



**Western Cape
Government**

Environmental Affairs &
Development Planning

BETTER TOGETHER.

Checklist for the Request for the Adoption Definition of an Ad-hoc Setback Line

Checklist for the request for the adoption/definition of an ad-hoc setback line

Request for the adoption/definition of an ad-hoc setback line in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Regulations, 2010.

July 2011

File Reference Number:
NEAS Reference Number:
Date Received by Department:
Date Received by Component:

(For official use only)

PROJECT TITLE

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GENERAL INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST

- 1) This form must be used to request the Department to adopt/define an ad hoc setback line.
- 2) This form is current as of 18 July 2011. It is the responsibility of the Proponent to ascertain whether subsequent versions of this checklist have been published or produced by the competent authority.
- 3) The required information must be typed within the spaces provided in the checklist. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces are in the form of a table that will expand itself as each space is filled with typing.
- 4) The use of "not applicable" in the checklist must be done with circumspection. Where it is used in respect of material information that is required by the competent authority for assessing the request, this will result in the request for additional information.
- 5) Incomplete checklists will result in a request for additional information.
- 6) Unless protected by law all information contained in, and attached to this checklist, will become public information on receipt by the competent authority.
- 7) This checklist must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. No faxed or e-mailed checklists will be accepted.
- 8) **This checklist is a guide to the information that must be submitted. Any additional information, pictures or explanations prompted by the checklist must be submitted along with this checklist in order to ensure that the Department does not need to request additional information from you.**

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE REGION 1 (Cape Winelands, City of Cape Town: Tygerberg and Oostenberg Administrations)	CAPE TOWN OFFICE REGION 2 (West Coast, Overberg, City of Cape Town: Helderberg, South Peninsula, Cape Town and Blaauwberg Administrations)	GEORGE OFFICE (Eden and Central Karoo)
<p>Department of Environmental Affairs and Development Planning Attention: Directorate: Integrated Environmental Management (Region A2) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Land Management (Region 1) at: Tel: (021) 483-4793 Fax (021) 483-3633</p>	<p>Department of Environmental Affairs and Development Planning Attention: Directorate: Integrated Environmental Management (Region B) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Land Management (Region 2) at: Tel: (021) 483-2789 Fax (021) 483-4372</p>	<p>Department of Environmental Affairs and Development Planning Attention: Directorate: Integrated Environmental Management (Region A1) Private Bag X 6509 George, 6530</p> <p>Registry Office 4th Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Land Management (Region 1) at: Tel: (044) 805 8600 Fax (044) 874-2423</p>

View the Department's website at <http://www.capegateway.gov.za/eadp> for the latest version of this document.

IMPORTANT INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST

With regards to an ad hoc development setback line, note that:

- 1) the development setback line is defined/adopted in terms of the NEMA EIA Regulations 2010 and only relates to the relevant listed activities and to the determination of whether or not environmental authorisation in terms of NEMA is required before undertaking these listed activities only (refer to section 9 of this checklist);
- 2) the development setback line is not defined/adopted in terms of the **National Environmental Management Act: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA") / National Water Act, 1998 (Act No. 36 of 1998)** or any other legislation, and notwithstanding the location of the development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to;
- 3) the development setback line does not imply that the area inland of the line will not be exposed to risks arising from dynamic processes, including the risk of flooding or erosion; and
- 4) the fact that development will be undertaken behind (inland of) the development setback line does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA.)

1. BACKGROUND INFORMATION

Highlight the Departmental Sub-Region(s) in which the application falls	Region 1 (Eden and Central Karoo)	Region 1 (Cape Winelands, City of Cape Town: Tygerberg and Oostenberg Administrations)	Region 2 (Overberg, City of Cape Town: Helderberg, South Peninsula Administrations)	Region 2 (West Coast, City of Cape Town Cape Town and Blaauwberg Administrations)
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Name of Proponent:			
Contact Person (if other):			
Postal address:			
		Postal code:	
Telephone:	()	Cell:	
E-mail:		Fax:	()
Name of landowner:			
Contact person:			
Postal address:			
		Postal code:	
Telephone:	()	Cell:	
E-mail:		Fax:	()
In instances where there is more than one landowner, please attach a list of landowners with their contact details, together with copies of the notices given to these landowners about the setback request.			
Project area location:			
Farm name, Erf No., portion etc.			
Property size (m ²)			
Development footprint size (m ²)			
SG21 Digit code			
Physical address where development will take place:			
Coordinates: Latitude (S)	°	'	"
Longitude (E)	°	'	"
Magisterial District or Town:			
Name(s) and status of Beach(es) and/or River(s) in question.			

