**IMPORTANT: Kindly ensure that this checklist is completed and attached to the NEMA SECTION 24G Application.**

**Please indicate by ticking the following below to serve as confirmation that the required information has been included in the application.**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Application Requirements** | **Please tick for confirmation** | |
| 1. | Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations.  **(Note: Failure to meet the Regulation 8 will result in rejection of the application)** |  | |
| 2. | Application form has been completed and attached, which includes among others: |  | |
| 2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with. |  | |
| 2.2. A list of all **similarly listed** activities in terms of the current EIA regulations (if applicable). |  | |
| 2.3. A description of the receiving environment **before** commences of the activity(ies). |  | |
| 2.4. A description of the receiving environment **after** commences of the activity(ies). |  | |
| 2.5. All appendices and annexures: |  | |
| 2.5.1. Locality map |  | |
| 2.5.2. Site plans or/and Layout plan |  | |
| 2.5.3. Building plans (if applicable) |  | |
| 2.5.4. Colour photographs |  | |
| 2.5.5. Biodiversity overlay map |  | |
| 2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality |  | |
| 2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information |  | |
| 2.5.8. Environmental Management Programme |  | |
| 2.5.9. Certified copy of Identity Document of Applicant |  | |
| 2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities) |  | |
| 2.6. Signed declaration forms. |  | |
| 3. | Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic? | Y | N |
| 3.1. If yes, has the specialist assessment report been attached to the application? |  | |
| 4. | An assessment of the impacts of the activity or activities in terms of the following categories: |  | |
| * Socio-economic |  | |
| * Biodiversity |  | |
| * Sense of place &/or Heritage/ Cultural |  | |
| * Any pollution or environmental degradation which has been, is being, is being or may be caused |  | |
| 5. | A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken. |  | |
| 6. | Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations:  Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii). |  | |
| 7. | Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations. |  | |
| 8. | Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4)**.** |  | |
| Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP) |  | |
| 9. | Compliance history of the applicant: |  | |
| 9.1. Completed Annexure A, Section C, Part 2 and 3; namely: |  | |
| 9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA). |  | |
| 9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA; |  | |
| 9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and |  | |
| 9.1.4. Whether the applicant is a firm or a natural person.(see Section 24G Fine Regulations for definition of “firm”) |  | |
| 9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies; |  | |
| 9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply. |  | |
| 10. | Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA. |  | |
| 10.1 Proof of Consultation with relevant State departments, including, *inter alia*, notices, adverts etc. |  | |
| 10.2 Copies of comments and responses included in the application. |  | |
| 10.2 Comments and Response report attached to the application. |  | |
| 11. | Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 (“EIA Regulations, 2014”) *(GN No. R.326 of 7 April 2017)* **(if conducted/undertaken)** |  | |

**Section 24G Application Form for the consequences of unlawful commencement of listed activity/ies in terms of the:**

* **National Environmental Management Act, 1998 (Act No. 107 of 1998), (“NEMA”);**
* **National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (“NEM: WA”)**

**OCTOBER 2022**

**Form Number S24GAF/10/2022**

**Kindly note that:**

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.
2. This **Application Form** must be completed for all section 24G applications**,** by an Independent and Registered Environmental Assessment Practitioner (“EAP”).
3. This Application Form is current as of 10 October 2022. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 10 October 2022.
4. **The contents of this Application Form include the following:**

**PART 1 -**

**Section A: Background Information**

**Section B: Activity Information**

**Section C: Description of Receiving Environment**

**Section D: Need and Desirability**

**Section E: Alternatives**

**Section F: Impact Assessment, Management, Mitigation and Monitoring Measures**

**Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties**

**Section H: Recommendations of the EAP**

**Section I: Representations - Response to an Incident or Emergency Situation**

**Section J: Public Participation Process**

**PART 2 –**

**ANNEXURE A of Fine Regulations**

**Section A: Directives**

**Section B: Deferral of the Application**

**Section C: Quantum of the section 24G fine**

**Section D: Preliminary advertisement**

**PART 3 –**

**Appendices and Declarations**

**PART 4 –**

**ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**

1. An **Independent and Registered EAP** must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence. **Copies of the EAPS and Specialists Registration Certificates be submitted with this application.**
2. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted. Email copies to be submitted
3. 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 extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department’s website https://www.westerncape.gov.za/eadp/
4. The use of “not applicable” in the Application Form must be done with circumspection.
5. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.
6. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

**Process to be followed:**

1. **Prior to submission of an Application Form,** the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 (“Section 24G Fine Regulations”).
2. Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.
3. The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.
4. Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G of the NEMA (as amended).
5. After submission of the application, **consultation with organs of state in terms of section 24O of the NEMA** will be required and public participation with interested and affected parties to inform the application. Any comments received must be compiled in a Comments and Response Report.
6. In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.
7. The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.
8. The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.
9. **Proof of payment of the fine must be submitted to the Department**. Upon payment of the administrative fine, the MEC/Competent Authority may-
   * + - refuse to issue an environmental authorisation; or
       - issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
       - direct the applicant to provide further information or take further steps prior to making a decision provided for above;
       - together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

**CIRCULARS, GUIDELINES AND TOOLS:**

1. The Department’s latest Circulars pertaining to the “One Environmental Management System” and the EIA Regulations and guidelines must be taken into account when completing this Application Form.
2. The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link <https://screening.environment.gov.za/screeningtool> to generate the Screening Report. The Screening Report must be attached to this Application Form as an Appendix.

**PLEASE NOTE THE FOLLOWING:**

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.
2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from—

(a) the environmental management inspector’s or the South African Police Services’ authority to investigate any transgression in terms of NEMA or any specific environmental management Act;

(b) the National Prosecuting Authority’s legal authority to institute any criminal prosecution.

3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that 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 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.

4. A person is guilty of an offence if that person:

- Prior to submission of a section 24G application:

* + fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant’s website, if any or
  + fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
  + fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
  + fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.

- Provides incorrect, false or misleading information in any form, including in any document submitted to a

competent authority in terms of the Section 24G Fine Regulations or omits information that may have an

influence on the outcome of a recommendation of the fine committee or determination of the competent

authority.

5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to

imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a

fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances

to both such fine and such imprisonment.

**DISCLAIMER**

With regards to the Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA), please note that all personal information is being voluntarily submitted for the purposes of your participation in this environmental application process. The information will be held by EAP on behalf of the Applicant and will be submitted to the Competent Authority for the decision on the application. Personal information may also be made available to the Appellant/s so that they may participate in the appeal process in the event that the decision on the application is appealed. Personal information may also be made available to third-party auditors so that you can be notified of future audits of the environmental decision.

**DEPARTMENTAL DETAILS**

|  |
| --- |
| The Application Form must be sent to the following details:  Western Cape Government  Department of Environmental Affairs and Development Planning  Attention: Directorate: Environmental Governance  Private Bag X 9086  Cape Town,  8000  Registry Office  1st Floor Utilitas Building  1 Dorp Street,  Cape Town  Queries should be directed to the Sub-directorate: Rectification  at:  Tel: (021) 483-5827  Fax (021) 483-4033 |

**DEPARTMENTAL REFERENCE NUMBER(S)** (for official use)

|  |  |
| --- | --- |
| File Reference number (S24G) |  |
| Administrative Fine Reference |  |

**DEPARTMENTAL REFERENCE NUMBER(S)** (to be completed by the EAP)

|  |  |
| --- | --- |
| File Reference number (Enforcement), if applicable |  |
| File reference number (EIA), if applicable: |  |
| File reference number (Waste), if applicable: |  |
| File reference number (Other (specify)): |  |

**View the Department’s website on** [**http://www.westerncape.gov.za/eadp**](http://www.westerncape.gov.za/eadp) **for the latest version of the documents**

**Part 1**

**PROJECT TITLE AND GENERAL DESCRIPTION OF THE DEVELOPMENT**

|  |
| --- |
|  |

**RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED**

Cross out the appropriate box “⌧” in which region the unlawful activity/ies has commenced.

|  |  |  |
| --- | --- | --- |
| REGION 1  City of Cape Town and West Coast District | REGION 2  Cape Winelands District and Overberg District | REGION 3  Central Karoo District and Eden District |
|  |  |  |

**SECTION A: Background information**

1. **APPLICANT PROFILE INDEX**

Cross out the appropriate box “⌧”.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 1.1 | The applicant is a Natural Person (individual) | | | | |  |
| 1.2 | The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state) | | | | |  |
| 1.2.1 | If a firm, please tick the relevant box below: | | | | | |
|  | Body Corporate | Partnership | Trust | Parastatal | Organ of State |  |
|  | Directors of a Company | Members of a Board | Other, please specify |  | | |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | | | | | | | | |
| **Applicant’s details** (duplicate this section where there is more than one applicant) | |  | | | | | | | |
| Applicant Name: | |  | | | | | | | |
| Name of Firm (if applicable): | |  | | | | | | | |
| Firm Registration Number: | |  | | | | | | | |
| Contact Person at the Firm: | |  | | | | | | | |
| List of all (as applicable at the relevant time): | | Please insert the names and RSA ID numbers of the relevant persons below – **(In the list below, delete the firms that are not applicable to this application)** | | | | | | | |
| * Directors of a company; or * Members of the board; or * Executive committee or other managing body of a corporate body or parastatal; or * Members of close corporation; or * Partners of a partnership; or * Trustees of a trust | | Name:    Name:  Name:  Name:  Name:  Name: | | | | | | | |
|  | |  | | | | | | | |
| Postal address: | |  | | | | | | | |
|  | |  | Postal code: |  | | | | | |
| Telephone: | | ( ) | Cell: |  | | | | | |
| E-mail: | |  | Fax: | ( ) | | | | | |
|  | | | | | | | | | |
| **Project Consultant** | |  | | | | | | | |
| Contact person: | |  | | | | | | | |
| Postal address: | |  | | | | | | | |
|  | |  | Postal code: |  | | | | | |
| Telephone: | | ( ) | Cell: |  | | | | | |
| E-mail: | |  | Fax: | ( ) | | | | | |
|  | | | | | | | | | |
| **Name of the Environmental Assessment Practitioner (“EAP”) responsible for the application:** | |  | | | | | | | |
| Company name (if any): | |  | | | | | | | |
| Postal address: | |  | | | | | | | |
|  | |  | Postal code: |  | | | | | |
| Telephone: | | ( ) | Cell: |  | | | | | |
| E-mail: | |  | Fax: | ( ) | | | | | |
| EAP Qualifications | |  | | | | | | | |
| EAP registrations/Associations and registration number/s | |  | | | | | | | |
|  | | | | | | | | | |
|  | | | | | | | | | |
| **Name of the Landowner:** | |  | | | | | | | |
| Name of the contact person for the land owner (if other): | |  | | | | | | | |
| Postal address: | |  | | | | | | | |
|  | |  | Postal code: |  | | | | | |
| Telephone: | | ( ) | Cell: |  | | | | | |
| E-mail: | |  | Fax: | ( ) | | | | | |
|  | |  | | | | | | | |
| Person in control of land: | |  | | | | | | | |
| Contact person: | |  | | | | | | | |
| Postal address: | |  | | | | | | | |
|  | |  | Postal code: |  | | | | | |
| Telephone: | | ( ) | Cell: |  | | | | | |
| E-mail: | |  | Fax: | ( ) | | | | | |
| **Please note:**  **In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.**  **A certified copy of the applicant’s (if natural person), alternatively a director’s (as defined), Identity Document must be attached to the application.**  **A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application.** | | | | | | | | | |
| Municipality in whose area of jurisdiction the activity falls: | |  | | | | | | | |
| Contact person, if known: | |  | | | | | | | |
| Postal address: | |  | | | | | | | |
|  | |  | Postal code: |  | | | | | |
| Telephone | | ( ) | Cell: |  | | | | | |
| E-mail: | |  | Fax: | ( ) | | | | | |
| **Please note:**  **In instances where there is more than one Municipality involved, please attach a list of Municipalities with their respective contact details to the form.** | | | | | | | | | |
| Property location(s): | |  | | | | | | | |
|  | |  | | | | | | | |
| Farm/Erf name(s) & number(s) including portion(s) | |  | | | | | | | |
| Property size(s) (m2) | |  | | | | | | | |
| Development footprint size(s) (m2) | |  | | | | | | | |
| SG21 Digit code(s) | |  | | | | | | | |
| **Property boundary:**   |  |  |  | | --- | --- | --- | | Point | Latitude (S) | Longitude (E) | | 1 | ° ’ ” South | ° ’ ” East | | 2 | ° ’ ” South | ° ’ ” East | | 3 | ° ’ ” South | ° ’ ” East | | 4 | ° ’ ” South | ° ’ ” East |   **The co-ordinates for the site boundary are:**   |  |  |  | | --- | --- | --- | | Point | Latitude (S) | Longitude (E) | | 1 | ° ’ ” South | ° ’ ” East | | 2 | ° ’ ” South | ° ’ ” East | | 3 | ° ’ ” South | ° ’ ” East | | 4 | ° ’ ” South | ° ’ ” East |   **Please note:**  **Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.** | | | | | | | | | |
| Street address: | |  | | | | | | | |
| Magisterial District or Town: | |  | | | | | | | |
| Closest City/Town: | |  | | | Distance | | (km) | | |
| Zoning of Property: | |  | | | | | | | |
| **Please note:**  **In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.** | | | | | | | | | |
| Was the property rezoned after commencement of activities? | | | | | | YES | | NO |
| If yes, what was the previous zoning? | | | | | | | | | |
|  | | | | | | | | | |
| Is a rezoning application required? | | | | | YES | NO | | | |
| Is a consent use application required? | | | | | YES | NO | | | |
| Locality map: | A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:   * an accurate indication of the project site position as well as the positions of the alternative sites, if any; * road names or numbers of all the major roads as well as the roads that provide access to the site(s) * a north arrow; * a legend; * the prevailing wind direction; and * GPS co-ordinates (Indicate the position of the proposed 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 WGS-84 spheroid in a national or local projection) | | | | | | | | |
| Landowner(s) Consent: | If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.  **Note:**  The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects (“SIPs”) as contemplated in the *Infrastructure Development Act, 2014 (Act No. 23 of 2014*). | | | | | | | | |

**2. APPLICATION HISTORY**

(Cross out the appropriate box “⌧” and provide a description where required).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Has any national, provincial or local authority considered any development applications on the property previously? | | Yes | | No |
| If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications) | | | | |
|  | | | | |
| Which authority considered the application: | | | | |
|  | | | | |
| Has any one of the previous application/s on the property been approved or refused?  If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s). | Yes | | No | |
|  | | | | |
| Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc. | | | | |
|  | | | | |

**SECTION B: ACTIVITY INFORMATION**

**1. ACTIVITIES APPLIED FOR**

**I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.**

**Applicant (Full names): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Place: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**EAP (Full names): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Place: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

|  |  |  |  |
| --- | --- | --- | --- |
| **ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002** | | | |
| **Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989** | | | |
| Government Notice No. (“GN”) R1182 Activity No(s): | Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997 | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006** | | | |
| **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 73 of 1989,** | | | |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010** | | | |
| **Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA** | | | |
| GN R386 Activity No(s):  **(Listing Notice 1 of 2006)** | Describe the relevant listed activity/iesin writing as per GN No. R. 386 of 2006  (“NEMA 2006 Basic Assessment listed activity/ies”) | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
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| Government Notice No. R387 Activity No(s):  **(Listing Notice 2 of 2006)** | Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006  (“NEMA 2006 Scoping/EIA listed activity/ies”) | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
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| **NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014** | | | |
| **Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,** | | | |
| GN No. R. 544 Activity No(s):  **(Listing Notice 1 of 2010)** | Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010  (“NEMA 2010 Basic Assessment listed activity/ies”) | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
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| GN No. R. 545 Activity No(s):  **(Listing Notice 2 of 2010)** | Describe the relevant listed activity/iesin writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies”) | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
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| GN No. R. 546 Activity No(s):  **(Listing Notice 3 of 2010)** | Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010 | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
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| **NEMA EIA Contraventions: on or after 08 December 2014** | | | |
| **Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,** | | | |
| GN No. R. 983 Activity No(s):  **(Listing Notice 1 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014  (“NEMA 2014 Basic Assessment listed activity/ies”) | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
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| GN No. R. 984 Activity No(s):  **(Listing Notice 2 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014  (“NEMA 2014 Scoping/EIA listed activity/ies”) | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
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| GN No. R. 985 Activity No(s):  **(Listing Notice 3 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014 | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
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Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

|  |  |  |  |
| --- | --- | --- | --- |
| **Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013** | | | |
| **Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008** | | | |
| GN No. 718 – Category A Activity No(s): | Describe the relevant Category A waste management activity/ies in writing. | Describe the portion of the development as per the project description that relates to the applicable waste activity. | State the date of commencement of each activity |
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| GN No. 718 – Category B Activity No(s): | Describe the relevant Category B waste management activity/ies in writing. | Describe the portion of the development as per the project description that relates to the applicable waste activity. | State the date of commencement of each activity |
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| **Waste Management Activity Contraventions: On or after 29 November 2013** | | | |
| **Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,** | | | |
| GN No. 921 - Category A Activity No(s): | Describe the relevant Category A waste management activity/ies in writing. | Describe the portion of the development as per the project description that relates to the applicable waste activity. | State the date of commencement of each activity |
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| GN No. 921 – Category B Activity No(s): | Describe the relevant Category B waste management activity/ies in writing. | Describe the portion of the development as per the project description that relates to the applicable waste activity. | State the date of commencement of each activity |
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**Please note:**

**The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.**

**Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted.**

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014.

|  |  |  |  |
| --- | --- | --- | --- |
| **The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998,** | | | |
| GN No. R. 327 Activity No(s):  **(Listing Notice 1 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014  (“NEMA 2014 Basic Assessment listed activity/ies”) | Describe the portion of the development as per the project description that relates to the applicable listed activity. |
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| GN No. R. 325 Activity No(s):  **(Listing Notice 2 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014  (“NEMA 2014 Scoping/EIA listed activity/ies”) | Describe the portion of the development as per the project description that relates to the applicable listed activity. |
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| GN No. R. 324 Activity No(s):  **(Listing Notice 3 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014 | Describe the portion of the development as per the project description that relates to the applicable listed activity. |
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**Please note:**

**Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.**

**2. Activity DESCRIPTION**

(Cross out the appropriate box “⌧” and provide a description where required).

|  |  |  |
| --- | --- | --- |
| Is/are the activity(ies) complete or is/are the activity(ies) still to be completed? | Completed | Incomplete |
| (a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced as well as the original date of commencement if the application is an upgrade. | New | Upgrade |
|  | | |
|  | | |
| (b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed. | | |
|  | | |
|  | | |
| (c) Please 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 | NO |
| Provide brief description: | | |
|  | | |
| Infrastructure (e.g. roads, power and water supply/ storage) | YES | NO |
| Provide brief description: | | |
|  | | |
| Processing activities (e.g. manufacturing, storage, distribution) | YES | NO |
| Provide brief description: | | |
|  | | |
| Storage facilities for raw materials and products (e.g. volume and substances to be stored) | | |
| Provide brief description | YES | NO |
|  | | |
| Storage and treatment facilities for solid waste and effluent generated by the project | Yes | No |
| Provide brief description | | |
|  | | |
|  | | |
| (d) Other activities (e.g. water abstraction activities, crop planting activities) | Yes | No |
| Provide brief description | | |
|  | | |

**3. Physical size of the activity**

|  |  |  |
| --- | --- | --- |
| Indicate the physical spatial size of the activity as well as associated infrastructure (footprints): |  | m2 |
| Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure |  | m2 |
| Total area: |  | m2 |

**4. Site Access**

|  |  |  |
| --- | --- | --- |
| Was there an existing access road? | YES | NO |
| If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road. | (Length) m | |
| (width) m | |
| Describe the type of access road constructed: | | |
|  | | |
| Please Note:  Indicate the position of the access road on the site plan (See Section 5 below) | | |

**5. 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 and source of photographs must be included. Photographs must be attached as an **appendix** to this form.

**Please note:**

**Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.**

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| **LEGISLATION** | **ADMINISTERING AUTHORITY** | **TYPE**  **Permit/ license/ authorisation/comment** | **DATE**  **(if already obtained):** |
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| --- | --- |
| **POLICY/ GUIDELINES** | **ADMINISTERING AUTHORITY** |
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**7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS (“SEMAs”)**

|  |  |  |
| --- | --- | --- |
| If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)? | YES | NO |
| If yes, has an application been submitted to the licensing authority? | Yes | No |
| Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)? | YES | NO |
| If yes, has an application been submitted to the licensing authority? | Yes | No |
| If no, please provide evidence of existing water use rights (if applicable) with this application form. |  |  |
| Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)? | YES | NO |
| If yes, has an application been submitted to the licensing authority? | Yes | No |
| Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act (“NEM: ICMA”)? | YES | NO |
| If yes, has an application been submitted to the relevant competent authority? | Yes | No |
| If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA | | |
|  | | |

**8. APPLICATIONS IN TERMS OF OTHER LEGISLATION**

|  |  |  |
| --- | --- | --- |
| Is any permission, licence or other approval required in terms of any other legislation? (Please tick) | YES | NO |

If yes, please complete the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| Type of approval required (List the applicable legislation & approval required): | Name of the authority responsible for administering the applicable legislation | Application submitted  (Yes / No) | Status of application (e.g. pending/ granted/ refused) |
|  |  |  |  |
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**SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT**

# **Site/Area Description**

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan.

|  |  |
| --- | --- |
| Section C Copy No. (e.g. 1, 2, or 3): |  |

1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (Tick the appropriate box)

|  |  |  |  |
| --- | --- | --- | --- |
| GRANITE |  | QUARTZITE |  |
| SHALE |  | DOLOMITE |  |
| SANDSTONE |  | DOLERITE |  |
| OTHER (specify) |  | | |

1. GRADIENT OF THE SITE

Indicate the general gradient of the site(s) (cross out the appropriate box).

|  |  |  |  |
| --- | --- | --- | --- |
| Flat | Flatter than 1:10 | 1:10 – 1:5 | Steeper than 1:5 |

1. **Location in landscape**

Indicate the landform(s) that best describes the site (cross out (“⌧”) the appropriate boxes).

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Ridgeline | Plateau | Side slope of hill/mountain | Closed valley | Open valley | Plain | Undulating plain/low hills | Dune | Sea-front | Other |
| **If other, please describe** | | | | | | | | | |
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1. **GroundwateR, Soil and Geological stability of the site**
   1. **GroundwateR, Soil and Geological stability of the site (PRE-COMMENCEMENT)**

Is the site(s) located on or near any of the following (cross out (“⌧”) the appropriate boxes)?

|  |  |  |  |
| --- | --- | --- | --- |
| Shallow water table (less than 1.5m deep) | YES | NO | UNSURE |
| Seasonally wet soils (often close to water bodies) | YES | NO | UNSURE |
| Unstable rocky slopes or steep slopes with loose soil | YES | NO | UNSURE |
| Dispersive soils (soils that dissolve in water) | YES | NO | UNSURE |
| Soils with high clay content | YES | NO | UNSURE |
| Any other unstable soil or geological feature | YES | NO | UNSURE |
| An area sensitive to erosion | YES | NO | UNSURE |

* 1. **GroundwateR, Soil and Geological stability of the site (POST-COMMENCEMENT)**

|  |  |  |  |
| --- | --- | --- | --- |
| Shallow water table (less than 1.5m deep) | YES | NO | UNSURE |
| Seasonally wet soils (often close to water bodies) | YES | NO | UNSURE |
| Unstable rocky slopes or steep slopes with loose soil | YES | NO | UNSURE |
| Dispersive soils (soils that dissolve in water) | YES | NO | UNSURE |
| Soils with high clay content | YES | NO | UNSURE |
| Any other unstable soil or geological feature | YES | NO | UNSURE |
| An area sensitive to erosion | YES | NO | UNSURE |

If any of the answers to the above are “YES” or “unsure”, specialist input may be requested by the Department.

(Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

1. **SURFACE WATER**
   1. **SURFACE WATER (PRE-COMMENCEMENT)**

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out (“⌧”) the appropriate boxes)?

|  |  |  |  |
| --- | --- | --- | --- |
| Perennial River | YES | NO | UNSURE |
| Non-Perennial River | YES | NO | UNSURE |
| Permanent Wetland | YES | NO | UNSURE |
| Seasonal Wetland | YES | NO | UNSURE |
| Artificial Wetland | YES | NO | UNSURE |
| Estuarine / Lagoonal wetland | YES | NO | UNSURE |

* 1. **SURFACE WATER (POST-COMMENCEMENT)**

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out (“⌧”) the appropriate boxes)?

|  |  |  |  |
| --- | --- | --- | --- |
| Perennial River | YES | NO | UNSURE |
| Non-Perennial River | YES | NO | UNSURE |
| Permanent Wetland | YES | NO | UNSURE |
| Seasonal Wetland | YES | NO | UNSURE |
| Artificial Wetland | YES | NO | UNSURE |
| Estuarine / Lagoonal wetland | YES | NO | UNSURE |

1. **vegetation AND/OR GROUNDCOVER**

**Please note:** The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult <http://bgis.sanbi.org>.za or [BGIShelp@sanbi.org](mailto:BGIShelp@sanbi.org).za. Information is also available on compact disc (“cd”) from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP’s responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an **appendix** to this form.

* 1. **vegetation AND/OR GROUNDCOVER (Pre-commencement)**

Cross out (“⌧”) the block and describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Indigenous Vegetation - good condition |  | Indigenous Vegetation with scattered aliens |  | Indigenous Vegetation with heavy alien infestation |  |
| Describe the vegetation type above: | | Describe the vegetation type above: | | Describe the vegetation type above: | |
|  | |  | |  | |
| Provide ecosystem status for above: | | Provide ecosystem status for above: | | Provide Ecosystem status for above: | |
|  | |  | |  | |
| Indigenous Vegetation in an ecological corridor or along a soil boundary / interface | | Veld dominated by alien species | | Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe | |
| Bare soil | | Building or other structure | | Sport field | |
| Other (describe below) | | Cultivated land | | Paved surface | |

1. Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Systematic Biodiversity Planning Category | | | | If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan |
| Critical Biodiversity Area (CBA) | Ecological Support Area (ESA) | Other Natural Area (ONA) | No Natural Area Remaining (NNR) |  |
|  |
|  |

1. Highlight and describe the habitat condition on site.

|  |  |  |
| --- | --- | --- |
| Habitat Condition | Percentage of habitat condition class (adding up to 100%) | Description and additional Comments and Observations  (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc). |
| Natural | % |  |
| Near Natural  (includes areas with low to moderate level of alien invasive plants) | % |  |
| Degraded  (includes areas heavily invaded by alien plants) | % |  |
| Transformed  (includes cultivation, dams, urban, plantation, roads, etc) | % |  |

(c) Complete the table to indicate:

(i) the type of vegetation, including its ecosystem status, that was previously present on the site; and

(ii) whether an aquatic ecosystem was previously present on site.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Terrestrial Ecosystems | | Aquatic Ecosystems | | | | | | |
| Ecosystem threat status as per the National Environmental Management: Biodiversity Act,2004 (Act No. 10 of 2004) | Critical | Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands) | | | Estuary | | Coastline | |
| Endangered |
| Vulnerable |
| Least Threatened |
| YES | NO | UNSURE | YES | NO | YES | NO |

1. Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)

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* 1. **vegetation AND/OR GROUNDCOVER (Post-commencement)**

Cross out (“⌧”) the block and describe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Indigenous Vegetation - good condition |  | Indigenous Vegetation with scattered aliens |  | Indigenous Vegetation with heavy alien infestation |  |
| Describe the vegetation type above: | | Describe the vegetation type above: | | Describe the vegetation type above: | |
|  | |  | |  | |
| Provide ecosystem status for above: | | Provide ecosystem status for above: | | Provide Ecosystem status for above: | |
|  | |  | |  | |
| Indigenous Vegetation in an ecological corridor or along a soil boundary / interface | | Veld dominated by alien species | | Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe | |
| Bare soil | | Building or other structure | | Sport field | |
| Other (describe below) | | Cultivated land | | Paved surface | |

(a) Highlight and describe the post-construction habitat condition on site.

|  |  |  |
| --- | --- | --- |
| Habitat Condition | Percentage of habitat condition class (adding up to 100%) | Description and additional Comments and Observations  (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc). |
| Natural | % |  |
| Near Natural  (includes areas with low to moderate level of alien invasive plants) | % |  |
| Degraded  (includes areas heavily invaded by alien plants) | % |  |
| Transformed  (includes cultivation, dams, urban, plantation, roads, etc) | % |  |

(b) How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

|  |
| --- |
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* 1. **vegetation / Groundcover Management**

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

|  |
| --- |
|  |

1. **Land use of the site (Pre-commencement)**

**Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Untransformed area | Low density residential | Medium density residential | High density residential | Informal residential |
| Retail | Commercial & warehousing | Light industrial | Medium industrial | Heavy industrial |
| Power station | Office/consulting room | Military or police base/station/compound | Casino/entertainment complex | Tourism & Hospitality facility |
| Open cast mine | Underground mine | Spoil heap or slimes dam | Quarry, sand or borrow pit | Dam or reservoir |
| Hospital/medical centre | School | Tertiary education facility | Church | Old age home |
| Sewage treatment plant | Train station or shunting yard | Railway line | Major road (4 lanes or more) | Airport |
| Harbour | Sport facilities | Golf course | Polo fields | Filling station |
| Landfill or waste treatment site | Plantation | Agriculture | River, stream or wetland | Nature conservation area |
| Mountain, koppie or ridge | Museum | Historical building | Graveyard | Archaeological site |
| Other land uses (describe): |  | | | |
|  | | | |

1. Please provide a description.

|  |
| --- |
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1. **Land use character of surrounding area (Pre-commencement)**

Cross out (“⌧”) the block that reflects the past land uses and/or prominent features that occur/red within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Untransformed area | Low density residential | Medium density residential | High density residential | Informal residential |
| Retail | Commercial & warehousing | Light industrial | Medium industrial | Heavy industrial |
| Power station | Office/consulting room | Military or police base/station/compound | Casino/entertainment complex | Tourism & Hospitality facility |
| Open cast mine | Underground mine | Spoil heap or slimes dam | Quarry, sand or borrow pit | Dam or reservoir |
| Hospital/medical centre | School | Tertiary education facility | Church | Old age home |
| Sewage treatment plant | Train station or shunting yard | Railway line | Major road (4 lanes or more) | Airport |
| Harbour | Sport facilities | Golf course | Polo fields | Filling station |
| Landfill or waste treatment site | Plantation | Agriculture | River, stream or wetland | Nature conservation area |
| Mountain, koppie or ridge | Museum | Historical building | Graveyard | Archaeological site |
| Other land uses (describe): |  | | | |

1. **Land use character of surrounding area (Post-commencement)**

Cross out (“⌧”) the block that reflects the current land uses and/or prominent features that occur(s) within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

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| Untransformed area | Low density residential | Medium density residential | High density residential | Informal residential |
| Retail | Commercial & warehousing | Light industrial | Medium industrial | Heavy industrial |
| Power station | Office/consulting room | Military or police base/station/compound | Casino/entertainment complex | Tourism & Hospitality facility |
| Open cast mine | Underground mine | Spoil heap or slimes dam | Quarry, sand or borrow pit | Dam or reservoir |
| Hospital/medical centre | School | Tertiary education facility | Church | Old age home |
| Sewage treatment plant | Train station or shunting yard | Railway line | Major road (4 lanes or more) | Airport |
| Harbour | Sport facilities | Golf course | Polo fields | Filling station |
| Landfill or waste treatment site | Plantation | Agriculture | River, stream or wetland | Nature conservation area |
| Mountain, koppie or ridge | Museum | Historical building | Graveyard | Archaeological site |
| Other land uses (describe): |  | | | |

# **10. SOCIO-ECONOMIC CONTEXT**

# **SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)**

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

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# **SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)**

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

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1. HISTORICAL AND Cultural ASPECTS
2. Please be advised that every application for Environmental Authorisation including an application for a Waste Management Licence, must include, where applicable the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in [section 3](http://search.sabinet.co.za/netlawpdf/netlaw/NATIONAL%20HERITAGE%20RESOURCES%20ACT.htm#section3)(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in [section 3](http://search.sabinet.co.za/netlawpdf/netlaw/NATIONAL%20HERITAGE%20RESOURCES%20ACT.htm#section3)(2)(i)(vi) and (vii) of that Act.

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows: “*38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as‑*

*(a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*

*(b) the construction of a bridge or similar structure exceeding 50m in length;*

*(c) any development or other activity which will change the character of a site‑*

*(i) exceeding 5 000 m2 in extent; or*

*(ii) involving three or more existing erven or subdivisions thereof; or*

*(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or*

*(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources*

*authority;*

*(d) the re‑zoning of a site exceeding 10 000 m2 in extent; or*

*(e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,*

*must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.”*

(b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: “*3(2) Without limiting the generality of subsection (1), the national estate may include—*

*(a) places, buildings, structures and equipment of cultural significance;*

*(b) places to which oral traditions are attached or which are associated with living heritage;*

*(c) historical settlements and townscapes;*

*(d) landscapes and natural features of cultural significance;*

*(e) geological sites of scientific or cultural importance;*

*(f) archaeological and palaeontological sites;*

*(g) graves and burial grounds, including—*

*(i) ancestral graves;*

*(ii) royal graves and graves of traditional leaders;*

*(iii) graves of victims of conflict;*

*(iv) graves of individuals designated by the Minister by notice in the Gazette;*

*(v) historical graves and cemeteries; and*

*(vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);*

*(h) sites of significance relating to the history of slavery in South Africa;*

*(i) movable objects, including—*

*(i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;*

*(ii) objects to which oral traditions are attached or which are associated with living heritage;*

*(iii) ethnographic art and objects;*

*(iv) military objects;*

*(v) objects of decorative or fine art;*

*(vi) objects of scientific or technological interest; and*

*(vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).”*

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| --- | --- | --- | --- | --- | --- | --- |
| Is section 38 of the National Heritage Resources Act, 1999, applicable to the development? | | | | YES | | NO |
| UNCERTAIN | | |
| If YES, explain: |  | | | | | |
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| Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999? | | | | YES | | NO |
| UNCERTAIN | | |
| If YES, explain: |  | | | | | |
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| Was any building or structure older than 60 years affected in any way? | | YES | NO | | UNCERTAIN | |
| If YES, explain: |  | | | | | |
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| Please Note:  If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form. | | | | | | |

1. **coastal aspects (SEafront/sea environment)**

(a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).

If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

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| **AREA** | **YES** | **NO** | **UNSURE** | **If “YES”: Distance to nearest area (m)** |
| An area within 100m of the high water mark of the sea | YES | NO | UNSURE |  |
| An area within 100m of the high water mark of an estuary/lagoon | YES | NO | UNSURE |  |
| An area within the littoral active zone | YES | NO | UNSURE |  |
| An area in the coastal public property | YES | NO | UNSURE |  |
| Major anthropogenic structures | YES | NO | UNSURE |  |
| An area within a Coastal Protection Zone | YES | NO | UNSURE |  |
| An area seaward of the coastal management line | YES | NO | UNSURE |  |
| An area within the high risk zone (20 years) | YES | NO | UNSURE |  |
| An area within the medium risk zone (50 years) | YES | NO | UNSURE |  |
| An area within the low risk zone (100 years) | YES | NO | UNSURE |  |
| An area below the 5m contour | YES | NO | UNSURE |  |
| An area within 1km from the high water mark of the sea | YES | NO | UNSURE |  |
| A rocky beach | YES | NO | UNSURE |  |
| A sandy beach | YES | NO | UNSURE |  |

(b) If any of the answers to the above is “YES” or “UNSURE”, specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

1. regional planning context

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| Is the activity permitted in terms of the property’s existing land use rights? | YES | | NO | | Please explain | |
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| Will the activity be in line with the following? | | | | | | |
| Provincial Spatial Development Framework (PSDF) | | YES | | NO | | Please explain |
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| Urban edge / Edge of Built environment for the area | | YES | | NO | | Please explain |
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| Integrated Development Plan of the Local Municipality | | YES | | NO | | Please explain |
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| Spatial Development Framework of the Local Municipality | | YES | | NO | | Please explain |
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| Approved Structure Plan of the Municipality | | YES | | NO | | Please explain |
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| An Environmental Management Framework (EMF) adopted by the Department | | YES | | NO | | Please explain |
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| Any other Plans | | YES | | NO | | Please explain |
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**Section d: NEED AND DESIRABILITY**

**Please Note:** Before completing this section, first consult this Department’s *Guideline on Need and Desirability* (March 2013) available on the Department’s website ([**http://www.capegateway.gov.za/eadp**](http://www.capegateway.gov.za/eadp)).

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| 1. Was the activity permitted in terms of the property’s land use rights at the time of commencement? | YES | NO | Please explain |
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| 2. Was the activity in line with the following? | | | |
| (a) Provincial Spatial Development Framework (PSDF) | YES | NO | Please explain |
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| (b) Urban edge / Edge of Built environment for the area | YES | NO | Please explain |
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| (c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?). | YES | NO | Please explain |
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| (d) Approved Structure Plan of the Municipality | YES | NO | Please explain |
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| (e) An Environmental Management Framework (EMF) adopted by the Department  (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?) | | YES | | NO | Please explain |
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| (f) Any other Plans (e.g. Guide Plan) | YES | | NO | | Please explain |
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| 3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)? | YES | NO | Please explain |
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| 4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced? | YES | NO | Please explain |
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| 5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.) | YES | NO | Please explain |
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| 6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.) | YES | NO | Please explain |
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| 7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.) | YES | NO | Please explain |
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| 8. Was this project part of a national programme to address an issue of national concern or importance? | YES | NO | Please explain |
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| 9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.) | YES | NO | Please explain |
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| 10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)? | YES | NO | Please explain |
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| 11. How did/does the development impact on people’s health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc.)? | YES | NO | Please explain |
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| 12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs? | YES | NO | Please explain |
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| 13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for? | YES | NO | Please explain |
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| 14. Is/was the development the best practicable environmental option for this land/site? | YES | NO | Please explain |
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| 15. What are/were the benefits to society in general and to the local communities? | Please explain |
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| 16. Any other need and desirability considerations related to the activity? | Please explain |
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| 17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account: |
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| 18. Please describe how the **principles of environmental management** as set out in section 2 of NEMA were taken into account: |
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**Section e: ALTERNATIVES**

**Please Note:** Before completing this section, first consult this Department’s *Guideline on Alternatives* (March 2013) available on the Department’s website ([**http://www.capegateway.gov.za/eadp**](http://www.capegateway.gov.za/eadp)).

“Alternatives”, in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

(a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;

(b) the type of activity to be undertaken;

(c) the design or layout of the activity;

(d) the technology to be used in the activity;

(e) the operational aspects of the activity; and

(f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

* ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
* include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to “*identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management*” set out in NEMA.

1.In the sections below, please provide a description of any considered alternatives and alternatives that were found to be feasible and reasonable.

**Please note:**

* Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.
* Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.
* In respect of a section 24 application, the option of not implementing the activity (“no-go”), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

1. Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

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(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

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(c) Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

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(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

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(e) Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

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(f) The option of ceasing the activity (the refusal of the activity(ies) and/or rehabilitation of the site):

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(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

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(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

**Please note:** If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

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**SECTION F: IMPACT ASSESSMENT, MANAGEMENT, MITIGATION and MONITORING MEASURES**

**Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.**

**Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).**

**1. PLEASE DESCRIBE THE MANNER IN WHICH THE DEVELOPMENT has IMPACTed ON THE FOLLOWING ASPECTs:**

(a) Geographical and physical aspects:

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(b) Biological aspects:

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| Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)? | YES | NO |
| If yes, please describe: | | |
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| Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)? | YES | NO |
| If yes, please describe: | | |
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| Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species? | YES | NO |
| If yes, please describe: | | |
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| Please describe the manner in which any other biological aspects were impacted: | | |
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(c) Socio-Economic aspects:

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| What was the capital value of the activity on completion? | R | |
| What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity? | R | |
| Has/will the activity have contributed to service infrastructure? | YES | NO |
| How many new employment opportunities were/will be created in the construction phase of the activity? |  | |
| What was the value of the employment opportunities during the construction phase? | R | |
| What percentage of this accrued to previously disadvantaged individuals? | % | |
| How was this ensured and monitored (please explain): | | |
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| How many permanent new employment opportunities were/will be created during the operational phase of the activity? |  | |
| What is the current/expected value of the employment opportunities during the first 10 years? | R | |
| What percentage of this accrued/will accrue to previously disadvantaged individuals? | % | |
| How was/will this be ensured and monitored (please explain): | | |
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| Any other information related to the manner in which the socio-economic aspects was/will be impacted: | | |
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(d) Cultural and historic aspects:

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**2. Waste and emissions**

1. Waste (including effluent) management

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| --- | --- | --- | --- |
| Did the activity produce waste (including rubble) during the construction phase? | | YES | NO |
| If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type? | | m3 | |
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| Does the activity produce waste during its operational phase? | | YES | NO |
| If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type? | | m3 | |
|  | | | |
| Where and how was/will the waste be treated / disposed of (describe)? | | | |
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|  | | | |
| Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority | | YES | NO |
| Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream? | | YES | NO |
| If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility: | | YES | NO |
| Does the facility have an operating license? (If yes, please attach a copy of the license.) | | YES | NO |
| Facility name: | | | |
| Contact person: | | | |
| Postal address: | | | |
|  | Postal code: | | |
| Telephone: | Cell: | | |
| E-mail: | Fax: | | |

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| --- |
| Describe the measures that were/will be taken to reduce, reuse or recycle waste: |
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1. Emissions into the atmosphere

|  |  |  |
| --- | --- | --- |
| Does/will the activity produce emissions that will be disposed of into the atmosphere? | YES | NO |
| If yes, does it require approval in terms of relevant legislation? | YES | NO |
| Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated: | | |
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1. **WATER USE**

Please indicate the source(s) of water for the activity by ticking the appropriate boxes)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Municipal | Water board | Groundwater | River, Stream,  Dam or Lake | Other | The activity did/does/will not use water |

|  |  |  |  |
| --- | --- | --- | --- |
| If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate | | | |
| the volume that was extracted per month: | m3 | | |
|  | | | |
| Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole) | | | |
| Did/does the activity require a water use permit / license from DWA? | | YES | NO |
| If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable. | | | |
| Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water: | | | |
|  | | | |
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1. **POWER SUPPLY**

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

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| --- |
| If power supply is not available, where will power be sourced from? |
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1. **ENERGY EFFICIENCY**

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| --- |
| Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient: |
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|  |
| Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any: |
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|  |

1. **DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS prior to and after MITIGATION**

**Please note:**

* While sections are provided for impacts on certain aspects of the environment and certain impacts,

the sections should also be copied and completed for all other impacts.

* Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.

1. **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

|  |  |
| --- | --- |
| **Impacts on geographical and physical aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Impact on biological aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Impacts on socio-economic aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

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| --- | --- |
| **Impacts on cultural-historical aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

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| --- | --- |
| **Noise impacts:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

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| --- | --- |
| **Visual impacts / Sense of Place:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

1. **Impacts that result from the operational phase (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.**

|  |  |
| --- | --- |
| **Impacts on the geographical and physical aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Impact on biological aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Impacts on the socio-economic aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Impacts on the cultural-historical aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Noise impacts:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Visual impacts / Sense of Place:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

1. **Impacts that may result from the decommissioning and closure phase (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.**

|  |  |
| --- | --- |
| **Potential impacts on the geographical and physical aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Potential impact on biological aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Potential impacts on the socio-economic aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

|  |  |
| --- | --- |
| **Potential impacts on the cultural-historical aspects:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

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| --- | --- |
| **Potential noise impacts:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

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| --- | --- |
| **Potential visual impacts:** | |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

1. **Any other impacts:**

|  |  |
| --- | --- |
| Potential impact: |  |
| Nature of impact: |  |
| Extent and duration of impact: |  |
| Probability of occurrence: |  |
| Degree to which the impact can be reversed: |  |
| Degree to which the impact may cause irreplaceable loss of resources: |  |
| Cumulative impact prior to mitigation: |  |
| Significance rating of impact prior to mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |
| Degree to which the impact can be mitigated: |  |
| Proposed mitigation: |  |
| Cumulative impact post mitigation: |  |
| Significance rating of impact after mitigation  (Low, Medium, Medium-High, High, or Very-High) |  |

**Please note:** If any of the above information is not available, specialist input may be requested.

1. **Specialist inputs/studies AND RECOMMENDATIONS**

**Please note:** Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department’s relevant Guidelines on the Involvement of Specialists in EIA Processes available on the Department’s website ([**http://www.capegateway.gov.za/eadp**](http://www.capegateway.gov.za/eadp)). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

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**8. Impact ASSESSMENT SUMMARY**

Briefly describe the impacts (as appropriate), significance rating of impacts, mitigation and significance rating of impacts of the activity. This must include an assessment of the significance of all impacts.

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| --- | --- |
| **Impacts** | **Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):** |
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**9. SUMMARY of the consequences of/ IMPACTs OF the unlawfully commenced ACTIViTY/ies**

Please provide a detailed summary of the consequences/impacts of commencement of the activity/ies on the environment.

|  |
| --- |
| **Summary:** |

**10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES**

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures.

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(b) Describe the ability of the applicant to implement the management, mitigation and monitoring measures.

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**Please note:** A draft **Environmental Management Programme** must be attached to this application as **Appendix I**.

**Section G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES**

1. Please describe adequacy of the assessment methods used.

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(b) Please describe the assessment criteria used.

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(c) Please describe the gaps in knowledge.

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(d) Please describe the underlying assumptions.

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(e) Please describe the uncertainties.

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**Section H: RECOMMENDATIONS OF THE EAP**

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| --- | --- | --- |
| In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for. | YES | NO |

|  |  |  |
| --- | --- | --- |
| If “NO”, list the aspects that should be further assessed through additional specialist input/assessment: | | |
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|  | | |
| If “YES”, please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised: | | |
| Applicant should be directed to cease the activity: | YES | NO |
| Please provide reasons for your opinion | | |
|  | | |
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|  | | |
| If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation. | | |
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**SECTION I: representations – RESPONSE TO an INCIDENT OR emergency SITUATION**

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| --- |
| This section is only applicable to instances where Section 49A (2) of NEMA applies. Please list all steps that where taken in response to the incident or emergency situation. |
|  |

**Please note:**

**Section 30 of NEMA deals with the procedures to be followed for the control of emergency incidents and Section 30A deals with procedures to the followed in the case of emergency situations.**

**SECTION J: PUBLIC PARTICIPATION**

**1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED**

**1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017**

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement).

|  |
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| ***“The applicant must place a preliminary advertisement in-*** |
| *(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant’s website, if any.* |
| *(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.* |
| *(3) The applicant must open and maintain of a register of interested and affected parties.* |
| *(4) The* ***register must be attached to the application form and included in the report****, or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of-*  *(a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;*  *(b) all persons who have requested the applicant, in writing, to place their names on the register; and*  *(c) all organs of state that have jurisdiction in respect of the activity to which application relates.”* |

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| --- | --- | --- |
| Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper. | | |
|  | | |
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|  | | |
| Please indicate whether the applicant has a website (please tick relevant box): | YES | NO |
| If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application. | | |

**Please note: Annexure A: Section D attached to this Application form must be strictly adhered to.**

**1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014**

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department’s Circular EADP 0028/2014 on the “One Environmental Management System” and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. In terms of regulation 41 of the EIA Regulations, 2014 - | | | | |
| (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 - | | | | |
| (i) the site where the activity to which the application relates is or is to be undertaken; and | YES | | DEVIATION | |
| (ii) any alternative site | YES | | DEVIATION | |
| (b) giving written notice, in any manner provided for in section 47D of the NEMA, to – | | | | |
| (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; | YES | DEVIATION | | N/A |
| (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; | YES | DEVIATION | | |
| (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; | YES | DEVIATION | | |
| (iv) the municipality (Local and District Municipality) which has jurisdiction in the area; | YES | DEVIATION | | |
| (v) any organ of state having jurisdiction in respect of any aspect of the activity; and | YES | DEVIATION | | |
| (vi) any other party as required by the Department; | YES | DEVIATION | | N/A |
| (c) placing an advertisement in - | | | | |
| (i) one local newspaper; or | YES | DEVIATION | | |
| (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; | YES | DEVIATION | | N/A |
| (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 | YES | DEVIATION | | 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 | DEVIATION | | N/A |
| If you have indicated that “DEVIATION” applies to any of the above, then Section 2. below must be completed. | | | | |
| NOTE:  2. The 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? | YES | | NO | |
| If “NO”, then an application for exemption from the requirement must be applied for. | | | | |

|  |  |  |
| --- | --- | --- |
| 1. **Provide a list of all the state departments that has been / will be consulted:** | | |
| **List of State Depts.** | **Comment obtained (YES/NO** | **If not, provide reasons** |
|  |  |  |
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|  |  |  |
|  |  |  |
|  |  |  |

|  |
| --- |
| 1. **Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed.**   **(The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)** |
|  |

|  |
| --- |
| 1. **Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.** |
|  |

**Please note:**

* **A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.**
* **All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.**
* **The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.**
* **Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be** **submitted as part of the public participation information to be attached to the application as Appendix G.**

**2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014**

|  |
| --- |
| Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above. |
|  |
|  |
|  |
|  |
|  |

**3. LIST OF STATE DEPARTMENTS**

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.

|  |  |  |  |
| --- | --- | --- | --- |
| 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 Department | Name of person | Contact details | |
|  |  | Tel |  |
| Fax |  |
| E-mail |  |
|  |  | Tel |  |
| Fax |  |
| E-mail |  |
|  |  | Tel |  |
| Fax |  |
| E-mail |  |

**Please note:**

**A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP’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 application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.**

**part 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM**

**SECTION A: DIRECTIVES**

Section 24G(1) of 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 Environment Management: Waste Act, 2008 (Act 59 of 2008) (“NEM:WA”) the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

|  |  |  |
| --- | --- | --- |
| *i* | *immediately cease the activity pending a decision on the application submitted in terms of this subsection* | |
| *ii* | *investigate, evaluate and assess the impact of the activity on the environment* | |
| *iii* | *remedy any adverse effects of the activity on the environment* | |
| *iv* | *cease, modify or control any act, activity, process or omission causing pollution or environmental degradation* | |
| *v* | *contain or prevent the movement of pollution or degradation of the environment* | |
| *vi* | *eliminate any source of pollution or degradation* | |
| *vii* | *compile a report containing-* | |
|  | *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 representation into account a final directive may be issued.

**Please Note:**

**Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive.**

**The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.**

**section B: DEFERRAL OF THE APPLICATION**

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 a contravention of section 24F(1) of the NEMA in respect of a matter that is not subject to this application and in any province in the Republic?* | *YES* | | *NO* | *UNCERTAIN* | |
| *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 not subject to this application and in any province in the Republic?* | *YES* | | *NO* | | *UNCERTAIN* |
| *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 in terms of which this application directly relates?* | *YES* | *NO* | | | *UNCERTAIN* |
| *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.* | | | | | |
|  | | | | | |

If you have answered yes or uncertain 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).

**SECTION C: QUANTUM OF THE SECTION 24G FINE**

In terms of section 24G(4) of the NEMA, it is 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 an *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, copies of which must be submitted with this completed application form.

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 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 | |  |
| 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 negative socio-economic impacts. | |  |
| Motivation: | | |

|  |  |  |
| --- | --- | --- |
| **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 | |  |
| The activity is giving, has given or could give rise to localised biodiversity impacts | |  |
| The activity is giving, has given or 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. | |  |
| Motivation: | | |

|  |  |  |
| --- | --- | --- |
| **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 | |  |
| 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 | |  |
| Motivation: | | |

|  |  |  |
| --- | --- | --- |
| **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 | |  |
| 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. | |  |
| Motivation: | | |

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| --- |
| **PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT** |

|  |  |  |
| --- | --- | --- |
| **Index** | **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** | **Place an “x” in the appropriate box** |
|  | **Description of variable** |
| 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 **not** previously taken against the applicant in respect of the abovementioned provisions. | |  |
| Explanation of all previous administrative action taken in respect of the above: | | |

|  |  |  |
| --- | --- | --- |
| **Index** | **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** | **Place an “x” in the appropriate box** |
|  | **Description of variable** |
| 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 at the relevant time; 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. | |  |
| Explanation of all previous convictions in respect of the above: | | |

|  |  |  |
| --- | --- | --- |
| **Index** | **Number of section 24G applications previously submitted by the applicant** | **Place an “x” in the appropriate box** |
|  | **Description of variable** |
| 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. | |  |
| Explanation in respect of all previous applications submitted in terms of section 24G: | | |

|  |
| --- |
| **PART 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. | |  |
| The applicant is a firm. | |  |
| Describe the firm: | | |

|  |  |
| --- | --- |
| **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.**

**SECTION D: PRELIMINARY ADVERTISEMENT**

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant’s website, if any.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. It must include the following:

* the date;
* the location;
* the applicable legislative provision contravened; and
* the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

**NOTE**: Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

**part 3 -**

**AppendiCes**

The following appendices must, where applicable, be attached to this form:

|  |  |  |
| --- | --- | --- |
| **Appendix** | | **Tick the box if Appendix is attached** |
| **Appendix A:** | **Locality map** |  |
| **Appendix B:** | **Site plan(s)** |  |
| **Appendix C:** | **Building plans (if applicable)** |  |
| **Appendix D:** | **Colour photographs** |  |
| **Appendix E:** | **Biodiversity overlay map** |  |
| **Appendix F:** | **Permit(s) / license(s) from any other organ of state including service letters from the municipality** |  |
| **Appendix G:** | **Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information as required in Section J above.** |  |
| **Appendix H:** | **Specialist Report(s), if any** |  |
| **Appendix I:** | **Environmental Management Programme** |  |
| **Appendix J:** | **Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.** |  |
| **Appendix K:** | **Certified copy of Identity Document of Applicant** |  |
| **Appendix L:** | **Certified copy of the title deed (or title deeds in the case of linear activities)** |  |
| **Appendix M:** | **Any Other (if applicable) (describe)** |  |

Where an application has been made in terms of the waste management activities, please complete and annex Annexure 1 as in the following:

|  |  |  |
| --- | --- | --- |
| **Annexures for waste listed activity/ies supporting information** | | **Tick the box if Annexure is attached** |
| **Annexure 1** | **Waste listed activities supporting information (as in prescribed attached form)** |  |
| **Other** | (please list accordingly) |  |

**DECLARATIONS**

# DECLARATION OF The Applicant

**Note:** Duplicate this section where there is more than one Applicant.

I………………………………………………………., ID number ……………………………in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

* I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”), the Environmental Impact Assessment (“EIA”) Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
* I am aware of my general duty of care in terms of Section 28 of the NEMA;
* I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
* I appointed the Environmental Assessment Practitioner (“EAP”) (if not exempted from this requirement) which:
  + meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
  + meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;
* I will provide the EAP and any specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;
* I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
  + costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
  + costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
  + Legitimate costs in respect of specialist(s) reviews; and
  + the provision of security to ensure compliance with applicable management and mitigation measures;
* I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority, hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I or the EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

**Note:** If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Signature of the Applicant: Date:

Name of Firm (close corporation/company/trust etc.) (if applicable):

# DECLARATION OF The environmental assessment practitioner (“EAP”)

I ………………………………………………………, EAPASA Registration number …………………………….. as the appointed EAP hereby declare/affirm the correctness of the information provided or to be provided as part of this application, and that:

* 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 of NEMA EIA Regulations has 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;
* I have disclosed/will disclose, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;
* I 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 registered interested and affected parties and that participation 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;
* I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded, responded to and submitted to the Competent Authority in respect of this application;
* I have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
* I have kept/will keep a register of all interested and affected parties that participated in the public participation process;
* I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;

Signature of the EAP: Date:

Name of company (if applicable):

**part 4 -**

**ANNEXURE B - SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (if relevant)**

1. **WASTE QUANTITIES**

Indicate or specify types of waste and list the estimated quantities (expected to be) managed daily (should you need more columns; you are advised to add more)

**Note:** In this case of hazardous waste, the National Department of Environmental Affairs is the relevant competent authority to consider the 24G application.

|  |  |
| --- | --- |
| **Non-hazardous waste** | **Total waste handled (tonnes per day)** |
|  |  |
|  |  |
|  |  |
|  |  |

Source of information supplied in the table above Mark with an “X”

|  |
| --- |
|  |
|  |
|  |

**Determined from volumes**

**Determined with weighbridge/scale**

**Estimated**

* 1. **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 | M3/  Month | Method & Location | Method & Location and  Contractor details | |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

1. **GENERAL**

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 |  |  |

**LANDFILL PARAMETERS (If applicable)**

The method of disposal of waste:

Land-building Land-filling Both

**The dimensions of the disposal site in metres**

|  |  |  |
| --- | --- | --- |
|  | **At commencement** | **After rehabilitation** |
|  |  |  |
|  |  |  |

**The total volume for the disposal of waste on the site:**

|  |  |  |
| --- | --- | --- |
| Volume Available | Mark with “X” | Source of information (Determined by surveyor/ Estimated) |
| Up to 99 |  |  |
| 100-34 999 |  |  |
| 35 000- 3,5 million |  |  |
| >3,5 million |  |  |

**The total volume already used for waste disposal on the site:**

|  |  |  |
| --- | --- | --- |
| (a) Will the waste body be covered daily | Yes | No |
| (b) Is sufficient cover material available | Yes | No |
| (c) Will waste be compacted daily | No | No |

If the answers (a) and/or (b) are No, what measures will be employed to prevent the problems of burning or smouldering of waste and the generation of nuisance?

|  |
| --- |
|  |

**The Salvage method**

Mark with an “X” the method to be used.

|  |
| --- |
|  |
|  |
|  |
|  |
|  |

**At source**

**Recycling installation**

**Formal salvaging**

**Contractor**

**No salvaging planned**

**Fatal flaws for the site:**

**Indicate which of the following apply to the facility for a waste management activity:**

|  |  |  |
| --- | --- | --- |
| Within a 3000m radius of the end of an airport landing strip | Yes | No |
| Within the 1 in 50-year flood line of any watercourse | Yes | No |
| Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes) | Yes | No |
| Within the drainage area or within 5 km of water source | Yes | No |
| Within the drainage area or within 5 km of water source | Yes | No |
| Within an area adjacent to or above an aquifer | Yes | No |
| Within an area with shallow bedrock and limited available cover material | Yes | No |
| Within 100 m of the source of surface water | Yes | No |
| Within 1km from the wetland | Yes | No |

|  |
| --- |
| metres |
| metres |

**Indicate the distance to the boundary of the nearest residential area**

**Indicate the distance to the boundary of the industrial area**

**Wettest six months of the year**

|  |
| --- |
|  |
|  |

November- April

May -October

For the wettest six-month period indicated above, indicate the following for the preceding 30 years

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Total rainfall for 6 months** | **Total rainfall for 6 months** | **Total rainfall for 6 months** |
| For the 1st wettest year |  |  |  |
| For the 2nd wettest year |  |  |  |
| For the 3rd wettest year |  |  |  |
| For the 4th wettest year |  |  |  |
| For the 5th wettest year |  |  |  |
| For the 6th wettest year |  |  |  |
| For the 7th wettest year |  |  |  |
| For the 8th wettest year |  |  |  |
| For the 9th wettest year |  |  |  |
| For the 10th wettest year |  |  |  |

**Location and depth of ground water monitoring boreholes:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Codes of the boreholes** | **Borehole locality** | **Depth (m)** | **Latitude** | **Longitude** |
|  |  |  | ° ' " | ° ' " |
|  |  |  | ° ' " | ° ' " |
|  |  |  | ° ' " | ° ' " |
|  |  |  | ° ' " | ° ' " |
|  |  |  | ° ' " | ° ' " |
|  |  |  | ° ' " | ° ' " |
|  |  |  | ° ' " | ° ' " |

**Location and depth of landfill gas monitoring test pit:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Codes of the boreholes** | **Borehole locality** | **Latitude** | **Longitude** |
|  |  | ° ' " | ° ' " |
|  |  | ° ' " | ° ' " |
|  |  | ° ' " | ° ' " |
|  |  | ° ' " | ° ' " |
|  |  | ° ' " | ° ' " |
|  |  | ° ' " | ° ' " |