



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

APRIL 2018

Form Number S24GCF/04/2018

Kindly note that:

1. Section 24G of the NEMA provides the alleged transgressor with an opportunity to apply for *ex post facto* environmental authorisation for the alleged unlawful commencement of a listed/waste management activity/ies in terms of the NEMA and NEM:WA.
2. A section 24G application is thus only relevant to the unlawful commencement of activities listed or specified in terms of section 24(2)(a) and (b) (i.e. the activities contained in the EIA Regulations' Listing Notices) of the NEMA and unlawfully commenced waste management activities in terms of section 20(b) of NEM:WA.
3. This **OPTIONAL Consultation Form** may be completed for all potential section 24G applications to be submitted to the Department in terms of **the above Acts**, by an independent Environmental Assessment Practitioner ("EAP")/Applicant.
4. This Consultation Form is current as of April 2018.
5. Unless protected by law, all information contained in and attached to this Consultation Form may become public information on receipt by the competent authority.

OPTIONAL PRE-APPLICATION CONSULTATION PROCESS:

- a) This Consultation Form may be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.
- b) Two signed hard copies (including the original) of this consultation form are to be submitted.
- c) If the Applicant/EAP elects to follow this optional pre-application consultation process, it is required to submit together with this consultation form any correspondence relating to the alleged unlawful commencement of the listed activity/ies or waste management activity/ies. Such correspondence may include *inter alia* administrative enforcement pre-notice and notices in terms of the NEMA and NEM:WA as well as letters confirming commencement from the relevant authorisations authorities (i.e. EIA and Waste etc.) in terms of the above Acts.
- d) The Department will acknowledge receipt of the Consultation Form (within **14 days**) and provide the Applicant / EAP with the relevant reference number to be used in the pre-application public participation processes.
- e) Upon receipt of this Consultation Form, the Department will advise the applicant/EAP on the pre-application public participation process to be followed in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G, Government Gazette, 20 July 2017 (No. R. 698) ("Section 24G Fine Regulations, 2017") and the information requirements as outlined in Annexure A of the Section 24G Fine Regulations, 2017 that is to be submitted with an application.

IMPORTANT INFORMATION TO READ BEFORE COMPLETING THIS CONSULTATION FORM –

- 1) Submission of this Consultation Form is **optional** for purposes to assist the Applicant/EAP and **does not** initiate the 24G application process;
- 2) Any response or advice provided will be based on the information submitted;
- 3) It is an offence to provide incorrect or misleading information;
- 4) As such, the quality, correctness and detail of information submitted by the EAP or potential applicant is extremely important;
- 5) It remains the EAPs and potential applicant's responsibility to interrogate the specifics of the alleged unlawful commencement of the listed and/or waste management activity in order to report and provide information on the listed activities that have allegedly commenced.

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

DEPARTMENTAL DETAILS

Department of Environmental Affairs
and Development Planning,
Directorate: Environmental
Governance
Attention: Sub-directorate:
Rectification
Private Bag X9086
Cape Town, 8000

Registry Office
1st Floor Utilitas Building
1 Dorp Street, Cape Town

Queries should be directed to the
Sub-directorate: Rectification at:
Tel: (021) 483-5827 Fax: (021) 483-
4033

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

Consultation Form Reference Number	
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DEPARTMENTAL REFERENCE NUMBER(S) (to be completed by the EAP)

File Reference number (Enforcement), if applicable	14/1/1/E1/13/2/3/0503/18
File reference number (EIA), if applicable:	
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

PROJECT TITLE

Unlawful development of an in-stream dam on Farm Rhenosterug No. 422, Riebeeck Kasteel, Western Cape

RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

Cross out the appropriate box "☒" in which region the unlawful activity has commenced.

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

SECTION A: BACKGROUND INFORMATION**1. PROFILE INDEX OF THE PERSON THAT COMMENCED, UNDERTOOK OR CONDUCTED (AS APPLICABLE) THE ACTIVITY**

Cross out the appropriate box "☒".

1.1	The applicant is a natural person (individual)	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)	

Prospective Applicant's details						
Please tick appropriate box if the applicant is a Firm	Directors of a company	Members of the board	Executive committee or other managing body of a corporate body or parastatal	Members of close corporation	Partners of a partnership	Trustees of a trust

Prospective Applicant Name:	Mr. Stephanus Du Toit		
RSA Identity Number/ Passport Number of Applicant, if natural person:	571115 5169 08 6		
Name of Firm (if applicable):	N/A		
Contact Person at the Firm:	N/A		
Position held in the Firm:	N/A		
Postal address:	P.O. Box 59		
	Riebeeck West	Postal code:	7306
Telephone:	(022) 461 2375	Cell:	072 314 1507
E-mail:	annake@goedertrou.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:	Emile Esquire		
Company name (if any):	EnviroAfrica cc		
Postal address:	P. O. Box 5367,		
	Helderberg	Postal code:	7135
Telephone:	(021) 851 1616	Cell:	082 448 9991
E-mail:	emile@enviroafrica.co.za	Fax:	(086) 512 0154
EAP Qualifications	Emile Esquire: BA (Geography & Environmental Studies); EIA Short course Bernard de Witt: B.Sc. Forestry (Stellenbosch); B.A. (Hons) Public Administration (Stellenbosch); National Diploma in Parks and Recreation Management; EIA Short course (UCT); ISO 14001 Auditors course (SABS)		
EAP Registrations/Associations	Bernard de Witt: AIAI-SA		
Name of the Landowner:	Middelpos Trust		
Name of the contact person for the land owner (if other):	Mr Stephanus Du Toit		
Postal address:	P.O. Box 59		
	Riebeeck West	Postal code:	7306
Telephone:	(022) 461 2375	Cell:	072 314 1507
E-mail:	annake@goedertrou.co.za	Fax:	
Person in control of land:	Mr Stephanus Du Toit		
Contact person:	Mr Stephanus Du Toit		
Postal address:	P.O. Box 59		
	Riebeeck West	Postal code:	7306
Telephone:	(022) 461 2375	Cell:	072 314 1507
E-mail:	annake@goedertrou.co.za	Fax:	

Please note: In instances where there is more than one landowner involved, please attach a list of landowners with their respective contact details to the form, together with copies of their Identity Documents and a copy of the Title Deed of the respective property on which the activities commenced.

Municipality in whose area of jurisdiction the activity falls:	Swartland Municipality		
Contact person, if known:	Mr. Joggie Scholtz (Municipal Manager)		
Postal address:	Private Bag X52		
	Malmesbury	Postal code:	7299
Telephone	(022) 487 9400	Cell:	
E-mail:	swartlandmun@swartland.org.za	Fax:	(022) 487 9440

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):	8 km to the north-east of Riebeek West
Farm/Erf name(s) & number(s) including portion(s)	Farm Rhenosterug No. 422
Property size(s) (m ²)	4720400 m ²
Development footprint size(s) (m ²)	2881 m ²
SG21 Digit code(s)	C0750000000042200000

Property boundary:

Point	Latitude (S)	Longitude (E)
1	33° 18' 44.49" South	18° 55' 42.94" East
2	33° 19' 3.42" South	18° 56' 5.37" East
3	33° 19' 41.55" South	18° 56' 24.97" East
4	33° 20' 1.64" South	18° 56' 5.66" East
5	33° 20' 22.93" South	18° 56' 7.01" East
6	33° 20' 26.86" South	18° 56' 42.98" East
7	33° 20' 13.05" South	18° 56' 29.17" East
8	33° 19' 23.89" South	18° 56' 29.17" East
9	33° 19' 25.15" South	18° 57' 51.85" East
10	33° 19' 14.60" South	18° 58' 7.82" East
11	33° 19' 12.08" South	18° 57' 39.38" East
12	33° 19' 16.04" South	18° 57' 5.00" East
13	33° 18' 47.25" South	18° 57' 7.34" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 19' 26.77" South	18° 57' 11.65" East
2	33° 19' 28.35" South	18° 57' 10.63" East
3	33° 19' 28.66" South	18° 57' 10.69" East
4	33° 19' 28.52" South	18° 57' 12.37" East
5	33° 19' 27.72" South	18° 57' 13.03" East
6	33° 19' 27.70" South	18° 57' 13.37" East
7	33° 19' 27.38" South	18° 57' 13.75" East
8	33° 19' 26.39" South	18° 57' 13.86" East

Please note: Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.

Street address:	Station Road, Farm Rhenosterug No. 422, Riebeek Kasteel		
Magisterial District or Town:	Riebeek Kasteel		
Closest City/Town:	Riebeek West	Distance	8 km
Zoning of Property:	Agriculture		

Please note: In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Consultation Form.

Was the property rezoned after commencement of activities?	YES	NO
If yes, what was the previous zoning?		
Is a rezoning application required?	YES	NO

Is a consent use application required?		YES	NO
Locality map:	<p>A locality map must be attached to the Consultation Form, as an Appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:</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 • 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 1. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.</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 Infrastructure Development Act, 2014 (Act No. 23 of 2014).</p>		

SECTION B: DESCRIPTION OF THE ACTIVITY/IES

1. PROJECT DESCRIPTION

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

Is/are the development and listed activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced <u>as well as</u> the original date of commencement if the activity is an upgrade.	New	Upgrade
<p>The applicant commenced with the construction of an in-stream dam on Farm Rhenosterug No. 422, Riebeek Kasteel, during 28 May 2018 and completed the earthworks on 14 June 2018. An access road was also extended over the dam wall, beneath a culvert, in order to access the south-eastern part of the property. The access road over the dam wall will be formalised in order continue with the agricultural activities on the farm.</p>		

(b) Clearly describe the development and associated infrastructure including the relevant listed/waste management activities commenced with, indicating what has been completed and what still has to be completed.
<p>The applicant commenced with the construction of an in-stream dam on Farm Rhenosterug No. 422, Riebeek Kasteel, during 28 May 2018 and completed the earthworks on 14 June 2018. An access road was also extended over the dam wall, beneath a culvert, in order to access the south-eastern part of the property. The access road over the dam wall will be formalised in order continue with the agricultural activities on the farm.</p>

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).		
Buildings	YES	NO
Provide brief description:	<p>The applicant commenced with the construction of an in-stream dam on Farm Rhenosterug No. 422, Riebeek Kasteel, during 28 May 2018 and completed the earthworks on 14 June 2018. An access dirt road was also extended over the dam wall, with culverts over the new dam's spillway, in order to access the south-eastern part</p>	

of the property. The access road over the dam wall will be formalised in order continue with the agricultural activities on the farm. The dirt road, once completed, will be approximately 710m long to the south-eastern side of the property. This is a dirt road that gives access to a number of farms in the district. When the drainage line is in flood, the road is under water, with the result that vehicles are getting stuck and unable to access the surrounding farms.

The in-stream dam has a storage capacity of approximately 4000m³ and has a development footprint of approximately 2881m². The unlawful in-stream dam was constructed for the watering of livestock on the farm. The farm is used for grazing sheep. Farm Rhenosterug No. 422 already has been allocated an existing legal water use out of the adjacent Berg River. Please refer to figure 1 - 2 below for the site layout.

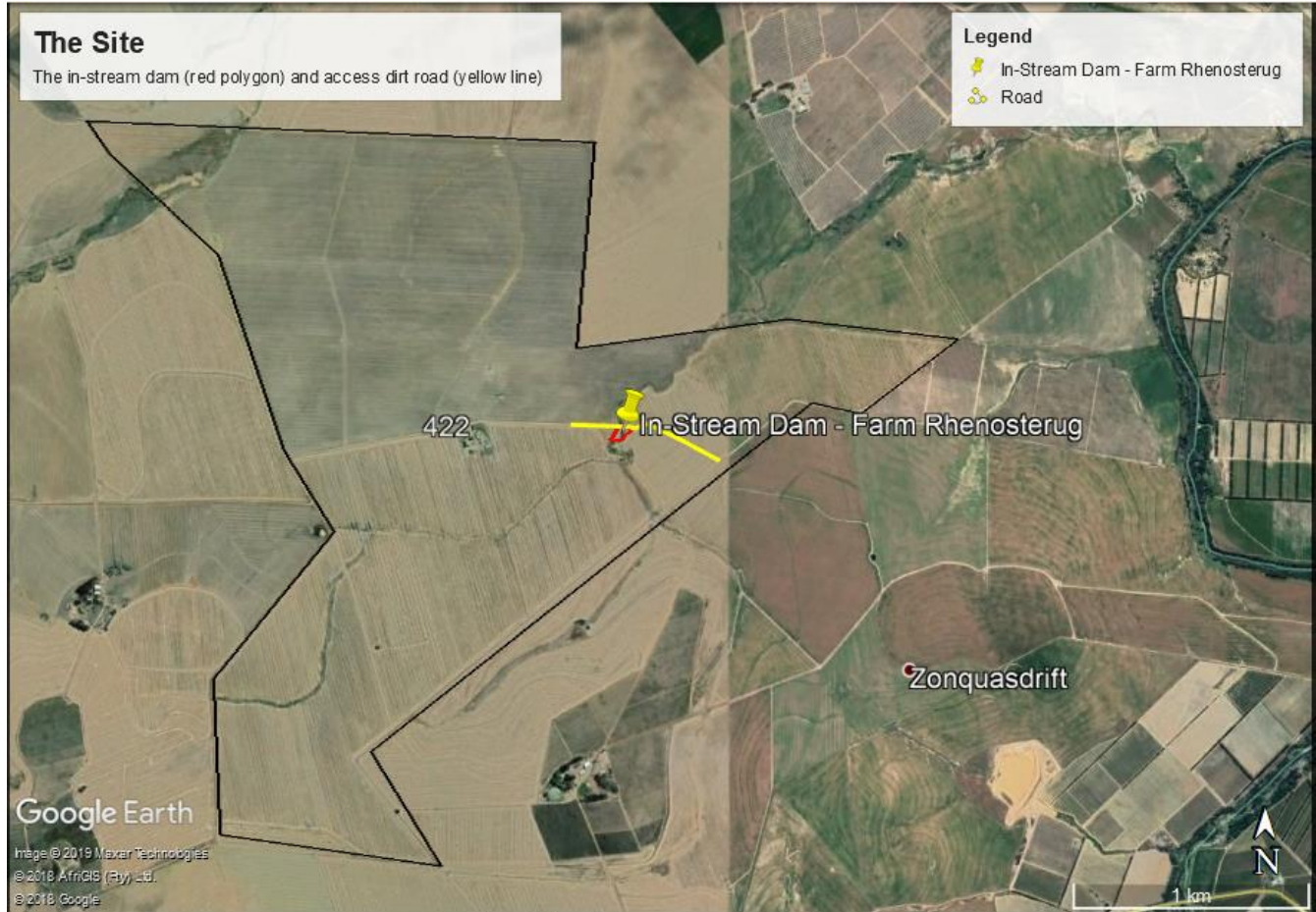


Figure 1: Google Earth aerial view of the in-stream dam (red polygon) and the access dirt road (yellow line).



Figure 2: Google Earth aerial view of the in-stream dam (red polygon) and the access dirt road (yellow line). The site is located within a perennial stream.

Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO
Provide brief description:		
The applicant commenced with the construction of an in-stream dam for the watering of livestock on Farm Rhenosterug No. 422, Riebeek Kasteel. An access dirt road was also extended over the dam wall, with culverts over the new dam's spillway, in order to access the south-eastern part of the property. The access road over the dam wall will be formalised in order continue with the agricultural activities on the farm. The dirt road, once completed, will be approximately 710m long to the south-eastern side of the property. This is a dirt road that gives access to a number of farms in the district. When the drainage line is in flood, the road is under water, with the result that vehicles are getting stuck and unable to access the surrounding farms. The unlawful development of the in-stream dam does not require any power.		
Processing activities (e.g. manufacturing, storage, distribution)	YES	NO
Provide brief description:		
No manufacturing or distribution associated with the unlawful development of the in-stream dam. The dam is used for the storage of water to be used for livestock watering on the farm. Several sheep is grazing on the farm.		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)	YES	NO
Provide brief description		
No raw materials or substances were / are stored on site. This section 24G Application is for the unlawful development of an in-stream storage dam used for livestock watering on the farm.		
Storage and treatment facilities for solid waste and effluent generated by the project	Yes	No
Provide brief description		
N/A. No treatment of effluent or solid waste stored on site, and the activity does not generate effluent or sold waste.		

(d) Other activities (e.g. water abstraction activities, crop planting activities)	Yes	No
Provide brief description		
N/A. No water gets abstracted on site and the site is located on an existing agricultural farm dealing mainly with grain. Several livestock use the farm for grazing and the in-stream dam are being used for watering the livestock		

on the farm.

2. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	2881m ²
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	4504m ²
Total area:	4504m ²

3. SITE ACCESS

Was there an existing access road?	YES	NO
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length) 710 m	
	(width) 4 m	
Describe the type of access road constructed:		
An access dirt road was also extended over the dam wall, with culverts over the new dam's spillway, in order to access the south-eastern part of the property. The access road over the dam wall will be formalised in order continue with the agricultural activities on the farm. The dirt road, once completed, will be approximately 710m long to the south-eastern side of the property. This is a dirt road that gives access to a number of farms in the district. When the drainage line is in flood, the road is under water, with the result that vehicles are getting stuck and unable to access the surrounding farms. Please refer to figure 2 above.		

Please Note: indicate the position of the access road on the site plan (See Section 5 below)

4. WASTE, EFFLUENT AND EMISSION MANAGEMENT

4.1 Solid waste management

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

4.2 Effluent

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

4.3 Emissions into the atmosphere

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

5. WATER USE

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

Municipal	Water board	Groundwater	River, Stream, Dam or Lake	Other	The activity will not use water
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If water is to be extracted from groundwater, river, stream, dam, lake or any other natural feature, please indicate the volume that will be extracted per month: N/A		m ³
Please provide proof of assurance of water supply e.g. Letter of confirmation from municipality / water board, yield of borehole		
Does the activity require a water use permit / licence from the National Water Act?	YES	NO
If YES, describe:		

The applicant commenced with the construction of an in-stream dam on Farm Rhenosterug No. 422, Riebeek Kasteel, for the in-stream storage of water to be used for watering livestock on the farm.

The construction of the farm dam "triggered" sections of the National Water Act (Act No. 36 of 1998). These were the following:

S21 (c) *Impeding or diverting the flow of a water course*. The farm dam is spanning the banks of a drainage line. The dam altered the drainage line.

S21 (i) *Altering the bed, bank, course of characteristics of a water course*. The dam has altered the characteristics of the banks of the drainage line.

A Water Use License Application (WULA) will be submitted to the Department of Water and Sanitation (DWS) in due course.

6. POWER SUPPLY

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

The in-stream dam that was constructed does not require any power.

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

N/A. The in-stream dam does not require power.

7. LAND USE DESCRIPTION

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

The site is located within a perennial stream on the farm and the farm has been used for farming grain and livestock farming. The applicant commenced with the unlawful development of the in-stream dam on site in order to provide water to the livestock on the farm. The site is located within the grain production area of Swartland Municipality. Please refer to **Appendix 3** for the site photographs.

7.2 Describe the surrounding land uses

The proposed site is zoned for agricultural purposes and is surrounded by agricultural land uses. The site is located within an agricultural area that is known for its wheat and grain production. A number of grain silo depots is located within the surrounding area. Livestock farming is also common in the surrounding area. Please refer to figures 3 - 4 below.

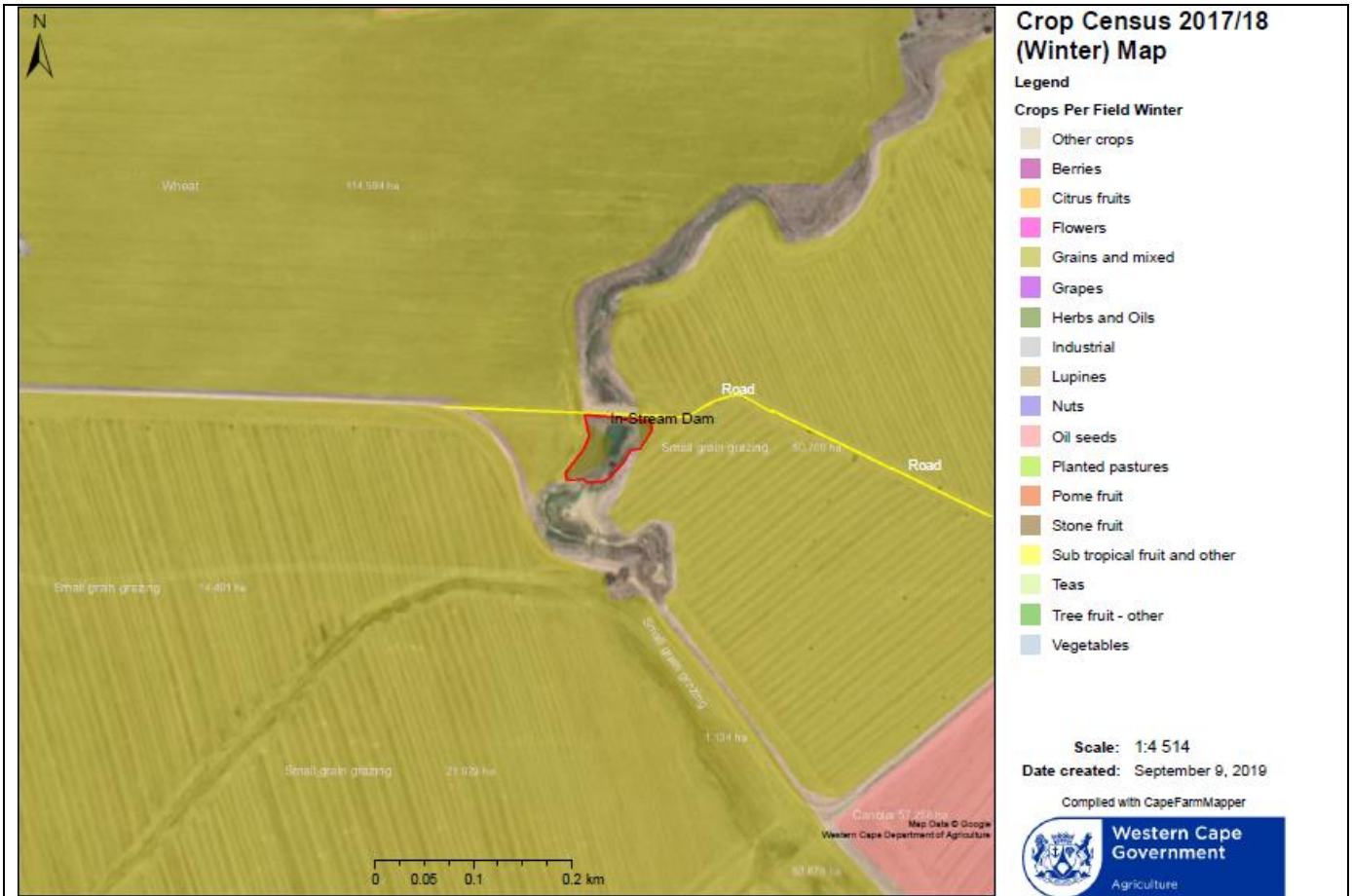


Figure 3: Crop Census Map – The site (red polygon) and road (yellow) line is located within an agricultural area that mainly specialises in grain production as well as small grain grazing.

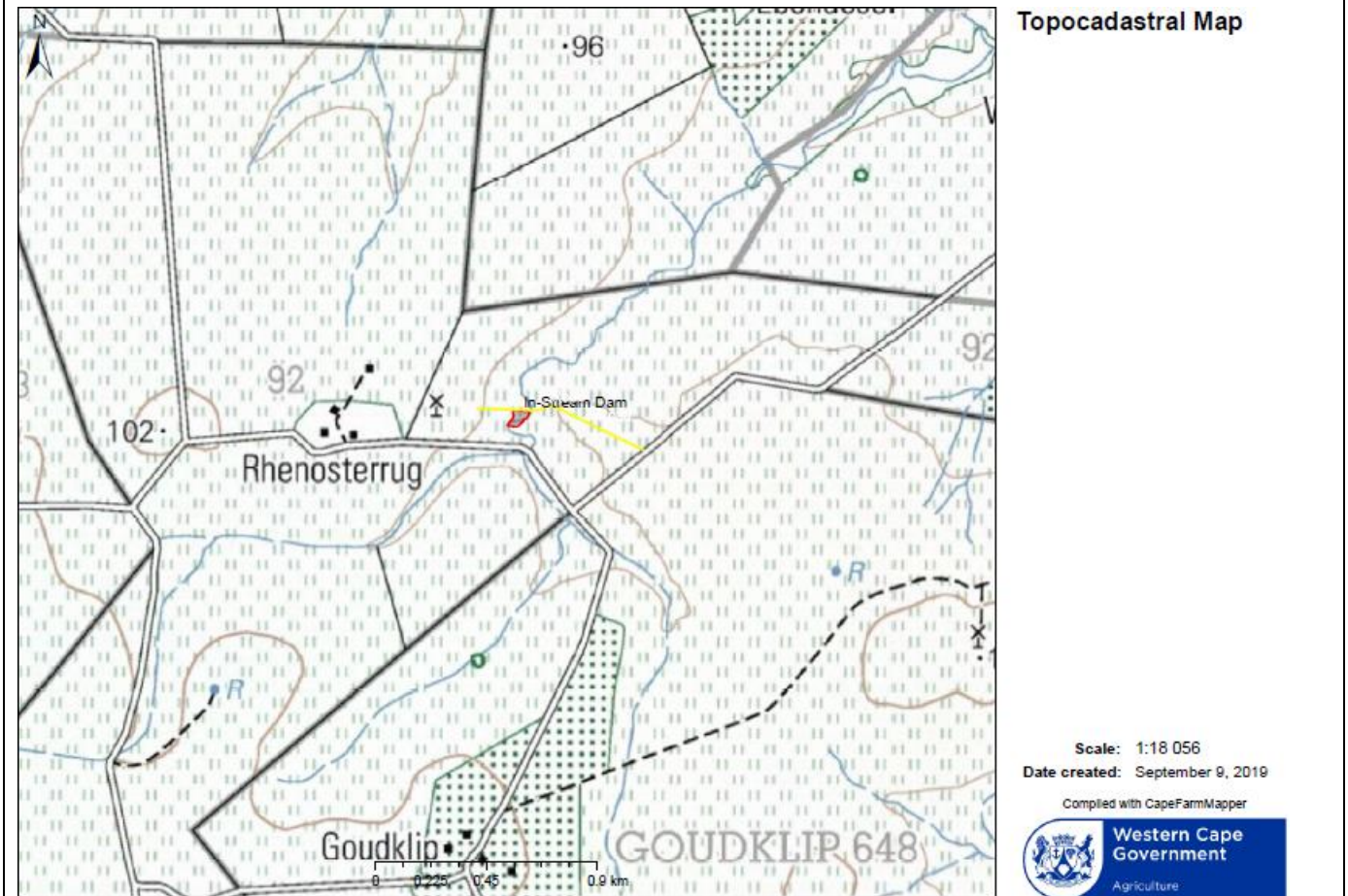


Figure 4: Topocadastral Map – The proposed site (red polygon) is surrounded by agricultural land uses.

8. GROUND COVER

Highlight the types of groundcover present on the site.

Indigenous vegetation – good condition	Indigenous vegetation with scattered aliens	Indigenous vegetation with heavy alien infestation	Veld dominated by alien species	Gardens	Other (describe)
Sport field	Cultivated land	Paved surface	Building or other structure	Bare soil	The is located within a perennial stream with no indigenous vegetation present and is surrounded with wheat and grain fields.

9. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this form. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form. Please refer to **Appendix 3** for the site photographs.

SECTION C: ACTIVITIES THAT WILL BE APPLIED FOR

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

A. Applicable EIA listed activities

ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002			
Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the Environmental Conservation Act, Act 73 of 1989 ("ECA")			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	N/A	N/A
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			
N/A	N/A	N/A	N/A
NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010			
Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998			
GN R386 Activity No(s): (Listing Notice 1 of 2006)	Describe the relevant listed activity/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
N/A	N/A	N/A	N/A
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
N/A	N/A	N/A	N/A
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
N/A	N/A	N/A	N/A
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
N/A	N/A	N/A	N/A
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
N/A	N/A	N/A	N/A
NEMA EIA Contraventions: on or after 08 December 2014			
Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998			
GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
12	<p>"The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p>	<p>This activity was triggered by the construction of the in-stream dam. The dam has a physical footprint of approximately 2881m² and is located within a perennial stream.</p>	28 May 2018

	<p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared."</p>		
19	<p>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(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."</p>	<p>Soil were moved during the development of the in-stream dam. Not sure if more than 10 cubic metres of soil was moved during the construction phase.</p>	28 May 2018
GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	N/A	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.	State the date of commencement of each activity
4	<p>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation"</p>	<p>The existing dirt road was aligned over the dam wall during construction. The road is approximately 4,5m wide and 710m long. However, the site has no indigenous vegetation present and has been ploughed in the preceding 10 years.</p>	28 May 2018
14	"The development of -	The development of the in-stream dam	

	<p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. Western Cape i. Outside urban areas: (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans"</p>	<p>occurred within a watercourse and is located within an area that has been defined as an Ecological Support Area (ESA). The site, however, is not located within a Critical Biodiversity Area (CBA).</p>	<p>28 May 2018</p>

B. 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
N/A	N/A	N/A	N/A
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
N/A	N/A	N/A	N/A
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
N/A	N/A	N/A	N/A
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
N/A	N/A	N/A	N/A

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.

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

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

The similarly listed activities in terms of the EIA Regulations, 2014 promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
N/A	N/A	N/A
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	N/A	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.
N/A		N/A

SECTION D: DESCRIPTION OF RECEIVING ENVIRONMENT

Site/Area Description

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

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

1. VEGETATION AND/OR AQUATIC ECOSYSTEMS

- (a) 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)

The site has no vegetation cover present is completely transformed from its natural state due to past agricultural development activities on the property. The original vegetation on Farm 422 was Swartland Shale Renosterveld, according to the SANBI webpage. This vegetation type is critically endangered, with 90% of it lost, mainly because of agriculture and some of it because of urban development. The 26% conservation target is now unattainable. Please refer to **figures 5 - 8** below:



Figure 5: National Vegetation Map – The site would historically be covered with Swartland Shale Renosterveld. This is a Critically Endangered vegetation type / ecosystem. However, the site has no indigenous vegetation present.

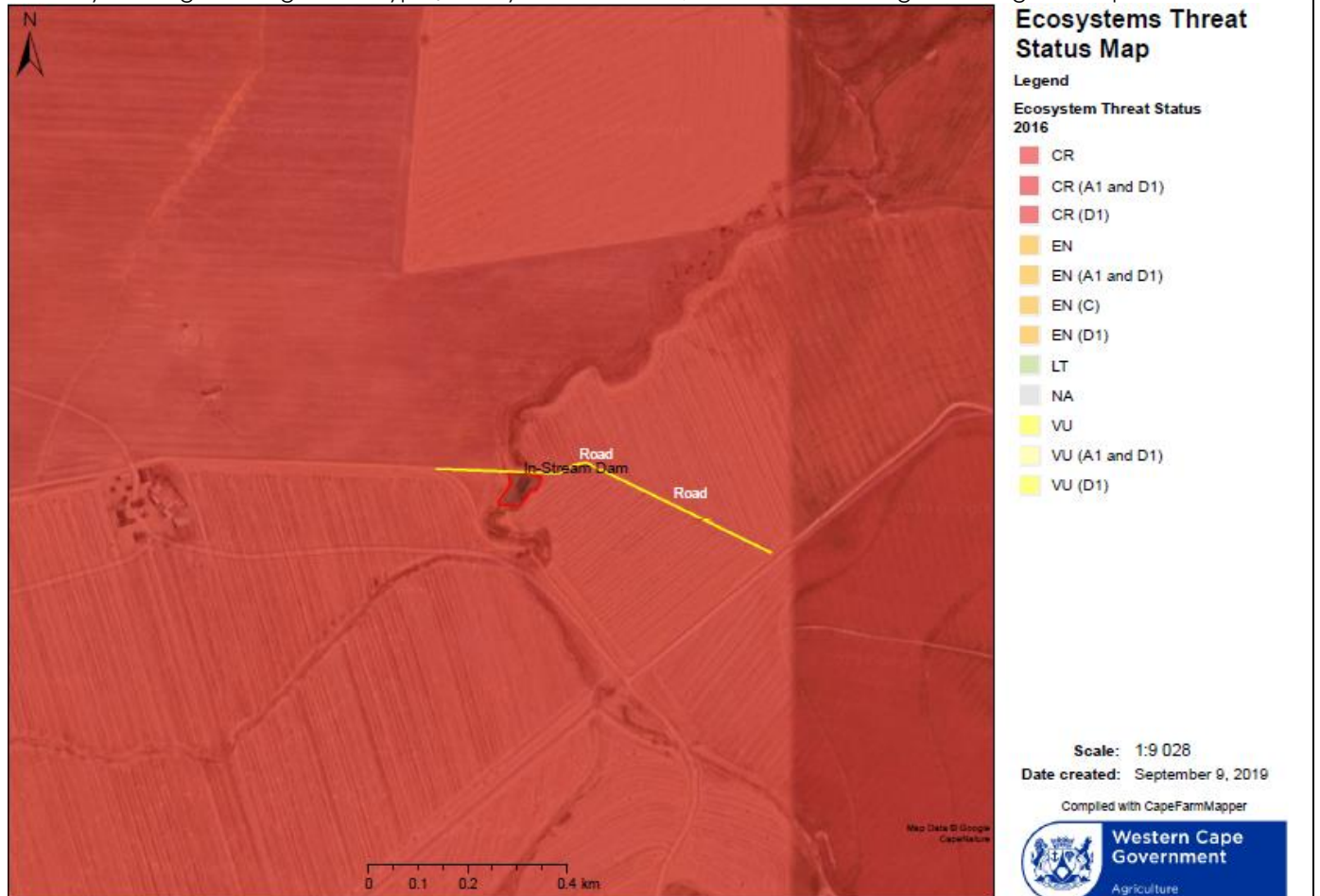


Figure 6: Ecosystems Threat Status Map – The site is located within the Fynbos Ecosystem (Swartland Shale Renosterveld), which is has a threat status that's Critically Endangered.

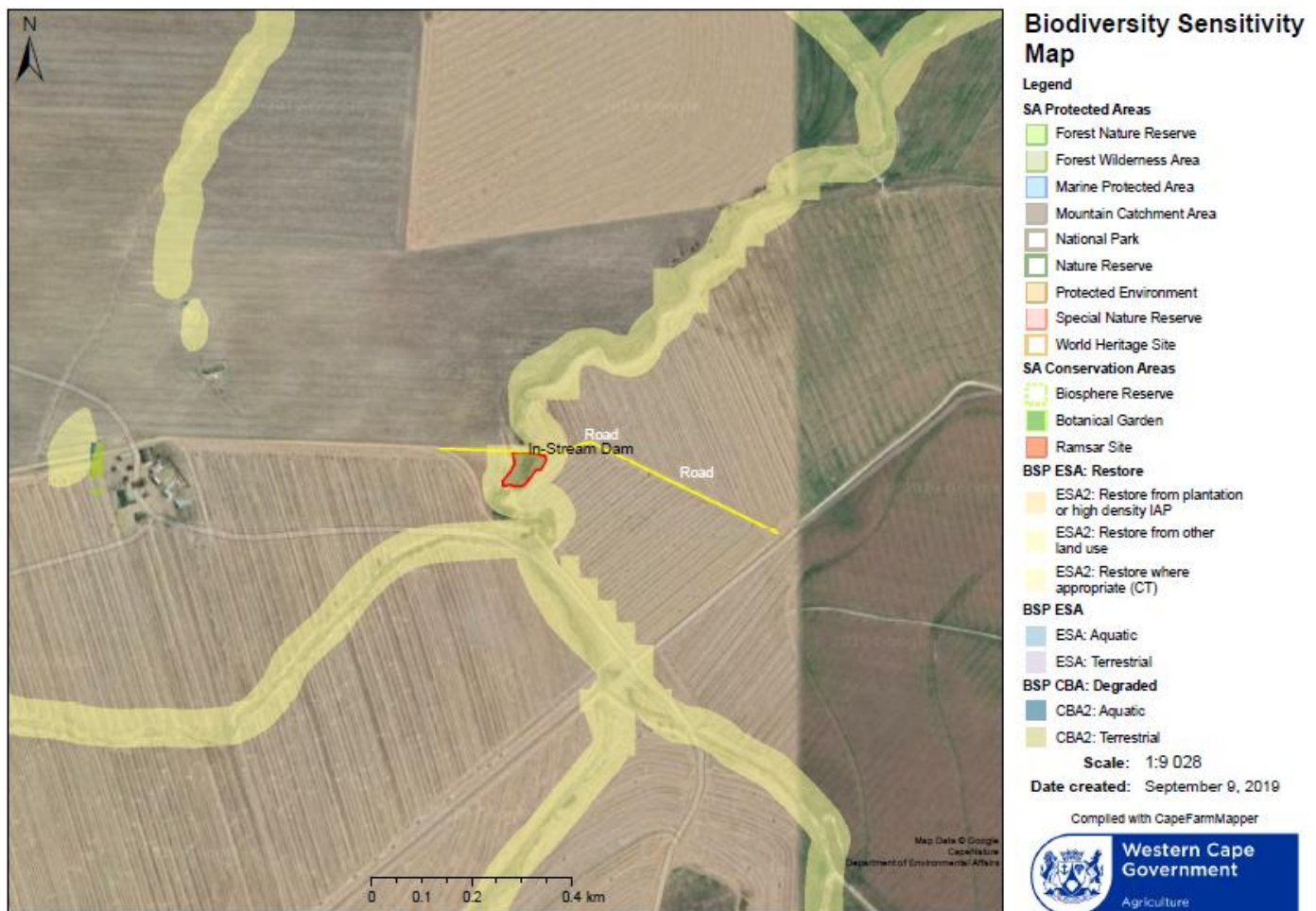


Figure 7: Biodiversity Sensitivity Map – The site (red polygon) is located within an Ecological Support Area (ESA), and is not located within a Critical Biodiversity Area (CBA).

- (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 site was in a degraded state, with no natural vegetation present on site during the construction which commenced on **28 May 2018** and completed on **14 June 2018**. The site was in a transformed state and is located adjacent to an existing access road. The unlawful commencement of the development of the in-stream dam had no impact on Swartland Shale Renosterveld vegetation. Swartland Shale Renosterveld has a threat status that is Critically Endangered. The site is located within an Ecological Support Area (ESA) and not within a Critical Biodiversity Area (CBA). Please refer to figures 5 – 7 above for more detail.

2. SOCIO-ECONOMIC CONTEXT

2.1 Socio-Economic Context (Pre-Commencement)

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

Riebeeck West is a small town situated about 75 km north-east of Cape Town and 5 km north of its twin town Riebeeck Kasteel in the Swartland area of the Western Cape. Riebeeck Kasteel is located within the Swartland Municipality, and of those aged 20 years and older, 7,8% have completed primary school, 35,4% have some secondary education, 24,2% have completed matric, and 9,6% have some form of higher education (STATS SA, 2011). Afrikaans is the most spoken language in the municipality (76,2%), followed by Xhosa at 8,2%. Only 4,3% of the population has English as a first language, with other languages making up the remaining 9,9% (STATS SA, 2011). A total of 40 651 people is economically active (employed or unemployed but looking for work), and of these, 12,7% are unemployed. The economically active youth (15–34 years) in the area total 18 248, of which 17,9% are unemployed (STATS SA, 2011).

The majority of people living in Riebeeck Kasteel is employed in the agricultural sector.

2.2 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.

There was no difference between the pre- and post-commencement of the in-stream dam on site. Most people are still employed in the agricultural sector at Riebeek Kasteel.

3. 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.

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	NO
		UNCERTAIN	
If YES, explain:	Heritage Western Cape (HWC) is the commenting authority on all NEMA EIA or S24G rectification applications within the Western Cape. Please note that a Notice of Intention to Develop (NID) will be submitted to HWC in due course and will be given the opportunity to provide comment on this S24G rectification application process.		
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		YES	NO
		UNCERTAIN	
If YES, explain:			
Was any building or structure older than 60 years affected in any way?		YES	NO
		UNCERTAIN	
If YES, explain:			

4. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)

- (a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).
If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

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

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



Figure 8: National Freshwater Ecosystems Priority Areas (NFEPA) Map – The site (red polygon) is located within a perennial stream on the farm. The site, however, is not located within a 100m of the high water mark of the sea.

SECTION E: PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

(a) Public Participation as required in terms of the Section 24G Fine Regulations, 2017

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application.

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

Please indicate whether the applicant has a website (please tick relevant box):	YES	NO
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If yes, please note that the application information as specified above must be advertised on such website and proof thereof must accompany the application.

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

- **INITIAL NOTIFICATION LETTERS WILL BE E-MAILED/POSTED TO POTENTIAL I&APS (MUNICIPALITY & STATE DEPARTMENTS);**
- **SITE POSTER PLACEMENT TO BE DONE;**
- **MAILDROPS TO BE DONE; AND**
- **AN ADVERTISEMENT IN ONE LOCAL NEWSPAPER.**

(b) List of State departments consulted/to be consulted

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

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.

State Department	Name of person	Contact details	
Department of Agriculture	Cor Van Der Walt	Tel	021 808 5099
		Fax	021 808 5092
		E-mail	corvdw@elsenburg.com landuse.elsenburg@elsenburg.com
Department of Water and Sanitation	Derrill Daniels	Tel	021 941 6189
		Fax	021 941 6077
		E-mail	danielsd@dws.gov.za
Department of Health	Stanley Nomdo	Tel	021 421 1124
		Fax	021 418 5685
		E-mail	Stanley.Nomdo@westerncape.gov.za
Heritage Western Cape	Waseefa Dhansay	Tel	021 483 9533
		Fax	
		E-mail	Waseef.Dhansay@westerncape.gov.za
Swartland Municipality	Mr. Joggie Scholtz (Municipal Manager)	Tel	(022) 487 9400
		Fax	(022) 487 9440
		E-mail	swartlandmun@swartland.org.za
CapeNature	Ms. Alana Duffel-Canham	Tel	(021) 866 8000
		Fax	021 866 1523 / 086 529 3475
		E-mail	aduffel-canham@capenature.co.za
Ward Councillor – Ward 3	Ms. Nicolene Smith	Tel	079 030 1497
		Fax	(022) 487 9400
		E-mail	swartlandmun@swartland.org.za
West Coast District Municipality	Mr. JD Joubert	Tel	(022) 433 8410
		Fax	086 692 6113
		E-mail	mm@wcdm.co.za

DECLARATIONS

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

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

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

Signature of the applicant:

Name:

Name of Firm (if applicable):

Date:

THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

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

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

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

Signature of the environmental assessment practitioner:

Name of company:

Date: