**Consultation Form to advise and assist on the requirements of a section 24G application to be submitted as a result of the consequences of unlawful commencement of listed or waste management activity/ies in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) and the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (“NEM:WA”)**

**OCTOBER 2022**

**Form Number S24GCF/10/2022**

**IMPORTANT INFORMATION TO READ BEFORE COMPLETING THIS CONSULTATION FORM –**

1. Submission of this Consultation Form is **optional** for purposes to assist the Applicant/EAP and **does not** initiate the 24G application process;

2) Any response or advice provided will be based on the information submitted;

3) **It is an offence to provide incorrect or misleading information;**

4) As such, the quality, correctness and detail of information submitted by the EAP or potential applicant is extremely important;

5) It remains the EAPs and potential applicant’s responsibility to interrogate the specifics of the alleged unlawful commencement of the listed and/or waste management activity in order to report and provide information on the listed activities that have allegedly commenced.

6) Only Registered EAPs (Registered with the EAPASA authority) is allowed to and must complete this form and manage the pre-application and 24G application process on behalf of an applicant.

7) A copy of the EAPs registration certificate must accompany the form.

**KINDLY NOTE THAT:**

1. Section 24G of the NEMA provides the alleged transgressor with an opportunity to apply for *ex post facto* environmental authorisation for the alleged unlawful commencement of a listed/waste management activity/ies in terms of the NEMA and NEM:WA.
2. A section 24G application is thus only relevant to the unlawful commencement of activities listed or specified in terms of section 24(2)(a) and (b) (i.e. the activities contained in the EIA Regulations’ Listing Notices) of the NEMA and unlawfully commenced waste management activities in terms of section 20(b) of NEM:WA.
3. This OPTIONAL **Consultation Form** may be completed for all potential section 24G applications to be submitted to the Department in terms of **the above Acts,** by an independent Environmental Assessment Practitioner (“EAP”)/Applicant.
4. This Consultation Form is current as of October 2022.
5. Unless protected by law, all information contained in and attached to this Consultation Form may become public information on receipt by the competent authority.

**Optional pre-application consultation Process:**

1. This Consultation Form may be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.
2. Two signed hard copies (including the original) of this consultation form are to be submitted.
3. If the Applicant/EAP elects to follow this optional pre-application consultation process, it is required to submit together with this consultation form any correspondence relating to the alleged unlawful commencement of the listed activity/ies or waste management activity/ies. Such correspondence may include *inter alia* administrative enforcement pre-notices and notices in terms of the NEMA and NEM:WA as well as letters confirming commencement from the relevant authorisations authorities (i.e. EIA and Waste etc.) in terms of the above Acts.
4. The Department will acknowledge receipt of the Consultation Form (within **14 days**) and provide the Applicant / EAP with the relevant reference number to be used in the pre-application public participation processes.
5. Upon receipt of this Consultation Form, the Department will advise the applicant/EAP on the pre-application public participation process to be followed 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, Government Gazette, 20 July 2017 (No. R. 698) (“Section 24G Fine Regulations, 2017”) and the information requirements as outlined in Annexure A of the Section 24G Fine Regulations, 2017 that is to be submitted with an application.

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

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

|  |  |
| --- | --- |
| Consultation Form Reference Number |  |

|  |
| --- |
| Department of Environmental Affairs  and Development Planning,  **Directorate:** Environmental Governance  **Attention:** Sub-directorate: Rectification  Private Bag X9086  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)** (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)): |  |

**PROJECT TITLE**

|  |
| --- |
|  |

**RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED**

Cross out the appropriate box “⌧” in which region the unlawful activity 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. **PROFILE INDEX OF THE PERSON THAT COMMENCED, UNDERTOOK OR CONDUCTED (AS APPLICABLE) THE ACTIVITY**

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) |  |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | | | | | | | | | | | | | |
| **Prospective Applicant’s details** | |  | | | | | | | | | | | | |
| Please tick appropriate box if the applicant is a Firm | | Directors of a company | Members of the board | Executive committee or other managing body of a corporate body or parastatal | | Members of close corporation | | | Partners of a partnership | | | Trustees of a trust | | |
|  |  |  | |  | | |  | | |  | | |
| Prospective Applicant Name: | |  | | | | | | | | | | | | |
| RSA Identity Number/  Passport Number of Applicant, if natural person: | |  | | | | | | | | | | | | |
| Name of Firm (if applicable): | |  | | | | | | | | | | | | |
| Contact Person at the Firm: | |  | | | | | | | | | | | | |
| Position held in the Firm: | |  | | | | | | | | | | | | |
|  | |  | | | | | | | | | | | | |
| 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 | |  | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | |
| **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 involved, please attach a list of landowners with their respective contact details to the form, together with copies of their Identity Documents and a copy of the Title Deed of the respective property on which the activities commenced. | | | | | | | | | | | | | | |
| 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 Consultation 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 Consultation 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 1. 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). | | | | | | | | | | | | | |

**SECTION B: description of the activity/ies**

1. **project DESCRIPTION**

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

|  |  |  |
| --- | --- | --- |
| Is/are the development and listed 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 activity is an upgrade. | New | Upgrade |
|  | | |
|  | | |
| (b) Clearly describe the development and associated infrastructure including the relevant listed/waste management activities 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 | | |
|  | | |

1. **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 |

1. **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) | | |

**4. WASTE, EFFLUENT AND EMISSION MANAGEMENT**

4.1 Solid waste management

|  |  |  |  |
| --- | --- | --- | --- |
| (i) Will the activity produce any solid waste (including rubble) during the construction or operational phases? | YES | NO | UNCERTAIN |
| (ii) If YES, will it feed into a municipal waste stream? | YES | NO | UNCERTAIN |
| (iii) If NO to (ii) above, describe the types of solid waste and how each will be treated / disposed of. | | | |
|  | | | |
|  | | | |
|  | | | |
|  | | | |

4.2 Effluent

|  |  |  |  |
| --- | --- | --- | --- |
| (i) Will the activity produce sewage and or any other effluent? | YES | NO | UNCERTAIN |
| (ii) If YES, will the sewage / effluent be treated and/or disposed of in a municipal system? | YES | NO | UNCERTAIN |
| (iii) If NO to (ii) above, briefly describe the nature of the sewage / effluent and how it will be treated and/or disposed of: | | | |
|  | | | |
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4.3 Emissions into the atmosphere

|  |  |  |  |
| --- | --- | --- | --- |
| (i) Will the activity produce emissions that will be disposed of into the atmosphere? | YES | NO | UNCERTAIN |
| (ii) If YES, describe the emissions in terms of type and concentration and how it will be treated/mitigated: | | | |
|  | | | |
|  | | | |
|  | | | |
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1. **WATER USE**

Please indicate the source(s) of water for the activity by highlighting the appropriate box (es)

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

|  |  |  |
| --- | --- | --- |
| If water is to be extracted from groundwater, river, stream, dam, lake or any other natural feature, please indicate | | |
| the volume that will be extracted per month: | m3 | |
| Please provide proof of assurance of water supply e.g. Letter of confirmation from municipality / water board, yield of borehole | | |
| Does the activity require a water use permit / licence from the National Water Act? | YES | NO |
| If YES, describe: | | |
|  | | |
|  | | |

1. **POWER SUPPLY** 
   1. Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

|  |
| --- |
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6.2 If power supply is not available, where will power be sourced from?

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| --- |
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1. **LAND USE DESCRIPTION**

7.1 Describe the current land use of the site(s) for the activity

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| --- |
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7.2 Describe the surrounding land uses

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| --- |
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1. **GROUNDCOVER**

Highlight the types of groundcover present on the site.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Indigenous vegetation – good condition | Indigenous vegetation with scattered aliens | Indigenous vegetation with heavy alien infestation | Veld dominated by alien species | Gardens | Other  (describe) |
| Sport field | Cultivated land | Paved surface | Building or other structure | Bare soil |

1. **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 form. 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.

**SECTION C: ACTIVITIES THAT WILL BE APPLIED FOR**

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

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 Environmental Conservation Act, Act 73 of 1989 (“ECA”)** | | | |
| 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 |
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|  |  |  |  |
| **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** | | | |
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|  |  |  |  |
| **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, Act 107 of 1998** | | | |
| 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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|  |  |  |  |
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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. 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. | State the date of commencement of each 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. | State the date of commencement of each 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. | State the date of commencement of each activity |
|  |  |  |  |
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1. 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 |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| 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 |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **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.

1. Similarly listed activities in terms of the current EIA Regulations

Please also indicate the similarly listed activities that will be applied for should the listed activities have commenced prior to the EIA Regulations, 2014 regulatory period coming into effect. **The descriptions provided below must clearly state why the activity/development is still similarly listed.**

|  |  |  |  |
| --- | --- | --- | --- |
| **The similarly listed activities in terms of the EIA Regulations, 2014 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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**SECTION D: 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 D and indicate the area which is covered by each copy No. on the site plan.

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

1. **vegetation AND/OR aquatic ecosystems**
2. 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)

|  |
| --- |
|  |

(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)?

|  |
| --- |
|  |

# **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.

|  |
| --- |
|  |

# 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.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Is section 38 of the National Heritage Resources Act, 1999, applicable to the development? | | | | YES | | NO |
| UNCERTAIN | | |
| If YES, explain: |  | | | | | |
|  | | | | | |
|  | | | | | |
| 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: |  | | | | | |
|  | | | | | |
|  | | | | | |
| Was any building or structure older than 60 years affected in any way? | | YES | NO | | UNCERTAIN | |
| If YES, explain: |  | | | | | |
|  | | | | | |
|  | | | | | |

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).

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

**SECTION E: PUBLIC PARTICIPATION**

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

1. **Public Participation as required 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.

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

|  |  |  |
| --- | --- | --- |
| 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 be advertised on such website and proof thereof must accompany the application. | | |

|  |
| --- |
| Please provide a description of the public participation that will be undertaken to meet the above Regulation 8 requirements and provide a list of local newspapers in the area. |
|  |

1. **List of State departments consulted/to be consulted**

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 |  |

**DECLARATIONS**

**Note: Duplicate this section where there is to be more than one applicant**

* I …………………………………., in my personal capacity or duly authorised as …………………………. (state capacity) by …………….................................………………… thereto hereby declare/affirm that all the information contained in this consultation form to be true and correct, and that I:
* am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 (Act No. 107 of 1998) (“NEMA”), the Environmental Impact Assessment Regulations (“EIA Regulations”) in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (“NEM:WA”)and all relevant specific environmental management Act(s), and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
* appointed the environmental assessment practitioner as indicated above, which meet all the requirements in terms of Regulation 13 of the EIA Regulations, 2014 to act as the independent Environmental Assessment Practitioner for the potential application;
* have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the potential application;
* am aware that I may be issued with a directive after the section 24G application is submitted to the competent authority and that I must comply with such a directive;
* am fully aware of the section 24G administrative fine to be paid before a decision, with respect to the commencement and/or continuation of the listed activity(ies), will be made;
* will be responsible for the costs incurred in complying with the environmental legislation including but not limited to –
  + costs incurred in connection with the appointment of the environmental assessment practitioner or any specialist appointed in terms of Regulation 13 of the EIA Regulations, 2014;
  + costs incurred in respect of the undertaking of any process required in terms of the potential application;
  + costs in respect of any fee prescribed by the Minister, the Minister for mineral resources or the MEC in respect of the regulations;
  + the provision of security to ensure compliance with the applicable management and mitigation measures; and
  + fine costs
* am responsible for complying with the conditions that might be attached to any decision(s) issued by the competent authority; and
* hereby indemnify, the government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible.

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

Signature of the applicant:

Name:

Name of Firm (if applicable):

Date:

**The independent environmental assessment practitioner (“EAP”)**

I ……………………………………, as the appointed independent environmental practitioner (“EAP”) hereby declare/affirm the correctness of the information provided or to be provided as part of the application and that I:

* act/acted as the independent EAP in this application;
* regard the information contained in this consultation form to be true and correct, and
* do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the ECA, the NEMA, the Environmental Impact Assessment Regulations, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (“NEM:WA”)and any specific environmental management Act(s);
* have and will not have any vested interest in the proposed activity proceeding;
* have disclosed, to the applicant and competent authority, any 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 required in terms of the NEMA, the Environmental Impact Assessment Regulations, 2014, the NEM:WAand any specific environmental management Act(s); am able to meet the responsibilities in terms of NEMA, the Environmental Impact Assessment Regulations (specifically in terms of Regulation 13 of the EIA Regulations, 2014) and any specific environmental management Act, and am fully aware that failure to comply with these requirements may constitute and result in disqualification;
* will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties are provided with a reasonable opportunity to participate and to provide comments;
* will ensure that the comments of all interested and affected parties are considered, recorded and submitted to the competent authority in respect of the application;
* will keep a register of all interested and affected parties that will participate in the public participation process; and
* will provide the competent authority with access to all information at my disposal regarding the potential application, whether such information is favourable to the applicant or not.

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

Signature of the environmental assessment practitioner:

Name of company:

Date: