Western Cape Government

Section 24G Application Form for the consequence of unlawful commencement of listed activity/ies in terms of the:

- **National Environment Management Act, 1998 (Act No. 107 of 1998). ('NEMA')**
- **National Environment Waste Act, 2008 (Act 59 of 2008) ('NEM: WA')**

March 2023

Form Number S24GAF/03/2022

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. 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.
5. The use of "not applicable" in the Application Form must be done with circumspection.
6. 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 shoubackground:rgb(184, 204, 228)ld be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted
7. 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)

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	14/1/1/E3/8/5/3/L1401/24
File reference number (EIA), if applicable:	
File reference number (Waste), if applicable:	
File reference number (Other(specify)):	

DEPARTMENTAL DETAILS

Department of Environmental Affairs and Development Planning	Registry Office	Queries should be directed to the Subdirectorate: Rectification at:
Directorate: Environmental Governance Attention: Sub-directorate: Rectification Private Bag X9086 Cape Town, 8000	1st Floor Utilitas Building 1 Dorp Street, Cape Town	Tel: (021) 483-5827 Fax: (021) 483-4033

PROJECT TITLE

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

PROJECT DESCRIPTION

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). The Applicant has established 5.42ha of avocados and 2.78ha of macadamia nuts, requiring the removal of approximately 7,42ha of indigenous vegetation (parts of the avocado crops were on previously cultivated lands). A small farm dam (~900 m3) has also been constructed within an area identified as a wetland.

PRELEVANT REGION IN WHICH THE ACTIVITY 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

SECTION A: BACKGROUND INFORMATION

1. APPLICANT PROFILE INDEX

1.1	The applicant is a Natural Person (individual)	
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)	

1.2.1 If a firm, please tick the relevant box below:

Body Corporate	Partnership	Trust	Parastatal
Organ of State	Director of a Company	Member of a Board	

Applicant Natural Person

Applicant Name	Cell Number	Email
Albert Engelbrecht		albert@wadrift.net
Telephone Number	Fax Number	Postal Address
0825628353		Wadrift Farm 91, P.O. Box 427

Project Consultant Details

Full Name	Cellphone Number	Email
Bianca Gilfillan		bianca@enviroafrica.co.za
Telephone Number	Fax Number	Postal Address
0218511616	0865120154	P.O.Box 5367, Helderberg, 7135

Contact Person for the Municipality

Full Name	Commenting Authority	Jurisdiction in respect of the activity	Municipality
Albert de Klerk	Yes	Yes	Hessequa Local Municipality
Telephone Number	Cellphone Number	Email	Fax Number
028 713 8000		mm@hessequa.gov.za	

Full Name	Commenting Authority	Jurisdiction in respect of the activity	Municipality
Henrik Vissr	Yes	Yes	Hessequa Local Municipality
Telephone Number	Cellphone Number	Email	Fax Number
028 713 8000		info@hessequa.gov.za	

Environmental Assessment Practitioner (“EAP”)

Company Name	Full Name	Email	Contact Number	Qualifications
EnviroAfrica	Bianca Gilfillan	bianca@enviroafrica.co.za	0218511616	ND: Environmental Management BTECH: Environmental Management Honours: Environmental Science

Environmental Assessment Practitioner (“EAP”) Professional Registration

Registration Body	Registration Number

Land Owner Details

Name of Land Owner	Postal Address	Email

Albert Engelbrecht	Wadrift Farm 91, P.O. Box 427, Riversdale, 6670	albert@wadrift.net
Cellphone Number	Telephone Number	Fax Number
	0825628353	

Person in control of land

Full Name	Postal Address	Email
Albert Engelbrecht	Wadrift Farm 91, P.O. Box 427, Riversdale, 6670	albert@wadrift.net
Cellphone Number	Telephone Number	Fax Number
0825628353	0825628353	

Property location(s):	located approximately 14km north-east of Heidelberg and 20km north-west of Riversdale.

Farm/Erf name	Farm/Erf number	Farm/Erf portion	Property Size	Longitude	Latitude
Wadrift Farm 91	Wadrift Farm 91	Wadrift Farm 91	11793200	33°59'13.47"	21°3'25.76"

Development Footprint

Development Footprint Name	Unauthorized clearing of natural vegetation for the cultivation of avocado pear orchards on two pieces of land, as well as the illegal construction of an 900m³ earth dam near the adjacent watercourse on Farm 91, in Riversdale.

Development Footprint Description	Development Footprint Size	Site Activity Location
Located approximately 14km north-east of Heidelberg and 20km north-west of Riversdale.	74 200m2	C06400000000009100000

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Please note:

Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses tothe consultation form

Street Address:	N2
Magisterial District or Town:	Hessequa
Closest Suburb/Town:	Riversdale
Distance to closest Town:	20
Zoning of Property:	Agriculture

Please note:

In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.

Was the property rezoned after commencement of activities?	Yes	No

If yes, what was the previous zoning?

Is a rezoning application required ?	Yes	No

Is a consent use application required?	Yes	No

Locality map:
A locality map must be attached to the Application Form as an appendix. The scale ofPage 8Page 8Page 8Page 8 the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following * an accurate indication of the project site position as well as the positions of the alternative sites,if any; * road names or numbers of all the major roads as well as the roads that provide access to the site(s) * a north arrow; * a legend; * the prevailing wind direction; and * GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)

Landowner(s) Consent:
If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he / she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites).This must be attached to this document as Appendix G.Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated. **Note** The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects(“SIPs”) as contemplated in the Infrastructure Development Act, 2014(Act No. 23 of 2014).

2. APPLICATION HISTORY

Has any national, provincial or local authority considered any development applications on the property previously ?	Yes	No

If so, please give a brief description of the type and/or nature of the application/s ,a reference number(if applicable) and the authority which considered the application

Nature of Application	Reference Number	Authority

Has any one of the previous application/s on the property been approved or refused? If so provide a list of the successful and unsuccessful application / s and the reasons for decision(s)	Yes	No

Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.

SECTION B: ACTIVITY INFORMATION

1. Activities Applied for

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

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

1.1 Applicable EIA listed activities

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.

Government Notice No	Description	Describe the portion of the development as per the project description that relates to the applicable listed activity	Activity Number	StartDate
GNR 544	The construction of: (i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; (vii) marinas; (viii) jetties exceeding 50 square metres in size; (ix) slipways exceeding 50 square metres in size; (x) buildings exceeding 50 square metres in size; or (xi) infrastructure or structures covering 50 square metres 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.	The dam was constructed within a wetland (NFEPA natural wetland identified on the site).	Activity 11 of GNR 544	01 June 2014
GNR 544	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from: (i) a watercourse; (ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing , dredging, excavation, removal or moving; is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or occurs behind the development setback line. [Corrected by “Correction Notice 2” of 10 December 2010, GN No. R. 1159]	The construction of the dam involved the removal, excavation and movement of soil of more than 5 cubic meters from an NFEPA wetland identified on the site.	Activity 18 of GNR 544	01 June 2014
GNR 546	The construction of: (i) jetties exceeding 10 square metres in size; (ii) slipways exceeding 10 square metres in size; (iii) buildings with a footprint exceeding 10 square metres in size; or (iv) infrastructure covering 10 square metres 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	A dam, covering approximately 550 square meters was constructed within a wetland.	Activity 16 of GNR 546	01 June 2014

	such construction will occur behind the development setback line.			

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

Government Notice No	Description	Describe the portion of the development as per the project description that relates to the applicable listed activity	Activity Number	StartDate
GNR 327	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.	Activity 27 of GNR 327	01 June 2022
GNR 324	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.	More than 300 m2 of Endangered vegetation was cleared.	Activity 12 of GNR 324	01 June 2022

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.

Government Notice No	Description	Describe the portion of the development as per the project description that relates to the applicable listed activity

2. ACTIVITY DESCRIPTION

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development?	New	Upgrade

Indicate the date (e.g. 2 August 2010) when the activity commenced-Date to be highlighted	2014-06-01
Indicate the original date of commencement if the application is an upgrade.	

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.
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). The Applicant has established 5.42ha of avocados and 2.78ha of macadamia nuts, requiring the removal of approximately 7,42ha of indigenous vegetation (parts of the avocado crops were on previously cultivated lands) A small farm dam (~900 m3) has also been constructed within an area identified as a wetland.
(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.)

Buildings	YES	NO

Provide brief description:

Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO

Provide brief description:
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). The Applicant has established 5.42ha of avocados and 2.78ha of macadamia nuts, requiring the removal of approximately 7,42ha of indigenous vegetation (parts of the avocado crops were on previously cultivated lands) A small farm dam (~900 m3) has also been constructed within an area identified as a wetland.

Processing activities(e.g.manufacturing, storage, distribution)	YES	NO

Provide brief description:

Storage facilities for raw materials and products (e.g. volume and substances to be stored)

Storage and treatment facilities for solid waste and effluent generated by the project	YES	NO

Provide brief description:

Other activities (e.g. water abstraction activities, crop planting activities)	YES	NO

Provide brief description:

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	74200m2 + 93.217m2 = 74 293,217m2
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	7,42ha
Total area:	74 293,217m2

4. SITE ACCESS

Was there an existing access road?	Yes	No
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	0 m(Length)	0 m(Width)

Describe the type of access road constructed:

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.
Attached as Appendix D

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)	Application Submitted:
National Environmental Management: Biodiversity Act (Act 10 of 2004)	Department of Environmental Affairs and Development Planning ,	Clearance of vegetation		No
National Environmental Management Act 107 of 1998	Department of Environmental Affairs and Development Planning ,	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). A small farm dam (~900m3) has also been constructed within an area identified as a wetland.		Yes
National Heritage Resources Act (Act 25 of 1999)	Heritage Western Cape ,	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). A small farm dam (~900m3) has also been constructed within an area identified as a wetland.		Yes
National Water Act (Act	Department of Water and Sanitation ,	A small farm dam (~900m3) has also been constructed within an area identified as a wetland.		Yes
Western Cape Nature Conservation Laws Amendment Act (Act 3 of 2000)	Cape Nature ,	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).		No

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
DEADP Guideline on Alternatives	Department of Environmental Affairs and Development Planning
DFFE Screening Tool	Department of Environment Forestry and Fisheries
DEADP Guideline for the review of specialist input in EIA process	Department of Environmental Affairs and Development Planning
DEADP Guideline for involving biodiversity specialists	Department of Environmental Affairs and Development Planning
DEADP Guideline for Environmental Management Plans	Department of Environmental Affairs and Development Planning
Hessequa Municipality Spatial Development Framework (SDF)	Hessequa Local Municipality
Hessequa Municipality Integrated Development Plan 2022–2027	Hessequa Local Municipality
Hessequa Municipality: Land Use Planning By-law, 2015	Hessequa Local Municipality
Western Cape Provincial Spatial Development Framework (WCPSDF), March 2014	Department of Environmental Affairs and Development Planning
DEADP Guideline on Public Participation	Department of Environmental Affairs and Development Planning
DEADP Guideline on Need and Desirability	Department of Environmental Affairs and Development Planning

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	Yes	No
If yes, has an application been submitted to the licensing authority?	Yes	No
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	Yes	No
If yes, has an application been submitted to the licensing authority?	Yes	No
Does the proposed project require an application for an atmospheric emissions license in terms of the	Yes	No

National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?		
If yes, has an application been submitted to the licensing authority?	Yes	No
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act ("NEM: ICMA")?	Yes	No
If yes, has an application been submitted to the relevant competent authority?	Yes	No

If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA

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

1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE

GRANITE	QUARTZITE	SHALE
DOLOMITE	SANDSTONE	DOLERITE

OTHER (specify)	

2. GRADIENT OF THE SITE

Indicate the general gradient of the site(s)

Flat	Flatter than 1:10	1:10 – 1:5	Steeper than 1:5

3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site

Ridgeline	Plateau	Side slope of hill/mountain	Closed valley	Plain
Undulating plain/low hills	Dune	Open Valley	Seafront	Other

If Other, Please Describe :	

Photo 1.png - Figure 3. Typical site conditions showing the prepared, shale derived soils.

Figure 3. *Typical site conditions showing the prepared, shale derived soils.*

Photo 2.png - Figure 4. Typical site conditions showing the prepared, shale derived soils.

Figure 4. *Typical site conditions showing the prepared, shale derived soils.*

Photo 3.png - Figure 5. Typical site conditions during soil preparation.

Figure 5. *Typical site conditions during soil preparation.*

Picture 4.png - Figure 6. The small dam that forms part of this assessment.

Figure 6. *The small dam that forms part of this assessment.*

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

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

4.2. Groundwater,soil and Geological stability of the site(Post-commencement)

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

If any of the answers to the above are “YES” or “unsure”, specialist input may be requested by the Department. (Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

5. SURFACE WATER

5.1 SURFACE WATER (PRE-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites

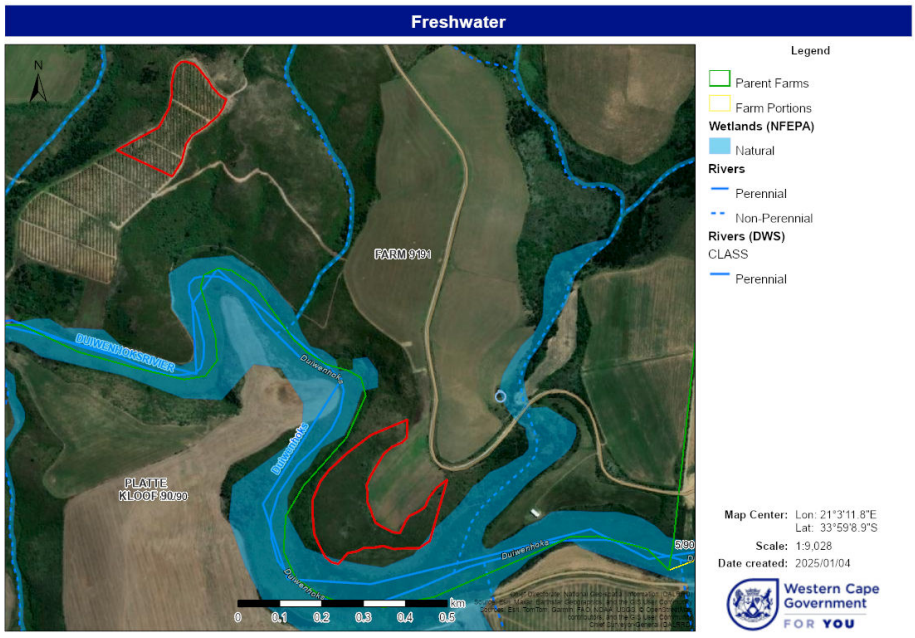
Perennial River	YES	NO	UNSURE
Non-Perennial River	YES	NO	UNSURE
Permanent Wetland	YES	NO	UNSURE
Seasonal Wetland	YES	NO	UNSURE
Artificial Wetland	YES	NO	UNSURE
Estuarine / Lagoonal wetland	YES	NO	UNSURE

5.2. SURFACE WATER (POST-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites

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

Freshwater.jpg - Freshwater Map



6. VEGETATION AND/OR GROUNDCOVER

Please note:

The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult http://bgis.sanbi.org.za or BGIShelp@sanbi.org.za. Information is also available on compact disc (“cd”) from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP’s responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an appendix to this form.

6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)

Describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity

Indigenous Vegetation - good condition	Indigenous Vegetation with scattered aliens	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:	Describe the vegetation type above:	Describe the vegetation type above:
The area was historically covered in Garden Route Shale Fynbos (Endangered).		
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide ecosystem status for above:
The area was historically covered in Garden Route Shale Fynbos (Endangered).		
Indigenous Vegetation in an ecological corridor or along a soil boundary /interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone,alluvial deposits, termitaria etc.) –describe
Bare soil	Building or other structure	Sport field
Other (describe below)	Cultivated land	Paved surface

If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan

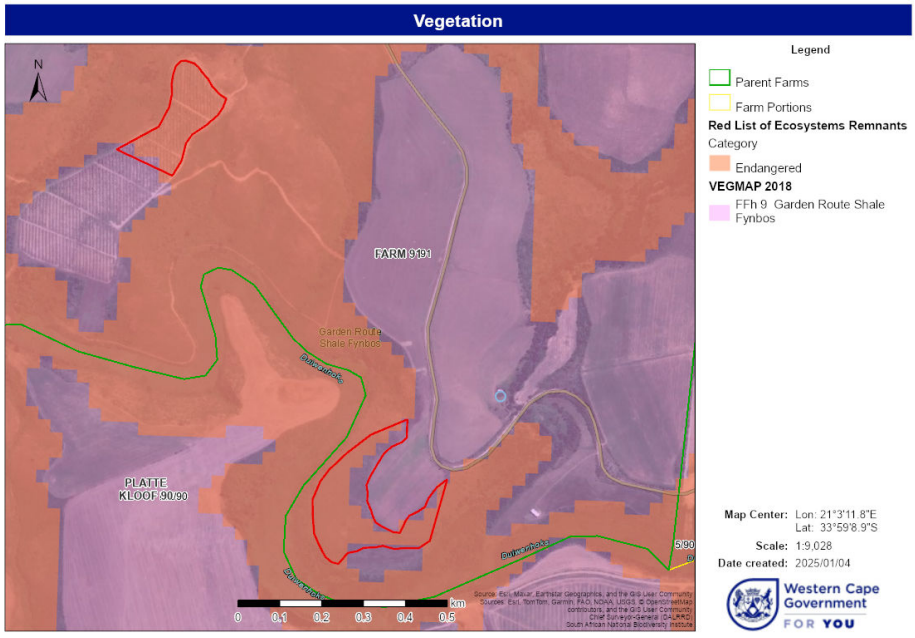
Describe the vegetation type if Other:

(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			
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA	Other Natural Area(ONA)	No Natural Area Remaining(NNR)

If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan
The area was historically covered in Garden Route Shale Fynbos (Endangered).

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



(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	75%	The area was historically covered in Garden Route Shale Fynbos (Endangered).
Near Natural (includes areas with low to moderate level of alien invasive plants	15%	The area was historically covered in Garden Route Shale Fynbos (Endangered).
Degraded (includes areas heavily invaded by alien plants	10%	The area was historically covered in Garden Route Shale Fynbos (Endangered).
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	0%	N/A

(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			
Ecosystem threat status as per the National Environmental Management: Biodiversity Act,2004 (Act No. 10 of 2004)			
Critical	Endangered	Vulnerable	Least Threatened

Aquatic Ecosystems			
Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands	YES	NO	UNSURE
Estuary	YES		NO
Coastline	YES		NO

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

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.

6.2 VEGETATION AND/OR GROUNDCOVER (POST-COMMENCEMENT)

Pescribe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

Indigenous Vegetation - good condition	Indigenous Vegetation with scattered aliens	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:	Describe the vegetation type above:	Describe the vegetation type above:
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide ecosystem status for above:
Indigenous Vegetation in an ecological corridor or along a soil boundary /interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone,alluvial deposits, termitaria etc.) –describe
Bare soil	Building or other structure	Sport field

Other (describe below)	Cultivated land	Paved surface

Describe the vegetation type if Other:

(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	0%	No undisturbed natural vegetation remains in the development footprint areas.
Near Natural (includes areas with low to moderate level of alien invasive plants	10%	Some parts were previously cultivated and had some residual indigenous cover.
Degraded (includes areas heavily invaded by alien plants	15%	Surrounding areas include old fields and disturbed vegetation with signs of degradation.
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	75%	Approximately 7.42 ha were cleared and used for orchards and dam construction.

((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.
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.

(6.3 VEGETATION / GROUNDCOVER MANAGEMENT

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

Avoid Further Clearing
- No additional clearing of indigenous vegetation should occur beyond the current development footprint, particularly in areas mapped as Critical Biodiversity Areas (CBAs) or supporting Endangered ecosystems.

Demarcate Development Boundaries
- Clearly demarcate the boundaries of the cleared orchard areas to prevent unintentional encroachment into surrounding areas that may still support remnant natural vegetation.

Rehabilitation of Surrounding Disturbed Areas
- Where feasible, allow passive natural regeneration of disturbed areas adjacent to the development footprint to improve ecological edge condition, particularly in areas not actively used for farming.

Invasive Alien Plant Management
- Implement an alien invasive species management plan to remove and control the spread of invasive plants (e.g., Acacia spp.) along the orchard edges and dam surroundings.

Buffer Maintenance
- Maintain existing buffer zones between cleared areas and any nearby natural vegetation or aquatic features to limit edge effects and potential degradation.

Environmental Awareness
- Promote environmental awareness among workers and farm managers to ensure recognition of sensitive areas and prevent unintentional disturbance to surrounding vegetation.

Compliance and Monitoring
- Include these mitigation measures in the Environmental Management Programme (EMPr) and apply an audit and monitoring plan to ensure adherence.

No Biodiversity Offset Required

- Due to the already disturbed condition of the cleared areas, the botanical specialist confirmed that no biodiversity offset is necessary, provided that the above mitigation measures are implemented and no further transformation occurs.

7 LAND USE OF THE SITE (PRE-COMMENCEMENT)

Please note: The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

Untransformed area	Low density residentia	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site

Other land uses (describe):

(a) Please provide a description.

Given the land use and environmental sensitivity, the following agriculture-related specialist input has already been considered:
- Agricultural potential and soil suitability study,
- Freshwater specialist assessment (completed – Feb 2025),
- Biodiversity Impact Assessment for CBA/CESA alignment: Vegetation (botanical) study due to the clearing of endangered vegetation (Garden Route Shale Fynbos),

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

Indicate 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 residentia	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area

Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site

Other land uses (describe):
Within a ±500 m radius of the site, the surrounding area is predominantly rural and agriculturally used, including existing orchards, pastures, and low-intensity crop production. Hydrological features such as non-perennial streams, drainage lines, and a constructed dam are present. Portions of the site fall within mapped Critical Biodiversity Areas (CBAs) and a designated Protected Agricultural Area (PAA). There is no nearby urban, industrial, or coastal development. These features have been assessed through the freshwater and agricultural specialist studies to guide the current rectification process.

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

Indicate 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 residentia	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site

Other land uses (describe):
The current land use within ±500 m of the site is predominantly agricultural, including newly planted and established orchards, pastures, and limited dryland cropping. Natural drainage lines, a constructed farm dam, and areas of seasonal wetness occur within the footprint and buffer. The site and adjacent properties fall within a Protected Agricultural Area and overlap with Critical Biodiversity Areas (CBAs), requiring sensitivity in future land use decisions. No urban, industrial, or coastal features are present.

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.

Prior to the commencement of the orchard expansion and dam construction on Farm 91, the surrounding community was characterised by a predominantly rural, agriculture-based economy with limited access to services and employment. Most residents in the area were dependent on seasonal or subsistence agricultural activities. The region had limited infrastructure and social services, with small towns like Heidelberg and Riversdale providing basic education, healthcare, and administrative support. The area faced socio-economic challenges, including poverty, unemployment, and low diversification of economic opportunities.

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.

Since the commencement of the unauthorised activities on Farm 91, local social and economic conditions have modestly improved, particularly for the farm’s workforce. The establishment of high-value orchards and supporting infrastructure has led to increased employment, skills development, and

agricultural diversification. These changes are directly attributable to the activity for which rectification is now being sought. No negative social or economic impacts have been reported, and the development supports local and strategic rural development objectives.

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. other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
    vi. sites of significance relating to the history of slavery in South Africa
    vii. movable objects, including—
    viii. objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
    ix. objects to which oral traditions are attached or which are associated with living heritage;
    x. ethnographic art and objects;
    xi. military objects;
    xii. objects of decorative or fine art;
    xiii. objects of scientific or technological interest; and
    xiv. books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?	YES	NO	UNCERTAIN

if YES, explain:
The unauthorised clearing of natural vegetation for the cultivation of avocado pear orchards on two pieces of land, as well as the illegal construction of a 900m³ earth dam near the adjacent watercourse, exceeds 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?	YES	NO	UNCERTAIN

if YES, explain:
The unauthorised clearing of natural vegetation for the cultivation of avocado pear orchards on two pieces of land, as well as the illegal construction of a 900m³ earth dam near the adjacent watercourse, exceeds 5 000m² in extent.

Was any building or structure older than 60 years affected in any way?	YES	NO	UNCERTAIN

if YES, explain:
The site consists of long-standing agricultural land with no recorded or observed heritage features.

Please Note: If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form

12 COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)

(a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes). If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m)

AREA	YES	NO	UNSURE	if YES : Distance to nearest area(m)
An area within 100m of the high water mark of the sea	YES	NO	UNSURE	0(m)
An area within 100m of the high water mark of an estuary/lagoon	YES	NO	UNSURE	0(m)
An area within the littoral active zone	YES	NO	UNSURE	0(m)
An area in the coastal public property	YES	NO	UNSURE	0(m)
Major anthropogenic structures	YES	NO	UNSURE	0(m)
An area within a Coastal Protection Zone	YES	NO	UNSURE	0(m)
An area seaward of the coastal management line	YES	NO	UNSURE	0(m)
An area within the high risk zone (20 years)	YES	NO	UNSURE	0(m)
An area within the medium risk zone (50 years)	YES	NO	UNSURE	0(m)
An area within the low risk zone (100 years)	YES	NO	UNSURE	0(m)
An area below the 5m contour	YES	NO	UNSURE	0(m)
An area within 1km from the high water mark of the sea	YES	NO	UNSURE	0(m)
A rocky beach	YES	NO	UNSURE	0(m)
A sandy beach	YES	NO	UNSURE	0(m)

(b) If any of the answers to the above is “YES” or “UNSURE”, specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

13 REGIONAL PLANNING CONTEXT

Is the activity permitted in terms of the property’s existing land use rights?	YES	NO

Please explain
The orchard establishment and dam construction activities are permitted under the property's existing Agricultural zoning. No consent use or rezoning was or is required. The land use is consistent with the zoning scheme, municipal SDF, and broader spatial planning policies applicable to Farm 91.

Will the activity be in line with the following?

Provincial Spatial Development Framework(PSDF)	YES	NO

Please explain
The activity supports the PSDF’s economic and rural development goals. The agricultural development aligns with the PSDF’s rural development objectives. The PSDF supports the productive use of agricultural land and encourages intensification and diversification (e.g., permanent crops like avocados and macadamias) on existing farms. The transition from dairy to high-value orchards fits within the PSDF’s goal of improving the economic viability of rural areas and supporting export-oriented agriculture.

Urban edge / Edge of Built environment for the area	YES	NO

Please explain
The property lies outside the Urban Edge of the nearest towns and within a rural agricultural zone. The activity, being agricultural, is compatible with the intended land use outside the Urban Edge, in line with spatial planning policy.

Integrated Development Plan of the Local Municipality	YES	NO

Please explain
The proposed activity aligns with the Hessequa Municipality’s IDP and SDF objectives of promoting rural economic development through agricultural intensification. The activity is appropriate for land outside the Urban Edge, does not place pressure on municipal infrastructure, and does not compromise any strategic development priorities. Environmental compliance through the current rectification process ensures that municipal planning integrity is maintained.

Spatial Development Framework of the Local Municipality	YES	NO

Please explain
The proposed activity aligns with the Hessequa Municipality’s IDP and SDF objectives of promoting rural economic development through agricultural intensification. The activity is appropriate for land outside the Urban Edge, does not place pressure on municipal infrastructure, and does not compromise any strategic development priorities. Environmental compliance through the current rectification process ensures that municipal planning integrity is maintained.

Approved Structure Plan of the Municipality	YES	NO

Please explain
The agricultural development on Farm 91 aligns with the intent and policies of the Approved Structure Plan of the Hessequa Municipality. It supports appropriate rural development, does not compromise the spatial form of the municipality, and conforms to the zoning and spatial planning intent for the area. Environmental regularisation under Section 24G ensures the development complies with both planning and environmental frameworks.

An Environmental Management Framework (EMF) adopted by the Department	YES	NO

Please explain
The activity occurred in an area with confirmed high environmental sensitivity, which would have been flagged in any adopted Environmental Management Framework or biodiversity planning tool. However, the integrity of these environmental priorities can be restored through appropriate licensing, mitigation, and long-term land stewardship. Approval of the application would not compromise the Department’s sustainability objectives, provided that the rectification and environmental controls are implemented as proposed.

Any other Plans	YES	NO

Please explain
In addition to environmental legislation, the development is guided by several planning frameworks, including the Hessequa SDF, Western Cape PSDF, the Heidelberg–Slangrivier PAA, and the local zoning scheme. All of these planning tools support agricultural development on appropriately zoned land, provided environmental safeguards are implemented

SECTION D: NEED AND DESIRABILITY

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

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES	NO

Please explain
The activities commenced on land zoned Agricultural, which permits agricultural operations and supporting infrastructure such as irrigation and dams. Therefore, the activities were permitted in terms of the property's land use rights at the time of commencement.

2. Was the activity in line with the following?

(a) Provincial Spatial Development Framework (PSDF)	YES	NO

Please explain
The activity supports the PSDF's economic and rural development goals. The PSDF strongly promotes protection of CBAs, wetlands, and river corridors, aligning with SANBI and the Western Cape Biodiversity Spatial Plan (WCBSP). The Freshwater Report confirms that: - Parts of the site fall within CBA1 and CBA2 areas. - The Duivenhoks River and Sanddrift Stream are FEPA-listed, and the wetland near Dam No. 7 was in a seriously modified (Class E) state. - Activities occurred within regulated zones (100 m from watercourses, 500 m from wetlands), which require authorisation under NEMA and the National Water Act (NWA). The PSDF emphasises the need to protect ecosystem services, especially water provision, flood attenuation, and biodiversity.

(b) Urban edge / Edge of Built environment for the area	YES	NO

Please explain
The site lies outside the Urban Edge and the activity is appropriate for the rural zone. The activity, being agricultural, is compatible with the intended land use outside the Urban Edge, in line with spatial planning policy.

(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	YES	NO

Please explain
The proposed activity aligns with the Hessequa Municipality's IDP and SDF objectives of promoting rural economic development through agricultural intensification. The activity is appropriate for land outside the Urban Edge, does not place pressure on municipal infrastructure, and does not compromise any strategic development priorities. Environmental compliance through the current rectification process ensures that municipal planning integrity is maintained.

(d) Approved Structure Plan of the Municipality	YES	NO

Please explain
The agricultural development on Farm 91 aligns with the intent and policies of the Approved Structure Plan of the Hessequa Municipality. It supports appropriate rural development, does not compromise the spatial form of the municipality, and conforms to the zoning and spatial planning intent for the area. Environmental regularisation under Section 24G ensures the development complies with both planning and environmental frameworks.

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	YES	NO

Please explain
The activity occurred in an area with confirmed high environmental sensitivity, which would have been flagged in any adopted Environmental Management Framework or biodiversity planning tool. However, the integrity of these environmental priorities can be restored through appropriate licensing, mitigation, and long-term land stewardship. Approval of the application would not compromise the Department's sustainability objectives, provided that the rectification and environmental controls are implemented as proposed.

(f) Any other Plans (e.g. Guide Plan)	YES	NO

Please explain
Other applicable plans include historical regional guide plans, national rural development programmes (e.g., Agri-Parks), and Western Cape agricultural sector plans (e.g., SmartAgri). While not directly regulatory, these frameworks support the development's alignment with broader goals for agricultural diversification, rural investment, and sustainable land use.

3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)?	YES	NO

Please explain
The activity supports the PSDF's economic and rural development goals. The PSDF strongly promotes protection of CBAs, wetlands, and river corridors, aligning with SANBI and the Western Cape Biodiversity Spatial Plan (WCBSP). The Freshwater Report confirms that: - Parts of the site fall within CBA1 and CBA2 areas. - The Duivenhoks River and Sanddrift Stream are FEPA-listed, and the wetland near Dam No. 7 was in a seriously modified (Class E) state. - Activities occurred within regulated zones (100 m from watercourses, 500 m from wetlands), which require authorisation under NEMA and the National Water Act (NWA). The PSDF emphasises the need to protect ecosystem services, especially water provision, flood attenuation, and biodiversity.

4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced?	YES	NO

Please explain
Yes, the development should have occurred here at the time, as it was entirely consistent with the designated land use, zoning, and the spatial vision for the area. The property is located in a rural agricultural zone outside the urban edge, where such agricultural development is encouraged. The activity did not represent inappropriate expansion of any town or urban settlement, and it did not compromise the spatial structure or planning objectives of the municipality.

5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)	YES	NO

Please explain
Yes, the activity and associated land use responded to both strategic and local societal needs. At a national and provincial level, it aligns with policies to grow the agricultural sector and promote export-oriented crop production. At a local level, it supports rural economic resilience, job creation, and more efficient land use on an already agriculturally zoned property. The development addresses societal priorities without permanently compromising environmental integrity, provided compliance measures are completed as planned.

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	NO

Please explain
The development was fully self-contained and did not rely on municipal service infrastructure. All water, power, and irrigation needs were supplied through on-site systems or direct ESKOM connections. The activity placed no additional demand on municipal bulk services, and no public service upgrades or extensions were required to accommodate the agricultural development.

7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an appendix, where applicable.)	YES	NO

Please explain
This agricultural development was not included in the municipal infrastructure planning, nor was it required to be. It is privately serviced, does not rely on municipal water, sanitation, or electricity, and is located outside any urban service expansion zones. As such, it has no negative implications for the municipality's infrastructure priorities, placement of services, or opportunity costs.

8. Was this project part of a national programme to address an issue of national concern or importance	YES	NO

Please explain
The development is a private development. The project was not implemented as part of a formal national programme, but it aligns with several national and provincial policy goals, including rural economic development, agricultural transformation, and sustainable land use. It contributes to addressing national concerns in practice, even though it was not designated under a national flagship initiative.

9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	YES	NO

Please explain
The applicant owns the farm. Yes, location factors favoured this land use at this site. The property is zoned Agricultural, has suitable soils and climate for tree crops, access to irrigation water, and existing infrastructure to support orchard operations. It is located in a rural agricultural landscape where the land use is appropriate and compatible with its surroundings. Although environmental sensitivities exist, these are being addressed through the Section 24G and water use rectification processes.

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)?
Please explain
Yes, the activity impacted sensitive natural environmental features, including endangered vegetation, Critical Biodiversity Areas, and aquatic ecosystems. These impacts are currently being addressed through the environmental rectification process and implementation of specialist recommendations. No known cultural, archaeological, or built environment features were affected by the development, and there is no indication of impact on the national estate under the National Heritage Resources Act.

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.)?
Please explain
The agricultural development on Farm 91 has not negatively impacted people's health or wellbeing. It is a low-impact, rural land use that aligns with the visual and functional character of the area. There are no significant concerns related to noise, odours, or pollution. The sense of place is maintained, and the development contributes positively to local livelihoods without introducing public health or amenity risks.

12.Did / does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs ?	YES	NO

Please explain
The activities commenced on land zoned Agricultural, which permits agricultural operations and supporting infrastructure such as irrigation and dams. Therefore, the activities were permitted in terms of the property's land use rights at the time of commencement.

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?
Please explain
The land use associated with the activity, namely, orchard development and irrigation infrastructure (including a farm dam), resulted in a mix of positive and negative cumulative impacts. The positive impacts relate mostly to rural economic upliftment and improved land productivity, while the negative impacts are primarily environmental, due to its location within ecologically sensitive areas. Positive Cumulative Impacts: - Agricultural Productivity: Improved land use through conversion from low-value pastures to high-value avocado and macadamia orchards. - Employment: Increased seasonal and permanent job opportunities for local workers. - Economic Diversification: Contributed to rural economic resilience through export-oriented agriculture. - Water Security: Construction of Dam No. 7 enhanced the on-farm water supply for irrigation. - Land Value: Enhanced land productivity and long-term commercial viability. - Alignment with Policy Goals: Supports local, provincial, and national agricultural development strategies. Negative Cumulative Impacts: - Biodiversity Loss: Clearing of ±7.42 ha of endangered Garden Route Shale Fynbos vegetation. - CBA Impact: Activity occurred in mapped Critical Biodiversity Areas (CBA1 and CBA2). - Wetland/Riparian Impact: Development occurred within 32 m and 500 m buffers of regulated watercourses and wet areas. - Erosion Risk: Use of steep slopes (~14.8%) without initial erosion control measures increased runoff potential. - Initial Non-Compliance: Activity commenced without required environmental authorisation (NEMA and NWA triggers). The land use change associated with the activity produced both positive and negative cumulative impacts. On the positive side, it significantly improved

the economic utility of the land, created rural employment opportunities, and enhanced water and land productivity. On the negative side, it contributed to the loss of natural vegetation within an ecologically sensitive area and affected watercourse buffers. However, these impacts are being addressed through environmental rectification, and the long-term benefits are considered sustainable if mitigation measures are implemented.

14. Is/was the development the best practicable environmental option for this land/site?	YES	NO

Please explain

Yes, the development, namely orchard establishment and associated irrigation infrastructure, is the best practicable environmental option (BPEO) for this site. It aligns with the land's zoning and agricultural potential, delivers local economic benefits, and avoids unnecessary infrastructure costs. While some environmental sensitivities exist, these are localised and are being addressed through the environmental rectification and water use licensing process. No more appropriate alternative land use or location has been identified.

15. What are/were the benefits to society in general and to the local communities?

Please explain

The development has provided tangible benefits to local communities and contributes to broader societal objectives, particularly in terms of rural development, food production, and economic opportunity. These benefits have both local and strategic national relevance. The development has resulted in clear benefits to local communities by providing employment, training, and a stable agricultural income base. At a broader level, it supports national goals related to food security, sustainable land use, and rural economic resilience. These societal benefits strengthen the motivation for rectification and continued operation under improved environmental compliance.

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

Please explain

Yes, several additional factors reinforce the need and desirability of the activity (orchard establishment and dam development) beyond the core social, environmental, and economic considerations. These factors support the strategic justification for the development and strengthen the case for rectification and continued operation. Beyond the core environmental and social considerations, this activity supports multiple additional need and desirability factors. It enhances land productivity, aligns with spatial and climate resilience goals, and reflects a responsible private-sector investment in sustainable agriculture. The rectification process itself further reinforces good governance and commitment to legal compliance.

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:

Section 23 of the National Environmental Management Act (NEMA), Act No. 107 of 1998, sets out the general objectives of Integrated Environmental Management (IEM). These objectives aim to ensure that all development activities are environmentally, socially, and economically sustainable. While the activity on Farm 91, Riversdale was initially undertaken without environmental authorisation, the Section 24G rectification process, together with supporting specialist input, is actively addressing and now incorporating these objectives.
IEM Objective (NEMA s23):
- Promote sustainable development: The development promotes long-term agricultural productivity on zoned land while implementing mitigation for environmental impacts.
- Ensure that environmental management is integrated into all stages of development: Although retrospective, the 24G process now integrates environmental considerations through freshwater and soil studies, and proposed mitigation.
- Identify, predict and evaluate actual and potential environmental impacts: Impacts on biodiversity, soils, watercourses, and CBA areas were evaluated in detail through specialist assessments.
- Prevent, minimise or remedy negative impacts: Mitigation measures such as erosion control, return-flow capture, and buffer management are proposed to address impacts.
- Ensure public participation in environmental decision-making: While public consultation occurred post-commencement, the 24G process includes consultation with authorities and interested parties.
- Promote transparency and access to information: This application includes disclosure of specialist findings, site details, and legal non-compliance, demonstrating accountability.
- Consider cumulative environmental impacts: The report includes an assessment of cumulative impacts (positive and negative) on land, water, biodiversity, and rural livelihoods.
- Facilitate participation in environmental governance: By engaging with the authorities through 24G and rectification, the applicant is contributing to improved environmental governance.

Although the activity was initiated without prior authorisation, the current rectification process fully incorporates the general objectives of Integrated Environmental Management as set out in Section 23 of NEMA. Environmental risks have been identified, assessed, and are being addressed through mitigation, with full alignment to sustainable development principles and cooperative governance.

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

The principles set out in Section 2 of the National Environmental Management Act (NEMA), Act 107 of 1998, provide the foundation for responsible environmental governance and must guide all decisions affecting the environment. While the activity on Farm 91, Riversdale was initially undertaken without prior environmental authorisation, the Section 24G rectification process and supporting studies now demonstrate how these principles have been (and are being) applied in good faith.
Environmental Principle (NEMA s2):
(2)(2) Sustainable development: The orchard development enhances long-term land productivity and rural livelihoods while addressing environmental risks through mitigation.
(4)(a)(i) Environmental management must put people and their needs at the forefront: The activity contributes to local employment, income, and food

production, especially in an underserved rural area.
(4)(a)(ii) Development must be socially, environmentally, and economically sustainable: The land use is agronomically appropriate, economically viable, and now being brought into environmental compliance.
(4)(a)(iii) Disturbance of ecosystems must be avoided, or minimised and remedied: Although the site overlaps with CBAs and an endangered vegetation type, these impacts are being mitigated and ecological buffers are being implemented.
(4)(a)(iv) Waste must be avoided or minimised: The operation does not generate significant waste; water is managed through drip irrigation and closed systems.
(4)(a)(viii) Decision-making must be transparent and access to information promoted: The Section 24G process includes consultation, submission of specialist reports, and disclosure of unauthorised activities.
(4)(a)(ix) The role of all stakeholders must be recognised: Relevant authorities (DEADP, BGCMA, municipality) are involved, and the applicant has appointed registered environmental specialists.
(4)(a)(vii) Pollution and degradation must be avoided or minimised: Runoff and sedimentation are being addressed via erosion control, vegetation buffers, and drainage management.
(4)(a)(v) Use of non-renewable resources must be responsible and equitable: The project uses private water abstraction and efficient irrigation, with no undue burden on shared municipal resources.

The principles of environmental management in Section 2 of NEMA have been taken into account during the rectification process. Although the development commenced unlawfully, the applicant has demonstrated commitment to sustainability, environmental responsibility, and cooperative governance by undertaking environmental assessments, implementing mitigation, and aligning the activity with both human needs and ecological considerations.

SECTION E: ALTERNATIVES

Please Note: Before completing this section, first consult this Department's Guideline on Alternatives (March2013) 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 andrequirements 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:

No reasonable or feasible property or location/site alternatives were considered, as the development has already been undertaken. The activity, which includes the establishment of orchards and the construction of a small irrigation dam on Farm 91, Riversdale, was implemented prior to obtaining environmental authorisation, and is now being addressed through the Section 24G rectification process.

The development footprint lies entirely within the boundaries of a single, privately owned, agriculturally zoned property, which was already being used for farming activities prior to the commencement of the activity. Given this, and the investment already made in the infrastructure and crops, relocation or redesign of the project is not reasonable or feasible at this stage. However, the principles of avoidance, mitigation, and enhancement are being implemented retrospectively through:
- The identification and assessment of environmental sensitivities (e.g. Critical Biodiversity Areas, watercourses, erosion-prone slopes).
- Mitigation measures such as erosion control, return-flow capture, and buffer zone rehabilitation.
- Ongoing specialist input and the implementation of environmentally responsible management practices (e.g. precision drip irrigation).
- Alignment with applicable spatial and policy frameworks to maximise socio-economic benefits and minimise ecological loss.

Therefore, although no alternative site was considered prior to commencement, the development is now being regularised in a way that balances environmental protection with the site's intended and appropriate land use.

(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No reasonable or feasible activity alternatives were considered prior to the commencement of the development, as the activity has already been undertaken. The land use, namely the establishment of orchards (avocados and macadamias) and associated irrigation infrastructure, including a small farm dam, was initiated in line with the property's agricultural zoning and its long-term strategic use as a productive agricultural holding. At the time of implementation, the landowner pursued the activity considered most economically viable and agronomically suitable for the property. Permanent orchard crops were selected to:
- Optimise the agricultural potential of the site,
- Diversify and stabilise farm income, and
- Create rural employment in line with local and national development objectives.

While no formal assessment of alternative agricultural activities (e.g. livestock, dryland cropping, or alternative orchard layout) was undertaken, the current activity remains the most appropriate and sustainable option given the sites:
- Soil and climatic suitability,
- Topographic characteristics,
- Access to water for irrigation, and
- Existing agricultural land use rights.

Importantly, although alternative activities were not considered beforehand, the Section 24G process is now being used to implement retrospective mitigation of any negative environmental impacts. This includes:
- Erosion control on steep slopes,
- Maintenance of ecological buffers along drainage lines and the dam,
- Use of efficient, low-impact irrigation systems,
- Avoidance of expansion into sensitive areas (e.g. CBAs and riparian zones).

Therefore, the current activity, with mitigation and environmental controls, is regarded as the best practicable environmental option (BPEO) for the site, and no alternative activity would significantly reduce environmental impact while still achieving the same social and economic benefits.

(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:

No design or layout alternatives were considered prior to implementation, as the development had already been undertaken at the time of initiating the Section 24G rectification process. The orchard blocks and dam were laid out based on practical farm planning considerations such as slope, accessibility, irrigation efficiency, and land availability within the agriculturally zoned property. The design was optimised for:
- Topographical suitability (e.g. using slopes effectively for macadamia planting),
- Efficient water distribution through low-pressure drip irrigation,
- Operational access for planting, maintenance, and harvesting activities.

While no formal layout alternatives were assessed beforehand, the layout was influenced by:
- The existing contour and drainage patterns of the land,
- Soil suitability mapping conducted during agricultural planning,
- Proximity to existing infrastructure and water abstraction points.

However, through the Section 24G process, a number of retrospective design and management adjustments have been proposed to mitigate unavoidable negative impacts, including:
- Installation of erosion control measures (e.g. berms and swales) in steep sections of the macadamia block,
- Rehabilitation of buffer zones near Dam No. 7 and drainage lines,
- Runoff capture systems to prevent water loss and protect watercourses,
- Avoidance of any future orchard expansion into ecologically sensitive areas such as CBAs and riparian zones.

Given the current state of the development and the significant investment already made in long-term orchard infrastructure, a redesign or relocation is not feasible. The current layout is the most practical for the site conditions and can be effectively managed to minimise environmental harm and enhance sustainability.

(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

No alternative technologies were considered prior to implementation, primarily because the technology selected (drip irrigation with contour alignment) already reflects best-practice methods for orchard farming in steep and erosion-sensitive environments. These systems:
- Reduce water demand compared to flood or sprinkler irrigation,
- Prevent over-irrigation and nutrient leaching,
- Support long-term soil and slope stability.

Furthermore, as the project does not involve intensive mechanisation, high-volume water use, or chemical-intensive operations, technology alternatives with significantly lower impact were not practically available at the time.

While no formal technology alternatives were considered before implementation, the technologies in use represent a resource-efficient, low-impact approach appropriate to the site’s context. Drip irrigation, contour alignment, and runoff management ensure that negative impacts are minimised and long-term sustainability is supported. Therefore, the current technology choice remains the most practicable and environmentally sound for the development.

(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:

At this stage, no other reasonable or feasible operational alternative (e.g. shifting to different crops, mechanisation, or dryland farming) would reduce environmental impacts without compromising the viability and purpose of the development. The current operation already uses:
- Efficient water delivery systems,
- Sustainable land management practices, and
- It is located entirely within the agriculturally zoned boundaries of the farm.

The existing operation, with retrospective improvements and monitoring, is now being aligned with best practice, and no major operational overhaul is necessary or justified.

While no operational alternatives were evaluated before the activity commenced, the current orchard operation, supported by efficient irrigation, slope-sensitive land use, and rehabilitative actions, is considered appropriate, manageable, and environmentally acceptable. The activity can continue with minor operational adjustments to minimise risks and maximise long-term sustainability.

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

The option of ceasing the activity and fully rehabilitating the site is not considered reasonable, feasible, or environmentally or socio-economically desirable. The activity, namely, the establishment of ±7.42 ha of avocado and macadamia orchards and a small farm dam for irrigation, has already been implemented and is:
- Located on land zoned Agricultural,
- Providing tangible socio-economic benefits (employment, food production, rural development), and
- Aligned with the site's long-term agricultural potential and land use rights.

Ceasing the activity and removing the established infrastructure would have several negative implications.
- Environmentally, the removal of orchards would expose already disturbed soils, increasing the risk of erosion and degradation.
- Socio-economically, it would result in the loss of permanent and seasonal employment, the forfeiture of substantial private investment, and a decline in local agricultural productivity and economic activity.
- From a land use perspective, the activity is fully compatible with the property’s agricultural zoning and discontinuing it would lead to underutilisation of high-potential farmland.
- In terms of feasibility, dismantling the existing infrastructure, such as irrigation systems and the dam, would require significant financial input without delivering a meaningful environmental or social return.
- Finally, rehabilitation challenges must be acknowledged, as re-establishing the original endangered vegetation (e.g., Garden Route Shale Fynbos) is highly unlikely to succeed due to the degree of disturbance and altered soil profiles.

The option of ceasing the activity and attempting full rehabilitation would lead to the loss of environmental, social, and economic benefits already secured, without restoring the site to its original ecological condition. The most appropriate way forward is to legalise the activity, implement the necessary environmental safeguards, and ensure that the operation continues in an environmentally responsible and compliant manner.

(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist

No additional reasonable or feasible alternatives exist beyond those already addressed under layout, operational, and technological considerations. Since the activity has already been undertaken, options such as relocation, full redesign, or cessation are no longer practical. However, a number of post-commencement interventions have been implemented or proposed to mitigate negative impacts and enhance positive outcomes:
- Buffer zone rehabilitation along watercourses and near Dam No. 7 to restore partial ecological function.
- Implementation of erosion control measures (e.g. berms, contour rows, and silt traps) on steep orchard slopes.
- Return-flow and stormwater management to reduce runoff and protect downstream aquatic systems.
- Restriction of future expansion into Critical Biodiversity Areas (CBAs) and riparian zones, supported by spatial screening.
- Ongoing monitoring and adaptive management to track environmental performance and ensure regulatory compliance.

These mitigation-based alternatives were not part of the original activity design but have now been adopted as part of the Section 24G rectification process to ensure that the development proceeds in a more environmentally sustainable and legally compliant manner.

(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.

As the activity (orchard establishment and dam construction) was implemented prior to environmental authorisation, no formal alternatives were assessed before commencement. However, through the Section 24G rectification process, various types of post-commencement alternatives were considered to address environmental risks and improve long-term sustainability.
?? Property and Site Alternatives:
Outcome: Not feasible. The activity is confined to a single, agriculturally zoned property where infrastructure is already in place. No reasonable alternative locations exist.
?? Activity Alternatives:
Outcome: Not applicable. The current activity (tree crop farming) is the most suitable and sustainable land use based on soil, climate, and zoning. Alternative uses (e.g. grazing or dryland crops) would be less productive.
?? Design/Layout Alternatives:
Outcome: Not considered prior to implementation, but retrospective improvements have been made (e.g. erosion control, runoff management). Redesign is now impractical due to investment and orchard maturity.
?? Technology Alternatives:
Outcome: Best-practice technology (drip irrigation, contour alignment) was already used. Additional options such as moisture sensors and return-flow reuse are being explored to enhance efficiency.
?? Operational Alternatives:
Outcome: The current operations are efficient and environmentally responsible. Minor adjustments (e.g. improved irrigation scheduling and buffer maintenance) are being implemented.
?? Option of Ceasing the Activity:
Outcome: Not feasible or desirable. Ceasing the activity would result in job losses, economic decline, and environmental risks such as erosion. Rehabilitation would not restore original ecological function.
?? Other Mitigation-Based Alternatives:
Outcome: Adopted. Buffer restoration, erosion control, and runoff capture measures are being implemented as viable alternatives to reduce environmental impact while retaining the activity.

Although no alternatives were considered before the unauthorised activity began, the Section 24G process has enabled a thorough assessment of post-commencement alternatives. The outcomes support mitigation and improved management, rather than relocation or cessation, and confirm that the current activity is the most suitable and sustainable land use for the site under the circumstances.

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:

Farm 91, located in the Hessequa Local Municipality in the Western Cape Province, lies approximately 15 km northeast of Heidelberg and 20 km northwest of Riversdale. The site is situated in a rural, agriculturally zoned area characterised by gently undulating to moderately steep terrain, with the macadamia orchard located on a slope averaging 14.8%. The property features moderately deep, well-drained soils primarily of the Glenrosa and Swartland forms, with a clay content of around 15%, suitable for permanent orchard crops. The climate is temperate with sufficient rainfall for subtropical crops such as avocados and macadamias. Hydrologically, the property contains non-perennial drainage lines and lies near the Sanddrift Stream, a tributary of the Duivenhoks River, with a small on-site irrigation dam (Dam No. 7) constructed in a valley-bottom area. Historically, the site supported Garden Route Shale Fynbos, an endangered vegetation type, some of which has been cleared for agricultural purposes. Portions of the site fall within Critical Biodiversity Areas (CBA1 and CBA2), making environmental management and mitigation essential. Geologically, the area is underlain by stable Cape Supergroup formations, with no evidence of geological instability.

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	YES	NO

If yes, please describe:

The development has had a measurable impact on terrestrial vegetation, particularly endangered fynbos within mapped CBAs, as well as on aquatic ecosystems, including riparian zones and a potentially wetland-influenced area near the dam. These impacts are localised and are being addressed through the Section 24G process, specialist input, and site-specific environmental management interventions.

Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES	NO

If yes, please describe:

The development has had a measurable impact on terrestrial vegetation, particularly endangered fynbos within mapped CBAs, as well as on aquatic ecosystems, including riparian zones and a potentially wetland-influenced area near the dam. These impacts are localised and are being addressed through the Section 24G process, specialist input, and site-specific environmental management interventions. No impact on estuarine or coastal ecosystems has occurred.

Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species?	YES	NO

If yes, please describe:

The development has impacted the habitat that supports threatened and endemic plant species, and forms part of a unique and irreplaceable ecological assemblage within the Garden Route Shale Fynbos biome. The location of the activity within an Endangered ecosystem and CBA1/CBA2 zones strongly suggests that habitat loss for sensitive species has occurred. These impacts are now being addressed through proposed mitigation and environmental management measures.

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

In addition to direct impacts on vegetation and aquatic systems, the development has affected broader biological aspects, including ecological connectivity, pollinator networks, soil biodiversity, and faunal habitat quality. These impacts, while not quantified through baseline biodiversity surveys, are expected given the site's high conservation value and ecosystem sensitivity. Future environmental management efforts should include ongoing monitoring, invasive species control, and rehabilitation of key ecological features to restore biological function where possible.

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	R2.5 million to R4 million

What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	R2 million

Has/will the activity contributed to service infrastructure?	YES	NO

How many new employment opportunities were/will be created in the construction phase of the activity?	15–25
What was the value of the employment opportunities during the construction phase?	R350,000 to R450,000,
What percentage of this accrued to previously disadvantaged individuals?	85% and 100%

How was/will this be ensured and monitored (please explain):
The majority of labour during the construction phase of the project on Farm 91, Riversdale, was sourced locally, in alignment with standard agricultural employment practices in the region. While formal employment equity monitoring systems were not in place due to the scale of the project and its private nature, several informal and practical measures ensured that the employment opportunities accrued primarily to Previously Disadvantaged Individuals (PDIs). While the project did not include a formal equity monitoring framework, the employment of local labour, combined with informal oversight by the farm owner and manager, ensured that approximately 85–100% of the construction phase employment accrued to Previously Disadvantaged Individuals. This approach was consistent with rural agricultural norms in the Western Cape and contributed to local economic inclusion.

How many permanent new employment opportunities were/will be created in the operational phase of the activity ?	4 to 5
What is the current/expected value of the employment opportunities during the first 10 years?	R4.8 to R5 million
What percentage of this accrued/will accrue to previously disadvantaged individuals?	90% to 100%

How was/will this be ensured and monitored (please explain):
The farm ensures that the vast majority of employment benefits accrue to Previously Disadvantaged Individuals (PDIs) through consistent local hiring practices, management oversight, and informal tracking of workforce composition. While not formally audited, this approach has proven effective in sustaining equitable rural employment and will continue throughout the operational life of the activity.
Any other information related to the manner in which the socio-economic aspects was/will be impacted:
In addition to direct employment and income benefits, the activity on Farm 91 generates a range of positive secondary socio-economic impacts. These include local skills development, household income stability, economic stimulus for the surrounding area, and meaningful support for transformation and empowerment goals. As such, the activity plays a valuable role in rural socio-economic resilience and sustainable development.

(d) Cultural and historic aspects:

The activity has not impacted any known cultural or historic resources, and the site does not fall within a declared heritage area. No structures older than 60 years, graves, or archaeological features were identified. The land has historically been used for farming, and the current development is in line with that land use. Should the competent authority or Heritage Western Cape require further heritage screening, the applicant is willing to cooperate and submit the necessary declarations.

2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	YES	NO

If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?

Types of waste	Is the waste hazardous or not	Estimated quantity
Vegetation clearing debris, Excavated soil, General litter	No	under 5 m³

Does the activity produce waste during its operational phase?	YES	NO

If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?

Types of waste	Is the waste hazardous or not	Estimated quantity
Organic plant waste, General domestic waste,	No	17–24 m³ per year

Where and how was/will the waste be treated / disposed of (describe)?
All waste generated by the activity is treated and disposed of responsibly. Organic waste is composted or reused on site, while plastics and domestic waste are collected and transported to licensed municipal facilities. Chemical containers are triple-rinsed and stored securely until removed by authorised waste handlers. These measures ensure that the activity complies with waste management best practices and poses no significant pollution risk.

Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority	YES	NO
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream?	YES	NO
If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility	YES	NO
Does the facility have an operating license? (If yes, please attach a copy of the license.)	YES	NO

Facility name:	
Contact person:	

Postal address:		Postal code:	
Telephone:		Cell:	
E-mail:		Fax:	

Describe the measures that were/will be taken to reduce, reuse or recycle waste:
1. Vegetation/pruning waste: Reused on site as mulch between orchard rows or incorporated into compost to enrich soil. 2. Excavated soil (construction): Reused for dam wall shaping, trench backfilling, berms, and erosion control. 3. Plastic irrigation offcuts: Kept to a minimum through accurate planning and efficient pipe cutting. Offcuts are collected and taken to municipal landfill or local recycling depot, where available. 4. Fertiliser bags & chemical containers: Triple-rinsed for safety and reused where appropriate (e.g., for storing tools or waste). Empty containers are stored securely for disposal via a registered waste service. 5. Packaging materials (boxes, wrappers): Separated for recycling where possible; paper and cardboard are reused for packaging/storage. 6. General waste (domestic): Litter is collected daily, and waste separation bins will be provided for recyclables. Ongoing Waste Minimisation Practices: - Workers are trained in basic waste separation and site cleanliness. - Recycling partnerships may be explored with local cooperatives or municipal recycling centres. - Orchard layout and irrigation design were optimised to reduce material offcuts and excess installation. - Farm management monitors waste types and volumes informally to identify reuse opportunities. The activity applies practical and context-appropriate measures to reduce, reuse, and recycle waste. Organic matter is mulched or composted, plastic offcuts are minimised and removed, and packaging materials are reused or recycled where possible. These steps demonstrate the farm's commitment to sustainable, low-waste agricultural practices, in line with environmental management principles.

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	NO
If yes, does it require approval in terms of relevant legislation?	YES	NO

Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:

3. WATER USE

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

Assurance of water supply Documents

Municipal	Water board	Groundwater
River, Stream, Dam or Lake	Other	The activity did/does/will not use water

If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate the volume that was extracted per month:
±12,500 m³

Did/does the activity require a water use permit / license from DWA?	YES	NO

If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable
Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water
The farm has implemented effective water demand reduction measures, including drip irrigation, irrigation zoning, and mulching, to ensure efficient water use. While formal water recycling is limited due to the scale and nature of the activity, return-flow management and runoff capture are in place to reuse irrigation water where possible. These practices help align the activity with sustainable water use objectives and ensure compliance with the National Water Act.

4. POWER SUPPLY

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source
The activity is powered by Eskom-supplied grid electricity, with no municipal or renewable energy currently in use. The power supply is used efficiently, primarily for irrigation and essential operations, and the system may be adapted in the future to incorporate renewable options such as solar energy.
If power supply is not available, where will power be sourced from?
The activity is powered by Eskom-supplied grid electricity, with no municipal or renewable energy currently in use. The power supply is used efficiently, primarily for irrigation and essential operations, and the system may be adapted in the future to incorporate renewable options such as solar energy.

5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:
The farm has incorporated a number of low-tech, high-impact energy-efficient design choices, especially in the irrigation system layout and pump use. These decisions ensure that the activity remains low in energy consumption, cost-effective, and environmentally responsible. Future upgrades (e.g. solar integration) could further enhance sustainability.
Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:
Although no alternative energy system has been built into the activity to date, the site design and infrastructure layout allow for the future integration of solar power, particularly for irrigation pump operation. The farm's low energy demand, combined with favourable site conditions, supports the feasibility of alternative energy use to enhance long-term environmental and economic sustainability.

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

Please note:

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts
- Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished

(a) Impacts that resulted from the planning, design and construction phases(briefly describe and compare the impacts(as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases

Impact on biological aspects: Risk to Plant Species of Conservation Concern (SoCC)	
Nature of impact:	Potential disturbance of threatened or protected plant species.
Extent and duration of impact:	Local, one-time.
Probability of occurrence:	Low (none found)
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Avoidance: Botanical survey confirmed no SoCC. 2. Minimisation: Pre-clearance verification for future work. 3. Rehabilitation: N/A
Cumulative impact post mitigation:	Very Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impact on biological aspects: Disturbance or Displacement of Fauna	
Nature of impact:	Clearing of vegetation and dam construction may have led to temporary disturbance or permanent displacement of small mammals, reptiles, amphibians, and birds that relied on the area for shelter or foraging.
Extent and duration of impact:	Low to Medium
Probability of occurrence:	Likely
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Maintain or restore natural buffer strips along drainage lines and field edges. 2. Avoid further habitat disturbance. 3. Use less intensive lighting and noise-minimising practices during future construction. 4. Promote passive rehabilitation of nearby areas.
Cumulative impact post mitigation:	Very Low to Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on socio-economic aspects: Temporary Employment Creation During Site Preparation and Planting	
Nature of impact:	Job opportunities were created during vegetation clearance, dam construction, and orchard establishment, providing short-term economic benefits to local labourers.

Extent and duration of impact:	Local, short-term (limited to the construction window).
Probability of occurrence:	Certain – jobs were already created
Degree to which the impact can be reversed:	Not applicable – this is a positive benefit.
Degree to which the impact may cause irreplaceable loss of resources:	None – impact is beneficial.
Cumulative impact prior to mitigation:	Low Positive – contributes to local livelihoods, though temporarily.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Enhancement: Maximise local employment through local sourcing. 2. Minimisation: Ensure fair labour conditions and safety measures during construction.
Cumulative impact post mitigation:	Medium Positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on socio-economic aspects: Dust, Noise, and Nuisance from Machinery

Nature of impact:	Construction activities may have generated dust and noise, affecting nearby landowners or workers.
Extent and duration of impact:	Localised; short-term
Probability of occurrence:	High – typical for earthworks and dam construction.
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	None
Cumulative impact prior to mitigation:	Low Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Avoidance: N/A 2. Minimisation: Use dust suppression methods (e.g., water spraying) and schedule noisy activities during working hours. 3. Rehabilitation: Restore disturbed areas post-construction.
Cumulative impact post mitigation:	Very Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on cultural-historical aspects: Potential Disturbance of Heritage or Archaeological Resources

Nature of impact:	Vegetation clearance and dam construction may have resulted in the disturbance of heritage features, such as old structures, graves, or surface artefacts, although none were recorded during development or in the receiving environment assessment.
Extent and duration of impact:	Localised; one-time (during clearing and excavation)
Probability of occurrence:	Low – no heritage resources were identified, and the area had already been disturbed by past agriculture.
Degree to which the impact can be reversed:	Low – if resources were destroyed without record, impact is irreversible.
Degree to which the impact may cause irreplaceable loss of resources:	Low to Moderate, depending on presence/absence of undocumented features.
Cumulative impact prior to mitigation:	Very Low Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Avoidance: Future site development to be preceded by heritage screening. 2. Minimisation: Instruct workers to halt work and notify

	heritage authorities if artefacts are discovered during ground disturbance. 3. Rehabilitation: Not applicable in the absence of known sites.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on geographical and physical aspects: Alteration of Land Use and Visual Character	
Nature of impact:	Transformation of historically cultivated or pastureland into permanent orchard blocks and a constructed dam altered the local landscape character, introducing formal agricultural patterns and water features.
Extent and duration of impact:	Local; permanent
Probability of occurrence:	Certain
Degree to which the impact can be reversed:	Low – land use change is long-term without reversion to previous land cover.
Degree to which the impact may cause irreplaceable loss of resources:	Low to moderate, particularly in a CBA and Endangered ecosystem context.
Cumulative impact prior to mitigation:	Medium Negative – contributes to broader landscape transformation within a conservation-priority area.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Avoidance: No further expansion into natural areas or CBAs. 2. Minimisation: Retain natural visual buffers and topographical features. 3. Rehabilitation: Encourage vegetation recovery in non-operational zones to soften visual impact.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impacts on geographical and physical aspects: Modification of Natural Drainage Patterns (Dam Construction)	
Nature of impact:	The construction of a farm dam within a degraded drainage line altered local runoff and micro-catchment behaviour, although within an already transformed environment.
Extent and duration of impact:	Localised; long-term
Probability of occurrence:	Certain
Degree to which the impact can be reversed:	Low – dam infrastructure is permanent.
Degree to which the impact may cause irreplaceable loss of resources:	Low, as the watercourse was already degraded.
Cumulative impact prior to mitigation:	Low to Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Avoidance: Future dams are to avoid sensitive or intact hydrological features. 2. Minimisation: Design the dam to integrate with existing contours and reduce excessive impoundment. 3. Rehabilitation: Maintain vegetation around the dam to stabilise soils and support water quality.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impact on biological aspects: Disruption of Ecological Connectivity / CBA Functionality	
Nature of impact:	Development within a CBA 1 landscape may reduce ecological connectivity, limiting movement of fauna and gene flow across the landscape.

Extent and duration of impact:	Localised; short-term
Probability of occurrence:	Moderate
Degree to which the impact can be reversed:	Moderate
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	Low Negative
Proposed mitigation:	1. Prevent further clearance within mapped CBAs. 2. Maintain ecological corridors (e.g., riparian zones, strips of natural vegetation). 3. No-go zones to be identified and marked in the EMPr.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impact on biological aspects: Loss of Indigenous Vegetation (Garden Route Shale Fynbos)

Nature of impact:	Clearing of Endangered Garden Route Shale Fynbos, mapped as CBA
Extent and duration of impact:	Localised, permanent.
Probability of occurrence:	Certain (impact has already occurred)
Degree to which the impact can be reversed:	Irreversible within footprint unless actively rehabilitated
Degree to which the impact may cause irreplaceable loss of resources:	Moderate, due to ecosystem status (Endangered)
Cumulative impact prior to mitigation:	Medium contributes to the fynbos loss in the region.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	- Avoidance: No further clearing in natural areas. - Minimisation: Demarcate orchard boundaries. - Rehabilitation: Allow passive regeneration around the footprint.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impact on biological aspects: Habitat Fragmentation and Edge Effects

Nature of impact:	Fragmentation of natural habitat due to linear expansion of cultivated lands.
Extent and duration of impact:	Local to regional; long-term.
Probability of occurrence:	High
Degree to which the impact can be reversed:	Partially reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low to moderate
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Avoidance: Prevent expansion into remaining intact habitat. 2. Minimisation: Retain buffer areas. 3. Rehabilitation: Support connectivity through passive restoration.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High,	Medium

High, or Very-High)	

Impact on biological aspects: Invasive Alien Plant Encroachment (Construction Edge Disturbance)	
Nature of impact:	Increased risk of invasive species spread post-clearance.
Extent and duration of impact:	Local to site-wide; ongoing.
Probability of occurrence:	High
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Avoidance: N/A 2. Minimisation: Early detection and control. 3. Rehabilitation: Long-term alien clearing programme.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impact on biological aspects: Degradation of Soil Biodiversity	
Nature of impact:	Ploughing and compaction during orchard preparation and dam construction may impact soil microfauna and microbial communities, reducing soil ecosystem health.
Extent and duration of impact:	Localised; short term
Probability of occurrence:	Certain (impact has already occurred.
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Moderate
Cumulative impact prior to mitigation:	Medium Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	1. Implement soil conservation measures, including cover cropping and organic matter retention. 2. Avoid further soil disturbance outside approved areas.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impact on biological aspects: Secondary Effects on Aquatic Ecosystems (linked with freshwater biodiversity)	
Nature of impact:	Runoff from disturbed areas or irrigation return flows may impact downstream wetlands or aquatic ecosystems, including Palmiet wetlands associated with the Duivenhoks River.
Extent and duration of impact:	Localised
Probability of occurrence:	Moderate
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	Moderate
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Moderate

Proposed mitigation:	1. Install berms and runoff interception systems. 2. Use closed-loop irrigation and monitor for leaks or over-irrigation. 3. Retain and restore natural vegetation around watercourses.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

(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.

Impact on biological aspects: Faunal Disturbance from Agricultural Activity	
Nature of impact:	Noise, human activity, and machinery may deter or displace fauna.
Extent and duration of impact:	Localised, ongoing.
Probability of occurrence:	Likely
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Avoidance: Retain adjacent cover. 2. Minimisation: Reduce light/noise impacts. 3. Rehabilitation: Preserve natural corridors.
Cumulative impact post mitigation:	Low to Medium Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on socio-economic aspects: Long-Term Employment and Skills Development	
Nature of impact:	Permanent or seasonal jobs are generated through the operation of orchards (e.g., irrigation management, harvesting, maintenance).
Extent and duration of impact:	Local; long-term
Probability of occurrence:	Certain
Degree to which the impact can be reversed:	Not applicable – this is a positive benefit.
Degree to which the impact may cause irreplaceable loss of resources:	None
Cumulative impact prior to mitigation:	Moderate Positive – contributes to sustained rural employment.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Enhancement: Prioritise local and historically disadvantaged individuals (HDIs) for employment. 2. Skills Development: Provide training in orchard management and irrigation technologies.
Cumulative impact post mitigation:	High Positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impacts on socio-economic aspects: Agricultural Economic Upliftment	
Nature of impact:	The transition from low-value dairy to high-value crops (avocados and macadamias) enhances farm viability and export potential.
Extent and duration of impact:	Local to regional; long-term
Probability of occurrence:	Certain

Degree to which the impact can be reversed:	Not applicable
Degree to which the impact may cause irreplaceable loss of resources:	None
Cumulative impact prior to mitigation:	Moderate Positive
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Enhancement: Integrate the project into local agricultural value chains and cooperatives. 2. Sustainability: Promote environmental best practices to maintain long-term productivity.
Cumulative impact post mitigation:	High Positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impacts on socio-economic aspects: Ongoing Pressure on Natural Resources (Water Use)	
Nature of impact:	Long-term irrigation draws from local water sources, potentially adding to pressure on catchment resources.
Extent and duration of impact:	Local to catchment scale; long-term
Probability of occurrence:	High
Degree to which the impact can be reversed:	Moderately reversible if water-saving measures are implemented.
Degree to which the impact may cause irreplaceable loss of resources:	Moderate – particularly during drought conditions.
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Medium Negative
Proposed mitigation:	1. Avoidance: N/A 2. Minimisation: Precision irrigation; maintenance of closed systems. 3. Rehabilitation: N/A
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impacts on cultural-historical aspects: Loss of Heritage Awareness / Missed Heritage Stewardship Opportunities	
Nature of impact:	Ongoing agricultural use of the site without cultural screening or awareness may result in missed opportunities to protect or interpret local cultural heritage linked to historical land use or indigenous presence.
Extent and duration of impact:	Localised; long-term
Probability of occurrence:	Low, particularly given the disturbed and transformed nature of the site.
Degree to which the impact can be reversed:	Moderate, with future investigation and education.
Degree to which the impact may cause irreplaceable loss of resources:	Low, given no recorded resources to date.
Cumulative impact prior to mitigation:	Very Low to Low Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Avoidance: Ensure future land use changes are preceded by heritage screening. 2. Minimisation: Promote heritage awareness training during inductions for workers. 3. Rehabilitation: Not applicable.
Cumulative impact post mitigation:	Very Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on geographical and physical aspects: Permanent Land Use Change and Loss of Ecological Land Capability

Nature of impact:	Agricultural intensification within a Critical Biodiversity Area result in long-term loss of ecological land capability and conservation potential.
Extent and duration of impact:	Local to landscape scale; permanent
Probability of occurrence:	Certain
Degree to which the impact can be reversed:	Low – ecological land function loss is long-term.
Degree to which the impact may cause irreplaceable loss of resources:	Moderate to High, depending on the potential restoration value of the land.
Cumulative impact prior to mitigation:	Medium to High
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium-High
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Avoidance: Prevent any future agricultural expansion within remaining CBAs. 2. Minimisation: Maintain undeveloped areas to support connectivity. 3. Rehabilitation: Consider conservation set-aside or stewardship agreements for balance.
Cumulative impact post mitigation:	Medium Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium-High

Impacts on geographical and physical aspects: Encroachment on Spatial Planning Designations	
Nature of impact:	Activity occurred within a CBA, a Protected Agricultural Area, and in proximity to wetland features, with potential conflict against spatial planning frameworks (e.g., Western Cape Biodiversity Spatial Plan, Municipal SDFs).
Extent and duration of impact:	Site-specific with policy implications; long-term
Probability of occurrence:	Certain (impact has already occurred)
Degree to which the impact can be reversed:	Low, unless land use is discontinued.
Degree to which the impact may cause irreplaceable loss of resources:	Moderate
Cumulative impact prior to mitigation:	Medium Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Avoidance: Align future activities with spatial planning tools and environmental screening. 2. Minimisation: Justify land use in terms of socio-economic benefit and degraded baseline. 3. Rehabilitation: Incorporate no-go zones and buffer areas as part of the EMPr.
Cumulative impact post mitigation:	Low to Medium Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impact on biological aspects: Spread of Invasive Alien Species (Ongoing Edge Management)	
Nature of impact:	Establishment and spread of alien plants on orchard margins.
Extent and duration of impact:	Site-wide; continuous.
Probability of occurrence:	High
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Medium Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	High

Proposed mitigation:	1. Avoidance: N/A 2. Minimisation: Regular clearing and monitoring. 3. Rehabilitation: Restore vegetated buffers.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impact on biological aspects: Irrigation Return Flow to Aquatic Systems	
Nature of impact:	Nutrient and sediment runoff into watercourses or wetlands.
Extent and duration of impact:	Local to downstream; long-term.
Probability of occurrence:	Moderate
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low to Moderate
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	High
Proposed mitigation:	1. Avoidance: Precision irrigation to avoid excess. 2. Minimisation: Install berms and capture structures. 3. Rehabilitation: Reuse captured water; vegetation buffers.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impact on biological aspects: Pressure on CBAs and Landscape Connectivity	
Nature of impact:	Long-term agricultural activity within CBAs reduces ecological value.
Extent and duration of impact:	Local and landscape scale; permanent.
Probability of occurrence:	High
Degree to which the impact can be reversed:	Partially reversible
Degree to which the impact may cause irreplaceable loss of resources:	Moderate
Cumulative impact prior to mitigation:	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Avoidance: Prevent future clearing in CBA areas. 2. Minimisation: Retain corridors and buffers. 3. Rehabilitation: Passive recovery in non-operational zones.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Impact on biological aspects: Suppression of Indigenous Regeneration	
Nature of impact:	Ongoing prevention of fynbos recovery within cultivated areas.
Extent and duration of impact:	Local, long-term, to permanent.
Probability of occurrence:	Certain
Degree to which the impact can be reversed:	Irreversible without active restoration.
Degree to which the impact may cause irreplaceable loss of resources:	Moderate
Cumulative impact prior to mitigation:	Medium

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Medium
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Avoidance: Prevent further clearing. 2. Minimisation: Limit disturbance to footprint. 3. Rehabilitation: Passive recovery in buffers.
Cumulative impact post mitigation:	Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

(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.

Impact on biological aspects: Opportunity for Vegetation Regeneration	
Nature of impact:	Ceasing agricultural use may allow passive regeneration of indigenous vegetation (Garden Route Shale Fynbos) and restoration of some ecological processes.
Extent and duration of impact:	Local; medium- to long-term
Probability of occurrence:	High, if site is actively or passively rehabilitated.
Degree to which the impact can be reversed:	Moderate to High, depending on soil condition and alien control.
Degree to which the impact may cause irreplaceable loss of resources:	Low – some restoration possible.
Cumulative impact prior to mitigation:	Low to Medium Positive
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	Moderate to High
Proposed mitigation:	1. Avoidance: Avoid further disturbance during removal. 2. Minimisation: Limit movement of heavy machinery. 3. Rehabilitation: Allow passive regrowth or implement active fynbos restoration.
Cumulative impact post mitigation:	Low to Medium Positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impact on biological aspects: Disturbance to Soils and Fauna During Infrastructure Removal	
Nature of impact:	Removal of irrigation systems and orchard infrastructure may disturb fauna and result in soil compaction or erosion.
Extent and duration of impact:	Local; short-term
Probability of occurrence:	Moderate
Degree to which the impact can be reversed:	Moderate, with restoration.
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High	Low
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	1. Avoidance: Avoid working during sensitive wildlife periods. 2. Minimisation: Use low-impact techniques; stabilise soils. 3. Rehabilitation: Re-contour and reseed disturbed areas.
Cumulative impact post mitigation:	Very Low Negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

(d) Any other impacts:

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:

Recommendations are as follows:

1. Terrestrial Biodiversity Impact Assessment:

- No further clearing of natural or semi-natural vegetation, especially in mapped CBA or Endangered ecosystems.
- Demarcate orchard boundaries clearly to prevent further encroachment.
- Alien invasive plant control must be implemented, especially along orchard edges and disturbed zones.
- Passive rehabilitation should be encouraged in non-cultivated areas to allow for ecological recovery.
- Pre-clearance sensitivity screening must be conducted before any future development or expansion.
- No biodiversity offset is required, due to the degraded state of the cleared areas and lack of irreplaceable biodiversity features.
- Incorporate biodiversity protection measures into the EMPr.

2. Freshwater Report
- Maintain a vegetated buffer zone between cultivated lands and any mapped or remnant aquatic features.
- Implement stormwater management and runoff interception berms to prevent erosion and nutrient enrichment of downstream systems.
- Ensure irrigation is efficient and closed-loop to minimise return flows into aquatic ecosystems.
- Avoid any further transformation or clearing within Ecological Support Areas or near the Duivenhoks River wetlands.
- The constructed dam is considered low ecological risk, but should not be expanded or connected to sensitive systems.
- Incorporate all mitigation into the EMPr and monitor compliance through regular audits.
- A water use licence must be obtained and monitored in accordance with the National Water Act.

3. Soil Suitability Assessment and Agricultural Compliance Statement
-The cleared areas are located on moderate to low potential soils, thus orchard establishment is acceptable from an agricultural suitability perspective.
-Implement soil conservation measures, including:
* Avoiding compaction
* Maintaining ground cover
* Contour planting on slopes
- Use precision irrigation to minimise leaching, erosion, and overuse of water.
- Avoid any future expansion onto steeper or erosion-prone soils.
- Incorporate soil health monitoring into ongoing farm management practices.

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.

Phase	**Impacts**	**Significance rating of impacts after mitigation (Low, Medium, MediumHigh, High, Very High):**
Construction Phase	Loss of Indigenous Vegetation (Garden Route Shale Fynbos)	Low
Construction Phase	Habitat Fragmentation and Edge Effects	Low
Construction Phase	Risk to Plant Species of Conservation Concern (SoCC)	Low
Construction Phase	Introduction and Spread of Invasive Alien Species	Low
Construction Phase	Disturbance or Displacement of Fauna	Low
Construction Phase	Disruption of Ecological Connectivity / CBA Functionality	Low
Construction Phase	Degradation of Soil Biodiversity	Low

Construction Phase	Secondary Effects on Aquatic Ecosystems	Low
Construction Phase	Temporary Employment Creation During Site Preparation and Planting	Medium
Construction Phase	Dust, Noise, and Nuisance from Machinery	Low
Construction Phase	Potential Disturbance of Heritage or Archaeological Resources	Low
Construction Phase	Alteration of Land Use and Visual Character	Low
Construction Phase	Modification of Natural Drainage Patterns (Dam Construction)	Low
Operational Phase	Suppression of Indigenous Regeneration	Low
Operational Phase	Spread of Invasive Alien Plants	Low
Operational Phase	Habitat Disturbance for Fauna Due to Agricultural Activity	Low
Operational Phase	Irrigation-Related Return Flows Affecting Downstream Aquatic Systems	Low
Operational Phase	Irrigation-Related Return Flows Affecting Downstream Aquatic Systems	Low
Operational Phase	Ongoing Pressure on CBAs and Ecological Connectivity	Low
Operational Phase	Long-Term Employment and Skills Development	High
Operational Phase	Agricultural Economic Upliftment	High
Operational Phase	Ongoing Pressure on Natural Resources (Water Use)	Low
Operational Phase	Loss of Heritage Awareness / Missed Heritage Stewardship Opportunities	Low
Operational Phase	Permanent Land Use Change and Loss of Ecological Land Capability	Medium
Operational Phase	Encroachment on Spatial Planning Designations	Low
Decommissioning Phase	Opportunity for Vegetation Regeneration	Medium-High
Decommissioning Phase	Disturbance to Soils and Fauna During Infrastructure Removal	Low
Decommissioning Phase	Job Losses and Reduced Local Economic Activity	Low
Decommissioning Phase	Reversal of Land Use Transformation	Medium-High
Decommissioning Phase	Risk of Damage to Unknown Heritage Features During Site Clearance	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

1. Terrestrial Biodiversity Impacts
The unlawful clearance of ±7.42 ha of vegetation resulted in the loss of indigenous vegetation, specifically Garden Route Shale Fynbos, an Endangered ecosystem listed in the 2022 National List of Threatened Ecosystems. The cleared areas fall within a mapped Critical Biodiversity Area (CBA1), which is intended to support ecosystem functioning and biodiversity targets. However, the botanical specialist confirmed that the site had been previously transformed or degraded through historic agricultural use (e.g., ploughing, grazing), and therefore, no species of conservation concern or intact habitat remained. The ecological condition of the impacted areas was already compromised, and no irreplaceable biodiversity features were lost.

Residual Impact:
Low to Medium Negative (manageable with mitigation; no offset required)

2. Habitat Fragmentation and Edge Effects
The expansion of orchards has contributed to habitat fragmentation, reducing ecological connectivity in the broader landscape, especially within the mapped CBA. The fragmentation effects include edge disturbances, increased vulnerability to invasive species, and potential disruption of faunal

movement.

Residual Impact:
Low Negative (due to already degraded context and implementation of buffers)

3. Invasive Alien Species
The disturbance during clearance and dam construction increased the risk of alien invasive species, particularly Acacia spp., establishing along the orchard and dam edges. Without control, invasive species could spread into adjacent natural areas.

Residual Impact:
Medium Negative (reducible to Low with active management)

4. Freshwater Ecosystems
The dam was constructed in a degraded drainage line, which had been previously incorporated into agricultural land and no longer supported functional riparian or wetland habitat. According to the freshwater specialist, the dam did not cause additional degradation to aquatic systems, as the site had already lost ecological function. However, the risk of runoff or return flows from the orchards into downstream features, including the Palmiet wetlands of the Duivenhoks River, poses a potential impact if not properly managed.

Residual Impact:
Medium Negative (manageable with runoff control and buffer zones)

5. Soil and Agricultural Land
The activity resulted in disturbance and compaction of soils during land preparation, which can affect soil microfauna, infiltration, and erosion potential. However, the affected soils are of moderate agricultural potential, and the activity is suitable for the intended land use if soil conservation practices are applied.

Residual Impact:
Low to Medium Negative (manageable through good land management)

6. Socio-Economic Impacts
The development has resulted in positive socio-economic outcomes, including the creation of temporary jobs during construction and permanent employment through the establishment of high-value orchards. The transition to avocado and macadamia farming supports economic upliftment, export growth, and rural development. However, there is dependence on long-term irrigation, which must be carefully managed to avoid contributing to catchment-wide water stress.

Residual Impact:
High Positive (employment, economic benefit)
Low Negative (if water use is unmanaged)

7. Cultural and Heritage Impacts
No archaeological, palaeontological or heritage resources were identified on the site, and the area had already been disturbed by historical farming. As such, the activity did not result in known heritage impacts.

Residual Impact:
Negligible

Conclusion
The commencement of the activities led to some environmental consequences, particularly the loss of degraded fynbos, habitat fragmentation, and the risk of runoff and alien species spread. However, the site was largely transformed prior to the activities, and no significant or irreplaceable biodiversity loss occurred. With the mitigation measures already implemented or planned, the residual environmental impacts are generally Low, while the socio-economic benefits are significant and positive.

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

1. Biodiversity and Vegetation Management
- Map and mark all sensitive zones (e.g., buffers, drainage lines, historical vegetation remnants) on the ground with visible signage or fencing to avoid unintentional encroachment.
- Establish a regular alien plant monitoring programme (e.g., quarterly inspections) with reporting and photographic records.

2. Soil and Land Use Management
- Maintain vegetation cover on all non-operational areas, orchard inter-rows, and around dam embankments to prevent erosion.
- Avoid machinery operation during wet conditions to prevent compaction and runoff.

3. Water Resources and Wetland Protection
- Monitor irrigation water uses and efficiency, ensuring compliance with water use licence conditions and avoiding over-irrigation or leakage.
- Conduct visual inspections of the dam and drainage features every six months to check for erosion, leaks, or signs of wetland degradation downstream.

?? 4. Environmental Compliance and EMPr Implementation
- Appoint an Environmental Control Officer (ECO) or designate a responsible person to oversee EMPr implementation, including regular site inspections

and reporting.
- Maintain environmental incidents register to record and respond to any unauthorised activity, spills, erosion, or non-compliance.
- Conduct an annual internal environmental audit to assess compliance with the EMPr and Section 24G conditions, with corrective actions documented.

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures

The applicant, the CJ Engelbrecht Familie Trust, has demonstrated the institutional and operational capacity to implement the required environmental management, mitigation, and monitoring measures. The farm is part of a well-established, commercial agricultural enterprise, transitioning from dairy to high-value export crops (avocados and macadamias), which requires structured management, compliance with global agricultural standards, and investment in sustainability practices.

1. Organisational Capacity
- The applicant employs skilled farm managers and technical staff, including irrigation and orchard specialists, who are experienced in operating within regulated agricultural environments.
- A dedicated Environmental Assessment Practitioner (EAP) has been appointed to guide compliance with the Section 24G application, and an Environmental Management Programme (EMPr) has been developed to provide clear procedures.

2. Financial Capacity
As a commercial farming entity producing export-oriented crops, the applicant has the financial resources to implement:
- Alien invasive species control
- Soil and water monitoring
- Infrastructure maintenance (e.g., berms, irrigation)
- Independent audits, if required

3. Existing Compliance Culture
- The farm already complies with various regulatory frameworks, including the Conservation of Agricultural Resources Act (CARA) and water abstraction licensing under the National Water Act.
- There is a demonstrated willingness to regularise previous non-compliances through this Section 24G process and improve environmental performance going forward.

4. Commitment to Ongoing Monitoring
- The applicant has committed to implementing annual internal audits, regular environmental inspections, and continued engagement with the competent authority and CapeNature where required.

5. Infrastructure and Systems
- The site is already equipped with precision irrigation infrastructure, well-defined orchard blocks, and service roads that reduce unnecessary environmental disturbance.
- An incident and monitoring record system will be maintained to track environmental performance.

Conclusion:
The applicant has both the capacity and commitment to implement the proposed mitigation and monitoring measures effectively. With continued guidance from the appointed EAP and adherence to the EMPr, the risks of non-compliance or environmental harm are low, and environmental performance is expected to improve over time.

SECTION G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES

(a) Please describe adequacy of the assessment methods used.

The assessment methods employed in the Section 24G application process for Farm 91, Riversdale are considered adequate, appropriate, and compliant with the relevant legislation and protocols, including the National Environmental Management Act (NEMA) and the 2020 Protocols for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes.

1. Use of Qualified Specialists
- All specialist studies were undertaken by independent, suitably qualified and experienced professionals in their respective fields (botanical, freshwater, and agricultural potential).
- Specialists confirmed compliance with Appendix 6 of the EIA Regulations (2014, as amended) and/or the 2020 Protocols, including site sensitivity verification, impact assessment, and mitigation recommendations.

2. Site Sensitivity Verification
- A screening report generated from the National Web-based Environmental Screening Tool was used to identify environmental sensitivities.
- On-site sensitivity verification was conducted to ground-truth the mapped sensitivities and confirm the nature and extent of impacts.

3. Methodologies Used
- The botanical assessment used field surveys, photographic documentation, and vegetation classification referencing the 2018 Vegetation Map of South Africa and the 2022 National List of Threatened Ecosystems.
- The freshwater assessment applied the Department of Water and Sanitation's Classification System and verified features identified in the National Wetland Inventory using site visits and aerial imagery.
- The soil and agricultural potential study included physical observation, soil profile interpretation, land use mapping, and reference to national land capability guidelines.

4. Impact Assessment Criteria
- All specialists assessed impacts using standard criteria, including:
- Nature, extent, duration, intensity, reversibility, and cumulative effects
- Significance ratings both before and after mitigation
- Alignment with mitigation hierarchy principles (avoid, minimise, rehabilitate, offset)

5. Public and Authority Inputs
- The assessment process was further supported by inputs from CapeNature, the Department of Agriculture, and the Catchment Management Agency, as well as a formal public participation process allowing for stakeholder comment and feedback.

Conclusion:
The assessment methods used are considered adequate and legally compliant. They provide a realistic and site-appropriate understanding of the environmental impacts and inform mitigation and decision-making in a meaningful way. No critical information gaps or procedural shortcomings have been identified in the approach.

(b) Please describe the assessment criteria used.

The environmental impact assessment for the Section 24G application on Farm 91, Riversdale followed a standardised and legally compliant methodology to assess the nature, extent, and significance of impacts resulting from the unlawful activities. The assessment criteria were consistent with the requirements of the National Environmental Management Act (NEMA), the 2014 EIA Regulations (as amended), and the 2020 Protocols for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes.

The following impact assessment criteria were applied by all specialists:

1. Nature of the Impact
A description of the type of impact expected (e.g. vegetation loss, water quality degradation, soil disturbance, alien plant invasion, habitat fragmentation).

2. Extent of the Impact
- Site-specific: Limited to the area directly affected.
- Local: Extends beyond the site boundary but within the local environment.
- Regional: Impact may affect areas beyond the local site context.

3. Duration of the Impact
- Short-term: 0–5 years (e.g. construction phase).
- Medium-term: 5–15 years (e.g. early operational impacts).
- Long-term: 15–50 years or longer (e.g. persistent operational impacts).
- Permanent: Irreversible changes that remain even after decommissioning.

4. Intensity / Magnitude
- Low: No significant alteration of environmental functions or processes.
- Medium: Noticeable but recoverable disruption of environmental processes.

- High: Irreversible alteration or destruction of important features/functions.

5. Probability of Occurrence
- Unlikely: Impact may not occur.
- Possible: Impact could occur but not expected regularly.
- Likely: Impact is expected to occur.
- Certain: Impact has already occurred or will occur.

6. Reversibility
- Reversible: Impact can be undone through mitigation or rehabilitation.
- Partially reversible: Some recovery is possible over time.
- Irreversible: Permanent loss of features or processes.

7. Degree of Irreplaceability
- Assess whether the resource or feature affected is replaceable, rare, or unique. For example:
- High irreplaceability (e.g. species of conservation concern)
- Low irreplaceability (e.g. disturbed landscapes with common vegetation types)

8. Cumulative Impact
Assesses how the impact combines with existing or planned activities in the region to amplify environmental stress, even if the individual project's contribution is small.

9. Significance of the Impact (Before and After Mitigation)
Integrates all the above criteria to assign an overall significance rating:
- Very High
- High
- Medium-High
- Medium
- Low
- Very Low / Negligible
- Impacts were rated both before and after the application of proposed mitigation measures in line with the mitigation hierarchy (avoid, minimise, rehabilitate, offset).

These criteria allowed for a consistent, transparent, and comparative assessment across the various environmental themes and were used to inform the EMPr, mitigation planning, and the need (or not) for biodiversity offsetting.

(c) Please describe the gaps in knowledge

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

(d) Please describe the underlying assumptions.

It is assumed that the site visits and fieldwork conducted by specialists (botanical, freshwater, agricultural) accurately represent the current condition of the site and that no significant changes occurred between construction and assessment.

4. Compliance with Mitigation Measures
The assessment assumes that all proposed mitigation and management measures, such as alien plant control, buffer maintenance, and water use efficiency, will be effectively implemented and maintained by the applicant.
This is critical to achieving the reduction in residual impact significance presented in the assessment.

5. No Further Expansion Without Authorisation
It is assumed that the current development footprint (±7.42 ha cleared and Dam 7 constructed) is final, and that no further unauthorised clearing or infrastructure will occur without following due environmental authorisation processes.

6. Water Use Will Be Licensed and Regulated
It is assumed that the applicant will obtain a valid water use licence (WUL) for the abstraction of water associated with the new orchards and dam, and will comply with licence conditions, particularly in relation to volumes, monitoring, and efficiency.

Conclusion
These assumptions are reasonable and defensible based on available evidence, expert opinion, and the legal context of the Section 24G process. They form the foundation for impact evaluation and should be acknowledged in decision-making and implementation of the EMPr.

(e) Please describe the uncertainties.

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

SECTION H: RECOMMENDATIONS OF THE EAP

In my view (EAP), the information contained in the Application Form, EIA Report and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for.	YES	NO

If "NO", list the aspects that should be further assessed through additional specialist input/assessment:
If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:

Applicant should be directed to cease the activity:	YES	NO

Please provide reasons for your opinion
The environmental impacts resulting from the unlawful clearance of vegetation and construction of the dam are considered to be of low to medium significance, based on specialist input confirming that the affected areas were already degraded or previously transformed. No Species of Conservation Concern were identified, and no irreplaceable biodiversity features were lost. The impacts are localised and can be effectively managed through the proposed mitigation and monitoring measures. Furthermore, the activity has resulted in significant socio-economic benefits, including employment and agricultural productivity, and aligns with the designated land use of the area. The applicant has shown a clear commitment to rectifying the non-compliance through the Section 24G process and is implementing measures to ensure legal and environmental compliance. Requiring cessation of the activity would offer limited environmental gain but would result in disproportionate economic and social harm.
If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation
- The applicant must fully implement the EMPr submitted as part of the Section 24G application. - The EMPr must be updated, where necessary, to incorporate additional recommendations arising from this process or from stakeholder and authority feedback. - The EMPr must remain a living document, reviewed annually and adjusted where required. - An Alien Invasive Plant Control Plan must be implemented within 30 days of authorisation. - Quarterly monitoring of invasive species spread must be conducted, and annual clearing targets must be met and reported. - No further clearing of indigenous or semi-natural vegetation shall occur without environmental authorisation. - Clearly demarcate and maintain buffer zones around any natural vegetation remnants, drainage lines, or sensitive areas. - Passive rehabilitation must be allowed in all non-operational disturbed areas. - Maintain and monitor erosion control structures (e.g., berms, contour planting) along orchard slopes and dam edges. - Water use must not exceed the limits permitted in the applicable water use licence. - An Environmental Control Officer (ECO) or designated responsible person must conduct biannual compliance inspections. - A compliance report must be submitted to the competent authority annually for three years, detailing: * Implementation of mitigation measures * Environmental incidents and corrective actions * Results of alien plant monitoring and control
If a proposed biodiversity offset has been identified and investigated, please provide the proposed wording for the condition and implementation in the authorization
N/A. The specialist assessments for Farm 91, Riversdale, confirmed that a biodiversity offset is not required.

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

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

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

SECTION J: PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

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

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

The applicant must place a preliminary advertisement in
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.
(3) The applicant must open and maintain of a register of interested and affected parties.
(4) The register must be attached to the application form and included in the report, or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of
(a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;
(b) all persons who have requested the applicant, in writing, to place their names on the register; and
(c) all organs of state that have jurisdiction in respect of the activity to which application relates.
Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, inter alia, proof of preliminary advertisement in a local newspaper.
1. Preliminary Advertisement in Local Newspaper - A preliminary advertisement was placed in a local newspaper circulating in the Riversdale area by Regulation 8(1)(a). - The advertisement: + Clearly stated that the applicant commenced with the listed activities without environmental authorisation. + Included the name of the applicant (CJ Engelbrecht Familie Trust). + Described the location and nature of the unlawful activities (clearing of vegetation and construction of a farm dam). + Cited the contravened legislative provisions (NEMA 2014 EIA Regulations, as amended). + Provided the date and context of the activities. + Offered contact details for the EAP and information on where Interested and Affected Parties (I&APs) could register and submit comments. + Stated that this is a Section 24G rectification process. + Allowed at least 20 calendar days for public comment, as required. = Proof of this advertisement, including a copy of the published notice and confirmation of publication date, is attached to this application. 2. Availability of Information The advertisement indicated that the draft Section 24G application and supporting documents would be made available to the public upon request, including via: - Email communication. 3. Registering Interested and Affected Parties (I&APs) - All stakeholders who responded to the advert or were known to be potentially affected were added to the I&AP register. - The register includes names, contact details, and affiliations. 4. Notification and Access All registered I&APs were informed that they would have the opportunity to comment again during the formal 30-day review period for the draft Section 24G Report, as well as the subsequent 21-day review period before the final submission (per Regulation 24O). Conclusion: The public participation conducted prior to submission of this application meets the requirements of Regulation 8, and all relevant proof of compliance, including the newspaper advertisement and I&AP register, is submitted together with this application form.

Please indicate whether the applicant has a website (please tick relevant box):	YES	NO

If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application

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

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

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

1. In terms of regulation 41 of the EIA Regulations, 2014			
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of			
(i) the site where the activity to which the application relates is or is to be undertaken; and	YES	DEVIATION	
(ii) any alternative site	YES	DEVIATION	
(b) giving written notice, in any manner provided for in section 47D of the NEMA, to			
(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	N/A
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	
(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	YES	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES	DEVIATION	
(c) placing an advertisement in			
(i) one local newspaper; or	YES	DEVIATION	
(ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	YES	DEVIATION	N/A
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	DEVIATION	N/A
(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	YES	DEVIATION	N/A
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE: 2. The NEM: WA requires that a notice must be placed in at least two newspapers.			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	DEVIATION	N/A
If "NO", then an application for exemption from the requirement must be applied for.			
1. 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.)			

Summary of CapeNature's Comments (4 April 2025) and Applicant's Response – Farm 91, Riversdale (Section 24G Application)

CapeNature provided biodiversity-focused comments on the unlawful clearing of indigenous vegetation and dam construction on Farm 91, noting that the affected areas fall within Critical Biodiversity Areas (CBAs 1 and 2) and are mapped as Garden Route Shale Fynbos, which became classified as Endangered in 2022. They emphasised the need to reference the correct Western Cape Biodiversity Spatial Plan (BSP) version and vegetation threat status applicable at the time of the activities. CapeNature also highlighted the sensitivity of nearby Palmiet wetlands associated with the Duivenhoks River and recommended the use of the National Screening Tool and protocol-compliant specialist studies, including an evaluation of the need for a biodiversity offset.

The applicant acknowledged the mapped sensitivity and confirmed that the site verification and specialist studies were conducted in accordance with the 2020 environmental protocols. It was confirmed that the vegetation was already degraded or transformed at the time of clearance and that no Species of Conservation Concern were present. The dam was constructed in a historically degraded watercourse, and no direct impact on the Palmiet wetlands or the Duivenhoks River was recorded. Adequate buffer zones, no-go areas, and runoff control measures have been implemented or planned to prevent further disturbance.

Regarding biodiversity offsetting, the applicant confirmed that the botanical specialist assessed the potential need for an offset in line with the National Biodiversity Offset Guideline (GN 380 of 2023). Given the degraded state of the site and low residual ecological impact, the conclusion was that no offset is warranted.

2. 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.
No comments have been received with the initial PPP.

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 THAT HAS BEEN/WILL 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	Tel	E-mail	Comment Obtained	Reason for comment not obtained
Department of Agriculture	Cor van der Walt	021 808 5099	corvdW@elsenburg.com	No	S24G Report will be made available for comment.
Department of Agriculture	Brandon Layman	021 808 5099	Brandon.Layman@westerncape.gov.za	No	S24G Report will be made available for comment.
Cape Nature	Rhett Smart	087 087 3037	rsmart@capenature.co.za	Yes	
Heritage Western Cape	Waseefa Dhansay	021 483 9543	Waseefa.Dhansay@westerncape.gov.za	No	S24G Report will be made available for comment.
Hessequa Local Municipality	Grant Riddles	028 713 8000	mayor@hessequa.gov.za	No	S24G Report will be made available for comment.
Hessequa Local Municipality	Gerald Boezak	028 713 8000	gerald@hessequa.gov.za	No	S24G Report will be made available for comment.
Hessequa Local Municipality	Tinus Van Den Berg	028 713 8000	speaker@hessequa.gov.za	No	S24G Report will be made available for comment.
Hessequa Local Municipality	Albert de Klerk	028 713 8000	mm@hessequa.gov.za	No	S24G Report will be made available for comment.
Hessequa Local Municipality	Henrik Vissr	028 713 8000	info@hessequa.gov.za	No	S24G Report will be made available for comment.
Breede-Gouritz CMA	Elkerine Rossouw	078 467 4260	erossouw@bgcma.co.za	No	S24G Report will be made available for comment.
Breede-Gouritz CMA	Carlo Abrahams	078 467 4260	cabrahams@bgcma.co.za	No	S24G Report will be made available for comment.

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 authorization in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to

i	immediately cease the activity pending a decision on the application submitted in terms of this subsection
ii	investigate, evaluate and assess the impact of the activity on the environment
iii	remedy any adverse effects of the activity on the environment
iv	cease, modify or control any act, activity, process or omission causing pollution or environmental degradation
v	contain or prevent the movement of pollution or degradation of the environment
vi	eliminate any source of pollution or degradation
vii	compile a report containing-

	aa	a description of the need and desirability of the activity
	bb	an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity
	cc	a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity
	dd	a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed
	ee	an environmental management programme

viii	provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

The applicant, CJ Engelbrecht Familie Trust, voluntarily initiated the Section 24G application process and has fully cooperated with the requirements of the Department. The following responses are provided in respect of each sub-item under Section 24G(1):i) Immediate cessation of the activity pending a decisionWe respectfully submit that immediate cessation is not necessary. The activities have already been completed (i.e. vegetation clearance and dam construction), and no further unauthorised actions are being undertaken. Ongoing operations consist of standard agricultural practices (irrigation and orchard management), and cessation would result in significant socio-economic harm without offering meaningful environmental benefit. This is supported by the specialist studies, which confirm that the impacted areas were previously degraded and that no irreversible harm occurred.ii) Investigation, evaluation, and assessment of impactsComplied. Comprehensive specialist studies have been undertaken, including:- A botanical assessment,- A freshwater impact assessment, and- A soil/agricultural potential study.These were conducted in accordance with the relevant environmental protocols and the 2020 Procedures for Minimum Criteria for Reporting, as published under GN 320 of 2020.iii) Remedy any adverse effects on the environmentPartially complied and ongoing. Mitigation and management measures are being implemented to address environmental impacts, including:- Alien invasive species control,- Soil erosion prevention, and- Buffer zones to protect surrounding sensitive areas.These are detailed in the Environmental Management Programme (EMPr) submitted as part of the Section 24G application.iv) Cease, modify, or control any activity causing degradationComplied. There are no ongoing activities causing new degradation. Orchard areas are stabilised, and further clearing or expansion will only proceed if authorised. All operations are being conducted in line with soil and water conservation practices.v) Contain or prevent the movement of pollution or degradationComplied. Measures have been implemented to manage potential runoff and sedimentation if required, through:- Berms and contour planting, and- Monitoring of irrigation return flows.These are supported by the findings of the freshwater report.vi) Eliminate any source of pollution or degradationNo point-source pollution or hazardous waste activities are present. The agricultural use of the site involves low environmental risk, and no significant sources of ongoing degradation have been identified.vii) Compile a report containing:(aa) Need and desirability? Included in the application and report – highlights the economic value, land use alignment, and employment benefits of the project.(bb) Assessment of impacts and cumulative effects? Included – the biological, physical, hydrological, and socio-economic impacts have been fully assessed by specialists.(cc) Mitigation measures? Included – a comprehensive list of site-specific mitigation and management actions is integrated into the EMPr.(dd) Public participation process and I

Please Note: Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive. The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.

SECTION B: DEFERRAL OF THE APPLICATION

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

(a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;

(b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or

(c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review

Kindly answer the following questions:

Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that is not subject to this application and in any province in the Republic	YES	NO	UNCERTAIN

If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation

Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is not subject to this application and in any province in the Republic?	YES	NO	UNCERTAIN

If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation

Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA in terms of which this application directly relates?	YES	NO	UNCERTAIN

If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation

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

Socio Economic Impact	Appropriate box
The activity is not giving, has not given and will not give rise to any negative socioeconomic impacts	
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	

The development on Farm 91, Riversdale, which includes the unlawful clearing of vegetation and construction of a dam, has not caused significant socio-economic harm at a regional or widespread level. However, as with most unauthorised land transformation activities, it carries localised socio-economic risks, particularly in relation to:
- Loss of ecosystem services at the site level (e.g. fynbos biodiversity, soil resilience), which may affect long-term land productivity if not managed.
- Regulatory non-compliance, which could undermine fair practice in the agricultural sector if left unaddressed.
- Potential public concern from local stakeholders or conservation authorities over the use of land within a Critical Biodiversity Area (CBA) and an Endangered ecosystem.

That said, the activity has also generated clear socio-economic benefits, including:
- Permanent and seasonal employment opportunities.
- Transition to high-value crops aligned with market and export growth.
- Improved land use productivity within a Protected Agricultural Area (PAA).

Mitigation measures (e.g. compliance with environmental laws, proper land stewardship, and rehabilitation of disturbed zones) are in place to address the localised risks, and no displacement, loss of access, or regionalised harm to communities has occurred. Therefore, the impact is best characterised as minor, localised, and manageable, justifying the selected option.

Biodiversity Impact	Appropriate box
The activity is not giving, has not given and will not give rise to any impacts on biodiversity	
The activity is giving, has given or could give rise to localised biodiversity impacts	
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 activity, specifically the clearance of ±7.42 ha of indigenous vegetation (Garden Route Shale Fynbos) and the construction of a small dam, has resulted in localised impacts on biodiversity, but these impacts are not significant, not irreversible, and do not threaten any species or recognised biodiversity hotspots.

According to the botanical specialist study, the cleared areas fall within a mapped Critical Biodiversity Area (CBA1) and affect an ecosystem now listed as Endangered. However, site verification confirmed that the vegetation was already transformed or severely degraded by historical agricultural practices (e.g. ploughing, grazing). No species of conservation concern or intact ecological features were recorded.

While the mapping sensitivity is acknowledged, the actual ecological impact is moderate and site-specific. The dam was constructed in a historically degraded drainage feature with no intact riparian vegetation, and it does not hydrologically connect to the nearby Palmiet wetlands of the Duivenhoks River.

Invasive alien species risks and habitat edge effects have also been identified but are manageable through the mitigation measures already in place (e.g. alien control, buffer maintenance, no further clearing).

Therefore, although the activity did cause some localised biodiversity disturbance, it does not warrant classification as a significant or irreversible loss, nor does it affect a biodiversity hotspot or the viability of any species or subspecies. The impacts are limited in scale, reversible, and adequately mitigated, justifying the selected option.

Sense of Place Impact and / or Heritage Impact	Appropriate box
The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	
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	

The activity entails the development of irrigated orchards and the construction of a small farm dam on Farm 91, Riversdale, within an area that has historically been used for agricultural purposes, including dairy farming and grazing. The broader landscape is characterised by rural, production-oriented agricultural land use, and the shift to high-value orchards is consistent with regional land use trends and Protected Agricultural Area (PAA) zoning under the Conservation of Agricultural Resources Act (CARA).

The orchards and dam have been integrated into the existing farming footprint and do not introduce any visually intrusive or industrial elements that would alter the rural character or visual cohesion of the area. The small dam was constructed in a natural depression and is designed to complement the landscape aesthetically, even attracting birdlife, which enhances the sense of place.

In terms of heritage, no heritage resources, cultural artefacts, or palaeontological features were recorded within the development footprint, and the site had already been disturbed through historical cultivation. As such, the activity does not conflict with any known cultural or heritage values.

Therefore, the activity is considered to be in keeping with the character of the surrounding agricultural environment, and no negative impacts on the area's sense of place or heritage significance have been identified.

Pollution Impact	Appropriate box
The activity is not giving, has not given and will not give rise to any pollution	
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.	

The activity involves agricultural land preparation, orchard establishment, and the construction of a small farm dam, which are not associated with high-risk pollution sources such as hazardous chemicals, heavy machinery spills, or industrial waste. However, as with any form of land disturbance and irrigation-based agriculture, there is a low-level risk of pollution, particularly through:
- Nutrient or sediment runoff from irrigated lands, especially during rainfall events.
- Soil disturbance and erosion during the construction and operation phases.
- Potential leaching of fertilisers or organic inputs into adjacent drainage lines if not managed properly.

These risks are well understood and manageable, and mitigation measures have been implemented, including:
- Berms, contour planting, and runoff interception to prevent sedimentation;
- Precision irrigation systems that minimise over-irrigation and nutrient leaching;
- Vegetated buffers between cultivated lands and drainage areas.

The freshwater specialist concluded that the dam is not hydrologically linked to sensitive downstream wetlands and is situated within a historically degraded area, further reducing pollution risk.

There is no evidence of major pollution events, no use of hazardous substances, and no known contamination of surface or groundwater. Therefore, any pollution arising from the activity is minimal, localised, and reversible, justifying a classification of low impact.

PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT

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	Appropriate box

Administrative action was previously taken against the applicant in respect of the abovementioned provisions	
No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken	
Administrative action was not previously taken against the applicant in respect of the abovementioned provisions	

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	Appropriate box
The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity.	
The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	

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

PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES

Applicant's legal persona	Appropriate box
The applicant is a natural person.	
The applicant is a firm.	

Any other relevant information that the applicant would like to be considered
The applicant, CJ Engelbrecht Familie Trust, has a long-standing connection to Farm 91, which has historically been used for dairy farming and irrigated pasture. The land has been in agricultural use for several decades, with much of it already disturbed or cultivated prior to the activities under review. The decision to undertake the development, specifically the transition to avocado and macadamia orchards and the construction of Dam No. 7, was made in response to several strategic and practical factors: 1. Agricultural Modernisation and Economic Upliftment - The shift from dairy to high-value orchards was driven by the need to modernise farm operations and diversify income. - Avocado and macadamia production is aligned with national and export market demand, providing opportunities for greater economic sustainability and job creation. - The development has already resulted in permanent employment, with additional seasonal labour opportunities during planting and harvest cycles. 2. Historical Land Condition and Use - The areas where orchards were established were already cleared, grazed, or cultivated in the past and did not support intact natural vegetation. - The dam was constructed in a natural depression within a heavily degraded and previously ploughed drainage line, not in a pristine or sensitive watercourse. - The intent behind the dam's design was not only water storage but also to create an artificial wetland habitat to attract birdlife and enhance the landscape. 3. Good Faith and Compliance Intent - At the time the work was undertaken (2022), the landowner operated under the mistaken belief that the activities fell within existing agricultural rights due to the disturbed nature of the land and historic use patterns.

- Upon becoming aware of the need for environmental authorisation, the applicant immediately appointed an Environmental Assessment Practitioner (EAP) and entered the Section 24G rectification process voluntarily.
- The farm has since implemented mitigation and monitoring measures and has demonstrated a commitment to responsible land management and compliance.

4. Commitment to Stewardship and Collaboration
- The applicant recognises the importance of maintaining biodiversity, water quality, and agricultural sustainability.
- The farm is open to continued engagement with CapeNature, the competent authority, and affected parties to ensure that all activities are aligned with best environmental practices going forward.

Conclusion:
The development on Farm 91 was undertaken as a strategic response to agricultural and economic realities, within an area that was already disturbed and intended for ongoing farming. The applicant acted in good faith, is now fully compliant with environmental procedures, and remains committed to long-term sustainability and cooperative governance. These contextual factors should be considered in evaluating the rectification application and determining appropriate outcomes.

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

Page 41Page 41Page 41Page 41 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 date; the location;
- the date; the applicable legislative provision contravened; and
- the date; 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

Appendix		Attached
Appendix A	Locality map(s)	
Appendix A1	Waste Listed Activities supporting information	
Appendix B	Site Plan(s)	
Appendix C	Building Plan(s)	
Appendix D	Color Photographs of Site and Surroundings	
Appendix E	Biodiversity overlay map(s)	
Appendix F	Permit(s) and or License from any other Organ of State	
Appendix G	Public Participation Information	
Appendix H	Specialist Report(s)	
Appendix I	Environmental Management Programme	
Appendix J	Supporting Documents relating to compliance/enforcement history of the applicant	
Appendix K	Certified copy of Identity Document of Applicant	
Appendix L	Certified copy of Title Deed(or Title Deeds)	
Appendix M	Other	
Declarations	Declarations	
Screening Tool Report	Screening Tool Report	
Supporting images	Supporting images	

Appendix M - Other	Document Description
Appendix M - Other	WULA Status
Appendix M - Other	Botanical Statement
Appendix M - Other	Trust Proxy

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 if information

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)	Tons/Month	m\u00B3/Month	ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL (Method & Location)	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL(Location)	OFFSITE DISPOSAL(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	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 dimensions of the disposal site in metres

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

Volume Available	Mark	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	Yes	No

What type of compactor is used?

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 the method to be used.

At source	
Recycling installation	
Formal salvaging	
Contractor	
No salvaging planned	

Fatal flaws for the site:

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

Within a 3000m radius of the end of an airport landing strip	Yes	No
Within the 1 in 50-year flood line of any watercourse	Yes	No

Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes)	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within 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	meters
Indicate the distance to the boundary of the industrial area	meters

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 Evaporation for 6 months	Climatic Water Balance
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