



24G Application: 14/2/4/2/3/D2/20/0009/24

ENVIRONMENTAL AUTHORISATION

The Municipal Manager
George Municipality
P.O. Box 19
GEORGE
6530

Attention: Mr. J. Koegelenberg

Tel: (044) 801 9277

Email: jkoegelenberg@george.gov.za

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL DEVELOPMENT OF STORMWATER INFRASTRUCTURE WITHIN 32m OF A WATERCOURSE, OUTENIQUA WASTEWATER TREATMENT WORKS ON THE REMAINDER OF ERF 325, GEORGE (MORIAH STREET).

With reference to your application dated 22 October 2024 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants Environmental Authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the preferred Alternative as described in the application and environmental assessment dated 22 October 2024.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activity as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

George Municipality
% Mr. J. Koegelenberg
P. O. Box 19
GEORGE
6530

Tel: (044) 801 9277

Email: jkoegelenberg@george.gov.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Government Notice No. 327 of 7 April 2017 – Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended): Activity Number: 12 Activity Description: <i>The development of—</i> (i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> (ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i> <i>where such development occurs—</i>	The development of stormwater infrastructure exceeding 100m² in extent within 32 metres of a watercourse (i.e. Schaapkop River) outside the urban area on the Remainder of Erf 325, George.

Listed Activities	Activity/Project Description
(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — excluding— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.	
Government Notice No. 324 of 7 April 2017 – Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended): Activity Number: 4 Activity Description: <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i> i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no	The development of access roads that exceeded 4m in width on an area containing indigenous vegetation outside an urban area on the Remainder of Erf 325, George.

Listed Activities	Activity/Project Description
such setback line has been determined; or iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.	
Activity Number: 12 Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i> i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.	The development of stormwater infrastructure on the Remainder of Erf 235, George resulted in the clearance of indigenous vegetation (i.e. Garden Route Granite Fynbos) on the Remainder of Erf 325, George.

The abovementioned list is hereinafter referred to as “**the listed activity/development**”.

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on the Remainder of Erf 325, George.

The SG digit code is: C02700070000032500000

The co-ordinates for the site boundary on the **Remainder of Erf 325, George** are:

Point	Latitude (S)			Longitude (E)		
1	34°	0'	25.77" South	22°	27'	51.65" East
2	34°	0'	28.30" South	22°	27'	51.54" East
3	34°	0'	26.70" South	22°	27'	55.79" East
4	34°	0'	24.15" South	22°	27'	56.69" East
5	34°	0'	22.81" South	22°	27'	55.58" East
6	34°	0'	25.32" South	22°	27'	54.75" East

Refer to Annexure 1: **Locality Plan** and Annexure 2: **Site Development Plan**.

Hereinafter referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

HillLand Environmental

% Ms. Cathy Avierinos (EAPASA: 2019/1053)

P. O. Box 590

GEORGE

6530

Cell: 082 558 6589

Email: Cathy@hilland.co.za | admin@hilland.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The holder is herein authorised to undertake the following alternative (Option 2) that include the listed activities as it relates to the development:

The authorised development entails the development of formal stormwater infrastructure and erosion repair works within 32m of a watercourse on the Remainder of Erf 325, George and comprises the following:

- The development of infrastructure for the controlled release of stormwater include:
 - Junction boxes, lined drains, catchpits, manholes, inlet / outlet structures with energy dissipators;
 - Silt retention and energy dissipating headwalls;
 - Three cascading / terraced terramesh / gabion retaining wall and associated backfilling at the top and bottom of the embankment
 - Retaining walls approximately 8m and 4m high with 3.5m “tails” located at approximately contour levels 173m;165m and 154m;
 - Basal drainage system with slotted drainage pipes
 - 450mm diameter stormwater pipelines;
 - At 55m contour level a 3m erosion protected layer (i.e. reno-mattress)
 - Gabion reno mattresses with stone pitching
- The development of access roads exceeding 4m in width;

The above will entail a total development footprint of approximately 904.63m² in extent.

Existing access to the site is obtained from the Moriah Street, George.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to the preferred Alternative described in the application and assessment report dated March 2025 on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five (5) years** from the date of the decision.
3. The development must be concluded within **five (5) years** from the date of continuation of the listed activity.

4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

6. **Seven (7)** calendar days' notice, in writing, must be given to the competent authority before continuation of the development.

6.1 The notice must make clear reference to the site details and 24G Reference number given above.

6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions of 7, 8, and 11.

PART III

Notification and administration of an appeal

7. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–

7.1. Notify all registered Interested and Affected Parties ("I&APs") of –

7.1.1. The outcome of the application;

7.1.2. The reasons for the decision as included in Annexure 3;

7.1.3. The date of the decision; and

7.1.4. The date when the decision was issued.

- 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2025* detailed in Section I below.
- 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision.
- 7.4. provide the registered I&APs with:
- 7.4.1. The name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2. The name of the responsible person for this Environmental Authorisation;
 - 7.4.3. The postal address of the holder;
 - 7.4.4. The telephonic and fax details of the holder;
 - 7.4.5. The e-mail address, if any, of the holder; and
 - 7.4.6. The contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2025*.
8. The listed activities may not continue within **20 calendar days** from the date the holder notifies registered I&APs of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

9. The Environmental Management Programme ("EMPr") and Rehabilitation Plan dated December 2023 compiled by Hilland Environmental and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, before continuation of commencement of any listed

activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activities and must be made available to any authorised person on request, including a publicly accessible website (where applicable).
13. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI

Auditing

14. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the competent authority.
 - 14.1. The holder must undertake an environmental audit **within one (1) year** of the completion of the continuation of the listed activity and submit an Environmental Audit Report to the Competent Authority **within one (1) month** after the completion of the environmental audit. The Environmental Audit Report must be prepared by an independent person with the relevant auditing expertise and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.
 - 14.1.1. The Environmental Audit Report must include a report on the status of rehabilitation actions that have been implemented in accordance with the EMPr and Rehabilitation Plan dated December 2023.
 - 14.2. The holder must, within seven (7) days of the submission of the Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Reports available to any I&APs on request and on a publicly accessible website (if applicable).

PART VII

Activity/ Development Specific Conditions

15. The mitigation measures contained in the Freshwater Impact Assessment (compiled by Confluent Environmental and dated August 2023) must be implemented, *inter alia*:
- 15.1. The stormwater outlet structure must be inspected on a routine basis to ensure that is free of any blockages and debris and is operating according to design specifications.
 - 15.2. The bed and banks of the river must be routinely inspected (especially following heavy rainfall events) to ensure that the outlet structure is not causing unnecessary erosion of the bed and banks of the river. Any erosion observed must immediately be attended to through appointment of a suitably qualified aquatic specialist.
 - 15.3. The reshaping of the banks of the watercourse (i.e. Schaapkop River) to ensure even contours and prevent concentrated flow paths that may cause erosion.
 - 15.4. After construction, any exposed earth must be immediately rehabilitated with suitable indigenous vegetation for the protection of soil exposure.
 - 15.5. An alien invasive plant management plan must be implemented to prevent the establishment of alien invasive tree species across the slope.
16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
18. Dust suppression measures must be used to mitigate dust during the construction / development phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be implemented instead.
19. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the development.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake the listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* (as amended) the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* (as amended) an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA (as amended) for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply the National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). Please note the provisions of Regulation 1(2) & (3) of the National Appeal Regulations, 2025 when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&APs) and the decision maker (Competent Authority who issued the decision) within **20 calendar** days from the date this decision was sent by the decision maker.
2. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&APs by the holder (applicant) of the decision.

3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within **5 calendar days** after the 20-day appeal period ends.
 - b. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.
5. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the *National Appeal Regulations, 2025* may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:

By e-mail: DEADP.Appeals@westerncape.gov.za

By hand: (where that person submitting does not hold an electronic mail account)
Attention: Mr Marius Venter
Room 809, 8th floor
Utilitas Building
1 Dorp Street
CAPE TOWN
8000

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail listed above.

5. A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp>, or office of the appeal authority/ at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za.

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, appointed in terms of the conditions of this Environmental Authorisation, shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully


Zaidah Toefy
Digitally signed by Zaidah Toefy
Date: 2025.08.15 12:51:45
+02'00'

MRS Z TOEFY

HEAD OF RECTIFICATION

DIRECTORATE: ENVIRONMENTAL GOVERNANCE

DATE: 15 AUGUST 2025

Copied to:

- (1) Ms. C. Avierinos (HillLand Environmental)
(2) Mr. S. Mtila / Ms. M. Gratz (George Local Municipality)

Email: Cathy@hilland.co.za

Email: Smtila@george.gov.za

ANNEXURE 1: LOCALITY MAP

The existing site of the Outeniqua Wastewater Treatment Works on the Remainder of Erf 325, George (yellow polygon).



Locality map of Outeniqua WWTW, Remainder of Erf 325 and where activities are proposed

Date: 20 July 2023
Project No: 1251
Drawn By: I. Delpont



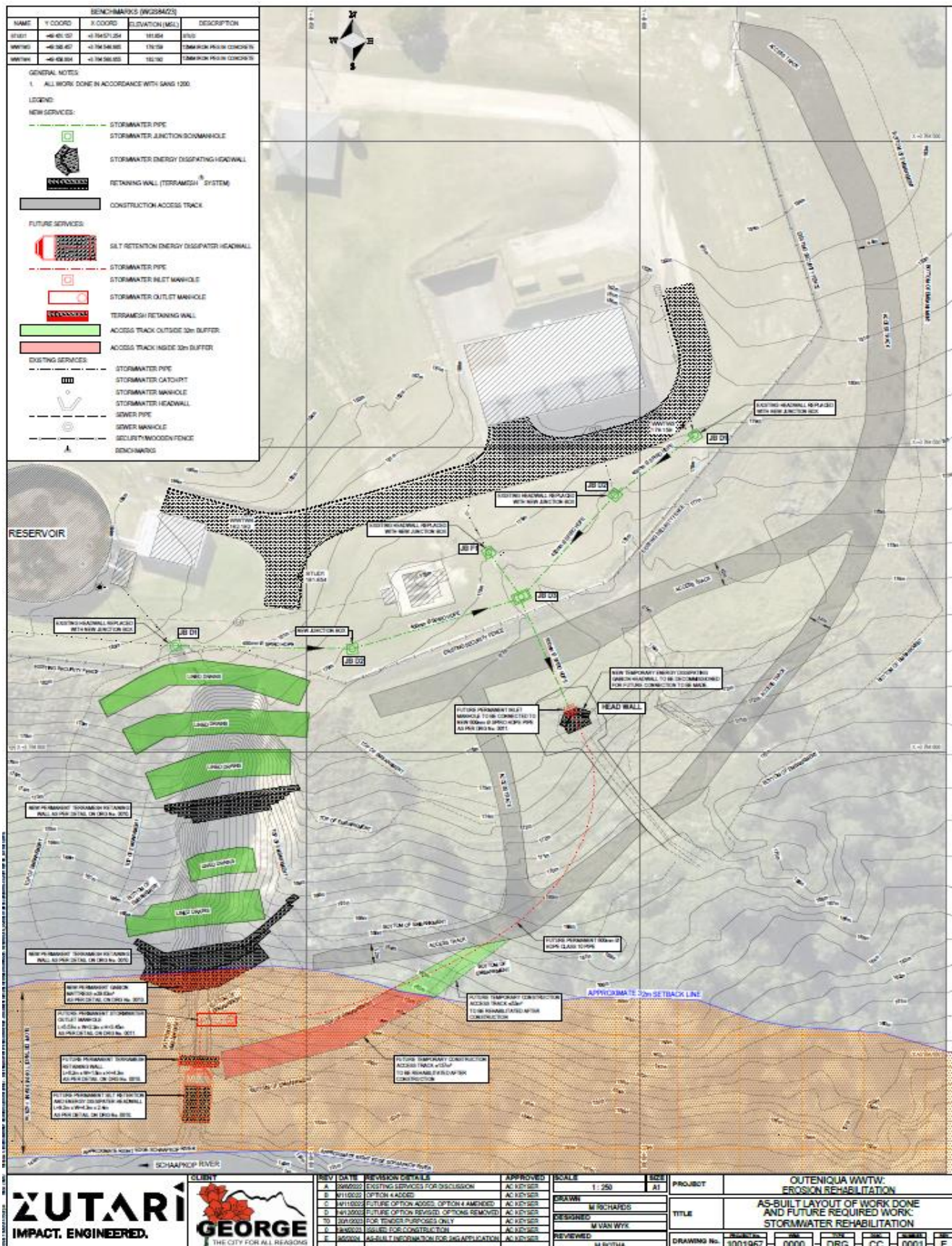
Aerial Image - Surveyor General 2020
Cadastral Image - Surveyor General 2019

Projected Coordinate System: **GS_1984_UTM_Zone_34S**

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ANNEXURE 2: SITE DEVELOPMENT PLAN

Site Development Plan of the existing stormwater infrastructure adjacent to the on the Remainder of Erf 325, George.



FOR OFFICIAL USE ONLY:

S24G APPLICATION REFERENCE: 14/2/4/2/3/D5/18/0027/24

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned unlawful activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R250 000 (Two hundred and fifty thousand rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 22 October 2024 and the final Comments and Response Report received by the competent authority on 23 October 2024.
- b) The Environmental Management Programme ("EMPr") and Rehabilitation Plan dated December 2023 submitted together with the application form and final Comments and Response Report.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on - The Remainder of Erf 325, George – Moriah Street
Date: 28 May 2024 and 06 November 2024
Attended by: Naadiya Wookey (case officer)

All information presented to the competent authority was taken into account in the consideration of the section 24G application for *ex post facto* environmental authorisation. 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 Process

In terms of 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 the issues raised have been addressed ...", is required.

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

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced and the on 03 May 2024.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 02 May 2024 and 22 October 2024.
- Making the draft section 24G report and draft EMPr available for public review between 02 May 2024 to 04 June 2024 and 22 October 2024 to 21 November 2024.
- The placing of a newspaper advertisement in the *George Herald* newspaper on 02 May 2024.
- Making all draft reports available for comment via an electronic link.

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

The following organs of state provided comment / input on the application:

- Breede-Olifants Catchment Management Agency
- Heritage Western Cape

Concerns / comments raised by I&APs were adequately addressed and responded to during the public participation process. Comments were largely related to water use authorisation, the applicability of whether a Notice of Intent to Develop with respect to heritage aspects and the relevant information required with respect to the comprehensive assessment of the impact associated with the unlawful development as part of the Section 24G application process. At the end of the public participation process, comments provided by the I&APs have been adequately addressed and considered by the EAP. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation.

2. Alternatives

2.1. Technology/Design/Layout/Location/Site/Activity Alternatives

No property / site, activity, technology or operational alternatives were identified or assessed as part of the environmental impact assessment process since the existing and continuation of the activity is on a site that has an existing erosion gulley and requires mitigation and rehabilitation. The site is owned and in control by the holder.

It is noted that alternative engineering design considered entailed the direct piping of stormwater within the erosion gulley that had formed and infilling of the gulley thereafter. However, this alternative received early dismissal as it was deemed not feasible based on the fact that a significant amount of import material will be required to achieve the said engineering objective. Therefore, the preferred alternative as detailed below which allows for the cascading discharge of stormwater from the Outeniqua Wastewater Treatment Works with intermittent energy dissipators. The preferred alternative and "No-Go" alternative were assessed.

2.2. Layout / Design Alternative (herewith authorized)

The authorised development entails the development of formal stormwater infrastructure and erosion repair works within 32m of a watercourse on the Remainder of Erf 325, George and comprises the following:

- The development of infrastructure for the controlled release of stormwater include:
 - Junction boxes, lined drains, catchpits, manholes, inlet / outlet structures with energy dissipators;
 - Silt retention and energy dissipating headwalls;
 - Three cascading / terraced terramesh / gabion retaining wall and associated backfilling at the top and bottom of the embankment
- Retaining walls approximately 8m and 4m high with 3.5m "tails" located at approximately contour levels 173m; 165m and 154m;
 - Basal drainage system with slotted drainage pipes
 - 450mm diameter stormwater pipelines;

- At 55m contour level a 3m erosion protected layer (i.e. reno-mattress)
- Gabion reno mattresses with stone pitching
- The development of access roads exceeding 4m in width;

The above will entail a total development footprint of approximately 904.63m² in extent.

Existing access to the site is obtained from the Moriah Street, George.

2.3. The option of not implementing or continuing with the activity ("No-Go" Alternative)

The "no-go" alternative resulting in rehabilitation and not developing on the proposed site was considered. Since the authorised layout alternative will not result in unacceptable environmental impacts and is supported from a botanical and freshwater perspective, the "No-Go" alternative was not preferred / warranted. This is in addition to the demonstrated Section 2 NEMA principles and the implementation of the mitigation hierarchy.

3. **Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability

The existing and proposed continuation of the development of the site is not considered to be in conflict with the current zoning (i.e. Undetermined Zone) as defined in the local municipal zoning scheme, the local municipal Spatial Development Framework ("SDF") as well as the Integrated Development Plan ("IDP"). The site is located along the steep slope of the existing Outeniqua Wastewater Treatment Works (WWTW) and the banks of the Schaapkop River on the Remainder of Erf 325, George. In addition, the unlawful development has taken place on land owned by the municipality. Although the stormwater infrastructure has been implemented as a result of ongoing erosion of stormwater runoff from the Outeniqua WWTW and is not entirely considered in-keeping with the surrounding environment (i.e. hard engineering), rehabilitation and landscaping efforts are proposed to mitigate visual impacts.

Given the critical role of stormwater management in preventing further erosion, safeguarding water quality, and protecting downstream ecosystems, the infrastructure serves both remedial and preventative functions. Moreover, the intervention supports the objectives of municipal Spatial Development Frameworks (SDFs), which prioritise the sustainable use of land, infrastructure resilience, and the protection of ecological corridors. In this context, the regularisation of the unlawful development will achieve the balance of legal compliance, environmental stewardship, and strategic urban planning imperatives. The continuation of the development is aligned with the municipal SDF objective to protect natural resources and systems related to stormwater attenuation. The objective expands on specific attention to stormwater attenuation adjacent to green corridors, concentrated stormwater outlets, mitigation against erosion in green "lung areas" and measures to prevent pollution of environmental / green corridors or areas. Further, it must be noted that the site is frequented by the adjacent informal settlement tending to livestock and passers-by.

The environmental impact assessment process substantiated the consideration of sensitive biodiversity, the protected nature of ecological infrastructure and erosion prone landscape with appropriate mitigation measures regarding the continuation of the development and maintenance of stormwater infrastructure on the Remainder of Erf 325, George. The authorised Alternative demonstrates a reduced impact on the identified environmental sensitivities as far as reasonably practical.

Regional/ Planning Context

The site is located within the George municipal area wherein the Municipal SDF has identified objectives relating to the development of sustainable infrastructure. The site is located outside the urban area on land zoned as / for undetermined purposes.

The continuation of the development on the Remainder of Erf 325, George will emphasise resilient, sustainable infrastructure that supports long-term environmental and social wellbeing. By addressing erosion and stormwater management, the project contributes to climate adaptation, disaster risk reduction, and the protection of critical infrastructure (i.e. WWTW), all of which are strategic goals aligned with the Provincial SDF (PSDF). In addition, infrastructure that stabilises eroded slopes and manages runoff assist in the reduction of sedimentation and pollution into natural systems (i.e. watercourse – Schaapkop River), aligning with provincial efforts to maintain ecosystem services and

restore degraded land. Given increasing climate variability, the PSDF identify stormwater management as a priority in adapting to flooding and erosion risks. The continued implementation ensures the municipality contributes to provincial climate adaptation strategies, enhancing resilience at a broader scale.

The development is aligned with the spatial vision of the Provincial Spatial Development Framework ("PSDF") in relation to the protection of biodiversity and ecosystem services (i.e. mitigating habitat degradation) as well as the safeguarding of cultural and scenic assets (i.e. rehabilitation measures proposed).

3.2. Biodiversity Impacts

In accordance with the Botanical Compliance Statement (compiled by Octoplasm Botanicals and dated June 2024), the findings revealed that no species of conservation concern were identified during the assessment of the area adjacent to the site and that the surrounding vegetation is not classified as Garden Route Granite Fynbos. In addition, the botanical specialist indicated that one fynbos species (i.e. *Erica canaliculata*) was found in both communities characterised by grassland and disturbed thicket which is indicative of Garden Route Granite Fynbos. Furthermore, the specialist noted that the identification of species of conservation concern is limited by the fact that the site was surveyed on one instance. The botanical specialist concluded that based on the findings, Garden Route Granite Fynbos (i.e. Critically Endangered ecosystem) could have been present on the site but was not dominantly evident post erosion and unlawful commenced activities.

It is concluded the unlawfully commenced activities in pursuit of erosion repair works on the Remainder of Erf 325; George have resulted in the loss of 300m² of indigenous vegetation based on the findings of the botanical specialist in respect of applying the precautionary principle.

3.3. Freshwater Impacts

In accordance with the findings of the freshwater specialist in the freshwater impact assessment (compiled by Confluent Environmental and dated August 2023), the erosion gulley created by the unmanaged stormwater runoff emanating from the WWTW posed a great risk to the stability of the infrastructure of the WWTW. The Present Ecological State

of the watercourse located downslope of the WWTW is characterised as highly impacted and largely modified. The freshwater specialist has indicated that the erosion gully on Erf 325, George has resulted in noticeable sand banks immediately downstream of the gully. The freshwater specialist revealed that the unlawfully commenced activities have resulted in modifications to the riparian zone and banks of the Schaapkop River but has deemed these as acceptable from a freshwater perspective. This is based on the fact that the management of stormwater emanating from the WWTW will be improved, the reduction of further erosion of the steep hillslope and sedimentation of the watercourse (i.e. Schaapkop River). In addition, the implementation and continuation of stormwater management measures is considered to have low to negligible impacts and low positive impacts on the condition of the watercourse. It is further noted that the Ecological Importance and Sensitivity of the watercourse is rated as moderate and is relatively sensitive to changes in flow and water quality. Therefore, given the high erodibility of the hillslope and the nature of the watercourse, mitigation measures have been recommended by the freshwater specialist and included in the EMP and Maintenance Management Plan and Rehabilitation Plan.

Furthermore, the stormwater management development activities are considered to be aligned with the Stormwater South Africa objective within urban areas which is to restore ecological landscapes that yield high volumes of water.

The rehabilitation and development of stormwater infrastructure on the Remainder of Erf 235, George, located in proximity to the Schaapkop River, has been authorised under a General Authorisation (Ref. No. WU32852 dated 23 October 2023) in terms of Section 21 (i) of the *National Water Act, 1998 (Act No. 36 of 1998)*.

3.4. Cumulative Impacts

The negative cumulative impacts of the unlawfully commenced activities were deemed to be of a low significance given the scale of erosion and imminent threat to the health and wellbeing of human life as well as the further environmental degradation of the landscape. The positive cumulative impact considered the fact that in light of the serious pollution risk and risk to human health and wellbeing, the continued undertaking of activities to mitigate the negative impact of the unmanaged stormwater have stabilised the ecological landscape and secured the integrity of the WWTW which serves the greater community.

Considering the above, the unlawful commencement of the activities on the Remainder of Erf 325, George have low negative and moderate positive impact which have resulted in the issuing of a Directive (dated 06 June 2024) in terms of section 24G of the NEMA for the continuation thereof given the environmental risk posed by the erosion on site.

3.5. Visual, Dust and Noise / Sense of Place Impacts

Potential visual, dust and noise impacts associated with the construction phase of the continuation of the development of the stormwater infrastructure will be mitigated by the implementation of the mitigation measures included in the EMPr. The rehabilitation of the eroded slopes and associated stormwater infrastructure is anticipated to reduce visual impacts in the landscape of the site. No noise disturbance other than associated construction noise during permitted hours is anticipated as a result of the development on the Remainder of Erf 325, George.

3.6. Heritage / Archaeological / Built Environment Aspects

Heritage and archaeological impacts are not envisaged with respect to the developed and continuation of the stormwater infrastructure on the Remainder of Erf 325, George. In addition, Heritage Western Cape (in their correspondence dated 31 May 2024) confirmed that the unlawful development of stormwater infrastructure does not constitute the requirement of a Notice of Intent to Develop to be submitted for consideration since the infrastructure is below the threshold.

3.7. Socio-economic Impacts

No negative socio-economic impacts are anticipated by the continuation of the developed and continuation of the stormwater infrastructure on the Remainder of Erf 325, George. The continuation is deemed to be a contributing factor to the continuity of the operational aspects related to the WWTW located upslope of the stormwater infrastructure. The positive impact is linked to the mitigation of environmental degradation, the improved quality of water in the watercourse and the stability of municipal critical infrastructure that serves the greater community. The stabilisation of the slope with appropriate stormwater infrastructure has contributed to employment and job security in the area with the provision of short-term employment opportunities in

construction and other professional services and improved longevity of the WWTW infrastructure.

4. NEMA Principles

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), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

The development will result in both negative and positive impacts.

Negative Impacts:

- Loss of indigenous vegetation;
- Destabilisation of slope resulting in erosion;
- Freshwater Impacts – sedimentation of a watercourse;
- Socio-economic impacts – loss of critical public service infrastructure;
- Potential dust, noise and visual impacts during construction phase.

Positive impacts:

- Improved slope stability;
- Securing of critical public service infrastructure;
- Improved vegetation management;
- Employment opportunities during construction phase of the development;

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of 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."*

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