



## **SECTION 24G APPLICATION/DRAFT ASSESSMENT REPORT**

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

**Consultation Reference Number: 14/2/4/1/B4/39/0017/25**

**Application Reference Number: TBD**

**October 2025**



**DOCUMENT NAME:**

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

**PROJECT NUMBER:**

N/A

**DATE:**

October 2025

**REPORT STATUS:**

Draft

**CARRIED OUT BY:**

GroenbergEnviro (Pty) Ltd

**COMMISSIONED BY:**

Spier Farm Management (Pty) Ltd

**AUTHOR(S):**

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**CLIENT CONTACT DETAILS:**

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P. O. Box 99

LYNEDOCH

7603

**SYNOPSIS:**

Not part of this report template.

**PREPARED BY:**

GroenbergEnviro (Pty) Ltd



## REVISION STATUS

Revision	Issue Date	Author	Technical Review	Report Review
0	October 2025	M. Molife	H. Badenhorst/P. Badenhorst	H. Badenhorst/Badenhorst

## Disclaimer

The opinions expressed in this report have been based on the information supplied to GBE by the Applicant. GBE has exercised all due care in reviewing the supplied information, with conclusions from the review being reliant on the accuracy and completeness of the supplied data.

GBE does not accept responsibility for any errors or omissions in the supplied information and does not accept any consequential liability arising from commercial decisions or actions resulting from them.

Professional environmental opinions presented in this report apply to the site conditions and features as they existed at the time of GBE's investigations, and those reasonably foreseeable. These opinions do not necessarily apply to conditions and features that may arise after the date of this report, about which GBE had no prior knowledge nor had the opportunity to evaluate.

## POPIA

Regulation 42 of the Environmental Impact Assessment Regulations, 2014, as amended (EIA Regulations) provides for the opening and maintenance of a register of interested and affected parties (I&APs), by the proponent or applicant, which must contain personal information (names, contact details and addresses). It is therefore the duty of the proponent or applicant to collect the information that must be contained in the register.

Regulation 42 further requires that these registers must be submitted to the Competent Authority (CA). There is no legal requirement in the EIA Regulations that such registers must be included in the reports that are published for public consultation purposes or be made publicly available as part of the EIA process. Since the information in the registers is personal/private information, it should not be included in or attached to reports and be made available in the public domain. CAs, applicants and environmental assessment practitioners (EAPs) should take note that, if this information was previously included in reports and shared in the public domain, this now requires reconsideration in accordance with the POPIA. The Department realises that EAPs may have included some personal information in these reports when they receive and compile them. Likewise, this information may reach CAs who also now need to be sensitive about the management of this information.

Section 11(1)(a) of POPIA provides further that personal information may only be processed if the data subject consents to the processing.

The requirements of Section 18.1 of POPIA requires that if personal information is collected, the responsible party must take reasonably practicable steps to ensure that the data subject is aware of, amongst other things, the information being collected, the name and address of the responsible party (in this case the EAP and applicant), the purpose for which the information is collected, whether or not the supply of the information by the data subject is voluntary or mandatory, the consequence of the failure to provide the required information, further information such as the recipient of the information, as well as the existence of the right to object to the processing of the personal information.

EAPs should obtain express consent from commenting parties to include their names with their comments in the reports. It is therefore recommended that the EAP, when requesting comment, should also request the persons who may comment to provide consent that their names may be included with their comments in the reports. Commenting parties should also be informed that they may opt to not have their names shared, as well as an indication of the consequences of such an option being exercised, in which case only the comments will be included. This will ensure that the requirements of Section 11(1)(a) of POPIA, which provides that personal information may only be processed if the data subject consents to the processing, is given effect to. Even when consent is obtained it is recommended that only the minimum details (the names) should be included in reports and the inclusion of unnecessary and excessive information should be avoided.

## Contact Information

Please contact the undermentioned should you require further information.

<b>GroenbergEnviro PTY Ltd</b>	
<b>Address:</b>	Wellington Klein Opperhorst Postnet Suit #161, Private Bag X3036 Paarl 7620
<b>Website</b>	<a href="http://www.groenbergenviro.co.za">www.groenbergenviro.co.za</a>
<b>Contact Person</b>	Misché Molife The EAP has 11 years' experience in Environmental Impact Assessments (EIA), environmental management, report writing and project management. She has a BSc degree in Biodiversity and Conservation Biology from The University of the Western Cape. Her role at GroenbergEnviro is primarily on Environmental Impact Assessments and Water Use License Applications. Registrations: IAIA; EAPASA (2020/1410)
<b>Contact number</b>	-
<b>Cell number</b>	+27 79 111 7378
<b>Email</b>	<a href="mailto:mische@groenbergenviro.co.za">mische@groenbergenviro.co.za</a>



**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 Regulation 8 will result in rejection of the application)</b>	
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.	✓
	2.2. A list of all <b>similarly listed</b> activities in terms of the current EIA regulations (if applicable).	✓
	2.3. A description of the receiving environment <b>before</b> commences of the activity(ies).	✓
	2.4. A description of the receiving environment <b>after</b> commences of the activity(ies).	✓
	2.5. All appendices and annexures:	
	2.5.1. Locality map	✓
	2.5.2. Site plans or/and Layout plan	✓
	2.5.3. Building plans (if applicable)	
	2.5.4. Colour photographs	✓
	2.5.5. Biodiversity overlay map	✓
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	✓
	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, Landowner consent and any other public participation information	✓
	2.5.8. Environmental Management Programme	✓
	2.5.9. Certified copy of Identity Document of Applicant	Will be included in FAR
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	Will be included in FAR
	2.6. Signed declaration forms.	✓
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	¥
	3.1. If yes, has the specialist assessment report been attached to the application?	₦
	An assessment of the impacts of the activity or activities in terms of the following categories:	
	• Socio-economic	✓
	• Biodiversity	✓
	• Sense of place &/or Heritage/ Cultural	✓
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	✓
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	✓
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).	
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.	Will be included in fAR
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	
	10.2 Copies of comments and responses included in the application.	
	10.2 Comments and Response report attached to the application.	
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
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
    - o 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.

**Contents**

Section A: Background Information .....	6
1.    Applicant Profile Index .....	6
2.    Application History .....	10
Section B: Activity Information .....	11
1.    Activities Applied For.....	11
2.    Activity Description .....	16
3.    Physical Size of the Activity .....	20
4.    Site Access .....	20
5.    Site Photographs .....	20
6.    Applicable Legislation, Policies and/or Guidelines.....	20
7.    Applications in terms of NEMA and Specific Environmental Management Acts ("SEMAS")	
21	
8.    Applications in terms of other Legislation .....	21
Section C: Description of Receiving Environment.....	22
1.    The Geological Formations Underlying the Site (Tick the appropriate box).....	22
2.    Gradient of the Site .....	22
3.    Location in Landscape .....	22
4.    Groundwater, Soil and Geological Stability of the Site .....	22
4.1    Groundwater, Soil and Geological Stability of the Site (Pre-Commencement) .....	22
4.2    Groundwater, Soil and Geological Stability of the Site (Post-Commencement).....	22
5.    Surface Water.....	23
5.1    Surface Water (Pre-Commencement) .....	23
5.2    Surface Water (Post-Commencement) .....	23
6.    Vegetation and/or Groundcover .....	24
6.1    Vegetation and/or Groundcover (Pre-Commencement) .....	24
6.2    Vegetation and/or Groundcover (Post-Commencement) .....	28
6.3    Vegetation / Groundcover Management .....	30
7.    Land Use of the Site (Pre-Commencement) .....	30
8.    Land Use Character of Surrounding Area (Pre-Commencement) .....	31
9.    Land Use Character of Surrounding Area (Post-Commencement).....	32
10.    Socio-Economic Context.....	33
10.1    Socio-Economic Context (Pre-Commencement) .....	33
10.2    Socio-Economic Context (Post-Commencement).....	34
11.    Historical and Cultural Aspects .....	34
12.    Coastal Aspects (Seafront/Sea Environment) .....	35
13.    Regional Planning Context .....	36

Section D: Need and Desirability .....	37
Section E: Alternatives .....	41
Section F: Impact Assessment, Management, Mitigation and Monitoring Measures .....	44
1. Please Describe the Manner in which the Development Has Impacted on the Following Aspects: .....	44
(a) Geographical and physical aspects: .....	44
(b) Biological aspects: .....	44
(c) Socio-Economic aspects: .....	46
(d) Cultural and historic aspects: .....	46
2. Waste and Emissions.....	47
3. Water Use.....	48
4. Power Supply.....	48
5. Energy Efficiency .....	48
6. Description and Assessment of the Significance of Impacts Prior to and After Mitigation	49
7. Specialist Inputs/Studies and Recommendations .....	61
8. Impact Assessment Summary .....	61
9. Summary of the Consequences of/ Impacts of the Unlawfully Commenced Activity/ies..	65
10. Other Management, Mitigation and Monitoring Measures .....	65
Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, Underlying Assumptions and Uncertainties.....	67
Section H: Recommendations of the EAP .....	72
Section I: Representations – Response to an Incident or Emergency Situation.....	72
Section J: Public Participation .....	73
1. Public Participation Process to be Followed .....	73
1.1 The Public Participation Process in terms of the Section 24G Fine Regulations, 2017 ...	73
1.2 The Public Participation Process in terms of NEMA EIA Regulations, 2014 .....	74
2. Representations Regarding Deviation from Public Participation Requirements in terms of the EIA Regulations, 2014 .....	75
3. List of State Departments.....	75
Part 2 – Annexure A to the Section 24G Application Form .....	77
Section A: Directives .....	77
Section B: Deferral of the Application .....	78
Section C: Quantum of the SECTION 24G Fine .....	79
Explanation: .....	81
Section D: Preliminary Advertisement.....	82
Preliminary Advertisement – Hermanus Times .....	83
Part 3: Appendices .....	84

**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	
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**

**Rectification of alleged clearance of vegetation on Portion 4 of Farm 1631, Pniel.**

**Relevant Region In Which The Activity Commenced**

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

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

## Section A: Background Information

### 1. Applicant Profile Index

Cross out the appropriate box "☒".

1.1	The applicant is a Natural Person (individual)					
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)					☒
1.2. 1	If a firm, please tick the relevant box below:					
	Body Corporate	Partnership	Trust	Parastatal	Organ of State	
	Directors of a Company	Members of a Board	Other, please specify	Farm Manager		

<b>Applicant's details</b> (duplicate this section where there is more than one applicant)					
Spier Farm Management Pty Ltd					
Applicant Name:	Spier Farm Management Pty Ltd				
RSA Identity Number/ Passport Number of Applicant, if natural person:					
Name of Firm (if applicable):	Spier Farm Management Pty Ltd				
Firm Registration Number:	1970/009121/07				
Contact Person at the Firm:	Orlando Filander				
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> <ul style="list-style-type: none"> <li>• Directors of a company; or</li> <li>• Members of the board; or</li> <li>• Executive committee or other managing body of a corporate body or parastatal; or</li> <li>• Members of close corporation; or               <ul style="list-style-type: none"> <li>• Partners of a partnership; or</li> </ul> </li> <li>• Trustees of a trust</li> </ul>				
Postal address:	Refer to Appendix L				
	P. O. Box 99		Postal code:	7603	
Telephone:	(021) 870 4129		Cell:	083 235 2255	
E-mail:	orlandof@spier.co.za		Fax:	( )	
<b>Project Consultant</b>	Same as below				
Contact person:					
Postal address:					
			Postal code:		
Telephone:			Cell:		
E-mail:			Fax:		
<b>Name of the Environmental Assessment</b>	Misché Molife				

<b>Practitioner ("EAP") responsible for the application:</b>			
Company name (if any):	GroenbergEnviro (Pty) Ltd		
Postal address:	POSTNET Suit #162, Private Bag X3036, Paarl		
		Postal code:	7620
Telephone:	( )	Cell:	079 111 7378
E-mail:	mische@groenbergenviro.co.za	Fax:	(086) 476 7139
EAP Qualifications	Mische Molife: BSc in Biodiversity and Conservation Biology, 11 years' experience in EIA; environmental management; report writing and project management.		
EAP Registrations/Associations	Mische Molife – IAIAsa, EAPASA (2020/1410)		

<b>Name of the Landowner:</b>	Spier Farm Management (Pty) Ltd		
Name of the contact person for the landowner (if other):	Orlando Filander		
Postal address:	P. O. Box 99		
	Lyndoch	Postal code:	7603
Telephone:	(021) 870 4129	Cell:	083 235 2255
E-mail:	orlandof@spier.co.za	Fax:	( )
Person in control of land:	Same as Landowner		
Contact person:			
Postal address:			
		Postal code:	
Telephone:		Cell:	
E-mail:		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 applicants (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.**

Municipality in whose area of jurisdiction the activity falls:	Stellenbosch		
Contact person, if known:	Anthony Barnes		
Postal address:	PO Box 17,		
	Stellenbosch	Postal code:	7230
Telephone	021 808 8679	Cell:	
E-mail:	Anthony.Barnes@stellenbosch.gov.za	Fax:	028 214 1289

**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):	Portion 10 of Farm 502, off Annandale Road		
Farm/Erf name(s) & number(s) including portion(s)	Portion 10 of Farm 502		
Property size(s) (m <sup>2</sup> )	360.85ha		
Development footprint size(s) (m <sup>2</sup> )	2ha		
SG21 Digit code(s)	C0670000000050200010		

Property boundary: Refer to Figure 1 for the boundary points

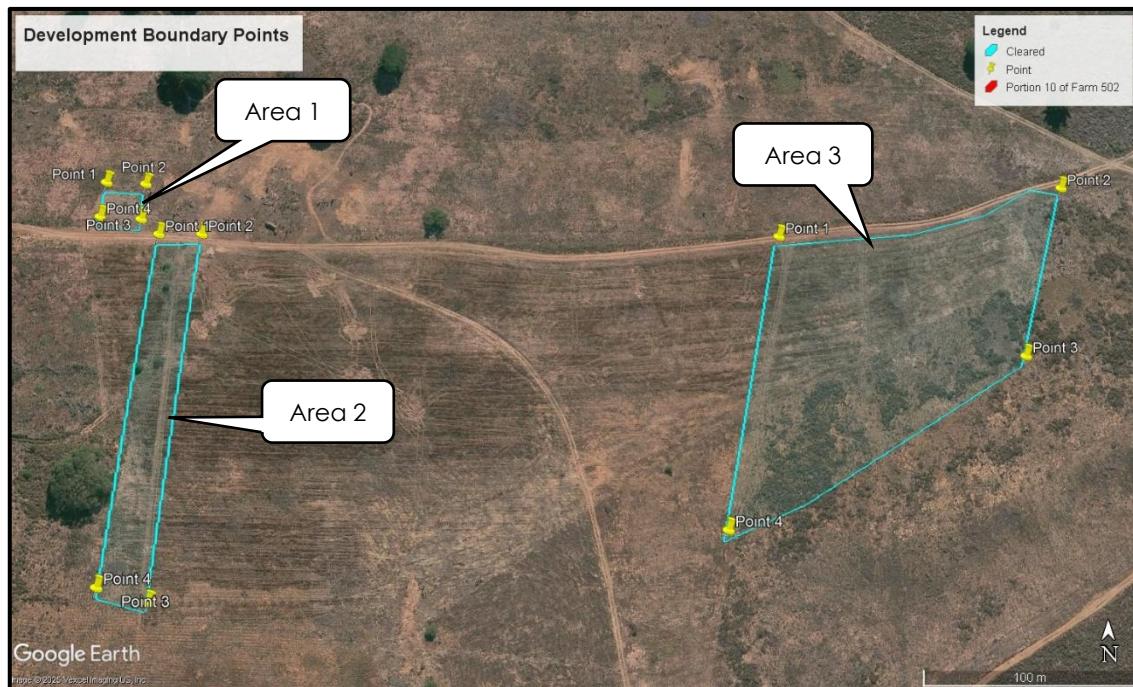
Point	Latitude (S)	Longitude (E)
1	33°58'11.92"S	18°47'44.10"E
2	33°58'52.29"S	18°47'3.02"E
3	33°59'17.34"S	18°47'45.03"E
4	33°58'58.43"S	18°48'21.22"E
5	33°58'55.92"S	18°49'8.87"E
6	33°58'30.46"S	18°49'2.81"E
7	33°58'41.67"S	18°48'3.35"E



Figure 1: Property boundary points

The co-ordinates for the cleared area boundary/location points: Refer to Figure 2

Point	Latitude (S)	Longitude (E)
<b>Area 1</b>		
1	33°58'43.52"S	18°48'35.92"E
2	33°58'43.55"S	18°48'36.70"E
3	33°58'44.16"S	18°48'36.68"E
4	33°58'44.12"S	18°48'35.87"E
<b>Area 2</b>		
1	33°58'44.42"S	18°48'37.06"E
2	33°58'44.42"S	18°48'37.90"E
3	33°58'50.22"S	18°48'37.44"E
4	33°58'50.00"S	18°48'36.49"E
<b>Area 3</b>		
1	33°58'44.40"S	18°48'49.25"E
2	33°58'43.49"S	18°48'55.04"E
3	33°58'46.37"S	18°48'53.99"E
4	33°58'49.14"S	18°48'48.06"E



**Figure 2: Development boundary points**

**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:	Portion 10 of Farm 502, along Annandale Road		
Magisterial District or Town:	Stellenbosch		
Closest City/Town:	Stellenbosch	Distance	7.5km
Zoning of Property:	Agriculture		

**Please note:**

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

Was the property rezoned after commencement of activities?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
If yes, what was the previous zoning?		
N/A		
Is a rezoning application required?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Is a consent use application required?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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 coordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The coordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)</li> </ul>	
Landowner(s) Consent:	<p>If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix 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>	

<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 <i>Infrastructure Development Act, 2014</i> (Act No. 23 of 2014).
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## 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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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): Orlando FilanderSignature: Place: StellenboschDate: 29 August 2025EAP (Full names): Mische MolifeSignature: Place: KuilsriverDate: 29 August 2025

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

### 1.1 Applicable EIA Listed Activities

<b>ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002</b>			
<b>Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989</b>			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	N/A	N/A
<b>ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006</b>			
<b>Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989,</b>			
N/A	N/A	N/A	N/A
<b>NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010</b>			
<b>Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA</b>			
GN R386 Activity No(s): ( <i>Listing Notice 1 of 2006</i> )	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
N/A	N/A	N/A	N/A
Government Notice No. R387 Activity No(s): ( <i>Listing Notice 2 of 2006</i> )	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
N/A	N/A	N/A	N/A
<b>NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014</b>			
<b>Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>			
GN No. R. 544 Activity No(s): ( <i>Listing Notice 1 of 2010</i> )	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
N/A	N/A	N/A	N/A
GN No. R. 545 Activity No(s): ( <i>Listing Notice 2 of 2010</i> )	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	N/A	N/A
GN No. R. 546 Activity No(s): ( <i>Listing Notice 3 of 2010</i> )	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
N/A			
<b>NEMA EIA Contraventions: on or after 08 December 2014</b>			
<b>Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>			

GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	N/A	N/A
GN No. R. 325 Activity No(s): <b>(Listing Notice 2 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	N/A	N/A
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	N/A	N/A
<b>NEMA EIA Contraventions: on or after 07 April 2017 – EIA Regulations, 2014 as amended on 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,</b>			
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2017)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2017 ("NEMA 2014 (as amended on 07 April 2017) Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
27	<p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</p> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul>	<p>The clearance of approximately 2ha of indigenous vegetation.</p>	Commenced during 2024
GN No. R. 325 Activity No(s): <b>(Listing Notice 2 of 2017)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2017 ("NEMA 2014 (as amended on 07 April 2017) 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
N/A	N/A	N/A	N/A
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2017)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2017 ("NEMA 2014 (as amended on 07 April 2017) 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	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in</p>	<p>The development required the clearance of more than 300m<sup>2</sup> of indigenous vegetation classified as an endangered ecosystem.</p>	During 2024.

<ul style="list-style-type: none"> <li>the National Spatial Biodiversity Assessment 2004;</li> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</li> <li>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</li> <li>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</li> </ul>		
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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
N/A	N/A	N/A	N/A
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
N/A	N/A	N/A	N/A

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

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 are 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, as amended on 07 April 2017.

The Environmental Assessment Practitioner is required to provide a detailed explanation as to why the unlawfully commenced activity is still similarly listed in terms of the NEMA:

- The unlawful activities commenced during 2024.

<b>The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>		
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2017)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2017 ("NEMA 2014 (as amended on 07 April 2017) Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
27	The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-	The clearance of approximately 2ha of indigenous vegetation.

	(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	
GN No. R. 325 Activity No(s): <b>(Listing Notice 2 of 2017)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2017 ("NEMA 2014 (as amended on 07 April 2017) Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
N/A	N/A	N/A
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2017)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2017 ("NEMA 2014 (as amended on 07 April 2017) Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
12	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	The development area was cleared of more than 300m <sup>2</sup> of indigenous vegetation classified as an endangered ecosystem and identified as a CBA during 2024.

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?	Completed	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	Upgrade

### Background:

An Environmental Authorisation (EA) was issued to Spier Wine Estate Pty Ltd for the establishment of a vineyard between the area that was illegally cleared. The landowner (Spier Farm Management Pty Ltd) is now rectifying the area cleared illegally either side of the approved vineyard area.

### Project Location and Background:

The development area is located on Portion 10 of Farm 502, Stellenbosch, off Annandale Road in the Western Cape Province, as shown in **Figure 3**.



**Figure 3: Locality of the development area in relation to the surrounding area**

The development required the clearance of approximately 2ha of indigenous vegetation in 2024, as shown in **Figure 4**. The clearance of vegetation was conducted during the preparation for the establishment of the approved vineyard, as shown in **Figure 5**. The clearance was done erroneously because the approved development area was not demarcated prior to commencement of the vineyard preparation.



**Figure 4: Development area before clearance – light blue polygons**



Figure 5: Cleared area in relation to the approved vineyard development

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

The unlawful clearance has been completed. The development area (illustrated by light blue polygons) was cleared and completed in February 2024, as can be seen in [Figure 4](#) and [Figure 5](#).

An ecological burn was conducted on the area prior to the clearance, as can be seen in Figure 7.

The clearance was done erroneously because the approved development area was not demarcated prior to the commencement of the vineyard preparation. Cover crops were then established as part of the vineyard preparation.

[Figure 8](#) provides the latest Google Earth imagery of the development area.



Figure 6: Development area before clearance (January 2024)



Figure 7: Unlawfully cleared area (February 2024)



Figure 8: Google Imagery – February 2025

(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:		
N/A		
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)		
Provide brief description	YES	NO
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):	Clearance ±2ha of vegetation
Indicate the area that has been transformed/cleared to allow for the activity as well as associated infrastructure	Clearance ±2ha of vegetation
Total area:	±2ha

### 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) N/A	(width) N/A
Describe the type of access road constructed:		
N/A. Existing farm access roads are and were available.		

**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.

Please note:

Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.

### 6. Applicable Legislation, Policies and/or Guidelines

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (if already obtained):
NEMA	DEA&DP: Rectification (Section 24G)	Authorisation - rectification	Pending

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Circular EADP 0028/2014: One Environmental Management System	DEA&DP
Guideline for Environmental Management Plans (March 2013)	DEA&DP
Guideline on Public Participation (March 2013)	DEA&DP
Guideline on Alternatives (March 2013)	DEA&DP
Guideline on Need and Desirability (March 2013)	DEA&DP
Departmental guideline series for involving specialist assessments	DEA&DP
Clarity regarding POPIA applicability to the EIA Regulations	DAFF

## 7. Applications in terms of NEMA and Specific Environmental Management Acts ("SEMAAs")

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: Waste Act, 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 Water Act, 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.	N/A	
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 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 Coastal Management Act ("NEM: ICMA")?	YES	NO
If yes, has an application been submitted to the relevant competent authority?	YES	NO
If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA		
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
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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)
Environmental Authorisation - NEMA	DEA&DP: Rectification (Section 24G)	Yes – Pre-Application Consultation Form	Pending

## 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	
SHALE	<input checked="" type="checkbox"/>	DOLOMITE	
SANDSTONE	<input checked="" type="checkbox"/>	DOLERITE	
OTHER (specify)	<input checked="" type="checkbox"/>		

#### As per CapeFarmMapper, Soils & Geology:

Land Type:	Ca28
Soil:	Plinthic catena: undifferentiated, upland duplex and/or marginal soils common.
Geology:	Mainly granite and deposits of the weathering products of granite of the Kuils River-Helderberg Pluton, Cape Granite Suite; occasional Quaternary quartz sand of the Springfontein Formation and alluvium.

### 2. Gradient of the Site

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

Flat	Flatter than 1:10	1:10 – 1:5	Steeper than 1:5
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### 3. Location in Landscape

Indicate the landform(s) that best describes the site (cross out ("☒") the appropriate boxes).

Ridgeline	Plateau	Side-slope of hill/mountain	Closed valley	Open valley	Plain	Undulating plain/low hills	Dune	Sea-front	Other
<b>If other, please describe</b>									
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 ("☒") the appropriate boxes)?

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

#### 4.2 Groundwater, Soil and Geological Stability of the Site (Post-Commencement)

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

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

## 5. Surface Water

### 5.1 Surface Water (Pre-Commencement)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") 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

There are no watercourses within 32m of the development area as can be seen from **Figure 9** below.

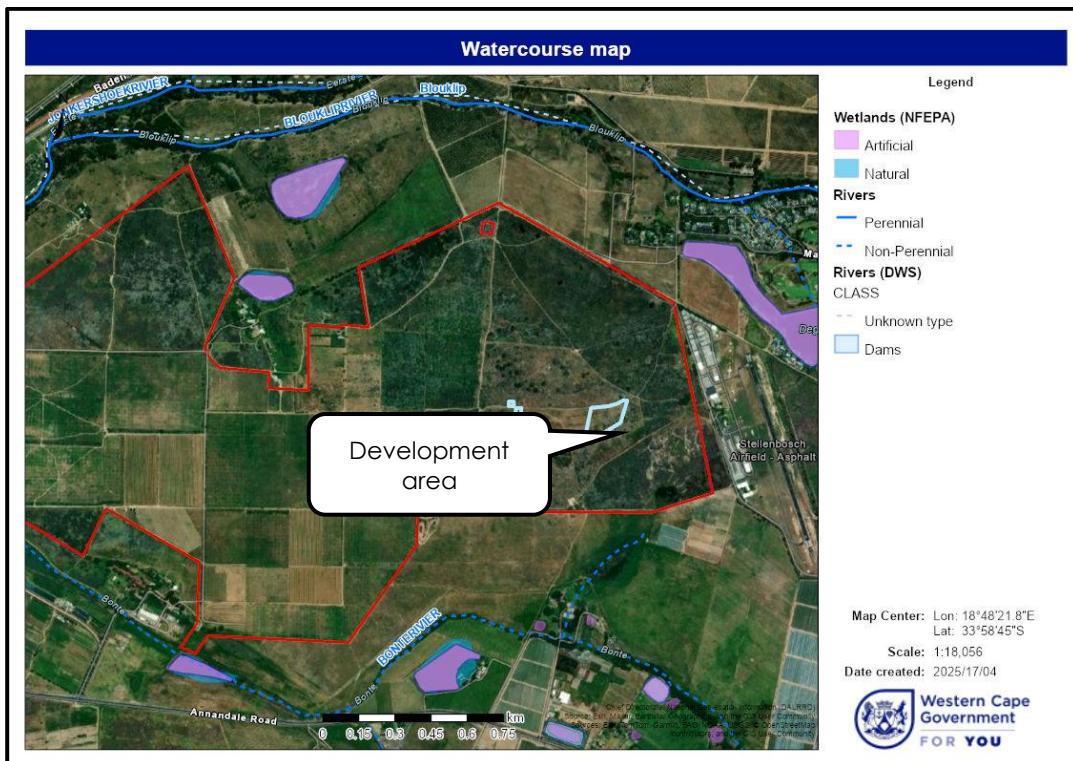


Figure 9: Proximity to water features

### 5.2 Surface Water (Post-Commencement)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") 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

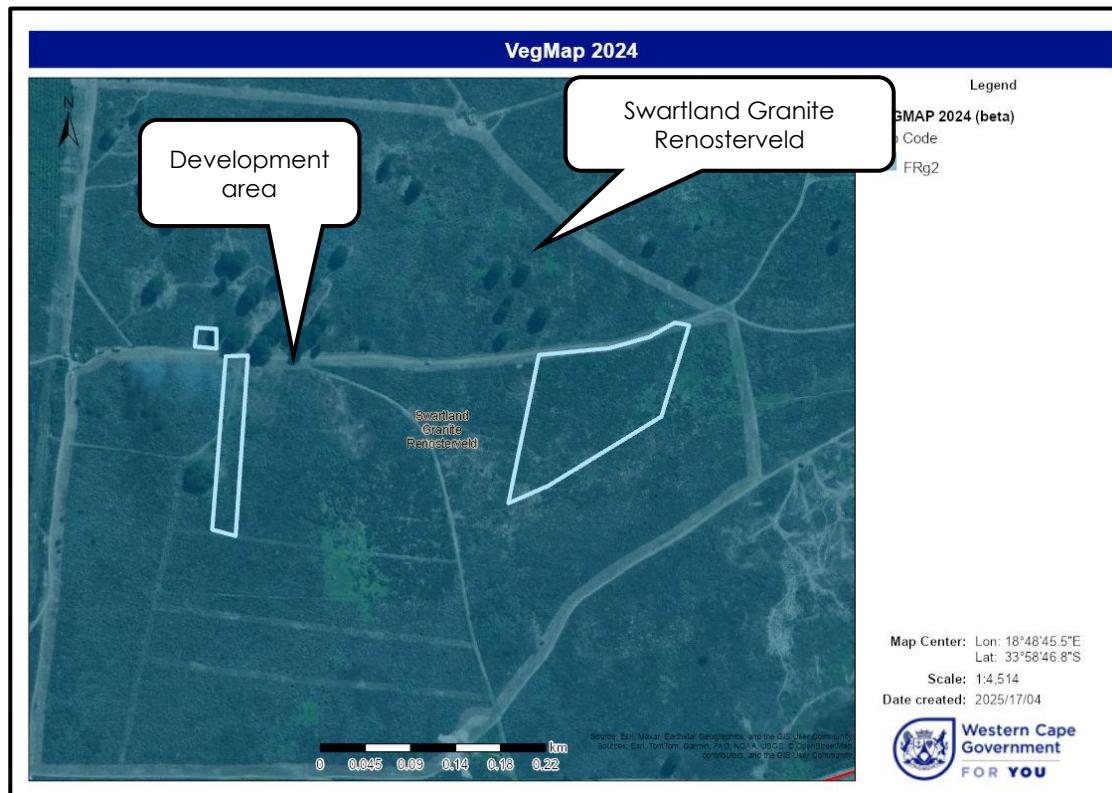
## 6 Vegetation and/or Groundcover

**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.

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

Cross out ("☒") 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	Indigenous Vegetation with heavy alien infestation <input checked="" type="checkbox"/>
		According to CapeFarmMapper, the development area consisted of Swartland Granite Renosterveld (refer to <b>Figure 10</b> ). However, the area now consists of secondary shrubland.



**Figure 10: National Vegetation map for the area, indicating the vegetation type within the affected areas.**

Provide ecosystem status for above:	Provide ecosystem status for above:	Provide Ecosystem status for above:
		As per the Revised National List of Threatened Ecosystems (GN. 47526 of the NEM:BA, 2022): Endangered – Swartland Granite Renosterveld
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, termittaria etc.) describe
Bare soil	Building or other structure	Sport field
Other (describe below)	Wheat field	Paved surface

The proposed development area has been transformed as a result of past agricultural activities.

The following is taken from the Terrestrial Biodiversity Assessment Report (refer to Error! Reference source not found., [page](#) Error! Bookmark not defined.):

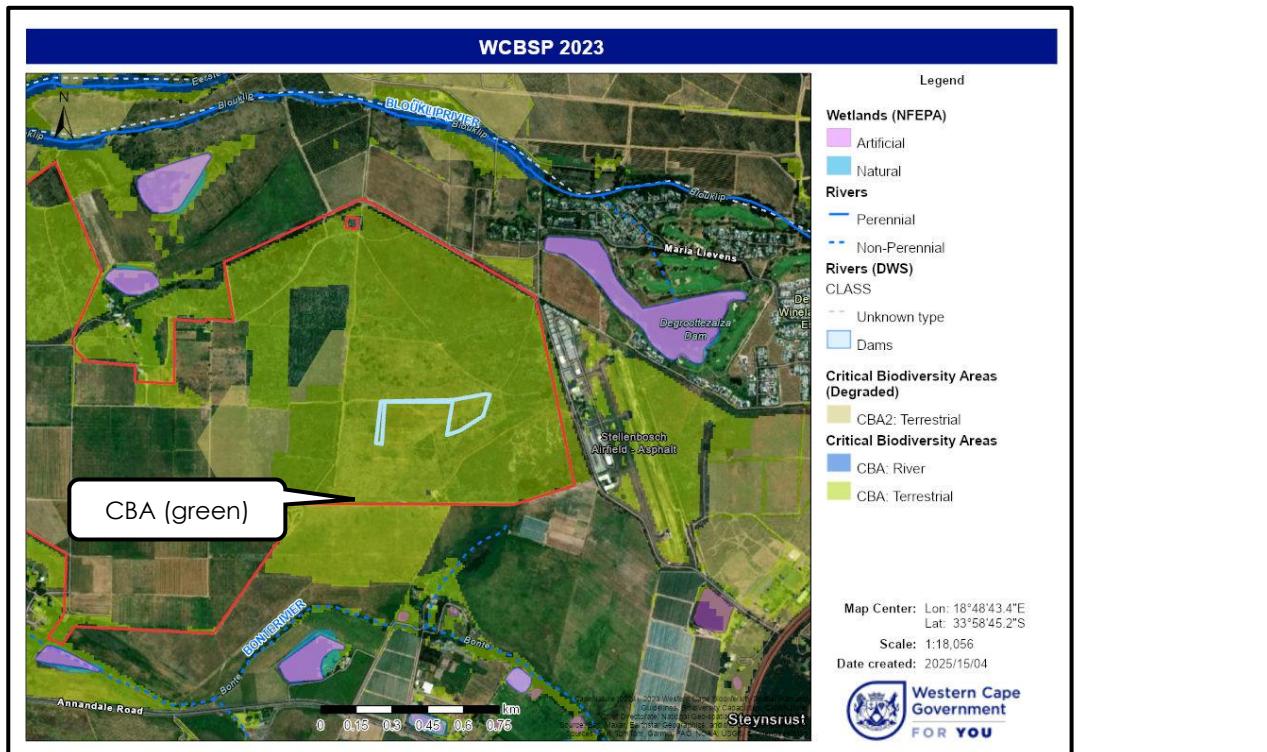
#### “6.1. Vegetation Types Present

According to the National Vegetation Map (2024), which was compiled to provide a greater level of detail for floristically based vegetation units in South Africa, the project area occurs within one vegetation type, namely Swartland Granite Renosterveld (Figure 6.2). However, the RLE: Remnants Spatial Dataset (SANBI, 2021) indicates that only a few small patches of this vegetation remains along the boundary of the Spier Wine Estate, with a small patch occurring within the conservation area located just west of the approved vineyard area (Figure 6.3) which was confirmed during the field survey. The areas that have been unlawfully cleared, and relevant to this assessment, however, did not contain remnants of Swartland Granite Renosterveld.

The project area/area that was unlawfully cleared comprised of secondary vegetation dominated by *Dicerothamnus rhinocerotis*, *Osteospermum moniliferum*, *Athanasia trifurcata*, *Helichrysum patulum*, *Metalasia densa*, *Erioccephalus africanus*, *Seriphium plumosum*, *Psoralea hirta*, *Senecio pterophorus*, *Carobrotus edulis*, *C. acinaciformis*, *Plantago lanceolata*, *Cynodon dactylon*, *Pelargonium grossularioides*, *Oxalis caprina*, *Passerina corymbosa*, *Hermannia alnifolia*, *Senecio pubigerus*, with a few scattered alien invasive species, including *Acacia saligna*. This supports the findings of the original botanical assessment undertaken by McDonald (2020) prior to the unlawful vegetation clearance.”

(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)	Eco-logical Support Area (ESA)	Other Natural Area (ONA)	No-Natural Area Remaining (NNR)	
				As indicated by the CapeFarmMapper map in <b>Figure 11</b> the development area is classified as a CBA: Terrestrial.



**Figure 11: The Western Cape Biodiversity Spatial Plan 2023 map for the area**

The following is taken from the Terrestrial Biodiversity Compliance Statement (refer Error! Reference source not found., [page](#) Error! Bookmark not defined.):

“According to the WCBSP (2023), the project area does not fall within an ESA but occurs within a CBA 1: Threatened Ecosystem (Figure 6.5) [Figure 12 of this report]. The reason for the classification of this CBA is the

presence of an endangered ecosystem; Swartland Granite Renosterveld. However, as described in Section 6.1 above, a large portion of the project area has previously been transformed for agricultural use and only one small, degraded patch (< 10 ha) of Swartland Granite Renosterveld occurs to the west of the approved vineyard (refer to Section 6.1 above). The project area therefore does not contain the features driving the CBA classification and it is unlikely that the unlawful vegetation clearance has impacted on the management objectives or conservation targets of the CBA."

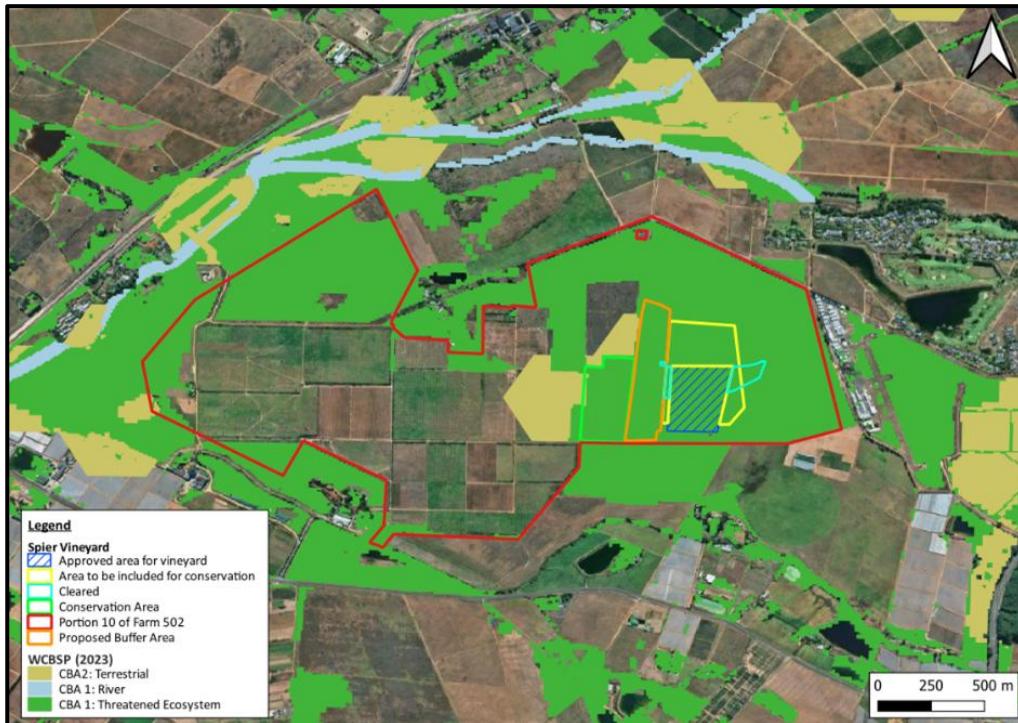


Figure 12: Figure 6.5: The project area in relation to CBAs

(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 practices, presence of quarries, grazing/harvesting regimes etc).
Natural		
Near Natural (includes areas with low to moderate level of alien invasive plants)		
Degraded (includes areas heavily invaded by alien plants)		
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	100%	<p>The proposed development area has been transformed as a result of past agricultural activities.</p> <p>Terrestrial Biodiversity Compliance Statement (refer to Error! Reference source not found., <a href="#">page</a> Error! Bookmark not defined.): "The cleared area did not contain remnant patches of Swartland Granite Renosterveld and consisted of secondary vegetation previously transformed by agricultural activities."</p>

(c) Complete the table to indicate:

- the type of vegetation, including its ecosystem status, that was previously present on the site; and
- 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 - Swartland Granite Renosterveld								
	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 development area is indicated as having Swartland Granite Renosterveld on it.

Describe the vegetation type above:

As per The vegetation of South Africa, Lesotho and Swaziland – L. Mucina and M. Rutherford

#### Swartland Alluvium Fynbos

**Distribution** Western Cape Province: Discrete areas in the Swartland and Boland: largest patch centred on Darling from Ratelberg in the north to Dassenberg near Mamre and Pella; several centred on Malmesbury from Darmstadt in the north to the lower slopes of the Perdeberg (and small patches to the west towards Atlantis); east of Wellington from Micha to Valencia, lower surrounds of Paarl Mountain; Joostenberg, Muldersvlei, Bottelaryberg, Paegaaiberg (Stellenbosch West), to Firgrove and northern Somerset West. Altitude 50–350 m.

**Vegetation & Landscape Features** Moderate foot slopes and undulating plains supporting a mosaic of grasslands/herblands and medium dense, microphyllous shrublands dominated by renosterbos. Groups of small trees and tall shrubs are associated with heuweltjies and rock outcrops. The boundary with FFg 2 Boland Granite Fynbos is diffuse and patchy.

**Conservation** This is a critically endangered vegetation unit of which almost 80% has already been transformed due to prime quality of the land for agriculture (vineyards, olive orchards, pastures) and also by urban sprawl. Hence the conservation target of 26% remains unattainable. Only very small portions (0.5%) enjoy statutory protection in the Paarl Mountain Nature Reserve and Pella Research Site, and also (2%) in the Paardenberg, Tienie Versveld Flower Reserve near Darling and in the Duthie Nature Reserve in Stellenbosch. Alien grasses are particularly pervasive, the most important being *Lolium multiflorum*, *Avena fatua* and *Bromus diandrus* (Musil et al. 2005). Alien woody species include *Acacia saligna*, *Pinus pinaster* as well as various species of *Eucalyptus*. Erosion very low, low and moderate.

The following is taken from the Terrestrial Biodiversity Assessment Report (refer to Error! Reference source not found., **page** Error! Bookmark not defined.):

#### **"Vegetation Types Present**

According to the National Vegetation Map (2024), which was compiled to provide a greater level of detail for floristically based vegetation units in South Africa, the project area occurs within one vegetation type, namely Swartland Granite Renosterveld (Figure 6.2). However, the RLE: Remnants Spatial Dataset (SANBI, 2021) indicates that only a few small patches of this vegetation remains along the boundary of the Spier Wine Estate, with a small patch occurring within the conservation area located just west of the approved vineyard area (Figure 6.3) which was confirmed during the field survey. The areas that have been unlawfully cleared, and relevant to this assessment, however, did not contain remnants of Swartland Granite Renosterveld.

The project area/area that was unlawfully cleared comprised of secondary vegetation dominated by *Dicerothamnus rhinocerotis*, *Osteospermum moniliferum*, *Athanasia trifurcata*, *Helichrysum patulum*, *Metalasia densa*, *Eriocephalus africanus*, *Seriphium plumosum*, *Psoralea hirta*, *Senecio pterophorus*, *Carobrotus edulis*, *C. acinaciformis*, *Plantago lanceolata*, *Cynodon dactylon*, *Pelargonium grossularioides*, *Oxalis caprina*, *Passerina corymbosa*, *Hermannia alnifolia*, *Senecio pubigerus*, with a few scattered alien invasive species, including *Acacia saligna*. This supports the findings of the original botanical assessment undertaken by McDonald (2020) prior to the unlawful vegetation clearance.

#### **The Western Cape Biodiversity Spatial Plan (2023)**

According to the WCBSP (2023), the project area does not fall within an ESA but occurs within a CBA 1: Threatened Ecosystem (Figure 6.5) [Figure 12 of this report]. The reason for the classification of this CBA is the presence of an endangered ecosystem; Swartland Granite Renosterveld. However, as described in Section 6.1 above, a large portion of the project area has previously been transformed for agricultural use and only one small, degraded patch (< 10 ha) of Swartland Granite Renosterveld occurs to the west of the approved vineyard (refer to Section 6.1 above). The project area therefore does not contain the features driving the CBA classification and it is unlikely that the unlawful vegetation clearance has impacted on the management objectives or conservation targets of the CBA."

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

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

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

The following is taken from the Terrestrial Biodiversity Assessment Report (refer to Error! Reference source not found., **page** Error! Bookmark not defined.):

### "Vegetation Types Present

According to the National Vegetation Map (2024), which was compiled to provide a greater level of detail for floristically based vegetation units in South Africa, the project area occurs within one vegetation type, namely Swartland Granite Renosterveld (Figure 6.2). However, the RLE: Remnants Spatial Dataset (SANBI, 2021) indicates that only a few small patches of this vegetation remains along the boundary of the Spier Wine Estate, with a small patch occurring within the conservation area located just west of the approved vineyard area (Figure 6.3) which was confirmed during the field survey. The areas that have been unlawfully cleared, and relevant to this assessment, however, did not contain remnants of Swartland Granite Renosterveld.

The project area/area that was unlawfully cleared comprised of secondary vegetation dominated by *Dicerothamnus rhinocerotis*, *Osteospermum moniliferum*, *Athanasia trifurcata*, *Helichrysum patulum*, *Metalaenia densa*, *Eriocephalus africanus*, *Seriphium plumosum*, *Psoralea hirta*, *Senecio pterophorus*, *Carpobrotus edulis*, *C. acinaciformis*, *Plantago lanceolata*, *Cynodon dactylon*, *Pelargonium grossularioides*, *Oxalis caprina*, *Passerina corymbosa*, *Hermannia alnifolia*, *Senecio pubigerus*, with a few scattered alien invasive species, including *Acacia saligna*. This supports the findings of the original botanical assessment undertaken by McDonald (2020) prior to the unlawful vegetation clearance.

### The Western Cape Biodiversity Spatial Plan (2023)

According to the WCBSP (2023), the project area does not fall within an ESA but occurs within a CBA 1: Threatened Ecosystem (Figure 6.5) [Figure 12 of this report]. The reason for the classification of this CBA is the presence of an endangered ecosystem; Swartland Granite Renosterveld. However, as described in Section 6.1 above, a large portion of the project area has previously been transformed for agricultural use and only one small, degraded patch (< 10 ha) of Swartland Granite Renosterveld occurs to the west of the approved vineyard (refer to Section 6.1 above). The project area therefore does not contain the features driving the

CBA classification and it is unlikely that the unlawful vegetation clearance has impacted on the management objectives or conservation targets of the CBA."

(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 practices, presence of quarries, grazing/harvesting regimes etc).
Natural		
Near Natural (includes areas with low to moderate level of alien invasive plants)		
Degraded (includes areas heavily invaded by alien plants)		
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	100%	<p>The proposed development area has been transformed as a result of past agricultural activities.</p> <p>Terrestrial Biodiversity Compliance Statement (refer to Error! Reference source not found., <a href="#">page</a> Error! Bookmark not defined.): "The cleared area did not contain remnant patches of Swartland Granite Renosterveld and consisted of secondary vegetation previously transformed by agricultural activities."</p>

(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)?

As the area was on farmland, it was not natural and consisted of transformed/secondary plant species due to past agricultural activities.

The following is taken from the Terrestrial Biodiversity Assessment Report (refer to Error! Reference source not found., [page](#) Error! Bookmark not defined.):

#### "Vegetation Types Present

According to the National Vegetation Map (2024), which was compiled to provide a greater level of detail for floristically based vegetation units in South Africa, the project area occurs within one vegetation type, namely Swartland Granite Renosterveld (Figure 6.2). However, the RLE: Remnants Spatial Dataset (SANBI, 2021) indicates that only a few small patches of this vegetation remains along the boundary of the Spier Wine Estate, with a small patch occurring within the conservation area located just west of the approved vineyard area (Figure 6.3) which was confirmed during the field survey. **The areas that have been unlawfully cleared, and relevant to this assessment, however, did not contain remnants of Swartland Granite Renosterveld.**

**The project area/area that was unlawfully cleared comprised of secondary vegetation** dominated by *Dicerothamnus rhinocerotis*, *Osteospermum moniliferum*, *Athanasia trifurcata*, *Helichrysum patulum*, *Metalasia densa*, *Eriocephalus africanus*, *Seriphium plumosum*, *Psoralea hirta*, *Senecio pterophorus*, *Carobrotus edulis*, *C. acinaciformis*, *Plantago lanceolata*, *Cynodon dactylon*, *Pelargonium grossularioides*, *Oxalis caprina*, *Passerina corymbosa*, *Hermannia alnifolia*, *Senecio pubigerus*, with a few scattered alien invasive species, including *Acacia saligna*. **This supports the findings of the original botanical assessment undertaken by McDonald (2020) prior to the unlawful vegetation clearance.**

#### The Western Cape Biodiversity Spatial Plan (2023)

According to the WCBSP (2023), the project area does not fall within an ESA but occurs within a CBA 1: Threatened Ecosystem (Figure 6.5) [Figure 12 of this report]. The reason for the classification of this CBA is the presence of an endangered ecosystem; Swartland Granite Renosterveld. However, as described in Section 6.1 above, a large portion of the project area has previously been transformed for agricultural use and only one small, degraded patch (< 10 ha) of Swartland Granite Renosterveld occurs to the west of the approved vineyard (refer to Section 6.1 above). **The project area therefore does not contain the features driving the CBA**

**classification and it is unlikely that the unlawful vegetation clearance has impacted on the management objectives or conservation targets of the CBA.**

#### Protected Areas, Conservation Areas, and National Area Expansion Strategy Areas

According to SAPAD (Q3, 2024), **the project area does not occur within a protected area**. The nearest protected area is the Papegaaiberg Nature Reserve located approximately 4.9 km northeast of the project area (Figure 6.6). Although the project area is not located within a protected area, it is located within a National Protected Areas Expansion Strategy Area Focus area (NPAES, 2018) and within a Conservation Area – the Cape Winelands Biosphere Reserve (SACAD, Q3, 2023) (Figure 6.6).

The Cape Winelands Biosphere Reserve focuses on the protection of the Cape Floral World Heritage Site and associated ecosystems through managing and coordinating conservation activities within the area. It also aims to combat poverty and inequality through promoting sustainable development, as well as maintaining long-term availability of high-quality water to adjoining regions and to the City of Cape Town. The Biosphere Reserve therefore prioritizes conservation, long-term sustainability, human well-being and equitable access to basic resources. It is 3220,3 km<sup>2</sup> in extent. **The area that was unlawfully cleared constitutes only 0.005 km<sup>2</sup> (0.0002% of the total extent of the Cape Winelands Biosphere Reserve).**

**Additionally, historical imagery indicates that most of the project area has been historically ploughed and according to SANBI, cannot be regarded as natural habitat even if some regeneration occurs.** This is because the species composition does not, and is unlikely to ever, reflect that of the original natural ecosystem after such disturbance. The surrounding land use is largely dominated by intensive agriculture and other anthropogenic developments including infrastructure such as an aerodrome and residential developments. This has resulted in significant habitat fragmentation and reduced ecological connectivity. **Therefore, given the condition of the site before unlawful clearing and the small extent of the area affected, it is unlikely that the proposed project or unlawful clearing will cause further impacts beyond those already incurred on both the Conservation Area and NPAES area."**

### 6.3 Vegetation / Groundcover Management

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

**The clearance activities were conducted during the drier months.**

### 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
Opencast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	<b>Agriculture</b>	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
<b>Other land uses (describe):</b>	Part of the unlawfully cleared areas form part of the approved conservation and buffer area (as part of the vineyard EA).			

(a) Please provide a description.

Before clearance of the area, the development area consisted of land zoned for agriculture and was previously used for agricultural purposes. The development area, therefore, consisted of secondary vegetation prior to the unlawful clearance.

## 8 Land Use Character of Surrounding Area (Pre-Commencement)

Cross out ("☒") 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	Tourism & Hospitality facility
Opencast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport/ airfield
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, kopje or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				
Please see the images below (Figure 13) as proof of the land use for the surrounding areas.				

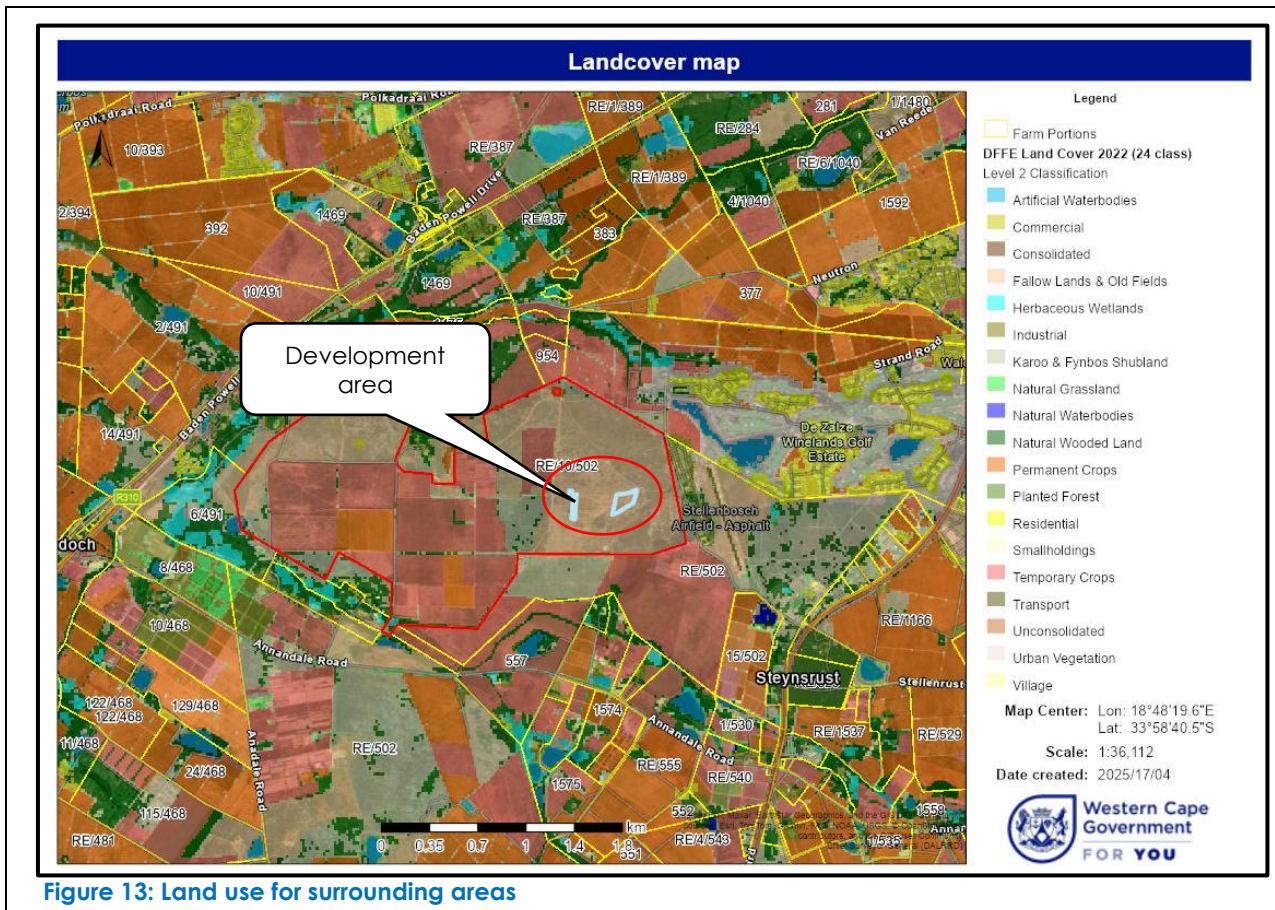


Figure 13: Land use for surrounding areas

## 9 Land Use Character of Surrounding Area (Post-Commencement)

Cross out ("☒") 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	Tourism & Hospitality facility
Opencast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport/ Airfield
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	<b>Agriculture</b>	River, stream or wetland	Nature conservation area
Mountain, kopje or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

## 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 following information is taken from the Western Cape Government: #KnowYourMunicipality: The 2023 Socio Economic Profile - Stellenbosch Municipality

#### Labour Market Performance

In 2022, monetary intermediation emerged as the primary driver of formal employment in the Stellenbosch municipal area, employing 14 117 individuals. Beverage manufacturing, predominantly in the wine industry, followed closely, providing jobs for 7 142 people. The significant disparity in median monthly incomes between these sectors, with figures of R27 446 and R8 940 respectively, vividly illustrates the pervasive socioeconomic inequality within the municipality. This inequality not only poses challenges for the well-being of residents but also carries implications for municipal revenue generation. Disparities in income levels can impact local tax revenues, potentially affecting the municipality's capacity to fund essential services and infrastructure projects. Addressing this inequality is crucial not only for social equity but also for sustaining a stable and prosperous municipal economy.

#### Population

In 2022, the Stellenbosch municipal area, a prominent region within the Cape Winelands, accommodated 21 per cent of the area's population, totalling 175 411 individuals. Projections indicate a steady rise, estimating a population of 192 951 residents by 2027, marking an average annual growth rate of 2.0 per cent during this period. This growth rate surpasses the Cape Winelands District's average annual population growth rate of 1.7 per cent by 0.3 percentage points. The socio-economic implications of this demographic shift are multifaceted, impacting various sectors including housing, employment, and education within the region.

Furthermore, the consistent average household size of 2.9 individuals from 2022 to 2026 is indicative of several underlying socio-economic factors. Lower fertility rates, an aging population, increased divorce rates, and cultural norms related to intergenerational co-residence contribute to this stability. Additionally, socio-economic elements such as patterns in employment opportunities, educational access, and housing market dynamics shape this trend. This constancy in household size reflects the intricate interplay of social and economic forces, illuminating the evolving landscape of the Stellenbosch municipal area and its broader implications for the socio-economic fabric of the Cape Winelands District.

#### Education

The socio-economic impact of education within municipalities is profound and multifaceted, touching various aspects of community development and individual well-being. Quality education equips individuals with essential skills, knowledge, and critical thinking abilities, empowering them to participate meaningfully in the local economy. As the educational attainment level rises within a municipality, there is a corresponding increase in employment opportunities and higher earning potential for residents. Additionally, an educated workforce attracts investments and industries, fostering economic growth and stability. Education also plays a pivotal role in reducing poverty and promoting social equity by breaking the cycle of intergenerational poverty.

#### Learner enrolment

In 2020, the municipal area witnessed an enrolment of 28 033 learners, a number that experienced a notable surge, reaching 29 092 in 2022. This uptick reflects an increase of 1 059 learners compared to the figures observed in 2020. Such growth in educational enrolment indicates a positive socioeconomic trend within the region, showcasing an enhanced emphasis on education and potentially indicating improved access to educational facilities. This rise in enrolment suggests a burgeoning demand for education, which in turn could lead to increased investments in the education sector, positively impacting the local economy by fostering a skilled workforce for future economic endeavours.

#### Education infrastructure and facilities

In 2022, the Stellenbosch municipal area boasted a total of 42 schools. Over the Medium-Term Expenditure Framework (MTEF), a substantial budget has been allocated for vital upgrades, additions, and the construction of new facilities in specific schools. This allocation is slated for use in enhancing the infrastructure of key educational institutions, including Aviation, Elsenburg Agri School, New Klapmuts Primary and High Schools, and New Stellenbosch Primary School. Such investments signify a proactive approach to bolstering the educational landscape, fostering an environment conducive to quality learning.

#### Healthcare facilities

In 2022, the Stellenbosch municipal area boasted a network of 8 fixed primary healthcare facilities, encompassing 6 fixed clinics, 1 community day centre, and 6 mobile/satellite clinics. Complementing these primary healthcare facilities, the region also hosted one district hospital, 9 antiretroviral treatment (ART) sites, and 13 tuberculosis (TB) clinics. Impressively, Stellenbosch accounted for 14 out of the total 78 primary

healthcare facilities in the Cape Winelands district, signifying its significant healthcare infrastructure within the region.

#### GDPR Per Capita

In terms of Gross Domestic Product per capita (GDPR), an increase is only witnessed when economic growth surpasses population growth. The Cape Winelands District had a real GDP per capita of R93 873 in 2022, falling below the Western Cape's R113 327. Notably, Stellenbosch outperformed the District, with a per capita income of R110 723 marking the highest figure in the Cape Winelands District for 2022. Despite a moderate regression in the period 2016-2022, this highlights the municipality's robust economic potential, particularly noteworthy considering the recent economic challenges posed by the recession and the global COVID-19 pandemic, which impacted economic activities regionally and globally.

#### Income Inequality

Income inequality in South Africa, as measured by the Gini index, showcases significant disparities in income distribution, access to opportunities, and regional imbalances. The National Development Plan (NDP) aims to reduce the Gini coefficient from 0.7 in 2010 to 0.6 by 2030. In the Cape Winelands District, income inequality worsened to 0.69 in 2022, a trend expected to exacerbate due to the potential aftermath of the COVID-19 pandemic. Stellenbosch improved its income inequality, with inequality levels declining from 0.63 in 2021 to 0.61 in 2022, aligning below the District's trajectory.

#### Poverty Line

The Upper Bound Poverty Line (UBPL) head count ratio is the proportion of the population living below the UBPL i.e., that cannot afford to purchase adequate levels of food and non-food items. Additionally, poverty, indicated by the Upper Bound Poverty Line (UBPL), affects communities profoundly, leading to lower life expectancy, malnutrition, higher crime exposure, limited educational attainment, and subpar living conditions. In 2022, 66.7 per cent of Stellenbosch's population fell below the UBPL, a slight improvement from 2016 and 2019. Stellenbosch and Drakenstein had the highest poverty rates in the Cape Winelands District, with Stellenbosch's 66.7 per cent slightly below the District's 64.8 per cent in 2022. Addressing these socio-economic challenges is essential for ensuring sustainable growth and development within the municipality..

#### Housing and Household Services

Within the Stellenbosch municipal area, which comprises 59 629 households, 87.3 per cent had access to formal housing, lower than the Cape Winelands District average of 88.8 per cent. The area also exhibited a significantly higher proportion of informal dwellings, totalling 11.8 per cent, in contrast to the District's 10.3 per cent.

Regarding service access levels, the Stellenbosch municipal area outperformed formal housing access. Specifically, piped water access (86.4 per cent), flush or chemical toilet access (96.8 per cent), electricity access (including generators) for lighting (96.9 per cent), and regular refuse removal by local authorities (87.3 per cent) were considerably higher than District figures for sanitation and refuse removal services.

## **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.

The development that was conducted as part of an approved vineyard establishment secured existing jobs.

## **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 rezoning 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?		YES	NO
		UNCERTAIN	
If YES, explain:	<p>HWC requested that an HIA and AIA be conducted upon receipt of the NID, as part of the approved vineyard environmental process.</p> <p>The following is taken from the HWC ROD, dated 17 December 2020 (refer to <a href="#">Appendix F</a>):</p> <p><i>"This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 9 December 2020.</i></p> <p><i>It was noted that the matter was tabled at Archaeology, Palaeontology and Meteorites Committee (APM) meeting held on the 2 December 2020 whereby the APM Committee endorsed the AIA by CTS dated September 2020 and the recommendation on page 3.</i></p> <p><b>FINAL COMMENTS:</b></p> <p><i>The Committee resolved to endorse the HIA and supports the recommendations as having met the requirements of S38(3) of the NHRA."</i></p>	YES	NO
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		YES	NO
		UNCERTAIN	
If YES, explain:	N/A		
Was any building or structure older than 60 years affected in any way?		YES	NO
		UNCERTAIN	
If YES, explain:	N/A		

**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	

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

### 13 Regional Planning Context

Is the activity permitted in terms of the property's existing land use rights?	YES	NO	Please explain
<i>The clearance was conducted as part of the preparation of the approved vineyard. The clearance erroneously went outside of the approved vineyard area.</i>			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
<i>The development does not impact the PSDF.</i>			
Urban edge / Edge of Built environment for the area	YES	NO	Please explain
<i>The development is not within the Urban Edge, it is situated on rural land.</i>			
Integrated Development Plan of the Local Municipality	YES	NO	Please explain
<i>The development does not impact the IDP.</i>			
Spatial Development Framework of the Local Municipality	YES	NO	Please explain
<i>The development does not impact the SDF.</i>			
Approved Structure Plan of the Municipality	YES	NO	Please explain
<i>The development does not impact the approved structure plan of the municipality.</i>			
An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
<i>N/A</i>			
Any other Plans	YES	NO	Please explain
<i>N/A</i>			

## Section D: Need and Desirability

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

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
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The clearance was conducted as part of the preparation of the approved vineyard. The clearance erroneously went outside of the approved vineyard area.

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
The development does not negatively impact the PSDF. The clearance was conducted as part of the preparation of the approved vineyard. The clearance erroneously went outside of the approved vineyard area.			
(b) Urban edge / Edge of Built environment for the area	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
The development is not within the Urban Edge it is situated on rural land.			
(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?).	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
The development did not compromise the integrity of the Municipal SDF or IDP. It is situated on privately owned land.			
(d) Approved Structure Plan of the Municipality	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
N/A			

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
The approval would not compromise an EMF.			
(f) Any other Plans (e.g. Guide Plan)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
N/A			

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)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
The clearance was conducted as part of the preparation of the approved vineyard. The clearance erroneously went outside of the approved vineyard area. The development did not compromise the integrity of the Municipal SDF or IDP.			

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?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Please explain
The development should not have occurred outside of the approved vineyard area it is part of the approved conservation area.			

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.)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
The developments are not a societal priority.			

6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Please explain
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to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an <b>appendix</b> , where applicable.)			
<b>No municipal services are required.</b>			

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 <b>appendix</b> , where applicable.)	<b>YES</b>	<b>NO</b>	Please explain
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The activity formed part of the activities on the farm, although erroneously cleared. The development does not involve infrastructure planning of the municipality.

8. Was this project part of a national programme to address an issue of national concern or importance?	<b>YES</b>	<b>NO</b>	Please explain
<b>N/A, the project is not part of a national programme.</b>			

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.)	<b>YES</b>	<b>NO</b>	Please explain
<b>The clearance was conducted as part of the preparation of the approved vineyard. The clearance erroneously went outside of the approved vineyard area.</b>			

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)?	<b>YES</b>	<b>NO</b>	Please explain
<b>The clearance was conducted as part of the preparation of the approved vineyard. The clearance erroneously went outside of the approved vineyard area. The areas unlawfully cleared should form part of the approved conservation area.</b>			

The following is taken from the Terrestrial Biodiversity Assessment Report (refer to Error! Reference source not found., **page** Error! Bookmark not defined.):

#### **"Vegetation Types Present**

According to the National Vegetation Map (2024), which was compiled to provide a greater level of detail for floristically based vegetation units in South Africa, the project area occurs within one vegetation type, namely Swartland Granite Renosterveld (Figure 6.2). However, the RLE: Remnants Spatial Dataset (SANBI, 2021) indicates that only a few small patches of this vegetation remains along the boundary of the Spier Wine Estate, with a small patch occurring within the conservation area located just west of the approved vineyard area (Figure 6.3) which was confirmed during the field survey. **The areas that have been unlawfully cleared, and relevant to this assessment, however, did not contain remnants of Swartland Granite Renosterveld.**

**The project area/area that was unlawfully cleared comprised of secondary vegetation** dominated by *Dicerothamnus rhinocerotis*, *Osteospermum moniliferum*, *Athanasia trifurcata*, *Helichrysum patulum*, *Metalasia densa*, *Eriocephalus africanus*, *Seriphium plumosum*, *Psoralea hirta*, *Senecio pterophorus*, *Carpobrotus edulis*, *C. acinaciformis*, *Plantago lanceolata*, *Cynodon dactylon*, *Pelargonium grossularioides*, *Oxalis caprina*, *Passerina corymbosa*, *Hermannia alnifolia*, *Senecio pubigerus*, with a few scattered alien invasive species, including *Acacia saligna*. **This supports the findings of the original botanical assessment undertaken by McDonald (2020) prior to the unlawful vegetation clearance.**

#### **The Western Cape Biodiversity Spatial Plan (2023)**

According to the WCBSP (2023), the project area does not fall within an ESA but occurs within a CBA 1: Threatened Ecosystem (Figure 6.5) [Figure 12 of this report]. The reason for the classification of this CBA is the presence of an endangered ecosystem; Swartland Granite Renosterveld. However, as described in Section 6.1 above, a large portion of the project area has previously been transformed for agricultural use and only one small, degraded patch (< 10 ha) of Swartland Granite Renosterveld occurs to the west of the approved vineyard (refer to Section 6.1 above). **The project area therefore does not contain the features driving the CBA classification and it is unlikely that the unlawful vegetation clearance has impacted on the management objectives or conservation targets of the CBA.**

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.)?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Please explain
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The development did not impact people's health or well-being.

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Please explain
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The activity does not result in unacceptable opportunity costs.

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Please explain
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Negative:

- Impact on vegetation.

14. Is/was the development the best practicable environmental option for this land/site?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Please explain
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The clearance was conducted as part of the preparation of the approved vineyard. The clearance erroneously went outside of the approved vineyard area. The areas unlawfully cleared should form part of the approved conservation area.

15. What are/were the benefits to society in general and to the local communities?	Please explain
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The surrounding rural communities rely on job opportunities created in the agriculture sector within the region.

16. Any other need and desirability considerations related to the activity?	Please explain
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N/A

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:	
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Section 23 of NEMA	Implementation for this proposed development
(a) promote the integration of the principles of environmental management set out in section 2 into the making of all decisions which may have a significant effect on the environment;	The environment was considered in developing the preferred option.
(b) 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, maximizing benefits, and promoting compliance with the principles of environmental management set out in section 2;	The development area was erroneously conducted because the approved vineyard area was not demarcated.
(c) ensure that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them;	A Terrestrial Biodiversity Assessment was conducted to ensure adequate management measures are executed for the development.
(d) ensure adequate and appropriate opportunity for public participation in decisions that may affect the environment;	The public will be kept informed through the distribution of information as required by the regulations.
(e) ensure the consideration of environmental attributes in management and decision making which may have a significant effect on the environment; and	Attributes such as natural vegetation was identified which aided the identification of the proposed development.
(f) identify and employ the modes of environmental management best suited to ensuring that a particular activity is pursued in accordance with the principles of environmental management set out in section 2.	Environmental management principles were used to identify the type of project, which in this case will contribute to the economy of the region while at the same time have minimal negative impacts on the natural environment on the farm.

18. Please describe how the <b>principles of environmental management</b> as set out in section 2 of NEMA were taken into account:	
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In achieving sustainable development, the focus, therefore, may not be restricted to environmental or nature conservation factors only. It should include economic and social realities and also consider social factors such

as those that determine income, quality of life, social networks, and other means aimed at maintaining and improving the well-being of people. Economic factors deal with the affordability of processes, their potential to generate an income over an extended period (into future generations) and to maintain its ability to support both the environmental and social needs of an area.

In short, if people are impoverished, there will be no environment to protect; if a project is not attractive economically, it will not be launched.

One way of testing whether a project meets the demands of sustainability in development is to establish whether or not a project increases environmental, social, and economic values. Sustainable development mainly has as its aim the maintenance of environmental capital. This is achieved if the project that will be established in the developmental process is likely to provide at least the same value as is likely to be destroyed by its development.

Looking at the three tiers of NEMA principles, this development should be socially, environmentally, and economically viable.

They are summarised for this project as follows:

**Socially:**

The unlawful clearance was conducted as part of the preparation of the approved vineyard, where existing employees were used. In addition, the visual aspect and sense of place are in line with the existing surroundings.

**Economically:**

The unlawful clearance was conducted as part of the preparation of the approved vineyard had no additional impact on socio-economic aspects, since existing employees were used.

**Environmentally:**

The development had direct impacts on secondary vegetation due to the clearing of the affected area.

**The botanical specialist stated the following:**

"The DFFE Screening Tool Report classified the Terrestrial Biodiversity Theme sensitivity of the project area as **VERY HIGH**. This is due to its overlap with several conservation planning features, including a Critical Biodiversity Area (CBA 1), an Endangered Ecosystem (Swartland Granite Renosterveld), a Strategic Water Source Area (Boland SWSA), and a National Protected Areas Expansion Strategy (NPAES) focus area. Despite this classification, **the cleared area did not contain remnant patches of Swartland Granite Renosterveld and consisted of secondary vegetation previously transformed by agricultural activities**. Consequently, **the site lacks the key ecological features that contribute to the high sensitivity classification, and the impact of the unlawful clearing on biodiversity objectives is considered low to negligible.**"

## 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:

No property or location alternatives were investigated, since the unlawful clearance was conducted within the specific area on the property.

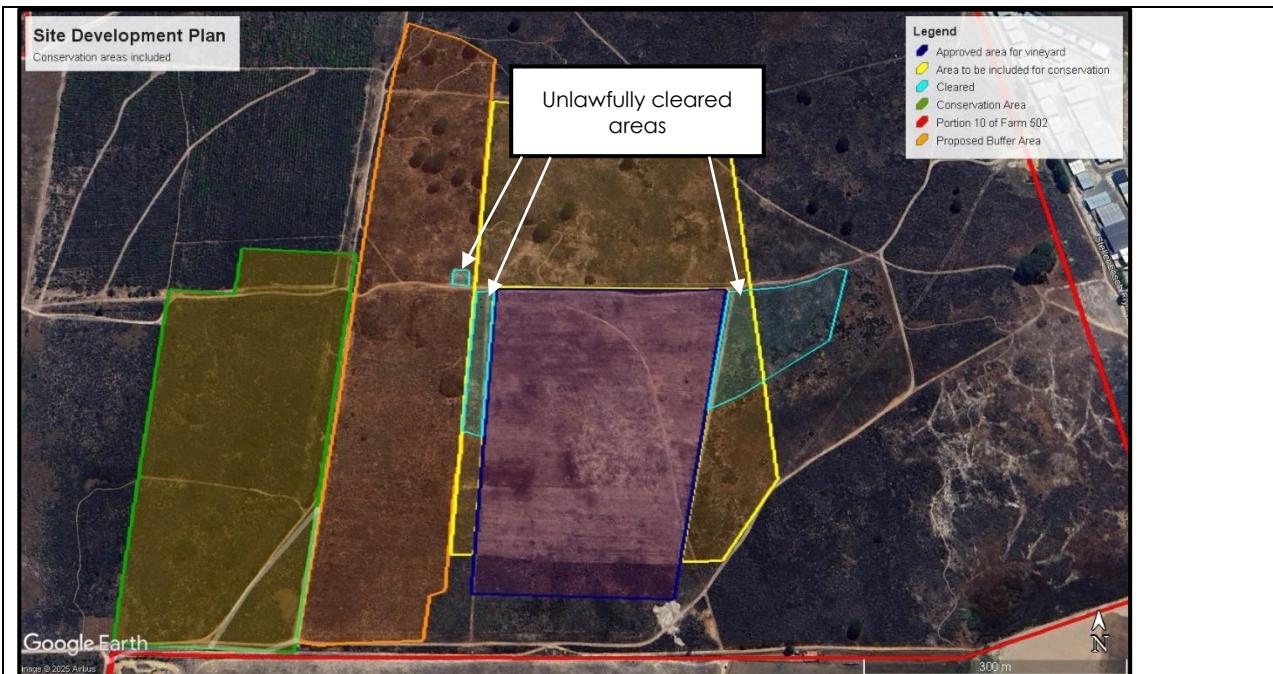
(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No activity alternatives were considered since the unlawful clearance was done as part of the preparation of the approved vineyard

(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:

Alternative 1:

This alternative included the unlawful clearance of vegetation outside of the approved vineyard layout. The unlawfully cleared area was conducted since the approved vineyard area, buffer and conservation areas were not demarcated before commencement. Refer to **Figure 14**.



**Figure 14: Alternative 1 - cleared areas**

This alternative is not preferred for the following reasons:

- The areas were cleared erroneously because the approved areas were not demarcated.
- The area must be rehabilitated since portions of the unlawfully cleared areas form part of the approved buffer and conservation areas.
- The following is taken from the botanical report: "*The unlawfully cleared area within Spier Wine Estate indicates that the impacts to terrestrial biodiversity, plant and animal species are minimal to low. The project area is ecologically degraded and primarily consists of secondary vegetation.*"

(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:

See point (a) above.

(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:

No operational alternatives were considered.

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

**Alternative 3 – No Go (preferred)**

This alternative would require rectifying the error and rehabilitating the unlawfully cleared area.

This alternative would require rehabilitating the affected area. This alternative is preferred for the following reasons:

- The affected area was erroneously cleared because the approved vineyard area was not demarcated before commencement of clearance activities.
- The affected area is supposed to form part of the approved conservation area.
- A Stewardship Agreement is currently being conducted for the approved conservation area, which includes sections of the unlawfully cleared.

Therefore, this alternative is deemed preferred.

(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:

N/A

(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.

No alternatives other than the No-Go alternative were investigated, because the affected area is to be rehabilitated.

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

Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.

Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).

### 1. Please Describe the Manner in which the Development Has Impacted on the Following Aspects:

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

The development area consisted of secondary vegetation.

Currently, some vegetation within the areas has been re-established. The area is to be rehabilitated as per the Rehabilitation Plan (refer to Error! Reference source not found., [page](#) Error! Bookmark not defined.) conducted as part of the Vineyard EIA process. Refer to **Figure 15**. No erosion was observed during the site inspection.



**Figure 15: Re-establishment of vegetation**

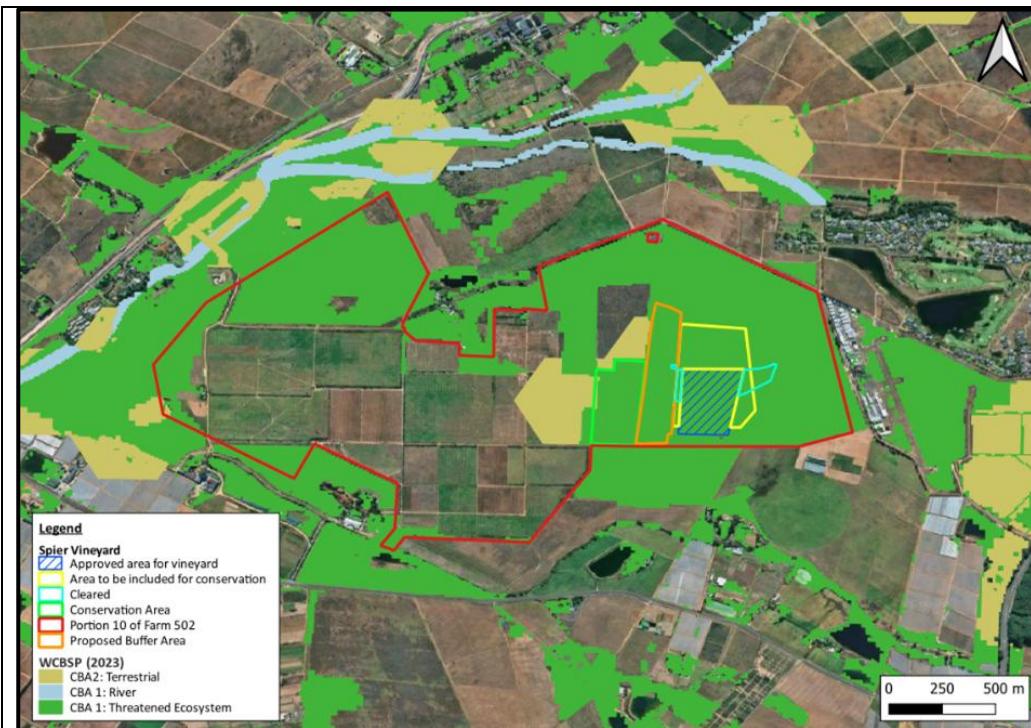
#### (b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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If yes, please describe:

The following is taken from the Terrestrial Biodiversity Compliance Statement (refer Error! Reference source not found., [page](#) Error! Bookmark not defined.):

"According to the WCBSP (2023), the project area does not fall within an ESA but occurs within a CBA 1: Threatened Ecosystem (Figure 6.5) [Figure 12 of this report]. The reason for the classification of this CBA is the presence of an endangered ecosystem; Swartland Granite Renosterveld. However, as described in Section 6.1 above, a large portion of the project area has previously been transformed for agricultural use and only one small, degraded patch (< 10 ha) of Swartland Granite Renosterveld occurs to the west of the approved vineyard (refer to Section 6.1 above). The project area therefore does not contain the features driving the CBA classification and it is unlikely that the unlawful vegetation clearance has impacted on the management objectives or conservation targets of the CBA."



**Figure 16: Figure 6.5: The project area in relation to CBAs**

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

If yes, please describe:

No watercourses are located within close proximity to a watercourse or within 32m of the development area. The development area has been transformed.

The following is taken from the Terrestrial Biodiversity Assessment Report (refer to Error! Reference source not found., [page](#) Error! Bookmark not defined.):

#### “6.1. Vegetation Types Present

According to the National Vegetation Map (2024), which was compiled to provide a greater level of detail for floristically based vegetation units in South Africa, the project area occurs within one vegetation type, namely Swartland Granite Renosterveld (Figure 6.2). However, the RLE: Remnants Spatial Dataset (SANBI, 2021) indicates that only a few small patches of this vegetation remains along the boundary of the Spier Wine Estate, with a small patch occurring within the conservation area located just west of the approved vineyard area (Figure 6.3) which was confirmed during the field survey. The areas that have been unlawfully cleared, and relevant to this assessment, however, did not contain remnants of Swartland Granite Renosterveld.

The project area/area that was unlawfully cleared comprised of secondary vegetation dominated by *Dicerothamnus rhinocerotis*, *Osteospermum moniliferum*, *Athanasia trifurcata*, *Helichrysum patulum*, *Metalasia densa*, *Eriocephalus africanus*, *Seriphium plumosum*, *Psoralea hirta*, *Senecio pterophorus*, *Carpobrotus edulis*, *C. acinaciformis*, *Plantago lanceolata*, *Cynodon dactylon*, *Pelargonium grossularioides*, *Oxalis caprina*, *Passerina corymbosa*, *Hermannia alnifolia*, *Senecio pubigerus*, with a few scattered alien invasive species, including *Acacia saligna*. This supports the findings of the original botanical assessment undertaken by McDonald (2020) prior to the unlawful vegetation clearance.”

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

If yes, please describe:

The following is taken from the Terrestrial Biodiversity Assessment Report (refer to Error! Reference source not found., [page](#) Error! Bookmark not defined.):

#### “Vegetation Types Present

According to the National Vegetation Map (2024), which was compiled to provide a greater level of detail for floristically based vegetation units in South Africa, the project area occurs within one vegetation type, namely Swartland Granite Renosterveld (Figure 6.2). However, the RLE: Remnants Spatial Dataset (SANBI, 2021) indicates that only a few small patches of this vegetation remains along the boundary of the Spier Wine Estate, with a small patch occurring within the conservation area located just west of the approved vineyard area (Figure 6.3) which was confirmed during the field survey. The areas that have been unlawfully cleared, and relevant to this assessment, however, did not contain remnants of Swartland Granite Renosterveld.

The project area/area that was unlawfully cleared comprised of secondary vegetation dominated by *Dicerothamnus rhinocerotis*, *Osteospermum moniliferum*, *Athanasia trifurcata*, *Helichrysum patulum*, *Metalaenia densa*, *Eriocephalus africanus*, *Seriphium plumosum*, *Psoralea hirta*, *Senecio pterophorus*, *Carpobrotus edulis*, *C. acinaciformis*, *Plantago lanceolata*, *Cynodon dactylon*, *Pelargonium grossularioides*, *Oxalis caprina*, *Passerina corymbosa*, *Hermannia alnifolia*, *Senecio pubigerus*, with a few scattered alien invasive species, including *Acacia saligna*. This supports the findings of the original botanical assessment undertaken by McDonald (2020) prior to the unlawful vegetation clearance.

#### Plant Species Theme

The broader PAOI was classified as HIGH sensitivity due to the known occurrence of eight sensitive plant SCC and MEDIUM due to the possible presence of 102 plant SCC. During the field survey 29 plant species were recorded, of which 25 were indigenous (all classified as Least Concern) and 4 were alien species. No plant SCC were recorded, and the diversity of plant species was relatively low. The vegetation was dominated by common secondary species typical of previously disturbed Fynbos habitats. This supports the findings of the original botanical assessment undertaken by McDonald, (2020) prior to the unlawful vegetation clearance. Therefore, the plant species theme impact of the unlawful clearance is considered low. Furthermore, it is the opinion of the specialist that the Plant Species Theme Sensitivity is reclassified as VERY LOW.

#### Animal Species Theme

The Animal Species Theme was classified as MEDIUM sensitivity due to the potential occurrence of five invertebrate SCC. However, none were recorded during the field survey. The assessment identified seven mammal, one amphibian, one reptile, and nine bird SCCs with possible presence, but limited habitat resulted in low to medium likelihoods for most. Four species (NT Fynbos Golden Mole, NT Cape Rain Frog, NT Cape Dwarf Chameleon, and VU Blue Crane) had a high likelihood of occurrence in the cleared area, while the NT Cape Clawless Otter had a high likelihood of occurring in surrounding riverine habitats outside the cleared footprint. The secondary, fragmented nature of the vegetation reduced the potential ecological value of the habitat, resulting in a LOW impact to fauna. Based on the evaluation of SEI, it is the opinion of the specialist that the Animal Species Theme Sensitivity is reclassified as LOW. "

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

Refer to above.

#### (c) Socio-Economic aspects:

What was the capital value of the activity on completion?	N/A	
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	N/A	
Has/will the activity have contributed to service infrastructure?	YES	NO
How many new employment opportunities were/will be created in the construction phase of the activity?	N/A	
What was the value of the employment opportunities during the construction phase?	N/A	
What percentage of this accrued to previously disadvantaged individuals?	N/A%	
How was this ensured and monitored (please explain):	Existing employees were used. Employees all live within the surrounding area.	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	N/A	
What is the current/expected value of the employment opportunities during the first 10 years?	N/A	
What percentage of this accrued/will accrue to previously disadvantaged individuals?	N/A	
How was/will this be ensured and monitored (please explain):	N/A	
Any other information related to the manner in which the socio-economic aspects was/will be impacted:	No.	

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

No significant impact on archaeological resources were anticipated.

HWC requested that an HIA and AIA be conducted upon receipt of the NID.

The following is taken from the HWC ROD, dated 17 December 2020 (refer to **Appendix F**):

*"This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 9 December 2020.*

*It was noted that the matter was tabled at Archaeology, Palaeontology and Meteorites Committee (APM) meeting held on the 2 December 2020 whereby the APM Committee endorsed the AIA by CTS dated September 2020 and the recommendation on page 3.*

FINAL COMMENTS:

*The Committee resolved to endorse the HIA and supports the recommendations as having met the requirements of S38(3) of the NHRA."*

## 2. Waste and Emissions

### (a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> 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?	<input type="checkbox"/> Cleared vegetation	
<i>The cleared vegetation.</i>		

Does the activity produce waste during its operational phase?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> 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?	<input type="checkbox"/> N/A	
<i>N/A</i>		

Where and how was/will the waste be treated/disposed of (describe)?

*N/A. The development does not generate waste.*

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	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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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?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> 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:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
--	---	-----------------------------

Does the facility have an operating license? (If yes, please attach a copy of the license.)

<input type="checkbox"/> YES	<input type="checkbox"/> NO
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Facility name:

Contact person:

Postal address:

<input type="checkbox"/> Telephone:	<input type="checkbox"/> Postal code:
<input type="checkbox"/> E-mail:	<input type="checkbox"/> Cell:

Describe the measures that were/will be taken to reduce, reuse or recycle waste:

<i>N/A</i>
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### (b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
If yes, does it require approval in terms of relevant legislation?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		

### 3. Water Use

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

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

Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality/water user associations, yield of borehole)

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.

N/A

Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water:

N/A

### 4. Power Supply

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

The activity does not require electricity.

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

Generators.

### 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:

None

## 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.**

**Please note, no decommissioning phase has been included as it is not foreseen for the development.**

<b>Impacts on the geographical and physical aspects:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-Go (Preferred)</b>
Nature of impact:	<b>Moving of the ground during the clearance of vegetation</b>	<b>Moving of the ground during the rehabilitation of cleared areas.</b>
Extent and duration of impact:	Extent: Localised Duration: Permanent	Extent: Localised Duration: Permanent
Probability of occurrence:	Highly likely	Highly likely
Degree to which the impact can be reversed:	Low	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low	Low
Cumulative impact prior to mitigation:	Medium	Medium
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium negative	Low Positive
Degree to which the impact can be mitigated:	Medium to low	Medium to low
Proposed mitigation:	The clearance has already occurred. The following mitigation measures were implemented: <ul style="list-style-type: none"> <li>• Demarcation of site.</li> <li>• Clearance activities must remain within the development footprint.</li> <li>• Clearance activities must take place during the dryer months.</li> </ul>	The clearance has already occurred. The following mitigation measures were implemented: <ul style="list-style-type: none"> <li>• Demarcation of site.</li> <li>• Rehabilitation activities must remain within the development footprint.</li> <li>• Rehabilitation activities must take place during the dryer months.</li> </ul>
Cumulative impact post mitigation:	Low	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Medium Positive

<b>Impacts on Botany:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-Go (Preferred)</b>
Nature of impact:	<b>Loss of 2 ha of Secondary Fynbos Vegetation.</b>	<b>Rehabilitation and conservation of Secondary Fynbos Vegetation.</b>
Extent and duration of impact:	Extent: Local Duration: Long-Term	Extent: Local Duration: Long-Term
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	The impact cannot be mitigated as it has already occurred. However, the impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021). The Rehabilitation Plan can be seen under Appendix H2.	The impact cannot be mitigated as it has already occurred. However, the impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021). The Rehabilitation Plan can be seen under Appendix H2.
Cumulative impact post mitigation:	Low negative	Low positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive

<b>Impacts on Botany:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-Go (Preferred)</b>
Nature of impact:	<b>Spread of Alien Invasive Plant Species:</b> Four alien plant species were identified during the field survey, of which only one — <i>Acacia saligna</i> — is classified as invasive. The number of individuals were low and scattered throughout the broader property. The clearance of vegetation creates open habitats for the establishment and spread of Alien Invasive Plant Species.	<b>Spread of Alien Invasive Plant Species:</b> Under the no go alternative, Alien Invasive Species are likely to have been controlled in line with the Alien Management Plan/ Method statement and/or Restoration Plan compiled for the project area by (Holmes, 2021).
Extent and duration of impact:	Extent: Local Duration: Long-Term	Extent: Local Duration: Long-Term

Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Low negative	Low positive
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	The impact cannot be mitigated as it has already occurred. However, the impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021). The Rehabilitation Plan can be seen under Appendix H2.	The impact cannot be mitigated as it has already occurred. However, the impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021). The Rehabilitation Plan can be seen under Appendix H2.
Cumulative impact post mitigation:	Low negative	Low positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive

<b>Impacts on Botany:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-Go (Preferred)</b>
Nature of impact:	<b>Partial Impact on a CBA 1:</b> The project area falls within a CBA 1: Threatened Ecosystem (Swartland Granite Renosterveld). However, the cleared area did not contain the key features driving the classification of the CBA. Given the site's historical transformation and the degraded state of remaining vegetation, the unlawful clearing is unlikely to have affected the CBA's management objectives or conservation targets.	<b>Partial Impact on a CBA 1:</b> Under the no-go alternative, the 2 ha area that was unlawfully cleared would have remained as Secondary Fynbos Vegetation and, in line with the approved Environmental Authorisation, would eventually have been incorporated into the designated conservation area. This scenario represents the preferred ecological outcome, where no further impacts occur and the site contributes to long-term conservation objectives.
Extent and duration of impact:	Extent: Localised Duration: Long-term	Extent: Localised Duration: Permanent
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low (-)	Low positive
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>
Cumulative impact post mitigation:	Negligible	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive

<b>Impacts on Botany:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-Go (Preferred)</b>
Nature of impact:	<b>Partial impact on an NPAES Focus Area:</b> The site falls within a National Protected Area Expansion Strategy (NPAES) Focus Area; however, the cleared area (2 ha) is small, degraded secondary vegetation located within the operational footprint of Spier Wine Estate. As such, the unauthorised clearance is not considered to have undermined the broader goals or targets of the NPAES.	<b>Partial impact on an NPAES Focus Area:</b> Under the no-go alternative, the area that was unlawfully cleared (2 ha) would have remained as Secondary Fynbos Vegetation, which had re-established on historically cultivated land. Over time, this vegetation could have continued to regenerate and would have been incorporated into the designated conservation area in accordance with the approved Environmental Authorisation.
Extent and duration of impact:	Extent: Localised Duration: Long-Term	Extent: Localised Duration: Permanent
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low (-)	Low (+)
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>
Cumulative impact post mitigation:	Negligible	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive

Impacts on Botany:		
Alternatives	Alternative 1	No-Go (Preferred)
Nature of impact:	<p><b>Partial impact on the Cape Winelands Biosphere Reserve:</b> The project area is located within the Cape Winelands Biosphere Reserve, a UNESCO-designated area promoting sustainable development and biodiversity conservation. However, the extent of the vegetation clearance is minimal, covering only 0.02 km<sup>2</sup> (2 ha), which equates to approximately 0.0006% of the total extent of the biosphere reserve. Furthermore, the cleared area consisted of Secondary Fynbos Vegetation on previously transformed land and did not contain features of high ecological integrity or intact threatened ecosystems. As such, while the activity is not aligned with the goals of the biosphere reserve, the impact is considered negligible at the landscape level and unlikely to compromise the broader objectives of the reserve.</p>	<p><b>Partial impact on the Cape Winelands Biosphere Reserve:</b> Under the no-go scenario, the area that was unlawfully cleared would have remained as Secondary Fynbos Vegetation within the biosphere reserve. Over time, and in accordance with the approved Environmental Authorisation, it would have been incorporated into the broader conservation area on the Spier Wine Estate. This would have enhanced the biosphere reserve's conservation role by supporting passive restoration of previously cultivated land and aligning with its objectives of protecting biodiversity, restoring ecosystem function, and promoting land stewardship. Therefore, the no-go alternative would have presented a low-impact, conservation-supportive outcome within the context of the biosphere reserve.</p>
Extent and duration of impact:	Extent: Localised Duration: Long-Term	Extent: Localised Duration: Permanent
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>
Cumulative impact post mitigation:	Negligible	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive

Impacts on Botany:		
Alternatives	Alternative 1	No-Go (Preferred)
Nature of impact:	<p><b>Partial impact on the Stellenbosch Lowlands KBA:</b> The project area falls within the Stellenbosch Lowlands Key Biodiversity Area (KBA), identified as a site of global significance for the persistence of biodiversity. However, the unlawful clearance affected only 0.02 km<sup>2</sup> (2 ha), which constitutes approximately 0.002% of the total extent of the KBA. The cleared area was previously cultivated and supported Secondary Fynbos Vegetation with no evidence of irreplaceable or threatened species or intact remnants of the endangered ecosystem for which the KBA was designated. Although the activity occurred within a KBA, the scale and ecological significance of the impact are negligible, and it is unlikely to undermine the KBA's overall conservation targets or ecological integrity.</p>	<p><b>Partial impact on the Stellenbosch Lowlands KBA:</b> Under the no-go scenario, the area that was unlawfully cleared would have remained as Secondary Fynbos Vegetation within the Stellenbosch Lowlands KBA. This vegetation would have been incorporated into the conservation area as per the approved Environmental Authorisation, contributing toward restoration objectives within a landscape. Although the area is small, its passive regeneration and formal conservation would have been more aligned with the KBA's management goals, which include the long-term protection and recovery of biodiversity features unique to this site. Thus, the no-go alternative would have yielded a slightly more ecologically favourable outcome, consistent with the objectives of the KBA framework.</p>

Extent and duration of impact:	Extent: Localised Duration: Long-Term	Extent: Localised Duration: Permanent
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>
Cumulative impact post mitigation:	Negligible	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive

<b>Impacts on Botany:</b>		
Alternatives	Alternative 1	No-Go (Preferred)
Nature of impact:	<b>Partial impact on the Boland SWSA:</b> The project area is within the Boland SWSA (6,080 km <sup>2</sup> ), but the cleared area is very small (0.02 km <sup>2</sup> ; 0.0003% of the SWSA) and consists of previously transformed secondary vegetation adjacent to agricultural and developed land. Given the limited size and condition of the site, the clearance is unlikely to affect the SWSA's hydrological functions or overall ecological integrity. As an aquatic feature, the SWSA's terrestrial vegetation impacts should be considered low and assessed by an aquatic specialist.	<b>Partial impact on the Boland SWSA:</b> Under the no-go option, the cleared area would have remained as secondary vegetation and been incorporated into the conservation area per the approved Environmental Authorisation. This would better align with SWSA conservation goals by avoiding further terrestrial disturbance, although the overall difference is minimal given the small area involved.
Extent and duration of impact:	Extent: Localised Duration: Long-Term	Extent: Localised Duration: Permanent
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>
Cumulative impact post mitigation:	Negligible	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive

<b>Impacts on Botany:</b>		
Alternatives	Alternative 1	No-Go (Preferred)
Nature of impact:	<b>Disruption of Ecosystem Function and Process:</b> The unlawful clearance of 2 ha of secondary vegetation at Spier Wine Estate contributes marginally to the ongoing fragmentation of the site, which is already heavily altered by agricultural activities, infrastructure, roads, fencing, and invasive alien plant species. This clearing further isolates remaining habitat patches, potentially limiting species movement and reducing ecosystem connectivity. However, given the small scale of the clearance	<b>Disruption of Ecosystem Function and Process:</b> Under the no-go alternative, the unlawfully cleared 2 ha of secondary vegetation within the Spier Wine Estate would have remained intact, preserving the existing habitat connectivity within an already highly fragmented landscape. Given that the project area is surrounded by agricultural land, infrastructure, and invasive alien plants, maintaining this patch of vegetation would help support remaining ecosystem functions and species movement to the extent possible. No additional

	<b>and the pre-existing fragmented landscape, the overall disruption to ecosystem function and processes is considered to be of low significance.</b>	<b>habitat fragmentation or ecosystem disruption would occur, making this the more favourable ecological outcome.</b>
Extent and duration of impact:	Extent: Localised Duration: Long-Term	Extent: Localised Duration: Permanent
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<ul style="list-style-type: none"> <li>The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>No further clearance must be permitted beyond approved footprint.</li> <li>Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>
Cumulative impact post mitigation:	Negligible	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive

<b>Impacts on Botany:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-Go (Preferred)</b>
Nature of impact:	<b>Loss of faunal habitat and disturbance to faunal species occupying habitat:</b> The unlawful clearing of 2ha of Secondary Fynbos habitat in 2024 likely disrupted any faunal species utilising the habitat to some extent and was no longer available to faunal species once cleared. The clearing activities and loss of habitat may have caused individuals to move away from the immediate area into surrounding areas, increasing competition for food and shelter in those areas, and may even have disrupted a breeding cycle causing them to skip a season.	<b>Loss of faunal habitat and disturbance to faunal species occupying habitat:</b> If the area was not cleared of vegetation, the habitat would still be in place and faunal species would have continued to use the habitat. In addition, the habitat quality may have increased due to the implementation of Restoration Plan compiled for the property by Holmes (2021).
Extent and duration of impact:	Extent: Localised Duration: Long-Term	Extent: Localised Duration: Long-Term
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	Low	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive
Degree to which the impact can be mitigated:	Low	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>It is unclear if any mitigation measures were implemented to reduce disturbance to faunal species.</li> <li>Depending on how the site was cleared, manually or with machinery and how long it took faunal species may have had time to move away into adjacent areas.</li> </ul>	<ul style="list-style-type: none"> <li>Restoration Plan compiled for the property by Holmes (2021) implemented.</li> </ul>
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	Medium positive

<b>Impacts on Botany:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-Go (Preferred)</b>
Nature of impact:	<b>Loss of faunal SCC:</b> There is a High likelihood of occurrence that the Fynbos Golden Mole (NT), Cape Rain Frog (NT), Cape Dwarf Chameleon (NT) and Blue Crane (VU) utilised that secondary habitat for shelter, foraging, or breeding/nesting sites prior to clearing. However, the SEI of the project area to all these species was found to be Low. Depending on the mechanism used to clear vegetation the impact is also considered low.	<b>Loss of faunal SCC:</b> If the area was not cleared of vegetation, the habitat would still be in place and faunal SCC would have continued to use the habitat. In addition, the habitat quality may have increased due to the implementation of Restoration Plan compiled for the property by Holmes (2021).
Extent and duration of impact:	Extent: Localised Duration: Long-Term	Extent: Localised Duration: Long-Term
Probability of occurrence:	Definite	Definite

Degree to which the impact can be reversed:	Low	N/A
Degree to which the impact may cause irreplaceable loss of resources:	Low	N/A
Cumulative impact prior to mitigation:	Negligible	Negligible
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low positive
Degree to which the impact can be mitigated:	Low	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>It is unclear if any mitigation measures were implemented to reduce disturbance to faunal species.</li> <li>Depending on how the site was cleared, manually or with machinery and how long it took faunal species may have had time to move away into adjacent areas.</li> </ul>	<ul style="list-style-type: none"> <li>Restoration Plan compiled for the property by Holmes (2021) implemented.</li> </ul>
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	Medium positive

<b>Impacts on Freshwater Ecology:</b>		
Alternatives	Alternative 1	No-Go (preferred)
Nature of impact:	None	None
Extent and duration of impact:	None	None
Probability of occurrence:	N/A	N/A
Degree to which the impact can be reversed:	N/A	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A	N/A
Cumulative impact prior to mitigation:	N/A	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A

<b>Impacts on socio-economic aspects:</b>		
Alternatives	Alternative 1	No-go (preferred)
Nature of impact:	No impact on job creation – existing employees used.	No impact on job creation – existing employees used.
Extent and duration of impact:	N/A	N/A
Probability of occurrence:	N/A	N/A
Degree to which the impact can be reversed:	N/A	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A	N/A
Cumulative impact prior to mitigation:	N/A	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	N/A	N/A
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A

<b>Impacts on heritage aspects:</b>		
Alternatives	Alternative 1	No-go (preferred)
Nature of impact:	Heritage: Impact on Heritage and Archaeology	Heritage: Impact on Heritage and Archaeology
Extent and duration of impact:	Extent: Localised Duration: Permanent	Extent: Localised Duration: Permanent
Probability of occurrence:	Improbable	Improbable
Degree to which the impact can be reversed:	Low	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low	Low
Cumulative impact prior to mitigation:	Low	Low

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low negative
Degree to which the impact can be mitigated:	None, due to low probability of impact on archaeological heritage.	None, due to low probability of impact on archaeological heritage.
Proposed mitigation:	No mitigation due to low probability of impact on archaeological heritage.	No mitigation due to low probability of impact on archaeological heritage.
Cumulative impact post mitigation:	Low	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Very low negative	Very low negative

<b>Impacts on noise aspects:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-go (preferred)</b>
Nature of impact:	<b>Noise of construction</b>	<b>Noise of construction</b>
Extent and duration of impact:	Extent: Localised Duration: During construction phase	Extent: Localised Duration: During construction phase
Probability of occurrence:	Highly likely	Highly likely
Degree to which the impact can be reversed:	Low	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low	Low
Cumulative impact prior to mitigation:	Low	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low	Low
Degree to which the impact can be mitigated:	Low	Low
Proposed mitigation:	<ul style="list-style-type: none"> <li>Working hours will be restricted to daily normal working hours.</li> <li>All plant and machinery are to be fitted with adequate silencers.</li> <li>No sound amplification equipment such as sirens, loud hailers or hooters may be used on-site, after normal working hours, except in emergencies.</li> <li>If work is to be undertaken outside of normal work hours, permission must be obtained from the Landowner. Prior to commencing any such activity, the Contractor is also to advise potentially affected neighbouring residents. Dates, times and the nature of the work to be undertaken are to be provided. The notification could include letter-drops.</li> <li>The acceptable noise level according to SABS 10103 Code of Practice is 45dBA in the rural district during the day and 35dBA at night. The applicant must comply/adhere to these requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Working hours will be restricted to daily normal working hours.</li> <li>All plant and machinery are to be fitted with adequate silencers.</li> <li>No sound amplification equipment such as sirens, loud hailers or hooters may be used on-site, after normal working hours, except in emergencies.</li> <li>If work is to be undertaken outside of normal work hours, permission must be obtained from the Landowner. Prior to commencing any such activity, the Contractor is also to advise potentially affected neighbouring residents. Dates, times and the nature of the work to be undertaken are to be provided. The notification could include letter-drops.</li> <li>The acceptable noise level according to SABS 10103 Code of Practice is 45dBA in the rural district during the day and 35dBA at night. The applicant must comply/adhere to these requirements.</li> </ul>
Cumulative impact post mitigation:	Low	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Very low negative	Very low negative

<b>Impacts on visual aspects:</b>		
Alternatives	<b>Alternative 1</b>	<b>No-go (preferred)</b>
Nature of impact:	<b>Visual impact of construction activities.</b>	<b>Visual impact of rehabilitation activities.</b>
Extent and duration of impact:	Extent: Localised Duration: During construction	Extent: Localised Duration: During rehabilitation
Probability of occurrence:	Highly likely	Highly likely
Degree to which the impact can be reversed:	Low	Low
Degree to which the impact may cause irreplaceable loss of resources:	Low	Low
Cumulative impact prior to mitigation:	Low	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low	Low
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	<p>The aesthetics measures indicated below must be implemented as required by the specific site and situated as agreed with the RE/ECO/EO.</p> <ul style="list-style-type: none"> <li>The Contractor shall be required to visually screen the site. <ul style="list-style-type: none"> <li>Visual screening shall be aesthetically pleasing and shall be erected by the Contractor prior to commencing any activities.</li> <li>Visual screening shall be maintained by the Contractor for the duration of the Contract.</li> <li>Visual screening must be of the following types: <ul style="list-style-type: none"> <li>Shade cloth</li> <li>Hessian</li> <li>Berms</li> </ul> </li> </ul> </li> </ul>	<p>The aesthetics measures indicated below must be implemented as required by the specific site and situated as agreed with the RE/ECO/EO.</p> <ul style="list-style-type: none"> <li>The Contractor shall be required to visually screen the site. <ul style="list-style-type: none"> <li>Visual screening shall be aesthetically pleasing and shall be erected by the Contractor prior to commencing any activities.</li> <li>Visual screening shall be maintained by the Contractor for the duration of the Contract.</li> <li>Visual screening must be of the following types: <ul style="list-style-type: none"> <li>Shade cloth</li> <li>Hessian</li> <li>Berms</li> </ul> </li> </ul> </li> </ul>
Cumulative impact post mitigation:	Low	Low

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low negative
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(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.

Impacts on the geographical and physical aspects:		
Alternatives	Alternative 1	No-go (preferred)
Nature of impact:	None	None
Extent and duration of impact:	N/A	N/A
Probability of occurrence:	N/A	N/A
Degree to which the impact can be reversed:	N/A	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A	N/A
Cumulative impact prior to mitigation:	N/A	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	N/A	N/A
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A

Impacts on Botany:		
Alternatives	Alternative 1	No-Go (preferred)
Nature of impact:	If alien plant species are not managed during the construction phase, they may establish and spread further during the operational phase, potentially extending to adjacent areas outside the project area.	If alien plant species are not managed during the construction phase, they may establish and spread further during the operational phase, potentially extending to adjacent areas outside the project area.
Extent and duration of impact:	Extent: Local Duration: Long-Term	Extent: Local Duration: Long-Term
Probability of occurrence:	Definite	Definite
Degree to which the impact can be reversed:	High	High
Degree to which the impact may cause irreplaceable loss of resources:	Low	Low
Cumulative impact prior to mitigation:	Low negative	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low negative
Degree to which the impact can be mitigated:	High	High
Proposed mitigation:	All alien plant species must be removed and disposed of in line with the Working for Water Programme.	All alien plant species must be removed and disposed of in line with the Working for Water Programme.
Cumulative impact post mitigation:	Low negative	Low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative	Low negative

Impacts on the freshwater aspects:		
Alternatives	Alternative 1	No-Go (preferred)
Nature of impact:	None	None
Extent and duration of impact:	N/A	N/A
Probability of occurrence:	N/A	N/A
Degree to which the impact can be reversed:	N/A	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A	N/A
Cumulative impact prior to mitigation:	N/A	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	N/A	N/A
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A

Impacts on socio-economic aspects:		

Alternatives	Alternative 1 (preferred)	No-go
Nature of impact:	No impact	No impact
Extent and duration of impact:	N/A	N/A
Probability of occurrence:	N/A	N/A
Degree to which the impact can be reversed:	N/A	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A	N/A
Cumulative impact prior to mitigation:	N/A	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	N/A	N/A
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A

Impacts on cultural-historical aspects:		
Alternatives	Alternative 1	No-go (preferred)
Nature of impact:	None	None
Extent and duration of impact:	N/A	N/A
Probability of occurrence:	N/A	N/A
Degree to which the impact can be reversed:	N/A	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A	N/A
Cumulative impact prior to mitigation:	N/A	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	N/A	N/A
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A

Noise impacts:		
Alternatives	Alternative 1	No-go (preferred)
Nature of impact:	None	None
Extent and duration of impact:	N/A	N/A
Probability of occurrence:	N/A	N/A
Degree to which the impact can be reversed:	N/A	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A	N/A
Cumulative impact prior to mitigation:	N/A	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	N/A	N/A
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A

Visual impacts / Sense of Place:		
Alternatives	Alternative 1	No-go (preferred)
Nature of impact:	None	None
Extent and duration of impact:	N/A	N/A
Probability of occurrence:	N/A	N/A
Degree to which the impact can be reversed:	N/A	N/A
Degree to which the impact may cause irreplaceable loss of resources:	N/A	N/A
Cumulative impact prior to mitigation:	N/A	N/A

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	N/A	N/A
Cumulative impact post mitigation:	N/A	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	N/A	N/A

(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.

<b>Potential impacts on the geographical and physical aspects:</b>		
Nature of impact:		
Extent and duration of impact:		
Probability of occurrence:		
Degree to which the impact can be reversed:		
Degree to which the impact may cause irreplaceable loss of resources:		
Cumulative impact prior to mitigation:		
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very High)		
Degree to which the impact can be mitigated:		
Proposed mitigation:		
Cumulative impact post mitigation:		
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very High)		

<b>Potential impact on biological aspects:</b>		
Nature of impact:		
Extent and duration of impact:		
Probability of occurrence:		
Degree to which the impact can be reversed:		
Degree to which the impact may cause irreplaceable loss of resources:		
Cumulative impact prior to mitigation:		
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very High)		
Degree to which the impact can be mitigated:		
Proposed mitigation:		
Cumulative impact post mitigation:		
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very High)		

<b>Potential impacts on the socio-economic aspects:</b>		
Nature of impact:		
Extent and duration of impact:		
Probability of occurrence:		
Degree to which the impact can be reversed:		
Degree to which the impact may cause irreplaceable loss of resources:		
Cumulative impact prior to mitigation:		
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very High)		
Degree to which the impact can be mitigated:		
Proposed mitigation:		
Cumulative impact post mitigation:		
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very High)		

<b>Potential impacts on the cultural-historical aspects:</b>		
Nature of impact:		
Extent and duration of impact:		
Probability of occurrence:		
Degree to which the impact can be reversed:		
Degree to which the impact may cause irreplaceable loss of resources:		

Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium High, High, or Very High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium High, High, or Very High)	

<b>Potential noise impacts:</b>	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium High, High, or Very High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium High, High, or Very High)	

<b>Potential visual impacts:</b>	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium High, High, or Very High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium High, High, or Very High)	

<b>(d) Any other impacts:</b>	
Potential impact:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium High, High, or Very High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium High, High, or Very High)	

Please note: If any of the above information is not available, specialist input may be requested.

# NEMA SECTION 24G APPLICATION FORM

## 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:

The following mitigation measures are included in the Terrestrial Biodiversity Assessment and have also been included in the OEMPr:

### Conclusions and Recommendations

The retrospective ecological assessment of the 2 ha unlawfully cleared area within Spier Wine Estate indicates that the impacts to terrestrial biodiversity, plant and animal species are minimal to low. The project area is ecologically degraded and primarily consists of secondary vegetation.

Given the limited scale and intensity of the impact:

- Restoration should be undertaken in line with the approved Restoration Plan compiled by Holmes (2021).
- Ongoing monitoring should be conducted to ensure alien species do not establish and that secondary vegetation recovers.
- The cleared area should be incorporated into the existing conservation commitments under the biodiversity agreement with CapeNature as per the EA dated April 2021.

In conclusion, although the unlawful activity triggered the need for a Section 24G process, the ecological consequences are not considered severe. With appropriate management and restoration, the area can be reintegrated into the estate's conservation framework and continue contributing to long-term biodiversity goals."

## 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.

Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
<b>Impact on geographical and physical aspects:</b> <b>Nature of impact:</b> Moving of ground for during rehabilitation <b>Proposed mitigation:</b> The clearance has already occurred. The following mitigation measures were implemented: <ul style="list-style-type: none"><li>• Demarcation of site.</li><li>• Rehabilitation activities must remain within the development footprint.</li><li>• Rehabilitation activities must take place during the dryer months.</li></ul>	<b>Significance rating of impact after mitigation:</b> Medium positive
<b>Impact on ecological aspects:</b> <b>Nature of impact:</b> Rehabilitation of cleared Secondary Vegetation. <b>Proposed mitigation:</b> - The impact cannot be mitigated as it has already occurred. However, the impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021). The Rehabilitation Plan can be seen under Appendix H2.	<b>Significance rating of impact after mitigation:</b> Low positive
<b>Impact on ecological aspects:</b> <b>Nature of impact:</b> Spread of Alien Invasive Plant Species: Under the no go alternative, Alien Invasive Species are likely to have been controlled in line with the Alien Management Plan/ Method statement and/or Restoration Plan compiled for the project area by (Holmes, 2021).  <b>Proposed mitigation:</b> - The impact cannot be mitigated as it has already occurred. However, the impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021). The Rehabilitation Plan can be seen under Appendix H2.	<b>Significance rating of impact after mitigation:</b> Low positive
<b>Impact on ecological aspects:</b> <b>Nature of impact:</b> Partial Impact on a CBA 1: Under the no-go alternative, the 2 ha area that was unlawfully cleared would have remained as Secondary Fynbos Vegetation and, in line with the	<b>Significance rating of impact after mitigation:</b> Low positive

<p>approved Environmental Authorisation, would eventually have been incorporated into the designated conservation area. This scenario represents the preferred ecological outcome, where no further impacts occur and the site contributes to long-term conservation objectives.</p> <p><b>Proposed mitigation:</b></p> <ul style="list-style-type: none"> <li>• The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>• Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>• No further clearance must be permitted beyond approved footprint.</li> <li>• Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	
<p><b>Impact on ecological aspects:</b></p> <p><b>Nature of impact:</b> Partial impact on an NPAES Focus Area: Under the no-go alternative, the area that was unlawfully cleared (2 ha) would have remained as Secondary Fynbos Vegetation, which had re-established on historically cultivated land. Over time, this vegetation could have continued to regenerate and would have been incorporated into the designated conservation area in accordance with the approved Environmental Authorisation.</p> <p><b>Proposed mitigation:</b></p> <ul style="list-style-type: none"> <li>• The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>• Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>• No further clearance must be permitted beyond approved footprint.</li> <li>• Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<p><b>Significance rating of impact after mitigation:</b> Low positive</p>
<p><b>Impact on ecological aspects:</b></p> <p><b>Nature of impact:</b> Partial impact on the Cape Winelands Biosphere Reserve: Under the no-go scenario, the area that was unlawfully cleared would have remained as Secondary Fynbos Vegetation within the biosphere reserve. Over time, and in accordance with the approved Environmental Authorisation, it would have been incorporated into the broader conservation area on the Spier Wine Estate. This would have enhanced the biosphere reserve's conservation role by supporting passive restoration of previously cultivated land and aligning with its objectives of protecting biodiversity, restoring ecosystem function, and promoting land stewardship. Therefore, the no-go alternative would have presented a low-impact, conservation-supportive outcome within the context of the biosphere reserve.</p> <p><b>Proposed mitigation:</b></p> <ul style="list-style-type: none"> <li>• The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>• Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>• No further clearance must be permitted beyond approved footprint.</li> <li>• Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<p><b>Significance rating of impact after mitigation:</b> Low positive</p>
<p><b>Impact on ecological aspects:</b></p> <p><b>Nature of impact:</b> Partial impact on the Stellenbosch Lowlands KBA: Under the no-go scenario, the area that was unlawfully cleared would have remained as Secondary Fynbos Vegetation within the Stellenbosch Lowlands KBA. This vegetation would have been incorporated into the conservation area as per the approved Environmental Authorisation, contributing toward restoration objectives within a landscape. Although the area is small, its passive regeneration and formal conservation would have been more aligned with the KBA's management goals, which include the long-term protection and recovery of biodiversity features unique to this site. Thus, the no-go alternative</p>	<p><b>Significance rating of impact after mitigation:</b> Low positive</p>

<p>would have yielded a slightly more ecologically favourable outcome, consistent with the objectives of the KBA framework.</p> <p><b>Proposed mitigation:</b></p> <ul style="list-style-type: none"> <li>• The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>• Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>• No further clearance must be permitted beyond approved footprint.</li> <li>• Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	
<p><b>Impact on ecological aspects:</b></p> <p><b>Nature of impact:</b> Partial impact on the Boland SWSA: Under the no-go option, the cleared area would have remained as secondary vegetation and been incorporated into the conservation area per the approved Environmental Authorisation. This would better align with SWSA conservation goals by avoiding further terrestrial disturbance, although the overall difference is minimal given the small area involved.</p> <p><b>Proposed mitigation:</b></p> <ul style="list-style-type: none"> <li>• The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>• Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>• No further clearance must be permitted beyond approved footprint.</li> <li>• Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<p><b>Significance rating of impact after mitigation:</b> Low positive</p>
<p><b>Impact on ecological aspects:</b></p> <p><b>Nature of impact:</b> Disruption of Ecosystem Function and Process: Under the no-go alternative, the unlawfully cleared 2 ha of secondary vegetation within the Spier Wine Estate would have remained intact, preserving the existing habitat connectivity within an already highly fragmented landscape. Given that the project area is surrounded by agricultural land, infrastructure, and invasive alien plants, maintaining this patch of vegetation would help support remaining ecosystem functions and species movement to the extent possible. No additional habitat fragmentation or ecosystem disruption would occur, making this the more favourable ecological outcome.</p> <p><b>Proposed mitigation:</b></p> <ul style="list-style-type: none"> <li>• The impact cannot be mitigated as it has already occurred. However, the impacted areas can be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> <li>• Areas approved for development must be clearly demarcated to prevent further encroachment.</li> <li>• No further clearance must be permitted beyond approved footprint.</li> <li>• Impacted areas must be restored according to the Restoration Plan compiled for the project area by (Holmes, 2021).</li> </ul>	<p><b>Significance rating of impact after mitigation:</b> Low positive</p>
<p><b>Impact on ecological aspects:</b></p> <p><b>Nature of impact:</b> Loss of faunal habitat and disturbance to faunal species occupying habitat: If the area was not cleared of vegetation, the habitat would still be in place and faunal species would have continued to use the habitat. In addition, the habitat quality may have increased due to the implementation of Restoration Plan compiled for the property by Holmes (2021).</p> <p><b>Proposed mitigation:</b> • Restoration Plan compiled for the property by Holmes (2021) implemented.</p>	<p><b>Significance rating of impact after mitigation:</b> Medium positive</p>
<p><b>Impact on ecological aspects:</b></p> <p><b>Nature of impact:</b> Loss of faunal SCC: If the area was not cleared of vegetation, the habitat would still be in place and faunal SCC would have continued to use the habitat. In addition, the</p>	<p><b>Significance rating of impact after mitigation:</b> Medium positive</p>

habitat quality may have increased due to the implementation of Restoration Plan compiled for the property by Holmes (2021).	
<b>Proposed mitigation:</b> • Restoration Plan compiled for the property by Holmes (2021) implemented.	
<b>Impact on ecological aspects:</b> <b>Nature of impact:</b> If alien plant species are not managed during the construction phase, they may establish and spread further during the operational phase, potentially extending to adjacent areas outside the project area.	<b>Significance rating of impact after mitigation:</b> Low negative
<b>Proposed mitigation:</b> All alien plant species must be removed and disposed of in line with the Working for Water Programme.	
<b>Impact on freshwater aspects:</b> <b>Nature of impact:</b> None	<b>Significance rating of impact after mitigation:</b> None
<b>Proposed mitigation:</b> - N/A	
<b>Impacts on socio-economic aspects:</b> <b>Nature of impact:</b> None – existing employees used.	<b>Significance rating of impact after mitigation:</b> None- existing employees used
<b>Proposed mitigation:</b> N/A	
<b>Impacts on cultural-historical aspects:</b> <b>Nature of impact:</b> Heritage: Impact on Heritage and Archaeology	<b>Significance rating of impact after mitigation:</b> Very low negative
<b>Proposed mitigation:</b> No mitigation due to low probability of impact on archaeological heritage.	
<b>Noise impacts:</b> <b>Nature of impact:</b> Construction noise	
<b>Proposed mitigation:</b> • • Working hours will be restricted to daily normal working hours. • All plant and machinery are to be fitted with adequate silencers. • No sound amplification equipment such as sirens, loud hailers or hooters may be used on-site, after normal working hours, except in emergencies. • If work is to be undertaken outside of normal work hours, permission must be obtained from the Landowner. Prior to commencing any such activity, the Contractor is also to advise potentially affected neighbouring residents. Dates, times and the nature of the work to be undertaken are to be provided. The notification could include letter-drops. • The acceptable noise level according to SABS 10103 Code of Practice is 45dBA in the rural district during the day and 35dBA at night. The applicant must comply/adhere to these requirements.	<b>Significance rating of impact after mitigation:</b> Very low negative
<b>Visual impacts / Sense of Place:</b> <b>Nature of impact:</b> Visual impact of construction activities	
<b>Proposed mitigation:</b> The aesthetics measures indicated below must be implemented as required by the specific site and situated as agreed with the RE/ECO/EO. • The Contractor shall be required to visually screen the site. d. Visual screening shall be aesthetically pleasing and shall be erected by the Contractor prior to commencing any activities. e. Visual screening shall be maintained by the Contractor for the duration of the Contract. f. Visual screening must be of the following types: • Shade cloth • Hessian • Berms	<b>Significance rating of impact after mitigation:</b> Low 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.

### Summary:

The activities did not lead to severe impacts on the environment.

The botanical and faunal specialists' state:

#### "9.1.5. Summary of Impacts

The ecological impacts of the 2 ha unlawful clearing are limited due to the small size of the cleared area and its degraded ecological condition. Key impacts assessed include:

- Minimal impact on CBA 1: The site lacks the features responsible for CBA classification.
- Negligible impact on Swartland Granite Renosterveld: No remnant vegetation was present in the cleared area.
- Negligible impact on the Cape Winelands Biosphere Reserve and Stellenbosch Lowlands KBA: The cleared area constitutes only 0.0006% and 0.002% of their respective total extents.
- Negligible impact on Boland SWSA: The cleared area represents just 0.0003% of the SWSA and occurs in a previously modified area.
- Low impact on faunal species and SCC: Only four species had a high likelihood of occurrence within the project area, but habitat quality is low.
- Low impact on ecosystem functioning and fragmentation: The project area is already ecologically fragmented.

#### 9.2. Conclusions and Recommendations

The retrospective ecological assessment of the 2 ha unlawfully cleared area within Spier Wine Estate indicates that the impacts to terrestrial biodiversity, plant and animal species are minimal to low. The project area is ecologically degraded and primarily consists of secondary vegetation.

Given the limited scale and intensity of the impact:

- Restoration should be undertaken in line with the approved Restoration Plan compiled by Holmes (2021).
- Ongoing monitoring should be conducted to ensure alien species do not establish and that secondary vegetation recovers.
- The cleared area should be incorporated into the existing conservation commitments under the biodiversity agreement with CapeNature as per the EA dated April 2021.

In conclusion, although the unlawful activity triggered the need for a Section 24G process, the ecological consequences are not considered severe. With appropriate management and restoration, the area can be reintegrated into the estate's conservation framework and continue contributing to long-term biodiversity goals."

## 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.

The following mitigation measures are included in the Terrestrial Biodiversity Assessment and have also been included in the OEMPr:

### Conclusions and Recommendations

The retrospective ecological assessment of the 2 ha unlawfully cleared area within Spier Wine Estate indicates that the impacts to terrestrial biodiversity, plant and animal species are minimal to low. The project area is ecologically degraded and primarily consists of secondary vegetation.

Given the limited scale and intensity of the impact:

- Restoration should be undertaken in line with the approved Restoration Plan compiled by Holmes (2021).
- Ongoing monitoring should be conducted to ensure alien species do not establish and that secondary vegetation recovers.
- The cleared area should be incorporated into the existing conservation commitments under the biodiversity agreement with CapeNature as per the EA dated April 2021.

In conclusion, although the unlawful activity triggered the need for a Section 24G process, the ecological consequences are not considered severe. With appropriate management and restoration, the area can be reintegrated into the estate's conservation framework and continue contributing to long-term biodiversity goals."

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

It is noted that the construction of the development has been completed. It is recommended that the OEMPr be implemented as part of this application and be followed during the operational phase of the development.

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 project was necessitated by the need to:

- Rectify the unlawful clearing of vegetation.

The assessment methods, therefore, focused on identifying the mitigation measures for impacts created by the development during the planning, construction and operational phases.

(b) Please describe the assessment criteria used.

The Environmental Impact Assessment (EIA) 2014 Regulations promulgated in terms of Sections 24 (5), 24M and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) [as amended] (NEMA), requires that all identified potential impacts associated with the proposed project be assessed in terms of their overall potential significance on the natural, social and economic environments. The criteria identified in the EIA Regulations (2014) include the following:

- Nature of the impact;
- Extent of the impact;
- Duration of the impact
- Probability of the impact occurring;
- Degree to which impact can be reversed;
- Degree to which impact may cause irreplaceable loss of resources;
- Degree to which the impact can be mitigated; and
- Cumulative impacts

The criteria for the description and assessment of environmental impacts were drawn from the National Environmental Management Act, 1998 (Act No.107 of 1998).

The level of detail was somewhat fine-tuned by assigning specific values to each impact. In order to establish a coherent framework within which all impacts could be objectively assessed it is necessary to establish a rating system, which is consistent throughout all criteria.

### Potential Impact OR Nature of Impact

This is an appraisal of the type of effect the proposed activity would have on the affected environmental component. Its description should include what is being affected and how it is being affected.

#### Extent

The physical and spatial scale of the impact is classified as:

- Local

The impacted area extends only as far as the activity, e.g. a footprint.

- Site

The impact could affect the whole or a measurable portion of the site.

- Regional

The impact could affect the area including the neighbouring erven, the transport routes and the adjoining towns.

- National

The impact extends across national boundaries and may have national implications.

#### Duration

The lifetime of the impact, which is measured in relation to the lifetime of the proposed base?

- Temporary

The impact can be reversed when it is removed

- Short term

The impact will either disappear with mitigation or will be mitigated through a natural process in a period shorter than any of the phases.

- Medium term

The impact will last up to the end of the phases, where after it will be entirely negated.

- Long term

The impact will continue or last for the entire operational lifetime of the Development but will be mitigated by direct human action or by natural processes thereafter.

- Permanent

This is the only class of impact, which will be non-transitory. Mitigation either by man or natural process will not occur in such a way or in such a time span that the impact can be considered transient.

#### **Consequence of impact or risk**

Indicate what will happen if the impact occurs

#### **Intensity**

The intensity of the impact is considered here by examining whether the impact is destructive or benign, whether it destroys the impacted environment, alters its functioning, or slightly alters the environment itself. These are rated as:

- Low

The impact alters the affected environment in such a way that the natural processes or functions are not affected.

- Medium

The affected environment is altered, but functions and processes continue, albeit in a modified way.

- High

Function or process of the affected environment is disturbed to the extent where it temporarily or permanently ceases.

This will be a relative evaluation within the context of all the activities and the other impacts within the framework of the project.

#### **Probability**

This describes the likelihood of the impacts occurring. The impact may occur for any length of time during the life cycle of the activity, and not at any given time. The classes are rated as follows:

- Improbable

The possibility of the impact occurring is none, due either to the circumstances, design or experience.

- Possible

The possibility of the impact occurring is very low, due either to the circumstances, design or experience.

- Likely

There is a possibility that the impact will occur to the extent that provisions must, therefore, be made.

- Highly Likely

It is most likely that the impacts will occur at some stage of the Development. Plans must be drawn up before carrying out the activity.

- Definite

The impact will take place regardless of any prevention plans, and only mitigation actions or contingency plans to contain the effect can be relied on.

#### **Irreplaceability**

This reviews the extent to which an environmental resource is replaceable or irreplaceable. For example, if the proposed project will be undertaken on land that is already transformed and degraded, this will yield a low irreplaceability score; however, should a proposed development destroy unique wetland systems for example, these may be considered irreplaceable and thus be described as high. The assessment of the degree to which the impact causes irreplaceable loss of resources is based on the following terms:

- High irreplaceability of resources (this is the least favourable assessment for the environment);
- Moderate irreplaceability of resources;
- Low irreplaceability of resources; or
- Resources are replaceable (this is the most favourable assessment for the environment)

#### **Reversibility –**

This considers the degree to which the adverse environmental impacts are reversible or irreversible. For example, an impact will be described as low should the impact have little chance of being rectified to correct environmental impacts. On the other hand, an impact such as the nuisance factor caused by noise impacts from wind turbines can be considered to be highly reversible at the end of the project lifespan. The assessment of the reversibility of potential impacts is based on the following terms:

- High

Impacts on the environment at the end of the operational life cycle are highly reversible;

- Moderate

Impacts on the environment at the end of the operational life cycle are reasonably reversible;

- Low

Impacts on the environment at the end of the operational life cycle are slightly reversible; or

- Non-reversible

Impacts on the environment at the end of the operational life cycle are not reversible and are consequently permanent.

#### **Indirect Impact**

Indirect impacts are secondary impacts and usually occur at a different place or time. Specialists will need to elaborate on any indirect or secondary impacts of proposed activities. If there are no indirect impacts, the specialist will need to briefly explain so.

#### **Cumulative Impact**

Consideration is given to the extent of any accumulative impact that may occur due to the proposed development. Such impacts are evaluated with an assessment of similar developments already in the environment. Such impacts will be either positive or negative, and will be graded as being of negligible, low, medium or high impact.

#### **Determination of Significance – Without Mitigation**

The significance is determined through a synthesis of impact characteristics and is an indication of the importance of the impact in terms of both physical extent and time scale. The significance of the impact "without mitigation" is the prime determinant of the nature and degree of mitigation required. Where the impact is positive, the significance is noted as "positive." The significance is rated on the following scale:

- No significance

The impact is not substantial and does not require any mitigation action.

- Low

The impact is of little importance but may require limited mitigation.

- Medium

The impact is of importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels.

- High

The impact is of great importance. Failure to mitigate, with the objective of reducing the impact to acceptable levels, could render the entire development option or entire project proposal unacceptable. Mitigation is therefore essential.

#### **Determination of Significance – With Mitigation**

The significance is determined through a synthesis of impact characteristics. It is an indication of the importance of the impact in terms of both physical extent and time scale and therefore indicates the level of mitigation required. In this case, the prediction refers to the foreseeable significance of the impact after the successful implementation of the suggested mitigation measures. Significance with mitigation is rated on the following scale:

- No significance

The impact will be mitigated to the point where it is regarded to be insubstantial.

- Low

The impact will be mitigated to the point where it is of limited importance.

- Low to medium

The impact is of importance, however, through the implementation of the correct mitigation measures such potential impacts can be reduced to acceptable levels.

- Medium

Notwithstanding the successful implementation of the mitigation measures, to reduce the negative impacts to acceptable levels, the negative impact will remain of significance. However, taken within the overall context of the project, the persistent impact does not constitute a fatal flaw.

- Medium to high

The impact is of great importance. Through implementing the correct mitigation measures the negative impacts will be reduced to acceptable levels.

- High

The impact is of great importance. Mitigation of the impact is not possible on a cost-effective basis. The impact continues to be of great importance, and taken within the overall context of the project, is a fatal flaw in the project proposal. This could render the entire development option or entire project proposal unacceptable.

The status of the impacts and degree of confidence with respect to the assessment of the significance is stated as follows:

**Status of the impact:** A description as to whether the impact will be:

- Positive (environment overall benefits from impact);

- Negative (environment overall adversely affected); or
- Neutral (environment overall not affected).

#### **Degree of confidence in predictions:**

The degree of confidence in the predictions, based on the availability of information and specialist knowledge.

This should be assessed as:

- High;
- Medium; or
- Low.

Furthermore, the following must be considered:

- Impacts should be described both before and after the proposed mitigation and management measures have been implemented.
- All impacts should be evaluated for the construction, operation and decommissioning phases of the project, where relevant.
- The impact evaluation should take into consideration the cumulative effects associated with this and other facilities which are either developed or in the process of being developed in the region, if relevant. Management Actions:
- Where negative impacts are identified, mitigatory measures will be identified to avoid or reduce negative impacts. Where no mitigatory measures are possible this will be stated.
- Where positive impacts are identified, augmentation measures will be identified to potentially enhance these.
- Quantifiable standards for measuring and monitoring mitigatory measures and enhancements will be set. This will include a programme for monitoring and reviewing the recommendations to ensure their ongoing effectiveness.

#### **Monitoring**

Specialists should recommend monitoring requirements to assess the effectiveness of mitigation actions, indicating what actions are required, by whom, and the timing and frequency thereof.

#### **Mitigation**

The objective of mitigation is to firstly avoid and minimise impacts where possible and where these cannot be completely avoided, to compensate for the negative impacts of the development on the receiving environment and to maximise re-vegetation and rehabilitation of disturbed areas. For each impact identified, appropriate mitigation measures to reduce or otherwise avoid the potentially negative impacts are suggested. All impacts are assessed without mitigation and with the mitigation measures as suggested.

#### **The degree to which the impact can be avoided:**

This indicates the degree to which an impact can be avoided. Impacts can either be fully avoided (impact is completely avoidable), partly avoided (impact is avoidable with moderate mitigation and/or management) or the impact is unavoidable (the impact it cannot be avoided even with significant mitigation measures and/or management).

#### **The degree to which the impact can be managed:**

This indicates the degree to which an impact can be managed. Impacts can either be fully managed (impact is completely manageable), partly managed (impact is manageable with moderate mitigation and/or management) or the impact is unmanageable (the impact cannot be managed even with significant mitigation measures).

#### **The degree to which the impact can be mitigated:**

This indicates the degree to which an impact can be reduced. The degree of mitigation can either be high (the impact can be fully mitigated), moderate (the impact can be partly mitigated) or not mitigated at all.

#### **Residual Impact**

Residual impacts are those impacts that remain following the implementation of mitigation measures. Residual impacts must be identified and discussed. If there are no residual impacts, the specialist will need to briefly explain that the activity will have no residual impacts.

(c) Please describe the gaps in knowledge.

N/A

(d) Please describe the underlying assumptions.

It is anticipated that the Heritage impacts were negligible.

(e) Please describe the uncertainties.

See point (d).

## 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>	<b>NO</b>
If "NO", list the aspects that should be further assessed through additional specialist input/assessment:		
If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:		
Applicant should be directed to cease the activity:	<b>YES</b>	<b>NO</b>
Please provide reasons for your opinion		
<p><b>The development area:</b></p> <ul style="list-style-type: none"> <li>• Was unlawfully cleared and is being rectified through rehabilitating the areas.</li> <li>• Based on the specialists' findings, the development had no severe negative impact on the fauna and flora.</li> </ul> <p>As such, it would be deemed beneficial to allow the rectification to be authorised.</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.		
If any artefacts or heritage-related items are found on-site, HWC should be contacted immediately and the activity that uncovered the item be halted until further notice.		

## 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.
<b>N/A</b>

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.
(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 provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper.

[A preliminary advertisement was placed in Eikestad Nuus on 10 July 2025.](#)

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

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

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 notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -			
(i) the site where the activity to which the application relates is or is to be undertaken; and	YES	DEVIATION	
(ii) any alternative site	YES	DEVIATION	
(b) giving written notice, in any manner provided for in section 47D of the NEMA, to -			
(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	N/A
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	
(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	YES	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES	DEVIATION	
(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.			
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
DEADP: Environmental Governance - Rectification		
DEA&DP: Directorate: Biodiversity and Coastal Management	To be confirmed in fAR	
Cape Winelands District Municipality	To be confirmed in fAR	
Stellenbosch Local Municipality	To be confirmed in fAR	
CapeNature	To be confirmed in fAR	
Heritage Western Cape	To be confirmed in fAR	
Department of Agriculture	To be confirmed in fAR	
Department of Water and Sanitation	To be confirmed in fAR	
Eskom	To be confirmed in fAR	
Department of Infrastructure	To be confirmed in fAR	

2. Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed. (The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)
To be included in fAR.
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.

Please note:

- A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.
- All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.
- The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.
- Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.

## 2. Representations Regarding Deviation from Public Participation Requirements in terms of the EIA Regulations, 2014

Please provide detailed reasons (representations) as to why it would be appropriate, not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above.

N/A, no deviations were requested.

## 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	
	Zaidah Toefy	Tel	021 483 2701
		Fax	

DEA&DP: Environmental Governance: Rectification		E-mail	Zaidah.Toefy@wetsrncape.gov.za
Stellenbosch Local Municipality	A. Barnes	Tel	021 808 8491
		Fax	
		E-mail	Anthony.Barnes@stellenbosch.gov.za.
Cape Winelands District Municipality	Q. Balie	Tel	021 870 3209
		Fax	
		E-mail	quinton@capewinelands.gov.za
Department of Agriculture	C. Van Der Walt	Tel	021 808 5093
		Fax	
		Email	Cor.VanderWalt@westerncape.gov.za
Heritage Western Cape	S. Barnardt	Tel	021 483 9689
		Fax	
		Email	Stephanie.Barnardt@westerncape.gov.za
Cape Nature	L. Knoetze	Tel	021 866 8022
		Fax	
		Email	lknkoetze@capenature.co.za
DWS	N. Ndobeni	Tel	
		Fax	
		Email	NdobeniN2@dws.gov.za
Department of Infrastructure	V. Stoffels	Tel	
		Fax	
		Email	Vanessa.Stoffels@westerncape.gov.za
Eskom	O. Peters	Tel	
		Fax	
		Email	PetersOw@eskom.co.za
DEA&DP: Directorate: Biodiversity and Coastal Management	M. Laros	Tel	
		Fax	
		Email	Marlene.Laros@westerncape.gov.za
DEA&DP: Directorate: Biodiversity and Coastal Management	J. Wilson	Tel	
		Fax	
		Email	John.Wilson@westerncape.gov.za

**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>i</i>	immediately cease the activity pending a decision on the application submitted in terms of this subsection										
<i>ii</i>	investigate, evaluate and assess the impact of the activity on the environment										
<i>iii</i>	remedy any adverse effects of the activity on the environment										
<i>iv</i>	cease, modify or control any act, activity, process or omission causing pollution or environmental degradation										
<i>v</i>	contain or prevent the movement of pollution or degradation of the environment										
<i>vi</i>	eliminate any source of pollution or degradation										
<i>vii</i>	compile a report containing- <table border="1"> <tr> <td><i>aa</i></td><td>a description of the need and desirability of the activity</td></tr> <tr> <td><i>bb</i></td><td>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</td></tr> <tr> <td><i>cc</i></td><td>a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity</td></tr> <tr> <td><i>dd</i></td><td>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</td></tr> <tr> <td><i>ee</i></td><td>an environmental management programme</td></tr> </table>	<i>aa</i>	a description of the need and desirability of the activity	<i>bb</i>	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	<i>cc</i>	a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity	<i>dd</i>	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	<i>ee</i>	an environmental management programme
<i>aa</i>	a description of the need and desirability of the activity										
<i>bb</i>	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										
<i>cc</i>	a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity										
<i>dd</i>	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										
<i>ee</i>	an environmental management programme										
<i>viii</i>	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.

#### Please Note:

Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will, therefore, be provided with an opportunity to make further representations as to the specific directive.

The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.

## Section B: Deferral of the Application

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

- (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
- (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or
- (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

Are you, the applicant, being investigated for a contravention of section 24F (1) of the NEMA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?	<b>YES</b> _____	<b>NO</b> _____	<b>UNCERTAIN</b> _____
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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?	<b>YES</b> _____	<b>NO</b> _____	<b>UNCERTAIN</b> _____
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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> ?	<b>YES</b> _____	<b>NO</b> _____	<b>UNCERTAIN</b> _____
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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 licence as the case may be. The quantum of this fine may not exceed R5 million.

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

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

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

### 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	<input checked="" type="checkbox"/>
	The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	<input type="checkbox"/>
	The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	<input type="checkbox"/>
	The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts.	<input type="checkbox"/>
The development required the clearance of vegetation, which does not generate any negative socio-economic impacts.		

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	<input type="checkbox"/>
	The activity is giving, has given or could give rise to localised biodiversity impacts	<input checked="" type="checkbox"/>
	The activity is giving, has given or could give rise to significant biodiversity impacts	<input type="checkbox"/>
	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.	<input type="checkbox"/>
Motivation: The development area has been transformed and consisted of secondary vegetation		
The impact on the vegetation was anticipated to be low since the development area was transformed and consisted of secondary vegetation.		
<u>The botanical specialist stated the following:</u>		
"Conclusions and Recommendations		
The retrospective ecological assessment of the 2 ha unlawfully cleared area within Spier Wine Estate indicates that the impacts to terrestrial biodiversity, plant and animal species are minimal to low. The project area is ecologically degraded and primarily consists of secondary vegetation.		
Given the limited scale and intensity of the impact:		
<ul style="list-style-type: none"> <li>• Restoration should be undertaken in line with the approved Restoration Plan compiled by Holmes (2021).</li> <li>• Ongoing monitoring should be conducted to ensure alien species do not establish and that secondary vegetation recovers.</li> <li>• The cleared area should be incorporated into the existing conservation commitments under the biodiversity agreement with CapeNature as per the EA dated April 2021.</li> </ul>		

In conclusion, although the unlawful activity triggered the need for a Section 24G process, the ecological consequences are not considered severe. With appropriate management and restoration, the area can be reintegrated into the estate's conservation framework and continue contributing to long-term biodiversity goals."

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	<input checked="" type="checkbox"/>
	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	<input type="checkbox"/>
	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	<input type="checkbox"/>
	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	<input type="checkbox"/>
Motivation: The development required the clearance of vegetation outside of the approved vineyard development, but didn't impact on heritage or sense of place.		
HWC requested that an HIA and AIA be conducted upon receipt of the NID, as part of the approved vineyard environmental process.		
The following is taken from the HWC ROD, dated 17 December 2020 (refer to Appendix F): "This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 9 December 2020. It was noted that the matter was tabled at Archaeology, Palaeontology and Meteorites Committee (APM) meeting held on the 2 December 2020 whereby the APM Committee endorsed the AIA by CTS dated September 2020 and the recommendation on page 3.		
FINAL COMMENTS: The Committee resolved to endorse the HIA and supports the recommendations as having met the requirements of S38(3) of the NHRA."		

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	<input checked="" type="checkbox"/>
	The activity is giving, has given or could give rise to pollution with low impacts.	<input type="checkbox"/>
	The activity is giving, has given or could give rise to pollution with moderate impacts.	<input type="checkbox"/>
	The activity is giving, has given or could give rise to pollution with high impacts.	<input type="checkbox"/>
	The activity is giving, has given or could give rise to pollution with major impacts.	<input type="checkbox"/>
Motivation: No pollution was created.		

#### 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.	<input type="checkbox"/>
	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.	<input type="checkbox"/>
	Administrative action was <u>not</u> previously taken against the applicant in respect of the abovementioned provisions.	<input checked="" type="checkbox"/>
Explanation of all previous administrative action taken in respect of the above: N/A		

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: <a href="#">N/A</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: <a href="#">N/A</a>		

### 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
<a href="#">The applicant is Spier Farm Management (Pty) Ltd.</a>		

Index	Any other relevant information that the applicant would like to be considered.
<a href="#">N/A</a>	

**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.**

**Explanation:**

The areas were erroneously cleared because the approved vineyard, buffer and conservation areas were not demarcated.

The farm manager stated that the area would be rehabilitated as per the approved rehabilitation plan, and therefore, the applicant was under the impression that an Environmental Authorisation was not required.

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## Section D: Preliminary Advertisement

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. It must include the following:

- the date;
- the 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).



### Part 3: Appendices

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

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

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
<b>Annexure 1</b>	<b>Waste listed activities supporting information (as in prescribed attached form)</b>	N/A
<b>Other</b>	(please list accordingly)	

