



**APPLICATION FORM FOR THE REGULARISATION OF UNLAWFUL COMMENCEMENT OR CONTINUATION OF A LISTED ACTIVITY OR WASTE MANAGEMENT ACTIVITY IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), AS AMENDED**

OB Number  
ED Number  
File Reference Number:  
NEAS Reference Number:  
Date Received:

(For official use only)


**PROJECT TITLE**

**Rectification of unlawful clearance of indigenous vegetation on Erf 1216 Sea Vista, St Francis Bay, Kouga Municipality, Eastern Cape**

**Kindly note that:**

1. This application form must be completed for all applications in terms of S24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.
2. It is the responsibility of the Applicant / Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the application form have been published or produced by the relevant competent authority.
3. This application form is structured as follows:

**PART 1**

Section A: Application Information  
Section B: Activity Information  
Section C: Proposed Public Participation Process  
Section D: Appendices

**PART 2**

Section A: Directive  
Section B: Deferral  
Section C: Quantum of the fine

**PART 3**

Section A: Declaration by applicant.  
Section B: Declaration by EAP

4. An independent EAP must be appointed to complete Part 2 Section C.1 of the application form on behalf of the applicant. The applicant or the appointed EAP must complete Part 1 and the remainder of Part 2. Both the EAP and Applicant must complete and sign the applicable declarations in Part 3.
5. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extends as each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g. Arial 10).
6. The use of “*not applicable*” in the application form must be done with circumspection.
7. No faxed or e-mailed applications will be accepted unless agreed to with the Department where circumstances prevent the submission of physical documents. This application form must be submitted by hand or mailed to the relevant competent authority.
8. Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. Upon request, any interested and affected party must be provided with the information contained in and attached to this application form.
9. This application form constitutes the initiation of the S24G application process.

Kindly note further that:

10. Section 24G of the NEMA, without affecting any criminal liability of a person who has acted in contravention of the above, makes provision for that person to submit an application to the relevant MEC/Minister, which, if successful, will enable that person lawfully to continue with the listed activity and/or legalise an otherwise unlawful structure.
11. Before the Minister/MEC may take a decision in respect of the application, the applicant is required to pay an appropriate administrative fine, determined by the competent authority, which fine may not exceed five million Rand (R 5 000 000.00) per listed activity unlawfully commenced or per application where the activities are interrelated.
12. It is the responsibility of the applicant to familiarise himself/herself/itself with all the possible consequences associated with the submission of this application including, but not limited to, the following:
  - This application (including a positive decision in respect hereof) in no way affects any criminal liability that the applicant may have incurred in respect of the activities which were commenced, undertaken and/or conducted unlawfully as listed in paragraph 1 above, and in respect of which this application relates.
  - The processing of this application may be deferred pending the outcome of criminal proceedings, should criminal proceedings be instituted against the applicant in respect of the abovementioned activities; or where criminal proceedings are pending against the applicant in respect of a similar contravention of section 24F of NEMA or section 20(b) of NEM:WA.
  - Before the competent authority may take a decision on the application, an administrative fine determined by the competent authority must be paid, in full, by the applicant.
  - That neither the submission of this application, nor the payment of the administrative fine implies that authorisation will be issued for the continuation of an activity/activities that commenced, undertaken and/or conducted unlawfully. This decision will depend on the merits of the application itself.
13. Activities which result in detrimental impacts to the environment are considered in a serious light by the competent authority and accordingly applicants must understand that by lodging an application for the continuation of an activity/ activities that commenced/ was undertaken or conducted unlawfully does not necessarily imply that the activity will be authorised. In terms of the NEMA the Minister/MEC may either refuse to issue an environmental authorisation/waste management licence; conditionally authorise the activity or direct you, the applicant, to provide further information or take further steps prior to making a decision.

**DEPARTMENTAL DETAILS**

Applications must be submitted to the Department of Economic Development Environmental Affairs and Tourism Regional Office in the applicable district where the activity, the subject of the application took place. The addresses for the Regional Offices are:

<b>Region</b>	<b>Postal</b>	<b>Physical</b>
<b>Alfred Nzo</b>	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Alfred Nzo Region P/Bag X3513 Kokstad 4700	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism 206 Magistrates Street Old College of Education Maluti
<b>Amathole</b>	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Amathole Region P/Bag X9060 East London 5200	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Alderwood House Palm Square Business Park Bonza Bay Road Beacon Bay 5241
<b>Chris Hani</b>	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Chris Hani Region P/Bag X9636 Queenstown 5320	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Komani Office Park Block E Komani Hospital Queenstown 5320
<b>Joe Gqabi</b>	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Joe Gqabi Region P/Bag X1016 Aliwal North 9750	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Old Library Building 27 Queens Terrace Aliwal North 9751
<b>OR Tambo</b>	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism OR Tambo Region P/Bag X5029 Mthatha 5099	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism 5 Floor Botha Sigcau Building Corner Owen and Leeds Street Mthatha 5099
<b>Sarah Baartman</b>	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Sarah Baartman P/Bag X5001 Greenachers 6057	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Corner Athol Fugard Terrace and Castle Hill Lane Central Port Elizabeth 6001

**PART 1 - SECTION A: APPLICATION INFORMATION****1. PROJECT DESCRIPTION**

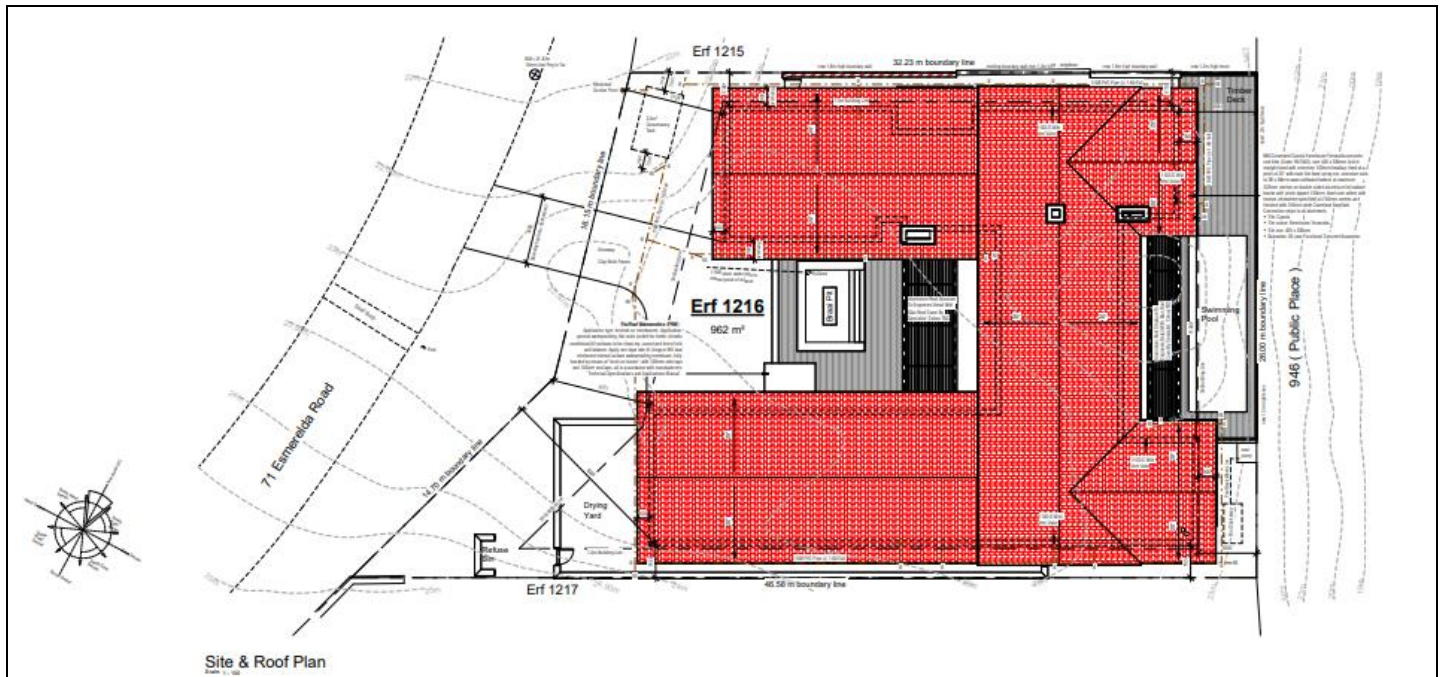
Please provide a detailed description of the project / activities undertaken

The Section 24G rectification process is for the clearing of indigenous vegetation on Erf 1216 Sea Vista, St Francis Bay, Kouga Municipality, Eastern Cape (Appendix I). Erf 1216 covers an area of approximately 985 m<sup>2</sup> and is located in a coastal dune landscape. Most properties in the area have been developed for residential dwellings, but some properties adjacent to Erf 1216 remain undeveloped and still host indigenous vegetation. Approximately 982 m<sup>2</sup> of vegetation that occurred on site was cleared for the development of a residential dwelling within 100 meters of the highwater mark of the sea. As such, a Section 24G rectification process is required for the unlawful commencement of listed activities in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989) (ECA) and the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).



**Figure 1: Clearing of vegetation on Erf 1216 Sea Vista, St Francis Bay, Kouga Municipality, Eastern Cape**

The clearing of vegetation was commenced in error as the Applicant was not aware of the Environmental Legislation at the time. This was undertaken for the construction of a double story dwelling with a footprint of 463 m<sup>2</sup> and a coverage of 48% of the property (figure 2). Access will be from Esmerelda Road and all services will be from the local municipality.



Site & Roof Plan

Figure 2: Layout of proposed dwelling.

Erf 1216 is within the urban edge and Settlement Area as per the Kouga Local Municipality SDF.

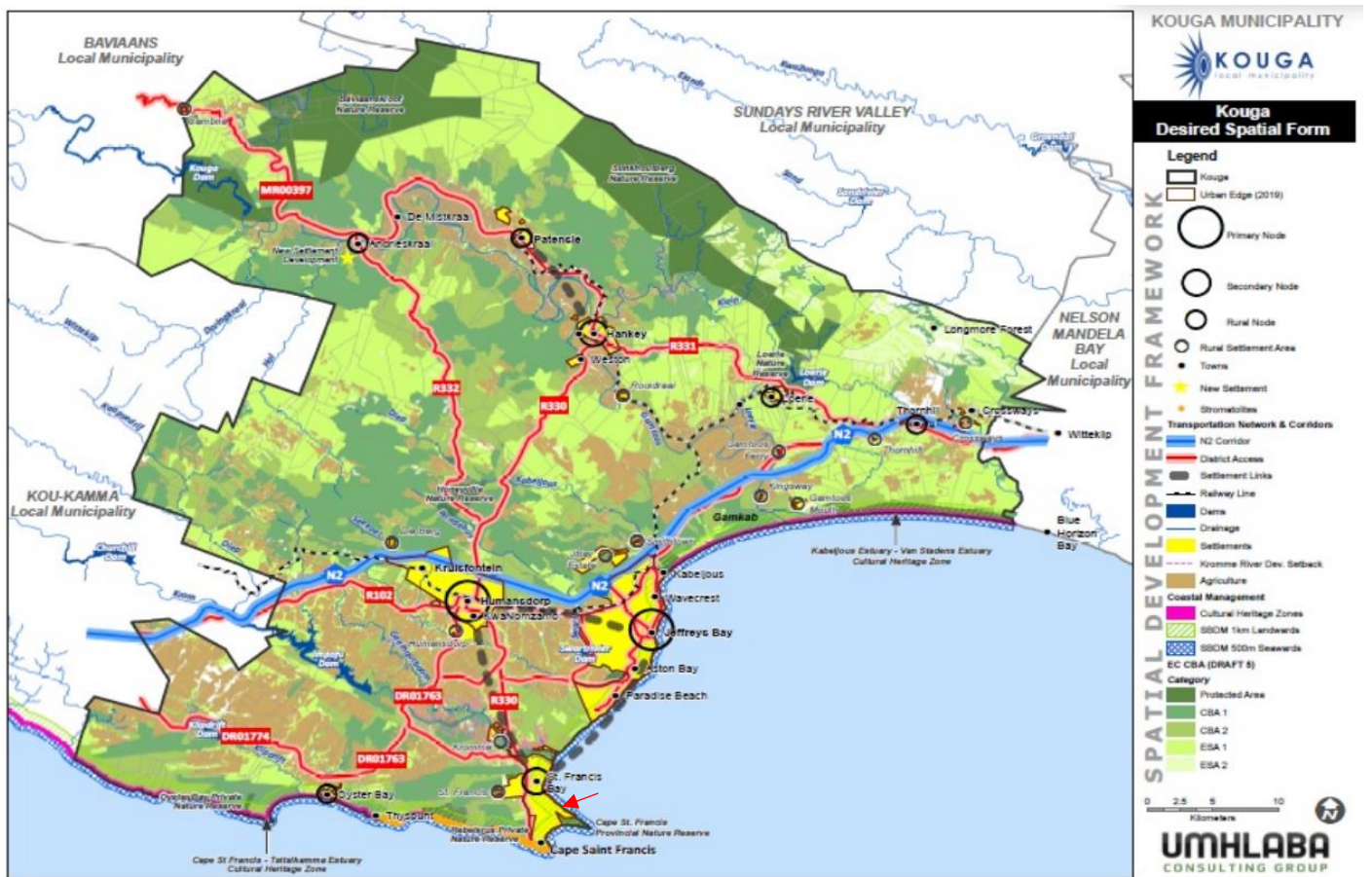


Figure 3: Kouga Local Municipality Spatial Development Framework. Erf 1216 shown by red arrow.

## Environmental Considerations

While areas of conservation importance occur in the landscape surrounding the site, none of the planning frameworks identifies Erf 1216 as a priority for regional conservation efforts. Furthermore, as much of the surrounding landscape has already been developed, the site does not play a major role in facilitating landscape connectivity<sup>1</sup>. A Critical Biodiversity Area occurs within 35 m to the northeast of the site, and Erf 1216 and its surrounds form part of the Garden Route Biodiversity Reserve. While there are several protected areas (nature reserves) in the surrounding area, none of these are in close proximity to the site with the nearest reserve occurring 880 m to the southeast.



**Figure 4: Critical Biodiversity Areas (taken from the Terrestrial Biodiversity and Plant Species Report).**

VEGMAP (SANBI 2018) identifies a single vegetation type occurring at the site, namely St Francis Dune Thicket. This vegetation type is restricted to the Eastern Cape Province where it occurs on coastal dunes from near the Tsitsikamma River Mouth (west of Oyster Bay) eastward to the Sundays River Mouth (Grobler et al., 2018). St Francis Dune Thicket comprises a mosaic of dune thicket – dominated by broad-leaved trees and shrubs – occurring in a matrix of asteraceous dune fynbos, dominated by fine-leaved, low-growing shrubs. The thicket clumps are best developed in fire-protected dune slacks, while the fynbos occurs on upper dune slopes and crests. This vegetation type, especially the fynbos component, is rich in regional and local endemic species (Cowling, 1983, 1984; Cowling et al., 2019; Grobler, 2019; Low, 2011), most of which are restricted to coastal dunes of the Cape Floristic Region (Grobler and Cowling, 2021). St Francis Dune Thicket is threatened by sand mining, invasion by alien plants and urban sprawl (coastal development). While this vegetation type is poorly

<sup>1</sup> Terrestrial Biodiversity and Plant Species Compliance Statement by Dr B. Adriaan Grobler dated 31 January 2023.

protected (Grobler et al., 2018), it is currently listed as Least Concern in terms of conservation status (SANBI, 2018b; Skowno et al., 2019).



**Figure 5: VegMap 2018 - St Francis Dune Thicket.**

VEGMAP (SANBI 2012) identified the vegetation type as Algoa Dune Strandveld (AZs 1), which is described as follows<sup>2</sup>:

**Distribution** Eastern Cape Province: Narrow coastal strip along the Indian Ocean seaboard from the mouth of the Tsitsikamma River to the Sundays River mouth.

**Vegetation & Landscape Features** Tall (up to 5 m) dense thickets on dunes mainly outside the influence of salt spray, dominated by stunted trees, shrubs (often armed with spines and thorns), abundant lianas and sparse herbaceous and grassy undergrowth.

**Geology, Soils & Hydrology** Aeolian dune sands of the Schelm Hoek Formation of the Algoa Group.

**Climate** Nonseasonal precipitation regime, with MAP approximately 680 mm, of which about 300 mm falls in summer (October–March) and 350 mm in winter (April–September). The mean daily maximum and minimum temperatures are 25.1°C and 8.3°C for February and July, respectively. See also climate diagram for AZs 1 Algoa Dune Strandveld (Figure 14.3).

<sup>2</sup> Taylor & Morris (1981), Olivier (1983), Cowling (1984), Cowling & Pierce (1985), Taylor & Boucher (1993), Vlok & Euston-Brown (2002), Vlok et al. (2003).

**Important Taxa** (S<sup>s</sup>Stunted shrubby forms of trees) Succulent Tree: *Aloe africana* (d). Succulent Shrubs: *Cotyledon velutina*, *Lycium cinereum*, *Zygophyllum morgsana*. Tall Shrubs: *Azima tetracantha* (d), *Brachylaena discolor*<sup>s</sup> (d), *Chrysanthemoides monilifera* (d), *Cussonia thyrsoflora*<sup>s</sup> (d), *Euclea racemosa* subsp. *racemosa*<sup>s</sup> (d), *Maytenus procumbens* (d), *Mystroxydon aethiopicum*<sup>s</sup> (d), *Pterocelastrus tricuspidatus*<sup>s</sup> (d), *Rhus crenata* (d), *Schotia afra* var. *afra*<sup>s</sup> (d), *Scutia myrtina*<sup>s</sup> (d), *Sideroxydon inerme*<sup>s</sup> (d), *Tarchonanthus littoralis*<sup>s</sup> (d), *Canthium spinosum*<sup>s</sup>, *Cassine peragua*<sup>s</sup>, *Dovyalis rotundifolia*<sup>s</sup>, *Euclea natalensis*<sup>s</sup>, *E. racemosa* subsp. *macrophylla*, *Grewia occidentalis*, *Gymnosporia buxifolia*, *G. capitata*, *Nylandtia spinosa*, *Olea exasperata*, *Putterlickia pyracantha*, *Rhus glauca*, *R. pterota*, *Zanthoxylum capense*<sup>s</sup>. Low Shrubs: *Carissa bispinosa* (d), *Dimorphotheca fruticosa*, *Pelargonium suburbanum* subsp. *suburbanum*, *Robsonodendron maritimum*. Succulent Woody Climber: *Sarcostemma viminalis*. Woody Climbers: *Rhoicissus digitata* (d), *Asparagus retrofractus*, *Solanum africanum*. Herbaceous Climbers: *Cynanchum natalitium* (d), *C. ellipticum*, *C. obtusifolium*, *Secamone alpini*. Succulent Herb: *Sansevieria hyacinthoides*. Graminoids: *Brachiaria chusqueoides* (d), *Panicum deustum*.

**Endemic Taxa** Succulent Shrub: *Cotyledon adscendens*. Tall Shrubs: *Gymnosporia elliptica*, *Rapanea gilliana*. Herb: *Lobelia zwartkopensis*. Geophytic Herb: *Brunsvigia littoralis*.

**Conservation** Least threatened. Target 20%. About 4% statutorily conserved in the Greater Addo Elephant National Park, Cape Recife, Sardinia Bay, The Island, Kromme River Mouth, Gamtoos River Mouth, Huisklip, Cape St Francis and Seal Point Nature Reserves as well as in the private Upe and Rebelsrus Nature Reserves, Thyspunt Natural Heritage Site and in the Seaview Game Park. More than 10% already transformed for cultivation, urban development and road building. Some of the dune systems suffer heavy infestation by *Acacia cyclops* and *A. saligna*, which are now being removed by the local Working for Water activities. Erosion very low (63%) and moderate (10%).

**Remarks** The structure and dynamics of this vegetation unit are similar to those of the thickets of FS 9 Groot Brak Dune Strandveld (). However, the present unit differs from the latter in having a richer assemblage of woody species. It is somewhat surprising that forest vegetation is not dominant in this seemingly suitable climatic regime. This is probably because the substrate consists of aeolian quaternary sands, salt-laden winds are prevalent in this region and because fires may periodically occur here (Vlok & Euston-Brown 2002).

Even though some indigenous vegetation has re-established on Erf 1216 following clearing, no Species of Conservation Concern (SCC) was recorded during the field survey for the Terrestrial Biodiversity and Plant Species study, and no SCC was recorded in any of the reference vegetation (Table 1). Recent botanical surveys in similar habitat of the surrounding area (Grobler, 2022a, 2022b) also showed that plant SCC are unlikely to occur there. As per the Terrestrial Biodiversity and Plant Species Compliance Statement, due to the high sampling effort of the field survey, it can be stated with high confidence that the site is unlikely to have hosted SCC populations before clearing took place<sup>3</sup>.





While no plant SCC were recorded during the Terrestrial Biodiversity and Plant Species study, three species protected under the Cape Environmental and Nature Conservation Ordinance (1974) and the National Forests Act (1998) occur on site: the geophyte *Chasmanthe aethiopica*, the climber *Cynanchum obtusifolium* and the shrub *Sideroxydon inerme*. All protected species occurred at low abundances, with only one or two individuals of each species recorded on site. Three alien invasive plant species, listed in terms of the

<sup>3</sup> Terrestrial Biodiversity and Plant Species Compliance Statement: Erf 1216 Sea Vista, St Francis Bay, Kouga Municipality, Eastern Cape by Dr B. Adriaan Grobler dated 31 January 2023.



Conservation of Agricultural Resources Act (1983) and National Environmental Management: Biodiversity Act (2004), were recorded on site, namely *Acacia cyclops*, *Cestrum laevigatum* and *Ricinus communis*.

**Table 1: Descriptions of current habitats on Erf 1216 (S1) and reference vegetation in the surrounding area of Sea Vista (S2–S4). Taken from the Terrestrial Biodiversity and Plant Species Compliance Statement.**

Representative site	Habitat	Likelihood of SCC	Photos
<b>S1</b> -34.176528° 24.840655°	Recently cleared dune thicket with scattered resprouting shrubs ( <i>Searsia crenata</i> , <i>Searsia glauca</i> ), weedy reseeding shrubs ( <i>Osteospermum moniliferum</i> ), and grass ( <i>Panicum maximum</i> ).	Low	
<b>S2</b> -34.176657° 24.840293°	Low dune thicket dominated by <i>Osteospermum moniliferum</i> and <i>Searsia glauca</i> . Some <i>Acacia cyclops</i> present.	Low	
<b>S3</b> -34.174065° 24.837791°	Low dune thicket dominated by <i>Osteospermum moniliferum</i> and <i>Searsia glauca</i> , scattered dune fynbos shrubs ( <i>Metasia muricata</i> , <i>Passerina rigida</i> ) present.	Low	
<b>S4</b> -34.176063° 24.838923°	Low dune thicket dominated by <i>Osteospermum moniliferum</i> and <i>Searsia glauca</i> , <i>Acacia cyclops</i> locally abundant.	Low	

Due to the historical clearance of vegetation and associated disturbance to topsoil's and the low likelihood of plant SCC occurring here, the site is of LOW sensitivity for terrestrial biodiversity and LOW sensitivity for plant species, and the clearing of vegetation likely had NO impact on threatened terrestrial biodiversity or plant SCC. Furthermore, the compliance statement is not subjected to any conditions<sup>4</sup>.

The Terrestrial Animal Species Assessment identified five SCC that could have occurred on site before vegetation clearing occurred (Table 2). However, for all the identified SCC, probability of occurrence is expected to be low, which reduces the sensitivity of the site for SCC to LOW. The low probability of occurrence reflects the low suitability of the habitat (i.e., fragmented and transformed Dune Thicket) at the site. The results indicate that animal habitats in the project area were fragmented and transformed before the unauthorised activities occurred, which reduced the suitability of the site for indigenous animal species (amphibians, reptiles, mammals, and birds) and particularly species of conservation concern. No sensitive animal habitats would have occurred in the past. This means that the present unauthorised clearing of vegetation has not affected any important animal habitats or animal communities<sup>5</sup>.

<sup>4</sup> Terrestrial Biodiversity and Plant Species Compliance Statement: Erf 1216 Sea Vista, St Francis Bay, Kouga Municipality, Eastern Cape by Dr B. Adriaan Grobler dated 31 January 2023.

<sup>5</sup> TERRESTRIAL ANIMAL SPECIES ASSESSMENT SECTION 24G RECTIFICATION PROCESS FOR THE CLEARING OF VEGETATION ON ERF 1216 IN ST FRANCIS BAY, KOUGA MUNICIPALITY, EASTERN CAPE by Dr Marietjie Landman dated February 2023.

The project area is not located in any of South Africa's Important Bird and Biodiversity Areas (Marnewick et al. 2015).

**Table 2: Animal species of conservation concern that could have occurred in the project area before vegetation clearing occurred.** Included is the expected probability of occurrence of each animal species.

Species	Common name	Conservation concern	Probability of occurrence
<b>Reptiles</b>			
<i>Acontias lineicauda</i>	Algoa legless skink	Endemic (EC)	Low
<i>Acontias orientalis</i>	Eastern Cape legless	Endemic (EC)	Low
<i>Scelotes anguineus</i>	Algoa dwarf burrowing	Endemic (EC)	Low
<b>Mammals</b>			
<i>Aonyx capensis</i>	African clawless otter	Global & SA Red List: Near Threatened	Low
<b>Birds</b>			
<i>Campethera notata</i>	Knysna woodpecker	Global & SA Red List: Near Threatened	Low

## **Impact and Risk Assessment**

Each potential environmental impact and risk identified was assessed according to specific criteria. These included the nature, extent, duration, consequence, probability and frequency of identified impacts, including the degree to which these impacts can be reversed, may cause irreplaceable loss of resources, and can be avoided, managed or mitigated. The criteria are based on the EIA Regulations, published by the Department of Forestry, Fisheries and the Environment (April 1998) in terms of the Environmental Conservation Act No. 73 of 1989. These criteria include:

### Nature of the impact

This is an estimation of the type of effect the construction, operation and maintenance of a development will have on the affected environment. This description should include what is to be affected and how.

### Extent of the impact

Describe whether the impact will be: local extending only as far as the development site area; or limited to the site and its immediate surroundings; or will have an impact on the region or will have an impact on a national scale or across international borders.

### Duration of the impact

The specialist should indicate whether the lifespan of the impact would be short term (0-5 years), medium term (5-15 years), long term (16-30 years) or permanent.

### Intensity

The specialist should establish whether the impact is destructive or benign and should be qualified as low, medium or high. The specialist study must attempt to quantify the magnitude of the impacts and outline the rationale used.

### Probability of occurrence

The specialist should describe the probability of the impact actually occurring and should be described improbable/unlikely (low likelihood), probable (distinct possibility), highly probable (most likely) or definite (impact will occur regardless of any prevention measures).

### Reversibility

- Completely reversible – the impact can be reversed with the implementation of minor mitigation measures.
- Partly reversible – the impact is reversible but more intense mitigation measures are required
- Barely reversible – the impact is unlikely to be reversed even with intense mitigation measures
- Irreversible – the impact is irreversible, and no mitigation measures exist

### Irreplaceable loss of resources

Describes the degree to which resources will be irreplaceably lost due to the proposed activity. It can be no loss of resources, marginal loss, significant loss or complete loss of resources.

### Cumulative effect

An effect which in itself may not be significant but may become significant if added to other existing or potential impacts that may result from activities associated with the proposed development. The cumulative effect can be:

- Negligible – the impact would result in negligible to no cumulative effect
- Low – the impact would result in insignificant cumulative effects
- Medium – the impact would result in minor cumulative effects
- High – the impact would result in significant cumulative effects

### Significance

Significance of impacts are determined through a synthesis of the assessment criteria and is described as –

- Low negative – where it would have negligible effects and would require little or no mitigation
- Low positive – the impact will have minor positive effects
- Medium negative – the impact will have moderate negative effects and will require moderate mitigation
- Medium positive – the impact will have moderate positive effects
- High negative – the impact will have significant effects and will require significant mitigation measures to achieve an accepted level of impact
- High positive – the impact will have significant positive effects
- Very high negative – the impact will have highly significant effects and are unlikely to be able to be mitigated adequately
- High positive – the impact will have highly significant positive effects.

## Impacts foreseen during the construction phase:

Project Phase	Construction			
Impact	<b>Clearance of vegetation for the construction of the dwelling and associated infrastructure</b>			
Description of impact	Loss of sensitive coastal vegetation, habitat loss for terrestrial wildlife, mortalities to various species unable to evade the disturbance, loss of viable propagules, fragmentation of ecological infrastructure			
Mitigable	Medium	Mitigation exists and will notably reduce significance of impacts		
Potential mitigation	<ul style="list-style-type: none"> <li>- In accordance with the ENCO, a permit for the destruction of specimens of <i>C. obtusifolium</i> and <i>M. aitonis</i> must be procured from the Province of the Eastern Cape: Department of Economic Development, Environmental Affairs and Tourism before construction commences.</li> <li>- Disturbance to intact vegetation and re-established vegetation must be restricted by demarcating those areas that will be cleared during construction, including lay-down and stockpile areas.</li> <li>- Lay-down areas should be contained within the planned clearance areas and should not be placed in the surrounding intact vegetation.</li> <li>- All construction personnel active on site must be notified of the importance of avoiding disturbance to intact vegetation outside of demarcated clearance areas.</li> <li>- Any AIP material removed during clearing of the development footprints must be removed from the site and destroyed so that re-establishment on site is avoided.</li> </ul>			
Assessment	Without mitigation		With mitigation	
Nature	Negative		Low negative	
Duration	Permanent	Impact may be permanent, or in excess of 20 years	Permanent	Impact may be permanent, or in excess of 20 years
Extent	Limited	Limited to the site and its immediate surroundings	Limited	Limited to the site and its immediate surroundings
Intensity	Low	Natural and/or social functions and/or processes are somewhat altered	Very low	Natural and/or social functions and/or processes are slightly altered
Probability	Certain / Definite	There are sound scientific reasons to expect that the impact will definitely occur	Certain / Definite	There are sound scientific reasons to expect that the impact will definitely occur
Confidence	High	Substantive supportive data exists to verify the assessment	High	Substantive supportive data exists to verify the assessment
Reversibility	Low	The affected environment will not be able to recover from the impact - permanently modified	Medium	The affected environment will only recover from the impact with significant intervention
Resource irreplaceability	Medium	The resource is damaged irreparably but is represented elsewhere	Low	The resource is not damaged irreparably or is not scarce
Significance	<b>Minor - negative</b>		<b>Negligible - negative</b>	
Comment on significance	Due to the historical clearance of vegetation and associated disturbance to topsoil's and the low likelihood of plant SCC occurring here, the site is of <b>LOW</b> sensitivity for terrestrial biodiversity and <b>LOW</b> sensitivity for plant species, and the clearing of vegetation likely had NO impact on threatened terrestrial biodiversity or plant SCC.			
Cumulative impacts	The impact would result in insignificant cumulative effects			

<b>Project Phase</b>	<b>Construction</b>			
<b>Impact</b>	<b>Landscape Connectivity</b>			
<b>Description of impact</b>	Cut-off of natural dispersal and foraging movement by animals, impacts on suitable link or important corridor, fragmentation of ecological infrastructure			
<b>Mitigable</b>	Low	Mitigation will slightly reduce the significance of impacts		
<b>Potential mitigation</b>	<ul style="list-style-type: none"> <li>- The regrowth of alien invasive plants should be monitored, and any such species should be removed on an ongoing basis.</li> <li>- Runoff from any areas should be managed to prevent soil erosion.</li> </ul>			
<b>Assessment</b>	<b>Without mitigation</b>		<b>With mitigation</b>	
<b>Nature</b>	Negative		Low negative	
<b>Duration</b>	Permanent	Impact may be permanent, or in excess of 20 years	Permanent	Impact may be permanent, or in excess of 20 years
<b>Extent</b>	Limited	Limited to the site and its immediate surroundings	Limited	Limited to the site and its immediate surroundings
<b>Intensity</b>	Low	Natural and/or social functions and/or processes are somewhat altered	Very low	Natural and/or social functions and/or processes are slightly altered
<b>Probability</b>	Probable	Has occurred here or elsewhere and could therefore occur	Rare / improbable	Conceivable, but only in extreme circumstances, and/or might occur for this project although this has rarely been known to result elsewhere
<b>Confidence</b>	High	Substantive supportive data exists to verify the assessment	High	Substantive supportive data exists to verify the assessment
<b>Reversibility</b>	Low	The affected environment will not be able to recover from the impact - permanently modified	Medium	The affected environment will only recover from the impact with significant intervention
<b>Resource irreplaceability</b>	Low	The resource is not damaged irreparably or is not scarce	Low	The resource is not damaged irreparably or is not scarce
<b>Significance</b>	<b>Minor - negative</b>		<b>Negligible - negative</b>	
<b>Comment on significance</b>	No sensitive animal habitats would have occurred in the past. This means that the present unauthorised clearing of vegetation has not affected any important animal habitats or animal communities. With mitigation measures in place the significance of the vegetation clearing impacts could be considered to be <b>LOW</b> .			
<b>Cumulative impacts</b>	The impact would result in insignificant cumulative effects			

<b>Project Phase</b>	<b>Construction</b>			
<b>Impact</b>	Disturbance / removal of topsoil			
<b>Description of impact</b>	Disturbance of topsoil caused by vegetation clearing and construction activities, increasing potential for erosion and compaction of soils.			
<b>Mitigable</b>	High	Mitigation exists and will considerably reduce significance of impacts		
<b>Potential mitigation</b>	<ul style="list-style-type: none"> <li>- The stockpiling of topsoil for use in rehabilitation is required. Stockpiling areas must be within the disturbance footprint.</li> <li>- Stockpiles must not exceed 1.5m in height, must be covered with shade cloth or similar, to prevent erosion and any invasive alien species that begin to grow within it must be removed.</li> <li>- Control runoff from stockpiles.</li> </ul>			

	– Limit construction activities to demarcated construction areas to prevent tramping and compaction to the surrounding environment.			
<b>Assessment</b>	<b>Without mitigation</b>		<b>With mitigation</b>	
<b>Nature</b>	Negative		Low negative	
<b>Duration</b>	Short term	Impact will last between 1 and 5 years	Brief	Impact will not last longer than 1 year
<b>Extent</b>	Very limited	Limited to the site and its immediate surroundings	Very limited	Limited to the site and its immediate surroundings
<b>Intensity</b>	Low	Natural and/or social functions and/or processes are somewhat altered	Very low	Natural and/or social functions and/or processes are slightly altered
<b>Probability</b>	Likely	The impact may occur	Rare / improbable	Conceivable, but only in extreme circumstances, and/or might occur for this project although this has rarely been known to result elsewhere
<b>Confidence</b>	Medium	Determination is based on common sense and general knowledge	Medium	Determination is based on common sense and general knowledge
<b>Reversibility</b>	High	The affected environmental will be able to recover from the impact	High	The affected environmental will be able to recover from the impact
<b>Resource irreplaceability</b>	Low	The resource is not damaged irreparably or is not scarce	Low	The resource is not damaged irreparably or is not scarce
<b>Significance</b>	<b>Negligible - negative</b>		<b>Negligible - negative</b>	
<b>Comment on significance</b>	Prevent loss of valuable topsoil.			
<b>Cumulative impacts</b>	The impact would result in insignificant cumulative effects.			

<b>Project Phase</b>	<b>Construction</b>			
<b>Impact</b>	Stormwater runoff			
<b>Description of impact</b>	Reduce concentrations of flow into areas susceptible to erosion and prevent pollutants and sedimentations from entering natural areas.			
<b>Mitigable</b>	High	Mitigation exists and will considerably reduce significance of impacts		
<b>Potential mitigation</b>	<ul style="list-style-type: none"> <li>– Runoff from any areas should be managed to prevent soil erosion.</li> <li>– Disturbance to intact vegetation must be restricted by demarcating those areas that will be cleared during construction, including lay-down and stockpile areas, personnel rest areas and site offices.</li> <li>– Wind erosion should be limited by using mesh netting set up around any cleared footprints as soon as clearing has taken place.</li> <li>– Stormwater runoff must be directed into channels during the earthworks phase in a controlled manner that does not cause erosion. The use of temporary erosion control measures such as sandbags should be used where necessary.</li> <li>– All temporary erosion and sediment control measures must be monitored for the duration of the construction phase and repaired immediately when damaged.</li> <li>– No overburden or rubble should be allowed to spill downslope into the Public Place. This can be achieved by setting up netting at the top of the slope</li> </ul>			
<b>Assessment</b>	<b>Without mitigation</b>		<b>With mitigation</b>	
<b>Nature</b>	Negative		Low negative	

<b>Duration</b>	Short term	Impact will last between 1 and 5 years	Brief	Impact will not last longer than 1 year
<b>Extent</b>	Very limited	Limited to the site and its immediate surroundings	Very limited	Limited to the site and its immediate surroundings
<b>Intensity</b>	Low	Natural and/or social functions and/or processes are somewhat altered	Very low	Natural and/or social functions and/or processes are slightly altered
<b>Probability</b>	Likely	The impact may occur	Rare / improbable	Conceivable, but only in extreme circumstances, and/or might occur for this project although this has rarely been known to result elsewhere
<b>Confidence</b>	Medium	Determination is based on common sense and general knowledge	Medium	Determination is based on common sense and general knowledge
<b>Reversibility</b>	High	The affected environmental will be able to recover from the impact	High	The affected environmental will be able to recover from the impact
<b>Resource irreplaceability</b>	Low	The resource is not damaged irreparably or is not scarce	Low	The resource is not damaged irreparably or is not scarce
<b>Significance</b>	<b>Negligible - negative</b>		<b>Negligible - negative</b>	
<b>Comment on significance</b>				
<b>Cumulative impacts</b>	The impact would result in insignificant cumulative effects.			

<b>Project Phase</b>	<b>Construction</b>			
<b>Impact</b>	<b>Noise pollution</b>			
<b>Description of impact</b>	Noise caused by machinery and staff			
<b>Mitigable</b>	Low	Mitigation does not exist; or mitigation will slightly reduce the significance of impacts		
<b>Potential mitigation</b>	<ul style="list-style-type: none"> <li>• Construction activities must only take place during normal working times between 07:00-17:00 on weekdays.</li> <li>• Machinery may be fitted with silences to dampen noise.</li> <li>• Staff must be reminded that they are working within a residential area and noise levels must be kept low.</li> </ul>			
<b>Assessment</b>	<b>Without mitigation</b>		<b>With mitigation</b>	
<b>Nature</b>	Negative		Negative	
<b>Duration</b>	Brief	Impact will not last longer than 1 year	Brief	Impact will not last longer than 1 year
<b>Extent</b>	Limited	Limited to the site and its immediate surroundings	Limited	Limited to the site and its immediate surroundings
<b>Intensity</b>	Very low	Natural and/ or social functions and/ or processes are slightly altered	Negligible	Natural and/ or social functions and/ or processes are negligibly altered
<b>Probability</b>	Almost certain / Highly probable	It is most likely that the impact will occur	Almost certain /	It is most likely that the impact will occur

			Highly probable	
<b>Confidence</b>	Medium	Determination is based on common sense and general knowledge	Medium	Determination is based on common sense and general knowledge
<b>Reversibility</b>	High	The affected environmental will be able to recover from the impact	High	The affected environmental will be able to recover from the impact
<b>Resource irreplaceability</b>	Not relevant		Not relevant	
<b>Significance</b>	<b>Minor - negative</b>		<b>Negligible - negative</b>	
<b>Comment on significance</b>	Some extent of noise pollution during construction is expected; however, with mitigation the impact will be reduced.			
<b>Cumulative impacts</b>	No cumulative impacts exist.			

<b>Project Phase</b>	<b>Construction</b>			
<b>Impact</b>	<b>Visual impact</b>			
<b>Description of impact</b>	Visual & aesthetic consequences of the proposed project			
<b>Mitigable</b>	Medium	Mitigation exists and will notably reduce significance of impacts		
<b>Potential mitigation</b>	<ul style="list-style-type: none"> <li>- Necessary measures will be implemented during the construction phase to protect the natural vegetation, to control the noise, dust and visual intrusion.</li> <li>- Shade cloth must be used to create a site boundary during construction.</li> <li>- The site must remain neat and tidy at all times.</li> </ul>			
<b>Assessment</b>	<b>Without mitigation</b>		<b>With mitigation</b>	
<b>Nature</b>	Negative		Negative	
<b>Duration</b>	Short term	Impact will last between 1 and 5 years	Short term	Impact will last between 1 and 5 years
<b>Extent</b>	Limited	Limited to the site and its immediate surroundings	Limited	Limited to the site and its immediate surroundings
<b>Intensity</b>	Low	Natural and/ or social functions and/ or processes are somewhat altered	Very low	Natural and/or social functions and/or processes are slightly altered
<b>Probability</b>	Certain / Definite	There are sound scientific reasons to expect that the impact will definitely occur	Likely	The impact may occur
<b>Confidence</b>	High	Substantive supportive data exists to verify the assessment	High	Substantive supportive data exists to verify the assessment
<b>Reversibility</b>	Medium	The affected environment will only recover from the impact with significant intervention	High	The affected environmental will be able to recover from the impact
<b>Resource irreplaceability</b>	Not relevant		Not relevant	
<b>Significance</b>	<b>Minor - negative</b>		<b>Negligible - negative</b>	



<b>Comment on significance</b>	Due to the proposed dwelling being surrounded by already existing dwellings, there is little to be done to mitigate against visual pollution.
<b>Cumulative impacts</b>	No cumulative impacts exist.

<b>Project Phase</b>	<b>Construction</b>			
<b>Impact</b>	<b>Employment</b>			
<b>Description of impact</b>	Empowerment of the local community members living in the area relating to temporary employment opportunities			
<b>Mitigable</b>	Medium	Mitigation only exists to ensure that the positive impact is followed through.		
<b>Potential mitigation</b>	<ul style="list-style-type: none"> <li>Use existing social structures and communication channels to ensure social representation.</li> <li>Use local labour and source local materials as far as possible.</li> </ul>			
<b>Assessment</b>	<b>Without mitigation</b>		<b>With mitigation</b>	
<b>Nature</b>	Negative		Positive	
<b>Duration</b>	Short term	Impact will last between 1 and 5 years	Short term	Impact will last between 1 and 5 years
<b>Extent</b>	Local	Extending across the site and to nearby settlements	Local	Extending across the site and to nearby settlements
<b>Intensity</b>	Low	Natural and/ or social functions and/ or processes are somewhat altered	Low	Natural and/ or social functions and/ or processes are somewhat altered
<b>Probability</b>	Rare / improbable	Conceivable, but only in extreme circumstances, and/or might occur for this project although this has rarely been known to result elsewhere	Almost certain / Highly probable	It is most likely that the impact will occur
<b>Confidence</b>	Medium	Determination is based on common sense and general knowledge	Medium	Determination is based on common sense and general knowledge
<b>Reversibility</b>	Not relevant		Not relevant	
<b>Resource irreplaceability</b>	Not relevant		Not relevant	
<b>Significance</b>	<b>Negligible - negative</b>		<b>Negligible - positive</b>	
<b>Comment on significance</b>	Due to the proposed development being on a small-scale, there is a low difference in impacts between without mitigation and with mitigation. However, as the impact would be positive for the local community to be employed during construction, mitigation is recommended to ensure this occurs.			
<b>Cumulative impacts</b>	Minor upliftment for the local community.			

**Impacts foreseen during the operational phase:**

<b>Project Phase</b>	<b>Operation</b>			
<b>Impact</b>	<b>Stormwater Management</b>			
<b>Description of impact</b>	Accelerated erosion / pollution into natural areas.			
<b>Mitigable</b>	High	Mitigation exists and will considerably reduce the significance of impacts		
<b>Potential mitigation</b>	<ul style="list-style-type: none"> <li>• A stormwater drainage system should lead run-off water away from sensitive areas, in order to prevent any soil erosion.</li> <li>• Use rainwater collection tanks to serve as a retention vessel in downpours.</li> <li>• Driveways can be constructed from grass blocks to allow for effective retarding of surface flow and facilitate percolation.</li> </ul>			
<b>Assessment</b>	<b>Without mitigation</b>		<b>With mitigation</b>	
<b>Nature</b>	Negative		Low Negative	
<b>Duration</b>	Short term	Impact will last between 1 and 5 years	Brief	Impact will not last longer than 1 year
<b>Extent</b>	Limited	Limited to the site and its immediate surroundings	Very limited	Limited to specific isolated parts of the site
<b>Intensity</b>	Low	Natural and/or social functions and/or processes are somewhat altered	Very low	Natural and/ or social functions and/ or processes are slightly altered
<b>Probability</b>	Almost certain	It is most likely that the impact will occur	Rare / improbable	Conceivable, but only in extreme circumstances, and/or might occur for this project although this has rarely been known to result elsewhere
<b>Confidence</b>	Medium	Determination is based on common sense and general knowledge	Medium	Determination is based on common sense and general knowledge
<b>Reversibility</b>	Medium	The affected environment will only recover from the impact with significant intervention	High	The affected environmental will be able to recover from the impact
<b>Resource irreplaceability</b>	Low	The resource is not damaged irreparably or is not scarce	Low	The resource is not damaged irreparably or is not scarce
<b>Significance</b>	<b>Negligible - negative</b>		<b>Minor - negative</b>	
<b>Comment on significance</b>				
<b>Cumulative impacts</b>	Without mitigation this impact could result in potential erosion downhill of the site caused by stormwater flow.			

<b>Project Phase</b>	<b>Operation</b>			
<b>Impact</b>	<b>Eradication of Alien Vegetation</b>			
<b>Description of impact</b>	Impacts on biodiversity / natural habitats / increased fire risk			
<b>Mitigable</b>	High	Mitigation exists and will considerably reduce significance of impacts		
<b>Potential mitigation</b>	<ul style="list-style-type: none"> <li>• In accordance with the National Environmental Management: Biodiversity Act (2004) (NEMBA), the Category 1b alien invasive plants <i>A. cyclops</i> and <i>C. laevigatum</i> must be eradicated from the site and a plan for their ongoing control</li> </ul>			

	<p>should be included in the environmental management plan of the development. Similar action is recommended for the Category 2 invader <i>R. communis</i>.</p> <ul style="list-style-type: none"> <li>• All invasive alien plants should be completely cleared from the property, and where a tree or bush cover is desired, replaced with suitable indigenous species.</li> <li>• Minimise disturbance to the natural vegetation using low impact manual labour techniques.</li> <li>• Reduce fire hazard on site</li> </ul>			
<b>Assessment</b>	<b>Without mitigation</b>		<b>With mitigation</b>	
<b>Nature</b>	Negative		Positive	
<b>Duration</b>	Permanent	Impact may be permanent, or in excess of 20 years	Permanent	Impact may be permanent, or in excess of 20 years
<b>Extent</b>	Limited	Limited to the site and its immediate surroundings	Limited	Limited to the site and its immediate surroundings
<b>Intensity</b>	Low	Natural and/or social functions and/or processes are somewhat altered	Low	Natural and/or social functions and/or processes are somewhat altered
<b>Probability</b>	Almost certain	It is most likely that the impact will occur	Almost certain	It is most likely that the impact will occur
<b>Confidence</b>	Medium	Determination is based on common sense and general knowledge	Medium	Determination is based on common sense and general knowledge
<b>Reversibility</b>	Medium	The affected environment will only recover from the impact with significant intervention	High	The affected environment will be able to recover from the impact
<b>Resource irreplaceability</b>	Not relevant		Not relevant	
<b>Significance</b>	<b>Minor - negative</b>		<b>Minor - positive</b>	
<b>Comment on significance</b>	Three alien invasive plant species, listed in terms of the Conservation of Agricultural Resources Act (1983) and National Environmental Management: Biodiversity Act (2004), were recorded on site, namely <i>Acacia cyclops</i> , <i>Cestrum laevigatum</i> and <i>Ricinus communis</i> .			
<b>Cumulative impacts</b>	Without mitigation the development would not be meeting design guidelines enforced by the municipality. Specifically design guidelines for the local area.			

## 2. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

2.1	The applicant is an individual	<input type="checkbox"/>	NO
2.2	The applicant is a company	<input checked="" type="checkbox"/>	YES
2.3	The applicant is a government department, state-owned enterprise or municipality	<input type="checkbox"/>	NO
2.4	Other (specify)	<input type="checkbox"/>	NO
2.5	There is more than one individual / company responsible for the unlawful commencement of listed activities / listed waste management activities.	<input type="checkbox"/>	NO

Name of Project applicant:	Birdman Investments (Pty) Limited												
RSA Identity number:	8	3	0	8	0	6	5	0	6	5	0	8	7
Contact person:	Thomas James Bemelman												
Position in company	Director												
Registered Name of Company/ Closed Corporation	Birdman Investments (Pty) Limited												
Trading name (if any):													
Registration number	2012/182110/07												
Postal address:	25 5 <sup>th</sup> road Hyde Park												
	JHB					Postal code:		2196					
Telephone:	( )					Cell:		0824960702					
E-mail:	Thomas@blackstar.eu					Fax:		( )					
<b>Please Note:</b> In instances where there is more than one individual / company responsible for the unlawful commencement of listed activities / waste management activities, please attach a list of with all contact details as Annexure A.													

Environmental Assessment Practitioner (EAP):	Eco Route Environmental Consultancy												
Contact person:	Janet Ebersohn												
Postal address:	PO Box 1252												
	Sedgefield					Postal code:		6573					
Telephone:	( )					Cell:		082 557 7122					
E-mail:	janet@ecoroute.co.za					Fax:		( )					
EAP Qualifications	Bsc.Hons Environmental Management												
EAP Registrations/Associations	EAPASA:2019/1286												

Name of Landowner(s):	Birdman Investments (Pty) Limited												
Contact person(s):	Thomas Bemelman												
Postal address:	25 5 <sup>th</sup> Road Hyde Park												
	JHB					Postal code:		2196					
Telephone:	( )					Cell:		0824960702					
E-mail:	Thomas@blackstar.eu					Fax:		( )					

**Please Note:** In instances where there is more than one landowner, please attach a list of landowners with their contact details as Annexure B.

Owners consent:	<b>Letters of consent from all landowners where the transgressor/s is not the landowner, or a detailed explanation by the applicant explaining why such letters of consent are not furnished must be attached to the application form as Annexure C.</b>					
Municipality in whose area of jurisdiction the activity falls:						
Contact person:						
Postal address:						
Telephone	( )	Postal code:				
E-mail:		Cell:				
		Fax:	( )			
<b>Please Note:</b> In instances where there is more than one Municipality involved, please attach a list of Municipalities with their contact details as Annexure D						
Property location:	Sea Vista, St Francis Bay, Kouga Municipality, Eastern Cape					
Farm/Erf name & number (incl. portion):	Erf 1216					
SG21 Digit code:	C03400140000121 600000					
Co-ordinates:	Latitude (S):			Longitude (E):		
	-34°	10'	35.598"	24°	50'	26.38"
<b>Please Note:</b> Where there is more than one property involved (e.g. linear activities), attach a list of property descriptions as Annexure E.  Indicate the position of the activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates must be in degrees, minutes and seconds. The minutes must be given to at least three decimals to ensure adequate accuracy. The EAP is required to contact the relevant competent authority with regards to the projection that must be used.						
Street address:	71 Esmaralda Road					
Magisterial District or Town:	St Francis Bay					
<b>Please Note:</b> In instances where there is more than one town or district involved, please attach a list of towns or districts as well as complete physical address information for the entire area as Annexure F.						
Closest City/Town:	St Francis Bay	Distance	0 Km			
Zoning of Property:	Residential					
<b>Please Note:</b> In instances where there is more than one zoning, please attach a map clearly indicating the zoning of the different portions as Annexure G.						
Was a rezoning application required?						NO
Was a consent use application required?						NO
<b>Please Note:</b> Where planning approvals have been granted please attach the relevant approvals as Annexure H.						

**2. APPLICATION HISTORY**

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

Has any national, provincial or local authority considered any development / waste management applications on the property previously?		No
If so, please give a brief description of the type and/or nature of the application/s: (In instances where there were more than one application, please provide a complete list below of these applications)		
N/A		
Which authority considered the application(s):		
N/A		
Has any one of the previous application/s on the property been approved or rejected? If so provide a list of the successful and unsuccessful application/s and the reasons for decision/s.		No
N/A		
Provide detail on the period of validity of decision(s) and expiry dates of the above applications / licences etc.		
N/A		

I hereby apply in terms of Section 24G of the National Environmental Management Act (Act no 107 of 1998 as amended) for the regularisation of the unlawful commencement or continuation of the listed activity(ies) in Section B of the application form:


Applicant (Full names) Thomas Bemelman

Signature: 

Place: Hyde Park

Date: 08/03/2023

EAP (Full names) **Janet Ebersohn**

Signature: 

Place: **Sedgefield**

Date: **08/03/2023**

**PART 1 - SECTION B: ACTIVITY INFORMATION**

**1. ACTIVITIES APPLIED FOR:**

Applicants and EAPS are strongly advised to discuss the merits of a combined application (*if deemed applicable*) with the relevant competent authority prior to the completion of this application form and submission thereof.

The relevant competent authority will use its discretion in deciding to allow the submission of a single application for more than one NEMA section 24F(1) and / or NEM:WA section 20(b) contravention on one site.

All potential listed activities / waste management activities associated with the site must be indicated below. Only those activities for which the applicant applies will be considered.

The onus is on the applicant to ensure that all the applicable listed activities are included in the application.

**Listed activities applied for. Identify the relevant listed activities applied for below:**

<b>ECA EIA Contraventions : Between 08 September 1997 end of day 09 May 2002</b>	
Activities unlawfully commenced with on or after 08 September 1997 and before end 09 May 2002: EIA Regulations promulgated in terms of the ECA, Act No 73 of 1989, as amended	
Listed Activity(ies)	Details of Activity(ies)

<b>ECA EIA Contraventions : Between 10 May 2002 and before end of day 02 July 2006</b>	
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA Regulations promulgated in terms of the ECA, Act No 73 of 1989, as amended	
Listed Activity(ies)	Details of Activity(ies)

<b>NEMA EIA Contraventions : Between 03 July 2006 and before end of day 01 August 2010</b>	

Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after 03 July 2006 and before end of day 01 August 2010	
Government Notice No. R386 Activity No(s):	Details of Activity(ies) requiring Basic Assessment
Government Notice No. R387 Activity No(s):	Details of Activity(ies) requiring a Scoping Report and EIA

<b>NEMA EIA Contraventions : On or after 02 August 2010 until 7 December 2014</b>	
Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after 02 August 2010 until 7 December 2014	
Government Notice No. R544 Activity No(s):	Details of Activity(ies) requiring Basic Assessment
Government Notice No. R545 Activity No(s):	Details of Activity(ies) requiring a Scoping Report and EIA
Government Notice No. R546 Activity No(s):	Details of Activity(ies) requiring S&EIR

<b>NEMA EIA Contraventions : On or after 8 December 2014 up to 6 April 2017</b>	
Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after 8 December 2014 to 7 April 2017	
Government Notice No. R983 Activity No(s):	Details of Activity(ies) requiring Basic Assessment
Government Notice No. R984 Activity No(s):	Details of Activity(ies) requiring a Scoping Report
Government Notice No. R985 Activity No(s):	Details of Activity(ies) requiring Environmental Impact Assessment Report

<b>NEMA EIA Contraventions : On or after 7 April 2017</b>	
Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after 7 April 2017	
Government Notice No. R327 Activity No(s):	Details of Activity(ies) requiring Basic Assessment
<p><b>19A.</b>  <b>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</b></p> <p>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater.</p>	<p>Although the Applicant has not yet commenced with excavation, the proposed dwelling will require excavation for foundations and some infilling to level the site (Appendix J). This will amount to more than 5 cubic meters within 100 metres inland of the high-water mark of the sea.</p>



Government Notice No. R325 Activity No(s):	Details of Activity(ies) requiring a Scoping Report
N/A	
Government Notice No. R324 Activity No(s):	Details of Activity(ies) requiring Environmental Impact Assessment Report
<b>12.</b> <b>The clearance of an area of 300 square metres or more of indigenous vegetation.</b>  <b>i. Western Cape</b> (iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;.	Approximately 982 m <sup>2</sup> of vegetation that occurred on site was cleared for the development of a residential dwelling within 100 meters of the high water mark of the sea.

Waste Management Activities Contraventions: On or after 3 July 2007 up to end of day 28 November 2013	
Activities unlawfully commenced with in terms of GNR 718 of 3 July 2009 published under the National Environmental Management Waste Act 59 of 2008	
Listed Activity(ies)	Details of Activity(ies)
N/A	

Waste Management Activities Contraventions : On or after 29 November 2013	
Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 published under the National Environmental Management Waste Act 59 of 2008	
Listed Activity(ies)	Details of Activity(ies)
N/A	

## 2. ACTIVITY DESCRIPTION

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

a) Is/was the project a new development or an upgrade of an existing development.	New	<input checked="" type="checkbox"/>
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Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed, what still has to be completed and applicable commencement dates.
Approximately 982 m <sup>2</sup> of vegetation that occurred on site was cleared for the development of a residential dwelling within 100 meters of the highwater mark of the asea. The clearing took place in May 2022 (figure 6) and ceased thereafter when the Applicant became aware of the Environmental Legislation and seeked to rectify the transgression. It is noted that ignorance of the law is not an excuse for unlawfully commencing with an activity.



**Figure 6: Google Earth satellite imagery showing landcover change on Erf 1216 Sea Vista (red outline) in (a) 2006, (b) 2009, (c) 2021 and (d) 2022. Note that, prior to vegetation clearance in 2021/2022, limited disturbance had taken place on site around 2006 and 2009, after which vegetation became re-established.**

Construction of the double story dwelling must still be completed, including earthworks required for the foundations. Prior to vegetation clearing, Erf 1216 Sea Vista was subjected to disturbance through the installation of bulk services and subsequent invasion of disturbed areas by *Acacia cyclops* (figure 6).



**Figure 7: Bulk service installed on site prior to March 2006.**

Provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).		
Buildings	YES	
Provide brief description:		
Although the Applicant has not yet commenced with construction, the clearing was undertaken for the proposed dwelling attached as Appendix J.		
Infrastructure (e.g. roads, power and water supply/ storage)	YES	
Provide brief description:		
The proposed dwelling will have an entrance driveway gaining access from Esmerelda Road (Appendix J). Bulk services have already been installed on the site prior to March 2006.		
Processing activities (e.g. manufacturing, storage, distribution)		NO
Provide brief description:		
Residential dwelling.		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)		
Provide brief description		NO
Residential dwelling.		
Storage and treatment facilities for solid waste and effluent generated by the project		
Provide brief description		No
Residential dwelling.		
Other activities (e.g. water abstraction activities, crop planting activities)		
Provide brief description		No
Residential dwelling.		

### 3. ACTIVITY NEED AND DESIRABILITY

Describe the need and desirability of the activity:
<ul style="list-style-type: none"> <li>• The activity is permitted in terms of the property's existing land use rights.</li> <li>• Temporary employment opportunities will arise during the construction of the project.</li> <li>• Materials for the development will be locally sourced as much as possible.</li> <li>• Technology alternatives to be incorporated into the design of the proposed activity are eco-friendly and ensure environmental sustainability.</li> <li>• The activity will be in line with the following: <ul style="list-style-type: none"> <li>– Urban edge / edge of built environment for the area.</li> <li>– Kouga Local Municipality Integrated Development Plan (IDP) and Spatial Development Framework (SDF).</li> <li>– Approved Structure Plan of the Municipality.</li> <li>– Necessary services with adequate capacity are currently available.</li> <li>– Location factors favour this land use (urban area).</li> <li>– The design of the dwelling is in line with the surrounding architectural forms. The aesthetics or "sense of place" will remain as is.</li> </ul> </li> </ul>

Indicate the benefits that the activity has/had for society in general and also indicate what benefits the activity has/had for the local communities where it is located:

The proposed activity will create temporary employment opportunities and skills development for the local community during the construction phase.

Environmentally sustainable technology to be incorporated into the proposed activity will ensure that the activity will not add much to the already strained sectors of water supply and electricity supply. It is envisioned that the basic needs required to run the household will all make use of 'green' technology in the near future.

#### 4. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints): House footprint of 463 m <sup>2</sup>	463 m <sup>2</sup>
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	982 m <sup>2</sup>
Total area (sum of the footprint area and transformed area)	982 m <sup>2</sup>

#### 5. SITE ACCESS

Was there an existing access road?	YES	<input type="checkbox"/>
If no, what was the distance over which the new access road was built?		m
Describe the type of access road constructed: [indicate the position of the access road on the site plan]		
The proposed entrance driveway will gain access from Esmerelda Road.		

#### 6. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date of photographs must be included. Photographs must be attached under Annexure L to this form.

**7. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES**

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

Title of legislation, policy or guideline:

Administering authority:

Date:

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment / relevant consideration	DATE (if already obtained):
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA. (ACT 108 OF 1996)	All State and Provincial Departments as well as Local Authorities that have been identified as relevant Competent Authorities.	Relevant Consideration	N/A
ENVIRONMENTAL CONSERVATION ACT (ACT 73 OF 1989)	Department of Economic Development, Environmental Affairs & Tourism	Relevant Consideration	N/A
NATIONAL ENVIRONMENTAL MANAGEMENT ACT (ACT 107 OF 1998)	Department of Economic Development, Environmental Affairs & Tourism	Authorization	In process
NATIONAL ENVIRONMENTAL MANAGEMENT AMENDMENT ACT (ACT 62 OF 2008)	Department of Economic Development, Environmental Affairs & Tourism	Authorization	In Process
NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT (ACT NO 10 OF 2004)	Department of Economic Development, Environmental Affairs & Tourism	Relevant Consideration	N/A
NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT (ACT NO 24 OF 2008)	Department of Economic Development, Environmental Affairs & Tourism	Comment/ Relevant Consideration	N/A
NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT (ACT 57 OF 2003)	Department of Economic Development, Environmental Affairs & Tourism, Department of Agriculture, Forestry and Fisheries	Relevant Consideration	N/A
NATIONAL WATER ACT (ACT 36 OF 1998)	Department of Water and Sanitation	Relevant Consideration	N/A
WATER SERVICES ACT (ACT 108 OF 1997)	Department of Water and Sanitation	Relevant Consideration	N/A



Determined from volumes  
 Determined with weighbridge/scale  
 Estimated


**Recovery, Reuse, Recycling, treatment and disposal quantities:**

Indicate the applicable waste types and quantities expected to be disposed of and salvaged annually:

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	QUANTITIES		ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE DISPOSAL
		TONS/MONTH	M <sup>3</sup> /MONTH	method & location	method location and contractor details	

**9. GENERAL (WHERE THE ACTIVITY IS A LISTED WASTE MANAGEMENT ACTIVITY) – N/A**

Prevailing wind direction (e.g. NWW)

November – April	
May - October	

The size of population to be served by the facility

	Mark with "X"	Comment
0-499		
500-9,999		
10,000-199,999		
200,000 upwards		

**PART 1 - SECTION C: PROPOSED PUBLIC PARTICIPATION**

**7.1 Public participation process**

The person conducting the public participation process must fulfil the requirements outlined in Chapter 6 of the 2014 NEMA EIA Regulations as amended in April 2017 and must take into account any applicable guidelines published in terms of Section 24J of NEMA, as well as any other guidance provided by the Department.

Please highlight the appropriate box below to indicate the public participation process that has been or is proposed to be undertaken, including exemptions that have been/will be applied for: (Note that in the event that exemptions are to be applied for, please note that the Exemption Regulations are to be complied with and the Department is to be consulted in order to determine the process and order of events).

<b>1. In terms of regulation 41 of the EIA Regulations, 2014 -</b>		
<b>(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -</b>		
<b>(i) the site where the activity to which the application relates is or is to be undertaken; and</b>	YES	
<b>(ii) any alternative site – there are no alternative sites</b>		
<b>(b) giving written notice, in any manner provided for in section 47D of the NEMA, to –</b>		
<b>(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</b>	YES	
<b>(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</b>	YES	
<b>(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;</b>	YES	
<b>(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;</b>	YES	
<b>(v) any organ of state having jurisdiction in respect of any aspect of the activity; and</b>	YES	
<b>(vi) any other party as required by the Department;</b>	YES	
<b>(c) placing an advertisement in -</b>		
<b>(i) one local newspaper; or</b>	YES	
<b>(ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;</b>		N/A
<b>(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken</b>		N/A



(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to—  (i) illiteracy;(ii) disability; or (iii) any other disadvantage.	YES	
If you have indicated that “EXEMPTION” applies to any of the above, then a separate Application for Exemption must be submitted.		
2. The NEM: AQA and NEM:WA requires that a notice must be placed in at least two newspapers.		
If applicable, have/will an advertisement be placed in at least two newspapers?		
If “NO”, then an application for exemption from the requirement must be applied for.		

**Note: It is no longer possible to obtain permission to deviate from the requirements to give notice to potential interested and affected parties. Unless exemption has been granted from a particular requirement, the requirement must be met. If an application for exemption is refused, the requirement in question must be met.**

**7.2 Public participation undertaken prior to the submission of this application.**

<b>Where public participation in terms of Regulations 40(3) and 41 was undertaken prior to submission of this application, please provide a summary of the steps followed to date.</b>
<p>The Application is in the Pre-Application Public Participation Process phase. A summary will be provided on completion of the PPP and submission of the Application.</p> <ul style="list-style-type: none"> <li>• Notification will be placed in the local newspaper the St Francis Chronicle Newspaper.</li> <li>• The 30-day public review period will run from 15 March 2023 to 19 April 2023.</li> <li>• A notice board will be placed at the site entrance.</li> <li>• Email notifications will be sent to all identified Interested and Affected Parties.</li> <li>• The Draft applications and associated appendices will be made available on the Eco Route website – ecoroute.co.za.</li> <li>• All comments will be incorporated into the Comments and Response Report.</li> </ul>

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.

STATE DEPARTMENTS			
Name	Contact Person	Postal Address	Email
Eastern Cape Department of Economic Development, Environmental Affairs and Tourism	Andries Struwig	Private Bag X5001, Greenacres, Port Elizabeth, 6057	Andries.Struwig@dedea.gov.za
Department of Environmental Affairs: Oceans and Coasts	Tabisile Mhlana	Private Bag X4390, Cape Town, 8000	tmhlana@dffe.gov.za OCEIA@dffe.gov.za
Eastern Cape Department of Agriculture, Forestry and Fisheries	Babalwa Layini		Blayini@dffe.gov.za / zmtotywa@dffe.gov.za
Department of Water and Sanitation Eastern Cape	Ncamile Dweni	140 Govan Mbeki Ave, 7 <sup>th</sup> Floor Starport Building Port Elizabeth, 6000	DweniN@dws.gov.za
Eastern Cape Parks and Tourism Agency		17-25 Oxford Street, East London CBD, 5201	info@ecpta.co.za
Eastern Cape Provincial Heritage Resources Authority	Sello Mokhanya	Corner Scholl and Amalinda Drive, East London, 5247	smokhanya@ecphra.org.za

**Note: A State department consulted in terms of Section 240(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the Basic Assessment Report / Scoping Report / Environmental Impact Assessment Report or any other information / report as directed by the Department is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 240 (2) & (3) of the NEMA (as amended), inform the relevant State Departments of the commencement date of the 30 day commenting period.**

**PART 1 – SECTION D: ANNEXURES TO PART 1**

The following annexures must be attached where appropriate:

Appendix	Cross out (“ <input checked="" type="checkbox"/> ”) the box if Annexures attached
Annexure A: list of individuals or companies where there is more than one transgressor.	
Annexure B: List of landowners in the event that there is more than one landowner.	
Annexure C: Landowners’ consent where the transgressor is not the landowner.	
Annexure D: List of municipalities where the activities span more than one municipality	
Annexure E: List of properties where there are more than one property involved.	
Annexure F: List of magisterial districts or towns if more than one is affected.	
Annexure G: Map depicting the zonings of various portions in the event where there is more than one zoning.	
Annexure H: List of all planning approvals where such have been granted	
Annexure I Location map	<b>X</b>
Annexure J: Site plan(s)	<b>X</b>
Annexure K: Photographs	<b>X</b>
Annexure L: Permit(s) / license(s) from any other organ of state including service letters from the municipality	
Annexure M: EMPr	<b>X</b>
Annexure N: Specialist Reports	<b>X</b>

**PART 2**

**PART 2 - SECTION A: DIRECTIVE**

Section 24G(1) of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) ("NEM:WA") the Minister, Minister responsible for mineral resources or MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

i	<p>immediately cease the activity pending a decision on the application submitted in terms of this subsection</p> <p><b><i>The activity was immediately ceased.</i></b></p>
ii	<p>investigate, evaluate and assess the impact of the activity on the environment</p> <p><b><i>The following Specialist were appointed to assess the impact of the activity:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Terrestrial Biodiversity and Plant Species Specialist</i></b></li> <li><b><i>2. Terrestrial Animal Species Specialist</i></b></li> </ol>
iii	<p>remedy any adverse effects of the activity on the environment</p> <p><b><i>As per the Terrestrial Biodiversity and Plant Species Report:</i></b>  <b><i>The following management actions are proposed to limit and mitigate ecological impacts of the development:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• In accordance with the ENCO, a permit for the destruction of specimens of C. obtusifolium and M. aitonis must be procured from the Province of the Eastern Cape: Department of Economic Development, Environmental Affairs and Tourism before construction commences.</i></b></li> <li><b><i>• In accordance with the National Environmental Management: Biodiversity Act (2004) (NEMBA), the Category 1b alien invasive plants A. cyclops and C. laevigatum must be eradicated from the site and a plan for their ongoing control should be included in the environmental management plan of the development. Similar action is recommended for the Category 2 invader R. communis.</i></b></li> </ul> <p><b><i>As per the Terrestrial Animal Species Report:</i></b>  <b><i>the following mitigation measures should be considered:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• The regrowth of alien invasive plants should be monitored, and any such species should be removed on an ongoing basis.</i></b></li> <li><b><i>• Runoff from any areas should be managed to prevent soil erosion. With these measures in place the significance of the vegetation clearing impacts could be considered to be low.</i></b></li> </ul>
iv	<p>cease, modify or control any act, activity, process or omission causing pollution or environmental degradation</p> <p><b><i>The EMPr attached as Appendix M will be strictly adhered to.</i></b></p>
v	<p>contain or prevent the movement of pollution or degradation of the environment</p> <p><b><i>The EMPr attached as Appendix M will be strictly adhered to.</i></b></p>
vi	<p>eliminate any source of pollution or degradation</p>

	<b>The EMPr attached as Appendix M will be strictly adhered to.</b>	
vii	compile a report containing- <b>Within this report.</b>	
	aa	a description of the need and desirability of the activity
	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
	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
	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
	ee	an environmental management programme
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.	

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions, including where you are of the opinion that any of these instructions are not relevant for the purposes of your application, setting out the reasons for your assertion. Kindly note further that, after taking your representations into account, a final directive may be issued.

**PART 2 - SECTION B: DEFERRAL**

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

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

Kindly answer the following questions:

Are you, the applicant, being investigated for the contravention of section 24F(1) of the NEMA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?	NO	
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.		
Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?	NO	
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.		

Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA <u>in terms of which this application directly relates?</u>	NO
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.	
The Applicant is submitting the S24G Application in order to rectify the unlawful clearing of indigenous vegetation, and to commence with the lawful construction of a dwelling. No directives have been issued to the Applicant to date.	

If you have answered yes to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

## **PART 2 - SECTION C: QUANTUM OF THE SECTION 24G FINE**

**(Note that the information contained in this section can be preliminary information that is to be updated once the necessary assessments as directed by the Department has been completed)**

Section 24G(4) of the NEMA makes it mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

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

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies.

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

### **PART 2 – SECTION C.1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES**

Index	Socio Economic Impact	Place an “x” in the appropriate box
Description of variable		
	The activity is not giving, has not given and will not give rise to any negative socio-economic impacts	X
	The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
	The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
	The activity is resulting, has resulted or could result in wide-scale socio-economic impacts.	
Motivation: <b><i>The activity commenced on a single residential stand for the construction of a private dwelling.</i></b>		

Index	Biodiversity Impact	Place an “x” in the appropriate box
Description of variable		
	The activity is not giving, has not given and will not give rise to any impacts on biodiversity	X
	The activity is not giving, has not given and could give rise to localised biodiversity impacts	

The activity is not giving, has not given and could give rise to significant biodiversity impacts	
The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	
<p>Motivation:</p> <p><b>As per the Terrestrial Biodiversity and Plant Species Report:</b></p> <p><b>Due to the historical clearance of vegetation and associated disturbance to topsoils and the low likelihood of plant SCC occurring here, site is of LOW sensitivity for terrestrial biodiversity and LOW sensitivity for plant species, and the clearing of vegetation likely had NO impact on threatened terrestrial biodiversity or plant SCC.</b></p> <p><b>As per the Terrestrial Animal Species Report:</b></p> <p><b>The Terrestrial Animal Species Assessment identified five SCC that could have occurred on site before vegetation clearing occurred. However, for all the identified SCC, probability of occurrence is expected to be low, which reduces the sensitivity of the site for SCC to low. The low probability of occurrence reflects the low suitability of the habitat (i.e., fragmented and transformed Dune Thicket) at the site. The results indicate that animal habitats in the project area were fragmented and transformed before the unauthorised activities occurred, which reduced the suitability of the site for indigenous animal species (amphibians, reptiles, mammals, and birds) and particularly species of conservation concern. No sensitive animal habitats would have occurred in the past. This means that the present unauthorised clearing of vegetation has not affected any important animal habitats or animal communities.</b></p>	

Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	X
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
<p>Motivation: <b>The activity is for the construction of a single residential dwelling in a residential area within the urban edge.</b></p>		

Index	Pollution Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any pollution	X
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	
<p>Motivation: <b>No pollution is associated with the clearing of vegetation.</b></p>		

**PART 2 – SECTION C.2.: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT**

<b>Index</b>	<b>Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act</b>	<b>Place an “x” in the appropriate box</b>
<b>Description of variable</b>		
	Administrative action was previously taken against the applicant in respect of the abovementioned provisions.	
	No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant’s directors sit or sat at the relevant time when the administrative action was taken.	
	Administrative action was <u>not</u> previously taken against the applicant in respect of the abovementioned provisions.	<b>X</b>
Explanation of all previous administrative action taken in respect of the above:		

<b>Index</b>	<b>Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act</b>	<b>Place an “x” in the appropriate box</b>
<b>Description of variable</b>		
	The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
	No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant’s directors sit or sat; or a conviction was secured against a director of the applicant in his or her personal capacity.	
	The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	<b>X</b>
Explanation of all previous convictions in respect of the above:		

<b>Index</b>	<b>Number of section 24G applications previously submitted by the applicant</b>	<b>Place an “x” in the appropriate box</b>
<b>Description of variable</b>		
	Previous applications in terms of section 24G of NEMA were submitted by the applicant.	
	No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant’s directors sit or sat at the relevant time.	
	No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	<b>X</b>
Explanation in respect of all previous applications submitted in terms of section 24G:		



**PART 2 – SECTION C.3: APPLICANT'S PERSONAL CIRCUMSTANCES**

Index	Applicant's legal persona	Place an "x" in the appropriate box
	Description of variable	
	The applicant is a natural person.	<input type="checkbox"/>
	The applicant is a firm.	<input checked="" type="checkbox"/>
Describe the firm: <b><i>Birdman Investments Proprietary Limited</i></b>		

Index	Any other relevant information that the applicant would like to be considered.
	Motivate and explain fully:

NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.