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**FRIENDS OF STELLENBOSCH MOUNTAIN**

# **Appeal**

**against Environmental Authorisation  
issued by DEA&DP on 8 September 2025, regarding  
Spier Solar Farm Ref No 16/3/3/1/B4/45/1086/24  
and impending Section 24G process**

**29 September 2025**

# Contents

<b>Appeal Form Sections A,B,C,D,E</b>	<b>3</b>
<b>Appeal Form Section D Details (Grounds for Appeal)</b>	<b>7</b>
D.1 In a nutshell . . . . .	7
D.2 NEMA Section 24G Process starting in July 2025 . . . . .	8
D.3 Phased Activities, “delinking”, and the 20 hectare threshold . . . . .	9
D.4 EAP misrepresentation of area size . . . . .	10
D.5 The 2021 Environmental Management Programme (EMPr) . . . . .	10
D.6 On the Botanical Assessments . . . . .	11
D.7 Proposed Measures to be taken . . . . .	12
<b>Appendices:</b>	
<b>F Figures</b>	<b>14</b>
<b>G Documents related to NEMA Section 24G Process</b>	<b>17</b>
G.1 Section 24G notice published in Eikestadnuus, 10 July 2025 . . . . .	17
G.2 Section 24G notice published in Eikestadnuus, 10 July 2025: textversion . . . . .	17
G.3 Correspondence with EAP, July 2025 . . . . .	19
G.4 Correspondence with EAP, September 2025 . . . . .	24
G.5 Earlier email exchange (December 2024) . . . . .	27
<b>H Other</b>	<b>28</b>
H.1 Signature authorisations . . . . .	28

## List of Figures

1	Southern Area ploughed as of February 2024. . . . .	14
2	Spier’s “Agriculture and Conservation Map” as provided in 2025 FBAR . . . . .	14
3	Superposition of ploughed Areas of Fig. 1 with authorised areas. . . . .	15
4	Authorised land use as per DEA&DP Authorisation of April 2021. . . . .	15
5	Plantae entries on inaturalist.org as of 29 September. . . . .	16
6	Five waypoints: Bergwind October 2024 Biodiversity Assessment Figure 8a. . . . .	16



## **APPEAL FORM**

### **In terms of the National Appeal Regulations**

**April 2019**

**Form Number: 2019**

**Note that:**

1. This appeal must be submitted within **20 days** of being notified of the decision.
2. This form is current as of **April 2019**. It is the responsibility of the Appellant to ascertain whether subsequent versions of the form have been released by the Appeal Administrator.
3. This form must be used for appeals submitted in terms of National Appeal Regulations, 2014 in so far as it relates to decisions in terms of the:
  - a. Environment Conservation Act, 1989 (Act No. 73 of 1989);
  - b. National Environmental Management Act, 1998 (Act No. 107 of 1998);
  - c. National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
  - d. National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);
  - e. National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); andsubordinate legislation made in terms of these laws.
4. The required information must be inserted within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces may be expanded where necessary.
5. Unless protected by law, all information contained in, and attached to this application, will become public information on receipt by the Department.
6. A digital copy of this form may be obtained from the Department's website at <http://www.capegateway.gov.za/dept/eadp>.
7. Please consult the National Appeal Regulations (dated 8 December 2014) and the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations (dated 9 December 2014), and any other relevant regulations.

## A DECISION BEING APPEALED

1. Reference Number of the Decision being appealed: **16/3/3/1/B4/45/1086/24**
2. Type of Decision being appealed: **Environmental Authorisation**
3. Brief Description of the Decision: **Installation of solar panels and associated infrastructure on Portion 10 of Farm 502, Stellenbosch**
4. Date of the decision being appealed (i.e. date on which the decision was made): **8 September 2025**

## B APPELLANT INFORMATION

5. Please circle the appropriate option: **Interested and Affected Party**

6. Appellant's information:

Name	<b>Hans C Eggers on behalf of Friends of Stellenbosch Mountain</b>		
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## C APPEAL INFORMATION

7. Did you lodge an Appeal submission within 20 days of the notification of the decision being sent to you?  
If "Yes", attach a copy herewith.  
**Yes. This form plus all later sections in this PDF file constitute the Appeal submission**

8. The following documents must accompany the appeal submission, kindly indicate if they have been attached to the submission:

- 8.1 a statement setting out the grounds of appeal?;

**Yes: see Section "Appeal form section D: Details" below**

- 8.2 supporting documentation which is referred to in the appeal submission?;

**Yes: See Appendices F, G and H below.**

- 8.3 a statement, including supporting documentation, by the appellant that a copy of the appeal was submitted to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:

- 8.3.1 the date that the notification of the decision was sent to the registered interested and affected parties by the applicant. **Yes. A list of recipients appears below the Applicant's signature of Page 6 below. The deadline for the Appeal is 29 September, given that 28 September fell on a Sunday.**

**Please indicate the date on which a copy of the Notice of the decision was sent.**

**8 September 2025**

**OR**

- 8.3.2 the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority. **N/A**

**Please indicate the date on which a copy of the Notice of the decision was sent. N/A**

## D GROUNDS OF APPEAL

9. Set out the ground/s of your appeal: Clearly list your appeal issues and provide an explanation of why you list each issue. **For details, see below the section "Appeal Form Section D: Details". Here, we provide only bare-bones outlines.**

- 9.1 Is your appeal based on factors associated with the process that was followed by the applicant / Environmental Assessment Practitioner / Competent Authority in reaching the decision?

**It is based on both process factors and on environmental issues.**

Please provide details.

**See the remainder of this appeal for details.**

9.2 Is your appeal based on factors associated with matters of unacceptable environmental impacts / extenuating circumstances not taken into account by the Competent Authority?

**Unlawful ploughing is an unacceptable environmental impact which was unknown to DEA&DP so far. The same is perhaps true for the S24G process, but it is unclear whether DEA&DP has cognizance of that.**

Please provide details.

**See the remainder of this appeal for details.**

9.3 Have your appeal issues been raised previously in the public participation process? Please provide details.

**Some issues were raised in various IAP comments on both the first and second DBAR. Other issues such as the Section 24G notice have since been added. As set out in Sub-section D.3 below, the ploughing and thereby the earlier 2020 Application and BAR, Ref 16/3/3/6/7/1/B4/45/1140/20, have since also become relevant in the sense that they constitute “phased activities” intimately linked to the present process. FSM has now obtained the 2020/21 DBAR and Record of Decision, which had been unknown to us in January 2025. Much information contained in that 2020/2021 process are now relevant and “new” information which was, however, not raised previously in this 2025 public participation process.**

9.4 Are you fundamentally opposed to the decision (e.g. to any development activity on the site)?

**Yes**

Please provide details.

**As set out below, the 2025 Decision as such can no longer be modified or varied in a situation where the very basis of that decision has changed, independently of what it specifies or leaves out. Due to the unlawful ploughing (Section D.1 and later), the Section 25G process (Section D.2), and the exceeding of the 20-hectare threshold triggering Listed Activity 15 of Listing Notice 2, the Decision of 8 September 2025 would have to be rescinded to provide the basis for a new joint EIA process encompassing all of those.**

9.5 Are you in favour of the decision if your concerns can be remedied by rectifying the process or by mitigating or eliminating an impact/s of the activity/ies? Please provide details.

**As motivated, it seems doubtful that the concerns can be remedied by rectifying the present limited process.**

9.6 Please indicate what measures you propose to have your concerns remedied.

**Please see Section D.1 Item 10 and Section D.7**

9.7 Does your appeal contain any new information that was not submitted to the Environmental Assessment Practitioner (EAP) / or registered I&APs/ or the competent authority prior to the decision?

**See answer to 9.3 above.**

If the answer above is “Yes” please explain what this information is and why it should be considered by the Appeal Authority and why it was not made available to the EAP/ or I&AP/ or the competent authority prior to the decision. (Please ensure that the new information is attached hereto.)

**Much of the “new information” pertaining to the ploughing and the S24G process was not available to IAPs for comment earlier. It was also not brought up by the EAP. See answer to 9.3 above. Additional “New” information not brought up here but contained in the 2020/21 process should also be cojoined later.**

## E SUBMISSION ADDRESS

This appeal must be submitted to the Appeal Administrator at the address listed below within 20 days of being notified of the decision:

By post: Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs & Development Planning  
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)  
Room 809, 8<sup>th</sup> floor Utilitas Building  
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator. *Note by Appellant: PDF copies of this form and all annexures are provided. The underlying software is L<sup>A</sup>T<sub>E</sub>X, not Microsoft Word.*

.....

Appellant's signature

.....

Date

Prof HC EGGERS, Secretary, Friends of Stellenbosch Mountain

This PDF file, containing the DEA&DP appeal form, figures and appendices was sent by email to:

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## APPEAL FORM SECTION D: DETAILS



### D.1 In a nutshell

We first summarise the various issues in colloquial language. Details are set out in later subsections.

- 1. Don't Worry, Just Plough:** In early 2024, an area of about 36 hectares was ploughed as outlined in the first thumbnail. Of those 36 hectares, only 10 hectares had been authorised in 2021 for cultivation, the “Vineyard” (shown in Blue in the second and third thumbnails). There was no authorisation to plough the “Buffer” (Orange) or any other parts of those 26 hectares outside the “Vineyard”.
- 2. Breaking the law:** We do not know if the ploughing (“Clearing of Indigenous Vegetation”) was intentional, by negligence or (at a stretch) by some unknown later authorisation. Unless proven otherwise, the Clearing was unlawful and furthermore transgresses specifically the 2021 DEA&DP authorisation (third thumbnail), the 2021 Environmental Management Programme and all related undertakings and conditions in that authorisation.
- 3. Sin and repentance:** NEMA Section 24G is a mechanism to “correct” unlawful environmental activity (“Sorry, we have sinned!”). In July 2025, a NEMA Section 24G process was very quietly started by the Environmental Assessment Practitioner, Groenberg Enviro. Multiple requests for information on what this is all about have not been addressed. They insist that it has nothing to do with the application for Solar Panels. For details, see Subsection D.2 and Appendices G.3 and G.4. Unless proven otherwise, we believe that this S24G process is related to exactly that unlawful ploughing; if not, things are even worse than we thought, because then there is yet another environmental transgression elsewhere.
- 4. They are all in the same area:** The footprint for “Solar Panels” outlined in White in the second thumbnail above is just a few metres away from the Red ploughed areas. Therefore these are intimately related, and together they constitute a “**Phased Activity**” as defined in the EIA Regulations. The legal concept of Phased Activities is to ensure that a large development and/or environmental impact is not split into a number of separate processes in time, and that large areas are not split into a number of smaller ones which, for example, each have an area of less than 20 hectares. Impacts are cumulative, both spatially and timewise. For details, see Subsection D.3.
- 5. One joint process, not three separate ones:** Because the ploughing, Vineyard-Buffer-Conservation-Area and Solar-Panel areas are all close to one another and all are impacted, it is not permitted to split them. The 2021 Authorisation and its transgression, the Section 24G process and the 2025 Authorisation must be treated as **One Phased Activity**. Again see Section D.3 for the technicalities.
- 6. More than 20 hectares, so full EIA now needed:** Together, the total area of affected indigenous vegetation far exceeds 20 hectares: 36 hectares have already been cleared, and more hectares would follow if the Solar Panel project goes ahead. Therefore, Listed Activity 15 of Listing Notice 2 applies. This means that full Scoping and Environmental Assessment must be conducted, not just the Basic Assessment required by Listing Notice 3 which has been done so far.
- 7. The true Solar Panel footprint:** Even without the ploughed area, the footprint of the “White” Solar Panel areas exceeds 20 hectares anyway, because the total 19.5-hectare footprint as claimed EAP’s application is factually incorrect. For details, see Subsection D.4.

8. The **Botanical Assessments** of October 2024, the later Addendum to it and the 2020 Assessment are inadequate. We pointed this out in January 2025 already, but nothing was done except to get a reply from the botanist. Given that the (unwarranted!) conclusions of this Botanical "Assessment" plays such a central role in the entire BAR motivation, this is not just a little deficiency but goes to the heart of what an environmental assessment should be. See Section D.4 for some (incomplete) details.
9. **Environmental Management Programmes (EMPr)** form an integral part of all applications and authorisations. So what happened to the 2021 EMPr? Was it carried out? Did anyone actually verify that the undertakings of that plan were carried out, and did anyone pick up that perhaps the ploughing may not be planned or allowed? Was it reported by the responsible Environmental Control Officer? And what does that imply for the credibility of the 2025 EMPr proposals? See Section D.5.
10. **Our proposals:** The consequences of the above seem to be obvious. A detailed analysis and possible sequence of steps is given in Subsection D.7. They include:
  - (a) Suspend the 2025 Authorisation and all activity on the ground except ongoing rehabilitation and maintenance.
  - (b) Find out why the mandatory 2021 Environmental Management Programme failed to prevent the unlawful ploughing and why the ploughing was never mentioned in the 2024/2025 Botanical Assessments and Application.
  - (c) Have Spier and Groenberg Enviro spell out exactly what the Section 24G process is all about and feed that information as input into the next EIA.
  - (d) Require Spier to start a single joint process encompassing the 2021 process (Vineyard etc), the 2025 process (Solar panels) and the S24G issues, plus any other environmental issue that may come out in the new process.
  - (e) As part of that joint EIA, commission a new Botanical Assessment by a different botanist, for example Dr Stuart Hall or Dr Brian du Preez.
  - (f) Explicitly allow for, and make use of, citizen participation by means of inaturalist.org as input into the future Botanical Assessments.
  - (g) Also update the 2020 Rehabilitation and Restoration Plan of Professor Holmes, which should answer questions such as
    - What valuable CBA or support area is still out there?
    - What can still be rescued?
    - Are the remaining CBA pieces linked?
    - What about the eastern area close to the airfield which also forms part of this single entity?
    - What rehabilitation and restoration is possible for the ploughed area, if any?
    - Given the failure of the last EMPr and the broken promises: How will effective monitoring on what happens out there be implemented? Who checks up on the ECO if even he does not do his job?
    - Can Solar Panels be erected on those areas which have been destroyed irrevocably instead of doing additional damage?
  - (h) Apply meaningful consequence management to perpetrators for unlawful activities once the S24G and/or unlawful ploughing have been investigated and completed. See Section D.7.

## D.2 NEMA Section 24G Process starting in July 2025

1. On 10 July 2025, a tiny notice appeared in the local newspaper *Eikestadnuus* as reproduced as a blow-up in Appendix G.1. The notice was just a few centimetres high. The text of that notice is reproduced in Appendix G.2. No reference number was provided, no link to information, and no corresponding entry on the EAP website [groenbergenviro.co.za](http://groenbergenviro.co.za).
2. The S24G notice did not announce the commencement of a public participation process either but set a 19-day timeframe for IAP registration only.

3. This is all highly unusual. Normal practice is for all that information to be provided along with the S24G notice.
4. The date of the Eikestadnuus notice was also strange; it fell between the finalisation of the Solar Panel Final Basic Assessment Report (FBAR) of May 2025 and the DEA&DP authorisation dated 8 September 2025. In other words, these two processes were simultaneous.
5. FSM registered as IAP for the S24G process on 12 July 2025 and enquired by email from the EAP about the missing details. Emails from July 2025 are reproduced in Appendix G.3.
6. Following notification of the DEA&DP Authorisation of 8 September, two more emails were exchanged as reproduced in Appendix G.4.
7. The only nontrivial information provided in the notice was that it related to *the unlawful clearance of vegetation on Portion 10 of Farm 502*.
8. An earlier email exchange in December 2018 directly with Spier Management is reproduced in Appendix G.5. This occurred ten days after publication of the first DBAR on 5/6 December 2024. The claim was made that the process followed in ploughing the Southern Areas was *in accordance with an approved EIA and ploughing certificate*. This may well be the case with respect to the approved Vineyard area of 10 hectares, but this approval certainly did not extend to the full 36 hectares which had been ploughed. We doubt that any other authorisation was ever granted. Since, however, FSM had no details on the matter at that point, we did not comment on it in January 2025.
9. FSM did not have a copy of the 2021 BAR until recently, which explains why the Vineyard, Buffer Area and Conservation Area were not raised by us in the DBAR public participation phase.
10. The S24G process was not mentioned at all in the 2025 DBAR, FBAR and DEA&DP authorisation.

### D.3 Phased Activities, “delinking”, and the 20 hectare threshold

1. We here motivate why the ploughing and the Solar Panel application constitute phased activities and must therefore be treated as a single process, not two processes which can be completed in succession. The same line of thought implies that a full EIA is now needed.
2. Listed Activity 26 of Listing Notice 3 reads (our emphasis):
 

*Phased activities for all activities –*

  - i. *listed in this Notice and as it applies to a specific geographical area, which commenced on or after the effective date of this Notice; or*
  - ii. *similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date of such previous NEMA Notices –*

*where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.*
3. There can be no doubt that the 2021 Application footprint (Vineyard, Buffer, Conservation Area) are in *the same geographical area* as the 2025 Solar Panel footprint. They are physically linked. Therefore, they should also be assessed together as phased activities.
4. Assessing them together immediately triggers Listed Activity 15 of Listing Notice 2, which reads *The clearance of an area of 20 hectares or more of indigenous vegetation*. The **threshold** of 20 hectares is far exceeded by the sum of the various areas in question (2021 areas, ploughing, 2025 Solar Panel areas).
5. All activities within Listing Notice 2 require a full Scoping and Environmental Impact Assessment, not just the Basic Assessment carried out so far.
6. It is therefore not surprising that the Applicant is trying hard to avoid the 20 hectare threshold and the recognition of the ploughing as part of a larger phased activity.

7. It may be that the Applicant is trying to exploit a loophole. The amended 2017 Regulations have added a rider to the definition of phased activities; the new definition is *an activity that is developed in phases over time on the same or adjacent properties to create a single or linked entity, but excludes any activity for which an environmental authorisation has been obtained in terms of the [Biodiversity] Act ...* By the 2017 definition, the “link” between phased activities is broken once an environmental authorisation has been obtained for one part or phase.
8. That loophole would be unlawful. Of course the Vineyard was authorised in 2021, but the unlawful 2024 ploughing of the other 26 hectares was not. This unlawful ploughing thereby constitutes a new activity which is **not** covered by the delinking clause of the 2017 regulations.
9. Therefore, apart from the illegality, these ploughed areas constitute a “Phase 0” which is **linked** to the 2025 “Phase 1” and “Phase 2” Solar panel case both spatially and in time.
10. In any case, the flagrant transgression of the 2021 DEA&DP authorisation and the EMPr mean that that authorisation cannot be used as a smokescreen to artificially split into pieces what in reality is one entity.
11. It is possible that the secrecy and legal contortions surrounding the July 2025 Section 24G process are motivated by an attempt to “delink” the unlawful ploughing from the Solar Panel application within the context of “phased activities”. However: unlawful activity cannot be used to escape legal requirements.

#### D.4 EAP misrepresentation of area size

In order to stay below the 20-hectare threshold triggering Listed Activity 15 of LN2, the EAP has systematically underestimated impacts and areas.

1. On 27 January 2025, DEA&DP itself pointed out in its Item 3.1 that the Botanical Assessment had indicated a footprint of 24.6ha while the EAP claimed it was 19ha, and that LA15 could be triggered. This post-facto correction indicates that the true impact footprint will likely exceed 20ha.
2. **Sun and shade:** On several occasions, the EAP claims that the shade provided by the Solar Panel installation would benefit the vegetation. That is not true. To reiterate item E1.5 of the FSM January 2025 comments: Indigenous vegetation in general and Renosterveld in particular does not need shade; it needs full sun. We are not in the Karoo. Permanent shade causes the veld to deteriorate and die.
3. **Controlled burns:** Indigenous vegetation needs to burn every few years; controlled burns are essential to maintain it. This is especially true of most geophytes. Solar panels will, however, make burning impossible. Therefore, the indigenous vegetation will die from shade and old age.
4. The claim that the disturbance itself is “33 millimetres per pole” and hence sums to only 0.5 hectares is ludicrous. Access and maintenance impacts are not limited to the poles.
5. **Implications:** the indigenous vegetation under the solar panels will deteriorate and die in time. The overall area impacted constitutes the entire Solar Panel footprint, not a part of it. The 20-hectare threshold will be exceeded.

#### D.5 The 2021 Environmental Management Programme (EMPr)

1. The ploughing brings into focus the fact that a Condition of the 2021 DEA&DP authorisation was implementation of the Environmental Management Programme (EMPr) as proposed by the EAP himself in the then application.
2. That EMPr and all its obligations are now relevant and must be audited in all detail. If reports by the ECO are available, those are also pertinent, including specifically reference to the ploughing of 2024. Compliance and/or Noncompliance will directly impact the content and credibility of the 2025 proposed EMPr.
3. With a view to the future, Spier Farm Management should act responsibly and scientifically by conducting a controlled burn in the 2026 winter season. This was already undertaken in the 2020 EMPr (Page 59)

and was recommended by the Botanical Assessment (Page 33 of that EMPr). Following the burn, a new botanical assessment would be due and may yield a raft of previously unseen species.

## D.6 On the Botanical Assessments

1. FSM provided well-founded criticism of the Botanical and Biodiversity Assessment and its scientific merit; see Item E2 in the January 2025 comments. The criticisms include: statistical methodology, insufficient data gathered, spatial and time variability, species dependence on fire to sprout, and (worst of all) undue confidence in coming to scientifically unsupported conclusions, specifically that the assessed area is not even potentially a CBA or Support Area. These statements were disputed in comments provided in Appendix F of the FBAR. We here address the matter further.

### 2. Species and diversity

(a) On the few waypoints visited on the single day, the botanist in 2024 found the usual dominant species *Eriocephalus africanus* (kapokbos or wild rosemary), *Dicerothamnus rhinocerotis* (renosterbos), *Seriphium plumosum* (slangbos), *Passerina corymbosa* plus the following species:

*Aspalathus aculeata*, *Athanasia trifurcata*, *Avena fatua*, *Bulbinella* sp., *Chrysocoma ciliata*, *Cissampelos capensis*, *Conyzia scabrida*, *Cotula* sp., *Cynodon dactylon*, *Dimorphotheca pluvialis*, *Ehrharta villosa*, *Ficinia* sp., *Helichrysum petiolare*, *Hermannia multiflora*, *Leysera gnaphalodes*, *Osteospermum moniliferum*, *Oxalis obtusa*, *Oxalis pes-caprae*, *Oxalis purpurea*, *Psoralea hirta*, *Romulea flava*, *Romulea* sp., *Rumex* sp., *Salvia africana-caerulea*, *Senecio* (1), *Senecio* (2), *Senecio burchellii*, *Struthiola myrsinoides*, *Thesium* sp., *Ursinia* sp., *Wachendorfia paniculata*.

(b) To that list we can now add species positively identified in the nearby area by Dr Stuart Hall in 2020. He found:

*Cyphia volubilis*, *Aspalathus cordata*, *Lobostemon fruticosus*, *Ischyrolepis* sp., *Phyllica* cf. *thunbergiana*, *Hermannia alnifolia*, *Chasmanthe aethiopica*, *Protea laurifolia*, *Drosera trinervia*, *Restio* sp., *Aspalathus ericifolia*, *Chironia baccifera*, *Albuca* sp., *Drosanthemum hispifolium*, *Monsonia speciosa*, *Gladiolus alatus*, *Serruria fasciflora*, *Aspalathus* sp., *Aristea africana*, *Eriocephalus africanus*, *Helichrysum petiolare*, *Athanasia trifurcata*, *Osteospermum moniliferum*, *Stoebe plumosa*, *Elytropappus rhinocerotis*, *Senecio hastatus*, *Passerina corymbosa*, *Geissorhiza aspera*.

(c) There is minimal overlap between the Hall and McDonald (Bergwind) lists. Together there are 59 species. There is a third separate species list for the area now ploughed, compiled by the same botanist: see the 2020 BAR specialist report.

(d) Furthermore, a ten-minute glance at the area within the app [inaturalist.org](https://inaturalist.org) shows the Plantae entries reproduced in Figure 5.

3. **Consequences:** Based on the above absolutely minimal desktop combination effort regarding species diversity and location, it is already clear that the Botanical Assessment is highly inadequate, no matter what the botanist would claim, and that his conclusions on the area are not supported by the facts. This shows many entries even in areas just metres away from the Solar Panel areas. The entries on the ploughed area date to May 2025, meaning there is a need to do a proper botanical assessment there, too. This shows that many species have been recorded in short walks and times even by volunteers. The linear record patterns also reflect the specific paths of volunteers taken and underscore that (a) many more plants would be elsewhere, as yet unrecorded, and (b) a proper botanical assessment would need to cover the areas in question by many waypoints, not just the small number recorded in the Botanical Assessment shown in Fig. 6. Inaturalist also shows that the area to the east abutting the airfield is well worth investigating also.

### 4. Unwarranted Conclusions and overall CBA status

(a) As motivated, further Botanical Assessments will also determine the overall CBA status of the areas in question. The question is of course what non-pristine condition implies for such status, and

what to do about it. With this in view, the Western Cape Biodiversity Spatial Plan makes clear that CBAs and Support Areas cannot be summarily written off based on non-pristine condition (as attempted by the botanist): CBAs (Table 4.1): *Maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.* Support Areas should be *maintained in a functional near-natural state as far as possible and avoided for any activity resulting in habitat loss* (Table 4.2)

(b) Here are some verbatim quotes from the botanist as reproduced in Appendix F of the FBAR (with rejoinders by us) which motivate our statement that he drew scientifically unsupported generalised conclusions:

- i. the Threatened Vegetation Type no longer exists on the site
- ii. No dedicated ground-truthing has been done to verify whether the vegetation is viable Renosterveld or not. (Reference the above species lists and the Assessments of Professor Holmes).
- iii. In my opinion, it therefore does not have the attributes of undisturbed renosterveld, and this site make no contribution in any way to the conservation targets for Renosterveld. (This is not the viewpoint of other ecologists and the Western Cape Spatial Biodiversity Framework.)
- iv. No further loss of Swartland Granite Renosterveld would happen because there simply is none of this vegetation type present. (Evidently untrue. And as stated many times, the five waypoints visited on a single outing are not nearly enough to make that statement. As is also well known, some geophytes remain hidden until they re-emerge en masse after a fire.)
- v. Nowhere is it clearly stated what the deficiencies are in the Biodiversity and Botanical Assessment. No facts or cogent argument are presented to back up the above sweeping statement. (The FSM comments made detailed statements as to sloppy statistical methodology, insufficient data gathered, spatial and time variability, species dependence on fire to sprout, and the usual practice of not jumping to unwarranted conclusions. The response was not a substantial one but consisted of statements pointing to the experience and record of the botanist.)

5. **Motivation for new and independent botanical assessments:** It is clearly imperative to revisit what is now remaining of these areas and do a proper job and to broaden the information basis to include citizen science. We have little confidence that this can be achieved under the auspices of the current and 2020 botanical specialist. The above motivates our request that a different, hopefully more observant, botanical specialist should be appointed to conduct future Botanical Assessments.

## D.7 Proposed Measures to be taken

The measures proposed to address this appeal have been motivated in the sections above. The "Southern Area" pertains to the 36 hectares of land which were ploughed in early 2024, to all areas which were considered in the 2020/21 EIA such as the "Vineyard", "Conservation Area", "Buffer Area", everything else which was ploughed, and to area(s) visited by the 2020 and 2025 Botanical Assessments, whether ploughed or not.

1. Instruct the Applicant to provide details on the impending Section 24G process to DEADP, government departments and IAPs immediately, even before a full S24G report is ready, in order to determine whether this S24G process does in fact pertain to the area which was ploughed or whether additional areas have to be included.
2. In the unlikely case that the S24G process does not pertain to the ploughed area(s): Instruct the EAP and Applicant to immediately provide full details on whatever other area is the subject of the S24G process.
3. Whatever area the S24G process may refer to and in any case, we propose that DEA&DP take these measures, among others, in the following time order:
  - (a) Suspend the DEADP Authorisation of the 2024/2025 application, Ref 16/3/3/1/B4/45/1086/24 ("2025 Process") indefinitely, until such time as the S24G process has been completed. Suspend all physical activity on the ground except ongoing rehabilitation and maintenance everywhere, which should be ongoing in terms of the 2021 EMPr and in any case.

- (b) Once the S24G process has been completed, formally recognise that there are three or four areas to be assessed, not two, namely the current "Phase 1" and "Phase 2" areas plus the ploughed areas, plus whatever S24G may come up with.
- (c) As a consequence, record that the ploughed areas constitute part of a larger "Phased Activity" in terms of Listed Activity 26 of Listing Notice 3, which phases started in 2021 and are now continuing, and that the ploughed areas must be viewed as a "Phase 0" of one larger phased process.
- (d) In view of the fact that the total area cleared of these three phases far exceeds the threshold of 20 hectares, record that Listed Activity 15 of Listing Notice 2 has been triggered, and that therefore there is no longer a legal basis for conducting a Basic Assessment but that instead a full EIA has become mandatory.
- (e) Even if for some inexplicable and irrational reason the ploughing is considered to not form part of an overall phased process: record that LA 15 of LN2 has been triggered anyway, based solely on the true total footprint of Phases 1 and 2 which exceeds 19.5ha.
- (f) Hence, in all cases: Require the Applicant and EAP to conduct a full and joint Scoping and Environmental Impact Assessment for all areas involved from 2020 to 2025.
- (g) Then rescind the 2025 DEA&DP Authorisation altogether, since there is no longer a legal basis for applying the Basic Assessment Process, never mind authorising it.
- (h) Revisit the DEADP Authorisation of the 2020/2021 application, Ref 16/3/3/6/7/1/B4/45/1140/20 ("2021 Process") and take appropriate consequence measures for violations of the Conditions of that authorisation. Process and the S24G Process.

4. Revisit the Rehabilitation Plan of Professor Holmes as contained in Appendix G6 of the 2021 Basic Assessment Report. While this originally pertained only to the "Buffer Area" (called "Corridor Area" by Prof Holmes), extend the scope to cover all areas under scrutiny. The report of Professor Holmes should also determine what, if any, rehabilitation measures were undertaken earlier by the Applicant in the period 2021 to 2024.

5. If rehabilitation of some parts of the ploughed area is found to be not feasible, require the future full EIA process EAP to include those parts as an alternative site for solar panels. In particular, we note that resiting the solar panels to part of the ploughed area will significantly shorten the length of cables needed to the Spier housing complex and the electrical substation.

6. Require the Applicant to appoint an independent Botanical Consultant to assess all areas concerned and have him/her conduct a full and scientifically acceptable Botanical Assessment. Possible independent and qualified consultants include Dr. Stuart Hall, who already visited some areas in 2020, and Dr. Brian du Preez. Both have conducted many botanical assessments and are registered with SACNASP. Areas to be included in the Terms of Reference would be

- (a) the entire ploughed areas,
- (b) the remainder of the "Conservation Area" west of the ploughed area,
- (c) the entire area comprising Phase 1 and Phase 2 of the 2025 Preferred Alternative,
- (d) any areas impacted by the laying of electrical cables for the solar farm,
- (e) the area to the east, bordering the Stellenbosch Flying Club (cf also the Addendum to the Botanical Assessment, February 2025), and
- (f) any other remnant area in the gaps between the above.

7. The Terms of Reference for the Botanical Assessment should also explicitly require input from citizen science, both by use of available data on inaturalist.org and by inviting citizens to create further inat data on all areas concerned.

8. Of course further measures will have to follow once the above preliminaries have played out and it has become clear exactly what is going on with respect to the actions and lawfulness of various parties in these processes. To the extent that rehabilitation of any area is found feasible, include this as mandatory in S24G consequence management.

## F Figures



Figure 1: Southern Area ploughed as of February 2024.

Compare to Fig 1 in the FSM January 2025 DBAR comments.

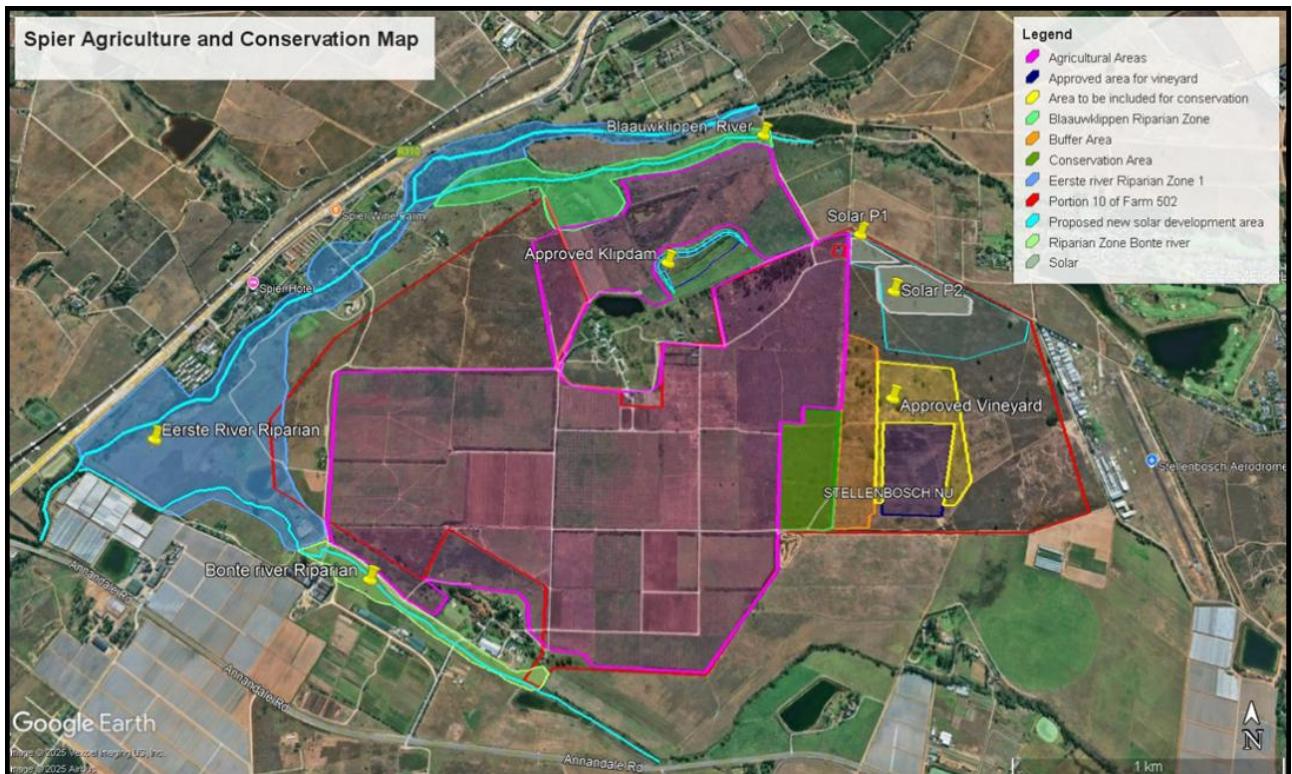


Figure 2: Spier's "Agriculture and Conservation Map" as provided in 2025 FBAR

The Yellow Area is marked as "Area to be included for conservation" but this does not agree with the DEA&DP 2021 Fig. 4 below.

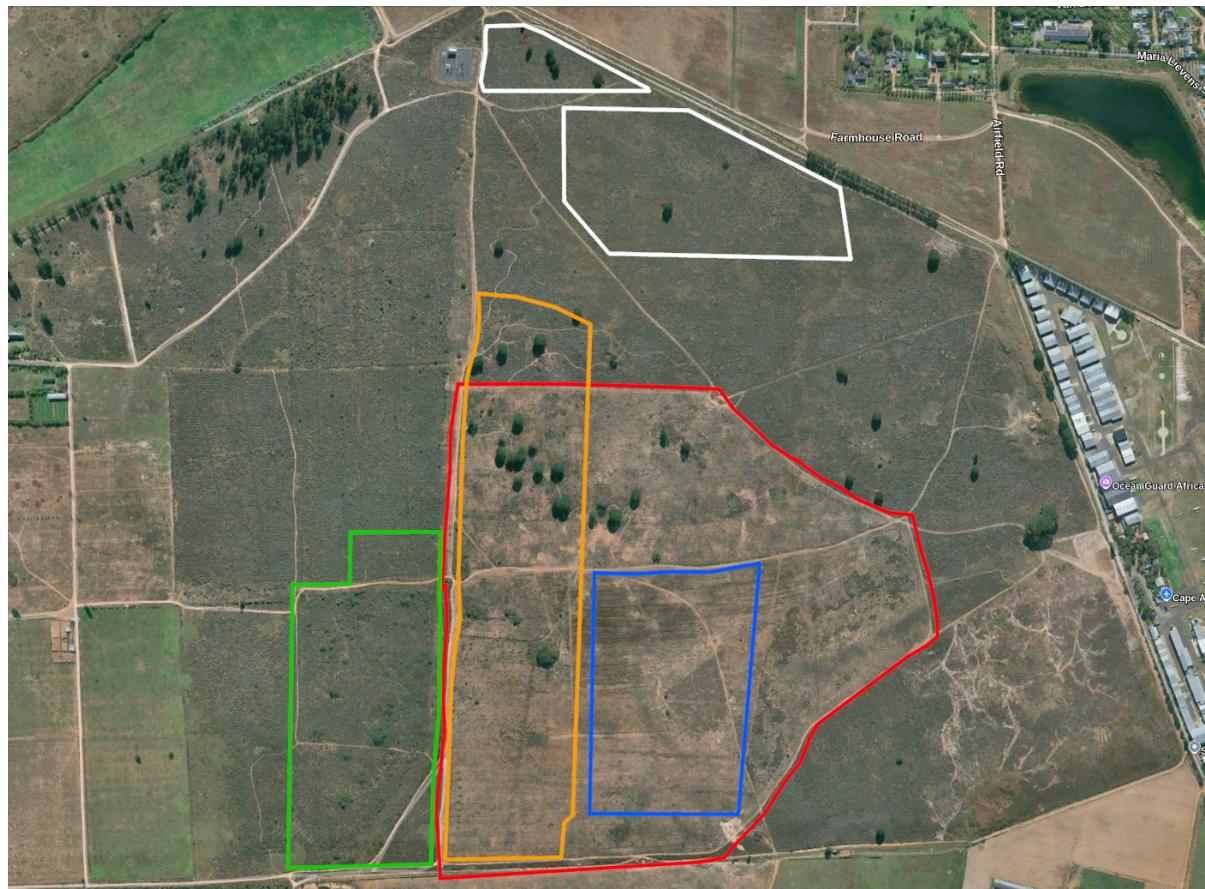


Figure 3: Superposition of ploughed Areas of Fig. 1 with authorised areas.

Legend: Ploughed Areas of Fig. 1 (Red); 2021 Vineyard (Blue), 2021 Buffer (Orange), Conservation Area (Green) and the 2025 proposed Phase 1 and Phase 2 solar (White).

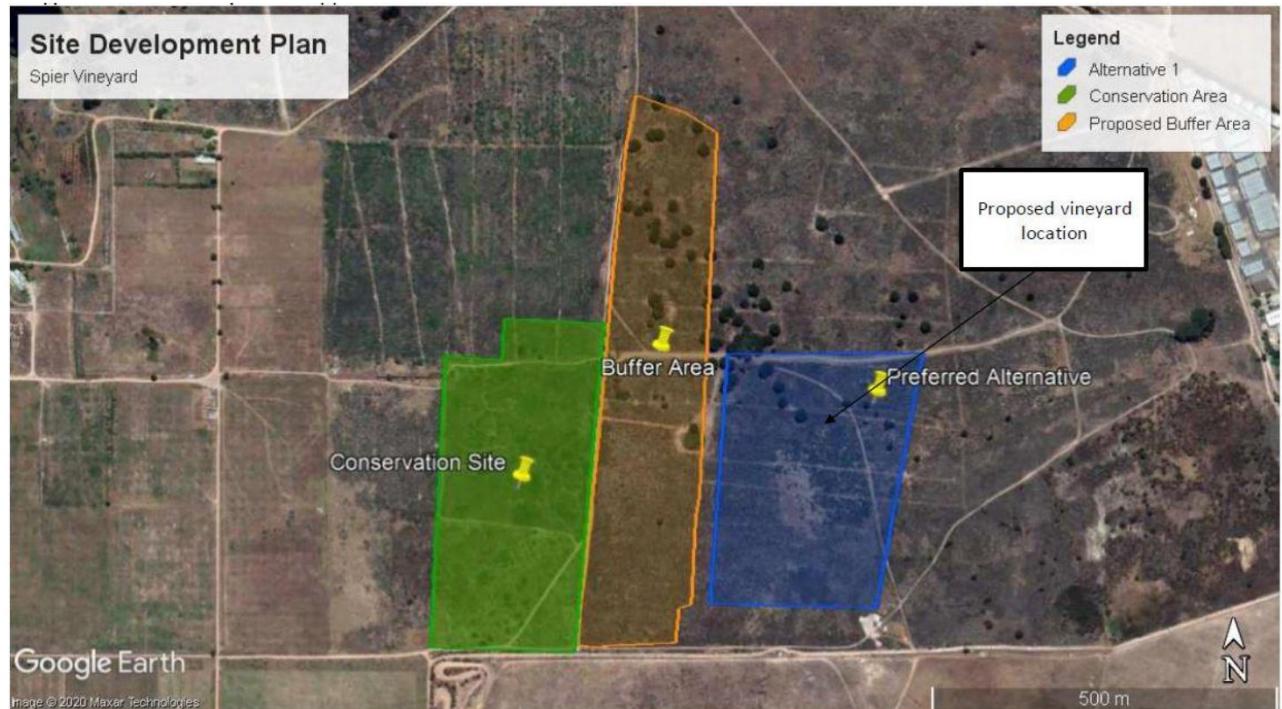


Figure 4: Authorised land use as per DEA&DP Authorisation of April 2021.

Legend: Vineyard (Blue), Buffer (Orange), Conservation Area (Green)



Figure 5: Plantae entries on inaturalist.org as of 29 September.

This shows many entries even in areas just metres away from the Solar Panel areas. The entries on the ploughed area date to May 2025, meaning there is a need to do a proper botanical assessment there, too. This shows that many species have been recorded in short walks and times even by volunteers. The linear record patterns also reflect the specific paths of volunteers taken and underscore that (a) many more plants would be elsewhere, as yet unrecorded, and (b) a proper botanical assessment would need to cover the areas in question by many waypoints, not just the small number recorded in the Botanical Assessment shown in Fig. 6. Inaturalist also shows that the area to the east abutting the airfield is well worth investigating also.



Figure 8a. Aerial (satellite) image from Google Earth Pro™ of the study area (white boundary) with survey track (blue) and waypoints (yellow pins) (Image date: 11 February 2024)

Figure 6: Five waypoints: Bergwind October 2024 Biodiversity Assessment Figure 8a.

Part of the ploughed area can be seen at the bottom of this figure, taken from the official Botanical Assessment. There is no way it could have been missed during the site visit.

## G Documents related to NEMA Section 24G Process

### G.1 Section 24G notice published in Eikestadnuus, 10 July 2025



### G.2 Section 24G notice published in Eikestadnuus, 10 July 2025: textversion

Eikestadnuus, 2025-07-10  
**PRELIMINARY ADVERTISEMENT**  
**Section 24G Application**

Rectification of alleged clearance of vegetation on Portion 10 of Farm 502, Stellenbosch.

The purpose of this advert is to afford I&APS a registration opportunity in terms of the Fine Regulations under the National Environmental Management Act (NEMA) (Reg. 698 of 20 July 2017)

English: The development consists of the unlawful clearance of vegetation on the abovementioned property. The property is zoned Agriculture. The development was undertaken without Environmental Authorisation and therefore a Section 24G Application in terms of the NEMA is being undertaken.

Afrikaans: Die ontwikkeling bestaan uit die onwettige opruiming van plantegroei op die bogenoemde eien-dom. Die eiendom is 'Landbou' soneer. Die ontwikkeling is sonder omgewingsmagtiging ondemeem en daarom word 'n Artikel 24G-aansoek ingevolge die Nasionale Wet op Omgewingsbestuur onderneem.

This advertisement serves as notification of the development, and for I&APs to register should they wish to receive more information, The registration period will run from 10 July 2025 until 29 July 2025.

More information on the S24G Application and work undertaken will be available in the Draft Assessment Report (S24G), which will be made available for comment from [www.groenbergenviro.co.za](http://www.groenbergenviro.co.za) or the EAP in due course.

As per the listed activities below, the development initiated an S24G Process. The following NEMA listed activities are triggered: Listing Notice (LN) 1: Activity 27 and LN3: Activity 12.

Date of this notice: 10 July 2025

Details of EAP/OBP: Mische Molife  
GroenbergEnviro (Pty) Ltd; Private Bag X3036, Paarl 7620; Cell 079 111 7378;  
E-mail: [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)  
Website: [www.groenbergenviro.co.za](http://www.groenbergenviro.co.za)

### G.3 Correspondence with EAP, July 2025

RE: Notification of the Amended dBAR: Proposed installation of solar panels and associated infrastructure on Portion 10 o...

**Subject:** RE: Notification of the Amended dBAR: Proposed installation of solar panels and associated infrastructure on Portion 10 of Farm 502, Stellenbosch

**From:** <mische@groenbergenviro.co.za>

**Date:** 2025/07/14, 13:17

**To:** ""Hans Eggers" <heggers@pm.me>

**CC:** ""hendri badenhorst" <hendri@groenbergenviro.co.za>

Hi Hans

The report will be made available for a 30-day commenting period. The commenting period date will be included in the notification letter that you will receive.

Vriendelike groete / Kind regards,



**Mische Molife**

EAP/Water license Consultant

**EAPASA Reg No.:** 2020/1410

**Cell:** 079 111 7378

**Fax:** 086 476 7139

**Email:** [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)

[www.groenbergenviro.co.za](http://www.groenbergenviro.co.za)

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**From:** Hans Eggers <heggers@pm.me>

**Sent:** Monday, 14 July 2025 13:10

**To:** mische@groenbergenviro.co.za

**Cc:** 'hendri badenhorst' <hendri@groenbergenviro.co.za>

**Subject:** Re: Notification of the Amended dBAR: Proposed installation of solar panels and associated infrastructure on Portion 10 of Farm 502, Stellenbosch

Thank you.

Can you confirm that the information will be available for at least 30 days on the website, and that the comment period for the S24G PPP will be 30 days or more, counted from the date of notice of commencement of the PPP?

H

On 2025/07/14 11:12, [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za) wrote:

Dear Hans

Friends of Stellenbosch Mountain will be registered as an I&AP.

As previously stated, the advert is for I&APs to register. The report will be made available in the public participation process and will be placed on the website.

Vriendelike groete / Kind regards,



**Mische Molife**  
EAP/Water license Consultant

**EAPASA Reg No.:** 2020/1410

**Cell:** 079 111 7378

**Fax:** 086 476 7139

**Email:** [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)

**[www.groenbergenviro.co.za](http://www.groenbergenviro.co.za)**

---

**From:** Hans Eggers <[heggers@pm.me](mailto:heggers@pm.me)>

**Sent:** Monday, 14 July 2025 10:42

**To:** [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)

**Cc:** 'hendri badenhorst' <[hendri@groenbergenviro.co.za](mailto:hendri@groenbergenviro.co.za)>

**Subject:** Re: Notification of the Amended dBAR: Proposed installation of solar panels and associated infrastructure on Portion 10 of Farm 502, Stellenbosch

Good morning,

yes, I wish to register but as a representative of Friends of Stellenbosch Mountain (FSM) not in my personal capacity.

I also request that the "further information" mentioned be provided. I was astonished because it is normal practice to put such information up on the EAP website, which in this case has not happened. If it is still being compiled, then what is the purpose of this notice?

I also understand from the notice that the formal public participation process is still to be initiated. Surely persons and bodies can still register and/or provide comments in that later PPP process also, as is normal practice?

Regards,

HC Eggers

Secretary: Friends of Stellenbosch Mountain

On 2025/07/14 08:48, [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za) wrote:

Dear Hans

Please refer to the advert in the newspaper, which provides details on why the 24G process is required.

The advert is placed in the newspaper for I&APs to register if they wish to receive further information. This is clearly stated in the advert.

It is further stated in the advert that the draft Assessment Report will be made available in due course. The advert is for the public to register as an I&AP. Do you wish to register as an I&AP?

The 24G process is a separate process from the Basic Assessment process that you've provided comments on. The draft Assessment Report will be sent to those who registered as an I&AP, neighbouring property owners and Organs of State.

Please refer to the bottom of the advert, which clearly provides my details as the EAP. "groenbergenviro.co.za" is the website. To clarify, the report could either be sent to registered I&APs directly by the EAP or could be downloaded from the said website.

Vriendelike groete / Kind regards,



**Mische Molife**  
EAP/Water license Consultant  
  
EAPASA Reg No.: 2020/1410  
  
Cell: 079 111 7378  
Fax: 086 476 7139  
Email: [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)  
[www.groenbergenviro.co.za](http://www.groenbergenviro.co.za)

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**From:** Hans Eggers <[heggers@pm.me](mailto:heggers@pm.me)>  
**Sent:** Saturday, 12 July 2025 13:07  
**To:** [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)  
**Subject:** Re: Notification of the Amended dBAR: Proposed installation of solar panels and associated infrastructure on Portion 10 of Farm 502, Stellenbosch

Good morning Mische Molife

I was astonished to read the tiny insert in the 10 June issue of Eikestadnuus regarding a Section 24G process regarding Farm 502/10 (Spier). No details were provided, and there is no mention of this on the groenbergenviro.co.za website.

I will assume that the relevant S24G Draft Assessment Report as well as the Eikestadnuus notice of 10 June 2025 will be sent out to all IAPs in the FBAR process? So far, I have not seen any email from you on this. FSM of course provided detailed comments both on the first two Draft BARs.

Could you please also explain the difference between "groenbergenviro.co.za" and "EAP" as mentioned in the Eikestadnuus

notice? Did I misunderstand that you are infact the EAP? Or is there someone else?

Regards

HC Eggers

Friends of Stellenbosch Mountain

On 2025/04/11 15:24, [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za) wrote:

Groenbergenviro (Pty) Ltd  
Postnet Suite #161, Private Bag X3036, Paarl 7620



Director: P. Badenhorst Email: [Pieter@groenbergenviro.co.za](mailto:Pieter@groenbergenviro.co.za) Company: Groenbergenviro (Pty) Ltd 2015/328782/07

DATE: 11 April 2025  
16/3/3/1/B4/45/1086/24

Application reference:

Dear Interested and Affected Party

**Proposed installation of solar panels and  
associated infrastructure on Portion 10 of Farm  
502, Stellenbosch**

**Amended Draft Basic Assessment Report (dBAR)**

This letter serves as notice of the additional Public Participation Process (PPP) for the proposed development. The commenting period will be from 14 April 2025 until 19 May 2025.

A digital version of the Amended Draft Basic Assessment Report (dBAR) is available for download from the following link: <https://www.groenbergenviro.co.za/projects/?dir=1880>.

If there are any problems downloading the reports, or should there be any queries, please do not hesitate to contact me.

Yours sincerely,



Mische Molife  
Environmental Assessment Practitioner  
GroenbergEnviro (Pty) Ltd  
Postnet Suit #161, Private Bag X3036,  
Paarl, 7620  
Cell: 079 111 7378  
Email: [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)

 Virus-free [www.avast.com](http://www.avast.com)

## G.4 Correspondence with EAP, September 2025

RE: DEADP Authorisation 16/3/3/1/B4/45/1086/24 and Section 24G Process

**Subject:** RE: DEADP Authorisation 16/3/3/1/B4/45/1086/24 and Section 24G Process

**From:** <mische@groenbergenviro.co.za>

**Date:** 2025/09/15, 07:39

**To:** "Hans Eggers" <heggers@pm.me>

**CC:** "hendri badenhorst" <hendri@groenbergenviro.co.za>

Dear Hans

As previously stated:

- The S24G advert and process is related to the Vineyard EA.
- The S24G report will be made available in due course. Note that the S24G process does not have legislated timeframes, unlike the EIA processes.
- It is reiterated that the pre-liminary S24G advert is to notify I&APs of the process and to register.
- The EA notice that you've received is related to the Solar Development.
- It is 2 separate processes.

Vriendelike groete / Kind regards,



**Mische Molife**  
EAP/Water license Consultant

**EAPASA Reg No.:** 2020/1410

**Cell:** 079 111 7378

**Fax:** 086 476 7139

**Email:** [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)  
[www.groenbergenviro.co.za](http://www.groenbergenviro.co.za)

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**From:** Hans Eggers <heggers@pm.me>

**Sent:** Saturday, 13 September 2025 15:05

**To:** mische@groenbergenviro.co.za

**Subject:** DEADP Authorisation 16/3/3/1/B4/45/1086/24 and Section 24G Process

Good day,

I acknowledge receipt of the notification of authorisation re Application reference: 16/3/3/1/B4/45/1086/24 (solar panels).

I am now very puzzled. A Section 24G process was announced by yourself in a tiny insert in the Eikestadnuus of 10 June 2025. No details were provided, no Application reference number was given, no information on the underlying issue was provided except that it related to "unlawful clearance of vegetation" which had transgressed NEMA Listed Activities. The Eikestadnuus advert only asked for IAP registration.

On enquiry about this very unusual announcement and methodology, a total of eight

emails were exchanged between us in early July 2025. The final answer to my query to the substance of this was that "the S24G report would be made available in due course".

In the absence of any information, I must work with the most probable hypothesis, namely that this S24G pertains to the 36 hectares of ploughed renosterveld immediately adjacent, as set out in Section B and Figure 1 of the FSM comments of 29 January 2025.

Whatever the underlying issue: no further S24G information or Draft Assessment Report was provided in the two months since July 2025. Instead, an environmental authorisation for the "separate process" 16/3/3/1/B4/45/1086/24 was issued and provided to its IAPs.

The claim made in your 14 July 08:50 email was that the S24G was for "clearance of vegetation" and "not the solar development".

I now contest and contradict the claim that these processes are separate. I note that those 36 hectares DO form part of the solar panel process in that FSM explicitly drew attention to that ploughing and since impact on CBAs should be assessed cumulatively, not separately.

Could you kindly comment.

Thanks,

HC Eggers

Secretary: Friends of Stellenbosch Mountain

On 2025/09/08 13:48, [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za) wrote:



Postnet Suite #161, Private Bag X3036, Paarl 7620

Director: P. Badenhorst Email: pieter@groenbergenviron.co.za Company: Groenbergenviron (Pty) Ltd 2015/328782/07

DATE: 08 September 2025

Application reference: 16/3/3/1/B4/45/1086/24

Dear Interested and Affected Party

## G.5 Earlier email exchange (December 2024)

Re: Ploughing on the south-eastern part of the Spier CBA

**Subject:** Re: Ploughing on the south-eastern part of the Spier CBA

**From:** "Heidi Newton-King" <HeidiNK@spier.co.za>

**Date:** 2024/12/18, 11:07

**To:** "Hans Eggers" <heggers@pm.me>

Dear Prof Eggers,

Thank you for contacting us and registering your concern.

Due process has been followed in this area with an approved EIA and ploughing certificate.

The initial cover crop ploughing will be followed by deep ploughing in February 2025.

Applications for this area started for this in 2021.

Regards,

Heidi

---

**From:** Hans Eggers <heggers@pm.me>

**Date:** Monday, 16 December 2024 at 13:46

**To:** Heidi Newton-King <HeidiNK@spier.co.za>

**Subject:** Ploughing on the south-eastern part of the Spier CBA

Good day Ms Newton-King,

I notice that about 36 hectares of renosterveld on the south-eastern parts of the Spier-owned Farm 502/10 has been ploughed. I do not recall any advertisement of this. Did DEADP authorise this ploughing?

Thanks!

Prof Hans C Eggers

Chairperson: Friends of Stellenbosch Mountain

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## H Other

### H.1 Signature authorisations

For the purposes of POPIA, contact details of FSM Management Committee Members have been redacted.

---

Subject: Spier Appeal: Authorisation  
From: "Lizanne" <\*\*\*>  
Date: 2025/09/25, 20:24  
To: "Hans Eggers" <heggers@pm.me>  
CC: "Jerman, Nick" <\*\*\*>, "Christof Beiler" <\*\*\*>

Dear Prof. Hans Eggers,

As member of the FSM Management Committee, I authorise you to sign the Spier Appeal on behalf of FSM.

Sincerely,  
Lizanne de Kock  
Chairperson of Friends of Stellenbosch Mountain (FSM)

---

Subject: Spier Appeal  
From: "Nick" <\*\*\*>  
Date: 2025/09/25, 11:23  
To: "H Eggers" <heggers@pm.me>

Dear Hans

As a member of the FSM Management Committee, I authorise you to sign the Spier Appeal on behalf of FSM.

With Regards  
Nick B. Jerman  
(Treasurer, FSM)

---

Subject: Authorisation for Spier Appeal  
From: "Christof Beiler" <\*\*\*>  
Date: 2025/09/24, 16:45  
To: "Hans Eggers" <heggers@pm.me>

Dear Prof Eggers,

As member of the FSM Management Committee, I authorise you to sign the Spier Appeal on behalf of FSM.

Yours sincerely,  
Christof Beiler.