



LORNAY
ENVIRONMENTAL CONSULTING

NEMA 24G APPLICATION AND ASSESSMENT FORM

Clearance Of Vegetation To Establish Single Residential Dwelling

Erf 5629 Bettys Bay

13 August 2024

Consultant:

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Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07



Note that this document is submitted voluntarily by the applicant and landowner prior to any pre-compliance and pre-directive notices



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)	x	
2.	Application form has been completed and attached, which includes among others:	x	
	2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with.	x	
	2.2. A list of all similarly listed activities in terms of the current EIA regulations (if applicable).	x	
	2.3. A description of the receiving environment before commences of the activity(ies).	x	
	2.4. A description of the receiving environment after commences of the activity(ies).	x	
	2.5. All appendices and annexures:	x	
	2.5.1. Locality map	x	
	2.5.2. Site plans or/and Layout plan	x	
	2.5.3. Building plans (if applicable)	x	
	2.5.4. Colour photographs	x	
	2.5.5. Biodiversity overlay map	x	
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	x	
	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	x	
	2.5.8. Environmental Management Programme	x	
	2.5.9. Certified copy of Identity Document of Applicant	x	
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	x	
	2.6. Signed declaration forms.	x	
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	Y x	N
	3.1. If yes, has the specialist assessment report been attached to the application?	x	
4.	An assessment of the impacts of the activity or activities in terms of the following categories:	x	
	• Socio-economic	X	
	• Biodiversity	x	
	• Sense of place &/or Heritage/ Cultural	X	
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	x	
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	x	
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations:	x	

	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.	x
8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	x
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	x
9.	Compliance history of the applicant:	x
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	x
	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).	x
	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;	x
	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	x
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	x
	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;	x
	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.	x
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	X
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	x
	10.2 Copies of comments and responses included in the application.	x
	10.2 Comments and Response report attached to the application.	x
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)	x



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)

5. 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.**
6. 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
7. 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/>
8. The use of "not applicable" in the Application Form must be done with circumspection.
9. 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.
10. 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:

- a) **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").
- b) 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.
- c) 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.
- d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G of the NEMA (as amended).
- e) 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.
- f) 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.
- g) 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.
- h) 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.
- i) **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:
 - o 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
 - o fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
 - o fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
 - o 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)	14/2/4/2/2/E2/1/0019/24
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> for the latest version of the documents

PART 1

PROJECT TITLE AND GENERAL DESCRIPTION OF THE DEVELOPMENT

**Clearance of indigenous vegetation without Environmental Authorisation on Erf 5629
Betty's Bay, Caledon RD**

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
	X	

SECTION A: BACKGROUND INFORMATION

1. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

1.1	The applicant is a Natural Person (individual)	x
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:	JACQUES DUMONT SMIT
Name of Firm (if applicable):	-
Firm Registration Number:	6905165100086
Contact Person at the Firm:	As above
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)
<ul style="list-style-type: none"> ● 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:	69 Spitfire Avenue,
	Pierre Van Ryneveld
	Postal code: 0157
Telephone:	(-)
	Cell: 082 908 1702
E-mail:	chantales@citadel.co.za
	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:			
	MICHELLE NAYLOR		
Company name (if any):	LORNAY ENVIRONMENTAL CONSULTING		
Postal address:	PO BOX 1990		
	HERMANUS	Postal code:	7200
Telephone:	()	Cell:	
E-mail:	michelle@lornay.co.za	Fax:	()
EAP Qualifications	Master of Science (Rhodes University)		
EAP Registrations/Associations and registration number/s	EAPASA: 2019/698		
Name of the Landowner:			
	As above		
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:			
	As above		
Contact person:	-		
Postal address:	-		
	-	Postal code:	-
Telephone:	-	Cell:	-

E-mail:	-	Fax:	-
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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:	Overstrand Municipal		
Contact person, if known:	Tamzyn Zweig		
Postal address:	PO BOX X3		
	Kleinmond	Postal code:	
Telephone	(0) 28 271 8420	Cell:	083 286 4999
E-mail:	tzweig@overstrand.gov.za	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):	Betty's Bay
Farm/Erf name(s) & number(s) including portion(s)	Erf 5629
Property size(s) (m ²)	2883.9 m ²
Development footprint size(s) (m ²)	±380 m ²
SG21 Digit code(s)	C01300020000562900000

Property boundary:

Point	Latitude (S)	Longitude (E)
A	34 ° 21' 20.45" South	18 ° 53' 26.72" East
B	34 ° 21' 26.35" South	18 ° 53' 26.96" East
C	44 ° 21' 20.64" South	18 ° 53' 28.16" East
D	34 ° 21' 22.93" South	18 ° 53' 27.26" East
E	34 ° 21' 22.94" South	18 ° 53' 25.94" East



Figure 1: Coordinates indicating Erf 5629 property boundary

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	34 ° 21 ' 20.49 " South	18 ° 53 ' 26.90" East
2	34 ° 21 ' 20.74 " South	18 ° 53 ' 26.78 " East
3	34 ° 21 ' 20.81 " South	18 ° 53 ' 26.53 " East
4	34 ° 21 ' 21.06 " South	18 ° 53 ' 27.70" East
5	34 ° 21 ' 20.61 " South	18 ° 53 ' 27.75" East



Figure 2: coordinates of the site boundary

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:	Poplyria Road in Betty's Bay		
Magisterial District or Town:	Betty's Bay, Caledon RD		
Closest City/Town:	Betty's Bay	Distance	(km)
Zoning of Property:	Residential Zone 1		

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 x
If yes, what was the previous zoning?		
Is a rezoning application required?	YES	NO x
Is a consent use application required?	YES	NO x
Locality map:	<p>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:</p> <ul style="list-style-type: none"> • 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 	

	<ul style="list-style-type: none"> 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:	<p>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.</p> <p>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 <i>Infrastructure Development Act, 2014 (Act No. 23 of 2014)</i>.</p>

2. APPLICATION HISTORY

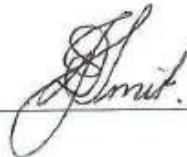
(Cross out the appropriate box "☒" and provide a description where required).

Has any national, provincial or local authority considered any development applications on the property previously?	Yes	No x
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)		
N/A		
Which authority considered the application:		
Has <u>any</u> 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 x
Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.		
N/A		

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): JACQUES IDLIMONT SMIT Signature: 

Place: PRETORIA Date: 05/05/2024

EAP (Full names): MICHELLE NAYLOR Signature: 

Place: Hermanus Date: 15 April 2024

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/ies in 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
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
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
GN No. R. 545 Activity No(s): (Listing Notice 2 of 2010)	Describe the relevant listed activity/ies in 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
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

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
12	The development of infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —	Cleared area of approximately 450 m ² , The proposed residential dwelling will have a footprint of approximately 250m ²	Site preparation in order to construct single residential dwelling 10/2021
19	The infilling or depositing of any material of more than [5] 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than [5] 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; [or] (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.	The excavation and removal of vegetation were conducted on the property to facilitate the proposed housing development. According to the botanical specialist, the site is not classified as a wetland. However, GIS mapping characterizes the site as a wetland.	10/2021
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

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
12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.	Approximately 450 m ² of indigenous vegetation has been cleared on site.	10/2021

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.

The intention of the excavation and removal of vegetation, which has taken place on site, is to construct a single residential dwelling, therefore listing notice 1 activity 12 is included.

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 <u>Category A</u> 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 <u>Category B</u> 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 <u>Category A</u> 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. 921— Category B Activity No(s):	Describe the relevant <u>Category B</u> 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

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.
12	The development of infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —	The dwelling footprint will be approximately 450 m ² in size. The Cape farm mapper confirms that the site falls within a wetland area. However, the botanical assessment undertaken in 2006 confirmed no wetlands on site.
19	The infilling or depositing of any material of more than [5] 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than [5] 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; [or] (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.	The excavation and removal of vegetation were undertaken on site in order to prepare the site to development a single residential dwelling
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.
	N/A	

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.
12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. (i) Western Cape Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans;	Approximately ±450 m ² of indigenous vegetation has been cleared on site in order to build a single residential dwelling

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 x
(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 <u>as well as</u> the original date of commencement if the application is an upgrade.	New x	Upgrade
The applicant purchased the property in November 2020 and the activities commenced in October 2021. The activities which have been undertaken have been done so as part of land preparation to construct a single residential dwelling.		
(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.		
The applicant purchased the property in November 2020 and initiated vegetation clearance in October 2021. The agreement of sale was finalized in November 2020, prior to the completion of the subdivision of the parent property. The photos captured on 07 May 2024 below, show that no infrastructure has been established on the cleared site. The applicant has installed basic fencing to protect the area from unauthorized entry. The vegetation clearance of approximately 450 m ² and the minor levelling and platforming of the site has been undertaken in order to build a single residential dwelling.		

Prior to the subdivision of the parent erf, a Botanical specialist was appointed by the former landowner to inform the proposed subdivision.

