



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

SECTION 24G DIRECTIVE

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

Attention: Mr. J. Koegelenberg

Tel: (044) 801 9277

Email: jkoegelenberg@george.gov.za

Dear Sir

DIRECTIVE IN TERMS OF SECTION 24G (1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998 ("NEMA"): THE UNLAWFUL COMMENCEMENT OF EROSION REPAIRS AND THE REHABILITATION AT THE STORMWATER OUTLET, OUTENIQUA WASTEWATER TREATMENT WORKS ON THE REMAINDER OF ERF 325, GEORGE.

1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1).

Details of the unlawful activity/ies

2. The section 24G application dated April 2024, the email correspondence of the applicant received on 15 May 2024, the site inspection conducted on 28 May 2024 by officials of the Sub-directorate: Rectification ("this sub-directorate"), the email correspondence of the environmental assessment practitioner ("EAP") received on 30 May 2024 and 05 June 2024 and

the baseline programme for the Outeniqua WWTW: Rehabilitation of donga and associated work dated 04 June 2024 and received on 05 June 2024, refer.

3. The Department has received your application on 16 April 2024 regarding the unlawful commencement of erosion repairs and the rehabilitation at the stormwater outlet, Outeniqua Wastewater Treatment Works ("OWWTW") on the Remainder of Erf 325, George.
4. Having considered the information in respect of your application, it has been confirmed that you have unlawfully commenced with erosion repairs and the rehabilitation at the stormwater outlet of the OWWTW which have resulted in the following impacts:
 - 4.1. The degradation of a Critical Biodiversity Area and Ecological Support Area;
 - 4.2. The loss of indigenous vegetation;
 - 4.3. The degradation of the riparian habitat; and
 - 4.4. The sedimentation of a watercourse (i.e. Schaapkop river)
5. A site inspection conducted on 28 May 2024 has confirmed that there are reasonable grounds to believe that the cessation of the unlawfully commenced activities which triggered listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) will result in serious harm to the environment (**Annexure A**: Site photographs).

Steps to be taken

5. You are hereby directed in terms of section 24G(1) of the NEMA to:
 - 5.1 Remedy any adverse effects of the activities on the receiving environment by reducing the erosive nature of the existing stormwater management infrastructure and associated temporary infrastructure;
 - 5.2 Contain degradation of the environment by ensuring that stormwater runoff (i.e. sedimentation) is immediately controlled so as to prevent any further degradation from occurring.
 - 5.3 Eliminate any source (i.e. velocity and turbidity of surface water flow) contributing to the further erosion of the landscape on Erf 325, George causing further sedimentation (i.e. pollution or degradation) of the Schaapkop River.

6. In order to achieve the above directives to control, contain or prevent further degradation of the environment, the following measures in accordance with the Method Statement (dated 17 January 2024 – attached as Appendix 1) which form part of the s24G application (dated April 2024) must be implemented:
- 6.1 The excavation of areas required to install infrastructure to contain and control degradation of the environment;
 - 6.2 The installation of the final stormwater headwall and energy dissipator below the gabion wall within 32m proximity of the Schaapkop River;
 - 6.3 The replacement of the temporary stormwater infrastructure in the diverted route to a permanent feed (i.e. pipeline infrastructure) into the formalised main stormwater infrastructure to reduce the progression of further erosion in the diverted route;
 - 6.4 The installation of stormwater outlets, associated pipelines and associated infrastructure (i.e. reno-mattress, retaining walls, gabion boxes, energy dissipator headwall and stone pitching etc.);
 - 6.5 The installation of rehabilitation infrastructure (i.e. silt fencing, bags etc.) within 32m of the watercourse;
 - 6.6 The backfilling, reshaping and topsoiling and seeding of areas with the installation of associated rehabilitation infrastructure (i.e. biodegradable materials for contour protection etc.) for the reduction of silt movement;
 - 6.7 A suitably qualified environmental control officer ("ECO"), or site agent (where applicable), must be appointed to conduct monthly compliance monitoring with respect to the implementation of the Method Statement (dated 17 January 2024).
 - 6.7.1 Two quarterly ECO monitoring reports (once every 3 months) detailing the compliance of the rehabilitation works, must be submitted to the competent authority during the validity period of the Directive.
7. The Directive shall remain in effect (from the date of issue) **until 30 November 2024** whereby critical rehabilitation activities must be concluded at the site (i.e. the remainder of Erf 325, George). Thereafter, all incomplete activities must cease until a decision has been made by the Competent Authority with respect to the pending s24G application.
8. The rehabilitation measures must be undertaken exclusively in response to the prevent further degradation due to the nature of the potential serious environmental impact posed by the cessation of such rehabilitation works.

Failure to comply with a directive

7. Failure to comply with this Directive is a criminal offence in terms of section 49A(1)(g) of the NEMA. Please note further that in terms of section 49B(1) of the NEMA, on conviction of such offence, you may be liable to a fine not exceeding R10 million, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.

Reasons for the decision to issue a Directive

8. In accordance with section 5 of the Promotion of Administrative Justice Act 3 of 2000, please find below reasons for the issuing of this directive.
- 8.1 This Directorate is in agreement that there are reasonable grounds to believe that the cessation of the activities will result in serious harm to the environment.
- 8.2 Based on the information contained in the Section 24G draft application form, the impacts of the unlawfully activities undertaken on the surrounding environment, have been investigated, evaluated and assessed and continue to be further assessed as part of the pending application.
- 8.3 The rehabilitation activities to be undertaken that form part of this Directive remain within the ambit of the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) which have been included as part of the s24G application.
- 8.4 The rehabilitation measures will be undertaken exclusively in response to the prevention of further degradation of the environment due to the nature of the potential serious environmental impact posed by the cessation of such rehabilitation works.

Right to appeal

9. Please note that in terms of section 43(2) of the NEMA you are entitled to appeal against the decision to issue this directive to the Minister of Environmental Affairs and Development Planning, Western Cape. In this regard we refer you to the National Appeal Regulations, 2014.
10. You may appeal against the decision to issue this Directive to the Minister of Local Government, Environmental Affairs and Development Planning ("the Minister") within **30 (thirty) calendar days** from the date of receipt of this Directive.

11. The appeal must be in writing on the form obtainable from the Appeal Administrator, Marius Venter at the contact details below and must be accompanied by a statement detailing the grounds for the appeal and supporting documentation, if any.

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174

By hand: Attention: Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: DEADP.Appeals@westerncape.gov.za

URL: <http://www.westerncape.gov.za/eadp>

12. For purposes of electronic database management, you are requested to submit an electronic copy (Microsoft Word format) of the appeal form and any supporting documents.

13. The appeal form as well as assistance regarding the appeal procedure is obtainable from the Appeals Administrator.



Zaidah Toefy

Digitally signed by Zaidah Toefy
Date: 2024.06.06 17:52:01
+02'00'

MRS Z TOEFY

ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

Copies to: (1) Ms. C. Avierinos (HillLand Environmental)
(2) Mr. A. van Molendorff / Ms. L. Josias (George Local Municipality)
(3) Mr. A. Oosthuizen (DEA&DP: Development Facilitation)
(4) Ms. D. Mouton (DEA&DP: Environmental Law Enforcement)

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Annexure A:

Photographs taken on 28 May 2024 of the unlawful commencement of erosion repairs and the rehabilitation at the stormwater outlet, Outeniqua Wastewater Treatment Works ("OWWTW") on the Remainder of Erf 325, George.



Figure 1: High-lying temporarily diverted stormwater outlet route with erosion gulleys formed above the access road. Sandbags used to impede surface flow energy. Northerly view from existing access road.



Figure 2: lower-lying temporary diverted stormwater outlet route with erosion gulleys formed below the access road. Sandbags used to impede surface flow energy. Southern view from existing access road.



Figure 3: Top view of diverted stormwater outlet route with erosion gully formed – sediment runoff downstream. The estimated depth of existing erosion gully is approximately 2 – 2.5m deep.



Figure 4: Top view of diverted stormwater outlet route with erosion gulleys formed. The estimated depth of existing erosion gully is approximately 2 – 2.5m deep.



Figure 5: Angle from downstream of diverted stormwater outlet route with erosion gully formed. Access road traversing flow path. The estimated depth of existing erosion gully is approximately 2 – 2.5m deep.



Figure 6: Unlawful rehabilitation works in main erosion donga where main stormwater outlet was positioned.

Northerly view of unlawful rehabilitation works undertaken at eroded area (donga) caused by the main stormwater outlet pipe.



Figure 7: View of unlawful rehabilitation works undertaken at eroded area caused by the main stormwater outlet pipe (circled in red).

Appendix 1: Method Statement (compiled by HillLand Environmental and dated 17 January 2024)