



BACKGROUND INFORMATION DOCUMENT

APPLICATION FOR A NEMA SECTION 24G RETROSPECTIVE APPROVAL

for

THE UNLAWFUL CLEARING OF INDIGENOUS VEGETATION FOR THE ESTABLISHMENT OF DWELLINGS ON PORTION 2 OF THE FARM POTTEBERG ESTATES NO. 516, SWELLENDAM.

DEA&DP Law Enforcement Reference: 14/1/1/E2/8/6/3/0782/23

Purpose of this Document

The purpose of this Background Information Document (BID) is to provide you, as an identified Interested and Affected Party (I&AP), with information regarding the abovementioned project.

The Applicant unlawfully cleared indigenous vegetation within an endangered ecosystem to establish dwellings and structures on Portion 2 of Farm Potteberg Estates No. 516, Swellendam without the requisite Environmental Authorisation (EA). A Section 24G rectification process is being undertaken to apply for *ex post facto* approval of these activities. This BID provides a summary of the project, outlines the Public Participation Process (PPP) required in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended), and the Section 24G Fine Regulations, 2017.

As an identified I&APs you are invited to register, comment, and/or contribute to the Section 24G application by identifying potential concerns or issues and concerns related to the application.

Introduction and Project Background

Doug Jeffery Environmental Consultants (DJEC) has been appointed by the Applicant, **Breede River Properties (Pty) Ltd**, to ensure compliance with the NEMA EIA Regulations, 2014 (as amended), and the Section 24G Fine Regulations, 2017 for addressing unlawful activities. A registered Environmental Assessment Practitioner (EAP) from DJEC will undertake the application.

The Applicant is seeking retrospective EA from the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP), Directorate: Rectification, for the unlawful clearing of indigenous vegetation in an endangered ecosystem to establish dwellings and structures. Consequently, a Section 24G Rectification Process must be followed to assess and mitigate the impacts associated with these activities.

Scope of the Development

Existing dwellings

The following buildings were present on the property prior to the commencement of the unlawful activities:

- A main dwelling house. This house was converted into a Farm Manager's cottage.
- An outbuilding. This building was converted into a staff cottage.

Buildings/structures constructed without EA

The following buildings and structures were constructed without obtaining an EA for the clearance of indigenous vegetation within an endangered ecosystem:

- A staff cottage.
- Stables.
- A fire pit.

Other proposed Buildings/structures

The Applicant also wishes to develop additional buildings and structures on the property. All proposed buildings and structures will be for private use by the landowner. The proposal includes the following additional developments:

Proposed dwellings / buildings / structures:

- A main dwelling (farm owner's house) of approximately 600m².
- A guest cottage (for private use) of approximately 99m².
- A workshop/electrical room of approximately 45m² for *bona fide* farming activities.
- An entertainment room of approximately 82m² (for private use).
- A meditation room of approximately 32m² (for private use).
- Garages (outbuilding) of approximately 91m².
- A carport of approximately 85m².
- Four paddocks totalling approximately 3 200m².
- A tennis court of approximately 675m².
- Internal farm roads totalling approximately 723m².

Location of the Site

Municipal Area

District Municipality:	Overberg District Municipality		
Local Municipality:	Swellendam	Ward:	Ward 3
Nearest Settlement:	Infanta	Distance:	12km

Property Details

Property:	Portion 2 of Farm Potteberg Estates 516		
Physical address:	Off Malgas/Infanta Road (Eilands Pad), south of the Breërivier		
Property size:	937.9025 ha	Zoning:	Agriculture
SG Code:	C07300000000051600002		
Coordinates:	34°23'44.06"S, 20°43'47.07"E		

The Malgas/Infanta Road (Eilands Pad) passes through the farm from west to east. The Poortrivier, a tributary of the Breërivier, is situated on the western side of the farm. Refer to the figure at the end of this BID showing the location of the property and the site.

The site where activities have been undertaken and where further activities are proposed is located in the norther portion of the farm, between the Breërivier and the road on the eastern side of the Poortrivier. Refer to the figure at the end of this BID showing the layout of the buildings on the site.

Legislative Context

National Environmental Management Act, 1998

In terms of the EIA Regulations, 2014 (amended), the following listed activities were relevant at the time of commencement:

Listing Notice 3 (GNR 985 of 2014)

Activity 12: *The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.*

(j) Western Cape

- (i) *Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004.*

Public Participation Process

The objective of the PPP is to:

- Provide I&APs with an opportunity to express their views, support, concerns, and questions regarding the project, application, or decision.
- Offer a platform for I&APs, the EAP, and the competent authority to obtain clear, accurate, and understandable information about the

environmental, social, and economic impacts of the proposed activities or the implications of a decision.

- Allow I&APs to suggest ways to reduce or mitigate the negative impacts of an activity and to enhance its positive impacts.
- Enable the applicant to incorporate the needs, preferences, and values of affected parties into the application.

The EAP will open and main a register of I&APs to provide access to all reports or information related to this Section 24G process.

The PPP will be undertaken in accordance with NEMA, the EIA Regulations, 2014 (as amended), and the Section 24G Fine Regulations, 2017.

A minimum of two commenting periods are anticipated for this Section 24G process. These will be as follows:

1. **Preliminary PPP** in terms of Regulation 8 of the Section 24G Fine Regulations, 2017, with a 20 calendar day registration and comment period (**this process**).
2. **Statutory PPP** in terms of Regulation 41 of the EIA Regulations, 2014 (as amended). This will be a 30 calendar day comment period.

All comments or concerns from I&APs will be captured, considered and responded to in the Section 24G Report.

How to Participate

I&APs are invited to register and/or submit comments on this Section 24 application **within 20 calendar days from Friday, 13 September 2024.**

To register for the project or/and submit comments, I&APs must provide their name, contact details, and preferred method of communication in writing to the EAP using the contact details below. In addition to this, I&APs must disclose any direct business, financial, personal, or other interests they may have in the application.

Only registered I&APs will be notified and updated throughout the process.

Any person unable to read or write or needing assistance to register or submit their comments, may request assistance from EAP during office hours.

ALL REGISTRATIONS AND COMMENTS MUST BE SUBMITTED TO THE EAP BY FRIDAY, 04 OCTOBER 2024.

Please Note: When registering as an I&AP, you consent to the lawful processing of personal information for the intended purposes, as prescribed by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Refer to our privacy policy on our website.

Contact details of the EAP

Doug Jeffery Environmental Consultants

EAP: Ms. Adél Groenewald

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Postal address: PO Box 44, Klapmuts, 7625

Way Forward

The draft Section 24G Report, which includes a detailed description of the project, an overview of the affected environment, the potential impacts identified, as well as the relevant specialist studies conducted, will be circulated for comment to registered I&APs, state departments, and organs of state during the **Statutory PPP**.

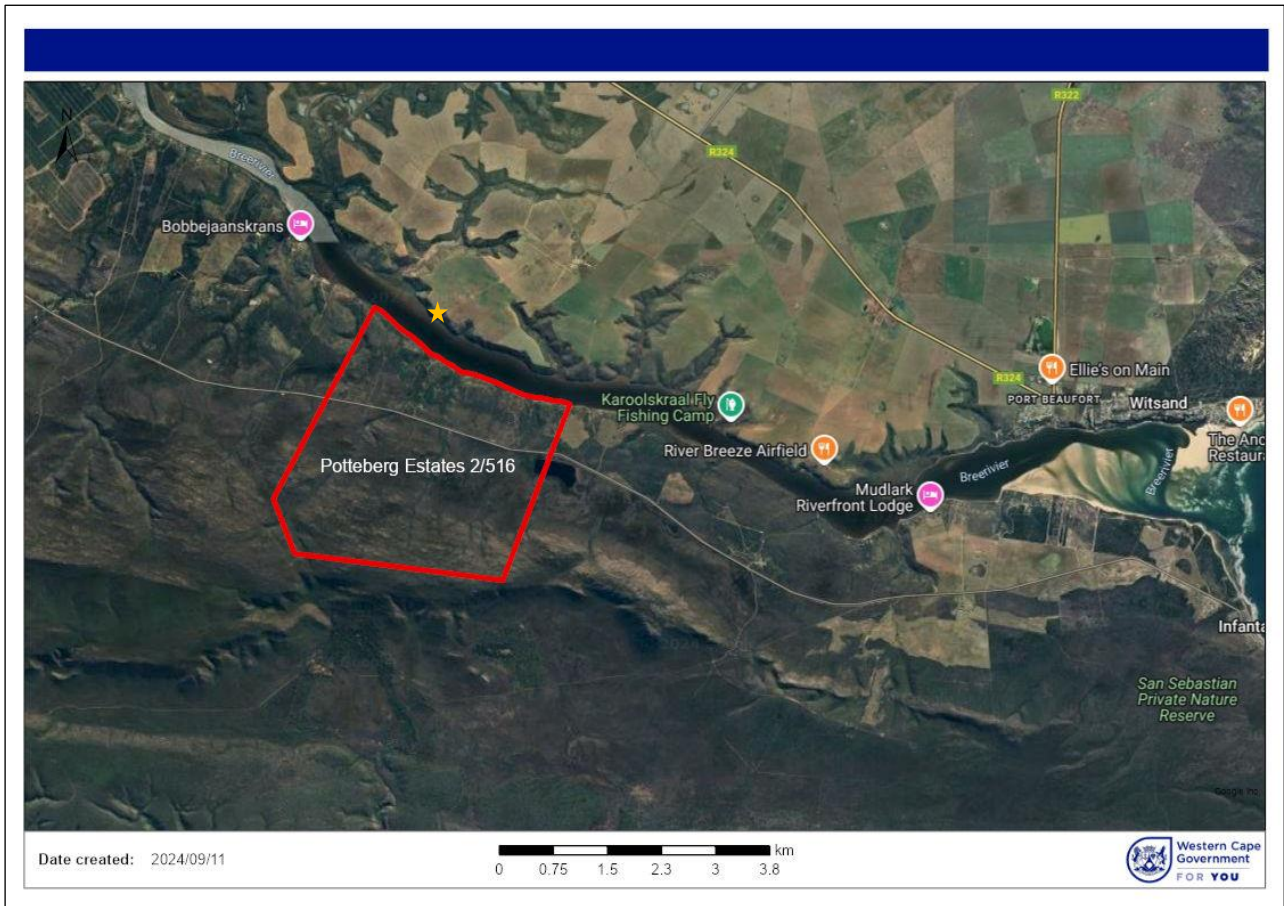
Registered I&APs, state departments, and organs of state will be notified by the EAP when the draft Section 24G Report is available for public review and comment. All reports will be made available on DJEC's website at the following link:

<https://www.dougjeff.co.za/download/potteberg-estates/>

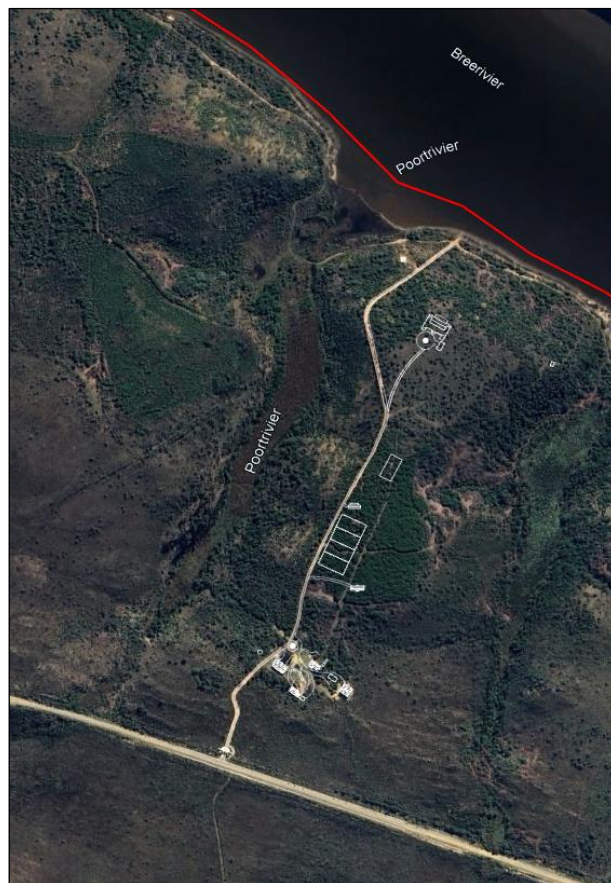
Alternatively use the QR code below to access the reports.



Figures



Location of the Property (red outline) and the Site (yellow star).



Layout of the Site.