

APPLICATION FORM FOR SECTION 30A EMERGENCY AUTHORISATION



KWAZULU-NATAL PROVINCE
ECONOMIC DEVELOPMENT, TOURISM
AND ENVIRONMENTAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

Provincial Reference Number:
Date Received by Department:
Date Received by District:

(For official use only)

APPLICATION FOR SECTION 30A EMERGENCY AUTHORISATION

Submitted in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Regulations, 2014.

PROJECT TITLE

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DISTRICT MUNICIPALITY

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IMPORTANT INFORMATION

PLEASE NOTE:

- 1) If any environmental assessment process is undertaken in making a request for a section 30A emergency authorisation and if this process is initiated after 8 August 2022, all activities associated with the investigation, assessment and preparation of the environmental impact assessment must be undertaken by an Environmental Assessment Practitioner [EAP] who is registered with EAPASA in accordance with the S24H Regulations, 2016 (as amended). It is the responsibility of the applicant to ensure that they appoint an EAP that is in good standing and registered with EAPASA.
- 2) It is the responsibility of the applicant to confirm that the Department is the competent authority to which this application must be submitted (refer to NEMA section 24C).
- 3) This form is current as of **October 2022**. It is the responsibility of the Applicant to ascertain whether subsequent versions of the form have been released by the Department.
- 4) The application must be typed within the spaces provided in the form. The size of the space provided is not necessarily indicative of the amount of information required. A legible font type and size must be used when completing this form. The font size should not be smaller than 10pt.
- 5) Where required, place a tick (✓) in the box you select.
- 6) Incomplete applications or applications that do not meet the minimum requirements provided in the ***KZN Policy Guideline: Section 30A Emergency Authorisation*** will not be accepted.
- 7) The use of the phrase “not applicable” in this form must be done with circumspection. Should it be done in respect of material information required by the competent authority for assessing the application, it may result in the refusal of the application.
- 8) Unless protected by law, all information contained in, and attached to this document, shall become public information on receipt by the competent authority.
- 9) **This application form and the *KZN Policy Guideline: Section 30A Emergency Authorisation* provides a guide to the minimum information required. Any additional information that may be relevant and necessary for the Department to make an informed decision in respect of the application must also be submitted.**

NOTE: The Department is entitled to request further information if it believes it is necessary for consideration of this request.

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IMPORTANT INFORMATION ABOUT SECTION 30A EMERGENCY AUTHORISATION

With regards to a section 30A emergency authorisation, note that:

- 1) A section 30A emergency authorisation **may only be applied for** if the situation is considered to meet an emergency situation as defined in terms of NEMA. If the situation has not arisen **suddenly** and does not pose an **imminent and serious threat** to the environment, human life or property **then this is not considered an emergency situation.**
 - 2) Section 30A Directives do not apply to "**emergency incidents**" as defined in terms of section 30 of the NEMA. If an incident meets the definition of an emergency incident the procedures and processes defined in section 30 must apply.
 - 3) The issuing of a section 30A emergency authorisation does not absolve a proponent from complying with any other applicable legislation (e.g. any obligations under the National Water Act, 1998 (Act 36 of 1998) or the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)).
 - 4) The issuing of a section 30A Directive does not absolve a proponent from the general "duty of care" set out in Section 28(1) of the NEMA that 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, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment*".
 - 5) Non-compliance with a Directive issued in terms of section 30A is an offence in terms of section 49A of NEMA. Any activities undertaken outside the scope of the Directive could be considered in non-compliance with Section 24(F)(1) of NEMA; and, the Directive issued, and appropriate enforcement and compliance actions may be instituted.
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1. APPLICANT DETAILS

Name of applicant who will undertake the activity:			
Contact person (if other):			
Postal address:			
		Postal code:	
Telephone:		Cell:	
Email:	()	Fax:	()

Please provide the following information for each site:

Municipality for proposed project:	
Farm name, erf and portion number etc.:	
Magisterial District or Town:	
GPS Coordinates for the site:	

NOTE: Please attach the following information as an appendix a locality map; a site map; photographs of the site and location of the proposed activity/ies; and, any specialist or engineering reports or other information in support of the application.

<p>Locality and Site Map Requirements</p> <p>A locality map with must be provided with the application. In addition to the information required in the KZN Policy Guideline: Section 30A emergency authorisation, the following minimum information must be indicated:</p> <ul style="list-style-type: none"> ○ A unique Locality Plan reference number and date; ○ The position of the project site(s); ○ Road names or numbers of all the major roads as well as access roads to the site(s); ○ A North arrow; ○ Legend; ○ The location of the maintenance site(s), with a unique reference name(s).

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A Site Plan must be provided with the application. In addition to the information required in the KZN Policy Guideline: section 30A emergency authorisation, the following minimum information must be indicated:

- A unique Site Plan reference number and date
- Roads that provide access to the site(s);
- A North arrow;
- Legend;
- The location of the activity site(s), with a unique reference name(s) and the GPS co-ordinates for the centre point of the activity site(s) in degrees, minutes and seconds. The projection must be the WGS-84 spheroid in a national or local projection.
- Locations for all activities, for example,
 - Site camps, ablutions, storage areas;
 - Where soil/sediment/debris will be stored/loaded, etc.
- Extent of indigenous vegetation and sensitive features, if present
- The 1:100 year flood line (if known) and the 32 m line from a watercourse

2. NATURE AND SCOPE OF EMERGENCY

- a) Detail the nature and scope of the emergency situation, including the progression of the emergency (whether or not it has commenced / is imminent / has caused damage at the time of the request).

- b) The cause of the emergency situation

- c) Was the emergency situation caused by the fault of the applicant

3. ENVIRONMENTAL RISKS

- a) The risk of the impact on the environment as a result of the emergency, including any impact that may already have occurred

- b) The risk of the impact on human health and well-being as a result of the emergency, including any impact that may already have occurred

- c) The risk of the impact on property as a result of the emergency, including any impact that may already have occurred

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d) Details of any specialist studies or engineering reports undertaken. Any relevant specialist assessments or engineering reports (if undertaken and available) must be appended to the application. Should a specialist report or report be submitted at any stage for any part of an application, the declaration of interest of the specialist must also be submitted

4. INTERACTION WITH THE PUBLIC

Describe the measures taken to inform the public about the emergency situation and activities proposed. What measures are in place to deal with interactions with the public, if it becomes necessary during implementation of the project.

5. COMMENT/APPROVALS BY OTHER AUTHORITIES

Has any consultation been undertaken with any of the following authorities:

- Department of Water and Sanitation
- Ezemvelo KZN Wildlife
- District Municipality
- Local Municipality
- KZN Amafa and Research Institute (Amafa)
- Other authorities considered relevant in the circumstances

List: _____

Please include details of these interactions, and explain why these were necessary, and attached any minutes of meetings or correspondence from these authorities.

6. ACTIVITIES AND MEASURES PROPOSED TO BE UNDERTAKEN

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- a) The proposed measures to be taken to prevent or contain the emergency situation or its effects , including proposed timeframes for actions and whether they will provide temporary or permanent solution to the emergency situation

- b) Detail what aspect of the emergency each proposed measure will seek to address and how

- c) Identify the listed or specified activities that will be triggered by the proposed measures

- d) The estimated costs of the measures proposed

- e) Any reasonable alternative measures proposed, including the costs thereof

- f) Date by which the listed or specified activities are required to commence

- g) Date by which the listed or specified activities are expected to be completed

7. MITIGATION

- a) The risk on the environment of the prevention, control or mitigation measures proposed

- b) Any post-event mitigation or rehabilitation measures that may be required

8. ENVIRONMENTAL MONITORING PROGRAMME

- a) Contact details and expertise of any appointed Environmental Control Officer [ECO]

Name of ECO who will monitor the activity:			
Contact person (if other):			
Postal address:			
		Postal code:	
Telephone:		Cell:	
Email:	()	Fax:	()

- b) Is an ECO internal to the organisation being proposed

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- c) Proposed monitoring programme to inform intervention or remedial measures during project implementation and rehabilitation. The data collection, management and reporting must be documented and be made available for inspection.

Part of the site that is monitored	Frequency of monitoring	Monitoring Procedure	Reporting frequency	Comments

9. DECLARATION

THE PERSON THAT WILL BE UNDERTAKING THE ACTIVITY/IES

I, in my **personal capacity** or **duly authorised** (please circle the applicable option) by
..... (name of legal entity) thereto hereby declare that I/we:

- Regard the information contained in this application to be true and correct,
- Am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 (“NEMA”) (Act No. 107 of 1998) and that, I/we shall comply with any other statutory requirement applicable in terms of any other relevant legislation;
- Shall provide the competent authority with access to all information at my disposal that is relevant to this request;
- Shall be responsible for any costs incurred in complying with environmental legislation;
- Hereby indemnify the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, any loss or damage to property or person as a consequence of undertaking this maintenance management plan; and
- Am aware that a false declaration is an offence in terms of regulation 48 GN. No. R326, 07 April 2017.

Signature of the applicant:

Date:

Name of institution/ company:

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