

Draft application in terms of Section 24G of the National Environmental Management Act (Act No. 107 of 1998)

Activities carried out on Portion 12 of the Farm Ongegunde Vryheid No 746, Cape st Francis, Kouga Local Municipality, Sarah Baartman District Municipality, Eastern Cape

DEDEAT reference: SBROB#2021-05-21

For review and comment: 22 April – 29 May 2026



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DATE:

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Glossary of Terms

| | |
|--------|---|
| BAR | Basic Assessment Report – A tool used by the EAP to submit to the competent authority if listed activities is triggered in Regulations GNR 327 and GNR 324 as per NEMA to make a decision regarding a proposed development. |
| CBA | CBA Critical Biodiversity Area – Areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. |
| DEDEAT | Eastern cape Department of Economic Development, Environmental Affairs and Tourism |
| DFFE | Department of Forestry, Fisheries and the Environmental |
| DWS | Department of Water and Sanitation |
| EA | Environmental Authorisation |
| EAP | Environmental Assessment Practitioner |
| ECO | Environmental Control Officer |
| EIA | Environmental Impact Assessment |
| EMP | Estuary Management Plan |
| EMPr | Environmental Management Programme – can be defined as “an environmental management tool used to ensure that undue or reasonably avoidable adverse impacts of the construction, operation and decommissioning of a project are prevented; and that the positive benefits of the projects are enhanced”. |
| ESA | Ecological Support Area – 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. |
| GA | General Authorisations |
| IAP | Interested and Affected Party/ies - in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42. |
| HWM | High water mark |
| KLM | Kouga Local Municipality |
| MMP | Maintenance Management Plan |
| NEMA | National Environmental Management Act (Act 107 of 1998) |
| NEMPAA | National Environmental Management: Protected Areas Act (Act 57 of 2003) |
| PA | Protected areas recognised in the NEMPAA |
| S24G | Section 24G of the NEMA |
| SANBI | South African National Biodiversity Institute |
| SBDM | Sarah Baartman District Municipality |



EXECUTIVE SUMMARY

1. Introduction

The property (portion 12 (a portion of portion 1) of the Farm Ongegunde Vryheid No. 746) was purchased by the current landowner in 1997. The farm portion is an estimated 46 ha in extent. Two dwellings were in place at the time of purchase. The northeastern dwelling (hereafter referred to as dwelling 1) consisted of 5 rooms and an outside cottage; the 5 rooms sleep 2 people per room and have been rented to guests since ownership in 1997. The outside room is not rented. A maximum of 12 guests has been permitted at the NE dwelling over the years. The southwestern dwelling (hereafter referred to as dwelling 2) has been used by the landowners as a private holiday residence.

Renovated / expanded footprints post 2021:

- Renovated / expanded footprints post 2021:
- Dwelling 1 – 390 m² (original footprint: 265m² – expanded by 125m²)
- Access road rerouted behind dwelling - 260m²
- Dwelling 2 – 105m² (original footprint: 60m² - expanded by 45m²)
- Road between dwellings (existing): 300 m²
- Total footprint: 1055m²

(Refer to plans provided in Annexure J)

2. Requirements in terms of the National Environmental Management Act, 1998 (Act 107 of 1998)

In terms of National environmental management act (act 107 of 1998) and environmental authorisation is required for the development and tourism activity. Environmental authorisation for relevant tourism activity has not yet been applied for or authorised. (Activity 2 (c), Environmental Conservation Act (Act 73 of 1989); Environmental authorisation has not yet been applied for activities listed in terms of the listing notice (LN) 1 and LN 3 of the environmental impact assessment (EIA) regulations 2014 (as amended, 2017) promulgated in terms of the National environmental management act (act 107 of 1998) (NEMA) for the tourism activity and activities within 100 meters of the high water mark (LN1 activities –17,19A,54; LN 3 activities 5, 12).

The Eastern Cape Department of Economic Development and Environmental Affairs and Tourism (DEDEAT) issued a notice of intention to issue a compliance notice to the landowner (Soundprops 1246 cc) on 23 October and 26 October 2024. The notice was issued in terms of section 31L of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended in respect of the commencement of activities on portion 12 of the Farm Ongegunde Vryheid No 746.

Listed activities in terms of the 2014 Environmental Impact assessment (EIA) regulations, as amended, 2017 included in the notice dated 23 October 2024:

LN 1 (GNR 327): Activity 19A

LN 1 (GNR 327): Activity 54

Listed activities in terms of the 2014 EIA regulations, as amended, 2017 included in the notice dated 26 October 2024:

LN 1 (GNR 327): Activity 54

LN 3 (GNR 324): Activity 5

Soundprops 1246 cc responded on 4 November 2024 to indicate that the intention is to apply to the DEDEAT for the regularization of unlawful commencement or continuation of listed activities in terms of Section 24G of the NEMA.

An application is proposed to be submitted in terms of Section 24G of the NEMA. This application and annexures have been prepared as part of the EA application process.

3. Screening tool report and specialist studies

A screening tool has been developed by the Department of Forestry, Fisheries and Environmental Affairs (DFFE). The Screening Tool identifies related exclusions and/ or specific requirements including specialist studies applicable to the proposed site and/or development, based on the national sector classification and the environmental sensitivity of the site. A screening tool report (STR) was generated for the development, based on the STR, identified sensitivities and the activity, the following specialist studies were carried out:

- Aquatic compliance statement, A. Bok, 2025 – Annexure M2A
- Terrestrial biodiversity, flora and fauna verification and compliance statement, J. Pote, 2025) - – Annexure M2B
- Paleontology study; D Wilken, 2025 – Annexure M2C
- Heritage study; C. Booth, 2025 – Annexure M2D

The impact assessment is provided in Annexure M2. The sensitivities identified in the STR and verification are provided below.

Table 1: Verification of environmental sensitivity identified in DFFE screening tool report

| Theme | Environmental sensitivity as per screening tool report | Verification of environmental sensitivity | Description |
|----------------------|--|---|---|
| Agricultural theme | Medium sensitivity | Low sensitivity | The zoning and use for agricultural is deemed incorrect; the site is adjacent to designated reserves and properties in process of being designated as reserves. The site consists of intact thicket vegetation and is situated on coastal / aeolian sands not deemed suitable for agricultural (crop / pasture) use. It is deemed more suitable to be designated as reserve land use with consent use for dwelling 2 as low density tourism. No further study deemed necessary |
| Animal Species | High sensitivity | Low sensitivity | No endemic and range restricted fauna species were recorded to be present. Several species are known from the surrounding area but were not recorded on within the affected site footprint or likely affected by the proposed activity. No Endangered or Critically fauna species were found to be present nor are known to be present in close proximity to the affected area or are likely to be directly affected by the proposed activity. The site falls within the general distribution range of a single faunal SCC, however none are confirmed to be present. Since the project footprint is relatively small and is also surrounded by extensive outlying areas of natural habitat, any disturbance or displacement associated with increased activity or habitat destruction as a direct result of the activity is unlikely to pose a significant negative impact faunal species and in particular the species of special concern. Refer to Appendix M2-B (Terrestrial biodiversity, flora and fauna verification and compliance statement, J. Pote, 2025). |
| Aquatic Biodiversity | Low | Low | The nearest recognised watercourse to the site is the Krom River located approximately 6 km north (in a straight line) of the two upgraded coastal dwellings at Mosterthoek and there are no small streams or wetlands within 500m of the property. There are no |

| Theme | Environmental sensitivity as per screening tool report | Verification of environmental sensitivity | Description |
|--------------------------------------|--|---|--|
| | | | watercourses or wetlands mapped within 500 meters of the site in terms of the National Freshwater Ecosystem Priority Area (FEPA) map of the area. No wetland areas, minor streams or watercourses were observed near the development sites. The site visit confirmed that there are no nearby freshwater aquatic habitats or aquatic biota that have been or will be negatively impacted by the upgrading of the two dwellings on the property. Refer to Appendix M2-A (Aquatic compliance statement, A. Bok, 2025). |
| Archaeological and Cultural Heritage | Very High Sensitivity | | Waiting |
| Paleontological | Very High Sensitivity | Low sensitivity | Fossils in both the peninsula and Nanaga formations are very sparsely distributed. It is very unlikely that the expansion has caused loss or damage to the palaeontological heritage of the area. Refer to Appendix M2-C (Paleontology study; D Wilken, 2025) |
| Plant Species Assessment | Medium sensitivity | Low sensitivity | It is not likely that any original natural vegetation of significance was cleared, as the area behind the dwelling is clearly historically disturbed. No endemic and range restricted flora species were recorded to be present. Several species are known from the surrounding area but were not recorded on within the affected site footprint or likely affected by the proposed activity. The site falls within the general distribution range of several endemic flora species and other flora species with a highly localised distribution, some of which are Critically Endangered, Endangered, Vulnerable or Rare. Some of these flora species are also only from a single or a few populations. No Endangered or Critically Endangered flora species were confirmed to be present. The specialist assigns a low plant species sensitivity. (Terrestrial biodiversity, flora and fauna verification and compliance statement, J. Pote, 2025). |
| Terrestrial Biodiversity Impact | Very High Sensitivity | Low sensitivity | The site is located within a transitional zone of St Francis dune thicket and the littoral/seashore vegetation (least concern), with vegetated palaeodunes on the inland side and directly adjacent to a small sandy beach within the broader stretch of rocky shore. While the alterations associated with the activity has resulted in some clearing of natural vegetation elements, it is unlikely that more than 300m2 of natural vegetation was cleared. The entire activity has taken place within an area that was previously disturbed by the historical seaside dwelling. The eastern deck on the eastern dwelling is situated on the previous portion of the access road which would have been significantly disturbed with only a few secondary and remnant tufts of <i>natural vegetation</i> are common in the surrounding undisturbed areas. The new access route has been diverted behind the dwelling and appears to be across a previously cut and fill area at the rear of the dwelling which most likely consisted of secondary thicket vegetation elements which would have regenerated in the fill area after |

| Theme | Environmental sensitivity as per screening tool report | Verification of environmental sensitivity | Description |
|---------------------------|--|---|--|
| | | | construction of the dwelling historically. It is not likely that any original natural vegetation of significance was cleared, as the area behind the dwelling is clearly historically disturbed. The deck on the western dwelling was likely constructed over a previous disturbed area that is not likely to have had any natural vegetation other than perhaps a few weed tufts. Intactness of vegetation for the site and footprint is Very Low. The entire site footprint has a low sensitivity. The unaffected area surrounding the site footprint would be designated a Moderate to High sensitivity but is not affected by the activity. No-go areas are not identified but no further mechanical clearing of natural vegetation should occur on the vegetated dune behind the dwelling or within the littoral active zone. No direct or indirect or cumulative impacts are anticipated pertaining to terrestrial biodiversity due to the existing transformation of the site above pre-existing baseline levels. Risks to Irreplaceable Biodiversity Resources is low to very low. The specialist thus designates a low terrestrial biodiversity sensitivity for the affected footprint. |
| Socio-Economic | NA | NA | Aspects related to socio-economic impacts have been addressed in the assessment, however no specific specialist study is deemed to be required. |
| Civil Aviation Assessment | Medium sensitivity | Low sensitivity | A civil aviation assessment / compliance statement is excluded as the proposed development will not have an impact on civil aviation aerodrome. |
| Defence theme | Low sensitivity | Low sensitivity | A defence them compliance statement is excluded as the proposed development will not have an impact on the defense theme. |

4. Impact Assessment summary

Specialist studies carried were used to inform the retrospective assessment; comments received have been considered. Several impacts were identified and assessed as follows:

- No-go (baseline prior to renovations, expansion and section or road rerouting)
- Without mitigation – refers to construction activities already taken place and therefore no mitigation possible, and operations without mitigation in place
- With mitigation – refers to operations and maintenance activities, as required, with mitigation measures in place

The summary of impacts is provided below.

1 Planning and Design Phase and subsequent construction and operation

| | |
|-------------------------|---|
| Alternative: | Current site and re-routed access road; no go alternative |
| NEMA LN Activity | Removal vegetation; activities within 100m of HWM; coastal property (tbc), tourism |
| NWA water use | Not required |
| Aspect | Site Selection |
| Impact 1: | Placement of structures and infrastructure on sensitive areas |

| | | | | | | | |
|---|--|------------------------------|----|--------------|-----------------------------------|------------------|----|
| Nature of impact: | Direct (site) / Indirect (surrounding environment) / cumulative (in combination with existing impacts) | | | | | | |
| <p>Incorrect placement of structures can result in direct, indirect and cumulative impacts on the environment. The structures were placed on existing footprints and expanded by approximately 445m². The only site alternative considered are the existing sites. Existing development footprints were used to position the renovated buildings. The access road at dwelling 1 was re-routed behind dwelling 1. The renovated dwelling 2 does not seem to encroach any further towards the ocean; the footprint expanded towards the road.</p> | | | | | | | |
| Impact Rating | Impact Status | Negative Impact | | | Negligible to negative low impact | | |
| | Impact Criteria | Baseline / no go alternative | | | Current development | | |
| | Impact Significance | Negative Low | 10 | Negative Low | 10 | | |
| Aspect | Tourism activity | | | | | | |
| Impact 2: | Incorrect land use in sensitive areas | | | | | | |
| NEMA LN Activity | Removal vegetation; activities within 100m of HWM; tourism | | | | | | |
| Nature of impact: | Direct (site) / Indirect (surrounding environment) / cumulative (in combination with existing impacts) | | | | | | |
| <p>Incorrect land use in sensitive areas can result in direct, indirect and cumulative impacts on the natural coastal environment and on other users of coastal area. The no-go refers to the status quo prior to renovations (existing dwellings used for personal use / tourism purposes). The renovated buildings are used for similar purposes. The impact of tourists in the area can be mitigated through implementing the recommended operational management mitigation measures to prevent unnecessary impacts of this land use in the sensitive coastal area and on other users in the area. Comments from interested and affected parties have been considered in this assessment.</p> <p>The only site alternative considered are the existing sites. Existing development footprints were used to position the renovated buildings. Dwelling 1 has been used for tourism purposes since 1997; Dwelling 2 has been used for private purposes since 1997. The surrounding dwellings in the area are used for a combination of personal residential use with some small guest houses in the area. Positive impacts are likely to result on the visitors to the pristine area and if suitable measures are in place, tourists are not expected to cause a nuisance in the area.</p> | | | | | | | |
| Impact Rating | Impact Status | Negative Impact | | | Negative / Positive impact | | |
| | Impact Criteria | No go alternative | | | Without mitigation | | |
| | Impact Significance | Medium | 11 | Medium | 11 | Low | 10 |
| Aspect | Clearing and Excavation activities; operational activities within 100 meters of HWM | | | | | | |
| Impact 3: | Ecological impacts of encroachment onto the Marine High-Water Mark from activity | | | | | | |
| Nature of impact: | Direct and indirect (impact on coastal area); | | | | | | |
| Description | Both dwellings are located in close proximity to the High-Water Mark; the negative ecological impacts during storm events should be minimal with recommended mitigation measures in place. . | | | | | | |
| Impact Rating | Impact Status | Negligible Impact | | | Negligible Impact | | |
| | Impact Criteria | No go alternative | | | Without mitigation | | |
| | Impact Significance | Low | 7 | Low | 7 | Negligible / Low | 6 |
| Impact 4: | Storm surges | | | | | | |
| Nature of impact: | Direct – impact on dwellings within 100 m of HWM | | | | | | |
| Description | <p>Both dwellings are located in close proximity to the High-Water Mark and could potentially be vulnerable to damaging high tides during storm surges and very rough seas. The rocky shore at dwelling 2 will offer some protection; the rerouting of road behind the dwelling and placing deck in old road footprint may offer slightly more protection during storm surge events as driving on shore is prevented and decking is slightly raised.</p> | | | | | | |
| Impact Rating | Impact Status | Negligible Impact | | | Negligible Impact | | |
| | Impact Criteria | No go alternative | | | Without mitigation | | |
| | Impact Significance | | | | | | |

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|---|--|-------------------|----|--------------------|------------|-------------------|------------|
| | Impact Significance | Medium | 11 | Medium | 11 | Medium | 11 |
| Aspect | Site Selection and tourism activity | | | | | | |
| Impact 5: | Aquatic Ecosystems and freshwater resources | | | | | | |
| Nature of impact: | Negligible impact on freshwater ecosystems | | | | | | |
| There are no watercourses or wetlands mapped within 500 meters of the site in terms of the National Freshwater Ecosystem Priority Area (FEPA) map. No wetland areas, minor streams or watercourses were observed near the development sites. The site visit confirmed that there are no nearby freshwater aquatic habitats or aquatic biota that have been or will be negatively impacted by the upgrading of the two dwellings on the property. Refer to Appendix M2-C (Aquatic compliance statement, A. Bok, 2025). The | | | | | | | |
| Impact Rating | Impact Status | Negligible | | Negligible Impact | | Negligible Impact | |
| | Impact Criteria | No go alternative | | Without mitigation | | With mitigation | |
| | Impact Significance | Negligible | 5 | Negligible | Negligible | 5 | Negligible |

2 Construction Phase and operations as applicable and maintenance during operations as required

| | |
|--|--|
| Alternative: | Current dwellings and re-routed access road; no go alternative |
| NEMA LN Activity | Removal vegetation; activities within 100m of HWM; tourism |
| HRA Section 38 | Permit required for any archaeological, paleontological, heritage as required |
| Aspect | Construction and operational planning requirements |
| Impact 1: | Inadequate planning and <i>Non-compliance with Conditions of the Environmental Authorisations</i> |
| Nature of impact: | Direct / Indirect / cumulative as applicable |
| Monitoring should be undertaken by an appointed ECO and should commence prior to construction of the works. This could not be carried out. Recent site visits carried out during assessments shows no evidence of contractor's materials on or surrounding the site. Caution must be carried out when developing, particularly in sensitive areas, and a review of all related legislation should be carried out prior to commencement of building. Poor environmental management planning and / or lack of budget for environmental management will result in unmitigated impacts and unnecessary economic impacts to the landowner. Without correct planning unnecessary and unmitigated impacts are likely to occur | |
| Impact Rating | As per impacts identified for planning, construction / operational phase as applicable without / with mitigation implemented |

| | | | | | | | |
|--|---|-------------------|---|------------------------------|---|------------------------------|---|
| Alternative: | Current dwellings and re-routed access road; no go alternative | | | | | | |
| NEMA LN Activity | Removal vegetation; activities within 100m of HWM; coastal property (tbc), tourism | | | | | | |
| HRA Section 38 | Permit required for any archaeological, paleontological resource that may be uncovered during construction / maintenance activities | | | | | | |
| Aspect | Clearing and Excavation activities can result in unnecessary damage / loss of archaeological, paleontological, heritage resources if not managed correctly | | | | | | |
| Impact 1: | Loss / disturbance of / to paleontological resources. | | | | | | |
| Nature of impact: | Direct (loss of resource / damage to resource / collection of resource) | | | | | | |
| Excavation activities can unearth paleontological resources and result in unnecessary disturbance. The area under investigation lays over two formations; Fossils in both the peninsula and Nanaga formations are very sparsely distributed. It is very unlikely that the expansion has caused loss or damage to the paleontological heritage of the area. Refer to Appendix M2-C (Paleontology study; D Wilken, 2025) | | | | | | | |
| Impact Rating | Impact Status | Negligible Impact | | Negative / Negligible Impact | | Positive / Negligible Impact | |
| | Negative Impact | Negligible | 5 | Low/ Negligible | 5 | Low / Negligible | 5 |
| Impact 2: | Loss / disturbance of heritage | | | | | | |

| | | | | |
|--|---|-------------------|--------------------|-------------------|
| Nature of impact: | Direct (loss of resource / damage to resource) | | | |
| Incorrect planning can result in unnecessary impacts on heritage resources. No impacts are expected as result of operations, no further assessment is required and no mitigation measures are necessary. Refer to Appendix M2-C (Heritage study C Booth, 2025) | | | | |
| Impact Rating | Impact Status | Negligible | Negligible Impact | Negligible Impact |
| | Impact Criteria | No go alternative | Without mitigation | With mitigation |
| | Impact Significance | | | |

| | |
|--------------------------|--|
| Alternative: | Current dwellings and re-routed access road; no go alternative |
| NEMA LN Activity | Removal vegetation; activities within 100m of HWM; coastal property (tbc), tourism |
| PNCO, NEMBA, NFA | Permits required - species of conservation concern included in NEMBA and PNCO (flora and fauna) and NFA (trees) |
| NEMBA, CARA | AIS to be removed by landowner; |
| NEMWA | Waste management hierarchy – avoid, reduce, reuse, recycle, dispose |
| Aspect | Construction activities and equipment, disturbance footprints, AIS management, operations and maintenance, tourists, vehicles |
| Impact 1: | Loss of indigenous vegetation and disturbance to fauna |
| Nature of impact: | Direct; indirect (loss of vegetation, disturbance to fauna) ; cumulative (in combination with similar activities in area) |

The site is one of several coastal dwellings within a relatively undeveloped landscape. Access to the site is via an unpaved track/road from the north-east, which serves several of the dwellings in the surrounding area. The national Vegetation map, 2024, shows the site falls on a transitional zone between St Francis Dune thicket and cape seashore vegetation (*least concern* status - National Biodiversity Assessment (2022), with vegetated palaeodunes on the inland side and directly adjacent to a small sandy beach within the broader stretch of rocky shore. The two dwellings, and rerouted portion of access road, are situated within a footprint where natural vegetation was cleared historically in order to construct the original dwellings. The remainder of the farm portion is undeveloped and in a natural/near natural state. The entire activity has taken place within an area that was previously disturbed by the historical seaside dwelling. The eastern deck on the eastern dwelling is situated on the previous portion of the access road which would have been significantly disturbed with only a few secondary and remnant tufts indigenous plants common in the surrounding undisturbed areas. The new section of the access route has been diverted behind the dwelling and appears to be across a previously cut and fill area at the rear of the dwelling which most likely consisted of secondary thicket vegetation elements, which would have regenerated in the fill area after construction of the dwelling historically. It is not likely that any original natural vegetation of significance was cleared, as the area behind the dwelling is clearly historically disturbed. The deck on the western dwelling was likely constructed over a previous disturbed area that is not likely to have had any natural vegetation other than perhaps a few weed tufts. No endemic and range restricted fauna / flora species were recorded to be present. Several species are known from the surrounding area but were not recorded on within the affected site footprint or likely affected by the proposed activity. The site falls within the general distribution range of several endemic flora species and other flora species with a highly localised distribution, some of which are Critically Endangered, Endangered, Vulnerable or Rare. Some of these flora species are also only from a single or a few populations. No Endangered or Critically Endangered flora species were confirmed to be present. No Endangered or Critically fauna species were found to be present nor are known to be present in close proximity to the affected area or are likely to be directly affected by the proposed activity. The site falls within the general distribution range of a single faunal SCC, however none are confirmed to be present. Since the project footprint is relatively small and is also surrounded by extensive outlying areas of natural habitat, any disturbance or displacement associated with increased activity or habitat destruction as a direct result of the activity is unlikely to pose a significant negative impact faunal species and in particular the species of special concern.

Acacia cyclops (Rooikrantz) is known to proliferate in the area and was historically introduced to stabilise the mobile dune field that is situated to the north of the site. This species has not proliferated in the area directly adjacent to the site footprint but is common in the wider surrounding area where it is present as localised dense clumps as well as scattered trees.

Intactness of vegetation for the site and footprint is Very Low. Intactness of indigenous for the broader site outside of the footprint is Moderate to High. Alien invasion for the site and footprint is Low. Invasion for the broader site outside of the footprint is Low to High (localised dense clumps and scattered trees). The entire site footprint has a low sensitivity. The unaffected area surrounding the site footprint would be designated a Moderate to High sensitivity but is not affected by the activity. No-go areas are not identified but no further mechanical clearing of natural vegetation should occur on the vegetated dune behind the dwelling or within the littoral active zone. No direct or indirect or cumulative impacts are anticipated pertaining to terrestrial biodiversity due to the existing transformation of the site above pre-existing baseline levels. Risks to Irreplaceable Biodiversity Resources is low to very low. The Site Sensitivity Verification disputes the terrestrial biodiversity very high sensitivity, as the footprint is within an existing disturbed area (dwelling and road). The specialist thus designates a low terrestrial biodiversity sensitivity for the affected footprint. The Site Sensitivity Verification disputes the flagged medium flora ('plant') species designations, the specialist assigning a low plant species sensitivity. The Site Sensitivity Verification disputes the flagged medium fauna ('animal') species designations, the specialist assigning a low animal species sensitivity.

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|----------------------|----------------------------|-------------------|-----------|-------------------------------|-----------|--------------------------------------|----------|
| Impact Rating | Impact Status | Negligible | | Negative Impact | | Negative Impact | |
| | Impact Criteria | No go alternative | | without mitigation (occurred) | | With mitigation (future maintenance) | |
| | Impact Significance | Low | 10 | Low | 10 | Low | 9 |

Impact 2: Soil disturbance

Nature of impact: Direct (soil erosion, soil loss, damage to soil structure)

Mismanagement of soil leads to damage of soil structure and loss of soil; unnecessary removal of intact vegetation in the area can lead to erosion. Mismanagement of stormwater can result in soil erosion if not correctly managed.

| | | | | | | | |
|----------------------|----------------------------|--------------------|---|--------------------|-----------|-----------------|-----------|
| Impact Rating | Impact Status | Negligible | | Negative Impact | | Negative Impact | |
| | Impact Criteria | Baseline / no go - | | Without mitigation | | With mitigation | |
| | Impact Significance | Negligible | 5 | Medium | 12 | Low | 10 |

Impact 3: General Waste pollution

Nature of impact: Direct and indirect and cumulative (Sensitive coastal area, disturbance to flora and fauna; health impacts, visual impacts)

Waste generated needs to be carefully managed to ensure impacts on the environment are reduced. It is unclear what precautions were taken during construction however various site visits carried out found no evidence of construction rubble on site or litter in the general area. Typical general waste streams generated for maintenance related and operational activity: Subsoils not reused; Construction rubble; General waste items (paper, tins, plastic, metals, organic, cleared AIS).

| | | | | | | | |
|----------------------|----------------------------|------------------|---|---|----|------------------------------|---|
| Impact Rating | Impact Status | Negative Impact | | Negative Impact | | Negative Impact | |
| | Impact Criteria | No go / baseline | | Without mitigation (construction no mitigation) | | With mitigation (operations) | |
| | Impact Significance | Low | 8 | Medium | 12 | Low | 7 |

Impact 4: Hazardous Waste pollution

Nature of impact: Direct and indirect and cumulative (Sensitive coastal area, disturbance to flora and fauna; health impacts, visual impacts)

Hazardous materials and any hazardous waste generated during operations needs to be carefully managed to ensure impacts on the environment are minimised. It is unclear what precautions were taken during construction to manage hazardous substances; careful storage and management is required for operations. Typical hazardous materials / waste streams used / generated during maintenance related and operational activity: Fuels, oils, oil-based paints, turpentine and related spillages etc, sewage waste from ablution facilities

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|----------------------|----------------------------|------------------|---|---|---|------------------------------|---|
| Impact Rating | Impact Status | Negligible | | Negative Impact | | Negative Impact | |
| | Impact Criteria | No go / baseline | | Without mitigation (construction no mitigation) | | With mitigation (operations) | |
| | Impact Significance | Low | 8 | Low | 9 | Low | 7 |

Impact 5: Unintentional and uncontrolled fires can have high significant impacts on the social and natural environment

Nature of impact: Direct (fire) and indirect (visual, smoke, smog)

Unintentional and uncontrolled fires can have high significant impacts on the social and natural environment. The dwelling and immediate surrounding area is comprised of thicket vegetation and low AIS infestation; the wider area has low to moderate AIS invasion in some areas. Due to location on the coastline and thicket vegetation; the site is considered to be in a low-risk area.

| | | | | | | | |
|----------------------|---------------------|------------------|----|--------------------|----|-----------------|----|
| Impact Rating | Impact Status | Negative | | Negative Impact | | Negative Impact | |
| | Impact Criteria | No go / baseline | | Without mitigation | | With mitigation | |
| | Impact Significance | Low | 10 | Low | 10 | Low | 10 |

Impact 6: Social - Noise impacts

Nature of impact: Noise impacts disturbing residents and associated activities in the settlement

Sources of noise during construction phase include construction personnel, vehicles and machinery used for clearing of vegetation, levelling, and excavation. Any noise generated is likely to be experienced by those close to the construction activity. Construction has been completed; noise levels associated with operations are considered short lived and negligible with mitigation measures in place.

| | | | | | | | |
|----------------------|---------------------|------------------|---|--------------------|----|------------------------------|---|
| Impact Rating | Impact Status | Negative | | Negative Impact | | Negative / Negligible Impact | |
| | Impact Criteria | No go / baseline | | Without mitigation | | With mitigation | |
| | Impact Significance | Low | 8 | Medium | 12 | Low | 8 |

Impact 7: Social - Visual impacts / sense of place

Nature of impact: Direct - Visual impacts from construction activities in close proximity to residents. Direct - Sense of place impacts experienced in short term after renovations due to change in landscape of area.

Sources of visual impacts during construction phase include poor housekeeping and poor waste management. Construction was completed within 6 months. Receptors during this time include other people making use of the area. The site is not immediately adjacent to dwellings in the area. The dwellings were renovated and expanded on the previous footprints and no new development footprints in the area were created. The visual landscape of the area now includes two dwellings, have been expanded and renovated and modernised and this is expected to have a low negative impact on frequent user of the landscape. Light at night is recommended to be minimised to reduce cumulative light pollution in the area.

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|----------------------|---------------------|------------------|---|--------------------|----|------------------------------|---|
| Impact Rating | Impact Status | Negative | | Negative Impact | | Negative / Negligible Impact | |
| | Impact Criteria | No go / baseline | | Without mitigation | | With mitigation | |
| | Impact Significance | Low | 8 | Medium | 11 | Low | 8 |

Impact 8: Social - Income generation

Nature of impact: Direct (employment, sourcing of materials and associated services) and indirect (skills development and transfer of skills)

Construction phase would have resulted in temporary employment direct employment; 10 employment opportunities are estimated to have been created during the planning and construction phase. Income generation would have been created through the sourcing of services and materials required. Operational phase will offer passive income to the landowner and a private holiday residence, similar to baseline.

| | | | | | | | |
|----------------------|---------------------|------------------|----|-----------------------------------|----|------------------------------|----|
| Impact Rating | Impact Status | Positive | | Positive Impact | | Positive Impact | |
| | Impact Criteria | No go / baseline | | Without mitigation (construction) | | With mitigation (operations) | |
| | Impact Significance | Medium | 11 | Medium | 11 | Medium | 11 |

Impact 9: Freshwater for domestic consumption

Nature of impact: Direct / Indirect / cumulative as applicable

Freshwater for domestic consumption is obtained from a borehole located on an adjacent property over 100m from the high-water mark. No water resources have been disturbed by this coastal development; no change in water supply has resulted due to renovation.

| | | | | | | | |
|----------------------|---------------------|------------------|---|--------------------|---|-----------------|---|
| Impact Rating | Impact Status | Negative Impact | | Negative Impact | | Negative Impact | |
| | Impact Criteria | No-go / baseline | | Without mitigation | | With mitigation | |
| | Impact Significance | Low | 9 | Low | 9 | Low | 9 |

Impact 10: Electricity USE

Nature of impact: Direct / Indirect / cumulative as applicable

Energy use includes a combination of gas and solar power. Best practice energy saving measures are to be incorporated into operations. The impact on non-renewable energy resources is considered low / negligible for the development and operations.

| | | | | | | | |
|----------------------|---------------------|------------------|---|--------------------|---|-----------------|---|
| Impact Rating | Impact Status | Negative Impact | | Negative Impact | | Negative Impact | |
| | Impact Criteria | No-go / baseline | | Without mitigation | | With mitigation | |
| | Impact Significance | Low | 8 | Low | 8 | Low | 8 |

5. Conclusion

No negative impacts of high or very high significance were identified. Incorrect soil management and waste management during construction are rated as negative of medium significance with no mitigation in place. Social impacts (noise, visual / sense of place) are rated as negative of medium significance with no mitigation in place. All impacts relating to operations with mitigation measures in place are rated as low / negligible with exception of storm surges which are considered to remain a risk for life of operations. The development is expected to have had a positive impact due to temporary employment and expected to have a positive impact on income generation and property value during operations. of medium significance. (Refer to impact assessment in Annexure M2)

A draft EMPr (Annexure M4) has been prepared which is recommended to be approved should environmental authorisation attained, and all recommended mitigation measures implemented. The Public participation and comments and response report is provided in annexure M3 which details the public participation carried out to date and comments received to date. Cross references to sections in this draft application are included in the response section of Annexure M3.

The draft Section 24G NEMA application for environmental authorisation will be distributed to all registered and affected parties for a minimum of a 30-day comment and review period.

Review and Comment Period: 22 April – 29 May 2026

Thereafter the application and accompanying annexures will be updated as required as submitted to the competent authority for consideration.

Contents

| | | |
|--|---|-----------|
| 1. | Introduction..... | 3 |
| 2. | Requirements in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) | 3 |
| 3. | Screening tool report and specialist studies | 4 |
| 4. | Impact Assessment summary..... | 6 |
| 1 | Planning and Design Phase and subsequent construction and operation..... | 6 |
| 2 | Construction Phase and operations as applicable and maintenance during operations as required | 8 |
| 5. | Conclusion | 12 |
| Part 1 - Section A: Application INFORMATION | | 19 |
| 1. | PROJECT description | 19 |
| 2. | APPLICANT PROFILE INDEX | 25 |
| 3. | APPLICATION HISTORY | 29 |
| PART 1 - SECTION B: ACTIVITY INFORMATION | | 30 |
| 1. | ACTIVITIES APPLIED FOR: | 30 |
| 2. | Activity DESCRIPTION..... | 38 |
| 3. | ACTIVITY NEED AND DESIRABILITY..... | 40 |
| 4. | Physical size of the activity..... | 40 |
| 5. | Site Access..... | 40 |
| 6. | Site photographs..... | 42 |
| 7. | APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES | 42 |
| 8. | WASTE QUANTITIES (WHERE THE ACTIVITY IS A LISTED WASTE MANAGEMENT ACTIVITY)..... | 43 |
| 9. | GENERAL (WHERE THE ACTIVITY IS A LISTED WASTE MANAGEMENT ACTIVITY)..... | 44 |
| | Prevailing wind direction (e.g. NWW)..... | 44 |
| | The size of population to be served by the facility | 44 |
| PART 1 - SECTION C: PROPOSED PUBLIC PARTICIPATION..... | | 45 |
| 7.1 | Public participation process | 45 |
| 7.2 | Public participation undertaken prior to the submission of this application..... | 46 |
| 7.3 | List of State departments consulted/to be consulted..... | 47 |
| PART 1 – SECTION D: ANNEXURES TO PART 1 | | 49 |
| PART 2 - Section A: directive..... | | 50 |
| PART 2 - SECTION B: DEFERRAL | | 52 |
| PART 2 - SECTION C: QUANTUM OF THE SECTION 24G FINE..... | | 53 |

APPLICATION FORM FOR THE REGULARISATION OF UNLAWFUL COMMENCEMENT OR CONTINUATION OF A LISTED ACTIVITY OR WASTE MANAGEMENT ACTIVITY IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), AS AMENDED

OB Number
ED Number
File Reference Number:
NEAS Reference Number:
Date Received:

(For official use only)

PROJECT TITLE

COMMENCEMENT OF LISTED ACTIVITIES WITHOUT AN ENVIRONMENTAL AUTHORISATION AT PORTION 12 OF THE FARM ONGEGUNDE VRYHEID NO 746, KOUGA LOCAL MUNICIPALITY.

Ref: SBROB#2021-05-02

Kindly note that:

1. This application form must be completed for all applications in terms of S24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.
2. It is the responsibility of the Applicant / Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the application form have been published or produced by the relevant competent authority.
 - 2.1 The Environmental Assessment Practitioner (EAP) must ensure that he/she is registered in terms of the regulations published in terms S24H of NEMA with the Registration Authority EAPASA. (Registration status of the EAP may be confirmed at www.eapasa.org) as from 8 August 2022. **The EAPASA registration certificate must be attached with the declaration.**
 - 2.2 S24H (14) states that “only a person registered as an Environmental Assessment practitioner may perform tasks in connection with an application for an environmental authorisation contemplated in:
 - (a) Chapter 5 of the Act read with the Environmental impact Assessment Regulations.
 - (b) Section 24G of the Act
 - (c) Chapter 5 of the National Environmental Management Waste Act 2008 (Act No 59 of 2008) read with the Environmental Impact Assessment Regulations
 - 2.3 Tasks in regulation 14 may only be conducted by an EAP that is registered
 - 2.4 Regulation 20 of S24H indicates the offences and penalties as indicated below:

20 Offences and penalties

 - (1) A person is guilty of an offence if that person-
 - (a) contravenes regulation 14 of the Regulations; or
 - (b) pretends to be a registered environmental assessment practitioner or registered candidate environmental assessment practitioner.
 - (2) A person convicted of an offence in terms of subregulation (1) is liable to the penalties contemplated in Section 49B(3) of the Act i.e. “A person convicted of an offence in terms of section 49A(1)(h), (l), (m), (n), (o) or (p) is liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.”
3. This application form is structured as follows:

PART 1

Section A: Application Information

Section B: Activity Information

Section C: Proposed Public Participation Process

Section D: Appendices

PART 2

Section A: Directive

Section B: Deferral

Section C: Quantum of the fine

PART 3

Section A: Declaration by applicant.

Section B: Declaration by EAP

4. An independent EAP must be appointed to complete Part 2 Section C.1 of the application form on behalf of the applicant. The applicant or the appointed EAP must complete Part 1 and the remainder of Part 2. Both the EAP and Applicant must complete and sign the applicable declarations in Part 3.
5. 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 extends as each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g. Arial 10).
6. The use of "*not applicable*" in the application form must be done with circumspection.
7. No faxed or e-mailed applications will be accepted unless agreed to with the Department where circumstances prevent the submission of physical documents. This application form must be submitted by hand or mailed to the relevant competent authority.
8. Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. Upon request, any interested and affected party must be provided with the information contained in and attached to this application form.
9. This application form constitutes the initiation of the S24G application process.

Kindly note further that:

10. Section 24G of the NEMA, without affecting any criminal liability of a person who has acted in contravention of the above, makes provision for that person to submit an application to the relevant MEC/Minister, which, if successful, will enable that person lawfully to continue with the listed activity and/or legalise an otherwise unlawful structure.
11. Before the Minister/MEC may take a decision in respect of the application, the applicant is required to pay an appropriate administrative fine, determined by the competent authority, which fine may not exceed five million Rand (R 5 000 000.00) per listed activity unlawfully commenced or per application where the activities are interrelated.
12. It is the responsibility of the applicant to familiarise himself/herself/itself with all the possible consequences associated with the submission of this application including, but not limited to, the following:
 - This application (including a positive decision in respect hereof) in no way affects any criminal liability that the applicant may have incurred in respect of the activities which were commenced, undertaken and/or conducted unlawfully as listed in paragraph 1 above, and in respect of which this application relates.
 - The processing of this application may be deferred pending the outcome of criminal proceedings, should criminal proceedings be instituted against the applicant in respect of the abovementioned activities; or where criminal proceedings are pending against the applicant in respect of a similar contravention of section 24F of NEMA or section 20(b) of NEM:WA.

- Before the competent authority may take a decision on the application, an administrative fine determined by the competent authority must be paid, in full, by the applicant.
 - That neither the submission of this application, nor the payment of the administrative fine implies that authorisation will be issued for the continuation of an activity/activities that commenced, undertaken and/or conducted unlawfully. This decision will depend on the merits of the application itself.
13. Activities which result in detrimental impacts to the environment are considered in a serious light by the competent authority and accordingly applicants must understand that by lodging an application for the continuation of an activity/ activities that commenced/ was undertaken or conducted unlawfully does not necessarily imply that the activity will be authorised. In terms of the NEMA the Minister/MEC may either refuse to issue an environmental authorisation/waste management licence; conditionally authorise the activity or direct you, the applicant, to provide further information or take further steps prior to making a decision.

DEPARTMENTAL DETAILS

Applications must be submitted to the Department of Economic Development Environmental Affairs and Tourism Regional Office in the applicable district where the activity, the subject of the application took place. The addresses for the Regional Offices are:

| Region | Postal | Physical |
|-----------------------|--|---|
| Alfred Nzo | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Alfred Nzo Region P/Bag X3513 Kokstad 4700 | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism 206 Magistrates Street Old College of Education Maluti |
| Amathole | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Amathole Region P/Bag X9060 East London 5200 | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Alderwood House Palm Square Business Park Bonza Bay Road Beacon Bay 5241 |
| Chris Hani | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Chris Hani Region P/Bag X9636 Queenstown 5320 | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Komani Office Park Block E Komani Hospital Queenstown 5320 |
| Joe Gqabi | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Joe Gqabi Region P/Bag X1016 Aliwal North 9750 | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Old Library Building 27 Queens Terrace Aliwal North 9751 |
| OR Tambo | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism OR Tambo Region P/Bag X5029 Mthatha 5099 | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism 5 Floor Botha Sigcau Building Corner Owen and Leeds Street Mthatha 5099 |
| Sarah Baartman | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Sarah Baartman P/Bag X5001 | Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Corner Athol Fugard Terrace and Castle Hill Lane |

| | | |
|--|---------------------|-----------------------------------|
| | Greenachers 6057 | Central Port Elizabeth 6001 |
|--|---------------------|-----------------------------------|

PART 1

PART 1 - SECTION A: APPLICATION INFORMATION

1. PROJECT DESCRIPTION

Please provide a detailed description of the project / activities undertaken

The property (portion 12 (a portion of portion1) of the Farm Ongegunde Vryheid No. 746) was purchased by the current landowner in 1997 (Title Deeds – Appendix M1); The farm portion is an estimated 46 ha in extent.

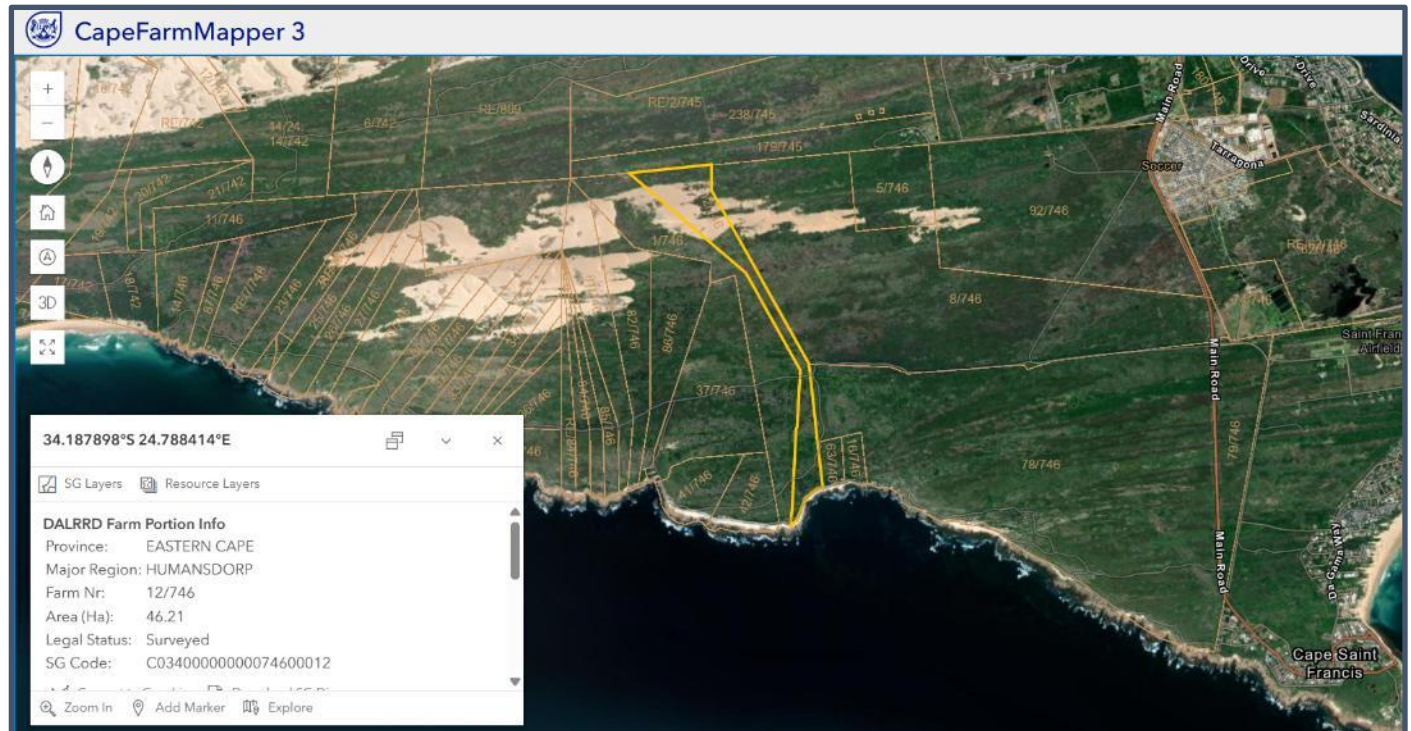


Figure 1: Portion 12 of Farm Ongegunde Vryheid 746 located in Mosterthoek, Cape St Francis, Kouga Local Municipality

ENTITLED TO the following special condition contained in Deeds of Transfer dated 27 February 1907, nos. 1525, 1526, 1527, 1528, 1529, in favour of C. Mostert, J.W. Gerber, W.P.J. Mostert, W.H. Moolman respectively:

"That the fountain marked on on the diagram of Lot T is common to the proprietors of Lots T and M; From m to n is a 20 feet right of way."

2 May 1966 — Servitude: In terms of Notarial Deed No. 303/66, dated 28 February 1966 and now registered, Lot U of the farm Ongegunde Vryheid, measuring 138.7660 morgen, held under Title Deed T1605/60, is entitled to a servitude over Lot A of Lot M of the farm Ongegunde Vryheid mentioned below, namely a water pipeline servitude via an underground pipeline over said Lot M, along the route shown as figure on Servitude Diagram No. SG 6887/64 attached thereto — along with other rights and obligations as more fully described in the said Notarial Deed, a copy of which is attached hereto. Ongegunde Vryheid

1 March 1968: In terms of Notarial Deed No. 62/1986, registered this day, the exercise of the rights granted under Notarial Deed No. 303/66, as endorsed hereon on 2 May 1966, is transferred to the trustee for the future local authority of the town of Cape St Francis.

Two dwellings were in place at the time. The northeastern dwelling (hereafter referred to as dwelling 1) consisted of 5 rooms and an outside cottage; the 5 rooms sleep 2 people per room and have been rented to guests since ownership in 1997. The outside room is not rented. A maximum of 12 guests has been permitted at the NE dwelling over the years. The southwestern dwelling (hereafter referred to as dwelling 2) has been used by the landowners as a private holiday residence.

Estimated development footprints:

Prior to 2021:

Dwelling 1 – 265 m² with road in front of the dwelling (estimated 180m²) on coastal side (445m²)

Dwelling 2 – 60m²

Road between dwellings: 300 m²

Total footprint: 805m²



Figure 2: Old dwelling (prior to 2021) (courtesy of registered IAP, 2025 – refer to PP and CRR in Annexure)

Renovated / expanded footprints post 2021:

Dwelling 1 – 390 m² (original footprint: 265m² – expanded by 125m²)

Access road rerouted behind dwelling - 260m²

Dwelling 2 – 105m² (original footprint: 60m² - expanded by 45m²)

Road between dwellings (existing): 300 m²

Total footprint: 1055m²

(Plans and as built drawings are provided as Annexure J)

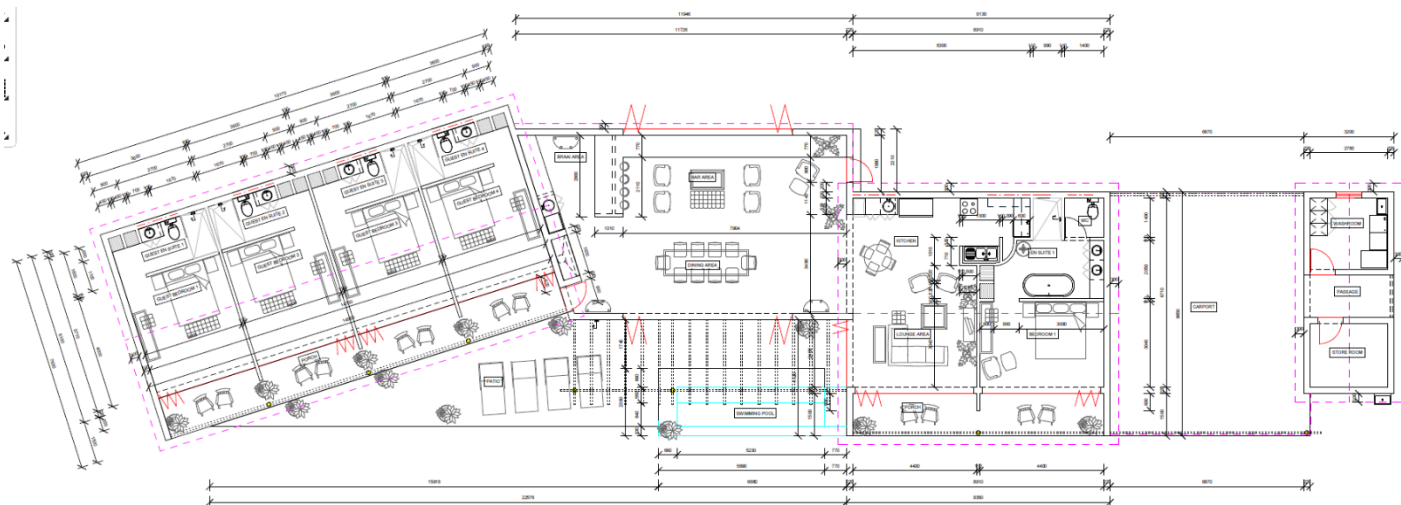


Figure 3: Plans showing renovations- Dwelling 1 (adapted from Vatelier Plancad – Appendix J)



Figure 4: Dwelling 1 (current)

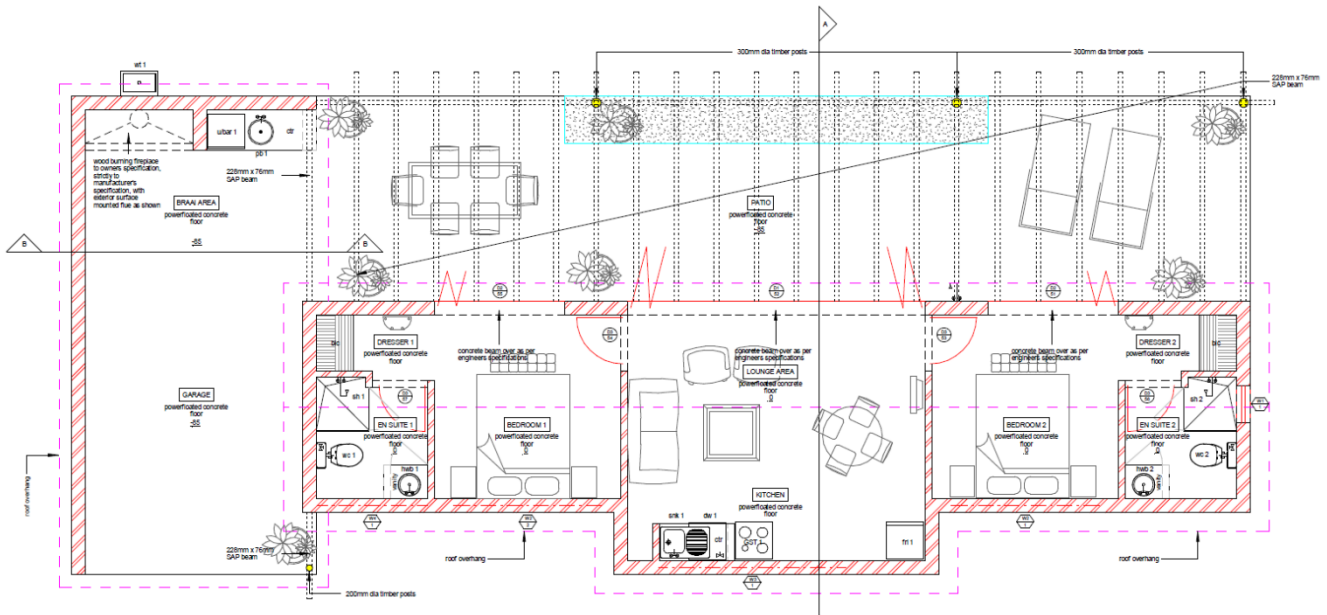
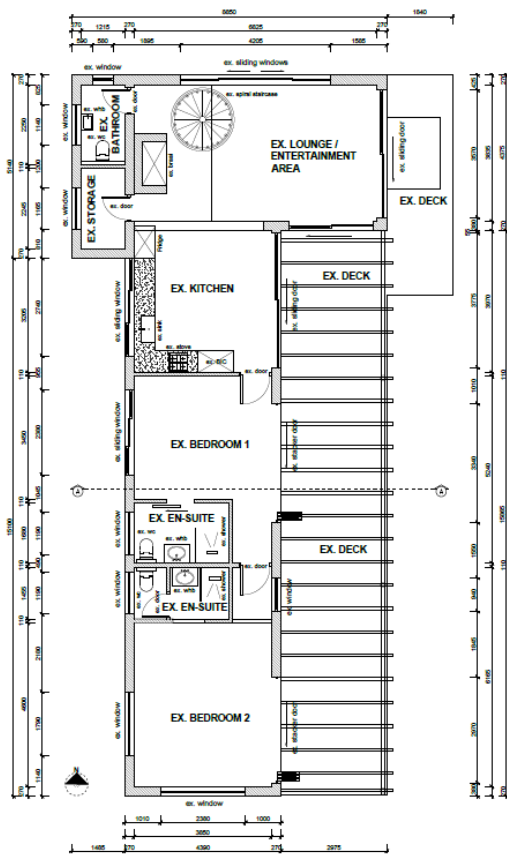
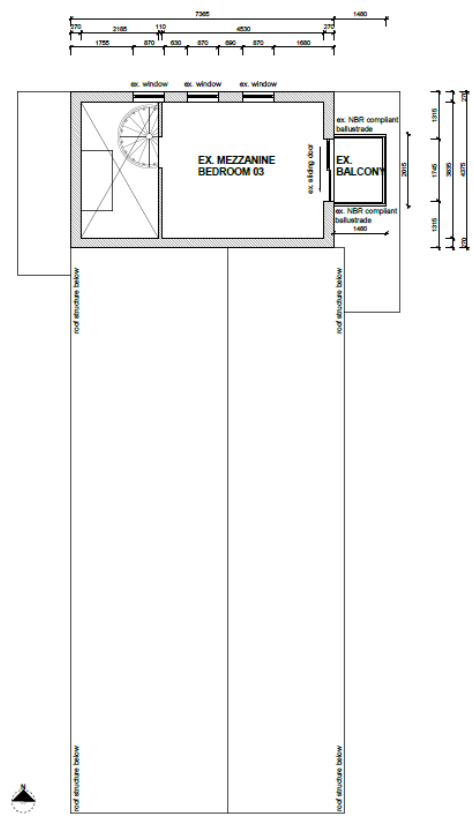


Figure 5: Plans showing renovations- Dwelling 2 (adapted from Vatelier Plancad – Appendix J)

MOASTERTHOEK HOUSE 01
CAPE ST. FRANCIS _ EASTERN CAPE



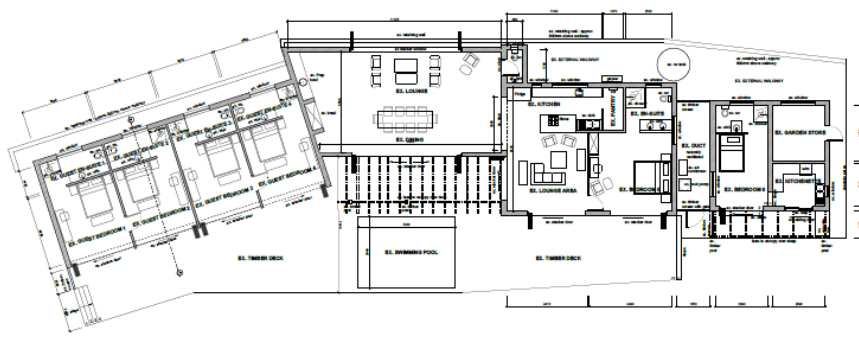
EXISTING GROUND STOREY LAYOUT
SCALE 1:50



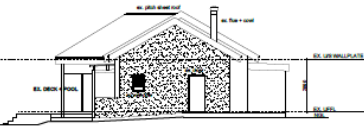
EXISTING MEZZANINE LAYOUT
SCALE 1:50

Figure 6: As built drawings of Dwelling 1 (adapted from RYNO VAN ROOYEN SACAP: PSAT24714145– Appendix J1)

MOASTERHOEK HOUSE 02
CAPE ST. FRANCIS _ EASTERN CAPE



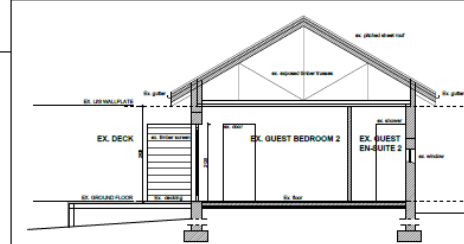
GROUND FLOOR PLAN - AS BUILT
scale 1:100



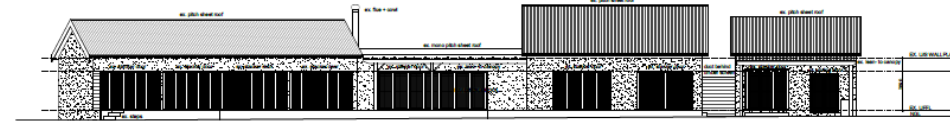
NORTH EAST ELEVATION
scale 1:100



SOUTH WEST ELEVATION
scale 1:100



SECTION A-A
scale 1:50



SOUTH ELEVATION
scale 1:100



NORTH ELEVATION
scale 1:100

Figure 7: As built drawings of Dwelling 2 (adapted from RYNO VAN ROOYEN SACAP: PSAT24714145– Appendix J2)



Figure 8: Dwelling 2 (current)

Environmental authorisation for relevant tourism activity has not yet been applied for or authorised. (Activity 2 (c), Environmental Conservation Act (Act 73 of 1989) (ECA); Environmental authorisation has not yet been applied for or authorisation for activities listed in terms of the listing notice (LN) 1 and LN 3 of the environmental impact assessment (EIA) regulations 2014 (as amended, 2017) promulgated in terms of the National environmental management act (act 107 of 1998) (NEMA) for construction activities within 100 meters of the high water mark and removal of 300m2 or more of indigenous vegetation (LN1 activities –17, 19A, 54; LN 3 activities – 5 (Similarly listed to Activity 2c, ECA), 12).

An application is proposed to be submitted in terms of Section 24G of the NEMA. This draft Section 24G NEMA application for environmental authorisation will be distributed to all registered and affected parties for a 30-day comment and review period. Thereafter the application and accompanying annexures will be updated as required as submitted to the competent authority for consideration.

2. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

| | | | |
|---------|--|-----|--|
| 2. 1 | The applicant is an individual | YES | |
| 2. 2 | The applicant is a company | YES | |
| 2. 3 | The applicant is a government department, state-owned enterprise or municipality | | |
| 2. 4 | Other (specify) | | |
| 2. 5 | There is more than one individual / company responsible for the unlawful commencement of listed activities / listed waste management activities. | | |

| | | | | | | | | | | | | | |
|---|--|---|---|---|---|---|--------------|------------|---|---|---|---|---|
| Name of Project applicant: | Soundprops 1246 cc (Family trust) | | | | | | | | | | | | |
| RSA Identity number: | 7 | 8 | 0 | 6 | 1 | 0 | 5 | 0 | 6 | 0 | 0 | 8 | 4 |
| Contact person: | Mr Ryan Butcher | | | | | | | | | | | | |
| Position in company | Member | | | | | | | | | | | | |
| Registered Name of Company/ Closed Corporation | Soundprops 1246 cc | | | | | | | | | | | | |
| Trading name (if any): | NA | | | | | | | | | | | | |
| Registration number | 1993/004722/23 | | | | | | | | | | | | |
| Postal address: | 66 Tom Brown Boulevard, St Francis Bay | | | | | | | | | | | | |
| | | | | | | | Postal code: | 6312 | | | | | |
| Telephone: | 0313353760 | | | | | | Cell: | 0833894069 | | | | | |
| E-mail: | ryan@hurricanesurf.net | | | | | | Fax: | () | | | | | |
| Please Note: In instances where there is more than one individual / company responsible for the unlawful commencement of listed activities / waste management activities, please attach a list of with all contact details as Annexure A. (Not applicable) | | | | | | | | | | | | | |

| | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--------------|------------|--|--|--|--|--|
| Environmental Assessment Practitioner (EAP): | Claire De Jongh | | | | | | | | | | | | |
| Contact person: | Claire De Jongh | | | | | | | | | | | | |
| Postal address: | 17 High St, Mount Pleasant, Gqeberha | | | | | | | | | | | | |
| | | | | | | | Postal code: | 6070 | | | | | |
| Telephone: | 0846074743 | | | | | | Cell: | 0846074743 | | | | | |
| E-mail: | claire@ecoroute.co.za | | | | | | Fax: | () | | | | | |
| EAP Qualifications | BSc Environmental Management; BSc (Hons) Environmental Monitoring and Modeling | | | | | | | | | | | | |
| EAP Registrations/Associations | IAIA; SACNASP; EAPASA | | | | | | | | | | | | |

| | | | | | | | | | | | | | |
|-----------------------|--|--|--|--|--|--|--------------|------|--|--|--|--|--|
| Name of Landowner(s): | Soundprops 1246 cc | | | | | | | | | | | | |
| Contact person(s): | Mr Ryan Butcher | | | | | | | | | | | | |
| Postal address: | 66 Tom Brown Boulevard, St Francis Bay. 6321 | | | | | | | | | | | | |
| | | | | | | | Postal code: | 4001 | | | | | |

| | | | |
|---|--|----------------|------------|
| Telephone: | 0833894069 | Cell: | 0833894069 |
| E-mail: | ryan@hurricanesurf.net | Fax: | () |
| Please Note: In instances where there is more than one landowner, please attach a list of landowners with their contact details as Annexure B. | | | |
| Owners consent: | Letters of consent from all landowners where the transgressor/s is not the landowner, or a detailed explanation by the applicant explaining why such letters of consent are not furnished must be attached to the application form as Annexure C. (Not applicable) | | |
| | NOTE: Applicant is the landowner | | |
| Municipality in whose area of jurisdiction the activity falls: | Kouga Local Municipality | | |
| Contact person: | Nomvelo Siwela | | |
| Postal address: | P.O. Box 21, Jeffreys Bay | | |
| | | Postal code: | 6330 |
| Telephone | 042 200 2200 | Cell: | 0671141329 |
| E-mail: | nsiwela@kouga.gov.za | Fax: | () |
| Please Note: In instances where there is more than one Municipality involved, please attach a list of Municipalities with their contact details as Annexure D (Not applicable) | | | |
| Property location: | Cape St Francis, KOUGA LOCAL MUNICIPALITY. | | |
| Farm/Erf name & number (incl. portion): | PORTION 12 OF THE FARM ONGEGUNDE VRYHEID NO 746 | | |
| SG21 Digit code: | C0340000000074600012 | | |
| Co-ordinates: | Latitude (S): | Longitude (E): | |
| Guesthouse | 34°11'51.29"S | 24°47'19.35"E | |
| "Fishermans" Cottage | 34°11'56.23"S | 24°47'17.57"E | |
| Please Note: Where there is more than one property involved (e.g. linear activities), attach a list of property descriptions as Annexure E. (Not applicable – beyond scope) | | | |
| Indicate the position of the activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates must be in degrees, minutes and seconds. The minutes must be given to at least three decimals to ensure adequate accuracy. The EAP is required to contact the relevant competent authority with regards to the projection that must be used. | | | |
| Street address: | Portion 12 of the Farm Ongegunde Vryheid No 746, Cape St Francis | | |
| Magisterial District or Town: | Cape St Francis | | |
| Please Note: In instances where there is more than one town or district involved, please attach a list of towns or districts as well as complete physical address information for the entire area as Annexure F. (Not applicable) | | | |
| Closest City/Town: | | Distance | 3.5 Km |
| Zoning of Property: | Agricultural | | |
| Please Note: In instances where there is more than one zoning, please attach a map clearly indicating the zoning of the different portions as Annexure G. (Not applicable– zoning is agricultural) | | | |
| Was a rezoning application required? – will be required for KLM open space / NEMPAA private reserve | YES | NO | |
| Was a consent use application required? | YES | NO | |
| Extracted from KLM Land use planning LAND USE CATEGORY Agriculture ZONING Agriculture Zone - PURPOSE Agriculture Objectives | | | |

To provide for the use of land for the purposes of bona fide agricultural production and for sustainable agricultural units.

Preserving suitable agricultural land by imposing stricter control of subdivision of land.

Provide for land to be developed and buildings erected for the reasonable and ordinary use of buildings that is generally associated with bona fide agricultural purposes, including agriculture worker accommodation.

USE OF THE PROPERTY - Primary Use: Agriculture

means the cultivation and/or utilisation of land for crops and plants, the keeping and breeding of animals, operation of a game farm, the utilisation of the natural veld or land on a limited or extensive basis and includes only such activities and buildings directly related to the main farming activities, but excludes abattoirs, intensive feed farming, agricultural industries and consent uses as defined

Agriculture Worker Accommodation means accommodation provided for bona fide agricultural workers, including accommodation for laborers and farm managers, as determined by the Municipality based on the extent of the bona fide agricultural activities on the land unit

Consent uses –

Abattoir

Additional Dwelling Unit

Agricultural Industry

Child Care Facility

Guest Lodging Facility

Home Occupation

Intensive-feed Farming

Nursery

Social Facility

Tourist Facility

Development parameters: Street: 10 meters; Lateral and rear: 10 meters

A consent use application is required for tourism facilities and likely for relaxation of the 10-meter rear boundary. This has not yet been done and in order to for this to take place an environmental authorisation would be required due to the property location in the landscape (within 100 meters of high water mark) and the use of the property for tourism facilities.

Note: the original title deeds indicating farming to commence. The farm consists of intact thicket (with exception of some rooikrans) and does not seem as if it has even been used for agricultural purposes.

Extracted from title deed:

Subject further to the following contained in Deed of Grant dated 15 November 1817 in favour of Gerrit Reynier van Rooyen Uitenhage Quitrent, Volume 2, folio 15: Condition in the title deed translated (pg 3 / 6)

"and shall be required (according to the existing Laws of this Colony) to ensure that the boundaries are properly marked, and that the land is brought into such a state of cultivation as it is suitable for, and this within the time of the first three years; and also that this land now being granted shall be subject to all such taxes and rights as are already applicable to similar properties or shall be made applicable in future."

The zoning therefore seems to be linked to an original title deed. This zoning for this area is deemed to be incorrect by the EAP based on the area, soil type (coastal / aeolian / saline / high permeability), current CBA classification and the vegetation on the site. The owner is in the process of rezoning the area to conservation use. This is considered a more appropriate land use. Consent use of tourism facilities will be required.

| Land Use Category | 1 Zoning | 2 Purpose | 3 Objective | 4 Primary Use | 5 Consent Use |
|---------------------------|-------------------|--------------------|--|--------------------|--|
| Open Space & Conservation | Open Space Zone 1 | Public Open Space | <ul style="list-style-type: none"> Land for the provision of active and passive recreational areas on public owned land. Generally to promote public recreation, enhance aesthetic appearance and promote the maintenance of a functional open space system. Land for protection of heritage resources and cultural activities. | Public Open Space | <ul style="list-style-type: none"> Camping Site Cemetery Child Care Facility Events Memorial Site Tourist facility |
| | Open Space Zone 2 | Private Open Space | <ul style="list-style-type: none"> Land for the provision of active and passive recreational areas on private owned land. Generally to promote private recreation, enhance aesthetic appearance and promote the maintenance of a functional open space system. | Private Open Space | <ul style="list-style-type: none"> Cemetery Camping Site Sport Facility Tourist Facility |
| | Open Space Zone 3 | Conservation | <ul style="list-style-type: none"> The use of land for conservation and natural areas. Include statutory and non-statutory conservation areas and provision for these land uses. Protection of the natural environment and for conservation and biodiversity purposes for areas which is regarded as conservation worthy. | Conservation Area | <ul style="list-style-type: none"> Holiday Accommodation Landing Pad Tourist Facility |

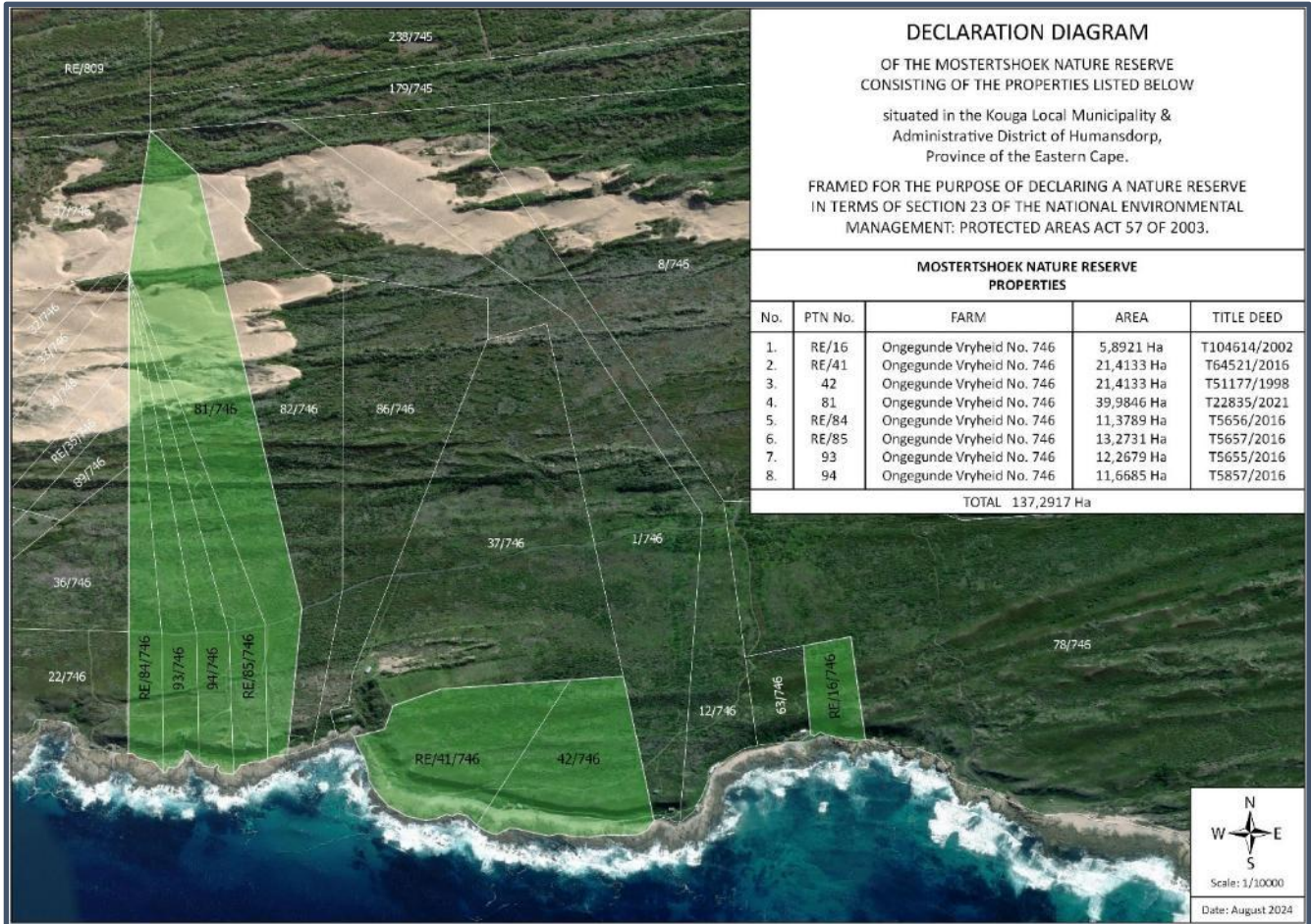


Figure 9: Surrounding properties in process of declaring their portions a nature reserve in terms of NEMPAA

Please Note: Where planning approvals have been granted, please attach the relevant approvals as Annexure H. (Not applicable) Plans and as built drawings are provided in Appendix J.

3. APPLICATION HISTORY

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

| | |
|--|-----------|
| Has any national, provincial or local authority considered any development / waste management applications on the property previously? | No |
| If so, please give a brief description of the type and/or nature of the application/s: (In instances where there were more than one application, please provide a complete list below of these applications) | |
| Which authority considered the application(s): | |
| Has any one of the previous application/s on the property been approved or rejected? If so provide a list of the successful and unsuccessful application/s and the reasons for decision/s. | |
| Provide detail on the period of validity of decision(s) and expiry dates of the above applications / licences etc. | |

I hereby apply in terms of Section 24G of the National Environmental Management Act (Act no 107 of 1998 as amended) for the regularisation of the unlawful commencement or continuation of the listed activity(ies) in Section B of the application form:

Applicant (Full names) RIAN GRAHAM BUTCHER

Place ST FRANCIS BAY

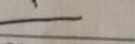
EAP (Full names) Churede Jugh

Place Setyebeld

Signature: 

Date: 20 April 2026

SUPPORT COMMANDER

Signature: 

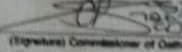
Date: 20 April 2026

KNYSNA
SOUTH AFRICAN POLICE SERVICE

SUID-AFRIKAANSE POLISIEDIENS
ST FRANCIS BAY
2026-04-01
COMMUNITY SERVICE CENTRE
SOUTH AFRICAN POLICE SERVICE

I certify that the above statement was taken by me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was sworn to /affirmed before me and deponent's signature/ mark, thumbprint was placed thereon in my presence.

ST FRANCIS BAY on 2026-04-01 at 14:05


(Signature) Commissioner of Oaths

CLARISSA DEONE PIETERSE
Full First name and Surname in Block letters

08 KANSIES STR
Business Address (Street Address)

ST FRANCIS BAY

CST
Rank

SA POLICE SERVICES

PART 1 - SECTION B: ACTIVITY INFORMATION

1. ACTIVITIES APPLIED FOR:

Applicants and EAPS are strongly advised to discuss the merits of a combined application (*if deemed applicable*) with the relevant competent authority prior to the completion of this application form and submission thereof.

The relevant competent authority will use its discretion in deciding to allow the submission of a single application for more than one NEMA section 24F(1) and / or NEM:WA section 20(b) contravention on one site.

All potential listed activities / waste management activities associated with the site must be indicated below. Only those activities for which the applicant applies will be considered.

The onus is on the applicant to ensure that all the applicable listed activities are included in the application.

Listed activities applied for. Identify the relevant listed activities applied for below:

| ECA EIA Contraventions : <u>Between 08 September 1997 end of day 09 May 2002</u> | |
|---|--|
| Activities unlawfully commenced with on or after 08 September 1997 and before end 09 May 2002: EIA Regulations promulgated in terms of the ECA, Act No 73 of 1989, as amended | |
| Listed Activity(ies) | Details of Activity(ies) |
| Activity 1(e) | The construction or upgrading of- marinas, harbours and all structures below the high-water mark of the sea No construction between 1997 and 2002 |
| Activity 2(c) | The change of land use from agricultural or undetermined use to any other land use Consent use required |
| Activity 2(e) | The change of land use for use for nature conservation or zoned open space to any other land use Not transformed for said purpose |
| EAP comment: EAP comment: Existing dwellings have been rented to tourists since purchase in 1997. No construction activities during this period Site zoned Agricultural. Consent use required for tourism land use | |

| ECA EIA Contraventions : <u>Between 10 May 2002 and before end of day 02 July 2006</u> |
|--|
| 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 No 73 of 1989, as amended |

| Listed Activity(ies) | Details of Activity(ies) |
|--|--|
| Activity 1(m) | The construction or upgrading of public and private resorts and associated infrastructure Buildings repurposed from 1997 onwards; no construction until 2020. |
| Activity 2(c) | The change of land use from agricultural or zoned undetermined use or an equivalent zoning, to any other land use Consent use required |
| Activity 2(e) | The change of land use for use for nature conservation or zoned open space to any other land use Not transformed for said purpose |
| EAP comment: Existing dwellings have been rented to tourists since purchase in 1997. No construction activities during this period. Site zoned Agricultural. Consent use required for tourism land use | |

| NEMA EIA Contraventions : <u>Between 03 July 2006 and before end of day 01 August 2010</u> | |
|---|---|
| Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after 03 July 2006 and before end of day 01 August 2010 | |
| Government Notice No. R386 Activity No(s): | Details of Activity(ies) requiring Basic Assessment |
| Activity 1(d) of GNR 386 | The construction of facilities or infrastructure, including associated structures or infrastructure, for resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003). Not designated PA in terms of NEMPAA |
| Activity 2 of GNR 386 | Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of – a) facilities for the storage of material and the maintenance of vessels; b) fixed or floating jetties and slipways; c) tidal pools; d) embankments; e) stabilising walls; f) buildings; or g) infrastructure. Road passing the dwellings in this area traverses the beach. Road in place at time. |
| Activity 5 of GNR 386 | The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea. Not reported to have occurred at this time |
| Activity 6 of GNR 386 | The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea. Not reported to have occurred at this time |
| Activity 20 of GNR 386 | The transformation of an area zoned for use as public open space or for a conservation purpose to another use. Not transformed for said purpose |

| | |
|---|---|
| Government Notice No. R387 Activity No(s): | Details of Activity(ies) requiring a Scoping Report and EIA |
| EAP comment: Existing dwellings have been rented to tourists since purchase in 1997. No construction activities during this period Site zoned Agricultural. Consent use required for tourism land use. | |

| NEMA EIA Contraventions : <u>On or after 02 August 2010 until 7 December 2014</u> | |
|---|---|
| Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after 02 August 2010 <u>until 7 December 2014</u> | |
| Government Notice No. R544 Activity No(s): | Details of Activity(ies) requiring Basic Assessment |
| Activity 18 of GNR 544 | The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from: (i) a watercourse; (ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving; is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or occurs behind the development setback line. Not reported to have occurred at this time |
| Activity 24 of GNR 544 | The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning. Agricultural zone – not triggered |
| Government Notice No. R545 Activity No(s): | Details of Activity(ies) requiring a Scoping Report and EIA |
| Government Notice No. R546 Activity No(s): | Details of Activity(ies) requiring S&EIR |
| Activity 7 of GNR 546 | The conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleep 15 people or more. Used for tourism since 1997 (Similarly listed to Activity 2c, ECA) |
| Activity 5 of GNR 546 | The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people. No construction |

| | |
|---|--|
| Activity 12 of GNR 546 | The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation. Not reported to have occurred at this time |
| EAP comment: Existing dwellings have been rented to tourists since purchase in 1997. No construction activities during this period. Site zoned Agricultural. Consent use required for tourism land use | |

| NEMA EIA Contraventions : <u>On or after 8 December 2014 up to 6 April 2017</u> | |
|---|---|
| Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after 8 December 2014 to 7 April 2017 | |
| Government Notice No. R983 Activity No(s): | Details of Activity(ies) requiring Basic Assessment |
| Activity 17 of GNR 983 | <p>Development— (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; (e) buildings of 50 square metres or more; or (f) infrastructure with a development footprint of 50 square metres or more —</p> <p>Not reported to have occurred at this time</p> |
| Activity 18 of GNR 983 | <p>The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where — (i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or (ii) such planting of vegetation or placing of material will occur behind a development setback.</p> <p>Not reported to have occurred at this time</p> |
| Activity 19 of GNR 983 | <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> |

| | |
|--|---|
| | <p>(i) a watercourse; (ii) the seashore; or (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater— 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.</p> <p>Not reported to have occurred at this time</p> |
| Activity 54 of GNR 983 | <p>The expansion of facilities— (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; (e) buildings where the building is expanded by 50 square metres or more; or</p> <p>Not reported to have occurred at this time</p> |
| Government Notice No. R984 Activity No(s): | Details of Activity(ies) requiring a Scoping Report |
| Government Notice No. R985 Activity No(s): | Details of Activity(ies) requiring Environmental Impact Assessment Report |
| Activity 5 of GNR 985 | <p>The development of resorts, lodges, hotels and tourism or hospitality facilities that sleep less than 15 people.</p> <p>No construction. (Similarly listed to Activity 2c, ECA)</p> |
| Activity 12 of GNR 985 | <p>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.</p> <p>Not reported to have occurred at this time</p> |
| Activity 17 of GNR 985 | <p>The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded.</p> <p>Not reported to have occurred at this time</p> |
| | |

Existing dwellings have been rented to tourists since purchase in 1997. No construction activities during this period. Site zoned Agricultural. Consent use required for tourism land use

NEMA EIA Contraventions : On or after 7 April 2017

Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA, Act No 107 of 1998, as amended on or after **7 April 2017**

| Government Notice No. R327 Activity No(s): | Details of Activity(ies) requiring Basic Assessment |
|---|---|
| Activity 17 of GNR 327 | <p>Development—</p> <ul style="list-style-type: none"> (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— <ul style="list-style-type: none"> (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 square metres <p>or</p> <p>more —</p> <p>but excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) 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; (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or (dd) where such development occurs within an urban area. <p>Yes:</p> <p>Renovated / expanded footprints post 2021:</p> <p>Dwelling 1 – 390 m2 (original footprint: 265m2 – expanded by 125m2))</p> <p><u>Section of access road rerouted behind dwelling - 260m2</u></p> <p>Dwelling 2 – 105m2 (original footprint: 60m2 - expanded by 45m2 towards road; not sea)</p> <p>Road between dwellings (existing): 300 m2</p> <p>Total footprint: 1055m2</p> |
| Activity 18 of GNR 327 | <p>The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where —</p> |

| | |
|--|--|
| | <p>(i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or</p> <p>(ii) such planting of vegetation or placing of material will occur behind a development setback.</p> <p>Not in compliance notices -Decking on old road / exposed sand surface with remnant vegetation</p> |
| Activity 19A of GNR 327 | <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <p>(i) the seashore;</p> <p>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</p> <p>Expanded development footprints and section of access road within 100 meters of HWM of sea</p> |
| Activity 54 of GNR 327 | <p>The expansion of facilities—</p> <p>(i) in the sea;</p> <p>(ii) in an estuary;</p> <p>(iii) within the littoral active zone;</p> <p>(iv) in front of a development setback; or</p> <p>(v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;</p> <p>in respect of—</p> <p>(a) fixed or floating jetties and slipways;</p> <p>(b) tidal pools;</p> <p>(c) embankments;</p> <p>(d) rock revetments or stabilising structures including stabilising walls; or</p> <p>(e) infrastructure or structures where the development footprint is expanded by 50 square metres or more,</p> <p>but excluding—</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(bb) where such expansion occurs within an urban area.</p> <p>Yes</p> <p>Within 100 meters of HWM</p> <p>Renovated / expanded footprints post 2021:</p> <p>Dwelling 1 – 390 m2 (original footprint: 265m2 – expanded by 125m2))</p> <p>Section of access road rerouted behind dwelling - 260m2</p> <p>Dwelling 2 – 105m2 (original footprint: 60m2 - expanded by 45m2)</p> <p>Road between dwellings (existing): 300 m2</p> <p>Total footprint: 1055m2</p> |
| Government Notice No. R325 Activity No(s): | Details of Activity(ies) requiring a Scoping Report |
| Government Notice No. R324 Activity No(s): | Details of Activity(ies) requiring Environmental Impact Assessment Report |

| | |
|--|--|
| <p>Activity 5 of GNR 324</p> | <p>5. The development of resorts, lodges, hotels, tourism or hospitality facilities that sleep less than 15 people.</p> <p>a. Eastern Cape</p> <p>iii. Outside urban areas</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined;</p> <p>or</p> <p>Used for tourism since 1997 (Similarly listed to Activity 2c, ECA))</p> |
| <p>Activity 12 of GNR 324</p> | <p>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.</p> <p>a. Eastern Cape</p> <p>i. 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;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from the high water mark of the sea, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. Outside urban areas, within 100 metres inland from an estuarine functional zone; or</p> <p>v. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation</p> <p>Yes</p> <p>Within 100 meters of HWM</p> <p>Renovated / expanded footprints post 2021:</p> <p>Dwelling 1 – 390 m2 (original footprint: 265m2 – expanded by 125m2))</p> <p>Access road rerouted behind dwelling - 260m2</p> <p>Dwelling 2 – 105m2 (original footprint: 60m2 - expanded by 45m2)</p> <p>Road between dwellings (existing): 300 m2</p> <p>Total footprint: 1055m2</p> |
| <p>Construction activities took place in 2021</p> <p>Existing dwellings were renovated and development footprints expanded.</p> <p>An existing road was diverted behind a dwelling; and a deck built over road in front of dwelling on seaward side.</p> <p>Site zoned Agricultural</p> <p>Consent use required for tourism land use</p> | |

Waste Management Activities Contraventions: On or after 3 July 2007 up to end of day 28 November 2013

| | |
|--|--------------------------|
| Activities unlawfully commenced with in terms of GNR 718 of 3 July 2009 published under the National Environmental Management Waste Act 59 of 2008 | |
| Listed Activity(ies) | Details of Activity(ies) |
| | |

| | |
|---|--------------------------|
| Waste Management Activities Contraventions : On or after 29 November 2013 | |
| Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 published under the National Environmental Management Waste Act 59 of 2008 | |
| Listed Activity(ies) | Details of Activity(ies) |
| | |

2. ACTIVITY DESCRIPTION

(Cross out the appropriate box “~~X~~” and provide a description where required).

| | | |
|--|-----|----------------|
| (a) Is/was the project a new development or an upgrade of an existing development. | New | Upgrade |
|--|-----|----------------|

| |
|--|
| (b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed, what still has to be completed and applicable commencement dates. |
| In 2021 the owner refurbished and renovated the dwellings; the following activities took place: |
| Renovated / expanded footprints post 2021: Dwelling 1 – 390 m2 (original footprint: 265m2 – expanded by 125m2)) Access road rerouted behind dwelling - 260m2 Dwelling 2 – 105m2 (original footprint: 60m2 - expanded by 45m2) Road between dwellings (existing): 300 m2 Total footprint: 1055m2 |
| Plans and as built drawings are provided in Annexure J |

| | | |
|--|-----|----|
| (c) Provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.). | YES | NO |
| Buildings | | |
| Provide brief description: | | |
| In 2021 the owner refurbished and renovated the dwellings; the following activities took place: | | |
| Renovated / expanded footprints post 2021: Dwelling 1 – 390 m2 (original footprint: 265m2 – expanded by 125m2)) Access road rerouted behind dwelling - 260m2 Dwelling 2 – 105m2 (original footprint: 60m2 - expanded by 45m2) Road between dwellings (existing): 300 m2 Total footprint: 1055m2 | | |
| Plans and as built drawings are provided in Annexure J | | |

| | | |
|--|-----|----|
| Plans provided in Annexure J | | |
| Infrastructure (e.g. roads, power and water supply/ storage) | YES | NO |
| Provide brief description: | | |
| <ul style="list-style-type: none"> • Dwelling 1 – 390 m2 (original footprint: 265m2 – expanded by 125m2)) – tourism use • Including decking on old road • Access road rerouted behind dwelling - 260m2 • Dwelling 2 – 105m2 (original footprint: 60m2 - expanded by 45m2) – personal residential use • Road between dwellings (existing): 300 m2 • Solar panels on roofs for power; gas used for cooking. • No change to existing water supply or sewage treatment. | | |
| Plans and as built drawings are provided in Annexure J | | |
| Processing activities (e.g. manufacturing, storage, distribution) | YES | NO |
| Provide brief description: | | |
| Storage facilities for raw materials and products (e.g. volume and substances to be stored) | | |
| Provide brief description | YES | NO |
| Storage and treatment facilities for solid waste and effluent generated by the project | | |
| Provide brief description | Yes | No |
| Existing conservancy tanks in place | | |
| Other activities (e.g. water abstraction activities, crop planting activities) | Yes | No |
| Provide brief description | | |

3. ACTIVITY NEED AND DESIRABILITY

| | |
|--|--|
| Describe the need and desirability of the activity: | |
| Rented out for tourism. Passive income for property is used for maintenance and upkeep of the dwellings and farm portion. Accommodation for landowners. Positive impact on visitors to the area. | |
| Indicate the benefits that the activity has/had for society in general and also indicate what benefits the activity has/had for the local communities where it is located: | |
| Tourists can spend time in the area. Accommodation for landowner | |

4. PHYSICAL SIZE OF THE ACTIVITY

| | | |
|--|------|----|
| Indicate the physical spatial size of the activity as well as associated infrastructure (footprints): | 1055 | m2 |
| Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure | 430 | m2 |
| Total area (sum of the footprint area and transformed area)(includes re-route of site access) | 1055 | m2 |

5. SITE ACCESS

| | | |
|--|------------|-----------|
| Was there an existing access road? | YES | NO |
| If no, what was the distance over which the new access road was built? | 260 m | |

Describe the type of access road constructed: [indicate the position of the access road on the site plan]

There is an access road (approximate distance: 5.6km) from the R330 to the existing dwellings in this area: this is indicated on the map below. The road along the beach, in front of existing coastal dwellings, is visible in 2005 google earth historical imagery.

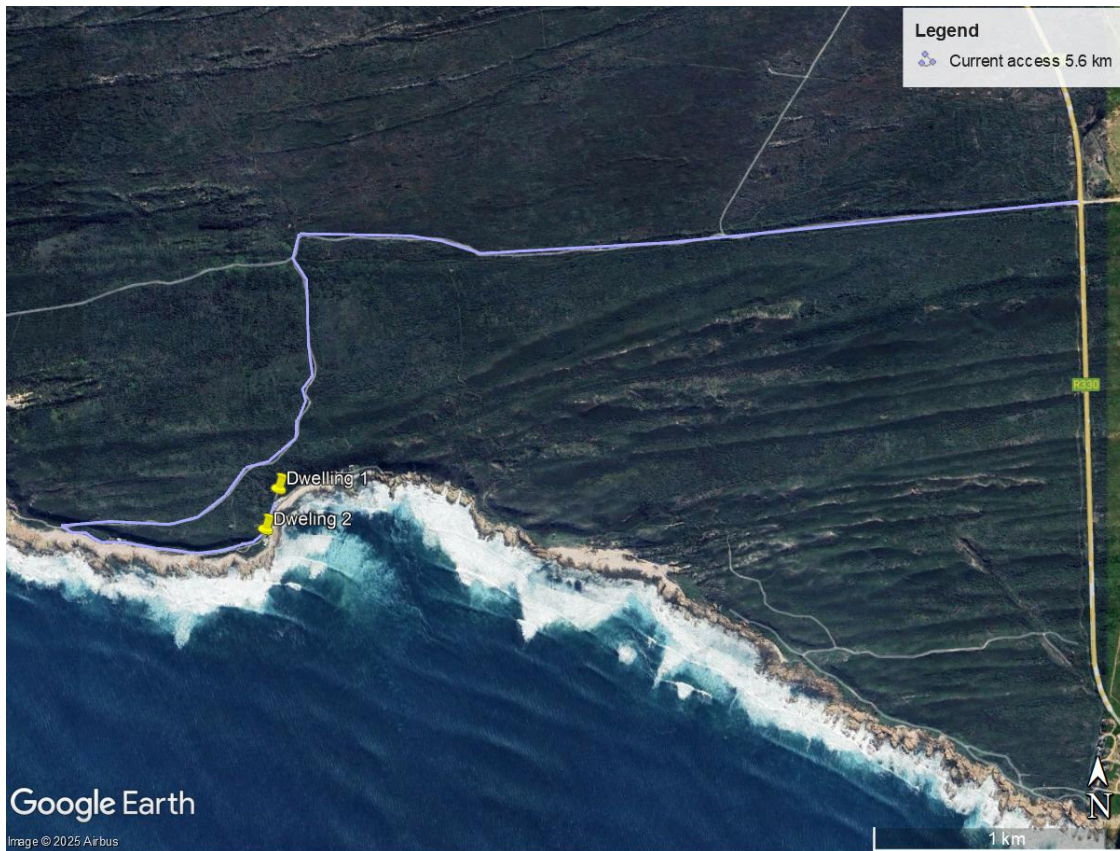


Figure 10: Access from R330 shown in blue



Figure 11: Access along beach (2005 google imagery) traversing ptn 41/746, 42/746, 1/746 to access dwellings on 12/746



Figure 12: Access along beach (2023 google imagery) traversing ptn 41/746, 42/746, 1/746 to access dwellings on 12/746



Figure 13: Access rerouted behind dwelling 1 (approximately 160m²; not wider than 4 meters)

6. 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 of photographs must be included. Photographs must be attached under Annexure L to this form.

Refer to Annexure k.

7. 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/ authorization/comment | DATE (if already obtained): |
|---|---|---|--------------------------------|
| National Water Act (Act 36 of 1998) | Department of Water and Sanitation | Section 21 water uses requiring water use license | Not applicable |
| National Forests Act (No. 84 of 1998) with amendments | Department of Fisheries, Forestry and Environmental Affairs (DFFE) | Protected trees; not applicable | Not applicable |
| Environmental conservation Act (Act 73 of 1989) | Department of Fisheries, Forestry and Environmental Affairs (DFFE) / DEDEAT | | Applicable – in process |
| National Environmental Management Act, 1998 | Department of Fisheries, Forestry and Environmental Affairs (DFFE) / DEDEAT | Public participation process Assessment of impacts Section 24 G of NEMA | Applicable – in process |

| | | | |
|---|---|--|--|
| (No. 107 of 1998) (NEMA) | | EIA regulations (2002 up until and including 2014, as amended 2017) | |
| National Environmental Management: Integrated Coastal Management Act (ICMA) | Department of Fisheries, Forestry and Environmental Affairs (DFFE) | | Applicable – in process |
| National Heritage Resources Act 25 of 1999 | South African Heritage Resources Agency / ECHRA | Regulating authority of archeology, paleontology and heritage resources | Applicable – in process |
| Eastern Cape Nature and Environmental Conservation Ordinance 19 of 1974 | Department of Economic Development and Environmental Affairs (DEDEA) - Eastern Region | Protected fauna and flora | Not likely |
| National Environmental Management: Biodiversity Act (No. 10 of 2004) | EC Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) | Protected fauna and flora Ecosystem protection | Not likely for SCC; |
| National Environmental Management: Protected Areas Act (No. 57 of 2003), as amended, 2014 | Department of Environmental Affairs | Within 10km of Protected area (AENP situated approximately 3km east of the site) | Required if rezoned from agricultural to private reserve |
| | | | |

| POLICY/ GUIDELINES | ADMINISTERING AUTHORITY |
|---|---|
| Public Participation 2010, Integrated Environmental Management Guideline Series 7 | Department of Environmental Affairs |
| Classification and definition of protected areas and conservation areas. | Department of Environmental Affairs |
| Eastern Cape Biodiversity Conservation Plan, 2023 | EC Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) |
| Eastern Cape Groundwater Plan, 2003 | Department of Water Affairs |
| Spatial Planning and Land Use Management Act (No. 16 of 2013) | Kouga Local Municipality |
| Integrated Development Plan, KLM, 2022 - 2027 | Kouga Local Municipality |
| Spatial Development Framework, KLM, 2024 | Kouga Local Municipality |
| Land Use planning, KLM, 2022 | Kouga Local Municipality |

8. WASTE QUANTITIES (WHERE THE ACTIVITY IS A LISTED WASTE MANAGEMENT ACTIVITY)

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)

| Hazardous waste | 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

| |
|--|
| |
| |
| |

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 RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL | OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL | OFFSITE DISPOSAL |
|----------------|--------------------------------|------------|-----------------------|--|--|------------------|
| | | TONS/MONTH | M ³ /MONTH | method & location | method location and contractor details | |
| | | | | | | |

9. GENERAL (WHERE THE ACTIVITY IS A LISTED WASTE MANAGEMENT ACTIVITY)

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 | | |

PART 1 - SECTION C: PROPOSED PUBLIC PARTICIPATION

7.1 Public participation process

The person conducting the public participation process must fulfil the requirements outlined in Chapter 6 of the 2014 NEMA EIA Regulations as amended in April 2017 and must take into account any applicable guidelines published in terms of Section 24J of NEMA, as well as any other guidance provided by the Department.

Please highlight the appropriate box below to indicate the public participation process that has been or is proposed to be undertaken, including exemptions that have been/will be applied for: (Note that in the event that exemptions are to be applied for, please note that the Exemption Regulations are to be complied with and the Department is to be consulted in order to determine the process and order of events).

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

| | | | |
|---|-----|----|--|
| (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 | | |
| If you have indicated that “EXEMPTION” applies to any of the above, then a separate Application for Exemption must be submitted. | | | |
| 2. The NEM: AQA and 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 | |
| If “NO”, then an application for exemption from the requirement must be applied for. | | | |

Note: It is no longer possible to obtain permission to deviate from the requirements to give notice to potential interested and affected parties. Unless exemption has been granted from a particular requirement, the requirement must be met. If an application for exemption is refused, the requirement in question must be met.

7.2 Public participation undertaken prior to the submission of this application.

| |
|---|
| <p>Where public participation in terms of Regulations 40(3) and 41 was undertaken prior to submission of this application, please provide a summary of the steps followed to date.</p> <p>Site notices have been placed, and an advert in a local newspaper has been placed to inform potential IAPS of notice of intent to submit S24G NEMA application Notices have been distributed to landowners, surrounding landowners, competent authority, organs of state and identified stakeholders and NGOs who may have interest in this application.</p> <p>A 30-day registration was provided and initial comments received have been addressed in the retrospective assessment.</p> <p>Refer to Annexure M5 and associated appendices M5-1 to M5-5.</p> <p>The draft S24G application and supporting appendices will be distributed to the registered IAPS for 30-day comment and review</p> <p>The draft will then be updated to a final S24G application and submitted to the CA for consideration.</p> <p>Refer to Annexure M5 and associated appendices M5-1 to M5-5.</p> |
| |

7.3

List of State departments consulted/to be consulted

| Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official. | | |
|--|---------------------------|--|
| DWS | Portrait Tshatshu | TshatshuP@dws.gov.za |
| DWS | Marisa Bloem | BloemM@dws.gov.za |
| DFFE Oceans and Coast | Thandeka Mbambo | TMbambo@dfpe.gov.za |
| DFFE Oceans and Coast | | OCEIA@dfpe.gov.za |
| DFFE Oceans and Coast | Nontobeko Jessica Sithole | NJSithole@dfpe.gov.za |
| DFFE Oceans and Coast | Tabisile Mhlana | tmhlana@dfpe.gov.za |
| DFFE Oceans and Coast | Mawonga Mandleni | MMandleni@dfpe.gov.za |
| DFFE Oceans and Coast | Sibusiso Mbethe | SMbethe@dfpe.gov.za |
| ECHRA | Ayanda Mncwabe-Mama | ayanda.mncwabe-mama@ecsrac.gov.za |
| ECHRA | Lungiswa Mzazi | lungiswam@ecphra.org.za |
| EC Roads – Sarah Baartman DM | Randall Moore | Randall.Moore@ectransport.gov.za ; Monde.Manga@ectransport.gov.za |
| Dept of Agriculture (EC) | Ruffus Maloma | Ruffus.Maloma@drdar.gov.za |
| DEDEAT | Andries Struwig | Andries.Struwig@dedea.gov.za |
| DEDEAT | Jeff Govender | dayalan.govender@dedea.gov.za |
| DEDEAT | Vuyo Maqutu | Vuyo.Maqutu@dedea.gov.za |
| DEDEAT | Adriaan Le Roux | Adriaan.leroux@dedea.gov.za |

| | | |
|-------|------------------|------------------------|
| SANBI | Vathiswa Zikishe | V.Zikishe@sanbi.org.za |
|-------|------------------|------------------------|

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'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 Basic Assessment Report / Scoping Report / Environmental Impact Assessment Report or any other information / report as directed by the Department 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 (as amended), inform the relevant State Departments of the commencement date of the 30 day commenting period.

PART 1 – SECTION D: ANNEXURES TO PART 1

The following annexures must be attached where appropriate:

| Appendix | Cross out (“ <input checked="" type="checkbox"/> ”) the box if Annexures attached |
|---|---|
| Annexure A: list of individuals or companies where there is more than one transgressor. | NA |
| Annexure B: List of landowners in the event that there is more than one landowner. | NA |
| Annexure C: Landowners’ consent where the transgressor is not the landowner. | NA |
| Annexure D: List of municipalities where the activities span more than one municipality | NA |
| Annexure E: List of properties where there are more than one property involved. | NA |
| Annexure F: List of magisterial districts or towns if more than one is affected. | NA |
| Annexure G: Map depicting the zonings of various portions in the event where there is more than one zoning. | NA |
| Annexure H: List of all planning approvals where such have been granted | NA |
| Annexure I Location map | YES |
| Annexure J: Site plan(s) | YES |
| Annexure K: Photographs | YES |
| Annexure L: Permit(s) / license(s) from any other organ of state including service letters from the municipality | NA |
| Annexure M: Any Other (describe) M1: Title deeds M2: Retrospective assessment and specialist studies: M3A - Aquatic biodiversity compliance statement M3B - Terrestrial Biodiversity (including flora and fauna) compliance statement M3C - Paleontology Assessment M3D - Heritage assessment M4: Draft Operational and maintenance management plan M5: Public Participation and comments and Response Report | YES |

PART 2 - SECTION A: DIRECTIVE

Section 24G(1) of the National Environmental Management Act, 1998 (Act 107 of 1998) (“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 Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (“NEM:WA”) the Minister, Minister responsible for mineral resources or MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

| | | |
|------|--|--|
| i | immediately cease the activity pending a decision on the application submitted in terms of this subsection | |
| ii | investigate, evaluate and assess the impact of the activity on the environment | |
| iii | remedy any adverse effects of the activity on the environment | |
| iv | cease, modify or control any act, activity, process or omission causing pollution or environmental degradation | |
| v | contain or prevent the movement of pollution or degradation of the environment | |
| vi | eliminate any source of pollution or degradation | |
| vii | compile a report containing- | |
| | aa | a description of the need and desirability of the activity |
| | bb | 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 |
| | cc | a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity |
| | dd | 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 |
| | ee | an environmental management programme |
| viii | 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. | |

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 representations into account, a final directive may be issued.

Note: A report has been compiled (this draft NEMA S24G application and accompanying appendices):

aa a description of the need and desirability of the activity
(Part 1: Section B – 3. Need and Desirability)

bb 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

(Impact assessment provided in annexure M2; specialist studies provided in Annexure M2a – M2d)

cc a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity

(Draft OEMPr provided in Annexure M3)

dd 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

(Draft PP and CRR provided in Annexure M4)

ee an environmental management programme

(Draft OEMPr provided in Annexure M3)

PART 2 - SECTION B: DEFERRAL

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 the 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 | NO | UNCERTAIN |
| 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. | | | |
| 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 | NO | UNCERTAIN |
| 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. | | | |
| 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 | UNCERTAIN |
| 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. | | | |

If you have answered yes 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).

PART 2 - SECTION C: QUANTUM OF THE SECTION 24G FINE

(Note that the information contained in this section can be preliminary information that is to be updated once the necessary assessments as directed by the Department has been completed)

Section 24G(4) of the NEMA makes it 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 *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.

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 2 – SECTION C.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 | |
| | The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised | X |
| | 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 socio-economic impacts. | |
| <p>Motivation: Screening tool report was generated and specialist assessments carried out as per required protocols. Specialist studies are included as an Annexures M3a-M3d. Mitigation measures are provided in the EMP in Annexure M4. The retrospective assessment is provided as Annexure M2; all impacts were found to be low to negligible.</p> | | |

| 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 not giving, has not given and could give rise to localised biodiversity impacts | |
| | The activity is not giving, has not given and 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. | |
| <p>Motivation: Screening tool report was generated and specialist assessments carried out as per required protocols. Specialist studies are included as an Annexures M3a-M3d. Mitigation measures are provided in the EMP in Annexure M4. The retrospective assessment is provided as Annexure M2; all impacts were found to be low to negligible.</p> | | |

| 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 | |
| <p>Motivation:</p> | | |

Screening tool report was generated and specialist assessments carried out as per required protocols. Specialist studies are included as an Annexures M3a-M3d. Mitigation measures are provided in the EMP in Annexure M4. The retrospective assessment is provided as Annexure M2; all impacts were found to be low to negligible.

| 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 | |
| | The activity is giving, has given or could give rise to pollution with low impacts. | X |
| | 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. | |
| <p>Motivation: Screening tool report was generated and specialist assessments carried out as per required protocols. Specialist studies are included as an Annexures M3a-M3d. Mitigation measures are provided in the EMP in Annexure M4. The retrospective assessment is provided as Annexure M2; all impacts were found to be low to negligible.</p> | | |

PART 2 – SECTION C.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. | X |
| | Administrative action was not previously taken against the applicant in respect of the abovementioned provisions. | |
| Explanation of all previous administrative action taken in respect of the above: | | |

| 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; or a conviction was secured against a director of the applicant in his or her personal capacity. | X |
| | The applicant has not previously been convicted in terms of either or both of the abovementioned provisions. | |
| Explanation of all previous convictions in respect of the above: | | |

| 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. | X |
| | 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: | | |

PART 2 – SECTION C.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. | YES |
| | The applicant is a firm. | YES |
| | Describe the firm: Soundprops cc represented by Ryan Butcher is the applicant | |

| Index | Any other relevant information that the applicant would like to be considered. |
|-------|--|
| | <p>Motivate and explain fully:</p> <p>Screening tool report was generated and specialist assessments carried out as per required protocols. Specialist studies are included as an Annexures M3a-M3d. Mitigation measures are provided in the EMPr in Annexure M4. The retrospective assessment is provided as Annexure M2; all impacts were found to be low to negligible.</p> |

NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management license must be attached to this application.

The applicant claims to not have been aware of the required NEMA environmental authorisation for expansion of 50m² within 100 meters of the high-water mark, establishment of a tourism facility and clearance of 300m² of indigenous vegetation.

PART 3 - DECLARATIONS

PART 3 - SECTION A: Declaration of the Applicant

1. **The Applicant**

I, RYAN GRAHAM BUTCHER do hereby make oath and say that I -

- a. Am the applicant in this application / duly authorised by the applicant to complete and submit this application.
- b. The information contained in Part 1 and Part 2 of this application form (including annexures thereto) is within my own personal knowledge and is true.
- c. Appointed the environmental assessment practitioner as indicated under **A1** above to act as the independent environmental assessment practitioner for this application.
- d. Undertake to provide the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application.
- e. Am responsible for complying with the directive or conditions of any environmental authorisation issued by the competent authority.
- f. Understand that I will be required to pay an administration fine in terms of S24G(4) of the Act and that a decision in this regard will only be forthcoming after payment of such a fine and deferral (where applicable); and
- g. 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 the applicant or environmental assessment practitioner is responsible in terms of the Act.

Signature of the applicant:

SOUNDPROPS 1246 CC

Name of company:

31 MARCH 2026 | 1 APRIL 2026

Date:

CST 78633905 CO PIETERSE

Signature of the Commissioner of Oaths:

2026-04-01

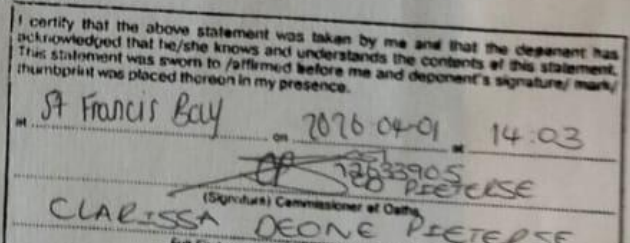
Date:

CST

Designation:

Official stamp (below):

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. Upon request, any interested and affected party must be provided with the information contained in and attached to this application form.



PART 3 - SECTION B: Declaration of the EAP

2. **The Independent Environmental Assessment Practitioner**

1. Claire de Jongh do hereby make oath and say that I -

- a. act as the independent environmental assessment practitioner in this application;
- b. 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 S24G of the National Environmental Management Act, read together with the relevant Environmental Impact Assessment Regulations;
- c. do not have, and will not have, a vested interest in the proposed activity proceeding;
- d. have no, and will not engage in, conflicting interests in the undertaking of the activity;
- e. undertake to disclose to the competent authority any material information that has, 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 S24G of the National Environmental Management Act, read together with the Environmental Impact Assessment Regulations, 2006;
- f. will ensure that all documents contain all relevant facts in respect of the application and that all documentation is timeously distributed or made available to interested and affected parties. I will ensure that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced for this application;
- g. will ensure that the comments of all interested and affected parties are considered and recorded in reports that are submitted to the competent authority in respect of the application, provided that comments that are made by interested and affected parties in respect of a final report that will be submitted to the competent authority may be attached to the report without further amendment to the report;
- h. will keep a register of all interested and affected parties that participated in a public participation process; and
- i. will provide the competent authority with access to all information at my disposal regarding the application, whether or not such information is favourable to the applicant.

Signature of the environmental assessment practitioner:

Claire de Jongh on behalf of EcoRoute
Name of company:

20 April 2026
Date:

[Signature]
Signature of the Commissioner of Oaths:

2026-04-20
Date: **SUID-AFRIKAANSE POLISIE DIENS**

Sergant
Designation: **SUPPORT COMMANDER**

Official stamp (below)
2026 -04- 20
KNYSNA
SOUTH AFRICAN POLICE SERVICE