|  |  |
| --- | --- |
|  | (For official use only) |
| File Reference Number: |  |
| Date Received by Department: |  |
| Date Received by Component: |  |

**PROJECT TITLE**

|  |
| --- |
|  |

**GENERAL INFORMATION**

1. “Not applicable” must be used with circumspection. Where it is used in respect of material information that is required for assessing the request, our request for additional information will delay your application.
2. Unless protected by law, all information contained in, and attached to this document, shall become public information on receipt by the competent authority.
3. Two copies (signed) of this document must be posted to the Department at the postal address given below, or delivered to the Registry Office of the Department. Faxed or e-mailed checklists are not acceptable.
4. Any additional information, pictures or explanations prompted by this form must also be submitted, in order to ensure that this Department does not need to request additional information from you.

**DEPARTMENTAL DETAILS**

|  |  |  |
| --- | --- | --- |
| **CAPE TOWN OFFICE: REGION 1**  **(City of Cape Town &  West Coast District)** | **CAPE TOWN OFFICE: REGION 2**  **(Cape Winelands District &  Overberg District)** | **GEORGE OFFICE: REGION 3**  **(Central Karoo District &  Eden District)** |
| Department of Environmental Affairs  and Development Planning  Attention: Directorate: Land Management (Region 1)  Private Bag X 9086  Cape Town,  8000  Registry Office  1st Floor Utilitas Building  1 Dorp Street,  Cape Town  Queries should be directed to the Directorate: Development Management (Region 1) at:  Tel: (021) 483-5829  Fax (021) 483-4372 | Department of Environmental Affairs and Development Planning  Attention: Directorate: Land Management (Region 2)  Private Bag X 9086  Cape Town,  8000  Registry Office  1st Floor Utilitas Building  1 Dorp Street,  Cape Town  Queries should be directed to the Directorate: Development Management (Region 2) at:  Tel: (021) 483-5842  Fax (021) 483-3633 | Department of Environmental Affairs and Development Planning  Attention: Directorate: Land Management (Region 1)  Private Bag X 6509  George,  6530  Registry Office  4th Floor, York Park Building  93 York Street  George  Queries should be directed to the Directorate: Development Management (Region 3) at:  Tel: (044) 805-8600  Fax (044) 874-2423 |

**IMPORTANT INFORMATION ABOUT EMERGENCY SITUATIONS IN TERMS OF SECTION 30A(1) OF NEMA**

With regards to an emergency directive, note that:

1. It will be agreed to in terms of section 30A(1) of NEMA.
2. Notwithstanding a possible agreement to the emergency directive, any other applicable statutory requirement must still be complied with (e.g. any obligations under the National Water Act, 1998 (Act No. 36 of 1998), Regulations on Control of Use of Vehicles in the Coastal Zone, 2004 (GN R.1426) in terms of the Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)), the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) or the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ;
3. Agreement to an emergency directive does not absolve you from your general “duty of care” set out in Section 28(1) of the NEMA which states, *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment*.” (Note: When interpreting this “duty of care” responsibility, cognisance must be taken of the national environmental management principles contained in Section 2 of NEMA);
4. The Department reserves the right to not grant an emergency directive and to require that a Basic Assessment be undertaken.
5. Should the Department agree to an emergency directive, the Department will stipulate the time period during which the emergency directive will remain in force.
6. Provide a location map to this document that shows the location of the proposed activity(ies) and associated structures and infrastructure on the property; as well as a detailed site development plan / site map; and if applicable, all alternative properties and locations. The GIS shape files (.shp) for maps / site development plans must be included in the electronic copy of the report submitted to the competent authority.
   1. The scale of the locality map must be at least 1:50 000.
   2. an accurate indication of the project site position as well as the positions of the alternative sites, if any
   3. an accurate indication of the project site position as well as the positions of the alternative sites, if any
   4. road names or numbers of all the major roads as well as the roads that provide access to the site(s)
   5. a north arrow
   6. a legend
   7. a linear scale
   8. GPS co-ordinates (to 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 should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS84 spheroid in a national or local projection)
7. Section 24 C (2) of the NEMA identifies the competent authority responsible for granting environmental authorisations in respect of those activities applied for. Please ensure that this Department is the competent authority for the proposed activities and not the national Minister of Environmental Affairs.
8. Please note that this request do not apply in the event that a person has already commenced with a listed activity or specified activity identified in terms of the regulations promulgated in terms of section 24(2) of the NEMA without an environmental authorization or to an incident as provided for in terms of section 30 of the NEMA.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# **background information**

**1. PERSONAL DETAILS**

Highlight the Departmental Sub-Region(s) in which the emergency work is to be undertaken.

|  |  |  |
| --- | --- | --- |
| CAPE TOWN OFFICE: REGION 1  (City of Cape Town &  West Coast District) | CAPE TOWN OFFICE: REGION 2  (Cape Winelands District &  Overberg District) | GEORGE OFFICE: REGION 3  (Central Karoo District &  Eden District) |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name and identity number of person making the written request : | |  | | | | |
| Contact person (if other): | |  | | | | |
| Postal address: | |  | | | | |
|  | |  | | Postal code: |  | |
| Telephone: | |  | | Cell: |  | |
| Email: | | ( ) | | Fax: | ( ) | |
|  | | | | | | |
| Name of person / EAP who has prepared the Checklist: | |  | | | | |
| Contact Person (if other): | |  | | | | |
| Postal address: | |  | | | | |
|  | |  | | Postal code: |  | |
| Telephone: | | ( ) | | Cell: |  | |
| E-mail: | |  | | Fax: | ( ) | |
|  | | | | | | |
| Name of landowner/person in control of land: | |  | | | | |
| Contact person: | |  | | | | |
| Postal address: | |  | | | | |
|  | |  | | Postal code: |  | |
| Telephone: | | ( ) | | Cell: |  | |
| E-mail: | |  | | Fax: | ( ) | |
| In instances where there is more than one landowner, please attach a list of landowners with their contact details. | | | | | | |
|  | | | | | | |
| Municipality for proposed project: | |  | | | | |
| Farm name, erf and portion number etc.: | |  | | | | |
| Magisterial District or Town: | |  | | | | |
| Surveyor General (SG) 21 digit code | |  | | | | |
| Coordinates for the site (please use the Hartebeesthoek94 WGS84 co-ordinate system): | | | | | | |
| Latitude (S) | ° | | ‘ | | | “ |
| Longitude (E) | ° | | ‘ | | | “ |

1.1 Is the requester placing the request in his/her personal capacity or on behalf of a state body/parastatal/corporate entity?

|  |  |
| --- | --- |
| Personal capacity |  |
| Organ of State |  |
| Parastatal |  |
| Corporate entity |  |
|  | | |

1.2 Name of state body/parastatal/corporate entity on whose behalf the request is made; registration number where appropriate and registered street address

|  |
| --- |
|  |

1.3If the request is made on behalf of astate body/parastatal/corporate entity, in what capacity is the requester employed by that body?

|  |
| --- |
|  |

1.4 Name the other authorities and authorisations/licenses/permits that might be required

|  |
| --- |
|  |

1.5 Is this the first request?

|  |
| --- |
|  |

**2. DESCRIPTION OF PROPOSED EMERGENCY WORKS TO BE UNDERTAKEN FOR THE SITE(S)**

2.1 Provide the nature of the emergency situation, including the progression of the emergency (whether or not it has commenced/is imminent/has caused damage at the time of the request)

|  |
| --- |
|  |

* 1. Indicate the cause of the emergency situation; including confirmation of whether or not it was caused by the fault of the requestor

|  |
| --- |
|  |

* 1. Indicate the risk / probability of occurrence / severity of the impact on the environment as a result of the emergency; including an impact which may already have occurred

|  |
| --- |
|  |

2.4 Indicate the risk of the impact on human health and well-being as a result of the emergency; including any impact which may already have occurred

|  |
| --- |
|  |

2.5 Provide the measures to be taken; including proposed timeframes for actions and whether they will provide a temporary or permanent solution to the situation

|  |
| --- |
|  |

2.6 What aspect of the emergency will each measure seek to address, and how?

|  |
| --- |
|  |

2.7 Indicate the listed or specified activity(ies) that will be triggered by the proposed measures

|  |
| --- |
|  |

2.8 What are the estimated costs of the proposed measures?

|  |
| --- |
|  |

2.9 Are there any reasonable alternative measures (including the no-go alternative); including an estimate of the costs thereof?

|  |
| --- |
|  |

2.10 Indicate the risk / probability of occurrence / severity of the impact on the environment of the proposed prevention, control or mitigation measures

|  |
| --- |
|  |

2.11 Any post-event mitigation or rehabilitation measures that may be required

|  |
| --- |
|  |

2.12 Please list the applicable listed activity

|  |
| --- |
|  |

2.13

|  |
| --- |
|  |

**FOR OFFICIAL USE ONLY** (to be completed by the competent authority)

|  |  |
| --- | --- |
| Oral request |  |
| Written request |  |
| Date of request | / / | |
| Time of request | h | |
| I have competed the above questions | | | Yes | |  | No |  | |
| I have agreed to the oral request | | | Yes | |  | No |  | |
| **For a verbal directive:**  I have completed the above form, considered the requirement of regulation 5 (1) and 6(1) and in my opinion, as the competent authority, I hereby issue a verbal directive in terms of section 30A(1) of the NEMA to the requestor mentioned above. | | | | | | | | | |
| …………………………..  Competent authority | | | | ……………………  Date | | | | …………………….  Time | |

**3. DECLARATION**

# **3.1 The PERSON THAT WILL BE UNDERTAKING THE EMERGENCY WORKS**

I …………………………………., in my **personal capacity** or **duly authorised** (please circle the applicable option) by ……………..................................………………… (name of legal entity) thereto hereby declare that I/we:

* Regard the information contained in this checklist to be true and correct,
* Am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 (“NEMA”) (Act No. 107 of 1998) and that, notwithstanding an agreement to this request for an Emergency Directive, I/we shall comply with any other statutory requirement applicable in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), the National Water Act, 1998 (Act No. 36 of 1998), Regulations on Control of Use of Vehicles in the Coastal Zone, 2004 (GN R.1426) in terms of the Integrated Coastal Management Act, 2008 (Act 24 of 2008) and the Environmental Impact Assessment Regulations (“EIA Regulations”) in terms of NEMA;
* Am fully aware that the proposed emergency work constitutes a listed activity in terms of the NEMA EIA Regulations, 2014, namely, Activity 19 of GN No. R. 983, and that an environmental assessment for environmental authorisation may be required for any other listed activities;
* Shall undertake only those tasks described in the emergency directive, failing which environmental authorisation will be required, where applicable;
* Shall provide the competent authority with access to all information at my disposal that is relevant to this request;
* Shall be responsible for any costs incurred in complying with environmental legislation;
* Hereby indemnify the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of, *inter alia*, any loss or damage to property or person as a consequence of undertaking this maintenance management plan; and
* Am aware that a false declaration is an offence in terms of Regulation 48 of the 2014 NEMA EIA Regulations.

Signature of the applicant:

Date:

Name of institution/company:

# **3.2 The environmental assessment practitioner (EAP)**

* I ……………………………………, as the appointed environmental assessment practitioner (“EAP”) hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:
* in terms of the general requirement to be independent:
* other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
* am not independent, but another EAP that meets the general requirements set out in Regulation 13 have been appointed to review my work (Note: a declaration by the review EAP must be submitted);
* in terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
* have disclosed/will disclose, to the applicant, the specialist (if any), the Department and interested and affected parties, all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application;
* have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to interested and affected parties and the public and that participation by interested and affected parties was/will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
* have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Department in respect of the application;
* have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
* have kept/will keep a register of all interested and affected parties that participate/d in the public participation process; and
* am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.

**Note:** The terms of reference of the EAP must be attached.

Signature of the environmental assessment practitioner:

Name of company:

Date: