



## APPLICATION FOR THE RECTIFICATION OF THE UNLAWFUL COMMENCEMENT OR CONTINUATION OF A LISTED ACTIVITY

Submitted in terms of section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended).

(For official use only)

<b>Application No:</b>	
<b>Date Received:</b>	
<b>Office:</b>	
<b>Designated officer:</b>	

**Kindly note that:**

1. It is the responsibility of the applicant to ascertain whether subsequent versions of the form have been published or produced by this department.
2. Incomplete applications may be returned to the applicant for revision.
3. Lodging an application for rectification does not necessarily imply that the activity will be authorized. In terms of the National Environmental Management Amendment Act, 2004, the MEC may either conditionally authorize the activity or issue a directive for the activity to cease and for the environment to be rehabilitated
4. Reports required in terms of subsection 24G(1) of the National Environmental Management Amendment Act, 2004 will only be considered after the payment of an administration fine as determined by the KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs.
5. It is not a requirement for this form to be completed by an environmental assessment practitioner.
6. No faxed or e-mailed applications will be accepted.

## Section 24G Application

7. This application must be handed in or posted to the appropriate Regional Office of the KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs at one of the following addresses:

- **FOR APPLICATIONS IN NORTHERN KWAZULU-NATAL** (Amajuba, UMkhanyakude, UThungulu, UMzinyathi and Zululand District Municipalities)

**Environment: North Region**

**KwaZulu Natal Department of Economic Development, Tourism & Environmental Affairs**

**270 Jabu Ndlovu Street,  
Pietermaritzburg, 3201  
Private Bag X 9152  
Pietermaritzburg, 3200**

**Contact Person: Ms Zama Mbanjwa  
Telephone No.: (033) 264 2500**

- **FOR APPLICATIONS IN SOUTHERN KWAZULU-NATAL** (EThekweni Metro and ILembe, Sisonke (Harry Gwala), UGu, UMgungundlovu and UThukela District Municipalities):

**Environment: South Region**

**KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs**

**270 Jabu Ndlovu Street,  
Pietermaritzburg, 3201  
Private Bag X 9152  
Pietermaritzburg, 3200**

**Contact Person: Ms Mavis Padayachee  
Telephone No.: +27 (33) 264 2515**

**PLEASE COMPLETE ALL SECTIONS****SECTION A: PERSONAL INFORMATION AND CONTACT DETAILS**

Name of applicant:	Paul Willmott		
Trading name (if any):			
Contact person:	Kurt Wesson		
ID Number of Contact Person	7605295070089		
Physical address:	Portion 3 of Farm Hartebeesfontein 2192, D118		
Postal address:	Bergville	Postal code:	3350
	PO Box 698		
Telephone:	Bergville	Postal code:	3350
		Cell:	072 579 8499
Fax:	086 236 8545	E-mail:	<a href="mailto:kurt@3i.co.za">kurt@3i.co.za</a>

Environmental Assessment Practitioner (EAP):	The Independent Environmental Advisor cc		
Contact person:	Sarah Allan		
ID Number of Contact Person	630512 0083 081		
Postal address:	PO Box 586		
Telephone:	Howick	Postal code:	3290
	076 578 2941	Cell:	071 975 4865
Fax:	086 242 2646	E-mail:	<a href="mailto:sarah.wine@iuncapped.co.za">sarah.wine@iuncapped.co.za</a>
EAP Qualifications	B.Sc, HDE, numerous short courses		
Years of Experience	20 years		

EAP registration/Associations	SACNASP Cert.Sci.Nat No. 116616 IAIAsa No. 34 ELASA
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**SECTION B: ACTIVITY DETAILS**

**(1) Description of activity:**

Please provide a brief description of the nature and extent of the activity. *Extent* to include but not be limited to<sup>1</sup>:

- Area covered by the activity;
- Capacity of the facility (if applicable);
- Throughput of the facility (if applicable)

<p><b>Paul Willmott bought Loskop Farm, being Portion 3 of Farm Hartebeesfontein, during 2016 to consolidate and extend his farming operation north west of the town of Bergville.</b></p> <p><b>He started cultivating approximately 200ha of the 386ha farm in late 2016 to maize and soya with a mixed cover crop using the no-till conservation agriculture method.</b></p>

**(2)Date when activity first commenced:**

September 2016

Please indicate the current status by ticking the appropriate boxes:

Construction completed	<input type="checkbox"/>	<b>Activity operational</b>	<input checked="" type="checkbox"/>
Property/ies transferred to new owner/ s	<input type="checkbox"/>	Construction ceased prior to finalization	<input type="checkbox"/>
Operation / activity ceased pending outcome of application	<input type="checkbox"/>	Activity has been decommissioned and property rehabilitated to original state	<input type="checkbox"/>
	<input type="checkbox"/>	Activity has ceased/ been decommissioned and site abandoned	<input type="checkbox"/>

<sup>1</sup> Should the space provide not be sufficient, a clearly marked page should be attached to the form.

**SECTION C: MOTIVATION FOR SECTION 24G APPLICATION**

**(1) Please explain why this activity was commenced or continued with in contravention with the National Environmental Management Act, Act 107 of 1998 (as amended)<sup>2</sup>.**

**Mr Willmott was under the impression that as the land was agricultural land and that his desired cultivation was an agricultural conservation practice similar to much of the surrounding farms, that he could proceed.**

**The property is adjacent to another agricultural property owned by Mr Willmott, hence there would be no requirements for additional capital expenditure as the existing sheds and agricultural buildings on the second property are of sufficient capacity to accommodate the increased operation. Moreover, the existing implements and machinery such as planters and tractors are adequate to cope with the increased area of cultivation.**

**With the profit margins getting tighter it is necessary to expand operations to maintain profitability in the long term.**

**The farm had been heavily over-grazed in the past to the extent that the property would have needed to be rested for at least a season or two before re-introducing livestock. The area cultivated utilizes no-till cropping with a mixed pasture between maize and soya rotations to improve the overall health and condition of the soil.**

**The farm cost R10 000 000. The capital repayments are R666 667 per year. The interest repayments are approximately R83 000 per month totaling R1 000 000 per year. To make the repayments this property needs to generate an income.**

**(2) Please motive why your application in terms of Section 24G of the National Environmental Management Amendment Act, 2004, should be considered favorably<sup>3</sup>:**

**The 200ha under maize, soya and mixed cover crop have been planted using the no-till conservation agricultural method. The crops are dryland (there is no irrigation). Contours have been established to control runoff from rain and storm events.**

**No additional infrastructure has been established on the farm as all equipment is stored on other landholdings in existing sheds. The harvest is transported directly to silos in**

<sup>2</sup>Should the space provide not be sufficient, a clearly marked page should be attached to the form.

**Bergville by the grain agent. Agrichemicals are kept in an existing facility on a neighbouring subdivision.**

**An additional two (2) permanent staff have been employed at a cost-to-employer package of approximately R45 000pa each, and five or six seasonal workers are employed at various times of the annual production cycle.**

**The crops promote food security being national staple crops. They are bought by a grain agent, Honiball Enterprises, for onward sale and processing. The extent of cultivation facilitates the sustainability of the grain agent, the viability of employment opportunities on the farm of Mr Willmott, while ensuring a supply of food to the citizens of South Africa.**

**The no-till practise helps prevent erosion by leaving the previous crops residue on the surface of the land which in turn builds soil organic matter. The residue on the surface also protects the soil from excessive heat from the sun which helps to conserve soil moisture. A higher organic matter content also helps to bind the soil which will assist in heavy rains to limit the amount of soil being washed away. In the event of rain it lessens the impact of heavy downpours by improving the infiltration rate of the rain which in turn leads to better soil water levels and minimizing runoff which in turn helps with erosion control. With less erosion the dongas will be able to re-establish themselves.**

**Areas of rock packing and stone walling have been left as open spaces for wildlife corridors.**

**The income from the crops supports the local community as well as staff living on the adjacent farm by providing additional employment as noted. It also supports local businesses in the Bergville area and additional revenue for the government in the form of VAT and tax.**

**The financial viability of the purchase of the land will require that an income is derived from the farm. It is expected that for the first 5 years of the term loan, the repayments will be partly subsidised by the existing farm, then as the interest repayments decrease it will become self-sustaining and turning a profit after 8 years.**

**It was never the intention to attempt to bypass any laws. There was an unfortunate miscommunication between Mr Willmott as the owner and his farm manager which resulted in each thinking the other had taken the necessary steps to engage an environmental assessment practitioner and neither had completed the engagement. The farm owner and manager are committed to following this process through.**

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<sup>3</sup>Should the space provide not be sufficient, a clearly marked page should be attached to the form.

**SECTION D:**

**(a) Declaration by the applicant**

I, PAUL WILLMOTT

- am, or represent, the applicant in this application;
- hereby indemnify, the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I am responsible as the applicant in terms of this application; and
- undertake to pay an administration fine as required by subsection 24G (2) of the National Environmental Management Amendment Act, 2004 and determined by the KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs prior to the consideration of any reports in terms of the requirements of subsection 24G (1) of the Act.

\_\_\_\_\_  
Signature of the applicant

\_\_\_\_\_  
Name of company

28 February 2018  
Date

\_\_\_\_\_  
Signature of the Commissioner of Oaths

\_\_\_\_\_  
Date

\_\_\_\_\_  
Designation

Official stamp (below)

## Section 24G Application

**(b) Declaration by the environmental assessment practitioner.**

I, SARAH JANE ALLAN declare that I

- am the independent environmental practitioner in this application;
- will comply with the requirements for an EAP as stipulated in Regulation 13 of the EIA Regulations, 2014;
- do not have and will not have any vested interest (either business, financial, personal or other) in the undertaking of the proposed activity, other than remuneration for work performed in terms of the Environmental Impact Assessment Regulations, 2014;
- will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- declare that there are no circumstances that may compromise my objectivity in performing such work;
- have expertise in conducting environmental impact assessments, including knowledge of the National Environmental Management Act, 1998 (Act 107 of 1998), regulations and any guidelines that have relevance to the proposed activity;
- will comply with the National Environmental Management Act, 1998 (Act 107 of 1998), regulations and all other applicable legislation;
- undertake to disclose to the applicant and the KZN Department of Economic Development, Tourism & Environmental Affairs all material information in my possession that reasonably has or may have the potential of influencing its decision with respect to this application;
- will ensure that information containing all reports in respect of this application is distributed or made available to interested and affected parties and that their participation is facilitated in such a manner that they will be provided with a reasonable opportunity to participate and provide comments on the reports;
- will provide the competent authority with access to all information at my disposal regarding this application, whether such information is favourable to the applicant or not;
- declare that all the particulars furnished by me in this form are true and correct;
- I am aware that a person is guilty of an offence in terms of Regulation 48 (1) of the EIA Regulations, 2014, if that person provides incorrect or misleading information. A person who is convicted of an offence in terms of sub-regulation 48(1) (a)-(e) is liable to the penalties as contemplated in section 49B(1) of the National Environmental Management Act, 1998 (Act 107 of 1998); and
- I will comply with all the requirements as indicated in the National Environmental Management Act, 1998 (Act 107 of 1998) and Environmental Impact Assessment Regulations, 2014.



\_\_\_\_\_  
Signature of the environmental assessment practitioner

\_\_\_\_\_  
The Independent Environmental Advisor cc \_\_\_\_\_  
Trading name

\_\_\_\_\_  
28 February 2018  
Date