



DRAFT SECTION 24G REPORT
FOR THE RECONSTRUCTION
AND EXTENSION OF AN
EXISTING DWELLING AND
ASSOCIATED STABILISED
TERRACED EMBANKMENT ON
ERF 2520, NO. 5 OTTERS
LANDING, ST FRANCIS BAY

PREPARED FOR

DAVID TEMPLEMAN

JULY 2026



DSA
Digital Soils Africa



+27 82 414 0472



www.dsafrica.co.za



natalie@dsafrica.co.za



Richmond Hill

Port Elizabeth

Directors:

Dr Darren Bouwer

Prof Johan Van Tol

Prof George Van Zijl

Compiled by:
Pumelela Boyana
Candidate Environmental Assessment Practitioner (2022/4652)
Email: pumelela@dsafrica.co.za

Peer reviewed by:
Natalie Sharp
Registered Environmental Assessment Practitioner (2020/230)
Email: natalie@dsafrica.co.za

© 2026 Digital Soils Africa (Pty) Ltd (DSA). All rights reserved.

This document is the intellectual property of DSA and is protected by applicable copyright laws. No part of this document may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the copyright holder, except where permitted by law or where required for regulatory review in terms of the National Environmental Management Act (NEMA) and associated Regulations.

This report has been prepared exclusively for **David Templeman** and for submission to the Competent Authority. It may not be used for any other purpose without written consent.

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

Section 24G Application for the reconstruction and extension of an existing dwelling and associated stabilised terraced embankment on Erf 2520, No. 5 Otters Landing, St Francis Bay.

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.
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 Greenachers 6057	Regional Manager: Environmental Affairs Department of Economic Development Environmental Affairs and Tourism Corner Athol Fugard Terrace and Castle Hill Lane Central Port Elizabeth 6001

PART 1 - SECTION A: APPLICATION INFORMATION**1. PROJECT DESCRIPTION**

Please provide a detailed description of the project / activities undertaken

History of the site: Previous land use on Erf 2520:

The property forms part of General Plan No. 4092/1994, approved in 1994 (Annexure M3), and therefore constitutes a subdivision that predates the National Environmental Management Act, 1998 (NEMA). A single residential dwelling was established on Erf 2520 prior to 1998, and aerial imagery from 1998 confirms that the erf had already been physically transformed for residential purposes at that stage (Figure 1).



Figure 1: 1998 baseline aerial imagery

The natural dune thicket to the north of the erf remained undisturbed, while the residential platform, cut-and-fill shaping, access, garden areas, and private open space were already in place.

In 2022-2023, the old dwelling was demolished and a new dwelling was constructed. The new structure remains entirely within the previously transformed residential envelope visible in the 2006-2023 baseline imagery. Although the footprint of the new dwelling was adjusted and extended within the already disturbed area, no expansion occurred into natural dune thicket or previously untransformed land.



Figure 2: Google Earth Imagery 2006, 2016, 2022 & 2023 aerial imagery showing the reconstructed dwelling.

Regarding the zoning in the area, the Integrated Land Use Scheme for Cape St Francis, December 2020 shows that the site is zoned for Residential Zone 2 as seen in the figure below, the site is shown using the arrow.



Figure 3: Land zoning of the site

Historical aerial imagery confirms that the property had already been cleared and developed for residential purposes prior to the commencement of NEMA. Since the original residential development, the property has remained within a transformed residential setting consisting predominantly of buildings, hard surfaces, landscaped gardens and maintained lawn, with no remaining natural dune thicket occurring within the developed residential footprint.

The activity was undertaken prior to the commencement of the National Environmental Management Act (Act 107 of 1998) therefore it did not constitute a contravention of NEMA.

The property was then purchased by the Applicant in September 2021 and wanted to renovate the house. The applicant consulted with an engineer and found that only a partial demolition would be feasible on site. As a result, only the double garage would remain and not be demolished, but the rest of the original house was demolished.

Once the new building plans were finalized and approved by the Otters Landing Homeowners Association (OLHOA), on 15 March 2022, the partial demolition began. The Google Earth image below, Figure 4, dated May 2022, shows the demolished original residence on site with the remaining garage. While the plans for the property were being processed for approval by the Kouga Municipality the building project was halted due to a neighbour dispute.

As a result of the dispute, in June 2022, the Applicant enlisted the services of an EAP, Frank Silberbauer Consulting to determine the requirements for a Basic Assessment Report as the Applicant had no prior knowledge of the process. The EAP responded with a letter dated 13 July 2022, highlighting Listing Notice 1 Activity 19A as the probable listed activity that would be triggered during the extension of the residence. The EAP concluded that the site had already been transformed and contained no remaining natural vegetation therefore an Environmental Impact Assessment was not considered necessary further stating that the development is instead subject to 'duty of care' and that the final decision is with the DEDEAT, applicable building regulations, municipal bylaws, and homeowners' association requirements (Annexure M4). This letter was then sent to DEDEAT, according to Frank Silberbauer Consulting and no response was received from the DEDEAT. DSA could however not obtain a copy of the email sent to DEDEAT.



Figure 4: The demolished residence

Based on the advice received and the absence of any response from the Department, the Applicant understood that all applicable environmental requirements had been addressed and proceeded with the municipal approval process. The house structure with swimming pool area is situated within the private residential area of the plot (see Figure 6) and the building plans was approved by the Kouga Municipality on 14 November 2022 (Annexure H).

Once the building plans were approved by the Kouga Local Municipality and the Homeowners Association, the construction of the dwelling commenced in December 2022. During construction, the excavated dune sand was reused on site to establish a stabilized terrace embankment within the existing disturbed residential area and adjacent private open space. The embankment was shaped into a gently terraced profile to improve long-term slope stability, reduce erosion potential and provide safe maintenance. The terrace was subsequently covered with topsoil and grassed, while the lower natural slope remained intact.



Figure 5: Excavations during construction phase on site

The result of the backfilling and stabilizing of the slope situated within the Otters Landing Private Open Space area on site is as shown below on Figure 6. A terrace was constructed for improved soil stability replacing the previously sloped garden area on site. The natural slope remains below the terrace as seen on Figure 6.



Figure 6: Terraced Garden for stabilized terrace embankment

The construction phase on site commenced in December 2022 and was completed in 2023, and the applicant occupied the dwelling in December 2023.

The Applicant received a letter from an environmental advocacy group, dated 23 September 2024, which had been addressed to Adv Barry Madolo, Director of Public Prosecutions (DPP) in the Eastern Cape regarding GNR 327 Activity 19A being triggered during the construction phase. The Applicant replied to Adv Barry Madolo and no further communication was received. However, on 03 October 2024 (Annexure M5), the Applicant received a visit from two DEDEAT personnel, stating that the applicant did not receive an Environmental Authorisation prior to the commencement of the development. In response, the Applicant provided the DEDEAT

law enforcement with the letter from his previous EAP, Frank Silberbauer. The site visit was in response to the letter sent from the environmental advocacy group regarding the established stabilised terraced embankment.

The Applicant received a letter from a DEDEAT Environmental Compliance Officer, dated 06 August 2025 (Annexure M6). The letter stated that the Applicant 'failed to adhere to the provisions of the Law in respect of activities conducted on Erf 2520, No. 5 Otters Landing, St Francis Bay.' The Environmental Compliance Officer then issued the Applicant with a compliance notice in terms of section 31L of NEMA (Act 107 of 1998). The letter provided the following observations made during the site visit on 03 October 2024:

The listed activity that the development triggered was Activity 19A of Listing Notice 1 (GNR 327). Following the compliance inspection, the Department advised that the Applicant could either rehabilitate the affected area to its previous profile or submit an application for rectification in terms of Section 24G of NEMA.

Rehabilitation of the slope was not considered the preferred option, as the existing terraced profile provides greater long-term stability than the original slope and reducing it to its previous gradient could increase the risk of soil erosion. In addition, the area forms part of the private open space associated with the Otter Landings residential development and serves as a pedestrian access area for residents. The terraced grassed area is therefore considered both functionally and environmentally appropriate, and it is proposed that it remain in its current grassed condition.

The sloped area below the terrace will be actively rehabilitated in accordance with the Rehabilitation Plan included in the EMP. The area is already showing signs of natural regeneration, with indigenous vegetation re-establishing naturally. To support and accelerate this process, the Applicant will implement the active rehabilitation programme to ensure the successful restoration of the dune vegetation and the continued long-term ecological stability of the slope.

Therefore in response, this Section 24G application and report was compiled and submitted to the DEDEAT for processing. The retrospective environmental impact assessment can be viewed in Annexure M1 of this document.



Figure 7: The area below the terrace will be rehabilitated



Figure 8: The area below the terrace will be rehabilitated to resemble the natural vegetation abutting the site.

2. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

2.1	The applicant is an individual	YES	NO
2.2	The applicant is a company	YES	NO
2.3	The applicant is a government department, state-owned enterprise or municipality	YES	NO
2.4	Other (specify) Trust	YES	NO
2.5	There is more than one individual / company responsible for the unlawful commencement of listed activities / listed waste management activities.	YES	NO

Name of Project applicant:	David James Templeman													
RSA Identity number:	5	5	0	4	1	5	5	1	4	9	1	8	6	
Contact person:	David Templeman													
Position in company														
Registered Name of Company/ Closed Corporation / Trust														
Trading name (if any):														
Registration number														
Postal address:	Postnet Suite S021 Private Bag x10 Jeffreys Bay													
Telephone:							Postal code:	6330						
E-mail:	davetemp@iafrica.com						Cell:	082 445 0186						
							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.

Environmental Assessment Practitioner (EAP):	Digital Soils Africa (Pty) Ltd		
Contact person:	Natalie Sharp		
Postal address:	45 Church Street		
	Walmer	Postal code:	6070

Telephone:		Cell:	082 414 0472		
E-mail:	natalie@dsafrica.co.za	Fax:	()		
EAP Qualifications	B.Sc; B.Sc (Hons); Masters in Environmental Management (see Section 3: Part B)				
EAP Registrations/Associations	Pri.Sci.Nat (Reg no. 123443) Reg. EAP (EAPASA)(2020/230) Member of IAIAA (7237)				

Name of Landowner(s):	David James Templeman				
Contact person(s):	David James Templeman				
Postal address:					
Telephone:	()	Postal code:			
E-mail:	davetemp@iafrica.com	Cell:	082 445 0186		
		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. n/a				
-----------------	--	--	--	--	--

Municipality in whose area of jurisdiction the activity falls:	Kouga Local Municipality				
Contact person:	Mr. Charl du Plessis (office administrator Joezay Reed)				
Postal address:	P.O. Box 21				
Telephone	Jeffreys Bay	Postal code:	6330		
E-mail:	042 200 2200	Cell:			
	jreed@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

Property location:	The site is situated near Cockle Street on Erf 2520, no. 5 Otters Landing, St Francis Bay, Kouga Local Municipality. The erf size is 664 m ² in total.				
Farm/Erf name & number (incl. portion):	Erf 2520 St Francis Bay				
SG21 Digit code:	C034 0014 00002520 00000				
Co-ordinates:	Latitude (S):		Longitude (E):		
	34°	11'	12.58"	24°	51' 22.32"

Please Note:
Where there is more than one property involved (e.g. linear activities), attach a list of property descriptions as Annexure E.

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:	5 Otters Landing				
Magisterial District or Town:	Kouga Local Municipality				

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.

Closest City/Town:	St Fancis Bay	Distance	0Km
Zoning of Property:	Residential Zone 2		

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.		
Was a rezoning application required?	YES	NO
Was a consent use application required?	YES	NO
Please Note: Where planning approvals have been granted please attach the relevant approvals as Annexure H.		

2. 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?	Yes	☒
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)		
No applications to national or provincial authorities were made. The site was already zoned for residential development; the applicant extended the residence 100 m from a high watermark. In 2023, more than 5 m ³ of soil, rock and debris was deposited on site during the extension of the house, which lies within 100 m inland from a high watermark.		
Which authority considered the application(s):		
N/A		
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.	Yes	☒
N/A		
Provide detail on the period of validity of decision(s) and expiry dates of the above applications / licences etc.		
N/A		

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) <u>David James Templeman</u>	Signature: <u>[Signature]</u>
Place: <u>St Francis Bay</u>	Date: <u>14/07/2026</u>
EAP (Full names) <u>Natalie Sharp</u>	Signature: <u>15/07/2026</u>
Place: <u>Gqeberha</u>	Date: <u>[Signature]</u>

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 : Between 08 September 1997 end of day 09 May 2002	
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)

ECA EIA Contraventions : Between 10 May 2002 and before end of day 02 July 2006	
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA Regulations promulgated in terms of the ECA, Act No 73 of 1989, as amended	
Listed Activity(ies)	Details of Activity(ies)

NEMA EIA Contraventions : Between 03 July 2006 and before end of day 01 August 2010	
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
Government Notice No. R387 Activity No(s):	Details of Activity(ies) requiring a Scoping Report and EIA

NEMA EIA Contraventions : On or after 02 August 2010 until 7 December 2014	
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 until 7 December 2014	
Government Notice No. R544 Activity No(s):	Details of Activity(ies) requiring Basic Assessment
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

NEMA EIA Contraventions : On or after 8 December 2014 up to 6 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 8 December 2014 to 7 April 2017	
Government Notice No. R983 Activity No(s):	Details of Activity(ies) requiring Basic Assessment
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

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
19 A	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—(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.
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

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 "☒ " 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.
The activity comprised the demolition of the existing dwelling (with the exception of the existing double garage), followed by the construction of a new residential dwelling on the previously developed residential footprint on Erf 2520. Construction also included the establishment of associated residential infrastructure, including the swimming pool, paved areas, boundary walls and the formation of a stabilised terraced embankment along the northern boundary of the property. The listed activity was triggered during the construction phase through the excavation, movement and deposition of more than 5 m³ of dune sand within 100 metres inland of the high-water mark of the sea in order to construct the stabilised embankment. The embankment extends partially onto Erf 2514, which forms part of the Otters Landing Homeowners Association private open space, with the approval of the Homeowners Association. Partial demolition of the existing dwelling commenced following approval by the Otters Landing Homeowners Association on 15 March 2022. Construction of the new dwelling and associated embankment commenced in December 2022 after approval of the building plans by Kouga Local Municipality on 14 November 2022. Construction of the dwelling and associated infrastructure was completed during 2023, and the Applicant occupied the residence in December 2023. No further construction or earthworks associated with the unlawful activity remain outstanding. The only outstanding work relates to the implementation of the rehabilitation measures contained in the Environmental Management Programme (EMPr), namely the active rehabilitation of the slope below the stabilised terrace to promote the re-establishment of indigenous dune vegetation.

(c) Provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).		
Buildings	YES	NO
Provide brief description:		
The development comprises the reconstruction and extension of an existing residential dwelling on Erf 2520. The dwelling consists of a ground floor and first floor with associated residential infrastructure, including an existing and new garage, swimming pool, timber deck, balconies and associated retaining and stabilising structures. The total ground floor area increased from 116 m ² to 351 m ² , while the first floor area increased from 77 m ² to 201 m ² , resulting in a total floor area of approximately 552 m ² . See Annexures H & K for building plans and photos of the residential building.		
Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO
Provide brief description:		
An access road exists therefore not required to be constructed. The associated infrastructure was already in place prior to the demolition. The infrastructure, which was supplied by the local municipality, has continued to supply the newly constructed house on the site. There is no storage of any dangerous goods on site.		
Processing activities (e.g. manufacturing, storage, distribution)	YES	NO
Provide brief description:		
The site consists of a residence where a family resides. There is no manufacturing, storage or distribution on site.		
Provide brief description	YES	NO
N/A		

Storage and treatment facilities for solid waste and effluent generated by the project	Yes	Yes
Provide brief description		
No storage nor treatment of solid waste and effluent is taking place on site.		
Other activities (e.g. water abstraction activities, crop planting activities)	Yes	Yes
Provide brief description		
N/A		

3. ACTIVITY NEED AND DESIRABILITY

Describe the need and desirability of the activity:
The property is zoned Residential Zone 2 and has been lawfully developed for residential purposes since approximately 1996, as discussed previously. The proposed development involved the reconstruction and extension of the existing dwelling within the established residential footprint on a property that had already been transformed for residential use. The development is therefore consistent with the existing zoning and surrounding residential land use. During construction, a stabilised terraced embankment was established to improve the long-term stability of the dune slope supporting the dwelling, reduce the risk of soil erosion and retain the excavated dune sand on site. The terrace also provides safe access for maintenance within the adjoining private open space. The construction phase generated a limited but positive short-term socio-economic benefit through employment opportunities for contractors, labourers and professional service providers. Importantly, the extension of the dwelling did not require the clearing of any natural vegetation, as the site had already been transformed for residential development prior to the commencement of NEMA. Consequently, the development did not result in the loss of intact natural dune vegetation.
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:
• The construction of the dwelling generated temporary employment opportunities during the planning and construction phases for local contractors, subcontractors and labourers. • Professional service providers, including architects, engineers, environmental consultants and quantity surveyors, benefited from the project through the provision of specialist services. • The project supported local businesses through the procurement of building materials, plant hire, transport and other construction-related goods and services. • The development occurred on land that has been utilised for residential purposes since before the commencement of NEMA and therefore did not introduce an incompatible land use into the area. • Following completion, the dwelling contributes to the continued residential use of the property in accordance with its Residential Zone 2 zoning and the established character of the surrounding neighbourhood.

4. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	0,0363Ha
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	0,0189Ha
Total area (sum of the footprint area and transformed area)	0,0552Ha

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?	N/A	
Describe the type of access road constructed: [indicate the position of the access road on the site plan]		

No new access road was constructed.

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 K to this form.

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 Environmental Management Act (NEMA; Act No. 107 of 1998)	Department of Economic Development and Environmental Affairs	Environmental Authorisation	In process

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY

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)
n/a	n/a	n/a

Source of information supplied in the table above Mark with an "X"

Determined from volumes
Determined with weighbridge/scale
Estimated

n/a
n/a
n/a

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	
n/a	n/a	n/a	n/a	n/a	n/a	n/a

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

Prevailing wind direction (e.g. NWW)

November – April	n/a
May - October	n/a

The size of population to be served by the facility

	Mark with "X"	Comment
0-499		n/a
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	EXEMPTION	
(ii) any alternative site – there is no alternative site	YES	EXEMPTION	
(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	EXEMPTION	N/A
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	EXEMPTION	
(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	EXEMPTION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES	EXEMPTION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES	EXEMPTION	
(vi) any other party as required by the Department;	YES	EXEMPTION	N/A
(c) placing an advertisement in -			
(i) one local newspaper; or	YES	EXEMPTION	
(ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	YES	EXEMPTION	N/A
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	EXEMPTION	N/A
(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	EXEMPTION	N/A
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. n/a			
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.

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. • A 30-day Public Participation Process took place for notifying the general public with an advertisement in the local newspaper (the Kouga Express) and a notice board that was erected at the site on 16 July 2026. The time to register as an IA&P is between 16 July – 17 August 2026 (considering Regulations 3(2) NEMA 2014 as amended 2017). The Public Participation Process consisted of: ○ One notice board, placed at the boundary of the site, at a location that is conspicuous to and accessible by the public at the boundary of the site on 16 July 2026. This provides time for potential I&AP's to register and details to access a draft document from Digital Soils Africa's website for comment, should they wish to comment. ○ An advertisement in the Kouga Express was placed on 16 July 2026 to provide potential I&AP's to register/comment. This provides time for potential I&AP's to register and details to access a draft document for comment, should they wish to comment. • A written notice (which consisted of a Background Information Document and cover letter) was sent via email to the municipal councillor of Ward 12 (which is the ward in which the site is situated) of the Kouga Local Municipality, and the organs of the state that have jurisdiction in respect of any activity and the neighbours to the site on 16 July 2026. A 30-day comment period has been provided and will end on 17 August 2026.
A photo of the notice board and tear sheet from the newspaper will be placed here once public participation is completed.
Below is the copy of the Background Information Document that was sent out and emails.

Cover letter and BID

16 July 2026

Dear Interested and Affected Party

SECTION 24G APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, FOR THE RECONSTRUCTION AND EXTENSION OF AN EXISTING DWELLING AND ASSOCIATED STABILISED TERRACED EMBANKMENT ON ERF 2520, NO. 5 OTTERS LANDING, ST FRANCIS BAY. APPLICANT: MR. TEMPLEMAN

Mr. David Templeman appointed Digital Soils Africa (Pty) Ltd (DSA) to conduct the necessary environmental impact assessment and public participation for the above-mentioned project.

In terms of Section 41 of NEMA Regulations, you have been identified as an Interested and Affected Party and are invited to participate in public participation. All written comments will be responded to and forwarded to the relevant departments, in the form of a Public Participation Report.

The purpose of this letter and attached document is therefore to:

- Inform you of the locality of the proposed environmental authorization application.
- Allow you the opportunity to raise concerns or comments in respect of the proposed project detailed in the attached Background Information Document.

Public Participation Process

Attached, please find the Background Information Document (BID). The purpose of the BID is to provide you with *basic* information regarding the proposed project and provide the opportunity to register as interested and affected parties and grant you the opportunity to raise any comments you might have on the proposed project.

If you would like to participate in the process, please register as an interested and affected party (I&AP), in writing. Comments/registration must be received **on or before 17 August 2026** no later than 5pm. If no comments are received from you, it will then be regarded that you do not have any comments.

Way Forward

- The Draft Section 24G document will be subjected to review by all registered I&AP's and relative governmental departments, following the time frames as stipulated in Section 3 (1) & (8) of the NEMA regulations (30 days).
- The document will be made available on the DSA website, www.dsafrica.co.za. Please follow the link to Environmental, Documents, and choose the Templeman link.
- All information received will form part of the public record and may be made available to the public. By submitting comments, you consent to the inclusion of your personal information in public participation

records, in accordance with POPIA. Correspondence throughout the remainder of the environmental process, including notification of the Section 24G Report will be distributed to registered I&APs only.

- All comments received and responses written during the 30 days will be captured in the Public Participation Report and submitted to the Department of Economic Development and Environmental Affairs (DEDEAT).
- All required documents will be submitted to the relevant department for decision making.
- If the applications are found acceptable, the relevant department will either issue or reject the Environmental Authorisation.
- As an I&AP's, you will be notified of the final decision of the relevant departments.

Yours sincerely



Natalie Sharp

Pri.Sci.Nat (Reg nr. 123443)

Reg. EAP (EAPASA) (2020/230)

Member of IAIAAs (7237)



BACKGROUND INFORMATION
DOCUMENT REGARDING A
SECTION 24G APPLICATION FOR
THE RECONSTRUCTION AND
EXTENSION OF AN EXISTING
DWELLING AND ASSOCIATED
STABILISED TERRACED
EMBANKMENT ON ERF 2520,
NO. 5 OTTERS LANDING

DAVID TEMPLEMAN

16 JULY 2026



DSA
Digital Soils Africa



+27 82 414 0472



www.dsafrica.co.za



natalie@dsafrica.co.za



Walmer

Port Elizabeth

Directors:

Dr Darren Bouwer

Prof Johan Van Tol

Prof George Van Zijl

PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide all I&AP's with information about the intent of Mr. David Templeman to apply for a Section 24G for the reconstruction and extension of an existing dwelling and associated stabilised terraced embankment on Erf 2520, No. 5 Otters Landing in St Francis Bay.

As an identified I&AP, you are invited to register and comment on any aspect related to the proposed development between 16 July – 17 August 2026 no later than 5pm.

BRIEF PROJECT DESCRIPTION

The extended dwelling is located in St Francis Bay, (34°11'12.58"S; 24°51'22.32"E) in an urban area, zoned Residential 2.



Figure 1: Site location - The site is indicated as the red polygon.

Digital Soils Africa (Pty) LTD (DSA) was tasked by Mr. Templeman to conduct environmental investigations and complete the Section 24G application for developing of his property.

The property has been lawfully developed for residential purposes since approximately 1996. During the reconstruction of the dwelling in 2022–2023, a stabilised terraced embankment was constructed using excavated dune sand to improve slope stability. The movement and deposition of more than 5 m³ of material within 100 metres of the high-water mark triggered Activity 19A of Listing Notice 1 (GNR 327 of 2017). As environmental authorisation had not been obtained prior to commencement of the listed activity, the Applicant is applying for retrospective authorisation in terms of Section 24G of the National Environmental Management Act (Act 107 of 1998).

No further development is proposed. The application also includes the rehabilitation of the disturbed slope below the terrace with indigenous dune vegetation in accordance with the Environmental Management Programme (EMPr).

POTENTIAL ENVIRONMENTAL ISSUES

The Section 24G process includes an assessment of the environmental impacts associated with the unauthorised deposition of more than 5 m³ of material within 100 metres of the high-water mark that has already taken place on the property.

The key environmental issues identified and assessed include:

- Biodiversity: The site has been developed for residential purposes since approximately 1996 and no additional natural dune thicket was cleared during the reconstruction and extension of the dwelling. The disturbed slope below the terrace will be rehabilitated with indigenous dune vegetation.
- Soil stability and erosion: The stabilised terraced embankment was assessed in terms of its effect on the coastal dune. It was found to provide improved long-term slope stability compared to the previous slope. Rehabilitation measures have been included to stabilise the disturbed lower slope and minimise erosion.
- Visual character: The reconstructed dwelling is located within an established residential area and within the existing transformed residential footprint. The development is considered compatible with the surrounding residential character.
- Construction-related impacts: Temporary impacts such as dust, noise and construction waste occurred during the construction phase and have ceased, as construction was completed in 2023.
- Land use: The property is zoned Residential Zone 2 and has historically been used for residential purposes. The reconstruction and extension occurred within the existing residential footprint and did not result in the transformation of previously undisturbed land.
- Rehabilitation and environmental management: An Environmental Management Programme (EMPr) has been prepared to guide the ongoing maintenance of the stabilised embankment, rehabilitation of the disturbed slope with indigenous vegetation, erosion control, alien invasive plant management, and long-term environmental monitoring.

PUBLIC PARTICIPATION

In terms of the NEMA, public participation forms an integral part of the environmental assessment process. The public participation process provides people who may be affected by the proposed development with an opportunity to provide comments and raise issues of concern about the project or make suggestions that may result in enhanced benefits for the project.

Comments and issues raised during the public participation process will be captured, evaluated, and included in a Public Participation Report. These issues will be addressed and included in the final Section 24G document, which will be submitted to the Department of Economic Development and Environmental Affairs (DEDEAT).

To register and/or submit a comment as an Interested and Affected Party, please respond in writing to the following email: natalie@dsafrica.co.za on or before **17 August 2026 by 5pm**.

Alternatively, a copy of the Draft Section 24G document is also available on the DSA website at www.dsafrica.co.za for a full assessment of impacts. Please follow the link to Environmental, and Documents, and choose the Templeman link.

If you have any other questions or inquiries, please do not hesitate to contact the office at 067 622 5687. If no comments are received from you, it will then be regarded that you do not have any comments.

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.	
Kouga Local Municipality P O Box 21 Jeffreys Bay 6330 Attention: Municipal Manager Charl du Plessis Joezay Reed is the office administrator jreed@kouga.gov.za 042 200 2200	
Kouga Local Municipality Elsa van Biljon (Townplanner) Environmental Officer: Nomvelo Siwela Director of Civil and Water Services: Charles de Kock	evbiljon@kouga.gov.za nsiwela@kouga.gov.za cdekock@kouga.gov.za
Ward 12 Councillor Cllr. Lorraine Maree 082 892 4664 lmaree@kouga.gov.za	
Sarah Baartman District Municipality Contact Division: Infrastructure and Planning Tel: 041 508 7099 / 041 508 7111 Email: cmabindla@sbdm.co.za Address: P O Box 318 Port Elizabeth 6000 32 Govern Mbeki Avenue (Standard Bank Building)	
DWS (Environmental assessment) Private Bag X6041 Port Elizabeth 6000 Ntombiyamayirha Mpumela and Sonke Ngxeba Tel: 041 501 0717 073 742 6767 Email: MpumelaN@dws.gov.za or NgxebaS@dws.gov.za	
Department of Economic Development, Environmental Affairs and Tourism Private Bag X5001 Greenacres Port Elizabeth 6057 Contact Person: Vuyi Maqutu Tel: 041 508 5832 / 071 882 3925 Email: vuyo.maqutu@dedea.gov.za	
Department Forestry, Fishery and the Environment: Oceans and Coasts 2 East Pier Shed East Pier Road Victoria & Alfred Waterfront Cape Town 8000 Attention: Deputy Director-General: Oceans and Coasts: Dr. Lisolomzi Fikizolo	

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 ("X") the box if Annexures attached
Annexure A: list of individuals or companies where there is more than one transgressor.	n/a
Annexure B: List of landowners in the event that there is more than one landowner.	n/a
Annexure C: Landowners' consent where the transgressor is not the landowner.	n/a
Annexure D: List of municipalities where the activities span more than one municipality	X (only the KLM is applicable)
Annexure E: List of properties where there are more than one property involved.	X (only one property is applicable)
Annexure F: List of magisterial districts or towns if more than one is affected.	X (only the Sarah Baartman DM is applicable)
Annexure G: Map depicting the zonings of various portions in the event where there is more than one zoning.	X
Annexure H: List of all planning approvals where such have been granted	X
Annexure I Location map	X
Annexure J: Site plan(s)	X
Annexure K: Photographs	X
Annexure L: Permit(s) / license(s) from any other organ of state including service letters from the municipality	n/a
Annexure M: Any Other (describe) M1: Environmental Impact Assessment M2: Operational Environmental Management Plan M3: General Plan No. 4092/1994 M4: Frank Silberbouer Consulting Letter M5: Applicant's response to Advocate Barry Maddo M6: Notice of Intent letter from DEDEAT	X

PART 2

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.

It is submitted that an instruction requiring the cessation of the residential use of the property would not be appropriate in the circumstances of this application. The dwelling was completed and occupied in December 2023 and is situated on a property that has been lawfully utilised for residential purposes since prior to the commencement of NEMA.

The contravention relates specifically to the excavation, movement and deposition of material associated with the construction of the stabilised terraced embankment within 100 m of the high-water mark, and not to the establishment of the residential land use itself. Returning the terrace to its previous profile is not considered environmentally preferable, as the existing stabilised terrace provides improved long-term slope stability, while reducing it to its former gradient may increase the risk of soil erosion and slope instability.

It is therefore requested that the Department consider the findings of the attached retrospective Environmental Impact Assessment and Environmental Management Programme (EMPr) before issuing any final directive. These documents demonstrate that the remaining environmental impacts are capable of being effectively managed through the implementation of the recommended mitigation and rehabilitation measures.

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 is <u>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
	Description of variable	

	appropriate box
The activity is not giving, has not given and will not give rise to any negative socio-economic impacts	X
The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
The activity is resulting, has resulted or could result in wide-scale socio-economic impacts.	
Motivation: The activity comprised the reconstruction and extension of an existing dwelling on an already developed residential property. The residence is adding to the value for Otters Landing due to the new build. The residence is similar to the surrounding residences therefore the house is not disrupting the visual impact for Otters Landing. The development did not displace existing land uses, affect livelihoods or result in the loss of community facilities. During construction, access to a portion of the adjoining private open space owned by the Otters Landing Homeowners Association was temporarily affected. However, upon completion of the Section 24G process, the Applicant will restore access to this area, allowing residents of the Otters Landing development to once again utilise the private open space as originally intended. Construction-related impacts were temporary and have ceased. The completed dwelling is consistent with the existing residential zoning and surrounding land use, and the activity is therefore not considered to have resulted, nor is it expected to result, in any significant negative socio-economic impacts.	

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.	
Motivation: In terms of site sensitivity classification: - According to the STEP programme the conservation status of the land concerned is rated 'Impacted Area'. - According to the Eastern Cape Biodiversity Conservation Plan Terrestrial classification, the site falls outside a critical biodiversity-sensitive area. - The site lies about 217.98 m north of the Cape St Francis Nature Reserve. - In terms of the Critical Biodiversity Areas classification according to SANBI, as updated in 2019, the proposed development falls within an Ecological Support Areas (ESA 1) (terrestrial). - According to the National Vegetation Map for South Africa, the site is situated in the St Francis Dune Thicket and the National Biodiversity Offset Guideline assigned the vegetation type as Least Concern. Thus, historical aerial imagery and the ecological assessment confirm that the property had already been transformed for residential purposes prior to the commencement of NEMA. Although the site is mapped within the St Francis Dune Thicket vegetation type and an Ecological Support Area (ESA 1), the residential footprint had already been cleared and consisted of buildings, landscaped gardens and maintained lawn. Consequently, the reconstruction and extension of the dwelling did not result in the loss of intact indigenous vegetation or habitat. The stabilised terraced embankment was established within an already disturbed residential area and did not extend into the adjacent natural dune thicket. No protected plant species or species of conservation concern were identified within the development footprint, and no rivers, wetlands or other aquatic features occur on the site. The development has therefore not compromised ecological connectivity or the ecological functioning of the surrounding landscape.		

The lower slope below the terrace remains intact and will be actively rehabilitated in accordance with the Environmental Management Programme (EMPr) to promote the re-establishment of indigenous dune vegetation. Accordingly, the activity has not given rise, and is not expected to give rise, to any significant negative impacts on biodiversity.

Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	X
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
Motivation: The activity involved the reconstruction and extension of an existing residential dwelling on a property that has been developed for residential purposes since prior to the commencement of NEMA. The surrounding area comprises established residential properties within the Otters Landing residential estate, and the completed dwelling is consistent with the existing residential character, scale and land use of the surrounding environment. The activity has therefore not altered the area's established sense of place or introduced an incompatible land use. The stabilised terraced embankment was constructed to improve the long-term stability of the dune slope and has been grassed to integrate with the surrounding landscaped residential environment. The lower slope below the terrace will be rehabilitated with indigenous dune vegetation in accordance with the Environmental Management Programme (EMPr), further integrating the development with the surrounding natural environment. With regard to heritage resources, the National Web-based Environmental Screening Tool classified the site as having Low Archaeological and Cultural Heritage Sensitivity, and a specialist heritage assessment was therefore not considered necessary. There is no evidence that the activity has resulted, or is likely to result, in any adverse impacts on heritage resources.		

Index	Pollution Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any pollution	X
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	
Motivation: The construction phase was temporary in nature and has been completed. Any construction-related waste generated during that period was removed from the site and disposed of appropriately. During the operational phase, the property functions as a single residential dwelling and generates only typical domestic waste and wastewater associated with normal residential use. Domestic refuse is collected by the Kouga Local Municipality and disposed of at a licensed waste disposal facility in accordance with the municipality's normal waste management practices. There are no industrial processes, hazardous substances or waste-generating activities associated with the property that are likely to result in pollution. Accordingly, the activity has not given rise, and is not expected to give rise, to any significant pollution impacts.		

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.	
	Administrative action was not previously taken against the applicant in respect of the abovementioned provisions.	X
Explanation of all previous administrative action taken in respect of the above:		

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.	
	The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	X
Explanation of all previous convictions in respect of the above:		

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.	n/a
	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.	n/a
	No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	n/a
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.	X
	The applicant is a firm.	
Describe the firm:		

Index	Any other relevant information that the applicant would like to be considered.
	Motivate and explain fully:

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

The Applicant did not obtain an Environmental Authorisation prior to commencing the activity because he believed that all applicable statutory requirements had been satisfied before construction commenced. Prior to construction, the Applicant sought advice from an Environmental Assessment Practitioner (EAP) regarding the environmental requirements applicable to the proposed development.

The appointed EAP identified that Activity 19A of Listing Notice 1 may potentially be applicable and provided the Applicant with a written opinion. However, the opinion concluded that, as the site had already been transformed for residential purposes and contained no remaining natural vegetation, a Basic Assessment process was not considered necessary and that the matter was subject to the general duty of care, while indicating that the final decision rested with DEDEAT. The Applicant understood from this advice that no further environmental process was required. The Applicant also understood that the EAP had forwarded the opinion to DEDEAT and, as no response was received from the Department, believed that there were no outstanding environmental requirements.

The Applicant subsequently obtained approval of the building plans from the Otters Landing Homeowners Association and Kouga Local Municipality and, in good faith, proceeded with the construction of the dwelling.

The Applicant only became aware that an Environmental Authorisation should have been obtained following a site inspection by officials from DEDEAT and the subsequent receipt of correspondence from the Department's Compliance and Enforcement Directorate. Upon becoming aware of the contravention, the Applicant appointed Digital Soils Africa (Pty) Ltd to undertake the necessary retrospective environmental assessment and submit this application in terms of Section 24G of the National Environmental Management Act, 1998, to regularise the unlawful commencement of the listed activity.

PART 3 - DECLARATIONS

PART 3 - SECTION A: Declaration of the Applicant

1. The Applicant

1. DAVID JAMES TEMPLEMAN do hereby make oath and say that I -

- Am the applicant in this application / duly authorised by the applicant to complete and submit this application.
- 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.
- Appointed the environmental assessment practitioner as indicated under A1 above to act as the independent environmental assessment practitioner for this application.
- 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.
- Am responsible for complying with the directive or conditions of any environmental authorisation issued by the competent authority.
- 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
- 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:

N/A

Name of company:

14/07/2026

Date:

Signature of the Commissioner of Oaths:

2026-07-14

Date:

CONSTABLE

Designation:

Official stamp (below):



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.

at St FRANCIS BAY on 2026-07-14 at 13:00

[Signature]
(Signature) Commissioner of Oaths

CLARISSA DEONE PIETERSC
Full First names and Surname in Block letters

08 KANSIES STR
Business Address (Street Address)

ST FRANCIS BAY

CST
Rank

SA POLICE SERVICES

PART 3 - SECTION B: Declaration of the EAP

2. The Independent Environmental Assessment Practitioner

I, Natalie Sharp 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.

Sharp

Signature of the environmental assessment practitioner:

Digital Soils Africa (Pty) Ltd

Name of company:

15/7/2026

Date:

*71804951
Sgt Mtshale*

Signature of the Commissioner of Oaths:

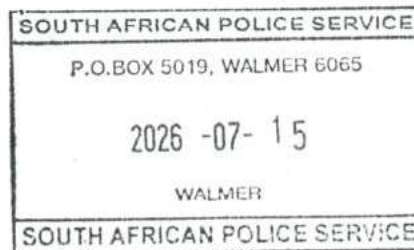
2026-07-15

Date:

SERGEANT

Designation:

Official stamp (below)



Annexure A: List of individuals or companies where there is more than one transgressor:

N/A

Annexure B: List of landowners in the event that there is more than one landowner

N/A as the Applicant is the landowner.

List of SGID of the properties under application:

C034 0014 00002520 00000

Annexure C: Landowners' consent where the transgressor is not the landowner

n/a

Annexure D: List of municipalities where the activities span more than one municipality

Only the Kouga Local Municipality is applicable.

Annexure E: List of properties where there is more than one property involved.

Only Erf 2520, St Francis Bay is involved.

See attached **Title Deed**

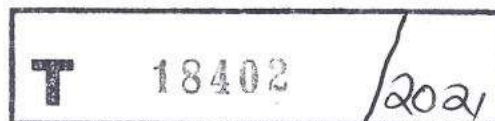


GOLDBERG AND DE VILLIERS INC
Pembroke House
13 Bird Street
PORT ELIZABETH
6001

Prepared by me

CONVEYANCER
TRACEY LYNN WATSON-GILL
(M79674)

Fee Endorsement		
	Amount	Office Fee
Purchase Price/Value	R 3,500,000.00	R 1,778.00
Mortgage Capital Amt.	R	R
ALL OTHER REGISTRATIONS		R
Reason For Exemption	Category Exemption.....	Exempt i.t.o Sect/Reg Act/Proc



DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

KAYLA MARCHELLE CLOETE LPC Number M96091

appeared before me, REGISTRAR OF DEEDS at KING WILLIAM'S TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

The Trustees for the time being of THE LITALE-QUA PROPERTY TRUST
Registration Number IT612/1996(T)

which said Power of Attorney was signed at ST FRANCIS BAY on 20 September 2021

And the appearer declared that his/her said principal had, on 6 September 2021, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

DAVID JAMES TEMPLEMAN
Identity Number 550415 5149 18 6
Married out of community of property

his Heirs, Executors, Administrators or Assigns, in full and free property

ERF 2520 SEA VISTA
IN THE KOUGA LOCAL MUNICIPALITY
DIVISION OF HUMANSDORP
PROVINCE OF EASTERN CAPE

IN EXTENT 664 (SIX HUNDRED AND SIXTY FOUR) Square metres

FIRST TRANSFERRED and still held by Deed of Transfer Number
T34234/1996CTN with General Plan SG Number 4092/1994 relating thereto

- (a) IN SO FAR as the figures a, c, Y1, b on General Plan Number 4092/1994 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer Number T1763 dated 14th February 1968, save in so far as these may have since lapsed or been cancelled.

- (b) IN SO FAR as the figures r, d, c, a on General Plan Number 4092/1994 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer Number T5270 dated 7th July 1917, save in so far as these may have since lapsed or been cancelled.



WHEREFORE the said Appearer, renouncing all rights and title which the said

**The Trustees for the time being of THE LITALE-QUA PROPERTY TRUST
Registration Number IT612/1996(T)**

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

DAVID JAMES TEMPLEMAN, Married as aforesaid

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R3 500 000,00 (THREE MILLION FIVE HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at KING WILLIAM'S TOWN on 2021-10-12

q.q.

In my presence

REGISTRAR OF DEEDS

Annexure F: List of magistral districts or towns if more than one is affected.

Only the Sarah Baartman District Municipality is applicable.

Annexure G: Map depicting the zonings of various portions in the event where there is more than one zoning

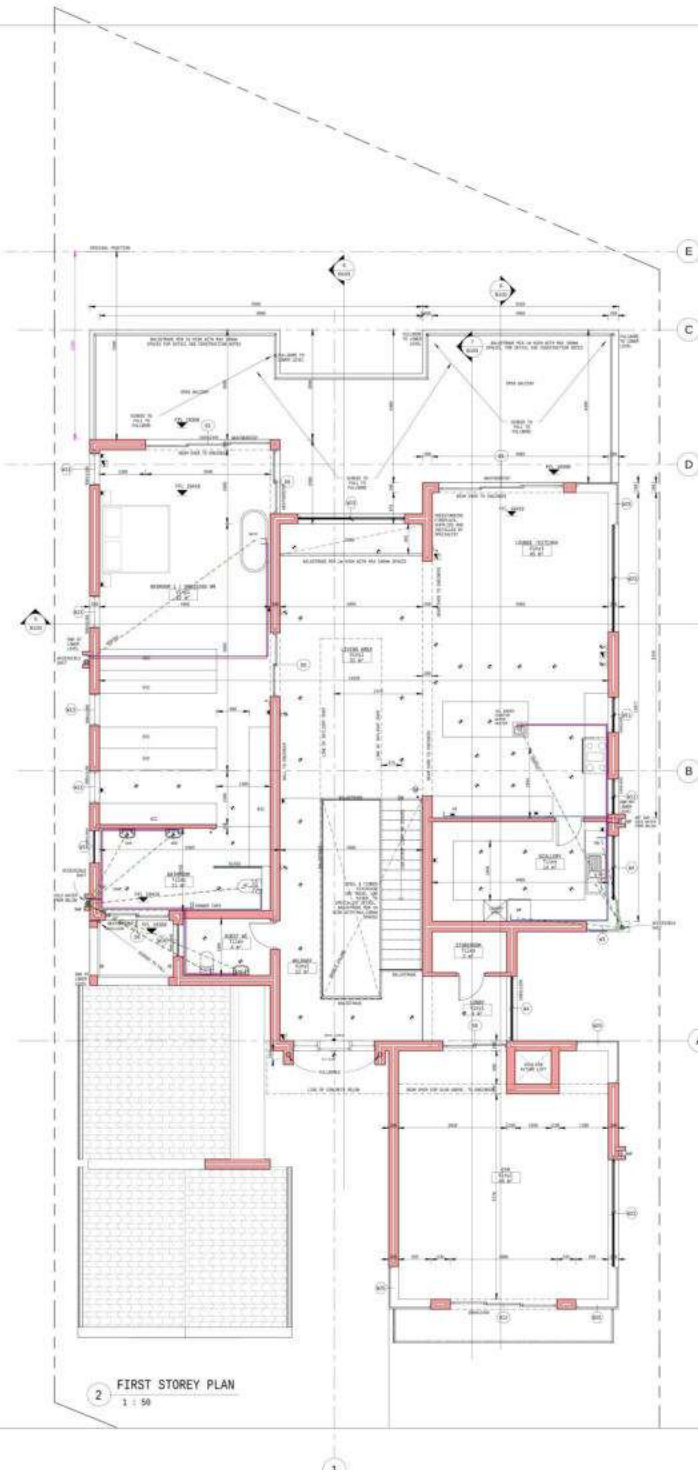
The land is zoned Residential (II)



Annexure H: List of all the planning approvals where such have been granted

Kouga Local Municipal Approval Plan of the site:

ERF 2514



KOUKA MUNICIPALITY
Building Control Department
Cape Town, South Africa
021-22-09424

MECHANICAL ENGINEER
PLUMBING CONTRACTOR
ELECTRICAL ENGINEER

DATE: 2023/11/10
PROJECT: 2528 SFB
DRAWN BY: J. BARNES

DESIGN & CAD
JAN BARNES
28 Graham Street, Bedford, 7800
Tel: 082 706 0865
Email: jan.barnes@designcad.co.za

ELECTRICAL
1 : 50

PROPOSED ADDITIONS AND ALTERATIONS
ERF 2528
OTTERS LANDING
ST FRANCIS BAY

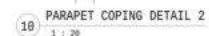
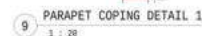
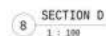
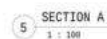
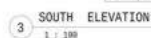
DATE: 10/10/2023

FLOOR PLANS

Project number: 2528 SFB
Date: 2023/11/10
Drawn by: J. BARNES
Checked by: JB

B102

Scale: 1 : 50



Scale	As indicated
-------	--------------

DESIGN & GLAD
JEAN BARNES
6A Rams Int. Dev. Htz
SACAP 4872470072
04247 22171
ARCP 880276
28 Cranmer Street, Bedford, 5780
Tel: 019 706 4581
Email: Jean.barnes@btconnect.co.uk

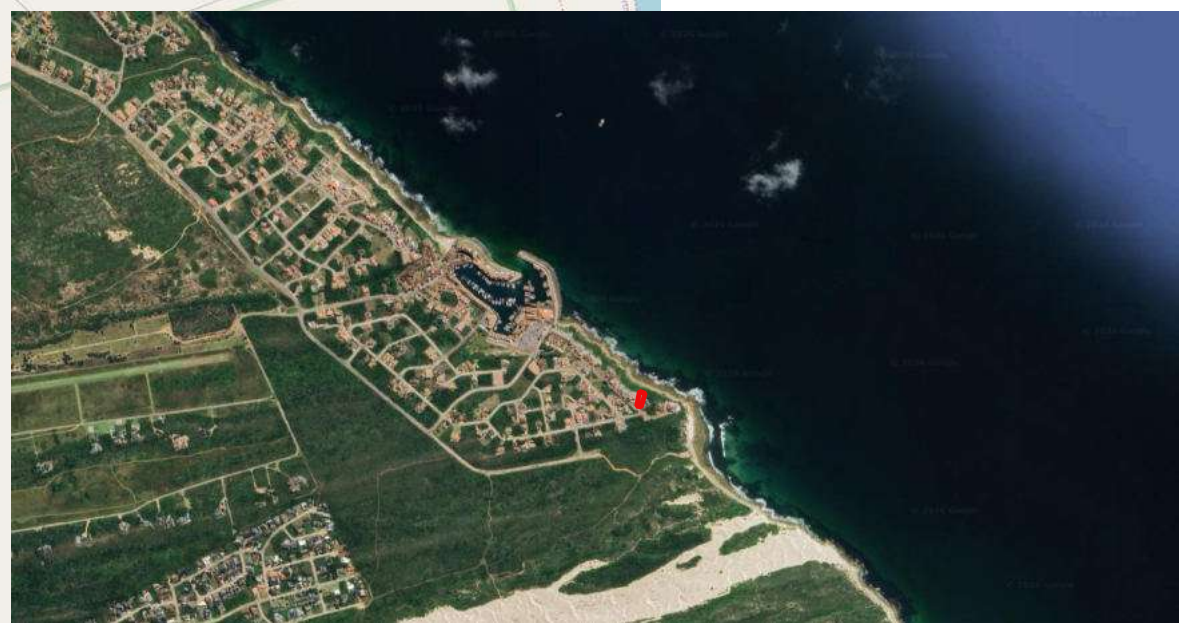
Annexure I: Location Map



Locality Map

Legend

 Templeman site



Annexure J: Site plan



Erf 2520 No. 5 Otters Landing

A: 34°11'11.97"S	24°51'22.15"E
B: 34°11'13.23"S	24°51'21.77"E
C: 34°11'13.45"S	24°51'22.37"E
D: 34°11'12.31"S	24°51'22.73"E

Otters Landing Private Open Space

e: 34°11'12.19"S	24°51'22.75"E
f: 34°11'11.86"S	24°51'22.26"E

KOGUA MUNICIPALITY

Building Control Department

Conditionally Approved/voorwaardelik Goedgekeur

PLAN NR 52425-00480

AESTHETICS COMMITTEE:

BUILDING CONTROL OFF:

APPROVING OFFICER:

DATE: 9 Feb 2025

Ass: B.C.O

9 Feb 2025

Plans are valid for 12 months from section 7(4) NBR

DESIGN & CAD

JOAN BARNES
BA Home Int Des NTU
SACAP PAT24750752
SAINT 22171
ARCP1 488275
20 Gradock Street, Bedford, 5780
Email joan.barnes@icall.co.za

	MOTION SENSOR
	DB BAND
	PENDANT OR CHANDELIER
	CEILING FAN
	FOOTLIGHT
	LED DOWNLIGHT
	FLUORESCENT
	DOUBLE PLUGPOINT
	SINGLE PLUGPOINT
	SWITCH
	TELEPHONE / DATA POINT
	TV POINT
	INTERNAL WALL LIGHT
	EXTERNAL WALL LIGHT
	ALARM KEYPAD

LIGHT FITTINGS TO BE LED DRIVES TO CLIENT SELECTION. ELECTRICAL DEMAND NOT TO EXCEED 50kW AS SPECIFIED BY SANS10400-XA

ELECTRICAL

1 : 50

St Francis Bay Aesthetics

Status: Supported

Stamp: 14 Feb 2025

Drawn: J. Barnes

See attached Certificate

AMENDMENTS

- GROUND FLOOR GUEST WC SIZE AND LAYOUT REVISED
- FIRST FLOOR KITCHEN - SCULLERY LAYOUT ADJUSTED
- WINDOWS REVISED BEDROOM - DRESSING ROOM
- 5th SITE GATEWAY LAYOUT REVISED
- NET ROOM GROUND FLOOR TOILET POSITION ADJUSTED

OTHERS LANDING HSA APPROVAL SIGNATURES

CHARINA VORA - PETER A. BREDERES

H.O.A. ALAN SHINN

AMENDED PLAN S2122-00414
ERF 2520
OTTERS LANDING
ST FRANCIS BAY

OWNER - D TEMPLEMAN

FLOOR PLANS

Project number	2520 SFB
Date	2025/01/29 13:43:26
Drawn by	J BARNES
Checked by	JB

B102

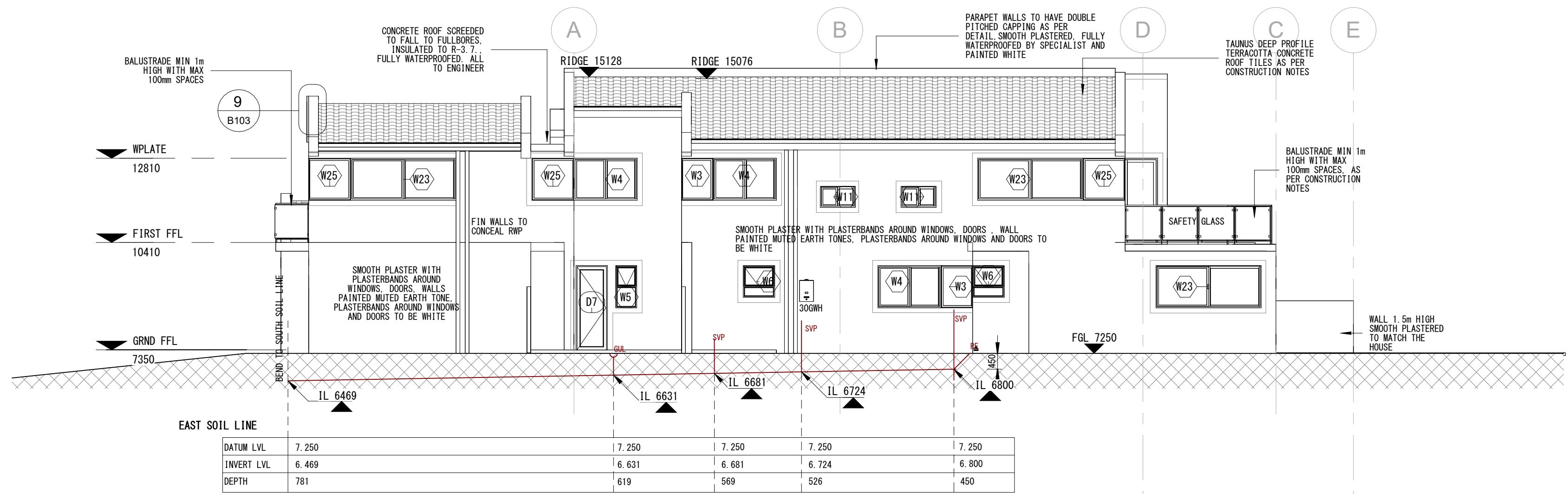
Scale 1 : 50

GROUND FLOOR PLAN

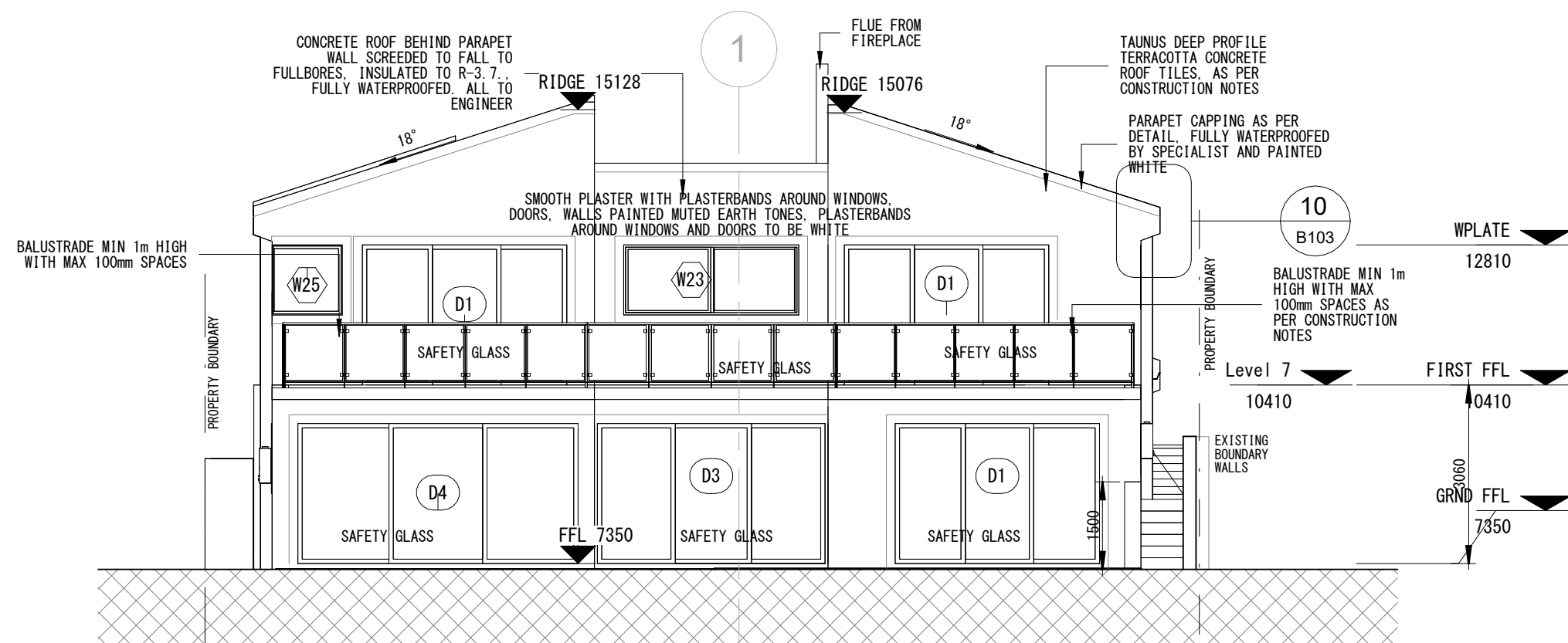
1 : 50

FIRST STOREY PLAN

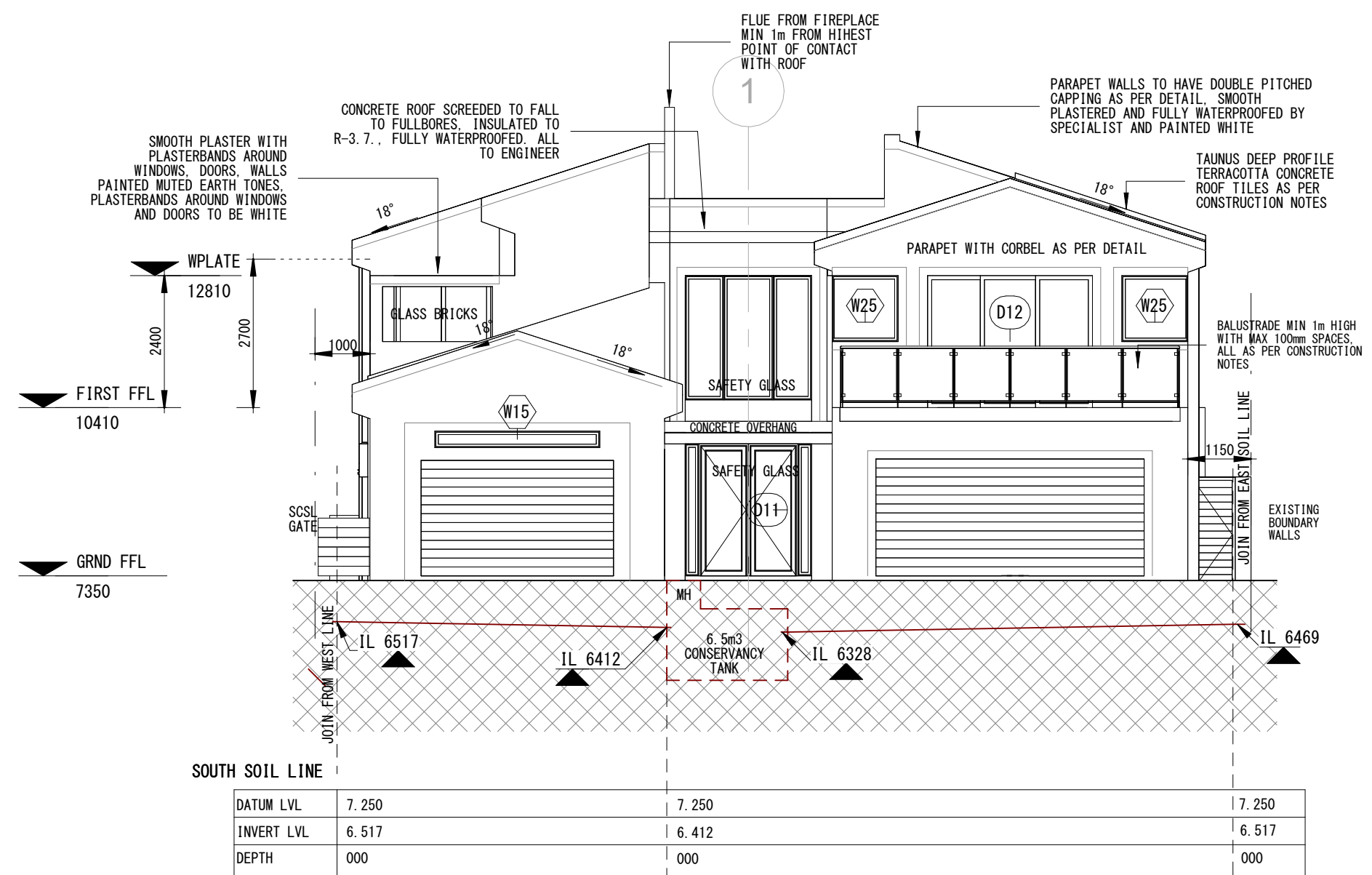
1 : 50



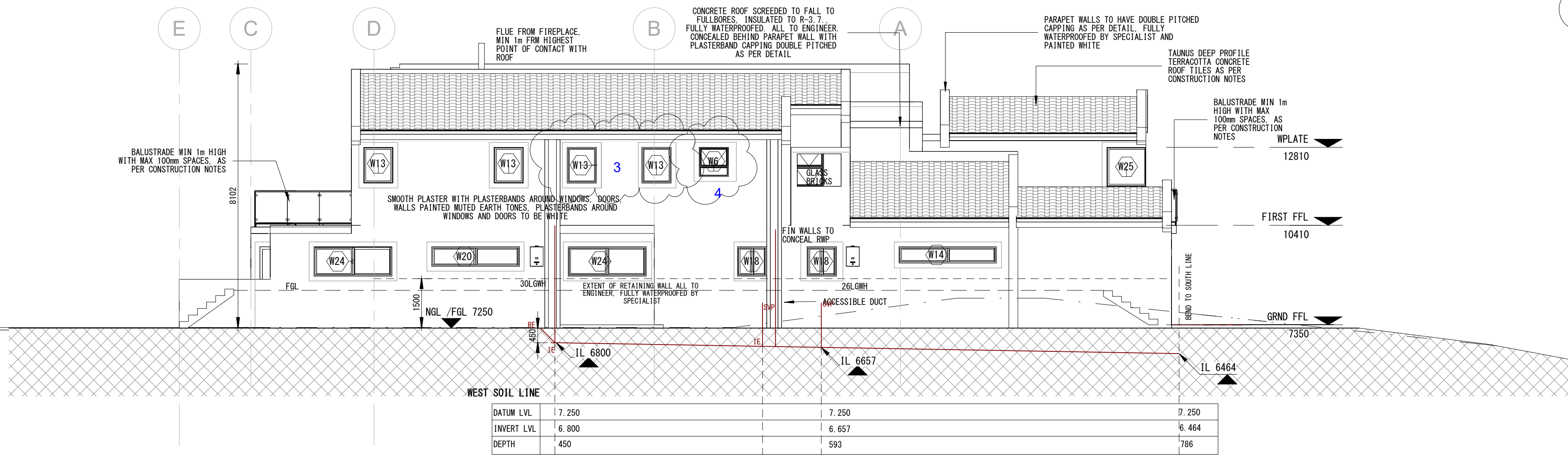
1 EAST ELEVATION
1 : 100



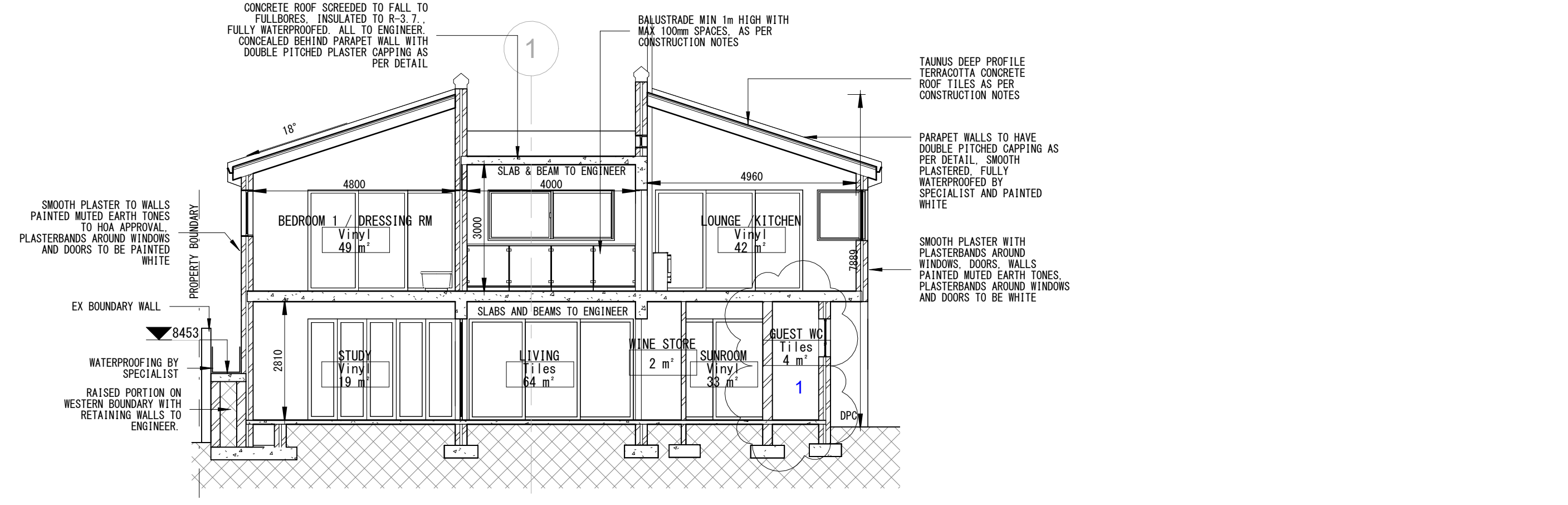
2 NORTH ELEVATION
1 : 100



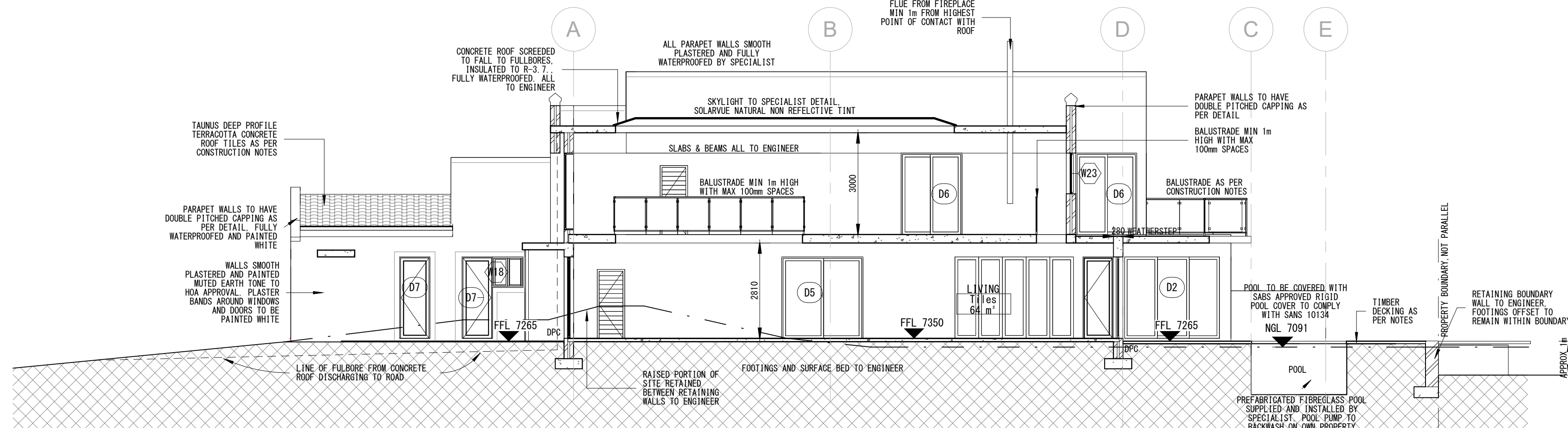
3 SOUTH ELEVATION
1 : 100



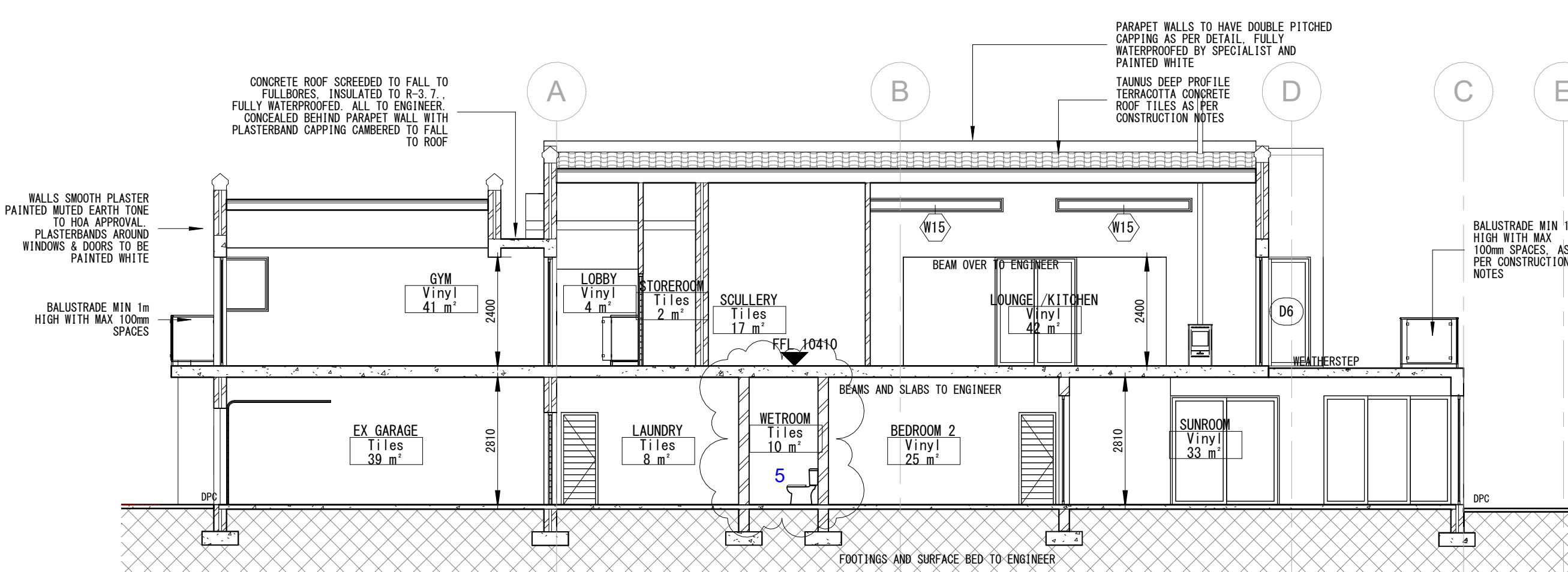
4 WEST ELEVATION
1 : 100



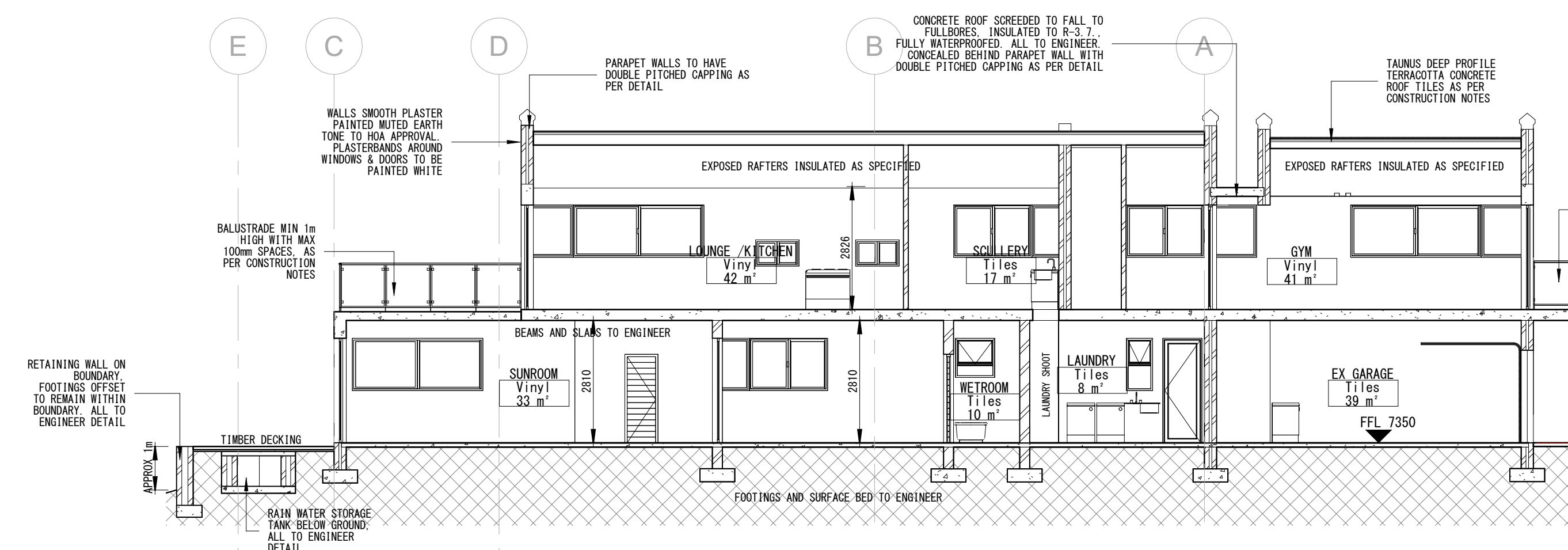
5 SECTION A
1 : 100



6 SECTION B
1 : 100



7 SECTION C
1 : 100

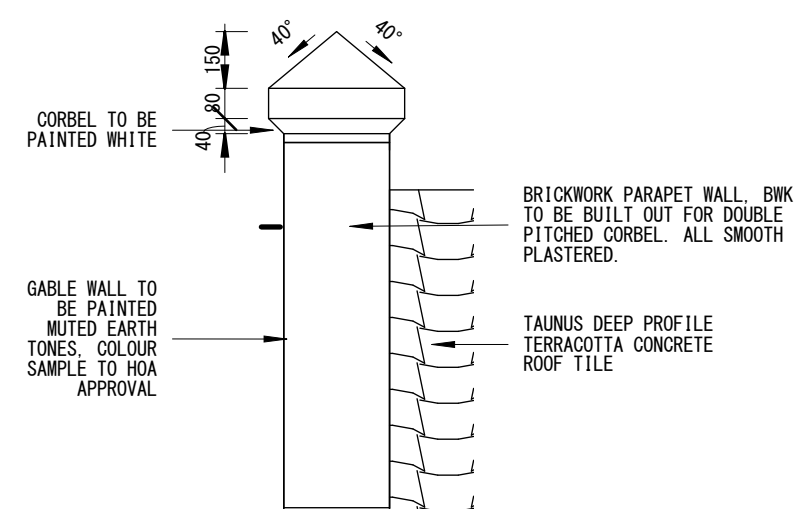


8 SECTION D
1 : 100

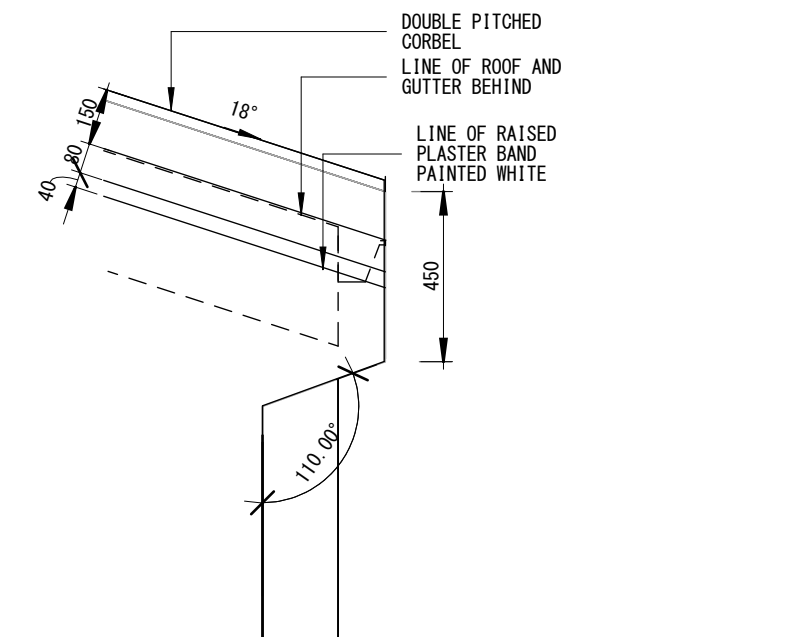
KOUGA MUNICIPALITY APPROVAL STAMP

KOUGA MUNICIPALITY	
Building Control Department	
Conditionally Approved/voorwaardelik Graderkeur	
PLAN NR	S2425-00480
AESTHETICS COMMITTEE:	
BUILDING CONTROL OFF:	
APPROVING OFFICER:	
DATE	14 Feb 2025
Plans are valid for 12 months	
Section 7(4) NBR	

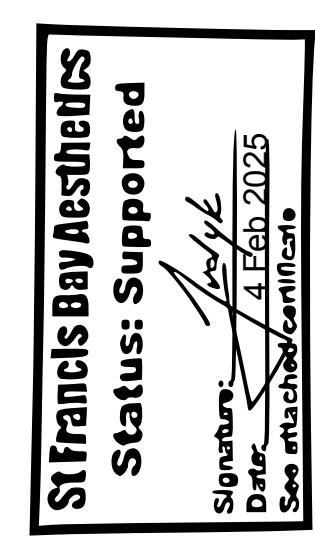
DESIGN & CAD
JOAN BARNES
BA Home Int Des NTU
SACAP PAT24750752
SAIAT 22171
ARCP1 488275
20 Cradock Street, Bedford, 5780
Email joan.barnes@local.co.za



9 PARAPET COPING DETAIL 1
1 : 20



10 PARAPET COPING DETAIL 2
1 : 20



- AMENDMENTS
- GROUND FLOOR GUEST WC SIZE AND LAYOUT REVISED
 - FIRST FLOOR KITCHEN - SULLERY LAYOUT ADJUSTED
 - WINDOWS REVISED BEDROOM 1 / DRESSING ROOM
 - RE-SITE BATHROOM LAYOUT REVISED
 - WET ROOM GROUND FLOOR TOILET POSITION ADJUSTED

OTHERS LANDING HOA APPROVAL SIGNATURES

CHAIRMAN HOA - PETER N. BRIDGES
H.O.A. ALAN SKINN

AMENDED PLAN S2122-00414
ERF 2520
OTTERS LANDING
ST FRANCIS BAY

OWNER - D. TEMPLER

ELEVATIONS & SECTIONS	
Project number	2520 SFB
Date	2025/01/29 13:43:29
Drawn by	J BARNES
Checked by	JB
B103	
Scale	As indicated

Annexure K: Photographs

Historic photo's of the property prior to the construction of the new house:



Figure 9: A photo of the property prior to construction of the new house. The boundary of the private property and the Otters Landing Private Open Space property prior to the partial demolition of the old house is depicted as the red line.



Figure 10: Previous house prior to demolition. Notice the grass area part of Otters Landing Open Space and the area beyond where the cement bench is situated, was there prior to the new construction.



Figure 11: Photo on the left is the old house and terrace area that was disturbed and part of the Otters Landing Private Open space. The photo on the right is the current house, the bench was replaced on the same spot as the original bench, which is situated on the area that will be rehabilitated and is not part of the Otters Landing Private Open Space.



Figure 12: The area above the stabilised terrace forms part of the Otters Landing Homeowners Association private open space. The slope below the terrace will be rehabilitated with indigenous dune vegetation in accordance with the Environmental Management Programme (EMPr).

Below are photos of the current property:



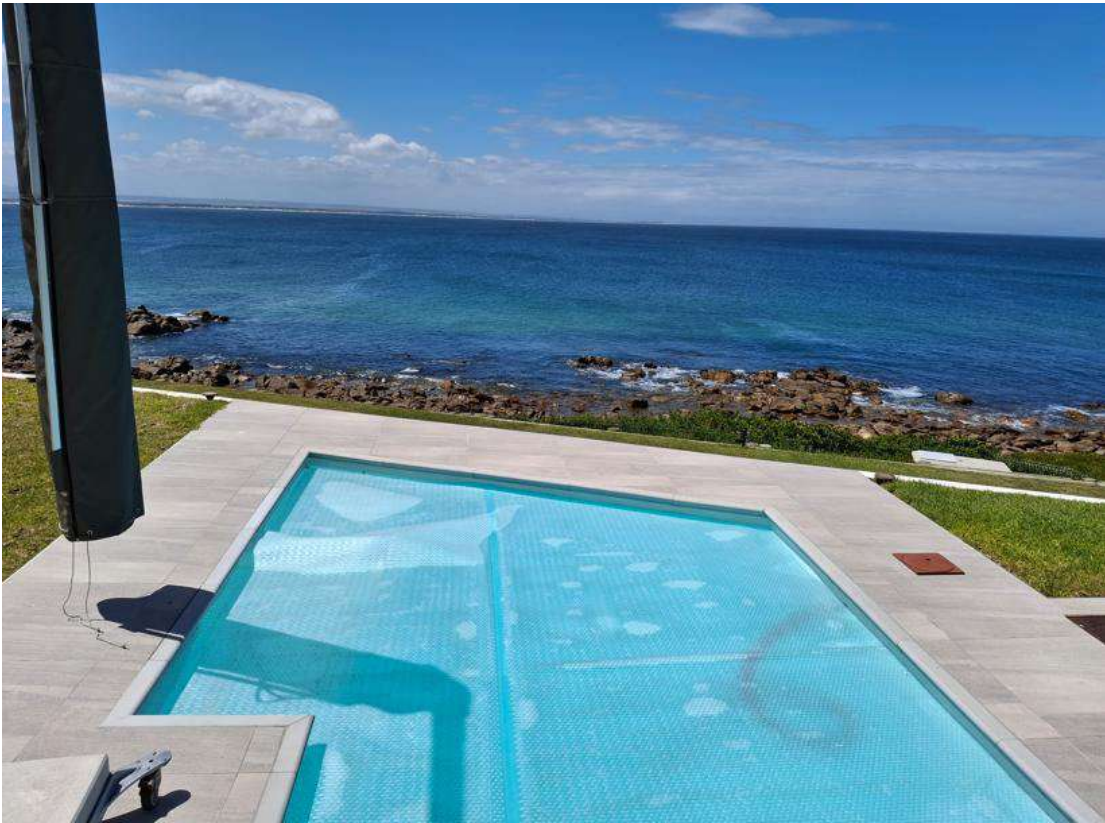




Figure 13: The area below the slope below the terrace will be rehabilitated

Photographs below show the slope below the terrace, where natural succession has already commenced. The Applicant will continue to actively rehabilitate the area in accordance with the EMPr.



Annexure L: Permits / licenses from any other organ of state including service letters from the municipality
n/a

Annexure M: Any other:

M1: Environmental Impact Assessment in retrospect



ANNEXURE M1

RETROSPECTIVE ENVIRONMENTAL IMPACT ASSESSMENT

For the

Existing Extension of a Dwelling on Erf 2520, no. 5 Otters
Landing, St Francis Bay, Kouga Local Municipality

Prepared for

DAVID TEMPLEMAN



DSA
Digital Soils Africa



+27 82 414 0472



www.dsafrica.co.za



natalie@dsafrica.co.za



Richmond Hill

Port Elizabeth

Directors:

Dr Darren Bouwer

Prof Johan Van Tol

Prof George Van Zijl

TABLE OF CONTENTS

Background	2
Retrospective Impact Assessment.....	3
Regional Climate	5
Potential Impacts that could have resulted due to the dwelling extension	7
Soil	7
Potential loss of Land Use and Land Capability.....	10
Retrospective loss of biodiversity during the construction stage, due to vegetation clearing	10
Flora	14
Fauna	17
Noise impacts	21
Air Quality	23
Visual Impact	26
Waste and litter	27
Socio-Economic Impact.....	29
Loss of heritage and palaeontology resources	30
Summary of Environmental Impacts	31

BACKGROUND

Digital Soils Africa (Pty) Ltd (DSA) was tasked by the David Templeman hereinafter referred to as *the Applicant*, to conduct the Section 24G application.

The Applicant purchased the site in September 2021, which was zoned Residential 2. Once the plans had been approved by the Otters Landing Homeowners Association (OLHOA), on 15 March 2022, the partial demolition commenced, leaving the garage of the previous dwelling intact. The final plans were then approved by the OLHOA and the Kouga Local Municipality, the construction of the new dwelling commenced in December 2022 without an environmental authorisation. The construction of the dwelling was completed in 2023. Erf 2520 measures at 664m², the total extended ground floor area measures at 351m² from the previous dwelling's 116m², the total first floor area measures at 201m² from the previous dwelling's 77m². The extension of the dwelling has been extended to the boundary of Erf 2520 while the embankment supporting this extension has been stabilized and extends onto Erf 2514 which belongs to the Otters Landing Homeowners Association. As the activities took place before an environmental authorisation was obtained, this Section 24G application has been submitted to rectify the non-compliance.

The following listed activities were transgressed without prior approval:

- GNR 327 19A (ii): 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- 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.

DSA was appointed by the Applicant as the independent environmental assessment practitioner (EAP) to undertake the Section 24G Application and the submission of the relevant documents.

RETROSPECTIVE IMPACT ASSESSMENT

Impacts will be assessed according to the criteria listed below:

Criteria	Description	
Spatial Extent	Whether the impact will occur on a scale limited to the immediate site of the proposed activity, local area and immediate communities and settlements, sub-regional (municipal), regional (provincial), or national scale.	None/Insignificant (N) Site Specific (SS) Local (Loc) Sub-Regional (SR) Regional (R)
Duration	Whether the period of the impact will be short term (0-5 years), medium term (5-15 years), long term (> 15 years) or permanent where natural processes or mitigation processes cannot eliminate the impacts.	None (N) Short Term (ST) Medium Term (MT) Long Term (LT) Permanent (P)

Intensity	Whether the size of the impact is low, medium, high, or negligible.	None (N) Very Low (VL) Low (L) Low-Medium (LM) Medium (M) Medium-High (MH) High (H) Very High (VH)
Probability	The probability of the impact occurring as either unlikely, probable, likely or definite.	None (N) Unlikely (Un) Probable (Pr) Likely (Lik) Definite (Def)
Significance	The total level of impact.	Insignificant Very Low Low Low-Moderate Moderate Moderate-High High Very High

These criteria are evaluated in terms of

- *Significance (Insignificant-low-moderate-high)*
- *Status (positive-negative-neutral)*
- *Confidence (based on academic information, specialist knowledge, site evaluations, applicants approach)*
- **Cumulative Impact:** None, Very Low, Low, Low-Medium, Medium, Medium-High, High, Very High

The significance of the impact on the parameters of the affected environment is rated as:

Low Significance	The project will not cause any major adverse or beneficial changes to the biophysical, social, or economic environment. Impacts experienced will abate almost immediately after cessation of activities and the biophysical, social or economic system should recover and return more or less to the natural state. No expensive mitigating measures will be needed to address any of these impacts. Ecological functions will continue undisturbed and no complaints from Interested and Affected Parties (I&APs) are anticipated. No rare and endangered species or sensitive areas exist in the area.
Moderate Significance	The project will induce moderate short to medium term changes to the biophysical, social, or economic environment. The impact would be induced outside the development area and also possibly on a sub-regional level. Over the medium term

High Significance

the impacts could fade away but the implementation of mitigation measures is normally required to eliminate these impacts. The impacts would be experienced for some time after cessation of activities but would not affect the biophysical, social, or economic environment severely. With mitigation, the biophysical, social, or economic system should recover but the return to the natural state would be very slow and in some instances may not be achieved. I&APs might express some concerns and complaints may be received on an *ad hoc* basis. Rare and endangered species or sensitive areas may exist in the area and could be marginally affected.

The project will induce extensive long-term changes to the biophysical, social, or economic environment. The impact would be induced outside the development area and also possibly on a regional to national level. The possibility of secondary impacts arising from the project is high. Over the long term the impacts could fade away but the implementation of expensive mitigation measures is normally required to eliminate or mitigate these impacts. These impacts would be experienced after cessation of activities and could affect the biophysical, social, or economic environment severely. With mitigation, the biophysical, social, or economic system could recover but the return to the natural state would normally not be achieved. Ecological functions will be permanently disturbed and major complaints from Interested and Affected Parties (I&APs) could be expected. Rare and endangered species or sensitive areas existing in the area might be critically affected.

REGIONAL CLIMATE

Rainfall:

St Francis Bay receives a significant amount of rainfall, the driest months January and February, receive 30 mm per month. The wettest months which include July and August, receive between 56 to 60 mm of rainfall per month. St Francis Bay receives approximately 521 mm of rain per year.

Temperature:

The highest average maximum temperatures in St Francis Bay are experienced from December to March at 21° C to 22°C. The lowest average minimum temperatures are experienced from June to September between 14°C to 15°C.

Wind regime:

The prevailing wind directions are predominantly westerlies and west-south-westerlies reaching 50 km/h according to the meteoblue.com website.

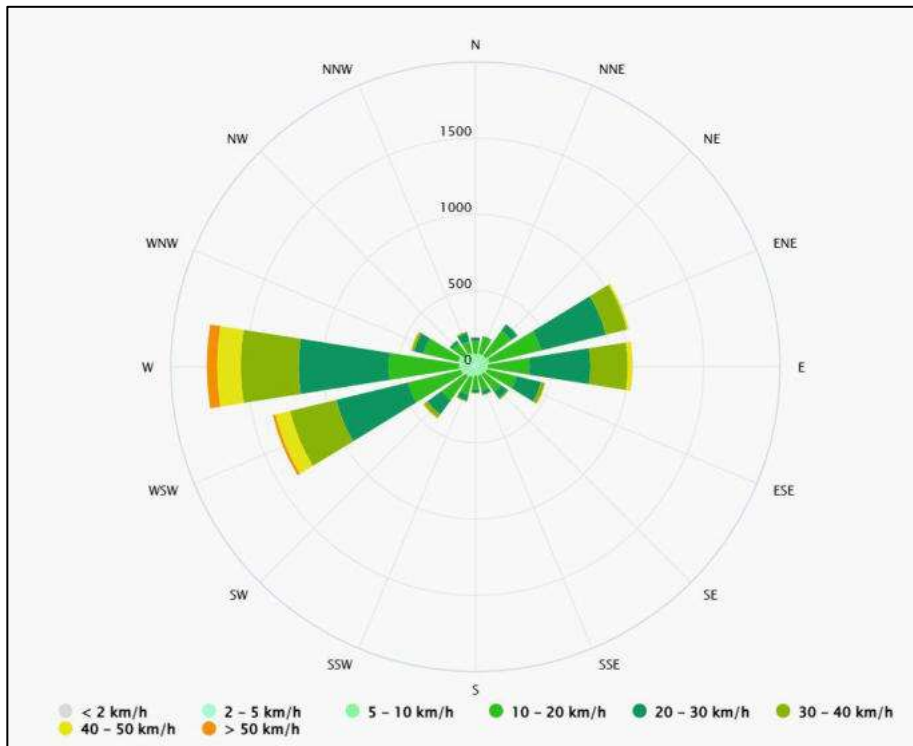


FIGURE 1: WIND ROSE IN ST FRANCIS BAY AREA (CREDIT: https://www.meteoblue.com/en/weather/historyclimate/climatemodelled/st-francis-bay-south-africa_8063467)

POTENTIAL IMPACTS THAT COULD HAVE RESULTED DUE TO THE DWELLING EXTENSION

SOIL

According to the Department of Agriculture, Forestry and Fisheries Arcgis, the soil on site can be described as sandy soils with little or no profile. The land type of the site is Ha51. The clay percentage in the A horizon ranges from 0-5%, the clay percentage in the B horizon ranges from 15 to 20%. The soil on site is classified as having limited pedological development, these soils typically consist of simple A horizon and are driven by factors such as steep slopes or harsh climates.

The site had been previously disturbed by the development of a dwelling which had been constructed on site circa 1996, approximately 25 years prior to the Applicant purchasing the property. The partial demolition of the existing dwelling, the subsequent extension of the dwelling and the stabilizing embankment would have caused a disturbance of the existing soil profile. The soil profile of the site was already disturbed due to the construction of the existing dwelling and the maintained lawn, although some topsoil may have been imported and spread during landscaping previously.

The foot traffic caused by the workers on site during the extension of the dwelling and may have caused disturbances to the already disturbed soil on site.



FIGURE 2: EXCAVATION ON SITE

In terms of soil pollution, it can only occur should hydrocarbon spills occur or when 1) used oils and lubricants are purposefully drained into the soil, 2) aboveground storage facilities are destabilized, 3) leaks occur in underground storage tanks or sewage pipes, or 4) if ablution facilities contaminate soils. The site should have had ablution facilities to limit soil contamination and precautions for used oils and lubricants to not be drained into the soil.

Possible Impacts on the soil during construction

Direct impacts related to soil

Construction Phase:

In terms of possible soil pollution, during the construction phase, substances such as cement mixing, paints, possible leaks from construction vehicles and machinery, etc. might contribute to soil pollution. It would have been very limited in volume due to the small size of the development.

The limited number of vehicles that would have had access to the site during the construction phase would have, during the worst-case scenario, led to very small hydrocarbon spills that may have penetrated the soil, as erf 2520 is only 664m² in size, and would have immediately percolated to lower levels. If vehicles are well maintained and cement mixing and handling of paints are done carefully, considering the very low-key operation the chances of soil pollution are insignificant. There is no evidence of pollution or barren soil at the site, as the site consists of the dwelling and maintained lawn just as it previously before the extension with the stabilizing embankment, therefore this most likely did not occur. The retrospective soil pollution impact is rated very low.

During the construction phase of the dwelling extension, substances such as cement mixing, paints, possible leaks from construction vehicles and machinery, etc. might have contributed to soil pollution, it would have been very limited in volume due to the very small size of the development. Included below is a picture on Figure 3 of the cement mixing taking place on the foundation of the original house, showing that cement mixing did not take place on the soil. Major and minor services and repairs should not have been done on site; they are unlikely to have occurred as there was limited space for such activities to take place on the site. Emergency repairs should have been done over drip trays, and later on, siphoned into appropriate containers and stored within the containers for disposal at the earliest convenience.



FIGURE 3: CEMENT MIXING TAKING PLACE ON FOUNDATION OF THE ORIGINAL HOUSE

During construction, chemical toilets should have been provided for construction staff, at least one toilet per 10 individuals should be available and should be located within 100m of each working area. Due to the number of people on site, which must have been a few due to the small size of the development, soil pollution would have been a very low risk if the site was used for personal relieving themselves or if chemical toilets were not maintained, insufficient numbers are available, or if not cleaned out regularly, the coliforms count in the soil would have increased.

Operational Phase

In terms of soil erosion, the stabilised terraced embankment on site has been stabilised, it is retaining the sand and covered 100% with established grass cover with no signs of erosion. Therefore does not require to be sloped and rehabilitated as the disturbance may result in soil erosion instability or a greater environmental damage. The only rehabilitation which has been proposed is of the terrace below the private open space which belongs to the Otters Landing Homeowners Association. No signs of erosion were noted during the site visit; thus, the impact is rated very low with mitigation.

In terms of soil pollution during the operational phase, the most significant risk will be if there is a leak from the storage of diesel, paraffin, etc or a leak in the sanitation system.

To mitigate the impact, formalised ablution facilities were re-constructed during the construction phase as they had existed on site in the original house, and the sewage infrastructure is well maintained and no sewage spillage or leakage were noted. The impact is rated very low with mitigation.

Indirect impacts related to the soil

There are no indirect impacts.

Cumulative Impact related to the soil

There are no cumulative impacts related to the soil.

Retrospective Impact on the soil

	CONSTRUCTION (with mitigation)	OPERATIONAL (no mitigation)	OPERATIONAL (with mitigation)
Extent	Site Specific	Local	Site Specific

Intensity	Low	Low-Medium	Low
Duration	Short Term	Short Term	Short Term
Reversibility	Reversible	Reversible	Reversible
Degree of loss of irreplaceable resources	Very Low	Very Low	Very Low
Probability	Unlikely	Probable	Unlikely
Confidence	High	High	High
Significance	Very Low (-)	Moderate (-)	Very Low (-)

POTENTIAL LOSS OF LAND USE AND LAND CAPABILITY

The property is zoned Residential II; a dwelling was established on the site originally, before the Applicant purchased the property. The property is neighboured by residential development and forms part of Otters Landing, a housing complex. Thus, the development did not result in the loss of land use or land capability.

RETROSPECTIVE LOSS OF BIODIVERSITY DURING THE CONSTRUCTION STAGE, DUE TO VEGETATION CLEARING

As previously mentioned, a dwelling had been developed on site circa 1996, which included a maintained lawn and no natural vegetation as seen below on the Google Earth image dated March 2006, Figure 4.

During the partial demolition of the previous house and construction of the old house, the disturbed footprint remained within the boundaries of the private property and the private open space area of Otter Landing, however no additional vegetation was cleared.

Thus, there was no loss of biodiversity during the demolition and construction of the new dwelling.



FIGURE 4: ORIGINAL DWELLING ON SITE WITH NO NATURAL VEGETATION ON SITE

In terms of the ecological sensitivity of this project, the locality of the proposed area was cross-referenced with the following conservation plans: the Subtropical Thicket Ecosystem Project (STEP); the national objectives with regards to the extension to existing conservation areas; the Eastern Cape Protected Area Expansion Strategy (ECPAES); and the Critical Biodiversity Areas classification (SANBI BGIS as updated in 2019).

In terms of the STEP programme the conservation status of the land concerned is rated 'Impacted Area'. Impacted Areas are defined as areas that have been severely transformed or disturbed by human activities, such as urban development. This classification is considered applicable to the site, given its existing residential development and associated disturbances. According to the STEP Mapbook, the ability for Impacted areas to endure further disturbance or loss of natural areas depends on the land's classification before impact, however, the site was not a natural area before the applicant this development took place therefore it is presumed that the land can endure the type of development that has taken place on the site.



FIGURE 5: SENSITIVE AREA CLASSIFICATION ACCORDING TO THE SUBTROPICAL THICKET ECOSYSTEM PROJECT(STEP). THE SITE IS INDICATED BY THE RED ARROW.

With regards to restoring the area, it is highly unlikely that the Municipality is earmarking restoration for this portion of the ecosystem along these properties, as the area lies within the urban edge and is neighboured by residential property.

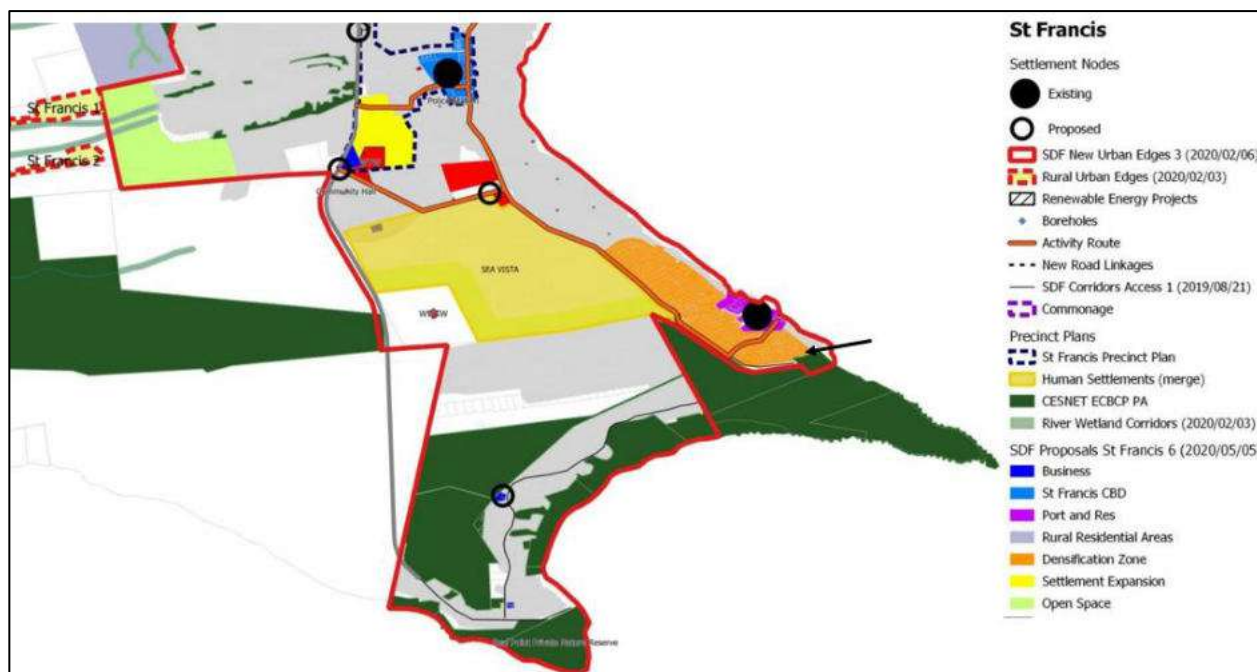


FIGURE 6: ST FRANCIS BAY SPATIAL FORM ACCORDING TO THE KOUGA MUNICIPALITY SDF, REVIEW 2020 (THE SITE IS MARKED BY THE BLACK ARROW)

According to the Eastern Cape Biodiversity Conservation Plan Terrestrial classification, the site falls within an ESA 1. ESAs are supporting zones or areas that must be safeguarded as they are needed to prevent the degradation of

Critical Biodiversity Areas and formal Protected Areas. Safeguarding supporting areas helps protect the biodiversity threshold, such as the component of plants and animals to exist and for ecosystems to continue functioning (e.g. pollination, migration of animals). The site is very small and contains no natural vegetation and therefore no habitat for animals occur on site.



FIGURE 7: THE EASTERN CAPE BIODIVERSITY MAP.

The National Protected Area Expansion Strategy (NPAES) was developed to expand protected areas in South Africa to increase ecological sustainability and adaptation to climate change. The site lies about 217.98 m north of the Cape St Francis Nature Reserve.

According to the National Vegetation Map for South Africa, the site is situated in the St Francis Dune Thicket and the National Biodiversity Offset Guideline assigned the vegetation type as Least Concern however, the site had already been disturbed prior to the dwelling extension therefore there was no natural vegetation on site.

The site lies at approximately 4.2 km from the Krom River, there are no wetlands near the site. The site lies within 100m of the high watermark. The site does not lie within an Aquatic Ecological Support Area.

There are no ecological processes needed to be maintained to ensure the persistence of biodiversity in the landscape, as there is no longer any natural vegetation on site. There is a low recoverability of natural vegetation on site since it was previously transformed.

Since habitat (flora) plays a critical role in the determination of the sensitivity of biodiversity, the impact on flora must be considered.

FLORA

According to the National Biodiversity Assessment (NBA) 2025, the site falls within the St Francis Dune Thicket vegetation type, which is classified as Endangered. Although the site is mapped within this vegetation type, the property had already been transformed for residential purposes prior to the commencement of NEMA, and the current development did not result in the loss of intact St Francis Dune Thicket vegetation.



FIGURE 8: LAWN ON-SITE SHOWING LACK OF NATURAL VEGETATION PRIOR TO THE CONSTRUCTION OF THE NEW HOUSE. THE RED LINE ON THE SECOND PHOTO SHOWS THE BOUNDARY FOR THE OTTERS LANDING PROPERTY. IT IS PROPOSED THAT THE AREA SOUTH OF THE RED LINE WILL BE REHABILITATED TO ST FRANCIS DUNE THICKET.

An photos in Figure 8 shows that the land on site was transformed before the new dwelling was extended.

The Screening Tool Report classified the site as having 'Low Sensitivity' as evidenced by Figure 4 and Figure 8.

The site does not make a meaningful contribution to habitat connectivity due to its long-standing transformation for residential purposes, also considering that the area had already been disturbed prior to the Applicant's ownership of the property. Ecological connectivity is primarily maintained by the contiguous natural dune vegetation adjacent to and north of the property along the coastal corridor, which remains intact. A small section of the disturbed slope below the stabilised terrace will be rehabilitated with indigenous dune vegetation, thereby contributing marginally to the continuity of the adjacent natural habitat.

Construction phase:

The site had previously been cleared of vegetation therefore; no natural vegetation was cleared during the extension of the new dwelling.

The reconstruction and extension of the dwelling reduced the extent of the previously maintained lawn within the residential property. In addition, a timber retaining structure and stabilised terraced embankment were constructed to retain the dune sand and improve the long-term stability of the dune slope, which is the Otters Landing private open space area.

The impact on the loss of vegetation during construction is rated very low.

The loss of vegetation area in the development footprint in the construction phase.

Extent	Site / Local
Intensity	Very Low
Duration	Short term
Reversibility	Partially Reversible
Degree of loss of irreplaceable resources	Very Low
Probability	Unlikely
Confidence	High
Significance – without mitigation	Low (-)
Significance – with mitigation	Very Low (-)

Operational Phase:

As mentioned, the site had been completely transformed into a residential development approximately 30 years ago. In the 1960s up to the end of the 1980s, St Francis Bay consisted of a large beach with mobile dunes, since the 1990s the dunes have been transformed for residential development. North of the site there still exists St Francis Dune Thicket.

Indirect Impact

There is no biodiversity value on the site, and it does not form part of an ecological corridor. The impact is rated low without mitigation and reduced to very low with mitigation.

The loss of the landscape ecological connectivity in the construction phase.

Extent	Site / Local
Intensity	Low
Duration	Long term
Reversibility	Reversible
Degree of loss of irreplaceable resources	Low
Probability	Probable
Confidence	High
Significance – without mitigation	Low (-)
Significance – with mitigation	Very Low (-)

The loss of ecosystem services associated with habitat alteration in the construction phase.

Extent	Site / Local
Intensity	Low
Duration	Permanent
Reversibility	Reversible
Degree of loss of irreplaceable resources	Low
Probability	Unlikely
Confidence	High
Significance – without mitigation	Low (-)
Significance – with mitigation	Very low (-)

Cumulative Impact on Floral Species of Conservation Concern

There were no species of conservation concern identified on site.

FAUNA

The dwelling consists of wire fencing to the east and north of the site as seen below residential therefore animal migration could be restricted although the fencing is not particularly high and larger wildlife could jump over the fencing. Smaller animals can pass through the fences, thus not restricting the connection to other environments for mammals and certain reptiles.



FIGURE 9: WIRE FENCING TO THE EAST OF THE PROPERTY

According to the Screening Tool Report, there could be the possibility of the Yellow-winged Agile Grasshopper (*Aneuryphymus montanus*) presence and the Crowned Eagle (*Stephanoaetus coronatus*). The *Aneuryphymus montanus* is associated with fynbos vegetation, the site does not consist of fynbos vegetation on site. It is an active geophilous insect that readily flies off when disturbed. The *Stephanoaetus coronatus* is mostly found in forest, including gallery and riverine forest, but also occurs in woodland and forested gorges in savannah and grassland (Simmons 2005). The site does not consist of a forest as it consists of a dwelling with a lawn.

Direct Impact on Faunal Species of Conservation Concern

Screening tool report shows that the Animal Species Theme is classified as ‘medium’ sensitivity based on the suspected habitat for SCC based either on historical records (prior to 2002) or being a natural area included in a habitat suitability model for the species. The suspected SCC could be listed on the IUCN Red List of Threatened Species or South Africa’s National Red List website as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria and under the national category of Rare.

No terrestrial specialist was appointed as the site has been previously disturbed from 1996 with the development of a residential dwelling.

In terms of fish, amphibians, and most crustaceans, they would be restricted to aquatic environments. The site does not host a wetland; the dwelling was built on a disturbed dune. The amphibians and crustaceans are restricted to the sea, which lies north of the site.

Construction phase:

No natural vegetation was cleared for the dwelling extension therefore the faunal habitat which may have existed on site has long since been disturbed. In terms of the loss of faunal species of special concern due to the now completed construction phase, a few faunal species of special concern were flagged by the DFFE EIA Screening Tool on the site as mentioned previously.

In conclusion, the extension of the dwelling on site did not result in the extinction of any species or a decrease in species numbers and the impact on the faunal diversity of the site is rated very low with mitigation. The species that could have been affected would simply have vacated the site during demolition and construction and returned once construction had been completed.

The loss of faunal species of special concern in the construction phase

Extent	Site / Local
Intensity	Low
Duration	Short-term
Reversibility	Partially reversible
Degree of loss of irreplaceable resources	Low
Probability	Unlikely
Confidence	High
Significance – without mitigation	Very low (-)

Significance mitigation	– with	Insignificant
----------------------------	--------	---------------

In terms of the loss of the reduction in faunal densities due to mortality, disturbance and displacement during the construction, generally construction vehicles and earth moving machinery operate and move across the site on a standard construction site. The vehicles and machinery on site would have been limited and the project entailed the demolition and construction a single dwelling therefore the impact is rated very low with mitigation.

The loss of the reduction in faunal densities due to mortality in the construction phase

Extent	Site / local (all areas in which the plant equipment will be moving / construction personnel will be operating)
Intensity	Low
Duration	Temporary (during construction)
Reversibility	Partially reversible
Degree of loss of irreplaceable resources	Low
Probability	Probable
Confidence	High
Significance without mitigation	Very low (-)
Significance with mitigation	Insignificant

In terms of the loss of faunal foraging area in the development footprint, no habitats exist for any for sensitive species and no sensitive animal species or tracks thereof were observed on site. Fauna activities would be restricted to the natural dune vegetation adjacent to and north of the property along the coastal corridor.

The rest of the site is neighboured by development therefore the lack of connectivity is not conducive to faunal foraging. The impact is rated very low with mitigation.

The loss of faunal foraging area in the development footprint in the construction phase.

Extent	Site / Local
Intensity	Very Low
Duration	Short term
Reversibility	Partially Reversible
Degree of loss of irreplaceable resources	Low
Probability	Unlikely
Confidence	High
Significance – without mitigation	Low (-)
Significance – with mitigation	Very Low (-)

Operational phase:

The residential dwelling is a permanent fixture and has hosted a residential dwelling for at least 30 years therefore the dwelling has not resulted in the loss of any potential biodiversity of faunal species that might have been present at the site before development. Through environmental awareness programs residents can be sensitized to the handling of animals/ nesting places found on site.

In terms of the loss of faunal foraging area during the operational phase, the single residential dwelling on site is fenced, thus the movement of larger mammals is restricted, although the fencing is short. The site consists of a maintained lawn in terms of vegetation with no natural vegetation therefore it does not host a habitat for fauna to forage. The impact is rated very low with mitigation.

The loss of faunal foraging area in the development footprint in the operational phase

	OPERATIONAL (no mitigation)	OPERATIONAL (with mitigation)
Extent	Local	Local
Intensity	Low	Very Low

Duration	Short Term	Short Term
Reversibility	Partially Reversible	Partially Reversible
Degree of loss of irreplaceable resources	Low	Low
Probability	Probable	Unlikely
Confidence	High	High
Significance	Very low (-)	Insignificant

Indirect & Cumulative Impact on Faunal Species of Conservation Concern

There was no indirect impact on faunal species of concern due to the development of this site. Wildlife is mostly limited to avifauna and insects which are mobile and can relocate easily.

In terms of the cumulative impact, the residential dwelling and lawn is a very small portion of land (664 m²) and is mostly fenced. There is no habitat for the listed sensitive species on site. The site is neighboured by residential development, as indicated above, most animals have moved to more secluded areas such the protected area to the east and south of the site. The cumulative impact is rated very low to insignificant.

NOISE IMPACTS

The impact of noise levels generated by activities is determined by the time of day, the consistency thereof, distance to people, whether it is low or high-pitched noise and whether beneficiation is taking place. Noise levels are more intense in the morning and evening than during the rest of the day and are more irritating if it is high pitched. The more continuous the noise is the higher the impact. In terms of SABS standards, noise levels for residential areas are 45dB during the day, 40dB in the early evening and 35 at night. Noise impact is rated against the following: 1) The average person will be able to just detect a noise increase of 2dB, 2) An increase in noise levels between 2-5 will result in no or sporadic complaints from communities whilst an increase between 5-10dB will result in widespread complaints, 3) An intruding noise is defined by National Noise Regulations as disturbing if it causes the ambient noise levels at the border of the property from which it emanates to increase with 7dB, 4) An average person will perceive such an increase in the ambient noise levels as a doubling of noise levels and very strong response will be expected from communities/residents.

The site has close public receptors; the next-door neighbours are very close to the development area therefore the two neighbours on either side of the development were the closest receptors of the construction noise and may have been the most affected by the construction. The demolition and construction were approved by the homeowner's association therefore they were notified of the construction and could prepare themselves for the noise that they would have experienced.

Direct impacts related to Noise

Construction Phase:

The original dwelling was demolished in March 2022, and the construction of the new residential dwelling commenced in December 2022 and were completed in 2023. The noise generated by the demolition in preparation for construction would have consisted of machinery and construction vehicles, therefore the noise impact may have been high. Since the construction took place over a several years starting from December 2022 to 2023, this impact cannot be assessed retrospectively.

Operational Phase

The noise impact is typical of any residential dwelling, much like the neighbouring dwellings which may include, vehicles, music and conversation. Overall, the impact during the operation phase is considered very low.

Indirect and cumulative impacts related to Noise

The residential dwelling contributes to a certain level of noise in the area, as is expected in residential areas. During the operational phase, the noises expected is the noise already experienced in the surrounding residential area as the development is Residential.

There are no indirect and cumulative impacts identified at this stage.

Impact on Noise generation

	OPERATIONAL (no mitigation)	OPERATIONAL (with mitigation)
Extent	Local	Local
Intensity	Low	Very Low
Duration	Short Term	Short Term
Reversibility	Partially Reversible	Partially Reversible
Degree of loss of	Low	Low

irreplaceable resources		
Probability	Probable	Unlikely
Confidence	High	High
Significance	Low (-)	Insignificant

AIR QUALITY

The air quality of the study area and immediate surroundings is reasonable considering the urban surroundings. The study area consists of primarily residential development, and it lies within 100 m of the high watermark. Over 350 m west of the site lies restaurants at the port of St Francis. The mentioned businesses however do not negatively affect the air quality in this area. Air quality in this area is mainly affected by exhaust emissions from traffic and occasional veld fires while there does lie a protected area to the west and south of the site, the Cape Saint Francis Nature Reserve. St Francis Bay is predominantly a holiday town therefore the traffic experienced on normal weekdays when there are no school holidays should be light compared to the traffic experienced during school holidays and weekends therefore the exhaust emissions from traffic should be rather low on a normal day.

The St Francis Field Runway lies approximately 1.2 km from the proposed site and may be the reason the Screening Tool categorized civil aviation impact as high. According to the Screening Tool, the proposed site is within 8 km of other civil aviation aerodrome.

Developments that could impact aviation are e.g. establishment of wind turbines, solar farms, or high-building infrastructure that could impair flight routes, etc. None of these types of developments were constructed at the site.

Impacts on Air Quality

The amount of dust generated in the study area is directly linked to the type of soil material that will be disturbed, the mechanical processes involved, traffic volumes, wind speed, and soil moisture content. The finer the material (more easily airborne, e.g. sand particles) and the higher the clay and silt concentrations the more severe the impact. The dryer the soil becomes the more dust it generates. Dust fall-out at the site would have depended on the mechanical processes and the clay and silt content of the topsoil.

The increase in dust generation is typically greatest during the demolition and construction phases therefore some dust may have been suspended during the demolition of the existing dwelling and the construction of the new dwelling. As the site is accessed via tarred roads, dust generation from construction vehicles would have been minimal. The primary source of dust would have been the demolition works, the associated excavation activities and construction, but it was short term impact.

Dust impact during the construction phase

Extent	Site / Local
Intensity	Low
Duration	Short Term
Reversibility	Reversible
Degree of loss of irreplaceable resources	N/A
Probability	Probable
Confidence	High
Significance – without mitigation	Low (-)
Significance – with mitigation	Very Low (-)

Direct impacts on Air Quality: Dust

Operational Phase:

The development is paved and there are tarred access roads. The site had been previously cleared of vegetation for the previously existing dwelling with a maintained lawn on site and the construction of the new dwelling did not result in further clearance of vegetation. The activities resulted in a maintained lawn with the extended dwelling and a pool with a deck area therefore all sources of dust have been eliminated.

Indirect impacts on Air Quality: Dust

Indirect impacts were only related to construction activities. If silica is found in the soil dust particles, then there is a concern for possible health problems for the abutting community. According to the Occupational Exposure Limit (OEL), as prescribed by the National Occupational Health & Safety Act, respirable crystalline silica dust for an 8-hour shift (or for a 40-hour work week), constitutes the time-weighted average limit that may not exceed 0.1mg per cubic meter. These measures are applicable at source; thus, construction workers could have been at risk.

Studies have shown that respirable crystalline silica dust can penetrate the lungs, but the body's natural defence system may get rid of much of the dust inhaled. However, prolonged exposure to excessive levels of this dust can

accumulate in the lungs and lead to irreversible health effects and lung damage known as silicosis. Depending on the sensitivity of the recipient this exposure could become fatal.

Thus, to comply with the Occupational Health & Safety Act, the readings at the site should have been below 0.1mg/m³ and this could have been monitored through regular Health and Safety Inspections. There should have also been open communications between the community and the construction company/applicant and if any asthma, hay fevers, allergies, or lung-related issues are detected and reported the applicant must, within reasonable methods, provide means of access to a clinic or health profession. A real effort should have been made to keep dust levels as low as possible during construction.

Cumulative impacts on Air Quality: Dust

The cumulative impact on air is dependent on the surrounding disturbed areas that can generate dust and activities that decrease the air quality and the receptors. There were no areas immediately around the site that were under construction that would have been a source of dust during windy conditions. Dust generation ceased once construction was completed.

Impact on Air Quality due to dust generation

	OPERATIONAL (no mitigation)	OPERATIONAL (with mitigation)
Extent	Site Specific	Site Specific
Intensity	Low	Low
Duration	Short Term	Short Term
Reversibility	Partially Reversible	Partially Reversible
Degree of loss of irreplaceable resources	Low	Low
Probability	Probable	Unlikely
Confidence	High	High
Significance	Very Low (-)	Insignificant

VISUAL IMPACT

The landscape can be described as having high-attractive aesthetic quality, due to the proximity to the sea, lack of litter in the surrounding area and the high-income housing in the community. The new dwelling fits in perfectly well with the neighbouring houses. Over 350 m west of the site lies restaurants and other retail stores at the Port of St Francis, Cape St Francis Nature Reserve lies towards the southeast of the site.

The visual impact is determined by the status of the landscape (which is considered transformed) duration of the impact (which will be temporary during the construction but permanent once completed), visual mitigation measures (good practice and maintaining the buildings), and visibility of the site from any public area, road, or residence.

The site is visible to those using the beach in St Francis Bay and from the neighbours within the residential complex. The site was previously developed with a single residential dwelling, and the replacement dwelling is consistent with the character of the neighbouring residences therefore the new dwelling did not result with a vastly different visual impact. The landscape is already transformed, and the construction has been complete since 2023.

The development area has a low visual impact as it lies within an established residential complex, and it is neighboured by existing residential dwellings.

Direct Visual Impact related to the development of the site

Construction Phase:

The construction phase of the dwelling would have visually impacted the neighbours of the applicant and the passersby at the beach, in particular the excavation and demolition activities as the site would have been transformed from a maintained lawn with a dwelling to brown soil and exposed foundations. The construction activities were temporary and have since been completed, the visual impact would have been experienced from 2022 to 2023. The anthropogenic impact this site experienced, was the change in the texture (smooth and built to soil and demolished) and colour (green to brown) which has been replaced with the residential structure.

Operational Phase:

Resident receptors include people living in the immediate area around the proposed site such as the residents of the residential complex. Transient receptors include local people walking along the beach, north of the site.

The residential dwelling has integrated seamlessly within the residential complex.

The residential settlement operates on 24/7 basis and at nighttime the residents are asleep therefore there is little light pollution due to outside lights for security purposes. The impact is rated low.

Indirect Visual Impact related to the development of the site

There is no expected indirect visual impact related to this development.

Cumulative Impact related to the development of the site

The development fits in with the surrounding land use thus the cumulative impact is rated very low.

Visual Impact

	OPERATIONAL (no mitigation)	OPERATIONAL (with mitigation)
Extent	Local	Local
Intensity	Low	Very Low
Duration	Permanent	Permanent
Reversibility	Partially Reversible	Partially Reversible
Degree of loss of irreplaceable resources	Low	Low
Probability	Definite	Likely
Confidence	High	High
Significance	Low (-)	Very Low (-)

WASTE AND LITTER

The demolition and subsequent construction of a building normally generate various kinds of waste, mainly including spoil material from excavation and construction activities, which could include building rubble, general waste from the site personnel, paints, oil, solvents, sewage, hydrocarbons, scrap metal, and overburden. Some or all of these could potentially impact the environment if mitigation measures were not followed. During the construction phase, the handling and disposal of waste were the responsibility of the contractor. The waste that was produced by the

demolition and construction of the new dwelling was disposed of appropriately. There are no signs of illegal dumping on site.

Direct Impact related to waste

Construction Phase:

Construction waste normally comprises of excess spoil material from excavation and trenching activities, vegetation, construction material, general waste from the site personnel, paints, oil, bitumen spills, solvents, and sewage. Solid waste will include plastics, metal, wood, concrete, stone, and asphalt in the construction phase for the formalisation of the residential development. Chemical waste could include petrochemicals, paints, and sewage.

Spoil material is generally reused as backfill or erosion mitigation works. The excess sand from the excavation was used to create a stabilizing embankment, which entailed a wood and netting structure covered in grass for the single use of retaining the sand on the dune that the dwelling was built upon. General waste should have been kept in bins within the construction site and collected and disposed of regularly to the nearest registered landfill site. As the construction phase has been completed, this mitigation measure is no longer applicable.

Operational Phase:

There is scheduled waste removal on site, the waste is collected and disposed of at the nearest registered waste disposal site as per normal practice for residential developments.

The impact is rated low-moderate without mitigation and very low with mitigation.

Indirect Impact related to waste

Operational Phase:

Poor control over domestic waste handling could lead to littering the site and abutting properties and must be avoided. The site is well-maintained currently.

Cumulative Impact related to waste

There is no cumulative impact.

Impact on the environment due to waste

	OPERATIONAL (no mitigation)	OPERATIONAL (with mitigation)
Extent	Local	Site Specific
Intensity	Low-Medium	Low
Duration	Short Term	Short Term
Reversibility	Reversible	Reversible
Degree of loss of irreplaceable resources	Low	Low
Probability	Likely	Likely
Confidence	High	High
Significance	Low- Moderate (-)	Very Low (-)

SOCIO-ECONOMIC IMPACT

In terms of the socio-economic impact, the construction of the dwelling led to a limited, small but positive impact on the area as it provided short-term employment during the construction phase such as casual labour and small businesses (such as environmental companies, town planners, architects, etc. as well as construction companies, building material suppliers, hardware suppliers, IT and software providers, etc.). The demolition and construction commenced from 2022 to 2023.

The discussion on the need and desirability to this project is closely linked with the socio-economic impact and must be read in conjunction with each other. Please refer to the relevant section in the Section 24G application document.

Direct socio-economic related impact

Construction & Operational Phase:

As previously stated, the new dwelling provided short-term employment opportunities during the construction phase.

The operational phase consists of the continued use of the property as a single private residence. As the property has historically been utilised for residential purposes, the activity does not introduce a new or incompatible land use into the surrounding environment. The potential negative socio-economic impacts are limited to the temporary restriction of access to a small portion of the adjoining Otters Landing Homeowners Association private open space occupied by the stabilised terrace. No public infrastructure, community facilities, businesses or livelihoods are affected by the activity.

Upon implementation of the proposed mitigation measures, including reinstating access to the private open space for Otters Landing residents and rehabilitating the lower slope with indigenous dune vegetation, the remaining socio-economic impact is considered negligible. The continued residential use of the property is compatible with the surrounding land use and is not expected to adversely affect the quality of life or socio-economic wellbeing of the local community.

Socio-Economic Impact Assessment

	CONSTRUCTION (with mitigation)	OPERATIONAL (no mitigation)	OPERATIONAL (with mitigation)
Extent	Local	Local	Local
Intensity	Medium-High	Low-Medium	Medium
Duration	Short Term	Permanent	Permanent
Reversibility	Reversible	Partially Reversible	Partially Reversible
Degree of loss of irreplaceable resources	Low	Low	Low
Probability	Definite	Likely	Definite
Confidence	High	High	High
Significance	Low- Moderate (+)	Very Low (+)	Low (+)

LOSS OF HERITAGE AND PALAEOLOGY RESOURCES

In terms of the site environmental sensitivity (Screening Tool Report) with regards to archaeology, cultural, and heritage the report allocated a low sensitivity to this theme, but for the palaeontological theme, a medium sensitivity rating was allocated.

No specialist studies were undertaken as the new residential dwelling was constructed on a site that previously consisted of a single residential dwelling. Since the site had long been transformed for residential development with no natural vegetation clearing required, the construction of the new dwelling therefore did not require any specialist studies as any potential palaeontological material which may have been disturbed, had potentially already been disturbed by the dwelling built around 1997.

Direct impacts

Construction phase:

Any possible findings have either been destroyed or covered due to the existing dwelling which had been established for at over 25 years at the time of the demolition and construction.

Operational Phase:

No artefacts or possible fossils were found during the construction of the dwelling; the impact is rated low.

Indirect and Cumulative Impact

There is no indirect- or cumulative impact expected.

SUMMARY OF ENVIRONMENTAL IMPACTS

The retrospective environmental impact assessment considered the potential impacts associated with the reconstruction and extension of an existing residential dwelling and the construction of a stabilised terraced embankment on Erf 2520, Otters Landing, St Francis Bay. The assessment found that the majority of impacts were temporary, site-specific and of low significance due to the relatively small scale of the activity and the fact that the property had already been transformed for residential purposes prior to the Applicant's acquisition of the site.

Potential construction-related impacts included temporary disturbance of soils, dust generation, noise, waste generation and the movement of material associated with the stabilised terrace. These impacts were limited in extent and duration and are no longer occurring, as construction was completed during 2023. Site inspections indicate that the stabilised terrace is functioning as intended, with no evidence of slope instability or erosion. The terrace is fully vegetated with established grass cover, while the lower slope is already showing signs of natural

regeneration and will be actively rehabilitated with indigenous dune vegetation in accordance with the Environmental Management Programme (EMPr).

With regard to biodiversity, the assessment confirmed that the property had already been transformed by the original residential development and landscaped lawn prior to the Applicant's redevelopment of the site. Consequently, no intact St Francis Dune Thicket vegetation was cleared during the reconstruction and extension of the dwelling, no ecological corridors were fragmented, and no rivers, wetlands or other aquatic ecosystems were affected. The rehabilitation of the lower slope will further improve the ecological condition of the disturbed area by facilitating the re-establishment of indigenous dune vegetation.

No permanent adverse impacts on land capability, heritage resources, visual character or surrounding land use were identified. The completed dwelling remains compatible with the established residential character of the Otters Landing development and surrounding neighbourhood. Operational impacts are limited to those normally associated with a single residential dwelling and are effectively managed through existing municipal services and the implementation of the EMPr.

Overall, the assessment concludes that the remaining environmental impacts are of Low to Very Low significance following the implementation of the proposed mitigation and rehabilitation measures. The unlawful commencement relates specifically to the movement and deposition of material associated with the stabilised terraced embankment within 100 m of the high-water mark, rather than the establishment of a new residential land use. Returning the terrace to its previous slope is not considered environmentally preferable, as this could increase the risk of dune instability and soil erosion. Retaining the existing stabilised terrace, while rehabilitating the lower slope and restoring access to the adjoining Otters Landing private open space, represents the environmentally preferred outcome.

The retrospective assessment therefore concludes that the impacts associated with the activity are capable of being effectively managed and that the site can continue to function as a residential property without resulting in significant residual environmental impacts, provided that the recommendations contained in the EMPr are implemented.

M2: Operational Environmental Management Plan



ANNEXURE M2

ENVIRONMENTAL MANAGEMENT PLAN

For the

Section 24G application for the reconstruction and extension of an existing dwelling and associated stabilised terraced embankment on Erf 2520, no. 5 Otters Landing, St Francis Bay, Kouga Local Municipality.

Prepared for

DAVID TEMPLEMAN



DSA
Digital Soils Africa



+27 82 414 0472



www.dsafrica.co.za



natalie@dsafrica.co.za



Richmond Hill

Port Elizabeth

Directors:

Dr Darren Bouwer

Prof Johan Van Tol

Prof George Van Zijl

Compiled by:

Pumelela Boyana

Candidate Environmental Assessment Practitioner (2022/4652)

Email: pumelela@dsafrica.co.za

Peer reviewed by:

Natalie Sharp

Registered Environmental Assessment Practitioner (2020/230)

Email: natalie@dsafrica.co.za

© 2026 Digital Soils Africa (Pty) Ltd (DSA). All rights reserved.

This document is the intellectual property of DSA and is protected by applicable copyright laws. No part of this document may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the copyright holder, except where permitted by law or where required for regulatory review in terms of the National Environmental Management Act (NEMA) and associated Regulations.

This report has been prepared exclusively for **David Templeman** and for submission to the Competent Authority. It may not be used for any other purpose without written consent.

TABLE OF CONTENTS

Background	5
Details of the Environmental Assessment Practitioner	5
Purpose of the document.....	8
Site Locality	9
Description of the proposed listed activities.....	11
Legislative review	11
Environmental Assessments Undertaken for the Development	11
Legislation.....	11
Motivation for the need and desirability for the proposed development.....	20
Project Description	20
Method Statement & Activity Specific Management Plan	21
Planning, Design Phase and Construction Management	21
Operation Phase Management	21
Roles and Responsibilities.....	22
Authorities	22
Applicant	22
Environmental Control Officer or Site Manager	22
Mitigation Measures & Monitoring.....	23
General Administrative Responsibilities for Operational Phase	26

Rehabilitation Plan.....	32
Monitoring, Reporting & Auditing.....	33
Non-Compliance Reports	33
Incident Reports.....	34
Monitoring Reports.....	35
Audit Reports	35
Decommissioning Phase.....	36
Descriptions of solutions to risks	36
Environmental Awareness Training	36
Appendix 1: Proposed Alien Control Management Plan	38

BACKGROUND

Digital Soils Africa (Pty) Ltd (DSA) was appointed by Mr David Templeman (hereinafter referred to as "the Applicant") to undertake the necessary environmental investigations and prepare a Section 24G application in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) for the retrospective regularisation of a listed activity associated with the reconstruction and extension of an existing dwelling on Erf 2520, No. 5 Otters Landing, St Francis Bay. The property has been lawfully developed for residential purposes since approximately 1996, with the recent works having been undertaken within the existing transformed residential footprint.

The listed activity was triggered during the 2022–2023 construction phase through the movement and deposition of more than 5 m³ of soil within 100 metres inland of the high-water mark of the sea, as contemplated in Activity 19A of Listing Notice 1 (GNR 327 of 2017). As environmental authorisation had not been obtained prior to the commencement of the listed activity, a Section 24G application is required to regularise the unlawful commencement of the activity.

DSA was appointed as the independent Environmental Assessment Practitioner (EAP) to manage the Section 24G application process, undertake the required environmental assessment, facilitate the public participation process, and prepare the supporting documentation required by the competent authority.

DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner (EAP): Natalia Sharp

Postal address: 45 Church Street, Walmer, 6070

Cell Phone: 082 414 0472

Email: natalie@dsafrica.co.za

EAP qualifications: B.Sc (Botany and Zoology) (UFS); B.Sc. (Hons) Limnology (UFS); Masters in Environmental Management: Evaluation of Phytoplankton as an indicator in a biomonitoring program, with special reference to the Modder River.

EAP Registrations/Associations: SACNASP (123443), EAPASA (2020/230), and a member of IAIAsa (7237).

Natalie Sharp is the project manager and senior Environmental Assessment Practitioner leading this project and is registered as an Environmental Assessment Practitioner (EAP) with the Certification Board for Environmental Assessment Practitioners of South Africa (EAPSA) (Registration Number: 2020/230) and as a Professional Natural Scientist (Pri.Sci.Nat) with the South African Council for Natural Scientific Professions (SACNASP) (Registration Number: 123443) (see Appendix A for detailed CV and qualifications). Natalie Sharp has worked in the environmental industry for over twenty years.

SUMMARY OF THE CV

NATALIA SHARP

Personal Details

Date of birth: 12 August 1979
Nationality: South African
Identity number: 790812 000 7080
Gender: Female
Languages: English / Afrikaans

Qualifications:

BSc (2000) UFS – Zoology and Botany
BSc Honors (2001) UFS - Limnology
Masters in Environmental Management (2003) UFS - Evaluation of Phytoplankton as an indicator in a biomonitoring program, with special reference to the Modder River.

During the 2 years associated with the Centre for Environmental Management intense training was provided for equipping Natalia Sharp with adequate knowledge in terms of biomonitoring water systems and scientific report writing for research done by her through the Centre. Various scientific contributions were made during these few years which included formal reports to Bloem Water and seminars providing management principles for polluted water bodies, thus providing her with additional regulatory and environmental skills.

During the 5 years associated with the DME, now changed to the Department of Mineral Resources (DMR), vast knowledge was gained in terms mine environmental management, the development, rehabilitation and closure of mining and prospecting areas. Environmental Management Programmes, Environmental Performance Assessment Reports, and Closure Reports were scrutinized continually. Therefore, adequate expertise was gained to assist the applicants with relevant environmental and mining advice and providing her with adequate knowledge to evaluate environmental impacts relating to mining.

Experience (Seventeen years' experience in environmental law and environmental management)

During the 11 years associated with SES (Stellenryck Environmental Solutions), Natalia Sharp has obtained immense understanding in completing environmental impact assessments, not only associated with mining projects, but also for a wide variety of different developing projects such as Light Industrial developments, Road upgrade projects, bush clearing for agricultural developments, and applications for exemptions, and so forth. She has excellent experience in writing environmental reports, which ranges from Scoping Reports, Environmental Management Plans, Environmental Awareness Plans, Mining Work Programs, Closure Plans, Risk Assessments, Performance Evaluations on projects, and Plan of Study reports. She has also been involved in performing biomonitoring on river systems associated with some of the projects, completing it by obtaining all the data and writing the Biomonitoring Report for the relevant Department. This is mainly

attributed to her Limnology background and she is competently able to add value to this field in her current position.

During the past 3 years of association with Digital Soils Africa (DSA) as an independent environmental consulting firm that are also soil specialists focussing on all soil solutions in the agricultural and environmental fields, Natalie Sharp has gained more exposure to projects involved with the Department of Agriculture and the Department of Water and Sanitation. This included applications for the cultivation of virgin soil and obtaining knowledge of the administrative processes in applying for these permits, assisting farmers with identifying suitable soils for cultivation and applying to the DWS for water use rights for irrigation.

Natalie Sharp has also gained experience in GIS mapping with the free software QGIS because of working at DSA.

In terms of management skills, DSA appointed Natalie Sharp as the lead project manager on all environmental-related projects: she managed the environmental authorisation projects and specialist team associated with such applications, including Section 24G applications, applications for protected plant species with the Department of Forestry, Water Use License Applications, Cultivation for virgin soil applications, SAHRIS applications, Civil Aviation approvals and correspondence with the Department of Defence.

As the lead project manager, she has gained experience in proposals and cost analysis for projects and has established a network of professional connections in the Eastern Cape region and Northern Cape region.

Centre for Environmental Management University of the Free State: Lab Assistant [2001 – 2003]

Mine Environmental Management [2003-2005] at the Department of Mineral Resources: Environmental Officer

Previous Employment

Mine Environmental Management [2005-2008] at the Department of Mineral Resources: Senior Environmental Officer

Stellenryck Environmental Solutions: Senior Environmental Practitioner [2008-2019]

Digital Soils Africa Pty Ltd: Senior Environmental Practitioner [2020-currently]

Digital Soils Africa Pty Ltd (DSA) is an independent environmental consulting firm that is also soil specialists, focussing on all soil solutions in the agricultural and environmental fields. The specialists are SACNASP registered and recognized leaders in their fields of study.

The soil specialist services provided include soil surveys, soil erosion mitigation, fertilization management, soil and land capability studies, and wetland delineation amongst others, while the fields of specialization are hydropedology and digital soil mapping. Together the directors have 25 years of experience.

Prof. Johan van Tol is a leading researcher on hydropedology. He is a NRF rated researcher, who boasts more than 100 peer reviewed scientific publications and has put his research to work in more than more than 130 consultancy reports. He is a SACNASP registered scientist and a full Professor in soil science at the University of the Free State.

Dr. George van Zijl is Africa's foremost Digital Soil Mapper. For his PhD he developed a DSM protocol for use in southern Africa, and has subsequently improved the methodology to include machine learning such as shown in the mapping of Ntabelanga catchment and City of Joburg Hydropedological mapping. He has served on the scientific committee for international DSM conferences. George has conducted more than 60 consultancy projects and is a SACNASP registered scientist.

Dr. Darren Bouwer boasts 12 years' experience as a soil scientist. His PhD incorporated chemical measurements into hydropedological assessments, which improves flow path determination. He has also completed a post doctorate at Ghent University, Belgium, where he specifically worked on hydropedological modelling. Darren is a SACNASP registered scientist, and has completed more than 45 consultancy reports.

Mrs N. Sharp has 22 years of professional experience as an Environmental Assessment Practitioner, primarily focused on environmental authorisation processes for land-use change and development-related activities, including residential and mixed-use developments, light industrial developments, petrol filling stations, agricultural developments, composting facilities in terms of the Norms and Standards, ploughing certificate applications, and associated infrastructure. Her experience includes the preparation and management of Basic Assessment Reports, Scoping and Environmental Impact Assessment Reports, Environmental Management Programmes (EMPrs), rehabilitation plans, supporting documentation for Water Use Licence Applications, and numerous Section 24G rectification applications, with additional experience in mining-related environmental assessments forming part of her broader professional background. Since joining Digital Soils Africa in 2020, Mrs Sharp has established and developed the Environmental Assessment Practitioner function into a dedicated and effective division within the company. She is a SACNASP-registered scientist and an EAPASA-registered Environmental Assessment Practitioner and has successfully completed more than 85 Environmental Impact Assessment processes.

PURPOSE OF THE DOCUMENT

This document serves as a programme to manage the environmental impacts during operational phase of the proposed development. This document will provide mitigation measures to prevent, reduce, avoid, or rehabilitate and mitigation measures must be implemented during all phases of the development. The objective will be to limit the negative impacts and increase positive impacts.

The Environmental Management Plan (EMP) will also:

- Provide applicable legislative framework;
- Provide management objectives and actions to achieve such objectives;
- List roles and responsibilities;
- Provide record-keeping methods, auditing or review, and report writing;

SITE LOCALITY

The extended dwelling is located in St Francis Bay, (34°11'12.58"S; 24°51'22.32"E) in an urban area, zoned Residential 2. The site has been transformed since approximately 1996 and the current development occurred within the historic residential footprint.

Erf 2520 is 0.0664 ha total however only 0,0313 is the footprint of the dwelling, the new retaining wall is on the boundary.



FIGURE 1: SITE LOCATION: SITE IS INDICATED AS THE RED POLYGON

The 21 digit Surveyor General code:

C034 0014 00002520 00000

The property belongs to the Applicant.

DESCRIPTION OF THE PROPOSED LISTED ACTIVITIES

Act. No.	Listings	Describe the portion of the proposed project to which the applicable listed activity relates.	Coordinates of listed activities (centre point coordinates of the listed activity location)
GNR 327 Activity 19 A	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— (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	In 2022 the earthworks were associated with the reconstruction/extension of an existing dwelling established circa 1996. Thus more than 50m ³ of soil, sand, rock, and debris that was as a result of the development of the dwelling, within 100 metres inland of the high watermark of the sea.	34°11'12.58"S; 24°51'22.32"E

LEGISLATIVE REVIEW

ENVIRONMENTAL ASSESSMENTS UNDERTAKEN FOR THE DEVELOPMENT

In terms of the National Environmental Management Act 107 of 1998 ("NEMA"), environmental authorization must be obtained before any person can conduct activities that cause damage to the environment. The intention of environmental legislation is to regulate the interaction of human life with the natural environment. The purpose of environmental legislation is to protect and preserve the environment for current and future generations. The following Acts and Regulations apply to the proposed project:

LEGISLATION

- Section 24 of the **Constitution of the Republic of South Africa Act (No 108 of 1996)** states that everyone has the right:
 - to an environment that is not harmful to their health or well-being;
 - to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development.

2. The **National Environmental Management Act (Act No 107 of 1998)**. NEMA is based on the concept of sustainable development, and the objective is to provide for cooperative environmental governance, by providing the legal framework for environmental planning and development.

NEMA has basic principles that state:

- That all the principles throughout the Republic apply to the actions of all organs of state that may significantly affect the environment.
- Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.
- Development must be socially, environmentally and economically sustainable.
- Sustainable development requires consideration of all relevant factors.
- Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.
- There should be equal access to environmental resources, benefits and services to meet basic human needs and the Government should promote public participation when making decisions about the environment;
- Decisions must be taken openly and transparently and there must be access to information;
- Communities must be given environmental education;
- Workers have the right to refuse to do work that is harmful to their health or the environment;
- The role of youth and women in environmental management must be recognized;
- The person or company who pollutes the environment must pay to clean it up;
- The environment is held in trust by the state for the benefit of all South Africans; and
- The utmost caution should be taken when permission for new developments is granted.

Therefore, a Section 24G application was submitted in accordance with Section 24 of NEMA.

3. The **Environmental Impact Assessment Regulations: 324, 325, 326 & 327 of 7 April 2017**. The purpose of these Regulations is to regulate the procedure and criteria as contemplated in Chapter 5 of the Act relating to the preparation, evaluation, submission, processing, and consideration of, and decision on, applications for environmental authorizations for the commencements of listed activities, subjected to environmental impact assessment, to avoid or mitigate detrimental impacts on the environment, and to optimize positive environmental impacts, and for matters pertaining thereto.

Duty of Care

Chapter 7 of the NEMA prescribed a general 'duty of care' and the requirement to remediate environmental damage. Section 28(1) of NEMA states:

Every person who causes, has caused, or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or insofar as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such pollution or degradation of the environment.

The Duty of Care can, inter alia, be enforced through directives issued by the competent authority.

In terms of 2014 NEMA EIA Regulations, as amended, the activities listed in the above Table are triggered by this proposed development, thereby requiring an EA from the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT).

Therefore, the listed activity was identified, and an application was submitted for authorising the listed activities.

4. The **National Water Act (No. 36 of 1998)**. The major objectives of the National Water Act are to:

- Aid in providing basic human needs;
- Meet the growing demand for water sustainably;
- Ensure equal access to water and use of water resources
- Protect the quality of water of natural resources;
- Foster social and economic development; and
- Conserve aquatic and related ecosystems.

The development did not trigger water uses in terms of Section 21 of the NWA, therefore no application was submitted.

5. The **National Environmental Management: Biodiversity Act**:

The act provides the framework for: i) the management and conservation of biological diversity within the Republic and the components of such biological diversity; ii) the use of indigenous biological resources in a sustainable manner; and iii) the fair and equitable sharing among stakeholders of benefits arising from bioprospecting involving indigenous biological resources.

The act also provides for co-operative governance in biodiversity management and by establishing a South African National Biodiversity Institute, the objectives of the Act can be achieved.

Three Regulations are applicable: 1) Threatened and Endangered Ecosystems, 2) ToPs (2008) (Threatened or Protected species), and 3) AIS (Alien and Invasive Species).

There are no protected flora species found on site as the site had been cleared of vegetation for the previous dwelling built approximately in 1996 and the accompanying garden therefore only grass exists on the site.

6. The **National Environmental Management Air Quality Act 2004 (NEMAQA)** intends:

- To reform the law regulating air quality in order to protect the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development while promoting justifiable economic and social development.
- To provide for national norms and standards regulating air quality monitoring, management and control by all sphere of government.
- For specific air quality measures.
- For matters incidental thereto.

The proposed development does not trigger an application in terms of the NEMAQA. However, the National Dust Control Regulation under GN-R827 of 1 November 2013 specifies dust-fall rates for residential and non-residential areas. Preventive measures must have been employed to minimise dust fall during dwelling establishment/ preparation.

7. The **National Environmental Management: Integrated Coastal Management Act 24 of 2008** aims:

- To establish a system of integrated coastal and estuarine management in the Republic, including norms, standards and policies, in order to promote the conservation of the coastal environment, and maintain the natural attributes of coastal landscapes and seascapes, and to ensure that development and the use of natural resources within the coastal zone is socially and economically justifiable and ecologically sustainable.
- To define rights and duties in relation to coastal areas.
- To determine the responsibilities of organs of state in relation to coastal areas.
- To prohibit incineration at sea.
- To control dumping at sea, pollution in the coastal zone, inappropriate development of the coastal environment and other adverse effects on the coastal environment.
- To give effect to South Africa's international obligations in relation to coastal matters.
- To provide for matters connected therewith.

The site falls within 100m of a high-water mark.

8. The **National Environmental Management: Protected Areas Act:**

The Protected Areas Act provides for the protection and conservation of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes. It provides for the establishment of a national register of all national, provincial and local protected areas and the management of those areas.

The Act also provides for the governance and functions of South African National Parks and matters in connection therewith.

The site is not located in a protected area or within the national- or provincial area expansion strategy area.

9. **National Environmental Management Waste Act, 2008 (act 59 of 2008):**

The purpose of the Act is to regulate waste management to protect the health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for:

- Securing ecologically sustainable developments;
- Provide for institutional arrangements and planning matters;
- National norms and standards for regulating the management of waste by all spheres of government;
- To provide for specific waste management measures;
- To provide for the licensing and control of waste management activities;
- To provide for the remediation of contaminated land;
- To provide for the national waste information system;
- To provide for compliance and enforcement.

The dwelling did not require a Waste License for the generation, storage, treatment, recycling or disposal of general- or hazardous waste.

10. The **National Road Traffic Act, 1996 (Act 93 of 1996):**

The Act sets out the rules pertaining to who can drive a vehicle, the qualifications one has to have before one can be licensed to drive a vehicle, how one may operate a vehicle on the various types of roads and what happens in the case of a person operating a vehicle in a reckless or negligent manner or failing to comply with the rules of the road.

A Traffic Impact Assessment was not undertaken for the site as it was unnecessary to do so.

11. The **Alien and Invasive Species Regulations, 1 August 2014:**

The Regulations categorise the listed invasive species, list restrictive activities about the release and spread of invasive species, provide a national framework to monitor, control and eradicate invasive species, regulate permits, provide risk assessment framework, and list compliance and enforcement regulations.

The site consists of a maintained lawn and no natural vegetation.

12. **Bio-regional Plans:**

In terms of the provincial and local protected areas, the proposed development is not situated within an area that has been identified as a Critical Biodiversity Area (terrestrial or aquatic) according to the NDAGIS and according to the desktop study, however, the site does fall within an Ecological Support Area.

The Subtropical Thicket Ecosystem Project (STEP) & Eastern Cape Biodiversity Conservation Plan (ECBCP) aims to integrate the natural environment into land-use decisions at the municipal level to facilitate and achieve sustainable development. The objectives of the STEP are:

- To provide a conservation planning framework and implementation strategy for the conservation of subtropical thicket;
- To suggest and prioritize explicit conservation actions;
- To provide spatial biodiversity information for incorporation into regional, provincial and national land-use planning frameworks;
- To provide a capacity-building service in the application of the spatial conservation planning products, especially in the local government sphere; and
- To create an awareness of the value and plight of the Thicket Biome.

In terms of the STEP programme the conservation status of the land concerned is rated 'Impacted Area'. According to the STEP programme, impacted areas are severely disturbed or destroyed by human activities including urban development. The ability of this land to endure further disturbance or loss of natural area will depend on the land's classification before impacts, and the position, type and severity of the impacts caused by the extension of the dwelling. Considering the established residential character of the surrounding area and the fact that the residential footprint was lawfully transformed prior to the commencement of NEMA, rehabilitation of the site to its pre-development natural condition is neither practical nor appropriate.

13. **The National Forests Act No. 84 of 1998 (NFA) & List of Protected Tree Species under the National Forest Act, 1998 (Act No. 84 of 1998).**

The purpose of this Act is to promote the sustainable management and development of forests for the benefit of all. The Act also provides special measures for the protection of certain forests and trees and promotes the sustainable use of forests for environmental, economic, educational, recreational, cultural, health and spiritual purposes.

According to the Act, a natural forest is defined as a group of indigenous trees whose crowns are largely contiguous or which have been declared by the Minister to be a natural forest under section 7(2). No person may cut, disturb, damage or destroy any indigenous tree in a natural forest; or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any tree, or any forest product derived from a tree within a natural forest.

The principles of the Act indicate that:

- a) Natural forests must not be destroyed save in exceptional circumstances where, in the opinion of the Minister, proposed new land use is preferable in terms of its economic, social or environmental benefits;
- b) A minimum area of each woodland type should be conserved; and

c) Forests must be developed and managed so as to-

- (i) conserve biological diversity, ecosystems and habitats;
- (ii) sustain the potential yield of their economic, social and environmental benefits;
- (iii) promote the fair distribution of their economic, social, health and environmental benefits;
- (iv) promote their health and vitality;
- (v) conserve natural resources, especially soil and water;
- (vi) conserve heritage resources and promote aesthetic, cultural and spiritual values; and
- (vii) advance persons or categories of persons disadvantaged by unfair discrimination. Page 15 of 82 (4) The Minister must determine the minimum area of each woodland type to be conserved in terms of subsection (3)(b) based on scientific advice.

The site does not host a forest. No protected trees were found on site.

14. Eastern Cape the Provincial Nature Conservation Ordinance of 1974 (PNCO)

The Provincial Nature Conservation Ordinance (PNCO) protects the endangered and protected flora outside of protected areas. Species classified as Schedule 3 are endangered species. Species classified as Schedule 4 are protected species. A permit is required for the removal or destruction of species on the PNCO list.

15. The National Heritage Resources Act (No 25 of 1999):

The basic objectives of the National Heritage Resources Act are to set norms and maintain essential national standards and general principles for the governing and management of heritage resources in the Republic and to protect heritage resources of national significance.

The South African Heritage Resources Agency (SAHRA) has been established to coordinate and promote the management of heritage resources at the national level.

According to Section 38 of the National Heritage Resources Act, (no. 25 of 1999) the development does not fall within the threshold (development of a site exceeding 5000m²). No AIA and PIA were completed, and no application was submitted on the SAHRIS system for ECPRHA.

16. Occupational Health and Safety Act (No 85 of 1993):

The act provides for the health and safety of persons at work and the health and safety of persons in connection with the use of machinery, the protection of persons other than persons at work, against hazards to health and safety

arising out of or in connection with the activities of persons at work. The EMPs should provide measures to ensure that the objectives of the Act are met on this site.

Construction employers and employees adhered to the Health & Safety rules to ensure a safe working environment.

17. **Spatial Planning and Land Use Management Act (No. 16 of 2013):**

The Act provides a framework for spatial planning and land use management in South Africa. It further provides the framework to:

- Specify the relationship between spatial planning and the land use management system and other kinds of planning;
- Provide for inclusive, developmental, equitable and efficient spatial planning in the different spheres of government;
- Provide a framework for the monitoring, coordination and review of the spatial planning and land use management system;
- Provide a framework for policies, principles, norms and standards for spatial development planning and land use management;
- Address past spatial and regulatory imbalances;
- Promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications;
- Provide for the establishment, functions and operations of Municipal Planning Tribunals;
- Provide for the facilitation and enforcement of land use and development measures;

A town planner was not needed to conduct the application to comply with the SPLUMA requirements.

18. The **World Heritage Convention Act, 1999** intends to provide for:

- The incorporation of the World Heritage Convention into South African law.
- The enforcement and implementation of the World Heritage Convention in South Africa.
- The recognition and establishment of World Heritage Sites.
- The establishment of Authorities and the granting of additional powers to existing organs of state.
- The powers and duties of such Authorities, especially those safeguarding the integrity of World Heritage Sites.
- Where appropriate, the establishment of Boards and Executive Staff Components of the Authorities.
- Integrated management plans over World Heritage Sites.
- Land matter in relation to World Heritage Sites.
- Financial, auditing and reporting controls over the Authorities.
- To provide for incidental matters.

The site is not located in any area identified in terms of an International Convention.

19. And UNESCO Man & Biosphere Programme

The UNESCO Man & Biosphere Programme is an Intergovernmental Scientific Programme that aims to establish a scientific basis for the improvement of relationships between people and their environments. Its World Network of Biosphere Reserves currently counts 669 sites in 120 countries all over the world, including 16 transboundary sites.

The site is not located in the core or buffer area of any proclaimed Biosphere Region. St Francis Bay is however situated in the Garden Route Biosphere Reserve.

20. Kouga Local Municipality Integrated Development Plan:

The Draft Integrated Development Plan (2023-2024) is a planning process from the KLM which combines legislative requirements, stakeholder needs, political priorities, intergovernmental alignment, budget parameters, institutional capacity, strategic management and implementation.

The focus of the 2023-2024 IDP review has therefore been on aligning municipal programmes, projects, strategies and budgets with:

- (a) Improve Service Delivery
- (b) Socio-economic upliftment
- (c) Job Creation
- (d) Local Economic Development
- (e) Spatial integration
- (f) Basic Service Delivery and Infrastructure
- (g) Build Institutional Capacity & Financial Viability
- (h) Single window of co-ordination
- (i) Governance and Public Participation
- (j) Municipal Transformation and Organisational Development

21. Draft National Guideline for Consideration of Climate Change Implications in Applications for Environmental Authorisations:

The Draft National Guideline aims to create a consistent approach for the incorporation of climate change considerations in EIA's, WML's and AEL's. I&AP's must be provided with the minimum requirements for climate change assessment in these applications.

22. The National Biodiversity Offset Guideline

Biodiversity offsetting consists of actions that are taken to comply with biodiversity offset outcomes required in conditions in EAs, Biodiversity Offset Implementation Agreements and environmental management programmes (EMPrs).

The desired outcome of biodiversity offsets is to ensure that biodiversity is secured in the long term through the protection and appropriate management of ecosystems and species.

No biodiversity offsetting is proposed as the vegetation on the site was cleared when the previous residential dwelling was established approximately in 1996.

23. DEA (2010) IEM Guideline 7 Public Participation:

The EIA Regulations stipulate that “Public Participation” must be incorporated in the EIA process. The Guideline aims to ensure that a fair Public Participation Process is followed.

A Public Participation Process according to the Guideline was conducted.

MOTIVATION FOR THE NEED AND DESIRABILITY FOR THE PROPOSED DEVELOPMENT

The need and desirability for the proposed development were discussed under the heading Activity and Need Desirability of the Section 24G Application. In summary, the land is zoned Residential 2 and the entire residential platform and associated garden had already been transformed prior to the commencement of NEMA. The original dwelling was completed approximately in 1996.

Once the Applicant had purchased the property, they developed a design for how they wanted the residence to be designed. The owner moved from the inland provinces and has chosen to live in a coastal town for the change of pace. In terms of the socio-economic impact, the construction of the dwelling led to a limited, small but positive impact on the area as it provided short-term employment during the construction phase which commenced near the beginning of December 2022. The applicant also established the stabilized embankment by constructing a terrace to reduce the risk of erosion and retain sand on the dune upon which the dwelling was built, using a wooden retaining structure. The extension of the dwelling did not require the clearing of any natural vegetation, as the site had been previously cleared for the 1996 dwelling. Consequently, the development did not contribute to the loss of natural vegetation in the area.

PROJECT DESCRIPTION

A detailed description of the project can be viewed in Part 1 of the Section 24G Application. In summary:

The development included the partial demolition of an existing dwelling that was originally established approximately in 1996, thus the project was not a greenfield development. When the new building plans had been approved, the Applicant then extended the dwelling and included a stabilizing embankment on the site. The applicant extended the ground floor to 351m². The embankment stabilization triggered listed activity 327: 19A.

The applicant wishes to correct the error of not applying for an Environmental Application due to not knowing by applying for a Section 24G.

Ownership

The proposed site is owned by the Applicant.

Zoning

The site is zoned Residential 2 therefore a rezoning application was not necessary as the Applicant has demolished and extended the dwelling.

Phasing

The development is now complete.

METHOD STATEMENT & ACTIVITY SPECIFIC MANAGEMENT PLAN

The construction activities associated with the dwelling extension and stabilised terraced embankment have been completed and no further construction activities are proposed. Accordingly, construction-related Method Statements are not applicable to this Environmental Management Programme. The focus of this EMPr is the ongoing operational management of the property and the implementation of the rehabilitation measures for the disturbed slope below the stabilised terrace.

PLANNING, DESIGN PHASE AND CONSTRUCTION MANAGEMENT

N/A

OPERATION PHASE MANAGEMENT

The overall goal for the operational phase is to manage the activities associated with the operation and maintenance of the site in such a way that:

- The development maintains its positive socio-economic impact;
- Management of the site and ensure that it is kept in good condition;

- The activity complies with all relevant legislation, permits, and authorizations.

Also from a development point of view, the overall goal would be to:

- Maintain infrastructure required for the development and maintain infrastructure.

ROLES AND RESPONSIBILITIES

AUTHORITIES

The issuing of the necessary permits and authorizations is the responsibility of the authorities, in this case, DEDEAT. The authorities will also ensure that the Applicant complies with the conditions of the Section 24G application and other permits/licenses/approvals.

Authorities are entitled to perform site inspections to ensure compliance with the conditions and in the case of non-compliance, the authorities may provide instructions to ensure an action plan with corrective measures is carried out or to cease the project, especially in the case of long-term non-compliance.

APPLICANT

The Applicant was responsible for the environmental management during the construction phase, which has since been completed, and will continue to be responsible for the environmental management during the operational phase.

The EMP becomes legally binding to the Applicant and everyone acting on behalf of the Applicant during the construction and operation activities. The activities are regarded as permanent therefore there is no provision made for decommissioning activities.

In summary, the Applicant is responsible for:

- Reviewing the conditions of the Section 24G application and environmental monitoring programme in the EMP;
- Ensuring that the required environmental audits are undertaken on a timely basis and that the results of the audits are communicated to all personnel that are responsible;
- Implementing an environmental monitoring programme approved by the authorities and providing such results to the authorities;
- Conducting regular site inspections and monitoring to ensure compliance with the EMP;
- Advising on actions to be taken in the event of incidents or public complaints;
- Keeping a complaint register on-site/on the property.

ENVIRONMENTAL CONTROL OFFICER OR SITE MANAGER

An Environmental Control Officer (ECO) or Site Manager can be appointed by the Applicant to advise and assist where necessary and to monitor the implementation of the EMP, as an external function. The ECO or SM must have previous experience in environmental management and compliance monitoring.

The ECO or SM should conduct an independent evaluation of compliance with the EMP, but is not responsible for enforcing the conditions of the EMP.

Specific responsibilities include:

- Undertake environmental site audits as determined by the responsible authority;
- Recommend environmentally appropriate solutions to environmental problems;
- Recommend additional environmental management measures, if applicable;
- Help raise awareness for environmentally sensitive issues and help foster an appropriate environmental attitude towards the environment;
- Respond to non-compliance and provide corrective actions and procedures;
- Assist the Applicant if liaising with authorities is required.

MITIGATION MEASURES & MONITORING

The following maintenance and mitigation measures are recommended for implementation by the Applicant for the construction phase and the duration of the operational phase.

**Please note that this section will be amended and completed when all comments have been received from Commenting Authorities and interested and affected parties.*

The table below provides a concise summary of the environmental impacts assessed for the retrospective Section 24G application.

Environmental Aspect	Potential Impact	Residual Significance (with mitigation)	Key Mitigation / Outcome
Soil	Localised soil disturbance and potential erosion associated with the terrace construction.	Very Low (-)	Maintain stabilised terrace; rehabilitate lower slope with indigenous dune vegetation; monitor for erosion.
Land Use	Loss of land capability.	Very Low (-)	Existing residential land use retained; no change in zoning or land capability.

Biodiversity	Loss of indigenous vegetation and habitat.	Very Low (-)	No intact indigenous vegetation cleared; rehabilitate disturbed lower slope; control alien vegetation.
Flora	Loss of plant cover.	Very Low (-)	Promote natural succession and active rehabilitation on the slope below the private open space.
Fauna	Temporary disturbance to fauna.	Very Low (-)	Rehabilitation improves habitat; no ongoing disturbance beyond normal residential use.
Noise	Temporary construction noise.	Very Low (-)	Construction complete; only normal residential noise remains.
Air Quality	Dust during construction.	Very Low (-)	Construction completed; no ongoing dust-generating activities.
Visual	Change in visual character.	Low (-)	Dwelling compatible with surrounding residential character; rehabilitate lower slope.
Waste	Construction and domestic waste.	Very Low (-)	Municipal waste collection; good housekeeping.
Socio-economic	Temporary restriction of HOA private open space access.	Very Low (-)	Restore access to HOA private open space; rehabilitation of lower slope.
Heritage	Chance finds during construction.	Very Low (-)	Low screening sensitivity; construction completed; chance-find procedure for

			future ground disturbance.
--	--	--	-------------------------------

Draft Document

GENERAL ADMINISTRATIVE RESPONSIBILITIES FOR OPERATIONAL PHASE

Operational Phase Actions:

Item	Actions/Management Measures	Responsible Person & Time Frame	Monitoring Methods	Indicators
Ownership and Responsibility	The site is owned by the Applicant, David James Templeman. The applicant is responsible for the maintenance of the property.	The Applicant is responsible for the maintenance of the site.	Continued monitoring.	Number of complaints from Otters Landing.
Soil Management: Maintain no erosion status and destabilisation	- The applicant will maintain the lawn on the property take responsibility for their own property. - Monitor the stabilizing structure on the property after heavy rains during the operational phase. Implement remedial action immediately if erosion is detected. - According to the Environmental Legal Compliance for Homeowners with relation to the Private Open Space Areas in Otters Landing: - Being that the stabilisation structure has been effective, the rehabilitation may result in greater environmental harm. (Thus the stabilised terraced embankment will remain as is and not be sloped.) - With regards to the encroachment that has taken place on the Private open space area	- Site inspections should be conducted by the Applicant/Site Owner (after heavy rain events) to detect signs of erosion. - The Applicant/Site Owner is ultimately responsible for the any actions at the site that may result in sediment loss and/or erosion.	Visual inspections.	Incidence of Erosion.

	belonging to Otters Landing Homeowners Association, it has been established that rehabilitation of the vegetation takes place up to the agreed upon 3.5 m garden area within the Private Open Space and up to the boundaries of erven bordering the public open space.			
Ecologically Sensitive and Flora Management: - To minimize damage to indigenous flora and fauna utilizing the surrounding areas. - To control and prevent alien vegetation growth. In terms of fauna: - To minimise damage to	- The site has been fenced off by the applicant. - No open fires would be allowed on the surrounding areas except for the designated outdoor cooking area. <u>Flora:</u> - Indigenous plant species should be encouraged to established in gardens. - Plant native species e.g. <i>Osteospermum moniliferum</i> (Bietou), <i>Cassine peragua</i> (Cape saffron), <i>Euclea racemosa</i> (Sea Guarri) and <i>Metalasia muricata</i> (White Bristle Bush) within the slope area north of the Private Open Space of Otters Landing. - Indigenous plant species further north of the site, in the public open space will not be disturbed during operation.	- The applicant will be responsible for the environmental management during the operational phase. - A list of animals that are relocated must be kept by the Applicant.	Visual inspection.	- Reports on file. - Number of animals harmed/ incidents. - Site is clear of alien vegetation.

indigenous fauna	- Control weeds and aliens such as Rooikrans (<i>Acacia cyclops</i>), Port Jackson (<i>Acacia saligna</i>), Marram grass (<i>Ammophila arenaria</i>), Pine trees (<i>Pinus spp</i>) and other invasives such as <i>Medicago polymorpha</i>, <i>Oxalis pes-caprae</i>, and <i>Vicia species</i>. - All category 1a, 1b & 2 listed plants must be eradicated from the site. <u>Fauna:</u> - No animals entering or settling at the site will be trapped or killed. - No hunting or snaring would be allowed at the site. - No person may carry out a restricted activity in terms of the List of Threatened or Protected Species (TOPS) regulations i.e. killing, catching, hunting by any method or device including searching, injuring with intent to hunt, catch or kill any such specimen involving a TOPS specimen without a TOPS permit.			
Noise Management Prevent excessive noise generation within the site and surrounding area during	Keep within the Legal Compliance for Homeowners with relation to noise generation in Otters Landing:	- The Applicant/Site Owner must log and record complaints received from abutting residents. - The Applicant must make every effort to immediately resolve the issue (within one	Continued monitoring.	Number of registered complaints.

operating hours.		week), once a complaint is received.		
Fire Management Prevent the loss of life (humans, fauna, or flora) within the site and surrounding area.	- No cooking fires will be allowed unless at built facilities for 'braai'. - No burning of waste will be allowed at the site. - Fire-fighting equipment will be in working condition, regularly checked and maintained and available on-site. - Local fire station numbers should be known by the Applicant. - Access to a fire hydrant system must not be obstructed at the site. - Open uncontrolled fires will be forbidden at the site.	The Applicant is responsible for supplying and maintaining firefighting equipment for the duration of the operation.	- Continued monitoring, including: - Inspect fire extinguishers.	- Compliance with measures. - Number of fire incidents.
Visual Impact Management - Ensure the site is well maintained to minimize the visual impact. - To receive no complaints regarding impacts on visual quality.	- The site and immediate surroundings must be kept clean and free of litter continuously. Regular cleanup of the entire site must be done. - The house and garden must be well maintained.	The Applicant is responsible for house maintenance.	- Visual inspections. - Continued monitoring.	Number of complaints.

Waste Management To ensure that appropriate waste management strategies are adhered to at all times.	- Waste will not be burnt or buried on the site. - The dwelling forms part of the existing housing complex and therefore receives municipal waste removal services.	<u>Solid Waste Management:</u> - The Applicant/Site Owner must ensure waste bins with lids should be provided at the site and that the bins are emptied and collected by the waste removal services. - The Applicant/Site Owner must ensure that the site is to be checked for litter daily. All litter should be collected regularly and deposited in the waste bins. <u>Effluent Management:</u> - The Applicant must ensure that the ablution facilities are	Visual inspection of waste materials, the handling and storage areas.	- Contamination of water and soil. - Cost of cleaning up spills. - Evidence of contamination and leaks. - Visible litter / waste on site.

		maintained during operation phase.		
Socio-Economic Ensure that the section in front of the house can be utilized as private open space as originally intended.	- Those mitigation measures are described under previous headings. - Restore the section of the Otters Landing Homeowners Association private open space affected by the development to allow pedestrian access to and from the adjoining private open space. - The Applicant can only remove the obstruction that they created and return that portion of the private open space to its intended communal use.	- The Applicant is responsible for the section in front of his house. - The Otters Landing Home Owners Association must ensure all other residents comply.	- Observe whether activities are executed in line with EMP requirements. - Continued monitoring.	Compliance of workers with EMP.

The disturbed slope below the stabilised terrace shall be rehabilitated to promote the re-establishment of indigenous vegetation characteristic of the surrounding St Francis Dune Thicket. Rehabilitation shall primarily rely on assisted natural succession, as indigenous vegetation is already showing signs of natural regeneration. Where necessary, locally indigenous pioneer groundcovers, grasses and shrubs may be introduced to improve vegetation cover and stabilise exposed sandy areas.

The rehabilitation programme shall include the following:

- Removal and ongoing control of invasive alien plant species.
- Protection of naturally regenerating indigenous vegetation from unnecessary disturbance.
- Supplementary planting with locally indigenous St Francis Dune Thicket species where natural regeneration is insufficient.
- Maintenance of adequate vegetation cover to minimise soil erosion and improve slope stability.
- Quarterly monitoring of the rehabilitation area during the first year following implementation, with any unsuccessful areas replanted or otherwise rehabilitated as required.

Rehabilitation shall be considered successful when:

- At least 80% vegetative cover has been established;
- No active soil erosion is evident;
- No invasive alien plant infestations are present; and
- The rehabilitation area is self-sustaining and blends with the adjacent natural dune vegetation.

Actions / Management Measures

- Rehabilitate the identified area with locally indigenous species as far as possible. As a minimum, ensure that from an ecological state, all alien vegetation is removed and that indigenous species are encouraged to reestablish.
- Follow the instruction of the EMPr.

Monitoring Responsibility and Timeframes:

- The Applicant must ensure that identified area is rehabilitated.

Monitoring Methods:

- Visual inspections of the area.
- Keep a record of rehabilitation measures.

Indicators:

- Surrounding area fully rehabilitated within two years and well maintained.

As the construction phase has been completed, ongoing monitoring is limited to the operational management of the property and the rehabilitation of the disturbed slope below the stabilised terrace.

The Applicant shall be responsible for ensuring that the mitigation measures contained in this Environmental Management Programme (EMPr) are implemented and maintained throughout the operational phase. Particular attention shall be given to:

- the successful rehabilitation of the disturbed slope with indigenous vegetation;
- the control and removal of invasive alien plant species;
- the maintenance of slope stability and the identification of any signs of erosion or instability;
- the maintenance of pedestrian access across the Applicant's section of the Otters Landing Homeowners Association private open space, where applicable; and
- the ongoing implementation of good housekeeping practices.

The rehabilitation area shall be inspected quarterly during the first 12 months following the implementation of the rehabilitation measures. Should monitoring identify unsuccessful rehabilitation, erosion, or invasive alien plant establishment, corrective measures shall be implemented as soon as reasonably practicable.

A brief photographic record of the rehabilitation area should be maintained during each monitoring inspection to demonstrate the progress of vegetation establishment.

No formal environmental auditing is considered necessary due to the small scale of the activity, the completion of construction, and the limited residual environmental impacts identified in the retrospective Environmental Impact Assessment. However, the Competent Authority may require compliance inspections or monitoring reports as conditions of any Environmental Authorisation issued.

Rehabilitation success criteria

Rehabilitation shall be regarded as successful when:

- indigenous vegetation has naturally re-established or has been successfully supplemented to achieve at least 80% vegetation cover;
- no active soil erosion or slope instability is evident;
- invasive alien plant species are absent or effectively controlled;
- the disturbed area visually blends with the adjacent natural dune vegetation; and
- the rehabilitation area is self-sustaining without requiring intensive ongoing maintenance.

NON-COMPLIANCE REPORTS

Any non-compliance with the requirements of this Environmental Management Programme (EMPr) identified by the Applicant, the Competent Authority or any authorised compliance official shall be addressed as soon as reasonably practicable.

Where non-compliance results in actual or potential environmental harm, appropriate corrective actions shall be implemented without delay to prevent further environmental degradation and to restore the affected area, where feasible.

Should the Competent Authority identify any non-compliance during compliance inspections, the Applicant shall implement any reasonable corrective measures required by the Department within the specified timeframe.

Records of any non-compliance, together with the corrective actions undertaken and the date of implementation, shall be maintained by the Applicant and made available to the Competent Authority upon request.

INCIDENT REPORTS

According to Section 30 of National Environmental Management Act (NEMA), an “Incident” is defined as an unexpected sudden occurrence, including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed.

In terms of the requirements of NEMA, the responsible person must, within 14 days of the incident, report to the Director General, provincial head of department and municipality such information as is available to enable an initial evaluation of the incident, including:

- a) the nature of the incident;
- b) the substances involved and an estimation of the quantity released and their possible acute effect on persons and the environment and data needed to assess these effects;
- c) initial measures taken to minimise impacts;
- d) causes of the incident, whether direct or indirect, including equipment, technology, system, or management failure; and
- e) measures taken and to be taken to avoid a recurrence of such incident.

Example of Incident Register:

Date	Incident - <i>describe what incident and possible explanation and possible reasons, including photo record. Assign a reference no. for incident.</i>	Action Taken – <i>provide details and proof of action e.g. documents, photos, etc.</i>	Signature

Example of Accident Register:

Date	Names of persons involved	Accident - <i>describe what accident, injuries, and possible explanation and possible reasons, including photo record. Assign a reference no. for accident.</i>	Action Taken – <i>provide details and proof of action e.g. documents.</i>	Signature

The construction of the development was completed in 2023 with no reported incidences.

MONITORING REPORTS

As construction has been completed, routine environmental monitoring reports are not considered necessary for this development.

The Applicant shall, however, monitor the rehabilitation area to ensure that:

- indigenous vegetation continues to establish successfully;
- invasive alien plant species are controlled;
- no signs of soil erosion or slope instability develop; and
- the rehabilitation objectives contained in this EMPr are achieved.

Photographic records of the rehabilitation area should be taken at approximately three-month intervals during the first year following implementation of the rehabilitation measures. These records should be retained by the Applicant and made available to the Competent Authority upon request.

Should monitoring identify unsuccessful rehabilitation, erosion or other environmental concerns, appropriate corrective measures shall be implemented as soon as reasonably practicable.

No formal environmental monitoring reports are required unless specifically requested by the Competent Authority or required as a condition of the Environmental Authorisation.

AUDIT REPORTS

Formal environmental audit reports are not considered necessary for this development due to the small scale of the activity, the completion of the construction phase and the limited residual environmental impacts identified in the retrospective Environmental Impact Assessment.

The Applicant shall remain responsible for implementing the mitigation and rehabilitation measures contained in this Environmental Management Programme (EMPr) and for ensuring ongoing compliance with any conditions contained in the Environmental Authorisation.

Should the Competent Authority require an environmental audit as a condition of the Environmental Authorisation, such audit shall be undertaken within the timeframe specified by the Competent Authority.

DECOMMISSIONING PHASE

The proposed development comprises a permanent residential dwelling and associated infrastructure. No decommissioning activities are proposed or anticipated as part of this application. Accordingly, a decommissioning phase is not applicable to this Environmental Management Programme (EMPr).

Should the dwelling or associated infrastructure be demolished or redeveloped in the future, such activities shall be undertaken in accordance with the environmental legislation applicable at the time, including any environmental authorisations or permits that may then be required.

DESCRIPTIONS OF SOLUTIONS TO RISKS

The following risks have been identified:

- Rehabilitation of the disturbed slope below the stabilised terrace through assisted natural succession and supplementary planting with locally indigenous dune vegetation where required.
- Ongoing maintenance of the stabilised terraced embankment to ensure continued slope stability and prevent soil erosion.
- Regular inspection of the rehabilitated area for signs of erosion, instability or invasive alien plant species, with corrective action implemented where necessary.
- Maintenance of good housekeeping practices to prevent pollution, including the appropriate disposal of domestic waste through the municipal waste collection service.
- Maintenance of the existing sewerage and stormwater infrastructure to prevent leaks and contamination.
- Removal of barriers erected by the Applicant within the affected section of the Otters Landing Homeowners Association private open space and restoration of that section to the Homeowners Association, thereby enabling pedestrian access across the Applicant's area of responsibility.
- Continued compliance with the mitigation measures contained in the Environmental Authorisation (if granted) and this EMPr.

ENVIRONMENTAL AWARENESS TRAINING

As the construction phase has been completed, environmental awareness training for contractors and construction personnel is not applicable to this development.

The Applicant shall, however, familiarise themselves with the requirements of this Environmental Management Programme (EMPr), particularly those relating to:

- rehabilitation of the disturbed slope;
- control of invasive alien vegetation;
- prevention of soil erosion and pollution;
- maintenance of the stabilised terraced embankment; and
- compliance with the conditions of the Environmental Authorisation, if granted.

Should contractors be appointed in the future to undertake rehabilitation works or maintenance activities with the potential to cause environmental impacts, they shall be made aware of the relevant requirements of this EMPr before commencing such works.

No alien species are expected on the site, as the site has consisted of a maintained lawn for 30 years.

General alien control of other species

- Juvenile alien trees will be pulled and removed to a registered landfill site.
- Any poisonous alien plants (if any) must be removed to a registered waste facility and may not be given to workers or the community.
- Once the area has been developed and open/park spaces vegetated, a continuous alien control programme will be implemented by pulling any seedlings on a **quarterly or annual basis**. Specific attention will be directed to those plants listed above. No tree/plant will be left until it reaches seed-bearing age.
- All juvenile alien plants will be pulled and removed from the site.
- Mechanical control will involve hand-pulling seeding plants. Immature plants should either be ring-barked, or dugout, or the stems should be cut as near as possible to the ground. The bark on the remaining stem stub must be peeled off into the ground, once the stem has been cut.
- Chemical control involves the stems being cut as low as practical, where after herbicides are applied in diesel or water as recommended for the herbicide. Applications in diesel should be to the whole stump and exposed roots and in water to the cut area as recommended on the label of the herbicide.
- There will also be no interference with any biological control and the insects must be left to continue to invade alien trees.
- Herbicides may be used with high caution.
- No tree will be left until it reaches seed-bearing age.

CO-ORDINATE 3			SYSTEM L0 250	
CONSTANT			0.00 Y	+3 700 000.00 X
MAIN FIGURE				
SIDES	METRES	ANGLES OF DIRECTION	Y METRES	X
AB	2.94	294 27 20	A +13421.54	+83915.58
BC	6.11	4 09 00	B +13418.86	+83916.90
CD	31.61	298 07 50	C +13419.30	+83922.85
DE	6.72	231 26 10	D +13391.43	+83937.80
EF	24.09	291 28 50	E +13386.17	+83933.61
FG	13.76	303 50 40	F +13363.75	+83942.42
GH	22.04	312 05 00	G +13352.32	+83950.09
HJ	18.65	316 07 40	H +13335.96	+83964.86
JK	8.27	30 38 10	J +13323.03	+83978.31
KL	10.71	320 08 50	K +13326.22	+83983.70
LM	6.24	248 02 20	L +13319.35	+83991.92
MN	47.04	316 38 40	M +13313.57	+83989.58
NP	18.03	328 52 40	N +13281.21	+84023.73
OQ	8.31	40 45 20	O +13271.90	+84039.17
PR	16.17	326 26 00	P +13276.02	+84043.95
RS	6.36	242 15 40	R +13267.07	+84057.42
ST	12.04	314 19 50	S +13261.45	+84054.46
TU	20.13	289 08 10	T +13252.83	+84052.88
UV	32.01	280 58 40	U +13233.81	+84069.49
VW	20.59	293 15 20	V +13202.38	+84075.55
WX	6.19	3 27 50	W +13183.47	+84083.68
XY	13.36	298 22 30	X +13183.85	+84089.96
YZ	6.37	234 42 10	Y +13172.09	+84096.21
ZA	27.62	298 00 50	Z +13166.89	+84092.52
A1B1	33.48	283 22 40	A1 +13142.50	+84105.50
B1C1	14.04	311 52 00	B1 +13109.93	+84113.24
C1D1	11.10	357 54 40	C1 +13099.47	+84122.61
D1E1	64.02	70 28 50	D1 +13098.07	+84135.70
E1F1	39.26	70 28 50	E1 +13158.41	+84136.09
F1G1	180.50	132 45 00	F1 +13196.72	+84168.32
G1H1	34.17	82 46 10	G1 +13328.34	+84045.73
H1J1	12.00	135 11 30	H1 +13363.24	+84050.03
J1K1	33.50	262 46 10	J1 +13371.70	+84041.51
K1L1	134.83	132 45 00	K1 +13338.46	+84037.30
L1A	34.14	207 48 20	L1 +13437.47	+83945.78

CDR

(SEA VISTA ALLOTMENT AREA)
GENERAL PLAN No. 4092/1994

OF
SUBDIVISIONS OF ERF 2006 SEA VISTA

VIDE OGM No. 7864/1989 ANNEXED TO C.C.T. 56151/1990

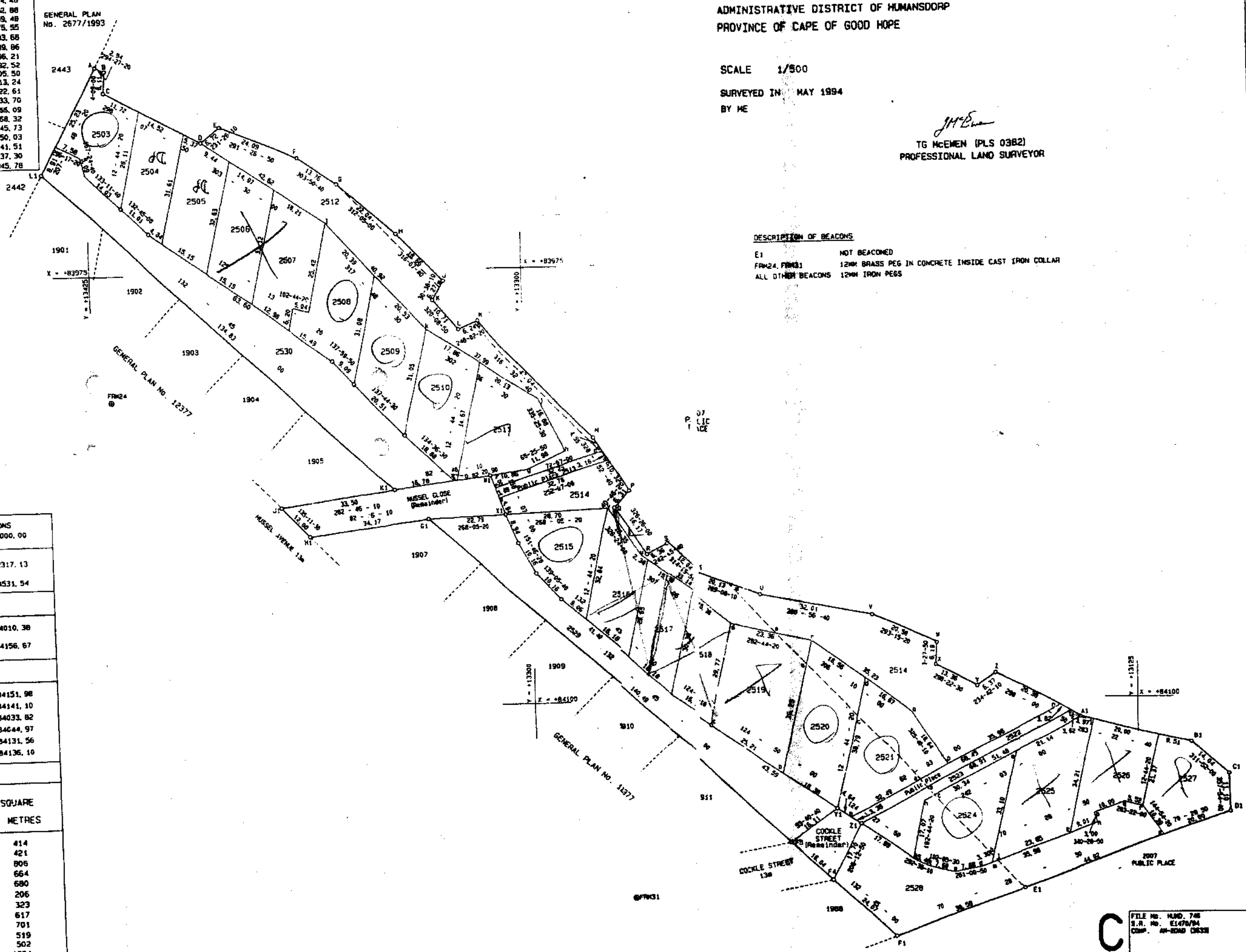
AND COMPRISING 26 ERVEN NUMBERED 2503 TO 2512, 2514 TO 2521
2523 TO 2530 AND 2 PUBLIC PLACES NUMBERED 2513 AND 2522
AND THE STREETS SITUATE IN THE ST. FRANCIS BAY MUNICIPALITY
ADMINISTRATIVE DISTRICT OF HUMANSDORP
PROVINCE OF CAPE OF GOOD HOPE

SCALE 1/500

SURVEYED IN MAY 1994
BY ME

JM Ewen
TG McEWEN (PLS 0382)
PROFESSIONAL LAND SURVEYOR

DESCRIPTION OF BEACONS
E1 NOT BEACONED
FM24, FM31 12MM BRASS PEG IN CONCRETE INSIDE CAST IRON COLLAR
ALL OTHER BEACONS 12MM IRON PEGS



TRIGONOMETRICAL BEACONS			
CONSTANT 0.00 +3700000.00			
312 PEGS	A	+18581.65	+82317.13
306 5" FRANCIS POINT	A	+13154.88	+84531.54
REFERENCE MARKS			
FM24	●	+13419.59	+84010.30
FM31	●	+13272.64	+84156.67
BLOCK CORNERS			
F4		+13214.39	+84151.98
F5		+13226.17	+84141.10
M1		+13311.05	+84033.82
M1		+13306.56	+84044.97
F1		+13213.19	+84131.56
Z1		+13206.57	+84136.10
AREAS			
ERF NUMBER	SQUARE METRES	ERF NUMBER	SQUARE METRES
2503	487	2517	414
2504	422	2518	421
2505	462	2519	806
2506	460	2520	664
2507	533	2521	680
2508	567	2522 (P.P.)	206
2509	522	2523	323
2510	559	2524	617
2511	535	2525	519
2512	1337	2526	502
2513 (P.P.)	105	2527	1304
2514	7104	2528	1411
2515	525	2529	1661
2516	424	2530	

S.G. No. 4092-94
APPROVED
Rax
1st SURVEYOR GENERAL
1994-07-08
APPROVED IN TERMS OF SECTION 25(1) OF ORDINANCE 15/1988
REFERENCE: 54/2008
DATE: 12 APRIL 1994

FOR REGISTRATION PURPOSES
VIR REGISTRASIE DOELEINDES
1994-07-13
P. Phillips
1st SURVEYOR GENERAL
1994-07-08

ENDORSEMENTS				
NO.	AMENDMENT	ADDITION	AUTHORITY	INTD. DATE

S.G. OFFICE NOTES

FILE NO. 1490.748
S.G. NO. 41674/94
COMP. AM-ROAD 13638

M4: Frank Silberbauer Consulting letter to the client

Zimbra

davetemp@iafrica.com

Re: 5 Otters Landing

From : Frank Silberbauer <franksilberbauer@gmail.com>
Subject : Re: 5 Otters Landing
To : davetemp@iafrica.com

Wed, 13 Jul, 2022 15:59

📎 2 attachments

Hi

Sorry I have not communicated earlier but have a rather difficult client and an even more difficult government department - so here it is....

Attached is a letter noting that an Environmental Assessment in this instance would not be required as the property has already been transformed and there are no natural areas remaining and therefore the only Listed Activity in this instance would not be applicable.

In this instance the National Building Regulations, the Bye-laws of the Municipality and any building regulation noted in the Homeowners regulations will be applicable in this instance.

Trust this assists you?

Regards
Frank

Frank Silberbauer
Environmental Consultant
PO Box 93
17 Reservoir Road
St Francis Bay
6312

Cell: 083 225 7484
Email: franksilberbauer@gmail.com
Landline: 042 294 1133

On Tue, 12 Jul 2022 at 09:56, <davetemp@iafrica.com> wrote:
Hi Frank

Took image from Google.

Drive St Francis drive all the way to the end, left into Coral & immediate right into Cockle street. Drive straight down & you will see white wall with Otters Landing on it. Drive

Frank Silberbauer Consulting

13 July 2022

Mr Dave Templeman
ERF2520, No 5 Otters Landing,
Santereme,
St Francis Bay 6312

Attention: Mr Dave Templeman
Per email: <mailto:davetemp@iafrica.com>

RE: Proposed demolition and new build of a dwelling on ERF2520, No5 Otters Landing, Santareme, St Francis Bay, Kouga Local Municipality, Eastern Cape Province.

TO WHOM IT MAY CONCERN:

The following opinion is noted about the requirement to perform a Basic Assessment Report (BAR) for the above proposed development activity. Please note this is an opinion expressed by an independent Environmental Assessment Practitioner (EAP) and does not necessarily reflect the views of the Department of Environmental Affairs (DEDEAT). It must be noted that if a difference of opinion does occur then the opinion of DEDEAT could prevail.

1. The following criteria are noted from the current NEMA environmental legislation (Refer Listing Notices 1 & 3 – (Government Notices: GRN 327 & 324 of 07 April 2017).
 - a. ERF2520 falls within the defined urban area of St Francis Bay, the Kouga Local Municipality, and further forms part of the development known as Otters Landing.
 - b. ERF2520 falls within 100m of the High-Water Mark of the sea (HWM) and therefore could be subject to current environmental legislation relating to Activities occurring within 100m of the HWM of the sea or the Littoral Active Zone.
 - c. The only Listed Activity which is applicable in this instance is Activity 19A of Listing Notice 1 which states that no more than 5m³ of material may be removed or brought into the Activity Area which is in its natural state within the urban area.
 - d. During a site visit on 12 July 2022, the following was observed: An existing dwelling on ERF2520 has been demolished and a new dwelling is in the process of being built. Most of 90% of the area covering ERF2520 has been transformed by extent and layout of the demolished dwelling, with little or no natural areas remaining (see photos below).
 - e. As ERF2520 is part of an existing development 'Otters Landing' one would assume that for the development to take place any environmental issues would have formed part of the original development authorisation.
 - f. No Listed Activities from Listing Notice 3 (GRN324) were noted with regards to ERF2520.
 - g. It has been ascertained that a development setback line has yet not been determined for this area, therefore, no setback line applies in this instance
2. It's concluded that due to the 'transformed' state of ERF2520 and that there are no natural areas remaining that an environmental impact assessment in this instance would not be required, and in this instance the National Building Regulations, byelaws of the Kouga Municipality and any regulations regarding building within the homeowner's constitution would be applicable in this instance.

Notwithstanding this conclusion, the principle of 'duty of care' as specified under Section 28 of the National Environmental Management Act (NEMA) will apply, which details the obligations of the landowner, contractors, and staff to protect the environment during and after the intended works.

Yours faithfully
Frank Silberbauer (*Consultant.*)



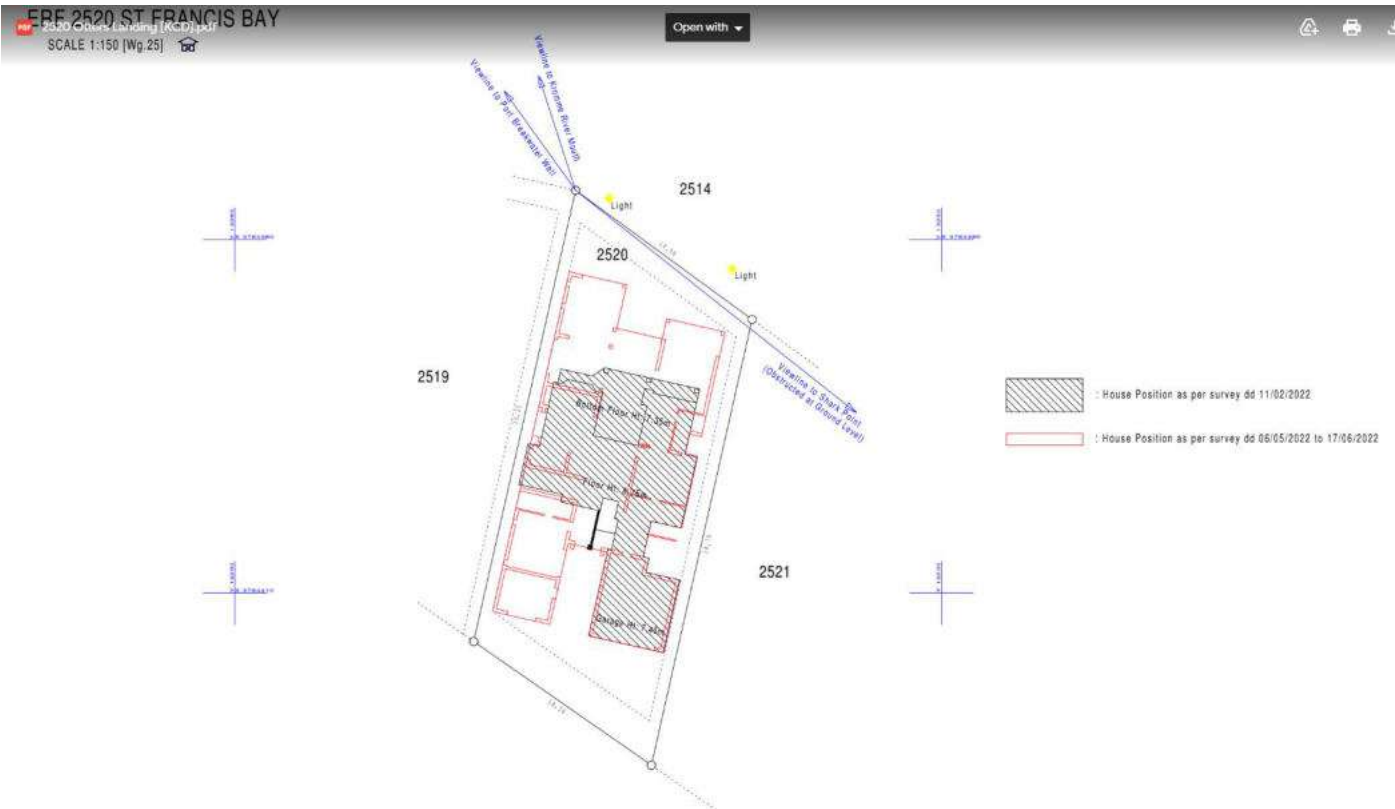


Figure 1 – layout of ERF2520



North Wall



Old Garage



Retaining wall



General site view from sea



General site view from inland



Original Garage

M5: Applicant response to Adv Barry Madolo

5 Otters Landing
St Francis Bay,
Eastern Cape, 6312

25th September 2024

Attention: Advocate B Madolo,
Director of Public Prosecutions (DPP) in the Eastern Cape

Dear Adv Madolo,

RE: Notice of intention to Prosecute Otters Landing from Uzani Advocacy dated 23rd September 2024

I trust this finds you well.

I have, indirectly, received the attached Notice of Prosecution which I believe was sent to you on 23rd September 2024 and would greatly appreciate your guidance, as much of the content of the Notice is inaccurate from my perspective. It is my hope that the information supplied, herein and attached, will enable you to either dismiss the case, or advise me of the best way forward.

Please note that I am not an attorney and therefore apologise in advance for any non-legal vocabulary.

I would firstly like to bring to your attention the probable reasons why the prosecution notice was sent to you.

Mr Le Roux of Le Roux Petroleum (Pty) Ltd., is the driving force, and expected financial supporter, of the Uzani submission – even though his name is noticeably absent within the letter. Le Roux moved into Otters Landing #6 in 2019 and from the outset, he complained about all matters within the complex. I purchased the adjacent property #5 in 2021, and he has been complaining to the HOA and myself since then about plans, view rights, etc. Potentially over the past 18 months the HOA Committee (HOAC) and myself has possibly received more that 150 letters of demand to the HOAC, either directly from himself, or from attorneys.

It is important to note that the HOA decided, at a Special General Meeting, that we will no longer accept the bullying tactics of Le Roux and currently there is a CSOS case pending against Le Roux and awaiting adjudication. At the same time, and most probably the reason why you received the Notice, is that the Kouga Municipality has just issued Le Roux with a Criminal Charge sheet regarding an unauthorised generator at #6 and his insistence in not adhering to Kouga's requests to resolve the situation, and expect he has requested Uzani to start the process as retaliation. It should also be noted that, as a Home Owner within Otters Landing, Le Roux also places himself as a member of Accused 1 (please also refer to the mis-direction comments below). At the same time we believe this action by Le Roux is to create a "nuisance" for myself and the HOA and keep us tied up with the NPA for no apparent reason; this is NOT what the NPA should be used for and is a blatant disregard for the Law, and a waste of your time, in my opinion.

It should be noted also that Le Roux has self-confessed unlawful usage of the POS in front of his property saying "I freely admit that my extended deck/rimflow basin is similarly unlawful". It is critical to note at this time that Le Roux is using his extended patio, swimming pool rim-flow as an "Entertainment area", whereas my wooden retaining wall is to protect the Sand Dune as it's single task.

The points from the Notice that I wish to raise with you, and my comments/corrections, are as follows:

- Contravention of section 24F(1), which states that a person has commenced with a listed or specified activity without an environmental authorisation (Notice sections 1 and 3);
 - o In July 2022 a Basic assessment Report was performed on the property by a Nema-Approved Environmentalist who stated that the only listed activity which is applicable in my case was a Listed Notice 1, which discusses the movement of materials (discussed more fully below).
 - o This Report was submitted to the Otters Landing HOA when received in 2022 and recorded. I do believe that possibly Le Roux did not know of the Authorising Letter, but neither he nor Uzani have bothered to ask the question and do research, before submitting the notice to yourself.
 - o Discussions between myself and the Environmental consultant, and between myself and the HOA Chairman, in 2022 and on numerous occasions in 2023 towards the end of my build, regarding the options open to me for the excavated sand from the building of the underground rainwater tanks, for the environment, and swimming pool, where we reached consensus (refer detail below)
- Movement of Materials
 - o In section 1(c) of the Environmental report it states that "no more than 5m³ of material may be removed or brought into the Activity Area". We most certainly did **not** bring in any sand to the property, nor did we remove any sand from the dune. As you can see from the photographs attached, the natural vegetation on the Private Open Space (POS) in front of the 2520 house, in photograph circa 1994 we believe, was removed with the knowledge of the then Committee and is approximately 30 years ago. This was noted within the Environmental report and it was stated that an Impact Analysis would not be required. At the same time the Environmental Report states "duty of care" whereby the contractor, landowner and staff, should "protect the environment during and after the intended works" – which I firmly believe we did
 - o Please note the positioning of the concrete table and bench in the POS circa 1994. As you can see from the pre-rebuild photograph, when I purchased the property in 2021, and has not changed substantially over the past 3 years. What we were left with in 2023 was to either spread the excess sand throughout the POS area previously exposed, which would most probably result in the sand being washed away due to the increased slope, or to erect a single wood and netting structure, covered with grass, to retain the sand on the dune. We chose the latter which was discussed with the HOA Chairman and the Environmental Consultant.
- Extending 2520 beneficial use area and depriving access to other HOA Members (4)
 - o As mentioned above, the grassed wood and netting structure is neat, tidy, and doing its job perfectly to retain the sand dune. It is a workhorse and I have not, to date, even sat on a deckchair in that area. It is important to note, again, that Le Roux's transgression into the POS area in front of his property is 100% for his, and his

family's, beneficial use and a large entertainment area over the POS and he is using this prosecution notice to deflect any unlawfulness on his part. Le Roux also has widened a substantial pathway, right through the natural vegetation towards the sea, for his individual use.

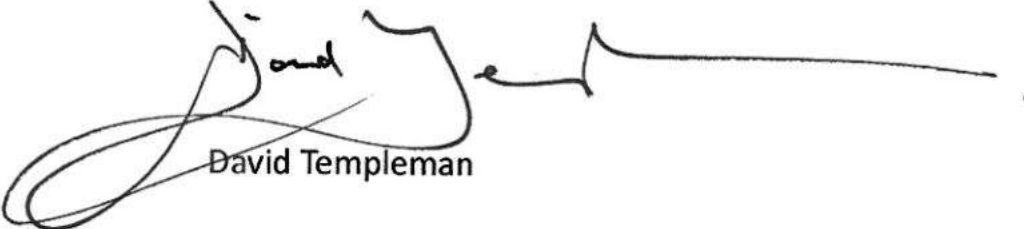
- Please note that, due to the thick natural vegetation in the form of indigenous bushes and shrubs, there is no means for any of the HOA members to traverse between properties and therefore the statement regarding "depriving the other members of the HOA of their right to use that part of the common use area is trite and completely incorrect
- Photograph of activity (5)
 - I am actually really happy with the protection we have given to the sand dune, and staying within the boundaries of the common use area that the HOAC agreed to in circa 1994 and that the terraced sand-retaining structure is the best solution for the environment. I would ask you to review the attached 1994, 2021 and 2024 pictures to understand how we have absolutely adhered to the "duty of care" of the environment.

Although I have attached some pictures to describe our journey above, and have attached the Environmental report, I obviously do have a significant number of other photographs and submissions that I can forward, if required.

I know that the instigator of the notice sent to you by Uzani is Le Roux and unfortunately we believe that he is using this attack on myself, and my other Otters Landing Home Owners, as a diversion tactic and trying to get back at the HOA dues to us now saying that we will not be bullied by Le Roux, and he doesn't like it. Due to Le Roux I will need to state, I suspect, that this document is submitted without prejudice.

I hope that you will be able to dismiss the Uzani notice of intended prosecution. Failing which, if you could please advise the best way forward to rectify any issues the NPA may have with our submission.

Yours Sincerely

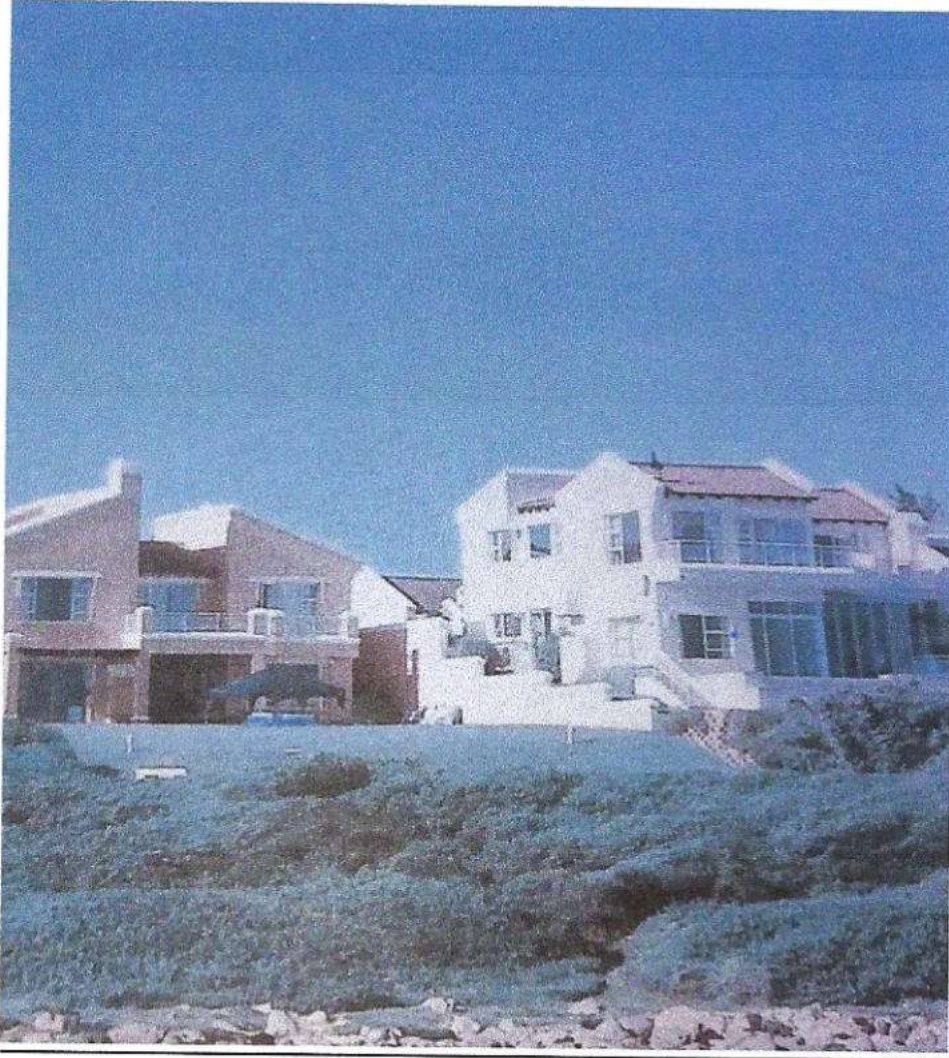


David Templeman

5 Otters Landing

Supplementary information – Prosecution Notice of 23 Sept 2024

5 Otters Landing and Public Open Space (POS) circa 1994 (note bench)



5 Otters Landing – 2021 View from cleared POS



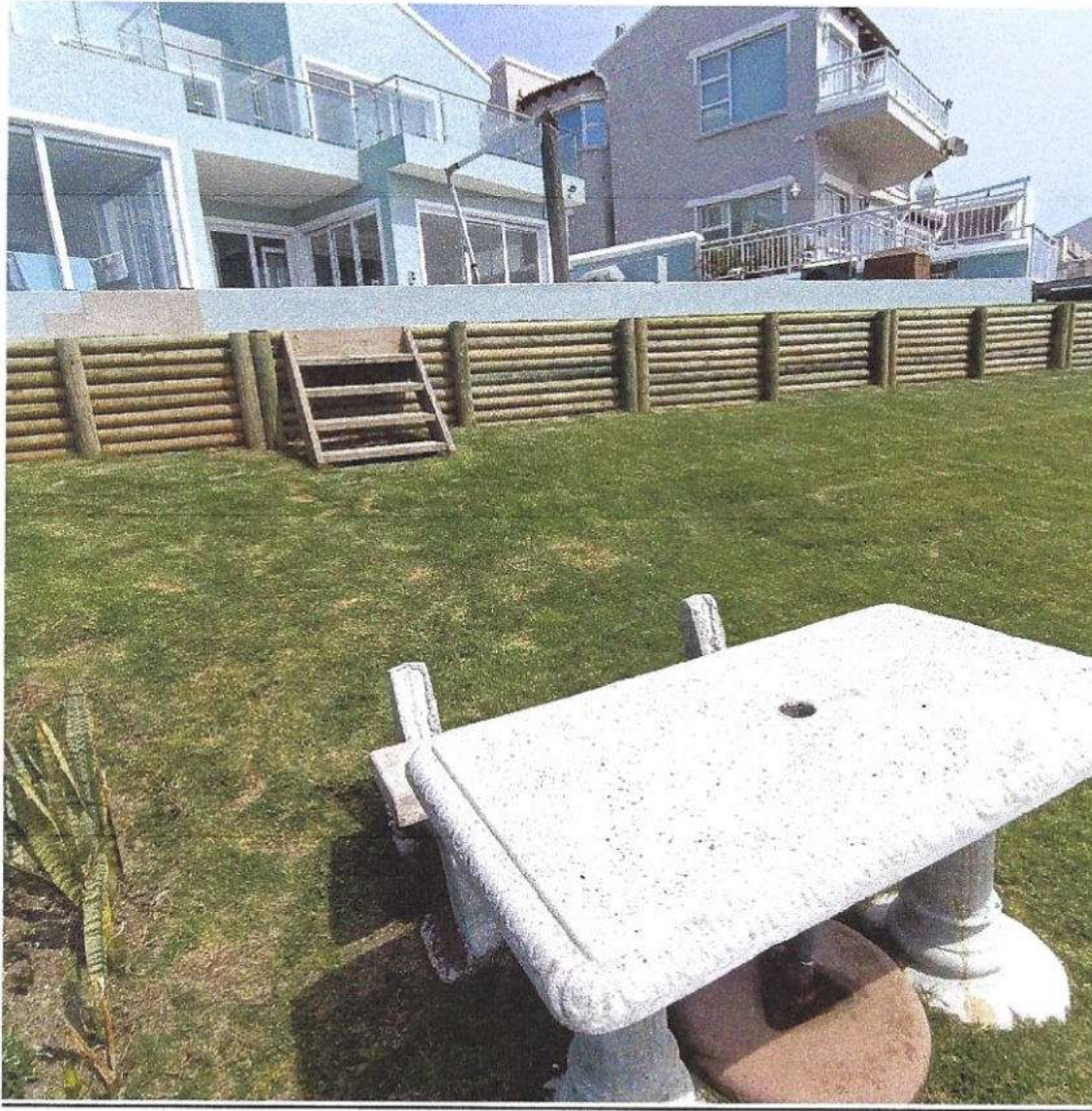
View from House to POS – 2021



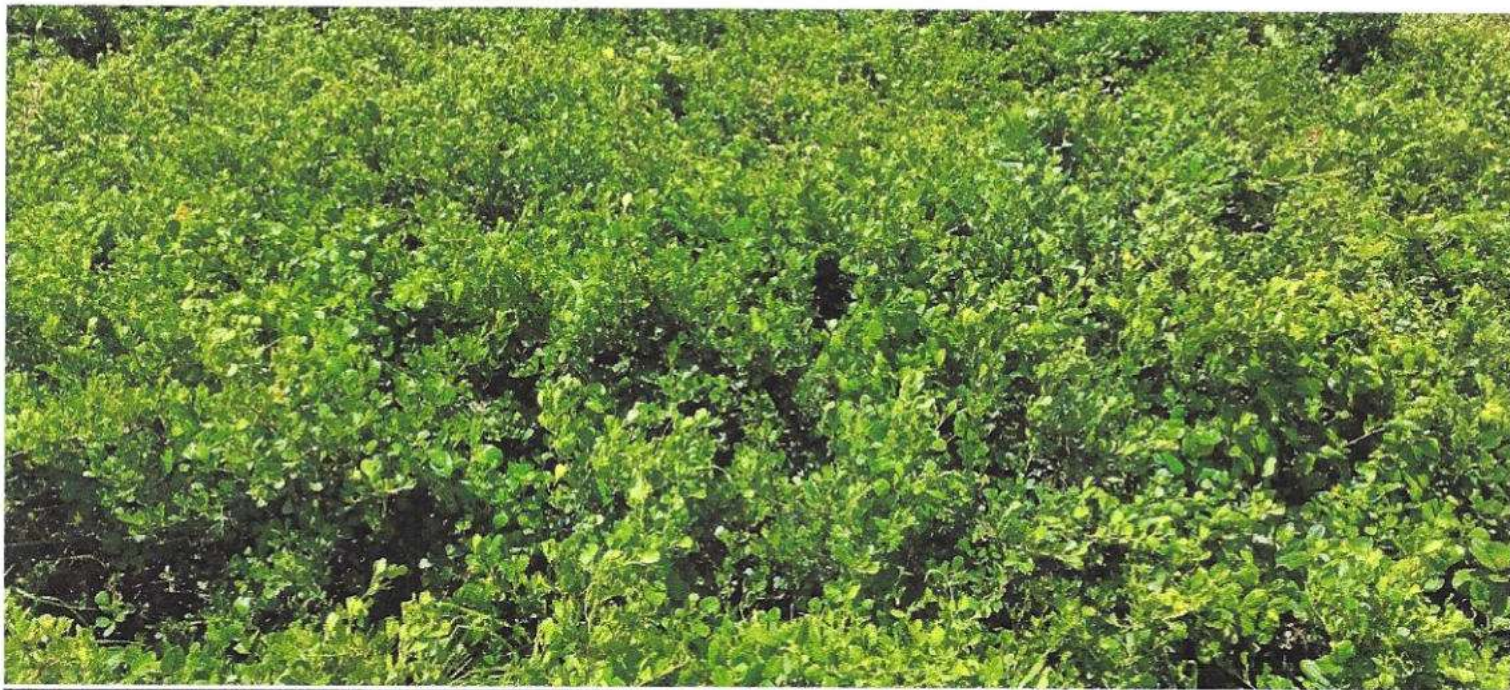
View from house towards POS and Wooden Sand Retention structure



View from concrete bench 2024 – same position as 1994 – new house, same plants



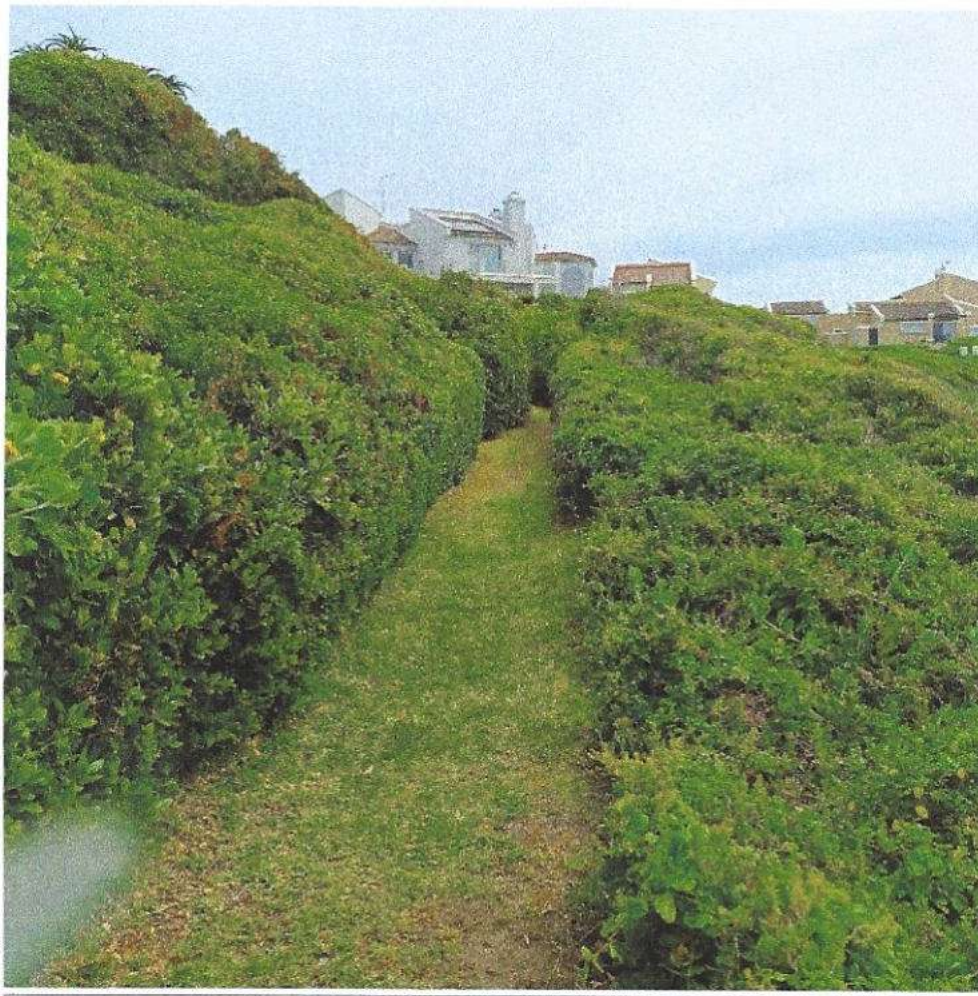
Thick vegetation between Houses – not possible to access neighbours without damaging natural foliage



Complainant Le Roux – beneficial usage over POS for Entertainment



Le Roux – recent expanded clearing of indigenous shrub



M6: Notice of Intent from the DEDEAT

VZZ. Maqutu
041 508 5832
071 882 3925
Vuyo.Maqutu@dedea.gov.za
Ref: SBROB#2024/10/06



Mr Dave Templeman
ERF2520, No 5 Otters Landing
Santereme,
St Francis Bay
6312

Attention : Mr. Dave Templeman

DELIVERY: BY HAND

Dear Mr Dave Templeman

NOTICE OF INTENTION TO ISSUE A COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED ARISING FROM THE COMMENCEMENT OF A LISTED ACTIVITY WITHOUT AN ENVIRONMENTAL AUTHORISATION ON ERF 2520, NO 5 OTTERS LANDING, ST FRANCIS BAY, KOUGA LOCAL MUNICIPALITY (34°11'12.36"S, 24°51'22.41"E).

1. DECISION

- 1.1. I, Vuyo Maqutu, in my capacity as an Environmental Management Inspector (EMI), having considered the matter am of the view that you, Mr Dave Templeman have failed to adhere to the provisions of the law in respect of activities conducted on Erf 2520, No 5 Otters Landing, St Francis Bay.
- 1.2. Accordingly, I hereby give you a written notice of my intention to have you, Mr Dave Templeman in your capacity as the owner of Erf 2520, No 5 Otters Landing, St Francis Bay, issued with a compliance notice in terms of section 31L of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended (NEMA), further read with regulation 8 of the Regulations Relating to Qualification Criteria, Training and Identification of, and Forms to be used by Environmental Management Inspectors (Government Notice R.480 in Government Gazette 40879 of the 31 May 2017), (Regulations).

2. INTRODUCTION

- 2.1. I refer to the following:

- 2.1.1.1. A site inspection conducted by officials from this department on the 03 October 2024 at Erf 2520, No 5 Otters Landing, St Francis Bay. (see annexure A).
- 2.1.2. The following observations were made during the site inspection:
- 2.1.2.1. The demolishing of part of the old house and development of a new structure with a development footprint of more than 50 m² within 100m of the high watermark of the sea on Erf 2520, No 5 Otters Landing, St Francis Bay.
- 2.1.2.2. The excavation and infilling of soil, grit and other material of more than 5 m³ within 100 metres of the high watermark of the sea to construct the house.
- 2.1.2.3. The extension of the footprint of the house to the boundary of Erf 2520 with the stabilised embankment onto Erf 2514 which belongs to the Otters Landing Homeowners Association.
- 2.1.2.4. You were unable to provide an environmental authorisation from the competent authority or written permission from the competent authorities prior to the commencement of the activities.
- 2.1.3. Your actions are in direct contravention with the provisions of Section 24F read with Section 1, section 24D, section 49A and Section 49B of the NEMA, read with Government Notice R.983, also read with PAJA Act 3 of 2000 and further read with section 250 of the Criminal Procedure Act, 1977 (Act 51 of 1977) as amended. Detailed laws contravened are referred to in the table 1.

3. DETAILS OF NON-COMPLIANCE

TABLE 1: NON-COMPLIANCE WITH PROVISIONS CONTAINED IN SECTION 24F OF NEMA (ACT 107 OF 1998).

Act / Regulation name	Section / Regulation number	Legal Provision (i.e. wording of section)	Finding
NEMA 107 of 1998	Section 24F(1)	No person may commence with a listed activity without obtaining prior Environmental Authorisation from the competent authority.	You failed to obtain environmental authorisation from DEDEAT as a competent authority prior to the commencement of a listed activity.
EIA Regulations (2014) as amended	GNR. 327: Activity 19A	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 (ii) the littoral active zone, an	In 2022, you deposited more than 50 m ³ of soil, rock, and debris that was as a result of the development of a dwelling, within a distance of 100 metres inland of the high watermark of the sea. (refer to Annexure A)

		estuary or distance of 100 metres inland of the high watermark of the sea or an estuary, whichever distance is the greater	
--	--	--	--

4. INTENDED INSTRUCTIONS

- 4.1. In terms of regulation 8 of the Regulations I hereby afford you an opportunity to make representation in writing to EMI Roberts, at the Department of Economic Development, Environmental Affairs and Tourism, delivery by email to christine.roberts@dedea.gov.za or by hand to the Corner of Athol Fugard Terrace and Castle Hill, 6001 (office telephone 041 508 5856, Cell Phone 071 882 2269) within twenty-one (21) working days of receipt of this notice, if you believe there are any compelling reasons for not having you issued with a section 31L compliance notice in terms of NEMA that will instruct you to *inter alia*:
- 4.1.1. Immediately stop and desist from further undertaking the activities that informed the issuing of this notice.
- 4.1.2. Within twenty-one (21) working days, submit terms of reference that provide for the appointment of a suitably qualified person to compile a rehabilitation plan whereby the site that was impacted on because of the development activities is rehabilitated.
- 4.2. The terms of reference must provide for:
- 4.2.1. Re-sloping of the excavated area through green engineering to the near natural state of the dune prior to the commencement of construction.
- 4.2.2. The rehabilitation back to the original footprint to a state indicative to the area prior to commencement of the excavation activities.
- 4.2.3. The rehabilitation plan must reflect achievable and realistic time frames linked to varied stages of the rehabilitation plan.
- 4.2.4. Within five (5) working days of receipt of approval of the terms of reference at your own cost, you must appoint a suitable qualified person to develop the rehabilitation plan.
- 4.2.5. Within twenty-one (21) working days for the terms of reference, you must submit to the EMI Roberts, the rehabilitation plan for the department's approval.
- 4.2.6. Within twenty-one (21) working days of receipt of approval of the rehabilitation plan, at your own cost, implement the provisions of the rehabilitation plan adhering to the specified time frames contained therein.
- 4.3. On completion of the implementation of the rehabilitation plan, EMI Roberts must be notified in writing after which a site meeting will be held, and the rehabilitation inspected for effectiveness.

5. PROCEDURAL ARRANGEMENTS

- 5.1. You may however voluntarily submit a section 24G application in terms of the NEMA for the post facto authorisation of the said unlawful commencement of the listed activities. Please note that your application will not summarily guarantee that after the payment of an administrative fine, you will be granted an environmental authorisation. The outcome of the section 24G application is that, similarly to any EIA application, an environmental authorisation may be granted or refused. If you intend to submit a section 24G application in terms of the NEMA you must indicate your intention in writing within twenty-one (21) working days of receipt of this letter, failing which the contemplated compliance notice will be issued to you, the provisions of which you will have to comply with. If you intend to submit a section 24G application, please direct your communication to EMI Roberts.

6. FAILURE TO COMPLY

- 6.1. The section 31L compliance notice that I intend to have you issued with has offences and penalties that are applicable to non-compliance in terms of section 49A of the NEMA. Upon conviction for:
- 6.1.1. Non-compliance with section 31L compliance notice, a person is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment, and
- 6.1.2. Commencement of a listed activity without an environmental authorization, a person is liable to a fine not exceeding R10 million or to imprisonment not exceeding 10 years, and in both instances to both such fine and imprisonment.
- 6.2. I must make it clear that the instructions contained in this notice are made in the interest of responsible environmental management and with a view to a cooperative resolution of the issue. Furthermore, please note that this notice of intention to have you issued with a NEMA section 31L compliance notice does not negate your obligations to comply with section 28(4) of the NEMA or any other overlapping or concurrent environmental legislation.

7. CONCLUSION

- 7.1. If you are unclear about any aspect of this notice of intention, kindly contact EMI Roberts at 0634029062 / christine.roberts@dedea.gov.za for enquiries as soon as possible.

Signed on this 6th day of August 2025, at Gqeberha



Vuyo Maqutu
Environmental Management Inspector
Control Environmental Officer: Compliance and Enforcement

Department of Economic Development and Environmental Affairs and Tourism.

Acknowledgement of receipt: **NOTICE OF INTENTION TO ISSUE A COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED ARISING FROM THE COMMENCEMENT OF A LISTED ACTIVITY WITHOUT AN ENVIRONMENTAL AUTHORISATION ON ERF 2520, NO 5 OTTERS LANDING, ST FRANCIS BAY, KOUGA LOCAL MUNICIPALITY (34°11'12.36"S, 24°51'22.41"E).**

(Page 5 of 8)

Received by Mr /Ms Natalie Sharp from Digital Soils Africa (Pty) Ltd

On behalf of the company Mr. Dave Templeman

on this 15th day of September 2025,

Signature:



ANNEXURE A: Photographs ERF 2520, No 5 Otters Landing, St Francis Bay.



Picture 1: Showing the clearance of indigenous vegetation within 100m of the sea in prior 2006, to create a lawn



Picture 2: Showing the Clearance of indigenous vegetation within 100m of the sea, when the property was bought in 2021.



Picture 3: Showing the demolishing of the old house in 2021.



Picture 4: Showing the extension of the footprint of the house with more than 100 square meters within 100m of the sea.



Picture 5: Showing the extension of the footprint of the house up to the boundary of Erf 2520 with more than 180 square meters, within 100m of the sea.



Picture 6: Showing the extension of the footprint of the house to the boundary of Erf 2520 with the stabilised embankment onto Erf 2514 which belongs to the Otters Landing Homeowners Association.