



**REFERENCE:** 14/1/1/E2/7/9/3/0733/22

**ENQUIRIES:** Yena Gunguluzi

**EMAIL:** [igno@sun.ac.za](mailto:igno@sun.ac.za)

57/63 Rocklands

Hermanus

7200

## COMPLIANCE NOTICE

Dear Prof. Igno Siebert

### COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

1. The Department's Pre-Compliance Notice dated 13 February 2023, has reference and the Project Schedule ("PS") received from your appointed Environmental Assessment Practitioner (EAP), Lornay Environmental Consultant, dated 09 September 2023 has reference.
2. Having considered the evidence before me, and the fact that you have decided to apply for the rectification of the unlawful commencement of a listed activity in terms of section 24G of the NEMA, I, Achmad Bassier, in my capacity as an Environmental Management Inspector Grade 1, hereby issues

Prof. Igno Siebert with a Compliance Notice in terms of section 31L of the National Environmental Management Act, 1998 ("NEMA").

3. This Compliance Notice relates to the non-compliance with the provisions of section 24F of the NEMA and serves to hold you responsible to comply with the aforesaid project schedule.

### **Details of conduct constituting non-compliance**

4. During an investigation into allegations of the commencement of a listed activity in contravention of section 24F of the National Environmental Management Act, 1998 ("NEMA"), a site inspection was conducted at Bo Leeurivier, Remainder of Portion 46 of Farm No. 190, Klip Rivier, Swellendam, by Environmental Management Inspectors from the Department's Directorate: Environmental Law Enforcement on 06 July 2023, which confirmed that you have commenced with the clearing of indigenous vegetation and development of a mast for telecommunication broadcasting or radio transmission on the aforesaid property without an Environmental Authorisation ("EA").
5. **As such, you are hereby instructed to:**

**Adhere to the section 24G project schedule and specified timeframes as received on 24 April 2023 (attached hereto) and confirm such in writing **within 7 (seven) calendar days** of receipt of this Compliance Notice.**

6. Approval of the section 24G application by the Department does not remedy the unlawful commencement of the above activities, which remain unlawful in terms of section 49A(1) (a) and/or (d) of the NEMA, until such time that environmental authorization is granted.

7. Notwithstanding the section 24G application, the Department may commence criminal proceedings should circumstances so require.
8. Inform the Department of any delays/changes in respect of the section 24G PS on the following details; Ms Zaidah Toefy (Head of Sub-Directorate: Rectification) email: [Zaidah.Toefy@westerncape.gov.za](mailto:Zaidah.Toefy@westerncape.gov.za) **and** Yena Gunguluzi (Directorate: Environmental Law Enforcement) email: [Yena.Gunguluzi@westerncape.gov.za](mailto:Yena.Gunguluzi@westerncape.gov.za) .
9. Submission of the 24G Application to the Department does not remedy the unlawful commencement of the above activities, which remain unlawful in terms of section 49A(1) (a) and/or (d) of the NEMA, until such time that environmental authorization is granted.

### **Varying this Compliance Notice**

10. If you would like me to vary this Compliance Notice or extend the period to which it relates, you may make representations to me, in writing, to do so.

### **Failure to comply with this Compliance Notice (section 31N of the NEMA) and related offences in terms of the NEMA**

11. In terms of section 49A(1)(a) of the NEMA it is an offence to commence a listed activity without environmental authorisation. A person convicted of such an offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

12. Furthermore, failure to comply with a Compliance Notice is an offence in terms of section 49A(1)(k). A person convicted of such an offence 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.
13. Any non-compliance with the Compliance Notice must be reported to the Minister, who may:
  - 13.1. revoke any permit or authorisation to which this Compliance Notice relates; and/or
  - 13.2. take any steps necessary to ensure compliance with the provisions of the law, permit or authorisation to which this Compliance Notice relates and recover from you the cost of doing so.

**Procedure for lodging an objection to this Compliance Notice (section 31L and 31M of the NEMA)**

14. If you wish to lodge an objection to this Compliance Notice, you may do so by making representations, in writing, to the Provincial Minister of Environmental Affairs and Development Planning ("the Minister") within 30 days of receipt of this Compliance Notice.
15. You may also make representations, in writing, to the Minister to suspend the operation of this Compliance Notice pending finalisation of the objection.
16. The objection must be in writing and forwarded to the Appeal Administrator, Mr Marius Venter at the contact details below and must be accompanied by a statement detailing the grounds of the objection and supporting documentation, if any.

By post: Western Cape Ministry of Local Government, Environmental  
Affairs and Development Planning

Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174

By hand: Attention: Mr. Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

17. Irrespective of any representations you may make to me or to the Minister, you must comply with this Compliance Notice within the time period stated in the Compliance Notice, unless the Minister agrees to suspend the operation of this Compliance Notice.



**Mr A. Bassier**

**Director: Environmental Law Enforcement**

**Grade 1 Environmental Management Inspector**

**Date: 29/09/2023**

**Cc:**

Ruan Siebert

Email: [ruansiebert3@gmail.com](mailto:ruansiebert3@gmail.com)

Rhett Smart (Cape Nature)

Email: [rsmart@capenature.co.za](mailto:rsmart@capenature.co.za)

Bongani Sithole (Cape Nature)

Email: [bsithole@capenature.co.za](mailto:bsithole@capenature.co.za)