



Appendix G: S24G application – Comments and Response Report, March 2026

Activities carried out and proposed on Farm Portions 420 and 373, Outeniqua Game Farm

Consultation number: 14/2/4/1/D6/28/0004/20 (Ziyaad Allie)

Consultation number: 14/1/1/1/E3/9/10/3/L1019 (D Mouton)

This document records the details of the public participation process and records any comments received from Interested and Affected Parties (IAPs) in terms of the EIA regulations of the National Environmental Management Act (Act 107 of 1998) as well as the responses provided by the Environmental Impact Assessment Practitioner and the proponent.

A public participation process is being carried out in accordance with Section 24J of the NEMA; the following activities have been carried out:

- Notice of proposed application for EA and registration of IAPs:
 - Placing two posters close to the site to inform the public of the process.
 - Emailing notice to organs of state, landowners and potential IAPs of the intended S24G application
 - Placing an advertisement in the Mossel Bay Advertiser on 6 September 2024
- Allowing for a 30-day registration and initial comment period on Notice and BAR
Registration of IAPs: : 6 September to 7 October 2024
- Record of registration and initial comments received in response to the notices
- The draft section 24G application form report was distributed to registered IAPs **for a 60 day** review and comment period. **Comment and review period: 25 April – 30 June 2025**
- A public meeting was held on 18 July 2025 following receipt of comments on the draft application.
- The final application was distributed to IAPs for 30 days comment and review period; **Comment and review period: 12 November - 12 December 2025**
- **The final application has been distributed to IAPs for a further 21 days comment and review period; Comment and review period: 13 February - 6 March 2026**
- **The final application will then be submitted to the DEADP for consideration on 9 March 2026 (all updates are in purple)**

Public participation process has been carried out by Confluent Aquatic specialist for the required water use license application (WULA).

All comments received as well as responses provided by the Environmental Impact Assessment Practitioner and the proponent has been recorded throughout the process. The Final S24G application and accompanying appendices include the PP and CRR report ((this report) will be submitted to the competent authority for decision making.

See the following attached appendices for details of public participation activities carried out:

- Appendix G1: Adverts, notices and BID
- Appendix G2: Full Register of interested and affected parties
- Appendix G3: Registration and comments (6 September to 7 October 2024)
- Appendix G4: Notices distributed – Notice of intent to apply for EA and registration of IAPs
- Appendix G5: comments (April to June 2025)
- Appendix G6: Notices distributed – Notice of comment and review period
- Appendix G7: Public participation meeting – notices distributed
- Appendix G8: Public participation meeting – Presentation
- Appendix G9: Public participation meeting – comments and feedback
- Appendix G10: communication and site visit – DEADP enforcement



Eco Route

ENVIRONMENTAL CONSULTANCY

REGISTRATION NO. 1998/031976/23

DR. COLLEEN EBERSOHN

PhD Univ. Pretoria

Cell: 072 222 6013

e-mail: egersohn@cyberperk.co.za

MS. JANET EBERSOHN

Bsc. Hons. Environmental Management

Cell: 082 557 7122

e-mail: janet@ecoroute.co.za

Comments and Response Report, March 2026

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
Comments received: February – March 2026				
Izak Du Toit	6 March 2026	<p>Please add my objection, to the report.</p> <p>Thank you for your feedback, But please include my comment in the report to the department, The owner of the property has so environmental complaints against him, he should first close them in my opinion. Please include my comment, thank you.</p>	6 March 2026 Final report	<p>Hi Izak Your objection will be included. Thank you</p>
		<p>Please see formal comment below: I am a downstream user, farm RE154, in recent years, the river has, stopped on number of times, due to increase users upstream, the average rainfall over the past year did not change significant. A dam in a main artery of the river will negatively impact downstream users. Secondly the property owner can not be trusted to remain within the constraints of the law, with a pending environment transgressions happening on his property and that is continued to this day.</p>		<p>Thank you for your comments. I do understand your concerns. The area has been assessed by the aquatic specialist and various engineers. The dam design (which is prepared by the engineers to ensure compliance to the specialists' requirements and recommendations), allows for it to be developed in two phases; this will ensure compliance of the applicant to the first storage phase and then move on to construct the second phase. Monitoring of water quantities will be automated and will be sent to the Department monthly to maintain compliance and allow for the second phase to commence. Sufficient water is planned to be released to ensure downstream users are not impacted by the proposed dam. Kindly refer to the attached method statement for dam construction and the EMPr. If approval is given these will become legally binding documents. Thank you for your participation in the process.</p>
Izak Du Toit	5 March	<p>I will give a detailed response to the comment made on my previous objection. As you know that the river was dry now for more than 3 months, So I am just absolutely flabbergasted how you can say it will not have an impact, the river stood now, with NO FLOW for 3 months and more, so building dams directly in the flow channel, of a artery of the river will obviously have an impact and will impact downstream users,</p>	March 5, 2026, Final report	<p>Kindly note that I do not say what the impact will be, the aquatic specialist was appointed to independently assess the impact of the proposed development.</p>
		<p>To be 100% clear I can send a list of my objections to the corrected email: Claire@ecoroute.co.za</p>		<p>Good day Izak</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE												
		<p>What is required from me, my property name and that is it?</p> <p>Please see return email when you want to make objection Please give me the correct mail to raise again objections to this, ASAP please</p>		<p>Kindly see below regarding your registration. All registered parties have received the relevant reports as follows:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Registration for 30 days <input checked="" type="checkbox"/> Draft report for 60 days due to WULA <input checked="" type="checkbox"/> Draft report for 30 days with updated comments and response report <input checked="" type="checkbox"/> Final report for 21 days <p>Thank you for your participation in the process</p> <p style="text-align: center;">Thank you for your participation in the process.</p> <div data-bbox="1420 544 1899 683" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Izak du Toit 154</td> <td style="padding: 2px;">18 July 2026</td> <td style="padding: 2px;">Do ath sto sup elo</td> </tr> <tr> <td style="padding: 2px;">0809058373</td> <td></td> <td></td> </tr> <tr> <td style="padding: 2px;">izakdu toit1988@gmail.com</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center; padding: 2px;">8</td> <td></td> </tr> </table> </div> <p>Thank you for your email. Please note that the email address provided for Claire is correct, you have made a typo in your email address (the email address in the screenshot is incorrect). Claire@ecoroute.co.za Kind regards,</p>	Izak du Toit 154	18 July 2026	Do ath sto sup elo	0809058373			izakdu toit1988@gmail.com				8	
Izak du Toit 154	18 July 2026	Do ath sto sup elo														
0809058373																
izakdu toit1988@gmail.com																
	8															
<p>Department of Environmental Affairs and Development Planning Sibaphiwe Gumede Biodiversity and Coastal Management Sibaphiwe.Gumede@westerncape.gov.za Tel: 021 483 2986 DEA&DP Reference: 14/2/4/1/D6/28/0 004/20 CMU Reference: 17/1/8 (CMU 119/2025)</p>	<p>06 March 2026</p>	<p>RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE 21-DAY COMMENT AND REVIEW - FINAL SECTION 24G APPLICATION FORM FOR COMMENCEMENT & FURTHERANCE OF ACTIVITIES ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM, MOSSEL BAY MUNICIPALITY, WESTERN CAPE</p> <p>Your request for comment from the Sub-directorate: Coastal Management pertaining to the notice of final Basic Assessment Report for the above-mentioned application received on 23 February 2026, refers.</p> <p>1. CONTEXT 1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites</p>	<p>March 9, 2026, Final report</p>	<p>Noted</p>												

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>in the coastal zone (GN No. 497, 27 June 2014) “Public Launch Site Regulations”.</p> <p>1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme (“PCMP”). The Western Cape Provincial Coastal Management Programme (“WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and available upon request.</p> <p>1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol (“NEMP”). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans of which over 20 Estuarine Management Plans have already been approved.</p> <p>1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 (“PCASP”) and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.</p>		

	<p>2 COMMENT</p> <p>2.1. The proposed activity comprises a combination of listed activities that have commenced prior to obtaining environmental authorisation that were commenced by previous and current owner as well as proposed activities (as per the final NEMA S24G Application Form titled “Final Application for 21-day review and comment: 12 November – 12 December 2025”).</p> <p>The sub-directorate: Coastal Management (“SD: CM”) has reviewed the information as specified above and have the following commentary: Proposed activities entail:</p> <ul style="list-style-type: none"> i the installation of an in-stream dam (12-meter height maximum; 150 000m3 capacity) and associated pipeline to provide water for existing and proposed activities; ii. agricultural expansion on Ptn 373 (proposed – 380 ha expansion); (preferred - 20 ha expansion on Ptn 373); iii. predator enclosure expansion (Ptn 420) (17 ha – proposed; 10.4 ha preferred), and; iv. an elephant enclosure (Ptn 420) (1ha – proposed and preferred). <p>2.2. The final NEMA S24G Application Form (titled “Final Application for 21 day review and comment: 13 February – 06 March 2026”) states that the preliminary dam design allows for the development of the dam in phases, with Phase 1 having a dam storage of about 40 000 m3 at a dam wall height of 10 m (at the spillway crest) for the expected lower scale agricultural operations in the short to medium term. The dam design has allowed for future raising of the dam for additional storage when the agricultural activities reach full scale operations. The total dam storage holding capacity is proposed at 150 000 m3, with a wall height of about 15 m (at the spillway crest) with a flooded area of about 4.9 ha. Eventually, the dam wall will be three (3)m higher than initially proposed in the Final 24G Application form (November 2025).</p> <p>2.3. The SD:CM notes that the Final 24G Application form (February 2026) states that the release flow will be digitally monitored and submitted to Breede-Olifants Catchment Management Agency (BOCMA) as per the Water Use Licence (WUL) conditions. However, the BOCMA remains a water stressed area with high rainfall variability.</p> <p>2.4. Both S24G application forms (November 2025 and February 2026) indicate that approximately 200ha of the property is invaded by alien trees along drainage lines (located within the area to be zoned as Open Space 3 for Conservation Use). It is imperative that these alien trees are removed as this will improve water flows in the surrounding rivers and estuary.</p> <p>2.5. The SD:CM does not support to the commencement & furtherance of activities on Farm Portions 420 and 373, Outeniqua Game Farm in Mossel</p>	<p>The property currently has a diversity of land uses that are considered to complement each other. Based on the soil, vegetation and hydrology assessment, a maximum of 80 ha agricultural is deemed feasible with 60 ha under irrigation and 20 ha available for rotation. A number of positive impacts are identified and include provision of housing for staff, food production, creation of employment and economic opportunities, sustainable use of energy and environmental awareness. With no further development of intensive agriculture and rehabilitation of unnecessary roads, dammed areas, and planting of fire protection thicket hedges, and food gardens around dwelling and restaurant area, the current activities are considered to be a sustainable use of land.</p> <p>Ruiterbos River - There are no additional water users on the Ruiterbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruiterbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruiterbos-Pre). For all dam sizes, modelled flows (Ruiterbos-Post) indicate that that these low flow conditions will increase to approximately 60 % of the time. (</p> <p>Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from to 11.08 Mm3 to 10.87 Mm3 which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm3 per annum. The reduction in MAR caused by the storage and increased abstraction from the Ruiterbos River is therefore unlikely to have any significant impact on downstream users.</p> <p>A Preliminary Dam design has been prepared by GG&G Consulting Engineers and provided as Appendix B7. The preliminary design has been sent to the aquatic specialist to confirm the design meets the required hydrological requirements of the catchment area and all measures have been incorporated into the design to prevent / reduce impacts as far as possible. This will also be submitted to the DWS / BOCMA as part of the WULA</p> <p>The concept design indicated a 12 meter wall height. The preliminary dam design allows for the development of the dam in phases, with phase 1 having a dam storage of about 40 000 m3 at a dam wall height of 10 m (at the spillway crest) for the expected lower scale agricultural operations in the short to medium term. The dam design has allowed for future dam raise for additional storage when the agricultural activities reach full scale operations to increase the dam storage holding capacity to 150 000 m3, at a wall height of about 14.5 m (at the spillway crest) with a flooded area of about 4.9 ha .</p> <p>The release flow mechanism has been incorporated into the design to maintain downstream baseflows release to meet the ecological water requirements of the reserve. A coffer dam will be constructed upstream of the proposed dam</p>
--	--	---

		<p>Bay. The SD:CM does not support the development of an in-stream dam within the catchment of the Klein Brak estuary, as any further abstraction of water or installation of dams in the catchment will impede flows (particularly base flows) and will have a high impact on aquatic biodiversity and ecological functioning of the system.</p>	<p>site during the construction phase to keep the construction area dry; the dam construction is also recommended to be planned during the dry season. Given the steep nature of the river embankments on either side of the proposed dam wall, an underground pipeline will be installed to specifications from the coffer dam to gravitate water out of the coffer dam as required during construction; this pipe will be maintained as part of the release flow mechanism; the pipe will be placed beneath the dam - the optimal dam site area in terms of geological requirements to minimise foundations, is very narrow and a bypass will therefore not be possible. The release flow will be digitally metered and regularly recorded for submission to BOCMA as per WUL conditions. The released flow will mimic the natural non – perennial conditions with increased release during storm events and minimal flow during dry conditions.</p> <p>The proposed dam will allow for continuance of existing operations (game farm, 89 ha agricultural and dwellings; restaurant). The quality of the water abstracted from the boreholes is reportedly saline and not fit for domestic and irrigation purposes. Treating the water via reverse osmosis is not a financially feasible alternative. Water is required to sustain the operations. The existing dammed areas along the non-perennial river do not meet the required water demand and are recommended to be rehabilitated as per EMPr measures. Water supply is proposed from the new instream dam. Authorisation of additional taking of water from the Ruitersbos River will be subject to the surrender of abstraction rights from boreholes on RE/420 and RE/373.</p> <p>The operations are to be managed as per EMPr measures. The existing dammed areas commenced without an EA. Where commencement has occurred unlawfully, the activity remains unlawful until properly authorised., These integrated activities (existing and past activities) may be included in the rectification application. If an authorisation is attained, then the EMPr will become legally binding. The agricultural operations provide employment opportunities in both cultivation and harvesting. The restaurant, game farm management, enclosures and related tourism activities further contribute to local job creation.</p> <p>Clearing of alien invasive is to continue at the property and managed in line with EMPr condition and the AIS management Plan. The removal will increase the amount of water in the catchment area. Kindly note that approximately 200 ha of AIS has been cleared on the farm portions to date.</p> <p>It is recommended that ongoing rehabilitation take place with indigenous species growing in the area. Approximately 859 ha of the farm portions is recommended to be rezoned to open space 3 and managed for conservation purposes. The existing game farm and proposed enclosures play a significant role in promoting environmental awareness, particularly in relation to species of conservation concern. These activities create an opportunity for tourists and staff to learn about indigenous fauna, conservation challenges, and the importance of habitat protection. The presence of SCC and the emphasis on their protection fosters a greater appreciation for biodiversity among visitors</p>
--	--	---	---

				<p>The applicant commits to securing approximately 859 ha of the farm portions as an open space 3 area, representing a substantial biodiversity gain well in excess of the required offset. This commitment will deliver a net biodiversity gain, contribute directly to the national conservation target for Garden Route Granite Fynbos, and effectively increase the formally protected extent of this vegetation type to approximately 0.42% and secure long-term, in situ persistence of this vegetation type.</p> <p>Kindly note that continuance of the operations can only continue with the approval of the required dam to meet the wate demand of the activities.</p>
--	--	--	--	--

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: <i>"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."</i> together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.</p> <p>4. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.</p>		Noted

<p>PLATINUM MILE INVESTMENTS 442 (PTY) LTD</p>	<p>5 March 2026</p>	<p>FINAL OBJECTION AGAINST THE APPROVAL OF UNLAWFUL ACTIVITIES CARRIED OUT ON FARM PORTION 420 AND 373 OF OUTENIQUA GAME FARM, MOSSSEL BAY DISTRICT MUNICIPALITY 24G CONSULTATION: 14/2/4/1/D6/28/0004/20.</p>	<p>6 March 2026; final report 9 March 2026; final report</p>	<p>Public Participation All correspondence is recorded in the public participation report submitted for review and further comment. Process followed:</p> <ul style="list-style-type: none"> • Notice of proposed application for EA and registration of IAPs: <ul style="list-style-type: none"> ○ Placing two posters close to the site to inform the public of the process. ○ Emailing notice to organs of state, landowners and potential IAPs of the intended S24G application ○ Placing an advertisement in the Mossel Bay Advertiser on 6 September 2024 • Allowing for a 30-day registration and initial comment period on Notice and BAR <p>Registration of IAPs : 6 September to 7 October 2024</p> <ul style="list-style-type: none"> • Record of registration and initial comments received in response to the notices • The draft section 24G application form report was distributed to registered IAPs for a 60 day review and comment period. Comment and review period: 25 April – 30 June 2025 • A public meeting was held on 18 July 2025 following receipt of comments on the draft application. • The final application was distributed to IAPs for 30 days comment and review period; Comment and review period: 12 November - 12 December 2025 • The final application has been distributed to IAPs for a further 21 days comment and review period; Comment and review period: 13 February - 6 March 2026 • The final application will then be submitted to the DEADP for consideration on 9 March 2026 <p>Based on the current and historical land use, the development results in no net increase in ecological disturbance, with the total operational footprint reducing from approximately 197 ha of previous grazing to 122 ha post-development. This will be incorporated back into the CBA (core 1 area in terms of MBM SDF, 2023) of the property.</p> <p>The property currently has a diversity of land uses that are considered to complement each other. Based on the soil, vegetation and hydrology assessment, a maximum of 80 ha agricultural is deemed feasible with 60 ha under irrigation and 20 ha available for rotation. A number of positive impacts are identified and include provision of housing for staff, food production, creation of employment and economic opportunities, sustainable use of energy and environmental awareness. With no further development of intensive agriculture and rehabilitation of unnecessary roads, dammed areas, and planting of fire protection thicket hedges, and food gardens around dwelling and</p>
<p>1. INTRODUCTION</p>	<p>1.1. We act on behalf of the Objector, Platinum Mile Investments 442 (Pty) Ltd. This document constitutes our client’s final written objection to the application lodged in terms of section 24G of the National Environmental Management Act 107 of 1998 (“NEMA”) in respect of the unlawful commencement of listed activities on Portions 420 and 373 of the Farm Outeniqua Game Farm, Mossel Bay.</p> <p>1.2. We wish to place the following on record:</p> <p>1.2.1. On 15 July 2025 we presented the Applicant with our preliminary objections, which consisted of 46 pages. With the Annexures the document consisted of 102 pages;</p> <p>1.2.2. We asked pertinent questions and indicated that we would require you to provide us with details to those questions. Those concerns were not addressed;</p> <p>1.2.3. These final objections should be considered in conjunction and in addition to the preliminary objections, which remain valid;</p> <p>1.2.4. These objection therefore do not replace our preliminary objections but simply supplements same.</p> <p>1.3. At the outset, it must be recorded that, in our client’s considered view, the present Section 24G process is fatally flawed <i>in limine</i>. The application impermissibly conflates retrospective rectification of activities unlawfully commenced with the prospective authorisation of additional listed activities which were not historically commenced unlawfully. The statutory framework does not permit such consolidation.</p> <p>1.4. Section 24G is expressly confined to the consequences of unlawful commencement of a listed activity. It does not authorise an applicant to incorporate additional listed activities that were not unlawfully commenced into the same rectification process, nor does it create a parallel authorisation pathway for advancement, intensification, or further development.</p> <p>1.5. To do so collapses the distinction between retrospective rectification and prospective authorisation under section 24 of NEMA and the Environmental Impact Assessment Regulations.</p> <p>1.6. The present application record demonstrates precisely such conflation. Listed activities that were not historically unlawfully commenced are brought</p>			

	<p>within the ambit of the Section 24G process. That approach is <i>ultra vires</i> the empowering provision and renders the process fundamentally unlawful.</p> <p>1.7. In these circumstances, our client is constrained to record that a detailed engagement with every aspect of the Final Section 24G Report and the Comments and Response Report (CCR) is procedurally compromised. Where the statutory foundation of the process is itself unlawful, any exhaustive engagement by our client with impact ratings, mitigation measures or specialist conclusions, and continued participation in the purported merits debate, risks conferring a “veneer of legitimacy” on a process that is constitutionally and statutorily unsound.</p> <p>1.8. The defects identified herein are not merely technical irregularities. They constitute material errors of law and misinterpretations of the empowering provisions. They implicate the legality principle and the rule of law entrenched in section 1(c) of the Constitution.</p> <p>1.9. They raise concerns that any resultant authorisation would be taken for a reason not authorised by the empowering provision, in excess of the authority conferred, and on the basis of a materially incorrect interpretation of sections 24, 24F and 24G of NEMA.</p> <p>1.10. In terms of section 6 of the Promotion of Administrative Justice Act 3 of 2000, administrative action is reviewable where the decision-maker:</p> <p>1.10.1. was not authorised by the empowering provision;</p> <p>1.10.2. acted under a material error of law;</p> <p>1.10.3. took into account irrelevant considerations or failed to take into account relevant considerations;</p> <p>1.10.4. exercised a discretion for an improper purpose;</p> <p>1.10.5. reached a decision not rationally connected to the purpose of the empowering provision, the information before it, or the reasons given; or</p> <p>1.10.6. reached a decision so unreasonable that no reasonable decision-maker could have so exercised the power.</p> <p>1.11. Our client expressly records that, should the competent authority proceed to authorise the application notwithstanding the structural defects and statutory misinterpretations identified herein, such a decision would be susceptible to review on one or more of the aforesaid grounds.</p> <p>1.12. Section 24 of the Constitution guarantees the right to an environment that is not harmful to health or well-being and obliges the state to secure ecologically sustainable development through reasonable legislative and other measures. NEMA gives effect to that right through a preventative system in which listed activities may not commence without prior environmental authorisation. Section 24G constitutes a narrow and exceptional deviation from that preventative framework. It must be strictly construed.</p>	<p>restaurant area, the current activities are considered to be a sustainable use of land.</p> <p>Ruiterbos River - There are no additional water users on the Ruiterbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruiterbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruiterbos-Pre). For all dam sizes, modelled flows (Ruiterbos-Post) indicate that that these low flow conditions will increase to approximately 60 % of the time. (</p> <p>Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from to 11.08 Mm3 to 10.87 Mm3 which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm3 per annum. The reduction in MAR caused by the storage and increased abstraction from the Ruiterbos River is therefore unlikely to have any significant impact on downstream users.</p> <p>A Preliminary Dam design has been prepared by GG&G Consulting Engineers and provided as Appendix B7. The preliminary design has been sent to the aquatic specialist to confirm the design meets the required hydrological requirements of the catchment area and all measures have been incorporated into the design to prevent / reduce impacts as far as possible. This will also be submitted to the DWS / BOCMA as part of the WULA</p> <p>The preliminary dam design allows for the development of the dam in phases, with phase 1 having a dam storage of about 40 000 m3 at a dam wall height of 10 m (at the spillway crest) for the expected lower scale agricultural operations in the short to medium term. The dam design has allowed for future dam raise for additional storage when the agricultural activities reach full scale operations to increase the dam storage holding capacity to 150 000 m3, at a wall height of about 14.5 m (at the spillway crest) with a flooded area of about 4.9 ha .</p> <p>The release flow mechanism has been incorporated into the design to maintain downstream baseflows release to meet the ecological water requirements of the reserve. A coffer dam will be constructed upstream of the proposed dam site during the construction phase to keep the construction area dry; the dam construction is also recommended to be planned during the dry season. Given the steep nature of the river embankments on either side of the proposed dam wall, an underground pipeline will be installed to specifications from the coffer dam to gravitate water out of the coffer dam as required during construction; this pipe will be maintained as part of the release flow mechanism; the pipe will be placed beneath the dam - the optimal dam site area in terms of geological requirements to minimise foundations, is very narrow and a bypass will therefore not be possible. The release flow will be digitally metered and regularly recorded for submission to BOCMA as per WUL conditions. The</p>
--	--	--

<p>5 March 2026</p>	<p>1.13. Where the rectification mechanism is transformed into a vehicle for consolidation, continuation or furtherance of development beyond the historical unlawful footprint, the integrity of the preventative regime is eroded, compliance discipline is weakened, and the rule of law is undermined.</p> <p>1.14. Our client accordingly places the competent authority on formal notice that all rights are strictly reserved. Should authorisation nevertheless be granted on the present record, our client will consider all further lawful remedies available to it, including internal appeal and judicial review proceedings under PAJA.</p> <p>2. SECTION 24G, PREVENTATIVE ENVIRONMENTAL GOVERNANCE AND THE RULE OF LAW: THE IMPERMISSIBLE EXPANSION OF A LIMITED REMEDIAL MECHANISM</p> <p>2.1 This application raises issues that go beyond environmental impact assessment. It implicates the constitutional architecture of environmental governance, the proper interpretation of section 24G of the National Environmental Management Act 107 of 1998, as amended and the foundational principle of legality entrenched in section 1(c) of the Constitution.</p> <p>2.2 In our client’s considered view, the present Section 24G process has been impermissibly expanded beyond its lawful ambit. If endorsed, such expansion would materially distort the preventative structure of NEMA and undermine the rule of law.</p> <p>2.3 Section 24 of the Constitution guarantees the right to an environment that is not harmful to health or well-being and requires the state to secure ecologically sustainable development through reasonable legislative and other measures. NEMA gives effect to that right through a preventative regime.</p> <p>2.4 The Environmental Impact Assessment system is not designed to retrospectively justify development. It is structured to ensure that environmental consequences are identified, assessed and considered before listed activities commence. This preventative logic is the cornerstone of the statute.</p> <p>2.5 Section 24F reflects this preventative imperative in uncompromising terms. No person may commence a listed activity without environmental authorisation. The prohibition is absolute and peremptory.</p> <p>2.6 The legislature deliberately used the language of “<i>commence and continue</i>” only in relation to activities identified under section 24(2)(d) and governed by norms and standards. That formulation is absent from the regime applicable to listed activities requiring environmental authorisation.</p> <p>2.7 The statutory distinction is clear and intentional. The Act does not recognise a lawful continuation regime for listed activities commenced</p>	<p>released flow will mimic the natural non – perennial conditions with increased release during storm events and minimal flow during dry conditions.</p> <p>The proposed dam will allow for continuance of existing operations (game farm, 89 ha agricultural and dwellings; restaurant). The quality of the water abstracted from the boreholes is reportedly saline and not fit for domestic and irrigation purposes. Treating the water via reverse osmosis is not a financially feasible alternative. Water is required to sustain the operations. The existing dammed areas along the non-perennial river do not meet the required water demand and are recommended to be rehabilitated as per EMPr measures. Water supply is proposed from the new instream dam. Authorisation of additional taking of water from the Ruitersbos River will be subject to the surrender of abstraction rights from boreholes on RE/420 and RE/373.</p> <p>The operations are to be managed as per EMPr measures. The existing dammed areas commenced without an EA. Where commencement has occurred unlawfully, the activity remains unlawful until properly authorised.,</p> <p>These integrated activities (existing and past activities) may be included in the rectification application. If an authorisation is attained, then the EMPr will become legally binding.</p> <p>The agricultural operations provide employment opportunities in both cultivation and harvesting. The restaurant, game farm management, enclosures and related tourism activities further contribute to local job creation.</p> <p>Clearing of alien invasive is to continue at the property and managed in line with EMPr condition and the AIS management Plan. The removal will increase the amount of water in the catchment area. Kindly note that approximately 200 ha of AIS has been cleared on the farm portions to date.</p> <p>It is recommended that ongoing rehabilitation take place with indigenous species growing in the area. Approximately 859 ha of the farm portions is recommended to be rezoned to open space 3 and managed for conservation purposes. The existing game farm and proposed enclosures play a significant role in promoting environmental awareness, particularly in relation to species of conservation concern. These activities create an opportunity for tourists and staff to learn about indigenous fauna, conservation challenges, and the importance of habitat protection. The presence of SCC and the emphasis on their protection fosters a greater appreciation for biodiversity among visitors</p> <p>The applicant commits to securing approximately 859 ha of the farm portions as an open space 3 area, representing a substantial biodiversity gain well in excess of the required offset. This commitment will deliver a net biodiversity gain, contribute directly to the national conservation target for Garden Route Granite Fynbos, and effectively increase the formally protected extent of this vegetation</p>
---------------------	---	---

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>without authorisation. Where commencement has occurred unlawfully, the activity remains unlawful until properly authorised.</p> <p>2.8 Section 24G must therefore be understood for what it is: a narrow remedial provision triggered by unlawful commencement. It is not a parallel authorisation mechanism. It does not create a secondary development pathway. It does not permit the consolidation, expansion or intensification of development under the guise of rectification.</p> <p>2.9 It merely empowers the competent authority to determine whether authorisation may be granted from the date of the decision onwards, after unlawful commencement has occurred and after the imposition of an administrative fine.</p> <p>2.10 Section 24G represents a legislative compromise that necessarily attenuates the preventative character of the environmental authorisation regime. Because it constitutes a departure from the ex ante assessment framework established under section 24 of NEMA, it must be interpreted strictly and applied with restraint. It does not retrospectively legalise unlawful conduct. It does not convert illegality into legality. It does not validate past contraventions. It is not a transactional mechanism for purchasing compliance.</p> <p>2.11 The amended section 24G reinforces this restrictive character by requiring the competent authority to direct immediate cessation of the unlawful activity pending a decision, unless cessation would result in serious environmental harm. The statutory default is cessation. Continuation is the exception and must be justified on narrow grounds. This legislative choice makes it plain that section 24G was never intended to operate as a mechanism for continuation or furtherance of development pending rectification.</p> <p>2.12 Against this legislative framework, any attempt to characterise the present application as one for “<i>commencement and furtherance</i>” of activities constitutes a material and impermissible expansion of the empowering provision. The term “<i>furtherance</i>” is foreign to sections 24, 24F and 24G.</p> <p>2.13 In its ordinary meaning, it denotes advancement, progression or intensification. Section 24G confers no authority to approve advancement or expansion beyond the historical unlawful footprint. To import such a concept into the rectification process is to enlarge the statute by administrative formulation. That is impermissible.</p> <p>2.14 Permissive reliance on section 24G carries serious systemic consequences. Unlawful commencement generates economic momentum. Infrastructure is erected. Capital is invested. Operational realities become</p>		<p>type to approximately 0.42% and secure long-term, in situ persistence of this vegetation type.</p> <p>Kindly note that continuance of the operations can only continue with the approval of the required dam to meet the wate demand of the activities.</p> <p>In terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the 2014 Environmental Impact Assessment (EIA) regulations (as amended, 2017), the current and furtherance of activities requires an environmental authorisation to be issued by the Western Cape Department of Economic Development and Environmental Affairs before further development can commence.</p> <p>The information provided in the application and supporting appendices is deemed sufficient for the decision-making authority to make an informed decision.</p> <p>Extracted from constitution 24. Environment Everyone has the right – (a) to an environment that is not harmful to their health or well-being; and EMPr) (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that – (offset of CR and EN vegetation; EMPr) (i) prevent pollution and ecological degradation; (offset of CR and EN vegetation; EMPr) (ii) promote conservation; and (offset of CR and EN vegetation; EMPr) (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.(offset of CR and EN vegetation; EMPr)</p> <p>Extracted from NEMA: 24. Environmental Authorisations (1) In order to give effect to the general objectives of integrated environmental management laid down in this Chapter, the potential consequences for or impacts on the environment of listed activities or specified activities must be considered, investigated, assessed and reported on to the competent authority or the Minister responsible for mineral resources, as the case may be, except in</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>entrenched. If section 24G is applied expansively so as to consolidate those benefits, the deterrent purpose of section 24F is neutralised.</p> <p>2.15 The administrative fine imposed under section 24G is punitive and deterrent. It is not a licence fee and cannot be treated as a cost of doing business. Scholarly analysis warns that if rectification becomes routine or predictable, unlawful commencement becomes a rational development strategy rather than an exceptional contravention. That outcome would hollow out the preventative regime.</p> <p>2.16 The Constitutional Court in <i>Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province</i> 2007 (6) SA 4 (CC) affirmed that environmental authorisation is preventative in character and that sustainable development requires environmental consequences to be integrated into decision-making before development proceeds. The Court rejected a purely economic or consequentialist approach to authorisation. An interpretation of section</p> <p>2.13 In its ordinary meaning, it denotes advancement, progression or intensification. Section 24G confers no authority to approve advancement or expansion beyond the historical unlawful footprint. To import such a concept into the rectification process is to enlarge the statute by administrative formulation. That is impermissible.</p> <p>2.13 In its ordinary meaning, it denotes advancement, progression or intensification. Section 24G confers no authority to approve advancement or expansion beyond the historical unlawful footprint. To import such a concept into the rectification process is to enlarge the statute by administrative formulation. That is impermissible.</p> <p>2.14 Permissive reliance on section 24G carries serious systemic consequences. Unlawful commencement generates economic momentum. Infrastructure is erected. Capital is invested. Operational realities become entrenched. If section 24G is applied expansively so as to consolidate those benefits, the deterrent purpose of section 24F is neutralised.</p> <p>2.15 The administrative fine imposed under section 24G is punitive and deterrent. It is not a licence fee and cannot be treated as a cost of doing business. Scholarly analysis warns that if rectification becomes routine or predictable, unlawful commencement becomes a rational development strategy rather than an exceptional contravention. That outcome would hollow out the preventative regime.</p> <p>2.16 The Constitutional Court in <i>Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture,</i></p>		<p>respect of those activities that may commence without having to obtain an environmental authorisation in terms of this Act. (COMPLETED)</p> <p>(1A) Every applicant must comply with the requirements prescribed in terms of this Act in relation to—</p> <p>(a) steps to be taken before submitting an application, where applicable;</p> <p>(b) any prescribed report;</p> <p>(c) any procedure relating to public consultation and information gathering;</p> <p>(d) any environmental management programme;</p> <p>(e) the submission of an application for an environmental authorisation and any other relevant information; and</p> <p>(f) the undertaking of any specialist report, where applicable (COMPLETED)</p> <p>(4) Procedures for the investigation, assessment and communication of the potential consequences or impacts of activities on the environment –</p> <p>(a) must ensure, with respect to every application for an environmental authorisation—</p> <p>(i) coordination and cooperation between organs of state in the consideration of assessments where an activity falls under the jurisdiction of more than one organ of state; (COMPLETED)</p> <p>(ii) that the findings and recommendations flowing from an investigation, the general objectives of integrated environmental management laid down in this Act and the principles of environmental management set out in section 2 are taken into account in any decision made by an organ of state in relation to any proposed policy, programme, process, plan or project;</p> <p>(iii) that a description of the environment likely to be significantly affected by the proposed activity is contained in such application; (COMPLETED)</p> <p>(iv) investigation of the potential consequences for or impacts on the environment of the activity and assessment of the significance of those potential consequences or impacts; and (COMPLETED)</p> <p>(v) public information and participation procedures which provide all interested and affected parties, including all organs of state in all spheres of government that may have jurisdiction over any aspect of the activity, with a reasonable opportunity to participate in those information and participation procedures; and (COMPLETED)</p> <p>(b) must include, with respect to every application for an environmental authorisation and where applicable—</p> <p>(i) investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p><i>Conservation and Environment, Mpumalanga Province 2007 (6) SA 4 (CC)</i> affirmed that environmental authorisation is preventative in character and that sustainable development requires environmental consequences to be integrated into decision-making before development proceeds. The Court rejected a purely economic or consequentialist approach to authorisation. An interpretation of section 24G that allows unlawful development to crystallise into practical inevitability is inconsistent with that jurisprudence.</p> <p>2.17 The rule of law demands that public power be exercised strictly within the bounds of the empowering provision. Administrative authorities may not assume powers not conferred by statute. Section 24G must therefore be construed narrowly and applied only within its textual limits. To use it as a vehicle for authorising additional listed activities not unlawfully commenced, or to legitimise continuation and furtherance of development beyond the historical contravention, constitutes a material error of law.</p> <p>2.18 Any decision premised on such an expansive interpretation would be vulnerable to review under section 6 of the Promotion of Administrative Justice Act 3 of 2000. It would be reviewable on the basis that the decision-maker was not authorised by the empowering provision, that the decision was materially influenced by an error of law, that relevant considerations were ignored, that the decision was not rationally connected to the purpose of section 24G, and that the discretion was exercised unreasonably and for an improper purpose.</p> <p>2.19 This is not a technical objection. It goes to the structural integrity of the environmental governance system. If Section 24G is allowed to be expanded beyond its limited remedial function, the preventative architecture of NEMA is compromised. Compliance discipline is weakened. Regulatory certainty is eroded. Equality before the law is undermined. The environmental right entrenched in section 24 of the Constitution is diluted.</p> <p>2.20 The competent authority is therefore obliged to approach this application with strict statutory discipline and constitutional fidelity. Section 24G must not be transformed into a parallel development pathway. It must remain what the legislature intended: a narrow, exceptional and strictly controlled remedial mechanism addressing unlawful commencement and nothing more.</p> <p>2.21 Should authorisation nevertheless be granted on the basis of an expanded interpretation of section 24G, our client will consider all further remedies available to it, including internal appeal and judicial review proceedings. All rights are expressly reserved.</p> <p>. CONCLUSION</p>		<p>potential consequences or impacts, including the option of not implementing the activity; (COMPLETED)</p> <p>(ii) investigation of mitigation measures to keep adverse consequences or impacts to a minimum; (COMPLETED)</p> <p>(iii) 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; (COMPLETED)</p> <p>(iv) reporting on gaps in knowledge, the adequacy of predictive methods and underlying assumptions, and uncertainties encountered in compiling the required information; (COMPLETED)</p> <p>(v) Investigation and formulation of arrangements for the monitoring and management of consequences for or impacts on the environment, and the assessment of the effectiveness of such arrangements after their implementation; (COMPLETED)</p> <p>(vi) consideration of environmental attributes identified in the compilation of information and maps contemplated in subsection (3); and (COMPLETED)</p> <p>(vii) provision for the adherence to requirements that are prescribed in a specific environmental management Act relevant to the listed or specified activity in question. (COMPLETED)</p> <p>(4A) Where environmental impact assessment has been identified as the environmental instrument to be utilised in informing an application for environmental authorisation, subsection (4)(b) is applicable.</p> <p>(b) must include, with respect to every application for an environmental authorisation and where applicable—</p> <p>(i) 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; (COMPLETED)</p> <p>(ii) investigation of mitigation measures to keep adverse consequences or impacts to a minimum; (COMPLETED)</p> <p>(iii) 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;</p> <p>(iv) reporting on gaps in knowledge, the adequacy of predictive methods and underlying assumptions, and uncertainties encountered in compiling the required information;</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>3.1 For the reasons set out above, the present Section 24G application is fundamentally misconceived in law. Section 24G is a narrow and exceptional remedial mechanism confined to the consequences of unlawful commencement of listed activities. It does not constitute a parallel authorisation pathway. It does not permit the consolidation, expansion or introduction of additional listed activities under the guise of rectification. It does not empower the competent authority to convert retrospective enforcement into prospective development approval, especially where it is common cause that the owner knew as far back as 2019 that approval was required, that he intended to apply for approval, and then abandoned the intended applications after certain objections were received. He deliberately circumvented the provisions of environmental authorisation and to make things worse, capitalised on such unlawful actions. Any positive consideration of this application would nullify prescriptive legislation in totality.</p> <p>3.2 The inclusion of new listed activities, including the proposed dam and any associated development not historically and unlawfully commenced, falls outside the jurisdiction conferred by section 24G. Such activities must, as a matter of law, be subject to the ordinary prospective environmental authorisation regime under section 24 of NEMA and the applicable Environmental Impact Assessment Regulations. To consider or authorise them within the present rectification process would constitute an assumption of power not conferred by the empowering provision.</p> <p>3.3 The competent authority is a creature of statute. It may exercise only those powers expressly or impliedly conferred upon it. Section 24G does not authorise the approval of new development. It does not authorise advancement or intensification beyond the historical unlawful footprint. Any decision purporting to do so would be ultra vires, vitiated by jurisdictional error and reviewable under section 6 of the Promotion of Administrative Justice Act 3 of 2000.</p>		<p>(v) Investigation and formulation of arrangements for the monitoring and management of consequences for or impacts on the environment, and the assessment of the effectiveness of such arrangements after their implementation;</p> <p>(vi) consideration of environmental attributes identified in the compilation of information and maps contemplated in subsection (3); and</p> <p>(vii) provision for the adherence to requirements that are prescribed in a specific environmental management Act relevant to the listed or specified activity in question.</p> <p>(4A) Where environmental impact assessment has been identified as the environmental instrument to be utilised in informing an application for environmental authorisation, subsection (4)(b) is applicable.</p> <p>(COMPLETED)</p> <p>24G. Consequences of unlawful commencement of activity</p> <p><i>(1) On application by a person who—</i></p> <p><i>(a) has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); the Minister, Minister responsible for mineral resources or MEC concerned, as the case may be, may direct the applicant to—</i></p> <p><i>(i) immediately cease the activity pending a decision on the application submitted in terms of this subsection;</i></p> <p><i>(ii) investigate, evaluate and assess the impact of the activity on the environment; (COMPLETED)</i></p> <p><i>(iii) remedy any adverse effects of the activity on the environment; (IN PRICESSE of ongoing mitigation e.g. alien clearing, rehabilitation)</i></p> <p><i>(iv) cease, modify or control any act, activity, process or omission causing pollution or environmental degradation; (dwellings and roads are needed and therefore included in the application)</i></p> <p><i>(v) contain or prevent the movement of pollution or degradation of the environment; (ongoing as required)</i></p> <p><i>(vi) eliminate any source of pollution or degradation; (ongoing as required)</i></p> <p><i>(vii) compile a report containing— (COMPLETED)</i></p> <p><i>(aa) a description of the need and desirability of the activity;</i></p> <p><i>(bb) an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;</i></p> <p><i>(cc) a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity;</i></p>

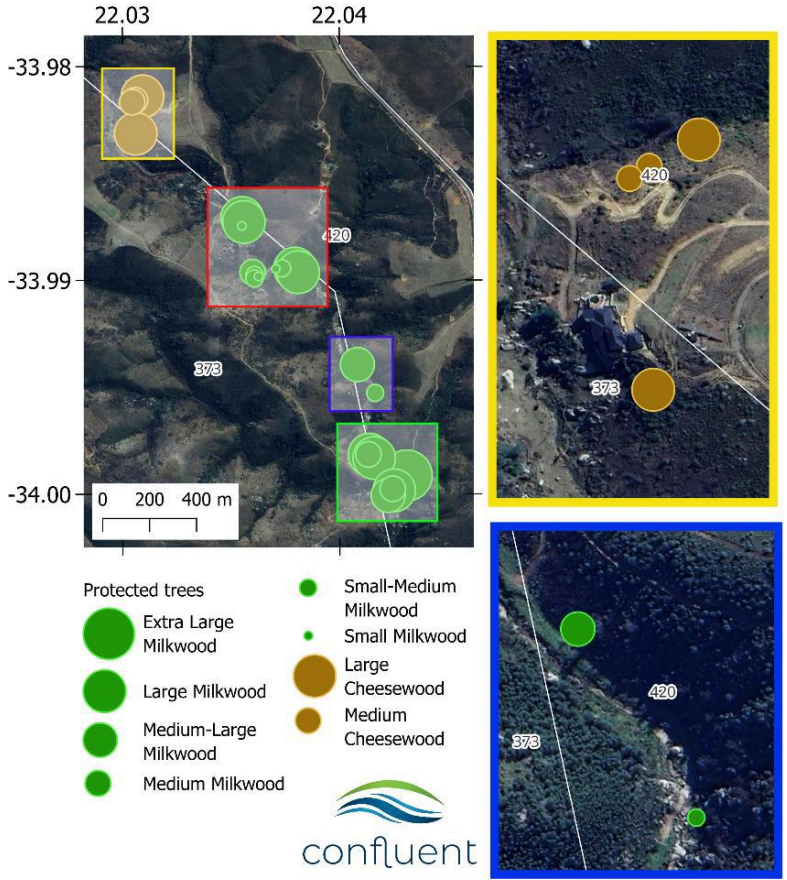
Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>(dd) a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed;</p> <p>(ee) an environmental management programme; or</p> <p>(viii) provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.</p> <p>(2) The Minister, Minister responsible for mineral resources or MEC concerned must consider any report or information submitted in terms of subsection (1) and thereafter may—</p> <p>(a) refuse to issue an environmental authorisation; or</p> <p>(b) issue an environmental authorisation to such person to <u>continue, conduct or undertake the activity subject to such conditions as the Minister, Minister responsible for mineral resources or MEC may deem necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or</u></p> <p>(c) direct the applicant to provide further information or take further steps prior to making a decision provided for in paragraph (a) or (b).</p> <p>(4) A person contemplated in subsection (1) must pay an administrative fine, which may not exceed R5 million and which must be determined by the competent authority, before the Minister, Minister responsible for mineral resources or MEC concerned may act in terms of subsection (2)(a) or (b).</p> <p>(6) The submission of an application in terms of subsection (1) or the granting of an environmental authorisation in terms of subsection (2)(b) shall in no way derogate from—</p> <p>(a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of this Act or any specific environmental management Act;</p> <p>(b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.</p>
<p>Comments received: November 2025</p>				
<p>Department of Environmental Affairs and Development Planning Ziyaad Allie Rectification Ziyaad.Allie@weste</p>	<p>14 November 2025</p>	<p>PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CLEARANCE OF VEGETATION AND CONSTRUCTION OF INFRASTRUCTURE WITHIN 32 METRES OF A WATERCOURSE ON ERF 373 AND 420, OUTENIQUA GAME FARM, MOSSEL BAY</p> <p>1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a</p>	<p>17 November 2025</p>	<p>Kindly note the following has been carried out for the illegal commencement and continuation of NEMA listed activities:</p> <p>(B) investigation, evaluation and assessments of the impacts of the activities on the environment;</p> <p>(G) public participation carried out includes notice of intent to submit the S24G application and registration of 30 days;</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
rncape.gov.za Tel: 021 483 2991		<p>specified activity without environmental authorisation in contravention of section 24F(1) of the NEMA.</p> <p>2. The Department has received your application regarding the unlawful clearance of vegetation and construction of infrastructure within 32 metres of a watercourse on erf 373 and 420, Outeniqua game farm, Mossel bay.</p> <p>3. Having considered the information in respect of your application, you are hereby given notice of the delegated authority's intention to issue you with a Directive in terms of section 24G of the NEMA (as amended), which will direct you to:</p> <p>(a) immediately cease the activity pending a decision on the application submitted in terms of this subsection, except if there are reasonable grounds to believe the cessation will result in serious harm to the environment;</p> <p>(b) investigate, evaluate and assess the impact of the activity on the environment;</p> <p>(g) undertake public participation which is appropriate to bring the unlawful commencement, undertaking or conducting of a listed, specified or waste management activity to the attention of interested and affected parties, and to provide them with a reasonable opportunity to comment on the application in accordance with relevant elements of public participation as prescribed in terms of this Act; and</p> <p>(h) compile a report containing-</p> <p>(AA) a description of the need and desirability of the activity;</p> <p>(BB) an assessment of the nature, extent, duration and significance of the consequences for, or impacts on, the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;</p> <p>(CC) a description of mitigation measures undertaken or to be undertaken in respect of the consequences for, or impacts on, the environment of the activity; and</p> <p>(DD) a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed,</p>		<p><i>parties registered by the previous process commenced by Andrew West were automatically registered, organs of state were automatically registered, the landowner and sachet landowners were automatically registered. The draft @4G was sent for a 60-day review and comment period. The final application has been distributed for a 30-day comment and review period (ending 12 December 2025). Thereafter the S24G application will be distributed for a further 21 days and include comments received during this review period. The application will then be submitted to the department for consideration.</i></p> <p><i>(H) a report has been compiled containing-</i></p> <p><i>(AA) a description of the need and desirability of the activity;</i></p> <p><i>(BB) an assessment of the nature, extent, duration and significance of the consequences for, or impacts on, the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;</i></p> <p><i>(CC) a description of mitigation measures undertaken or to be undertaken in respect of the consequences for, or impacts on, the environment of the activity; and</i></p> <p><i>(DD) a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed,</i></p> <p><i>An environmental management programme has been compiled to address the following:</i></p> <p><i>(C) remedy any adverse effects of the activity on the environment;</i></p> <p><i>(D) cease, modify or control any act, activity, process or omission causing pollution or environmental degradation.</i></p> <p><i>(E) contain or prevent the movement of pollution or degradation of the environment.</i></p> <p><i>(F) eliminate any source of pollution or degradation.</i></p> <p><i>All specialist studies carried out on the farm portions are included as appendices. In response to comments received during the 60-day review and comment period the following has been carried out:</i></p> <p><i>Preliminary dam design (also required for the WULA currently underway)</i></p> <p><i>Traffic impact statement</i></p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>4. You are required to provide detailed representations in terms of the above and the following: (C) remedy any adverse effects of the activity on the environment; (D) cease, modify or control any act, activity, process or omission causing pollution or environmental degradation; (E) contain or prevent the movement of pollution or degradation of the environment; (F) eliminate any source of pollution or degradation; (bb) compile an environmental management programme or to provide such other information or undertake such further studies as the delegated authority, may deem necessary.</p> <p>5. Kindly be reminded of the NEMA public participation requirements for applications for environmental authorisation:</p> <p>Section 24(1A) and 24(4)(a) of the NEMA stipulate the minimum requirements for applications for environmental authorisation and includes the requirement for public participation to be undertaken.</p> <p>(ii) Please refer to Chapter 6 of the Environmental Impact Assessment Regulations, 2014 (as amended G.N. No 326 of 7 April 2017) for detail on the public participation process to be followed for applications for environmental authorisation.</p> <p>(iii) In terms of section 24O of the NEMA, the Environmental Assessment Practitioner ("EAP") must consult with every State department that administers a law relating to a matter affecting the environment when an application is considered for an environmental authorisation.</p> <p>(iv) Based on the information contained in the application form, you are advised that the following organs of state / State departments must be included:</p> <ul style="list-style-type: none"> • Breede Gouritz Catchment Management Agency • CapeNature • DEA&DP: Biodiversity and Coastal Management • Mossel Bay Municipality • Western Cape Department of Agriculture <p>6. The application must therefore be made available to registered Interested and Affected Parties (I&APs) and State Departments for a 30-day commenting period.</p>		<p><i>Revision of SDP compiled in 2020 providing an indication of structures that are in place, suitable agricultural areas and identified areas recommended for open space 3 zoning. The activities (clearing of vegetation) took place to develop dwellings for the owners and management staff of the reserve and restaurant. Additional track have been created and areas recommended for rehabilitation identified; the track cleared in 2024 was done to facilitate for clearing of alien invasive trees and the vegetation cleared was also AIS; clearing of alien vegetation takes place on an ongoing basis on the farm. An AIS management plan is included in the EMP. The restaurant and church provide an income and employment. Agricultural areas have been recommended based on soil types, water availability in the area and sensitive fynbos vegetation. The operations has a reduced land use footprint (in comparison to past cattle farming use) and provide a source of food crops to the market and feed for the animals on site. Storage areas are required for agricultural operations. Solar panels are required for electricity as no services are provided to the site. A dam is required for water as no services are provided to the site, and the groundwater is not suitable for drinking purposes or irrigation. Identified crossings at the watercourses are recommended to be rehabilitated to ensure flow of water at these areas. A large portion of the area is used for game farm animals and enclosures are requested to be erected for conservation and tourism purposes. The applicant will not clear vegetation or continue with activities within 32 meters of the watercourse prior to the required environmental authorisation received from the Department. A further 21-day review and comment period will be provided following the current 30-day review and comment period. The final application will then be submitted to the department for consideration. I trust this is in order Kindly let me know if you request additional information at this stage Thank you</i></p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>7. The applicant/Environmental Assessment Practitioner (“EAP”) is required to inform this Department, in writing, upon submission of the application to the relevant State Departments.</p> <p>8. In terms of the public participation process (“PPP”) to be undertaken, kindly be advised that you/the EAP must record and respond to all comments received during the public participation process. The comments and responses must be captured in a Comment and Response Report (“C&RR”) and must also include a description of the PPP followed.</p> <p>9. Following the initial 30-day commenting period, the application and the C&RR must be made available to registered I&APs and State Departments for an additional 21-days for review and/or comment, if any, advising them how their issues or concerns have been addressed, before it is submitted to the Department for consideration. Proof of notification of the additional 21-day commenting period must be appended to the final C&RR.</p> <p>10. Together with a public participation process, that comprises of comments and responses, the section 24G application process includes the issuing and payment of an administrative fine, prior to deciding on the application.</p> <p>11. Please note that a signed declaration page must be included as part of the s24G application and must therefore be submitted with the final application.</p> <p>12. The Environmental Management Programme (“EMPr”) contents must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Appendix 4 of the NEMA EIA Regulations, 2014 (as amended). The EMPr must address the environmental impacts of the activity throughout the development life cycle including an auditing protocol for the assessment of the effectiveness of monitoring and management arrangements after implementation.</p> <p>13. The EAP must ensure that the section 24G application be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document.</p> <p>14. Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate: Environmental Governance. The Directorate may require that a hard copy of the</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>reports also be submitted to the Department by a certain date but will advise you accordingly.</p> <p>15. In addition to any representations made in the application, you are afforded a period of 7 (seven) calendar days from the date of receipt of this Pre-directive to make written representations to the Department as to why a Directive should not be issued.</p> <p>16. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of 49A(1)(g) of the NEMA.</p> <p>17. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine not exceeding R10 million, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.</p> <p>18. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.</p>		
<p>Department of Forestry, Fisheries and the Environment Melanie Koen</p>	<p>5 December 2025</p>	<p>Site visit</p>	<p>9 December 2025</p>	<p><i>Kindly find attached the draft EMP which includes the AIS management plan currently being followed at OGF as Annexure 2 of the EMPr. The EMPr also provides details of rehabilitation required</i></p> <p><i>I am also attaching the details of protected trees identified in the dam footprint extracted from the terrestrial biodiversity assessment as well as the specialist report.</i></p> <p><i>Please let me know if you require any additional information at this stage.</i></p>
<p>Department of Forestry, Fisheries and the Environment Melanie Koen</p>	<p>10 December 2025</p>	<p>EIA-WC-GR-0037-2025-26 RE: COMMENT ON S24G FOR PORTIONS 420 AND 373, OUTENIQUA GAME FARM, MOSSEL BAY MUNICIPALITY</p> <p>Please receive comments from the Branch: Forestry Management, Directorate: Forest Resource Protection in the Department of Forestry, Fisheries and the Environment (DFFE) on the above-mentioned proposed S24G. Site inspection conducted on 5 December 2025.</p> <p>The mandate of the Forestry Branch in the Department of Forestry, Fisheries and the Environment (DFFE), as a commenting authority, is to ensure control over developments that affect State forests, natural forests, forest nature reserves and protected trees.</p> <p>1.The applicant must assess and quantify the anticipated impacts on the indigenous forests. The National Forests Act of 1998 (as amended) provides the strongest and most comprehensive legislation and mandate for the protection of all natural forests in South Africa. The principles of the Act in Section 3 state clearly that "...natural forests may not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed</p>	<p>9 March 2026, Final report</p>	<p><i>Noted.</i></p> <p>A number of specialist assessments (terrestrial biodiversity, soil, aquatic) have been carried out on the farm portions. The impact assessment has assessed the impacts of the existing activities and the EMPr provided measures to minimize negative impacts and enhance positive impacts. If the Environmental Authorisation is attained the EMPr will become a legally binding document and with implementation, the operations are deemed to be a sustainable land use.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>new land use is preferable in terms of its economic, social or environmental benefits”.</p> <p>2. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license. Under section 62 (1) of the NFA any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in Section 7 (1) is guilty of a second category offence. A person who is guilty of a second category offence may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment. Section 15 of the NFA, prohibits the destruction of protected trees without a license- “No person may cut, damage, destroy or remove any protected tree; or collect, remove, transport, export, purchase, sell donate or in any other manner acquire or dispose of any protected tree.....” Anyone contravening this prohibition, is guilty of a first category offence, and can be sentenced to up to 3 years imprisonment, or a fine, or both.</p>		<p>Extracted from Terrestrial Biodiversity Report, Fouche, 2024</p> <p>Two species of protected trees were observed along the valleys from Area 2 to Area 3 defined in this report (Fig. 15). The relative Terrestrial Biodiversity & Plant Species 24 G report – Portions 420 & 373 August 2024.</p> <p>Sizes of the trees were recorded on a GPS, in order to give an indication of the size distribution and successional stages of the protected trees along the Ruitersbos River. The protected trees that were found here were Milkwood (<i>Sideroxylon inerme inerme</i>; no. 579) and Cheesewoods (<i>Pittosporum viridiflorum</i>; no. 139).</p>  <p>confluent</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>3. Section 7 of the Act prohibits the cutting, disturbance, destruction or removal of any indigenous living or dead tree in a forest without a licence, while Section 15 places a similar prohibition on protected tree species listed under the Act, some of which are also forest species.</p> <p>4. Cutting or disturbing an indigenous tree in a natural forest without a valid Forest Act Licence is a criminal offence and a transgression of the National Forests Act, 1998 (Act No. 84 of 1998) and carries a fine or imprisonment or both.</p> <p>5. Indigenous trees with active bird nests or other significant biodiversity features may not be destroyed without a valid Fauna Permit from the provincial conservation authority, the Western Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform ("DAERL"), if these would be affected.</p> <p>DFFE studied the supporting documents for the above-mentioned S24G and the following points related to Forestry's mandate i.e. the implementation of the NFA are applicable</p>		<p><i>Noted. This is included in the EMPr.</i></p>
		<p>6. According to the information provided: "The following activities included in Listing Notices (LN) 1, 2 and 3 of the 2014 Environmental Impact Assessment (EIA) Regulations (as amended, 2071) published in terms of National Environmental Management Act (Act 107 of 1998) (NEMA) have been assessed:</p> <ul style="list-style-type: none"> • Development within / within 32 meters of watercourse (LN1, activity 19); • Development of facilities or infrastructure for the storage of water, including dams and reservoirs (LN3 activity 2; 14, 23; LN2 activity 16; LN 1, activity 13); • Clearance of indigenous vegetation (LN3, activity 12; LN 2 activity 15; LN 1 activity 27)); • Development of roads (LN3 activity 4, Ln 2 activity 27)". The majority of the property is covered with Fynbos species- and a heavy infestation of Blackwattle (of which ongoing alien clearing are underway)- indigenous forest patches are found along the river valleys. 		<p><i>Noted</i></p>
		<p>Forestry has the following comments:</p> <ol style="list-style-type: none"> i Forestry has a co-operative governance relationship with various Authorities as well as stakeholders, and thus will take their concerns into consideration if such should arise ii Forestry request the following: <ol style="list-style-type: none"> 1. The vegetation clearing that took place did not affect Forestry's mandate 2. The proposed dam construction would impact Forestry's mandate under the NFA- as according to the report protected Cheesewood as well as Milkwood trees are impacted. Forestry request that an Impact Assessment be conducted where various alternatives are looked into for the proposed dam construction. 		<p>A number of specialist assessments (geotechnical, terrestrial biodiversity, soil, aquatic) have been carried out on the farm portions. Three alternatives were assessed by engineers and geotechnical specialists to determine the most suitable position of the required dam. The most suitable area for the dam has been assessed by aquatic and terrestrial biodiversity specialists. The existing dams in the Ruiterbos nonperennial watercourse are recommended to be rehabilitated. AIS clearing is taking place and will continue to take place in line with the EMPr and the AIS management plan. Rehabilitation with indigenous vegetation is recommended. The protected trees within the preferred dam site are proposed to be relocated to existing thicket / forest areas occurring within the valleys of the site. The impact assessment has assessed the impacts of the existing activities and the EMPr provided measures to minimize negative</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>3. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.</p>		<p>impacts and enhance positive impacts. If the Environmental Authorisation is attained the EMPr will become a legally binding document and with implementation, the operations are deemed to be a sustainable land use.</p> <p>Extracted from Terrestrial Biodiversity Report, Fouche, 2024 <i>Two species of protected trees were observed along the valleys from Area 2 to Area 3 defined in this report (Fig. 15). The relative Terrestrial Biodiversity & Plant Species 24 G report – Portions 420 & 373 August 2024.</i></p> <p><i>Sizes of the trees were recorded on a GPS, in order to give an indication of the size distribution and successional stages of the protected trees along the Ruiterbos River. The protected trees that were found here were Milkwood (Sideroxylon inerme inerme; no. 579) and Cheesewoods (Pittosporum viridiflorum; no. 139).</i></p>
		iii Kindly note that this letter is not a NFA licence		Noted
		iv Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.		Noted. This is included in the EMPr
		Note: The Department reserves the right to revise the initial comment based on any additional information that may be received Should you wish to correspond further on this matter, quote Reference EIA-WC-GR-0037-2025-26. Enquiries may be directed to Ms. TF Gwala at TGwala@dffe.gov.za, Cell 066 374 7795		Noted
Comments received from public meeting: 18 July 2025				
Candice White Vaale Kraal 120 Brandwacht 0824525005 dutoitstene@gmail.com	18 July 2025	Main concern already occurring is the water barely flowing past their pumps. The pumps are running all the time – I can hear them. Are they sticking to their water allocation – who will check. My farm is dependent on river water for drinking purposes and business. Accountability.	S24G application, November 2025	<p><i>“Currently (October 2025) the pumping has been reduced to one hour a day. The average pumping is 5.5 hours a day. There is a log; every minute of pumping is automatically recorded, and logs can be requested at any time.”</i></p> <p>(Mr Francois Fourie)</p> <p>The General authorisation issued by DWS needs to be complied with (OGF cc is authorised for abstraction of 80 000m3 / annum of surface water on ptn 373; abstraction of 80 000m3 / annum of surface water on ptn 420)</p> <p>Log booklets containing abstraction data were provided to all IAPs who attended the public meeting.</p>
Izak du toit 154 0609056373	18 July 2025	Down stream water stream will be affected and can not support storage. River system can not support this additional storage and closing the river.	S24G application	Noted. The findings of the hydrological and aquatic assessment (Appendix H4 and H5) include, inter alia:

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
Izakdutoit1988@gmail.com			n, November 2025	<p>The mean estimated irrigation requirements for crops that will be irrigated from this dam is approximately 180 000 m³ per annum, with maximum demand reaching up to 215 000 m³. Considering an existing water entitlement of 80 000 m³ from the Ruitersbos River, a Water Use License (WUL) would be required to abstract and additional 100 000 m³ to 135 000 m³</p> <p>A catchment modelling exercise indicates that the mean annual runoff from the catchment area of the dam is approximately 1.24 Mm³, which is sufficient to meet the irrigation demands of crops.</p> <p>Based on a detailed monthly water balance based on weather data covering a 50-year period, a dam size of 150 000 m³ is expected to provide at least a 95 % assurance of supply.</p> <p>There are no additional users on the Ruitersbos River downstream of the proposed dam. Base flows are however likely to reduce and low to zero flow conditions are expected to increase <u>from 40 % of the time to approximately 60 % of the time</u>. This reduction of flow is likely to have a significant impact of aquatic biota in the river.</p> <p>According to the WRSM model output, the Ruitersbos River (upstream of the dam) contributes approximately 1.24 Mm³ (or 9.5 %) of the total mean annual flow volumes measured at K1H004. Based on the 50-year simulation assuming a 150 000 m³ dam and abstraction for meeting irrigation requirements, mean annual flow simulated at K1H004 would reduce from 11.08 Mm³ to 10.87 Mm³ (or 2 %).</p> <p><u>Impacts of this 2 % reduction on flow on downstream users in the Brandwag River and on the Reserve are likely to be negligible.</u></p>
		Will post installation river monitoring be implemented.		<p>The following measure, inter alia, are recommended:</p> <p>Flow meters must be installed on pumps and records of abstraction volumes must be submitted to BOCMA bi-annually.</p> <p>The EWR for the Ruitersbos River must be determined and an outlet works must be incorporated into the dam design to ensure that the EWR is met.</p> <p>Alternatively, a weir and pipeline must be constructed at the dam inlet to divert baseflows around the dam and into the Ruitersbos River below the dam</p> <p>A preliminary design has been carried out and is presented as Appendix B7.</p>
		What is the current land use.		<p>The current land use is agricultural 1.</p> <p>The SDP, 2020 compiled by RJB Venter is provided in Appendix</p> <p>This has been revised to include the actual development and remove those structures that were not developed. It is recommended that agricultural use</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				areas remain zoned as agricultural 1, and the reserve areas be rezoned to open space 3, The proposed is provided as Appendix B7
Pieter van der Merwe	18 July 2025	<p>We have already submitted preliminary objections in writing. In amplification threat, we request that IAPs be provided with independent LIDAR drone information on the entire property as is at present date. The current data is until August 2025 which does not include recent updated data.</p> <p>2. will owner provide undertaking to cease utilizing unlawful usage</p> <p>3. Kindly include facts / events on previous applications with West and Kleynhans.</p>	S24G application, November 2025	<p>Information provided with the preapplication draft S24G application and appendices included specialist assessments dated January 2025. Additional site visits have been carried out and a traffic impact statement, geotechnical assessment and preliminary dam designs have been carried out. The S24G application and appendices have been updated to include the most recent data based on site visits and specialist assessment; LIDAR imagery is too expensive and not deemed necessary for this application.</p> <p>No NWA water use is currently exceeded on the property. The abstraction of surface water / groundwater must be within the current GA limits. A S24G application (this application) will be submitted to DEADP for consideration. Activities included in the SDP, revised 2025 have been assessed.</p>
Renier Beetge	18 July 2025	<p>Impact on Brandwag rivier system. System is already under pressure and situation is much worse during the dry season Water availability becomes and issue downstream. No reserve in the Brandwag river as indicated by the specialist. Brandwag river runs dry almost every year. In 2022 we had to lay off 200 people due to dried up river Palmiet river has a direct impact on Brandwag River. Kouwe river has a direct impact on Brandwag river. All actions upstream impact downstream flows. Damming up streams in catchment areas all over will impact flow downstream</p>	S24G application, November 2025	<p>The area has relatively low average rainfall and it is agreed that upstream activities impact downstream ecosystems and users. The NWA and NEMA have the authorisation requirements in place to try minimising such impacts. The geotechnical assessment and preliminary dam design is provided as Appendices H7 and B8 respectively in the final S24G application form (this report)</p> <p>The Ruitersbos River originates from the mountains and runs north to south along the boundary of the two properties and joins the Palmiet River to form the Brandwag River which terminates at the Great Brak Estuary. The hydrological assessment states:</p> <p>The mean annual runoff of K10D catchment is 17.9Mm3.</p> <p>Reserve requirements are as follows:</p> <ul style="list-style-type: none"> • Ecological Water Requirement (EWR): 9 % of MAR (or 1.77 Mm3) • Basic Human Need (BHN): 0.06 % of MAR (or 0.01 Mm3). <p>According to the hydrological assessment:</p> <p>Ruitersbos River - There are no additional water users on the Ruitersbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruitersbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruitersbos-Pre). For all dam sizes, modelled flows (Ruitersbos-Post) indicate that that these low flow conditions will increase to approximately 60 % of the time. (Refer to ecological impact assessed)</p> <p>Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from 11.08 Mm3 to 10.87 Mm3 which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm3 per annum. The</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>reduction in MAR caused by the storage and increased abstraction from the Ruitersbos River is therefore unlikely to have any significant impact on downstream users.</p> <ul style="list-style-type: none"> Based on a volume of 7.82 Mm³ that remains unallocated, the additional abstraction of 100 000 m³ to 135 000 m³ per annum will ensure that sufficient water remains in the system to meet reserve requirements of 1.78 Mm³ per annum.
Comment online; unknown participant	18 July 2025	Want to ensure Groot Brak estuary is not affected.	S24G application, November 2025	<p>The hydrological assessment states: Simulated mean annual flows from the OGF U/S catchment area are 1.24 Mm³, which represents approximately 9.5 % of the mean annual flows measured at K1H0004 (13.07 Mm³). Registered (lawful) rights are in place to abstract water from the Palmiet and Ruitersbos rivers According to the hydrological assessment: Ruitersbos River - There are no additional water users on the Ruitersbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruitersbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruitersbos-Pre). For all dam sizes, modelled flows (Ruitersbos-Post) indicate that that these low flow conditions will increase to approximately 60 % of the time. (Refer to ecological impact assessed) Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from 11.08 Mm³ to 10.87 Mm³ which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm³ per annum. The reduction in MAR caused by the storage and increased abstraction from the Ruitersbos River is therefore unlikely to have any significant impact on downstream users. Based on a volume of 7.82 Mm³ that remains unallocated, the additional abstraction of 100 000 m³ to 135 000 m³ per annum will ensure that sufficient water remains in the system to meet reserve requirements of 1.78 Mm³ per annum.</p>
Comment online; Rudi Minnie; Mossel Bay Municipality	18 July 2025	<p>What is the total area of listed endangered and critically endangered vegetation that is compromised or will be compromised? What offsets are being discussed with Cape Nature regarding the vegetation types? When will the hydrology study be completed to assess the dam's impact on downstream rivers?</p>	S24G application, November 2025	<p>3.7 ha of intact fynbos has been cleared and approximately 1 ha of degraded Swellendam silcrete fynbos. The SDP provided has been revised and includes a recommended open space 3 area of an estimated 859 ha comprised of approximately 550 ha GR granite fynbos (CR), Gouritz thicket (EN combined with AIS in drainage lines and approximately 90 ha of degraded Swellendam thicket.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>Identified areas which are considered suitable to irrigate cropland and dryland farming are indicated and are recommended to remain zoned as agricultural 1. The hydrological assessment has been completed and is provided as Appendix H5.</p> <p>The geotechnical assessment and preliminary dam design is provided as Appendices H7 and B8 respectively in the final S24G application form (this report).</p> <p>According to the hydrological assessment:</p> <p>Ruiterbos River - There are no additional water users on the Ruiterbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruiterbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruiterbos-Pre). For all dam sizes, modelled flows (Ruiterbos-Post) indicate that these low flow conditions will increase to approximately 60 % of the time. (Refer to ecological impact assessed)</p> <p>Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from 11.08 Mm3 to 10.87 Mm3 which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm3 per annum. The reduction in MAR caused by the storage and increased abstraction from the Ruiterbos River is therefore unlikely to have any significant impact on downstream users.</p> <p>Based on a volume of 7.82 Mm3 that remains unallocated, the additional abstraction of 100 000 m3 to 135 000 m3 per annum will ensure that sufficient water remains in the system to meet reserve requirements of 1.78 Mm3 per annum.</p>

Comments on draft S24G application and appendices:
24 April – 30 June 2025

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
Cape Nature Megan Simons Reference LE14/2/6/1/6/6/42 0&373_Agriculture_ Ruitersbosch date 17 July 2025	17 July 2025	THE SECTION 24 G RECTIFICATION PROCESS FOR AGRICULTURAL ACTIVITIES ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM, MOSSEL BAY LOCAL MUNICIPALITY, WESTERN CAPE. CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:	S24G applicatio n, November 2025 S24G applicatio n, November 2025	
		According to the Western Cape Biodiversity Spatial Plan (CapeNature 2024) the property has Critical Biodiversity Areas (CBA 1: Terrestrial; Aquatic and CBA 2: Terrestrial). The fine-scale vegetation map describes the vegetation as Leeukloof Fynbos-Renoster-Thicket, Hartenbos River and Floodplain, and Wolwedans Grassy Fynbos (Vlok and de Villiers 2007). According to the National Biodiversity Assessment (Skowno <i>et al.</i> 2018) the vegetation units are Swellendam Silcrete Fynbos and Garden Route Granite Fynbos which are Endangered and Critically Endangered respectively (NEM:BA, 2022). The property has numerous rivers and Channelled valley-bottom wetlands which flows through, and these watercourses are poorly protected (Van Deventer <i>et al.</i> 2019). Following a review of the application, CapeNature wishes to make the following comments:	S24G applicatio n, November 2025	Intact thicket vegetation in valley areas was ground truthed as Gouritz Valley thicket; however, the valley areas and all watercourses and drainage lines were found to be heavily impacted with a number of alien invasive tree species. This is reported by both botanists, site visits by the EAP, and recent site visits to the proposed dam area. Intact fynbos vegetation was found to be representative of CR Garden route Granite. The vegetation surrounding the dwellings was found have moderate Rooikrantz invasion, Vlok had the same findings. Historically mapped Swellendam silcrete fynbos on site was found to be historically modified by previous agricultural activities.
		1. The Garden Route Granite Fynbos was listed as one of the seven high risk Critically Endangered vegetation types (Fig.1) in South Africa. This vegetation type is not protected and has 37% of the natural remaining extent .		Approximately 120 ha was previously disturbed through historical agricultural activity, while the recent unlawful clearance under this Section 24G application comprises ≈ 3.7 ha Applying the Biodiversity Offset Guideline (DFFE, 2023), which recommends an offset ratio of 30:1 for residual loss of Critically Endangered vegetation, the 3.7 ha of new disturbance with GG granite fynbos equates to an offset requirement of ±111 ha. In addition, Swellendam Silcrete Fynbos (FFc1) (mostly degraded by historical farming on this property) is listed as Endangered, with <5% formally protected nationally. Historic agricultural use and proposed development for a church and restaurant precinct have affected approximately 1 ha of this vegetation type (however this area is situated between an existing quarry, dam and agricultural fields and considered to have been degraded). Based on an offset

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE						
		<p>Table 15. List of high-risk ecosystem types by realm (in realm colours)</p> <table border="1" data-bbox="450 293 1144 1023"> <tr> <td data-bbox="450 293 533 639">Terrestrial (7)</td> <td data-bbox="533 293 1144 639"> <p>CR: Cape Flats Sand Fynbos CR: Garden Route Granite Fynbos CR: Mossel Bay Shale Renosterveld CR: Motherwell Karroid Thicket CR: Namib Seashore Vegetation EN: Alexander Bay Coastal Duneveld EN: KwaZulu-Natal Coastal Belt Grassland</p> </td> </tr> <tr> <td data-bbox="450 639 533 836">Estuarine (3)</td> <td data-bbox="533 639 1144 836"> <p>CR: Subtropical – Estuarine Bay EN: Cool Temperate – Large Fluvially Dominated EN: Cool Temperate – Predominantly Open</p> </td> </tr> <tr> <td data-bbox="450 836 533 1023">Marine (3)</td> <td data-bbox="533 836 1144 1023"> <p>EN: KwaZulu-Natal Bight Mid Shelf Reef Complex EN: Orange Cone Inner Shelf Mud Reef Mosaic EN: Orange Cone Muddy Mid Shelf</p> </td> </tr> </table> <p>Figure 1: A table from the NBA 2018 synthesis document listing the most high-risk ecosystems in South Africa (Skowno <i>et al.</i> 2018).</p>	Terrestrial (7)	<p>CR: Cape Flats Sand Fynbos CR: Garden Route Granite Fynbos CR: Mossel Bay Shale Renosterveld CR: Motherwell Karroid Thicket CR: Namib Seashore Vegetation EN: Alexander Bay Coastal Duneveld EN: KwaZulu-Natal Coastal Belt Grassland</p>	Estuarine (3)	<p>CR: Subtropical – Estuarine Bay EN: Cool Temperate – Large Fluvially Dominated EN: Cool Temperate – Predominantly Open</p>	Marine (3)	<p>EN: KwaZulu-Natal Bight Mid Shelf Reef Complex EN: Orange Cone Inner Shelf Mud Reef Mosaic EN: Orange Cone Muddy Mid Shelf</p>		<p>ratio of 10:1 for Endangered ecosystems, the required offset area is approximately 10 ha.</p> <p>The applicant commits to securing approximately 859 ha of the property as an open space 3 area, representing a substantial biodiversity gain well in excess of the required offset. This commitment will deliver a net biodiversity gain, contribute directly to the national conservation target for Garden Route Granite Fynbos, and effectively increase the formally protected extent of this vegetation type from 0.3% to approximately 0.42% and secure long-term, in situ persistence of this vegetation type.</p>
Terrestrial (7)	<p>CR: Cape Flats Sand Fynbos CR: Garden Route Granite Fynbos CR: Mossel Bay Shale Renosterveld CR: Motherwell Karroid Thicket CR: Namib Seashore Vegetation EN: Alexander Bay Coastal Duneveld EN: KwaZulu-Natal Coastal Belt Grassland</p>									
Estuarine (3)	<p>CR: Subtropical – Estuarine Bay EN: Cool Temperate – Large Fluvially Dominated EN: Cool Temperate – Predominantly Open</p>									
Marine (3)	<p>EN: KwaZulu-Natal Bight Mid Shelf Reef Complex EN: Orange Cone Inner Shelf Mud Reef Mosaic EN: Orange Cone Muddy Mid Shelf</p>									
		<p>2. The property owner/s has a long-standing history of unlawful activities spanning over a decade. This is unacceptable, and we do not support any further development as is not in line with the management objectives of CBA. The area should have been rehabilitated with no further expansion and compensation for the biodiversity loss should have been sought.</p>		<p>Noted. The SDP compiled has been revised following the assessment to provide a recommended SDP for approval.</p> <p>The EAP requests that the recommended SDP, 2025, which includes be considered.</p> <p>The development has resulted in illegal clearing; however the landowner is applying for rectification and would like to offset the illegally cleared areas through designating 859 ha as a private reserve /open space 3 area. The land use of the farm portions would then include sustainable agricultural practices, open space 3 use as well as live-in accommodation, awareness education</p>						

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>relating to two SCC, and job creation through the restaurant and tourist activities.</p> <p>It must also be noted that ongoing alien invasive clearing has taken place on the farm portions and a AIS management plan has been provided at the request of DFFE, to guide the landowner and AIS clearing team.</p>
		<p>3. The 2019 Botanical Impact Assessment was included but differs from the conclusions of the 2025 Terrestrial Botanical report. It is uncertain whether the six-year gap in assessments are a contributing factor, and the EAP should provide clarity</p>		<p>The botanical assessment carried out in 2019 assessed the eastern areas where the restaurant and church is, workshop areas, as well as the dwellings and crossing. This is area 5.</p> <p>The botanical assessment carried out in 2025 assessed the dwelling areas, the small dam site formed at the road crossing and the new road areas (Area 1, 2, and 3)</p> <p>It was requested that all the past agricultural areas and areas identified as suitable for expansion (based on the soil assessment) be assessed to determine the baseline status of these areas. These areas are then indicated as suitable past farming area, suitable for future farming or not suitable due to intact and sensitive vegetation or as not suitable and rehabilitation required. (area 4)</p> <p>The only two areas where the two botanical assessment overlap is area 5-5; area 5-6 and the crossing in area 2; the findings were very similar.</p> <p>Area 5-5; area 5-6 and crossing area 2: Corresponds to Area 2 of Terrestrial biodiversity section assessed in 2024. Tracks, reservoir, dwellings, road-crossing, infilling.</p> <ul style="list-style-type: none"> - 2019 - <i>Acacia mearnsii</i> in water courses and intact fynbos on NW facing slope; <i>Area was clearly subjected to a high burning frequency and severe grazing pressure by domestic stock.</i> - 2024 - . <i>The impact of the crossing is minimal, and again kikuyu grass is visible in the riparian zone</i>
		<p>4. Given the very high and high sensitivity rating from the Terrestrial Botanical report, should rehabilitation potential for the terrestrial biodiversity not be considered?</p>		<p>Agreed. Many areas on the property were identified as requiring either active rehabilitation (removing AIS and planting of indigenous fynbos / thicket species as applicable); passive rehabilitation (allow natural rehabilitation with no active intervention) or a combination of both. The crossing (OGF1 site) is recommended to be rehabilitation.</p> <p>Identified areas for rehabilitation and methods and monitoring is provided in the EMPr.</p>
		<p>5. The rehabilitation plan is supported for the freshwater system; however, significant measures must be implemented to mitigate erosion and address existing eroded areas. A full-time ECO or qualified rehabilitation</p>		<p>Noted. The EMPr has been updated accordingly to include this measure.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		specialist must be on-site during rehabilitation and provide written progress reports.		
		6. The ongoing eradication of invasive alien vegetation is supported, though it is unclear whether eradication is being conducted in accordance with an alien control plan. This plan must be in accordance with the National Environmental Management: Biodiversity Act (Act 10 of 2004) and its associated Alien and Invasive Species Regulations		An AIS clearing plan has been compiled and the draft EMPr has been updated to include this plan.
P van der Merwe/ld	14 July 2025	<p>Our ref: P van der Merwe/ld/PR0027 14 July 2025 Your ref: Claire de Jongh/24G Consultation:14/2/4/1/D6/28/0004/20 To: Eco Route Environmental Consultancy Per e-mail: claire@ecoroute.co.za And to: Mr. James Dabrowski Per e-mail: james@confluent.co.za</p> <p>Dear Sir / Madam, PRELIMINARY OBJECTION AGAINST THE APPROVAL OF UNLAWFUL ACTIVITIES CARRIED OUT ON FARM PORTION 420 AND 373 OF OUTENIQUA GAME FARM, MOSSEL BAY DISTRICT MUNICIPALITY 24G CONSULTATION: 14/2/4/1/D6/28/0004/20 We have been duly instructed by Platinum Mile Investments 442 (Pty) Ltd ("our client") to formally object to the granting of an ex post facto Environmental Authorisation ("EA") pursuant to Section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), as amended, to the Applicant. We refer to your e-mail dated 25 April 2025 wherein we were provided with a draft Section 24G Application in terms of NEMA. The purpose of this letter is to file our client's preliminary objections against the proposed Section 24G Application.</p>	S24G application, November 2025	Response November 2025; included in Final S24G application; appendix E
		<p>As you are aware, our client owns several properties downstream from your client's property and registered as an Interested and Affected Party ("IAP"). In this document, we will shortly deal with an overview and introduction. We will, by way of introduction, set out our client's main concerns about the proposed application. Thereafter we will deal with Section 24G and Section 49A of NEMA. We will then elaborate on the factual overview of the present Application, having regard to the factual and historical position, and then elaborate on our legal objections. Lastly, we will pose clarification questions to yourself which we believe is absent from the proposed 24G Application. Our respectful view is that it is pivotal and critical that these questions be answered in order to have a</p>	S24G application,	Noted

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>proper assessment of the proposed application and will you note that we file these objections as preliminary objections, on the basis that we reserve our right to supplement our objections once we have received this information. We have dealt with these issues under a separate heading, like we have indicated.</p> <p>For the sake of convenience, the parties relevant hereto, unless specifically otherwise indicated and unless there is referred to a specific specialist, will be referred to in various forms of:</p> <ol style="list-style-type: none"> 1. The Applicant shall be referred to as "OGF or the Applicant". 2. The Competent Authority (Western Cape Government Environmental Affairs and Development Planning) for the decision in approving or rejecting the EIA will be referred to as "the EADP, the Department or the competent authority" 3. Eco Route, the environmental consultant, being the EAP responsible for applying for ex post facto approval of the unlawful developments on behalf of the Applicant, will be intermittently referred to as "the EAP". 4. Platinum Mile Investments 442 (Pty) Ltd – is the entity responsible for lodging this objection and will intermittently be referred to as "the objector, our client, we or us". 		
		<p>1. INTRODUCTION</p> <p>1.1 It is our client's considered legal position that the Applicant has demonstrably misused and abused the provisions of Section 24G, proceeding knowingly and persistently to this day with unauthorised listed activities since approximately 2018/2019, despite clear statutory obligations under NEMA to cease such activities until the requisite EA was secured.</p>	S24G application,	A S24G assessment process is being carried out to assess all activities which have commenced and continued without authorisation. The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement. The application contains all information for the authorities to make an informed decision.
		<p>1.2 The conduct of the Applicant, in our respectful submission, constitutes a calculated and deliberate breach of environmental law, undermining the core intent of Section 24G, which is intended solely as a remedial mechanism for genuine inadvertent or non-malicious contraventions</p>		The applicant acknowledges that EA is required for NEMA listed activities; no further development has taken place since the road was created in 2024 between specialist stie visits (reportedly created for the purposes of AIS clearing) will require an EA application due to the CR and EN vegetation which historically occurred, and which an estimated 600 ha is still deemed to be intact on the farms portions and approximately 400 ha degraded due to AIS.
		<p>1.3 It is common cause that expert commentaries have highlighted how Section 24G processes are frequently exploited as "quick fix" mechanisms by developers who unlawfully commence activities and subsequently seek retrospective authorisation. Such misuse critically undermines the integrity of the environmental assessment processes intended to proactively safeguard ecological interests. We submit that the 'Applicant's deliberate contraventions clearly illustrate such exploitation, thereby warranting the rejection of their application for retrospective authorisation.</p>		Active farming (rotational irrigation crops and dryland) occurs on about 120 ha of the farm portions; suitable areas have been identified during the S24G assessment process that has been carried out for the rectification of commencement and furtherance of activities using inputs of past land uses, soil assessment, vegetation assessments, aquatic assessment and hydrological assessment. This then informed the water required for continuation of the mixed land use activities. Areas requiring rehabilitation are identified in the

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		1.4 In the Section 24G application form, the EAP states that "The amount of environmental legislation is overwhelming to those who are unfamiliar with the legislation. Due diligence was unfortunately not carried out on the property prior to purchase and the landowner did not seem to be informed during the land purchase process of environmental approvals that may be required. The property is zoned for agriculture. A person unfamiliar with the legislation is then led to believe that such zoning allows farming to take place."		assessment and the EMPr provides related measures to minimise impacts of the commenced and continuance and furtherance of activities. This statement is based on past S24 g applications the EAP has done for properties zoned as agricultural 1. I am an independent consultant and subcontracted by Ecoroute for this application. The assessment carried out is in line with NEMA requirements. An overview of environmental legal requirements are also provided A S24G assessment process is being carried out to assess all activities which have commenced and continued without authorisation.
		1.5 This assertion is both misleading and legally untenable. It is a well established principle in South African law that ignorance of the law does not constitute a defence to regulatory non-compliance. The EAP's independence is also questioned through this statement in defence of the Applicant. Moreover, the Applicant cannot seek leniency based on claimed legislative complexity while engaging in listed activities that objectively require environmental authorisation under NEMA.		It is recommended that land identified as not suitable for agricultural purposes be rezoned to conservation use. The owner has committed to the submitting of the S24G application in order to rectify the illegal commencement and allow for furtherance of the activities.
		1.6 We will demonstrate through documentary evidence that the Applicant was aware of the relevant environmental legislative requirements as early as 2018 and nevertheless proceeded with unauthorised activities in defiance of those obligations. This renders the explanation advanced by the EAP not only factually incorrect, but also indicative of a deliberate attempt to minimise the seriousness of the transgressions.		Due to unfortunate health circumstances, Andrew West could not continue with the application. Ecoroute were then appointed, and I was subcontracted as EAP (May 2024) by Ecoroute for this application. The registration process and start of public participation commenced in September 2024; notices were sent to all IAPs registered by Andrew West (including your client) as well as all organs of state and the applicable compliance officers. Specialist assessments can take up to two years to complete.
		1.7 In support of our client's objection, we note that the Western Cape Department of Environmental Affairs and Development Planning issued a formal Notice of Referral of the 24G Pre-Application Consultation to Environmental Criminal Investigations dated 13 February 2025 (Annexure "A-1"), confirming that more than four (4) years had passed since formal compliance notices were issued to the Applicant regarding the unlawful clearance of vegetation and construction of infrastructure within 32 metres of a watercourse on Erf 373 and 420, Outeniqua Game Farm. As a result of the 'Applicant's continued failure to submit a Section 24G application within that time, the Department closed the pre-application consultation file for all administrative purposes.		The draft S24G application was submitted for a 60-day review and comment period and the final S24g application will be sent for 30 days review and comment. The full assessment is provided in Appendix M and all independent specialist studies provided as Appendix D. The EAP relies on scientific information and specialist inputs to carry out the assessment and ensure all information is provided to the decision-making authority to allow for an informed decision-making process.
		1.8 The closure of the file followed the 'Applicant's persistent noncompliance with instructions, including a Pre-Compliance Notice issued on 18 March 2019 (Annexure "A-2") and a Compliance Notice dated 27 May 2020 (Annexure "A-3"). Despite these formal communications, no application was submitted until after the Department had formally escalated the matter.		Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; the dam is included as no services are provided to the site and the groundwater is not suitable for drinking water or for irrigation, the water will be share by stock animals, game farm animals, management staff, restaurant and church facility and the irrigated croplands. A new access is also required to be put in place.
		1.9 Notably, the Department confirmed in its 13 February 2025 correspondence that the matter was being referred for criminal		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		investigation in terms of Section 49A of NEMA, which establishes that undertaking listed activities without environmental authorisation constitutes a criminal offence.		Following the 30 day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making.
		1.10 The Applicant's decision to only initiate this 24G application after the referral reinforces our submission that the application is a tactical response to avoid prosecution, rather than a bona fide effort to comply with the law.		
		1.11 We will address the full content, context, and implications of this correspondence and the Department's compliance enforcement process in greater detail later in this objection. For present purposes, we submit that this sequence of events underscores the Applicant's long-standing awareness of its non-compliance and further demonstrates why the Section 24G process should not be relied upon to regularise activities that may, in the future, be the subject of criminal enforcement proceedings.		
		1.12 Furthermore, our client asserts that the legal maxim <i>Ex turpi causa non oritur actio</i> , commonly articulated as the doctrine of unclean hands, is applicable in this instance. This doctrine precludes parties who have deliberately engaged in unlawful conduct from seeking equitable or administrative relief to validate or rectify their illegal actions after the fact.		
		1.13 The Applicant's conduct, characterised by a conscious disregard for legislative requirements designed to safeguard environmentally sensitive areas, disentitles it from claiming innocence or good faith. Consequently, it would be contrary to principles of administrative justice, good governance, and sustainable environmental management for the competent authority to grant condonation and authorisation under these circumstances, effectively rewarding apparent and sustained non-compliance with statutory environmental mandates.		
		1.14 It is evident from the content of the application form and the public participation advert that the Applicant seeks, through this Section 24G process, not only to retrospectively authorise past unlawful activities but also to incorporate the continuation and potential expansion of these activities.		
		1.15 This approach is fundamentally and fatally flawed, as Section 24G is strictly remedial in nature and may only be invoked to regularise activities that have already unlawfully commenced. We will demonstrate that this conflation of retrospective and prospective authorisation processes is legally impermissible, procedurally unfair, and contrary to both the text and purpose of NEMA.		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>1.16 The main legal grounds for this preliminary objection are the following: 1.16.1 Ground 1: Section 24G is limited to retrospective regularisation of unlawful activities already commenced and cannot authorise future or continued activities. Section 24G(1) of NEMA applies only to a person "who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1)."</p>		
		<p>1.16.2 The plain wording of the provision confines its scope to the retrospective legalisation of past contraventions. It does not empower the competent authority to evaluate or approve activities that are still proposed, in progress and intended to continue, or that constitute an expansion beyond what has already unlawfully commenced. The Applicant's and EAPs' attempt to incorporate both retrospective and prospective authorisation into a single Section 24G application is thus ultra vires and invalid.</p>		
		<p>1.16.3 Ground 2: The application improperly conflates two legally distinct processes: retrospective rectification and prospective environmental authorisation. The documentation forming part of the Applicant's submission, including the public participation advertisement and application form, clearly reflects an attempt to authorise the current and future continuation and/or future expansion of activities not yet commenced at the time of application.</p>		
		<p>1.16.4 Ground 3: Failure to issue a cessation order in terms of Section 24G(2) constitutes a statutory breach. Section 24G(2)(a) requires the competent authority to issue a cessation directive where the listed activity has commenced unlawfully. In this case, the Applicant admits in their documentation to having commenced and continued with listed activities in the absence of an environmental authorisation since at least 2018/2019. Despite this, no cessation directive has been issued by the Competent Authority.</p>		
		<p>1.16.5 This failure to act in accordance with a clear statutory obligation not only undermines the enforcement regime of NEMA but further enables continued non-compliance by the Applicant during the pendency of the application. 1.16.6 Ground 4: The Applicant's conduct reflects</p>		
		<p>1.16.6 Ground 4: The Applicant's conduct reflects wilful and sustained non-compliance, disqualifying them from equitable</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		administrative relief. It is a well-established legal principle that a party who knowingly acts in violation of the law, particularly where such conduct continues over an extended period, is not entitled to invoke equitable relief under an administrative process.		
		1.16.7 The doctrine of <i>ex turpi causa non oritur actio</i> , commonly known as the doctrine of unclean hands, applies squarely to this matter. The Applicant was aware of the legal requirements under NEMA as early as 2018/2019 and yet continued to contravene them. To now allow the Applicant to benefit from Section 24G would offend the principles of legality, administrative justice, and environmental governance.		
		1.17 Our client submits that the present application for an <i>ex post facto</i> environmental authorisation under Section 24G of NEMA is legally untenable and must be refused. As will be demonstrated in the body of this objection, the Applicant has deliberately and persistently engaged in unauthorised activities within environmentally sensitive and legally protected areas since at least 2018/2019, in direct contravention of NEMA and despite repeated compliance notices and warnings issued by the competent authority. The Section 24G process, as a narrow remedial mechanism, is not designed to condone such sustained and wilful non-compliance, nor to authorise future or ongoing activities.		
		1.18 Accordingly, our client seeks that the competent authority reject the application in full, that an immediate cessation order be issued under Section 24G(2)(a) of NEMA to prevent the continuation of the listed activities, instruct the Applicant to rehabilitate, and that the authority refrain from regularising or legitimising any aspect of the development that has not yet occurred or which forms part of a broader ongoing noncompliant land use.		
		1.19 Our client further places on record that, should the Department fail to discharge its statutory obligations under NEMA, including the taking of enforcement steps and the proper application of environmental governance principles, our client reserves all rights to approach a competent court for appropriate relief, including but not limited to judicial review in terms of the Promotion of Administrative Justice Act, 2000 (PAJA).		
		1.20 The full details of the relief sought are addressed in the concluding section of this objection.		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		1.21 Our client's right to elaborate on any issue or address any issues raised in further correspondence at a later stage and in an appropriate forum remains strictly reserved.		
		<p>2. SECTION 24G AND SECTION 49A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) (ACT 107 OF 1998)</p> <p>2.1 Section 24G of NEMA has undergone several amendments over time, with the most significant and stringent revision introduced in 2022. This latest amendment came into effect on 30 June 2023 and, among other things, provides the following:</p> <p>'24G Consequences of unlawful commencement of activity</p> <p>(1) On application by a person who-</p> <p>(a) has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F (1).</p> <p>(b) has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);</p> <p>(c) is in control of, or successor in title to, land on which a person-</p> <p>(i) has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F (1); or</p> <p>(ii) has commenced with, undertaken or conducted a waste management activity in contravention of section 20 (b) of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), the Minister, Minister responsible for mineral resources or MEC concerned, as the case may be-</p> <p>(aa) must direct the applicant to-</p> <p>(A) immediately cease the activity pending a decision on the application submitted in terms of this subsection, except if there are reasonable grounds to believe the cessation will result in serious harm to the environment.</p> <p>(B) investigate, evaluate and assess the impact of the activity on the environment.</p> <p>(C) remedy any adverse effects of the activity on the environment.</p> <p>(D) cease, modify or control any act, activity, process or omission causing pollution or environmental degradation.</p> <p>(E) contain or prevent the movement of pollution or degradation of the environment.</p> <p>(F) eliminate any source of pollution or degradation.</p> <p>(G) undertake public participation, which is appropriate to bring the</p>	S24G application,	<p>Noted. This application addresses:</p> <p>(a) has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F (1).</p> <p>The previous farming activities commence prior to ECA and therefore cannot be considered in terms of offset purposes. OFG purchased the land in 2015 and developed the restaurant, church, workshop areas, solar facilities and seven new dwellings. The new dwellings were developed in sensitive fynbos vegetation. The other developments occurred on degraded lands. Unnecessary tracks are recommended to be rehabilitated, suitable watercourse crossing provided and suitable mechanisms in place for the storage dam. All measure to mitigate identified impacts are included in the draft EMPR.</p> <p>Representation is allowed. The application and assessment contains:</p> <p>(AA) a description of the need and desirability of the activity.</p> <p>(BB) an assessment of the nature, extent, duration and significance of the consequences for, or impacts on, the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.</p> <p>(CC) a description of mitigation measures undertaken or to be undertaken in respect of the consequences for, or impacts on, the environment of the activity; and</p> <p>(DD) a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed, if applicable;</p> <p>The S24G application and accompanying appendices contain all information for the decision making authorities to make an informed decision.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p><i>unlawful commencement, undertaking or conducting of a listed, specified or waste management activity to the attention of interested and affected parties, and to provide them with a reasonable opportunity to comment on the application in accordance with relevant elements of public participation as prescribed in terms of this Act; and</i></p> <p><i>(H) compile a report containing-</i></p> <p><i>(AA) a description of the need and desirability of the activity.</i></p> <p><i>(BB) an assessment of the nature, extent, duration and significance of the consequences for, or impacts on, the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.</i></p> <p><i>(CC) a description of mitigation measures undertaken or to be undertaken in respect of the consequences for, or impacts on, the environment of the activity; and</i></p> <p><i>(DD) a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed, if applicable; and</i></p> <p><i>(bb) may direct the applicant to compile an environmental management programme or to provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.'</i></p>		
		<p>2.2 The obligations imposed on the Minister in terms of section 24G are clearly cast in peremptory terms.</p>		
		<p>2.3 It is common cause that the unlawful commencement of listed activities remains unlawful in terms of section 49A(1)(a) and/or (d) of the NEMA, regardless of the submission of a Section 24G application.</p>		
		<p>2.4 Section 24F(1)(a) of NEMA reiterates that no person may 'commence an activity listed or specified in terms of section 24(2)(a)...unless the competent authority... has granted an environmental authorisation for the activity...'</p>		
		<p>2.5 In terms of section 1 of NEMA, for the purposes of section 24, 'commence,' means 'the start of any physical implementation in furtherance of a listed activity or specified activity, including site preparation and any other action on the site or the physical implementation of a plan, policy, programme or process...'</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		2.6 In terms of Section 24G(1)(c)(i)(aa)(A) of NEMA, where a listed or specified activity has commenced without an environmental authorisation in contravention of section 24F (1) the Minister must direct the Applicant to ' <i>immediately cease the activity pending a decision on the application submitted in terms of this subsection, except if there are reasonable grounds to believe the cessation will result in serious harm to the environment.</i> '		
		2.7 The principles of the rule of law and the prohibition against self-help are foundational to South Africa's constitutional and administrative framework and demand strict adherence by all organs of state, including the competent authority charged with enforcing environmental legislation.		
		2.8 If the Department were to condone or authorise the Applicant's unlawful conduct by granting <i>ex post facto</i> approval under Section 24G, it would undermine these principles and effectively reward non-compliance. Such an outcome would not only erode public confidence in the environmental regulatory system but would also constitute an abdication of the Department's statutory duties under NEMA to uphold lawful environmental governance through timely enforcement action. The failure to act decisively in response to protracted unlawful activities would result in irreparable harm to the integrity of environmental decision-making and set a precedent that unlawful development may be retrospectively justified without consequence.		
		2.9 Section 49A of NEMA <i>'49A Offences</i> <i>(1) A person is guilty of an offence if that person-</i> <i>(a) commences with an activity in contravention of section 24F (1);</i> <i>.....</i> <i>(e) unlawfully and intentionally or negligently commits any act or omission which causes significant pollution or degradation of the environment or is likely to cause significant pollution or degradation of the environment;</i> <i>(f) unlawfully and intentionally or negligently commit[s] any act or omission which detrimentally affects or is likely to detrimentally affect the environment;</i> <i>.....</i> <i>(k) fails to comply with or contravenes</i>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>3. FACTUAL OVERVIEW: REGULATORY HISTORY AND PERSISTENT UNLAWFULNESS</p> <p>3.1 In October 2018, the Department of Environmental Affairs and Development Planning (DEADP) received correspondence from the Mossel Bay Municipality indicating the Applicant's intention to apply for consent in terms of municipal planning laws to construct six (6) additional units on Portions 373 and 420 of Outeniqua Game Farm. (Annexure "A-4").</p>	S24G application,	All compliance notices and responses are provided in Appendix J3 and J4. All comments received are provided in appendix G.
		<p>3.2 Subsequently, on 21 February 2019, the Department responded by indicating that, based on the application for consent, a meeting held on 21 November 2018, the applicability checklist received by the Department on 21 January 2019, and email correspondence between Ms Shireen Pullen and a Mr West representing the Applicant as his environmental consultant, a determination was made by DEADP that the proposal of the additional dwelling units triggers listed activities in terms of the NEMA EIA Regulations (Annexure "A-5").</p>		
		<p>3.3 Thereafter, on 18 March 2019, the Department issued a formal Intention to Issue a Compliance Notice in terms of section 31L of NEMA, under reference 14/1/1/E3/9/10/3/L1019/19. This notice was based on findings from a site inspection conducted on 13 February 2019 by Environmental Management Inspectors (EMIs), municipal officials, and the Applicant (Annexure "A-2").</p>		
		<p>3.4 This inspection confirmed the unauthorised and unlawful commencement of several listed activities, including the clearing of indigenous vegetation exceeding 1 hectare, the clearance of Garden Route Granite Fynbos (a critically endangered ecosystem) in excess of 300 m², the construction of a road wider than 4 metres, and infilling within a watercourse—all without the required environmental authorisation.</p>		
		<p>3.5 In their pre-compliance notice, the Department reminded the Applicant that it is an offence under section 49A of NEMA to commence listed activities without authorisation. It stated that the commencement of such activities remains unlawful regardless of any subsequent section 24G application.</p>		
		<p>3.6 The Department further advised that it may issue a Compliance Notice and/or pursue criminal proceedings. The Applicant was afforded seven days to submit written representations and, if intending to rectify the contraventions, to submit a rehabilitation plan within thirty days.</p>		
		<p>3.7 On 29 November 2019, the Applicant responded to DEADP's precompliance</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		notice, admitting to the clearance of alien vegetation and the construction of a road which, in parts, exceeded four metres in width. The Applicant attempted to justify the activities by referencing historical land use practices and submitted supporting imagery and affidavits. They acknowledged that they would not be able to submit a rehabilitation plan within the Department's prescribed timeframes and requested an extension until 28 February 2020. The Applicant also advised that environmental specialists Dr Jan Vlok and Mr Andrew West had been appointed to assist with compiling the relevant plans (Annexure "A-6").		
		3.8 On 27 May 2020, the Department issued a formal Compliance Notice under reference number: 14/1/1/E3/9/10/3/L1019/19, wherein the Department acknowledged that the Applicant decided to apply for the regularisation of the unlawful commencement of a listed activity and had submitted "a section 24G PS". The Department further instructed the Applicant to <i>inter alia</i> immediately cease the above-listed activities, adhere to the section 24G PS and specified timeframes dated 6 March 2020 and inform the Department of any delays/changes in respect of the section 24G PS (Annexure "A-3").		
		3.9 Subsequently, on 30 April 2021, the Department's Directorate: Environmental Law Enforcement issued a letter acknowledging that the Applicant was "in the process" of applying for a section 24G rectification and confirmed that the enforcement file had been closed. Importantly, this letter did not constitute approval of any application or authorisation of the listed activities. Despite this acknowledgement, no formal application was submitted until 2025, after the matter had been revived by the Department and formally referred for criminal investigation due to prolonged inaction (Annexure "A-7").		
		3.10 This long period of non-compliance and administrative dormancy ended with a letter from the Department dated 13 February 2025, addressed to Kerryn G. Smith. The Department confirmed that more than four years had passed since its last information request, and that due to the Applicant's failure to submit a Section 24G application in the intervening time, the pre-application consultation process had been formally closed for all administrative purposes (Annexure "A-1").		Noted. Notices were sent in 2024 to the compliance officer with a BID explaining the circumstances.
		3.11 The Department confirmed that the matter had now been referred for environmental criminal investigation under section 49A of NEMA, citing the unlawful clearance of vegetation and construction of infrastructure within 32 metres of a watercourse on Erven 373 and 420. Only after this referral did the Applicant submit the present Section 24G application,		A site visit was carried out by DEADP law enforcement and the EAP in July 2025 with the enforcement officer.

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		more than six years after the commencement of the unlawful activities.		
		3.12 This sequence of events demonstrates a consistent pattern of intentional regulatory evasion, procedural delay, and reactive compliance only after credible threats of prosecution. It further confirms that the Applicant was fully aware of the legal implications of its activities since at least early 2019 and failed to engage meaningfully with the requirements of NEMA over a multi-year period. To make matters worse, the Applicant, intentionally, continued without authorisation knowing that he will reap the rewards in the interim as if he had authorisation.		<p>Activities in the notices have been assessed, which includes all activities in the compliance notices as well as additional activities identified during the process. The SDP has been revised to show actual developments on the farm portions and identifies suitable agricultural and conservation us areas.</p> <p>The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement.</p> <p>The owner has committed to the submitting of the S24G application in order to rectify the illegal commencement and allow for furtherance of the activities. The application contains all information for the authorities to make an informed decision.</p>
		3.13 The assertion by the Environmental Assessment Practitioner (EAP) in the Section 24G application that unfamiliarity with the overwhelming volume of environmental legislation justifies the Applicant's noncompliance is factually and legally untenable. As demonstrated by the documented chronology of regulatory engagement dating back to 2018, including formal notifications, pre-compliance and compliance notices, and direct correspondence from the competent authority, the Applicant was repeatedly and unequivocally informed of the unlawfulness of the activities undertaken on the Outeniqua Game Farm. These notices detailed the contraventions of section 24F of NEMA, specified the listed activities triggered, and warned of potential criminal liability under section 49A.		
		3.14 To suggest now that the Applicant was unaware of applicable legal requirements due to the complexity of environmental legislation is not only disingenuous but contradicts the Department's established enforcement record. The claim that zoning for agriculture implies unrestricted farming activity overlooks the fact that zoning does not supersede statutory environmental obligations. The National Environmental Management Act applies to listed activities, regardless of municipal land use designations, and both individuals and juristic persons are held to an objective standard of knowledge and compliance. We also refer to our question posed under paragraph 11 below.		
		3.15 Moreover, the notion that due diligence was not conducted prior to property acquisition cannot be relied upon as a shield against liability. The law imposes a proactive duty of care on landowners and developers to inform themselves of applicable environmental obligations, particularly where the scale and nature of the activities, such as clearance of endangered ecosystems, construction within watercourses, and transformation of large tracts of land—clearly fall within the scope of		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		regulated activities.		
		3.16 Accordingly, this justification advanced in the application not only lacks legal merit but is contradicted by the Applicant's sustained pattern of engagement with the authorities over a multi-year period, all of which evidences an informed awareness of the environmental contraventions and an ongoing failure to comply.		
		3.17 Regulation 13 of the 2014 EIA Regulations obliges an EAP to act independently and uphold NEMA's compliance duties. By excusing the applicant's continued contraventions as "legally complex," the EAP condones continued unlawful activity, thereby forfeiting the required independence and undermining the credibility of the entire Section 24G application.		<p>Activities in the notices have been assessed, which includes all activities in the compliance notices as well as additional listed activities identified during the process.</p> <p>The owner has committed to the submitting of the S24G application in order to rectify the illegal commencement and allow for furtherance of the activities. The application contains all information as required by NEMA for the competent authority to make an informed decision.</p>
		<p>4. VISUAL TIMELINE SUPPORTING THE CHRONOLOGY OF UNLAWFUL DEVELOPMENTS – AREA 1</p> <p>4.1 To demonstrate the extent and progression of the Applicant's intentional and unlawful activities on the Outeniqua Game Farm, we have compiled a visual timeline using available high-resolution Google Earth imagery (Annexure "B-1"). This timeline supplements the detailed chronological evidence previously outlined. It illustrates, in visual terms, the extent to which the Applicant continued with unauthorised development despite being repeatedly advised, since at least 2018/2019, of the legal obligations and prohibitions under the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA").</p>		
		4.2 The EAP identified five (5) areas which form the subject of the application, indicating, <i>inter alia</i> , the relevant unlawful developments that took place on site. Please see Figure 1 in Annexure "B-1" for a visual representation.		
		4.3 Area 1: Unauthorised Development of Five Dwellings. The first area identified by the EAP comprises five residential structures, each approximately 1,200 m ² in extent, along with an associated access road. The total area developed is estimated to be approximately 8,000 m ² , with the unlawful construction activities occurring between 2020 and 2022 (Figure 2 in Annexure "B-1").	S24G application,	
		4.4 It is of concern that the EAP fails to expressly acknowledge the unlawful nature of these developments, despite the evident absence of environmental authorisation at the time of construction. Moreover, these activities were undertaken within an area designated as the Garden Route Granite Fynbos, a vegetation type listed as Critically Endangered.		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		4.5 The Applicant's actions amount to intentional and unauthorised clearance of indigenous vegetation in contravention of section 24F of NEMA, within an ecosystem of high conservation value. The omission of this legal context by the EAP materially downplays the severity of the transgression.		
		4.6 The Terrestrial Biodiversity and Plant Species Themes Assessment (21 August 2024) undertaken by Confluent Environmental (Pty) Ltd, as part of this Section 24G application, provides an accurate timeline of the unlawful development of these dwellings (Figure 3 in Annexure "B-1").		
		4.7 The unlawful dwellings are located in areas that consist of sites with Very High Site Ecological Importance (SEI) (Figure 4 in Annexure "B-1").		
		4.8 It is evident from the documentary record that the Applicant was not only aware of the legal constraints and environmental sensitivity of the site prior to any development but was explicitly cautioned by the competent authority. On 17 August 2018, the Western Cape Department of Environmental Affairs and Development Planning (DEADP) received information from the Mossel Bay Municipality regarding a consent application for the development of additional dwelling units on Portions 373 and 420 of the Outeniqua Game Farm.		
		4.9 The proposal was for the construction of one (1) primary dwelling and five (5) additional dwellings.		
		4.10 In direct response to this engagement, the DEADP issued a formal letter confirming that the area in question is mapped as Garden Route Granite Fynbos, an ecosystem listed at that time as Critically Endangered. This formal acknowledgment by the competent authority forecloses any possibility that the Applicant was unaware of the ecological significance of the site or the regulatory obligations imposed by the National Environmental Management Act, 1998 (NEMA), and its subsidiary instruments.		
		4.11 Despite this clear warning, the Applicant chose not to submit a full application in terms of Chapter 5 of NEMA or to pursue lawful authorisation under the EIA Regulations, 2014, as amended. Instead, by their admission and through incontrovertible visual evidence, they proceeded to clear approximately 8,000 m ² of Critically Endangered Garden Route Granite Fynbos between 2020 and 2022 to construct five residential dwellings and associated infrastructure. This conduct not only breached the prohibition in section 24F(1) of NEMA, which criminalises		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		the commencement of listed activities without prior environmental authorisation, but demonstrated a wilful and arrogant disregard for lawful process.		
		4.12 Further correspondence from the DEADP dated 21 February 2019 (Ref: 16-3-3-6-D6-28-0004/19) reinforces the Applicant's awareness and culpability. In this letter, DEADP unambiguously stated that the proposed construction of dwellings triggered listed activities under Listing Notice 1 of the 2014 EIA Regulations. More significantly, the Department expressly confirmed that construction of the dwellings had already commenced, without authorisation. The Applicant was therefore on notice, both factually and legally, that their actions were in violation of environmental law and carried significant legal consequences, including potential criminal prosecution under section 49A of NEMA.		
		4.13 Rather than halting the activities or seeking to regularise them through proper legal channels, the Applicant chose to press forward, demonstrating not only negligence but a deliberate and knowing violation of environmental statutes. In <i>Topup Property Investments and Another v Minister of Environmental Affairs</i> , the Western Cape High Court directly addressed the systemic misuse of section 24G of NEMA.		
		4.14 The Court observed that " <i>as section 24G became synonymous with 'act now and pay later', it was as a fait accompli that provided leverage for abuse by developers, and which facilitated non-compliance with the objects of NEMA.</i> " This judicial recognition of the abuse of section 24G affirms that, in some instances, retrospective environmental authorisations have been exploited as a mechanism to circumvent the proactive safeguards embedded in South Africa's environmental governance framework. The Court's language makes it plain that this practice undermines the foundational objectives of NEMA, which include sustainable development, precaution, and environmental justice		
		4.15 The Applicant's conduct exhibits precisely this kind of opportunism: knowing full well the sensitive nature of the site and the legal requirements, the Applicant proceeded to destroy protected vegetation and construct permanent dwellings, and only thereafter sought ex post facto legal cover under this section 24G.		
		4.16 Such conduct runs contrary to the core environmental management principles enshrined in section 2 of NEMA, particularly the principles of precaution, accountability, and the rule of law. It cannot be condoned under the guise of administrative regularisation.		
		4.17 The section 24G process was never intended to be a convenient afterthe-		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		fact validation for knowingly unlawful developments, but a narrowly tailored remedy for genuine cases of inadvertent non-compliance. The Applicant's actions instead amount to calculated defiance, and the current application must therefore be rejected in principle and on law.		
		5. VISUAL TIMELINE SUPPORTING THE CHRONOLOGY OF UNLAWFUL DEVELOPMENT – AREA 2	S24G application,	Activities in the notices have been assessed, which includes all activities in the compliance notices as well as additional listed activities identified during the process.
		5.1 Area 2: Farm RE/420 – Roads, dwellings, structures, water storage. Area 2 includes the unlawful clearance of indigenous vegetation for dwellings, a reservoir (9,000 m2) and connecting roads between Area 2 and Area 3 of 10,000 m2 (Figure 5 in Annexure "B-1").		The owner has committed to the submitting of the S24G application in order to rectify the illegal commencement and allow for furtherance of the activities. The application contains all information as required by NEMA for the competent authority to make an informed decision.
		5.2 The Terrestrial Biodiversity and Plant Species Themes Assessment (21 August 2024) undertaken by Confluent Environmental (Pty) Ltd, as part of this Section 24G application, provides an accurate timeline of the unlawful development of these dwellings (Figure 6 in Annexure "B-1").		
		5.3 The two unlawful dwellings are located in areas that consist of sites with Very High Site Ecological Importance (SEI) (Figure 7 in Annexure "B-1").		
		5.4 The layout plan (Figure 5 in Annexure "B-1"), as it appears in the Section 24G application form, does not include the additional cleared areas for roads identified by the Terrestrial Specialist in their assessment (Figure 8 in Annexure "B-1").		
		5.5 The terrestrial specialist indicated that the most recent road clearing (yellow dotted line) in Figure 8 of Annexure "B-1" occurred between their initial and second site assessments (between May and August 2024) and cannot be seen on updated Google Earth imagery at the time of writing. The specialist further indicated that there were additional roads (white dotted lines) shown in Figure 8 of Annexure "B-1" that were constructed between November 2022 and May 2024, including two small connection roads presumably made as shortcuts along the valley bottom.		
		5.6 The southern dwelling (Figure 8 of Annexure "B-1") and connected roads were constructed between 2019 and 2024 within Critically Endangered Garden Route Granite Fynbos and Critically Endangered Gouritz Valley Thicket.		
		5.7 It is evident that the areas identified as "disturbed/cleared" in the Section 24G application, as well as in the Terrestrial Biodiversity and Plant Species Theme Assessment dated 21 August 2024, fail to capture the		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE																																																																								
		full extent of actual disturbance. Notably, the mapping excludes various features, such as additional roads, which are clearly visible as white dotted lines and form part of the broader disturbed footprint.																																																																										
		5.8 The information provided in the Section 24G application form and the Terrestrial Biodiversity and Plant Species Themes Assessment dated 21 August 2024 reveals critical omissions in the assessment of Area 2, particularly regarding the true extent of cleared or disturbed land. The development footprint in Area 2 includes dwellings, a reservoir, and roads, with estimated clearances of at least 9,000 m ² and 10,000 m ² , respectively. However, the mapping and impact delineation in the Section 24G application grossly underrepresents the full extent of the disturbance.		<p>This is incorrect</p> <p>All activities have been assessed (including clearing between specialist assessments in 2024)</p> <p>Recommended mitigation is provided in the EMPR</p>																																																																								
		5.9 The terrestrial specialist acknowledges that significant road clearing occurred between their initial and follow-up site assessments, from May to August 2024. Moreover, additional roads (indicated by white dotted lines) were constructed between November 2022 and May 2024, including shortcut roads along valley bottoms. Yet, these features are not accounted for in the official layout presented in the Section 24G application form.		<p>All activities assessed (including clearing between specialist assessments) is included in Appendix M which is referred to throughout the application form as this is the actual assessment carried out.</p> <p>This new road clearing is described and assessed. The impact is assessed as high of negative significance. All information is provided to the authorities for an informed decision making process.</p>																																																																								
		5.10 These omissions are significant and material. They not only render the Section 24G application incomplete and misleading but also raise serious concerns about whether the terrestrial specialist was afforded full access to accurate, up-to-date data for evaluating ecological impacts. Our client's view is that any credible environmental impact assessment must be grounded in a complete and transparent disclosure of on-site activities, particularly where those activities occur in ecosystems designated as Critically Endangered, such as the Garden Route Granite Fynbos and the Gouritz Valley Thicket.		<p>Construction - Existing activities</p> <table border="1"> <tr> <td>Aspect</td> <td colspan="3">Clearing of vegetation for roads, dwellings (Areas 1, 2, 3)</td> </tr> <tr> <td>Phase</td> <td colspan="3">Planning / Construction</td> </tr> <tr> <td>Baseline</td> <td colspan="3">Intact fynbos / thicket with some AIS in dwelling areas; roads along watercourses heavily infested with AIS</td> </tr> <tr> <td>Impact:</td> <td colspan="3">Habitat Loss and Fragmentation</td> </tr> <tr> <td>Nature of impact:</td> <td colspan="3">Direct</td> </tr> <tr> <td>Description of impact</td> <td colspan="3">Construction activities led to habitat loss and fragmentation. Disruption of plant communities; altered ecological processes. Roads should have been planned in order to avoid multiple redundant roads.</td> </tr> <tr> <td>Impact Status</td> <td colspan="2">Negative Impact</td> <td>Negative Impact</td> </tr> <tr> <td>Impact Criteria</td> <td colspan="2">Without mitigation</td> <td>With mitigation</td> </tr> <tr> <td>Spatial</td> <td>Site</td> <td>2</td> <td></td> </tr> <tr> <td>Duration</td> <td>Life of operation</td> <td>5</td> <td></td> </tr> <tr> <td>Frequency</td> <td>Medium</td> <td>4</td> <td></td> </tr> <tr> <td>Intensity</td> <td>High</td> <td>5</td> <td></td> </tr> <tr> <td>Severity</td> <td>High</td> <td>14</td> <td></td> </tr> <tr> <td>Consequence</td> <td>Medium High</td> <td>16</td> <td></td> </tr> <tr> <td>Probability</td> <td>Expected</td> <td>5</td> <td></td> </tr> <tr> <td>Impact Significance</td> <td colspan="2">Negative High</td> <td>21</td> </tr> <tr> <td>Mitigation / Reversibility</td> <td colspan="3">Not possible – activity has already occurred</td> </tr> <tr> <td>Confidence</td> <td colspan="3">High</td> </tr> </table>	Aspect	Clearing of vegetation for roads, dwellings (Areas 1, 2, 3)			Phase	Planning / Construction			Baseline	Intact fynbos / thicket with some AIS in dwelling areas; roads along watercourses heavily infested with AIS			Impact:	Habitat Loss and Fragmentation			Nature of impact:	Direct			Description of impact	Construction activities led to habitat loss and fragmentation. Disruption of plant communities; altered ecological processes. Roads should have been planned in order to avoid multiple redundant roads.			Impact Status	Negative Impact		Negative Impact	Impact Criteria	Without mitigation		With mitigation	Spatial	Site	2		Duration	Life of operation	5		Frequency	Medium	4		Intensity	High	5		Severity	High	14		Consequence	Medium High	16		Probability	Expected	5		Impact Significance	Negative High		21	Mitigation / Reversibility	Not possible – activity has already occurred			Confidence	High		
Aspect	Clearing of vegetation for roads, dwellings (Areas 1, 2, 3)																																																																											
Phase	Planning / Construction																																																																											
Baseline	Intact fynbos / thicket with some AIS in dwelling areas; roads along watercourses heavily infested with AIS																																																																											
Impact:	Habitat Loss and Fragmentation																																																																											
Nature of impact:	Direct																																																																											
Description of impact	Construction activities led to habitat loss and fragmentation. Disruption of plant communities; altered ecological processes. Roads should have been planned in order to avoid multiple redundant roads.																																																																											
Impact Status	Negative Impact		Negative Impact																																																																									
Impact Criteria	Without mitigation		With mitigation																																																																									
Spatial	Site	2																																																																										
Duration	Life of operation	5																																																																										
Frequency	Medium	4																																																																										
Intensity	High	5																																																																										
Severity	High	14																																																																										
Consequence	Medium High	16																																																																										
Probability	Expected	5																																																																										
Impact Significance	Negative High		21																																																																									
Mitigation / Reversibility	Not possible – activity has already occurred																																																																											
Confidence	High																																																																											
		5.11 The failure to include all disturbed areas and newly cleared roads, despite their clear visibility on aerial imagery, directly supports our contention that the Applicant has engaged in a sustained pattern of withholding material information and continuing unlawful development. It further reinforces the conclusion that the Applicant acted with full knowledge of the site's sensitivity and the need for prior environmental authorisation.																																																																										
		5.12 It is of particular concern that the Applicant and EAP appear to be using the current Section 24G process to not only retrospectively authorise unlawful past activities, but to include proposed new clearance activities as well. This represents a procedural abuse of section 24G.		<p>Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; the dam is included as no services are provided to the site and the groundwater is not suitable for drinking water or for irrigation, the water will be share by stock animals, game farm animals, management staff, restaurant and church facility and the</p>																																																																								

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>irrigated croplands. A new access is also required to be put in place. Agricultural activities are in operation. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making.</p>
		<p>5.13 Given that the most recent imagery available to our client is from May 2024, and that the EAP relies on assessments conducted before or during August 2024, it is impossible to verify whether the Applicant has commenced with further unauthorised clearance activities since that date. There is no reliable assurance provided in the application to support this claim. In these circumstances, our client demands that the competent authority require up-to-date LIDAR drone imagery and mapping, produced by an independent third party, to accurately identify all disturbances and confirm whether proposed new activities have in fact been initiated.</p>		<p>All assessment with exception of the Vlok 2019 assessment has been carried out since my appointment in response to the DFEE screening tool, sensitivities and protocol and comments received. .</p>
		<p>5.14 In terms of the empowering legislation, the competent authority is not only empowered but also mandated to issue an immediate written directive requiring the cessation of all unlawful and proposed activities. DEADP has been aware of these contraventions since at least 2019, when the Department confirmed the unlawful commencement of listed activities. Since then, the Applicant has continued to expand the footprint of disturbance, including road construction, without valid authorisation from August 2024.</p>		<p>Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; the dam is included as no services are provided to the site and the groundwater is not suitable for drinking water or for irrigation, the water will be share by stock animals, game farm animals, management staff, restaurant and church facility and the irrigated croplands. A new access is also required to be put in place. Agricultural activities are in operation. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making.</p>
		<p>5.15 Our client accordingly demands that the competent authority immediately exercise its statutory powers and issue a cessation directive as required by law. Allowing unlawful development to continue under the cover of a pending section 24G application, particularly on land of critical conservation value, not only violates the rule of law but also directly contravenes the core principles of NEMA. These include the precautionary principle, the preventative principle, and the duty of care imposed by section 28 of NEMA. Continued inaction in the face of known violations is indefensible and facilitates further harm to an already threatened ecosystem.</p>		
		<p>6. VISUAL TIMELINE SUPPORTING THE CHRONOLOGY OF UNLAWFUL DEVELOPMENT – AREA 3 6.1 Area 3: Existing dam, proposed dam, road crossing, solar. Area 3 includes the clearance of indigenous vegetation for a solar farm of approximately 800 m2, an "existing dam", a road</p>		<p>Activities in the notices have been assessed, which includes all activities in the compliance notices as well as additional listed activities identified during the process.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		6.2 A Google Earth imagery dated April 2019 (Figure 10 in Annexure "B-1") demonstrates that the so-called "existing dam/road crossing" was deliberately constructed as a dam structure. The image reveals associated infrastructure, including a pump house and solar panels, which were evidently installed to power irrigation pumps, confirming that this was a planned and engineered dam development, not a mere preexisting feature.		<p>The owner has committed to the submitting of the S24G application in order to rectify the illegal commencement and allow for furtherance of the activities. The application contains all information as required by NEMA for the competent authority to make an informed decision.</p> <p>Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; the dam is included as no services are provided to the site and the groundwater is not suitable for drinking water or for irrigation, the water will be share by stock animals, game farm animals, management staff, restaurant and church facility and the irrigated croplands. A new access is also required to be put in place. Agricultural activities are in operation. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making.</p>
		6.3 The Terrestrial Biodiversity and Plant Species Themes Assessment (21 August 2024), indicates that the Aquatic specialist report states that "...a road crossing the Ruitersbos River at the current dam location has existed since at least 2005" and that the "river crossing and current instream dam location is first visible in 2017, as prior to this, the entire area was heavily invaded with Black wattles (<i>Acacia mearnsii</i>)."		
		6.4 A Google Earth image dated December 2005 (Figure 11 in Annexure "B-1") indicates a road crossing the Ruitersbos River. Still, it does not include a dam structure complete with solar panels and irrigation infrastructure (Figure 12 in Annexure "B-1").		
		6.5 The Applicant and the EAP now appear to rely on the presence of this rudimentary 2005 road to downplay or justify the current unlawful dam/weir development. This is a transparent attempt to suggest that the transformation of the road into a full dam, along with its associated infrastructure, was a natural or permissible progression. Such reasoning is legally and factually flawed.		
		6.6 The existence of a prior road crossing does not confer blanket authorisation for subsequent dam construction or activities within a regulated watercourse. These developments required prior environmental authorisation. The attempt to sanitise the unlawful construction by retroactively linking it to a historical road is disingenuous and misleading and should not be condoned under Section 24G.		
		6.7 The unlawful construction and expansion of the dam/weir structure is unequivocally confirmed by the aquatic ecologist, Dr James Dabrowski, in his Aquatic Specialist Report. Dr Dabrowski states: "A notable change occurred in 2024, when the road crossing was visibly upgraded and the inundated area upstream of the road was enlarged. The site visit confirmed the presence of a road supported by gabion baskets which essentially acts as [a] small dam/weir."		
		6.8 This observation is damning on both the Applicant and the EAP. It establishes that a functional dam structure was created through intentional modification of a river crossing, complete with gabion		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		reinforcement and sediment excavation to enlarge the upstream basin. Moreover, the report records significant alterations to the river's bed and banks, including sediment deposition downstream and channel widening, which are all regulated water uses under section 21 of the National Water Act and trigger listed activities under the EIA Regulations.		
		6.9 The fact that these actions were undertaken without environmental authorisation and water authorisation confirms a direct and ongoing contravention of environmental legislation. The specialist's findings further expose the false narrative advanced by the Applicant, namely, that the structure is merely a benign road crossing. The structure constitutes a dam with material ecological consequences, constructed unlawfully and in defiance of regulatory requirements. This is not a technical oversight; it is a deliberate breach of environmental law that warrants enforcement action.		
		6.10 The Terrestrial Biodiversity and Plant Species Themes Assessment (21 August 2024), further identifies altered roads and several new roads and that <i>"these new roads fall outside of the scope of this assessment, however they are significant enough to warrant mention in this report."</i>		
		6.11 This admission is concerning. It confirms that the EAP included roads in the application documentation that were not assessed by the specialist, despite being materially significant from an ecological and regulatory standpoint.		
		6.12 In our view, this represents a serious procedural and substantive flaw in the Section 24G application. The exclusion of these new roads from the formal specialist scope as instructed by the EAP, and therefore the specialist assessment, renders the report incomplete and unreliable and highlights the piecemeal and selective disclosure that has characterised this entire application process.		
		6.13 Given the ongoing nature of the disturbance and the specialist's admission that certain developments were excluded from assessment, it is imperative that an updated, comprehensive site plan be generated using July 2025 LIDAR drone imagery produced by an independent third party. This is necessary to accurately quantify the true extent of the unlawful activities and assess their cumulative impacts—something the current application fails to do. Without such an update, the competent authority cannot lawfully make an informed decision as required under section 24O of NEMA.		Drone imagery is not required. All information provided by specialist, site visits as well as research is used for the assessment. Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; the dam is included as no services are provided to the site and the groundwater is not suitable for drinking water or for irrigation, the water will be shared by stock animals, game farm animals, management staff, restaurant and church facility and the irrigated croplands. A new access is also required to be put in place. Agricultural activities are in operation.

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>6.14 We reiterate that the competent authority is now legally obligated to issue a cessation order in terms of sections 24G(2A), 24F(2), and 31L of NEMA. The evidence presented, including the specialist's findings, shows that unlawful activities are ongoing and that proposed developments are being introduced without proper assessment or authorisation. Continuing to entertain this application without halting all current and proposed activities will not only perpetuate environmental harm but also render the regulatory process meaningless.</p> <p>6.15 The Section 24G application refers to the construction of a "</p>		<p>Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making.</p> <p>The preliminary dam designs have been completed and included in the final S24G assessment. Refer to Appendix B7.</p>
		<p>6.15 The Section 24G application refers to the construction of a "proposed" dam with a storage capacity of approximately 150,000 m³, a dam wall height of 12 metres, including a 2-metre freeboard, and an estimated surface area of 2 hectares, to be confirmed during the detailed design phase.</p>		
		<p>6.16 However, Figure 14 & Figure 15 in Annexure "B-1" clearly demonstrate that physical activities associated with the development have already commenced. Most notably, the images reveal the presence of a coffer dam, which forms part of the preparatory works for the larger dam construction. This confirms that the activity is no longer merely "proposed" but has in fact already physically commenced on site.</p>		<p>This is incorrect. The preliminary dam designs have only just been completed and works have not commenced. The dam created at the watercourse crossing (OGF1 site) will be rehabilitated as per EMPr.</p>
		<p>6.17 In terms of the 2014 EIA Regulations, "commence" includes <i>"the start of any physical activity on the site in furtherance of a listed or specified activity, including site preparation..."</i>. The construction of a coffer dam as part of the main dam project meets this definition and therefore constitutes the commencement of a listed activity without prior authorisation. This places the Applicant in direct contravention of section 24F(1) of NEMA, which prohibits such commencement without an environmental authorisation.</p>		
		<p>6.18 It follows that the inclusion of this dam under the guise of a "proposed" activity within the current Section 24G application is legally untenable. Section 24G(1) applies strictly to persons <i>"who have commenced a listed or specified activity without an environmental authorisation in contravention of section 24F(1)"</i>.</p>		<p>Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; the dam is included as no services are provided to the site and the groundwater is not suitable for drinking water or for irrigation, the water will be shared by stock animals, game farm animals, management staff, restaurant and church facility and the irrigated croplands. A new access is also required to be put in place.</p>
		<p>6.19 If the dam had not yet commenced, it should be excluded from the Section 24G process and subjected to a full environmental impact assessment under Chapter 5 of NEMA. If it has commenced, as evidenced, it must be disclosed. The language used by the EAP and the Applicant is misleading. It creates uncertainty as to whether they are</p>		<p>Agricultural activities are in operation.</p> <p>Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		seeking authorisation for a future development or the continuation of an activity already in progress. This ambiguity, particularly when set against objective evidence of site works, points to an attempt to obscure the actual legal status of the dam. Such conduct conflicts with the requirements of transparency, good faith, and lawful procedure under NEMA.		The preliminary dam designs have been completed and included in the final S24G assessment. Refer to Appendix B7.
		6.20 In light of this, our client reiterates that the competent authority is obligated to issue a cessation directive in terms of section 31L of NEMA, given that unlawful activities have already commenced within a regulated watercourse. The factual evidence contradicts the 'Applicant's presentation and necessitates immediate regulatory intervention.		
		6.21 The area in which the unlawful dam construction is taking place falls within a water-scarce region, where surface water availability is limited and water resources are already under significant pressure. Any interference with the natural flow of water, such as damming or abstraction, has the potential to severely impact downstream users, including surrounding agricultural operations, rural communities, and ecosystems that rely on the uninterrupted availability of water. The presence of a coffer dam and related construction activities that alter the natural hydrological regime exacerbate these impacts, particularly in dry seasons or low-flow periods. The Hydrological Assessment (Appendix H5) identifies registered abstraction points by querying the Department of Water and Sanitation's WARMS database and maps them in Figure 3, then concludes that "there are no additional water users on the Ruitersbos River downstream of the proposed dam" and quantifies licensed abstractions in the Brandwag River catchment. Although this desktop exercise may constitute a regulatory check, the documents include no evidence of a field-based or stakeholder survey of downstream users, nor any interviews or questionnaires typically associated with a dedicated downstream-user survey.		
		6.22 Despite this clear risk, no socio-economic impact assessment has been undertaken or included in the Section 24G application. This is a material omission, particularly because constructing a large dam in a waterscarce region will likely reduce or interrupt downstream flows, potentially harming other lawful users and compromising community water security.		
		6.23 Although Section 24G is a remedial provision, the competent authority must still comply with the decision-making requirements under Section 24O(1)(b), which obliges it to consider any environmental impacts or degradation likely to result from the activity if authorised.		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		6.24 In addition, section 2(4)(i) of NEMA requires that " <i>the social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated</i> ". In the absence of a socio-economic impact assessment that addresses the consequences of damming and altering natural water flow in this context, any decision to authorise the activity would be irrational, procedurally unfair, and legally reviewable under the Promotion of Administrative Justice Act, 2000 (PAJA).		
		6.25 Our client once again urges the competent authority to act decisively and in accordance with its legislative mandate by immediately issuing a directive in terms of section 31L of NEMA to halt all ongoing dam construction activities, including any further site works. In addition, the competent authority must require the rehabilitation of all areas already affected, including the removal of the coffer dam and the restoration of natural water flows within the watercourse. These actions are not discretionary, they are necessary to prevent further environmental harm, ensure compliance with the law, and uphold the integrity of the environmental governance framework.		
		6.26 Failure to do so would not only perpetuate environmental injustice but would expose the competent authority to potential judicial review for authorising or tolerating a development in the absence of the lawful procedural safeguards required under NEMA.		
		7. VISUAL TIMELINE SUPPORTING THE CHRONOLOGY OF UNLAWFUL DEVELOPMENT – AREA 4 7.1 Area 4: Agricultural area and supporting activities – ptn 373. Area 4 includes a list of thirteen (13) land parcels identified by the EAP as "in use/past use/future use – not feasible" and describes these activities in Section B: Activity Information in the Section 24G application form as either "Current agricultural activities in place developed on past used agricultural areas (disturbed within previous 10 years), Current on disturbed and Proposed" (Figure 16 in Annexure "B-1").	S24G application,	Suitable areas have been identified during the S24G assessment process that has been carried out for the rectification of commencement and furtherance of activities using inputs of past land uses, soil assessment, vegetation assessments, aquatic assessment and hydrological assessment. This then informed the water required for continuation of the mixed land use activities. Areas requiring rehabilitation are identified in the assessment and the EMPr provides related measures to minimise impacts of the commenced and continuance and furtherance of activities. It is recommended that land identified as not suitable for agricultural purposes be rezoned to conservation use.
		7.2 This objection will not address each of the seventeen (17) land parcels in Area 4 individually. Instead, we will refer to a few illustrative examples to highlight critical deficiencies in the application. It is our firm view that the EAP must include a comprehensive and clearly annotated map that distinguishes, with precision: (i) which areas have been used for agricultural purposes within the preceding ten-year period; (ii) which areas are currently in agricultural use as of July 2025; and (iii) which areas have been unlawfully cleared or developed without environmental		The draft has been updated accordingly is response to all comments received. The application contains all information for the authorities to make an informed decision. Preliminary dam designs provided in Appendix B.

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		authorisation		
		7.3 The application, as it stands, fails to provide this level of detail, rendering it incomplete and legally insufficient for meaningful assessment. Each area where unlawful activities have occurred must be clearly demarcated, mapped, and discussed individually, with supporting evidence to determine the nature and extent of the contraventions. Moreover, we reiterate that this Section 24G process cannot be used to authorise future or proposed agricultural development, and such activities must be excluded from consideration.		
		7.4 Areas 4-10 and 4-11, as depicted in Figure 16 of Annexure "B-1", overlap with the area shown in Figures 17 and 18 of the same Annexure. These figures indicate that portions of this land were not under active agricultural use during the ten (10) years preceding the current period, and that the Applicant undertook the unlawful clearance of approximately 2,60 Ha. No prior environmental authorisation supported this clearing, constituting a direct contravention of the applicable environmental legislation.		
		7.5 Area 4-14, as depicted in Figure 16 of Annexure "B-1" is described as "In use and Past use" by the EAP, however, as can be seen by Figures 19 and 20 of the same Annexure, some portions of this land were not under active agricultural use during the ten (10) years preceding the current period, and that the Applicant undertook the unlawful clearance of approximately 7,97 Ha.		
		7.6 A portion of Area 4-15 in Figure 16 of Annexure "B-1" is described as "Retain as fynbos No agricultural expansion permitted." However, Figures 21 and 22 of the same Annexure indicate that the Applicant cleared large portions of this area during December 2018, of approximately 13,00 Ha.		
		7.7 Area 4-16 in Figure 16 of Annexure "B-1" is described as "Area surrounding dam should be mulched and planted." However, this dam is also unlawful, as Figures 23 and 24 of the same Annexure indicate.		
		7.8 The information provided indicates that several areas identified by the EAP as being in current or past agricultural use were, in fact, not cultivated during the preceding ten-year period. Despite this, extensive land clearing was undertaken without environmental authorisation, in direct contravention of NEMA.		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		7.9 In some instances, areas explicitly designated or excluded from further agricultural expansion were also cleared. Specialists did not properly assess these activities, and the EAP failed to provide adequate detail on the extent of the disturbance or its ecological impact. Consequently, the Section 24G application is materially flawed and does not meet the standards required for lawful consideration.		
		7.10 It is concerning to note that the Agricultural Botanical Assessment (Appendix H2 of the Section 24G application) in Section 6.1.2 claims that the land earmarked for transformation supports no Critically Endangered ecosystems and is of only "Moderate-to-Low" ecological sensitivity. This assertion is patently false and viewed as a fatal flaw.		
		7.11 The Western Cape Biodiversity Spatial Plan mapping submitted as Appendix E in the Section 24G report (Maps 3 & 4) shows the proposed cultivation footprint overlapping directly with a mapped Critical Biodiversity Area (CBA) and its adjoining Ecological Support Area, both of which include remnants of Critically Endangered Garden Route Granite Fynbos and Gouritz Valley Thicket.		
		7.12 By definition, CBAs represent irreplaceable habitat required to meet provincial conservation targets, and any further habitat loss within them is prohibited unless no reasonable alternative exists. The Agricultural Botanical Assessment's failure to acknowledge this legally recognised status, despite corroborating evidence in the Jan Vlok (2019) botanical report and the Terrestrial Biodiversity Assessment, constitutes a material misrepresentation. The competent authority is therefore urged to reject Agricultural Botanical Assessment's sensitivity rating and recognise that the development site lies within a CBA of the highest conservation concern, rendering the proposed transformation <i>prima facie</i> unacceptable and unlawful.		
		7.13 The Hydrological Assessment (Appendix H5 in the Section 24G report), in Section 4.3, confirms that the existing lawful water sources, namely Schedule 1 use and the current General Authorisations, are insufficient to satisfy the irrigation demands associated with the proposed expansion. Consequently, the report recommends constructing a new 135,000 m ³ dam (identified as OGF2) and submitting a future Water Use Licence (WUL) application. Likewise, Section 5.1 proposes an additional annual abstraction of 100,000 m ³ to 135,000 m ³ to meet anticipated crop requirements.		
		7.14 These forward-looking recommendations concern infrastructure and water uses that have not yet commenced and therefore fall outside the remedial scope of Section 24G, which is confined to regularising		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		activities already undertaken unlawfully.		
		7.15 Reinforcing this, the Draft Environmental Management Programme (EMPr), in Section 5.1.1, prescribes mitigation measures for the construction of new abstraction works and associated pipeline infrastructure, confirming that these works remain unbuilt. The inclusion of such future-oriented measures within a Section 24G process constitutes a procedural defect because the statute does not permit prospective authorisation under its remedial framework.		
		7.16 The Soil Assessment Report (Appendix H3 in the Section 24G report) highlights the prospective nature of the proposed agricultural expansion. Section 3.3 assesses the current and future suitability of the subject land for high-value crops, such as avocado, macadamia, and maize, specifically linking the analysis to areas that have not yet been cultivated or transformed.		
		7.17 Building on this, Section 4.2 concludes that the soils are "well suited" for establishing new orchards and recommends their development accordingly. These findings and recommendations are unambiguously forward-looking, designed to motivate future land-use change and vegetation clearance rather than to regularise activities that have already occurred.		
		7.18 As Section 24G of the National Environmental Management Act is strictly remedial, limited to authorising activities commenced without prior approval, the inclusion of such prospective land-transformation justification renders the current application procedurally defective. For this reason, the competent authority is urged not to rely on the Soil Assessment Report to authorise new cultivation under the present Section 24G process.		
		7.19 The Jan Vlok Botanical Report (Appendix J6-4 in the Section 24G report) provides clear, forward-looking warnings that the project team has failed to heed. Section 4 of his report confirms that the site contains Critically Endangered Garden Route Granite Fynbos, which is highly vulnerable to cumulative degradation, even on partially disturbed ground.		
		7.20 Section 5 of his report, therefore, urges strict avoidance of any further transformation in botanically diverse areas where threatened species may persist. In contrast, Section 6 of his report (page 8) emphasises that Page 36 of 102 the mere regrowth of indigenous plants does not signify ecological		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		recovery.		
		7.21 None of these findings are reflected in the Draft EMPr or later botanical assessments (Appendices H1 and H2 of the Section 24G report), which label the footprint "previously transformed" to justify new agricultural expansion. Omission of the 2019 Vlok report's cautions amounts to a material flaw in the impact assessment. Further, it demonstrates that the present Section 24G application seeks to authorise prospective biodiversity loss contrary to specialist advice and statutory requirements.		
		8. PROPOSED FUTURE DEVELOPMENTS & LISTED ACTIVITIES 8.1 The EAP states in the Section 24G application form that the Applicant intends to include a predator enclosure as part of this application, allegedly situated on a previously disturbed agricultural footprint. However, analysis of Google Earth imagery reveals that vegetation clearing has already taken place over an area of approximately 11 hectares, contradicting the claim that the site was previously disturbed and raising serious concerns about the accuracy of the information submitted (Figures 25 and 26 in Annexure "B-1").	S24G application,	A S24G assessment process is being carried out to assess all activities which have commenced and continued without authorisation. Refer to Vlok, 2019 for area 5.Fouche, 2024 overlaps with some of these areas. Site visits have been carried out by the EAP and all information collated by the EAP. The Vlok assessment provided information of site conditions in the relevant areas at the time and informed the baseline of the site at the time and this was compared with the current site conditions.
		8.2 The Section 24G application form contains numerous references to proposed or future developments that the Applicant seeks to include within the current application, such as the development of a new dam and additional agricultural activities on 80 Ha. This is highly problematic.		A S24G assessment process is being carried out to assess all activities which have commenced and continued without authorisation. The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement. The application contains all information for the authorities to make an informed decision. No further development has taken place since the road was created in 2024 between specialist site visits (reportedly created for the purposes of AIS clearing).
		8.3 Section 24G of NEMA is not designed to facilitate the authorisation of activities that have yet to commence. It is a remedial provision intended exclusively for the regularisation of listed or specified activities that have already commenced unlawfully, in contravention of section 24F(1).		The applicant acknowledges and is aware that EA is required for NEMA listed activities will require an EA application especially due to the CR and EN vegetation which historically occurred, and which an estimated 600 ha is still deemed to be intact on the farms portions and approximately 400 ha degraded due to AIS. Active farming (rotational irrigation crops and dryland) occurs on about 120 ha of the farm portions; suitable areas have been identified during the S24G assessment process that has been carried out for the rectification of commencement and furtherance of activities using inputs of past land uses, soil assessment, vegetation assessments, aquatic assessment and hydrological assessment. This then informed the water required for continuation of the mixed land use activities. Areas requiring rehabilitation are identified in the
		8.4 Section 24G(1) expressly provides that only a person "who has commenced a listed or specified activity without an environmental authorisation" may submit an application in terms of this section. The trigger for invoking section 24G is the unlawful commencement of a listed activity, not a proposed intention to undertake such activity in future. Including activities that have not yet physically commenced under the umbrella of section 24G is ultra vires, procedurally irregular, and in direct conflict with the text, purpose, and legal interpretation of the provision.		
		8.5 The inclusion of future developments in a Section 24G application and the draft EMPr 1 not only distorts the legal framework but also undermines the environmental authorisation system established by NEMA. Proposed activities must be assessed through the standard EIA		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		process set out in Chapter 5, which includes proper scoping, impact assessment, specialist input, and public participation. Attempting to sidestep these safeguards by using section 24G as a forward-looking approval mechanism is an abuse of process		assessment and the EMP provides related measures to minimise impacts of the commenced and continuance and furtherance of activities.
		8.6 It is therefore imperative that the competent authority reject all components of the application that relate to future or proposed activities and restrict its assessment strictly to those activities that had physically commenced prior to the submission of the Section 24G application, as required by law.		The owner has committed to the submitting of the S24G application in order to rectify the illegal commencement and allow for furtherance of the activities. It is recommended that land identified as not suitable for agricultural purposes be rezoned to conservation use.
		8.7 It is essential that the applicant and the Environmental Assessment Practitioner (EAP) undertake a thorough re-evaluation of the activities listed in Section B of the Section 24G application form. The current formulation is inadequate and cannot be accepted by the competent authority as it stands, given the inclusion of activities beyond the lawful scope of a Section 24G process and the lack of clarity regarding what has been commenced unlawfully versus what remains proposed.		The draft S24G application was submitted for a 60-day review and comment period and the final S24g application will be sent for 30 days review and comment. Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; The section 24G Fine Regulations allows for combined activities, where such activities are related to or interrelated to each other. The dam is included as no services are provided to the site and the groundwater is not suitable for drinking water or for irrigation, the water will be share by stock animals, game farm animals, management staff, restaurant and church facility and the irrigated croplands. A new access is also required to be put in place. Following the 30 day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making.
		9. LEGAL GROUNDS FOR OBJECTION AND RELIEF SOUGHT 9.1 The Section 24G application submitted by the Applicant for Outeniqua Game Farm is materially defective and substantively flawed for several interrelated reasons, each of which highlights serious violations of the National Environmental Management Act, 1998 (NEMA) and its associated regulations.	S24G application,	Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; The section 24G Fine Regulations allows for combined activities, where such activities are related to or interrelated to each other.
		9.2 Firstly, it is unequivocal from the Impact Assessment report, the EAP's application form, and supporting documentation that the Applicant has improperly included proposed and future developments, such as the predator enclosure, future clearance activities for agricultural activities and the proposed 150,000 m3 dam, as part of this Section 24G application. This is unlawful.		The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement The draft S24G application was submitted for a 60-day review and comment period. The draft was updated with all comments and all responses required. The Traffic impact assessment and geotechnical assessments are provided in Appendix H and the preliminary dam design and recommended SDP for approval is provided in Appendix B.
		9.3 Section 24G(1) of NEMA applies only to persons who have already commenced a listed or specified activity without environmental		The final S24g application will be sent for 30 days review and comment.

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		authorisation. It does not permit consideration of future or prospective developments, regardless of whether they are referenced within the same geographical footprint. The inclusion of these undeveloped activities within the scope of the Section 24G application is ultra vires and invalid. Such activities must be subject to a separate environmental authorisation process under Chapter 5 of NEMA and the EIA Regulations of 2014 (as amended). The EAP's inclusion of these "proposed" works reflects a fundamental misunderstanding, or deliberate distortion, of the law.		Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making. The assessment has been carried out in line with NEMA requirements and contains all information for the competent authority to make an informed decision.
		9.4 Secondly, the Applicant's declaration under Part 3 of Section C of the application form, where they state, "The applicant was not aware that an environmental authorisation was required," constitutes a material and intentional misrepresentation		
		9.5 This statement is factually untrue and amounts to bad faith. Official correspondence from the competent authority and their own appointed specialists clearly confirmed that the site comprises Critically Endangered Garden Route Granite Fynbos and that any clearance of vegetation or construction would trigger listed activities under the EIA Regulations. We also again refer to our question posed in paragraph 11 below		
		9.6 Notwithstanding this clear warning, the Applicant continued with development activities, including clearance of large swaths of indigenous vegetation, the construction of roads, dwellings, reservoirs, a weir, and possible components of a large dam, all in the absence of any environmental authorisation. This conduct reflects a willful disregard for the law and raises questions about the integrity of the Applicant's conduct throughout this process.		
		9.7 Third, the Impact Assessment fails to assess the full extent of unlawful activities and disturbances. The assessment does not accurately capture all the disturbed areas. Several areas described by the EAP as "disturbed" or "previously used for agriculture" fall outside of any legitimate 10-year agricultural use window and were, in fact, part of intact ecosystems that were unlawfully cleared.		
		9.8 The Applicant's mapping does not clearly distinguish, in individually assessed land parcels, between lawfully disturbed, historically used, and unlawfully transformed areas enough, making it impossible for the competent authority to determine the true scale of the contraventions		The draft S24G application was submitted for a 60-day review and comment period. The draft was updated with all comments and all responses as required. The Traffic impact assessment and geotechnical assessments are provided in Appendix H and the preliminary dam design and recommended SDP for approval is provided in Appendix B.
		9.9 In several instances, the terrestrial specialist explicitly noted that recently constructed roads were excluded from their assessment. No		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		independent verification was conducted via up-to-date LIDAR drone surveys. The dam-related activities alone have already affected a river system through the installation of a coffer dam, infilling, and channel modification, all of which are visible on satellite imagery but unaccounted for in the assessment.		The final S24g application will be sent for 30 days review and comment. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making. The assessment has been carried out in line with NEMA requirements and contains all information for the competent authority to make an informed decision.
		9.10 Additionally, despite being located in a water-scarce region with evident reliance by downstream users, no socio-economic impact assessment was conducted. Section 24O(1) of NEMA requires that the competent authority must take into account all relevant factors when considering an application, including the nature and extent of the impact on the environment and socio-economic conditions.		Socio economic impacts have been assessed including impacts on downstream users. The draft S24G application was submitted for a 60-day review and comment period. The draft was updated with all comments and all responses required. The Traffic impact assessment and geotechnical assessments are provided in Appendix H and the preliminary dam design and recommended SDP for approval is provided in Appendix B.
		9.11 The unlawful dam construction or “proposed new dam” poses serious implications for downstream water users, yet the EAP has entirely ignored this issue. This omission is material and renders the assessment incomplete and procedurally unfair.		Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; The section 24G Fine Regulations allows for combined activities, where such activities are related to or interrelated to each other.
		9.12 Finally, this is not the first instance in which the competent authority has raised concerns with the Applicant's conduct on this site. The record confirms that the Department was aware of unauthorised development in 2018. Despite this, the Applicant continued development without securing authorisation.		The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement The final S24g application will be sent for 30 days review and comment. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making. The assessment has been carried out in line with NEMA requirements and contains all information for the competent authority to make an informed decision.
		9.13 The conduct amounts to a deliberate and intentional disregard of both legal obligations and direct instructions from the Department. Continued reliance on a Section 24G application to retroactively legalise these acts undermines not only NEMA, but the constitutional imperative to safeguard the environment for current and future generations.		
		9.14 Our client accordingly calls upon the competent authority to exercise its powers under NEMA, the EIA Regulations, and the Constitution, and to take immediate and decisive action, as it is clear that Section 49A offences were committed.		
		9.15 The competent authority must reject all proposed or future activities included in the Section 24G application. These activities, such as the 150,000 m3 dam, predator enclosure and future agricultural activities, are not eligible for consideration under Section 24G and must be subject to a new, independent environmental impact assessment process.		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		9.16 The competent authority must issue a compliance notice in terms of section 31L of NEMA, instructing the cessation of all ongoing development. This includes any continuation of dam construction, road clearing, infrastructure placement, or other earthworks that are presently being conducted without valid environmental authorisation. Failure to do so would enable the very kind of self-help and legal circumvention that the courts have condemned.		
		9.17 The authority must further instruct the Applicant to undertake full rehabilitation of all areas that were unlawfully cleared or disturbed, especially within Critically Endangered Garden Route Granite Fynbos. This rehabilitation must be enforced through specific timeframes, detailed monitoring requirements, and independent verification.		
		9.18 Given the seriousness of the Applicant's non-compliance, the competent authority must impose the maximum permissible administrative fine under Section 49(B) of NEMA. The Applicant was aware of their legal obligations, ignored explicit warnings, misrepresented material facts, and continued to expand unlawful activities. These aggravating circumstances justify the highest possible penalty.		
		9.19 Finally, the authority must require an independent audit, including updated independent high-resolution LIDAR mapping, to determine the full extent of disturbances. Without such a baseline, enforcement and rehabilitation will remain arbitrary and ineffective.		
		9.20 This Section 24G application, in its present form, not only fails to comply with the legal requirements for retrospective environmental authorisation, but it also actively undermines the principles of environmental justice, transparency, and accountability enshrined in NEMA. The Applicant's misrepresentation, the unlawful inclusion of proposed activities, the incomplete assessment of environmental and socio-economic impacts, and their continued contraventions despite official warnings, demand a firm and lawful response. Allowing this application to proceed unchallenged would reward illegality and set a dangerous precedent for other developers. Our client, therefore, formally requests that the competent authority uphold the rule of law, give effect to its constitutional obligations, and grant the relief set out herein.		
		10. CLARIFICATION QUESTIONS: In addition to the information requested in above paragraphs, we will require a reply to the following: -	S24G application,	The quantum has been completed; The following was provided:

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>10.1. Section C: Quantum of the Section 24G Fine (page 3 of the application form) – Under the heading Socio-Economic Impact, the applicant has failed to select the appropriate box reflecting the actual or potential impacts of the unlawful activities. Instead, the applicant focuses exclusively on the purported benefits of the site, such as tourism attractions and accommodation, while completely disregarding the socio-economic consequences of the unlawful activities that have already taken place. This omission represents a failure to engage with the core purpose of the Section 24G process, which is to assess the full extent of harm caused by unauthorised activities, both environmental and socio-economic.</p>		<p>The agricultural activities and restaurant, game farm and tourist activities provide employment. The game farm area and proposed enclosures provides for the environmental awareness of species of conservational concern The dwellings allow for accommodation to be provided for the staff. Energy costs are dramatically reduced as the staff members live within walking distance of their workplace. The borehole water on the site is not suitable for domestic or irrigation purposes. The impact of not being able to source water for the activities currently in place will have significant high economic and social impacts</p>
		<p>10.2. In your application form, the proposed instream dam is described as having a maximum height of 12 meters and a storage capacity of 150,000 cubic meters. However, in the public notice, it is stated that a new dam with a capacity of 120,000 cubic meters is proposed, with the dam wall reaching a maximum height of only 5 meters. This inconsistency raises serious concerns regarding the accuracy and reliability of the information presented to both the competent authority and the public.</p>		<p>At the start of the process, estimations are used, and as the assessment proceeds, new information becomes available, and the proposal is adjusted and finalised. The listed activities and project description is finalised towards the end of the assessment as findings of specialists generally guide the concept development.</p> <p>The final proposal has been determined using inputs from the soil specialist inputs, hydrology assessment, and calculated water requirements of crops proposed. In addition, the draft s24G application has been updated to a final application and includes the preliminary dam designs and not only a concept design.</p> <p>The preliminary dam design allows for the development of the dam in phases, with phase 1 having a dam storage of about 40 000 m3 at a dam wall height of 10 m (at the spillway crest) for the expected lower scale agricultural operations in the short to medium term. The dam design has allowed for future dam raise for additional storage when the agricultural activities reach full scale operations to increase the dam storage holding capacity to 150 000 m3, at a wall height of about 14.5 m (at the spillway crest) with a flooded area of about 4.9 ha .</p> <p>The release flow mechanism has been incorporated into the design to maintain downstream baseflows release to meet the ecological water requirements of the reserve. A coffer dam will be constructed upstream of the proposed dam site during the construction phase to keep the construction area dry; the dam construction is also recommended to be planned during the dry season. Given the steep nature of the river embankments on either side of the proposed dam wall, an underground pipeline will be installed to specifications from the coffer dam to gravitate water out of the coffer dam as required during construction; this pipe will be maintained as part of the release flow mechanism; the pipe will be placed beneath the dam - the optimal dam site area in terms of</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				geological requirements to minimise foundations, is very narrow and a bypass will therefore not be possible. The release flow will be digitally metered and regularly recorded for submission to BOCMA as per WUL conditions. The released flow will mimic the natural non – perennial conditions with increased release during storm events and minimal flow during dry conditions”.
		10.3. Section 10: Regional Planning Context. Under the question of whether the activity will be in line with the Provincial Spatial Development Framework (PSDF), you have failed to provide an answer.	S24G application,	The draft S24G application was submitted for a 60-day review and comment period. The draft was updated with all comments and all responses required. The Traffic impact assessment and geotechnical assessments are provided in Appendix H and the preliminary dam design and recommended SDP for approval is provided in Appendix B.
		10.4. Section D: Need and Desirability. In response to Question 2, you indicated that the activity aligns with the Provincial Spatial Development Framework (PSDF) and justified this by stating that the activities “address biodiversity threat (AIS removal), provide housing to staff, and create work opportunities.” However, given the context of the unlawful activities already undertaken on site, a far more thorough and objective assessment is required. The explanation provided is superficial and fails to critically assess whether the unauthorised development is indeed consistent with the strategic objectives and land use priorities outlined in the PSDF.		Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; The section 24G Fine Regulations allows for combined activities, where such activities are related to or interrelated to each other. The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement
		10.5. Section D: Need and Desirability. In response to Question 2(c), you answered “No” to the question whether the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF, and claim the development footprint is 122.5 ha, with the exception of 3.7 ha, which is 55 ha smaller than past use areas, and that this 55 ha will be incorporated back into the CBA. However, our assessment shows that the extent of unlawful clearing is far greater than the indicated 3.7 ha. Furthermore, no explanation is provided on how the 55 ha will be restored or why it qualifies for re-incorporation into a CBA, casting doubt on the validity of this claim.		The final S24g application will be sent for 30 days review and comment. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making. The assessment has been carried out in line with NEMA requirements and contains all information for the competent authority to make an informed decision.
		10.6. Section D: Need and Desirability. In response to Question 2(e), which asks whether approval of the application would compromise existing environmental management priorities, particularly in terms of the Environmental Management Framework (EMF), you answered “No,” without any reference to the applicable Garden Route EMF. Instead, you broadly state that the proposal is “ <i>acceptable and in line with land planning and conservation targets.</i> ” This response is wholly inadequate, especially considering that the applicant has already destroyed critically protected biodiversity, directly undermining the very priorities the EMF seeks to uphold		
		10.7. Section D: Need and Desirability. In response to Question 2(f), you state		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		that “all relevant legislation, plans and policies have been considered” and that the proposal is “acceptable and in line with land planning and conservation targets.” This assertion is fundamentally flawed, as the applicant has already destroyed critically protected biodiversity on the site. It is therefore unclear how the activities can be deemed consistent with conservation targets when they directly undermine them.		
		10.8. In the Section 24G application form you identified Activity 18 of Listing Notice 1 which reads: “Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare”. You indicate that “The development on the property is not considered to be residential, mixed, retail, commercial, industrial or institutional.” How is a restaurant and tourism activity not a commercial activity that requires an authorisation?		
		11. We have previously communicated with you pertaining to having registered as an IAP for “proposed new developments” (at that stage) on the properties in October 2021. At that stage the environmental consultant was a Mr. West and Mr. Kleynhans. We raised pertinent issues, at that stage already, which had to be addressed by these consultants and by the owner. It seems as if the owner proceeded with its intended actions as it simply ignored the environmental requirements. In fact, the erstwhile environmental consultant specifically confirmed that his instruction was that the intended actions was on hold as a result of the impact on the environment, specifically for downstream owners. Nowhere in the Section 24G Application is this issue addressed and is there no transparency whatsoever on the instructions and information to the previous consultants – and more specifically why the owner decided to rather simply proceed with the unlawful activities than to have it lawfully regulated, <i>probably in line with advice from his erstwhile consultants</i> . We will, in short, request you to specifically deal with the previous intended applications as this is critical to consider why the owner proceeded (having full knowledge of the process).		
		12. We trust you will find it in order and kindly request you to acknowledge receipt		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
DD FORTUIN	8 MAY 2025	<p>Ref: DOI/CFS/RN/LU/REZ/SUB-18/232 (Application No: 2025-05-0007)</p> <p>The following refer:</p> <p>1.1 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 5 March 2018 to Mossel Bay Municipality. Find a copy attached to this letter.</p> <p>1.2 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 8 October 2018 to Delplan Consulting. Find a copy attached to this letter.</p> <p>1.3 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 4 September 2020 to Mossel Bay Municipality. Find a copy attached to this letter.</p> <p>1.4 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 9 October 2020 to Mossel Bay Municipality. Find a copy attached to this letter.</p> <p>1.5 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 26 November 2021 to Mossel Bay Municipality. Find a copy attached to this letter</p> <p>1.6 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 22 February 2023 to Mossel Bay Municipality. Find a copy attached to this letter.</p> <p>1.7 Your e-mail on behalf of Eco Route Environmental Consultancy on 25 April 2025 to various recipients, including Ms V Stoffels at this Branch.</p> <p>2. Proclaimed Trunk Road 33 section 2 (TR03302; R328) and proclaimed Minor Road 6433 (OP06433), both roads for which this Branch is the Road Authority, are affected by the two abovementioned farms (forming the Outeniqua Game Farm)</p> <p>3. Upon receipt of confirmation (in writing) of the following will this Branch offer no objection to this environmental application:</p> <p>3.1 That all this Branch's conditions in its abovementioned letters of 5 March 2018, 8 October 2018, 4 September 2020, 9 October 2020, 26 November 2021 and 22 February 2023 were complied to in full.</p> <p>3.2 That the existing developments within the boundaries of Outeniqua Game Farm do not exceed the rights supported by this Branch in terms of its approvals issued in its abovementioned letters of 5 March 2018, 8 October 2018, 4 September 2020, 9 October 2020, 26 November 2021 and 22 February 2023.</p>	S24G application,	The Traffic impact assessment has been completed. Please refer to Appendix H8. The required access point at km 20.33 will be implemented. The required access has been included in the S2G assessment for authorisation.
	5 March 2018	<p>REFERENCE : 16/9/6/1-18/84 (Job 25314)</p> <p>SUBDIVISION OF FARM 420 AND CONSOLIDATION OF NEW PORTION WITH ADJACENT PORTION OF FARM 53, MOSSEL BAY DISTRICT</p> <p>1. Du Toit & Gildenhuis Professional Land Surveyors' letter MY: M53-25 dated September 2017 to this Branch refers.</p> <p>2. This Branch offers no objection to this application, provided that:</p> <p>2.1 The existing access off Trunk Road 33 section 2 (R328) at +km18.21 LHS is, due to insufficient shoulder sight distance, permanently closed with material similar to the existing fence in that vicinity.</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>2.2. A new access is designed and constructed off Trunk Road 33 section 2 at +km18.26 LHS in accordance with the District Roads Engineer's (Attention: Mr SJ Schoeman: Tel: 044 272 6071) instructions and approval.</p> <p>2.3 A new access is designed and constructed off Trunk Road 33 Section 2 at +km20.33 LHS in accordance with the District Roads Engineer's instructions and approval.</p> <p>2.4 The existing access off Trunk Road 33 section 2 at +km20.40 LHS is, due to insufficient shoulder sight distance, permanently closed with material similar to the existing fence in that vicinity.</p> <p>2.5 The existing access off Trunk Road 33 section 2 at +km21.49 LHS is, due to insufficient shoulder sight distance, permanently closed with material similar to the existing fence in that vicinity.</p> <p>2.6 The existing access off Trunk Road 33 section 2 at +km21.95 LHS may be retained.</p> <p>2.7 The existing access off Trunk Road 33 section 2 at +km23.13 LHS may be retained.</p> <p>2.8 The existing access off Trunk Road 33 section 2 at +km23.63 LHS is, due to insufficient shoulder sight distance, permanently closed with material similar to the existing fence in that vicinity.</p> <p>3. As Controlling Authority in terms of Act 21 of 1940 this Branch approves to the subdivision.</p>		
	8 October 2018	<p>REFERENCE : 16/9/6/1-18/84 (Job 25314)</p> <p>APPLICATION FOR CONSENT USE FOR ADDITIONAL DWELLING UNITS: FARMS 373 AND 420, MOSSEL BAY</p> <p>1. The following refers:</p> <p>1.1 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 5 March 2018 to Mossel Bay Municipality. Find a copy attached to this letter.</p> <p>1.2 Your letter 940/MOS/18 dated 17 August 2018 to this Branch.</p> <p>2. This Branch offers no objection to this proposed development, provided that all the conditions imposed in this Branch's letter of 5 March 2018 are adhered to.</p>		
	4 September 2020	<p>REFERENCE : 16/9/6/1-18/84 (Job 25314)</p> <p>Application to erect a boundary wall along trunk road 33 Section 2 (TR03302 R328) for Farm 350 (Outeniqua Game farm cc), Mossel Bay district</p> <p>1. The following refers:</p> <p>1.1 Du Toit & Gildenhuis Professional Land Surveyors letter MY: M53-25 dated 13 September 2017 to this Branch</p> <p>1.2 this Branch's letter 16/9/6/1-18/84 (Job 25314) dated 5 March 2018 to Mossel Bay Municipality. Find a copy attached to this letter.</p> <p>1.3 Delplan consulting's letter 940/MOS/18 dated 17 August 2018 to this Branch.</p>		


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>1.4 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 8 October 2018 to Delplan consulting. Find a copy attached to this letter.</p> <p>1.5 Outeniqua Game farm undated letter Farm number:373 to Mr F Lotz at the offices of the District Rods Engineer, Oudsthoorn. I</p> <p>2. A recent site inspection revealed that this Branch's conditional no objection of 5 March 2018 is still not complied to, which is why this Branch herewith refuses this application to construct a wall and formalise existing accesses.</p> <p>3. This Branch will respond accordingly upon receipt of a revised application that will ensure compliance to:</p> <p>3.1 this Branch's previous conditional letters.</p> <p>3.2 this Branch's standard drawing for a main farm access.</p>		
	<p>9 October 2020</p>	<p>REFERENCE : 16/9/6/1-18/84 (Job 25314)</p> <p>Application to erect a boundary wall along trunk road 33 Section 2 (TR03302 R328) for Farm 350 (Outeniqua Game farm cc), Mossel Bay district</p> <p>1. The following refers:</p> <p>1.1 Du Toit & Gildenhuis Professional Land Surveyors letter MY: M53-25 dated 13 September 2017 to this Branch</p> <p>1.2 this Branch's letter 16/9/6/1-18/84 (Job 25314) dated 5 March 2018 to Mossel Bay Municipality. Find a copy attached to this letter.</p> <p>1.3 Delplan consulting's letter 940/MOS/18 dated 17 August 2018 to this Branch.</p> <p>1.4 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 8 October 2018 to Delplan consulting. Find a copy attached to this letter.</p> <p>1.5 Outeniqua Game farm undated letter Farm number: 373 to Mr F Lotz at the offices of the District Rods Engineer, Oudsthoorn.</p> <p>1.6 This Branch's letter 16/9/6/1-18/84 (Job 25314) dated 4 September 2018 to you</p> <p>2. As per RJB Tekendienste's updated and unsigned drawing "Outeniqua Game farm CC Boundary wall & new access" which was received via email from Mr L. Johnstone on behalf of Outeniqua Game farm on 5 October 2020 by Messrs E Burger and SJ Schoeman at this Branch, is Trunk Road section 2 (TR 03302: R328), for which this Branch is the road Authority, affected as follow:</p> <p>2.1 Parallel to and both on the road reserve boundary and within the 5 m Building Line (Roads Ordinance 19 of 1976) between +- km 20.40 LHS with a proposed new continues 180mm high boundary wall that will include:</p> <p>2.1.1 A new access gate at +- 18.26 LHS</p> <p>2.12 a new access ate at +- 20.33 LHS</p>		


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>3.This Branch in terms of Section 17 of Roads Ordinance 19 of 1976, grants approval for the construction of the wall and access as per paragraph 2 and all subparagraphs thereof. This approval is also further subject to:</p> <p>3.1 Before any construction activities may commence, must complete set of final (approved) construction drawings, each with an appropriately registered professionals' signature therein, be submitted to this Branch (attention: Ms GD Swanepoel) and the District Roads Engineer, Oudtshoorn.</p> <p>3.2 Outeniqua Game farm undertaking in writing to remain solely responsible for all the construction and future maintenance costs towards this wall this is inclusive of the damages that could occur during an accident by a vehicle travelled along TR03302</p> <p>3.3 Before any construction activities may commence, the appropriately registered professional must accept the handing over of the site in writing from the District roads Engineer, Oudtshoorn.</p> <p>3.4 the appropriately registered professional mayst submit a traffic accommodation plan for approval in writing by the district Roads Engineers, Oudtshoorn prior to this construction commencement</p> <p>3.6 After completion of the work, the district Roads Engineer, Oudtshoorn must accept tin writing the handing over of the site form the appropriately registered professional</p> <p>3.7 As built drawings must be sent to this Branch (attention Ms G: Swanepoel) and the district Roads Engineer, Oudtshoorn.</p>		
	26 November 2021	<p>REFERENCE: 16/9/6/1-18/84 (Job 25314)</p> <p>PROPOSED CONSENT USE FOR OUTENIQUA GAME FARM CC: FARM OUTENIQUA GAME FARM B 420, RUITERSBOS, MOSSEL BAY MUNICIPALITY AND DIVISION</p> <p>1. The following refers</p> <p>1.1 This Branch's letter dated 5 March 2018 to Mossel Bay Municipality.</p> <p>1.2 This Branch's letter dated 8 October 2018 to Delplan Consulting.</p> <p>1.3 This Branch's letter dated 4 September 2020 to Mossel Bay Municipality.</p> <p>1.4 This Branch's letter dated 9 October 2020 to Mossel Bay Municipality.</p> <p>1.5 Email from Ms M de Bruyn on behalf of Marlize De Bruyn Planning on 9 July 2021 to Ms G Swanepoel and Mr L Martin at this Branch.</p> <p>2. This Branch offers no objection to this application provided the following are adhered to:</p> <p>2.1 Access may only be taken as approved by this Branch in its letter of 9 October 2020</p> <p>2.2 Except for the approved accesses (paragraph 2) no other access may be created or continue to exist</p>		
		REFERENCE: 16/9/6/1-18/84 (Job 25314)		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>AMENDMENT OF APPROVAL CONDITONS, TEMPORARY DEPARTURE & CONSENT USE: OUTENIQUA GAME FARM B 420, RUITERSBOS, MOSSEL BAY MUNICIPALITY AND DIVISION</p> <p>1. The following refer:</p> <p>1.1 This Branch's letter 26 November 2021 to Mossel Bay Municipality.</p> <p>1.2 Marlize de Bruyn Planning letter 343/M21 dated 13 October 2022 to this Branch</p> <p>2. This Branch offers no objection to this application provided that:</p> <p>2.1 This Branch's previous conditional approvals are proofed to be adhered to in full.</p> <p>2.2 a traffic statement is compiled by a reputable traffic engineering professional and produced to this Branch for it perusal and approval. The traffic statement may be limited to only the approved main access off Trucnk road 33 section 2 (TR03302:R328) at +- 18.26 LHs ("Left hand side")</p> <p>2.4 all costs towards approving this development are carried by the developer.</p>		
<p>Regards, Izak du Toit</p>	<p>3 July 2025</p>	<p>Good Afternoon,</p> <p>I am owner of Farm 362 and 154, that takes water from the Bradwag river,</p> <p>I object to the proposed activities listed in the attachment to this email.</p> <p>The river system can already not sustain the current water rights,</p> <p>Please register me,</p>	<p>S24G application,</p>	<p>No NWA water use is currently exceeded on the property. The abstraction of surface water / groundwater must be within the current GA limits. The area has relatively low average rainfall and it is agreed that upstream activities impact downstream ecosystems and users. The NWA and NEMA have the authorisation requirements in place to try minimising such impacts. The Ruitersbos River originates from the mountains and runs north to south along the boundary of the two properties and joins the Palmiet River to form the Brandwag River which terminates at the Great Brak Estuary. The hydrological assessment states: The mean annual runoff of K10D catchment is 17.9Mm3. Reserve requirements are as follows:</p> <ul style="list-style-type: none"> • Ecological Water Requirement (EWR): 9 % of MAR (or 1.77 Mm3) • Basic Human Need (BHN): 0.06 % of MAR (or 0.01 Mm3). <p>According to the hydrological assessment: Ruitersbos River - There are no additional water users on the Ruitersbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruitersbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruitersbos-Pre). For all dam sizes, modelled flows (Ruitersbos-Post) indicate that that these low flow conditions will increase to approximately 60 % of the time. (Refer to ecological impact assessed)</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from to 11.08 Mm3 to 10.87 Mm3 which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm3 per annum. The reduction in MAR caused by the storage and increased abstraction from the Ruitersbos River is therefore unlikely to have any significant impact on downstream users.</p> <ul style="list-style-type: none"> Based on a volume of 7.82 Mm3 that remains unallocated, the additional abstraction of 100 000 m3 to 135 000 m3 per annum will ensure that sufficient water remains in the system to meet reserve requirements of 1.78 Mm3 per annum. <p>The hydrological assessment states: Simulated mean annual flows from the OGF U/S catchment area are 1.24 Mm3, which represents approximately 9.5 % of the mean annual flows measured at K1H0004 (13.07 Mm3). Registered (lawful) rights are in place to abstract water from the Palmiet and Ruitersbos rivers</p> <p>According to the hydrological assessment: Ruitersbos River - There are no additional water users on the Ruitersbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruitersbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruitersbos-Pre). For all dam sizes, modelled flows (Ruitersbos-Post) indicate that that these low flow conditions will increase to approximately 60 % of the time. (Refer to ecological impact assessed)</p> <p>Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from to 11.08 Mm3 to 10.87 Mm3 which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm3 per annum. The reduction in MAR caused by the storage and increased abstraction from the Ruitersbos River is therefore unlikely to have any significant impact on downstream users.</p> <p>Based on a volume of 7.82 Mm3 that remains unallocated, the additional abstraction of 100 000 m3 to 135 000 m3 per annum will ensure that sufficient</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>water remains in the system to meet reserve requirements of 1.78 Mm3 per annum.</p> <p>The draft S24G application was submitted for a 60-day review and comment period. The draft was updated with all comments and all responses required. The Traffic impact assessment and geotechnical assessments are provided in Appendix H and the preliminary dam design and recommended SDP for approval is provided in Appendix B.</p> <p>Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; The section 24G Fine Regulations allows for combined activities, where such activities are related to or interrelated to each other. The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement</p> <p>The final S24g application will be sent for 30 days review and comment. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making. The assessment has been carried out in line with NEMA requirements and contains all information for the competent authority to make an informed decision.</p>
Donnevan Dreyer	3 July 2025	<p>Good day</p> <p>I would like to register as an affected party on the Outeniqua Game farm application.</p> <p>I farm downstream on the Brandwag river, farm: Zonnebloem Landgoed, nr: 11/163</p> <p>Kind regards</p> <p>Donnevan Dreyer</p>	S24G application,	<p>The draft S24G application was submitted for a 60-day review and comment period. The draft was updated with all comments and all responses required. The Traffic impact assessment and geotechnical assessments are provided in Appendix H and the preliminary dam design and recommended SDP for approval is provided in Appendix B.</p> <p>Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; The section 24G Fine Regulations allows for combined activities, where such activities are related to or interrelated to each other. The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement</p> <p>The final S24g application will be sent for 30 days review and comment.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making.</p> <p>The assessment has been carried out in line with NEMA requirements and contains all information for the competent authority to make an informed decision.</p>
<p>Du Toit Stene <dutoitstene@gmail.com></p>	<p>30 June 2025</p>	<p>These proposals will heavily impact the water flow for everyone down stream. We are against this ! The levels have clearly dropped over the past years since they put in their solar pumps . They (Outeniqua Game Farm) do not seem to have any regard for the amount of water they pump.</p> 	<p>S24G application,</p>	<p>No NWA water use is currently exceeded on the property. The abstraction of surface water / groundwater must be within the current GA limits. The area has relatively low average rainfall and it is agreed that upstream activities impact downstream ecosystems and users. The NWA and NEMA have the authorisation requirements in place to try minimising such impacts. The Ruitersbos River originates from the mountains and runs north to south along the boundary of the two properties and joins the Palmiet River to form the Brandwag River which terminates at the Great Brak Estuary. The hydrological assessment states: The mean annual runoff of K10D catchment is 17.9Mm3. Reserve requirements are as follows:</p> <ul style="list-style-type: none"> Ecological Water Requirement (EWR): 9 % of MAR (or 1.77 Mm3) Basic Human Need (BHN): 0.06 % of MAR (or 0.01 Mm3). <p>According to the hydrological assessment: Ruitersbos River - There are no additional water users on the Ruitersbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruitersbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruitersbos-Pre). For all dam sizes, modelled flows (Ruitersbos-Post) indicate that that these low flow conditions will increase to approximately 60 % of the time. (Refer to ecological impact assessed) Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from 11.08 Mm3 to 10.87 Mm3 which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm3 per annum. The reduction in MAR caused by the storage and increased abstraction from the Ruitersbos River is therefore unlikely to have any significant impact on downstream users.</p> <ul style="list-style-type: none"> Based on a volume of 7.82 Mm3 that remains unallocated, the additional abstraction of 100 000 m3 to 135 000 m3 per annum will ensure that


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>sufficient water remains in the system to meet reserve requirements of 1.78 Mm3 per annum.</p> <p>The hydrological assessment states: Simulated mean annual flows from the OGF U/S catchment area are 1.24 Mm3, which represents approximately 9.5 % of the mean annual flows measured at K1H0004 (13.07 Mm3). Registered (lawful) rights are in place to abstract water from the Palmiet and Ruitersbos rivers</p> <p>According to the hydrological assessment: Ruitersbos River - There are no additional water users on the Ruitersbos River downstream of the proposed dam and increased abstraction will therefore not affect any users that abstract water from the Ruitersbos River. The most important impact is on the ecological flows in the river and on base flows in particular. Currently dry river conditions (with minimal base flow or zero flow) occur approximately 40 % of the time (Ruitersbos-Pre). For all dam sizes, modelled flows (Ruitersbos-Post) indicate that that these low flow conditions will increase to approximately 60 % of the time. (Refer to ecological impact assessed)</p> <p>Brandwag River - According to the 50-year simulation period, MAR at K1H004 is expected to reduce from 11.08 Mm3 to 10.87 Mm3 which is considered minimal. According to the WARMS database, water users downstream of the applicant are registered to abstract a total of 3.54 Mm3 per annum. The reduction in MAR caused by the storage and increased abstraction from the Ruitersbos River is therefore unlikely to have any significant impact on downstream users.</p> <p>Based on a volume of 7.82 Mm3 that remains unallocated, the additional abstraction of 100 000 m3 to 135 000 m3 per annum will ensure that sufficient water remains in the system to meet reserve requirements of 1.78 Mm3 per annum.</p> <p>The draft S24G application was submitted for a 60-day review and comment period. The draft was updated with all comments and all responses required. The Traffic impact assessment and geotechnical assessments are provided in Appendix H and the preliminary dam design and recommended SDP for approval is provided in Appendix B.</p>




Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; The section 24G Fine Regulations allows for combined activities, where such activities are related to or interrelated to each other. The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement</p> <p>The final S24g application will be sent for 30 days review and comment. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making. The assessment has been carried out in line with NEMA requirements and contains all information for the competent authority to make an informed decision.</p>
<p>Julene Westraad representing Platinum Mile Investments 442 (Pty) Ltd, as an owner of properties downstream</p>	<p>25 June 2025</p>	<p>Our ref: P van der Merwe/jw/PR0027</p> <p>WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS PER E-MAIL</p> <p>CC: BREEDE-OLIFANTS CMA FOR ATTENTION: R MAKAHANE PER E-MAIL</p> <p>Dear Sir / Madam,</p> <p>ANTICIPATED SECTION 24 G APPLICATION AND ENVIRONMENTAL TRANSGRESSIONS - PORTIONS 420 AND 373, OUTENIQUA GAME FARM, MOSSEL BAY, WESTERN CAPE</p> <p>1. Kindly find attached hereto urgent correspondence for your attention.</p> <p>Yours faithfully / Die uwe, Pieter van der Merwe</p> <p>VDM</p> <p>VAN DER MERWE ATTORNEYS Typed and sent by Julene Westraad</p>	<p>S24G application,</p>	


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>From: Julene Westraad Sent: Tuesday, June 24, 2025 3:16 PM To: rmakahane@bocma.co.za; shireen.pullen@westerncape.gov.za; harriet.vanschalkwyk@westerncape.gov.za Cc: Pieter Van Der Merwe <pieter@vdmattorney.co.za>; daniel@bukhali.group; Lisa Dippenaar <reception@vdmattorney.co.za>; claire@ecoroute.co.za; 'Janet Ebersohn' <janet@ecoroute.co.za>; admin@ecoroute.co.za Subject: RE: NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM Importance: High</p> <p>Our ref: P van der Merwe/jw/PR0027</p> <p>WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS FOR ATTENTION: MS S PULLEN & H VAN SCHALKWYK PER E-MAIL</p> <p>CC: BREEDE-OLIFANTS CMA FOR ATTENTION: R MAKAHANE PER E-MAIL</p> <p>Dear Sir / Madam,</p> <p>ANTICIPATED SECTION 24 G APPLICATION AND ENVIRONMENTAL TRANSGRESSIONS - PORTIONS 420 AND 373, OUTENIQUA GAME FARM, MOSSEL BAY, WESTERN CAPE</p> <p>1. Kindly find attached hereto urgent correspondence for your attention.</p> <p>Yours faithfully, Pieter van der Merwe</p>		
		<p>Contents of letter attached to email Our ref: P van der Merwe/jw/PR0027 24 June 2025 Your ref: S Pullen / H van Schalkwyk WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS FOR ATTENTION: MS S PULLEN & H VAN SCHALKWYK PER E-MAIL AND TO: BREEDE-OLIFANTS CMA</p>	<p>S24G application,</p>	<p>The draft S24G application was submitted for a 60-day review and comment period. The draft was updated with all comments and all responses required. The Traffic impact assessment and geotechnical assessments are provided in Appendix H and the preliminary dam design and recommended SDP for approval is provided in Appendix B.</p>


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>FOR ATTENTION: R MAKAHANE PER E-MAIL Dear Sir / Madam, ANTICIPATED SECTION 24 G APPLICATION AND ENVIRONMENTAL TRANSGRESSIONS - PORTIONS 420 AND 373, OUTENIQUA GAME FARM, MOSSEL BAY, WESTERN CAPE</p> <p>1. We confirm that we act on behalf of our client, Platinum Mile Investments 442 (Pty) Ltd.</p> <p>2. In short, our client is a registered Interested and Affected Party in (unlawful) actions which a company called Outeniqua Game Farm (Pty) Ltd has taken on farms 373 and 420, Mossel Bay, Western Cape.</p> <p>2 P J van der Merwe, LLB (UP) T Roos , LLB (NWU)</p> <p>3. We have addressed previous correspondence to your respective departments pertaining to environmental transgressions by Outeniqua Game Farm. We attach hereto, by way of example, an e-mail dated 18 November 2024.</p> <p>4. In short, there seems to be a complete lack of willingness by the Department and Breede Olifants Catchment Management Agency to enforce environmental legislation. We trust that you are aware of your statutory obligations to ensure compliance with environmental legislation.</p> <p>5. In preparation of compiling objections to a Section 24G application, which Outeniqua Game Farm is busy with, our client’s representative conducted an aerial inspection of the relevant properties. Attached are photos showing ongoing unlawful vegetation clearance and road construction through a watercourse, all without environmental authorisation. For sake of transparency, we will also include Outeniqua Game Farm’s Environmental Consultation, Eco Route Environmental Consultants (“Eco Route”), in this e-mail.</p> <p>6. Despite Eco Route Environmental Consultants advising Outeniqua Game Farm on 8 October 2024 to cease unlawful activities, it is evident that these recommendations were ignored. Outeniqua Game Farm appears to exploit Section 24G provisions to continue unlawful activities rather than to halt them.</p>		<p>Confirmation from DEADP has been provided and continued, and furtherance of activities are permitted to be included in the application; The section 24G Fine Regulations allows for combined activities, where such activities are related to or interrelated to each other. The applicant understands that clearing of 300 m2 on the farm portions, as well as work within 32 meters to the watercourses will require an EA to be in place prior to commencement</p> <p>The final S24g application will be sent for 30 days review and comment. Following the 30-day review and comment period, the application will be updated with any additional comments and responses, as applicable, and submitted to the CA for decision making. The assessment has been carried out in line with NEMA requirements and contains all information for the competent authority to make an informed decision.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>7. Our client, like so many other farmers downstream, will be negatively affected should Outeniqua Game Farm be allowed to continue deriving income and drawing benefits from the unlawful activities. It is, with respect, your Department's duty to stop the flagrant disregard for legislation and benefits deriving from such actions.</p> <p>8. Our client has made extensive efforts to resolve this matter without incurring unnecessary legal costs, as evidenced by the documented trail of correspondence.</p> <p>9. If we do not receive confirmation within 14 days that immediate legal action will be taken, we reserve our client's right to approach a Court to compel the relevant departments to fulfil their statutory duties.</p> <p>10. We trust you will understand our client's predicament (and that of other farmers in the area). Yours faithfully, VAN DER MERWE & VAN DER MERWE PER: PIETER VAN DER MERWE</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
  				

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				
Renier Beetge	24 June 2025	<p>Hallo Claire</p> <p>My name is Renier Beetge. I'm currently working for Professional Horticultural Consulting and we are strawberry farmers in Brandwag. We registered as affected parties on the 24G Application by Outeniqua Game Farm. Would there be a possibility that we could have a meeting to get clarity on what the situation is regarding developments up stream and the possible affect it might have on water security down stream</p> <p>Kindly advise if this is possible</p> <p>Kind regards Renier 0832779050</p>	25 June 2025	<p>Hi Renier</p> <p>We are going to arrange a public meeting mid-July and I will send out notices with date and times soonest.</p> <p>Kind Regards Claire</p>
Peter van der Merwe – representing	24 June 2025	<p>Thanks Claire, Appreciate.</p>		<p>From: claire@ecoroute.co.za <claire@ecoroute.co.za> Sent: Tuesday, June 24, 2025 4:27 PM To: Pieter Van Der Merwe <pieter@vdmattorney.co.za>; 'Harriet J Van</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
Platinum Mile Investments 442 (Pty) Ltd, as an owner of properties downstream		<p>Regards,</p> <p>VDM VAN DER MERWE ATTORNEYS PER: PIETER VAN DER MERWE</p> <p>From: Pieter Van Der Merwe <pieter@vdmattorney.co.za> Sent: Tuesday, 24 June 2025 16:04 To: Harriet J Van SchalkWyk <Harriet.vanSchalkwyk@westerncape.gov.za>; Julene Westraad <pa1@vdmattorney.co.za>; rmakahane@bocma.co.za; Shireen Pullen <Shireen.Pullen@westerncape.gov.za> Cc: daniel@bukhali.group; Melody Reyneke <reception@vdmattorney.co.za>; claire@ecoroute.co.za; 'Janet Ebersohn' <janet@ecoroute.co.za>; admin@ecoroute.co.za Subject: RE: NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</p> <p>Dear Madam,</p> <ol style="list-style-type: none"> 1. Thank you for your response. 2. In order to ensure that it reaches the correct person, may you kindly provide us with the contact person and e-mail address? <p>Thanks in advance,</p> <p>VDM VAN DER MERWE ATTORNEYS PER: PIETER VAN DER MERWE</p> <p>From: Harriet J Van SchalkWyk <Harriet.vanSchalkwyk@westerncape.gov.za> Sent: Tuesday, June 24, 2025 3:27 PM To: Julene Westraad <pa1@vdmattorney.co.za>; rmakahane@bocma.co.za; Shireen Pullen <Shireen.Pullen@westerncape.gov.za> Cc: Pieter Van Der Merwe <pieter@vdmattorney.co.za>; daniel@bukhali.group; Melody Reyneke <reception@vdmattorney.co.za>; claire@ecoroute.co.za; 'Janet Ebersohn' <janet@ecoroute.co.za>; admin@ecoroute.co.za</p>		<p>SchalkWyk' <Harriet.vanSchalkwyk@westerncape.gov.za>; Julene Westraad <pa1@vdmattorney.co.za>; rmakahane@bocma.co.za; 'Shireen Pullen' <Shireen.Pullen@westerncape.gov.za> Cc: daniel@bukhali.group; Melody Reyneke <reception@vdmattorney.co.za>; 'Janet Ebersohn' <janet@ecoroute.co.za>; admin@ecoroute.co.za Subject: RE: NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</p> <p>Good day</p> <p>Kindly find IAP register attached – the DEADP official I have on record for this project: Zaidah Toefy Zaidah.Toefy@westerncape.gov.za jck.kotze@gmail.com</p> <p>'Nicholas Kearns' Nicholas.Kearns@westerncape.gov.za</p> <p>Nabeelah Khan' Nabeelah.Khan@westerncape.gov.za</p> <p>Diana Mouton Diana.Mouton@westerncape.gov.za</p> <p>Siphesihle.Khumalo siphesihle.khumalo@westerncape.gov.za</p> <p>Kind Regards Claire</p> <p> Claire De Jongh Eco Route Environmental Consultancy 0846074743 EAPASA registration: 2021/3519</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Subject: RE: NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</p> <p>Good day Ms Westraad</p> <p>Please find attached email for your attention and note as explained in the content thereof.</p> <p>Kind regards Harriet van Schalkwyk</p> <p><i>Good day</i></p> <p><i>My apologies our Directorate is then not involved with the Outeniqua Game Farm or I am not the appointed case officer. Which means I can be omitted from these emails in future. This matter is to be discussed with our Development Management Directorate. Hope this email finds you well. Kind regards Harriet</i></p> <p>From: Julene Westraad <pa1@vdmattorney.co.za> Sent: Tuesday, 24 June 2025 15:16 To: rmakahane@bocma.co.za; Shireen Pullen <Shireen.Pullen@westerncape.gov.za>; Harriet J Van SchalkWyk <Harriet.vanSchalkwyk@westerncape.gov.za> Cc: Pieter Van Der Merwe <pieter@vdmattorney.co.za>; daniel@bukhali.group; Melody Reyneke <reception@vdmattorney.co.za>; claire@ecoroute.co.za; 'Janet Ebersohn' <janet@ecoroute.co.za>; admin@ecoroute.co.za Subject: RE: NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM Importance: High</p> <p>Our ref: P van der Merwe/jw/PR0027 WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS FOR ATTENTION: MS S PULLEN & H VAN SCHALKWYK PER E-MAIL CC: BREEDE-OLIFANTS CMA FOR ATTENTION: R MAKAHANE PER E-MAIL</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Dear Sir / Madam, <u>ANTICIPATED SECTION 24 G APPLICATION AND ENVIRONMENTAL TRANSGRESSIONS - PORTIONS 420 AND 373, OUTENIQUA GAME FARM, MOSSEL BAY, WESTERN CAPE</u></p> <p>1. Kindly find attached hereto urgent correspondence for your attention.</p> <p>Yours faithfully, Pieter van der Merwe VDM VAN DER MERWE & VAN DER MERWE PER: P VAN DER MERWE Typed and sent by Julene Westraad Secretary to Pieter van der Merwe 55 Victoria Street GEORGE 6529 Office Tel: (044) 008 5007 Cell: P van der Merwe: 072 172 4098 Website: www.vdmattorney.co.za</p>		
Julene Westraad representing Platinum Mile Investments 442 (Pty) Ltd, as an owner of properties downstream	24 June 2025	<p>Our ref: P van der Merwe/jw/PR0027 ECO ROUTE ENVIRONMENTAL CONSULTANCY PER E-MAIL Dear Janet, <u>NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</u></p> <p>1. Kindly find attached hereto an urgent letter for your attention. 2. Kindly acknowledge receipt.</p> <p>Yours faithfully, Pieter van der Merwe VDM VAN DER MERWE & VAN DER MERWE PER: P VAN DER MERWE Typed and sent by Julene Westraad Secretary to Pieter van der Merwe 55 Victoria Street GEORGE 6529 Office Tel: (044) 008 5007</p>		Noted

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		Cell: P van der Merwe: 072 172 4098 Website: www.vdmattorney.co.za		
		<p>Contents of Letter attached: Our ref: P van der Merwe/jw/PR0027 Your ref: Janet 24 June 2025 ECO ROUTE ENVIRONMENTAL CONSULTANCY PER E-MAIL: janet@ecoroute.co.za Dear Janet, DRAFT NEMA SECTION 24G APPLICATION – OUTENIQUA GAME FARM</p> <p>1. We refer to your above Section 24G environmental authorisation process which was sent to us on 25 April 2025.</p> <p>2. In your e-mail of 25 April 2025, you indicated that a 60-day review and comment period would be provided, i.e. from 25 April 2025 to 30 June 2025.</p> <p>3. The purpose of this letter is twofold. Firstly, we kindly inform you that we will only be in a position to file our objections on or before 15 July 2025. Secondly, we wish to address the continuous unlawful activities of your client.</p> <p>OBJECTIONS TO BE FILED 15 JULY 2025:</p> <p>4. We have instructed an environmental consultant / specialist to assist us with the objections to your draft Section 24G application. Although your application, with respect, did not comprehensively deal with the specific extent of the unauthorised actions, our consultant made good progress in assisting us with the objections which were to be filed on 30 June 2025.</p> <p>5. On Thursday, 19 June 2025, our client provided us with new information, in the form of photos and videos of the true extent of your client's unlawful actions. These videos and photos were taken by our client during an aerial inspection over your client's property.</p> <p>6. We attach hereto photos and screenshots which were taken during the flight. You will note that the extent of the unlawful activities is immense and, with respect, seemingly not covered in your application.</p> <p>7. We attach hereto, in any event, a letter from our Environmental Consultant, the content which is self-explanatory.</p> <p>8.</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>We kindly request you to confirm the following:</p> <p>8.1. That any submissions to the Department of Economic Development and Environmental Affairs will be kept in abeyance until, at least, receipt of our detailed objections;</p> <p>8.2. Kindly confirm whether you were aware of the unauthorised actions as depicted in the attached photos and whether the Section 24G application intends to cover these areas as well (with particular reference to where in the application can we find reference to these areas). CONTINUOUS UNLAWFUL CONDUCT:</p> <p>9. We will not repeat the previous correspondence with your client, the previous environmental consultants or yourself, save to state that you are aware of the existence of our previous complaints. We do however wish to highlight the correspondence below.</p> <p>10. On 10 September 2024 we sought an immediate confirmation from your client that any and all unlawful activities will be ceased with. This included an undertaking that your client would not unlawfully benefit from such unlawful activities, such as the extraction of water and irrigation and use of land unlawfully cultivated.</p> <p>11. Notwithstanding various correspondence, your office was only prepared to go as far as to state that you “have kindly requested Outeniqua Game Farm to cease all illegal activities”. This was communicated to us on 8 October 2024. We reiterated that this is not an undertaking and further correspondence ensued.</p> <p>12. It is blatantly clear from the attached photos that your client has absolutely no regard for any environmental legislation and that he utilises the provisions of Section 24G to continue with his unlawful activities. It is safe to state that this was not the intention of Section 24G, but we will deal with that in more detail later (and in the appropriate forum).</p> <p>13. We will address a letter to the relevant Department simultaneously with this letter. We have similarly previously informed the Department of your client’s actions, but we do not believe that the Department properly addressed our objections in full transparency. As you are aware, the Department needs to act but it seems as if they do not have the appetite or</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>alternatively the necessary resources to properly implement the strict provisions of the National Environmental Management Act.</p> <p>14. We herewith inform your client, in advance, that should the Department not take the necessary steps to prevent any and unlawful actions (including deriving any benefit therefrom), we will seek an interdict against your client and will compel the Department to do its work. You may remind your client that administrative fines can go up to R10 000 000.00 and that criminal penalties (and intentional offences) can include imprisonment for up to 10 years.</p> <p>15. As a last resort, to avoid further legal action, we again seek your client's pertinent undertaking that any and all unlawful activities will immediately be ceased with, including but not limited to the usage of any of the cultivated lands, extraction of</p> <p>4 P J van der Merwe, LLB (UP) T Roos, LLB (NWU)</p> <p>water and an undertaking for immediate rehabilitation. Should this undertaking not be provided, we reserve our right to proceed with further legal action without any further notice.</p> <p>Yours faithfully, VAN DER MERWE ATTORNEYS PER: PIETER VAN DER MERWE</p>		
Daniel Cillie representing Platinum Mile Investments 442 (Pty) Ltd, as an owner of properties downstream	24 June 2025	<p>Contents of Letter – Bukhali environmental resource consulting</p> <p>Van Der Merwe & Van Der Merwe PO Box 11298 Dana Bay 6510 24 June 2025 Per email: pieter@vdmattorney.co.za RE: SECTION 24G AND WATER USE LICENSE APPLICATION FOR OUTENIQUA GAME FARM</p> <p>1. The Section 24G application process indicated that public comment must be lodged by 30 June 2025. For the reasons set out below, we will submit a complete, substantiated specialist assessment for your objection by no later than 15 July 2025 and respectfully insists, pursuant to the audi alteram partem principle embodied in section 3(2)(b)(ii) of the Promotion of</p>		


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Administrative Justice Act 3 of 2000 (“PAJA”), that the Department accept and consider those representations before making any decision.</p> <p>Volume and complexity of the record</p> <p>2. The application comprises an extensive suite of technical materials. Correctly interpreting such a multidisciplinary record requires more than a cursory reading; it demands cross-referencing findings between disciplines, verifying key assumptions against current site conditions, and confirming that each conclusion aligns with statutory criteria under NEMA and its associated regulations.</p> <p>3. To ensure that our submission is accurate and balanced, we are consulting third-party experts to scrutinise the documentation, interrogate underlying datasets, and advise on potential gaps or inconsistencies. Their input will enable us to provide the Department with focused, evidence-based comments that address the application’s environmental risks and legal compliance in a meaningful way.</p> <p>4. In <i>Earthlife Africa Johannesburg v Minister of Environmental Affairs 2017 (2) All SA 519 (WCC)</i>, the High Court set aside an environmental authorisation precisely because the competent authority had failed to secure and interrogate all relevant information—there, the climate-change implications of a proposed coal-fired power station—before taking its decision. The judgment underscores that an authorisation issued without a properly informed evidential foundation cannot withstand judicial scrutiny. Inadequate spatial and temporal baseline information</p> <p>5. The applicant and his representatives have not supplied 2025 high-resolution orthophotography, shapefiles or KMZ files delineating the actual disturbance footprint. Our client, therefore, commissioned an aerial fly-over of the site at its own expense to confirm ongoing clearance within critically endangered Garden Route Granite Fynbos and freshwater ecosystems. The absence of up-to-date spatial evidence fundamentally impedes meaningful comment. Questionable independence of the Environmental Assessment Practitioner (“EAP”)</p> <p>6. Several passages of the main report and executive summary adopt advocacy language, rationalising the applicant’s contraventions instead of exercising the critical professional independence demanded by Regulation 13 and the EAPASA Code of Ethical Conduct. We draw attention, for example, to the EAP’s assertion that “due diligence was unfortunately not carried out on the</p>		


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>property prior to purchase” as if that negates strict liability under section 28 of NEMA. This partiality will form a central plank of our objection, but additional time is needed to collate corroborating professional ethics evidence. Impermissible consolidation of prospective activities with rectification matters</p> <p>7. The executive summary expressly incorporates a proposed new dam on the Ruitersbos River, the widening of agricultural dams, and additional mulching yards—developments that have not yet commenced. Section 24G, read with the Supreme Court of Appeal’s judgment in Fuel Retailers Association v DG Environmental Management, Mpumalanga [2007] SCA 67, is confined to retrospective regularisation of activities unlawfully undertaken. Prospective developments require a fresh, forward-looking application under Chapter 5 of NEMA. Mixing the two processes is ultra vires and undermines public participation integrity. Statutory duty to halt continuing unlawful activity</p> <p>8. Section 24G(4)(a) of NEMA, as amended by Act 2 of 2022, is peremptory: once a rectification application is lodged, the Minister “must direct the applicant to immediately cease the activity pending a decision.” Aerial imagery obtained on 19 May 2025 shows continued widening of access tracks, ongoing alien vegetation clearing by heavy machinery and fresh stockpiling of gravel in riparian buffers. These facts will be placed before the Department in the form of videos and photographs and sworn statements, evidencing blatant non-compliance with the statutory cease-work obligation.</p> <p>9. For the foregoing reason, and in pursuit of transparent, accountable and lawful environmental governance, we respectfully request written confirmation, that submissions delivered up to and including 15 July 2025 will be accepted and thoroughly considered. Kindly address all correspondence to the undersigned. LLB Environmental Law Reg EAP – EAPASA (2021/3484)</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
------	--------------------------------	---------	------------------	------------------------



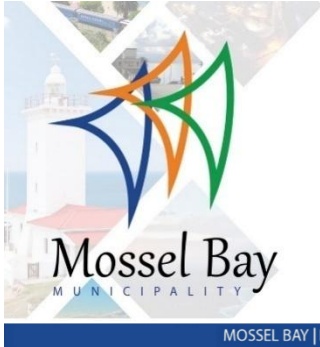
Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
Move it Civils Petrie van Zyl	20 June 2025	<p>Good day Claire</p> <p>Thank you for taking my call. Kindly register me. As discussed, a community meeting could be a sound idea. Will you please forward the necessary information for review?</p> <p>Best Regards</p>	20 June 2025	<p>Good day</p> <p>Kindly find attached as requested.</p> <p>The supporting appendices are available for download at: https://www.ecoroute.co.za/node/113</p> <p>Kindly review the reports and submit any concerns you feel need to be addressed in the final application.</p> <p>I will be in touch regarding a community meeting.</p> <p>Thank you for your participation in the process.</p> <p>Kind Regards Claire</p>
Comments received between: Registration of IAPs: : 6 September to 7 October 2024 to March 2025				
Siphehile Khumalo	17 March 2025	Site visit carried out on ptns 420 and 373 of 14 March 2025	17 March 2025	<p>Good day Siphehile</p> <p>As discussed, please find attached the project schedule for activities on Outeniqua Game Farm (Erf 373 and 420).</p> <p>The 30-day comment and review on draft S24G and assessment is scheduled for April 2025 / May 2025.</p> <p>Thank you</p> <p>Kind Regards Claire</p>
Diana Mouton	14 February 2025	<p>Good day, Claire</p> <p>Possibly you can provide an updated S24G Project Schedule to the Mrs Zaidah Toefy, as was a condition within the Compliance Notice PS (see attached).</p> <p>Kind Regards</p>	14 February 2024	<p>Good day</p> <p>Please find attached as requested.</p> <p>Kind Regards Claire</p>


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Diana Mouton Directorate: Environmental Law Enforcement Tel: 044 814 2009 E-mail: diana.mouton@westerncape.gov.za Website: www.westerncape.gov.za/eadp</p>  <p>Be 110% Green. Read from the screen.</p> <p>Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 betw 16:00</p>		
Ziyaad Allie (Specialised Environmental Officer - Rectification) EMI Grade 2 Directorate: Environmental Governance Department of Environmental Affairs and Development Planning	14 February 2025	<p>Attention: Kerryn G. Smith</p> <p>NOTICE OF REFERRAL OF THE 24G PRE-APPLICATION CONSULTATION TO ENVIRONMENTAL CRIMINAL INVESTIGATIONS REGARDING THE UNLAWFUL CLEARANCE OF VEGETATION AND CONSTRUCTION OF INFRASTRUCTURE WITHIN 32 METRES OF A WATERCOURSE ON ERF 373 AND 420, OUTENIQUA GAME FARM, MOSSEL BAY</p> <p>1. This Department's Pre-Compliance Notice dated 18 March 2019, the Compliance Notice dated 27 May 2020, and the Information Requirement's letter dated 04 June 2020, has reference.</p> <p>2. Please be advised that more than 4 years have passed since the issuing of the above-mentioned Information Requirements letter and to date no section 24G application has been submitted to the Department.</p> <p>3. Please be advised that the above-mentioned consultation file (reference: 14/2/4/1/D6/28/0004/20) is hereby closed for all administrative purposes, and as such, the Directorate has closed the 24G Consultation case file for all administrative purposes with effect from the date of issue of this letter.</p> <p>4. In light of the fact that no section 24G application has been received, the matter will now be referred for criminal investigative action.</p> <p>5. Please be reminded that it is an offence in terms of Section 49A of the <i>National Environmental Management Act, 1998 (Act 107 of 1998)</i> ("NEMA") for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence is liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment.</p>	14 February 2024	<p>Good day Ms Toefy</p> <p>Please note that Ecoroute has been appointed to carry out the required NEMA 24G assessment for activities carried out on Farm portions 420 and 373, Outeniqua Game Farm; I am the responsible EAP for the assessment of activities.</p> <p>Notices and adverts and initial registration of interested and affected parties have been done; Registration: 6 September to 7 October 2024 Please see attached notification letter which includes potential listed activities for assessment.</p> <p>The following studies have been identified as necessary and carried out as part of the assessment process:</p> <ul style="list-style-type: none"> - Terrestrial biodiversity and flora assessment for infrastructure and dam (October 2024) - Aquatic assessment for infrastructure and dams (August 2024) - Soil Assessment for agricultural activities (November 2024) - Terrestrial biodiversity and flora assessment for agricultural activities (January 2024) - Hydrology study (in process) <p>In addition, a vegetation assessment carried out by Jan Vlok (2019) for the previous 24G process initiated by Andrew West, is referred to. Note, Mr</p>


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
				<p>Andrew West had a stroke, and then COVID19 occurred (2020 – 2022) - Ecoroute has since taken over this NEMA 24G application process.</p> <p>A water use license process has also been initiated and a site visit carried out with BOCMA (November 2024)</p> <p>Once all the specialist studies have been complete a draft application with accompanying assessment will be submitted for a 30-day comments and review period. The anticipated date of submission is March 2025. Thereafter, the application and accompanying assessment will be updated and the final S24 application submitted for consideration.</p> <p>We trust this is in order.</p> <p>Please let me know if you require additional information at this stage.</p> <p>Kind regards Claire de Jongh</p>  <p>Claire De Jongh Eco Route Environmental Consultancy 0846074743 EAPASA registration: 2021/3519</p>
Rudzani Makahane (Mr) Water Use Specialist: Breede-Olifants CMA	29 October 2024	<p>COMMENTS ON THE NOTIFICATION OF PUBLIC PARTICIPATION FOR ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</p> <p>Your email submission dated 06 September 2024 has reference. The Breede-Olifants Catchment Management Agency (BOCMA) has evaluated the submitted documents and has the following comments:</p> <ol style="list-style-type: none"> 1. The applicant is commended for the alien invasive vegetation clearing activities within the farm. 2. This office can confirm that the application for the construction of OGF2 dam has been received and it will be place on hold until such time that the alleged unauthorised activities have been addressed by the Compliance Monitoring and Enforcement (CME) section. The related alleged unauthorised activities include road crossings and damming of the river. 3. The freshwater assessment report indicate that the existing dam must be rehabilitated as a condition of approval for the new larger dam. 	S24G application and CRR (this report) April 2025	<p>Comments were distributed to project team.</p> <p>Refer to: Appendix H4: Aquatic and Appendix H5: hydrology assessments Appendix M: S24g Impact Assessment.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Please note that the proposed mitigation measures for alleged unauthorised activities cannot be on condition that the new dam is approved.</p> <p>4. Further discussion regarding viability of OGF2 Dam will take place when the hydrological study is completed to understand the water balance for the environment, downstream users and the application.</p> <p>5. The applicant shall inform BOCMA if they wish to apply for validation and verification of Existing Lawful Water Use in the application property(ies). The confirmed General Authorisation indicated that the allocated volumes will be adjusted accordingly based on the outcomes of the Validation and Verification process.</p> <p>6. The water demand and supply breakdown shall be calculated to understand the water volumes that are already authorized and the future water demand.</p> <p>7. Please ensure that no water is taken from a water resource for any purpose without authorisation from the Responsible Authority.</p> <p>8. Please ensure that no waste or water containing waste is disposed in a manner which may detrimentally impact on a water resource without authorisation from the National Water Act, 1998 (Act 36 of 1998) and other related legislations.</p> <p>9. No pollution of surface water or groundwater resources may occur due to any activity. Stormwater management must be addressed both in terms of flooding, erosion, and pollution potential.</p> <p>10. No stormwater runoff from the application premises containing waste, or water containing waste emanating from any activity may be discharged into a water resource without prior treatment.</p> <p>The BOCMA reserves the right to revise initial comments and request further information based on any additional information received.</p>		
<p>Anza Mabayi Environmental Management Inspector-Grade 2 Sub-Directorate: CME Breede-Olifants Catchment Management Agency</p>	<p>21 October 2024</p>	<p>I hereby notify you of the scheduled investigation by BOCMA Enforcement officials that will take place at Outeniqua Game Farm as follows:-</p> <p>Date: 4 November 2024 Time: 10:00am Venue: Farm 373 & 420, Mosselbay</p> <p>The investigation is scheduled following a referral for investigation received from our Water Use Authorisation Unit. The investigation is meant to investigate water use activities taking place at Farm 373 & 420, Mosselbay and a certain their compliance with provision of National Water Act 36 of 1998.</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Kind Regards</p> <p>Anza Mabayi</p> <p>Environmental Management Inspector-Grade 2</p>  <p>BREED-OLIFANTS CATCHMENT MANAGEMENT AGENCY</p> <p>Sub-Directorate: CME Breede-Olifants Catchment Management Agency Tel: 023 346 8079 Cell: 0662727263 Fax: 044 87 2199 Email: amabayi@bocma.co.za Unit 302, 3rd Floor, 101 York Street, P.O. Box 1205, George, 6530</p>		
<p>Rudi Minnie Assistant Conservation Officer Mossel Bay Municipality</p>	<p>26 Septem ber 2024</p>	<p>Good day</p> <p>Email below and attachment have reference.</p> <p>Please include the following emails on the IAP's mailing list:</p> <ul style="list-style-type: none"> - admin@mosselbay.gov.za - rminnie@mosselbay.gov.za - stentu@mosselbay.gov.za 	<p>2 October 2024</p>	<p>Please find attached locality map for:</p> <ul style="list-style-type: none"> - Portions 420 and 373, Outeniqua Game Farm




Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Could you please provide the farm number? The numbers provided is only for portions and no mention is made of the actual farm number/s.</p> <p>Kind regards</p>  <p>Rudi Minnie Assistant Conservation Officer 101 Marsh Street, Mossel Bay Email: rminnie@mosselbay.gov.za Web: https://www.mosselbay.gov.za Tel: +27 44 606-5163</p> <p style="text-align: center;">Anti-Fraud Hotline</p>		
Platinum Mile Investments 442 (Pty) Ltd, as an owner of properties downstream	6 September 2024	<p>Our ref: P van der Merwe/Id/PR0027 ECO-ROUTE ENVIRONMENTAL CONSULTANCY CC PER E-MAIL</p> <p>Dear Madam,</p> <p><u>REGISTRATION: INTERESTED AND AFFECTED PARTIES FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</u></p> <ol style="list-style-type: none"> The above matter refers and more specifically the e-mail and Notification of Public Participation pertaining to the above property, dated 6 September 2024. We kindly seek your confirmation that our client has been registered as an Interested and Affected party, being Platinum Mile Investments 442 (Pty) Ltd, as an owner of properties downstream from your client. Kindly add the following e-mail addresses: - <p>pieter@vdmattorney.co.za reception@vdmattorney.co.za francois@platinuminvest.co.za</p>	9 September 2024	<p>Dear Eco Route Admin</p> <p>Please refer to below and register as I&AP's, please add their comments to a comments and response report for Claire to Adress once the registration period is closed.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>bwmanager@phcberries.co.za</p> <ol style="list-style-type: none"> 4. We kindly request you to confirm that our client has been accordingly registered and that you will add the aforesaid e-mail addresses under our client. 5. We furthermore request you to provide us with the following information, as a matter of urgency: - <ol style="list-style-type: none"> 5.1. A copy of the Section 24G Application; 5.2. Our client already registered as an Interested and Affected party pertaining to the proposed new developments on Outeniqua Game Farm's property in October 2021. Kindly provide clarity why no information whatsoever has been received since October 2021, specifically where the erstwhile environmental consultant confirmed that all applications are dormant. 5.3. We specifically request you to confirm this, as it seems as if your client had no interest whatsoever to proceed with the erstwhile applications, and obtaining possible objections, and therefore decided to simply proceed with whatever unlawful activity he proceeded with, and to then rather apply for regularization under Section 24G of NEMA. If we are wrong, kindly confirm the facts supporting the aforesaid. 6. We wish to make it pertinently clear that if our assumption is correct, that NEMA, as you will know, imposes drastic sanctions, including prison sentence and a penalty. 7. We furthermore seek you client's immediate confirmation that any and all unlawful activities will be ceased with, including but not limited to the extraction of any water from the river for which he has not received consent. 8. We await your urgent confirmation. <p>Regards,</p> <p>Pieter van der Merwe  VAN DER MERWE & VAN DER MERWE Typed and sent by Lisa Dippenaar 55 VICTORIA STREET GEORGE</p>		


Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		6530 Tel: (044) 008 5007 Tel: 072 172 4098 Website: www.vdmattorney.co.za		
	10 September 2024	<p>Dear Janet,</p> <ol style="list-style-type: none"> 1. Thank you for the below mail. Again – we should have been registered as an I&A party previously, but we will deal with that later. 2. Kindly provide us, as a matter of urgency, with the Section 24G Application which you refer to in the Notice. 3. We obviously also seek immediate confirmation from your client that any and unlawful activities, or any beneficial use thereof, <u>will immediately seize</u>. As you are aware, the intended filing of a Section 24G application does not validate the transgressions. 4. If your client is not willing to immediately seize the unlawful activities (or benefit therefrom)– kindly confirm same in writing. That includes but is not limited to the extraction of water into dams, irrigation and the use of the land/cultivated portions. <u>Our client’s rights remain strictly reserved.</u> <p>Regards,</p> <p>VDM VAN DER MERWE & VAN DER MERWE PER: PIETER VAN DER MERWE 55 VICTORIA STREET GEORGE 6530 Tel: (044) 008 5007 Tel: 072 172 4098 Website: www.vdmattorney.co.za</p>	10 September 2024	<p>Good day</p> <p>Thank you for your comments; kindly note you were registered as an interested / affected party for this NEMA S24G application process as you were registered for the previous process which started. The process is currently in a 30-day registration phase and specialist studies are underway. Once this is completed you will be provided with the S24G application and assessment for a 30-day review and comment period; thereafter the assessment will be updated accordingly and submitted to the competent authority for decision making. Two general authorisations have been issued for water uses (abstraction, storage) on ptns 373 and 420; additional water uses included in Section 21 of the National water Act (Act 36 of 1998) (NWA) have been carried out / proposed on the site. A water use license for these water uses will be applied for from the DWS and the DWS will make a decision. The applicant has been advised that no further activities which require environmental authorisation may take place prior to the S24G NEMA application process being completed, and a decision is made. The applicant has also been made aware of the consequences of carrying out activities included in the NEMA 2014 EIA Regulations (as amended, 2017) without an environmental authorisation in place. I note that the affected parties are downstream from Farm portions 420 and 373 – kindly provide any additional information that your client feels needs to be addressed so that I can include this in the assessment.</p> <p>Thank you</p> <p>Kind Regards Claire</p> <p> Claire De Jongh Eco Route Environmental Consultancy 0846074743 EAPASA registration: 2021/3519</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
	10 September 2024	<p>Our ref: P van der Merwe/jw/PR0027</p> <p>ECO ROUTE ENVIRONMENTAL CONSULTANCY PER E-MAIL</p> <p>Dear Claire,</p> <p><u>NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</u></p> <ol style="list-style-type: none"> 1. Thank you for the below e-mail. 2. We do not intend to unnecessarily burden the recipients of this e-mail with our objections, but we believe that it is critical to understand your client's actions and intended actions. 3. We note in your below e-mail that two general authorisations have been issued for water uses on Portion 373 and 420 and that additional water uses included in Section 21 of the National water Act (Act 36 of 1998) ("NWA") have been carried out. We must kindly be clear on what have been carried out and what will be applied for. 4. We attach hereto a letter dated 14 October 2021 which we addressed to your client's erstwhile environmental consultant. This was in reaction to a proposed application for the development of a dam and taking and storage of water and agricultural development on Portions 373 and 420. 5. In this letter we requested to be registered as an Interested and Affected Party. We further had pertinent questions as set out in paragraph 5 and sub-paragraphs. We will not repeat it herein. 6. We have been sent from pillar to post since October 2021. We have received none of the information that we requested nor did we receive any application. In fact, the Environmental Consultant who later assisted Mr West, Mr Retief Kleynhans, confirmed that these applications were dormant and not proceeded with. 7. It now seems as if general authorisations have been issued and that your client proceeded with what was intended in 2021. 8. Notwithstanding the Section 24G NEMA application which we will await, kindly provide us with the details as stipulated in paragraphs 5.1 to 5.5 of our letter dated October 2021. 9. This is not narrowed to the issues to be dealt with in the Section 24G NEMA application but pertains to any and all environmental / water applications, authorisations and agricultural activities. 10. We await your kind feedback. 		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Yours faithfully, Pieter van der Merwe</p> <p>VDM</p> <p>VAN DER MERWE & VAN DER MERWE PER: P VAN DER MERWE Typed and sent by Julene Westraad Secretary to Pieter van der Merwe 55 Victoria Street GEORGE 6529 Office Tel: (044) 008 5007 Cell: P van der Merwe: 072 172 4098 Website: www.vdmattorney.co.za</p>		
	8 October 2024	<p>Our ref: P van der Merwe/ld/PR0027</p> <p>ECO ROUTE ENVIRONMENTAL CONSULTANCY PER E-MAIL</p> <p>Dear Janet / Claire,</p> <p><u>NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</u></p> <ol style="list-style-type: none"> 3. The above matter refers. 4. We have received no fruitful response from you or your client pertaining to any of the questions we have raised. Similarly the "30-day registration period" also expired without receiving any concrete documents or information. 5. We will now request you to kindly reply to all our previous questions and letters, specifically detailing the actions which your client took unlawfully, with the dates, and an explanation why we were circumvented having regard to the previous intended applications your clients advertised (to which we registered as an affected party). 6. We confirm that should we not receive a detailed report from your client and an undertaking that any and all actions for which no approval was obtained, will be <u>ceased with</u>, immediately, we will obtain instructions from our client to launch an application to 	8 October 2024	<p>Dear Pieter van der Merwe</p> <p>I would like to inform you that the public participation held was to call for Interested and Affected parties to register for the S24G process. Please note that a further public participation will be held as soon as the draft S24G document is complete whereby you as registered I&AP's will be notified and granted a further 30 day period to comment. Please refer to the advert below, no information is being withheld and we have kindly requested Outeniqua Game Farm to cease all illegal activities. We are still awaiting updated specialist reports in order to finalise our work.</p> <p>Please take note That we are Independent Environmental Consultants, and that we are adhering to the NEMA legislation and regulations with regards to the process. Please see Highlighted Advert section below that was placed in the Mossel Bay advertiser.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>compel you to do so. We need to reiterate that this includes but is not limited to using water from unlawful storage (dams), immediate stoppage of cultivation of crops / trees illegally planted and utilising the fruits from any of the unlawful activities.</p> <ol style="list-style-type: none"> We confirm that a copy of the correspondence between our offices will be provided to the Court in order to show that we have done everything in our means to try and obtain information from your client and to seek undertakings which will make it unnecessary to go to Court. We trust you will find it in order. <p>Regards,</p> <p>Pieter van der Merwe</p>  <p>VAN DER MERWE & VAN DER MERWE Typed and sent by Lisa Dippenaar 55 VICTORIA STREET GEORGE 6530 Tel: (044) 008 5007 Tel: 072 172 4098 Website: www.vdmattorney.co.za</p>		<div data-bbox="1355 231 1774 861" style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">ECO-ROUTE ENVIRONMENTAL CONSULTANCY</p>  <p style="text-align: center;">Notification of Public Participation Process</p> <p>Activities carried out on Farm Portions 420 and 373, Outeniqua Game Farm</p> <p>Farm Portions 420 and 373, Outeniqua Game Farm, is located west of the R328 in Mossel Bay Municipality, Western Cape. Approximate area: 1278 ha. Approximate central coordinates: 33°59'58.67"S; 22° 2'0.56"E</p> <p>Activities included in the Listing Notices (LN) 1, 2 and 3 of the Environmental Impact Assessment (EIA) Regulations published in terms of National Environmental Management Act (Act 107 of 1998) (NEMA) have been carried out on the farm portions between 2015 – 2024. Activities include clearing of more than 20 ha indigenous vegetation for the development of structures and agricultural activities; development of additional roads and tracks, development of dams. An environmental authorisation is required for the following NEMA EIA activities:</p> <p>LN1 (GNR 327): Activity 13, 19 LN2 (GNR 325): Activity 15, 27 LN3 (GNR 324): Activity 12, 14, 23; Activity 2, 4 (to be confirmed)</p> <p>A new dam (120 000 cubic meters) is proposed; the dam wall is planned to be a maximum of 5 meters in height. Area of dam is not yet confirmed. An additional 380 ha is proposed to be cleared for the planting of maize, lucerne and avocado. Environmental authorisation for the following NEMA EIA activities may be required: LN2(GNR 325): Activity 15, 16, 29</p> <p>Water uses included in Section 21 of the National water Act (Act 36 of 1998) (NWA) have been carried out. Two general authorisations have been issued for water uses (abstraction, storage). Additional water uses have been carried out on the site.</p> <p>Notice is hereby given that the landowner intends to apply to the Western Cape Department of Environmental Affairs and Development Planning for the regularization of unlawful commencement or continuation of listed activities in terms of section 24G of the NEMA. An application will be submitted to the Department of Water and Sanitation for water use authorisation.</p> <p>A public participation process will be conducted according to Regulation 41 of the NEMA 2014 EIA Regulations (as amended, 2017). All interested and affected parties (IAPs) are encouraged to participate in the process. Register and / or comment as an IAP within 30 days of this notice. Registration: 6 September to 7 October 2024. Registered IAPs will be sent the 24G application for a 30-day review and comment period.</p> <p>Environmental Assessment Practitioner: Claire De Jongh (EAPASA Reg: 2021/3519) Tel: 0846074743 Fax: 086 402 9562 Email: claire@ecoroute.co.za Address: PO. Box 1252 Sedgefield 6573 Project related information will be made available via our website: www.ecoroute.co.za</p> </div> <p>We request you afford us the opportunity to complete our work in order for you to review all documents pertaining to the S24G application.</p> <p>Should you require any information please do not hesitate to contact me.</p>  <p>Kind Regards Janet Ebersohn Bsc.Hon Environmental Management EAPASA Registration Number: 2019/1286 082 5577122</p>
	8 October 2024	<p>Dear Janet,</p> <ol style="list-style-type: none"> We reserve the right to reply in full at a later stage. We however note your absence of an undertaking that your client will immediately refrain from continuing with the unlawful activities or to benefit therefrom. 	8 October 2024	<p>Dear Pieter</p> <p>As per your point your point 2, please see highlighted section in my response email to you.</p>

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		<p>Regards, VDM VAN DER MERWE & VAN DER MERWE PER: PIETER VAN DER MERWE 55 VICTORIA STREET GEORGE 6530 Tel: (044) 008 5007 Tel: 072 172 4098 Website: www.vdmattorney.co.za</p>		
	<p>18 November 2024</p>	<p>Our ref: P van der Merwe/jw/PR0027 ECO ROUTE ENVIRONMENTAL CONSULTANCY PER E-MAIL Dear Janet, <u>NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</u></p> <p>9. The below correspondence refers. 10. We have not received any further information as requested nor have we received the anticipated applications. 11. In addition to the aforesaid, our instruction is that your clients are still utilising the unlawful activities for economic benefit your previous submission. 12. Every time we request information from your client, it goes silent, only to find out that your client is continuing with the unlawful activities. We want to place this on record and will invite your client to reply in full, should he disagree with our submission. 13. We await your urgent response.</p> <p>Yours faithfully, Pieter van der Merwe</p> <p>VDM</p> <p>VAN DER MERWE & VAN DER MERWE PER: P VAN DER MERWE Typed and sent by Julene Westraad Secretary to Pieter van der Merwe 55 Victoria Street GEORGE</p>		

Name	Date of comment / registration	COMMENT	Date of response	EAP COMMENT / RESPONSE
		6529 Office Tel: (044) 008 5007 Cell: P van der Merwe: 072 172 4098 Website: www.vdmattorney.co.za		
	17 January 2024	<p>Our ref: P van der Merwe/jw/PR0027</p> <p>ECO ROUTE ENVIRONMENTAL CONSULTANCY PER E-MAIL Dear Janet, <u>NOTICE OF PUBLIC PARTICIPATION: ACTIVITIES CARRIED OUT ON FARM PORTIONS 420 AND 373, OUTENIQUA GAME FARM</u></p> <p>The above matter refers and more specifically our previous correspondence. We specifically wish to refer you to the below correspondence, to which we have not received any further response or applications. Kindly indicate as a matter of urgency whether you intend to proceed with further applications as our instruction is that your client is continuing to bear the fruit of his illegal activities. We kindly request your urgent feedback.</p> <p>Yours faithfully, Pieter van der Merwe</p> <p>VDM</p> <p>VAN DER MERWE & VAN DER MERWE PER: P VAN DER MERWE Typed and sent by Julene Westraad Secretary to Pieter van der Merwe 55 Victoria Street GEORGE 6529 Office Tel: (044) 008 5007 Cell: P van der Merwe: 072 172 4098 Website: www.vdmattorney.co.za</p>	17 January 2024	<p>Good day</p> <p>We are still in process of carrying out required specialist assessments and drafting the S24G application. The draft application will be sent to all registered interested and affected parties for a 30-day review and comment period.</p> <p>Thank you</p> <p>Kind Regards</p>  <p>Claire De Jongh Eco Route Environmental Consultancy 0846074743 EAPASA registration: 2021/3519</p>



Eco Route

ENVIRONMENTAL CONSULTANCY

REGISTRATION NO. 1998/031976/23

DR. COLLEEN EBERSOHN

PhD Univ. Pretoria

Cell: 072 222 6013

e-mail: egersohn@cyberperk.co.za

MS. JANET EBERSOHN

Bsc. Hons. Environmental Management

Cell: 082 557 7122

e-mail: janet@ecoroute.co.za

Appendix G1: Adverts, notices and BID

Advert placed in the Mossel Bay Advertiser on 6 September 2024

Two site notices were placed at the site.



ECO-ROUTE ENVIRONMENTAL CONSULTANCY



Notification of Public Participation Process

Activities carried out on Farm Portions 420 and 373, Outeniqua Game Farm

Farm Portions 420 and 373, Outeniqua Game Farm, is located west of the R328 in Mossel Bay Municipality, Western Cape. Approximate area: 1278 ha. Approximate central coordinates: 33°59'58.67"S; 22° 2'8.56"E

Activities included in the Listing Notices (LN) 1, 2 and 3 of the Environmental Impact Assessment (EIA) Regulations published in terms of National Environmental Management Act (Act 107 of 1998) (NEMA) have been carried out on the farm portions between 2015 – 2024. Activities include clearing of more than 20 ha indigenous vegetation for the development of structures and agricultural activities; development of additional roads and tracks, development of dams. An environmental authorisation is required for the following NEMA EIA activities:

LN 1 (GNR 327): Activity 13, 19

LN2 (GNR 325): Activity 15, 27

LN3 (GNR 324): Activity 12, 14, 23; Activity 2, 4, 6 (to be confirmed)

A new dam (120 000 cubic meters) is proposed; the dam wall is planned to be a maximum of 5 meters in height. Area of dam is not yet confirmed. An additional 380 ha is proposed to be cleared for the planting of maize, lucerne and avocado. Environmental authorisation for the following NEMA EIA activities may be required: LN2(GNR 325): Activity 15, 16, 29

Water uses included in Section 21 of the National water Act (Act 36 of 1998) (NWA) have been carried out. Two general authorisations have been issued for water uses (abstraction, storage). Additional water uses have been carried out on the site.

Notice is hereby given that the landowner intends to apply to the Western Cape Department of Environmental Affairs and Development Planning for the regularization of unlawful commencement or continuation of listed activities in terms of section 24G of the NEMA. An application will be submitted to the Department of Water and Sanitation for water use authorisation.

A public participation process will be conducted according to Regulation 41 of the NEMA 2014 EIA Regulations (as amended, 2017). All interested and affected parties (IAPs) are encouraged to participate in the process. Register and / or comment as an IAP within 30 days of this notice. Registration: 6 September to 7 October 2024.

Registered IAPs will be sent the 24G application for a 30-day review and comment period.

Environmental Assessment Practitioner: Claire De Jongh (EAPASA Reg: 2021/3519)

Tel: 0846074743

Fax: 086 402 9562

Email: claire@ecoroute.co.za

Address: PO. Box 1252 Sedgfield 6573

Project related information will be made available via our website: www.ecoroute.co.za

Details of site Notice and advert

Appendix G2: Full Register of interested and affected parties

**S24G Environmental Authorisation Process for commencement and furtherance of activities on Portions 420 and 373 of Outeniqua Game Farm,
Mossel Bay Municipality**

DEA&DP Reference: 14/2/4/1/D6/28/0004/20

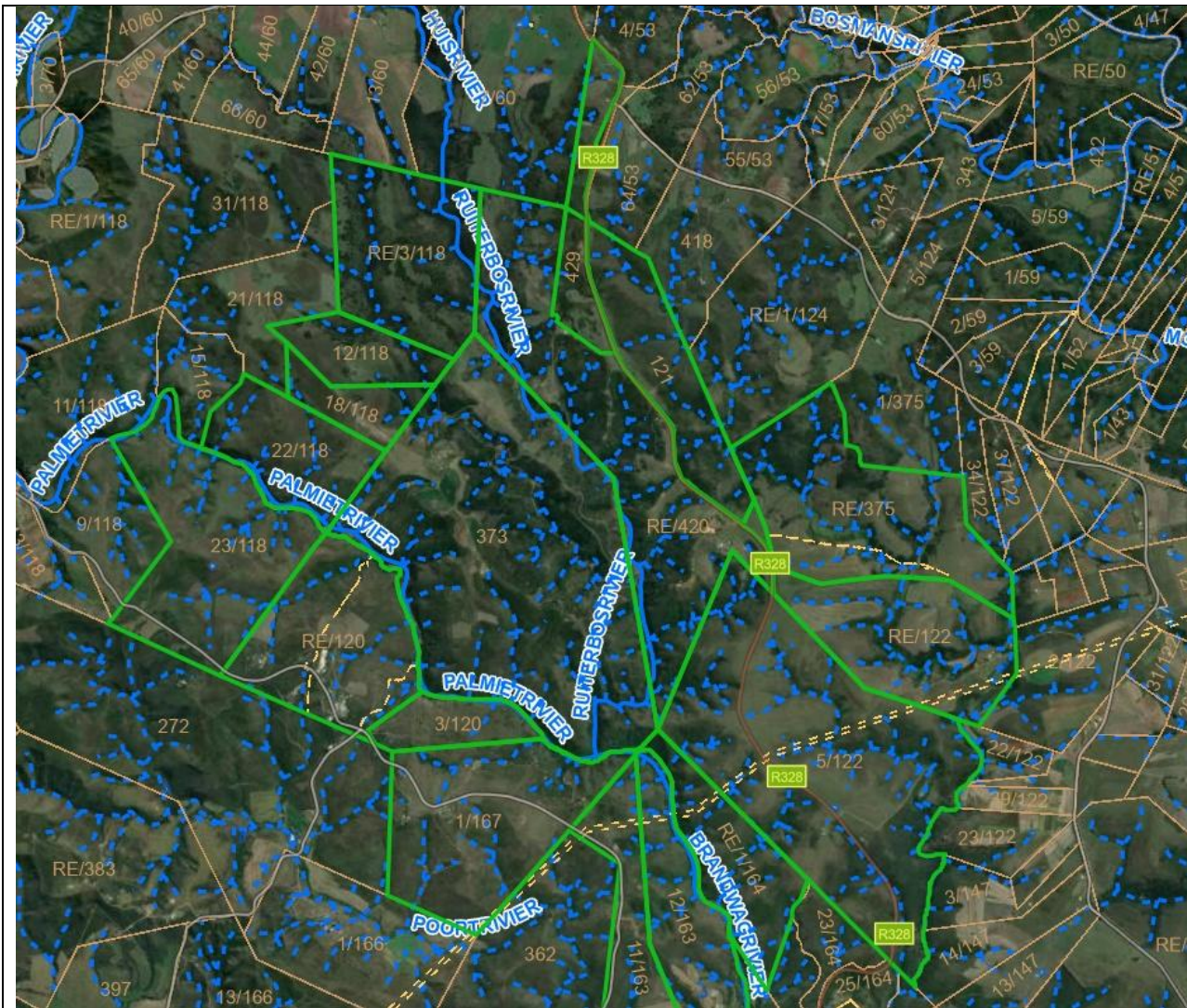
LIST OF INTERESTED AND AFFECTED PARTIES, November 2025

STATE DEPARTMENTS			
Name	Contact Person	Contact Details	Email (invites sent for public meeting)
Department of Environmental Affairs and Development Planning (DEA & DP)	Danie Swanepoel Francois Naude Meryll Fredericks	Private Bag x6509, George, 6530 044 814 2013 (T)	Danie.Swanepoel@westerncape.gov.za Francois.Naude@westerncape.gov.za Meryll.Fredericks@westerncape.gov.za
Department of Environmental Affairs and Development Planning (DEA & DP) Compliance	Zaidah Toefy		Zaidah.Toefy@westerncape.gov.za jck.kotze@gmail.com ; Ziyaad Allie <Ziyaad.Allie@westerncape.gov.za>
Department of Environmental Affairs and Development Planning (DEA & DP) Compliance	'Nicholas Kearns'		Nicholas.Kearns@westerncape.gov.za
Department of Environmental Affairs and Development Planning (DEA & DP) Compliance	Nabeelah Khan'		Nabeelah.Khan@westerncape.gov.za
Department of Environmental Affairs and Development Planning (DEA & DP) Compliance	Diana.Mouton		Diana.Mouton@westerncape.gov.za
DEADP Enforcement	Siphehile.Khumalo		siphehile.khumalo@westerncape.gov.za
Department of Environmental Affairs & Development Planning: Head of Component: Biodiversity	Project Manager: Albert Ackhurst	021 483 8364	Albert.Ackhurst@westerncape.gov.za
Department of Health	Nathan J1acobs	Private Bag x6592, George, 6530 044-803 2727 (T) 044-873 5929 (F)	Nathan.Jacobs@westerncape.gov.za
Heritage Western Cape	Noluvo Toto Stephanie Barnardt	Private Bag x9067, Cape Town, 8000 021-483 9729 (T) 021-483 9845 (F)	Noluvo.Toto@westerncape.gov.za Stephanie.barnardt@westerncape.gov.za
Transport & Public Works / Department of Infrastructure	Vanessa Stoffels	24 th Floor, 9 Lower Burg Street, Cape Town 021 483 4669 (T)	Vanessa.Stoffels@westerncape.gov.za

Department of Water & Sanitation	John Roberts	Private Bag x16, Sanlamhof, 7532 021 941 6179 (T) 021 941 6082 (F)	RobertsJ@dws.gov.za
Rudzani Makahane (Mr) Water Use Specialist: Breede-Olifants CMA	Rudzani Makahane (Mr)	Tel: 023 346 8000 Cell: 079 2141 396 Address: 101 York Street, Room 302, George	rmakahane@bocma.co.za
Breede-Olifants CMA	Rabokale Mphahlele	Tel: 023 346 8000 Cell: 079 2141 396	rmphahlele@bocma.co.za
Breede-Olifants CMA	Andiswa Sam	Address: 101 York Street, Room 302, George	asam@bocma.co.za
BOCMA Enforcement	Anza-Tshilidzitshau Mabayi	Tel: 023 346 8079 Cell: 0662727263 Fax: 044 87 2199 Email: amabayi@bocma.co.za Unit 302, 3 rd Floor, 101 York Street, P.O. Box 1205, George, 6530	amabayi@bocma.co.za
DFFE: Forestry Management	Melanie Koen	Private Bag x12, Knysna, 6570 044 302 6902 (T) 044 382 5461 (F)	MKoen@dffe.gov.za
Western Cape Department of Agriculture	Cor van der Walt	021 808 5099	Cor.vanderWalt@westerncape.gov.za Brandon.Layman@westerncape.gov.za Landuse.elsenburg@elsenburg.com
National Department of Agriculture, Forestry and Fisheries Land Use and Soil Management	Lutendo Netshilema Directorate Land Use and Soil Management	021 994 1413 Private Bag X2 Sanlamhof 7532	phumezasi@dalrrd.gov.za lutendon@dalrrd.gov.za
National Department of Agriculture, Forestry and Fisheries Directorate: Plant Production	Thabo Ramashala	Private Bag X250, Pretoria, 0001 Tel.: +27 12 319 6072 Fax: +27 12 319 6372	Thabo.Ramashala@daff.gov.za DPP@daff.gov.za
ORGANS OF STATE			
Name	Contact Person	Contact Details	Email
Breede-Gouritz Catchment Management Agency	Andiswa Sam R Mphahlele	PO Box 1205, George, 6530 023 346 8000 (T) 023 347 2012 (F)	asam@bgcma.co.za rmphahlele@bgcma.co.za pntanzi@bgcma.co.za
Cape Nature Land Use Advice	Megan Simons Keith Spencer	Private Bag x6546, George, 6530 044 802 5328 (T) 044 802 5313 (F)	msimons@capenature.co.za kspencer@capenature.co.za
Southern Cape Fire Protection Agency	Dirk Smit	Private Bag x12, Knysna, 6570 044 302 6912 (T) 086 616 1682 (F)	managerfpa@gmail.com

SANPARKS	Vanessa Weyer	PO Box 3542, Knysna, 6570 044 302 5600 (T) 044 382 4539 (F)	Vanessa.Weyer@sanparks.org
Agricultural research council	Dr Julius Tjelele Dr Francois Muller Dr Gilbert Pule Mr Lucas Letsoalo Dr Roger Price		JTjelele@arc.agric.za, MullerF@arc.agric.za letsoalonl@arc.agric.za PriceR@arc.agric.za Note—unable to comment—remove from list
SANBI	Lesley Henderson		L.Henderson@sanbi.org.za
Mossel Bay Municipality			
Name	Contact Person	Contact Details	Email
Mossel Bay Municipality	Carel Venter Director Planning & Economic Development	044 606 5000 (T) 044 606 5062 (F) Postal: Private Bag X29, Mossel Bay, 6500 Physical: 101 Marsh Street, Mossel Bay	cventer@mosselbay.gov.za
Mossel Bay Municipality	Dick Naidoo Director Infrastructure Services	044 606 5000 (T) 044 606 5062 (F) Postal: Private Bag X29, Mossel Bay, 6500 Physical: 101 Marsh Street, Mossel Bay	dnaidoo@mosselbay.gov.za
Mossel Bay Municipality	Colin Puren Municipal Manager	044 606 5000 (T) 0446065062 (F) Postal: Private Bag X29, Mossel Bay, 6500 Physical: 101 Marsh Street, Mossel Bay	mmoffice@mosselbay.gov.za
Mossel Bay Municipality	Rushanah Carelse	044 606 5000 (T) 0446065062 (F) Postal: Private Bag X29, Mossel Bay, 6500 Physical: 101 Marsh Street, Mossel Bay	rcarelse@mosselbay.gov.za
Mossel Bay Municipality – Ward 7 Councillor	Clr Stephan Botha (DA)	tel:0828583902	w.stephan.botha@gmail.com
Mossel Bay Municipality	Minnie, Rudi <rminnie@mosselbay.gov.za>	Please include the following emails on the IAP's mailing list:	admin@mosselbay.gov.za rminnie@mosselbay.gov.za stentu@mosselbay.gov.za
Garden Route District Municipality	Mr. Lusanda Menze	P.O. Box 12, George, 6530 044-8031300 (T) 0865556303 (F)	info@gardenroute.gov.za
Garden Route District Municipality	Dr. Nina Viljoen	P.O. Box 12, George, 6530 044-8031300 (T) 0865556303 (F)	nina@gardenroute.gov.za
Landowners			
Farm / Erf No.	Contact Person	Postal/ Physical Address	Email

Ptn 420 and 373, Outeniqua Game Farm, Outeniqua Wildlife Adventures	Management Team / occupiers of dwellings on OGF: Eric Jurg Olsen Clint and Kerry Langdon Martiens and family Patric and Lyndall Moore	Outeniqua Game Farm, Portion 420 R328 Dist Mossel Bay 6620	Ogfcc1@gmail.com rocky.grompie@gmail.com Cell phone: 0825539462
Surrounding Landowners			
Farm / Erf No.	Contact Person	Postal/ Physical Address / Contact number	Email
RE/3/118 Palmiet Rivier (west)			
12/118 Palmiet Rivier (west)			
18/118 Palmiet Rivier (west)			
22/118 Palmiet Rivier (west)			Send link to report via whatsapp 0848400356
23/118 Palmiet Rivier (west)	Candice white	SW Palmiet	dutoitstene@gmail.com
RE/120 VAALE KRAAL (west)	Candice white		dutoitstene@gmail.com
3/120 VAALE KRAAL (south)			
1/167 (south)			info@fungamukaba.co.za
RE/1/164 (SE)			
12/163 (south)			
11/163 (south)			
5/122 HARTEBEEEST KRAAL (SE)	WP Robbertse	5/122 Haartebeeskraal, Ruitersbos / 071 8693922	billyrobertson@mdwireless.co.za
RE/122 HARTEBEEEST KRAAL (S east)			
121 SCHUINSPAD (east)	Naas Meyer	121 Schuinpad / 072698 6286	Sent message to request email. Send link to report via whatsapp 072698 6286
429 (north east)			
7/60 RUITERBOSCH (north)	Ali Ghedi Alasow	Ruitersbosch farm 7/60 / 0749781695	Requests to be sent link to report via whatsapp
Re farm Schuinpad No. Re 375	John Birrell	Re farm Schuinpad No. Re 375	jrBirrell@polka.co.za 0749781695
	Japie Singleton	Japie.singleton@gmail.com	Japie.singleton@gmail.com
	Dudley Wooldridge	Flora Bay hk64	Dudleyw@mweb.co.za
	Koos AF Mouton	Op die Draai 5/122	koosmouton@live.co.za



Registered IAPs			
Platinum Mile investments (Pty) Ltd Farm 289, Farm 161, Bowerf Mossel Bay, Farm 162, Claassen Rust; existing user of Brandwacht River	P Van der Merwe – Registered 14 October 2021 – Andrew West Consultancy		pieter@vdmattorney.co.za pa1@vdmattorney.co.za

			pieter@vdmattorney.co.za reception@vdmattorney.co.za francois@platinuminvest.co.za bwmanager@phcberries.co.za Lisa Dippenaar pa3@vdmattorney.co.za
			daniel@bukhali.group
Additional			
Previous EAP and vegetation specialist	Andrew West Jan Vlok		'andrewwest@isat.co.za'; 'janvlok@mweb.co.za';
owner of Farm 362 and 154	Izak Du toit	Cell: +27 60 9056 373 E-mail: izakdutoit1988@gmail.com	izakdutoit1988@gmail.com
I farm downstream on the Brandwag river, farm: Zonnebloem Landgoed, nr: 11/163	Donnevan Dreyer		Donnevan Dreyer < donnevan.dreyer@gmail.com >
Interested / affected	Du Toit Stene		Du Toit Stene < dutoitstene@gmail.com >
PHC Berries	Renier Beetge	0832779050	bwmanager@phcberries.co.za
Move it Civils	Petrie van Zyl	office: 082 446 4701 mobile: 074 955 1300	petrie@moveitcivils.co.za admin@moveitcivils.co.za donnevan.dreyer@gmail.com ; renier@phcberries.co.za

Appendix G3: Registration and comments (6 September to 7 October 2024)

Appendix G4: Notices distributed – Notice of intent to apply for EA and registration of IAPs

Appendix G5: comments (April to June 2025)

Appendix G6: Notices distributed – Notice of comment and review period

Appendix G7: Public participation meeting – notices distributed

Appendix G8: Public participation meeting – Presentation

Appendix G9: Public participation meeting – comments and feedback

Appendix G10: communication and site visit – DEADP enforcement