

**DRAFT S24G IMPACT ASSESSMENT REPORT**  
PREPARED IN TERMS OF THE NATIONAL  
ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT  
NO. 107 OF 1998), (“NEMA”)

**PROJECT:**

SECTION 24G RETROSPECTIVE ENVIRONMENTAL  
AUTHORISATION APPLICATION FOR THE DEVELOPMENT  
OF A WEIR, BERMS, A WALKWAY, AND DIVERSION OF A  
WATERCOURSE INTO A DAM ON FARM NO. 1314,  
STELLENBOSCH RD, WESTERN CAPE PROVINCE

***DRAFT REPORT FOR COMMENT FROM***  
***Friday, 8 November 2019 to Monday, 9 December 2019***

*(kindly submit written comments to Cornerstone Environmental Consultants -  
see contact details below)*

DEA&DP Compliance Notice Ref. No.: 14/1/1/E2/4/2/3/0057/14

**APPLICANT:**

Dylan Property Trust

**PREPARED BY:**



*This is a blank page*

## TABLE OF CONTENTS

### PART 1

SECTION A:	BACKGROUND INFORMATION .....	7
SECTION B:	ACTIVITY INFORMATION .....	11
SECTION C:	DESCRIPTION OF RECEIVING ENVIRONMENT .....	19
SECTION D:	NEED AND DESIRABILITY .....	30
SECTION E:	ALTERNATIVES .....	34
SECTION F:	IMPACT ASSESSMENT, MANAGEMENT, MITIGATION AND MONITORING MEASURES .....	36
SECTION G:	ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES .....	58
SECTION H:	RECOMMENDATIONS OF THE EAP .....	62
SECTION I:	REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION .....	63
SECTION J:	PUBLIC PARTICIPATION .....	64

### PART 2

SECTION A:	DIRECTIVES .....	68
SECTION B:	DEFERRAL OF THE APPLICATION .....	69
SECTION C:	QUANTUM OF THE SECTION 24G FINE .....	70
SECTION D:	PRELIMINARY ADVERTISEMENT .....	73
SECTION A:	PART 3 APPENDICES .....	74
SECTION B:	DECLARATIONS .....	75

## LIST OF TABLES

Table 1:	Evaluation components, ranking scales and descriptions (criteria). ....	59
Table 2:	Definition of significance ratings (positive and negative) .....	60

## LIST OF FIGURES

Figure 1:	Google Earth image showing the mapped aquatic features with the yellow ovals indicating where the walkway has been constructed within these delineated aquatic feature (Image source: BlueScience, 2019) .....	41
Figure 2:	View of the typical watercourse crossings at the site (Image source: BlueScience, 2019) ....	42
Figure 3:	View of the infilling along the north-eastern bank of the watercourse within the site (Image source: BlueScience, 2019) .....	42
Figure 4:	View of the Paradyskloof River at the infilled embankment shown in Figure 3, prior to rehabilitation (Image source: BlueScience, 2019) .....	43
Figure 5:	Comparison of the Google Earth image for 2005 with the most recent image (2019) with the mapped aquatic features. The flow diversion is indicated by the blue arrow (Image source: BlueScience, 2019) .....	45
Figure 6:	View of the constructed weir on the western boundary of the site (Image source: BlueScience, 2019) .....	46

## APPENDICES

### Appendix A: Locality Maps

A1: Locality Map

### Appendix B: Site Plans

B1: Recent Aerial Image of the Property

B2: Historic Google Images of the Property (2005, 2009, 2014 and 2017)

### Appendix C: Site Layout Plan

C1: Site Layout Plan (activities applied for)

### Appendix D: Photographs

D1: Photo Sheet

### Appendix E: Biodiversity Overlay Maps

E1: Biodiversity Overlay Map

### Appendix F: Permits and/or Licenses

F1: Water allocation from the Wynland Water User Association

### Appendix G: Public Participation Process

G1a: Pro-active list of I&APs, including Registered I&APs – November 2019 (used for the pre-application public participation process)

G2a: Pre-application Newspaper Advertisement

G2b: Proof that the advert was placed on the applicant's website

G3: Photographs of Site Notices advertising the project - *will be included in Final Documentation*

G4: Comments received from I&APs on Pre-application Advert – *None Received*

G5: Proof that the Draft Documents were delivered to the public place and State Organs, and proof of correspondence to I&APs – *will be included in Final Documentation*

G6: Comments received on Draft Documents from State Organs – *Not available yet (will be included in Final Documentation)*

G7: Comments and Responses Report - *Not available yet (will be included in Final Documentation)*

### Appendix H: Specialist and other relevant Report(s)

H1: Freshwater Assessment for the works undertaken on Farm 1314 and 1315 near Stellenbosch in the Western Cape, July 2019

H2a: Notification of Intent to Develop as submitted to Heritage Western Cape

H2b: Written response issued by Heritage Western Cape, dated 20 September 2019

### Appendix I: Environmental Management Programme

I1: Draft Environmental Management Programme and Maintenance Management Plan

### Appendix J: Supporting documents

*Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.*

J1: Pre-compliance Notice, Compliance Notice and Pre-directive relating to this application, issued by the DEA&DP

### Appendix K: Certified copy of Identity Document of Applicant

K1: Certified copy of Identity Document of Applicant's Representative - *will be included in Final Documentation*

K2: Company Resolution - *will be included in Final Documentation*

### Appendix L: Certified copy of the title deed

K1: Title Deed - *will be included in Final Documentation*

### Appendix M: Additional Information

M: None



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

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

No.	Application Requirements	Please tick for confirmation	
1.	Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. <b>(Note: Failure to meet the Regulation 8 will result in rejection of the application)</b>	<input checked="" type="checkbox"/>	
2.	Application form has been completed and attached, which includes among others:		
	2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with.	<input checked="" type="checkbox"/>	
	2.2. A list of all <b>similarly listed</b> activities in terms of the current EIA regulations (if applicable).	<input checked="" type="checkbox"/>	
	2.3. A description of the receiving environment <b>before</b> commences of the activity(ies).	<input checked="" type="checkbox"/>	
	2.4. A description of the receiving environment <b>after</b> commences of the activity(ies).	<input checked="" type="checkbox"/>	
	2.5. All appendices and annexures:		
	2.5.1. Locality map	<input checked="" type="checkbox"/>	
	2.5.2. Site plans or/and Layout plan	<input checked="" type="checkbox"/>	
	2.5.3. Building plans (if applicable)	N/A	
	2.5.4. Colour photographs	<input checked="" type="checkbox"/>	
	2.5.5. Biodiversity overlay map	<input checked="" type="checkbox"/>	
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	N/A	
	2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information	<input checked="" type="checkbox"/>	
	2.5.8. Environmental Management Programme	<input checked="" type="checkbox"/>	
	2.5.9. Certified copy of Identity Document of Applicant	<input checked="" type="checkbox"/>	
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	<input checked="" type="checkbox"/>	
	2.6. Signed declaration forms.	<input checked="" type="checkbox"/>	
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3.1. If yes, has the specialist assessment report been attached to the application?	<input checked="" type="checkbox"/>	
4.	An assessment of the impacts of the activity or activities in terms of the following categories:		
	• Socio-economic	<input checked="" type="checkbox"/>	
	• Biodiversity	<input checked="" type="checkbox"/>	
	• Sense of place &/or Heritage/ Cultural	<input checked="" type="checkbox"/>	
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	<input checked="" type="checkbox"/>	
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	<input checked="" type="checkbox"/>	
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations: Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).	<input checked="" type="checkbox"/>	

No.	Application Requirements	Please tick for confirmation
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	✓
8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4)).	✓
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	✓
9.	Compliance history of the applicant:	
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	✓
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	✓
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	✓
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	✓
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	✓
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply.	✓
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	✓
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	No yet
	10.2 Copies of comments and responses included in the application.	No yet
	10.2 Comments and Response report attached to the application.	No yet
11.	Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") (GN No. R.326 of 7 April 2017) <b>(if conducted/undertaken)</b>	✓



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

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

**April 2018**

**Form Number S24GAF/04/2018**

**KINDLY NOTE THAT:**

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.
2. This **Application Form** must be completed for all section 24G applications, by an independent Environmental Assessment Practitioner ("EAP").
3. This Application Form is current as of 01 April 2018. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 01 April 2018.
4. **The contents of this Application Form include the following:**

**PART 1 -**

**Section A: Background Information**

**Section B: Activity Information**

**Section C: Description of Receiving Environment**

**Section D: Need and Desirability**

**Section E: Alternatives**

**Section F: Impact Assessment, Management, Mitigation and Monitoring Measures**

**Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties**

**Section H: Recommendations of the EAP**

**Section I: Representations - Response to an Incident or Emergency Situation**

**Section J: Public Participation Process**

**PART 2 – ANNEXURE A of Fine Regulations**

**Section A: Directives**

**Section B: Deferral of the Application**

**Section C: Quantum of the section 24G fine**

**Section D: Preliminary advertisement**

**PART 3 – Appendices and Declarations**

**PART 4 – ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**

5. An independent EAP must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence.
6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted.
7. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department's website <https://www.westerncape.gov.za/eadp/>
8. The use of "not applicable" in the Application Form must be done with circumspection.
9. **No faxed or e-mailed application forms will be accepted.**
10. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested

and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.

11. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

#### PROCESS TO BE FOLLOWED:

- a) **Prior to submission of an Application Form**, the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").
- b) Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.
- c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.
- d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G(1)(i-viii) of the NEMA.
- e) In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.
- f) The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.
- g) The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.
- h) **Proof of payment of the fine must be submitted to the Department.** Upon payment of the administrative fine, the MEC/Competent Authority may-
  - refuse to issue an environmental authorisation; or
  - issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
  - direct the applicant to provide further information or take further steps prior to making a decision provided for above;
  - together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

#### PLEASE NOTE THE FOLLOWING:

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.
2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from-
  - (a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of NEMA or any specific environmental management Act;
  - (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.
3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and—
  - (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
  - (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
  - (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.
4. A person is guilty of an offence if that person:
  - Prior to submission of a section 24G application:
    - o fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant's website, if any or
    - o fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
    - o fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or



- fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.
  - Provides incorrect, false or misleading information in any form, including in any document submitted to a competent authority in terms of the Section 24G Fine Regulations or omits information that may have an influence on the outcome of a recommendation of the fine committee or determination of the competent authority.
5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

**DEPARTMENTAL DETAILS**

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

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

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

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

File Reference number (S24G)	
Administrative Fine Reference	

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

File Reference number (Enforcement), if applicable	14/1/1/E2/4/2/3/0057/14
File reference number (EIA), if applicable:	
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

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

# PART 1

## PROJECT TITLE

**SECTION 24G RETROSPECTIVE ENVIRONMENTAL AUTHORISATION APPLICATION FOR THE DEVELOPMENT OF A WEIR, BERMS, A WALKWAY, AND DIVERSION OF A WATERCOURSE INTO A DAM ON FARM NO. 1314, STELLENBOSCH RD, WESTERN CAPE PROVINCE**

## RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

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

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

## SECTION A: BACKGROUND INFORMATION

### 1. APPLICANT PROFILE INDEX

Cross out the appropriate box "X".

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)	X
1.2.1	If a firm, please tick the relevant box below:	
	Body Corporate	Partnership
	Trust	Parastatal
	Organ of State	
	Directors of a Company	Members of a Board
	Other, please specify	

<b>Applicant's Name:</b>	Dylan Property Trust		
RSA Identity Number/ Passport Number of Applicant, if natural person:	N/A		
Name of Firm (if applicable):	Dylan Property Trust		
Firm Registration Number:	1978/2005		
Contact Person at the Firm:	Mr Wayne Tinline		
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below – <b>(In the list below, delete the firms that are not applicable to this application)</b>		
Trustees:	Name:	RSA ID No.	
	Dylan Lewis	6411075188089	
	Karen Lewis	6511150151082	
	Michelle Claire Olckers	7407110015088	
	Lawrence Anthony Whittaker	5203265732086	
Postal address:	PO Box 1412		
	Stellenbosch	Postal code:	7599
Telephone:	021 880 0054	Cell:	-
E-mail:	wayne@dylanart.co.za	Fax:	-
<b>Project Consultant</b>	Not applicable		
Contact person:			
Postal address:			
		Postal code:	

Telephone:		Cell:	
E-mail:		Fax:	
<b>Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:</b> Mari de Villiers			
Company name (if any):		Cornerstone Environmental Consultants (Pty) Ltd.	
Postal address:		PO Box 12606	
	Die Boord	Postal code:	7613
Telephone:	021 887 9099	Cell:	083 235 8733
E-mail:	<a href="mailto:mari@cornerstoneenviro.co.za">mari@cornerstoneenviro.co.za</a>	Fax:	086 435 2174
EAP Qualifications	Masters' Degree: Environmental Management		
EAP Registrations/Associations	Member of the International Association for Impact Assessors, South African (IAIASa); will be registered with Environmental Assessment Practitioners Association of South Africa (EAPASA) shortly.		
<b>Name of the Landowner:</b> Dylan Property Trust			
Name of the contact person for the land owner (if other):		Mr Wayne Tinline	
Postal address:		PO Box 1412	
	Stellenbosch	Postal code:	7599
Telephone:	021 880 0054	Cell:	-
E-mail:	<a href="mailto:wayne@dylanart.co.za">wayne@dylanart.co.za</a>	Fax:	-
<b>Person in control of land:</b> Mr Wayne Tinline			
Contact person:		PO Box 1412	
Postal address:		PO Box 1412	
	Stellenbosch	Postal code:	7599
Telephone:	021 880 0054	Cell:	071 352 3264
E-mail:	<a href="mailto:wayne@dylanart.co.za">wayne@dylanart.co.za</a>	Fax:	-

**Please note:** In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.

- A certified copy of the applicant's (if natural person), alternatively a director's (as defined), Identity Document must be attached to the application.
- A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application.

<b>Municipality in whose area of jurisdiction the activity falls:</b>	Stellenbosch Municipality		
Contact person, if known:	Mr Schalk van der Merwe		
Postal address:	PO Box 17		
	Stellenbosch	Postal code:	7600
Telephone:	021 808 8679	Cell:	-
E-mail:	<a href="mailto:Schalk.VanderMerwe@stellenbosch.gov.za">Schalk.VanderMerwe@stellenbosch.gov.za</a>	Fax:	-

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

Property location(s):	The property is situated approximately 1 km south-east of Paradyskloof / La Pastoral, Stellenbosch. Refer to the locality plan in <b>Appendix A</b> .
Farm/Erf name(s) & number(s) including portion(s)	Farm No. 1314, Stellenbosch RD
Property size(s) (m <sup>2</sup> )	57 661 m <sup>2</sup> (5.7661 ha)
Development footprint size(s) (m <sup>2</sup> )	~6000 m <sup>2</sup> (~0.6ha)
SG21 Digit code(s)	C06700000000131400000

Property boundary co-ordinates:	Latitude (S)	Longitude (E)
Point 1	33°58'13.67" S	18°52'21.52" E
Point 2	33°58'14.36" S	18°52'24.06" E
Point 3	33°58'15.10" S	18°52'29.67" E
Point 4	33°58'17.28" S	18°52'29.07" E
Point 5	33°58'22.78" S	18°52'30.10" E
Point 6	33°58'22.37" S	18°52'20.90" E
Point 7	33°58'16.47" S	18°52'20.57" E

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

Street address:	Farm No. 1314, Stellenbosch RD, approximately 1km south-east of Paradyskloof / La Pastoral, Stellenbosch.		
Magisterial District or Town:	Stellenbosch Magisterial District		
Closest City/Town:	Stellenbosch	Distance	1 km
Zoning of Property:	Agricultural Zone 1		

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

Was the property rezoned after commencement of activities?	YES	NO
If yes, what was the previous zoning?		
N/A		
Is a rezoning application required?	YES	NO
Is a consent use application required?	YES	NO
Locality map:	<p>A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:</p> <ul style="list-style-type: none"> <li>• an accurate indication of the project site position as well as the positions of the alternative sites, if any;</li> <li>• road names or numbers of all the major roads as well as the roads that provide access to the site(s)</li> <li>• a north arrow;</li> <li>• a legend;</li> <li>• the prevailing wind direction; and</li> <li>• GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)</li> </ul> <p><b>See Appendix A1 attached.</b></p>	
Landowner(s) Consent:	<p>If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.</p> <p><b>Note:</b> The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014).</p> <p><b>N/A – applicant is the landowner.</b></p>	

**2. APPLICATION HISTORY**

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

Has any national, provincial or local authority considered any development applications on the property previously?	YES	<b>NO</b>
If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications)		
N/A		
Which authority considered the application:		
N/A		
Has <u>any</u> one of the previous application/s on the property been approved <b>or</b> refused?	YES	NO
If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).		
N/A		
Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.		
N/A		

## SECTION B: ACTIVITY INFORMATION

### 1. ACTIVITIES APPLIED FOR

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

Applicant (Full names): Dylan Property Trust Signature: \_\_\_\_\_

Place: Stellenbosch Date: \_\_\_\_\_

EAP (Full names): Maria Margaretha de Villiers Signature: \_\_\_\_\_

Place: Stellenbosch Date: \_\_\_\_\_

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

#### 1.1 Applicable EIA listed activities

Environment Conservation Act, No. 73 of 1989, as amended (ECA) Environmental Impact Assessment (EIA) contraventions between 08 September 1997 and 09 May 2002			
Activities commenced with on or after 08 September 1997 and before 09 May 2002: EIA regulations promulgated in terms of the ECA			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997, as amended	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None			
ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006			
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989,			
None			
NEMA EIA Contraventions: between 03 July 2006 and 01 August 2010			
Activities unlawfully commenced with on or after 03 July 2006 and before 01 August 2010: EIA regulations promulgated in terms of the NEMA			
GN R386 Activity No(s): (Listing Notice 1 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
1 (m)	(m) any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including - (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs;	The dam on the property was enlarged during 2009. It is not known exactly when the weir was built.	According to Google Earth, the dam was built in 2009.
4	The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.		
Government Notice No. R387 Activity No(s): (Listing Notice 2 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None			

<b>NEMA EIA Contraventions: between 02 August 2010 and 07 December 2014</b>			
<b>Activities unlawfully commenced with on or after 02 August 2010 and before 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>			
GN No. R. 544 Activity No(s): <b>(Listing Notice 1 of 2010)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010("NEMA 2010 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
11	The construction of: (i) canals; (ii) channels; (iii) bridges; (iv) <b>dams</b> ; (v) <b>weirs</b> ; (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) <b>infrastructure or structures covering 50 square metres or more, where such construction occurs within a watercourse or within 32 metres of a watercourse,</b> measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.	Construction of a weir, berms, a walkway, and diversion of the watercourse into a dam.	According to Google Earth, these activities mostly took place between 2010 and 2014.
18	<b>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</b> (i) <b>a watercourse</b> ; (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 (i) is for <b>maintenance purposes undertaken in accordance with a management plan</b> agreed to by the relevant environmental authority; or (ii) occurs behind the development setback line.		
GN No. R. 545 Activity No(s): <b>(Listing Notice 2 of 2010)</b>	Describe the relevant listed Activity(ies) in writing as per GN No. R. 545 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None			
GN No. R. 546 Activity No(s): <b>(Listing Notice 3 of 2010)</b>	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None			
<b>NEMA EIA Contraventions: between 08 December 2014 and 07 April 2017</b>			
<b>Activities unlawfully commenced with on or after 08 December 2014 and 07 April 2017: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998</b>			
GN No. R. 983 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.983 of 2014("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
12	The development of- (i) canals exceeding 100 square metres in size;	Further work on the weir, berms, walkway, and the	It is not clear exactly when



	<p>(ii) channels exceeding 100 square metres in size;          (iii) bridges exceeding 100 square metres in size;  <b>(iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size;</b>  <b>(v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size;</b>          (vi) bulk storm water outlet structures exceeding 100 square metres in size;          (vii) marinas exceeding 100 square metres in size;          (viii) jetties exceeding 100 square metres in size;          (ix) slipways exceeding 100 square metres in size;          (x) buildings exceeding 100 square metres in size;          (xi) boardwalks exceeding 100 square metres in size; or          (xii) infrastructure or structures with a physical footprint of 100 square metres or more;          where such development occurs-</p> <p><b>(a) within a watercourse;</b>          (b) in front of a development setback; or          (c) if no development setback exists, within 32 metres of a watercourse, measured from          (c) the edge of a watercourse; -</p> <p>excluding-</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;          (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;          (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;          (dd) where such development occurs within an urban area; or          (ee) where such development occurs within existing roads or road reserves.</p>	diversion of the watercourse into the dam.	the various activities were undertaken. Some of these activities may have taken place between 2014 and 2017.
19	<p><b>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 -</b>          (i) <b>a watercourse;</b>          (ii) the seashore; or          (iii) 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-</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <p>(a) will occur behind a development setback;          (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or          (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p>		
GN No. R. 984 Activity No(s): <b>(Listing Notice 2 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.984 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None			

GN No. R. 985 Activity No(s): <b>Listing Notice 3 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.985 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None			
<b>NEMA EIA Contraventions: on or after 07 April 2017</b>			
<b>Activities unlawfully commenced with on or after 07 April 2017: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998, as amended</b>			
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2014, as amended)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving - (a) will occur behind a development setback; (b) <b>is for maintenance purposes undertaken in accordance with a maintenance management plan;</b>	This listed activities will be triggered by future maintenance work in the watercourses on the property, including maintenance of the weir, berms, walkway, and the diversion of the watercourse into the dam.	Future maintenance work
GN No. R. 325 Activity No(s): <b>(Listing Notice 2 of 2014, as amended)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None			
GN No. R. 324 Activity No(s): <b>Listing Notice 3 of 2014, as amended)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None			

**Important:** The inclusion of a MMP in Part 3 of the EMPr/MMP (**Appendix I1**) precludes the need to apply for further Environmental Authorisation for maintenance activities that relates to the watercourses on the property. For this reason, Activity 19 of GN No. R. 327 (Listing Notice 1 of 2014, as amended) is included in the table above.

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

## 1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

<b>Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013</b>			
<b>Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008</b>			
GN No. 718 – Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
None			
GN No. 718 – Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
None			

Waste Management Activity Contraventions: On or after 29 November 2013			
Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,			
GN No. 921 - Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
None			
GN No. 921 - Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
None			

**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, as amended		
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2014, as amended)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
See <b>Section B, Table 1.1</b> above.		
GN No. R. 325 Activity No(s): <b>(Listing Notice 2 of 2014, as amended)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
See <b>Section B, Table 1.1</b> above.		
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2014, as amended)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.
See <b>Section B, Table 1.1</b> above.		

**Please note:** Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.

## 2. ACTIVITY DESCRIPTION

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

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	<b>Complete</b>	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced <u>as well as</u> the original date of commencement if the application is an upgrade.	New	<b>Upgrade</b>
<p>The Dylan Lewis Trust acquired Farm 1314, Stellenbosch Registration Division (RD) during 2008. Up to 2008, the property was used for agricultural purposes.</p> <p>The Dylan Lewis Sculpture Garden on Farm 1314 was created gradually over time, mostly between 2009 and 2017. Refer to <b>Appendix B2</b> for the Google Earth images of the site from 2005, 2009, 2014 and 2017.</p> <p>The main freshwater feature within the study area consists of the Paradyskloof Tributary of the Blaauwklippen River, a tributary of the Eerste River. During a gradual establishment of the garden, a weir,</p>		

berms, and a walkway were constructed, and a watercourse was diverted into a small dam and artificial pond. These activities were undertaken without first obtaining environmental authorisation. This NEMA Section 24G process is aimed at obtaining retrospective environmental authorisation for these activities.

According to the Dylan Lewis Sculpture Garden's website, over 60 sculptures constituting a comprehensive record of Lewis's full artistic development thus far have been carefully placed in harmony with the landscape. Along four kilometres of paths, one is led on a journey through different 'rooms'. The garden focuses on indigenous species, particularly fynbos. Although planted to give year-round colour, it peaks in July and August into September, when its many buchus and ericas are in fragrant flower. A large selection of ericas, particularly unusual varieties such as *Erica verticillata*, extinct in the wild, was sourced from Kirstenbosch National Botanical Garden.

The website furthermore states that the garden "is a place of expansive vistas, scents and the sounds of nature, with tranquil groves, hidden paths and lush indigenous vegetation".

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.

A weir, berms, and a walkway were constructed, and a watercourse was diverted into a small dam and artificial pond. These activities have been completed.

(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:		
N/A		
Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO
Provide brief description:		
A weir, berms, and a walkway were constructed, and a watercourse was diverted into a small dam and artificial pond. See <b>Figure 1 to 6</b> in this report, as well as <b>Appendix C1: Site Layout Plan</b> and <b>Appendix D: Photo Sheet</b> .		
Processing activities (e.g. manufacturing, storage, distribution)	YES	NO
Provide brief description:		
N/A		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)	YES	NO
Provide brief description		
N/A		
Storage and treatment facilities for solid waste and effluent generated by the project	YES	NO
Provide brief description		
N/A		

(d) Other activities (e.g. water abstraction activities, crop planting activities)	YES	NO
Provide brief description		
N/A		

### 3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	~6000 m <sup>2</sup>	~0,6ha
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	~6000m <sup>2</sup> Note that the area was <b>rehabilitated</b> , and not transformed.	
Total area:	~6000m <sup>2</sup> (~0.6ha)	

#### 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.	Length	m
	Width	m
Describe the type of access road constructed:		
An access road to the farm as well as internal farm roads were existing when the property was purchased in 2008. Four kilometres of footpaths were developed in the garden over the years.		

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

#### 5. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form.

See **Appendix D: Photographs**.

**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/comm ent	DATE (if already obtained):
GN R386 (Listing Notice 1 of 2006), published in terms of the Environmental Management Act, 1998 (Act No. 107 of 1998 (NEMA))	DEA&DP	Environmental Authorisation	This application
GN R544 (Listing Notice 1 of 2010), published in terms of the NEMA, as amended	DEA&DP	Environmental Authorisation	This application
GN R983 (Listing Notice 1 of 2014), published in terms of the NEMA, as amended	DEA&DP	Environmental Authorisation	This application
Section 24G Fine Regulations (Government Notice No. R. 698)	DEA&DP	Environmental Authorisation	This application
National Water Act, Act No. 36 of 1998 (NWA)	Department of Human Settlements, Water and Sanitation	General Authorisation registration	In process
National Heritage Resources Act, Act No. 25 of 1999 (NHRA)	Heritage Western Cape	Comment on Notice of Intent to develop	Not yet

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
DEA&DP EIA Guideline Information Document on Generic Terms of Reference for EAPs and Project Schedules, March 2013	DEA&DP
DEA&DP EIA Guideline Information Document on Need and Desirability, March 2013	DEA&DP
DEA&DP EIA Guideline Information Document on Alternatives, March 2013	DEA&DP
DEA&DP EIA Guideline Information Document on Public Participation, March 2013	DEA&DP
DEA&DP EIA Guideline Information Document on Environmental Management	DEA&DP

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Plans, July 2006	
DEA&DP Guideline for Determining the Scope of Specialist Involvement, June 2005	DEA&DP

## 7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS ("SEMAS")

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: <b>Waste Act</b> , 2008 (Act No. 59 of 2008)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application for a water use license in terms of the National <b>Water Act</b> , 1998 (Act No. 36 of 1998)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
If no, please provide evidence of existing water use rights (if applicable) with this application form.		
<p>The Applicant has indicated that the dam on the property was an existing lawful dam, and that its capacity did not change as a result of the work done. He indicated that a dam wall was removed, which resulted in an increase in the extent of the dam, and a decrease in its depth. The capacity therefore remained unchanged.</p> <p>A General Authorisation will be registered with the Department of Human Settlements, Water and Sanitation (DHSWS) in terms of the National Water Act, 1998 (Act No. 36 of 1998), for following water uses, which are applicable to the activities that were undertaken:</p> <ul style="list-style-type: none"> <li>Section 21(c) – Impeding or diverting flow in a watercourse; and</li> <li>Section 21(i) – Altering the bed, banks, course or characteristics of a watercourse.</li> </ul> <p>Proof of commencement of the General Authorisation registration process will be included in the Final Section 24G Report when submitted to the DEA&amp;DP for decision-making.</p>		
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: <b>Air Quality Act</b> , 2004 (Act No. 39 of 2004)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application in terms of the National Environmental Management: Integrated <b>Coastal Management Act</b> ("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		
N/A		

## 8. APPLICATIONS IN TERMS OF OTHER LEGISLATION

Is any permission, licence or other approval required in terms of any other legislation? (Please tick)	YES	NO	
If yes, please complete the table below:			
Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)
N/A			

## SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

### SITE/AREA DESCRIPTION

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

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

### 1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (TICK THE APPROPRIATE BOX)

GRANITE	<input checked="" type="checkbox"/>	QUARTZITE	<input checked="" type="checkbox"/>
SHALE	<input type="checkbox"/>	DOLOMITE	<input type="checkbox"/>
SANDSTONE	<input checked="" type="checkbox"/>	DOLERITE	<input type="checkbox"/>
OTHER (specify)	Greywacke, phyllite and quartzitic sandstone of the Malmesbury Group and granite of the Kuils River-Helderberg Pluton, Cape Granite Suite.		

### 2. GRADIENT OF THE SITE

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

Flat	<input checked="" type="checkbox"/> 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 (cross out ("X") the appropriate boxes).

Ridgeline	Plateau	<input checked="" type="checkbox"/> Side slope of hill/mountain	<input type="checkbox"/> Closed valley	<input checked="" type="checkbox"/> Open valley	<input type="checkbox"/> Plain	<input type="checkbox"/> Undulating plain/low hills	<input type="checkbox"/> Dune	<input type="checkbox"/> Sea-front	<input type="checkbox"/> Other
If other, please describe									
N/A									

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

#### 4.1 Groundwater, Soil and Geological stability of the site (Pre-commencement)

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

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

#### 4.2 Groundwater, Soil and Geological stability of the site (Post-commencement)

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

The water table is shallow with seasonally wet soils present due to the presence of the watercourse. A Freshwater Assessment has been prepared – refer to **Appendix H1**.

The soils in the application area are in general red-yellow well drained soils that lack a strong texture contrast, are relatively low in clay content and of moderate erodibility (see **Figure 6 of Appendix H1**).

## 5. SURFACE WATER

### 5.1 Surface Water (Pre-commencement)

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

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 (cross out ("X") the appropriate boxes)?

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

## 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](mailto:BGIShelp@sanbi.org.za). Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant / EAP's responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an appendix to this form.

**Please refer to the biodiversity map attached as Appendix E1.**

### 6.1 Vegetation and/or Groundcover (Pre-commencement)

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

Indigenous Vegetation - good condition		Indigenous Vegetation with scattered aliens	X	Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:		Describe the vegetation type above:		Describe the vegetation type above:	
N/A		The historical natural vegetation cover to the east of Stellenbosch at the site would have consisted largely of Cape Winelands Shale Fynbos (see <b>Figure 7 of Appendix H1</b> ). Natural vegetation still surrounds the site, but the area has been disturbed by past		N/A	



	cultivation and forestry activities. Within the site, the area has in the past also been disturbed and cultivated, but is currently being rehabilitation with the revegetation of indigenous plants, particularly along the watercourses. Scattered alien vegetation was most likely present in the past but has since mostly been eradicated. Invasive alien vegetation is being controlled within the water-courses that transect the site.	
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide Ecosystem status for above:
N/A	Cape Winelands Shale Fynbos is 'Vulnerable' in terms of its conservation status.	N/A
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil	Building or other structure	Sport field
Other (describe below)	Cultivated land	Paved surface

- (a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

Systematic Biodiversity Planning Category				If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	<p>The 2017 Western Cape Biodiversity Spatial Plan (WCBSP) map for the study area has mapped some small <b>aquatic critical biodiversity areas</b> that are associated with wetlands within the site. The watercourse and its smaller tributaries are mapped as <b>aquatic ecological support areas</b> that provide important ecological services and should not be allowed to become degraded (see <b>Appendix E1: Biodiversity Overlay Map</b>).</p> <p>The remnants of natural vegetation cover are also mapped as <b>terrestrial critical biodiversity areas</b> that should be maintained and rehabilitated within the site. This has been taking place within the property with significant clearing of alien vegetation and revegetating of the area with local indigenous vegetation (both terrestrial and aquatic). The works undertaken, given the rehabilitation works that is being undertaken within the site, has thus not degraded the quality of the critical biodiversity areas and ecological support areas within the site but has <b>rather enhanced them</b>.</p> <p>The dam is mapped as an artificial wetland. Thus, in terms of the National Freshwater Ecosystem Priority Areas (FEPA) mapping, there are not considered to be any aquatic constraints to the activities.</p>

## (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	0 %	
Near Natural (includes areas with low to moderate level of alien invasive plants)	~25 %	The pre-commencement habitat conditions of the site were most likely mainly cultivated areas with some near natural vegetation, and scattered alien vegetation.
Degraded (includes areas heavily invaded by alien plants)	~10 %	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	~65 %	

## (c) Complete the table to indicate:

- (i) the type of vegetation, including its ecosystem status, that was previously present on the site; and
- (ii) whether an aquatic ecosystem was previously present on site.

Terrestrial Ecosystems		Aquatic Ecosystems						
Ecosystem threat status as per the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	Critical	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)	Estuary		Coastline			
	Endangered							
	Vulnerable							
	Least Threatened							
		YES	NO	UNSURE	YES	NO	YES	NO

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

The following is an extract from the Freshwater Assessment prepared by BlueScience (refer to **Appendix H1** for the full report):

The natural vegetation cover to the east of Stellenbosch at the site would have consisted largely of Cape Winelands Shale Fynbos (Figure 7 of **Appendix H1**) which is a vegetation type that is considered to be Vulnerable in terms of its conservation status. The vegetation type is associated with the moist clayloamy, red-yellow apedal and Glenrosa and Mispah forms derived from Malmesbury Shales and comprises largely of a tall dense proteoid shrubland and scrub fynbos. Natural vegetation still surrounds the site but the area has been disturbed by past cultivation and forestry activities. Within the site, the area has in the past also been disturbed and cultivated but is currently being rehabilitation with the revegetation of indigenous plants, particularly along the watercourses.

Invasive alien vegetation is being controlled within the watercourses through the site. Alien kikuyu grass *Pennisetum clandestinum*, also a Category 1b invader in wetlands, is however invading the filled area adjacent to the watercourse and should be removed.

The main freshwater feature within the study area consists of the Paradyskloof Tributary of the Blaauwklippen River, a tributary of the Eerste River. The Paradyskloof Tributary of the Blaauwklippen River arises a short distance upstream of the site and flows in a south-westerly direction to its confluence with the Blaauwklippen River. There are some wetland areas along the length of the river and a number of small farm dams.

## 6.2 Vegetation and/or Groundcover (Post-commencement)

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

Indigenous Vegetation - good condition	X	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 historical natural vegetation cover to the east of Stellenbosch at the site would have consisted largely of Cape Winelands Shale Fynbos (see <b>Figure 7 of Appendix H1</b> ). Even though the site was disturbed by agricultural activities in the past, it has been rehabilitated with indigenous vegetation, particularly along the watercourses.		N/A	N/A
Provide ecosystem status for above:		Provide ecosystem status for above:	Provide Ecosystem status for above:
Historically: Vulnerable. The site is landscaped area with indigenous vegetation.		N/A	N/A
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		<b>Building or other structure</b>	Sport field
<b>Other (describe below)</b>		Cultivated land	Paved surface

### (a) Highlight and describe the post-construction habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	0 %	
Near Natural (includes areas with low to moderate level of alien invasive plants)	~80 %	Based on the evaluation of Index of Habitat Integrity (IHI) undertaken by BlueScience ( <b>Appendix H1</b> ), the instream and riparian habitat of the upper Paradyskloof River located on the site are moderately modified as a result of past disturbance of the areas adjacent to the watercourse as well as the construction of the dam within the site. The instream aquatic habitat is in a slightly better condition, particularly as a result of the rehabilitation works undertaken and is considered to be in a largely natural to moderately modified ecological condition.
Degraded (includes areas heavily invaded by alien plants)	0 %	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	~20 %	

### (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 site was disturbed and cultivated in the past but has been rehabilitated y means of revegetation with indigenous plants, particularly along the watercourses.

The alleged illegal and unlawful activities were grouped into the following three categories of activities and were assessed in terms of their impacts on freshwater ecology (also see **Appendix H1**): 1) Construction of a walkway and sculpture display within a watercourse with the associated infilling; 2) Diversion of the watercourse into a small dam and artificial pond; and 3) Construction of a weir within a watercourse.

BlueScience has found that the activities, which involved the reshaping and revegetation of disturbed areas on the site have most likely resulted in an improvement of the ecological condition of the aquatic features on the site.

### 6.3 Vegetation / Groundcover Management

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

Rehabilitation has taken place on site by means of the revegetation of indigenous plants, particularly along the watercourses. This is deemed as adequate by BlueScience, except for the recommenced removal of invasive kikuyu *Pennisetum clandestinum* grass cover on the embankment and the recommended revegetation of the embankment with indigenous vegetation. Extensive alien vegetation clearing has also taken place on the property.

## 7. LAND USE OF THE SITE (PRE-COMMENCEMENT)

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

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	<b>Dam or reservoir</b>
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	<b>Agriculture</b>	<b>River, stream or wetland</b>	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

#### (a) Please provide a description.

The pre-commencement land use of the site was mainly agricultural activities (cultivated fields) with some near natural vegetation (i.e. untransformed areas), low density residential houses, a dam, streams/wetlands, and scattered alien vegetation.

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

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

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	<b>Tourism &amp; Hospitality facility</b>
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	<b>Dam or reservoir</b>
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	<b>Plantation</b>	<b>Agriculture</b>	<b>River, stream or wetland</b>	<b>Nature conservation area</b>
<b>Mountain, koppie or ridge</b>	Museum	<b>Historical building</b>	Graveyard	Archaeological site
<b>Other land uses (describe):</b>				

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

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

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	<b>Tourism &amp; Hospitality facility</b>
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	<b>Dam or reservoir</b>
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	<b>Plantation</b>	<b>Agriculture</b>	<b>River, stream or wetland</b>	<b>Nature conservation area</b>
<b>Mountain, koppie or ridge</b>	Museum	<b>Historical building</b>	Graveyard	Archaeological site
<b>Other land uses (describe):</b> The surrounding area remained the same post-construction.				

## 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.

The direct surrounding community is mainly farmers and residents of lifestyle agricultural small holdings, while the wider surrounding community includes the residential areas of La Pastorale, Paradyskloof, Jamestown and Brandwacht.

Based on the Stellenbosch Municipality's Second Generation – Revision 2, Integrated Development Plan (IDP) of May 2009, the site was situated in Ward 16 at that time.<sup>1</sup> The pre-commencement socio-economic context information below was sourced from the 2009 IDP, since it was in place at the time of commencement of the activities.

According to the 2009 IDP, the total population for the Stellenbosch Municipality was 200 527 during 2007, with an average annual growth rate of 4.2%. More than a quarter of the population of the Stellenbosch Municipality was younger than 15 years of age during 2009. This means that there was a strong dependency ratio and a large need for educational facilities. More than two-thirds of the population was in the economically active age group between 15 and 65 years, placing a heavy demand on the creation of sustainable job opportunities.

Of the total population in the municipal area, 11% was unemployed in 2007. In terms of the potential economically active population, this translates to 17%. This figure masks the fact that there were 31% unemployed amongst the African workforce. On average unemployment levels have risen between 2001 and 2007 from 7.6% to 12.7%.

<sup>1</sup> Note that the ward delineation has subsequently changed. Farm No. 1314, Stellenbosch RD is currently situated in Ward 21 of the Stellenbosch Municipality (in terms of the May 2017 IDP).

Based on the 2009 IDP, the manufacturing sector employed the largest proportion of all workers (20%), followed by the wholesale and retail sector (18%). The community and personal service sector follows in third position (15%). Manufacturing was important and strongly linked to the agricultural activities of the region. Included in the community services was education, which explains the prominence of Stellenbosch in that sector due to the impact of the university.

### 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.

No significant changes would have occurred in the community due to the undertaking of the activities applied for in this retrospective application. Five (5) operation phase jobs, additional jobs were created at the Dylan Lewis Sculpture Garden since 2009.

## 11. HISTORICAL AND CULTURAL ASPECTS

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

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process.

Section 38 of the Act states as follows: "38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50m in length;
- (c) any development or other activity which will change the character of a site-
  - (i) exceeding 5 000 m<sup>2</sup> in extent; or
  - (ii) involving three or more existing erven or subdivisions thereof; or
  - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
  - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- (d) the re-zoning of a site exceeding 10 000 m<sup>2</sup> in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,

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

- (b) **The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows:**

3(2) Without limiting the generality of subsection (1), the national estate may include—

- (a) places, buildings, structures and equipment of cultural significance;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and palaeontological sites;
- (g) graves and burial grounds, including—
  - (i) ancestral graves;
  - (ii) royal graves and graves of traditional leaders;
  - (iii) graves of victims of conflict;
  - (iv) graves of individuals designated by the Minister by notice in the Gazette;
  - (v) historical graves and cemeteries; and
  - (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- (h) sites of significance relating to the history of slavery in South Africa;
- (i) movable objects, including—
  - (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
  - (ii) objects to which oral traditions are attached or which are associated with living heritage;
  - (iii) ethnographic art and objects;



- (iv) military objects;
- (v) objects of decorative or fine art;
- (vi) objects of scientific or technological interest; and
- (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development? If YES, explain:	YES	NO	UNCERTAIN
<p>Even though Section 38 of the NHRA was not triggered by the project, a Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) on 26 August 2019, since HWC's comment is required as part of this Section 24G process. <u>HWC responded on 20 September 2019 that, since there is no reason to believe that the project impacted on heritage resources, no further action is required in this regard (refer to the NID and HWC response under <b>Appendix H2</b>).</u></p> <p>The NID indicated the following:</p> <ul style="list-style-type: none"> <li>No buildings older than 60 years were affected by the development.</li> <li>There are no places with oral traditions attached or historical settlements / townscapes which were affected by the development.</li> <li>The landscape and natural features affected by the development did not have historical value.</li> <li>The site is located within a "high sensitivity" cultural heritage and archaeological area, due to its location within 1km from a protected area. This feature is in line with the activities on site and will not be impacted negatively.</li> <li>The site is located in an area of palaeontological importance.</li> <li>No graves, burial sites or human remains were found during the development.</li> <li>The site is not related to the history of slavery in South Africa.</li> </ul>			
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999? If YES, explain:	YES	NO	UNCERTAIN
N/A			
Was any building or structure older than 60 years affected in any way? If YES, explain:	YES	NO	UNCERTAIN
<p>From Google Earth, it is evident that two buildings were removed/demolished on the southern and eastern boundaries of Farm No. 1314 between 2011 and 2014 (<b>Appendix H2: Notice of Intent to Develop as submitted to Heritage Western Cape</b>, see Figure 2 in the Supporting Document to the HWC NID). The applicant has confirmed that the building on the eastern boundary was a labourer's cottage erected by the previous owners in approximately 1980, at the time of the earthworks on the garden it was unoccupied and derelict. The labourer's structure had major structural issues and needed to be demolished for safety reasons. The building on the eastern boundary was a horse stables erected by the previous owners in approximately 1985. At the time of the earthworks on the garden it was derelict and used for storage.</p>			

**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	
An area within 100m of the high-water mark of an estuary/lagoon	YES	NO	UNSURE	
An area within the littoral active zone	YES	NO	UNSURE	
An area in the coastal public property	YES	NO	UNSURE	
Major anthropogenic structures	YES	NO	UNSURE	
An area within a Coastal Protection Zone	YES	NO	UNSURE	
An area seaward of the coastal management line	YES	NO	UNSURE	
An area within the high-risk zone (20 years)	YES	NO	UNSURE	
An area within the medium risk zone (50 years)	YES	NO	UNSURE	
An area within the low risk zone (100 years)	YES	NO	UNSURE	
An area below the 5m contour	YES	NO	UNSURE	

An area within 1km from the high-water mark of the sea	YES	NO	UNSURE	
A rocky beach	YES	NO	UNSURE	
A sandy beach	YES	NO	UNSURE	

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
<p>The property is zoned "Agricultural Zone 1", which includes a consent use for Tourist Facilities. The Stellenbosch Municipality's new Integrated Zoning Scheme is expected to be published within the following few months. Once published, a Town Planning consultant will, on behalf of the landowner, "register" the property as an "Additional Use" for Tourist Facilities and submit a supporting Site Development Plan in terms of the new Zoning Scheme. The Dylan Lewis Sculpture Garden is therefore permitted in terms of the property's existing land use rights.</p>			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
<p>The Western Cape PSDF, 2014 promotes rural development investment in tourism, and states that "<i>the integrity of the Province's natural and built environments is of critical importance to the further development of tourism, as the Western Cape's tourism economy is nature and heritage based, and built on a foundation of a high quality and unique environment</i>".</p> <p>The Western Cape's biological diversity underpins livelihoods, the Province's economy and the provision of ecosystem services. Spatial continuity and connectivity of the biodiversity network strengthens its resilience. The delineates the Western Cape's biodiversity network. The Draft Western Cape PSDF Rural Land Use Planning and Management Guidelines, 2019 highlights that different categories on the WCBSP Map have specific management objectives, according to their biodiversity priority. In broad terms, the biodiversity priority areas need to be maintained in a healthy and functioning condition, whilst those that are less important for biodiversity can be used for a variety of other land uses. Refer to the Spatial Development Framework section below for further information in this regard.</p> <p>Two of the objectives set in the 2019 Draft Guidelines are furthermore as follows:</p> <ul style="list-style-type: none"> <li>to diversify the Western Cape's rural economic base into the tourism and recreation sectors, and develop these sectors on a sustainable and equitable basis, and</li> <li>to offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape.</li> </ul> <p>The Dylan Lewis Sculpture Garden is well-aligned with the spatial planning and other themes and objectives of the Western Cape PSDF, 2014 as well as the Draft Western Cape PSDF Rural Land Use Planning and Management Guidelines, 2019.</p>			
Urban edge / Edge of Built environment for the area	YES	NO	Please explain
<p>Even though the property is situated outside of the urban edge, it is zoned Agricultural Zone 1, and used for eco-tourism purposes.</p>			
Integrated Development Plan of the Local Municipality	YES	NO	Please explain
<p>The Fourth Generation Integrated Development Plan (IDP), 2017 – 2022, of May 2017 recognises that tourism is an important industry, and that it creates 18 000 jobs in this area. The IDP encourages the development of tourism attractions in all sectors and at all levels of the local economy.</p> <p>According to the 2017 IDP, Wards 21 and 22 have submitted a combined application aimed at declaring the Brandwacht mountainside area (adjacent to both Ward 21 and 22) as a nature reserve, due to all the endangered plant species, wildlife and natural water sources in the area.</p> <p>The Dylan Lewis Sculpture Garden is in line with the IDP's objective of developing tourism attractions. The declaration of the Brandwacht mountainside as a nature reserve will also benefit the Sculpture Garden, since the mountainside forms the picturesque backdrop to this beautiful indigenous garden.</p>			
Spatial Development Framework of the Local Municipality	YES	NO	Please explain
<p>Stellenbosch Municipality's Final Spatial Development Framework (SDF) dated July 2019 promotes:</p> <ul style="list-style-type: none"> <li>the protection and expansion of tourism assets;</li> <li>the expansion of entrepreneurial opportunity (also for emergent entrepreneurs); and</li> <li>maintaining and growing the assets of Stellenbosch Municipality's natural environment.</li> </ul>			



The Stellenbosch Municipality's SDF refers to the Spatial Planning Categories (SPC) as is recommended in the Draft Rural Land Use Planning and Management Guidelines, 2019. Based on Figure 48 in the Final SDF, i.e. the Stellenbosch Environmental Management Framework (SEMF) SPCs Map, the application site mainly falls under spatial planning category "C.b", with small sections of category C.a also possibly being located on the site (this could not be confirmed due to the very small scale of the map in the Final SDF). Category C.b relates to "Intensive Agricultural Areas", and Category C.a to "Extensive Agricultural Areas".

"Intensive Agricultural Areas" are agricultural areas used for intensive agricultural practices such as crop cultivation, vineyards, and intensive stock farming on pastures. "Extensive Agricultural Areas" are agricultural areas covered with natural vegetation, used for extensive agricultural enterprises such as indigenous plant harvesting, extensive stock farming, game-farming and eco-tourism.

One of the key policies of both these sub-categories is to unlock the latent capital vested in non-agricultural uses and providing landowners with opportunities to establish farm tourism-related facilities and amenities on these properties. This is particularly relevant to the application site, which is a 5,7661ha small holding and is not economically viable for intensive agricultural purposes.

*Note that the SPCs as are contained in the SDF and the SEMF do not create – nor remove – land use rights. Rather, the SEMF is a key decision support tool for any organ of state making decisions that affect the use of land and other resources.*

The Dylan Lewis Sculpture Garden is an entrepreneurial, non-consumptive, low-impact eco-tourism and recreation land-use, which endorses conservation management activities, the rehabilitation of indigenous vegetation, alien clearing, research and environmental education. It is therefore concluded that the Dylan Lewis Sculpture Garden is in line with the SDF by providing a unique tourism attraction that is in harmony with the surrounding landscape.

Approved Structure Plan of the Municipality	YES	<b>NO</b>	Please explain
N/A – no structure plan has been developed for the Stellenbosch Municipality.			
An Environmental Management Framework (EMF) adopted by the Department	<b>YES</b>	NO	Please explain
The Draft Stellenbosch EMF dated June 2018 has not been officially adopted at the time of preparing this report. Refer to the Spatial Development Framework section above for a discussion on the SPC's as are contained in the SEMF.			
Any other Plans	YES	<b>NO</b>	Please explain
N/A			

## 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>).

<b>1. Was the activity permitted in terms of the property's land use rights at the time of commencement?</b>	<b>YES</b>	<b>NO</b>	<b>Please explain</b>
<p>The property is zoned "Agricultural Zone 1", which includes a consent use for Tourist Facilities. The Stellenbosch Municipality's new Integrated Zoning Scheme is expected to be published within the following few months. Once published, a Town Planning consultant will, on behalf of the landowner, "register" the property as an "Additional Use" for Tourist Facilities and submit a supporting Site Development Plan in terms of the new Zoning Scheme. The Dylan Lewis Sculpture Garden is therefore permitted in terms of the property's existing land use rights.</p>			
<b>2. Was the activity in line with the following?</b>			
<b>(a) Provincial Spatial Development Framework (PSDF)</b>	<b>YES</b>	<b>NO</b>	<b>Please explain</b>
<p>The Western Cape PSDF, 2014 promotes rural development investment in tourism, and states that "<i>the integrity of the Province's natural and built environments is of critical importance to the further development of tourism, as the Western Cape's tourism economy is nature and heritage based, and built on a foundation of a high quality and unique environment</i>".</p> <p>The Western Cape's biological diversity underpins livelihoods, the Province's economy and the provision of ecosystem services. Spatial continuity and connectivity of the biodiversity network strengthens its resilience. The delineates the Western Cape's biodiversity network. The Draft Western Cape PSDF Rural Land Use Planning and Management Guidelines, 2019 highlights that different categories on the WCBSP Map have specific management objectives, according to their biodiversity priority. In broad terms, the biodiversity priority areas need to be maintained in a healthy and functioning condition, whilst those that are less important for biodiversity can be used for a variety of other land uses. Refer to the Spatial Development Framework section below for further information in this regard.</p> <p>Two of the objectives set in the 2019 Draft Guidelines are furthermore as follows:</p> <ul style="list-style-type: none"> <li>to diversify the Western Cape's rural economic base into the tourism and recreation sectors, and develop these sectors on a sustainable and equitable basis, and</li> <li>to offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape.</li> </ul> <p>The Dylan Lewis Sculpture Garden is well-aligned with the spatial planning and other themes and objectives of the Western Cape PSDF, 2014 as well as the Draft Western Cape PSDF Rural Land Use Planning and Management Guidelines, 2019.</p>			
<b>(b) Urban edge / Edge of Built environment for the area</b>	<b>YES</b>	<b>NO</b>	<b>Please explain</b>
<p>Even though the property is situated outside of the urban edge, it is zoned Agricultural Zone 1, and used for eco-tourism purposes.</p>			
<b>(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?).</b>	<b>YES</b>	<b>NO</b>	<b>Please explain</b>
<p>The Fourth Generation Integrated Development Plan (IDP), 2017 – 2022, of May 2017 recognises that tourism is an important industry, and that it creates 18 000 jobs in this area. The IDP encourages the development of tourism attractions in all sectors and at all levels of the local economy.</p> <p>According to the 2017 IDP, Wards 21 and 22 have submitted a combined application aimed at declaring the Brandwacht mountainside area (adjacent to both Ward 21 and 22) as a nature reserve, due to all the endangered plant species, wildlife and natural water sources in the area.</p> <p>The Dylan Lewis Sculpture Garden is in line with the IDP's objective of developing tourism attractions. The declaration of the Brandwacht mountainside as a nature reserve will also benefit the Sculpture Garden, since the mountainside forms the picturesque backdrop to this beautiful indigenous garden.</p> <p>Stellenbosch Municipality's Final Spatial Development Framework (SDF) dated July 2019 promotes:</p> <ul style="list-style-type: none"> <li>the protection and expansion of tourism assets;</li> <li>the expansion of entrepreneurial opportunity (also for emergent entrepreneurs); and</li> <li>maintaining and growing the assets of Stellenbosch Municipality's natural environment.</li> </ul> <p>The Stellenbosch Municipality's SDF refers to the Spatial Planning Categories (SPC) as is recommended in the Draft Rural Land Use Planning and Management Guidelines, 2019. Based on Figure 48 in the Final SDF,</p>			

i.e. the Stellenbosch Environmental Management Framework (SEMF) SPCs Map, the application site mainly falls under spatial planning category "C.b", with small sections of category C.a also possibly being located on the site (this could not be confirmed due to the very small scale of the map in the Final SDF). Category C.b relates to "Intensive Agricultural Areas", and Category C.a to "Extensive Agricultural Areas".

"Extensive Agricultural Areas" are agricultural areas covered with natural vegetation, used for extensive agricultural enterprises such as indigenous plant harvesting, extensive stock farming, game-farming and eco-tourism. "Intensive Agricultural Areas" are agricultural areas used for intensive agricultural practices such as crop cultivation, vineyards, and intensive stock farming on pastures.

One of the key policies of both these sub-categories is to unlock the latent capital vested in non-agricultural uses and providing landowners with opportunities to establish farm tourism-related facilities and amenities on these properties. This is particularly relevant to the application site, which is a 5,7661ha small holding and is not economically viable for intensive agricultural activities.

*Note that the SPCs as are contained in the SDF and the SEMF do not create – nor remove – land use rights. Rather, the SEMF is a key decision support tool for any organ of state making decisions that affect the use of land and other resources.*

The Dylan Lewis Sculpture Garden is an entrepreneurial, non-consumptive, low-impact eco-tourism and recreation land-use, which endorses conservation management activities, the rehabilitation of indigenous vegetation, alien clearing, research and environmental education. It is therefore concluded that the Dylan Lewis Sculpture Garden is in line with the IDP and the SDF by providing a unique tourism attraction that is in harmony with the surrounding landscape.

<b>(d) Approved Structure Plan of the Municipality</b>	YES	NO	Please explain
--	-----	----	----------------

N/A – no structure plan has been developed for the Stellenbosch Municipality.

<b>(e) An Environmental Management Framework (EMF) adopted by the Department</b> (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 Draft Stellenbosch EMF dated June 2018 has not been officially adopted at the time of preparing this report. Refer to the Spatial Development Framework description above (**Section D.2.c**) for a discussion on the SPC's as are contained in the SEMF.

<b>(f) Any other Plans</b> (e.g. Guide Plan)	YES	NO	Please explain
--	-----	----	----------------

N/A

<b>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)?</b>	YES	NO	Please explain
---	-----	----	----------------

The land use is in line with the SDF, as discussed above.

<b>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?</b>	YES	NO	Please explain
---	-----	----	----------------

Although illegal in terms of the NEMA EIA listed activities as are mentioned earlier in this document, the development of the Dylan Lewis Sculpture Garden is in line with the surrounding land-uses. The garden complements the surrounding land uses and natural areas and vice versa. No reason could be found that indicate that the development should not have occurred here at the relevant time.

<b>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.)</b>	YES	NO	Please explain
---	-----	----	----------------

The Stellenbosch area is characterised by its viticulture and associated agri-tourism activities. Expansion of the tourism offerings in the area is in line with the relevant planning policies. Development of the Sculpture Garden not only attract additional visitors to the area, but also created a number of temporary and permanent employment opportunities, all of which have a positive spill-over effect to the local community and the local economy. The sculpture garden is therefore seen as a benefit to the community / surrounding area.

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
Eskom provides electricity to the farm and sufficient capacity exists. Potable water supply is supplied by the Stellenbosch Municipality.			
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
N/A – The Dylan Lewis Sculpture Garden will have no impact on the municipality's infrastructure planning.			
8. Was this project part of a national programme to address an issue of national concern or importance?	YES	NO	Please explain
N/A			
9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	YES	NO	Please explain
The location of Dylan Lewis Sculpture Garden on the relevant property is favourable in terms of the landscape and was developed in such a manner which blends in with the surroundings. It is also sufficiently close to Stellenbosch and provides easy access to visiting tourists. The garden has a positive impact on the sense of place of the surrounding environment.			
10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?	YES	NO	Please explain
No impacts to any of the mentioned resources.  Establishment of the indigenous Dylan Lewis Sculpture Garden on site has resulted in an overall improvement of the site condition through revegetation with indigenous vegetation and removal of alien vegetation. It is also in line with and positively reinforces the relevant planning policies by providing a unique tourism attraction that is in harmony with the surrounding landscape.			
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.)?	YES	NO	Please explain
The Dylan Lewis Sculpture Garden does not emit any noise or odours and has a positive impact on the visual character and sense of place of the surrounding environment. It can be seen as having a positive impact on people's health and well-being.			
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
No			
13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	YES	NO	Please explain
Negative cumulative impacts on freshwater ecology aspects would be <b>low (negative) to insignificant, as well as low (positive)</b> . Cumulative socio-economic impacts and cumulative impacts on visual character and sense of place of the surrounding environment are <b>low (positive)</b> .			
14. Is/was the development the best practicable environmental option for this land/site?	YES	NO	Please explain
The Dylan Lewis Sculpture Garden has a positive impact on the visual character and sense of place of the surrounding environment and has resulted in an overall improvement of the site condition through revegetation with indigenous vegetation and removal of alien vegetation. The garden can therefore indeed be viewed as being the best practicable environmental option for this property.			
15. What are/were the benefits to society in general and to the local communities?	Please explain		
The Dylan Lewis Sculpture Garden has a positive impact on the visual character and sense of place of the surrounding environment. It also created a number of permanent employment opportunities, all of which have a positive spill-over effect to the local community and the local economy.			
16. Any other need and desirability considerations related to the activity?	Please explain		
At the Dylan Lewis Sculpture Garden, nature and art are masterfully intertwined to create a very unique tourism and recreation destination for Stellenbosch.			
17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:			
Although the activities were undertaken without prior authorisation from the DEA&DP, the applicant will in			

future be implementing additional measures to mitigate possible environmental impacts, in addition to their current maintenance programme. Furthermore, the applicant is also herewith applying for authorisation to continue operating the garden, with due consideration to the environment and their responsibility towards Integrated Environmental Management.

The general objectives of Section 23 of NEMA were further taken into account by doing the following:

- All significant impacts on the environment and the community were considered and discussed in this application. Where impacts cannot be avoided, mitigation measures have been proposed to reduce the impacts to acceptable limits;
- An Environmental Management Programme (EMPr) and Maintenance Management Plan (MMP) have been compiled to ensure that the operational activities are, henceforth, maintained and undertaken in accordance to best environmental management practices (**Appendix I1**);
- A public participation process is being undertaken as per the EIA Regulations 2014, as amended and DEA&DP's guidelines on PPP, which allows sufficient opportunity for public consultation;
- An advertisement was placed in the local Eikestadnuus newspaper on 28 March 2019, as well as on the Dylan Lewis Sculpture Garden website from 28 March to 17 April 2019, informing members of the public of the proposed project and their opportunity to register as interested and affected parties (I&APs) (**Appendix G2a and G2b**). Two I&APs were registered (**Appendix G1a**), and no comments were received;
- A site notice was also placed at the main entrance to the site (refer to **Appendix G3**); and
- Other stakeholders (ward councillor, local authorities, adjacent landowners, organs of state, state departments, etc.) were identified and will be notified of the process (**Appendix G5**).

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

**Section 2 of NEMA, states the following, amongst others:**

- (2) *Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.*
- (3) *Development must be socially, environmentally and economically sustainable.*
- (4)(a) *Sustainable development requires the consideration of all relevant factors including the following:*
  - i. *That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;*

I&APs and stakeholders will be allowed the opportunity to consider the application and submit comments, thereby ensuring that all people's needs, rights and concerns will be addressed through this process. Sustainable development factors such as social, environmental and economic aspects have also been carefully considered whilst the impacts of the proposed activities were assessed.

The EAP believes that the approval to continue with the activities will not compromise the principles of environmental management.

## SECTION E: ALTERNATIVES

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

"Alternatives", in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

- (a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity;
- (d) the technology to be used in the activity;
- (e) the operational aspects of the activity; and
- (f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

- ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
- include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to "identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management" set out in NEMA.

### 1. IN THE SECTIONS BELOW, PLEASE PROVIDE A DESCRIPTION OF ANY CONSIDERED ALTERNATIVES AND ALTERNATIVES THAT WERE FOUND TO BE FEASIBLE AND REASONABLE.

**Please note:**

- Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.
- Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.
- In respect of a section 24 application, the option of not implementing the activity ("no-go"), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

**(a) Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:**

The Dylan Lewis Trust acquired Farm 1314, Stellenbosch RD during 2008, with the specific intention of using it as an "open air" gallery for Lewis' world-famous sculptures in a naturally beautiful setting. Up to 2008, the property was used for agricultural purposes. The Sculpture Garden was created gradually over time, mostly between 2009 and 2017. Development of the garden on this site has resulted in an overall improvement of the site condition, especially through revegetation with indigenous vegetation and removal of alien vegetation. This site was therefore specifically chosen and is ideally suited for its setting/location and scenic natural surroundings. The EAP is not aware of any reasonable or feasible site alternatives that were considered at the time of purchasing this property more than 10 years ago.

**(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:**

The Dylan Lewis Trust acquired the property with the intention of using it as an "open air" gallery for Lewis' world-famous sculptures in a naturally beautiful setting, as also mentioned above. This site was therefore specifically chosen and ideally suited for its setting/location and scenic natural surroundings, and to specifically develop a sculpture garden (i.e. the relevant activity). The activities on the site (sculpture garden and associated activities such as the footpaths, dams, revegetation, etc.) were also undertaken with the specific intent of avoiding negative impacts, improving the site conditions and maximising positive impacts, especially by revegetating the site with indigenous vegetation and removal of alien vegetation.



- (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:**

The activities on the site (sculpture garden and associated activities such as the footpaths, dams, etc.) were located and undertaken with the specific intent of avoiding negative impacts, improving the site conditions and maximising positive impacts.

- (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:**

Not applicable.

- (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:**

Not applicable.

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

The Dylan Lewis Trust has already invested heavily into the sculpture garden, including the development and maintenance of the garden, and as such, it is not considered viable to cease their operations/activities. The activities on site has also resulted in an overall improvement of the site condition, through revegetation with indigenous vegetation and alien vegetation removal. If the operation is ceased, no further maintenance of the garden will take place, which will result in the reestablishment of alien vegetation on the site and the overall degradation of the rehabilitated areas.

- (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:**

See information provided above.

- (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.

The Dylan Lewis Trust acquired Farm 1314, Stellenbosch RD during 2008, with the specific intention of using it as an "open air" gallery for Lewis' world-famous sculptures in a naturally beautiful setting. This site was therefore specifically chosen and is ideally suited for its setting/location and scenic natural surroundings.

The activities on the site (sculpture garden and associated activities such as the footpaths, dams, revegetation, etc.) were also undertaken with the specific intent of avoiding negative impacts, improving the site conditions and maximising positive impacts, especially by revegetating the site with indigenous vegetation and removal of alien vegetation. It is therefore concluded that the current alternative (Dylan Lewis Sculpture Garden) is, for this landowner, the only reasonable and feasible alternative.

## 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

**Note:** An Environmental Aspect is an element of a proposed project that can interact with the environment.

#### (a) Geographical and physical aspects:

There are no impacts on the geographical or physical aspects of the environment.

#### (b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	YES	NO
If yes, please describe:		
<p>The 2017 Western Cape Biodiversity Spatial Plan (WCBSP) map for the study area has mapped some small <b>aquatic critical biodiversity areas</b> that are associated with wetlands within the site. The watercourse and its smaller tributaries are mapped as <b>aquatic ecological support areas</b> that provide important ecological services and should not be allowed to become degraded (<b>Appendix E1</b>).</p> <p>The remnants of natural vegetation cover on site are also mapped as <b>terrestrial critical biodiversity areas</b> that should be maintained and rehabilitated within the site. This has been taking place within the property with significant clearing of alien vegetation and revegetating of the area with local indigenous vegetation (both terrestrial and aquatic) having taken place. The works undertaken, given the rehabilitation works that is being undertaken within the site, has thus <b>not degraded the quality of the critical biodiversity areas and ecological support areas within the site but has rather enhanced them</b>.</p> <p>The dam is mapped as an artificial wetland. Thus, in terms of the National Freshwater Ecosystem Priority Areas (FEPA) mapping, there are not considered to be any aquatic constraints to the activities.</p>		
Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES	NO
If yes, please describe:		
See the response above.		
Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species?	YES	NO
If yes, please describe:		
N/A		
Please describe the manner in which any other biological aspects were impacted:		
N/A		

#### (c) Socio-Economic aspects

What was the capital value of the activity on completion?	It is not possible to calculate the capital value of the activities on completion.	
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	Not possible to calculate, since the activities per se do not generate an income.	
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?	This information is not available.	
What was the value of the employment opportunities during the construction phase?	This information is not available.	
What percentage of this accrued to previously disadvantaged individuals?	This information is not available.	



How was this ensured and monitored (please explain):	
This information is not available.	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	Five (5) additional operation phase jobs were created at the Dylan Lewis Sculpture Garden since 2009.
What is the current/expected value of the employment opportunities during the first 10 years?	Information not available at the time of preparing this report, to be included in the Final document
What percentage of this accrued/will accrue to previously disadvantaged individuals?	Information not available at the time of preparing this report, to be included in the Final document
How was/will this be ensured and monitored (please explain):	
The employees are permanently employed during the operational phase, in various positions including gardeners.	
Any other information related to the manner in which the socio-economic aspects was/will be impacted:	
None	

**(d) Cultural and historic aspects:**

According to the Department of Environmental Affairs (DEA) screening tool, the site is located within an area of "high archaeological or general heritage significance", since it is situated within 1km from a protected area. See Figure 5 in the Supporting Document to the NID (**Appendix H2** to this report). The Hottentots Holland Mountain Catchment Area and the Jonkershoek Nature Reserve are respectively situated about 600m and 1000m east of Erf 1314, Stellenbosch RD. The potential impact of the activities on this area of high archaeological or general heritage significance is **positive**, since rehabilitation of the site and removal of alien vegetation are in line with the surrounding protected areas and compliments the surrounding natural landscape.

According to the DEA's screening tool, the site is not located in an area of palaeontological sensitivity. The applicant has also confirmed that no graves, burial grounds or other artefacts were found during establishment of the garden.

It is concluded that activities on site have resulted in an **overall improvement** of the site, through revegetation with indigenous vegetation, and are in keeping with the natural setting of the property. No negative impacts on cultural and or historic aspects were identified. This has been confirmed by HWC – see **Appendix H2b**.

**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?	m <sup>3</sup>	
N/A		

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?	Garden waste	

Where and how was/will the waste be treated / disposed of (describe)?		
Garden waste is disposed of at a compost head. The compost is used in the garden.		
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: N/A		
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:		
N/A		

**(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:		
N/A		

**3. WATER USE**

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

<b>Municipal</b>	<b>Water board</b>	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:	100 000L
<i>Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole)</i>	
Potable water is supplied by the Stellenbosch Municipality, and irrigation water is sourced through the Wynland Water Users' Association. See <b>Appendix F</b> .	

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 rehabilitation of the property with indigenous vegetation and the removal of alien vegetation contributed significantly to the reduced water demand of the garden.		

**4. POWER SUPPLY**

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source
The Stellenbosch Municipality supplies electricity to the farm.
If power supply is not available, where will power be sourced from?
N/A

## 5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:
N/A
Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:
N/A

## 6. DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS PRIOR TO AND AFTER MITIGATION

**Please note:**

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

- (a) **Impacts that resulted from the PLANNING, DESIGN AND CONSTRUCTION PHASES** (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.

Impacts on geographical and physical aspects:	
Nature of impact	No impacts occurred on the geographical or physical aspects.
Extent and duration of impact	N/A
Probability of occurrence	N/A
Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Impact on freshwater ecology aspects:	
1) Construction of a walkway and sculpture display within a watercourse with the associated infilling/berms. <sup>2</sup>	
Nature of impact	<p>The <u>walkway</u> through the created garden needed to cross the delineated watercourses and wetland areas in a number of places (<b>Figure 1</b> below). These crossings are largely comprised of steppingstones placed within the watercourses (<b>Figure 2</b> below). The pathway itself just comprises of a narrow sand / gravel track with minimal intrusion into the aquatic features. Adjacent to the pathway, the aquatic habitats have been rehabilitated and vegetated with suitable local indigenous wetland vegetation. Where necessary, the aquatic habitats have been reshaped and alien vegetation has been removed to enhance the habitats.</p> <p><u>Infilling</u> of the area that has primarily taken place associated with the creation of the sculpture garden, and comprises of</p>

<sup>2</sup> The text below was sourced from the Freshwater Assessment (**Appendix I1**).

	<p>a platform/berm along the eastern boundary of Farm 1314 (<b>Figures 1 and 3</b> below). A portion of the infilling/berm is directly adjacent to the watercourse but outside of the active channel of the watercourse.</p> <p><u>Impacts:</u> Potential impacts of the activities undertaken are some aquatic habitat modification; and a localised impedance of flow within the watercourses at the crossings. Given that considerable effort has been undertaken to enhance and improve the aquatic habitats within the garden the impact of the created walkway has been limited and in general has <b>resulted in the improvement of the ecological integrity of the aquatic features that had been modified by past agricultural activities within the site and were invaded with alien vegetation such as Paterson's curse (Figure 4 below).</b></p> <p>In addition, erosion and bank instability along the Paradyskloof River within the site has also been mitigated by reshaping of the watercourse, removal of alien vegetation and re-establishing indigenous vegetation. Construction of the small pools have had very limited impacts that have been adequately mitigated and, in the process, have <b>increased aquatic habitat diversity</b> within the site.</p> <p>The only activity within or adjacent to the aquatic features that requires some rehabilitation is the infilled area adjacent to the Paradyskloof Stream. While it is not deemed necessary to remove the infilled material, it is recommended that the invasive kikuyu <i>Pennisetum clandestinum</i> grass cover on the embankment be removed and that the embankment be revegetated with indigenous vegetation. In particular, the banks of the stream where there is a bend in the watercourse should be vegetated and if necessary stabilised with larger boulders to prevent undercutting of the embankment by the stream.</p> <p><b>Significance of impact:</b> From the discussion and assessment of the activities undertaken, it can be said that the impacts of the construction of a walkway and sculpture display within a watercourse with the associated infilling are limited and of <b>low significance</b> considering the condition of the site prior to the activity. These impacts have largely already been mitigated.</p>
Extent and duration of impact	Local and Short term
Probability of occurrence	High
Magnitude of impact	Low
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	None
Cumulative impact prior to mitigation	<b>Low (negative)</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (negative)</b>
Degree to which the impact can be mitigated	Moderate
Proposed mitigation	<p>The only activity within or adjacent to the aquatic features that requires some rehabilitation is the infilled area adjacent to the Paradyskloof Stream. While it is not deemed necessary to remove the infilled material, it is recommended that the invasive kikuyu <i>Pennisetum clandestinum</i> grass cover on the embankment be removed and that the embankment be</p>

	revegetated with indigenous vegetation. In particular, the banks of the stream where there is a bend in the watercourse should be vegetated and if necessary stabilised with larger boulders to prevent undercutting of the embankment by the stream.
Cumulative impact post mitigation	<b>Low (negative)</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (negative)</b>



Figure 1: Google Earth image showing the mapped aquatic features with the yellow ovals indicating where the walkway has been constructed within these delineated aquatic feature (Image source: BlueScience, 2019).





Figure 2: View of the typical watercourse crossings at the site (Image source: BlueScience, 2019)



Figure 3: View of the Paradyskloof River at the infilled embankment shown in Figure 3, prior to rehabilitation (Image source: BlueScience, 2019).



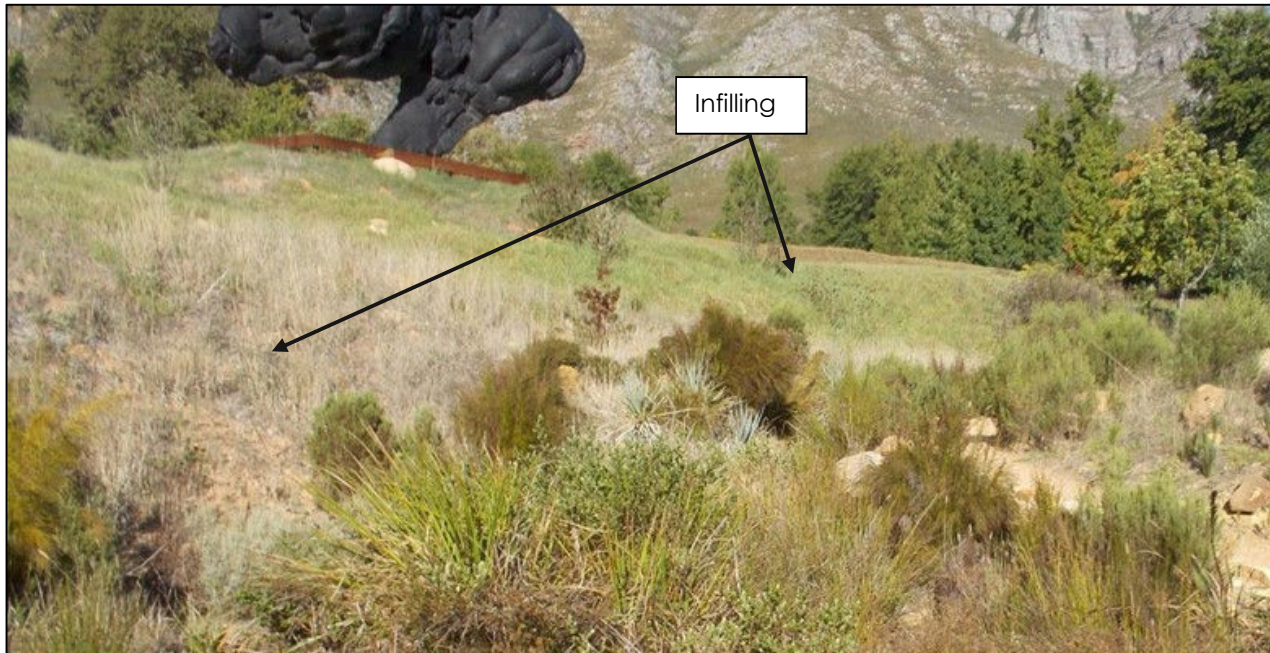


Figure 4: View of the infilling along the north-eastern bank of the watercourse within the site (Image source: BlueScience, 2019).

Impact on freshwater ecology aspects:	
2) Diversion of the watercourse into a small dam and artificial pond. <sup>3</sup>	
Nature of impact	<p>Only one flow diversion appears to have been undertaken as part of the garden establishment, that is the diversion of some flow from the large dam within the site to maintain the created pond near the western boundary of the site. The series of ponds created along the southern boundary of the site is along one of the channels of the Paradyskloof River (<b>Figure 5 below</b>).</p> <p>As can be seen from <b>Figure 5</b>, a significant amount of new / enhanced aquatic habitat has been created as a result of the diversion of the watercourse. The water use associated with the diversion of the watercourse is largely non-consumptive with only a slight impedance of flow within the artificial ponds. The <u>aquatic impact</u> of this activity on the aquatic habitat and diversity is thus <b>positive</b> and has been adequately rehabilitated that no additional rehabilitation measures are deemed to be required. The aquatic habitat at the created pond along the western boundary can be seen in Figure 20, bottom image in <b>Appendix H1</b>.</p> <p>In terms of the potential impact of the diversion of the watercourse into the constructed dam and its <u>impact on the downstream volume of water in the watercourse and the associated impact on the ecological function</u> of the watercourse and the aquatic biota in the stream, the water use from the dam is largely non-consumptive, with the main use being for aesthetic purposes. The property, as shown in <b>Figure 5</b>, did contain a smaller dam at the same location of the constructed dam, that was used for irrigation of surrounding cultivated areas. The consumptive water use within the property is unlikely to</p>

<sup>3</sup> The text below was sourced from the Freshwater Assessment (**Appendix I1**).



	<p>have increased. Most of the revegetation of the surrounding terrestrial landscape is with indigenous vegetation that largely does not require irrigation except during the establishment phase.</p> <p>The impact on downstream flow would thus not be so much an impact on the downstream volume of water but rather an impact on the flow pattern. As the water is not significantly utilised, the dam usually spills and an increase in the low flow volume impounded by the dam when there are insufficient flows for the dam to spill and there are still evaporative water losses from the dam. This impact would have also occurred for the previous existing dam but would have increased as a result of the larger dam. Given the degraded condition of the watercourse downstream of the site, and the fact that the stream along its length appears to have a baseflow contribution from groundwater that sustains the aquatic ecosystem during the dry summer period, the impact of the enlarged dam on the downstream flow and aquatic ecosystem is considered to be of a <b>low significance</b>.</p>	
<b>Potential impacts</b>	<b>Impact on aquatic habitat and diversity of the site</b>	<b>Impact on downstream water quantity and quality</b>
Extent and duration of impact	Site specific and Medium term	Local and Medium term
Probability of occurrence	High	Medium
Magnitude of impact	Medium (positive): Bio-physical and/or social functions and/or processes might be notably enhanced.	Low (negative): Bio-physical and/or social functions and/or processes might be slightly altered.
Degree to which the impact can be reversed:	Moderate	Moderate
Degree to which the impact may cause irreplaceable loss of resources:	None	Very low
Cumulative impact prior to mitigation	<b>Low (positive)</b>	<b>Low (negative)</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (positive)</b>	<b>Low (negative)</b>
Degree to which the impact can be mitigated	Low	Low
Proposed mitigation	The Freshwater Specialists has indicated that the aquatic impact of this activity on the aquatic habitat and diversity is thus positive and has been adequately rehabilitated that no additional rehabilitation measures are deemed to be required	None
Cumulative impact post mitigation	<b>Low (positive)</b>	<b>Low (negative)</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (positive)</b>	<b>Low (negative)</b>



Figure 5: Comparison of the Google Earth image for 2005 with the most recent image (2019) with the mapped aquatic features. The flow diversion is indicated by the blue arrow (Image source: BlueScience, 2019).

