



## **Wetlands, streams and the law** **(<http://saforestryonline.co.za/articles/wetlands-streams-and-the-law/>)**

June 19, 2020 - [0 Comments \(http://saforestryonline.co.za/articles/wetlands-streams-and-the-law/#disqus\\_thread\)](http://saforestryonline.co.za/articles/wetlands-streams-and-the-law/#disqus_thread)

---

### **Environmental authorisation required for any vegetation clearing, building or crop disturbance near wetlands or streams...**

Clearing of indigenous vegetation, or building close to a watercourse or wetland, are among the many activities that could land farm owners and agricultural developers in hot water – if they don't have the required environmental authorisations.

According to Karissa Nel of SRK Consulting, the company is often required to submit 'Section 24G' applications on behalf of clients who start work on a site before they have complied with the National Environmental Management Act (NEMA) or other environmental legislation.

"Section 24G of NEMA provides for a formal application process to rectify activities that began without the required environmental authorisations or licenses," said Karissa. "However, before any authorisation decision is taken, the law allows that an administrative fine of up to R5 million may be levied."

The activity could be any of the activities listed in the NEMA 2014 EIA Regulations (as amended in 2017) and ranges from residential developments to agricultural activities such as crop fields, piggeries, chicken batteries, abattoirs and commercial composting – including the associated infrastructure such as pipelines and roads. The '24G application' addresses the unlawful commencement or continuation of an activity for which an Environmental Impact Assessment (EIA) or a waste management license was required.



*Karissa Nel, principal environmental scientist, SRK Consulting.*

“It does not matter if non-compliance occurred as a wilful unlawful act or whether a party was completely unaware of the requirements of the environmental legislation,” said Karissa.

Neither does the payment of the administrative fine guarantee a successful outcome of the application.

“Even before payment is made, the competent authority has the discretion to accept or refuse the section 24G application. Only once the application is accepted – and a fine calculated and paid – will the competent authority process and consider the information submitted with the application.”

The pain does not stop there. The S24G processes can take more than four times longer than a normal environmental assessment process done in good time. The authorities can also put a stop to all activities on site while they assess the environmental impacts and rehabilitate or remediate any environmental damage or pollution that has taken place as a result of the activity.

The message is clear, she said. The lawful and most efficient way to approach any new activity on your property is to determine the legal requirements upfront, before starting any work that may impact the environment.