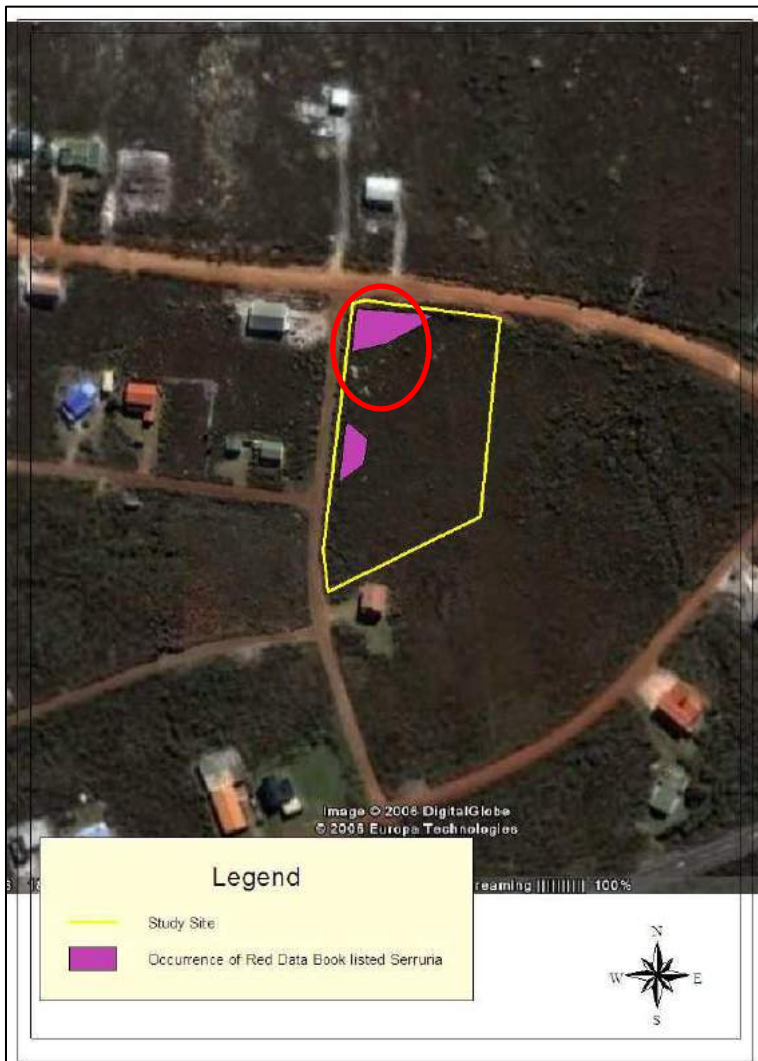


Figure above showing original parent erf which was surveyed in 2006 by Nick Helme, in order to inform the proposed subdivision. This survey was undertaken to inform the subdivision application which resulted in the subject erf – Erf 5629 Bettys Bay. Red circle indicates Erf 5629.

In October 2021, approximately ±450 m² of natural vegetation was cleared without awareness of the designated no-go areas on the subject property. At the time, the applicant was unaware of the 2006 botanical specialist report referred to above, which highlighted the sensitive areas on the subject property. The above findings were never conveyed to the new buyer nor were they secured in the Title Deed and as such the new property owner was completely unaware of this.

As a result, in October 2021, the applicant and property owner cleared an area of approximately 450 m² and undertook minor excavation to create a building platform, in order to construct their single residential dwelling on site.



Photo 1: showing the cleared natural vegetation



Photo 2: Clearance of vegetation with some bit of vegetation growing

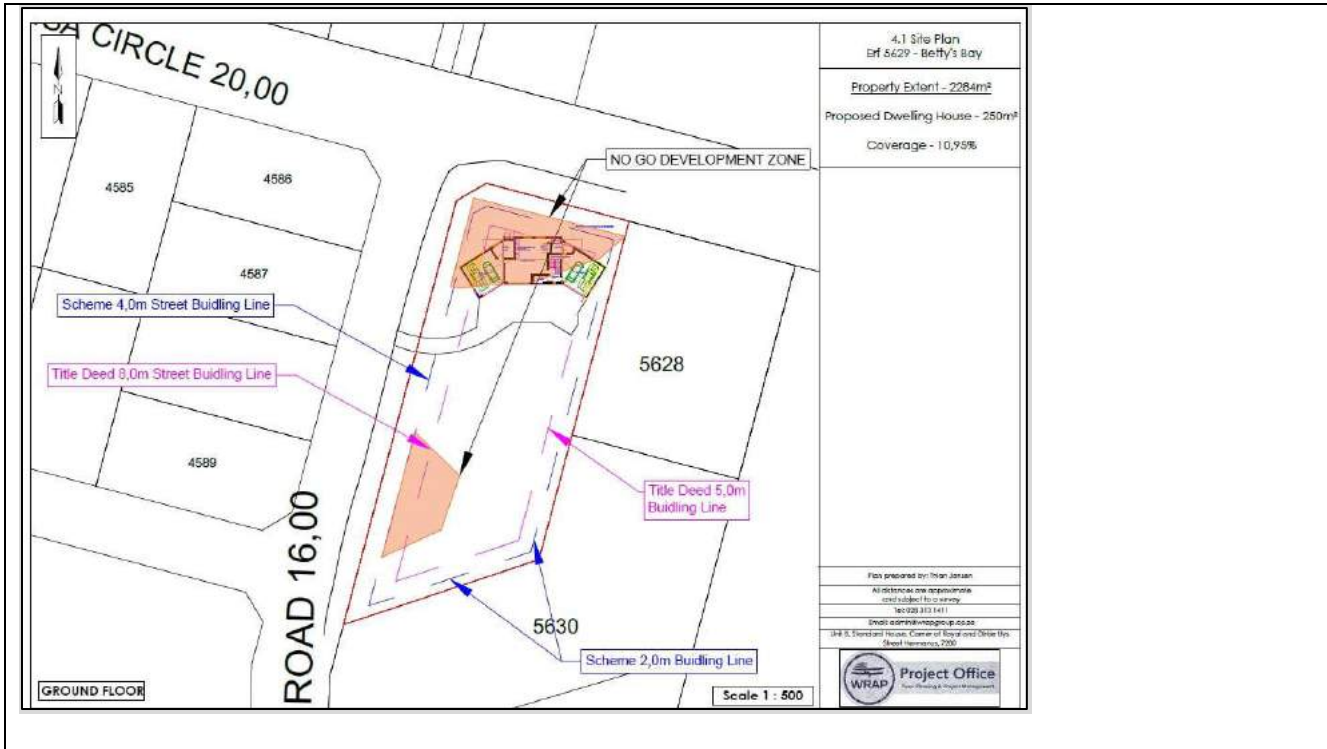


Photo 3: Basic fencing around the cleared area.

After the above took place, the same botanist was consulted regarding whether the area cleared should be rehabilitated and elsewhere on site cleared for the development or whether the disturbed area should be used. The recommendation of the botanist was as follows (See official response under Appendix F2)

"I am in support of using the pre-existing disturbed area in the northwest corner of this erf as the primary development footprint on this site, notwithstanding the fact that this is in an area marked in my 2006 botanical survey as a No Go area of higher botanical sensitivity. Rehabilitation of this area is possible, but not to a 2 point where the more sensitive and threatened species will return within ten years. According to Google Earth time series imagery the area was disturbed in late 2021, and a further area along the southern and southeastern boundary was disturbed between July and October 2022.

Disturbance of any other parts of the site that are currently covered with natural vegetation is not supported. In this regard it is essential that the total allowable development footprint (as shown in Figure 1) be fenced off during construction to prevent accidental damage to surrounding natural areas. It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do over time, provided that natural vegetation surrounds the area, as at present. No gardening, mowing or disturbing of vegetation outside the allowed development footprint should be undertaken. All invasive alien vegetation (as per NEMBA) on erf 5629 should also be removed by hand on a regular basis (at least very six months)."



(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 x	NO
Provide brief description:		
Building plan attached for single residential dwelling – Appendix B.		
Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO x
Provide brief description:		
N/A – existing – located within urban area of Bettys Bay – extension to available municipal network available, closed conservancy tank to be installed as per general protocol for the area		
Processing activities (e.g. manufacturing, storage, distribution)	YES	NO x
Provide brief description:		
N/A		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)	YES	NO x
Provide brief description		
N/A		
Storage and treatment facilities for solid waste and effluent generated by the project	Yes	No x
Provide brief description		
N/A		

(d) Other activities (e.g. water abstraction activities, crop planting activities)	Yes	No x
Provide brief description		
N/A		

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	m ²
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	±450 m ²
Total area:	±450 m ²

4. SITE ACCESS

Was there an existing access road?	YES x	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) unknown	m
	(width) unknown	m
Describe the type of access road constructed:		
N/A		

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 C** 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):
National Environmental Management Act	DEA&DP	Authorisation	-
NEMBA (10 of 2004) – The Revised National List of Ecosystems that	Cape Nature	Comment	Pending

threatened and in need of protection			
POLICY/ GUIDELINES		ADMINISTERING AUTHORITY	
National Environmental Management Act 107 of 1998, as amended (NEMA) & The EIA Regulations 92014) As amended- Environmental Impact Assessment Process		DEA&DP	
Overstrand Municipality By-Law on Municipal Land Use Planning, 2015		Overstrand Municipality	
EIA Guideline AND Information Document Series, Dated March 2013: Applied to various components in the Basic Assessment Process. The following guidelines were considered throughout the Basic Assessment Process: - Guideline for the Review of Specialist Input in the EIA process (June 2005). - Guideline for Environmental Management Plans (June 2005) - Guideline on Alternatives (March 2013) - Guideline on Need and Desirability		DEA&DP	

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 X
If yes, has an application been submitted to the licensing authority?	YES	NO X
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 X
If yes, has an application been submitted to the licensing authority?	YES	NO X
If no, please provide evidence of existing water use rights (if applicable) with this application form.N/A		
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 X
If yes, has an application been submitted to the licensing authority?	YES	NO X
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act (“NEM: ICMA”)?	YES	NO X
If yes, has an application been submitted to the relevant competent authority?	YES	NO X

If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA
N/A

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 X
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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)

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	X
SHALE	X	DOLOMITE	
SANDSTONE	X	DOLERITE	
OTHER (specify)	diamictite, minor conglomerate, mudrock, siltstone and shale.		

2. GRADIENT OF THE SITE

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

Flat	Flatter than 1:10 x	1:10 – 1:5	Steeper than 1:5
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3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site (cross out ("X") the appropriate boxes).

Ridgeline	Plateau	Side slope of hill/mountain x	Closed valley	Open valley	Plain	Undulating plain/low hills	Dune	Sea-front	Other
If other, please describe									

4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)

Is the site(s) located on or near any of the following (cross out ("X") the appropriate boxes)?

Shallow water table (less than 1.5m deep)	YES	NO x	UNSURE
Botanical specialist confirmed that the site is not within a wetland, however, Cape farm mapper identify the site as a wetland.	YES	NO x	UNSURE

Seasonally wet soils (often close to water bodies)	YES	NO x	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO x	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO x	UNSURE
Soils with high clay content	YES	NO x	UNSURE
Any other unstable soil or geological feature	YES	NO x	UNSURE
An area sensitive to erosion	YES	NO x	UNSURE

4.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)

Shallow water table (less than 1.5m deep)			
Botanical specialist confirmed that the site is not within a wetland, however, Cape farm mapper identify the site as a wetland.	YES	NO x	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO x	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO x	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO x	UNSURE
Soils with high clay content	YES	NO x	UNSURE
Any other unstable soil or geological feature	YES	NO x	UNSURE
An area sensitive to erosion	YES	NO x	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).

5. SURFACE WATER

2.1 SURFACE WATER (PRE-COMMENCEMENT)

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

Perennial River	YES	NO x	UNSURE
Non-Perennial River	YES	NO x	UNSURE
Permanent Wetland			
Botanical specialist confirmed that the site is not within a wetland, however, Cape farm mapper identify the site as a wetland.	YES	NO x	UNSURE
Seasonal Wetland	YES	NO x	UNSURE
Artificial Wetland	YES	NO x	UNSURE
Estuarine / Lagoonal wetland	YES	NO x	UNSURE

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

3. 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.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.

6.1 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	x	Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:		Describe the vegetation type above:		Describe the vegetation type above:	
		Hangklip Sand Fynbos with elements of Kogelberg Sandstone Fynbos			
Provide ecosystem status for above:		Provide ecosystem status for above:		Provide Ecosystem status for above:	
		The site consists of Least threatened ecosystem status			
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species Invasive alien vegetation is not currently a feature of the sites, and the only species noted was rooikrans (<i>Acacia cyclops</i>), and this species occurs only as scattered small plants (<0.1% cover).		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe	

Bare soil	Building or other structure N/A	Sport field
Other (describe below)	Cultivated land N/A	Paved surface

(a) 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) x	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	<p>Category 1: ESA2: Restore from other land use</p> <p>Definition: Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs and are often vital for delivering ecosystem services.</p> <p>Objective: Restore and/or manage to minimize impact on ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement.</p>

(b) 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	99 %	<p>The botanical specialist study conducted in 2006 asserted that the bulk of the site is considered to be of Moderate regional conservation value, with a very limited number of rare species, and because it is (and will become more so) partly isolated from the core mountain area by its position.</p> <p>There is only one Red Book Data Boo listed plant species recorded on site and there is ow to moderate likelihood of others being present, but unrecorded.</p>
Near Natural (includes areas with low to moderate level of alien invasive plants)	< 0.1 %	There was only one species of Acacia cyclops identified by the specialist on the site and this species was scattered in small plants (<0.1% cover.
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) Hangklip Sand Fynbos and Kogelberg Sandstone Fynbos	Critical	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)	Estuary			Coastline		
	Endangered x							
	Vulnerable x							
	Least Threatened							
		YES x	NO	UNSURE	YES	NO x	YES	NO x

- (d) 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)

Extract from the Botanical Report:

This botanical assessment was commissioned in 2006 in order to help inform decisions on an application to subdivide erven 4570 and 4576, Betty's Bay. Erf 4576 was approximately 0.7 hectares in extent and lie at the upper, western end of Betty's Bay. The sites lie at the southern base of the Voorberg, which falls within the Kogelberg State Forest, and which forms part of the core area of the Kogelberg Biosphere. The site thus borders on the core area of the Biosphere, and from the information botanical specialist have available (GIS data from CPU of CapeNature) assume that the erven fall within the Transitional area of the Biosphere, where urban density should be reduced and development should be environmentally sensitive. The Rooiels to Kleinmond coastal strip has been identified as a sensitive environmental area in the new EIA Supplementation Guidelines (G. Pence – pers. comm), which means that all development applications will have to go through at least a basic assessment process in future.

Erf 4576 slopes gently to the south, and has no wetlands on the site, although there is a wetland corridor just east of the site.

During the site visit on 14 November 2006 the vegetation on site was regarded as mature (about seven to twelve years old), and although the survey was conducted in early summer it is felt that a significantly accurate picture of the vegetation could be obtained, partly as a result of extensive previous work in the area, and partly due to the relatively low proportion of rare bulbs and annuals in this vegetation type.

The original natural vegetation in the study area is a combination of two different vegetation types, due to its position at the base of the mountains. It is probably best described as Hangklip Sand Fynbos, with elements of Kogelberg Sandstone Fynbos (Mucina & Rutherford 2003), with the latter elements being more typical of the mountain areas.

Hangklip Sand Fynbos is restricted to the low-lying sandy flats between Rooiels and Stanford (mostly on neutral and acid sands), with outliers on the southern Cape Peninsula. The latest National Spatial Biodiversity Assessment (NSBA; Rouget et al 2004) has determined that at least 32% of this Hangklip Sand Fynbos vegetation has been lost (1996 data; the situation has deteriorated since then, and this figure is probably closer to 40% now), with ongoing loss and pressures (urbanization, agriculture, quarrying), and thus ranks it as a Vulnerable vegetation type. Only 17% of this vegetation type is formally conserved, with a conservation target of 30%, which can be interpreted as meaning that roughly 50% of every site with this vegetation type should be conserved in order to achieve regional conservation targets. This ranking is similar to a Red Data Book ranking for individual species, the only difference being that it refers to entire ecosystems.

Kogelberg Sandstone Fynbos is well conserved (59% conserved, being 195% of the national target, and 83% remaining), and consequently has a Least Threatened ecosystem status (Rouget et al 2004). Invasive alien vegetation is not currently a feature of the sites, and the only species noted was rooikrans (*Acacia cyclops*), and this species occurs only as scattered small plants (<0.1% cover).

Erf 4576

This site is well drained, with white acid sands and very occasional rocks. Dominant species include *Elegia filacea*, *Rhus lucida* (blink taaibos), *Erica axillaris*, *Erica serrata*, *Erica muscosa*, and *Leucadendron salignum*. Additional species include *Pteridium aquilinum* (bracken), *Osyris speciosa*, *Leucadendron gandogeri*, *Restio egregius*, *Restio festuciformis*, *Hypodiscus aristatus*, *Staberoha cernua*, *Chondropetalum aggregatum*, *Pentaschistis curvifolia*, *Tetraria bromoides*, *Capelio tabularis*, *Metalasia muricata* and *M. densa* (blombos), *Erica coccinea* (hangertjies), *Erica tenella*, *Erica imbricata*, *Chrysanthemoides monilifera* (bietou), *Pelargonium cucullatum*, *Pterocelastrus tricuspidatus* (kershout), *Cliffortia atrata*, *Psoralea pinnata* (bloukeur), *Anthospermum aethiopicum*, *Chionanthus foveolatus* (bastard ironwood), *Watsonia borbonica*, *Protea cynaroides* (king protea), *Morella quercifolia* (maagpynbossie), *Lanaria lanata* (wolbos), *Berkheya barbata*, *Hermas villosa*, and *Aspalathus calycina*. On the few large rocks are *Crassula flava*, and *Lachenalia* sp. (viooltjie).

The following species are largely restricted on site to the upper third of the site:

Serruria adscendens, *Brunia albiflora* (coffee bush), *Leucadendron xanthoconus*, *Hermas villosa*, *Penaea mucronata*, and *Psoralea aphylla*.

The bulk of the site is considered to be of Moderate regional conservation value, with a very limited number of rare species, and because it is (and will become more so) partly isolated from the core mountain area by its position.

3.1.1 Rare species

Only one Red Data Book listed plant species was recorded on this site, and there is a low to moderate likelihood of others being present, but unrecorded (primarily due to seasonal and fire cycle constraints). *Serruria adscendens* (Proteaceae; see Plate 2 of the Botanical report) is largely restricted to the sandy flats between the mountains and the sea in the area from Hanglip to Stanford, and has consequently been affected by urbanization, alien plant invasion, and agriculture. The species has been recently Red Data Book listed as Near Threatened (Rebelo et al – in prep.). The species is not well represented on site and is present only in the areas indicated in Figure 1 of the Botanical specialist report. A total of about fifteen plants occurs on site, with large populations on the lower slopes of the mountain behind the site.

Erf 4576 is slightly further down the slope, and is not on the edge of the Biosphere Core, and thus has fewer constraints from a regional perspective.

6.2 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	X	Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:	Describe the vegetation type above: Hangklip Sand Fynbos			Describe the vegetation type above:	
Provide ecosystem status for above:	Provide ecosystem status for above: Critically endangered vegetation			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 N/A			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	75 %	There are remnants of sensitive vegetation on site
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)	25%	The clearance of vegetation onsite

(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)?

The South African Vegetation Map identifies the site as containing Hangklip Sand Fynbos, an indigenous vegetation type designated as endangered under the National Environmental Management: Biodiversity (Act No. 10 of 2004) revised in November 2022. The clearance of ± 350 m² of indigenous vegetation on this property has significantly impacted the highly sensitive vegetation on the site, which had previously been designated as a no-go area by the botanical specialist. Although rehabilitation of the previously disturbed area is possible, it is unlikely that the more sensitive and threatened species lost will fully re-establish within a decade.

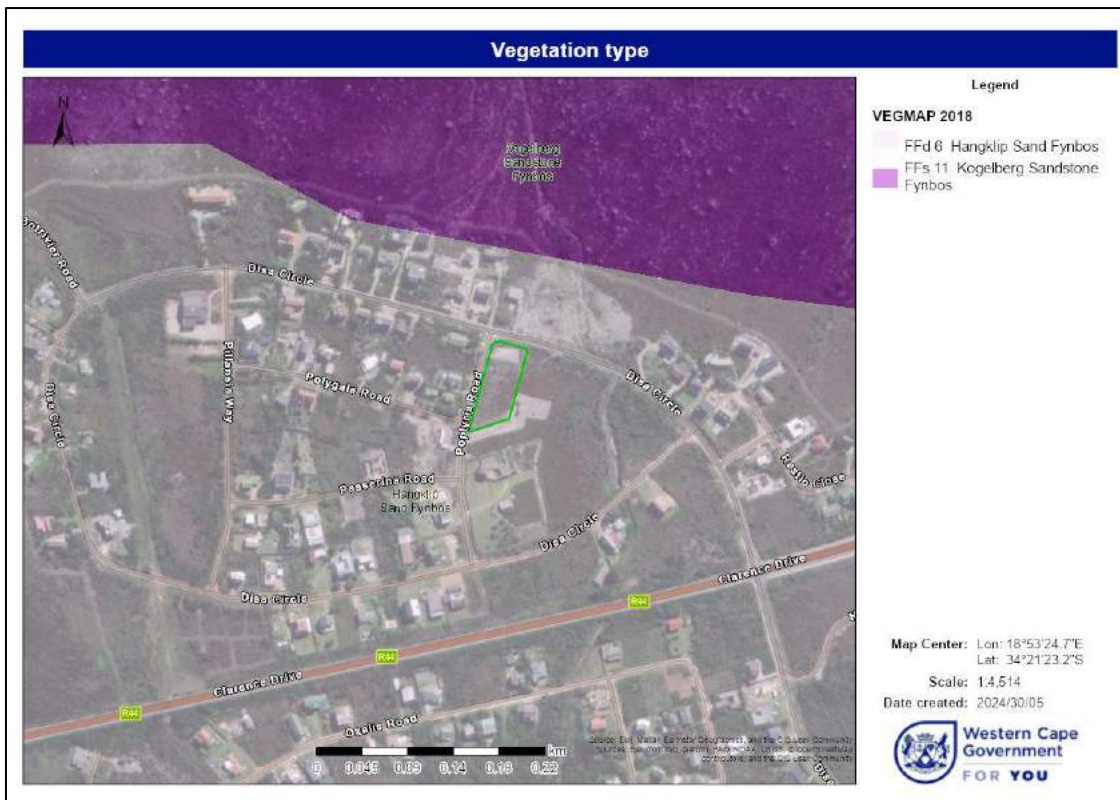


Figure 3: Vegetation type present on the property

6.3 VEGETATION / GROUNDCOVER MANAGEMENT

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

The mitigation and management measures for vegetation and groundcover involved consulting specialists to guide the clearance of vegetation on the property. The specialists determined that while rehabilitating the pre-existing disturbed area is feasible, it may not fully support the return of more sensitive and threatened species within a decade. As part of the plan, materials removed from the new area during house construction were to be used for rehabilitation efforts. Additionally, it should be noted that the area impacted is relatively small, constituting about 25% of the overall property.

7. 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 x	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):				

(a) Please provide a description.

The subject property is currently a vacant portion of land zoned for Single Residential Zone 1. It is situated in an existing low density residential area and compatible with similar surrounding properties.

8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Cross out ("X") 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 x	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 x	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Cross out ("X") 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.

Untransformed area	Low density residential x	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

10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

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

The subject property is located in the Overstrand Municipality in the area of Betty's Bay. The area is characterised by mostly retirement housing development. Investment in the area is important to assist the increasing need for residential housing in the area. The development of housing in the area will have a positive impact in accommodating the need for housing.

10.2 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.

Extract from the Overstrand Municipality Land Use Planning, 2015

“ The proposed subdivision will have a positive impact on the economy of the area. By allowing the subdivision of the subject property, it creates two additional residential portions from which the municipality can attain bulk service levies as well as monthly rates and taxes. Furthermore, the three portions after subdivision will be vacant portions of land and this implies that the future construction of a dwelling with outbuilding on each of the perspective properties will create temporary employment opportunities. The new portions will be occupied by new families who will invest and spend in the immediate and local business area.

The impact that the new families to the area will have, will be beneficial and no negative impacts are anticipated. The impact on social wellbeing and social coherence of the adjacent community will be minimal given the extent of the proposed portions after subdivision as well as the fact that the zoning and land use of the newly created portions will be in line with the zoning and the land uses associated with the immediate area.”

11. HISTORICAL AND CULTURAL ASPECTS

- (a) 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(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(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)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	NO x
		UNCERTAIN	
If YES, explain:	N/A		
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		YES	NO x
		UNCERTAIN	
If YES, explain:	N/A		
Was any building or structure older than 60 years affected in any way?	YES	NO x	UNCERTAIN
If YES, explain:	N/A		

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.

12. 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 x	UNSURE	
An area within 100m of the high-water mark of an estuary/lagoon	YES	NO x	UNSURE	
An area within the littoral active zone	YES	NO x	UNSURE	
An area in the coastal public property	YES	NO x	UNSURE	
Major anthropogenic structures	YES	NO x	UNSURE	
An area within a Coastal Protection Zone	YES	NO x	UNSURE	
An area seaward of the coastal management line	YES	NO x	UNSURE	
An area within the high-risk zone (20 years)	YES	NO x	UNSURE	
An area within the medium risk zone (50 years)	YES	NO x	UNSURE	
An area within the low-risk zone (100 years)	YES	NO x	UNSURE	
An area below the 5m contour	YES	NO x	UNSURE	
An area within 1km from the high-water mark of the sea	YES	NO x	UNSURE	

A rocky beach	YES	NO x	UNSURE	
A sandy beach	YES	NO x	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).

13. REGIONAL PLANNING CONTEXT

Is the activity permitted in terms of the property's existing land use rights?	YES x	NO	Please explain
<p>The property is situated in an existing low-density residential area within an existing urban edge and is permitted in terms of the property's existing land use rights. The property is zoned single residential zone 1.</p>			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES x	NO	Please explain
<p>Extract from The Western Cape PSDF (2014) "The PSDF, built on three spatial themes, sets out the spatial priority investment areas in the province. These spatial themes seek to ensure the:</p> <ul style="list-style-type: none"> sustainable use of the Western Cape's spatial assets; opening-up of opportunities in the Provincial space-economy; and development of integrated and sustainable settlements. <p>The composite maps and spatial logic are the key spatial decision frames of the PSDF, as shown in other sections of this section.</p> <p>Municipal Spatial Development Frameworks (MSDFs) All MSDFs explicitly articulate and spatially reflect an investment strategy to direct government investment in space, whether in infrastructure investment, human settlements or protecting ecological assets. Common means of articulating these spatial priorities may be undertaken by defining and mapping the following zones (see Figure 18):</p> <ul style="list-style-type: none"> Priority Investment Areas: defining areas within the municipality / a specific settlement, that warrant priority in assisting the municipality in achieving its spatial development goals and objectives. Upgrading Areas: defining zones in the municipality, which are predominating informal or marginalised, where specific intervention is required to upgrade the level of service /quality of urban environment / infrastructure capacity in support of bringing them to an acceptable standard if performance. Restructuring or Integration Zones: Zones where the municipality would like to incentivise approached residential development, as well as social housing development, in support of promoting spatial justice and "stitching together" the urban environment. Consolidation areas: In these areas the focus is to ensure the provision and maintenance of services so that the area may perform well within their current functions. Medium to Long Term Growth Areas: These areas are the desired location for long term growth on the basis that, if appropriately developed, can help to achieve municipal objectives. Spatial Planning Categories: At the municipal-wide scale, seek to guide appropriate development and protection measures within "core", "buffer" and "transition" zones, often closely related to the Biodiversity Spatial Plan. <p>The Regional Spatial Implementation Frameworks all provide spatial targeting, as well as thematic investment areas, within specific regions of the province.</p> <p>Priority Housing Development Areas, which inform the spatial priority for subsidy housing delivery and investment, have recently been gazetted and are expected to inform allocation of human settlement subsidy resources at the national scale.</p>			
Urban edge / Edge of Built environment for the area	YES x	NO	Please explain
<p>The property falls within the existing urban edge of the built environment.</p>			

Integrated Development Plan of the Local Municipality	YES x	NO	Please explain
<p>Extract from the Overstrand Municipality IDP (2024-25) “Spatial proposal for Betty’s Bay west and east, which is predominantly focused on sensitive development related to unique biodiversity areas with a significant inner urban wetland system.</p> <p>The development of the existing vacant erven is prioritised. A New Urban Development area is proposed on the northern periphery of the settlement, directly abutting the R44 to the south. The land area is ± 9.03ha in extent and is intended for higher density human settlement development as well as potentially mixed-use development, based on the housing need for Betty’s Bay identified in the situational analysis of the SDF, 2020.”</p> <p>In addressing the housing needs of the Betty’s Bay area, the proposed development will contribute significantly to fulfilling the objectives set out in the IDP.</p>			
Spatial Development Framework of the Local Municipality	YES x	NO	Please explain
<p>Extract from the Overstrand Municipality SDF 2022-2027:</p> <p>Betty’s Bay is situated on the western side of the Overstrand Municipality, 19km east of Rooiels and 13 km west of Kleinmond. It predominantly functions as a holiday and retirement destination, but is increasingly serving as a residential suburb to Kleinmond. For ease of reference and legibility, the plan of Betty’s Bay was divided into two areas (i.e. west and east). These are presented as Plan 25 and 26 respectively.</p> <p>The total projected population of Betty’s Bay amounted to 1 948 in 2019 based on a 4.4% projected growth per annum (Census 2001-2011). The population will consist of 2 365 in 2031, if the same projection rate is applied. Almost half of the erven zoned for residential use are currently vacant.</p> <p>The town was surveyed in terms of availability of vacant land in 2019, and a total of 856 vacant residential erven were identified. A total amount of 417 additional people will need to be accommodated from 2019 to 2031. Based on an average household size of 2.6 persons per household, this amounts to a total requirement of 160 additional dwelling units by 2031. When the aforementioned existing amount of available erven for residential development is compared to the amount of additional dwelling units required, it is evident that a significant excess of residential developable land will be available by 2031 (sufficient land area to develop a surplus of approximately 696 dwelling units).</p> <p>Due to the excessive amount of vacant residential zoned land in Betty’s Bay no densification will be requires by 2031.</p> <p>Betty’s Bay land use pattern is comprised of an area of single residential development located between the coastline and Kogelberg, three small retail nodes located along the R44 scenic route and the wetland system flowing through the town (refer plans 25 and 26). Legibility and navigation within the settlement is confined as result of the curvilinear nature of its road network pattern. Community facilities have been provided for as outlined in detail in section 2.8 of this document. The wetland system comprises of a series of water bodies aligned in an east-west direction and is the dominant form giving element to the settlement. A number of fairly large state-owned properties (other than municipal) is located throughout the town. It is evident from the two plans that virtually the entire Betty’s Bay is surrounded by a protected area buffer EMOZ (draft), purposed at limiting negative impact on both the mountainous areas and the coastline. A number of ecological corridors exist not only from mountain to shoreline, but also linking the internal wetland systems. The wetland systems have predominantly Municipal conservation status. In addition to the environmental aspects, the northwestern part of the town as well as areas along the coastline form part of draft Heritage Overlay Zones with specific heritage values (Refer Draft Overstrand HPOZ of the Overstand Municipality SDF).</p>			
Approved Structure Plan of the Municipality	YES	NO	Please explain
N/A			
An Environmental Management Framework (EMF) adopted by the Department	YES x	NO	Please explain

The Overstrand Municipality Spatial Development Framework 2020 highlights the property under Urban Conservation Environmental Management Overlay Zone (EMOZ) Category D: (Private Property). The Overstrand Municipality Draft Environmental Management Overlay Zone Regulations sets out that:

Category D: (Private Property)

- Private property within priority conservation-worthy ecological corridors from mountain to coast and/or across priority conservation-worthy areas identified in accordance with the Overstrand Environmental Management Framework.
- In the face of development pressure, the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, require that specialist biodiversity and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats.

The erf is within the existing urban edge which is demarcated for urban residential development and is in line with the existing development in the area. It is important to note that, although the site has been disturbed, there is a remaining space for ecological corridor adjacent to it.

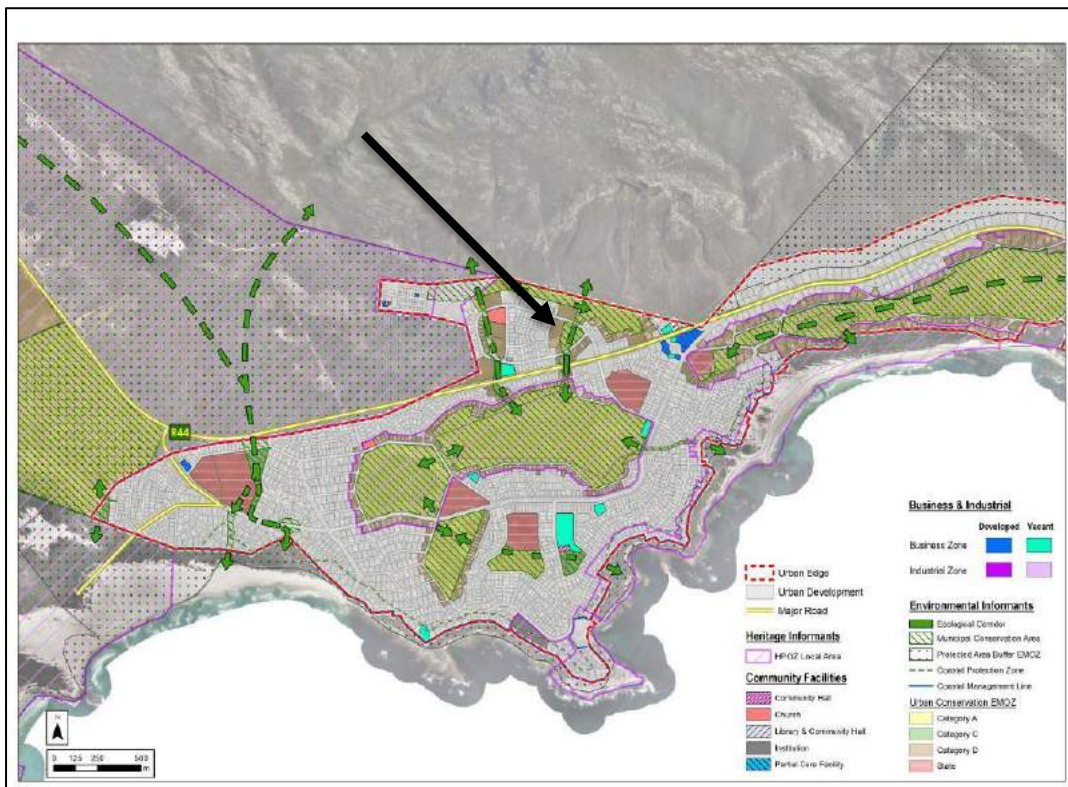


Figure 4: Map showing the site falls within Category D of the EMOZ

Any other Plans	YES	NO	Please explain
N/A			

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 (<https://www.westerncape.gov.za/dept/eadp/services>).

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES x	NO	Please explain
<p>The activity involves clearance of vegetation and minor excavation for the preparation of the site to construct a single residential dwelling which is in line with the other development in the area.</p>			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES x	NO	Please explain
<p>The Western Cape Provincial Spatial Development Framework (PSDF) aims to prioritize areas of potential development through proper planning, addressing housing needs, and promoting economic opportunities. The framework emphasizes the importance of prioritizing places that offer significant economic prospects.</p> <p>The activity in question aligns with the PSDF objectives by providing housing to meet the needs of new residents and creating economic opportunities through rental income. This supports both residential development and economic growth, as outlined in the framework's objectives.</p>			
(b) Urban edge / Edge of Built environment for the area	YES x	NO	Please explain
<p>The activity occurred within the built-up area of Betty's Bay and is in line with the urban edge.</p>			
(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 x	NO	Please explain
<p>Extract from the Overstrand Municipality IDP (2024-25) "Spatial proposal for Betty's Bay west and east, which is predominantly focused on sensitive development related to unique biodiversity areas with a significant inner urban wetland system.</p> <p>The development of the existing vacant erven is prioritised. A New Urban Development area is proposed on the northern periphery of the settlement, directly abutting the R44 to the south. The land area is ± 9.03ha in extent and is intended for higher density human settlement development as well as potentially mixed-use development, based on the housing need for Betty's Bay identified in the situational analysis of the SDF, 2020."</p> <p>In addressing the housing needs of the Betty's Bay area, the proposed development will contribute significantly to fulfilling the objectives set out in the IDP.</p>			
(d) Approved Structure Plan of the Municipality	YES x	NO	Please explain
<p>The activity is within the existing residential erven.</p>			

(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 x	NO	Please explain
The approval of this application does not compromise the integrity of existing environmental management priorities. The development is consistent with the designated urban residential use and retains an adjacent ecological corridor. The erf is located within the existing urban edge, which is designated for urban residential development and aligns with the current residential development in the area. Although the site has been disturbed, there remains an adjacent space for an ecological corridor.			
(f) Any other Plans (e.g. Guide Plan)	YES	NO	Please explain
N/A			

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 x	NO	Please explain
The land use where this activity occurred is zoned for residential zone 1 and is within the demarcated urban edge.			

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 x	NO x	Please explain
The activity involves illegal clearance of vegetation.			

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
The activity is not a societal priority.			

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 x	NO	Please explain
The activity does not require service infrastructure or use. The erf is located within the built up urban area of Bettys Bay and the building plan will be approved subject to conclusion of the NEMA requirements, therefore no written confirmation required.			

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 X	NO	Please explain
Development in line with zoning and residential use as designated by the Municipality			

8. Was this project part of a national programme to address an issue of national concern or importance?	YES	NO x	Please explain
N/A			

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 x	NO	Please explain
The subdivided property erf 5629 is situated within the urban edge in an area designated for residential zoning. Before the activity began, this property, along with two adjacent properties, was part of a single property known as erf 4576 designated for residential zone.			

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
<p>The activity led to the removal of indigenous vegetation without obtaining the necessary environmental authorization, inadequate communication of environmental regulations to the property owner, and the failure to incorporate critical environmental conditions into the property documentation.</p> <p>The applicant was unaware that there were strict environmental controls related to the occurrence of no-go areas in his property. A botanical specialist report conducted prior to the subdivision of the property stipulated that the approved erven were to be subject to strict environmental regulations. These included the prohibition of formal gardens on the site and restricting development disturbance to within 2 meters of the house walls.</p> <p>Furthermore, the report indicated that sensitive areas within individual erven were to be preserved as conservation areas and not developed. The conditions set forth for the subdivision, including the designation of no-go areas, were identified but not incorporated into the Title Deed. It is important to note that the applicant was also not informed about the botanical specialist report conducted in 2006 at the time of the activity. Consequently, the activity has negatively impacted one of the sensitive natural areas demarcated as conservation areas due to the omission of critical information from the property documentation.</p>			

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
No impact anticipated.			

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	NO X	Please explain
N/A			

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	YES	NO	Please explain
Loss of vegetation – however the erf is flagged for single residential use			

14. Is/was the development the best practicable environmental option for this land/site?	YES x	NO	Please explain
The site is part of the municipal planning designated for a single residential dwelling. There is logically no other feasible end use for the erf. The best opportunity now presents itself in educating landowners in maintaining natural gardens, sensitive development styles and foundations etc			

15. What are/were the benefits to society in general and to the local communities?	Please explain		
Investment in the area, job creation during construction and operations			

16. Any other need and desirability considerations related to the activity?	Please explain		
The erf is designated for single residential dwelling and the majority of people would not be aware that they would need to apply for site preparation to develop their dwelling.			

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:

Section 23 of NEMA emphasizes the importance of considering environmental factors in decision-making processes to promote sustainable development. This includes assessing potential environmental impacts, identifying and implementing appropriate mitigation measures, and promoting public participation in environmental decision-making.

However, in the case under review, where the activity involves vegetation clearance, there has been a subsequent pursuit of retrospective rectification. It is pertinent to highlight that the application of the Integrated Environmental Management objectives was not evident during the implementation stages of the activity. This lack of integration stemmed from the failure to include strict environmental controls in the Title Deeds and to inform the applicant of the 2006 botanical specialist report.

Moving forward, the application process seeks to address these oversights and align with the principles of Integrated Environmental Management. Efforts will be made to ensure that environmental considerations are thoroughly assessed and integrated into decision-making processes, thereby fostering sustainable development practices in accordance with NEMA.

18. Please describe how the **principles of environmental management** as set out in section 2 of NEMA were taken into account:

The principles of environmental management outlined in Section 2 of the National Environmental Management Act (NEMA) serve as a cornerstone for ensuring sustainable and responsible development. These principles emphasize the need for a holistic approach to environmental management, incorporating considerations such as the prevention of pollution, the sustainable use of natural resources, the protection of biodiversity, and the promotion of public participation.

In the context of the activity involving vegetation clearance, these principles were not fully adhered to during the initial implementation stages. The failure to incorporate strict environmental controls into the Title Deeds and to inform the applicant of the 2006 botanical specialist report indicates a significant oversight in applying these principles.

To rectify this, retrospective measures are being pursued to align the activity with NEMA's principles. Moving forward, the application process will ensure that all relevant environmental impacts are thoroughly assessed and mitigated, biodiversity is protected, natural resources are used sustainably, and public participation is encouraged in decision-making processes.

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 (<https://www.westerncape.gov.za/dept/eadp/services>).

"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.

(a) 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:

No property, location or site alternatives exist

(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:

No activity alternatives exist

(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:

No design or layout alternatives are available, since the activity has already taken place.

(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:

No technology alternatives exist

(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:

No operational alternatives exist

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

The option of ceasing the activity and rehabilitating the site will be explored as Alternative 1 – however this is not the preferred option going forward.

(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:

No other alternatives exist for the case. The applicant wishes to pursue retrospective rectification for the activity.

(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.

Two alternatives will be assessed herein, being:

Alternative 1 – Ceasing the activity and allowing the area to rehabilitate itself – this would result in the applicant existing their right to develop their single residential dwelling elsewhere on the property

Alternative 2 (Preferred) - This is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity in the current location. The applicant was not aware of the environmental restrictions on the property due to failure of incorporating the necessary information on the title deed. The applicant intends to rehabilitate the disturbed area once house is complete.

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:

None

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)? ESA 2	YES x	NO
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If yes, please describe:

ESA2 was impacted by the clearance of vegetation, as per the map below:



Figure 5: Map shows that the property falls within the Ecological Support Area 2(ESA 2).

Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES X	NO
If yes, please describe:		
Approximately 450 m ² of indigenous vegetation has been removed and minor excavation to level the site in the preparation of construction of single residential dwelling. As per botanical specialist report of 2006 there is no wetland onsite, but Cape Farm Mapper indicates the property as a wetland.		
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 x	NO
If yes, please describe:		
According to botanical specialist report, only one Red Data Book listed plant species was recorded on this site, and there is a low to moderate likelihood of others being present, but unrecorded (primarily due to seasonal and fire cycle constraints).		
Please describe the manner in which any other biological aspects were impacted:		
N/A		

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	R unknown	
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 unknown	
Has/will the activity have contributed to service infrastructure?	YES	NO x
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 unknown	
What percentage of this accrued to previously disadvantaged individuals?	%	
How was this ensured and monitored (please explain):		
-		
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	Unknown	
What is the current/expected value of the employment opportunities during the first 10 years?	R	Unknown
What percentage of this accrued/will accrue to previously disadvantaged individuals?	Unknown %	
How was/will this be ensured and monitored (please explain):		
-		
Any other information related to the manner in which the socio-economic aspects was/will be impacted:		
-		

(d) Cultural and historic aspects:

N/A

2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	YES x	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?	m ³	
Typical small-scale construction related waste, quantity not known		

Does the activity produce waste during its operational phase?	YES x	NO
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If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type? Typical domestic house hold waste, quantity unknown, collected as part of the existing municipal collect cycle	m ³
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Where and how was/will the waste be treated / disposed of (describe)?		
N/A		
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 N/A – will be finalised as part of the building plan submission	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? N/A	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: N/A	YES	NO
Does the facility have an operating license? (If yes, please attach a copy of the license.) N/A	YES	NO
Facility name: N/A		
Contact person: N/A		
Postal address: N/A		
		Postal code: N/A
Telephone: N/A		Cell: N/A
E-mail: N/A		Fax: N/A

Describe the measures that were/will be taken to reduce, reuse or recycle waste:
N/A

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	NO X
If yes, does it require approval in terms of relevant legislation? N/A	YES	NO
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		
N/A		

3. WATER USE

N/A

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

Municipal x Once the residence is built	Water board	Groundwater	River, Stream, Dam or Lake	Other	The activity did/does/will not use water
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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:		N/A
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Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole) N/A		
Did/does the activity require a water use permit / license from DWA? N/A	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. N/A		
Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water: N/A		

4. POWER SUPPLY

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

Municipal – once the dwelling is built
If power supply is not available, where will power be sourced from?
N/A

5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:
N/A

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

N/A

6. 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.

Two alternatives will be assessed herein, being:

Alternative 1 – Ceasing the activity and allowing the area to rehabilitate itself.

Alternative 2 (Preferred) - This is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity. The applicant was not aware of the environmental restrictions on the property due to failure of incorporating the necessary information on the title deed. This alternative will allow the applicant to continue with the construction of their single residential dwelling

- (a) **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.

ALTERNATIVE 1

Ceasing the activity and allowing the area to rehabilitate itself

Impacts on geographical and physical aspects:	
Nature of impact:	Clearance of 450m ² of indigenous vegetation, and passive rehabilitation of disturbed site
Extent and duration of impact:	Local; long-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Continued loss of vegetation and erosion on the disturbed area
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<ul style="list-style-type: none"> Do not impact further indigenous vegetation on property.
Cumulative impact post mitigation:	Disturbance and removal critical endangered vegetation.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

Impact on biological aspects:	
Nature of impact:	Clearance of 450m ² of indigenous vegetation
Extent and duration of impact:	Local; long-term

Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Continued loss of vegetation and erosion on the disturbed area
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	Do not impact further indigenous vegetation on property.
Cumulative impact post mitigation:	Disturbance and removal critical endangered vegetation.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

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)	-

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)	-

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)	-

(b) **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:	Clearance of 450m ² of indigenous vegetation
Extent and duration of impact:	Local; long-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Continued loss of vegetation and erosion on the disturbed area
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	Do not impact further indigenous vegetation on property.
Cumulative impact post mitigation:	Disturbance and removal critical endangered vegetation.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

Impact on biological aspects:	
Nature of impact:	Clearance of 350m ² of indigenous vegetation
Extent and duration of impact:	Local; long-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	

	Continued loss of vegetation and erosion on the disturbed area
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	Do not impact further indigenous vegetation on property.
Cumulative impact post mitigation:	Disturbance and removal critical endangered vegetation.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

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)	-

(c) 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:	N/A
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)	-

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)	-

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)	-

(d) Any other impacts:

Potential impact:	N/A
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)	-

ALTERNATIVE 2 (PREFERRED)

This is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity, and construct the single residential dwelling

- (a) 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:	Minor excavation in the impacted area to create a building platform
Extent and duration of impact:	Local; long term
Probability of occurrence:	Definite (occurred)
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Medium
Cumulative impact prior to mitigation:	Erosion and loss of vegetation
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<ul style="list-style-type: none"> Construction must take place on the impacted area to avoid further impacts on other areas. It is essential that the total allowable development footprint (as shown in Figure 1) of the botanical input be fenced off

	during construction to prevent accidental damage to surrounding natural areas. It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do over time, provided that natural vegetation surrounds the area, as at present.
Cumulative impact post mitigation:	Loss of 350m ² of the area that has already been impacted to the proposed housing development.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

Impact on biological aspects:	
Nature of impact:	Clearance of approximately 450 m ² of sensitive indigenous vegetation, levelling of cleared area to create development platform
Extent and duration of impact:	Local; long-term
Probability of occurrence:	Definite (occurred)
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High (all species loss on the area will not fully recover)
Cumulative impact prior to mitigation:	Erosion may occur since the area is already excavated with small patches of ingrowing vegetation.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<ul style="list-style-type: none"> • Construction must take place on the impacted area to avoid further impacts on other areas. • It is essential that the total allowable development footprint (as shown in Figure 1 of the botanical specialist report) be fenced off during construction to prevent accidental damage to surrounding natural areas. It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do so over time, provided that the natural vegetation surrounds the area, as at present. • No gardening, mowing or disturbing of vegetation outside the allowed development footprint should be undertaken. All invasive alien vegetation (as per NEMBA) on erf 5629 should also be removed by hand on a regular basis (at least very six months).
Cumulative impact post mitigation:	Loss of 450m ² on the development area that has already been impacted to the proposed housing development.

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
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Impacts on socio-economic aspects:	
Nature of impact:	No socioeconomic impacts identified- the activity is in line with the residential zoning and residential development in the area.
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 cultural-historical aspects:	
Nature of impact:	N/A
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:	N/A
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)	-

(b) 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:	Loss of vegetation on cleared area has already occurred. The development will take place on the disturbed area.

	Risk of activity sprawl across the rest of the site
Extent and duration of impact:	Local; Long-term
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Continued loss of topsoil on the development area that has already been disturbed.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<ul style="list-style-type: none"> • The approved erven should be subject to strict environmental controls, including the condition that no formal gardens be allowed on the site, with development disturbance restricted to an area within 2m of the house walls. • It is essential that the total allowable development footprint (as shown in Figure 1 of the botanical specialist report) be fenced off during the • No gardening, mowing or disturbing of vegetation outside the allowed development footprint should be undertaken. All invasive alien vegetation (as per NEMBA) on erf 5629 should also be removed by hand on a regular basis (at least very six months).
Cumulative impact post mitigation:	Loss of 350m ² of the area that has already been impacted to the proposed housing development.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

Impact on biological aspects:	
Nature of impact:	Loss of vegetation on cleared area has already occurred. The development will take place on the disturbed area, risk of activity sprawl over time
Extent and duration of impact:	Local; Long-term
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	High
Cumulative impact prior to mitigation:	Continued loss of topsoil and vegetation on the development area that has already been disturbed.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium

Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<ul style="list-style-type: none"> The approved erven should be subject to strict environmental controls, including the condition that no formal gardens be allowed on the site, with development disturbance restricted to an area within 2m of the house walls. It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do over time, provided that natural vegetation surrounds the area, as at present. No gardening, mowing or disturbing of vegetation outside the allowed development footprint should be undertaken. All invasive alien vegetation (as per NEMBA) on erf 5629 should also be removed by hand on a regular basis (at least very six months).
Cumulative impact post mitigation:	Loss of 450m ² of the area that has already been impacted to the proposed housing development.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative

Impacts on the socio-economic aspects:	
Nature of impact:	No socioeconomic impacts identified.
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:	N/A
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)	-

(c) 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.

The decommissioning and closure phase is not applicable

Potential impacts on the geographical and physical aspects:	
Nature of impact:	N/A
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)	-

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)	-

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)	-
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(d) **Any other impacts:**

Potential impact:	N/A
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.

7. 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 (<https://www.westerncape.gov.za/dept/eadp/services>). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

The botanical specialist is in support of using the pre-existing disturbed area in the northwest corner of this erf as the primary development footprint on this site, notwithstanding the fact that this is in an area marked in the 2006 botanical survey as a No-Go area of higher botanical sensitivity. According to Google Earth time series imagery the area was disturbed in late 2021, and a further area along the southern and southeastern boundary was disturbed between July and October 2022. Disturbance of any other parts of the site that are currently covered with natural vegetation is not supported. In this regard it is essential that the total allowable development footprint be fenced off during construction to prevent accidental damage to surrounding natural areas. It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do over time, provided that natural vegetation

surrounds the area, as at present. No gardening, mowing or disturbing of vegetation outside the allowed development footprint should be undertaken. All invasive alien vegetation (as per NEMBA) on erf 5629 should also be removed by hand on a regular basis (at least very six months).

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.

Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
Vegetation loss and disturbance of the site in preparation of construction of single residential dwelling	Low negative
Minor excavation and levelling of the site in the disturbed area to create a building platform	Low negative

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:

The most significant impact identified, relates to the disturbance of, and loss of indigenous vegetation on site. Although the impact was measured to be 450m² which is about 25% of the property extent, the vegetation removal has already taken place. There was also some minor levelling and excavation to create a building platform.

According to Google Earth time series imagery the area was disturbed in late 2021, and a further area along the southern and southeastern boundary was disturbed between July and October 2022. Disturbance of any other parts of the site that are currently covered with natural vegetation is not supported. In this regard it is essential that the total allowable development footprint (as shown in Figure 1) in the botanical specialist be fenced off during construction to prevent accidental damage to surrounding natural areas. It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do over time, provided that natural vegetation surrounds the area, as at present.

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.

N/A

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

The specialist recommendation is that the pre-existing and already disturbed area should be used as the primary development footprint on the site and no other site considered on the property, this will further limit the disturbance of any other parts of the site that are currently covered with natural vegetation,

It is essential that the total allowable development footprint be fenced off during construction to prevent accidental damage to surrounding natural areas. It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do over time, provided that natural vegetation surrounds the area, as at

present. No gardening, mowing or disturbing of vegetation outside the allowed development footprint should be undertaken. All invasive alien vegetation (as per NEMBA) on erf 5629 should also be removed by hand on a regular basis (at least very six months).

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

(a) Please describe adequacy of the assessment methods used.

The assessment methods are in line with the NEMA provisions and informed by the specialist input.

(b) Please describe the assessment criteria used.

An impact is any change to a resource or receptor brought about by a project component or through the execution of a project related activity. The evaluation of baseline data provides information for the process of evaluating and describing how the project could affect the biophysical and socio-economic environment.

Impact is described according to their nature or type, as follows:

Nature/ Type

Nature/ Type of impact	Definition
Positive	An impact that is considered to represent an improvement on the baseline or introduces a positive change.
Negative	An impact that is considered to represent an adverse change from the baseline, or introduces a new undesirable factor.
Direct	Impacts that result from a direct interaction between a planned project activity and the receiving environment/receptors (e.g. between occupation of a site and the pre-existing habitats or between an effluent discharge and receiving water quality).
Indirect	Impacts that result from other activities that are encouraged to happen as a consequence of the Project (e.g. in-migration for employment placing a demand on resources).
Cumulative	Impacts that act together with other impacts (including those from concurrent or planned future third-party activities) to affect the same resources and/or receptors as the Project.

Significance:

Impacts are described in terms of significance. Significance is a function of the magnitude of the impact and the likelihood of the impact occurring:

Impact Magnitude	
Extent	On site – impacts that are limited to the boundaries of the development site.
	Local – impacts that affect an area in a radius of 20 km around the Development site.
	Regional – impacts that affect regionally important environmental resources or are experienced at a regional scale as determined by administrative boundaries, habitat type/ecosystem.
	National – impacts that affect nationally important environmental resources or affect an area that is nationally important/ or have macro-economic consequences
Duration	Temporary – impacts are predicted to be of short duration and intermittent/occasional.
	Short-term – impacts that are predicted to last only for the duration of the construction period.
	Long-term – impacts that will continue for the life of the Project but ceases when the project stops operating
	Permanent – impacts that cause a permanent change in the affected receptor or resource (e.g. removal or destruction of ecological habitat) that endures substantially beyond the project lifetime
	BIOPHYSICAL ENVIRONMENT
	Negligible – the impact on the environment is not detectable.
	Low – the impact affects the environment in such a way that natural functions and processes are not affected.
Intensity	Medium – where the affected environment is altered but natural functions and processes continue, albeit in a modified way.
	High – where natural functions or processes are altered to the extent that they will temporarily or permanently cease
	SOCIO-ECONOMIC
	Negligible – there is no perceptible change to people’s livelihood
	Low - people/communities are able to adapt with relative ease and maintain pre-impact livelihoods
	Medium – people/communities are able to adapt with some difficulty and maintain pre-impact livelihoods but only with a degree of support
High - affected people/communities will not be able to adapt to changes or continue to maintain pre-impact livelihoods.	

Likelihood- the likelihood that an impact will occur

Likelihood	
Unlikely	The impact is unlikely to occur
Likely	The impact is likely to occur under the most conditions.
Definite	The impact will occur

Once an assessment is made of the magnitude and the likelihood, the impact significance is rated through a matrix process:

Significance				
Magnitude		Unlikely	Likely	Definite
	Negligence	Negligible	Negligible	Minor
	Low	Negligible	Minor	Minor
	Medium	Minor	Moderate	Moderate
	High	Moderate	Major	Major

Definition of significance:

Negligible	An impact of negligible significance (or an insignificant impact) is where a resource or receptor (including people) will not be affected in any way by a particular activity, or the predicted effect is deemed to be 'negligible'.
Minor	An impact of minor significance is one where an effect will be experienced, but the impact magnitude is small (with and without mitigation) and within accepted standards, and/or the receptor is of low sensitivity/value.
Moderate	An impact of moderate significance is one within accepted limits and standards. The emphasis for moderate impacts is on demonstrating that the impact has been reduced to a level that is as low as reasonably practicable. This does not necessarily mean that 'moderate' impacts have to be reduced to 'minor' impacts, but that moderate impacts are managed effectively and efficiently.
Major	An impact of major significance is one where an accepted limit or standard may be exceeded, or large magnitude impacts occur to highly valued / sensitive resource / receptors. A goal of the EIA process is to get to a position where the Project does not have any major residual impacts.

Significance of an impact is then qualified through a statement of the degree of confidence. Degree of confidence is expressed as low, medium or high.

Significance colour scale (if applicable):

Negative	Positive
Negligible	Negligible
Minor	Minor
Moderate	Moderate
Major	Major

Impact rating colour scale:

Negative	Positive
Negligible	Negligible
Low	Low
Medium	Medium
High	High

(c) Please describe the gaps in knowledge.

No gaps have been identified.

(d) Please describe the underlying assumptions.

N/A

(e) Please describe the uncertainties.

N/A

SECTION H: RECOMMENDATIONS OF THE EAP

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 x	NO
If "NO", list the aspects that should be further assessed through additional specialist input/assessment:		
N/A		
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 x
Please provide reasons for your opinion		
<p>The applicant should be permitted to conclude the construction of the single residential dwelling. The applicant was unaware of the environmental constraints related to the conservation /no-go area found on the cleared part of the property or the requirements in terms of NEMA to develop a property within the urban area. Normal erven in the area form part of the Original General Plan for a town, predating NEMA and therefore would be exempt from the NEMA provisions, but because this erf was subdivided, one can no longer use the "General Plan" argument to avoid a EIA process, this is a highly technical interpretation and not easily none by a lay person.</p> <p>The NEMA requirements nor the identified constraints, as per condition of the original subdivision of the parent erf, were not mentioned in the title deed, or sale agreement, even though the 2006 botanical assessment report recommended their inclusion before the subdivision. Since the impact has already occurred, the botanical specialist advised that the best way to mitigate further damage is to proceed with the proposed development on the already impacted area, thus preventing additional harm to other sensitive natural areas on the property.</p> <p>The activity is in line with property rights and landuse in the area.</p>		

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.

The mitigation measures have been proposed by the botanist and must be implemented:

- The approved erven should be subject to strict environmental controls, including the condition that no formal gardens be allowed on the site, with development disturbance restricted to an area within 2m of the house walls. Each house site should thus have a maximum designated development envelope of no more than 300m², which includes decks, parking areas, yards, etc.
- Disturbance of any other parts of the site that are currently covered with natural vegetation is not supported. In this regard it is essential that the total allowable development footprint (as shown in Figure 1) in the botanical specialist input be fenced off during construction to prevent accidental damage to surrounding natural areas.
- It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do over time, provided that natural vegetation surrounds the area, as at present. No gardening, mowing or disturbing of vegetation outside the allowed development footprint should be undertaken. All invasive alien vegetation (as per NEMBA) on erf 5629 should also be removed by hand on a regular basis (at least very six months).

SECTION I: REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION

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

N/A

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 be 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).

"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 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, <i>inter alia</i> , proof of preliminary advertisement in a local newspaper.		
Pending		
Please indicate whether the applicant has a website (please tick relevant box):	YES	NO <input checked="" type="checkbox"/>
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.		
N/A		

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 x	DEVIATION	
(ii) any alternative site	YES x	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 x	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 x	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 x	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES x	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES x	DEVIATION	
(vi) any other party as required by the Department;	YES x	DEVIATION	N/A
(c) placing an advertisement in -			
(i) one local newspaper; or	YES x	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 x
(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 x

(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 x
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 x	
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
DEADP	Pending	
Cape Nature	Pending	
BOCMA	Pending	
Overstrand Municipality	Pending	
Overstrand District Municipality	Pending	

2. 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.)
To be added

3. 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.
To be added

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.
N/A

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	
DEADP	Shafeeq Mallick	Tel	
		Fax	
		E-mail	Shafeeq.mallick@westerncape.gov.za
BOCMA	R. le Roux/ Fabin Smith	Tel	
		Fax	
		E-mail	rleroux@bocma.o.za fsmith@bocma.co.za
Cape Nature	Rhett Smart	Tel	
		Fax	
		E-mail	landuse@capenature.co.za rsmart@capenature.co.za
Overstrand Municipality	Tamzyn Zweig	Email	tzweig@overstrand.gov.za

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	<i>immediately cease the activity pending a decision on the application submitted in terms of this subsection</i> N/A
ii	<i>investigate, evaluate and assess the impact of the activity on the environment</i> In process through this application the impact has been assessed by the specialist, and the input has been considered.
iii	<i>remedy any adverse effects of the activity on the environment</i> The activity has already taken place
iv	<i>cease, modify or control any act, activity, process or omission causing pollution or environmental degradation</i> The specialist recommendation was that the development must take place in the preexisting impacted area to avoid any further impacts on natural vegetation on the subject the property.
v	<i>contain or prevent the movement of pollution or degradation of the environment</i> The specialist recommendation was that the development must take place in the preexisting impacted area to avoid any further impacts on natural vegetation on the subject the property.
vi	<i>eliminate any source of pollution or degradation</i>

	The specialist recommendation was that the development must take place in the preexisting impacted area to avoid any further impacts on natural vegetation on the subject the property.	
vii	compile a report containing-	
	aa	<i>a description of the need and desirability of the activity</i> In process
	bb	<i>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</i> In process
	cc	<i>a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity</i> In process
	dd	<i>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</i> In process
	ee	<i>an environmental management programme</i> In process
viii	<i>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.</i> In process	

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 <u>is not subject to this application</u> and in any province in the Republic?	YES <hr style="width: 80%; margin: 0 auto;"/>	NO x <hr style="width: 80%; margin: 0 auto;"/>	UNCERTAIN <hr style="width: 80%; margin: 0 auto;"/>
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.			
N/A			
Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that <u>is not subject to this application</u> and in any province in the Republic?	YES <hr style="width: 80%; margin: 0 auto;"/>	NO x <hr style="width: 80%; margin: 0 auto;"/>	UNCERTAIN <hr style="width: 80%; margin: 0 auto;"/>
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.			

N/A			
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 <u>in terms of which this application directly relates?</u>	YES	NO <input checked="" type="checkbox"/>	UNCERTAIN
<p>If yes provide details of the offence being investigated and authority conducting the investigation.</p> <p>If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.</p>			
N/A			

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	x
	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: The activity has no negative socio-economic impacts and is in line with the residential land use	

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	x
	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: The disturbance and removal of critically endangered vegetation took place on the property. It is important to note that the applicant was unaware of the no-go area on the property, however, about only 25% of the property has been cleared. The remaining vegetation onsite will not be impacted.	

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	x
	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: The activity is in line with surrounding residential land use and will not impact the surrounding environment's sense of place.		

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	x
	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: The clearance of vegetation has already occurred in the property and will not cause any pollution on the environment.		

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.	x
Explanation of all previous administrative action taken in respect of the above: N/A	

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.	x
Explanation of all previous convictions in respect of the above: N/A		

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: N/A – none applicable, no previous applications		

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.	x
	The applicant is a firm.	
Describe the firm:		

Index	Any other relevant information that the applicant would like to be considered.
	<p>Motivate and explain fully:</p> <p>The applicant's intention was never to cause harm or active illegally. The erf was subdivided from the original parent erf to create Erf 5629. Therefore was no longer listed as per the originally approved General Plan for Bettys Bay and therefore nay actions on site would potentially trigger NEMA. The information from the botanist which informed the original subdivision was not relayed to the buyer. Due to the lack of information provided to the buyer, an honest mistake was made. The title deed received by the applicant did not contain environmental control restrictions related to the no-go areas on the property.</p>

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	X
Appendix B:	Site plan(s)	X
Appendix C:	Colour photographs	X
Appendix D:	Biodiversity overlay map	X
Appendix E:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Landowner consent and any other public participation information as required in Section J above.	X
Appendix :	Permit(s) / license(s) from any other organ of state including service letters from the municipality	
Appendix F:	Specialist Report(s), if any	X
Appendix G:	Environmental Management Programme	X
Appendix H:	Certified copy of Identity Document of Applicant	X
Appendix I:	Certified copy of the title deed (or title deeds in the case of linear activities)	X
Appendix K:		
Appendix L:		
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

DECLARATIONS

DECLARATION OF THE APPLICANT

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

I, JACQUES THUNONT, SMT..... ID number 6905165700086..... 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:
 - o meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
 - o 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 –
 - o costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
 - o costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
 - o Legitimate costs in respect of specialist(s) reviews; and
 - o 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.



NEMA SECTION 24G APPLICATION AND ASSESSMENT REPORT

DECLARATIONS

DECLARATION OF THE APPLICANT

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

I, CHANTALE MARIE DEE SMIT ID number 700627002081 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:
 - o meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
 - o 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 –
 - o costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
 - o costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
 - o Legitimate costs in respect of specialist(s) reviews; and
 - o 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.



DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I MICHELLE NAYLOR EAPASA Registration number 2019 / 698 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;

mnylor

13-08-2024

Signature of the EAP:

Date:

LORNAY ENVIRONMENTAL CONSULTING PTY LTD

Name of company (if applicable):

PART 4 -

N/A

~~ANNEXURE B – SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)~~

~~1. WASTE QUANTITIES~~

N/A

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

~~1.1. 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	OFFSITE RECOVERY	OFFSITE DISPOSAL
			RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	TREATMENT OR DISPOSAL	

		Tons/ Month	M ³ / Month	Method & Location	Method & Location and Contractor details	

2. 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

Indicate the distance to the boundary of the nearest residential area

metres

Indicate the distance to the boundary of the industrial area

metres

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
		_____ ° _____ ' _____ "	_____ ° _____ ' _____ "

		<u>o</u> <u>i</u> <u>ii</u>	<u>o</u> <u>i</u> <u>ii</u>
		<u>o</u> <u>i</u> <u>ii</u>	<u>o</u> <u>i</u> <u>ii</u>
		<u>o</u> <u>i</u> <u>ii</u>	<u>o</u> <u>i</u> <u>ii</u>
		<u>o</u> <u>i</u> <u>ii</u>	<u>o</u> <u>i</u> <u>ii</u>
		<u>o</u> <u>i</u> <u>ii</u>	<u>o</u> <u>i</u> <u>ii</u>