**Impact on freshwater ecology aspects:**

3) Construction of a weir within a watercourse.<sup>4</sup>

Nature of impact

The only formalised crossing along the pathway is at the existing weir where a concrete walkway has been strengthened with a concrete structure of approximately 1.5 m wide and 2 m high (**Figure 6**). The structure acts also as an erosion mitigation as the watercourse drops downstream of the property and is likely to erode back into the site and the wetland area immediately upstream.

**Significance of impact:** Insignificant with the potential for a **positive impact**. There was an existing structure at the site of the weir that was degraded and becoming undercut but the eroding river channel downstream. The construction of the

<sup>4</sup> The text below was sourced from the Freshwater Assessment (**Appendix I1**).

	weir has addressed erosion taking place within the stream. The structure does not appear to significantly impede flow in the watercourse, except to facilitate the creation of the depression wetland habitat upstream. The created pond has been shaped and vegetated such that new wetland habitat has been created with an associated positive impact. No rehabilitation measures are deemed necessary for this activity.
Extent and duration of impact	Local and Short term
Probability of occurrence	High
Magnitude of impact	Medium (positive): Bio-physical and/or social functions and/or processes might be notably enhanced.
Degree to which the impact can be reversed:	Moderate
Degree to which the impact may cause irreplaceable loss of resources:	None
Cumulative impact prior to mitigation	<b>Low (positive)</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (positive)</b>
Degree to which the impact can be mitigated	None
Proposed mitigation	The Freshwater Specialists has indicated no rehabilitation measures are deemed necessary for this activity.
Cumulative impact post mitigation	<b>Low (positive)</b>



**Figure 6: View of the constructed weir on the western boundary of the site (Image source: BlueScience, 2019).**

Impacts on socio-economic aspects:	
Nature of impact	Job creation – jobs were created during the construction / garden establishment phase. 5 permanent and 5 casuals
Extent and duration of impact	Local, short term
Probability of occurrence	Definite
Magnitude of impact	Low
Degree to which the impact can be reversed:	N/A – positive impact
Degree to which the impact may cause irreplaceable loss of resources:	N/A – positive impact
Cumulative impact prior to mitigation	Low (positive)
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (positive)</b>
Degree to which the impact can be mitigated	N/A
Proposed mitigation	No mitigation is proposed in this regard as the construction /



	garden establishment phase has been completed. Refer to the project's EMPr/MMP attached as <b>Appendix I1</b> .
Cumulative impact post mitigation	Very low positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (positive)</b>
<b>Impacts on archaeological or general heritage aspects:</b>	
Nature of impact	<p>According to the Department of Environmental Affairs (DEA) screening tool, the site is located within an area of 'high archaeological or general heritage significance', since it is situated within 1km from a protected area. See Figure 5 in the Supporting Document to the NID (<b>Appendix H2</b> to this report). The Hottentots Holland Mountain Catchment Area and the Jonkershoek Nature Reserve are respectively situated about 600m and 1000m east of Erf 1314, Stellenbosch RD. The potential impact of the activities on this 'area of high archaeological or general heritage significance' is <b>positive</b>, since rehabilitation of the site with indigenous vegetation and removal of alien vegetation are in line with the surrounding protected areas and compliments the surrounding natural landscape. The applicant has also confirmed that no graves, burial grounds or other artefacts were found during establishment of the garden.</p> <p>The activities on site have resulted in an <b>overall improvement</b> of the site and are in keeping with the natural setting of the property and its surrounds. No negative impacts on cultural and or historic aspects were identified</p>
Extent and duration of impact	Permanent
Probability of occurrence	Definite
Magnitude of impact	Low
Degree to which the impact can be reversed:	N/A – positive impact
Degree to which the impact may cause irreplaceable loss of resources:	N/A – positive impact
Cumulative impact prior to mitigation	Low (positive)
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (positive)</b>
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	<b>Low (positive)</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (positive)</b>
<b>Impacts on palaeontological aspects</b>	
Nature of impact	According to the DEA's screening tool, the site is <u>not</u> located in an area of palaeontological sensitivity. It is therefore unlikely that establishment of the garden has resulted in any impact on palaeontological aspects.
Extent and duration of impact	N/A
Probability of occurrence	N/A
Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation	N/A

(Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
<b>Noise and dust</b>	
Nature of impact	The Dylan Lewis Sculpture Garden does not emit any noise, dust or odours.
Extent and duration of impact	N/A
Probability of occurrence	N/A
Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
<b>Visual impacts / Sense of Place:</b>	
Nature of impact	The Dylan Lewis Sculpture Garden has improved the visual character and sense of place of the surrounding environment.
Extent and duration of impact	Permanent
Probability of occurrence	Definite
Magnitude of impact	Medium
Degree to which the impact can be reversed:	N/A – positive impact
Degree to which the impact may cause irreplaceable loss of resources:	N/A – positive impact
Cumulative impact prior to mitigation	Medium (positive)
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium (positive)</b>
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	<b>Medium (positive)</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium (positive)</b>

- (b) Impacts that result from the OPERATIONAL PHASE (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.

<b>Impacts on the geographical and physical aspects:</b>	
Nature of impact	None
Extent and duration of impact	N/A
Probability of occurrence	N/A

Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
<b>Impact on freshwater ecology aspects:</b>	
Operational activities associated with maintenance of the pathway and associated infrastructure in the adjacent watercourse.	
Nature of impact	<p>Maintenance activities associated with the watercourses on the property will include the following, as are set out in the MMP (<b>Appendix I1</b>):</p> <ul style="list-style-type: none"> <li>• Activity 1: Control and management of nuisance <i>Typha capensis</i> bulrushes;</li> <li>• Activity 2: Repairs to infrastructure (large and small dam, walkways and weir structure);</li> <li>• Activity 3: Removal of sediment from infrastructure (from the large and small dam and weir pool) and</li> <li>• Activity 4: Sediment movement within the channel or on the banks to repair the banks of the stream (erosion mitigation).</li> </ul> <p>The above activities are anticipated to result in potential impacts of low (negative) significance.</p>
Extent and duration of impact	Local and Long term
Probability of occurrence	Moderate
Magnitude of impact	Medium (positive): Bio-physical and/or social functions and/or processes might be notably enhanced.
Degree to which the impact can be reversed:	Moderate
Degree to which the impact may cause irreplaceable loss of resources:	Low (negative)
Cumulative impact prior to mitigation	<b>Low (negative)</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (negative)</b>
Degree to which the impact can be mitigated	None
Proposed mitigation	Longer term monitoring and maintenance associated with the rehabilitated areas, such as erosion mitigation and alien vegetation clearing, should be ongoing. The Maintenance Management Plan (MMP), see <b>Appendix I1</b> , should be implemented during the operational phase for undertaking maintenance activities in the watercourses on site.
Cumulative impact post mitigation	<b>Low (negative)</b>
<b>Impacts on the socio-economic aspects:</b>	
Nature of impact	Permanent jobs have been created at the Dylan Lewis Sculpture Garden. 11 permanent gardeners are employed by the Garden.
Extent and duration of impact	Local to regional, Permanent
Probability of occurrence	Definite
Magnitude of impact	Low

Degree to which the impact can be reversed:	N/A – positive impact
Degree to which the impact may cause irreplaceable loss of resources:	None
Cumulative impact prior to mitigation	Low (positive)
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium (positive)</b>
Degree to which the impact can be mitigated	Low
Proposed mitigation	<ul style="list-style-type: none"> <li>• Permanent jobs should be given to local residents.</li> <li>• Training / upskilling should take place as part of the employment.</li> </ul>
Cumulative impact post mitigation	Low (positive)
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium (positive)</b>
<b>Impacts on the cultural-historical aspects:</b>	
Nature of impact	None
Extent and duration of impact	N/A
Probability of occurrence	N/A
Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
<b>Noise impacts:</b>	
Nature of impact	None
Extent and duration of impact	N/A
Probability of occurrence	N/A
Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
<b>Visual impacts / Sense of Place:</b>	
Nature of impact	The Dylan Lewis Sculpture Garden has improved the visual character and sense of place of the surrounding environment.
Extent and duration of impact	Permanent



Probability of occurrence	Definite
Magnitude of impact	Medium
Degree to which the impact can be reversed:	N/A – positive impact
Degree to which the impact may cause irreplaceable loss of resources:	N/A – positive impact
Cumulative impact prior to mitigation	Medium (positive)
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium (positive)</b>
Degree to which the impact can be mitigated	N/A
Proposed mitigation	Continuous removal of alien vegetation and revegetation of the site with indigenous vegetation. Refer to the project's EMPr/MMP attached as <b>Appendix I1</b> .
Cumulative impact post mitigation	<b>Medium (positive)</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium (positive)</b>

- (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.**

**Although is not foreseen that Dylan Lewis Sculpture Garden will be decommissioned in the foreseeable future, the impact assessment for decommissioning has been undertaken to assess the impact should the applicant be ordered to cease the activity.**

<b>Potential impacts on the geographical and physical aspects:</b>	
Nature of impact	No impacts are anticipated in these aspects.
Extent and duration of impact	N/A
Probability of occurrence	N/A
Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
<b>Potential impact on biological aspects:</b>	
Nature of impact	In the unlikely event of the Dylan Lewis Sculpture Garden being decommissioned, all garden maintenance will cease, and the area will most likely be invaded with alien tree and shrub species.
Extent and duration of impact	Local and Long term
Probability of occurrence	Moderate
Magnitude of impact	Low negative
Degree to which the impact can be reversed:	High
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)	<b>Low (negative)</b>
Degree to which the impact can be mitigated	Moderate

Proposed mitigation	Continuous removal of alien vegetation as is required by law.
Cumulative impact post mitigation	<b>Low (negative)</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (negative)</b>
<b>Impacts on socio-economic aspects:</b>	
Nature of impact	Job losses will occur if activities do not continue - it is not known at this stage if these employees could be employed elsewhere by the employer, so permanent job loss is assumed. It is anticipated that this loss in income would severely impact their personal situation. In some cases, the employee may be the only income earning member of the household, which would, without replacement income, be devastating to the affected employees and their families.
Extent and duration of impact	Local to regional; Permanent
Probability of occurrence	Definite (assumed cessation is required)
Magnitude of impact	Low – although the impact to the individual would have a high magnitude impact, the overall impact in the region would be low.
Degree to which the impact can be reversed:	Impact cannot be reversed (once decommissioning has taken place)
Degree to which the impact may cause irreplaceable loss of resources:	High – loss of jobs may impact people's health and well-being as a result of no income
Cumulative impact prior to mitigation	Low – a small number of people are employed (in comparison to the municipal population), and as such, cumulative job losses would have a low impact.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium (negative)</b>
Degree to which the impact can be mitigated	None
Proposed mitigation	Mitigation will be to continue with the activities so that workers do not lose their jobs, or to assist employees with finding employment elsewhere if the activities are ceased.
Cumulative impact post mitigation	High negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium (negative)</b>
<b>Potential impacts on the cultural-historical aspects:</b>	
Nature of impact	None
Extent and duration of impact	N/A
Probability of occurrence	N/A
Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
<b>Potential noise impacts:</b>	
Nature of impact	None. Decommissioning would result in the garden being left unmaintained.
Extent and duration of impact	N/A
Probability of occurrence	N/A

Magnitude of impact	N/A
Degree to which the impact can be reversed:	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A
Cumulative impact prior to mitigation	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
Degree to which the impact can be mitigated	N/A
Proposed mitigation	N/A
Cumulative impact post mitigation	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A
<b>Potential visual / sense of place impacts:</b>	
Nature of impact	All garden maintenance activities will cease, and the area will most likely be invaded with alien tree species.
Extent and duration of impact	Local Long term
Probability of occurrence	Medium
Magnitude of impact	Low (negative)
Degree to which the impact can be reversed:	High
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation	<b>Low (negative)</b>
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (negative)</b>
Degree to which the impact can be mitigated	Low
Proposed mitigation	Continuous removal of alien vegetation as is required by law.
Cumulative impact post mitigation	<b>Low (negative)</b>
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low (negative)</b>

**(d) Any other impacts**

Nature of impact	Should the applicant / land owner be ordered to cease the activity, it would result in a loss of income for the applicant.
Extent and duration of impact	Extent none; permanent
Probability of occurrence	Definite
Magnitude of impact	Low to medium
Degree to which the impact can be reversed:	Impact cannot be reversed
Degree to which the impact may cause irreplaceable loss of resources:	High potential for loss of irreplaceable resources
Cumulative impact prior to mitigation	Very low – loss of business due to forced decommissioning is not common in the area.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Medium-high negative</b>
Degree to which the impact can be mitigated	None
Proposed mitigation	No mitigation can be proposed in the event of being ordered to cease the activity.
Cumulative impact post mitigation	Very low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>N/A</b>

**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:

BlueScience prepared a Freshwater Impact Assessment Report as part of this Section 24G process (**Appendix H1**). The following is an extract from the specialist report in terms of impacts and recommendations:

The alleged illegal and unlawful activities were grouped into the following three categories of activities and were assessed in terms of their impacts on freshwater ecology: 1) Construction of a walkway and sculpture display within a watercourse with the associated infilling; 2) Diversion of the watercourse into a small dam and artificial pond; and 3) Construction of a weir within a watercourse.

### **Conclusion and Recommendations:**

The main freshwater feature within the study area consists of the Paradyskloof Tributary of the Blaauwklippen River, a tributary of the Eerste River. The Paradyskloof River arises a short distance upstream of the site and flows in a south-westerly direction to its confluence with the Blaauwklippen River. There are some wetland areas along the length of the river and a number of small farm dams.

The Eerste River and Blaauwklippen River are not mapped as Freshwater Ecosystem Priority Area rivers, only the upper reaches of the Eerste River upstream of Stellenbosch. The dam is mapped as an artificial wetland. The 2017 Western Cape Biodiversity Spatial Plan for the study area has mapped some small aquatic critical biodiversity areas that are associated with wetlands within the site. The watercourse and its smaller tributaries are mapped as aquatic ecological support areas that provide important ecological services and should not be allowed to become degraded

The instream and riparian habitat of the upper Paradyskloof River has been moderately modified as a result of past disturbance of the areas adjacent to the watercourse as well as the construction of the dam within the site in the past. The instream aquatic habitat is in a slightly better condition, particularly as a result of the rehabilitation works undertaken and is considered to be in a largely natural to moderately modified ecological condition. The ecological importance and sensitivity of the upper reaches of the Paradyskloof River are considered to be moderate to high as the river plays an important role as providing an ecological corridor that links the lower Eerste River to the more natural habitat higher in the catchment.

There are three types of wetlands within the site: a hillslope seep wetland associated with the smaller tributary of the Paradyskloof River; some depression wetlands that have been artificially created and the valley bottom wetland associated with the Paradyskloof River channel. Although the depression wetlands are artificial wetlands they have been created and vegetated to form natural wetlands that provide valued goods and services and for this reason have been included in the freshwater ecology assessment.

The habitat of the seep area, although reduced from the original extent is considered to be largely natural in terms of its habitat integrity while valley bottom wetlands are considered to be largely natural to moderately modified and the depressions, although artificial have a habitat integrity that could be considered to be moderately modified. The wetland areas are impacted by much the same impacts as the watercourses that are associated with the past surrounding land use activities.

The wetlands due to their location on the hillslope and association with the watercourses, supply valued services in terms of regulating streamflow, mitigating erosion and providing habitat for biota amongst others. Given that much of the site has been rehabilitated for tourism / recreation purposes, this service is scored high. The wetlands are considered to be of a moderate to high ecological sensitivity and importance, providing a degree of refuge and connectivity for faunal and floral species within a landscape that is becoming increasingly cultivated.

Potential impacts of the activities undertaken are some aquatic habitat modification; and a localised impedance of flow within the watercourses at the crossings. Given that considerable effort has been undertaken to enhance and improve the aquatic habitats within the garden the impact of the created walkway has been limited and in general has resulted in the improvement of the ecological integrity of the aquatic features that had been modified by past agricultural activities.

While it is not deemed necessary to remove the infilled material, it is recommended that the invasive kikuyu *Pennisetum clandestinum* grass cover on the embankment be removed and that the embankment be revegetated with indigenous vegetation. In particular, the banks of the stream where there is a bend in

the watercourse should be vegetated and if necessary stabilised with larger boulders to prevent undercutting of the embankment by the stream.

Only one flow diversion appears to have been undertaken as part of the garden establishment, that is the diversion of some flow from the large dam within the site to maintain the created pond near the western boundary of the site. The series of ponds created along the southern boundary of the site is along one of the channels of the Paradyskloof River. The aquatic impact of this activity on the aquatic habitat and diversity is thus positive and has been adequately rehabilitated that no additional rehabilitation measures are deemed to be required.

In terms of the potential impact of the diversion of the watercourse into the constructed dam and its impact on the downstream volume of water in the watercourse and the associated impact on the ecological function of the watercourse and the aquatic biota in the stream, there would be a slight impact associated with an increase in the low flow volume impounded by the dam. This impact would have also occurred for the previous existing dam but would have increased as a result of the larger dam. Given the degraded condition of the watercourse downstream of the site, and the fact that the stream along its length appears to have a baseflow contribution from groundwater that sustains the aquatic ecosystem during the dry summer period, the impact of the enlarged dam on the downstream flow and aquatic ecosystem is considered to be of a low significance.

The only formalised crossing along the pathway is at the existing weir where a concrete walkway has been strengthened with a concrete structure. The construction of the weir has addressed erosion taking place within the stream. The structure does not appear to significantly impede flow in the watercourse, except to facilitate the creation of the depression wetland habitat upstream. The created pond has been shaped and vegetated such that new wetland habitat has been created with an associated positive impact. No rehabilitation measures are deemed necessary for this activity.

The risk assessment determined that most of the proposed activities pose a moderate to low risk of impacting aquatic habitat and water flow. The reshaping and revegetation of disturbed areas with suitable local indigenous plants was undertaken following the works. It is likely that there has been an improvement of the ecological condition of the aquatic features that were on the site from a C category or lower before the works to the current B/C category. The activities could thus potentially be authorised by means of the general authorisations for the Section 21(c) and (i) water uses.

The activities on site has resulted in an overall improvement of the site condition, through revegetation with indigenous vegetation.

A water use licence application will be required for the increased storage of water in the site (Section 21(b) water use) and the Section 21(c) and (i) water uses would then need to be included in this application. The impacts of the enlarged dam do not appear to have impacted on the ecological integrity of the aquatic features at the site.

## 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, Medium-High, High, Very High):	
Construction Phase	No impacts are anticipated on geographical, physical, noise and dust aspects	None	
	Impact on freshwater ecology aspects: 1) Construction of a walkway and sculpture display within a watercourse with the associated infilling	Low (negative)	
	Impact on freshwater ecology aspects: 2) Diversion of the watercourse into a small dam and artificial pond	Impact on aquatic habitat and diversity of the site:	Impact on downstream water quantity and quality:
		Low (positive)	Low (negative)
	Impact on freshwater ecology aspects:	Low (positive)	

Phase	Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
	3) Construction of a weir within a watercourse	
	Impacts on archaeological or general heritage aspects	Low (positive)
	Impacts on palaeontological aspects	None
	Job creation resulted in temporary positive socio-economic impacts	Low (positive)
	The Dylan Lewis Sculpture Garden has improved the visual character and sense of place of the surrounding environment	Medium (positive)
<b>Operational Phase</b>	No impacts are anticipated on geographical, physical, cultural-historical, noise, and visual / sense of place aspects	None
	Impact on freshwater ecology aspects: Operational activities associated with the pathway and associated infrastructure in the adjacent watercourse	Low (negative)
	Positive impacts are derived from permanent job creation during this phase	Medium (positive)
	The Dylan Lewis Sculpture Garden has improved the visual character and sense of place of the surrounding environment	Medium (positive)
<b>Decommissioning phase</b> (assumed cessation of activities)	No impacts are anticipated on geographical, physical, cultural-historical and noise aspects	None
	Potential impact on biodiversity aspects – regrowth of alien vegetation	Low (negative)
	Job losses will occur if activities do not continue	Medium (negative)
	Visual / sense of place aspects	Low (negative)
<b>Other impacts</b>	Loss of income for the applicant / landowner	Medium-high (negative)

## 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.

It is unlikely that there have been any impacts on geographical, physical, palaeontological, noise and dust related aspects during the construction / garden establishment phase of the Dylan Lewis Sculpture Garden. Construction of a walkway and sculpture display within a watercourse with the associated infilling has resulted in impacts of **low (negative)** significance on freshwater ecology aspects during the construction phase. Diversion of the watercourse into a small dam and artificial pond and construction of a weir within a watercourse has resulted in impacts of a **low (positive)** significance on freshwater ecology aspects. The diversion of the watercourse has resulted in impacts of **low (negative)** significance on downstream water quantity and quality. Job creation resulted in temporary **positive** socio-economic impacts during the construction phase.

No operational phase impacts are anticipated on geographical, physical, cultural-historical, noise, and visual / sense of place aspects. Operational phase activities associated with maintenance of the pathway and associated infrastructure in the adjacent watercourse may result in freshwater ecology impacts of **low (negative)** significance.

No decommissioning phase impacts are anticipated on geographical, physical, cultural-historical and noise aspects. The regrowth of alien vegetation may result in potential impacts on biodiversity aspects and visual / sense of place aspects of **low (negative)** significance. Job losses will occur if activities do not continue/decommission, which will result in an impact of **medium (negative)** significance. In such as event, the loss of income for the applicant / landowner will result in an impact of **medium-high (negative)** significance.

It is concluded that the activities on site have resulted in an overall improvement of the site condition, through revegetation with indigenous vegetation, addressing of erosion issues, and removal of alien

vegetation.

#### 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.

Implement the Environmental Management Programme (EMPr) and Maintenance Management Plan (MMP) management measures (**Appendix I1**).

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

The EAP believes that the applicant will be able to implement the management measures contained in the EMPr/MMP. The applicant has implemented a number of sustainability practices on the farm and it is anticipated that the future maintenance and operation of Dylan Lewis Sculpture Garden would be in line with these practices.

**Please note:** A draft **ENVIRONMENTAL MANAGEMENT PROGRAMME** must be attached to this application as **Appendix I**.



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

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

The potential impacts associated with the proposed development activities were identified and assessed by means of the following activities:

- The EAP
  - visited the site to get a feel of the local context and the biophysical characteristics of the property;
  - met with the client to discuss the activities that were commenced with;
  - reviewed applicable guidelines, policies, plans, and legislation;
  - critically reviewed the commenced listed activities to identify feasible alternatives, if possible;
- The Freshwater Specialist, BlueScience, undertook a Freshwater Impact Assessment;
- A comprehensive public participation process is being undertaken as part of this S24G Process to liaise with, and feedback is being obtained from, interested and affected parties; and
- Identified and assessed potential impacts associated with the proposed continuation of the listed activities.

The significance of each impact identified was assessed according to the following variables (evaluation components):

- **EXTENT** (spatial scale);
- **MAGNITUDE** (intensity scale);
- **DURATION** (time scale);
- **PROBABILITY** of occurrence;
- **IRREPLACEABLE** loss of resources; and
- the **REVERSIBILITY** of the impact.

Each impact was assessed in terms of each of the above variables, in terms of scale of severity as described in **Tables 1** and **2** below. Cumulative impacts were also assessed and ranked according to their potential severity.

The impacts were assessed for the preferred alternatives, and for the “no-go” option (where garden would be decommissioned), with and without the implementation of proposed mitigation measures (refer to **Section F, Item 6** above).

In terms of the above description, it is the opinion of the EAP that the assessment methods used were adequate.

### (b) Please describe the assessment criteria used

This section outlines the methodology used to assess the significance of the potential environmental impacts associated with the listed activities.

For each potential impact, the **DURATION** (time scale), **EXTENT** (spatial scale), **IRREPLACEABLE** loss of resources, **REVERSIBILITY** of the potential impacts, **MAGNITUDE** of negative or positive impacts, and the **PROBABILITY** of occurrence of potential impacts must be assessed. The assessment of the above criteria will be used to determine the **SIGNIFICANCE** of each impact, with and without the implementation of the proposed mitigation measures. The scales to be used to assess these variables and to define the rating categories are tabulated in **Table 1** and **Table 2** below.

Table 1: Evaluation components, ranking scales and descriptions (criteria).

Evaluation component	Ranking scale and description (criteria)
<b>NATURE OF IMPACT</b>	This is an appraisal/evaluation of the type of effect the construction, operation and maintenance of a development would have on the affected environment.
<b>MAGNITUDE OF NEGATIVE IMPACT (AT THE INDICATED SPATIAL SCALE)</b>	<p><b>Very high:</b> Bio-physical and/or social functions and/or processes might be severely altered.</p> <p><b>High:</b> Bio-physical and/or social functions and/or processes might be considerably altered.</p> <p><b>Medium:</b> Bio-physical and/or social functions and/or processes might be notably altered.</p> <p><b>Low:</b> Bio-physical and/or social functions and/or processes might be slightly altered.</p> <p><b>Very Low:</b> Bio-physical and/or social functions and/or processes might be negligibly altered.</p> <p><b>Zero:</b> Bio-physical and/or social functions and/or processes will remain unaltered.</p>
<b>MAGNITUDE OF POSITIVE IMPACT (AT THE INDICATED SPATIAL SCALE)</b>	<p><b>Very high (positive):</b> Bio-physical and/or social functions and/or processes might be substantially enhanced.</p> <p><b>High (positive):</b> Bio-physical and/or social functions and/or processes might be considerably enhanced.</p> <p><b>Medium (positive):</b> Bio-physical and/or social functions and/or processes might be notably enhanced.</p> <p><b>Low (positive):</b> Bio-physical and/or social functions and/or processes might be slightly enhanced.</p> <p><b>Very Low (positive):</b> Bio-physical and/or social functions and/or processes might be negligibly enhanced.</p> <p><b>Zero (positive):</b> Bio-physical and/or social functions and/or processes will remain unaltered.</p>
<b>DURATION</b>	<p><b>Permanent</b></p> <p><b>Long term:</b> Impact ceases after operational phase/life of the activity (&gt; 20 years).</p> <p><b>Medium term:</b> Impact might occur during the operational phase/life of the activity (2 to 20 years).</p> <p><b>Short term:</b> Impact might occur during the construction phase (&lt; 2 years).</p> <p><b>Immediate</b></p>
<b>EXTENT (OR SPATIAL SCALE/INFLUENCE OF IMPACT)</b>	<p><b>International:</b> Beyond National boundaries.</p> <p><b>National:</b> Beyond Provincial boundaries and within National boundaries.</p> <p><b>Regional:</b> Beyond 5 km of the proposed development and within Provincial boundaries.</p> <p><b>Local:</b> Within 5 km of the proposed development.</p> <p><b>Site-specific:</b> On site or within 100 m of the site boundary.</p> <p><b>None</b></p>
<b>IRREPLACEABLE LOSS OF RESOURCES</b>	<p><b>Definite</b> loss of irreplaceable resources.</p> <p><b>High</b> potential for loss of irreplaceable resources.</p> <p><b>Moderate</b> potential for loss of irreplaceable resources.</p> <p><b>Low</b> potential for loss of irreplaceable resources.</p> <p><b>Very low</b> potential for loss of irreplaceable resources.</p> <p><b>None</b></p>
<b>REVERSIBILITY OF IMPACT</b>	<p>Impact <b>cannot</b> be reversed.</p> <p><b>Low</b> potential that impact might be reversed.</p> <p><b>Moderate</b> potential that impact might be reversed.</p> <p><b>High</b> potential that impact might be reversed.</p> <p>Impact <b>will be</b> reversible.</p> <p><b>No impact.</b></p>
<b>PROBABILITY (OF OCCURRENCE)</b>	<p><b>Definite:</b> &gt;95% chance of the potential impact occurring.</p> <p><b>High probability:</b> 75% - 95% chance of the potential impact occurring.</p>

Evaluation component	Ranking scale and description (criteria)
	<b>Medium probability:</b> 25% - 75% chance of the potential impact occurring <b>Low probability:</b> 5% - 25% chance of the potential impact occurring. <b>Improbable:</b> <5% chance of the potential impact occurring.

**Table 2: Definition of significance ratings (positive and negative).**

Environmental Significance	Description
<b>Very high (VH)</b>	An impact of very high significance will mean that the project cannot proceed, and that impacts are irreversible, regardless of available mitigation options.
<b>High (H)</b>	An impact of high significance which could influence a decision about whether or not to proceed with the proposed project, regardless of available mitigation options.
<b>Medium-high (MH)</b>	If left unmanaged, an impact of medium-high significance could influence a decision about whether or not to proceed with a proposed project. Mitigation options should be re-evaluated at.
<b>Medium (M)</b>	If left unmanaged, an impact of moderate significance could influence a decision about whether or not to proceed with a proposed project.
<b>Low (L)</b>	An impact of low significance is likely to contribute to positive decisions about whether or not to proceed with the project. It will have little real effect and is unlikely to have an influence on project design or alternative motivation.
<b>Positive impact (+)</b>	A positive impact is likely to result in a positive consequence/effect and is likely to contribute to positive decisions about whether or not to proceed with the project.

**(c) Please describe the gaps in knowledge.**

Gaps in knowledge can result from information not provided to the EAP or the specialists by the Applicant.

Gaps in knowledge associated with this retrospective application include the following:

- The applicant does not know the exact dates on which the various activities were commenced with, since they were undertaken gradually over time. The EAP therefore made assumptions in this regard, based on historical Google Earth images;
- It is not possible to confirm the exact pre-commencement vegetation cover of the application site. Historical Google Earth images were used to obtain information, and assumptions were made in this regard; and
- In their report, BlueScience mapped the watercourses on the property based on site visits and the assessment of current and historical aerial imagery. It should however be noted that water movement across a landscape is dynamic and changes over time in response to various variables.

Refer to Section G(e) below for a description of the limitations and uncertainties associated with the Freshwater Assessment.

**(d) Please describe the underlying assumptions.**

It is assumed that all information and statements made regarding the operations, received from the Applicant, are unbiased and accurate and that if the listed activities are approved, the mitigation and management measures recommended in this S24G Report and the EMPr/MMP will be implemented by the Applicant.

Also refer to the description in Section G(e) below.

**(e) Please describe the uncertainties.**

Also see Section G(c) above.

In their report, BlueScience has indicated that limitations and uncertainties often exist within the various techniques adopted to assess the condition of ecosystems. Their report indicated that the following techniques and methodology were utilized to undertake the Freshwater Impact Assessment study:

- Analysis of the freshwater ecosystems was undertaken at a rapid level and did not involve detailed habitat and biota assessments;
- The guideline document, "A Practical Field Procedure for the Identification and Delineation of Wetlands and Riparian Areas" document, as published by DWAF (2005) was followed for the

delineation of the wetland areas. According to the delineation procedure, the wetlands were delineated by considering the following wetland indicators: terrain unit indicator; Soil form indicator; Soil wetness indicator; and vegetation indicator.

- The wetlands were subsequently classified according to their hydro-geomorphic determinants based on a classification system devised by Kotze et al (2004) and SANBI (2009).
- A Present Ecological State (PES) assessment was conducted for each wetland unit identified and delineated within the study area.
- The functional wetland assessment technique, WET-EcoServices, developed by Kotze et al (2009) was used to provide an indication of the ecological benefits and services provided by delineated wetland habitat.
- The ecological importance and sensitivity assessment were conducted according to the guidelines as developed by DWAF (1999).
- Lists of plants, both alien and indigenous are for the purpose of describing the general and dominant habitat conditions and not comprehensive. A comprehensive botanical survey was not conducted.
- Invasive alien categories refer to the National Environmental Management Biodiversity Act (NEMBA) where:
  - Category 1a: Species which must be combatted or eradicated
  - Category 1b: Species which must be controlled
  - Category 2: Species which require a permit to carry out a restricted activity within an area specified in the notice or an area specified in the permit. Outside of the specified area is considered a Category 1b.
  - Category 3: A species which is subject to exemptions or prohibitions but if occurring in riparian areas is considered a Category 1b.

The level of aquatic assessment undertaken was considered to be adequate for this study.

## SECTION H: RECOMMENDATIONS OF THE EAP

In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for.	<b>YES</b>	NO
If "NO", list the aspects that should be further assessed through additional specialist input/assessment:		
N/A		
If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:		
Applicant should be directed to cease the activity:	YES	<b>NO</b>
Please provide reasons for your opinion		
<p>Establishment of the Dylan Lewis Sculpture Garden has resulted in an overall improvement of the site condition, through revegetation with indigenous vegetation, addressing of erosion issues, and removal of alien vegetation. The garden is in harmony with the surrounding landscape, and nature and art are masterfully intertwined to create a unique tourism attraction and recreation destination for Stellenbosch</p> <p>The impact assessment found that the construction and operation of Dylan Lewis Sculpture Garden had/has NO significant negative impacts. Various positive impacts were identified, including positive impacts on the freshwater ecology aspects of the site, job creation, and improvement in visual/sense of place aspects.</p>		
If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.		
<p>The EAP is of the opinion that the activities should be authorised.</p> <p>Mitigation measures aimed at reducing the significance of the anticipated environmental impacts, and/or improving positive impacts, are included within the EMPr and MMP (<b>Appendix I1</b>) and must be implemented by the applicant / landowner.</p>		

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

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

N/A
-----

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

## SECTION J: PUBLIC PARTICIPATION

### 1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

#### 1.1 The public participation process in terms of the Section 24G Fine Regulations, 2017

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

<b>"The applicant must place a preliminary advertisement in-</b>		
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.		
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.		
An advertisement was placed in the Eikestad News on Thursday, 28 March 2019. See <b>Appendix G2a</b> for the proof of advertisement.		
(3) The applicant must open and maintain of a register of interested and affected parties.		
(4) The <b>register must be attached to the application form and included in the report</b> , or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of- (a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application; (b) all persons who have requested the applicant, in writing, to place their names on the register; and (c) all organs of state that have jurisdiction in respect of the activity to which application relates."		
Please note that the request to supply contact details and addresses of I&APs (unless this information is available in the public domain), specifically during public participation where the document is made available to the public, is in contradiction with the requirements of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). As such, only a list of the identified I&APs' names (not contact details) have been attached to this report. See <b>Appendix G1a</b> .		
Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, <i>inter alia</i> , proof of preliminary advertisement in a local newspaper.		
<ul style="list-style-type: none"> <li>An advertisement was placed in the Eikestad News on Thursday, 28 March 2019. See <b>Appendix G2a</b> for the proof of advertisement. The advert invited I&amp;APs to register to participate in the public participation process, from the date of the advert until Wednesday, 17 April 2019 (i.e. 20 days).</li> <li>The advert was also placed on the applicant's website (<a href="http://www.dylanlewis.co.za/">http://www.dylanlewis.co.za/</a>) for the same 20-day period mentioned above (see proof attached as <b>Appendix G2b</b>).</li> </ul>		
Please indicate whether the applicant has a website (please tick relevant box):	<b>YES</b>	<b>NO</b>
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.		
See proof attached as <b>Appendix G2b</b> .		

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

#### 1.2 The public participation process in terms of NEMA EIA Regulations, 2014

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

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

1. In terms of regulation 41 of the EIA Regulations, 2014 -		
(a) fixing a <b>notice board</b> 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	<b>YES</b>	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	
(vi) any other party as required by the Department;	YES	DEVIATION	N/A
(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. – N/A			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	NO	
If "NO", then an application for exemption from the requirement must be applied for.			

1. Provide a list of all the state departments that has been / will be consulted:		
List of State Depts.	Comment obtained (YES/NO)	If not, provide reasons
Department of Environmental Affairs and Development Planning: Rectification Sub-directorate	No	Not yet. This State Department will be requested to comment during the upcoming 30-day comment period.
Department of Agriculture: Western Cape	No	Not yet. This State Department will be requested to comment during the upcoming 30-day comment period.
Department of Agriculture, Forestry and Fisheries	No	Not yet. This State Department will be requested to comment during the upcoming 30-day comment period.
Department of Economic Development and Tourism	No	Not yet. This State Department will be requested to comment during the upcoming 30-day comment period.
Department of Human Settlements, Water and Sanitation	No	Not yet. This State Department will be requested to comment during the upcoming 30-day comment period.
CapeNature	No	Not yet. This State Department will be requested to comment during the upcoming 30-day comment period.
Heritage Western Cape	Yes	See <b>Appendix H2b</b> for the written response on the Notice of Intent to Development, issued by Heritage Western Cape on 20 September 2019.
Cape Winelands District Municipality	No	Not yet. This State Department will be requested to comment during the upcoming 30-day comment period.
Stellenbosch Local Municipality	No	Not yet. This State Department will be requested to comment during the

	upcoming 30-day comment period.
<b>2. Provide a summary of the issues raised by I&amp;APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed.</b>	
<b>(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.)</b>	
No comments have been received yet, since the public comment period has not yet commenced.	
<b>3. Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.</b>	
Not applicable yet.	

**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.
Not applicable.

## 3. LIST OF STATE DEPARTMENTS

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation. Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.

State Department	Name of person	Contact details	
Department of Environmental Affairs and Development Planning: Rectification Sub-directorate	A case officer will be appointed after submission of this application form/draft report	Tel	Not yet available
		Fax	Not yet available
		E-mail	Not yet available
Department of Agriculture: Forestry and Fisheries	Ms Rahab Maboja	Tel	021 809 1600
		Fax	-
		E-mail	nolana@daff.gov.za
Department of Agriculture: Western Cape	Mr Cor van der Walt Mr Brandon Layman	Tel	021 808 5093
		Fax	021 808 5092
		E-mail	landuse.elsenburg@elsenburg.com brandonl@elsenburg.com
Department of Human Settlements, Water and Sanitation	Mr Warren Dreyer	Tel	021 941 6185
		Fax	-
		E-mail	dreyerw@dws.gov.za
CapeNature	Ms Alana Duffell-Canham	Tel	021 866 8017
		Fax	021 866 1523
		E-mail	rsmart@capenature.co.za
Department of Economic Development and Tourism	Not identified	Tel	021 483 5065
		Fax	-

State Department	Name of person	Contact details	
		E-mail	<a href="mailto:ecohead@westerncape.gov.za">ecohead@westerncape.gov.za</a>

**Please note:** A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.

## PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM

### SECTION A: DIRECTIVES

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

i	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.

Responses to the above-mentioned instruction are as follows:

- i. The current activity (i.e. operation of Dylan Lewis Sculpture Garden) has no discernible negative impacts on the bio-physical environment and as such, instructing the operational activity to cease will have no positive value at this point. It will, however, negatively affect the employees who rely on the income from the work at the garden.
- ii. Such an evaluation is currently being undertaken.
- iii. No adverse effects on the environment have been identified.
- iv. As noted above, the no adverse negative impacts have been identified.
- v. This is not applicable as there is no movement of pollution in the environment due to the operation of the Dylan Lewis Sculpture Garden.
- vi. As per point v., this is not applicable.
- vii. This Section 24G report complies with the requirements of items aa to ee.
- viii. Relevant information has been made available in this report.

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

If you have answered yes or uncertain to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

## SECTION C: QUANTUM OF THE SECTION 24G FINE

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an *ex post facto* environmental authorisation or a waste management license as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form.

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor.

PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES		
Index	Socio Economic Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any negative socio-economic impacts	X
	The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
	The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
	The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts.	
<b>Motivation:</b> The Dylan Lewis Sculpture Garden provides a localised improvement in the economy by providing jobs and procuring goods from local businesses. The jobs provided to the employees has a further knock-on effect as more money is available to be spent in the region. The garden contributes to the local economy and therefore has a positive socio-economic impact.  If the activity cannot continue, i.e. the no-go option is implemented, people will lose their work and the applicant will lose any potential future income from the garden, and sales from this "open air gallery". This will not only have a negative impact on these individuals but will have a knock-on effect in terms of impacts on their families, who rely on these individuals for financial support.		
Index	Biodiversity Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any impacts on biodiversity	X
	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.	
<b>Motivation:</b> Even though the activities on site have resulted in limited negative impacts of low significance, it has resulted in an overall improvement of the site condition (i.e. a <b>positive impact</b> on biodiversity and freshwater ecology aspects) through revegetation with indigenous vegetation, addressing of erosion issues, and removal of alien vegetation.		
Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	X
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	



PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES		
<b>Motivation:</b> The Dylan Lewis Sculpture Garden has a <b>positive impact</b> on the visual character and sense of place of the surrounding environment and has resulted in an overall improvement of the site condition through revegetation with indigenous vegetation and removal of alien vegetation.  No heritage features were disturbed due to the establishment of the Dylan Lewis Sculpture Garden.		
Index	Pollution Impact	Place an "x" in the appropriate box
Description of variable		
	The activity is not giving, has not given and will not give rise to any pollution	X
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	
<b>Motivation:</b> No sources of pollution were identified during the assessment.		
PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT		
Index	Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
Description of variable		
	Administrative action was previously taken against the applicant in respect of the abovementioned provisions.	
	No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken.	
	Administrative action was <b>not</b> previously taken against the applicant in respect of the abovementioned provisions.	X
Explanation of all previous administrative action taken in respect of the above:		
No administrative action, apart from the action associated with the activities applied for as part of this application, were issued to the applicant.		
Index	Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
Description of variable		
	The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
	No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity.	
	The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	X
Explanation of all previous convictions in respect of the above:		
N/A		
Index	Number of section 24G applications previously submitted by the applicant	Place an "x" in the appropriate box
Description of variable		
	Previous applications in terms of section 24G of NEMA were submitted by the applicant.	
	No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.	
	No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	X
Explanation in respect of all previous applications submitted in terms of section 24G:		
No previous applications have been submitted by the applicant.		

PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES		
Index	Applicant's legal persona	Place an "x" in the appropriate box
	Description of variable	
	The applicant is a natural person.	
	The applicant is a firm.	X
	Describe the firm:	
	The applicant is a Trust – Dylan Property Trust	
Index	Any other relevant information that the applicant would like to be considered.	
	Mr Tinline indicated that Dylan Lewis is a perfectionist, who loves nature to the fullest. He is very hard worker, and is very calm and understanding.	

**NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.**

Please provide this explanation requested above.

The applicant was not aware that the activities on site required environmental authorisation.

## 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 license and is now applying for *ex post facto* approval. It must include the following:

- the date;
- the location;
- the applicable legislative provision contravened; and
- the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

**NOTE:** Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

An advertisement was placed in the Eikestad News on Thursday 28 March 2019 (see **Appendix G2a**). The advert was also placed on the applicant's website (<http://www.dylanlewis.co.za/>) on 28 March 2019 (see **Appendix G2b**).

## PART 3 –APPENDICES

### SECTION A: PART 3 APPENDICES

The following appendices must, where applicable, be attached to this form:

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	X
Appendix B:	Site plan(s)	X
Appendix C:	Building plans (if applicable)	N/A
Appendix D:	Colour photographs	X
Appendix E:	Biodiversity overlay map	X
Appendix F:	Permit(s) / license(s) from any other organ of state including service letters from the municipality	X
Appendix G:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information as required in Section J above.	X
Appendix H:	Specialist Report(s), if any	X
Appendix I:	Environmental Management Programme	X
Appendix J:	Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.	X
Appendix K:	Certified copy of Identity Document of Applicant	X
Appendix L:	Certified copy of the title deed (or title deeds in the case of linear activities)	X
Appendix M:	Any Other (if applicable) (describe)	-

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

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

## SECTION B: DECLARATIONS

### THE APPLICANT

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

- I ....., in my personal capacity or duly authorised as ..... (state capacity) by ..... thereto hereby declare/affirm that all the information contained in this application to be true and correct, and that I:
  - am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and all relevant specific environmental management Act(s), and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
  - appointed the environmental assessment practitioner as indicated above, which meet all the requirements in terms of Regulation 13 of the EIA Regulations to act as the independent Environmental Assessment Practitioner for this application;
  - have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
  - am aware that I may be issued with a directive and that I must comply with such a directive;
  - am fully aware of the administrative fine to be paid before a decision, with respect to the continuation of the listed activity(ies), will be made;
  - will be responsible for the costs incurred in complying with the environmental legislation including but not limited to:
    - costs incurred in connection with the appointment of the environmental assessment practitioner or any specialist appointed in terms of Regulation 13 of the EIA Regulations);
    - costs incurred in respect of the undertaking of any process required in terms of this application;
    - costs in respect of any prescribed fee payable in respect of this application;
    - costs in respect of specialist reviews, if the competent authority decides to recover costs;
    - the provision of security to ensure compliance with the applicable management and mitigation measures; and
    - fine costs
  - am responsible for complying with the conditions that might be attached to any decision(s) issued by the competent authority;
  - have the ability to implement the applicable management, mitigation and monitoring measures; and
  - hereby indemnify, the government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible. am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations, 2014 (

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

---

Signature of the applicant:

---

Name:

**Dylan Property Trust**

---

Name of Firm (if applicable):

---

Date:

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

I **Mari de Villiers**, as the appointed independent environmental practitioner ("EAP") hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- act/ed as the independent EAP in this application;
- regard the information contained in this application to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and the relevant specific environmental management Act(s);
- have and will not have any vested interest in the proposed activity proceeding;
- have disclosed, to the applicant and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the EIA Regulations, the NEM:WA and any specific environmental management Act(s);
- am able to meet the responsibilities in terms of NEMA, the EIA Regulations (specifically in terms of Regulation 13 of the EIA Regulations, 2014) and any specific environmental management Act, and am fully aware that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the application was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- have ensured that the comments of all interested and affected parties were considered, recorded and submitted to the competent authority in respect of the application;
- have kept a register of all interested and affected parties that participated in the public participation process; and
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.
- am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations

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

---

Signature of the environmental assessment practitioner:

**Cornerstone Environmental Consultants (Pty) Ltd.**

Name of company:

---

Date:



## THE INDEPENDENT PERSON WHO COMPILED A SPECIALIST REPORT OR UNDERTOOK A SPECIALIST PROCESS

I ....., as the appointed independent specialist hereby declare that I:

- act/ed as the independent specialist in this application;
- regard the information contained in this report as it relates to my specialist input/study to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the ECA, the NEMA, the Environmental Impact Assessment Regulations, 2014, as amended, and any specific environmental management Act(s);
- have and will not have any vested interest in the proposed activity proceeding;
- have disclosed, to the applicant, EAP and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the Environmental Impact Assessment Regulations and any specific environmental management Act(s);
- am fully aware of and meet the responsibilities in terms of NEMA, the Environmental Impact Assessment Regulations, 2014, as amended (specifically in terms of Regulation 13 of GN No. R982) and any specific environmental management Act, and that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the specialist input/study was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments on the specialist input/study;
- have ensured that the comments of all interested and affected parties on the specialist input/study were considered, recorded and submitted to the competent authority in respect of the application;
- have ensured that the names of all interested and affected parties that participated in terms of the specialist input/study were recorded in the register of interested and affected parties who participated in the public participation process; and
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.

**Note:** The terms of reference must be attached. See *Section 2 of the Specialist Freshwater Assessment (Appendix H1)* for the specialist terms of reference.

---

Signature of the specialist:

---

Name of company:

---

Date: