



**24G Application: 14/2/4/2/3/D5/15/0010/24**

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## ADMINISTRATIVE FINE NOTICE

The Owner  
Thorn and Feather  
Portion 9 of Farm 499  
Vermaaklikheid  
**RIVERSDALE**  
6670

**Attention: Mr. J. Gersh**

Cell: 083 453 2994

Email: [jonathan@gersh.co.za](mailto:jonathan@gersh.co.za)

**ADMINISTRATIVE FINE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CONSTRUCTION OF A DEVELOPMENT WITHIN 100M OF THE HIGHWATER MARK OF AN ESTUARY ON THE REMAINDER OF PORTION 9 OF FARM VERMAAKLIKHEID NO. 499 AND PORTION 3 OF FARM KLEINFONTEIN NO. 503, RIVERSDALE.**

1. Your application in terms of section 24G of the NEMA ("the section 24G application") dated June 2024, the Comments and Response Report and additional information received by this Department on 30 July 2024, refer.
2. In order for the Department to process your application, you are required to pay an administrative fine of **R25 000 (Twenty-five thousand rand)** in accordance with section 24G(4) of the NEMA.
3. The above administrative fine is determined by the type of activity or activities undertaken and the impact or impacts it has on the environment.
4. Please note that the continued operation, conduct or undertaking of the activity or activities will remain unlawful and should an environmental authorisation be issued at the conclusion of the section 24G application process, it shall only take effect from the date on which it has been issued.

5. Please note that in terms of section 24G(4) of the NEMA you must pay the administrative fine **before** the competent authority may consider your report and thereafter issue or refuse an environmental authorisation.

#### **Notification of the administrative fine decision**

6. The applicant must in writing, within 14 days of the date of the administrative fine decision ("the decision") –
  - 6.1. Notify all registered interested and affected parties ("I&APs") of –
    - 6.1.1. The amount of the administrative fine;
    - 6.1.2. The reasons for the decision as detailed in Annexure A; and
    - 6.1.3. The date of the decision;
  - 6.2. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.3. Provide the details of all registered I&APs (postal and/ physical address, contact number, facsimile and e-mail address) to all registered I&APs and the original decision-maker in the event that an appeal has been lodged in terms of the *National Appeal Regulations, 2014*.
7. Should the applicant intend to appeal the administrative fine, an appeal must be submitted to the appeal administrator in accordance with regulation 4 of the *National Appeal Regulations, 2014* within 20 (twenty) days from the date that the notification of the decision was sent to the applicant by the competent authority.
8. Should an interested and affected party intend to appeal the administrative fine, an appeal must be submitted to the appeal administrator within 20 (twenty) days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

## Method of payment of the administrative fine

9. Please be advised that payment of the above administrative fine may be made by electronic transfer in the following manner:

### Electronic Transfer

An electronic transfer may be made to the following bank account:

Name of Bank	:	NEDBANK
Name of Account	:	Provincial Government of the Western Cape: Department of Environmental Affairs and Development Planning
Account Type	:	Current Account
Account Number	:	1452 045 003
Branch Name	:	NEDBANK CORPORATE
Branch Code	:	145 209
Reference No.	:	<b>S24G00363</b>

10. Kindly forward a copy of **the proof of payment** (e.g. receipt, deposit slip, electronic transfer confirmation) to the Department and quote the abovementioned reference number to ensure that the Department may acknowledge payment of the administrative fine.
11. This proof of payment must also be accompanied by proof that the abovementioned administrative fine was brought to the attention of registered I&APs as required in paragraph 6 above.
12. The fine must be **paid within 30 (thirty) calendar days** from the date of this letter. **If no such payment is received** within the specified timeframe and no appeal has been lodged with the appeal administrator, **the said section 24G NEMA Application will have lapsed. The matter to be referred for criminal investigation.**
13. You may apply for extension of the 30 (thirty) day period for payment of the administrative fine. Such request for extension must **fall within** the stipulated **30-day period. The request for extension must be supported by the following representation:**
- 14.1. Your financial circumstances, including financial disclosures;

- 14.2. An indication of monthly instalments (if any) within a specified time period for full payment of the administrative fine; and
  - 14.3. Any additional information you deem necessary to support your request for payment extension.
14. When applying for extension of payment of the administrative fine, the competent authority **may direct the ceasing of the activities being applied for** until such time that the section 24G NEMA Administrative Fine has been paid in full.
15. Should an extension for payment be granted and the administrative fine is not paid within the latest specified time period, **the section 24G NEMA Application lapses, and any partial amounts paid to the competent authority will not be refunded to the applicant.**
16. The Department may proceed with appropriate criminal investigative action which may result in criminal prosecution.
17. Please be advised that the notice of payment of the administrative fine is **not an authorisation** for the consequences of unlawful commencement of a listed activity/ies according to the NEMA.
18. Further consideration of your application will only continue upon receipt and acknowledgement of payment of the administrative fine.

## Appeals

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014* (Government Notice No. R. 993 in Government Gazette No. 38303 of 08 December 2014). Please note the provisions of Regulation 1(2) of the National Appeal Regulations, 2014 when calculating the period of days.

19. Should an appeal be lodged with the appeal administrator against the administrative fine, you are hereby advised of the following:

19.1. An appellant (if the applicant) must –

19.1.1. submit an appeal in accordance with regulation 4 of the *National Appeal Regulations, 2014*, to the appeal administrator and a copy of the appeal to the

decision maker, any registered I&APs and any organ of state with interest in the matter within 20 (twenty) calendar days from the date that the notification of the decision was sent to the applicant by the competent authority.

19.2. An appellant (if NOT the applicant) must –

19.2.1. submit an appeal in accordance with regulation 4 of the *National Appeal Regulations, 2014*, to the appeal administrator, and a copy of the appeal to the applicant, any registered I&APs, any organ of state with interest in the matter and the decision maker within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

19.3. The applicant (if not the appellant), the decision-maker, I&APs and organs of state must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

20. An appeal application form must be submitted by means of one of the following methods

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By post: Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
**CAPE TOWN**  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter  
Room 809  
8th Floor Utilitas Building, Dorp Street, Cape Town, 8001

By e-mail: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

20.1. A prescribed appeal application form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>



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**MRS. Z TOEFY**

**ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE**

Copied to:

- (1) Mr. C. Geyser (Enviro Africa)
- (2) Mr. S. Carelse (Hessequa Local Municipality)

Email: [Clinton@enviroafrica.co.za](mailto:Clinton@enviroafrica.co.za)  
Email: [Shagon@hessequa.gov.za](mailto:Shagon@hessequa.gov.za)

## **ANNEXURE A: REASONS FOR THE DECISION**

In determining the quantum of the administrative fine, the competent authority took, *inter alia*, the following into consideration:

- The section 24G application dated June 2024 with supporting environmental impact assessment and mitigation measures.
- The consideration of Alternatives
- The additional information received on 30 July 2024
- Public participation conducted for the application by the Environmental Assessment Practitioner.
- The Environmental Management Programme dated July 2024 submitted for the application.
- Relevant information contained in the Departmental EIA Guideline and Information Document Series (March 2013), including, the Guidelines on Need and Desirability, Public Participation and Alternatives.
- The site inspection conducted on 27 May 2024, attended by officials of this Directorate (i.e. Ms. Naadiya Wookey and Ms. Mbali Ntshangase).

All relevant information presented to the competent authority was taken into account in the determination of the fine quantum. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

### **1. PUBLIC PARTICIPATION**

A public participation process as outlined in section 24G(1)(vii)(dd) of the NEMA, “...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 issues raised have been addressed...” was undertaken.

The public participation process conducted by the environmental assessment practitioner (“EAP”), comprised of the following:

- An advertisement was placed in the Suid-Kaap newspaper on 02 February 2024;
- A site notice was erected on 02 February 2024;
- Letters were sent to interested and affected parties (“I&APs”) and the municipal ward councillor on 07 February 2024 and 02 April 2024;
- I&APs were afforded the opportunity to provide comments on the application between 02 April 2024 and 06 May 2024;

- The Section 24G Report and Draft Environmental Management Programme (“EMPr”) were made available for public review at a public place (the Worcester Public Library); and
- Electronic copies of the documentation were placed on the EAP’s website for comment.

### 1.1 Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- CapeNature
- Heritage Western Cape

Concerns raised by interested and affected parties (“I&AP”)(i.e. CapeNature, Heritage Western Cape) were related to the aquatic ecological function, sensitivity and importance of the Duivenhoks River Estuary, the delineation of a wetland, the requirement of a seashore lease, the handling of wastewater and interpretation of the impact assessment tables. In addition, an interested and affected party (i.e. adjacent neighbour) raised concerns related to intent, privacy, noise and clarification requests concerning municipal planning applications. At the end of the public participation process, concerns raised by the interested and affected parties have been adequately addressed and responded to by the EAP.

## 2. CALCULATION OF THE ADMINISTRATIVE FINE

Section 44(1)(aC) of the NEMA makes provision for the “*Minister to make regulations relating to the procedure and criteria to be followed in the determination of an administrative fine in terms of section 24G.*”

The Section 24G Fine Regulations, 2017 (“the regulations”) as referred to above have come into effect on 20 July 2017 which stipulate the procedure to be followed and criteria for the determination of a section 24G administrative fine. All applications submitted after the promulgation date are subject to the aforesaid regulations which stipulate the maximum fine applicable to an application is R5 million, as per the NEMA amendments.

The S24G fine calculator is a guide that is not rigidly applied and is used to determine an appropriate fine (to the maximum of R5 million) based on applicable impacts resulting from the unlawful commencement activity/ies on the receiving environment. The determination of a fine is based on the assessment undertaken for the section 24G application and the significance of impacts of the activity/ies on the environment. Each section 24G administrative fine is determined on its own merit and is dependent on the information provided in the



application. The section 24G fine is not a criminal sanction and the section 24G process is distinct and not punitive in nature.

In accordance with section 24(4) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") the application contains, *inter alia*, an assessment of the consequences and impacts on the environment, including cumulative impacts, and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the activity as well as a description of the mitigation measures that will be undertaken.

## 2.1 ASSESSMENT OF IMPACTS, BENEFITS AND MITIGATION MEASURES

The determination of the administrative fine is based on the administrative fine calculator which was developed by the National Department of Environmental Affairs. The fine calculator (which is a guide that is not applied rigidly) was based on the following indexes that were informed by the environmental assessment practitioner as specified in the section 24G application:

- Socio-Economic Impact Index
- Biodiversity Impact Index
- Sense of Place &/ or Heritage Impact Index
- Pollution Impact Index.

The administrative fine decision and the reasons for the decision were informed by the section 24G application with supporting information, submitted by the EAP, which stated *inter alia* the following:

### 2.1.1 Socio-economic Impact

The **Socio-Economic Impact Index** was rated by the EAP that: "*the activity is not giving, has not given and will not give rise to any negative socio-economic impacts.*"

The motivation for this rating by the EAP was that the construction of a development within 100m of the highwater mark of an estuary (i.e. the unlawful activities) gave rise to positive socio-economic impacts through direct, indirect, temporary and permanent employment opportunities during the construction and operation phases.

The fine committee agreed that a positive socio-economic impact has resulted in consideration of the surrounding environment and the cultural landscape which comprises the nearby community of Vermaaklikheid.

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the application that: the activity is not giving, has not given and will not give rise to any negative socio-economic impacts.

The motivation for this rating is that a potential low positive socio-economic impact is anticipated with direct and indirect positive impacts in terms of job opportunities and local economic growth to the surrounding community resulting in improved living standards. It is noted that the immediate surrounding communities are limited to farmers and privately owned properties earmarked for agricultural ventures and / or eco-tourism developments. The unlawful development within 100m of the highwater mark of an estuary on the remainder of Portion 9 of farm Vermaaklikheid No. 499 and Portion 3 of farm Kleinefontein No. 503, Riversdale, is deemed to be aligned with the objective of tourism related land uses and accommodation on agricultural land in terms of the Municipal and Provincial Spatial Development Frameworks and National Development Plan.

### 2.1.2 Biodiversity Impacts

The **Biodiversity Impact Index** was rated by the EAP that: *"the activity is giving, has given and will give rise to localised biodiversity impact."*

The motivation for this rating by the EAP was that the unlawful activity that took place on the remainder of Portion 9 of farm Vermaaklikheid No. 499 and Portion 3 of farm Kleinefontein No. 503, Riversdale, resulted in a relatively small area of indigenous vegetation within the terrestrial Critical Biodiversity Area. The EAP deemed the development activities to have had a Medium to Low negative impact on the surrounding aquatic habitat considering the disturbance of the estuary, aspects related to over-fishing, bait collection and trampling post mitigation.

The EAP deemed the terrestrial biodiversity to have sustained a Medium to Low negative impact from the unlawful development with respect to aspects such as loss of indigenous

vegetation, conservation priority areas, ecological connectivity, protected and endangered species, fauna and avi-fauna as well as cumulative impact.

The fine committee agreed that a localised biodiversity impact has occurred in that there has been a loss of approximately 257m<sup>2</sup> of indigenous vegetation (i.e. Hartenbos Dune Thicket) within a Critical Biodiversity Area and a low impact on the aquatic habitat. Therefore, the committee concurred that the activity is giving, has given or could give rise to localised biodiversity impacts.

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the section 24G application that the activity is giving, has given or could give rise to localised biodiversity impacts.

The motivation for this rating is that although the impact is considered low and negligible with respect to associated aspects of the development activities, a portion of the site is located within the estuarine functional zone and Critical Biodiversity Areas (i.e. Terrestrial; Estuary and Wetland). Further, it is noted that Present Ecological State of the Duivenhoks River Estuary is deemed moderately impacted with its ecological functioning intact and the ecological importance and sensitivity of the aquatic environment. The nature of the site is also noted to consist of near-pristine indigenous vegetation (i.e. Hartenbos Dune Thicket). The unlawful construction activities have resulted in a loss of approximately 257m<sup>2</sup> of indigenous vegetation which constitute 3% of the total of this vegetation type on the property. The site is mapped and confirmed to occur within Critical Biodiversity Areas (both aquatic and terrestrial).

The biodiversity impact includes the loss of indigenous vegetation, conservation priorities and transformation aspects. The biodiversity impact entails the consideration of indirect impacts of the greater catchment area with respect to estuary disturbance. The fine committee remain cognisant of the fact that a risk averse approach has been applied by the applicant (i.e. layout and design) with respect to the continuation of the established development on the site.

### 2.1.3 Sense of place and Heritage Impacts

The **Sense of place and Heritage Impacts Index** was rated by the EAP that: *“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.”*

The motivation for this rating by the EAP was that the development activities did not result in vast / extensive removal of vegetation and that the material used for the construction of the development allows for the structures to blend in with the surrounding environment / landscape. Therefore, the EAP maintained that the development has an insignificant impact on the sense of place aspect in that it is in-keeping with its surrounds and does not impact on social health and well-being. In addition, it has been confirmed that the construction activities were not anticipated to have impacted on any heritage resources. The impact in this regard is therefore negligible.

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the section 24G application that 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.

The motivation for this rating is that the unlawful development activities is in-keeping with surrounding environment and is aligned to the municipal and provincial spatial development plans in that agricultural land is used for tourism purposes. The unlawful development is considered a part of the eco-tourism industry. In addition, the motivation is based on the fact that Heritage Western Cape have confirmed that there is no reason to believe that the unlawful development on the remainder of Portion 9 of farm Vermaaklikheid No. 499 and Portion 3 of farm Kleinefontein No. 503, Riversdale will impact on heritage resources.

### 2.1.4 Pollution Impact

The **Pollution Impact Index** was rated by the EAP that: *“the activity is not giving, has not given and will not give rise to any pollution.”*

The motivation for this rating by the EAP was that no pollution aspects in relation to the size of the development were identified during the Environmental Impact Assessment.

The concern raised by an I&AP with respect to the management of wastewater / effluent emanating during the operation of the development was noted by the fine committee in relation to the preference of a conservancy tank or package plant contrary to septic tank / soak away be considered. The fine committee discussed the significance / severity aspect with respect to size, nature and proximity of the development.

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the section 24G application that the activity is not giving, has not given and will not give rise to any pollution.

The motivation for this rating is that alternatives with respect to the management of wastewater emanating from the site are considered given the remote location and available services in the surrounding area. It is noted that all other indirect impacts such as surface water run-off, sedimentation and erosion has been considered in the proposed mitigation measures.

The indices contained in the section 24G application submitted by the EAP were used in the determination of the fine. This was assessed, reviewed and confirmed by observations obtained during the site inspection on 27 May 2024.

It should also be noted that the section 24G fine calculator distinguishes between the following two categories of offenders:

- Category 1 offenders are (firm) trusts, body corporates, close corporations, companies, parastatals and government departments.
- Category 2 offenders are individual/natural persons.

The calculation of the administrative fine is also based on the fact that the applicant in this matter is a category 2 offender. Nevertheless, the amounts determined by the section 24G fine calculator for both categories were analysed to assess whether it is appropriate to regard the applicant under the abovementioned category, given the personal circumstances of the applicant. I am of the opinion that it is appropriate to regard the applicant in this matter is a category 2 offender.

The above determination is based on the fact that the operational intent of the development is for exclusive private vacation house rental on a self-catering basis during periods when the residence is not in the private use of the owner / applicant. In addition, the registered owner of the site, in accordance with a copy of an excerpt of the title deeds, is reflected as Mr. Johnathan Gersh on 17 March 2009 (prior to the undertaking of the unlawful construction / development activities i.e. between 2013 and 2021). Therefore, the recommended fine amount is justified with respect to consideration of categorisation of the offender.

## **2.2 CONSIDERATION OF DEVIATION FROM THE CALCULATED FINE**

Further to the above, the following factors were taken into account in determining whether the fine recommended by the fine calculator is appropriate in the circumstances of this matter and whether there are reasons to deviate from the quantum of the fine recommended:

2.2.1 Aggravating factors, or the absence thereof, such a blameworthiness, non-compliance history and ignoring previous advice.

In this regard, it is noted that no record of previous conviction in terms of section 24F of NEMA has been taken against the applicant and no previous section 24G applications have been received by the applicant (or on their behalf). However, although no aggravating factors were noted, the development has resulted in a biodiversity impact and the recommended fine amount is deemed adequate and appropriate.

2.2.2 Mitigation factors such as preventative measures, co-operation with the environmental authority, immediate voluntary remediation and restoration and personal circumstances.

In this regard, I have considered the applicants conduct and am of the view that that a risk averse approach is adopted in that the scale, design and layout of the development resulted in a low to negligible impact from an aquatic, botanical, heritage and visual perspective. It is noted that minimal recommended mitigation has been provided by specialists in relation to the sensitivity of the environment which is indicative of the nature of the development.

Additionally, it is noted that no negative socio-economic impacts are expected and that although a loss of biodiversity will occur / has occurred, the development is confined, and no species of conservation concern are impacted. Cognisance of the fact that the applicant has provided additional motivations and comprehensive responses to the competent

authority and I&APs as well as the ceasing of operations and economic impacts incurred by such compliance and co-operation has been taken. However, the development has resulted in a biodiversity impact and the recommended fine amount is deemed adequate and appropriate.

2.2.3 The potential costs that the applicant will incur in complying with directions as to remedial measures.

In this regard, the contents of the Application, together with the assessment report and suggested mitigation/rehabilitation measures are noted.

2.2.4 Social/Public benefit factors resulting from activities.

In this regard, I am of the opinion that the applicant's activities provide direct social benefit to the surrounding communities and local economy resulting in job opportunities, job security and further social upliftment within the greater community. The development contributes to the eco-tourism industry and to the targets and objectives detailed in the municipal and provincial spatial development frameworks. Therefore, the recommended fine amount is deemed adequate and appropriate.

It is acknowledged that the National Environmental Management Principles (set out in section 2 of the NEMA) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment. In terms of the NEMA Principles, the effects of decisions on all aspects of the environment are to be taken into account. I am satisfied that the NEMA principles, including the consideration, assessment and evaluation of the social, economic and ecological impacts of activities (disadvantages and benefits), have been correctly applied in this application and this fine is appropriate in the light of such consideration and assessment.

In all the circumstances, and after weighing all the above factors including the impact on the fine amount recommended by the fine calculator when the activities in relation to a specific index had no adverse impact upon the environment in that specific regard, I am of the view that a fine of **R25 000 (Twenty-five thousand rand)** is an appropriate fine. Please find attached a copy of the calculated fine (Appendix 1).

## Appendix 1

14/2/4/2/3/D5/15/0010/24				
IMPACT INDEX CALCULATOR				
<b>1</b>		<b>Socio Economic Impact Index</b>	<b>Weighting</b>	<b>20</b>
		<b>Description of variable</b>	<b>Selection</b>	<b>Score</b>
a	The activity will not give rise to any negative socio-economic impacts	0.5	X	10
b	The activity could give rise to negative socio-economic impacts, but highly localised	3		0
c	The activity could give rise to significant negative socio-economic and regionalized impacts	7		0
d	The activity could result in wide-scale socio-economic impacts.	10		0
<b>Notes:</b> A low positive socio-economic impact of the development on Portion 9 of the Farm Vermaaklikheid No. 499, Riversdale has been indicated.				
<b>2</b>		<b>Biodiversity Impact Index</b>	<b>Weighting</b>	<b>30</b>
		<b>Description of variable</b>	<b>Selection</b>	<b>Score</b>
a	The activity will not give rise to any impacts on biodiversity	0.5		0
b	The activity could give rise to localised biodiversity impacts	3	X	90
c	The activity could give rise to significant biodiversity impacts	8		0
d	The activity is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	10		0
<b>Notes:</b> The loss of biodiversity through the construction of a development within 100m of the high-water mark of an estuary and within Critical Biodiversity Areas have been deemed medium to low and low to negligible with mitigation measures proposed from a botanical and aquatic perspective, respectively. <b>An impact in the loss of approximately 257m<sup>2</sup> of indigenous vegetation is noted.</b>				
<b>3</b>		<b>Sense of Place &amp; / or Heritage Impact Index</b>	<b>Weighting</b>	<b>20</b>
		<b>Description of variable</b>	<b>Selection</b>	<b>Score</b>
a	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	0.5	X	10
b	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	3		0
c	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	8		0
d	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	10		0
<b>Notes:</b> No impact has been envisaged by the Environmental Assessment Practitioner ("EAP") and has been confirmed by Heritage Western Cape (in their correspondence dated 01 February 2024) that there is no reason to believe that the construction of a development within 100m of the high-water mark of the estuary on Portion 9 of the Farm Vermaaklikheid No. 499, Riversdale will impact on heritage resources.				
<b>4</b>		<b>Pollution Impact Index</b>	<b>Weighting</b>	<b>30</b>
		<b>Description of variable</b>	<b>Selection</b>	<b>Score</b>
a	The activity will not give rise to any pollution	0.5	X	15
b	The activity could give rise to pollution with low impacts.	3		0
c	The activity could give rise to pollution with moderate impacts.	5		0
d	The activity could give rise to pollution with high impacts.	8		0
e	The activity could give rise to pollution with major impacts.	10		0
<b>Notes:</b> No significant impact is envisaged given the extent and nature of the development.				
			<b>TOTAL SCORE</b>	<b>125</b>
			<b>IMPACT INDEX</b>	<b>12.50%</b>
<b>Applicant</b>				
<b>Individual</b>				<b>25,000.00</b>
<b>Committee Reasons for Deviation (only when relevant)</b>				
Considered, but not applied.				
<b>Fine Amount</b>				<b>25,000.00</b>