

ANNEXURE M3: DRAFT ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT (Draft EMPr)

In terms of the **National Environmental Management Act** (Act No. 107 of 1998, as amended) & 2014 Environmental Impact Regulations (as amended, 2017) for:

COMMENCEMENT OF LISTED ACTIVITIES WITHOUT AN ENVIRONMENTAL AUTHORISATION AT PORTION 12 OF THE FARM ONGEGUNDE VRYHEID NO 746, KOUGA LOCAL MUNICIPALITY

Ref: SBROB#2021-05-02

For 30-day review and comment: 10 March – 15 April 2026



PREPARED FOR THE APPLICANT:

Mr Ryan Butcher (Soundprops cc)

EMAIL: ryan@hurricanesurf.net

AUTHOR:

CLAIRE DE JONGH (EAPASA REG: 2021/3519)

DATE:

March 2026

ENVIRONMENTAL MANAGEMENT PROGRAMME REQUIREMENTS:

Appendix 4 of Regulation 982 of the 2014 EIA Regulations (as amended, 2017) published in terms of the NEMA, contains the required contents of an Environmental Management Programme (EMP). The table below serves as a summary of how these requirements were incorporated into this EMPR:

An EMPR must comply with section 24N of the Act and include:-

<p>(a) Details of –</p> <p>(i) The EAP who prepared the EMPR; and</p> <p>(ii) The expertise of the EAP to prepare an EMPR, including a curriculum Vitae;</p>	<p>This EMPR was prepared by Claire De Jongh. Please see attached CV of the EAP (Annexure 2).</p>
<p>(b) A detailed description of the aspects of the activity that are covered by the EMPR as identified by the project description;</p>	<p>Section 5 - ENVIRONMENTAL MANAGEMENT PROGRAMME</p>
<p>(c) a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers;</p>	<p>Annexure 1</p>
<p>(d) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including –</p> <p>(i) planning and design;</p> <p>(ii) pre-construction activities;</p> <p>(iii) construction activities;</p> <p>(iv) rehabilitation of the environment after construction and where applicable post closure; and</p> <p>(v) where relevant, operation activities;</p>	<p>Draft BAR</p>
<p>(f) a description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) will be achieved, and must, where applicable, include actions to –</p> <p>(i) avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;</p> <p>(ii) comply with any prescribed environmental management standards or practises;</p> <p>(iii) comply with any applicable provisions of the Act regarding closure, where applicable; and</p> <p>(iv) comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable;</p>	<p>Section 5 - ENVIRONMENTAL MANAGEMENT PROGRAMME</p>
<p>(g) the method of monitoring the implementation of the impact management actions contemplated in paragraph (f);</p>	<p>Section 5 - ENVIRONMENTAL MANAGEMENT PROGRAMME Section 6 -EMP Targets – Planning and Operations Section 7 - COMPLIANCE WITH THE EMPR</p>
<p>(h) the frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f);</p>	<p>Section 6 -EMP Targets – Planning and Operations Section 7 - COMPLIANCE WITH THE EMPR</p>
<p>(i) an indication of the persons who will be responsible for the implementation of the impact management actions;</p>	<p>Section 6 of draft EMPR</p>
<p>(j) the time periods within which the impact management actions contemplated in paragraph (f) must be implemented;</p>	<p>Section 5 - ENVIRONMENTAL MANAGEMENT PROGRAMME Section 6 -EMP Targets – Planning and Operations Section 7 - COMPLIANCE WITH THE EMPR</p>

(k) the mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f);	Section 6 -EMP Targets – Planning and Operations Section 7 - COMPLIANCE WITH THE EMPr
(l) a program for reporting on compliance, taking into account the requirements as prescribed by Regulations;	Section 4 - REPORTING PROCEDURES Section 7 - COMPLIANCE WITH THE EMPr
(m) an environmental awareness plan describing the manner in which – (i) the applicant intends to inform his or her employees of any environmental risk which may result from their work; and (ii) risks must be dealt with in order to avoid pollution or the degradation of the environment; and	Section 7 - COMPLIANCE WITH THE EMPr Section 10. - DRAFT STAFF / RESIDENT CONDUCT CONTROL AND INFORMATION SHEET
(n) any specific information that may be required by the competent authority.	Draft BAR

Glossary of Terms

BAR	Basic Assessment Report – A tool used by the EAP to submit to the competent authority if listed activities is triggered in Regulations GNR 327 and GNR 324 as per NEMA to make a decision regarding a proposed development.
CBA	CBA Critical Biodiversity Area – Areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.
DEDEAT	Eastern cape Department of Economic Development, Environmental Affairs and Tourism
DFFE	Department of Forestry, Fisheries and the Environmental
DWS	Department of Water and Sanitation
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMP	Estuary Management Plan
EMPr	Environmental Management Programme – can be defined as “an environmental management tool used to ensure that undue or reasonably avoidable adverse impacts of the construction, operation and decommissioning of a project are prevented; and that the positive benefits of the projects are enhanced”.
ESA	Ecological Support Area – Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs, and are often vital for delivering ecosystem services.
GA	General Authorisations
IAP	Interested and Affected Party/ies - in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42.
HWM	High water mark
KLM	Kouga Local Municipality
MMP	Maintenance Management Plan
NEMA	National Environmental Management Act (Act 107 of 1998)
NEMPAA	National Environmental Management: Protected Areas Act (Act 57 of 2003)
PA	Protected areas recognised in the NEMPAA
S24G	Section 24G of the NEMA
SANBI	South African National Biodiversity Institute
SBDM	Sarah Baartman District Municipality

Contents

ENVIRONMENTAL MANAGEMENT PROGRAMME REQUIREMENTS:	2
Glossary of Terms.....	4
1. INTRODUCTION	7
1.2 Purpose of the EMPr	7
1.2 The Polluter-Pays Principle	8
2. PROJECT DETAILS	8
3. LEGISLATIVE REQUIREMENTS	9
3.1 Signing of the EMPr.....	9
3.2 Legislation	9
3.3. Project Responsibilities.....	9
4. REPORTING PROCEDURES.....	10
4.1 Documentation	10
4.2. Incident / complaint Register.....	10
4.3. Audit Report and Non-conformance report if required	11
4.4. Emergency Response	11
5. ENVIRONMENTAL MANAGEMENT PROGRAMME	12
PLANNING AND DESIGN and subsequent construction and operation	12
1. HERITAGE ARCHAEOLOGY AND PALEONTOLOGY.....	Error! Bookmark not defined.
2. Soil and stormwater management	Error! Bookmark not defined.
3. Noise and Visual Management	Error! Bookmark not defined.
4. Waste pollution and hazardous materials.....	Error! Bookmark not defined.
5. Energy Efficiency	Error! Bookmark not defined.
6. Social Aspects.....	Error! Bookmark not defined.
7. FIRE RISK.....	Error! Bookmark not defined.
6. EMP Targets – Planning, Construction, Operations.....	16
7. COMPLIANCE WITH THE EMPr	19
6.1 Monitoring and Compliance	19
6.2 Auditing Process.....	19
6.3 Non-Compliance.....	19
6.4 Issuing a Non-Compliance.....	20
6.5 Process of Issuing Non-Compliance	Error! Bookmark not defined.
6.6 Failure to complete corrective actions	20
6.7 Unlawful Activity/ies.....	20
8. AMENDMENTS TO THE EMPr	20

9.	ENFORCING THE EMPr.....	21
10.	DRAFT STAFF / RESIDENT CONDUCT CONTROL AND INFORMATION SHEET	21
11.	RESPONSIBILITIES.....	23
	ACKNOWLEDGEMENT FORM	24
	ANNEXURE 1: Mapping of Environmentally Sensitive Areas.....	25
	ANNEXURE 2: CV of EAP	27

1. INTRODUCTION

In accordance with the Integrated Environmental Management Guidelines published by the Department of Forestry, Fisheries, and the Environment (DFFE) in 1992, the purpose of an Environmental Management Programme (EMPr) is “to describe how negative environmental impacts will be managed, rehabilitated or monitored and how positive impacts will be maximised”.

Section 28 of NEMA (National Environmental Management Act, Act 107 of 1998) states that:

Duty of care and remediation of environmental damage -

"(1) Every person who causes, has caused, or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot be reasonably avoided or stopped, to minimise and rectify such pollution or degradation of the environment"

This draft EMPr must be read in conjunction with the draft Section 24 G application and all related annexures dated September 2025. All recommendations, relevant conditions and mitigation measures provided in these documents have been included in the EMPr and must be adhered to.

This EMPr must form an integral part of operational management including maintenance activities that may be required, as it outlines the methodology and duties required so that the project objectives can be achieved in an environmentally sustainable manner; with particular reference to the prevention and mitigation of environmental impacts caused by planning and operational (including maintenance) activities associated with this project.

These requirements will have a financial impact on the project's costings.

This EMPr is a dynamic document that may require updating during the project phases in response to new and changing circumstances to mitigate environmental impacts.

Relevant changes and updated EMPr must be submitted to the DEDEAT for approval.

1.2 Purpose of the EMPr

The purpose of this EMPr is to ensure that identified negative environmental impacts associated with the activities are managed, mitigated and kept to a minimum during the planning and operations (including maintenance, as required). The EMPr focuses on providing practical measures to avoiding negative environmental impacts and enhance positive environmental impacts where possible.

Once the EMPr is approved by DEDEAT it is seen as a legal binding document on the following affected parties:

- 1 Project Applicant.
- 2 Project planning team including for example, engineers, architect
- 3 All contractors and subcontractors

Copies of this EMPr and EA (if attained) must be kept on site; any service providers / contractors / subcontractors as may be required are expected to familiarise themselves with the content of this EMPr.

It is suggested that the EMPr be reviewed on a 10 yearly basis if required. Should any amendments need to be made during operational phase, written authorisation should be obtained from DEDEAT.

1.2 The Polluter-Pays Principle

This principle provides for “the costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimizing further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.”

2. PROJECT DETAILS

The project details are provided in the Section 24G application and is not repeated here. In summary, renovations and expansions of existing buildings took place and a new road section was reroute behind dwelling 1.

Renovated / expanded footprints post 2021:

- Dwelling 1 – 390 m² (original footprint: 265m² – expanded by 125m² including decking)
- Access road rerouted behind dwelling - 260m²
- Dwelling 2 – 105m² (original footprint: 60m² - expanded by 45m²)
- Road between dwellings (existing): 300 m²
- Total footprint: 1055m²

As built designs are available as Appendix J2 of the S24G application report.

Environmental authorisation for relevant tourism activity has not yet been applied for or authorised. (Activity 2 (c), Environmental Conservation Act (Act 73 of 1989); Environmental authorisation has not yet been applied for activities listed in terms of the listing notice (LN) 1 and LN 3 of the environmental impact assessment (EIA) regulations 2014 (as amended, 2017) promulgated in terms of the National environmental management act (act 107 of 1998) (NEMA) for the tourism activity and activities within 100 meters of the high water mark (LN1 activities –17,19A,54; LN 3 activities 5, 12).

The Eastern Cape Department of Economic Development and Environmental Affairs and Tourism (DEDEAT) issued a notice of intention to issue a compliance notice to the landowner (Soundprops 1246 cc) on 23 October and 26 October 2024. The notice was issued in terms of section 31L of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended in respect of the commencement of activities on portion 12 of the Farm Ongegunde Vryheid No 746.

Listed activities in terms of the 2014 Environmental Impact assessment (EIA) regulations, as amended, 2017 included in the notice dated 23 October 2024:

- LN 1 (GNR 327): Activity 19A
- LN 1 (GNR 327): Activity 54

Listed activities in terms of the 2014 EIA regulations, as amended, 2017 included in the notice dated 26 October 2024:

- LN 1 (GNR 327): Activity 54
- LN 3 (GNR 324): Activity 5

An application is proposed to be submitted in terms of Section 24G of the NEMA. The draft Section 24G NEMA application for environmental authorisation will be distributed to all registered and affected parties for a 30-day comment and review period. Thereafter the application and accompanying annexures (including this annexure as applicable) will be updated as required as submitted to the competent authority for consideration.

The main impacts associated with the proposed activity includes the following:

- Incorrect land use (tourism) in sensitive areas prior to authorisation
- Possible impacts on dwelling as a result of storm surges as a result of being within 100 meters of the High water mark
- Possible soil disturbance / loss of soil / dust generation during construction activities with no mitigation
- Impacts from incorrect waste management during construction for general and hazardous waste generated
- Noise and visual impacts on nearby residents during construction
- Positive economic impacts due to temporary work created in construction and passive income during operations

The EMPr contains all the mitigation measures to prevent / reduce negative environmental impacts and enhance positive impacts.

3. LEGISLATIVE REQUIREMENTS

3.1 Signing of the EMPr

The acknowledgement form at the back of the approved EMPr is to be signed by the holder of the Environmental Authorisation (the Applicant), any contractor / subcontractor as required for maintenance during operations, any operational managers (eg estate manager / landscaping assistant); acknowledging that all parties are familiar with the requirements of the EMPr. All employees are to be made aware of the conditions as contained in the EMPr as well as the contractual conditions relating to the environment as contained in the contract document.

3.2 Legislation

Of importance are all national, provincial and municipal by-laws and regulations

Relevant environmental legislation and guidelines:

- *National Environmental Management Act (Act 107 of 1998) and relevant EIA Regulations*
- *National Environmental Management Act: Biodiversity Act (Act 10 of 2004)*
- *Environmental Conservation Act (Act 73 of 1989) and relevant activities*
- *Nature and Environmental Conservation Ordinance No 19 of 1974*
- *National Heritage Resources Act 25 of 1999*
- *National Environmental Management: Integrated Coastal Management Act, 2008*
- *Coastal Management Programme SBDM (draft)*
- *National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).*
- *Kouga Spatial Development Framework*

Statutes are amended periodically; it is the Applicant's responsibility to identify legislation relevant to the proposed activity,

3.3. Project Responsibilities

Responsibility for the implementation of the EMPr lies with the Applicant who must retain the services of a suitably experienced EAP to carry out the required S24G application. An external audit every two years is recommended (ECO) to monitor the operations periodically.

The project Applicant will be responsible for the following:

- Adhering to the conditions and recommendations of the approved EMPr and any other legally binding documentation.
- Ensure that all contractors and service providers and employees, as applicable, are aware of and understand the conditions of the EMPr.

- Has the right to remove any person or appointed contractors or personnel from site if they contravene with the EMPr.
- The holder of the Environmental Authorisation (if attained) must submit required audit reports to the competent authority
- Ensure compliance of all site personnel and / or visitors to the EMPr and any other authorisations.
- Prevent actions that may cause harm to the environment.
- Correct non-compliances identified during audits
- Be responsible for any remedial activities in response to an environmental incident within their scope of influence.
- Ensure compliance of all site personnel and / or visitors to the EMPr and any other authorisations.

4. REPORTING PROCEDURES

4.1 Documentation

The following documentation must be kept on site in order to record compliance with the EMPr:

An Environmental File which includes:

- Copy of the EMPr (if approved);
- Copy of the EA (if attained)
- Any permits required for flora / fauna (not currently required)
- Reports submitted to ECPHRA
- Communications Register – including records of complaints,
- Audit reports including written Corrective Action Instructions.
- Incident Register
- Waste Documentation such as, but not necessarily limited to: Waste Disposal records; Service slips for conservancy tank
- Material Safety Data Sheets (MSDSs) for any hazardous substances

4.2. Incident / complaint Register

The Applicant will put in place an Environmental Register and will ensure that the following information is recorded for all complaints / incidents:

- Nature of complaint / incident.
- Causes of complaint / incident.
- Party/parties responsible for causing complaint / incident.
- Immediate actions undertaken to stop / reduce / contain the causes of the complaint / incident.
- Additional corrective or remedial action taken and/or to be taken to address and to prevent reoccurrence of the complaint / incident.
- Timeframes and the parties responsible for the implementation of the corrective or remedial actions.
- Procedures to be undertaken and/or penalties to be applied if corrective or remedial actions are not implemented.
- Copies of all correspondence received regarding complaints/incidents.

4.3. Audit Report and Non-conformance report if required

An audit is recommended to be carried out every two years to monitor compliance of the EMPr and EA (if attained) to audit operational and related maintenance activities. Conditions of EA (if issued) and EMPr requirements (if approved) will be audited including the EM file and the report submitted to the Eastern Cape department of Economic Development, Environmental Affairs and Tourism (DEDEAT).

Non-compliances will be identified and actions / recommendations provided with timeframes to address the NC.

A Non-Conformance Report (NC) will be issued to the Holder of the EA (if attained) as a final step towards rectifying a failure in complying with a requirement of the EMPr. This will be issued by the external auditor to the Applicant in writing. Preceding the issuing of a NCR, the Holder of the EA (if attained) must be given an opportunity to rectify the issue.

Should an incident/ issue be significant (e.g. non-repairable damage to the environment), it will be reported to the relevant authorities and immediately escalated to the level of a NCR. The following information should be recorded:

- Details of non-conformance;
- Any equipment involved;
- Any chemicals or hazardous substances involved;
- Work procedures not followed;
- Nature of the risks and other physical aspects;
- Actions agreed to by all parties following consultation to adequately address the non-conformance in terms of specific control measures and should take the hierarchy of controls into account;
- Agreed timeframe by which the actions documented in the NCR must be carried out; and
- Auditor should verify that the agreed actions have taken place by the agreed completion date, when completed satisfactorily; the auditor and Applicant should sign the Close-Out portion of the Non-Conformance Form and file it with the contract documentation.

4.4. Emergency Response

The Applicants environmental emergency procedures must ensure appropriate responses to unexpected / accidental actions / incidents that could cause environmental impacts.

The Environmental Emergency Response Plan is separate to the Health and Safety Plan as it is aimed at responding specifically to environmental incidents and must ensure and include the following:

- Employees, as relevant, shall be adequately trained in terms of incidents and emergency situations;
- Details of the organisation (i.e. manpower) and responsibilities, accountability and liability of personnel;
- A list of key personnel and contact numbers
- Details of emergency services (e.g. the fire department / on-site fire detail, spill clean-up services) shall be listed;
- Internal and external communication plans, including prescribed reporting procedures;
- Actions to be taken in the event of different types of emergencies (fire, spill);
- Incident recording, progress reporting and remediation measures to be implemented; and
- Information on any hazardous materials, including the potential impact associated with each, and measures to be taken in the event of accidental release.

5. ENVIRONMENTAL MANAGEMENT PROGRAMME

It is important that mitigation measures are strictly adhered to and that all measures are taken wherever possible to minimize negative impacts.

PLANNING AND DESIGN and subsequent construction and operation

The development is the renovation and expansion of two dwellings located in the southern portion of Portion 12 of Farm Ongegunde Vryheid No 746, Kouga Local Municipality. The development footprint is an estimated 1055m² entailing the following:

- Dwelling 1 – 390 m² (original footprint: 265m² – expanded by 125m²)
- Access road rerouted behind dwelling - 260m²
- Dwelling 2 – 105m² (original footprint: 60m² - expanded by 45m²)
- Road between dwellings (existing): 300 m²

The associated development footprint falls within 100 meters of the high-water mark of the sea.

Environmental authorisation for relevant tourism activity has not yet been applied for or authorised. (Activity 2 (c), Environmental Conservation Act (Act 73 of 1989) (ECA)); Environmental authorisation has not yet been applied for or authorisation for activities listed in terms of the listing notice (LN) 1 and LN 3 of the environmental impact assessment (EIA) regulations 2014 (as amended, 2017) promulgated in terms of the National environmental management act (act 107 of 1998) (NEMA) for construction activities within 100 meters of the high water mark and removal of 300m² or more of indigenous vegetation (LN1 activities – 15 and 52 (tbc), 17,18,19A,54; LN 3 activities – 5 (Similarly listed to Activity 2c, ECA), 12).

An application is proposed to be submitted in terms of Section 24G of the NEMA. The draft Section 24G NEMA application for environmental authorisation will be distributed to all registered and affected parties for a 30-day comment and review period. Thereafter the application and accompanying annexures will be updated as required as submitted to the competent authority for consideration.

Part of the EA process is the draft EMPr which requires approval from the CA (DEDEAT). If the EA is obtained, then the EMPr is legally binding, and the applicant must ensure that EM requirements are included in the budget and planning and operations of the facility. If this is not done, then the EMPr will not be implemented and before mitigation impacts can be expected to occur.

Placement of structures and infrastructure / Incorrect land use in sensitive areas

- Ensure all conditions of EA (if attained) and recommended mitigation measures are implemented.
- Ensure an Environmental Management File is put in place to contain all documents / report which pertain to the relevant conditions of the planning and operational phases (e.g. EA, EMPr, permits, waste disposal certificates, audit reports etc.)
- Review of legislation to be carried out prior to any future development / rezoning / land use change – the planning applications and EA application provides for public participation to allow for interested and affected parties comment on proposed land use / EA applications.
- It is recommended relevant consent use application be applied for as required (tourism / relaxation of erf boundaries as required)
- It is recommended that the landowner continue to rezone from agricultural to open space / reserve as per KLM land use and NEMPAA with a consent use for tourism at dwelling 1
- Ensure layouts, designs and accompanying engineering drawings are approved as required;

- Appoint a suitably qualified external environmental compliance auditor to ensure environmental management requirements are met and it is recommended an environmental compliance audit is carried out every two years.
- Suitable budget to be assigned to environmental management requirements as required

Ecological impacts of encroachment onto the Marine High-Water Mark / Storm surges

- The areas surrounding the property should remain well-vegetated (with natural vegetation) to prevent erosion and slumping,
- The areas of the property near the high-water mark should be left undisturbed if possible; no disturbance beyond erf boundary
- Put in place waste management mitigation measures
- Landowner encouraged to be in close contact with South African weather Services at all times to receive early warning details of floods, storm surges, ocean conditions, high winds, droughts, potential fires etc. in the area and plan and inform expected guests accordingly
- Training of contractors; Place Rules of conduct in dwellings on the following
 - o Designated access roads to be used at all times; no beach driving permitted without required permit; .
 - o Do not create footpaths; this will lead to unnecessary vegetation trampling and can lead to accelerated erosion

Inadequate planning and Non-compliance with Conditions of the Environmental Authorisations

- An environmental compliance audit is recommended to be carried out, every second year, for the development (if an EA is attained) during operational phase and include any reporting on any maintenance activities / monitoring of the two-year period

Loss / disturbance of / to palaeontological resources

- Notice sent to Eastern Cape Provincial Heritage Resources Authority (Completed)
- Carry out required assessments (completed)
- Should important new fossil remains be found the finder should alert ECPHRA (i.e. The Eastern Cape Provincial Heritage Resources Authority. Contact details: Ms. Lungiswa Mzaza, 16 Commissioner Street, East London; lungiswam@ecphra.org.za, (081 434 3544) as soon as possible.
- A professional palaeontologist to carry out appropriate action, as required, at the developer's expense.
- Palaeontological mitigation would normally involve the scientific recording and judicious sampling or collection of fossil material as well as associated geological data (e.g. stratigraphy, sedimentology, taphonomy).
- The palaeontologist concerned with mitigation work will need a valid fossil collection permit from ECPHRA and any material collected would have to be curated in an approved depository (e.g. museum or university collection).
- All palaeontological specialist work should conform to international best practice for palaeontological fieldwork and the study (e.g. data recording fossil collection and curation, final report) should adhere as far as possible to the minimum standards for Phase 2 palaeontological studies recently developed by SAHRA (2013).
- These recommendations are summarised in tabular form in Appendix 1 of the palaeontological study - Chance Fossil Finds Procedure and is incorporated into the Environmental Management Programme (EMPr) for the proposed development (Refer to Annexure 1 of this draft EMPr for Chance Fossil Finds Procedure)
- Include the above in Training of contractors and include any such findings to be reported to landowner in recommended Rules of conduct

Loss / disturbance of heritage

- Some shell middens were exposed; the marine shells identified include a variety of *Scutellastra* sp., most likely *Perna perna* (brown mussel), *Turbo sarmaticus* (aliekrekel / ollycrock), *Oxystele sinensis* (pink-lipped topshell) and other marine shells, that could possibly be associated as being archaeological shell midden material. No other

artefactual or organic, faunal, material was noted to occur in the cutting. The renovations and extensions to the two dwellings and the rerouted portion of access road have been completed and is currently part of a S24G application process. No further construction activities will be undertaken. No further recommendations or mitigation is required.

Loss of indigenous vegetation and disturbance to fauna

- No further mechanical clearing of natural vegetation should occur on the vegetated dune behind the dwelling or within the littoral active zone.
- Search and rescue to be carried out prior to maintenance activities required, should vegetation require clearing, and relevant permits applied for; transplant on site where feasible.
- Check weather reports for rainfall / wind predictions and carry out maintenance accordingly. Work should be undertaken by hand using hand tools only - spades, pickaxes etc.
- Rehabilitate disturbance footprint with suitable local indigenous vegetation (e.g. *Carpobrotus edulis*, *Osteospermum moniliferum*) as required
- No animals are to be harmed or killed during lifetime of establishment. If any animals are seen on site, take record (photo/ video with location) where possible and keep on record; if animal is harmed or compromised in any way, provide reason. For any assistance with snake removals/relocations, identifications or bite treatment contact the Mark Marshall / African Snakebite Institute. Training of contractors; Place Rules of conduct in dwellings to state such.
- No removal of indigenous vegetation. Training of contractors; Place Rules of conduct in dwellings to state such.
- Keep intact indigenous vegetation in place around dwellings; any required planting to remain within erf boundary and to be of similar plants in the area (eg *Carpobrotus edulis*, *Osteospermum moniliferum*)
- Removal of AIS on ongoing basis required– follow required recommendations regarding removal of rooikrans (i.e. Hand pull / Foliar spray /Spot spray / Cut stump / Frill, as required)
<https://www.dws.gov.za/wfw/control/#:~:text=Where%20trees%20cannot%20be%20utilised,as%20stipulated%20on%20the%20label.>
- Speed travelled by must be kept to a minimum and speed limits enforced

Soil disturbance

- Topsoil should be cleared in a phased manner as per sequence of construction activities. Topsoil removed (including lawn and vegetation) must be suitably stockpiled in an area that will not be disturbed by maintenance activities for use in rehabilitation once completed. Practice 'first out, last in' for soil excavated in trenches.
- Subsoils should not be mixed with topsoil. Subsoil stockpiles must be stockpiled within boundary of the site; subsoil
- All stockpiles should be placed on flat areas and covered / wet suitably to prevent soil loss / dust generation.
- Be in close contact with South African weather Services at all times to receive early warning details of floods, storm surges, ocean conditions, high winds, droughts, potential fires etc. in the area and plan accordingly; During strong wind conditions it may be necessary to halt operations until conditions improve
- Training of contractors; Place Rules of conduct in dwellings on the following
- Designated access roads to be used at all times; no beach driving permitted without required permit; .
- Do not create footpaths; this will lead to unnecessary vegetation trampling and can lead to accelerated erosion
- Stormwater management measures, as required for the dwellings, is to be in place; ensure no erosion from stormwater outflows and mitigate as required; ensure measures implemented are confined to boundaries of the erf and do not encroach into public coastal area

Put in place waste management mitigation measures

General and Hazardous Waste pollution

- Identify all general waste streams
- Waste management must follow waste hierarchy – avoid, reduce, reuse, recycle, dispose. Where possible wastes on-site must be reused or recycled.
- Provide suitable waste receptacles, ablution / toilet facilities and management, hazardous material storage, hazardous waste tool (drip trays, mixing trays, spill response kit), skip, waste removal and disposal, as required
- Identify closest registered waste site
- Maintain records of disposal / ablution / toilet services (ie, conservancy tank records; Service agreements etc)
- Under no circumstances may solid waste be burnt or buried on site / surrounding area;
- Keep area clear of all waste and ensure no littering (include in training / information to guests))
- Machinery using fuels and oil (i.e. generators, compactors) to be equipped with drip trays as required
- Do not leave machinery / vehicles running unnecessarily. Service machines and vehicles regularly to prevent unnecessary fumes and leaks.
- Any construction / maintenance vehicles are not to be overly full so the likelihood of spillage of debris is prevented. Any loose materials transported to / from site must be covered. Surrounding area and roads should be monitored for debris and materials associated with the proposed development and cleaned up as soon as such becomes apparent.
- During maintenance activities strict precautions should be taken to prevent any contamination of the environment from harmful chemicals such as dry cement, paint products, hydrocarbons, etc. Cover stockpiles of building materials like cement, sand and other powders.
- Ensure cleaning materials, volatile materials and other hazardous materials (e.g. chemicals) are securely stored within a suitable sealable non-corrosive container. Ensure lids are secure to avoid unnecessary release into the environment. Store on a bunded area covered with roof and secure with lock and key.
- Any spills must receive the necessary clean-up action. Appropriate arrangements to be made for appropriate collection and disposal of all cleaning materials, absorbents, and any contaminated soils.
- All septic and/or conservancy tanks for domestic effluent treatment should be well-maintained and emptied on a regular basis (as required) to prevent contamination of the beach and adjacent sea, with resultant negative impacts on marine biota.
- In the event of a major spill or leak of contaminants, the relevant administering authority must be immediately notified as per the notification of emergencies/incidents.
- Keep record of complaints and take corrective action immediately as required and keep record of response.

Unintentional and uncontrolled fires can have high significant impacts on the social and natural environment

- No cigarette butts or burning substances are permitted to be released into the environment. All cigarette butts to be extinguished first and then disposed of in a waste receptacle provided.
- Fires in designated areas only; no open fires
- Fire response measures to be in place as required
- If a fire is detected it must be attended to immediately.
- Ensure emergency numbers are on hand for fire response in the area.
- Be in close contact with South African weather Services at all times to receive early warning details of floods, storm surges, ocean conditions, high winds, droughts, potential fires etc. in the area and plan accordingly

Social – Noise and Visual and sense of place impacts

- No maintenance work to take place after hours, weekends, public holidays; Working hours to be restricted to daytime hours (i.e. 8 am – 5 pm)
- A complaints register should be kept to document complaints and the corrective action taken.
- No transport of construction machinery / materials to or from the site to take place on public holidays or weekends.
- Best practice energy saving measures are to be incorporated, with a view to keep night lighting to a minimal to reduce visual lighting impacts on the area.
- Training to contractors (as required) to include no loud music or unnecessary noise on site
- Information to guests to include no noise / loud music before 8am and after 10pm or unnecessary noise on site
- Put in place all recommended mitigation measures

Social - Income generation

- Use local reputable contractor
- Use local materials, where possible.
- Make use of local services where required and possible
- Do not pay any cash wages on site to minimise criminal risk to employees

Freshwater for domestic consumption

- Ensure no wastage of water (no leaking taps, pipes etc) and responsible use

Electricity USE

- The following measures are recommended to be incorporated into the design to reduce energy demands on the grid:
 - Solar panels (incorporated)
 - Energy efficient lighting
 - Energy saving materials (windows, walls, roofs have been designed to reduce energy demands – refer to designs in Annexure J)
- Best practice energy saving measures are to be incorporated into operations

6. EMP Targets – Planning and Operations

Aspect: Planning Activities

Impact: S24G application and noncompliance to conditions of Environmental Authorisation can have financial implications. Insufficient budget, planning and responsibility allocated for environmental management will result in unmitigated impacts.

Responsibility: Holder of EA, town planners, authorities as applicable

The following is a summary checklist that can be used to ensure compliance to mitigation measures for planning phase:

Targets:

- ✓ EA in place
- ✓ EMPr approved
- ✓ EM file in place and mitigation measures implemented
- ✓ Emergency plans
- ✓ Training of any contractor
- ✓ Information for guests to the area

Aspect: Operations and maintenance if required

Impact: Noncompliance to conditions of Environmental Authorisation can have financial implications, loss of indigenous plants and animals, spread of alien invasive plants, erosion and polluting activities and unnecessary social impacts (noise, visual, sense of place)

Insufficient budget, planning and responsibility allocated for environmental management will result in unmitigated impacts.

Responsibility: Holder of EA, contractors / maintenance contractors / visitors / employees as applicable

The following is a summary checklist that can be used to ensure compliance to mitigation measures

Targets:

- ✓ EM file kept updated
- ✓ External audit reports
- ✓ Necessary training – heritage resources, plants and animals, AIS, waste management
- ✓ Working hours: Restrict to weekdays between 8am to 5pm; no public holidays
- ✓ Designated footprint and laydown, stockpiles, waste management area within boundary of erf
- ✓ Topsoil / lawn separated; plants for re-use bagged;
- ✓ Topsoil stockpiled at 1 m height, suitably mulched and reused
- ✓ Subsoils reused where necessary; excess is disposed correctly and timeously
- ✓ No disturbance of indigenous plants outside footprint
- ✓ No AIS
- ✓ No disturbance to fauna
- ✓ Ablution facilities / toilets and associated conservancy tank regularly serviced and record kept
- ✓ Waste facilities and any hazardous waste storage facilities and response in place as required
- ✓ No refuelling on site; no service of vehicles on site
- ✓ Fire prevention and response in place; emergency numbers on hand
- ✓ Code of conduct for visitors
- ✓ Training for any workers
- ✓ No waste at end of construction; disturbed areas revegetated with vegetation natural to the local area
- ✓ Any precautionary measures (anti erosion etc) must be implemented within the boundaries of the property
- ✓ Incident / complaint register in place; no complaints
- ✓ Close out audits and any actions required

Project Apects to be completed by maitnenace team as required

Activity:	Description of activity (i.e. AIS clearing, maintenance activity)			
Responsible person:				
Aspect	Nature / Description	Required		Notes
		✓	✗	
Scope of work	Description of scope of work and accompanying method statement / s	✓		
Designs / Plans completed	As required for scope of work			
Environmental Training	Environmental training required (i.e. excavations – archaeology; ongoing – litter; AIS; no -go)			
Health and safety	As required – HS File, first aid etc.			

Activity:	Description of activity (i.e. AIS clearing, maintenance activity)			
Responsible person:				
Aspect	Nature / Description	Required		Notes
		✓	✗	
Workforce	Number of workers required?			
	Required environmental management training (i.e. waste, soil management etc)			
	Local labour			
Suppliers	Local suppliers			
Transport and traffic	Transport required for site workers?			
	Access and parking requirements			
Site clearing	Area to be cleared			
	Permits on hand; Plants removed and stored			
Vegetation management	No disturbance to vegetation outside footprint	✓		
	Remove alien invasive from footprint as required	✓		
	Pegs / screening material for designating footprint			
Topsoil management	Top 300 mm soil with indigenous vegetation intact			
	Stockpile separately			
	Compost separately as mulch elsewhere in landscaping / public open space area			
Earthworks and subsoil management, erosion control / archaeology and Palaeontology resources	Area and depth to be excavated			
	Volume of material to be excavated per component			
	Duration of earthworks component			
	Where will excavated material be stored on site; subsoils covered; Rocks for landscaping; excess for landfill;			
	Shade cloths / water cart – dust control			
Building material and equipment	Nature of required materials and equipment			
	Storage requirements / laydown areas for materials / equipment			
	Hazardous materials / substances – sealed containers, banded area, non-permeable flooring, secure, equipped with roof.			
Waste management	Ablution facilities – Required? Number? Service Provider? Record of service to be kept	✓		
	General waste bins			
	Drip trays, cement mixing trays, plastic liners,			
	Spill kits, hazardous waste bins			
	Skip			
	Service providers (waste / ablutions)			
	Construction rubble – designated area / skip as required			
	General waste – General waste bins with lids and labelled / storage area			
Hazardous waste – drip trays / spill kits / storage area				
Drinking water and lunch area	Quantity required? Lunch area provided? Source of drinking water?			
Existing structures	Location of existing structures / infrastructures that may be in construction footprint			
Working hours	Working hours – no weekends, no public holidays, no night time.	✓		

7. COMPLIANCE WITH THE EMPr

6.1 Monitoring and Compliance

The monitoring and compliance of the development should take place as follows:

- External environmental compliance audit every second year and submitted to the DEDEAT

6.2 Auditing Process

The terms of reference for the audits must comprise the following:

- Develop a checklist against which the criteria can be referenced during the audit.
- During the audit process, key individuals involved with the management of the project are to be given the opportunity to comment on issues being audited and will be invited to accompany the auditor during the site inspection.
- Compile an audit report on the implementation of the EMPr and compliance to the Environmental Authorisation (if attained) and submit this report to the competent authority (DEDEAT).

Compliance ratings against which the listed criteria are assessed are as follows:

Symbol	Rating	Interpretation
Y	Yes	Evidence of compliance
P	Partial	Evidence of partial compliance
N	No	Evidence of non-compliance
NR	Not Relevant	The condition or commitment is not relevant at this stage of the development or it is inappropriate
NA	Not Audited	Not audited

6.3 Non-Compliance

Definition

The non-compliance is defined as, and will be issued for:

- Any deviation by the Applicant from the environmental conditions and requirements as set out in the EA and EMPr, or;
- Any contravention by the Applicant of environmental legislation, or;
- Any unforeseen environmental impact resulting from direct or indirect actions or activities on site that would be considered as a significant impact. Significance will be determined by the external environmental compliance auditor but will be informed by geographic extent, duration, lasting effects of the impact and extent of remediation to the impact.

Types of non-compliances issued

Two types of non-compliances may be issued:

A. Stop Works Non-Compliance (Not relevant to operations – will be relevant if activities took place on site that did not entail maintenance of the current dwellings and triggered relevant NEMA activities)

B. General Non-Compliance

A general non-compliance will entail corrective action to be put in place.

6.4 Issuing a Non-Compliance

Non-compliance may be issued to:

- The Applicant
- Any representative of the Applicant

6.6 Failure to complete corrective actions

In the event that the Applicant fails or refuses to complete the corrective action, either at all or within the allocated timeframe, the auditor shall,

- Inform DEDEAT in writing that a condition of approval for the project is not being met.

The DEDEAT office is responsible for resolving the impasse with the Applicant.

On receiving a notice of non-compliance, the Applicant is required to swiftly address the issue/s taking all corrective actions required to rectify the situation.

Failure to redress the cause shall be reported to the relevant authority for them to deal with the transgression as deemed fit.

6.7 Unlawful Activity/ies

NEMA and its Regulations entitle environmental authorities to administer a fine not exceeding R 5 million- or 10-years imprisonment and/or a fine and imprisonment for a person guilty of an unlawful activity. The Act makes allowance for the rectification of unlawful activity and may charge up to R1 million administration fees over and above the remediation costs.

NEMA makes provision for damages to be awarded by the courts where loss or damage has occurred as a result of a contravention of other environmental statutes. Importantly, NEMA provides for the liability of conviction of employees, managers, agents and directors for any offences resulting from the failure to take all the reasonable steps that were necessary under the circumstances to prevent the commission of an offence.

8. AMENDMENTS TO THE EMPr

This EMPr outlines the environmental practices and mitigation measures to be adhered to during the operational phases in order to limit and/or minimise potential negative impacts and promote sound environmental practises.

Any major issues not covered in the EMPr as submitted, will be addressed as an addendum to this EMPr, and submitted for approval. The EMPr is a living document and is subject to change from time to time in consultation with the DEDEAT. Any amendments to the EMPr will require approval from the DEDEAT.

9. ENFORCING THE EMPr

The holder of the Environmental Authorisation (EA) has a responsibility to ensure that all those people involved in the project are aware of and familiar with the environmental requirements for the project (this includes casual labour, etc) and familiarise themselves with the full contents of the EA and EMPr. They shall know and understand the specifications of the EA and EMPr and shall be able to assist in matters relating to the EA and EMPr.

TABLE OF RESPONSIBLE PARTIES BELOW:

Responsibility	Name of Responsible Party
Applicant	Ryan Butcher
Town Planner / Architect	
Contractor/s	
Manager / employees	
External Environmental Auditor	

10. DRAFT STAFF / RESIDENT CONDUCT CONTROL AND INFORMATION SHEET

RULES for STAFF and GUESTS (as applicable)		Staff	Guest
1	DO NOT tamper with or destroy nesting sites, lairs or any other form of animal shelter.	Y	Y
2	DO NOT feed the native animals.	Y	Y
3	DO NOT leave the project site untidy and strewn with rubbish that will attract pests.	Y	Y
4	DO NOT bring any pets onto the project site.	Y	
5	DO NOT trespass onto private properties not linked to the project.	Y	Y
6	DO NOT carry a weapon onto the project site or in the vehicles transporting workers to and from the site.	Y	
7	DO NOT set fires.	Y	Y (outside designated area)

8	DO NOT cause any unnecessary disturbing noise	Y	Y
9	DO NOT drive a vehicle under the influence of alcohol.	Y	Y
10	DO NOT exceed the national speed limits on public roads or exceed the recommended speed limits in the local area	Y	Y
11	DO NOT drive a vehicle that is generating excessive noise / leaking / excessive fuels (such vehicles must be reported and repaired as soon as possible).	Y	Y
12	DO NOT litter along the roadsides, including both public and private roads.	Y	Y
13	DO NOT remove or destroy vegetation around the site or surrounding area	Y (unless for AIS removal / maintenance)	Y
17	DO NOT operate critical items of mechanical equipment without having been trained and certified.	Y	NA
18	ALL employees must undergo the necessary safety training and wear the necessary protective clothing at all times.	As required	
19	NO unsocial behaviour will be permitted e.g., excessive shouting, hooting etc.	Y	Y
20	NO ad-hoc activities are to be undertaken e.g. fires for cooking, the use of surrounding bush as a toilet facility is strictly forbidden	Y	Y
22	NO worker may be forced to do work that is potentially dangerous or for what he / she is not trained to do.	Y	NA

11. RESPONSIBILITIES

The “Responsibility” column is merely a guide and does not relieve the Applicant of his responsibilities in terms of overall compliance with the EA and EMPr.

FUNCTION	RESPONSIBILITY
Applicant / Holder of EA (if attained)	<ul style="list-style-type: none"> The Applicant is ultimately responsible for the ensuring compliance with all the requirements associated with the construction, operation, rehabilitation and decommissioning phases of the project. The Applicant is responsible to ensure that all necessary communication and submission of required documentation concerning this project is submitted to the relevant authorities.
Contractor / s / Subcontractor/s if required	<ul style="list-style-type: none"> The Contractor is required to adhere to the EMPr and is responsible to ensure that all staff appointed also adhere the EMPr. Ensures that all staff are made aware of the need to conduct activities in an environmentally responsible manner. Report any possible heritage resource findings to applicant with photographs and location and follow instructions from applicant / EAP / specialist / ECPHRA Ensures prompt remediation of any sewage spills. Stockpiles are protected from aeolian effects, stormwater effects, or being driven over by workers. Ensures that a “clean-site” policy is applicable at all times. Ensures that all complaints by residents are dealt with promptly. Is responsible for any contravention/s by staff or any non-compliance with the EMPr.
Environmental compliance auditor	<ul style="list-style-type: none"> An external auditor to carry out compliance audit every second year to audit environmental conditions of the EMPr as well as the conditions stipulated to in the EA Report any heritage resource findings to ECPHRA as reported by applicant The need for any deviations or variations in the environmental conditions must be reported to the DEDEAT for approval prior to these being undertaken. The auditor must be fully cognisant with the contents of the Environmental Authorisation as well as this EMPr and any other applicable legislation
Competent Authority DEDEAT	<ul style="list-style-type: none"> The Compliance Officer appointed by the Competent Authority is responsible for the ensuring that the Applicant, Contractor, and ECO are compliant with the provisions of the EA and EMPr.
DEDEAT	<ul style="list-style-type: none"> Responsible for issuing any SCC permits for fauna and smaller plants if required
Department of Forestry	<ul style="list-style-type: none"> Responsibility for issuing permits for protected trees if required
ECPHRA	<ul style="list-style-type: none"> Responsible for issuing of permits required for any discovered artefacts during excavation / site clearing activities if required

ACKNOWLEDGEMENT FORM

Record of signatures providing acknowledgment of being aware of and committed to complying with the contents of this Environmental Management Programme (EMPr), which relates to the environmental mitigation measures for the project outlined below, and the environmental conditions contained in all other contract documents.

PROJECT NAME:

**COMMENCEMENT OF LISTED ACTIVITIES WITHOUT AN ENVIRONMENTAL AUTHORISATION AT PORTION 12 OF THE FARM ONGEGUNDE VRYHEID NO 746, KOUGA LOCAL MUNICIPALITY
DEDEAT Ref: SBROB#2021-05-02**

APPLICANT:

Signed: Date:

STAFF:

Signed: Date:

EXTERNAL ENVIRONMENTAL COMPLIANCE AUDITOR

Signed: Date:

ANNEXURE 1: Chance find protocol

ANNEXURE 2: CV of EAP