



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

### APPLICATION TO RECTIFY UNLAWFUL COMMENCEMENT OR CONTINUATION OF LISTED ACTIVITIES IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NO 107 OF 1998)

#### Kindly note that:

1. The application form is current as of 16 January 2008. It is the responsibility of the applicant to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
2. Incomplete applications will be returned to the applicant for revision and re-submission.
3. The use of "not applicable" in the form must be done with circumspection as if it is used in respect of material information that is required by the competent authority for assessing the application.
4. Lodging an application for rectification does not necessarily imply that the activity will be authorized. In terms of the Act the activity may either be conditionally authorized or a directive may be issued for the activity to cease and for the environment to be rehabilitated.
5. No faxed or e-mailed applications will be accepted.
6. Unless protected by law, all information filled in on this application will become public information on receipt by the competent authority. Any interested and affected party should be provided with the information contained in this application on request, during any stage of the process.
7. A separate form must be completed for each unlawful activity.
8. Applicants and environmental consultants are responsible for the accuracy of the information supplied and are therefore required to complete the checklist fully and honestly.
9. This application form must be completed by an Independent Environmental Assessment Practitioner.

For official use only:
File reference number:
Date received:

#### Departmental Details

<p><b>Postal address:</b> Department of Environmental Affairs and Tourism Attention: Director: Environmental Impact Evaluation Private Bag X447 Pretoria 0001</p> <p><b>Physical address:</b> Department of Environmental Affairs and Tourism Fedsure Forum Building (corner of Pretorius and Van der Walt Streets) 2<sup>nd</sup> Floor North Tower 315 Pretorius Street Pretoria 0002</p>
---

<p>Queries should be directed to the Directorate: Environmental Impact Evaluation at: Tel: (012) 310 3268 Fax (012) 320 7539</p> <p><b><i>Please note that this form must be copied to the relevant provincial environmental department.</i></b></p>
--

**SECTION A: BACKGROUND INFORMATION AND CONTACT DETAILS**

Applicant:	Dube TradePort		
Company/ Closed Corporation Registered Name (if applicable):	Dube TradePort Corporation		
Company / Closed Corporation Registration Number (if applicable):	2002/002810/08		
Contact Person:	Mr. Mlibo Bantwini		
Position in Company:	AgriZone Executive		
ID Number of Contact Person / Applicant:	8104065431084		
Postal Address:	P.O. Box 2017, Durban		
		Code:	4000
Physical Address:	29° South, 7 Umsinsi Junction, La Mercy, KwaZulu-Natal		
		Code:	4399
Telephone No:	032 814 0000	Cell:	N/A
E-mail address:	Mlibo@dubetradeport.co.za	Fax:	032 814 0104

Registered Land Owner:	Dube Tradeport		
Contact Person:	Mr. Rohan Persad		
Postal Address:	P.O. Box 2017, Durban		
		Code:	4000
Physical Address of land Owner:	29° South, 7 Umsinsi Junction, La Mercy, KwaZulu-Natal		
		Code:	4399
Telephone No:	032 814 0000	Cell:	N/A
E-mail address:	<a href="mailto:rohan.persad@dubetradeport.co.za">rohan.persad@dubetradeport.co.za</a>	Fax:	032 814 0104

Where there is more than one landowner, a list of landowners with their contact details must be attached to this application form.

Tick box if list is attached

In instances where the landowner is not the applicant, attach landowner consent form

Tick box if consent is attached

Project Environmental Assessment Practitioner:	Kerry Seppings Environmental Management Specialists cc (KSEMS)		
Company/ Closed Corporation Registered name (if applicable):	Kerry Seppings Environmental Management Specialists cc		
Company / Closed Corporation Registration Number (if applicable):	1999/049452/23		
Contact Person:	Kerry Stanton		

Application for Rectification Form

Position in Company:	Director		
ID Number of Contact Person / Applicant:	7011080046089		
Postal Address:	P.O. Box 396, Gillitts		
		Code:	3603
Physical Address:	4 Woodville Lane (Off Hawkstone Road), Summeveld, Assagay		
		Code:	3610
Telephone No:	031 769 1578	Cell:	N/A
E-mail address:	kerry.seppings@telkomsa.net	Fax:	031 768 1579
<p>The Environmental Practitioner's Curriculum Vitae (CV) must be attached.</p> <p><input checked="" type="checkbox"/> Tick box if CV is attached</p>			

**SECTION B: DETAILS OF UNLAWFUL OF ACTIVITY**

Indicate hereunder the activity for which you are applying for rectification. The relevant number should be reflected as it appears in the government notice.

<b>Activities listed in GNR 544 requiring a basic assessment:</b>	
<b>Item #:</b>	<b>Item description:</b>
11.	<p><i>The construction of:</i></p> <ul style="list-style-type: none"> <li><i>i) Canals;</i></li> <li><i>ii) Channels;</i></li> <li><i>iii) Bridges</i></li> <li><i>iv) Dams;</i></li> <li><i>v) Wiers;</i></li> <li><i>vi) Bulk stormwater outlet structures;</i></li> <li><i>vii) Marinas;</i></li> <li><i>viii) Jetties exceeding 50 square metres in size;</i></li> <li><i>ix) Slipways exceeding 50 square metres in size;</i></li> <li><i>x) Buildings exceeding 50 square metres in size; or</i></li> <li><b><i>xi) Infrastructure covering 50 square metres or more</i></b></li> </ul> <p><i>Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse.</i></p>
18.	<p><i>The infilling or depositing any materials of more than 5 cubic meters into, or the dredging, excavations, removal or moving of soil, sand, shells, shell grit, pebbles or rock from:</i></p> <ul style="list-style-type: none"> <li><b><i>i) a watercourse;</i></b></li> <li><i>ii) the sea;</i></li> <li><i>iii) the seashore;</i></li> <li><i>iv) the littoral active zone, an estuary of a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-</i></li> </ul> <p><i>but excluding where such infilling, depositing, dredging, excavations, removal or moving</i></p> <p><i>(i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</i></p> <p><i>(ii) occurs behind the development setback line.</i></p>

**Details of property on which unlawful activity is taking place:**

Farm Portion:	Portions 5 of the Farm La Mercy Airport no.15124
Suburb name:	La Mercy

Application for Rectification Form

Erf number:	N/A		
Municipal area:	eThekweni Metropolitan Municipality		
GPS Co-ordinates	29°36'23.48"S and 31° 5'46.92"E		
If supplying the co-ordinates using Geographic Co-ordinate System: Co-ordinates to be supplied in decimal degrees, with precision up to 6 (six) decimals. Spheroid to be used: WGS 84 Datum: Hartebeesthoek 1994			
If supplying the co-ordinates using Projected Co-ordinate System: Co-ordinates to be supplied in meters, with precision up to 2 (two) decimals Spheroid to be used: WGS 84 Projection: Transverse Mercator Central Meridian: 29 Degrees East	29°36'23.48"S and 31° 5'46.92"E		
Where a large number of properties are involved, please attach a full list to this application.			
<b>A LOCALITY PLAN MUST BE ATTACHED</b>			
Appendix 1: 1:50 000 map showing location of the site.			
Appendix 2: Aerial map showing location of the site.			
<b>Description of activity:</b>			
Please provide a brief description of the nature and extent of the activity.			
Gabion baskets and reno mattresses to the extent of approximately 105m <sup>2</sup> were constructed within the Hlawe River which runs through the AgriZone Development at the King Shaka International Airport (KSIA) triggering the listed activities stipulated in Section B of this application.			
Date when activity was commenced with for the first time:			<b>Activity commenced construction in October 2011.</b>
Tick box if activity is continuing:			<b>X</b>
Please indicate the current status by ticking the appropriate boxes:			
Construction partially completed	<input type="checkbox"/>	Activity operational	<input checked="" type="checkbox"/>
Property / ies transferred to new owners	<input type="checkbox"/>	Construction ceased prior to finalization	<input type="checkbox"/>
Operation / activity ceased pending outcome of application	<input type="checkbox"/>	Activity has been decommissioned and property rehabilitated to original state	<input type="checkbox"/>

**SECTION C: AUTHORISATIONS / PERMITS OBTAINED FROM OTHER ORGANS OF STATE:**

Please complete the table below with regard to authorizations / permits obtained from other organs of state (if applicable). Certified copies of permits / authorizations / certificates must be attached

<b>Name of Authority:</b>	<b>Legislation / Regulations / By-law in terms of which authorization was obtained:</b>	<b>Date of authorization / permit / certification:</b>	<b>Applicable authorization / permit / certificate number:</b>
DEAT	NEMA	March 2010	EA (12/12/20/1761)
DWA	Water Act: Water License	Pending	Pending
DWA	Water Act: Brine Disposal License	Pending	Pending
DWA	Water Act: Bore Hole Registration	28 January 2011	21188796
DWA	Water Act: General Authorisation	Pending	Pending

**SECTION D: ENFORCEMENT ACTION BY DEAT**

Please complete the table below with regard to any enforcement action taken against you for this development by this Department. Copies of the relevant pre-compliance notice / compliance notice / pre-directive/ directive must be attached to this rectification application.

<b>Pre-compliance notice / compliance notice / pre-directive/ direct:</b>	<b>Date issued:</b>	<b>Reference Number:</b>	<b>Copy attached? y/n</b>
N/A			

**SECTION E: MOTIVATION FOR SECTION 24G APPLICATION**

Please explain why this activity commenced in contravention with the National Environmental Management Act, Act 107 of 1998 (as amended).

Unseasonably heavy rains experienced in September 2011 throughout KwaZulu-Natal resulted in a greater amount of water emanating from the catchment area of the Hlawe River which runs through the AgriZone Development at the King Shaka International Airport (KSIA). This resulted in an increased amount of water within the Hlawe River which in turned increased the flow rate and velocity of the Hlawe River. The increased velocity resulted in severe cutting and erosion of exposed river banks below the Memorial Garden within the AgriZone. The erosion was in danger of negatively impacting on the Memorial Garden as the river bank was starting to cut into the Memorial Garden. To prevent potential impacts on the Memorial Garden and associated grave sites within the Memorial Garden, immediate repairs to the eroded banks were required. Gabion baskets and reno mattresses measuring a total of approximately 105m<sup>2</sup> were inserted into the river banks to stabilise the banks in this portion of the site and to reduce the potential for future damage to the Memorial Garden through erosive cutting.

**Please motivate why your application in terms of Section 24G of the National Environmental Management Act should be considered favourably:**

Upon taking ownership of the land on which the AgriZone is situated, the applicant, Dube Tradeport reached an agreement with the Trustees of the Memorial Garden to take up stewardship of the Memorial Garden, a historically significant grave site. In so doing, the applicant is responsible for the maintenance and upkeep of the Memorial Garden and therefore ensuring no negative impacts on the grave sites within the Memorial Garden occur. During the construction of the Memorial Garden, the system was disturbed and exposed surfaces resulted. As a result of the heavy rains, excessive erosion occurred along the exposed banks of the Hlawe River, which was in danger of negatively impacting on the Memorial Garden. The contractors representing the applicant, understanding the stewardship required for the Memorial Garden, undertook the insertion of the gabion baskets and reno mattresses as a matter of urgency to prevent potential impacts on the Memorial Garden, without being fully aware of the need for environmental authorization in this respect.

The area disturbed during the insertion of the gabion baskets and reno mattresses was small in size and will be rehabilitated as part of the overall rehabilitation plan for the AgriZone site. There was also no evidence of negative impacts to the Hlawe River as a result of these construction activities.

The activity was undertaken to prevent negative impacts on a historically significant site, and has had minimal impact on the surrounding environment.

**Details of previous offences committed in terms of environmental legislation**

There are another two 24 G applications being undertaken for the AgriZone site that have been submitted to the DEA in separate applications.

**SECTION F:**

**Certified copies of the following documents must accompany your application:**

1. Identification page from ID document of the applicant in cases where an individual is the applicant or of the contact person where a company / close corporation apply.
2. Registration certificate of the Company / Close Corporation.
3. Proof of ownership of the land or alternatively, proof of owner's consent to undertake activity on the relevant land.

**SECTION G: DECLARATION**

**Declarations**

**The Independent Environmental Assessment Practitioner**

I, **Kerry Stanton**, declare under oath that I –

act as the independent environmental practitioner in this application ;  
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 Section 24G of the National Environmental Management Act, read together with the Environmental Impact Assessment Regulations, 2006;  
do not have and will not have a vested interest in the proposed activity proceeding;  
have no, and will not engage in, conflicting interests in the undertaking of the activity;  
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 Section 24G of the National Environmental Management Act, read together with the Environmental Impact Assessment Regulations, 2006;  
will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;  
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;  
will keep a register of all interested and affected parties that participated in a public participation process; and  
will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.

---

**Signature of the environmental assessment practitioner:**

Kerry Seppings Environmental Management Specialist cc

---

**Name of company:**

---

**Date:**

---

**Signature of the Commissioner of Oaths:**

---

**Date:**

---

**Designation:**



**Official stamp (below)**

**List of Appendices**

Appendix A: CV of EAP

Appendix B: Applicant ID - copy

Appendix C: Contact Person ID - copy

Appendix D: Government Gazette – DTP Registration

Appendix E: Title Deeds

Appendix 1: 1:50 000 map showing location of the site.

Appendix 2: Aerial map showing location of the site.

Appendix 3: Pictures of the gabions and reno mattresses inserted onto the river banks.

Appendix 4: Signed agreement with Inyaninga Residents Heritage Preservation Association

Application for Rectification Form

The Applicant

I, **Mlibo Bantwini**, declare under oath that I -

am, or represent, the applicant in this application;  
appointed the environmental assessment practitioner as indicated under point F(1) above to act as the independent environmental assessment practitioner for this application;  
will provide the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;  
will be responsible for the costs incurred in complying with Section 24G of the National Environmental Management Act (“the Act”), read together with the Environmental Impact Assessment Regulations, 2006, including but not limited to –  
costs incurred in connection with the appointment of the environmental assessment practitioner or any person contracted by the environmental assessment practitioner;  
costs incurred in respect of the undertaking of any process required in terms of the Act;  
costs in respect of any fee prescribed by the Minister in respect of the Act;  
costs in respect of specialist reviews, if the competent authority decides to recover costs; and  
the provision of security to ensure compliance with conditions attached to an environmental authorisation, should it be required by the competent authority;  
will ensure that the environmental assessment practitioner is competent to comply with the requirements of the Act;  
am responsible for complying with the conditions of any environmental authorisation issued by the competent authority;  
understand that I will be required to pay an administration fine in terms of section 24G(2) of the Act and that my application will only be considered after payment of such a fine;  
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; and  
will not hold the competent authority responsible for any costs that may be incurred by the applicant in proceeding with an activity prior to an appeal being decided in terms of the Act.

---

**Signature of the applicant:**

Dube Tradeport Corporation

---

**Name of company:**

---

**Date:**

---

**Signature of the Commissioner of Oaths:**

---

**Date:**

---

**Designation:**

**Official stamp (below)**

## Appendix A: CV of EAP



## CURRICULUM VITAE KERRY ANN STANTON MSc (Dbn)

- Tertiary Education:** University of Natal, Durban  
**BSc (Hons)** – Estuarine Ecology (Major), Urban Biography (Ecology) (Major)  
**MSc awarded cum laude**  
 Environmental Management and Open Space Planning Thesis “**Developing an open space system for the Queensburgh Municipal Area**”
- Work Experience:** **1993 – 1994** Queensburgh Municipality – Unofficial Environmental Advisor for duration of MSc  
**1994 – 1995** IDEAS – Partner in Environmental Consultancy  
**1995 – 1998** Environment Branch, North and South Central Local Council – Professional Environmental Officer  
**1999** Kerry Seppings Environmental Management Specialists cc
- Other Courses:** Integrated Environmental Management Theory and Practice – University of Cape Town (1997)  
 Dealing with the Public and Assertiveness Training – North and South Central Local Council (1998)  
 GCX Certified Carbon Footprint Analyst Level 1 – Global Carbon Exchange (2010)  
 Accredited Professional Course – Green Star SA – Green Building Council (2010)

### Papers, Presentation and Reports

A management Proposal for Glenholme Nature Reserve. Honours Thesis 1992
The Development of an Open Space System for Queensburgh. Masters Thesis.1994.
The Open Space System of Durban and Challenges to Urban Conservation in the New South Africa. Kerry Seppings, John Cooke and Debra Roberts. Land Contamination and Reclamation. vol.3. 1995
Presentation of the above paper at Leichester University.1995.
Draft Ecological Structure Plan for the Ingweni Open Space System. Problems and Possibilities facing Urban Open Space Planners in the Durban Functional Region. 1995
Durban’s Local Agenda 21. Motivation report to attend UEF ‘97, The Urban Environment Forum. 1997.
Report to the Metropolitan Council in Respect of: Informal Settlement in the Isipingo Mangrove Area.1997. Information package on D’MOSS. Prepared for input into the Town Planning Scheme Public Open Space and D’MOSS Policy. 1997.
Presentation at Evaluation Workshop LA21. Sustainable Development and Local Agenda 21 Guiding Principles and Desirable Planning Actions. 1997.
Metropolitan Council Comments on the Draft National Environmental Management Bill. 1998.
Capital Projects input for the Joint Projects Bulletin. 1998.
North Central Local Council Capital Projects Report Back- Development of Useable Open Space in High Density Areas as part of the D’MOSS Project. 1998.
Environmental Branch input for the Clairwood Quarry Management Plan. 1998.
Developing Ecological Design Principles for an Urban Open Space System in the Durban Metropolitan Area, South Africa. Working Document. 1998.
Cliffdale, Salem and Shongweni Environmental Assessment and Land Use Controls. 1999.
The Poisonous Plants Program- Information Pamphlet.1999
Environmental Impact Assessments (Various- including Cliffdale, residential, industrial and tourism, industrial chemical textiles).
Planning research projects: Land Use Management Systems. Environmental Data to Inform Relevant Environmental Clauses.2000.
Training material for industry and government departments. 2000.
Global Benchmarks Study, CER Airports precincts 2010
Status Quo Report KSIA SEA 2010
Carbon Footprint Analysis Report Guideline 2010

## Skill and Project Management

Aerial Environmental Reconnaissance	Erosion Control
Alien Invasive Plant Control	Industrial Planning and Management
Catchment Management	Integrated Environmental Management Procedures (IEM) ISO 14000etc.
Coastal Zone Management	Land use Controls for Environmentally Sensitive Areas
Community Environmental Programs	Open Space Planning and Management
Conservation	Planning of new areas
Environmental Assessments for Roads, Water and Electricity Planning and Construction	Poisonous Plant Program
Environmental Assessments for Town Planning Applications (e.g. rezoning)	Umdoni Municipality – Basic Assessments and EMP for 30 Roads (2009)
Environmental Conflict Resolution	Dube Tradeport – Environmental Management Framework (2010)
<b>Environmental Education</b>	<b>eThekwini Housing – (2009 – 2011)</b> <b>Burlington Extension Housing Development - scoping &amp; EIA</b> <b>Roseneath Housing Development – Scoping &amp; EIA</b> <b>Ntuzuma Extension Housing Development – Scoping &amp; EIA</b> <b>Simplace – Preliminary Environmental Assessment and Feasibility study</b>
<b>Environmental Impact Reports</b>	<b>Sasol – Scoping and EIA for various projects (2009-2011)</b> <b>Environmental Assessment for numerous gas pipelines (2009 – 2011)</b>
<b>Environmental Policy Development</b>	<b>eThekwini Electricity – Numerous electrical substations scoping and EIA (2009 – 2010)</b>
<b>Environmental Planning and Management</b>	<b>Ndwedwe Municipality – Upgrade rural roads – Basic Assessment and EMPs for 9 Roads</b>
<b>Environmental Rehabilitation Programs</b>	<b>Tongaat Hullett – Scoping &amp; EIA – sewerage options Umhlatazana Catchment (2009 – 2011)</b>
Environmental Report Writing and Presentation	



**References:**

Dr. Debra Roberts  
Deputy Head  
Environmental Planning & Climate Protection Dept  
Development Planning, Environmental & Management Unit  
eThekweni Municipality  
Durban  
Tel: 031 – 3117527

Ms. Sarah Allan  
DAEARD  
4 Pin Oak Avenue  
Lower Terrace Quarry Shopping Center  
HILTON  
Tel: 031 - 3438330

**Full Name:** Kerry Ann Stanton  
**Address:** 4 Woodville Lane  
Summerveld  
ASSAGAY  
**Phone:** 031 – 769 1578  
**Email:** [kerry.seppings@telkomsa.net](mailto:kerry.seppings@telkomsa.net)  
**Identification Number:** 7011080046089  
**Citizen:** South African

Appendix B: Applicant ID - copy



## Appendix C: Contact Person ID - copy

Appendix D: Government Gazette – DTP Registration