



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Environmental Governance
Sub-directorate: Rectification

REFERENCE: 14/2/4/2/1/F5/16/0002/18

ENQUIRIES: Jamie-Lee van Zyl

REGISTERED MAIL

Mapula Trust

P.O. Box 100

CONSTANTIA

7848

Tel: (021) 689 6103

Email: Michaelbyron02@gmail.com

Attention: Mr Michael Byron

Dear Sir

**ADMINISTRATIVE FINE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") FOR UNLAWFUL CONSTRUCTION
ACTIVITIES ON A PORTION OF FARM BOKKERIVIER NO. 733, MALMESBURY**

1. Your application in terms of section 24G of the NEMA ("the section 24G application") dated 12 February 2018 and the Environmental Impact Report and Section 24G Fine Regulation representations dated 6 June 2018 have reference.
2. In order for the Department to process your application, you are required to pay an administrative fine of R50 000 (Fifty thousand Rand) in accordance with section 24G(4) of the NEMA.
3. The above administrative fine is determined by the type of activity or activities undertaken and the impact or impacts it has on the environment.
4. Please note that the continued operation, conduct or undertaking of the activity or activities will remain unlawful and should an environmental authorisation be issued at the conclusion of the section 24G application process, it shall only take effect from the date on which it has been issued.

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

Notification of the administrative fine decision

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

Method of payment of the administrative fine

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

Department of Environmental Affairs and Development Planning
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Cash Payment

The fine amount may be paid at the cashier's office of this Department, ground floor, Utilitas Building, 1 Dorp Street, Cape Town on Monday to Friday between 08h30 and 12h30.

The following allocations must be given to the cashier when making the payment:

Reference No: **S24G00224**

Item: Section 24G administrative fine

Company/ Individual Name

ID No.

Cheque Payment

The cheque must be crossed and made payable to the Department of Environmental Affairs and Development Planning and may either be deposited at the aforementioned cash office under the allocations mentioned above or deposited directly in the Department's bank account (see bank details below).

Electronic Transfer

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

Name of Bank	:	NEDBANK
Name of Account	:	Provincial Government of the Western Cape: Department of Environmental Affairs and Development Planning
Account Type	:	Current Account
Account Number	:	1452 045 003
Branch Name	:	NEDBANK CORPORATE
Branch Code	:	145 209
Reference No.	:	S24G00224

10. Kindly forward a copy of **the proof of payment** (e.g. receipt, deposit slip, electronic transfer confirmation) to the Department and quote the abovementioned reference number to ensure that the Department may acknowledge payment of the administrative fine.

11. This proof of payment must also be accompanied by proof that the abovementioned administrative fine was brought to the attention of registered I&APs as required in paragraph 6 above.
12. The fine must be **paid within 60 (sixty) calendar days** from the date of this letter. If no such payment is received within the stipulated timeframe and no appeal has been lodged with the appeal administrator, the Department may proceed with appropriate criminal investigative action which may result in criminal prosecution and/or the deferral of a decision to issue an environmental authorisation until such time that the criminal investigation is concluded and:
 - 12.1. National Prosecuting Authority has decided not to institute prosecution;
 - 12.2. the applicant is acquitted or found not guilty after prosecution; or
 - 12.3. the applicant is convicted by a court of law.
13. Please be advised that the notice of payment of the administrative fine is **not an authorisation** for the consequences of unlawful commencement of a listed activity/ies according to the NEMA.
14. Further consideration of your application will only continue upon receipt and acknowledgement of payment of the administrative fine.

Appeals

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

15. Should an appeal be lodged with the appeal administrator against the administrative fine, you are hereby advised of the following:
 - 15.1. An appellant (if the applicant) must –
 - 15.1.1. submit an appeal in accordance with regulation 4 of the *National Appeal Regulations, 2014*, to the appeal administrator and a copy of the appeal to the decision maker, any registered I&APs and any organ of state with interest in the matter within 20 (twenty) calendar days from the date that the notification of the decision was sent to the applicant by the competent authority.

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

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

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

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

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr J. de Villiers
Room 809
8th Floor Utilitas Building, Dorp Street, Cape Town, 8001

By e-mail: Jaap.DeVilliers@westerncape.gov.za

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



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE: 16 November 2018

Copied to: (1) Marais Geldenhuys (Doug Jeffery Environmental Consultants (Pty) Ltd

Fax: (086) 660 2635
Email: marais@dougjeff.co.za

(2) Joggie Scholtz (Swartland Municipality)

Email: swartlandmun@swartland.org.za

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ANNEXURE A: REASONS FOR THE DECISION

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

- The section 24G application and Environmental Impact Assessment and Mitigation Measures as outlined in the section 24G Environmental Impact Assessment ("EIA") Report dated 6 June 2018.
- The consideration of Alternatives.
- Public participation conducted for the application by the Environmental Assessment Practitioner ("EAP").
- The Environmental Management Programme of December 2017.
- Relevant information contained in the Departmental EIA Guideline and Information Document Series (March, 2013), including, the Guidelines on Need and Desirability, Public Participation and Alternatives.
- The site inspection conducted on 17 May 2018, attended by officials from this department.

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

1. PUBLIC PARTICIPATION

A public participation process as outlined in section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how issues raised have been addressed..." was undertaken.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the **Swarland** newspaper on 12 December 2017;
- A site notice was erected on 13 December 2017; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 12 December 2017 and 25 April 2018.
- I&APs were afforded the opportunity to provide comments on the draft and final EIA Reports.

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

The following organs of state provided comment on the application:

- CapeNature
- Department of Water and Sanitation ("DWS")
- Heritage Western Cape ("HWC")
- West Coast District Municipality ("WCDM")
- Swartland Municipality

A botanical assessment was undertaken to assess the impacts associated with the loss of vegetation due to the activities on the site (more detail on the findings are provided in paragraph 2.1.3 below). CapeNature is satisfied with the botanist's findings and advised that disturbed areas must be rehabilitated and monitored after construction is complete. They further advised that they are not in favour of soakaway systems used on the site and recommended that a combination of sealed tanks and a reedbed system be utilised instead. The EAP responded advising that the temporary toilet block and soakaway will be removed as part of the new site layout proposed (to be located 145m from the high water mark of the sea). The existing cottage's septic tank and soakaway will also be replaced by connecting an existing sewerage pipe from the cottage to the proposed reedbed plant.

In the DWS' comment, they advise that no surface or groundwater may be polluted through the activities. The EAP responded stating that no water resources will be impacted on and that the nearest surface water feature (the Bokke River) is about 1km from the site.

A section 21(g) water use license in terms of the *National Water Act, 1998 (Act No. 36 of 1998)* ("NWA") has been applied for, for the disposal of wastewater into the reed bed system. A section 21(e) water use in terms of the NWA will be applied for, for the irrigation of waste water. The DWS has advised that the section 21(g) water use authorization application is currently under assessment.

The DWS further advised that storm-water runoff must be controlled to ensure that on-site activities do not culminate into off-site pollution. The EAP responded that storm-water around the reedbed system will be diverted to avoid any polluted runoff from the reedbed system. The direction of storm-water runoff is towards the ocean. It is therefore not expected that there will be any polluted stormwater runoff.

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When asked to comment of the application, the HWC advised that the record of decision dated 27 June 2016 still stands.

The WCDM advised that the HWC must be consulted considering the heritage and archaeological significance of the site. This was done and an Archaeological Impact Assessment undertaken. The WCDM further advised that provision must be made for a water purification plant to ensure water is suitable for human consumption. The EAP advised that the applicant is investigating the option of a water treatment plant. The results from water quality monitoring conclude that the borehole water on the farm is not safe for human consumption. The WCDM further noted that the proposed sewerage system must be approved by DWS. This application has been submitted. The WCDM also requested that an alien vegetation removal plan must be compiled and implemented. The EAP advised that the applicant will commit to ongoing removal of alien vegetation.

The Swartland Municipality commented stating that the site's current zoning, Agriculture Zone 1, accommodates "agriculture" as the primary use. They advised that the Swartland Municipality is currently considering a land use application in terms of Section 25(2) of the *Swartland Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017)*, to rezone a portion of the farm to Community Zone 1 for the proposed environmental educational facility. Final consideration of the land use application can only take place once a decision has been reached in terms of the section 24G application lodged.

No further comments were received at the end of the public participation process.

2. CALCULATION OF THE ADMINISTRATIVE FINE

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

Section 44(1)(B) goes on to stipulate that "*Until such time that the regulations made under subsection (1) have come into effect, the existing standard operating procedure,*

adopted by the Minister for determining administrative fines in terms of section 24G, applies".

The regulations referred to above came into effect on 20 July 2017 and make transitional provision that an application submitted prior to the promulgation of the Section 24G Fine Regulations on 20 July 2017, must be dispensed with as if these regulations have not taken effect.

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

A report as outlined in section 24G(1)(vii) of the NEMA that contains, *inter alia*, an assessment of the consequences and impacts on the environment, including cumulative impacts, and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the activity as well as a description of the mitigation measures that will be undertaken, has been submitted.

2.1 ASSESSMENT OF IMPACTS, BENEFITS AND MITIGATION MEASURES

The determination of the administrative fine is based on the administrative fine calculator developed by the National Department of Environmental Affairs. The fine calculator was based on the following indexes under Part 2 Section C (named "Quantum of the Section 24G Fine") in the representations to the fine regulations dated 6 June 2018 as informed by the EAP:

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

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The administrative fine decision and the reasons for the decision were informed by the EIA Report submitted by the EAP, which stated *inter alia* the following:

2.1.1 Socio-economic Impact

The **Socio-Economic Impact Index** was rated by the EAP that "*The activity will not give rise to any negative socio-economic impacts*".

The motivation for this rating by the EAP was that no negative socio-economic impacts are foreseen and that "*The educational centre will provide 5 full-time employment opportunities, and will have social benefit for under-privileged learners, as the educational centre will predominantly cater for these groups*".

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the EIA Report that: "*The activity will not give rise to any negative socio-economic impacts*".

The motivation for this rating is that it is not foreseen that negative socio-economic impacts will result from the activities undertaken and those proposed.

2.1.2 Biodiversity Impacts

The **Biodiversity Impact Index** was rated by the EAP that "*The activity could give rise to localised biodiversity impacts*".

The motivation for this rating by the EAP was that "*Indigenous vegetation will be removed during construction of the pipeline and the tented camp and abolition facility. Mitigation measures will be put in place to ensure minimum impacts on the natural environment*".

Having regard to the impacts caused by the activities, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored differently to the score of the EIA Report that: "*The activity will not give rise to any impacts on biodiversity*".

The motivation for this rating is based on the information contained in the EIA Report, as follows:

The clearance of vegetation

According to the South African Vegetation Map of the farm, majority of the vegetation on site is classified as the critically endangered Atlantis Sand Fynbos. Cape Flats Dune Strandveld (endangered) and Langebaan Dune Strandveld (least threatened) is also found on the farm according the mapping. After a few site inspections, the appointed botanist found discrepancies with the aforementioned vegetation mapping. According to the botanist, the affected area of the property (the site) is mainly occupied by Dune Strandveld vegetation and most of the proposed infrastructural developments will take place in a low botanical sensitivity area.

The botanist notes that most of the vegetation in the vicinity of the old werf (the site) has been disturbed at some point in the past by a combination of livestock, general farm activities and cultivation. This is reflected in the significantly lower plant diversity and lower botanical sensitivity in these areas. According to the botanist, all surveyed areas in this area are of either low or medium botanical sensitivity and no plant species of conservation concern were recorded.

The assessment noted that, assuming that proposed developments will be located primarily in areas of low botanical sensitivity, with up to 25% in areas of medium sensitivity, the overall construction phase botanical impact is likely to be of low to medium negative significance. The assessment does however note that the cumulative biodiversity impact will be very low negative after consideration of alternatives and mitigating measures. The vegetation type to be impacted on can be described as Langebaan Dune Strandveld (Least Threatened) with elements of Atlantis Sand Fynbos (Endangered). Less than 1% of the total extent of this habitat on the property will be impacted by the proposed development and all the remaining vegetation on the property will be conserved.

Vegetation clearing in the old werf has occurred for the construction of the temporary toilet block with a soakaway system, the prefabricated dwelling, the platform in the tented camp area and the area where the solar panels are proposed to be located. The vegetation clearance associated with the construction of the new water pipeline has not yet taken place.

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2.1.3 Sense of Place and Heritage Impacts

The **Sense of Place and Heritage Impacts Index** was rated by the EAP that *"The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage"*.

The motivation for this rating by the EAP was that *"Although the tented camp and related infrastructure will impact on the localised sense of place the camp itself will not be permanent. The minimalist scale of interventions will ensure that there will be a low impact on place character. The critical interface between the historical structures and the coastline will not be impacted on in any way"*.

Having regard to the impacts caused by the activities, as verified in the Visual Assessment compiled by Square One Landscape Architects, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the EIA Report that: *"The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage"*.

The visual assessment provides suitable intervention locations and recommendations to minimise visual impacts. These recommendations have been taken into account in the development proposals. Furthermore, although the site is zoned for agricultural use, a rezoning application to rezone the site to Community Zone 1 has been submitted to the Swartland Municipality. The municipality has advised that they will consider the rezoning application once a decision has been made on this section 24G application.

In terms of the cultural/ historical value of the site, the property is deemed a provincial heritage site declared a national monument in 1971. It is proposed that the existing buildings, which are of historical significance, be upgraded through maintenance works. This will see an improvement in the current condition of these structures. More detail regarding this positive heritage impact is provided in paragraph 2.2.2 below.

2.1.4 Pollution Impact

The **Pollution Impact Index** was rated by the EAP that *"The activity will not give rise to any pollution"*.

The motivation for this rating by the EAP is that it is not expected that pollution will be generated from the activities undertaken and those proposed.

Having regard to the impacts caused and expected to occur as a result of the activities as well as the proposed mitigation measures, I am in agreement with the fine committee's recommendation that the administrative fine calculator be scored consistent with the score of the EIA Report that: *"The activity will not give rise to any pollution"*.

The motivation for this rating is that refuse and waste from the facility will be collected on a daily basis and stored on site at a central refuse yard. The EIA Report states that a private contractor will be appointed for the removal and legal disposal of all solid waste from the site once a week. The service provider will be required to have a contract with the solid waste disposal site (Swartland Municipality) for the disposal of refuse. Recycling of applicable materials will also be incorporated through on site sorting of the waste material before collection by the private entity. The local municipality will be notified and capacity letter will be requested. The Swartland Municipality is however awaiting the decision on this application.

The indices contained in the EIA Report submitted by the EAP were used in the determination of the fine. This was assessed, reviewed and confirmed by observations obtained during the site inspection on 17 May 2018.

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

- Category 1 offenders are companies, parastatals and government departments.
- Category 2 offenders are individual persons.

The calculation of the administrative fine is also based on the fact that the applicant in this matter is a category 1 offender. Nevertheless, the amounts determined by the section 24G fine calculator for both categories were analysed to assess whether it is appropriate to regard the applicant under the abovementioned category, given the

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personal circumstances of the applicant. I am of the opinion that it is appropriate to regard the applicant in this matter as a category 1 offender.

2.2 CONSIDERATION OF DEVIATION FROM THE CALCULATED FINE

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

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

No aggravating factors exist in this regard.

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

In this regard, I have considered the applicant's conduct and am of the view that mitigating factors do exist which justify deviation from the calculated fine amount. With regards to the biodiversity impact, the clearing of vegetation associated with the construction of the new water pipeline has not yet occurred. According to the assessment, the construction of the pipeline will result in the clearance on 300m² or more of the critically endangered Atlantis Sand Fynbos. This proposed activity has the highest negative impact significance in relation to other proposed activities. Since the applicant has not yet cleared vegetation in respect of the installation of the water pipeline, this impact can be appropriately mitigated through implementing the EAP and botanist's recommendations.

Furthermore, according to the EIA Report, the applicant has entered into a stewardship programme with CapeNature to protect the sensitive environment found on the farm.

With regards to the cultural/ heritage impact, the historic buildings on the site include a homestead, stable area, an old "jail" (now storage area) and a cottage (previously known as the overseer's house). These buildings all date from the late 18th and early 19th centuries, with the stables having been built in the 20th century. The impact associated with the proposed upgrades on these structures are

considered positive of low significance. According to the assessment, the environmental education centre will make the complex and diverse history of the farm more accessible, particularly to school children. The Archaeological Assessment dated 25 October 2017 states that the intended works will have a positive archaeological impact, as much-needed repair is essential to ensuring the long-term viability and sustainability of the historic structures. The proposed maintenance activities will therefore serve to preserve the historic character of the site.

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

In this regard, the contents of the EIA Report and suggested rehabilitation measures are noted.

2.2.4 Social/Public benefit factors resulting from activities.

In this regard, I am of the opinion that the applicant's activities provide a direct social service to the affected community and will have a positive impact on job creation in the area, which justifies deviation from the recommended fine amount.

The works undertaken and proposed is for the establishment of an environmental education facility. The EIA Report dated 12 February 2018 states that "*Bokbaai is intended as an environmental facility, operated by the Cape Town Environmental & Educational Trust (CTEET) serving the local communities of Mamre, Atlantis and other non fee & fee paying schools in the Western Cape, to help develop a greater understanding in the environment amongst young learners*". In this way the proposed initiative aims to promote environmental education among those from previously disadvantaged communities in its surrounds.

Further to the above, the property is deemed a provincial heritage site. The upgrades proposed for the existing buildings, consisting of a homestead, long outbuilding/ stable area, the old "jail" (now storage area) and the cottage, will entail maintenance and repair work. These buildings all date from the late 18th, early 19th and the 20th century. The proposed works will positively contribute towards the historical value of the site.

The educational centre will house approximately 40 pupils with teachers, the farm manager and farm workers. Existing infrastructure and structures on the farm will

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be converted to accommodate the establishment of the environmental education centre. The existing homestead will be converted into a lecture room with display area, kitchen, dining area/ living area and teacher's accommodation. The existing cottage will be utilized as accommodation for environmental researchers visiting the farm. The existing stables will be converted into accommodation for staff. A portion of the existing storeroom will be demolished and the remainder to be used for storage of equipment, and outside showers added. The wooden platform for the tented camp area still needs to be constructed along with the ablution facility. According to the assessment, the facility will allow for the appropriate adaptive reuse of historical structures, allowing for the enjoyment and appreciation of the provincial heritage site by a range of school learners (from mostly previously disadvantaged communities) and researchers.

In considering the above rating assigned to each calculator impact as well as the above mitigating as social/public factors I have decided to deviated calculated fine amount.

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

In considering the circumstances and after weighing all the above factors I am of the view that a fine of R50 000 (Fifty thousand Rand) is appropriate. Please find a copy of the calculated fine, attached Appendix 1.

APPENDIX 1

CONFIDENTIAL

2016 SECTION 24G CALCULATOR
IMPACT INDEX CALCULATOR

1 Socio Economic Impact Index		Weighting	20	
Description of variable			Selection	Score
a	The activity will not give rise to any negative socio-economic impacts	0.5	x	10
b	The activity could give rise to negative socio-economic impacts, but highly localised	3		0
c	The activity could give rise to significant negative socio-economic and regionalized impacts	7		0
d	The activity could result in wide-scale socio-economic impacts.	10		0

Notes:

2 Biodiversity Impact Index		Weighting	30	
Description of variable			Selection	Score
a	The activity will not give rise to any impacts on biodiversity	0.5	x	15
b	The activity could give rise to localised biodiversity impacts	3		0
c	The activity could give rise to significant biodiversity impacts	8		0
d	The activity is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	10		0

Notes: x:

3 Sense of Place & / or Heritage Impact Index		Weighting	20	
Description of variable			Selection	Score
a	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and / or heritage	0.5	x	10
b	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	3		0
c	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	8		0
d	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	10		0

Notes:

4 Pollution Impact Index		Weighting	30	
Description of variable			Selection	Score
a	The activity will not give rise to any pollution	0.5	x	15
b	The activity could give rise to pollution with low impacts.	3		0
c	The activity could give rise to pollution with moderate impacts.	5		0
d	The activity could give rise to pollution with high impacts.	8		0
e	The activity could give rise to pollution with major impacts.	10		0

Notes:

TOTAL SCORE 50
IMPACT INDEX 5.00%

Applicant	
Individual	10 000.00
Company , Government & Parastatal.	250 000.00

Committee Reasons for Deviation (only when relevant)	
The calculated fine amount has been deviated from after consideration of mitigating factors including a reduced biodiversity impact after an investigation of location alternatives and impact mitigation measures, as well as the social and heritage benefits associated with the proposed environmental education centre. The environmental education centre will be aimed at school children from previously disadvantaged communities in the farm's surrounds. Furthermore, the proposed maintenance work on the historic buildings found on the site will aid in preserving the historic character of the site.	
Fine Amount	50 000.00