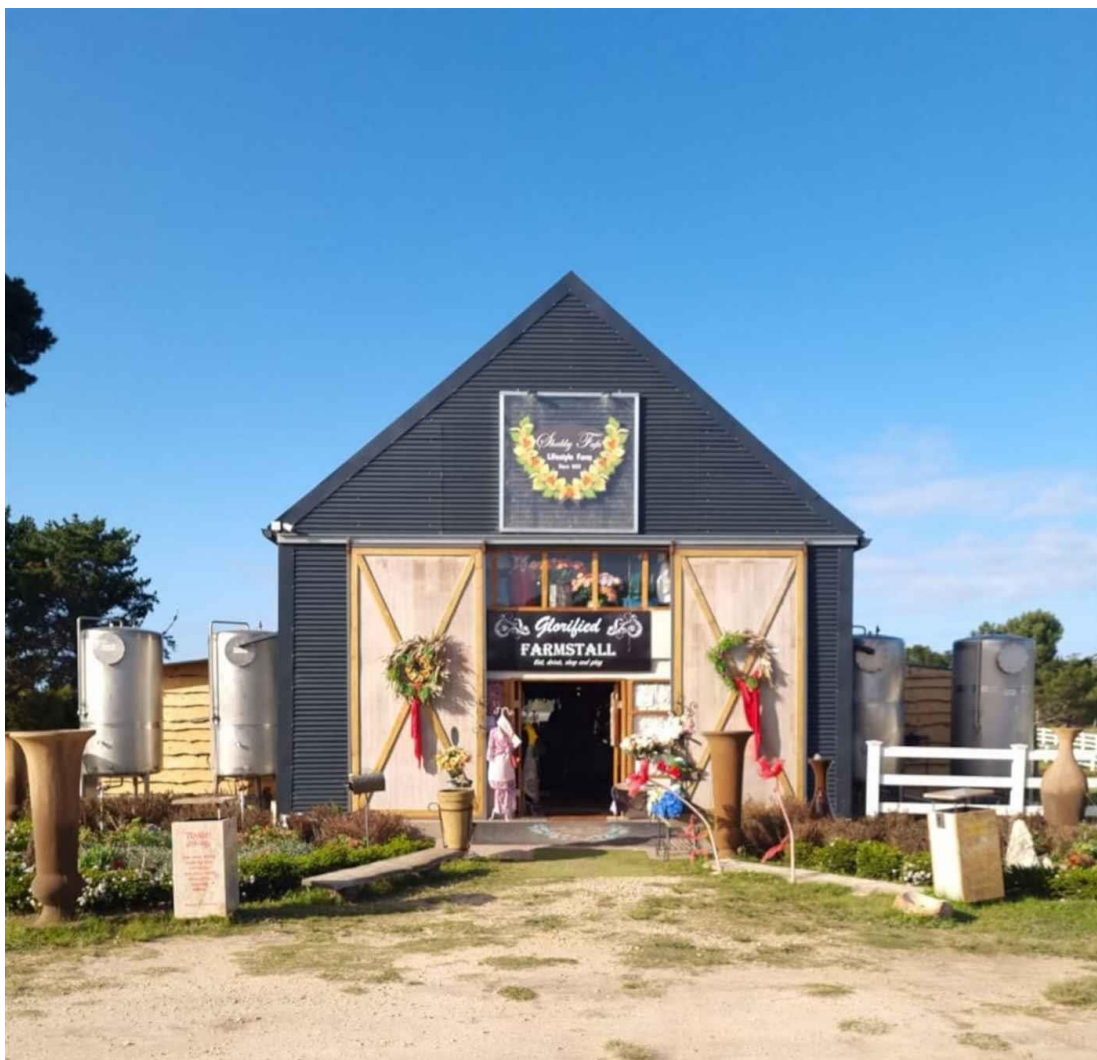


SECTION 24G APPLICATION FOR THE UNLAWFUL CONSTRUCTION OF A TOURIST FACILITY, FARM DAM AND ASSOCIATED INFRASTRUCTURE ON PORTION 4 OF THE FARM HARKERVILLE NO. 428, PLETTENBERG BAY

DEADP Ref. No.: 14/2/4/1/D1/14/0011/24



DRAFT REPORT AND CHECKLIST

AUGUST 2024

**SECTION 24G APPLICATION FOR THE UNLAWFUL
CONSTRUCTION OF A TOURIST FACILITY, FARM DAM
AND ASSOCIATED INFRASTRUCTURE ON PORTION 4 OF
THE FARM HARKERVILLE NO. 428, PLETTENBERG BAY**

PREPARED FOR:

Department of Environmental Affairs and Development Planning

Private Bag X9186,

Cape Town

8000

Tel: 021 483 3696

PREPARED BY:

EnviroAfrica

P.O. Box 5367

Helderberg

7135

Tel: 021 851 1616

Fax: 086 512 0154



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

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

No.	Application Requirements	Please tick for confirmation
1.	Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. (Note: Failure to meet the Regulation 8 will result in rejection of the application)	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 similarly listed activities in terms of the current EIA regulations (if applicable).	X
	2.3. A description of the receiving environment before commences of the activity(ies).	X
	2.4. A description of the receiving environment after commences of the activity(ies).	X
	2.5. All appendices and annexures:	
	2.5.1. Locality map	X
	2.5.2. Site plans or/and Layout plan	X
	2.5.3. Building plans (if applicable)	N/A
	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)	X
	2.6. Signed declaration forms.	X
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	Y
	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	N/A
	• Biodiversity	X
	• Sense of place &/or Heritage/ Cultural	NID
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	N/A
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	X
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations: Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).	X
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	X

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)	X
9.	Compliance history of the applicant:	N/A
	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) (if conducted/undertaken)	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.
-

DEPARTMENTAL DETAILS

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

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

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

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

File Reference number (S24G)	
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 TOURIST FACILITY, FARM DAM AND ASSOCIATED INFRASTRUCTURE ON PORTION 4 OF THE FARM HARKERVILLE NO. 428, PLETTENBERG BAY

RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

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

	REGION 3 Central Karoo District and Garden Route 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		

Applicant's details (duplicate this section where there is more than one applicant)			
Applicant Name:	9 Provinces Crematoria cc Kindly find attached to this application, the CK2A form stating that Ms. Irene Vermeulen, is the only active member of 9 Provinces Crematoria cc, therefore, applying as a natural person as indicated in section 1.1.		
RSA Identity Number/ Passport Number of Applicant, if natural person:	641029 085 088		
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 – (In the list below, delete the firms that are not applicable to this application)		
Postal address:	Remainder of Portion 4 of the Farm Harkerville, No. 428		
		Postal code:	6600
Telephone:		Cell:	082 375 3245
E-mail:	irenever@live.co.za	Fax:	
Project Consultant	N/A		
Contact person:	N/A		
Postal address:	N/A		
		Postal code:	N/A
Telephone:	N/A	Cell:	N/A
E-mail:	N/A	Fax:	N/A
Name of the Environmental Assessment Practitioner	Clinton Geyser (Registered EAP, Co-author and Reviewer) Zandria Jordaan (Candidate EAP and Co-author)		

("EAP") responsible for the application:			
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 zandria@enviroafrica.co.za	Fax:	
EAP Qualifications	Clinton Geyser – MSc Geography and Environmental Management Zandria Jordaan – MSc Geology		
EAP Registrations/Associations	Clinton Geyser: 2021/3287 Zandria Jordaan: 2023/7949		
Name of the Landowner: 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:	Bitou Local Municipality		
Contact person, if known:	Annelise Olivier/ Andile Amos Namtu		
Postal address:	Private Bag X1002		
	Postal code:	6600	
Telephone	044 501 3174	Cell:	Annelise: 073 860 9584
E-mail:	Annelise: aolivier@plett.gov.za Andile: anamntu@plett.gov.za	Fax:	

Please note:

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

Property location(s):	Plettenberg Bay
Farm/Erf name(s) & number(s) including portion(s)	Remainder of Portion 4 of the Farm Harkerville, No. 428
Property size(s) (m ²)	160 000 m ²
Development footprint size(s) (m ²)	14 699.86 m ²
SG21 Digit code(s)	C0390000000042800004

Property boundary:

Point	Latitude (S)	Longitude (E)
Corner 1	34° 2'39.94"S	23°16'31.49"E
Corner 2	34° 2'39.88"S	23°16'39.62"E
Corner 3	34° 3'4.00"S	23°16'37.39"E
Corner 4	34° 3'3.12"S	23°16'44.99"E

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
Corner 1	34° 2'39.94"S	23°16'31.49"E
Corner 2	34° 2'39.88"S	23°16'39.62"E
Corner 3	34° 2'51.61"S	23°16'33.88"E
Corner 4	34° 2'51.88"S	23°16'42.36"E

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:	Plettenberg Bay		
Closest City/Town:	Plettenberg Bay	Distance	8.80 km
Zoning of Property:	Commercial		

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?		NO
If yes, what was the previous zoning?		
Is a rezoning application required?		NO
Is a consent use application required?		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"> • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s) • a north arrow; • a legend; • the prevailing wind direction; and • GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection) 	
Landowner(s) Consent:	<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>Note: The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the <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?	<input type="checkbox"/>	NO
If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications)		
Which authority considered the application:		
Has <u>any</u> one of the previous application/s on the property been approved or refused?	<input type="checkbox"/>	No
If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).		
Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.		

SECTION B: ACTIVITY INFORMATION

1. ACTIVITIES APPLIED FOR

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

Applicant (Full names): Irene Vermeulen

Signature: 

Place: Plettenberg Bay

Date: 13 August 2024

EAP (Full names): Clinton Geyser (Supervisor & Reviewer); Zandria Jordaan (Compiler)

Signature: 

Place: Somerset West

Date: 13 August 2024

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

1.1 Applicable EIA listed activities


ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002			
Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006			
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989,			
NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010			
Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA			
GN R386 Activity No(s): (Listing Notice 1 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
Government Notice No. R387 Activity No(s): (Listing Notice 2 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
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.	Describe the relevant	Describe the portion of the development as per the project	State the date of

544 Activity No(s): (Listing Notice 1 of 2010)	listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies")	description that relates to the applicable listed activity.	commencement of each activity
GN No. R. 545 Activity No(s): (Listing Notice 2 of 2010)	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 546 Activity No(s): (Listing Notice 3 of 2010)	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

NEMA EIA Contraventions: on or after 08 December 2014

Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,

GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
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12	<p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback;</p> <p>or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p>	<p>The dam in the middle of the property was unlawfully constructed within a watercourse (see figure below), therefor triggering the respective activity.</p> 	<p>Beginning of 2017. Please refer to section 2c for more detail.</p>
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	<p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>		
<p>19</p>	<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 watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(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>The construction of the development would have included the excavation, removal and moving of soil and sand exceeding 10cubic meters.</p>	<p>Started with activity in 2017 and ended in 2022 (approximately). Please refer to section 2c for more detail.</p>
<p>28</p>	<p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the</p>	<p>The total development of the dam, farm stall, accommodation and recreational area exceed 1 ha and the previous zoning for the property was agriculture. Therefore, triggering the respective activity.</p>	<p>Between 2017 and 2022. Please refer to section 2c for more detail.</p>

	total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.		
GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 324 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

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

1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

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

Waste Management Activity Contraventions: On or after 29 November 2013			
Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,			
GN No. 921 - Category A Activity No(s):	Describe the relevant <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): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
See section 1.1		
GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
GN No. R. 324 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.

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	<input type="checkbox"/>
(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	<input checked="" type="checkbox"/>
The development is a new development, and commenced in beginning of 2017 with the construction of the dam and small additions to the housing. More accommodation units and other infrastructure were developed between 2017 and 2022.		
(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.).		
Buildings	YES	<input checked="" type="checkbox"/>
Provide brief description:		
The unlawful development of a farmstall and accommodation took place on what historically looks like disturbed land (Figure 1). According to the Terrestrial Biodiversity Report (Appendix H3), the first clear image on Google Earth was in 2004 where apart from a small section of forest or dense alien invasive species to the south, most of the property had been used for agriculture and had been cleared of natural vegetation in the past. The northwestern corner of the property seems to have been ploughed, based on the clear parallel lines that can be observed. It also seems as if some hardy natural vegetation is starting to grow back in the southern part of the site, suggesting that it has been laying fallow. In 2007, it appears that some hardy indigenous vegetation and		

alien invasive species has re-grown on the property. 2013 shows a clearance of vegetation either due to a fire or to re-establish grazing. In 2016, according to Google Images and the Terrestrial Biodiversity Report (Appendix H3), the first construction activities were observed.

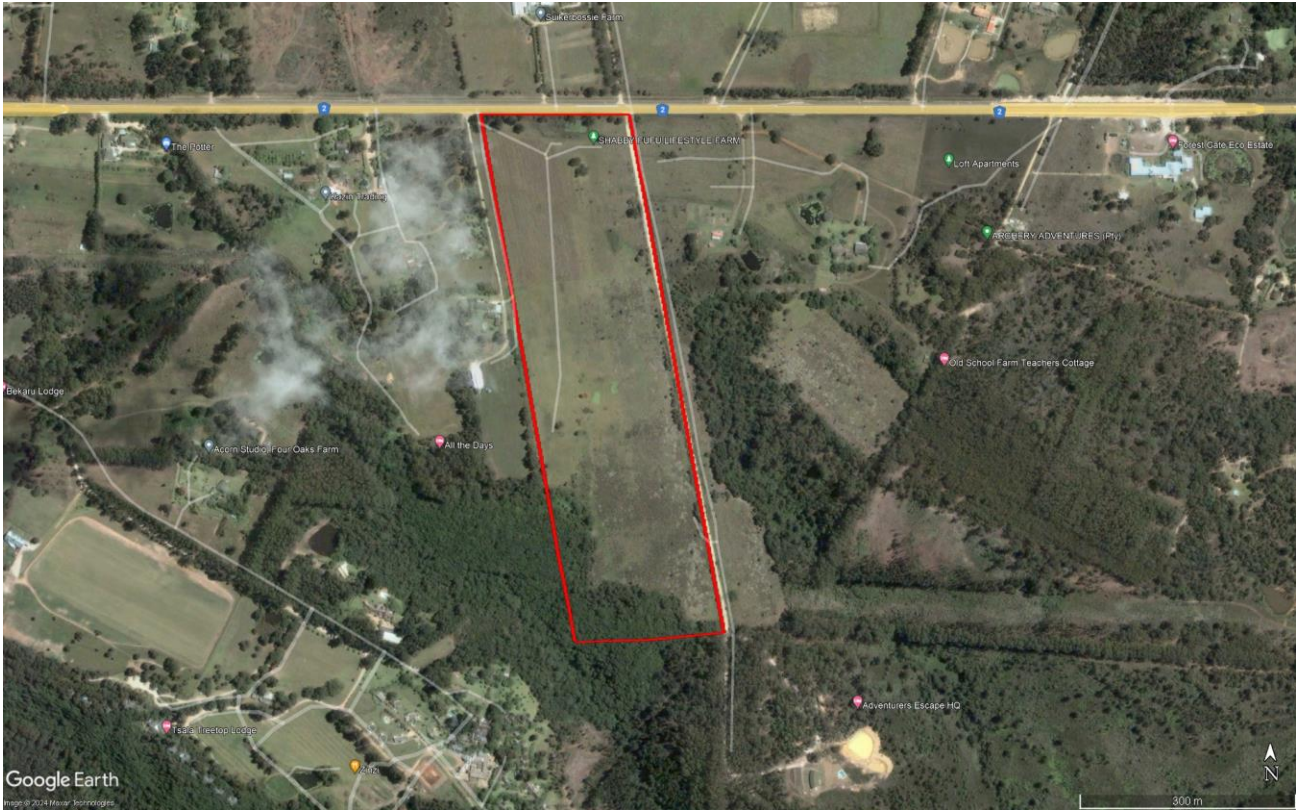


Figure 1. Google Earth image of the property indicating already disturbed area in 2004.

A compliance notice (Reference no. 14/ 1/1/E3/4/6/3/L1341/23) was issued by the Department of Environmental Affairs and Development Planning to the landowner for unlawful construction of a dam, farmstall and accommodation. Although the construction took place within the originally disturbed area as shown in Figure 1, Google Earth imagery shows evidence of vegetation regrowth (Figure 2), which was cleared in order to construct the farmstall, a dam and accommodation (Figure 3).



Figure 2. Google Earth image of the property indicating vegetation regrowth in 2013.

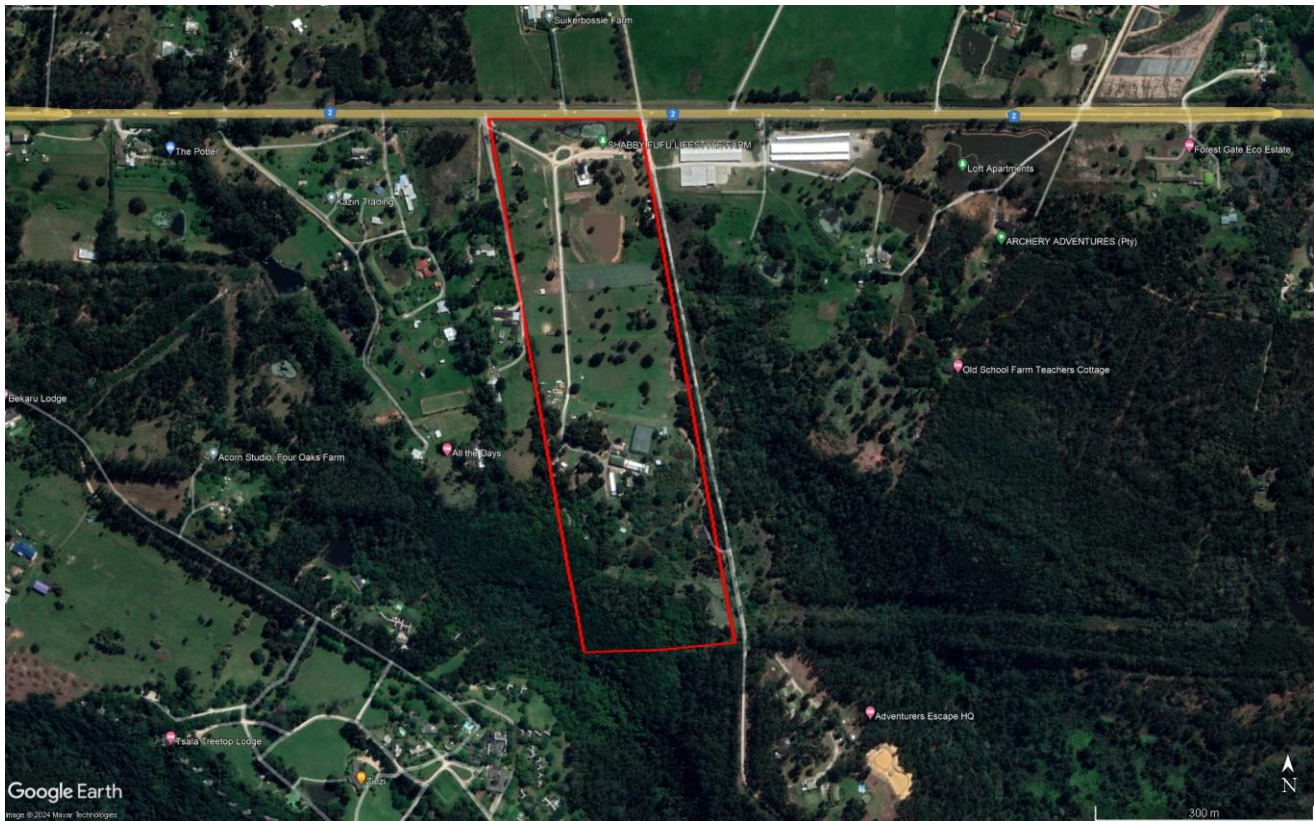


Figure 3. Google Earth image (2021) of the property indicating construction of a dam, farm stall and accommodation.

The construction activities took place within the original disturbed footprint from previous agriculture activities (Appendix H3). An additional cottage has been built in 2018, and an area of 200 m² indigenous vegetation was cleared, thus wouldn't have triggered Listing Notice 3, Activity 12.

In 2019 the farmstall was constructed and a bird sanctuary and nursery were added to the footprint.

The current buildings on the property include:

- A farmstall and restaurant (Figures 4 and 5)
- Accommodation cabins and cottages (Figures 6 and 7)



Figure 4. The Shabby Fufu farmstall on portion 4 of Farm No. 428.



Figure 5. The Shabby Fufu farmstall on portion 4 of Farm No. 428.



Figure 6. Shabby Fufu accommodation on portion 4 of Farm No. 428.



Figure 7. Shabby Fufu accommodation on portion 4 of Farm No. 428.

The total development footprint that triggered the clearing of vegetation was approximately 200 m² and the total development footprint is approximately 20 549 m².

Infrastructure (e.g. roads, power and water supply/ storage)

YES

Provide brief description:

The existing access road is in use (just of the N2) on a gravel road. No additional roads have been constructed.

A children's play park (Figure 8) and recreational dam (Figure 9) was constructed within a watercourse (Figure 10).



Figure 8. Image of the children's playpark constructed.



Figure 9. Recreational dam within a watercourse.



Figure 10. Image indicating the dam that was constructed within an existing watercourse.

There are 3 dams on the property (Appendix H2), and the largest dam (Figure 9) is the dam that triggered the compliance notice as it is an instream dam within a watercourse. This dam has a surface area of 2 100 m² and a volume of 3 150 m³, however the water level varies therefore making it too aggressive for many aquatic organisms (Watsan, 2024).

All 3 dams on the property mostly get water from the N2 runoff which flows into dam 2 (Figure 11) and then overflows into the larger dam.

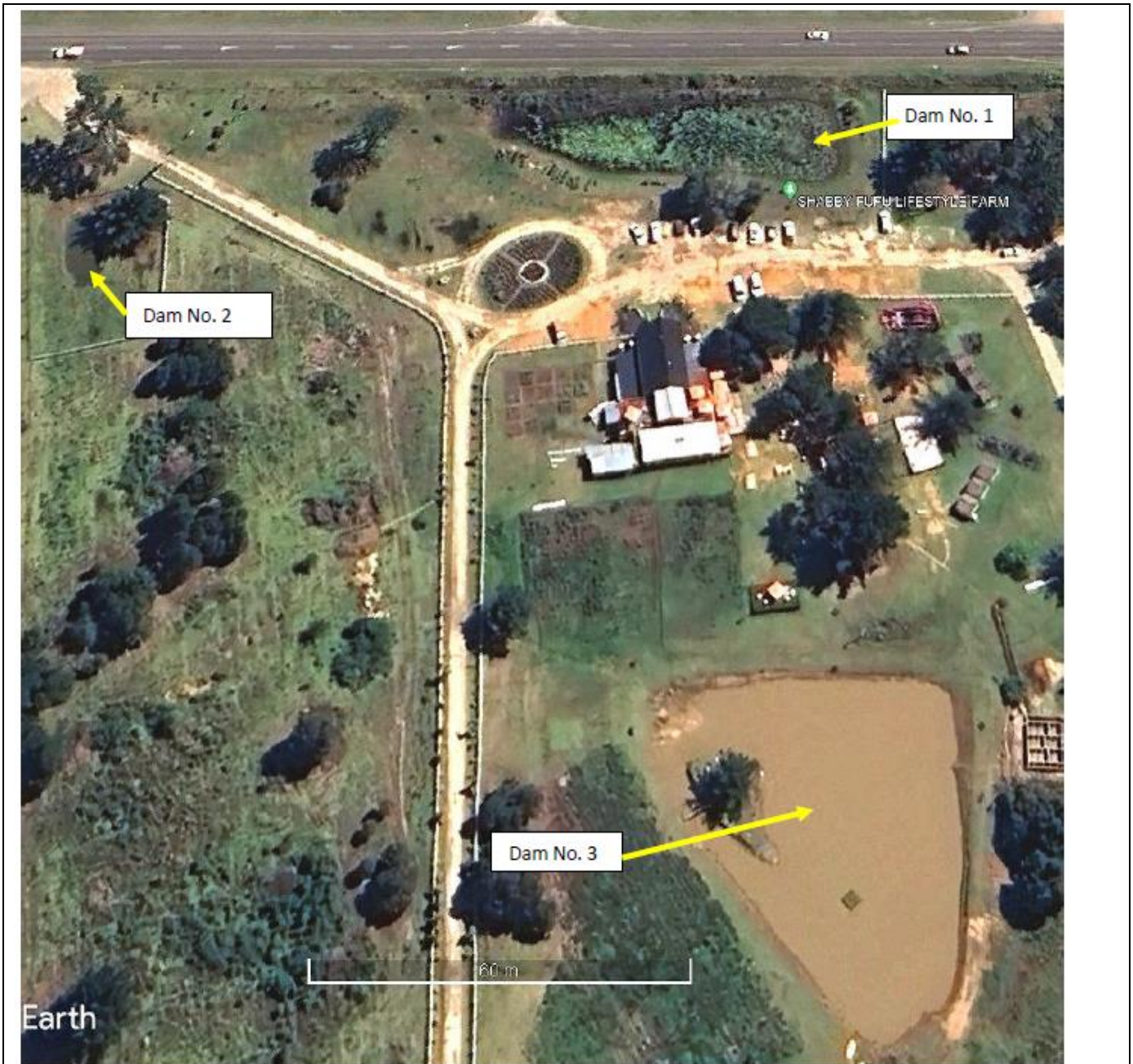


Figure 11. Image indicating all 3 dams on the property (extracted from Watsan, 2024).

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)		
Provide brief description		NO
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):	
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	~20 549 m ²
Total area:	~20 549 m ²

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.	
Describe the type of access road constructed:	
Access to the property is of the N2 on a gravel road.	

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 60 of the Bitou Municipal Land Use Planning By-law 2015.	Bitou Municipality	Consent Use	03 May 2022

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"> - DEA&DP's Circular EADP 0028/2014: One Environmental Management System - EIA Guideline and Information Document Series - Guideline on Public Participation - Guideline for Environmental Management Plans - Guideline for Involving Biodiversity Specialists in EIA processes. - Guideline on Alternatives - The Guideline on Need and Desirability 	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)?		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	
If yes, has an application been submitted to the licensing authority?	YES	
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)?		NO
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act (“NEM: ICMA”)?		NO

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)
Section 60 of the Bitou Municipal Land Use Planning By-law 2015.	Bitou Municipality	Consent Use	03 May 2022
Notice of Intend to Develop	Heritage Western Cape	Yes	Received final comment on 18 July 2024

SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

Site/Area Description

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

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

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

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

2. GRADIENT OF THE SITE

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

	Flatter than 1:10	
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3. LOCATION IN LANDSCAPE

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

	Undulating plain/low hills
If other, please describe	

4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

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

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

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

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

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

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

5.2 SURFACE WATER (POST-COMMENCEMENT)

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

Perennial River			
Non-Perennial River	YES		
Permanent Wetland			
Seasonal Wetland			
Artificial Wetland	YES		
Estuarine / Lagoonal wetland			

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. 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	<input type="checkbox"/>	Indigenous Vegetation with scattered aliens	<input checked="" type="checkbox"/>	Indigenous Vegetation with heavy alien infestation	<input type="checkbox"/>
Describe the vegetation type above:		Describe the vegetation type above: South Outeniqua Sandstone Fynbos with a potential intrusion of Southern Afrotropical Forest to the south (Appendix H3)		Describe the vegetation type above:	
Provide ecosystem status for above:		Provide ecosystem status for above: Least Concern		Provide Ecosystem status for above:	

(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
	Ecological Support Area (ESA)	According to 2017 Western Cape Biodiversity Spatial Plan (WCBSPP) for the Bitou Municipality the dam might have impacted on an aquatic ecological support area (ESA1) (Botes, 2024). However, historical Google earth images show that the land was previously utilized for agricultural purposes and the original stream had been incorporated into the agricultural landscape, therefore compromising the stream's aquatic integrity and riparian vegetation.

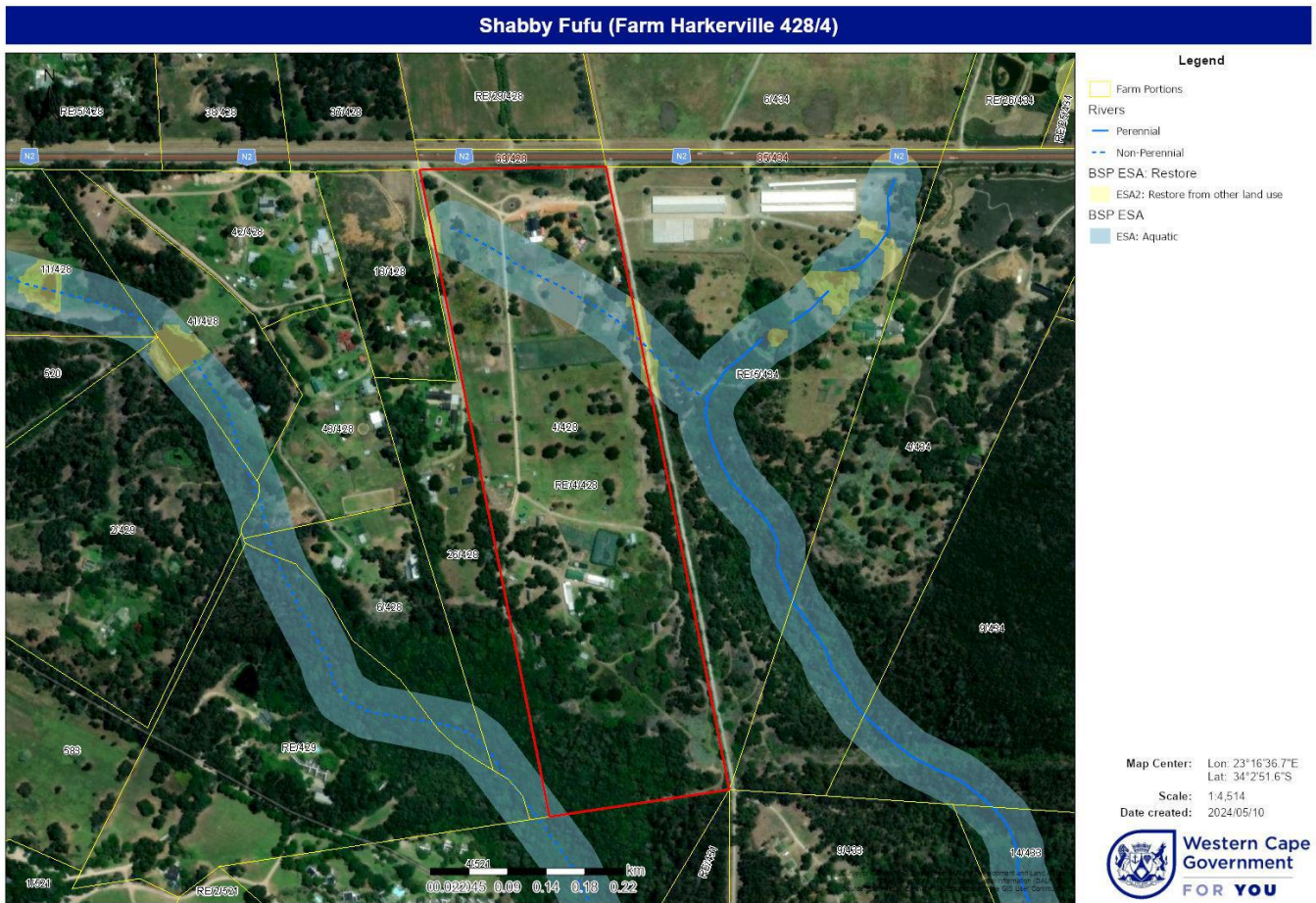


Figure 12. ESA of the non-perennial river going through the property (extracted from Botes, 2024).

(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	10%	The southwestern corner of the property consisted of natural vegetation, the South Outeniqua Sandstone Fynbos, which was never cleared for the agricultural activities. Fynbos vegetation types occur predominantly on well-leached, infertile soils (e.g., the Cape Supergroup sandstones). Under high rainfall conditions, granites and even shales become sufficiently leached to support Asteraceous Fynbos, replacing Renosterveld. Habitat loss and fragmentation pose a major threat to biodiversity globally and is particularly relevant to Fynbos habitats.
Near Natural (includes areas with low to moderate level of alien invasive plants)	90%	Historical Google Images shows that the property had been used for agriculture on and before 2004. Most of the property had been cleared of natural vegetation. Portions of the cleared area had been used for crop cultivation, while the rest had probably been used for grazing (most likely ploughed to establish or promote the growth of grasses for grazing).
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)		Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)	Estuary	Coastline
	Least Threatened			

- (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), the property is about 16 ha in size most of which had been used for agricultural purposes (crop cultivation and grazing) in the past (and according to the current landowners, was still used for grazing when they bought the property). The last physical clearing was probably around 2004 – 2006, although Google Images from 2013 (Figure 13) suggest some further disturbances, which could be physical clearing or a fire.



Figure 13. Current land use and historical disturbance (extracted from Botes, 2024).

The site visit confirmed that most of the property had been disturbed as a result of past land use practices (the orange area in Figure 1). Of the disturbed area, especially the top two-thirds had been severely impacted, while the southern part of the old agricultural area had been allowed to slowly recover and portions is now covered with a good layer of indigenous vegetation (although mostly still early successional species or pioneer species).

Aquatic Ecosystem

According to SANBI BGIS information a watercourse, a watercourse used to run from west to east through the top half of the property (Figure 12).

The driver of the original drainage line, the condition prior to human impact, was the rain that fell throughout the year, flowed through the forest and through the fynbos and eventually into the Piesang River. Human impact has changed the flow regime with obliterating the drainage line. The ecosystems prior to cultivated activities that took place on site is unknown.

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

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

Indigenous Vegetation - good condition		Indigenous Vegetation with scattered aliens	X	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:	Describe the vegetation type above: South Outeniqua Sandstone Fynbos with a potential intrusion of Southern Afrotropical Forest to the south (Appendix H3)		Describe the vegetation type above:	
Provide ecosystem status for above:	Provide ecosystem status for above: Least Concern		Provide Ecosystem status for above:	
Building or other structure				
Other (describe below)				

(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	10%	The southwestern corner vegetation of the property is similar to pre-commencement and consists of natural vegetation, the South Outeniqua Sandstone Fynbos, which was never cleared for the agricultural activities. Fynbos vegetation types occur predominantly on well-leached, infertile soils (e.g., the Cape Supergroup sandstones). Under high rainfall conditions, granites and even shales become sufficiently leached to support Asteraceous Fynbos, replacing Renosterveld. Habitat loss and fragmentation pose a major threat to biodiversity globally and is particularly relevant to Fynbos habitats.
Near Natural (includes areas with low to moderate level of alien invasive plants)		
Degraded (includes areas heavily invaded by alien plants)		
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	90%	The previously transformed area, which was used for agricultural purposes, was used to construct the dams and the current infrastructure.

(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 H3), the property is about 16 ha in size most of which had been used for agricultural purposes (crop cultivation and grazing) in the past (and according to the current landowners, was still used for grazing when they bought the property). The last physical clearing was probably around 2004 – 2006, although Google Images from 2013 (Figure 13) suggest some further disturbances, which could be physical clearing or a fire.



Figure 14. Current land use and historical disturbance (extracted from Botes, 2024).

The site visit confirmed that most of the property had been disturbed as a result of past land use practices (the orange area in Figure 1). Of the disturbed area, especially the top two-thirds had been severely impacted, while the southern part of the old agricultural area had been allowed to slowly recover and portions is now covered with a good layer of indigenous vegetation (although mostly still early successional species or pioneer species).

All of the Shabby Fufu infrastructure were placed within the footprint of the historical agricultural land, apart from one log cabin that was placed within the remaining wooded area to the southwest of the site. The footprint of this log cabin is less than 200 m², and even this cabin seems to have been placed within an existing small clearing within the wooded area. Most of the development would have impacted on historical agricultural land that might still have been used for grazing purposes, but that has most likely not been physically worked within the last 10 years. Only the small log cabin described above, would have impacted on indigenous vegetation.

Aquatic Ecosystem

According to SANBI BGIS information a watercourse, a watercourse used to run from west to east through the top half of the property (Figure 12). According to the Freshwater Specialist Report (Watsan, 2024), all 3 dams currently on the site are entirely artificial and Dam No.1 (Figure 11) has a present ecological state (PES) of Moderately Modified, with a good measure of ecological functioning. Dams No.2 and 3 were assessed as seriously modified, with aquatic and riparian ecological functioning impaired.

The driver of the original drainage line, the condition prior to human impact, was the rain that fell throughout the year, flowed through the forest and through the fynbos and eventually into the Piesang River. Human impact has changed the flow regime with obliterating the drainage line and with many small farm dams.

A new and altered ecology replaced the original situation. The driving force became human impact. It has been like this for the past millennia. Ecosystem services changed from nature and ecological directed ones to anthropological directed services. Gardening and tourists became the most important issues. Runoff from the N2 highway now is the dominant driver of the aquatic system.

Among these changes, the Knysna leaf folding frog and its remaining habitat must draw attention from the conservation authorities and from landowners alike.

It is recommended by the freshwater specialist that the dams on the property remain intact and that Shabby Fufu is allowed to continue its operation.

6.3 VEGETATION / GROUNDCOVER MANAGEMENT

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

The layout and design of the buildings, including the dams and the wooden cottages, 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 agri-tourism development.

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.

<div style="background-color: black; color: white; padding: 10px; display: inline-block;">Agriculture</div>	
Other land uses (describe):	Portions of the cleared vegetation had been used for crop cultivation and the rest was most probably been used for grazing

(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 ("☒") 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	
		<div style="background-color: black; color: white; padding: 5px; display: inline-block;">Tourism & Hospitality facility</div>
		<div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="background-color: black; color: white; padding: 5px;">Agriculture</div> <div style="background-color: black; color: white; padding: 5px;">River, stream or wetland</div> </div>
Other land uses (describe):		

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

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

Untransformed area	Low density residential			
		Tourism & Hospitality facility		
		<table border="1" style="margin: auto;"> <tr> <td style="width: 50%;">Agriculture</td> <td style="width: 50%;">River, stream or wetland</td> </tr> </table>	Agriculture	River, stream or wetland
Agriculture	River, stream or wetland			
Other land uses (describe):				

10. SOCIO-ECONOMIC CONTEXT

10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

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

Plettenberg Bay is a major tourism hub right through the year. There are multiple tourist attractions in the area and Shabby Fufu forms part of the local tourism community.

Prior to commencement of the unlawful activity, evidence show little activity on the property.

There was no one employed at the property, and currently there are 14 Permanent employees from the local community.

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 14 local people. The property currently offers a tranquil stay in the cottages and a relaxing spot to stop for a rest after a long drive.

11. HISTORICAL AND CULTURAL ASPECTS

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

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

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50m in length;
- (c) any development or other activity which will change the character of a site-
 - (i) exceeding 5 000 m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- (d) the re-zoning of a site exceeding 10 000 m² in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,

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

- (b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "3(2) Without limiting the generality of subsection (1), the national estate may include—
- (a) places, buildings, structures and equipment of cultural significance;
 - (b) places to which oral traditions are attached or which are associated with living heritage;
 - (c) historical settlements and townscapes;
 - (d) landscapes and natural features of cultural significance;
 - (e) geological sites of scientific or cultural importance;
 - (f) archaeological and palaeontological sites;
 - (g) graves and burial grounds, including—
 - (i) ancestral graves;
 - (ii) royal graves and graves of traditional leaders;
 - (iii) graves of victims of conflict;
 - (iv) graves of individuals designated by the Minister by notice in the Gazette;
 - (v) historical graves and cemeteries; and
 - (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
 - (h) sites of significance relating to the history of slavery in South Africa;
 - (i) movable objects, including—
 - (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - (ii) objects to which oral traditions are attached or which are associated with living heritage;
 - (iii) ethnographic art and objects;
 - (iv) military objects;
 - (v) objects of decorative or fine art;
 - (vi) objects of scientific or technological interest; and
 - (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES
If YES, explain:	Section 38(1)(c) Any development or activity that will change the character of a site: (i) exceeding 5 000m² in extent.	
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		NO
If YES, explain:	<p>A Notice of Intent was submitted to Heritage Western Cape on 01 June 2024.</p> <p>Final Comment, dated 18 July 2024 was received with the following response:</p> <p><i>"You are hereby notified that, since there is no reason to believe that the unlawful development in terms of NEMA – construction of tourist facilities, parking area, main house, play area, nursery, labourers cottages, and dam on Portion 2 of Farm 428, Harkerville, Plettenberg Bay, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</i></p> <p><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> <p><i>This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.</i></p> <p><i>This decision is valid for 5 years from the date of this decision. This period may be extended on good reason being shown and at the discretion of HWC, provided that application for extension must be made prior to the effluxion of the 5-year period."</i></p>	
Was any building or structure older than 60 years affected in any way?		NO
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		
An area within 100m of the high water mark of an estuary/lagoon		NO		
An area within the littoral active zone		NO		
An area in the coastal public property		NO		
Major anthropogenic structures		NO		
An area within a Coastal Protection Zone		NO		
An area seaward of the coastal management line		NO		
An area within the high risk zone (20 years)		NO		
An area within the medium risk zone (50 years)		NO		
An area within the low risk zone (100 years)		NO		
An area below the 5m contour		NO		
An area within 1km from the high water mark of the sea		NO		
A rocky beach		NO		
A sandy beach		NO		

(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 consent use rights. A Consent Use was issued on 03 May 2022 by the Bitou Municipality.			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES		Please explain
The development is an agri-tourism activity within the Harkerville area, identified as objective 6: economic development and job creation within 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		Please explain
The development is in line with the local municipality's Integrated Development Plan as it offers accommodation throughout the year, especially in high tourist seasons, it is a rest stop on the N2 where either local families or tourists can stop to eat and enjoy the scenic offerings of the development and it boosts the local economy with the farm stall and the people it employs.			
Spatial Development Framework of the Local Municipality	YES		Please explain
The development is in line with the municipal SDF and speaks to the following objective in the approved 2022 SDF, pages 94 – 95:			
Objective 3: Optimise regional connectivity and mobility as well as local access and accessibility via a comprehensive movement network:			
<ul style="list-style-type: none"> Action 3.1: Capitalise on the economic opportunities posed by the N2 coastal corridor. 			
Objective 6: Identify and optimally utilise economic development opportunities in a sustainable manner:			
<ul style="list-style-type: none"> Action 6.8: Promote a comprehensive range of tourism activities based on the key characteristics of the identified functional tourism areas. 			
The development is situated adjacent to the N2 and is a great tourist attraction			
Approved Structure Plan of the Municipality	YES		Please explain
The development does not use any municipal services besides solid waste disposal. These are minimal amounts consistent with residence.			
In addition, no use of Municipal infrastructure is required and therefor it will bear no current or future cost to anyone.			
An Environmental Management Framework (EMF) adopted by the Department		NO	Please explain

According to the DFFE Screening Tool Report, no intersections with EMF areas found.			
Any other Plans		NO	Please explain

SECTION D: NEED AND DESIRABILITY

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

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES		Please explain
The building is permitted in terms of the property's consent use rights. A Consent Use was issued on 03 May 2022 by the Bitou Municipality.			
2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES		Please explain
The development is an agri-tourism activity within the Harkerville 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
The development is in line with the local municipality's Integrated Development Plan as it offers accommodation throughout the year, especially in high tourist seasons, it is a rest stop on the N2 where either local families or tourists can stop to eat and enjoy the scenic offerings of the development and it boosts the local economy with the farm stall and the people it employs.			
The development is in line with the municipal SDF and speaks to the following objective in the approved 2022 SDF, pages 94 – 95:			
Objective 3: Optimise regional connectivity and mobility as well as local access and accessibility via a comprehensive movement network:			
<ul style="list-style-type: none"> Action 3.1: Capitalise on the economic opportunities posed by the N2 coastal corridor. 			
Objective 6: Identify and optimally utilise economic development opportunities in a sustainable manner:			
<ul style="list-style-type: none"> Action 6.8: Promote a comprehensive range of tourism activities based on the key characteristics of the identified functional tourism areas. 			
The development is situated adjacent to the N2 and is a great tourist attraction, thus the primary goal of the accommodation is to provide a service for tourists and to attract tourists to the farm and to the area.			
(d) Approved Structure Plan of the Municipality	YES		Please explain
The development does not use any municipal services besides solid waste disposal. These are minimal amounts consistent with residence.			
In addition, 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?)		NO	Please explain
According to the DFFE Screening Tool Report, no intersections with EMF areas found.			
(f) Any other Plans (e.g. Guide Plan)		NO	Please explain
3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)?	YES		Please explain
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
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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The development ensures the viability of the farm, and allows the landowner to fund alien vegetation clearing as well as the upgrade/upkeep of the restaurant, farm stall, children’s play park and accommodation units. 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 appendix , where applicable.)	YES		Please explain
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The development is an agri-tourism development that is used for self-catering tourism accommodation and recreational purposes, and currently only requires solid waste removal and sewerage removal from time to time as services from the municipality. The facility can accommodate a maximum of 12 guests, and therefore produces minimal amounts of solid waste.

The 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 appendix , where applicable.)	YES		Please explain
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The development is an agri-tourism development that is used for self-catering tourism accommodation and recreational purposes, and currently only requires solid waste removal as services from the municipality. The facility can accommodate a maximum of 12 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 development is an agri-tourism development that is used for self-catering tourism accommodation and recreational purposes, the site is ideally located for this, as it is next to the N2 along the garden route, and within close proximity to Plettenberg Bay, the Piesang River and Garden Route National Park, and offers other benefits as being relatively natural with a peaceful and quite atmosphere.

10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?	YES		Please explain
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According to the Agricultural Report (Appendix H1) report, the development and the activities had mixed impacts on agriculture. There was a minor loss of grazing land, but the overall area affected was small. On the positive side, the activities promoted diverse cultivation, and the dam will benefit agricultural practices on the farm. Overall, the impact on agriculture is minimal.

According to the Freshwater Report (Appendix H2), Shabby Fufu is an integral part of the local economy. It is a well-known landmark along the N2. It is here to stay. Its intention to keep the dams intact and not to rehabilitate as per choice left by the Pre-Compliance Notice, is supported. Removal of the dams in a highly altered environment would probably do more damage than doing any good.

It is recommended that the dams on the property remain intact and that Shabby Fufu is allowed to continue its operation.

According to the Terrestrial Biodiversity Report (Appendix H3) the main impacts associated with the development might have been:

- The potential impact on a degraded conservation priority area (ESA1);
- The potential impact on sensitive animal species (Refer to Table 11).

Because of the location and small size of the proposed development even the cumulative impact given in Table 12 is Low Sensitive. No fatal flaws or any other obstacles were found with respect to the flora, vegetation, fauna, and terrestrial biodiversity.

It is 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.**

The findings of this assessment suggests that the relative terrestrial biodiversity theme sensitivity should be Low Sensitive (not Very High Sensitive as suggested in the DFFE screening report).

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.)?		NO	Please explain
<p>The development is a relatively small scale (no more than 12 guests) self-catering tourism accommodation and for recreational purposes. 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>			

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?		NO	Please explain
<p>The activity is not expected, or has, resulted in any unacceptable opportunity costs.</p>			

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?		NO	Please explain
<p>According to the Terrestrial Biodiversity Report (Appendix H3), the location and the small size of the development has resulted in the cumulative impact to be low sensitive.</p>			

14. Is/was the development the best practicable environmental option for this land/site?		NO	Please explain
<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. The current development is seen as the best practical option, and has minimised its environmental impact due to its relative small size, design and it has minimised the vegetation removed.</p> <p>It can be regarded as the most sustainable option for the property.</p>			

15. What are/were the benefits to society in general and to the local communities?	Please explain		
<p>The activity has promoted agri-tourism in the area, and has created temporary and permanent job opportunities for locals for the restaurant, farmstall and accommodation and the ongoing alien vegetation removal.</p>			

16. Any other need and desirability considerations related to the activity?	Please explain		

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:
<p>The general objectives of Integrated Environmental Management have been taken into account through the following:</p> <ul style="list-style-type: none"> - 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.
- The current development is 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.

(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.

(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 farmstall, self-catering accommodation, recreational dams, a restaurant and children's playground. No additional significant negative impacts would have been caused by the use of the buildings as tourism purposes as opposed farming activities.

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

This 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 14 local people, as well as temporary jobs for maintenance and alien vegetation clearing. The development also makes the farm viable, and creates 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 farmstall, self-catering accommodation, recreational dams, a restaurant and children's playpark, to make the property a viable asset to the Applicant and to the neighbouring environment. The development had mixed impacts on agriculture. There was a minor loss of grazing land, but the overall area affected was small. On the positive side, the activities promoted diverse cultivation, and the dam will benefit agricultural practices on the farm. Overall, the impact on agriculture is minimal. 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 impacts caused by the development. The physical aspects of the property have improved as it was cultivated land prior to the current development. The development brings a sense of tranquillity to the property as this is a place where locals and tourists go to for leisure purposes. 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
If yes, please describe:	
<p>The 2017 Western Cape Biodiversity Spatial Plan (WCBSP) includes a map of biodiversity importance for the entire province, covering both the terrestrial and freshwater realms, as well as major coastal and estuarine habitats (Pool-Stanvliet, 2017). The WCBSP is the product of a systematic biodiversity plan that delineates, on a map, Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs), which require safeguarding to ensure the continued existence and functioning of species and ecosystems, including the delivery of ecosystem services (CapeNature, 2017).</p> <p>According to 2017 Western Cape Biodiversity Spatial Plan (WCBSP) for this Bitou Municipality, the dam might have impacted on an aquatic ecological support area (ESA1) (CapeNature, 2017) (Figure 10 in the Terrestrial Biodiversity Report (Appendix H3)). However, it would seem that the original watercourse had been impacted and even transformed as a result of past agricultural practices. Historical Google Images (Refer to Figure 3 in the Terrestrial Biodiversity Report (Appendix H3)) seems to indicate that the site had been used for agricultural purposes (likely ploughed) and the original stream had been incorporated into the agricultural landscape (compromising it's aquatic integrity and riparian vegetation)</p>	
Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES
If yes, please describe:	
Please refer to Section 6.2 (b)	
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
If yes, please describe:	
<p>According to the DFFE Environmental Screening Tool report for this site (Appendix O), the plant species theme sensitivity is considered Low Sensitive.</p> <p>No red-listed or protected plant species were observed and the plant species sensitivity rating of Low Sensitive, is supported according to the Terrestrial Biodiversity Report (Appendix H3).</p> <p>According to the DFFE National Web Based Environmental Screening Tool the relative Animal species theme sensitivity is considered of Medium Sensitivity because of the potential presence of 6 sensitive animal species, which include one frog, one eagle, two mammal, one butterfly and one grasshopper species (Refer to Table 11 of the Terrestrial Biodiversity Report (Appendix H3)). A small pond (next to the N2) with emergent vegetation and relative clean water was observed that might be considered a suitable habitat for the endangered Knysna banana frog (Photo 15 in the Terrestrial Biodiversity Report (Appendix H3)). The dam was not impacted and seems to be protected as a water feature by the landowners. Duthie's golden mole might still occur on site, but the likelihood of significant impact to the habitat or breeding of any of the 6 species is considered very low (Refer to Heading 6.4.1 in the Terrestrial Biodiversity Report (Appendix H3) for a more detailed discussion per species).</p> <p>With regards to this project the animal sensitivity rating is considered to be Low Sensitive.</p>	
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?	R3 000 000.00
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	R2 800 000.00 (2025)
Has/will the activity have contributed to service infrastructure?	NO
How many new employment opportunities were/will be created in the construction phase of the activity?	20 employees over the period of 2 years
What was the value of the employment opportunities during the construction phase?	N/A
What percentage of this accrued to previously disadvantaged individuals?	100%
How was this ensured and monitored (please explain):	
Only local artisans and labour was used during construction	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	14 x permanent
What is the current/expected value of the employment opportunities during the first 10 years?	R1 600 000.00 (up until 2032)
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 01 June 2024.

Final Comment, dated 18 July 2024 was received with the following response:

“You are hereby notified that, since there is no reason to believe that the unlawful development in terms of NEMA – construction of tourist facilities, parking area, main house, play area, nursery, labourers cottages, and dam on Portion 2 of Farm 428, Harkerville, Plettenberg Bay, will impact on heritage resources, 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.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

This decision is valid for 5 years from the date of this decision. This period may be extended on good reason being shown and at the discretion of HWC, provided that application for extension must be made prior to the effluxion of the 5-year period.”

2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

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

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

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 which gets serviced by the municipality from time to time.	
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. It must be noted that minimal amounts of domestic waste are produced, due to the small-scale and nature of the development.	NO
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream?	NO
If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility:	
Does the facility have an operating license? (If yes, please attach a copy of the license.)	YES
Facility name: Shabby Fufu is an operating business	
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?	
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)

Groundwater

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

4. POWER SUPPLY

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

Eskom

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:

N/A

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

N/A

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)	

Impacts on socio-economic aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	

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

Impacts on cultural-historical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

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

Visual impacts / Sense of Place:	
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.**

Impacts on the geographical and physical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	

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

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)	

Impacts on the socio-economic aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Impacts on the cultural-historical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Noise impacts:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	
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Visual impacts / Sense of Place:	
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.

Potential impacts on the geographical and physical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impact on biological aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impacts on the socio-economic aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impacts on the cultural-historical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

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

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

(d) Any other impacts:

Potential impact:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

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

7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

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

Specialist inputs/studies and recommendations:

Freshwater Report:

"Shabby Fufu is an integral part of the local economy. It is a well-known landmark along the N2. It is here to stay. Its intention to keep the dams intact and not to rehabilitate as per choice left by the Pre-Compliance Notice, is supported. Removal of the dams in a highly altered environment would probably do more damage than doing any good.

The small scale of the current water use does not warrant a WULA and the associated Freshwater Report. If it was allowed under current legislation, a Schedule 1 water use would have been in order, without the need for any further form of official approval. This report is nevertheless necessary to answer to the requirements of the Pre-Compliance Notice and whatever conditions it may produce in future.

It is recommended that the dams on the property remain intact and that Shabby Fufu is allowed to continue its operation."

Agricultural Statement:

"The unlawful activities had mixed impacts on agriculture. There was a minor loss of grazing land, but the overall area affected was small. On the positive side, the activities promoted diverse cultivation, and the dam will benefit agricultural practices on the farm. Overall, the impact on agriculture is minimal."

Terrestrial Biodiversity Statement:

"The proposed study area is considered of Low sensitivity in terms of terrestrial biodiversity, but some mitigation recommendations is still appropriate. Impact minimisation focuses on the protection of the remaining and recovering indigenous vegetation to the south of the site and the protection of a potential suitable habitat for an endangered frog species."

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):
Freshwater: The focus here, for as long as the tourist destination is in existence, from an aquatic habitat point of view, is to maintain the habitat integrity of Dam No.1 for the Knysna leaf folding frog, to maintain the integrity of the dam walls and to keep the previous flow path of the drainage line intact and not allow further degeneration. No provision is made for the closure and rehabilitation because it is expected that Shabby Fufu will prevail in the foreseeable future and beyond.	Low - Unlikely
Heritage	Negligible - Unlikely
Agriculture	Very Low
Terrestrial biodiversity: Special Habitats	Very Low
Terrestrial biodiversity: Watercourses and Wetlands	Negligible - Unlikely
Terrestrial biodiversity: Landuse and cover	Very Low
Terrestrial biodiversity:	Very Low

Vegetation status	
Terrestrial biodiversity: Conservation priority	Very Low
Terrestrial biodiversity: Connectivity	Very Low
Terrestrial biodiversity: Cumulative impacts: Cumulative impact associated with proposed activity.	Low
Terrestrial biodiversity: Protected and endangered plant species	Very Low
Terrestrial biodiversity: Fauna and Avifauna	Low

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

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

<p>Freshwater Report:</p> <p><i>“Shabby Fufu is an integral part of the local economy. It is a well-known landmark along the N2. It is here to stay. Its intention to keep the dams intact and not to rehabilitate as per choice left by the Pre-Compliance Notice, is supported. Removal of the dams in a highly altered environment would probably do more damage than doing any good.</i></p> <p><i>The small scale of the current water use does not warrant a WULA and the associated Freshwater Report. If it was allowed under current legislation, a Schedule 1 water use would have been in order, without the need for any further form of official approval. This report is nevertheless necessary to answer to the requirements of the Pre-Compliance Notice and whatever conditions it may produce in future.</i></p> <p><i>It is recommended that the dams on the property remain intact and that Shabby Fufu is allowed to continue its operation.”</i></p> <p>Agricultural Statement:</p> <p><i>“The unlawful activities had mixed impacts on agriculture. There was a minor loss of grazing land, but the overall area affected was small. On the positive side, the activities promoted diverse cultivation, and the dam will benefit agricultural practices on the farm. Overall, the impact on agriculture is minimal.”</i></p> <p>Terrestrial Biodiversity Statement:</p> <p><i>“The proposed study area is considered of Low sensitivity in terms of terrestrial biodiversity, but some mitigation recommendations are still appropriate. Impact minimisation focuses on the protection of the remaining and recovering indigenous vegetation to the south of the site and the protection of a potential suitable habitat for an endangered frog species.</i></p> <p>Recovering and remaining natural veld to the back of the site (Green area in Figure 12)</p> <ul style="list-style-type: none"> • <i>Although the vegetation itself is not vulnerable or endangered the protection of the remaining natural veld to the back of the site, will add to the terrestrial diversity of the site, and may increase or provide habitat for a number of sensitive species animal species.</i> • <i>A well-planned alien eradication program should be implemented, which should focus on clearing of clearing of the area to the back (Green in Figure 12), slowly working to the front. This will not only have the benefit of improving the condition of the natural vegetation but should also reduce the fire risk over time.</i> • <i>Care must be taken with the eradication method to ensure that the removal does not impact or lead to additional impacts (e.g., spreading of the AIP due to incorrect eradication methods);</i> • <i>Care must be taken to dispose of alien plant material responsibly.</i> • <i>The pond (Blue area in Figure 12) should be protected and allowed to maintain its function as it could be a possible breeding site for the endangered Knysna banana frog.”</i>

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 agri-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.

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 4 Of the Farm Harkerville No. 428, Plettenberg Bay 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 flowing methodology was used to rate the significance of impacts 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 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 known 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	
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
Please provide reasons for your opinion		
<p>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.</p> <p>The development is beneficial from an agri-tourism perspective, and creates permanent employment opportunities, as well as indirect opportunities to the community.</p>		
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.		
<p>As an 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 development.</p> <p>The operational phase of the development is also causing no further significant environmental impacts.</p>		

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 were 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 be followed in the case of emergency situations.

SECTION J: PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

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

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

"The applicant must place a preliminary advertisement in-	
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.	
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.	
(3) The applicant must open and maintain of a register of interested and affected parties.	
(4) The register must be attached to the application form and included in the report , or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of-	
(a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;	
(b) all persons who have requested the applicant, in writing, to place their names on the register; and	
(c) all organs of state that have jurisdiction in respect of the activity to which application relates."	

Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, <i>inter alia</i> , proof of preliminary advertisement in a local newspaper.	
An advertisement was placed in the Bitou News on 16 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 G).	
One poster was placed at the Shabby Fufu main entrance fence, along the N2 and another one was placed at the eastern entrance gate, just off the N2 on the gravel road running south, as well as a poster placed at the municipal offices in Plettenberg Bay (Appendix D).	
Letter drops were also made to adjacent landowners.	
Please indicate whether the applicant has a website (please tick relevant box): <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application.	

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

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

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

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

1. In terms of regulation 41 of the EIA Regulations, 2014 -	
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -	
(i) the site where the activity to which the application relates is or is to be undertaken; and	YES
(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 no comment as yet
CapeNature	No	Department was notified, but no comment as yet
Department of Water and Sanitation	No	Department was notified, but no comment as yet
BOCMA	Yes	Agency has provided initial comment which was captured and addressed in the Comments and Responses Report (Appendix G)
DEADP Biodiversity and Coastal Management	No	Department was notified, but no comment as yet
Heritage Western Cape	Yes	HWC gave a final comment, which is recorded in Appendix I of this report)
WC Department of Public Works and Transport	No	Department was notified, but no comment as yet
Department of Rural Development and Land Reform (Knysna)	No	Department was notified, but no comment as yet
Department of Economic Development (Knysna)	No	Department was notified, but no comment as yet
SANRAL	No	Department was notified, but no comment as yet
Bitou Local Municipality	No	Department was notified, but no comment as yet

		as yet
Garden Route District Municipality	No	Department was notified, but no comment as yet

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, 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.

Breede Olifants Catchment Management Agency -
Kindly note that the commencement of the abovementioned water use activities by the applicant without a water use authorisation is a contravention in terms of section 151(1)(a) of the National Water Act, 1998 (Act no. 36 of 1998) (NWA). The BOCMA through the CM&E will thus initiate the relevant Compliance Monitoring and Enforcement administrative processes on the matter in terms of the NWA.

This office would like to further bring to your attention that no water use activities may commence without authorisation in terms of NWA as per section 22 of the Act

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 corvdW@elsenburg.com
CapeNature	Megan Simons	Tel
		Fax
		E-mail msimons@capenature.co.za
DEADP Public Works and	Jacqui Gooch/Cornelius	Tel

Transport	Malgas	Fax	
		E-mail	Jacqui.gooch@westerncape.gov.za Cornelius.malgas2@westerncape.gov.za
Department of Water & Sanitation	Jacques Kriel/ Derril Daniels	Tel	
		Fax	
		E-mail	albertim@dws.gov.za / DanielsD@dws.gov.za kriel@dws.gov.za
Breede-Gouritz Catchment Management Area	Elkerine Rossouw/ Carlo Abrahams	Tel	
		Fax	
		E-mail	erossouw@bgcma.co.za cabrahmas@bgcma.co.za
SANRAL	N Abrahams/ Rene de Kock	Tel	
		Fax	
		E-mail	dekockr@nra.co.za abrahamsn@nra.co.za
Department of Economic Development	Manager	Tel	
		Fax	
		E-mail	directorplanning@knysna.gov.za
Department of Rural Development and Land Reform	Pamela Booth	Tel	
		Fax	
		E-mail	pbooth@knysna.gov.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:

<p><i>Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?</i></p>		<p>NO</p> <hr style="width: 50%; margin: 0 auto;"/>	
<p><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></p>			
<p><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></p>		<p>NO</p> <hr style="width: 50%; margin: 0 auto;"/>	
<p><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></p>			
<p><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></p>		<p>NO</p> <hr style="width: 50%; margin: 0 auto;"/>	
<p><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></p>			

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.		

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.	
The proposed study area is considered of Low sensitivity in terms of terrestrial biodiversity, but some mitigation recommendations is still appropriate. Impact minimisation focuses on the protection of the remaining and recovering indigenous vegetation to the south of the site and the protection of a potential suitable habitat for an endangered frog species.		

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	
A Notice of Intent was submitted to Heritage Western Cape on 01 June 2024.		
Final Comment, dated 18 July 2024 was received with the following response:		
<i>"You are hereby notified that, since there is no reason to believe that the unlawful development in terms of NEMA – construction of tourist facilities, parking area, main house, play area, nursery, labourers cottages, and dam on Portion 2 of Farm 428, Harkerville, Plettenberg Bay, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25</i>		

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.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

This decision is valid for 5 years from the date of this decision. This period may be extended on good reason being shown and at the discretion of HWC, provided that application for extension must be made prior to the effluxion of the 5-year period."

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	X
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	
<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 not previously taken against the applicant in respect of the abovementioned provisions.	X
<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.	X
<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		
	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:

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	X
Appendix B:	Site plan(s)	X
Appendix C:	Building plans (if applicable)	N/A
Appendix D:	Colour photographs	X
Appendix E:	Biodiversity overlay map	X
Appendix F:	Permit(s) / license(s) from any other organ of state including service letters from the municipality Appendix F1 Heritage Western Cape Final Comment Appendix F2 – Consent Use	X
Appendix G:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Landowner consent and any other public participation information as required in Section J above. Appendix G1 – I&AP Register Appendix G2 – Newspaper Advert Appendix G3 – Proof of Newspaper Advert Placed Appendix G4 – Site Notice Appendix G5 – Notification Letter Appendix G6 – Proof of notification letter sent and site notices placed Appendix G7 – Comments and Responses report	X
Appendix H:	Specialist Report(s), if any Appendix H1 – Agricultural Statement Appendix H2 – Freshwater Report Appendix H3 – Terrestrial Biodiversity Report	X
Appendix I:	Environmental Management Programme	X
Appendix J:	Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc. Appendix J – Compliance Notice	X
Appendix K:	Certified copy of Identity Document of Applicant K1 – Applicant Declaration K2 – Copy of ID	X
Appendix L:	Certified copy of the title deed (or title deeds in the case of linear activities)	X
Appendix M:	Any Other (if applicable) (describe)	N/A
Appendix N:	Impact Assessment	X
Appendix O:	Screening Tool Report	X

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

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

DECLARATIONS

THE APPLICANT

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

- I **Irene Vermeulen**, in my personal capacity or duly authorised as (state capacity) by thereto hereby declare/affirm that all the information contained in this application to be true and correct, and that I:
 - am fully aware of my responsibilities in terms of 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.

Refer to Appendix K1

Signature of the applicant:

Refer to Appendix K1

Name:

Refer to Appendix K1

Name of Firm (if applicable):

Refer to Appendix K1

Date:

THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I **Clinton Geysler**, 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:

EnviroAfrica cc

Name of company:

13 August 2024

Date:

PART 4 -

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

1. WASTE QUANTITIES

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

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

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

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

Determined from volumes

Determined with weighbridge/scale

Estimated

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

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

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

2. GENERAL

Prevailing wind direction (e.g. NWW)

November – April

May - October

The size of population to be served by the facility:

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

LANDFILL PARAMETERS (If applicable)

The method of disposal of waste:

Land-building Land-filling Both

The dimensions of the disposal site in metres

	At commencement	After rehabilitation

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

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

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

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

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

The Salvage method

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

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