



**RECTIFICATION OF THE UNLAWFULL CONSTRUCTION OF A
GRAVEL ROAD WITHIN 32M OF A WATERCOURSE ON PORTION
9 OF FARM 487, STELLENBOSCH.**

FINAL ENVIRONMENTAL IMPACT REPORT

Produced as part of an application for Environmental Authorization in terms of
Section 24G of the National Environmental Management Act, Act 107 of 1998



Competent Authority: Department of Environmental Affairs & Development Planning
(DEA&DP)

Competent Authority Ref. No : 14/2/1/2/B4/45/0102/15

Compiled for: Trees SA (Pty) Ltd

Compiled by: Johan Neethling Environmental Services cc

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Date: April 2016

Section 24G Environmental Impact Assessment Report 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");**
- **Environment Conservation Act, 1989 (Act No. 73 of 1989) ("ECA");**
- **National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA")**

September 2015

Form Number: S24GEIAR/01/2015

Kindly note that:

1. This **section 24G Environmental Impact Assessment ("EIA") report** must be completed for all section 24G applications in terms of **the above Acts**, by an independent Environmental Assessment Practitioner ("EAP").
2. This EIA report is current as of January 2015. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the EIA report have been published or produced by the competent authority.

Contents:

Section A: Activity Information

Section B: Description of Receiving Environment

Section C: Public Participation Information

Section D: Need and Desirability

Section E: Alternatives

Section F: Preliminary Impact Assessment, Management, Mitigation and Monitoring

Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, under laying Assumptions and Uncertainties

Section H: Recommendations of the EAP

Section I: Motivation for response to incident or an emergency situation

Section J: Quantum of the Administrative Fine

Section K: Appendices

3. An Independent EAP must be appointed to complete the section 24G EIA report on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this EIA report. If a specialist report is required, the specialist will also be required to complete the declaration of independence.
4. Two hard copies and one electronic copy (CD/DVD) of this report must be submitted.
5. 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 report. The font size should not be smaller than 10pt (e.g. Century Gothic 10). A digital copy of the Section EIA Report is available on the Department's website (details below).
6. The use of "not applicable" in the EIA report must be done with circumspection.
- 7. No faxed or e-mailed EIA reports will be accepted.**
8. Unless protected by law, all information contained in and attached to this EIA report will become public information on receipt by the competent authority. Upon request, any Interested and Affected Party ("I&AP") should be provided with the information contained in and attached to this EIA report. During any stage of the application process, the information contained in and attached to it must be provided by the applicant / EAP.
9. This EIA report must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. Unnecessary delays will be incurred should the application and attached information not be submitted to the correct address.

10. PROCESS TO BE FOLLOWED:

- a) A section 24G Application Form constitutes the initiation of the Section 24G application process. If you have failed to submit an application form, you may not proceed with the compilation and submission of this EIA report until such time that a section 24G application form has been submitted to the Department and subsequently acknowledged.
- b) Once the information requirements in respect of the application have been met, **a draft EIA report**, which must include an **Environmental Management Programme ("EMPr")**, must first be made available to the I&APs, including all the relevant State Departments that administer laws relating to a matter affecting the environment, for comment for a period of **30 (thirty) calendar days**. Unless otherwise indicated by the Department, a commenting period of at least **21 (twenty-one) days** must be provided to I&APs, including the relevant State Departments, to comment on any additional information, documentation or reports (including the final EIR), other than the draft EIR.
- c) The draft EIA report must be submitted to the Department in order to meet the requirements of section 24O of the NEMA. The Department will notify the State Departments of the 30 (thirty) day commenting after receipt of the draft EIA report.
- d) Upon submission of the **final EIA report**, the competent authority will reconsider the application and may undertake a site inspection or request such additional information as the competent authority may require from the Applicant/EAP.
- e) In terms of the provisions of section 24G of the NEMA, the applicant must pay an administrative fine up to a maximum of R5 million, before the Department may decide on the application. The Department will consider the final EIA report/additional information (if required) to determine the administrative fine (not exceeding R5 million) and inform the applicant accordingly. The fine must be paid within **60 days** from the date of the fine notice. The applicant is required to provide proof of payment of the fine to the Department.

In accordance with section 24G(2), the competent authority will then:

- 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, and that the environmental authorisation shall only take effect from the date on which it has been issued; or
 - together with the decision "to refuse to issue" or "issue an environmental authorisation", 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.
11. Note, failure to comply with a directive calling for information to be submitted within a specified period may result in the institution of appropriate legal action as is deemed necessary by this Department and as provided for in the legislation.
 11. A person failing to comply with a directive or contravening or failing to comply with a condition of an environmental authorisation is guilty of an offence and is liable on conviction to a penalty of a fine not exceeding R10 million or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment.
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DEPARTMENTAL DETAILS

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

Department of Environmental Affairs and Development Planning,
Directorate: Environmental Governance,
Attention: Sub-directorate: Section 24G Applications
 Private Bag X9086
 Cape Town, 8000

Registry Office
 1st Floor Utilitas Building
 1 Dorp Street, Cape Town

Queries should be directed to the Sub-directorate: Section 24G Applications at:
 Tel: (021) 483-8019 Fax: (021) 483-4033

File Reference number (S24G)	
Administrative Fine Reference	

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

File Reference number (Enforcement), if applicable	14/2/1/2/B4/45/0102/15
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

RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

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

City of Cape Town and West Coast District	<u>Boland (Cape Winelands District)</u>	Overberg (Overberg & Theewaterskloof Districts)	George (Eden & Central Karoo Districts)

DETAILS OF THE APPLICANT

Applicant Name:	Tree Surgery and Forestry CC		
RSA Identity Number/Passport Number:	2000/034719/23		
Name of contact Person for applicant (if other)	Mr Dag Willems		
RSA Identity Number/Passport Number:	5812055110087		
Company/Trading name (if any):	Trees South Africa		
Company Registration Number:	2000/034719/23		
Name of Trust			
Title Deed/s No/s. (copy/ies to be appended)			
Postal address:	9 Sering Street,		
	Stellenbosch	Postal code:	7600
Telephone:	(021)8420003	Cell:	0824115014
E-mail:	dag@tree-sa.co.za	Fax:	0866161955

DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Company of Environmental Assessment Practitioner (EAP):	Johan Neethling Environmental Services cc		
Contact person:	Johan Neethling		
Postal address:	P O Box 16594		
	Vlaeberg	Postal code:	8018
Telephone:	(021)4614386	Cell:	0834493920
E-mail:	info@jnes.co.za	Fax:	0865444868
EAP Qualifications	PhD Forestry, HonsB Public Administration		
EAP Registrations/Associations	Member IAIAsa, Founder Member of EAPSA		

SECTION A: ACTIVITY INFORMATION

1. PROJECT TITLE

S24G application for rectification of new road on Portion 9 of Farm 487, Stellenbosch

2. ACTIVITY DESCRIPTION

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

(a) Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	
Road is completed and in daily use		

(b) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010 or 08 December 2014) when the activity commenced <u>as well as</u> the original date of commencement if the application is an upgrade.	New	
15 January 2014		

(c) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.		
Construction of a gravel road to service tree nursery and serve as access to neighbouring farm. The new road is within 32m of the farm dam on the property. The road is complete and in daily use.		

(d) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).		
Buildings		NO
Provide brief description:		
Infrastructure (e.g. roads, power and water supply/ storage)	YES	
Provide brief description:		
Construction of a gravel road to service tree nursery and serve as access to neighbouring farm		
Processing activities (e.g. manufacturing, storage, distribution)		NO
Provide brief description:		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)		
Provide brief description		NO
Storage and treatment facilities for solid waste and effluent generated by the project		
Provide brief description		No

(e) Other activities (e.g. water abstraction activities, crop planting activities)		No
Provide brief description		

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	370m x 4m = 1480m ²	m ²
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	370m x 4m = 1480m ²	m ²
Total area:	370m x 4m = 1480m ²	m ²

4. SITE ACCESS

Was there an existing access road?	YES	
If NO, what was the distance over which the new access road was built?		m
Describe the type of access road constructed:		

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 EIA report, the application will be deemed insufficient and further information in this regard will be requested.

PLEASE REFER TO APPENDIX D1 - PHOTOGRAPHIC EVIDENCE FROM GOOGLE EARTH PRIOR TO THE APPLICANT CONSTRUCTING THE ROAD. GOOGLE PHOTOGRAPHS TAKEN IN 2008 AND 2009

PLEASE REFER TO APPENDIX D2 - PHOTOGRAPHIC EVIDENCE OF THE CURRENT ROAD ON THE SITE, BOTH FROM GOOEELE EARTH AND ON SITE. PHOTOGRAPHS TAKEN DURING 2016

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/ authorization/comment	DATE (if already obtained):
NHRMA	Heritage Western Cape	Comment	Pending
National Environmental Management Act, Act 107 of 1998 (as amended)	Department of Environmental Affairs & Development Planning: S24G Directorate	S24G Environmental Authorisation (EA) In progress (this application)	In progress (this application)

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Guidelines to Alternatives March 2013	DEA&DP
Guidelines on Need and Desirability March 2013	DEA&DP
Guidelines on Public Participation March 2013	DEA&DP
Guidelines to Management Plans June 2005	DEA&DP
Guideline on Exemption Applications (March 2013).	DEA&DP
Generic Terms of Reference for EAPs and Project Schedules (March 2013).	DEA&DP

7. APPLICATIONS IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (“NEMA”) & SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS (“SEMAS”)

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?		NO	IF, YES PROVIDE A STATUS OF APPLICATION
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)?		NO	
If yes, has an application been submitted to the licensing authority?	YES	NO	
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?		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")?		NO	
If yes, has an application been submitted to the relevant competent authority?	YES	NO	
If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA:			

SECTION B: 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. 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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2. LOCATION IN LANDSCAPE

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

Ridgeline	Plateau	Side slope of hill/mountain	Closed valley	Open valley	Plain	Undulating plain/low hills	Dune	Sea-front	Other
If other, please describe									

3. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

3.1 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)		NO	
Seasonally wet soils (often close to water bodies)		NO	
Unstable rocky slopes or steep slopes with loose soil		NO	
Dispersive soils (soils that dissolve in water)		NO	
Soils with high clay content		NO	
Any other unstable soil or geological feature		NO	
An area sensitive to erosion		NO	

3.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)

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

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).

4. SURFACE WATER

4.1 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		NO	
Non-Perennial River	YES		
Permanent Wetland	YES Farm dam		
Seasonal Wetland		NO	
Artificial Wetland	YES Farm dam		
Estuarine / Lagoonal wetland		NO	

4.2 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		NO	
Non-Perennial River	YES		
Permanent Wetland	YES Farm dam		
Seasonal Wetland		NO	
Artificial Wetland	YES Farm dam		
Estuarine / Lagoonal wetland		NO	

5. 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> or BGIShelp@sanbi.org. Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8698. 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.

5.1 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	
Describe the vegetation type above:		Describe the vegetation type above:		Describe the vegetation type above:	
Provide ecosystem status for above:		Provide ecosystem status for above:		Provide Ecosystem status for above:	
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe	
Bare soil		Building or other structure		Sport field	
Other (describe below)		Cultivated land		Paved surface Partially on old farm road	

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

Systematic Biodiversity Planning Category				If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	

(b) Highlight and describe the habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	%	
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%	Previously ploughed wheat field

(c) Complete the table to indicate:
 (i) the type of vegetation, including its ecosystem status, that was previously present on the site; and
 (ii) whether an aquatic ecosystem was previously present on site.

Terrestrial Ecosystems		Aquatic Ecosystems			
Ecosystem threat status as per the National Environmental Management: Biodiversity Act (Act No. 10 of 2004)	Critical	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)	Estuary	Coastline	
	Endangered				
	Vulnerable				
	Least Threatened				
		no		NO	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 new road was constructed partially on the existing entrance road and partially in an old ploughed wheat field adjacent to the farm dam.

5.2 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 structure	Sport field
Other (describe below)	Cultivated land	Paved surface Partially old and partially new road

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

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	%	
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%	Roads and terraces for tree nursery

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

The activity (farm road) was constructed partially on the existing access road and partially in a previously ploughed wheat field. There was no impact on indigenous vegetation and aquatic systems.

5.3 VEGETATION / GROUNDCOVER MANAGEMENT

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

The activity (farm road) was constructed partially on the existing access road and partially in a previously ploughed wheat field. There was no impact on indigenous vegetation and aquatic systems. The road was professional designed with adequate camber and drainage channels and culverts.

6. LAND USE OF THE SITE (PRE-COMMENCEMENT)

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

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

(a) Please provide a description.

The site of the new road was partially the old access road and partially a ploughed wheat field

7. 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
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical center	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archeological site
Other land uses (describe):	Tree Nursery			

8. 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
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical center	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):	Tree Nursery			

SECTION C: PUBLIC PARTICIPATION

Please highlight the appropriate box to indicate whether the specific requirement will be undertaken or whether deviation from such a requirement has been requested.

1. Public participation undertaken prior to 24G application (to be completed only if relevant)

Has any public participation been done prior to this application, which the Applicant/EAP feels can be considered to have fulfilled the requirements outlined in the NEMA EIA Regulations, 2014?		NO
Please provide a description.		
Which State Departments were consulted?		
List of State Depts.	Comment obtained (YES/NO)	If not, provide reasons
None	No	To be consulted in this EIA process

2. Public Participation for the application in accordance with NEMA EIA Regulations 2014

DETAILS OF THE PUBLIC PARTICIPATION CONDUCTED IN TERMS OF THE NEMA EIA REGULATIONS, 2014			
Will all I&APs be notified of the application by:			
(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		
(ii) any alternative site	YES		
(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		
(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		
(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		
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES		
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES		

(vi) any other party as required by the Department;	YES		
(c) placing an advertisement in -			
(i) one local newspaper; or	YES		
(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;			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			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		
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE: 2. The NEM: AQA and 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.			

<p>2. What other Public Participation has been or will be undertaken?</p> <p>1. Newspaper Advertisement Advertisement notifying the public of the project and requesting I&APs to register their comments, was placed in the Eikestadnuus of 11 February 2016. Closing date for comments is 14 March 2016. Appendix F2.</p> <p>3. Site notice In order to inform surrounding communities and immediately adjacent landowners of the proposed development, a site notice was erected on the side of the road near the entrance to the site on 11 February 2016. See photographic evidence under Appendix F3.</p> <p>4. Registered I&AP's A list of all potential I&AP's was compiled including adjacent landowners, Organs of State, the Ward Councillor and the local authority. Appendix F4.</p> <p>5. Adjacent landowners All adjacent landowners were informed of the S24G application on 11 February 2016. None registered as I&AP. Appendix F5</p> <p>5. Draft S24G EIR Copies of the draft BAR were forwarded on 14 March 2016 to the following Organs of State: Department of Environmental Affairs and Development Planning, Department of Water Affairs, Heritage Western Cape, CapeNature and Drakenstein Municipality. These I&AP's were afforded a comment period of 30 days. The Draft EIR was also placed on website www.jnes.co.za Appendix F6</p> <p>6. Final S24G EIR No comments were received during the preceding stages of the Public Participation Process so the Final EIR will NOT be forwarded to the Organs of State for another 21 day comment period as the Draft EIR has not changed in any way from the Draft EIR. See Appendix F7</p>

3. 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
Cape Nature	No comments received at end of 30 day period.	Draft EIA was submitted on 22 March 2016
Heritage Western Cape	No comments received at end of 30 day period.	Draft EIA was submitted on 22 March 2016
Agriculture Western Cape	No comments received at end of 30 day period.	Draft EIA was submitted on 22 March 2016
Stellenbosch Municipality	No comments received at end of 30 day period.	Draft EIA was submitted on 22 March 2016

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 to the register, in writing.
- 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 F**

to the report. 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 F**.
- Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the draft Environmental Impact Report/Additional Information must be submitted as part of the public participation information to be attached to the report as **Appendix F**.
- Please be advised that the draft Environmental Impact Report/Additional Information must **first** be submitted to the Department where after it must be made available to the public and all State Departments that administer laws relating to a matter affecting the environment for comment for a period of **30 days**. The applicant/EAP is required to inform this Department in writing upon submission of the draft Environmental Impact Report/Additional Information to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24 O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30 day commenting period Please be further advised that a commenting period of **21 days** will apply to all requests for comment on any information, documentation or reports (including the final Environmental Impact Report/Additional Information) other than the draft report, unless an alternative commenting period is specified by this Department.

SECTION D: NEED AND DESIRABILITY

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

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES		Please explain
The property is zone for agricultural use and a farm road is allowed under this zoning			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES		Please explain
It is not proposed to change the existing land use rights for the activity (farm road). This is an agricultural activity allowed on land zoned for Agricultural Use.			
(b) Urban edge / Edge of Built environment for the area	YES		Please explain
The site is outside of the urban edge. The road is 4m wide but not in indigenous vegetation. It is an activity allowed in terms of the agricultural zoning.			
(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	YES	NO	Please explain
N/A			
(d) Approved Structure Plan of the Municipality	YES	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?)	YES		Please explain
The road was constructed on a previously ploughed field and no environmental management priorities were compromised.			
(f) Any other Plans (e.g. Guide Plan)	YES	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)?	YES		Please explain
The road was constructed to optimise the use of the property as a tree nursery. All within the zoning rights			

4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced?	YES		Please explain
The intended use of the property for a tree nursery would not have been effective if the road was not relocated to its present position.			

5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)	YES		Please explain
The improved and relocated road also serves as access to the neighbouring farm. The improved , all weather road is of considerable benefit not just to the applicable property, but also to the residents next door.			

6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an appendix , where applicable.)	YES		Please explain
No municipal services were needed for the road			

7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an appendix , where applicable.)	YES	NO	Please explain
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The road on a farm outside the urban area has no impact on municipal services

8. Was this project part of a national programme to address an issue of national concern or importance?		NO	Please explain
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Very local farm road

9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	YES		Please explain
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The property location falls within an area that has been marked as an Agricultural Zone which allows for agricultural activities to take place.

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)?		NO	Please explain
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No impact on natural and/or cultural environment

11. How did/does the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc)?	YES	NO	Please explain
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The road impacts positively on both the wellbeing of the land owner and his business as well as the neighbour who now has an all weather access road. The gravel roads fits in with all the other farm roads in the vicinity

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?		NO	Please explain
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None

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13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	YES	NO	Please explain
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These are no negative cumulative impacts.

Positive cumulative impacts centred on better all weather access to the property, the nursery and the adjoining farm.

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14. Is/was the development the best practicable environmental option for this land/site?	YES	Please explain
The tree nursery consists of large trees in containers, orderly arranged in square pattern. All weather access for large trucks is essential for the operation of the tree nursery. Replacing the existing road, which curves through the nursery site with a rectilinear layout and a new road, is very efficient.		

15. What are/were the benefits to society in general and to the local communities?	Please explain
The applicant has many clients in the Western Cape and they are afforded the opportunity of accessing the nursery with all types of vehicles and in all weather conditions. The neighbouring farmer is likewise afforded easy and proper access to his farm.	

16. Any other need and desirability considerations related to the activity?	Please explain
No	

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

Section 23 of NEMA states the following: The general objective of integrated environmental management, as stated in NEMA, is to:

- 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;
- b) identify, predict and evaluate the actual and potential impact on the environment, socioeconomic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimizing negative impacts, maximizing benefits, and promoting compliance with the principles of environmental management set out in section 2;
- c) ensure that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them;
- d) ensure adequate and appropriate opportunity for public participation in decisions that may affect the environment;
- e) ensure the consideration of environmental attributes in management and decision-making which may have a significant effect on the environment; and
- 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.

The above-stated objectives of integrated environmental management have been taken into account in this S24G EIA Rectification process as follows:

- The principles of national environmental management (as stated in Section 2 of NEMA) have been taken into account during all phases of this S24G process. The recommendations made in this report are based on the findings of the impact assessment and the outcomes of the public participation process.
- Environmental, socio-economic and cultural/heritage impacts have been identified, predicted and evaluated during the S24G EIA rectification process using a combination of desktop research and site visits. Potential impacts/ concerns highlighted by Interested and Affected Parties and commenting authorities during the public participation process have been taken into account and evaluated in this report. The significance of all impacts has been assessed and rated, and the consequences of these impacts have been evaluated. Mitigation measures intended to avoid and/or minimize negative impacts (while promoting positive impacts) have been identified and are included in this report and the Environmental Management Plan.
- This S24G rectification process has been undertaken in accordance with the EIA Regulations in order to ensure that the potential effects of the existing infrastructure and what is being proposed on the environment are identified, and adequately considered before actions are taken in connection with them. Interested and Affected Parties (including the general public, relevant state departments, commenting authorities and other stakeholders) have been given an opportunity to comment on the proposed development, and their comments/ concerns/ interests have been taken into consideration during the assessment process. The Environmental Management Plan (EMP) that accompanies this report is also intended to ensure that environmental impacts associated with the development are properly considered and mitigated before and during commencement of the activity (should environmental authorization be granted).
- Public participation during the S24G EIA Rectification process has been undertaken in accordance with the requirements for public participation as stipulated in Chapter 6 of the EIA Regulations (2010, as amended), and in accordance with the Western Cape Department of Environmental Affairs and Development Planning's Guideline on Public Participation (2013). During the PPP potential interested and affected parties and commenting authorities have been identified and notified of the rectification process currently being undertaken for the property, and provided with an opportunity to review and comment on draft S24G EIA Report. A commenting period of 30-days for the draft S24G Report has been maintained. In this regard all Interested & Affected Parties are afforded with adequate opportunity to participate in the rectification process. All comments received from I&APs and commenting authorities during the 30-day commenting period were taken into consideration and investigated as appropriate. All comments received from I&APs are included with this report, and will be submitted to the DEA&DP, to ensure that the Department has full visibility to the comments and concerns of all I&APs when making a final decision on this application for environmental authorization.
- A thorough S24G rectification process has been undertaken to identify and assess the environmental attributes of what has already been constructed.. The potential impacts that the proposed development may have on these environmental aspects has been evaluated in this basic assessment report, and taken into account during all decision-making. The Environmental Management Plan (EMP) attached to this report is intended to ensure that environmental attributes of the site and surrounds are taken into consideration during the rectification phase and any future development set to occur on the property.
- The methods best suited to environmental management for the rectification of the activities which have occurred on the property have been followed and recommended. These best practise methods (including applicable mitigation measures and special considerations) are included in this report.

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

The main and applicable principles of environmental management as set out in Section 2 of NEMA are stated below together with an indication of how the principles were taken into consideration during the S24G EIA Rectification process:

Principle: Environmental management must place people and their needs at the forefront of its concern, and serve their physical, physiological, developmental, cultural and social interests equitably. Consideration: The potential impacts that the development may have during its lifecycle (pre-commencement and post- commencement) have been identified, investigated and assessed during the impact assessment process. The development has been assessed as having no significant negative impacts on the health and well-being of society, and is expected to provide positive benefits to the surrounding land owners and the greater community. An Environmental Management Plan intended to ensure that any potential negative impacts are avoided/ minimized during the various phases of the project has been developed, and is attached to this report.

Principle: Development must be socially, environmentally and economically sustainable. Consideration: The existing development is expected to provide positive benefits to the property (adding capital value to the property) and the greater community, at an acceptable cost to the Applicant. The rectification process is intended to prevent further environmental degradation on the property, to promote the rehabilitation of the affected site on the property, and to assist in securing a sustainable capital contribution to the economy. As such, the development will be regarded as socially, environmentally and economically sustainable once rectified.

Principle: Disturbance of ecosystems, loss of biodiversity, pollution, environmental degradation, generation of waste and exploitation of non-renewable resources must be avoided, and where they cannot be avoided altogether they must be minimized and remedied. Consideration: The rectification process is intended to prevent any further environmental degradation on the site, and promote the rehabilitation and long-term ecological health of the property. It is aimed at ensuring that any future development will not exploit non-renewable resources and will not result in the generation of significant pollution. Mitigation measures to address the short-term impacts for any future development changes to the property have been prescribed in this report, and the accompanying Environmental Management Plan.

Principle: The participation of all interested and affected parties in environmental governance must be promoted Consideration: A Public Participation Process (PPP) in line with the requirements stipulated in NEMA and the DEA&DP's Guideline on Public Participation (2013) was followed throughout this S24G rectification process. During the PPP potential interested and affected parties and commenting authorities have been identified and notified of the rectification process currently being undertaken for the property, and provided with an opportunity to review and comment on draft S24G EIA Report. A commenting period of 30-days for the draft S24G Report has been maintained. In this regard all Interested & Affected Parties are afforded with adequate opportunity to participate in the rectification process. All comments received from I&APs and commenting authorities during the 30- day commenting period were taken into consideration and investigated as appropriate. All comments received from I&APs are included with this report, and will be submitted to the DEA&DP, to ensure that the Department has full visibility to the comments and concerns of all I&APs when making a final decision on this application for environmental authorization.

Principle: The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered assessed and evaluated. Consideration: Social, economic and environmental impacts (positive and negative) have been identified and assessed, and reported on in this S24G EIA Report.

8. SOCIO-ECONOMIC CONTEXT

8.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

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

Typical Boland farm community.

8.2 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.

Typical Boland farm community.

9. HISTORICAL AND CULTURAL ASPECTS

Please note that every application for Environmental Authorisation including an application for a Waste Management activities, 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.

1. Please be advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your development, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process.
2. Section 38 of the Act states as follows: "38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
 - (b) the construction of a bridge or similar structure exceeding 50m in length;
 - (c) any development or other activity which will change the character of a site-
 - (i) exceeding 5 000 m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years;
- or
- (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
 - (d) the re-zoning of a site exceeding 10 000 m² in extent; or
 - (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,
- must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."

3. 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)."

Does the activity constitute the undertaking of any of the categories of development set out in section 38(1) of the National Heritage Resources Act?		YES	
If YES, explain:	Linear development longer than 300m See Heritage Specialist report in Appendix G		
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?			NO
If YES, explain:			
Was any building or structure older than 60 years affected in any way?			NO
If YES, explain:			

Please Note: If uncertain, the Department may request that specialist input be provided.

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 a 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, economically) for the property.

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

The road is a farm road serving the needs of the nursery on site. No location or site alternatives were assessed.

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

The need is and was for a road. No activity alternatives were assessed.

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

The road was designed and constructed to serve the needs of the tree nursery and to also act as access road for the neighbouring farm. It was designed as a gravel road with proper drainage and cambers. No design alternatives were considered.

(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:

The need was for a cost effective permanent gravel road capable of accommodating heavy transport. No other alternatives were considered. It is a farm road within a farming environment.

(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:

The road will be maintained as an all weather gravel road capable of accommodating heavy transport. No other alternative operational uses for the road were considered.

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

The No-Go alternative would suggest that all activities on the site would be completely ceased and that full rehabilitation of the site of the road would be a requirement. The No-Go alternative, if it became the desired option, would result in medium to high negative socio-economic impacts on the operation of the tree nursery and access to the neighbouring farm. This will negatively affect the owners of the tree farm and the neighbouring land owner, (socioeconomic impact). The No-Go alternative would result in any positive botanical and/or physical results as removal of the road will have an immense impact difficult to restore to its previous use as a wheat field. The no-go option is not recommended.

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

None

(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

Please note: If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

The road is on site already. Alternatives were not considered at the time of its construction because no EIA process was conducted to accommodate the road within 32m of the dam.

SECTION F: PRELIMINARY 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 access road to the farm and neighbouring farm was straitened and realigned through a previously ploughed field. Moderate cut and fill construction methods were employed and road side drainage and culverts were used to manage storm water drainage from the road. The road also acts as a catchall for storm water run-off from the nursery. Impacts on the geographical and physical environment were positive. The visual impact / sense of place / impact to the surrounding landscape character are all seen as of negligible significance because the road, that is the subject of this application, is an "agricultural" activity in line with the existing zoning status of the site and in keeping with many other farms roads in the vicinity.. Its physical impact is thus small and of a positive nature.

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (CSAs)?	NO
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If yes, please describe:		
No such areas declared on site. Site was previously ploughed.		
Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?		NO
If yes, please describe:		
Site was previously ploughed.		
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?		NO
If yes, please describe:		
Site was previously ploughed.		
Please describe the manner in which any other biological aspects were impacted:		
The site of the road was formerly a ploughed wheat field, there was thus no impact on biological aspects.		

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	R200 000
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	R1 000 000
Has/will the activity contributed to service infrastructure?	No
How many new employment opportunities were/will be created in the construction phase of the activity?	20
What was the value of the employment opportunities during the construction phase?	R8000.00
What percentage of this accrued to previously disadvantaged individuals?	100%
How was this ensured and monitored (please explain):	
During construction PDI's were used in the process as labourers, drivers, supervisors and machine operators.): Normal management of staff/employees with the assistance of heavy machinery to construct the road	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	Zero
What is the current/expected value of the employment opportunities during the first 10 years?	R
What percentage of this accrued/will accrue to previously disadvantaged individuals?	%
How was/will this be ensured and monitored (please explain):	
This is a road project which has been completed.	
Any other information related to the manner in which the socio-economic aspects was/will be impacted:	
Provides access to neighbouring farms as well as the working nursery which sustains 80 permanent jobs.	

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(d) Cultural and historic aspects:

No impacts. See attached Heritage Report in Appendix G

2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?		NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?		M ³
N/A		

Does the activity produce waste during its operational phase?		NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?		M ³

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

Has the municipality or relevant authority confirmed that sufficient capacity exist for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority Not Applicable	YES	NO
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream? Not Applicable	YES	NO
If yes, has this facility confirmed that sufficient capacity exist 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: Not Applicable	YES	NO
Does the facility have an operating license? (If yes, please attach a copy of the license.) Not Applicable	YES	NO
Facility name:		
Contact person:		
Postal address:		
	Postal code:	
Telephone:	Cell:	
E-mail:	Fax:	

Describe the measures that were/will be taken to reduce, reuse or recycle waste:
Not Applicable

(b) Emissions into the atmosphere

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

3. WATER USE

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

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:	m ³
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Please provide proof of assurance of water supply (eg. 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..

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

4. POWER SUPPLY

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

The road does not need a power supply

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

5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:

The road is aligned and constructed to afford large trucks easy and all weather access thus reducing their energy demand

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

N/A

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

Please note:

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

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

Impacts on geographical and physical aspects:	Alternative A : Road	No Go Option

Description of impact	Construction of a gravel road on a portion of the existing access road and partially on an old ploughed field.	Removal of the road and re-instatement of the access road along its awkward routing through the nursery and removal of all road building material and resuming of ploughing
Nature of impact:	Positive	Negative
Extent and duration of impact:	Local and permanent	Local and permanent
Probability of occurrence:	High	High
Degree to which the impact can be reversed:	Medium. Major earthmoving	Low. Major earthmoving
Degree to which the impact may cause irreplaceable loss of resources:	Marginal loss of resources	Significant loss of resources (assets)
Cumulative impact prior to mitigation:	Low	High Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low	High
Degree to which the impact can be mitigated:	High	Low
Proposed mitigation:	Maintain road and drainage channels and culverts. Allow natural vegetation to stabilise road embankments.	N/A
Cumulative impact post mitigation:	Low	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	High positive	Medium (negative)

Impact on biological aspects:		
	Alternative A : Road	No Go Option
Description of impact:	Clearance of vegetation on ploughed field. Construction of road on portion of previous access road.	Removal of the road and re-instatement of the access road along its awkward routing through the nursery and removal of all road building material and resuming of ploughing
Nature of impact:	Marginally negative	Negative
Extent and duration of impact:	Local and permanent	Local and permanent
Probability of occurrence:	High	High
Degree to which the impact can be reversed:	Low. Major earth moving	Low. Major earth moving
Degree to which the impact may cause irreplaceable loss of resources:	Marginal loss of resources	Significant loss of resources (assets)
Cumulative impact prior to mitigation:	Low	High Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low	High
Degree to which the impact can be mitigated:	High	Low
Proposed mitigation:	Maintain road and drainage channels and culverts. Allow natural vegetation to stabilise road embankments.	N/A
Cumulative impact post mitigation:	Low	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	High positive	Medium (negative)

Impacts on socio-economic aspects:		
	Alternative A : Road	No Go Option
Description of impact:	Construction of well designed, all-weather access road for both the nursery and the adjacent farm. Job creation enhanced at nursery, 80 opportunities created.	Removal of the road and re-instatement of the access road along its awkward routing through the nursery and removal of all road building material and resuming of ploughing
Nature of impact:	High positive	Negative
Extent and duration of impact:	Local and permanent	Local and permanent
Probability of occurrence:	High	High
Degree to which the impact can be reversed:	Low. Major earth moving	Low. Major earth moving
Degree to which the impact may cause irreplaceable loss of resources:	Marginal loss of resources	Significant loss of resources (assets)
Cumulative impact prior to mitigation:	Low	High Negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low	High
Degree to which the impact can be mitigated:	High	Low
Proposed mitigation:	Maintain road and drainage	N/A

	channels and culverts. Allow natural vegetation to stabilise road embankments. Use road access to grow business at nursery and adjacent farm	
Cumulative impact post mitigation:	Low	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	High positive	Medium (negative)

Impacts on cultural-historical aspects:		
	Alternative A : Road	No Go Option
Description of impact:	Construction of well designed, all-weather access road for both the nursery and the adjacent farm.	Removal of the road and re-instatement of the access road along its awkward routing through the nursery and removal of all road building material and resuming of ploughing
Nature of impact:	Neutral	N/A
Extent and duration of impact:	Local and permanent	N/A
Probability of occurrence:	High	N/A
Degree to which the impact can be reversed:	Low	N/A
Degree to which the impact may cause irreplaceable loss of resources:	No Loss of cultural resources	N/A)
Cumulative impact prior to mitigation:	Negligible	N/A
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Negligible	N/A
Degree to which the impact can be mitigated:	N/A	N/A
Proposed mitigation:	No mitigation necessary	N/A
Cumulative impact post mitigation:	Negligible	N/A
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Negligible	N/A

Noise impacts:		
	Alternative A : Road	No Go Option
Description of impact:	Construction of well designed, all-weather access road for both the nursery and the adjacent farm. Construction was done with machines and by hand. Noise level was acceptable in rural and farming contest.	Removal of the road and re-instatement of the access road along its awkward routing through the nursery and removal of all road building material and resuming of ploughing
Nature of impact:	Neutral	Negative
Extent and duration of impact:	Local and temporary	Local and temporary
Probability of occurrence:	High	High
Degree to which the impact can be reversed:	High	High
Degree to which the impact may cause irreplaceable loss of resources:	No Loss of resources	No Loss of resources
Cumulative impact prior to mitigation:	Negligible due to temporary nature	Negligible due to temporary nature
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Negligible	Negligible
Degree to which the impact can be mitigated:	Low	Low
Proposed mitigation:	Maintain machinery in good operating condition.	Maintain machinery in good operating condition.
Cumulative impact post mitigation:	Negligible	Negligible
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low	Low

Visual impacts / Sense of Place:	
Nature of impact:	No intrusive impact as road fits in with all other farm roads in the vicinity
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) **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:	
Nature of impact:	The road is in place and normal maintenance will ensure no operational impact on the physical environment.
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)	

Impact on biological aspects:	
Nature of impact:	The road is in place and normal maintenance will ensure no operational impact on the biological environment.
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)	

Impacts on the socio-economic aspects:	
Nature of impact:	The all weather road has a positive and beneficial impact on the operation of the nursery and the adjacent farm.
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)	

Impacts on the cultural-historical aspects:	
Nature of impact:	Operation of road has no impact on cultural and historic resources
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)	

Noise impacts:	
Nature of impact:	Use of the road by the intended traffic and vehicles will not increase the ambient farm operation noise.
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)	

Visual impacts / Sense of Place:	
Nature of impact:	Use of the road will have no impact on the visual aspects of the environment.
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)	

(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.

PLEASE NOTE: No Decommissioning/ Closure phase is anticipated, as it is expected that the constructed road will remain on the property, which will not be decommissioned/ removed. The road was constructed to service the nursery and the adjacent farm in line with the agricultural zoning of the property. There is therefore no reason why the road should be decommissioned. Since no decommissioning phase is envisaged, the impacts of such a phase are not assessed in this S24G EIA report. The No-Go alternative which has been assessed in this report would in a sense represent the decommissioning phase.

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

7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

Please note: Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department's relevant Guidelines on the Involvement of Specialists in EIA Processes available on the Department's website (<http://www.capegateway.gov.za/eadp>). A summary of all the specialist inputs/studies must be provided with the additional information / Environmental Impact Report.

Specialist inputs/studies and recommendations:

Apart from the Heritage Statement in Appendix G , no specialist studies were done. It was not deemed necessary

8. IMPACT ASSESSMENT

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.
Please note: This is a preliminary impact statement. The Department may request specialist input/studies depending on the type and nature of the impact(s) of the activity/ies.

Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
Impacts on geographical and physical aspects:	Low
Impact on biological aspects:	Low
Impacts on socio-economic aspects:	High Positive
Impacts on cultural-historical aspects:	Negligible
Noise impacts:	Low

9. IMPACT SUMMARY OF ACTIVITY/IES

Please complete the table below, by crossing out ("☒") the appropriate box(es) based on the assessment including any other specialist assessment or input that has been obtained and provide a summary of impacts of commencement of the activity/ies on the environment.

Summary: Construction of the road had very low negative impacts but resulted in high positive socio-economic impact.

9.1	Social Benefit Index	<input checked="" type="checkbox"/>
(a)	The activity provides no social service / infrastructure to the affected community	<input type="checkbox"/>
(b)	The activity provides indirect social service / infrastructure to the affected community	<input type="checkbox"/>
(c)	The activity provides some social service / infrastructure to the affected community	<input type="checkbox"/>
(d)	The activity provides an important social service / infrastructure to the affected community	<input checked="" type="checkbox"/>
(e)	The activity provides an essential social service / infrastructure to the affected community	<input type="checkbox"/>
Please provide motivation for the impact rating of the above impact index: The nursery and adjacent farm maintains more than 80 job opportunities		
9.2	Socio Economic Impact Index	<input checked="" type="checkbox"/>
(a)	The activity will not give rise to any negative socio-economic impacts	<input checked="" type="checkbox"/>
(b)	The activity could give rise to negative socio-economic impacts, but highly localised	<input type="checkbox"/>
(c)	The activity could give rise to significant negative socio-economic and regionalized impacts	<input type="checkbox"/>
(d)	The activity could result in wide-scale socio-economic impacts.	<input type="checkbox"/>
Please provide motivation for the impact rating of the above impact index: The nursery and adjacent farm maintains more than 80 job opportunities		
9.3	Biodiversity Impact Index	<input checked="" type="checkbox"/>
(a)	The activity will not give rise to any impacts on biodiversity	<input checked="" type="checkbox"/>
(b)	The activity could give rise to localised biodiversity impacts	<input type="checkbox"/>
(c)	The activity could give rise to significant biodiversity impacts	<input type="checkbox"/>
(d)	The activity 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"/>
Please provide motivation for the impact rating of the above impact index: Constructed on previous road alignment and ploughed fields. No impact on natural areas.		
9.4	Sense of Place & / or Heritage Impact Index	<input checked="" type="checkbox"/>
(a)	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"/>
(b)	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"/>

(c)	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	
(d)	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	
<p>Please provide motivation for the impact rating of the above impact index: The visual character of the property fits within the Agricultural Zoning. The road did not change the sense of place associated with the area.</p>		
9.5 Pollution Impact Index		<input checked="" type="checkbox"/>
(a)	The activity will not give rise to any pollution	<input checked="" type="checkbox"/>
(b)	The activity could give rise to pollution with low impacts.	
(c)	The activity could give rise to pollution with moderate impacts.	
(d)	The activity could give rise to pollution with high impacts.	
(e)	The activity could give rise to pollution with major impacts.	
<p>Please provide motivation for the impact rating of the above impact index: It is a well constructed gravel road with a hardened laterite surface resulting in very little dust generation.</p>		

Please note: Section 9 is to be completed after all specialist studies and input from Interested and Affected Parties have been obtained.

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.

None

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

The applicant operates a successful mature tree nursery and business and is fully capable of maintaining

Please note: A draft ENVIRONMENTAL MANAGEMENT PROGRAMME must be attached this report as Appendix H.

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

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

<p>The impacts associated with the current and proposed activities on the property were identified and assessed via the following:</p> <ul style="list-style-type: none"> a. Site visit undertaken by EAP to assess the site and immediate surrounding environment ; b. Desktop research to identify any sensitive ecological, geological, cultural, historic resources present on site or in the surrounding environment by a certified Heritage Consultant; c. Desktop research to identify and assess the feasibility of development alternatives; d. Consulting with the Applicant to obtain specific details about the proposed development; e. Reviewing current and historical aerial imagery obtained from Google Earth and the Chief Directorate of National Geospatial Information related to the property; f. Reviewing all applicable legislation, guidelines and policies; g. Consulting with the relevant competent and commenting authorities and other Interested and Affected Parties, and giving due consideration to all feedback received from these parties; h. Assessing the significance of all identified impacts via the assessment methodology described in section (b) below. <p>The above methods are believed to have been adequate for the purposes of this S24G rectification</p>

(b) Please describe the assessment criteria used.

<p>Protocol for the Assessment of Impacts (from DEAT 2002 and the NEMA regulations 2010)</p> <p>Nature of the Impact: Description of the type of effect the activity would have on the affected environment.</p> <p>Extent of the Impact: Reflects the importance of the environment on: <ul style="list-style-type: none"> ◆ a local (site area); ◆ surrounds (site area and its surroundings); ◆ regional (Western Cape) or ◆ a national scale. Impacts on threatened wetlands or seeps, or those that provide ecosystem functions on a regional or national scale are considered to constitute a regional or national scale impact.</p> <p>Duration of the Impact: <ul style="list-style-type: none"> ◆ Short term (0-5 years); ◆ Medium term (6-15 years); ◆ Long term (16-30 years); ◆ Permanent (mitigation, either human or natural, will not occur in such a way or in such time span that the impact can be considered transient). </p> <p>Intensity of the Impact: <ul style="list-style-type: none"> ◆ Low (affects the environment such that natural functions or processes are not affected – or not degraded significantly more than their present state); ◆ Medium (affected environment is altered but natural functions or processes continue, albeit in a modified/ increasingly modified way); ◆ High (natural functions or processes are altered to the extent that they will temporarily or permanently cease). </p> <p>Probability of Occurrence: <ul style="list-style-type: none"> ◆ Improbable (low likelihood of the impact occurring); ◆ Probable (distinct possibility of the impact occurring); ◆ Highly probable (the impact will most likely occur). ◆ Definite (impact will occur regardless of any prevention measures) </p> <p>Status of the Impact: <ul style="list-style-type: none"> ◆ Negative ◆ Positive ◆ Neutral </p> <p>Significance of impact (Degree to which the impact will cause irreplaceable loss of resources): <ul style="list-style-type: none"> ◆ No significance: the impacts do not influence the environment in any way. ◆ Low significance: the impacts will have a minor influence on the environment. These impacts require some attention to modification of the project design where possible, or alternative mitigation. ◆ Moderate significance: the impacts will have a moderate influence on the environment. The impact can be ameliorated by a modification in the project design or implementation of effective mitigation measures. ◆ High significance: the impacts will have a major influence on the environment. ◆ No development: the impacts will have the “no-go” implication on the development or portions of the development regardless of any mitigation measures that could be implemented. This level of significance must be well motivated. </p> <p>Degree to which impact can be reversed: <ul style="list-style-type: none"> ◆ Low (can only be removed with great difficulty and expense) ◆ Medium (can be removed with moderate difficulty and expense) ◆ High (can easily and cheaply be removed) </p> <p>Degree of Confidence in Predictions: It is necessary to state the degree of confidence (low, medium or high) in the predictions based on the available information and level of knowledge and expertise.</p> <p>Accumulative Impact: Consideration must be given to the extent of any accumulative impact that may occur due to the proposed development. Such impacts must be 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.</p>

(c) Please describe the gaps in knowledge.

No gaps were identified

(d) Please describe the underlying assumptions.

The following assumptions are made:

- The information on which the report is based (i.e. diagrams, plans and project information) is correct.
- The maintenance of the road in accordance with the effective implementation of the measures prescribed in the Environmental Management Programme.

(e) Please describe the uncertainties.

Implementation of mitigation and management measures is the responsibility of the applicant. The successful implementation of these measures are therefore not in the hands of the EAP.

SECTION H: RECOMMENDATIONS OF THE EAP

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

The road serves a highly positive purpose and has no negative impacts on the environment. The road is well constructed and maintained and the adjacent farmer in a telephone conversation expressed his desire that the road should remain.

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.

Proper and ongoing maintenance should be prescribed.

SECTION I: MOTIVATION FOR RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION

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

N/A

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

SECTION J: QUANTUM OF THE ADMINISTRATIVE FINE

Section 24G(4) of NEMA makes it mandatory for an applicant to pay an administrative fine as determined by the competent authority before the competent authority may take a decision on whether or not to grant *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.

According to the pre-determined calculator the following factors below will be considered in determining the quantum of the section 24G administrative fine.

1.	Social Benefit Index	<input checked="" type="checkbox"/>
(a)	The activity provides no social service / infrastructure to the affected community	
(b)	The activity provides indirect social service / infrastructure to the affected community	
(c)	The activity provides some social service / infrastructure to the affected community	
(d)	The activity provides an important social service / infrastructure to the affected community	<input checked="" type="checkbox"/>
(e)	The activity provides an essential social service / infrastructure to the affected community	
Please provide motivation for the impact rating of the above impact index:		
2.	Socio-Economic Impact Index	<input checked="" type="checkbox"/>
(a)	The activity will not give rise to any negative socio-economic impacts	<input checked="" type="checkbox"/>
(b)	The activity could give rise to negative socio-economic impacts, but highly localised	
(c)	The activity could give rise to significant negative socio-economic and regionalized impacts	
(d)	The activity could result in wide-scale socio-economic impacts.	
Please provide motivation for the impact rating of the above impact index:		
3.	Biodiversity Impact Index	<input checked="" type="checkbox"/>
(a)	The activity will not give rise to any impacts on biodiversity	<input checked="" type="checkbox"/>
(b)	The activity could give rise to localised biodiversity impacts	
(c)	The activity could give rise to significant biodiversity impacts	
(d)	The activity is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	
Please provide motivation for the impact rating of the above impact index:		
4.	Sense of Place & / or Heritage Impact Index	<input checked="" type="checkbox"/>
(a)	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"/>
(b)	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	
(c)	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	
(d)	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	
Please provide motivation for the impact rating of the above impact index:		
5.	Pollution Impact Index	<input checked="" type="checkbox"/>
(a)	The activity will not give rise to any pollution	<input checked="" type="checkbox"/>
(b)	The activity could give rise to pollution with low impacts.	
(c)	The activity could give rise to pollution with moderate impacts.	
(d)	The activity could give rise to pollution with high impacts.	
(e)	The activity could give rise to pollution with major impacts.	
Please provide motivation for the impact rating of the above impact index:		

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

REPRESENTATIONS BY THE APPLICANT

- [This whole issue was a bona fide mistake and oversight. There was no malice, bloody mindedness or pigheadedness involved.](#)
- The road system (including the offending section) was planned and pegged by our landscape

architect, using ortho-maps, as part and parcel of his landscaping development plan for the whole site.

- Surveying and mapping of the new road system was done with full cognisance of the implications of the EIA Regulations and listed activities. The resultant plans showed the road to be more than 32m from the dam (water course).
- Our *bona fides* in this regard is borne out by us appointing an Environmental Consultant to complete the relevant checklist and submit our plans to your department to determine whether any actions on site may trigger one or more of the NEMA listed activities. Your department's response was negative. See **Appendix E** for documentation in this regard.
- Our business, and operations on site, does not benefit in any way with the road being in its present position. There was, and is, enough space and land available to place the road more than 32m from the water course.
- Retro-active rebuilding of the established road will have a rather large impact on the environment and also lead to disruption to the neighbour's access to his farm. It is thus no longer a feasible option, hence this S24G application.

NOTES BY THE EAP

- As can be seen from the checklist in Chapter J above, the road is making a positive contribution to the socio-economic environment.
- In a personal conversation with the neighbour, using the road for access to his farm, the latter expressed his total satisfaction with the road and its positioning. In fact he expressed a real concern that the applicant may be forced to remove the road as it will force him back to using the older unsuitable access track.
- The road is routed partially on the old access road and partially on an old ploughed wheat field. This eliminated all possible negative impacts on the bio-physical environment.
- The road was constructed to a very high standard with proper drainage and culverts, making it an all weather road. This is in contrast to other roads on the farm and neighbouring farms.
- The proximity to the dam is a technical matter and I have no doubt that an EIA application to construct the road closer than 32m to the water course would have succeeded. I must stress that the applicant never contemplated such an application as he always planned to remain more than 32m away from the dam. The eventual pegging of the road went awry due to the use of ortho-photo's.
- Most of the farm roads in the vicinity is closer than 32m to dams and water courses. In fact there is a road across the dam wall of the dam in question.
- Having due regard for all the factors involved in this case, I would argue for the administrative fine to be based on judging the transgression to be due to a genuine oversight, and not wilful disregard for the EIA Regulations.

SECTION K: APPENDICES

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

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	√
Appendix B:	Site plan(s)	√
Appendix C:	Colour Photographs	√
Appendix D:	Biodiversity overlay map	
Appendix E:	Permit(s) / license(s) from any other organ of state including service letters from the municipality	√
Appendix F:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements and any other public participation information as required in Section C above.	√

Appendix G:	Heritage Survey	√
Appendix H :	Environmental Management Programme	√
Appendix I:	Any Other (if applicable) (describe)	
Appendix J:	Certified copy of Identity Document of Transgressor / Applicant and certified copy/ies of the Title Deed/s of the site/property on which the unlawful activity/ies commenced.	√

DECLARATIONS

THE APPLICANT

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

I,, in my personal capacity or duly authorised as (state capacity) by thereto hereby declare/affirm that the information contained in this report to be true and correct that I:

- am fully aware of my responsibilities in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989) the National Environmental Management Act of 1998 ("NEMA") (Act No. 107 of 1998), the Environmental Impact Assessment Regulations ("EIA Regulations") in terms of NEMA, and the relevant specific environmental management Act(s), and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
- appointed the environmental assessment practitioner as indicated above, which meet all the requirements in terms of Regulation 13 of GN No. R982,, to act as the independent Environmental Assessment Practitioner for this application;
- have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
- am fully aware of the administrative fine to be paid before a decision, with respect to the continuation of the listed activity(ies), will be made;
- will be responsible for the costs incurred in complying with the environmental legislation including but not limited to –
 - o costs incurred in connection with the appointment of the environmental assessment practitioner or any person contracted by the environmental assessment practitioner;
 - o costs incurred in respect of the undertaking of any process required in terms of this application;
 - o costs in respect of any fee prescribed by the Minister or MEC in respect of the regulations;
 - o costs in respect of specialist reviews, if the competent authority decides to recover costs;
 - o the provision of security to ensure compliance with the applicable management and mitigation measures; and
 - o fine costs
- am responsible for complying with the conditions that might be attached to any decision(s) issued by the competent authority;
- am aware that I may be issued with a directive and that I must comply with such a directive;
- have the ability to implement the applicable management, mitigation and monitoring measures; and
- hereby indemnify, the government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible.

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

Signature of the applicant:

Name of company:

Date:

THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

I, **Johannes Hendrik Neethling** , as the appointed independent environmental practitioner (“EAP”) hereby declare/affirm that I:

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

Note: The terms of reference must be attached.

Signature of the environmental assessment practitioner:

Johan Neethling Environmental Services

Name of company:

Date:

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

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

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

Note: The terms of reference must be attached.

Signature of the specialist:

Name of company:

Date: