



**Optional Consultation Form to advise and assist on the requirements of a section 24G application to be submitted as a result of the consequences of unlawful commencement of listed or waste management activity/ies in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA")**

APRIL 2018

Form Number S24GCF/04/2018

**Kindly note that:**

1. Section 24G of the NEMA provides the alleged transgressor with an opportunity to apply for *ex post facto* environmental authorisation for the alleged unlawful commencement of a listed/waste management activity/ies in terms of the NEMA and NEM:WA.
2. A section 24G application is thus only relevant to the unlawful commencement of activities listed or specified in terms of section 24(2)(a) and (b) (i.e. the activities contained in the EIA Regulations' Listing Notices) of the NEMA and unlawfully commenced waste management activities in terms of section 20(b) of NEM:WA.
3. This **OPTIONAL Consultation Form** may be completed for all potential section 24G applications to be submitted to the Department in terms of **the above Acts**, by an independent Environmental Assessment Practitioner ("EAP")/Applicant.
4. This Consultation Form is current as of April 2018.
5. Unless protected by law, all information contained in and attached to this Consultation Form may become public information on receipt by the competent authority.

**OPTIONAL PRE-APPLICATION CONSULTATION PROCESS:**

- a) This Consultation Form may be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.
- b) Two signed hard copies (including the original) of this consultation form are to be submitted.
- c) If the Applicant/EAP elects to follow this optional pre-application consultation process, it is required to submit together with this consultation form any correspondence relating to the alleged unlawful commencement of the listed activity/ies or waste management activity/ies. Such correspondence may include *inter alia* administrative enforcement pre-notice and notices in terms of the NEMA and NEM:WA as well as letters confirming commencement from the relevant authorisations authorities (i.e. EIA and Waste etc.) in terms of the above Acts.
- d) The Department will acknowledge receipt of the Consultation Form (within **14 days**) and provide the Applicant / EAP with the relevant reference number to be used in the pre-application public participation processes.
- e) Upon receipt of this Consultation Form, the Department will advise the applicant/EAP on the pre-application public participation process to be followed 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, Government Gazette, 20 July 2017 (No. R. 698) ("Section 24G Fine Regulations, 2017") and the information requirements as outlined in Annexure A of the Section 24G Fine Regulations, 2017 that is to be submitted with an application.

**IMPORTANT INFORMATION TO READ BEFORE COMPLETING THIS CONSULTATION FORM –**

- 1) Submission of this Consultation Form is **optional** for purposes to assist the Applicant/EAP and **does not** initiate the 24G application process;
- 2) Any response or advice provided will be based on the information submitted;
- 3) It is an offence to provide incorrect or misleading information;
- 4) As such, the quality, correctness and detail of information submitted by the EAP or potential applicant is extremely important;
- 5) It remains the EAPs and potential applicant's responsibility to interrogate the specifics of the alleged unlawful commencement of the listed and/or waste management activity in order to report and provide information on the listed activities that have allegedly commenced.

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

**DEPARTMENTAL DETAILS**

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

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

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

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

Consultation Form Reference Number	
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**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)):	

**PROJECT TITLE**

## SECTION 24G APPLICATION FOR THE UNLAWFUL CLEARANCE OF VEGETATION AND CONSTRUCTION OF A DAM ON FARM 91, RIVERSDALE

**RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED**

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

REGION 1 City of Cape Town and West Coast District	REGION 2 Cape Winelands District and Overberg District	REGION 3 Central Karoo District and Eden District
		<b>X</b>

**SECTION A: BACKGROUND INFORMATION****1. PROFILE INDEX OF THE PERSON THAT COMMENCED, UNDERTOOK OR CONDUCTED (AS APPLICABLE) THE ACTIVITY**

Cross out the appropriate box "☒".

1.1	The applicant is a <b>natural person</b> (individual)	
1.2	The applicant is a <b>firm</b> (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)	<b>X</b>

Prospective Applicant's details						
C J Engelbrecht Familie Trust						
Please tick appropriate box if the applicant is a Firm	Directors of a company	Members of the board	Executive committee or other managing body of a corporate body or	Members of close corporation	Partners of a partnership	Trustees of a trust

			parastatal			
Prospective Applicant Name:	C J Engelbrecht Familie Trust					
RSA Identity Number/ Passport Number of Applicant, if natural person:						
Name of Firm (if applicable):	C J Engelbrecht Familie Trust					
Contact Person at the Firm:	Albert Engelbrecht					
Position held in the Firm:						
Postal address:	Wadrift Farm 91, P.O. Box 427					
	Riversdale	Postal code:	6670			
Telephone:	082 562 8353	Cell:				
E-mail:	albert@wadrift.net	Fax:	( )			
<b>Project Consultant</b>	N/A					
Contact person:						
Postal address:						
		Postal code:				
Telephone:	( )	Cell:				
E-mail:		Fax:	( )			
<b>Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:</b>	Clinton Geyser					
Company name (if any):	EnviroAfrica cc					
Postal address:	P. O. Box 5367, Helderberg					
		Postal code:	7135			
Telephone:	021 851 1616	Cell:	0836008882			
E-mail:	clinton@enviroafrica.co.za	Fax:	( )			
EAP Qualifications	MSc: Geography and Environmental Management					
EAP Registrations/Associations	Registered EAP - EAPASA Ref: 2021/3287					
<b>Name of the Landowner:</b>	Same as Applicant					
Name of the contact person for the land owner (if other):						
Postal address:						
		Postal code:				
Telephone:	( )	Cell:				
E-mail:		Fax:	( )			
Person in control of land:	Same as Applicant					
Contact person:						
Postal address:						
		Postal code:				
Telephone:	( )	Cell:				
E-mail:		Fax:	( )			

**Please note:** In instances where there is more than one landowner involved, please attach a list of landowners with

their respective contact details to the form, together with copies of their Identity Documents and a copy of the Title Deed of the respective property on which the activities commenced.

Municipality in whose area of jurisdiction the activity falls:	Hessequa Local Municipality		
Contact person, if known:	Albert de Klerk		
Postal address:	P.O. Box 29, Riversdale		
		Postal code:	6670
Telephone	028 713 8000	Cell:	
E-mail:	mm@hessequa.gov.za yolande@hessequa.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):	Farm 91, Riversdale – located approximately 14km north-east of Heidelberg and 20km north-west of Riversdale.
Farm/Erf name(s) & number(s) including portion(s)	Farm 91, Riversdale
Property size(s) (m <sup>2</sup> )	1179.32ha
Development footprint size(s) (m <sup>2</sup> )	4.64ha + 2.78ha = 7.42ha (74 200m <sup>2</sup> )
SG21 Digit code(s)	C0640000000009100000

**Property boundary: (see attached)**

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

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

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

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

Street address:	N/A		
Magisterial District or Town:	Riversdale		
Closest City/Town:	14km north-east of Heidelberg	Distance	14km
Zoning of Property:	Agricultural		

**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 Consultation Form.

Was the property rezoned after commencement of activities?	YES	NO
If yes, what was the previous zoning?		
Is a rezoning application required?	YES	NO

Is a consent use application required?		YES	NO
Locality map:	<p>A locality map must be attached to the Consultation Form, as an Appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:</p> <ul style="list-style-type: none"> <li>• an accurate indication of the project site position as well as the positions of the alternative sites, if any;</li> <li>• road names or numbers of all the major roads as well as the roads that provide access to the site(s)</li> <li>• a north arrow;</li> <li>• a legend;</li> <li>• the prevailing wind direction; and</li> <li>• GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)</li> </ul>		
Landowner(s) Consent:	<p>If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix 1. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.</p> <p><b>Note:</b> The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014).</p>		

## SECTION B: DESCRIPTION OF THE ACTIVITY/IES

### 1. PROJECT DESCRIPTION

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

Is/are the development and listed activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	<input checked="" 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 activity is an upgrade.	New	Upgrade
The development is an expansion of the agricultural activities (expansion of agricultural lands)		

(b) Clearly describe the development and associated infrastructure including the relevant listed/waste management activities commenced with, indicating what has been completed and what still has to be completed.
<p>The unlawful development in terms of NEMA includes the clearance of approximately 7,42ha of indigenous vegetation, over two separate areas, for the establishment and expansion of agricultural lands (avocados and macadamia nuts).</p> <p>The Applicant has established 5.42ha of avocados and 2.78ha of macadamia nut, requiring the removal of approximately 7,42ha of indigenous vegetation (parts of the avocado crops was on previously cultivated lands)</p> <p>A small farm dam (~900m<sup>3</sup>) has also been constructed within an area identified as a wetland.</p>



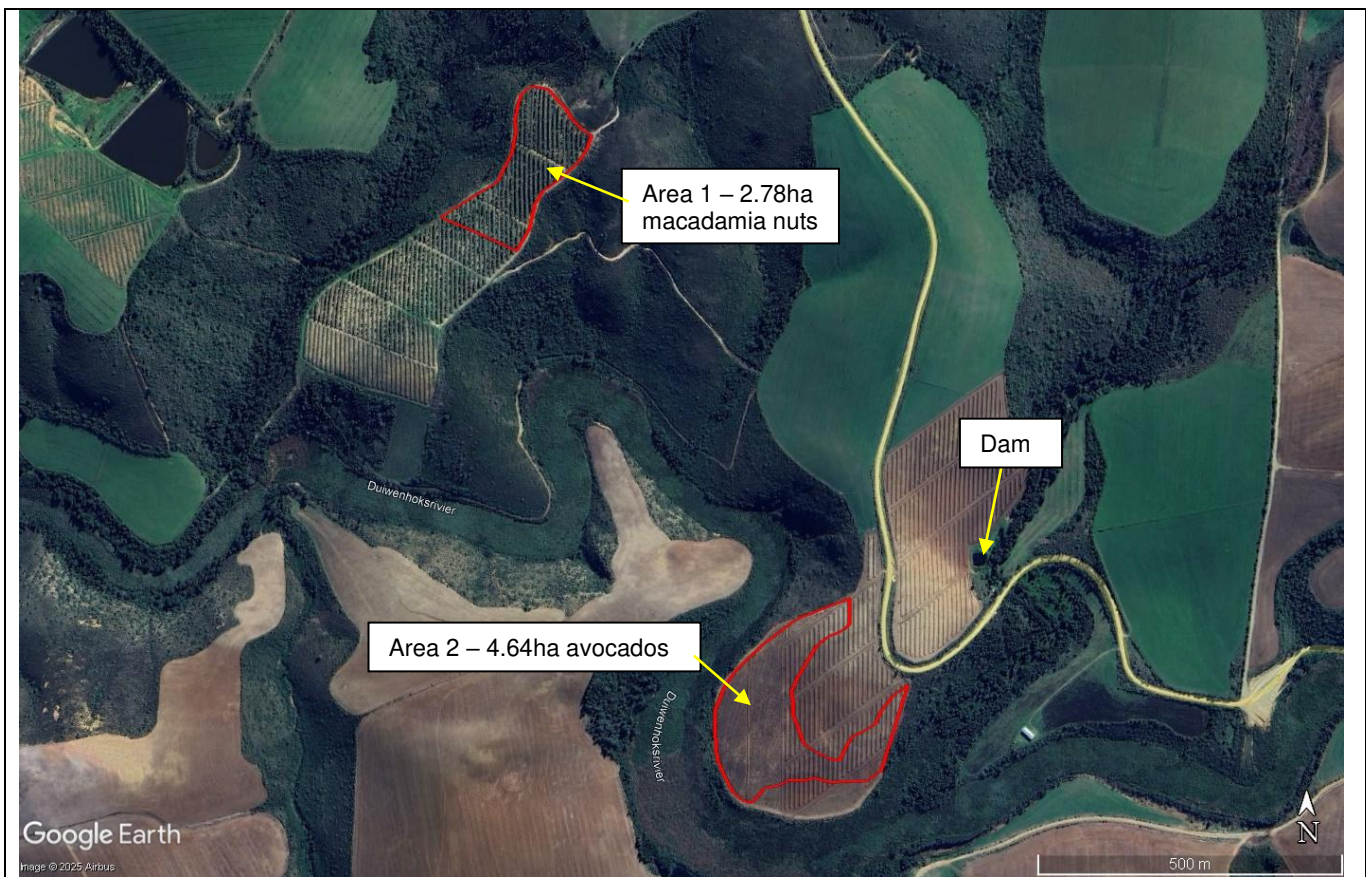


Figure 1: Google Earth imagery showing the proposed development.

(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		NO
Provide brief description:		
N/A		
Infrastructure (e.g. roads, power and water supply/ storage)	YES	
Provide brief description:		
The activities include		
Processing activities (e.g. manufacturing, storage, distribution)		NO
Provide brief description:		
N/A		
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)	Yes	No
Provide brief description		

**2. PHYSICAL SIZE OF THE ACTIVITY**

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	Agricultural lands - 82000m <sup>2</sup> Dam – 550m <sup>2</sup>
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	Agricultural lands - 74200m <sup>2</sup> Dam – 550m <sup>2</sup>
Total area:	m <sup>2</sup>

**3. SITE ACCESS**

Was there an existing access road?	YES	
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length) m	
	(width) m	
Describe the type of access road constructed:		
N/A – existing farm roads were used		

**Please Note:** indicate the position of the access road on the site plan (See Section 5 below)

**4. WASTE, EFFLUENT AND EMISSION MANAGEMENT****4.1 Solid waste management**

(i) Will the activity produce any solid waste (including rubble) during the construction or operational phases?		NO	
(ii) If YES, will it feed into a municipal waste stream?	YES	NO	UNCERTAIN
(iii) If NO to (ii) above, describe the types of solid waste and how each will be treated / disposed of.			
N/A			

**4.2 Effluent**

(i) Will the activity produce sewage and or any other effluent?		NO	
(ii) If YES, will the sewage / effluent be treated and/or disposed of in a municipal system?	YES	NO	UNCERTAIN
(iii) If NO to (ii) above, briefly describe the nature of the sewage / effluent and how it will be treated and/or disposed of:			
N/A			

**4.3 Emissions into the atmosphere**

(i) Will the activity produce emissions that will be disposed of into the atmosphere?		NO	
(ii) If YES, describe the emissions in terms of type and concentration and how it will be treated/mitigated:			
N/A			

**5. WATER USE**

Please indicate the source(s) of water for the activity by highlighting the appropriate box (es)

	River, Stream, Dam or Lake	Other	
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If water is to be extracted from groundwater, river, stream, dam, lake or any other natural feature, please indicate the volume that will be extracted per month:		12 500m <sup>3</sup>
Please provide proof of assurance of water supply e.g. Letter of confirmation from municipality / water board, yield of borehole – <b>To be provided</b>		
Does the activity require a water use permit / licence from the National Water Act?	YES	
If YES, describe:		

A Water Use Licence Application is currently underway.

## 6. POWER SUPPLY

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

N/A

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

## 7. LAND USE DESCRIPTION

7.1 Describe the current land use of the site(s) for the activity

The areas that were cleared for the macadamia nuts (area 1) and avocado crops (area 2) were a mixture of indigenous vegetation and previously cultivated areas.

The dam area was also previously a cultivated area.

7.2 Describe the surrounding land uses

The surrounding land-use is a mixture of natural indigenous vegetation and agricultural activities (crops and dairy).

The Duiwenhoks River flow just south of Area 2, a small drainage line to the west of Area 1 and the Sanddrift River to the east of the dam.

## 8. GROUNDCOVER

Highlight the types of groundcover present on the site.

Indigenous vegetation – good condition	Indigenous vegetation with scattered aliens	Indigenous vegetation with heavy alien infestation	Veld dominated by alien species	Gardens	Other (describe)
Sport field	Cultivated land	Paved surface	Building or other structure	Bare soil	

## 9. 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 form. 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.



**SECTION C: ACTIVITIES THAT WILL BE APPLIED FOR**

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

## A. Applicable EIA listed activities

<b>ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002</b>			
<b>Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the Environmental Conservation Act, Act 73 of 1989 ("ECA")</b>			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
<b>ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006</b>			
<b>Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989</b>			
<b>NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010</b>			
<b>Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998</b>			
GN R386 Activity No(s): <b>(Listing Notice 1 of 2006)</b>	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
Government Notice No. R387 Activity No(s): <b>(Listing Notice 2 of 2006)</b>	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
<b>NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014</b>			
<b>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</b>			
GN No. R. 544 Activity No(s): <b>(Listing Notice 1 of 2010)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
11	The construction of: (iv) dams  where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the	The dam was constructed within a wetland (NFEPA natural wetland identified on the site)	Mid 2014

	development setback line.		
18	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from a (i) <u>watercourse</u> ;	The construction of the dam involved removal, excavation and movement of soil of more than 5 cubic meters from an NFEPA wetland identified on the site	Mid 2014
GN No. R. 545 Activity No(s): <b>(Listing Notice 2 of 2010)</b>	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 546 Activity No(s): <b>(Listing Notice 3 of 2010)</b>	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
16	The construction of: (iv) infrastructure covering 10 square meters or more,  where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.	A dam, covering approximately 550 square meters was constructed within a wetland	Mid 2014
<b>NEMA EIA Contraventions: on or after 08 December 2014</b>			
<b>Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998</b>			
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for; (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	Approximately 7.42ha of indigenous vegetation was cleared	Mid 2022
GN No. R. 325 Activity No(s): <b>(Listing</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

<b>Notice 2 of 2014)</b>	activity/ies")		
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEM:BA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;	More than 300m <sup>2</sup> of Endangered vegetation was cleared	Mid 2022

## B. Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

<b>Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013</b>			
<b>Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008</b>			
GN No. 718 – Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
GN No. 718 – Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
<b>Waste Management Activity Contraventions: On or after 29 November 2013</b>			
<b>Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008</b>			
GN No. 921 – Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
GN No. 921 – Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity


**Please note:**

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

## C. Similarly listed activities in terms of the current EIA Regulations

Please also indicate the similarly listed activities that will be applied for should the listed activities have commenced prior to the EIA Regulations, 2014 regulatory period coming into effect. **The descriptions provided below must clearly state why the activity/development is still similarly listed.**

The similarly listed activities in terms of the EIA Regulations, 2014 promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
12	<p>The <b>development</b> of;</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres;</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; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p>	A dam exceeding 100 square meters (approximately 550 square meters) was constructed within a wetland
19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a <u>watercourse</u> ;	The construction of the dam involved excavation, and movement of soil within a wetland
GN No. R. 325 Activity No(s): <b>(Listing Notice 2 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.
14	<p>The <b>development</b> of;</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 10 square metres;</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs;</p>	A dam exceeding 10 square meters was constructed within a wetland

	(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;	

## SECTION D: 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 D and indicate the area which is covered by each copy No. on the site plan.

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

## 1. VEGETATION AND/OR AQUATIC ECOSYSTEMS

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

The area would historically have been covered in Garden Route Shale Fynbos (Endangered). From the SANBI Ecosystems Remnants maps below, and the Google Earth historical imagery, the establishment of the avocado and macadamia crops would have cleared indigenous vegetation (approximately 7.42ha).

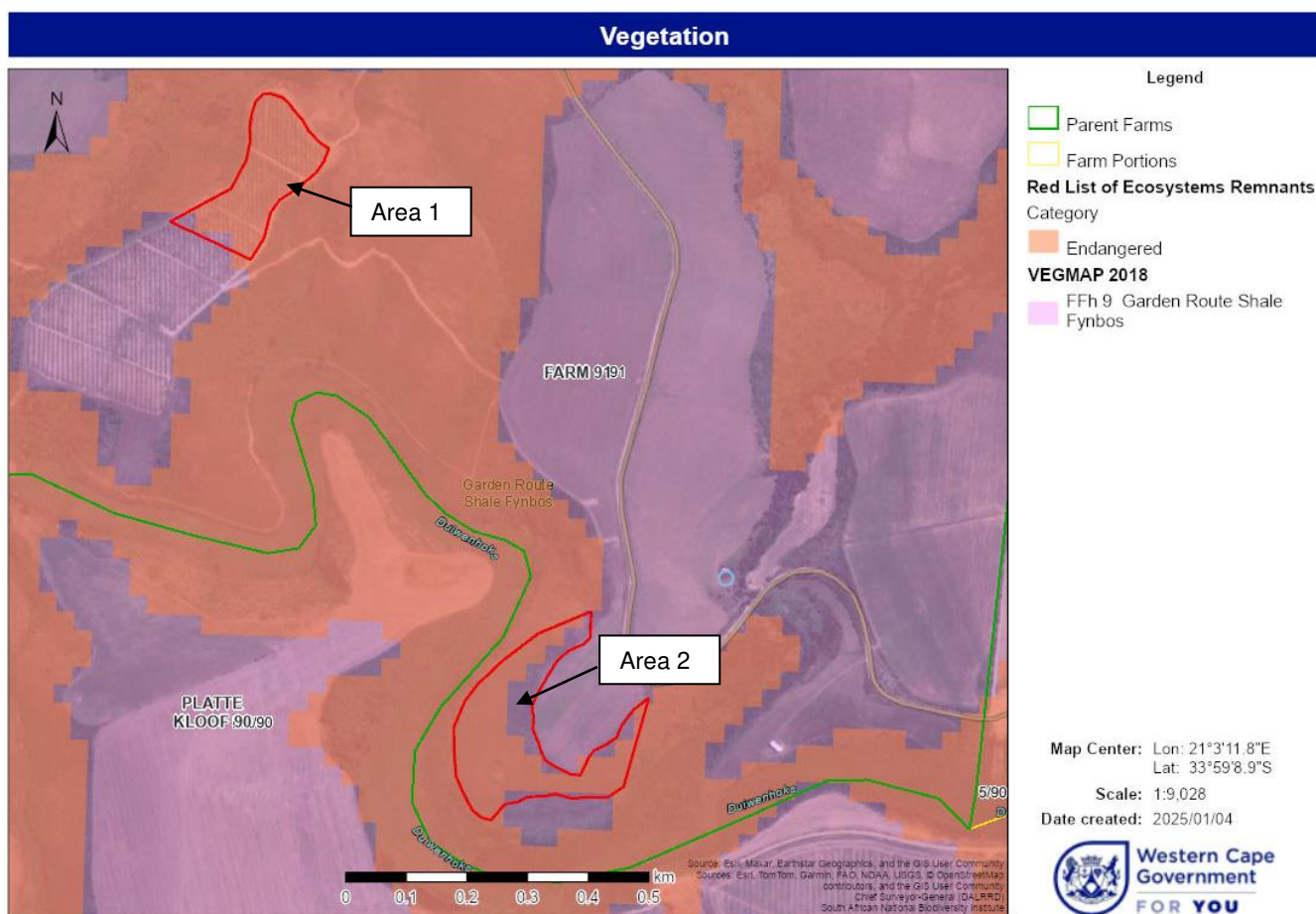


Figure 2: SANBI Red List of Ecosystems Remnants and Vegetation Map (2018). The red polygons indicate the areas of indigenous vegetation that was cleared.





Figure 3: Google Earth Historic Imagery (April 2022) showing the areas cleared of indigenous vegetation (red polygons)

The Duiwenhoks River flow just south of Area 2, a small drainage line to the west of Area 1 and the Sanddrift River to the east of the dam.

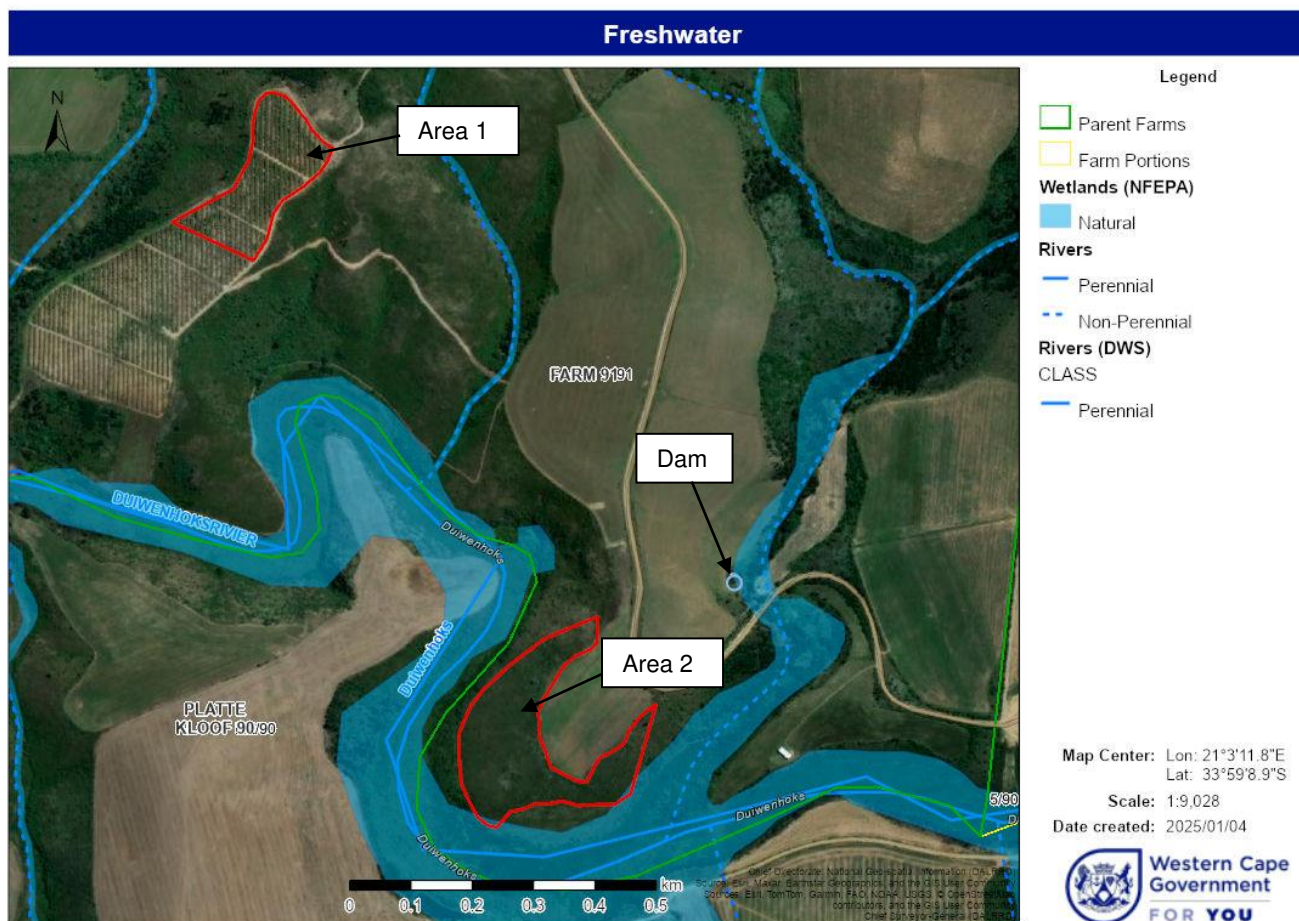


Figure 4: Freshwater Resources. The dam was constructed within an area identified as a natural wetland according to the NFEPA Maps.

The cleared areas are within close proximity to a drainage line, and the Duiwenhoks River.

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

The establishment of the crops has led to the clearance of approximately 7.42ha of indigenous vegetation (Garden Route Shale Fynbos - Endangered). Both areas are also within a CBA1. A Botanical Impact Assessment will be conducted.

The dam has been constructed within an area identified as a natural wetland according to the NFEPA, although no remnants of the wetland are visible in the area. A freshwater assessment will be conducted.

## 2. SOCIO-ECONOMIC CONTEXT

### 2.1 Socio-Economic Context (Pre-Commencement)

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

The development is within an area of established agricultural activities.

### 2.2 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 is within an area of established agricultural activities. The activities will lead to improving the viability of the farm and maintaining jobs on the farm.

### 3. 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.

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	
		UNCERTAIN	
If YES, explain:	Section 38(1)(c)(i) - exceeding 5 000m <sup>2</sup> in extent.		
	A Heritage Notice of Intent will be submitted to Heritage Western Cape.		
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:			
Was any building or structure older than 60 years affected in any way?			NO
If YES, explain:			

### 4. 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).



**SECTION E: PUBLIC PARTICIPATION****1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED****(a) Public Participation as required 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.

<b>The applicant must place a preliminary advertisement in-</b>
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the <i>Section 24G Fine Regulations, 2017</i> .
(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 indicate whether the applicant has a website (please tick relevant box):	<input checked="" type="checkbox"/>	NO
If yes, please note that the application information as specified above must be advertised on such website and proof thereof must accompany the application.		

Please provide a description of the public participation that will be undertaken to meet the above Regulation 8 requirements and provide a list of local newspapers in the area.
<p>The following public participation has been conducted:</p> <ul style="list-style-type: none"> <li>- Advert in the local newspaper (Suid-Kaap Forum) on the 28 February 2025.</li> <li>- A2 Posters placed on the boundary of each of the agricultural areas along the road.</li> <li>- A3 posters placed at the public library in Riversdale and at the "koporasie" in Heidelberg</li> <li>- Notification letters were sent to the municipality, ward councillors, neighbouring land owners and state departments (BGCMA, CapeNature, Department of Agriculture and Heritage Western Cape)</li> </ul>

**(b) List of State departments consulted/to be consulted**

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	
BGCMA	Elkerine Rossouw and Carlo Abrahams	Tel	044 873 2199
		Fax	
		E-mail	<a href="mailto:erossouw@bgcma.co.za">erossouw@bgcma.co.za</a>
			<a href="mailto:cabrahams@bgcma.co.za">cabrahams@bgcma.co.za</a>
Department of Agriculture	Brandon Layman and Cor van der Walt	Tel	
		Fax	
		E-mail	<a href="mailto:Brandon.Layman@westerncape.gov.za">Brandon.Layman@westerncape.gov.za</a>
			<a href="mailto:corvdW@elsenburg.com">corvdW@elsenburg.com</a>

CapeNature	Rhett Smart	Tel	087 087 8017
		Fax	
		E-mail	rsmart@capenature.co.za

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**DECLARATIONS**

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

- I, AP ENGELBRECHT, in my personal capacity or duly authorised as REPRESENTATIVE (state capacity) by CT ENGELBRECHT FAMILIE TRUST thereto hereby declare/affirm that all the information contained in this consultation form 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 ("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, 2014 to act as the independent Environmental Assessment Practitioner for the potential application;
  - have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the potential application;
  - am aware that I may be issued with a directive after the section 24G application is submitted to the competent authority and that I must comply with such a directive;
  - am fully aware of the section 24G administrative fine to be paid before a decision, with respect to the commencement and/or 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, 2014;
    - costs incurred in respect of the undertaking of any process required in terms of the potential application;
    - costs in respect of any fee prescribed by the Minister, the Minister for mineral resources or the MEC in respect of the regulations;
    - 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; 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.

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



Signature of the applicant:

ALBERTUS PETRUS ENGELBRECHT

Name:

Name of Firm (if applicable):

02/04/2025

Date:



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

I Clinton Ceyser, 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/acted as the independent EAP in this application;
- regard the information contained in this consultation form 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 ECA, the NEMA, the Environmental Impact Assessment Regulations, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and any 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 Environmental Impact Assessment Regulations, 2014, the NEM:WA and any specific environmental management Act(s); am able to meet the responsibilities in terms of NEMA, the Environmental Impact Assessment 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;
- will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties are provided with a reasonable opportunity to participate and to provide comments;
- will ensure that the comments of all interested and affected parties are considered, recorded and submitted to the competent authority in respect of the application;
- will keep a register of all interested and affected parties that will participate in the public participation process; and
- will provide the competent authority with access to all information at my disposal regarding the potential application, whether such information is favourable to the applicant or not.

**Note:** The terms of reference must be attached.



Signature of the environmental assessment practitioner:

EnviroAfrica cc

Name of company:

02/04/2025

Date:

EAPASA Ref: 2021/3287