



REFERENCE: 14/1/1/E3/8/5/3/L1401/24

ENQUIRIES: D Mouton

CJ Engelbrecht Familie Trust

BY EMAIL: albert@wadrift.net

Farm No. 91

Riversdale

Attention: Mrs Sanmaré Engelbrecht

COMPLIANCE NOTICE

Dear Madam

**INTENTION TO ISSUE A COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF
THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998**

1. The Department's Directorate: Environmental Law Enforcement ("this Directorate") Pre-Compliance Notice issued to you on 15 January 2025, and the representation received from your appointed Environmental Assessment Practitioner ("EAP") dated, 04 February 2025 with the Section 24G application Project Schedule ("PS") (attached hereto as an annexure), has reference.
2. Having considered the evidence before me, and the fact that you have decided to apply for the rectification of the unlawful commencement of a listed activity in terms of section 24G of the NEMA, I, Achmad Bassier, in my capacity as an

Environmental Management Inspector Grade 1, hereby issues Mrs Sanmaré Engelbrecht with a Compliance Notice in terms of section 31L of the National Environmental Management Act, 1998 ("NEMA").

3. This Compliance Notice relates to the non-compliance with the provisions of section 24F of the NEMA and serves to hold you responsible to comply with the aforesaid project schedule.

Details of conduct constituting non-compliance

4. During a joint intergovernmental operation into allegations of the commencement of listed activities in contravention of section 24F of the National Environmental Management Act, 1998 ("NEMA") a joint site inspection was conducted at Farm No. 91 ("the property"), by Environmental Management Inspectors from the Department's Directorate: Environmental Law Enforcement, a representative of Department of Agriculture and representatives of Hessequa Municipality and CapeNature on 17 September 2024, and it was confirmed that you have commenced with the alleged unlawful clearing of indigenous vegetation of more than 1 hectare with the expansion of agricultural lands (at 33°58'53.90"S 21°2'53.64"E (Site 1) & 33°59'22.61"S 21°3'11.65"E (Site 2)) without the requisite environmental authorisation from the Department.

5. As such, you are hereby instructed to:

Adhere to the section 24G project schedule and specified timeframes as received on 4 February 2025 (attached hereto) and confirm such in writing **within 7 (seven) calendar days** of receipt of this Compliance Notice.

6. Approval of the section 24G application by the Department does not remedy the unlawful commencement of the above activities, which remain unlawful in terms

of section 49A(1) (a) and/or (d) of the NEMA, until such time that environmental authorization is granted.

7. Notwithstanding the section 24G application, the Department may commence criminal proceedings should circumstances so require.
8. Inform the Department of any delays/changes in respect of the section 24G PS on the following details; Ms Zaidah Toefy (Head of Sub-Directorate: Rectification) email: Zaidah.Toefy@westerncape.gov.za **and** Mrs Diana Mouton (Directorate: Environmental Law Enforcement) email: Diana.Mouton@westerncape.gov.za .

Varying this Compliance Notice

9. If you would like me to vary this Compliance Notice or extend the period to which it relates, you may make representations to me, in writing, to do so.

Failure to comply with this Compliance Notice (section 31N of the NEMA) and related offences in terms of the NEMA

10. In terms of section 49A(1)(a) of the NEMA it is an offence to commence a listed activity without environmental authorisation. A person convicted of such an offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.
11. Furthermore, failure to comply with a Compliance Notice is an offence in terms of section 49A(1)(k). A person convicted of such an offence 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.

12. Any non-compliance with the Compliance Notice must be reported to the Minister, who may:
 - 12.1 revoke any permit or authorisation to which this Compliance Notice relates; and/or
 - 12.2 take any steps necessary to ensure compliance with the provisions of the law, permit or authorisation to which this Compliance Notice relates and recover from you the cost of doing so.

Procedure for lodging an objection to this Compliance Notice (section 31L and 31M of the NEMA)

13. If you wish to lodge an objection to this Compliance Notice, you may do so by making representations, in writing, to the Provincial Minister of Environmental Affairs and Development Planning ("the Minister") **within 30 (thirty) calendar days** of receipt of this Compliance Notice.
14. Note further, that the lodgement of an appeal does not automatically suspend the operation of this Compliance Notice. You may, accordingly, **within 30 (thirty) calendar days** from the date of receipt of this Compliance Notice, apply to the Minister to suspend the operation of the Compliance Notice (or any part thereof), pending the finalization of the appeal.
15. The appeal and/or suspension of the operation ("suspension") of the Compliance Notice must be in writing and forwarded to the Appeal Administrator, Mr Marius Venter at the contact details below and must be accompanied by a statement detailing the grounds of the objection and supporting documentation, if any.

By post: Western Cape Ministry of Local Government, Environmental Affairs and

Development Planning

Private Bag X9186

CAPE TOWN

8000

By facsimile: (021) 483 4174

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: DEADP.Appeals@westerncape.gov.za

16. Irrespective of any representations you may make to me or to the Minister, you must comply with this Compliance Notice within the time period stated in the Compliance Notice, unless the Minister agrees to suspend the operation of this Compliance Notice.



Mr A. Bassier

Director: Environmental Law Enforcement

Grade 1 Environmental Management Inspector

Date: 17/02/2025

Cc:

1) Mr Clinton Geyser (EnviroAfrica cc)

Email: clinton@enviroafrica.co.za

2) Ms Zaidah Toefy (SD: Rectification)

Email: Zaidah.Toefy@westerncape.gov.za

ANNEXURE – S24G Project Schedule

SECTION 24G RECTIFICATION PROJECT SCHEDULE – FARM 91, RIVERSDALE

1. EAP do site inspection and compiles the S24G Consultation Form	February 2025
2. EAP to submit the S24G Consultation Form to DEA&DP	March 2025
3. DEA&DP to Acknowledge receipt of the S24G Consultation Form and issue a Pre-App Reference number	March 2025
4. Preliminary Public Participation: Place an advert in the local newspaper, Poster, Maildrops, notification letters etc.)	March 2025
5. Specialist studies conducted, and impact assessment reports compiled	March – May 2025
6. EAP compiles the Draft S24G Application Form and Impact Report & Submit to DEA&DP	May 2025
7. DEA&DP Acknowledge receipt of the S24G App Form and issues the Pre-Directive	May 2025
8. EAP sends Draft S24G App Form and Impact Report out for a 30-day commenting period	June 2025
9. Comments and Response Report on Draft App Form and Impact Report compiled. Compilation of Final Application Form and Impact Report	July 2025
10. EAP sends Final S24G App Form and Impact Report out for a 21-day commenting period	July 2025
11. EAP submits Final Application Form and Impact Report to DEA&DP	August 2025
12. DEA&DP issues the S24G administrative fine	September 2025
13. Applicant/EAP informs I&APs of the administrative fine within 14 days of receipt	September/October 2025
14. Applicant pays the application fee if no appeal was lodged	September/October 2025
15. DEA&DP issues a S24G Environmental Authorisation	November/December 2025