NOTE: You are required to attach aerial photographs and other supporting pictorial evidence clearly showing the site under discussion, all neighbouring sites, the proposed development footprint, and proximity to the sea and/or watercourses. In addition, where watercourses are applicable, the 1:100 year flood-line (if known) and/or the 32m line from the banks of the watercourse must be shown on a map.

If this evidentiary support is not included herewith, the Department WILL request this as additional information.

2. DETAILS OF CURRENT ACTIVITIES ON THE SITE

a) Have any activities physically commenced on site?	YES	NO
b) List the date of commencement of these activities (dd/mm/yy).		
c) Describe the commencement of these activities.		

3. EXISTING BIOPHYSICAL CONTEXT

a) What is the distance in metres from the closest property boundary to the high-water mark/watercourse?	
b) Is there evidence of existing erosion?	
c) Have there been any previously implemented erosion protection measures?	
d) What is the existing height of the property in question above sea level, or above the watercourse?	
e) What is the proximity to the nearest estuary?	
f) What is the distance in metres of the closest point of the proposed development to the known storm surge high-water mark or flood-lines?	
g) Will the proposed development block public access to the sea shore or the watercourse?	
h) Is the site prone to flooding or inundation from the sea? Explain including dates of most recent events?	
i) Describe the type of sea shore or watercourse (sandy, rocky, mixed etc.).	
j) Describe the slope of the site, and the sea shore or banks of the river channel.	
k) Describe the shape of the beach or watercourse (concave, convex, meandering etc.)	
l) Describe the type of substrate of the sea shore or watercourse (eg, very fine sand, coarse sand, very coarse, pebbles).	

4. DETAILS OF THE EXISTING STATE OF THE FORESHORE OR WATERCOURSE

a) Clearly describe the existing state of the foreshore or watercourse (i.e. is it canalised, are there existing gabions, is the foreshore paved, bordered by a road, etc.). Also include a description of riparian zones/coastal zones and the existing vegetation. This must be supported by recent photographs.

5. DETAILS OF THE PROPOSED ACTIVITIES ON SITE

a) Describe your proposed development on the site.

6. DETAILS OF THE SURROUNDING LAND USES

a) Describe all immediate land uses.
b) Describe how the proposed development is consistent with the surrounding land uses

7. ENVIRONMENTAL IMPACTS

a) Describe any negative environmental impacts that may occur if the request is granted. Information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment such as erosion must be included.
b) Describe any negative environmental impacts that may occur if the request is not granted (eg. Continued erosion).
c) Describe any positive environmental impacts that may occur if the request is granted. Information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water or coastal erosion protection measures must be included.
d) Does the site form part of a Critical Biodiversity Area?
e) Describe what investigations or assessments have been undertaken (if any) to inform this request.
f) Are there any existing local authority building setbacks lines in place. Explain.
g) Clearly describe what line you propose for the Department to adopt as a setback line (This MUST be supported by a site map clearly showing the proposed line and proximity to the high-water mark of the sea/ watercourses as well as any lines in terms of 6 above.

8. RIGHTS AND INTERESTS OF OTHER PARTIES

a) Will this request adversely affect the rights and interests of other parties? Explain.	YES	NO
b) Has any form of public participation been conducted? Explain.		

NOTE:

The Department is entitled to request further information if it believes it is necessary for the consideration of the request.

9. DECLARATION

THE PROPONENT

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

- regard the information contained in this checklist to be true and correct, and
- am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 ("NEMA") (Act No. 107 of 1998), the Environmental Impact Assessment Regulations ("EIA Regulations") in terms of NEMA (Government Notice No. R. 543 refers), and the relevant specific environmental management Act, and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
- am fully aware that the proposed development constitutes a listed activity/ies in terms of the NEMA EIA Regulations, 2010 as follows: (List activity numbers only)

GN No. R. 544

GN No. R. 545

GN No. R. 546

- will provide the competent authority with access to all information at my disposal that is relevant to this request;
- will be responsible for any costs incurred in complying with the environmental legislation;
- hereby indemnify, the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the competent authority;
- am aware that a false declaration is an offence in terms of regulation 71 GN No. R. 543.

Signature of the proponent:

Date:

Name of company: