roads that provide access to the site(s)</li> <li>• a north arrow;</li> <li>• a legend;</li> <li>• the prevailing wind direction; and</li> <li>• 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)</li> </ul>	
Landowner(s) Consent:	<p>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.</p> <p><b>Note:</b> 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 <i>Infrastructure Development Act, 2014 (Act No. 23 of 2014)</i>.</p>	

**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)		
<ul style="list-style-type: none"> <li>• <b>Consent Use</b> to allow Tourist accommodation on the subject property, as per surveyed Site Development Plan in terms of Section 15(2)(o) of the Hessequa Municipal Planning By-law 2015.</li> <li>• <b>Permanent Departure</b> of the southern boundary building line from 30m to 11.19m, to allow for the existing building, in terms of Section 15(2)(b) of the Hessequa Municipal Planning By-law 2015.</li> <li>• <b>Permanent Departure</b> of the western boundary building line from 30m to 11.92m, to allow for the existing wooden deck, in terms of Section 15(2)(b) of the Hessequa Municipal Planning By-law 2015.</li> </ul>		
Which authority considered the application:		
Hessequa Municipality		
Has <u>any</u> one of the previous application/s on the property been approved <b>or</b> 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.
In process, pending this application

**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):** Jonathan Gersch

**Signature:** 

**Place:** Newlands

**Date:** 20 March 2024

**EAP (Full names):** Clinton Geyser

**Signature:** 

**Place:** Somerset West

**Date:** 21 March 2024

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

1.1 Applicable EIA listed activities

<b>ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002</b>			
<b>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</b>			
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
<b>ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006</b>			
<b>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,</b>			
<b>NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010</b>			
<b>Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA</b>			
GN R386 Activity No(s): <b>(Listing Notice 1 of 2006)</b>	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 No(s): <b>(Listing Notice 2 of 2006)</b>	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

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): <b>(Listing Notice 1 of 2010)</b>	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
16	<p>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –</p> <ul style="list-style-type: none"> <li>(i) fixed or floating jetties and slipways;</li> <li>(ii) tidal pools;</li> <li>(iii) embankments;</li> <li>(iv) rock revetments or stabilising structures including stabilising walls;</li> <li>(v) buildings of 50 square metres or more; or</li> <li>(vi) infrastructure covering 50 square metres or more –</li> </ul> <p>but excluding</p> <ul style="list-style-type: none"> <li>a. if such construction or earth moving activities will occur behind a development setback line; or</li> <li>b. where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;</li> <li>c. where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i) -(vi) above; or</li> </ul> <p>where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.</p>	<p>The buildings and infrastructure, exceeding 50m<sup>2</sup>, were constructed within 100m of the HWM.</p>	<p>2013. The floating jetty was placed in 2021</p>
18	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</p> <ul style="list-style-type: none"> <li>(i) a watercourse;</li> <li>(ii) the sea;</li> <li>(iii) the seashore;</li> <li>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high - water mark of the sea or an estuary, whichever distance is the greater</li> </ul>	<p>The building included removal and moving of material, exceeding 5 cubic meters, within a watercourse (part of the site is located within an area identified as a wetland on the CBA maps), and within 100m of the HWM of the estuary.</p>	<p>2013</p>

	<p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <p>a. is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</p> <p>b. occurs behind the development setback line.</p>		
GN No. R. 545 Activity No(s): <b>(Listing Notice 2 of 2010)</b>	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): <b>(Listing Notice 3 of 2010)</b>	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
5	<p>The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people.</p> <p>In Western Cape:</p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>iii. Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined;</li> <li>iv. Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</li> </ul>	<p>The development can accommodate up to 9 people, and is located within 100m of the Duiwenhoks River.</p> <p><b>However, this may not be applicable as the intention to use the buildings for self-catering tourism was only decided in 2015. The buildings were not initially constructed for tourism purposes.</b></p>	
<b>NEMA EIA Contraventions: on or after 08 December 2014</b>			
<b>Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>			
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	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): <b>(Listing</b>	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

<b>Notice 2 of 2014)</b>			
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2014)</b>	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:

<b>Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013</b>			
<b>Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008</b>			
GN No. 718 – Category A Activity No(s):	Describe the relevant <u>Category A</u> 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 <u>Category B</u> 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

<b>Waste Management Activity Contraventions: On or after 29 November 2013</b>			
<b>Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,</b>			
GN No. 921 - Category A Activity No(s):	Describe the relevant <u>Category A</u> 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 <u>Category B</u> 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 promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	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.
17	<p>Development;</p> <p>(i) in the sea;</p> <p>(ii) in an estuary;</p> <p>(iii) within the littoral active zone;</p> <p>(iv) in front of a development setback; or</p> <p>(v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater,</p> <p>In respect of;</p> <p>(a) fixed or floating jetties and slipways;</p> <p>(b) tidal pools;</p> <p>(c) embankments;</p> <p>(d) rock revetments or stabilising structures including stabilising walls; or</p> <p>(e) infrastructure or structures with a development footprint of 50 square metres or more</p> <p>but excluding:</p> <p>(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) 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;</p> <p>(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</p> <p>(dd) where such development occurs within an urban area.</p>	<p>A residential dwelling, used as a self-catering accommodation (sleeps less than 15 persons) consisting of 3 bedrooms, kitchen/ lounge, wooden deck, swimming pool.</p> <p>Only 1 bedroom, portion of a second bedroom, the kitchen/lounge and the swimming pool and deck have been constructed within 100m of the HWM, and exceeds 50m<sup>2</sup>.</p> <p>A floating jetty as also been placed on the bank of the estuary.</p>
19	<p>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</p>	<p>The site is partly within an area identified as an Aquatic CBA (wetland) on the CBA maps, although the development footprint is not within an area that can be identified as a wetland. The construction of the development would have included the excavation, removal and moving of soil and sand exceeding</p>

	<p><u>watercourse</u>;                  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; or                  (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.</p>	<p>10cubic meters.</p>
<p>19A</p>	<p>The infilling or depositing of any material                  of more than 5 cubic metres into, or the                  dredging, excavation, removal or moving                  of soil, sand, shells, shell grit, pebbles or                  rock of more than 5 cubic metres from                  (i) the seashore; or                  (ii) the littoral active zone, an estuary                  or a distance of 100 metres inland of                  the high-water mark of the sea or an                  estuary, whichever distance is the                  greater                  (iii) the sea</p> <p>but excluding where such infilling,                  depositing, dredging, excavation, removal                  or moving;                  (f) will occur behind a development                  setback;                  (g) is for maintenance purposes                  undertaken in accordance with a                  maintenance management plan; or                  (h) falls within the ambit of activity 21                  in this Notice, in which case that                  activity applies.                  (i) occurs within existing ports or                  harbours that will not increase the                  development footprint of the port or                  harbour; or</p> <p>Where such development is related to the                  development of a port or harbour, in                  which case Activity 26 of Listing Notice 2                  of 2014 applies</p>	<p>The construction of the development would have                  included the excavation, removal and moving of soil                  and sand within 100m of the HWM of the estuary.</p>
<p>GN No. R.                  325 Activity                  No(s):  <b>(Listing</b></p>	<p>Describe the relevant listed activity(ies) in                  writing as per GN No. R.325 of 2014                  ("NEMA 2014 Scoping/EIA listed                  activity/ies")</p>	<p>Describe the portion of the development as per the                  project description that relates to the applicable listed                  activity.</p>

<b>Notice 2 of 2014)</b>		
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2014)</b>	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.

**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 <u>as well as</u> the original date of commencement if the application is an upgrade.	New	Upgrade
The development is a new development, and commenced in 2013. The jetty was constructed in 2021.		

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.
The development is completed. See below description of the buildings.

(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.).	YES	<input checked="" type="checkbox"/>
Buildings		
Provide brief description:		
<p>The development includes the construction of the following residential structures used for self-catering tourism accommodation (operating as Thorn and Feather) on Portion 9 of Farm Vermaaklikheid No. 499:</p> <ul style="list-style-type: none"> <li>- Main building (Kitchen and lounge)</li> <li>- Swimming pool</li> <li>- wooden decks</li> <li>- 3 separate bedrooms</li> <li>- Communal bathroom</li> </ul> <p>Only the main building, swimming pool and their decks, 1 complete bedroom, 1 partial building and the communal bathroom are within 100m of the HWM of the Duiwenhoks River estuary. The following indicates the development footprints of the development within 100m of the HWM:</p> <ul style="list-style-type: none"> <li>- Main building (Kitchen and lounge) – 77m<sup>2</sup></li> <li>- wooden decks including swimming pool – 80m<sup>2</sup></li> <li>- bedroom 1 – only 6m<sup>2</sup> within 100m of the HWM</li> <li>- bedroom 3 – 15m<sup>2</sup></li> <li>- Communal bathroom – 33m<sup>2</sup></li> </ul> <p>The total development footprint within 100m of the HWM is 211m<sup>2</sup>. The total development is approximately 257m<sup>2</sup>.</p>		



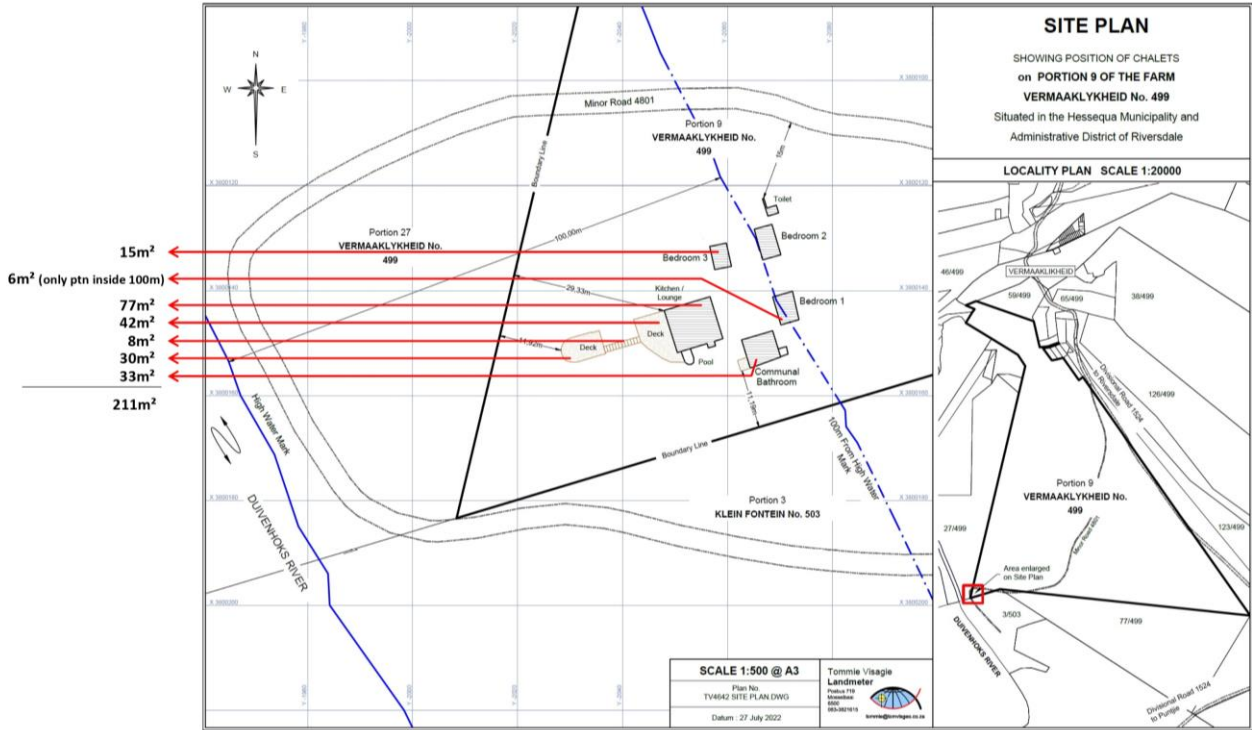


Figure 1: Site Plan showing the development footprint areas within 100m of the High-Water Mark (HWM).

A floating jetty and a ~50m pathway from the access road was constructed on Portion 3 of Farm Kleinfontein No. 503, to provide access to the Duiwenhoks River for activities for the guests.

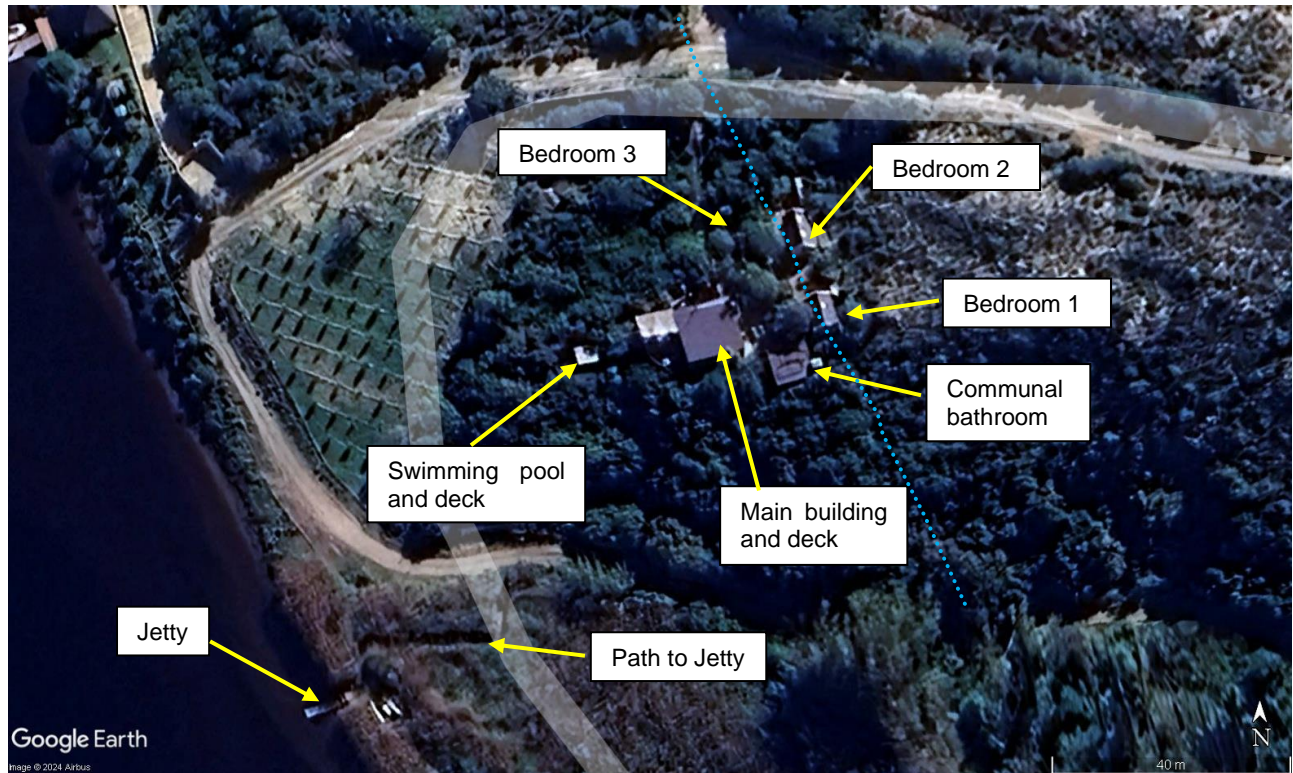


Figure 2: Google Earth image showing the various components of the development. The approximate 100m HWM is indicated by the blue dashed line.



Figure 3: Swimming pool and deck



Figure 4: Main building and deck



Figure 5: Communal bathroom



Figure 6: Bedroom 1



Figure 7: Bedroom 2



Figure 8: Bedroom 3



Figure 9: Pathway to jetty



Figure 10: Floating jetty



Figure 11: Floating jetty

Infrastructure (e.g. roads, power and water supply/ storage)	YES	
Provide brief description:		
<p>The existing access road is in use (MR4801). No additional roads have been constructed.</p> <p>Power is 100% off-grid and supplied by roof-mounted solar panels.</p> <p>All bathrooms are serviced by septic tanks. Water-borne sewage is collected in a septic tank. The treated sewage effluent is disposed of underground with a soak-away system. Washing wastewater collected by grey water systems.</p> <p>Water for the kitchen and the bathroom is entirely dependent on rainwater harvesting from the storeroom across the access road. Rainwater from the roof is collected in 3 plastic containers (jo-jo tanks), each with a capacity of 5000 litres. From the tanks it is piped into the house and into the bathrooms.</p> <p>Guests are provided with commercially available bottled drinking water.</p> <p>Supplementary water (mostly for the swimming pool and irrigation) is sourced from a "oog" (small fountain) on the neighbouring farm and piped and pumped to various jojo tanks on the property.</p>		
Processing activities (e.g. manufacturing, storage, distribution)		NO
Provide brief description:		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)		NO
Provide brief description		
Storage and treatment facilities for solid waste and effluent generated by the project		No
Provide brief description		
(d) Other activities (e.g. water abstraction activities, crop planting activities)		No
Provide brief description		

**3. PHYSICAL SIZE OF THE ACTIVITY**

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	~257 m <sup>2</sup>
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	
Total area:	~257 m <sup>2</sup>

**4. SITE ACCESS**

Was there an existing access road?	YES	
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:		
Access to the property is from a gravel road (MR4801) that branches from DR1524 to Riversdale/Stilbaai.		

**Please Note:**

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

**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 note:**

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

**6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES**

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

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (if already obtained):
Section 15(2)(o) of the Hessequa Municipal Planning By-law 2015.	Hessequa Municipality	Consent Use	In process

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
<p>DEADP Guidelines - All guidelines were consulted and adhered to when undertaking this Impact Assessment Report, including but not limited to:</p> <ul style="list-style-type: none"> <li>- DEA&amp;DP’s Circular EADP 0028/2014: One Environmental Management System</li> <li>- EIA Guideline and Information Document Series</li> <li>- Guideline on Public Participation</li> <li>- Guideline for Environmental Management Plans</li> <li>- Guideline for Involving Biodiversity Specialists in EIA processes.</li> <li>- Guideline on Alternatives</li> <li>- The Guideline on Need and Desirability</li> </ul>	DEADP

**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.		
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

<b>To be confirmed</b>		
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	
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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)
Consent Use and Departure in terms of Section 15(2)(o) of the Hessequa Planning By-law 2015	Hessequa Municipality	Yes	Pending
Sea Shore Lease	CapeNature	Not yet	

## SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

### Site/Area Description

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

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

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

GRANITE		QUARTZITE	
SHALE		DOLOMITE	
SANDSTONE	X	DOLERITE	
OTHER (specify)			

#### 2. GRADIENT OF THE SITE

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

Flat	Flatter than 1:10	1:10 – 1:5	Steeper than 1:5
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#### 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
<b>If other, please describe</b>									
The site is located on the downslope of a ridgeline, as it slopes towards the Duiwenhoks River. The jetty is located on the banks of the Duiwenhoks River estuary.									

#### 4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

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

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

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



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

Shallow water table (less than 1.5m deep)	<del>YES</del>	NO	UNSURE
Seasonally wet soils (often close to water bodies)	<del>YES</del>	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	<del>YES</del>	NO	UNSURE
Dispersive soils (soils that dissolve in water)	<del>YES</del>	NO	UNSURE
Soils with high clay content	<del>YES</del>	NO	UNSURE
Any other unstable soil or geological feature	<del>YES</del>	NO	UNSURE
An area sensitive to erosion	<del>YES</del>	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	<del>NO</del>	UNSURE
Non-Perennial River	YES	<del>NO</del>	UNSURE
Permanent Wetland	YES	<del>NO</del>	UNSURE
Seasonal Wetland	<del>YES</del>	NO	UNSURE
Artificial Wetland	<del>YES</del>	NO	UNSURE
Estuarine / Lagoonal wetland	YES	<del>NO</del>	UNSURE

**5.2 S****5.3 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	<del>NO</del>	UNSURE
Non-Perennial River	YES	<del>NO</del>	UNSURE
Permanent Wetland	YES	<del>NO</del>	UNSURE
Seasonal Wetland	<del>YES</del>	NO	UNSURE
Artificial Wetland	<del>YES</del>	NO	UNSURE
Estuarine / Lagoonal wetland	YES	<del>NO</del>	UNSURE

**6. VEGETATION AND/OR GROUND COVER**

**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](mailto: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	X	Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:		Describe the vegetation type above: <b>Canca Limestone Fynbos</b>		Describe the vegetation type above:	
Provide ecosystem status for above:		Provide ecosystem status for above: <b>Least Concern</b>		Provide Ecosystem status for above:	
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe	
Bare soil		Building or other structure		Sport field	
Other (describe below)		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 (NNA)	According to 2017 Western Cape Biodiversity Spatial Plan (WCBSP) for the Hessequa Municipality: <ul style="list-style-type: none"> <li>- The jetty is located within an aquatic CBA (CBA: Estuary)</li> <li>- Part of the site is within an aquatic CBA (CBA: Wetland)</li> <li>- Part of the site is with Terrestrial CBA (CBA: Estuary)</li> <li>- The site is partly within an area identified as a wetland on the NFEPA maps.</li> </ul>



Figure 12: Critical Biodiversity Areas Map

(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	95%	The forest patch at Thorn & Feather was still almost intact, and almost without any invasive species (apart from the occasional <i>Acacia cyclops</i> on the upper slopes).  The footpath to the jetty runs through a dense stand of reeds dominated by <i>Phragmites australis</i> with the occasional <i>Cyperus papyrus</i> as well as a number of weedy species in the undergrowth. The reedbed itself are considered to be in relatively good condition, although the presence of the <i>Populus</i> trees (on the river bank) and weedy herbs detract from its value.
Near Natural (includes areas with low to moderate level of alien invasive plants)	5%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	%	

- (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

According to the Botanical and Biodiversity Assessment (**Appendix H1**), according to the 2018 Vegetation map of South Africa, Lesotho and Swaziland (Mucina & Rutherford, 2006-2018), the development footprint(s) would have impacted on **Canca Limestone Fynbos**, while the access path to the river would have impacted on Non-terrestrial (Estuary Vegetation). Canca Limestone Fynbos are classified as “Least Threatened” in terms of the “*Revised National list of ecosystems that are threatened and in need of protection*” (GN. No. 2747 of 18 November 2022).

The buildings had been constructed on the lower almost south facing slope of the limestone plateau as it drops down towards the Duiwenhoks River and is typical of valley-bottom Wetlands Albany Thicket. On this slope a deeper sandy soil (probably a more neutral soil) were found which supported a dense thicket vegetation dominated by evergreen, sclerophyllous trees, shrubs and vines (many of which have stem spines) and without a conspicuous grassy ground layer (the green area in Figure 13). Protected from fire and within the valley bottom the tree and tall shrub elements had over time grown into a dense thicket.

On farm Kleinefontein No. 503/3 where the footpath and small floating jetty was constructed the vegetation was a typical reedbed, which was subject to occasional flooding (the yellow area in Figure 13), forming part of the estuary wetland area.

Unlike, at most the immediate neighbouring properties where these Wetlands Albany Thicket pockets had been reduced to single trees, the forest patch at Thorn & Feather was still almost intact, and almost without any invasive species (apart from the occasional *Acacia cyclops* on the upper slopes). The tree component showed a close affinity with Hartenbos Dune Thicket and is dominated by *Olea exasperata* and *Buddleja saligna* in combination with a number of other trees and shrubs such *Brachylaena discolor*, *Cunonia capensis* (rooiels), *Cassine peragua*, *Gymnosporia heterophylla*, *Pterocelastrus tricuspidatus*, *Searsia longispina* and *Sideroxylon inerme*.

In between these trees and within the undergrowth smaller plants and climbers such as *Asparagus aethiopicus*, *Azima tetraantha*, *Cynanchum obtusifolium* (melktou), *Myrsine africana* (boxwood) and *Tetragonia fruticosa* was also common, with the climber *Cynanchum obtusifolium* sometimes forming a dense growth on the edges of the tree canopy.

Towards the upper slopes the soils are shallower and the vegetation changes to Canca Limestone Fynbos. In these areas, species such as *Berkheya coriacea*, *Clutia alaternoides*, *Gnidia squarrosa*, *Polygala myrtifolia* and *Searsia glauca* was observed, while on the more disturbed southern edge of the thickets (near the wetland area) species like *Anisodonteia scabrosa*, *Helichrysum patulum*, *Leonotis leonurus* and *Pelargonium capitatum* were also occasionally observed. A small footpath and a floating jetty on Farm Kleinefontein 503/3 was constructed in order to reach the waterfront. The footpath runs through a dense stand of reeds dominated by *Phragmites australis* with the occasional *Cyperus papyrus* as well as a number of weedy species in the undergrowth.

A number of weedy species was associated with the disturbed edge (inland edge) of this reedbed next to the entrance road to Kleinefontein. In areas this edge was dominated by the alien invasive tree *Populus* species, with other weeds like *Cirsium vulgare*, *Gomphocarpus fruticosus*, *Ricinus communis* (kasterolieboom), and *Solanum linnaeanum* also commonly observed. The occasional indigenous Soetdoring (*Vachellia karroo*) was also encountered.

The reedbed itself are considered to be in relatively good condition, although the presence of the *Populus* trees (on the river bank) and weedy herbs detract from its value.

Please refer to Table 8 of Appendix H1 for the list of plant species encountered.

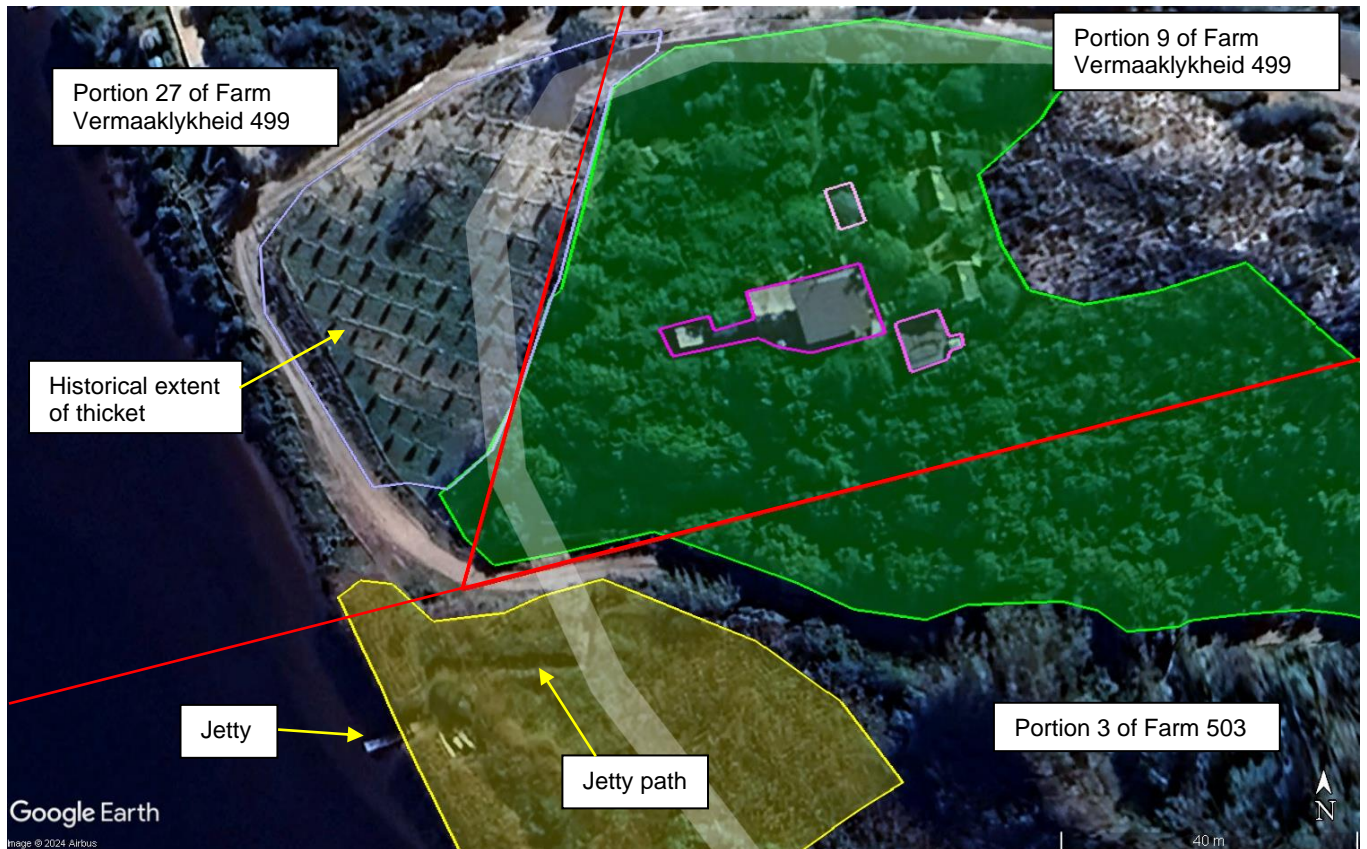


Figure 13: Google Earth image showing the infrastructure (pink polygons) in relation to the thicket (green) and reedbed (yellow) vegetation. Purple area indicates the historical extent of the thicket (Figure 8 of Appendix H1).

### Aquatic Ecosystem

Part of the development footprint (deck and swimming pool) is partly within an area identified as a Natural Wetland on the NFEPA overlays. However, this does not appear to be the case, and no wetland features were identified here. According to the Estuary Report (**Appendix H2**), this part of the farm is in the Canca Limestone Fynbos and not in the estuarine zone at all.

The site is located near the Duiwenhoks River estuary (nearest development footprint is within 65m of the banks of the river). The jetty and jetty path are located on the banks of the Duiwenhoks River.

According to the Estuary Report (**Appendix H2**), the Duiwenhoks River rises on the high peaks and ridges of the Langeberg Mountains from where it flows to the south into the Southern Indian Ocean on the southern seaboard of the Western Cape.

The southern slopes of the mountains are proclaimed nature reserves and mountain catchment areas, with patches of Afromontane forests. The foothills and the upper catchment are heavily farmed with dairy, fruit and cash crops.

Downstream on the coastal flats the undulating landscape has deeply incised valleys. The area is heavily farmed with wheat and canola. Farm animals such as sheep are prevalent on planted pastures. The valleys with bottom drainage lines are too steep to be ploughed over and may carry a dense stand of natural shrubland vegetation. The catchment is heavily infested in many places with black wattle *Acacia mearnsii*.

Close to the ocean adjacent to the shore is a narrow strip of natural Fynbos, still well-preserved and mostly unimpacted. This strip is separated from the inland farming activities by land that is heavily infested by rooikrans *Acacia cyclops*.

The estuary is 11km long. It is permanently open to the sea with a perpetual tidal exchange. The estuary is in a deep valley with steep sides. The bottom of the valley is wide in places, with a band of tidal flats.

There are strips and patches of *Phragmites* reeds, which are maintained and supported with fresh water, mainly ground water, that flow in from the drainage lines. One such patch of reeds is in front of Farm 499 and is of importance to this application. This is one of many such stands of reeds along the middle estuary.

The intertidal flats carry the full complement of burrowing and benthic organisms that can be expected in such a habitat (Duiwenhoks Estuary Management Plan, 2019). Likewise, it hosts many species of birds including palearctic waders that feed on these benthic invertebrates. Many species of fish have been recorded, some of which depend on the estuary as a nursing ground.

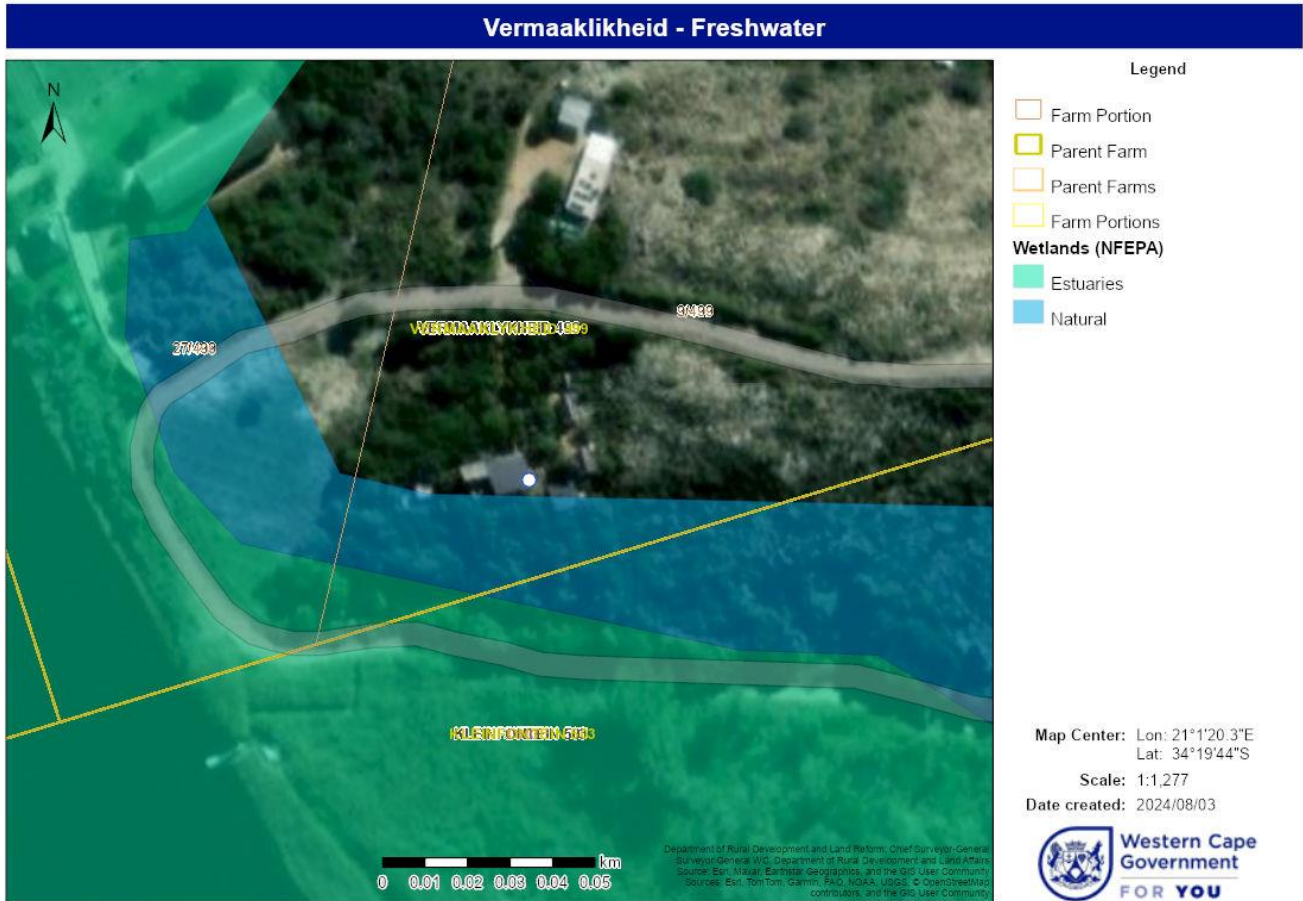


Figure 14: NFEPA Map of the site (Source: CapeFarmMapper)

**6.2 VEGETATION AND/OR GROUND COVER (POST-COMMENCEMENT)**

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

Indigenous Vegetation - good condition	Indigenous Vegetation with scattered aliens	X	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:	Describe the vegetation type above: <b>Canca Limestone Fynbos,</b>		Describe the vegetation type above:
Provide ecosystem status for above:	Provide ecosystem status for above: <b>Least Concern</b>		Provide Ecosystem status for above:
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe

Bare soil	Building or other structure	Sport field
Other (describe below)	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	90%	Vegetation conditions similar to pre-commencement. Although the development has resulted in the loss of about 3% of the original thicket, the applicant has conducted extensive alien vegetation clearing on the property.
Near Natural (includes areas with low to moderate level of alien invasive plants)	<5%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	<5%	

(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

According to the Botanical and Biodiversity Assessment (**Appendix H1**), according to the measurements provided, the unlawful building development (swimming pool area, kitchen/lounge area, bathroom area and the one bedroom) resulted in a disturbance footprint of about 257 m<sup>2</sup>. The size of the remaining thicket area at the foothills of the limestone escarpment in at this point (including the thicket area on Farm Kleinefontein No. 503/3) is estimated to be about 9 647 m<sup>2</sup> in extent (this relates an about 3% impact on the thicket patch).

Historical google images shows that up until about 2017, this thicket patch (south of the entrance road, had stretched northwards up to the entrance road (purple area in Figure 13). The additional area (located on Farm Vermaaklikheid 499/27, the neighbouring property) would have added another almost 2 200 m<sup>2</sup> to overall size of the thicket patch south of the entrance road. Unfortunately, this area was cleared around 2020 and then planted to orchards (olive trees), reducing the original thicket patch (south of the entrance road) by about 18% (a much more destructive result in terms of the thicket vegetation, than that caused by the Thorn & Feather accommodation).

In extent the impact associated with the development within the thicket vegetation is about 257 m<sup>2</sup> or about 3% of the remaining thicket patch in direct impact. Because of the way in which the layout was designed (to minimize the impact on the natural veld) and the sensitive way in which it was placed (to include the indigenous thicket as part of the layout), not only the direct impact on the natural vegetation, but also the cumulative impacts was significantly reduced (in relations to any normal dwelling or holiday development). It was clear that a great deal of thought went into the design and that construction was done with great care – all of which shows a keen objective to minimise the disturbance footprint and integrating the structures into the thicket patch.

Similarly, the impact on within the reedbed area was reduced to a small footpath and a small opening next to the jetty (for storing canoe's). All of these features can be described as temporary in that it will be easy to remove or will be reclaimed by the reedbed if let unattended. The jetty itself is a floating platform anchored to wooden poles with a small wooden deck to allow access to the jetty. Again, the design and way it was constructed, shows a keen interest towards minimizing the impact on the environment.

Aquatic Ecosystem

According to the Estuary Report (**Appendix H2**), the development on Farm 499 already exists and is a completed and functioning residential and holiday destination. No additional construction or development is planned. The development will hopefully last into perpetuity. No dismantling or rehabilitation are currently planned or required. As such, possible impacts can therefore be only from the current operational phase.

The impacts from the operation are limited and small if compared to the major impacts from elsewhere in the catchment and along the estuary.

The treated sewage effluent from the septic tank and soak-away system must be properly managed and maintained. Treated effluent must not be allowed to surface from underground and then find its way into the estuary. This has never happened before. The situation should be kept this way.

The path to the jetty through the reeds must not be expanded or enlarged in any way. All care must be taken that the reeds remain in a healthy condition. Likewise, the storage area for the canoes must be kept the way it is now and must not be expanded any further. The path through the trees and thicket from the main house to the reeds must be properly maintained and not expanded. Erosion because of stormwater must be addressed and mud and sand must not be allowed to wash into the estuary.

Likewise, the access road to the property must be maintained. This would probably be a combined effort from all the landowners along that reach of the estuary.

Over-fishing and fishing over and above the allowed the official bag limits must not be allowed. Guests at this holiday destination must be made fully aware of the conservation requirements if it comes to fishing. Moreover, a culture of catch-and-release must be cultivated. This is particularly important for target species such as kabeljou, which are prone to over-fishing. The house rules of this establishment could do much towards conservation.

The jetty has a negligible impact. It is small, floating, moored on the side and with no instream mooring on the bottom. From an ecological point of view, it would make little if any difference if the jetty is to remain or removed. There may be administrative or legal reasons why the decision-makers would want to have it removed. Likewise, holiday makers launching their canoes from the jetty or swimming from the jetty makes little material difference to the estuary's ecology. If ever the jetty is to be upgraded, a set of municipal and governmental issues

**6.3 VEGETATION / GROUND COVER MANAGEMENT**

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

The layout and design of the buildings, including the pathways routes, were designed to minimise the loss of indigenous vegetation. The thickets are an important element to the feel and intent of the activity as an eco-tourism development.

The applicant is also extensively active in not only removing alien vegetation from the property, but also growing and replanting indigenous vegetation in and around the development and property.

**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):				

(a) Please provide a description.

Although the property is zoned Agricultural, no such activities were taking place on the property. The site of the development is Untransformed.

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

Cross out ("X") 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 ("X") 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):	
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## 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.

Vermaaklikheid is a small community with a high unemployment rate. Eco-tourism is one of the largest employers in the area.

According to the motivation report (Appendix M), the subject property is a farm located outside of the small town of Vermaaklikheid. The role of Vermaaklikheid according to the SDF is that of a residential and holiday settlement with limited functions (SDF, 2013, p. 189).

The SDF promotes the development of tourism related land uses and accommodation on agricultural land and recognises the economic advantages it holds (SDF, 2013, p. 76).

The existing tourist accommodation, *Thorn & Feather* is in line with Strategy S11 (p.77) as it will assist in stimulating the development of tourism related land uses to provide thrust to the growing tourism industry, but with consideration of the guidelines to protect the rural character.

### 10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)

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

The development provides permanent employment to two local women, who are the prime income earners to their respective families.

The development also provided temporary employment opportunities during the construction period, mostly to local artisans and contractors. Further maintenance is also provided to these artisans and contractors.

Local workers are also employed for the extensive alien clearing operations on the property.

## 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 m<sup>2</sup> 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 m<sup>2</sup> 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	
		UNCERTAIN	
If YES, explain:	<p><b>Section 38(1)(c)</b> Any development or activity that will change the character of a site:  <b>(i)</b> exceeding 5 000m<sup>2</sup> in extent.</p>		
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?			NO
		UNCERTAIN	
If YES, explain:	<p>A Notice of Intent was submitted to Heritage Western Cape on 03 December 2023.                  Final Comment, dated 01 February 2024 was received with the following response:  <i>You are hereby notified that, since there is no reason to believe that the unauthorized floating jetty and tourism development within 100m of the highwater mark of an estuary on Portion 9 of Farm 499, Vermaaklikheid on Portion 9 of Farm 499, Vermaaklikheid, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</i>  <i>However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.</i></p>		
Was any building or structure older than 60 years affected in any way?			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		NO	UNSURE	
An area within 100m of the high water mark of an estuary/lagoon	YES		UNSURE	
An area within the littoral active zone		NO	UNSURE	
An area in the coastal public property		NO	UNSURE	
Major anthropogenic structures		NO	UNSURE	
An area within a Coastal Protection Zone		NO	UNSURE	
An area seaward of the coastal management line		NO	UNSURE	
An area within the high risk zone (20 years)		NO	UNSURE	
An area within the medium risk zone (50 years)		NO	UNSURE	
An area within the low risk zone (100 years)		NO	UNSURE	
An area below the 5m contour		NO	UNSURE	
An area within 1km from the high water mark of the sea		NO	UNSURE	
A rocky beach		NO	UNSURE	
A sandy beach		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		Please explain
The building is permitted in terms of the property's existing land use rights, however, to be used for tourism accommodation, a Consent Use Application is in the process of being applied for.			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
The development is an eco-tourism activity within the Vermaaklikheid area, identified as residential and holiday settlement with the municipal SDF.			
Urban edge / Edge of Built environment for the area			
		NO	Please explain
The development is outside the Urban Edge			
Integrated Development Plan of the Local Municipality	YES	NO	Please explain
Spatial Development Framework of the Local Municipality			
	YES	NO	Please explain
According to the motivation report, the subject property is a farm located outside of the small town of Vermaaklikheid. The role of Vermaaklikheid according to the SDF is that of a residential and holiday settlement with limited functions (SDF, 2013, p. 189).			
The SDF promotes the development of tourism related land uses and accommodation on agricultural land and recognises the economic advantages it holds (SDF, 2013, p. 76).			
The existing tourist accommodation, <i>Thorn &amp; Feather</i> is in line with Strategy S11 (p.77) as it will assist in stimulating the development of tourism related land uses to provide thrust to the growing tourism industry, but with consideration of the guidelines to protect the rural character.			
The tourist accommodation is also in line with Policy Statements B11.1 & B11.2 (p. 77) in that:			
<ul style="list-style-type: none"> <li>- The scale and form are sustainable with the character of the rural area; i.e. <i>Thorn &amp; Feather</i> was designed using local materials of which the stone blends in with the natural landscape, the individual buildings was placed as such to be integrated into nature and thus fits in with the rural character.</li> <li>- The primary goal of the accommodation is to provide a service for tourists and to attract tourists to</li> </ul>			

the farm and to the area.			
Approved Structure Plan of the Municipality	YES	NO	Please explain
<p>The development does not use any municipal services besides solid waste disposal. These are minimal amounts consistent with residence.</p> <p>According to the motivation report (Appendix M), no use of Municipal infrastructure is required and therefor it will bear no current or future cost to anyone.</p>			
An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
<p>According to the DFFE Screening Tool Report, no intersections with EMF areas found.</p>			
Any other Plans	YES		Please explain
<p>The Duiwenhoks River Estuary Estuarine Management Plan. The activity does not appear to be in conflict with the plan, except for the jetty not being approved (will need a Sea Shore Lease through CapeNature).</p> <p>The Applicant is compliant with the plan in that extensive alien vegetation removal is taking place on the property, education and awareness through the eco-tourism and employing (involving and uplifting) within local communities.</p>			

## 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		Please explain
The construction of a primary residential dwelling is permitted in terms of the land use rights. A Consent Use Application is under way to allow for the building to be used for tourism accommodation			
2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
The development is an eco-tourism activity within the Vermaaklikheid area, identified as residential and holiday settlement with the municipal SDF.			
(b) Urban edge / Edge of Built environment for the area		NO	Please explain
The development is 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		Please explain
<p>According to the motivation report, the subject property is a farm located outside of the small town of Vermaaklikheid. The role of Vermaaklikheid according to the SDF is that of a residential and holiday settlement with limited functions (SDF, 2013, p. 189).</p> <p>The SDF promotes the development of tourism related land uses and accommodation on agricultural land and recognises the economic advantages it holds (SDF, 2013, p. 76).</p> <p>The existing tourist accommodation, <i>Thorn &amp; Feather</i> is in line with Strategy S11 (p.77) as it will assist in stimulating the development of tourism related land uses to provide thrust to the growing tourism industry, but with consideration of the guidelines to protect the rural character.</p> <p>The tourist accommodation is also in line with Policy Statements B11.1 &amp; B11.2 (p. 77) in that:</p> <ul style="list-style-type: none"> <li>- The scale and form are sustainable with the character of the rural area; i.e. <i>Thorn &amp; Feather</i> was designed using local materials of which the stone blends in with the natural landscape, the individual buildings was placed as such to be integrated into nature and thus fits in with the rural character.</li> </ul> <p>The primary goal of the accommodation is to provide a service for tourists and to attract tourists to the farm and to the area.</p>			
(d) Approved Structure Plan of the Municipality	YES	NO	Please explain
The development does not use any municipal services besides solid waste disposal. These are minimal amounts consistent with residence.			
According to the motivation report ( <b>Appendix M</b> ), no use of Municipal infrastructure is required and therefor it will bear no current or future cost to anyone.			
(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
According to the DFFE Screening Tool Report, no intersections with EMF areas found.			
(f) Any other Plans (e.g. Guide Plan)	YES	NO	Please explain
<p>The development is in line with the Department of Environmental Affairs and Development Planning' Duiwenhoks River Estuary Estuarine Management Plan (Draft: 2021), and within the strategic objectives by:</p> <ul style="list-style-type: none"> <li>- Eradicating invasive alien plants</li> <li>- Local communities involved and uplifted</li> <li>- Carrying capacity for estuarine uses is upheld; recreational use is regulated effectively</li> </ul>			

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		Please explain
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The proposal is also in line with the Spatial Development Framework in that it will promote tourism in the area and in turn economic development.

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?		NO	Please explain
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N/A. Site is outside the Urban Edge, and will not lead to the expansion of a town/area

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		Please explain
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Eco-tourism can only benefit the are/community as a whole. It ensures the viability of the farm, and allows the land owner to fund alien clearing vegetation clearing. The activity also leads to permanent, temporary and indirect employment opportunities.

6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an <b>appendix</b> , where applicable.)	YES		Please explain
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The development is a residential dwelling that is now used for self-catering tourism accommodation., and currently only requires solid waste removal as services from the municipality. The facility can accommodate a maximum of 9 guests, and therefore produces minimal amounts of solid waste.

According to the Town Planning Motivational Report, he proposed development is not dependent on any public or Government funding and due to the location on a farm, providing own services, it will not put any additional financial pressure on the Municipality in terms of infrastructure.

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 <b>appendix</b> , where applicable.)	YES		Please explain
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The development is a residential dwelling that is now used for self-catering tourism accommodation., and currently only requires solid waste removal as services from the municipality. The facility can accommodate a maximum of 9 guests, and therefore produces minimal amounts of solid waste.

8. Was this project part of a national programme to address an issue of national concern or importance?		NO	Please explain
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N/A

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		Please explain
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The activity is a residential dwelling building that is being used for eco-tourism self-catering purposes. The site is ideally located for this, as it is within close proximity to the Duiwenhoks River estuary and offers other benefits as being relatively natural with a peaceful and quite atmosphere.

<p>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)?</p> <p>The development included the removal of indigenous vegetation. However, according to the Botanical Assessment (<b>Appendix H1</b>), the impact associated with the development within the thicket vegetation is about 257 m<sup>2</sup> in extent, or about 3% of the remaining thicket patch in direct impact. Because of the way in which the layout was designed (to minimize the impact on the natural veld) and the sensitive way in which it was placed (to include the indigenous thicket as part of the layout), not only the direct impact on the natural vegetation, but also the cumulative impacts was significantly reduced (in relations to any normal dwelling or holiday development). It was clear that a great deal of thought went into the design and that construction was done with great care – all of which shows a keen objective to minimise the disturbance footprint and integrating the structures into the thicket patch.</p> <p>According to the Estuary Impact Report (<b>Appendix H2</b>), the development on Farm 499 is negligible if compared to the surrounding impacts, which have huge footprints and with large swaths of natural vegetation removed. The development has had minimal impacts on the estuary.</p>	<p>YES</p>	<p></p>	<p>Please explain</p>
<p>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.)?</p> <p>The development is a relatively small scale (no more than 9 guests) self-catering tourism accommodation, within an existing residential building. The buildings construction, location and material use, as well as the minimal removal of vegetation, has allowed the buildings to have a negligible visual impact. It does not impact on the sense of place, and is expected to not contribute any significant amounts of odours or noise, due to the nature of the activity (guests come for the peace and tranquillity of the area).</p>	<p></p>	<p>NO</p>	<p>Please explain</p>
<p>12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?</p> <p>The activity is not expected, or has, resulted in any unacceptable opportunity costs</p>	<p></p>	<p>NO</p>	<p>Please explain</p>
<p>13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?</p> <p>According to the Botanical Assessment (<b>Appendix H1</b>), because of the small size and the way in which the development was done even the cumulative impact is considered to be Medium/Low.</p>	<p>YES</p>	<p>NO</p>	<p>Please explain</p>
<p>14. Is/was the development the best practicable environmental option for this land/site?</p> <p>The best practicable environmental option would be to not develop the site at all, and to clear all alien vegetation and replant indigenous vegetation on the property. However, this is not a financially viable option. To effectively manage the property, funds are required. Eco-tourism is seen as the best practical option, and the development has minimised its environmental impact due to its relative small size, design and material use of the buildings, and it has minimised the vegetation removed.</p> <p>It can be regarded as the most sustainable option for the property.</p>	<p></p>	<p>NO</p>	<p>Please explain</p>
<p>15. What are/were the benefits to society in general and to the local communities?</p> <p>The activity has promoted eco-tourism in the area, and has created temporary and permanent job opportunities for locals and local artisans during the construction and operational phases of the development, as well as during the ongoing alien vegetation removal and planting of indigenous vegetation.</p>	<p>Please explain</p>		
<p>16. Any other need and desirability considerations related to the activity?</p>	<p>Please explain</p>		



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 Integrated Environmental Management have been taken into account through the following:

- The actual and potential impacts of the activity on the environment, socio-economic conditions and cultural heritage have been identified, predicted and evaluated, as well as the risks and consequences and alternatives and options for mitigation of activities, with a view to minimizing negative impact, maximizing benefits and promoting compliance with the principles of environmental management – *please refer to Section C and Appendix N.*
- The effects of the activity on the environment have been considered before actions taken in connection with them – *alternatives have been considered and investigated (please refer to Section E below) and specialist studies, including impacts and mitigation measures, have been conducted.*
- Adequate and appropriate opportunity for public participation was ensured through the public participation process – *please refer to **Appendix G** for the public participation information, including the list of identified Interested and Affected parties, as well as the methods for identifying and informing I&APs of the application and proposed activity.*
- The environmental attributes have been considered in the management and decision-making of the activity – *an EMP has been included (**Appendix I**) with the proposed activity and must adhere to the requirements of all applicable state Authorities.*

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

The principles of environmental management as set out in section 2 of NEMA have been taken into account. The principles pertinent to this activity include:

- People and their needs will be placed at the forefront while serving their physical, psychological, developmental, cultural and social interests. The activity seeks to provide additional employment and economic development opportunities, which are a local and national need – *the proposed activity is expected to have a beneficial impact on people, especially developmental and social benefits, as well providing additional employment and economic development opportunities.*
- Development will be socially, environmentally and economically sustainable. Where disturbance of ecosystems, loss of biodiversity, pollution and degradation, and landscapes and sites that constitute the nation's cultural heritage cannot be avoided, are minimised and remedied. The impact that the activity will potentially have on these will be considered, and mitigation measures will be put in place - *potential impacts have been identified and considered, and any further potential impacts will be identified during the public participation process. Mitigation measures will be included in the EMP.*
- Where waste cannot be avoided, it will be minimised and remedied through the implementation and adherence of the Environmental Management Programme (EMP) – *this will be included in the EMP.*
- The use of non-renewable natural resources will be responsible and equitable.
- The negative impacts on the environment and on people's environmental rights will be anticipated, investigated and prevented, and where they cannot be prevented, will be minimised and remedied.
- The interests, needs and values of all interested and affected parties will be taken into account in any decisions through the Public Participation Process.
- The social, economic and environmental impacts of the activity will be considered, assessed and evaluated, including the disadvantages and benefits.
- The effects of decisions on all aspects of the environment and all people in the environment will be taken into account, by pursuing what is considered the best practicable environmental option.

## 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:

N/A. There are no property or site alternatives. The property is owned by the applicant, and the site is ideally located as a residence and self-catering facility due to its relatively easy access via an existing access road, the view its location affords and its proximity to the Duienhoks River.

(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:

N/A. There are no activity Alternatives. Farming the property is not a viable option to make the farm sustainable

(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:

N/A. There are no design or layout 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:

N/A. There are no technology Alternatives

(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:

No operational alternatives exist that would mitigate any potential impacts. The buildings and associated infrastructure were constructed as a residence. The buildings were then used for self-catering tourism purposes. No additional significant negative impacts would have been caused by the use of the buildings as tourism purposes as opposed to normal domestic use.

The jetty would also have been constructed for domestic recreational use.

The use of the property for agricultural uses would most certainly have caused substantially more negative environmental impacts, especially with regards to the removal of vegetation, as is evident in the neighbouring property to the west, where approximately 2ha of thicket was cleared for the planting of olive trees.

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

This option is option would only be considered if the development posed or was creating significant negative environmental damage or degradation. The development is considered to have a Very Low negative impact.

The development does have positive socio-economic impacts, creating permanent work opportunities for two people (sole bread winners), as well as temporary jobs for maintenance and alien vegetation clearing, and indirect jobs. The development also makes the farm viable, and creates eco-tourism opportunities for the area.

(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:

N/A

(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.

No feasible and/or reasonable alternative exists. The activity is for a residential dwelling, used for eco-tourism purposes, to make the property a viable asset to the Applicant. Agricultural activities are not considered viable, and would most certainly have led to greater loss of indigenous vegetation, and other indirect impacts.

No other site alternatives were considered.

## 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:

No significant geographical and physical impacts. The development, through the maintaining as much of the thicket vegetation as possible, and using local resources, blends into the ridgeline and has a minimal visual impact. The sense of place is not significantly impacted in any way.

Minimal amounts of soil and/or rock was moved or excavated during the construction of the development.

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	YES	<input checked="" type="checkbox"/>
If yes, please describe:		
<p>According to 2017 Western Cape Biodiversity Spatial Plan (WCBSP) (see Figure 12) for the Hessequa Municipality:</p> <ul style="list-style-type: none"> <li>- The jetty is located within an aquatic CBA (CBA: Estuary)</li> <li>- Part of the site is within an aquatic CBA (CBA: Wetland)</li> <li>- Part of the site is with Terrestrial CBA (CBA: Estuary)</li> </ul> <p>The jetty and pathway have had minimal impact on the CBA.</p> <p>The development included the removal of indigenous vegetation within a CBA. However, according to the Botanical Assessment (<b>Appendix H1</b>), the impact associated with the development within the thicket vegetation is about 257 m<sup>2</sup> in extent, or about 3% of the remaining thicket patch in direct impact. Because of the way in which the layout was designed (to minimize the impact on the natural veld) and the sensitive way in which it was placed (to include the indigenous thicket as part of the layout), not only the direct impact on the natural vegetation, but also the cumulative impacts was significantly reduced (in relations to any normal dwelling or holiday development). It was clear that a great deal of thought went into the design and that construction was done with great care – all of which shows a keen objective to minimise the disturbance footprint and integrating the structures into the thicket patch.</p> <p>According to the Estuary Impact Report (<b>Appendix H2</b>), the development on Farm 499 is negligible if compared to the surrounding impacts, which have huge footprints and with large swaths of natural vegetation removed. The development has had minimal impacts on the estuary.</p>		
Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES	<input checked="" type="checkbox"/>
If yes, please describe:		
See above		
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	<input type="checkbox"/> NO
If yes, please describe:		

According to the Botanical and Biodiversity Assessment (Appendix H1), one species protected in terms of the NFA was observed, namely **Sideroxylon inerme** (white milkwood) was observed. The trees are part of the tree canopy of the thicket patch. According to the landowner, all the infrastructure was placed to avoid larger indigenous trees and especially the milkwood trees. All indications as well as the careful layout of these infrastructure seems to suggest that the landowner is very conservation conscious, and that great care was taken to minimize the impact on the natural vegetation.

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

Due to the size and nature of the development, it is not expected that the development had, or will continue to have, any significant impacts on any other biological aspects.

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	R5 500 000.00
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	R
Has/will the activity have contributed to service infrastructure?	<input checked="" type="checkbox"/> NO
How many new employment opportunities were/will be created in the construction phase of the activity?	
What was the value of the employment opportunities during the construction phase?	R
What percentage of this accrued to previously disadvantaged individuals?	100%
How was this ensured and monitored (please explain):	
<b>Only local artisans and labour was used during construction</b>	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	2 x permanent
What is the current/expected value of the employment opportunities during the first 10 years?	R
What percentage of this accrued/will accrue to previously disadvantaged individuals?	100%
How was/will this be ensured and monitored (please explain):	
Any other information related to the manner in which the socio-economic aspects was/will be impacted:	
None	

(d) Cultural and historic aspects:

The development is not expected to impact on cultural or historical aspects.

A Notice of Intent was submitted to Heritage Western Cape on 03 December 2023.

Final Comment, dated 01 February 2024 was received with the following response:

*You are hereby notified that, since there is no reason to believe that the unauthorized floating jetty and tourism development within 100m of the highwater mark of an estuary on Portion 9 of Farm 499, Vermaaklikheid on Portion 9 of Farm 499, Vermaaklikheid, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.*

*However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.*

## 2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	YES <input checked="" type="checkbox"/>
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	m <sup>3</sup>
Minimal amounts of construction waste and domestic waste.	

Does the activity produce waste during its operational phase? If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type? <b>Minimal amounts of domestic waste</b>	YES	
		m <sup>3</sup>

Where and how was/will the waste be treated / disposed of (describe)?

Domestic waste is consolidated on the property and collected by council.

All bathrooms are serviced by septic tanks. Water-borne sewage is collected in a septic tank. The treated sewage effluent is disposed of underground with a soak-away system. Washing wastewater collected by grey water systems.

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. <b>It must be noted that minimal amounts of domestic waste is produced, due to the small-scale and nature of the development</b>		NO
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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?		NO
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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
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Does the facility have an operating license? (If yes, please attach a copy of the license.)	YES	NO
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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:

Domestic waste is sorted, with recyclables separated from general domestic waste.

(b) Emissions into the atmosphere

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

**3. WATER USE**

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

<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> Water board	<input type="checkbox"/> Groundwater	<input type="checkbox"/> River, Stream, Dam or Lake	<input type="checkbox"/> Other	The activity did/does/will not use water
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If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate the volume that was extracted per month:		m <sup>3</sup>
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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
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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 for the kitchen and the bathroom is entirely dependent on rainwater harvesting from the storeroom across the access road. Rainwater from the roof is collected in 3 plastic containers (jo-jo tanks), each with a capacity of 5000 litres. From the tanks it is piped into the house and into the bathrooms.

Guests are provided with commercially available bottled drinking water.

Supplementary water (mostly for the swimming pool and irrigation) is sourced from a “oog” (small fountain) on the neighbouring farm and piped and pumped to various jojo tanks on the property.

**4. POWER SUPPLY**

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

Power is 100% off-grid and supplied by roof-mounted solar panels.

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

N/A

**5. ENERGY EFFICIENCY**

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:

Power is 100% off-grid and supplied by roof-mounted solar panels.

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

Power is 100% off-grid and supplied by roof-mounted solar panels.

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

**PLEASE REFER TO APPENDIX N**

**Please note:**

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts.
  - Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.
- (a) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

Impacts on geographical and physical aspects:	
Nature of impact:	
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)	

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)	

<b>Impacts on socio-economic aspects:</b>	
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)	

<b>Impacts on cultural-historical aspects:</b>	
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)	

<b>Noise impacts:</b>	
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)	

<b>Visual impacts / Sense of Place:</b>	
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)	

(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.**

<b>Impacts on the geographical and physical aspects:</b>	
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)	

<b>Impact on biological aspects:</b>	
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)	

<b>Impacts on the socio-economic aspects:</b>	
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)	

<b>Impacts on the cultural-historical aspects:</b>	
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)	

<b>Noise impacts:</b>	
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)	

<b>Visual impacts / Sense of Place:</b>	
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)	

**(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.**

<b>Potential impacts on the geographical and physical aspects:</b>	
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)	

<b>Potential impact on biological aspects:</b>	
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)	

<b>Potential impacts on the socio-economic aspects:</b>	
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)	

<b>Potential impacts on the cultural-historical aspects:</b>	
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)	

<b>Potential noise impacts:</b>	
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)	

<b>Potential visual impacts:</b>	
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:

<p>Estuary Report –</p> <ul style="list-style-type: none"> <li>- Properly maintain the sewerage system.</li> <li>- Do not over-irrigate the garden, prevent return flow.</li> <li>- Install and maintain storm water management infrastructure such as berms, swales and trenches in and next to roads.</li> <li>- Maintain a proper waste collection and disposal protocol.</li>   <li>- Set up house rules that promotes proper behaviour of guests and visitors.</li> <li>- Record the fish taken.</li> <li>- Prevent over-utilisation of the estuary.</li> <li>- Obtain input from conservation authorities.</li> </ul>
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**8. IMPACT ASSESSMENT SUMMARY**

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

Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
Estuary: Water pollution through effluent, grey water, solid waste, erosion	Low Negative - Unlikely
Disturbance of the estuary, over-fishing, trampling	Low Negative - Unlikely
Heritage	Unlikely
Terrestrial biodiversity: Landuse and cover: Potential impact on socio-economic activities.	Low Negative – Highly Unlikely
Terrestrial biodiversity: Vegetation status: Loss of vulnerable or endangered vegetation and associated habitat.	Medium-Low Negative - Probable
Terrestrial biodiversity: Conservation priority: Potential impact on protected areas, CBA's, ESA's or Centre's of Endemism.	Medium-Low Negative - Probable
Terrestrial biodiversity: Connectivity: Potential loss of ecological migration corridors.	Low Negative - Unlikley
Terrestrial biodiversity: Protected & endangered plant species: Potential impact on threatened or protected plant species.	Low Negative - Unlikely
Terrestrial biodiversity: Fauna & Avi-fauna Potential impact on mammals, reptiles, amphibians & birds.	Low Negative - Unlikely
Terrestrial biodiversity: Cumulative impacts: Cumulative impact associated with proposed activity.	Medium-Low Negative - Probable

**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.

<p><b>Summary:</b></p> <p><u>Estuary</u></p> <p>The Impact Assessment shows that mitigating measures can readily work if properly applied. The Significance Score indicates that the development falls into the “Low” category. The development is so small that it does not alter the resource economics footprint.</p> <p>The small size of the development and the sensitive way in which it was constructed, preserving as much of the vegetation as possible, the possibility of applying mitigating measures and the negligible impact it has on the estuary all implies that it should go ahead. Obviously, there is a cumulative impact, along with the other holiday destinations and farming activities along the estuary. The development on Farm 499 is negligible if compared</p>
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to the surrounding impacts, which have huge footprints and with large swaths of natural vegetation removed. If the development on Farm 499 is to be stopped because of environmental reasons, there is much more cause for halting the surrounding operations.

Therefore, it is recommended that the development on Farn 499 and the footpath and jetty in the reeds on the banks of the estuary be allowed and duly authorised, providing that the correct administrative and legal processes are followed.

#### Terrestrial biodiversity

According to the Terrestrial biodiversity assessment (Appendix H2) the main impacts associated with development would have been:

- The small and localised impact on vegetation;
- The small and localised impact on conservation priority areas.

Lastly, the way in which the accommodation was designed and the material that was used clearly shows a keen desire to minimize the impact on the environment and to maintain the ecological function of the site. In addition, the landowner is busy with a significant alien clearing program (at his own costs) on the larger farm and is also busy replanting indigenous trees and shrubs back into the thicket area to enhance the feeling of a natural "forest".

**It is thus considered unlikely that the development would have contributed significantly to any of the following:**

- Significant loss of vegetation type and associated habitat.
- Loss of ecological processes (e.g., migration patterns, pollinators, river function etc.) due to construction and operational activities.
- Loss of local biodiversity and threatened species.
- Loss of ecosystem connectivity.

Because of the small size and the way in which the development was done even the cumulative impact is considered to be **Medium/Low**.

## 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.

Any further development (although not planned at this stage) to be undertaken in terms of the Environmental Management Programme.

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

The Applicant has shown the will and ability to minimise the impacts on the environment. The development is used for eco-tourism purposes, and is therefore in the Applicants best interest to preserve the natural indigenous vegetation and thicket in which the development is located.

The design of the development has also taken the natural vegetation in consideration.

The Applicant has also undertaken extensive alien vegetation clearance on the property at his own will and expense.

**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 Impact Assessment Report for the Development on Portion 9 of Farm Vermaaklikheid No. 499 is being undertaken with sustainable development as a goal. The assessment looked at the impacts of the proposals on the environment and assesses the significance of these, as well as the possible avoidance of negative impacts. Where negative impacts could not be avoided, mitigation measures have been proposed, to reduce the anticipated impacts to acceptable levels. This is to ensure that the development makes “*equitable and sustainable use of environmental and natural resources for the benefit of present and future generations*”.

The assessment is therefore considered adequate, with relevant assessments from independent specialists.

(b) Please describe the assessment criteria used.

All aspects as listed in this impact report has been used to assess the proposed development namely:

- Positive and negative environmental impacts
- Positive and negative socio-economic impacts

Further to this the following methodology were used to rate the significance of impacts was conducted according to a synthesis of criteria required by the integrated environmental management procedure (From DEAT Guideline Document).

The criteria used for assessing the significance of impacts throughout this report is as follows:

- The **EXTENT** of the project in terms of physical and spatial size of the impact;
- The **DURATION** of the project in terms of the lifetime of the impact; this was measured in the context of the lifetime of the proposed base of the project;
- The **INTENSITY** of the project in terms of the impact having a very destructive effect of the environment or benign.
- The **PROBABILITY** of the project evaluated in terms of the likelihood of the impacts actually occurring.

Using these criteria, the significance was determined for each potential impact discussed.

SIGNIFICANCE is determined through a synthesis of impact characteristics. Significance is an indication of the importance of the impact in terms of both physical extent and time scale, and therefore indicates the level of mitigation required.

(c) Please describe the gaps in knowledge.

There are no significant gaps of knowledge identified. All information is assumed to be correct.

(d) Please describe the underlying assumptions.

The following assumptions are made:

- The information on which the report is based (i.e. specialist studies and project information) is correct.
- Future management of the site is essential and the mitigation measures recommended by the specialists will be implemented on a long-term basis. This has a major bearing on the reliability of the predictions of significance of impact.

The construction and management of this proposed development will be in line with the recommendations in this report, which will be enforced by the implementation of detailed Environmental Management Programme. Much of the long-term success lies in the effective implementation of the measures prescribed in the Environmental Management Programme.

(e) Please describe the uncertainties.

There are no uncertainties that we are aware of at present. However, since this is a retrospective application for an already constructed development, the actual state of, and natural resources within, the development footprint cannot be know with certainty.

## 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	
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If "NO", list the aspects that should be further assessed through additional specialist input/assessment:

N/A

If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:

Applicant should be directed to cease the activity:		NO
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Please provide reasons for your opinion

The development is not causing any further negative environmental degradation or impacts, and there is no evidence that it is impeding the rights of any individuals or causing negative socio-economic impacts.

The development is beneficial from an eco-tourism perspective, and creates permanent employment opportunities, as well as indirect opportunities to the community.

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.

As independent EAP, the activity should be authorised. The socio-economic benefits of the development are considered to greatly outweigh the overall Low Negative Environmental impact caused by the construction of the development.

The operational phase of the development is also causing no further significant environmental impacts. In fact, the continued viability of the property through eco-tourism has made it possible to further alien vegetation eradication on the property. Although the Applicant as landowner is legally obliged to remove alien vegetation on his property, this is unfortunately not the case for many property owners, even in the immediate area, due to the costs involved.

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

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

N/A

**Please note:**

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



**SECTION J: PUBLIC PARTICIPATION**

**1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED**

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

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

<b>"The applicant must place a preliminary advertisement in-</b>		
(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 <b>register must be attached to the application form and included in the report</b> , 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, <i>inter alia</i> , proof of preliminary advertisement in a local newspaper.		
An advertisement was placed in the Suid-Kaap Forum on 02 February 2024 (See Appendix G1).		
Notification letters were sent to identified Interested and Affected Parties, including state departments, neighbours and other potential I&APs (Appendix G2).		
A Poster was placed at the Thorn and Feather entrance fence, along the access road, as well as a poster placed at the municipal offices in Stillbaai (Appendix G3).		
Please indicate whether the applicant has a website (please tick relevant box):		YES
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.		NO

**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	
(ii) any alternative site	YES	

(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;		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	
(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	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES	
(vi) any other party as required by the Department;	YES	
(c) placing an advertisement in -		
(i) one local newspaper; or	YES	
(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;		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		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.		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
Department of Agriculture	No	Department was notified, but comment as yet
CapeNature	Yes	
Department of Water and Sanitation	No	Department was notified, but comment as yet
BGCMA	No	Department was notified, but comment as yet
DEADP Biodiversity and Coastal Management	Yes	
Heritage Western Cape	Final Comment – Appendix F1	

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.)
To date, general support for the development from Interested and Affected Parties, including neighbours and other members of the Vermaaklikheid community.  No issues have been raised.

**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.**

**CapeNature -**

The footprint of the dwelling and jetty is mapped as Critical Biodiversity Area 1 (CBA) in the Western Cape Biodiversity Spatial Plan. The vegetation which would have occurred on the dwelling footprint is mapped as Canca Limestone Fynbos classified as least concern and the vegetation at the jetty footprint is non-terrestrial estuarine vegetation. The jetty is within the estuarine functional zone of the Duiwenhoks River Estuary.

Take note that a Sea Shore Lease is required from CapeNature for structures below the high-water mark, including jetties.

**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.

N/A

**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	
Department of Agriculture - Landuse Management	Brandon Layman/ Cor van der Walt	Tel	
		Fax	
		E-mail	Brandon.Layman@westerncape.gov.za
CapeNature	Rhett Smart	Tel	
		Fax	
		E-mail	rsmart@capenature.co.za
DEADP Biodiversity and Coastal Management	Merisa Alberti / Ryan Apolles	Tel	
		Fax	
		E-mail	ryan.apolles@westerncape.gov.za
Department of Water & Sanitation	Derril Daniels	Tel	
		Fax	
		E-mail	albertim@dws.gov.za / DanielsD@dws.gov.za
Breede-Gouritz Catchment Management Area	Elkerine Rossouw	Tel	
		Fax	
		E-mail	erossouw@bgcma.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	<i>immediately cease the activity pending a decision on the application submitted in terms of this subsection</i>	
ii	<i>investigate, evaluate and assess the impact of the activity on the environment</i>	
iii	<i>remedy any adverse effects of the activity on the environment</i>	
iv	<i>cease, modify or control any act, activity, process or omission causing pollution or environmental degradation</i>	
v	<i>contain or prevent the movement of pollution or degradation of the environment</i>	
vi	<i>eliminate any source of pollution or degradation</i>	
vii	<i>compile a report containing-</i>	
	aa	<i>a description of the need and desirability of the activity</i>
	bb	<i>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</i>
	cc	<i>a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity</i>
	dd	<i>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</i>
	ee	<i>an environmental management programme</i>
viii	<i>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.</i>	

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:

<i>Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that <u>is not subject to this application</u> and in any province in the Republic?</i>	<i>YES</i> _____	<i>NO</i> _____	<i>UNCERTAIN</i> _____
<i>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.</i>			
<i>Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?</i>	<i>YES</i> _____	<i>NO</i> _____	<i>UNCERTAIN</i> _____
<i>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.</i>			
<i>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 <u>in terms of which this application directly relates</u>?</i>	<i>YES</i> _____	<i>NO</i> _____	<i>UNCERTAIN</i> _____
<i>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.</i>			

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	Place an "x" in the appropriate box
	Description of variable	
	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 is considered to have positive socio-economic impacts, through direct, indirect, temporary and permanent employment opportunities through the construction and operations phases.		

Index	Biodiversity Impact	Place an "x" in the appropriate box
	Description of variable	
	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: A relatively small area of indigenous vegetation within a terrestrial CBA was removed.		

Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
	Description of variable	
	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	
<p>Motivation: The activity/development has been constructed with minimal removal of the thicket. The use of local material has also made the development blend in with the environment, and therefore, it has a relatively insignificant impact on the sense of place.</p> <p>HWC has confirmed that there is no reason to be lieve that the development will have any impacts on heritage resources.</p>	

Index	Pollution Impact	Place an "x" in the appropriate box
Description of variable		
	The activity is not giving, has not given and will not give rise to any pollution	<b>X</b>
	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.	
<p>Motivation: There is no reason to believe that the development, especially of it's relatively small size and type, is creating any significant pollution that would be harmful to the environment.</p>		

**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	Place an "x" in the appropriate box
Description of variable		
	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 <b>not</b> previously taken against the applicant in respect of the abovementioned provisions.	<b>X</b>
<p>Explanation of all previous administrative action taken in respect of the above:</p>		

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	Place an "x" in the appropriate box
Description of variable		
	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.	<b>X</b>
<p>Explanation of all previous convictions in respect of the above:</p>		

Index	Number of section 24G applications previously submitted by the applicant	Place an "x" in the appropriate box
Description of variable		
<p> </p>		



Previous applications in terms of section 24G of NEMA were submitted by the applicant.	
No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.	
No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	
Explanation in respect of all previous applications submitted in terms of section 24G:	

**PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES**

Index	Applicant's legal persona	Place an "x" in the appropriate box
Description of variable		
	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:

<b>Appendix</b>		<b>Tick the box if Appendix is attached</b>
<b>Appendix A:</b>	<b>Locality map</b>	<b>X</b>
<b>Appendix B:</b>	<b>Site plan(s)</b>	<b>X</b>
<b>Appendix C:</b>	<b>Building plans (if applicable)</b>	
<b>Appendix D:</b>	<b>Colour photographs</b>	<b>X</b>
<b>Appendix E:</b>	<b>Biodiversity overlay map</b>	<b>X</b>
<b>Appendix F:</b>	<b>Permit(s) / license(s) from any other organ of state including service letters from the municipality</b> Appendix F1 – Heritage Western Cape Final Comment	<b>X</b>
<b>Appendix G:</b>	<b>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.</b>	<b>X</b>
<b>Appendix H:</b>	<b>Specialist Report(s), if any</b> Appendix H1 – Botanical and Biodiversity Assessment Appendix H2 – Estuary Assessment	<b>X</b>
<b>Appendix I:</b>	<b>Environmental Management Programme</b>	<b>X</b>
<b>Appendix J:</b>	<b>Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.</b>	
<b>Appendix K:</b>	<b>Certified copy of Identity Document of Applicant</b>	<b>X</b>
<b>Appendix L:</b>	<b>Certified copy of the title deed (or title deeds in the case of linear activities)</b>	
<b>Appendix M:</b>	<b>Any Other (if applicable) (describe)</b> Appendix M – Town Planning Motivational Report	<b>X</b>
<b>Appendix N:</b>	<b>Impact Assessment</b>	<b>X</b>
<b>Appendix O:</b>	<b>Screening Tool Report</b>	<b>X</b>

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

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

**DECLARATIONS**

**THE APPLICANT**

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

- I **Jonathan Gersch**, in my personal capacity ~~or duly authorised as .....~~ ~~(state capacity)~~ by ~~.....~~ ~~hereto~~ 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 † 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:



Name:  
**Jonathan Gersch**

Name of Firm (if applicable):  
**N/A**

Date:  
**20 March 2024**

## THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I **Clinton Geyser**, 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:



Name of company:  
**EnviroAfrica cc**

Date:

21 March 2024

**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 <sup>3</sup> / 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.

<b>At source</b>	<input type="checkbox"/>
<b>Recycling installation</b>	<input type="checkbox"/>
<b>Formal salvaging</b>	<input type="checkbox"/>
<b>Contractor</b>	<input type="checkbox"/>
<b>No salvaging planned</b>	<input type="checkbox"/>

**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  
 Indicate the distance to the boundary of the industrial area

metres
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
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "

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