



Western Cape Government

REQUEST FOR EMERGENCY DIRECTIVE IN TERMS OF SECTION 30A(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") IN RESPECT OF AN EMERGENCY SITUATION.

File Reference Number:
Date Received by Department:
Date Received by Component:

(For official use only)

PROJECT TITLE

EMERGENCY FLOOD DAMAGE OF MR00355

GENERAL INFORMATION

- 1) "Not applicable" must be used with circumspection. Where it is used in respect of material information that is required for assessing the request, our request for additional information will delay your application.
- 2) Unless protected by law, all information contained in, and attached to this document, shall become public information on receipt by the competent authority.
- 3) Two copies (signed) of this document must be posted to the Department at the postal address given below, or delivered to the Registry Office of the Department. Faxed or e-mailed checklists are not acceptable.
- 4) Any additional information, pictures or explanations prompted by this form must also be submitted, in order to ensure that this Department does not need to request additional information from you.

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District)	CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District)
Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 1) Private Bag X 9086 Cape Town, 8000 Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town Queries should be directed to the Directorate: Development Management (Region 1) at: Tel: (021) 483-5829 Fax (021) 483-4372	Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 2) Private Bag X 9086 Cape Town, 8000 Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town Queries should be directed to the Directorate: Development Management (Region 2) at: Tel: (021) 483-5842 Fax (021) 483-3633	Department of Environmental Affairs and Development Planning Attention: Directorate: Land Management (Region 1) Private Bag X 6509 George, 6530 Registry Office 4th Floor, York Park Building 93 York Street George Queries should be directed to the Directorate: Development Management (Region 3) at: Tel: (044) 805-8600 Fax (044) 874-2423

IMPORTANT INFORMATION ABOUT EMERGENCY SITUATIONS IN TERMS OF SECTION 30A(1) OF NEMA

With regards to an emergency directive, note that:

- 1) It will be agreed to in terms of section 30A(1) of NEMA.
- 2) Notwithstanding a possible agreement to the emergency directive, any other applicable statutory requirement must still be complied with (e.g. any obligations under the National Water Act, 1998 (Act No. 36 of 1998), Regulations on Control of Use of Vehicles in the Coastal Zone, 2004 (GN R.1426) in terms of the Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)), the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) or the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ;
- 3) Agreement to an emergency directive does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which 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."* (Note: When interpreting this "duty of care" responsibility, cognisance must be taken of the national environmental management principles contained in Section 2 of NEMA);
- 4) The Department reserves the right to not grant an emergency directive and to require that a Basic Assessment be undertaken.
- 5) Should the Department agree to an emergency directive, the Department will stipulate the time period during which the emergency directive will remain in force.
- 6) Provide a location map to this document that shows the location of the proposed activity(ies) and associated structures and infrastructure on the property; as well as a detailed site development plan / site map; and if applicable, all alternative properties and locations. The GIS shape files (.shp) for maps / site development plans must be included in the electronic copy of the report submitted to the competent authority.
 - a) The scale of the locality map must be at least 1:50 000.
 - b) an accurate indication of the project site position as well as the positions of the alternative sites, if any
 - c) an accurate indication of the project site position as well as the positions of the alternative sites, if any
 - d) road names or numbers of all the major roads as well as the roads that provide access to the site(s)

- e) a north arrow
 - f) a legend
 - g) a linear scale
 - h) GPS co-ordinates (to 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 should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS84 spheroid in a national or local projection)
- 7) Section 24 C (2) of the NEMA identifies the competent authority responsible for granting environmental authorisations in respect of those activities applied for. Please ensure that this Department is the competent authority for the proposed activities and not the national Minister of Environmental Affairs.
- 8) Please note that this request do not apply in the event that a person has already commenced with a listed activity or specified activity identified in terms of the regulations promulgated in terms of section 24(2) of the NEMA without an environmental authorization or to an incident as provided for in terms of section 30 of the NEMA.

BACKGROUND INFORMATION

1. PERSONAL DETAILS

Highlight the Departmental Sub-Region(s) in which the emergency work is to be undertaken.

CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District)	CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District)
---	---	---

Name and identity number of person making the written request :	Melanie Kemp Hofmeyr ID: 800715 0128 08 7		
Contact person (if other):	Azni November		
Postal address:	Western Cape Government Department of Infrastructure Transport Infrastructure Branch: Chief Directorate Road Programme Management 9 Dorp Street, Cape Town,		
		Postal code:	8001
Telephone:	021 483 5713	Cell:	0763327758
Email:	Melanie.Hofmeyr@westerncape.gov.za	Fax:	()
Name of person / EAP who has prepared the Checklist:	Nica Kotze		
Contact Person (if other):	N/A		
Postal address:	P.O. Box 2632 Paarl		

		Postal code:	7620
Telephone:	021 870 1874	Cell:	073 388 1711
E-mail:	nica@gndc.co.za	Fax:	021 870 1873
Name of landowner/person in control of land:	Western Cape Government: Department of Infrastructure		
Contact person:	Azni November		
Postal address:	2nd Floor 9 Dorp Street Cape Town		
		Postal code:	8001
Telephone:	021 483 5713	Cell:	0768164564
E-mail:	Azni.November@westerncape.gov.za	Fax:	()
<i>In instances where there is more than one landowner, please attach a list of landowners with their contact details.</i>			
Municipality for proposed project:	George/Knysna		
Farm name, erf and portion number etc.:	MR00355		
Magisterial District or Town:	George/Knysna		
Surveyor General (SG) 21 digit code	N/A		
Coordinates for the site (please use the Hartebeesthoek94 WGS84 co-ordinate system):			
MR00355			
Start			
Latitude (S)	33°	58'	12.04"S
Longitude (E)	22°	30'	33.04"E
End			
Latitude (S)	34°	2'	8.47"S
Longitude (E)	22°	58'	19.98"E

1.1 Is the requester placing the request in his/her personal capacity or on behalf of a state body/parastatal/corporate entity?

Personal capacity	
Organ of State	X
Parastatal	
Corporate entity	

--

- 1.2 Name of state body/parastatal/corporate entity on whose behalf the request is made; registration number where appropriate and registered street address

Western Cape Government
Department of Infrastructure
Transport Infrastructure Branch: Chief Directorate Road Programme Management

- 1.3 If the request is made on behalf of a state body/parastatal/corporate entity, in what capacity is the requester employed by that body?

Chief Director: Road Programme Management, Western Cape Government,
Department of Infrastructure

- 1.4 Name the other authorities and authorisations/licenses/permits that might be required

George Local Municipality (for information purposes)
Knysna Local Municipality (for information purposes)
Garden Route District Municipality (for information purposes)

- 1.5 Is this the first request?

Yes.

2. DESCRIPTION OF PROPOSED EMERGENCY WORKS TO BE UNDERTAKEN FOR THE SITE(S)

- 2.1 Provide the nature 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)

Due to recent floods in the area, the Transport Infrastructure Branch was notified that flood damages occurred along MR00368.

The damages include:

- Culvert structure(s) washed away completely.
- Slip failures worsened.
- Erosion damage to the road layers at localised areas along the gravel road.

The state of the road was confirmed by an inspection.

- 2.2 Indicate the cause of the emergency situation; including confirmation of whether or not it was caused by the fault of the requestor

The cause of the emergency is due to recent flood events and was not the fault of the requestor.

- 2.3 Indicate the risk / probability of occurrence / severity of the impact on the environment as a result of the emergency; including an impact which may already have occurred

The proposal is to temporarily retain the slip failures to prevent a total failure, and then to construct slip failure remedial measures as well as new river crossing structure(s) and reinstate the pavement structure along the surfaced road.

- 2.4 Indicate the risk of the impact on human health and well-being as a result of the emergency; including any impact which may already have occurred

Due to the flood damage access and mobility in the area is affected.

- 2.5 Provide the measures to be taken; including proposed timeframes for actions and whether they will provide a temporary or permanent solution to the situation

The proposal is retain the existing structure temporarily, while design for geotechnical and drainage works are undertaken by a specialist consultant. Slip failures must be retained using geotechnical intervention, a drainage investigation and construction of new drainage structures (where the current armco and other culvert structures have failed). This entails reconstruction of the causeway structure(s) and repairs to the pavement structures, in accordance with WCG standards, clearing of vegetation and eroded material, and the construction of erosion protection within the watercourse.
The total estimated construction period for all reinstatement works is approximately. Twelve (12) months. This timeframe is a high level estimate and will be dependent on the design proposals.

2.6 What aspect of the emergency will each measure seek to address, and how?

A formal design must be done, but the major activities include:

- Constructing a temporary bypass for local access
- Excavating eroded material to a clean face and solid foundation;
- Demolition and removal of remainder of damaged causeway structure flood debris, and eroded road-embankment and pavement layers;
- Importing rockfill to create a solid base to on which to construct fill;
- Construction of replacement culvert structure(s);
- Reinstate road fill, pavement layers and roadway embankments;
- Erosion protection works. This includes gabion mattresses and baskets along the route where required; and
- Installation of road signage where required.
- Construction of geotechnical remedial measures including but not limited to shotcrete, soil nails, mechanically stabilised earth (MSE) walls, and gabions.

2.7 Indicate the listed or specified activity(ies) that will be triggered by the proposed measures

Activity no. 19 of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 19A of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 12 of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 27 of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 48 of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 24 of Listing Notice 2 (GN. 984 of 4 December 2014, as amended)
Activity no. 4 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)
Activity no. 12 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)
Activity no. 14 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)
Activity no. 18 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)
Activity no. 23 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)

2.8 What are the estimated costs of the proposed measures?

The total cost of the permanent works is estimated at **R30 000 000 (excl. VAT & CPA).**

2.9 Are there any reasonable alternative measures (including the no-go alternative); including an estimate of the costs thereof?

At this stage it is anticipated that the road can be repaired, with immediate intervention.

2.10 Indicate the risk / probability of occurrence / severity of the impact on the environment of the proposed prevention, control or mitigation measures

Severity of the impact on the environment will be limited because all teams will exercise due care during flood damage repairs.

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

Temporary access routes to reach bottom of structures and damaged slopes/embankments.
Temporary bypasses where required to allow the remedial works.

2.12 Please list the applicable listed activity

Activity no. 12 of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 19 of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 19A of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 27 of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 48 of Listing Notice 1 (GN. 983 of 4 December 2014, as amended)
Activity no. 24 of Listing Notice 2 (GN. 984 of 4 December 2014, as amended)
Activity no. 4 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)
Activity no. 12 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)
Activity no. 14 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)
Activity no. 18 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)
Activity no. 23 of Listing Notice 3 (GN. 985 of 4 December 2014, as amended)

2.13

FOR OFFICIAL USE ONLY (to be completed by the competent authority)

Oral request				
Written request				
Date of request	/ /			
Time of request	h			
I have completed the above questions	Yes		No	
I have agreed to the oral request	Yes		No	

For a verbal directive:

I have completed the above form, considered the requirement of regulation 5 (1) and 6(1) and in my opinion, as the competent authority, I hereby issue a verbal directive in terms of section 30A(1) of the NEMA to the requestor mentioned above.

..... Competent authority	 Date	 Time
------------------------------	---------------	---------------

3. DECLARATION

3.1 THE PERSON THAT WILL BE UNDERTAKING THE EMERGENCY WORKS

I Melanie Kemp Hofmeyr with ID 800715012808Z, in my **personal capacity** or **duly authorised** (please circle the applicable option) by Western Cape Government: Department of Infrastructure (name of legal entity) thereto hereby declare that I/we:

- Regard the information contained in this checklist 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, notwithstanding an agreement to this request for an Emergency Directive, I/we shall comply with any other statutory requirement applicable in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), the National Water Act, 1998 (Act No. 36 of 1998), Regulations on Control of Use of Vehicles in the Coastal Zone, 2004 (GN R.1426) in terms of the Integrated Coastal Management Act, 2008 (Act 24 of 2008) and the Environmental Impact Assessment Regulations ("EIA Regulations") in terms of NEMA;
- Am fully aware that the proposed emergency work constitutes a listed activity in terms of the NEMA EIA Regulations, 2014, namely, Activity 19 of GN No. R. 983, and that an environmental assessment for environmental authorisation may be required for any other listed activities;
- Shall undertake only those tasks described in the emergency directive, failing which environmental authorisation will be required, where applicable;
- 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 of the 2014 NEMA EIA Regulations.



Signature of the applicant:

2024/04/23

Date:

Western Cape Government: Department of Infrastructure

Name of institution/company:

3.2 THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

- I, as the appointed environmental assessment practitioner ("EAP") hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:
 - in terms of the general requirement to be independent:
 - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
 - am not independent, but another EAP that meets the general requirements set out in Regulation 13 have been appointed to review my work (Note: a declaration by the review EAP must be submitted);
 - in terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
 - have disclosed/will disclose, to the applicant, the specialist (if any), the Department and interested and affected parties, all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application;
 - have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to interested and affected parties and the public and that participation by interested and affected parties was/will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
 - have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Department in respect of the application;
 - have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
 - have kept/will keep a register of all interested and affected parties that participate/d in the public participation process; and
 - am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.

Note: The terms of reference of the EAP must be attached.

Signature of the environmental assessment practitioner:

Name of company:

Date: