



# forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

**DFFE Reference:** 14/7/6/2/4/6/103

**Enquiries:** Mr Sabelo Malaza

**Telephone:** (012) 399 8792 **Cell phone:** 082 944 7804 **E-mail:** smalaza@dfpe.gov.za

Ms Pamela Booth  
Knysna Municipality  
P O Box 21  
**KNYSNA**  
6570

**Telephone Number:** (044) 302 6317  
**Cell phone Number:** (060) 998 6967  
**Email Address:** pbooth@knysna.gov.za

## PER E-MAIL

Dear Ms. Booth

**CONFIRMATION OF A VERBAL DIRECTIVE ISSUED IN TERMS OF SECTION 30A(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO 107 OF 1998) ("NEMA"), REGULATION 8(3) OF THE REGULATIONS RELATING TO THE PROCEDURE TO BE FOLLOWED WHEN ORAL REQUESTS ARE MADE IN TERMS OF SECTION 30A IN RESPECT OF THE UNDERTAKING OF LISTED & SPECIFIED ACTIVITIES PREVENTION, CONTAINMENT OR MITIGATION OF THE EFFECTS OF AN EMERGENCY SITUATION FOR EMERGENCY REPAIR WORKS OF KNYSNA MUNICIPALITY INFRASTRUCTURES DAMAGED BY STORM THAT TOOK PLACE IN SEPTEMBER 2023, WESTERN CAPE PROVINCE.**

### (a) INTRODUCTION

1. We refer to the following:
  - 1.1 The S30A application submitted to this Department on Wednesday, 04 October 2023 at 10:28;
  - 1.2 The Department's email requesting additional information on Wednesday, 04 October 2023 at 11:35;
  - 1.3 The additional information received by the Department on Wednesday, 04 October 2023 at 15:39;
  - 1.4 Site visit conducted on the 05 and 06 October 2023;
  - 1.5 Department's email requesting further additional information on 06 October 2023 at 18:12;
  - 1.6 The additional information received by the Department on Monday, 09 October 2023 at 13:52;
  - 1.7 The telephonic verbal directive issued by Mr. Sabelo Malaza on Monday, 09 October 2023 at 15:14, to Ms Pamela Booth of Knysna Municipality, to undertake the listed and specified activities; and,
  - 1.8 The Department's email on Tuesday, 10 October 2023 at 11:25, confirming the telephonic verbal directive issued by Mr. Sabelo Malaza on Monday, 09 October 2023, to Ms Pamela Booth of Knysna Municipality, to undertake the listed and specified activities.
2. According to the information submitted by Ms Pamela Booth, the situation which gave rise to the oral request for a verbal directive received by this Department was that, on the weekend of the 16<sup>th</sup> – 18<sup>th</sup> of September 2023 a level 9 storm warning was issued for the Southern Cape with exceptionally high tides, strong winds and rough water conditions. This was followed by a level 9 storm warning of disruptive rain

for the Garden Route district on the 24 September 2023. The combined impact of tidal action and heavy rain resulted in damage to coastal and estuarine infrastructure and localised flooding in low lying areas.

3. The nature, scope and possible impacts of the emergency situation are, according to Knysna Municipality as follows:

A Level 9 storm warning issued for the weekend of the 16<sup>th</sup> – 19<sup>th</sup> September with extreme wave run-ups along the southern cape coast which followed by intense rainfall events on the 25<sup>th</sup> and 26<sup>th</sup> September 2023. The combined storm surge and rainfall impacted hard infrastructure installations including:

- The overhead electrical line situated in the estuary adjacent to the N2:  
11kv overhead kV line that was inundated and compromised by the storm needs to be removed from estuary and relocated to opposite side of the road in trenches. It will be dangerous to the public and to the receiving environment if it is damaged any further or even dislodged in the next storm;
  - Storm-water infrastructure in the estuarine functional zone:  
Storm-water culverts and pipes need to be cleared of accumulated silt washed down during the rainfall events. A Maintenance Management Plan for these activities was submitted to the DFFE and a WULA to the BGCMA prior to the storm (July 2023) and we are awaiting feedback. The draft MMP is attached as supporting evidence. However the storm has increased the urgency as the flood damage is now extensive and presents a severe health and safety risk for drivers and pedestrians;
  - Reed beds adjacent to storm water culverts and pipes in the estuarine functional zone:  
The only risk of the impact on the environment as a result of the storm event is that the reed beds will become stagnant if the water is not allowed to move more freely through them. Nutrient accumulation will make them more and more dense, and less water will progress to the estuary
  - Pedestrian access to Brenton beach:  
This is the only pedestrian access boardwalk to Brenton Beach. Beachgoers risk injuring themselves trying to access the beach via the steep, unsupported sand dune where the boardwalk used to be. The damaged boardwalk will be removed and the Loffelstein indicated in the photo below will be extended along the dune as a stabilization measure upon which the new path will be constructed.
4. Based on paragraph 3 above, Knysna Municipality will have to carry out the following works and due to the urgency of the matter an Environmental Impact Assessment (EIA) in terms of the EIA Regulations, 2014, as amended cannot be conducted:

The proposed works include:

- Replacement of the overhead 11kv line in the estuary with underground cables to prevent the poles from falling over
- Cleaning of stormwater infrastructure in the low-lying areas of Hunters Home to prevent further localised flooding.
- Selective removal of reeds and silt from the reed beds adjacent to the storm water infrastructure to prevent further localised flooding.
- Replacement of the boardwalk access to Brenton on Sea beach.

5. The proposed rehabilitation measures as indicated in the submitted documents aim to address the following:

<b>ASPECT OF THE EMERGENCY EACH MEASURE SEEKS TO ADDRESS</b>	<b>HOW THE MEASURE ADDRESSES THE EMERGENCY</b>
The exceptionally high tide and strong wave action undermined the existing poles carrying the 11kv overhead lines which need to be removed.	Poles and lines will be removed from the estuary and replaced with underground cables on the road verge adjacent. Permanent solution.
The disruptive rain led to localised flooding of Howard and Wilson streets due to accumulated debris in culverts and pipes which need to be cleaned.	Clearing the stormwater culverts of accumulated debris, silt and vegetation will improve drainage of the flooded area.
The disruptive rain that led to localised flooding was exacerbated by the dense reed Beds between Howard and Wilson streets; the reed beds need to be thinned out.	Selective clearing of reeds and silt from the reed bed will improve flow in the low lying area and prevent further flooding.
Exceptional high tide and wave action destroyed the lower portion of the boardwalk which needs to be replaced.	The boardwalk will be replaced.

6. The measures to prevent or to contain the emergency situation or to prevent, contain or mitigate the effects of the emergency situation are as follows:

On Monday, 09 October 2023 at 15:14 Knysna Municipality has been verbally instructed to adhere to the mitigation measures contained in the document titled ENVIRONMENTAL MANAGEMENT PLAN (EMPr) KNYSNA MUNICIPALITY STORM DAMAGE SEPTEMBER 2023.

7. Based on the information at the DFFE's disposal, the following activity listed pursuant to section 24(2)(a) of the National Environmental Management Act 107 of 1998 ("**NEMA**") (as amended) in Listing Notice 1 and 3 of the Environmental Impact Assessment Regulations, 2014 (as amended) (EIA Regulations) will be triggered:

<b>Listed Activity</b>
<b><u>Listing Notice 1, Item 19</u></b>
<i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse."</i>
<b><u>Listing Notice 1, Item 19A</u></b>
<i>"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</i>
<i>(ii) The littoral active zone, an estuary or a distance of 100 metres inland of the high water mark of the sea or an estuary, whichever distance is the greater"</i>
<b><u>Listing Notice 1, Activity 52:</u></b>
<i>"The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres;"</i>

**(b) DIRECTIVE**

I, Vusi Skosana, in my capacity as Acting Chief Director: Integrated Environmental Authorisations duly delegated by the DG, in the employment of the Department of Forestry, Fisheries and Environment having considered the information submitted orally by the applicant and confirmed in writing, hereby issue Ms Pamela Booth of Knysna Municipality duly represented by yourself in your capacity as Environmental Manager with written confirmation of the verbal directive issued on Monday, 09 October 2023 at 15:14 to Ms Pamela Booth a representative of Knysna Municipality, including the terms and conditions set out below as well as included in Annexure A to this written confirmation.

I further confirm that you may commence with the listed and specified activities as outlined in point 7 above.

The listed and specified activities authorised herein for the abovementioned project is to be undertaken exclusively in response to the emergency situation described above and in compliance with the requirements of the directive and the conditions set out in Annexure A.

As per the information provided, the location of the emergency is as per the coordinates below:

	<b>Emergency situation</b>	<b>GPS degrees</b>
1	11kv overhead line	22.988 -34.032
2	Storm water infrastructure	23.080 -34.058
3	Reed beds	23.080 to 23.075 -34.059 -34.061
4	Walkway	23.019 -34.073

**PROCEDURAL ARRANGEMENTS**

In terms of the legislation, you are entitled to appeal this directive in terms of section 43 of NEMA.

**Appeals must be submitted in writing in the prescribed form to:**

The Director: Appeals and Legal Review of this Department at the below-mentioned addresses.

By email: [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za)

By hand: Environment House  
473 Steve Biko Road  
Arcadia  
**PRETORIA**  
0083 or

By post: Private Bag X447  
**PRETORIA**  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the directive, or any provision or condition attached thereto.

Non-compliance with a condition of this directive is an offence in terms of section 49A(1)(g) and may result in criminal prosecution. On conviction, such non-compliance may result in a fine and/or imprisonment not exceeding R10 million and/or 10 years' imprisonment.

Any queries about the contents of this written confirmation of the verbal directive may be directed to the person indicated for enquires above.

Yours sincerely



**Mr Vusi Skosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Date: 13 October 2023**

cc:	Jessica Christie	Department of Environmental Affairs and Development Planning	Email: Jessica.Christie@westerncape.gov.za
	Dr Vanessa Weyer	SANPARKS	Email: vweyer@ther2ainmodel.com
	Mr Loyiso Nondlebe	Eastern Cape Department of Economic Development and Environmental Affairs (DEDEA)	Email: loyiso.nondlebe@dedea.gov.za
	Ms Boniswa Hene	Department of Water and Sanitation	Email: heneb@dws.gov.za
	Mr Franz Scheepers	DFFE: Sector Monitoring	Email: FScheepers@dffe.gov.za

## Annexure A

### CONFIRMATION OF A VERBAL DIRECTIVE ISSUED IN TERMS OF SECTION 30A(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO 107 OF 1998) (“NEMA”), REGULATION 8(3) OF THE REGULATIONS RELATING TO THE PROCEDURE TO BE FOLLOWED WHEN ORAL REQUESTS ARE MADE IN TERMS OF SECTION 30A IN RESPECT OF THE UNDERTAKING OF LISTED & SPECIFIED ACTIVITIES PREVENTION, CONTAINMENT OR MITIGATION OF THE EFFECTS OF AN EMERGENCY SITUATION FOR EMERGENCY REPAIR WORKS OF KNYSNA MUNICIPALITY INFRASTRUCTURES DAMAGED BY STORM THAT TOOK PLACE IN SEPTEMBER 2023, WESTERN CAPE PROVINCE

#### (a) SUSPENSIVE CONDITION

1. In order to prevent or contain the emergency situation or to prevent, contain or mitigate the effects of the emergency situation, one or more of the authorised listed and specified activities referred to in Paragraph (b) of the directive, **must be commenced with on or before 20 October 2023 at 17:00**. In the event where one or more of the authorised listed and specified activities do not commence within the stipulated timeframe, the Section 30A verbal directive issued on Monday 09 October 2023 at 15:14, will be considered null and void ab initio and of no force and effect. In terms of section 49A(1)(a) read with section 24F(1)(a) of NEMA, it is an offence for any person to commence with any of the identified activities without an environmental authorisation issued by the relevant competent authority.

#### (b) SPECIFIC CONDITIONS

2. The authorised listed and specified activities, for the project outlined above referred to in Paragraph 8 above of this directive, **must be completed before 30 January 2024 at 17:00**. This directive, including the conditions thereto, which provides you with the authorisation to commence with; and undertake the abovementioned authorised listed and specified activities, **will expire on 30 January 2024 at 17:00**. The continuation of any such activities after **30 January 2024 at 17:00**, will likely trigger the following identified activity and such continuation, without the required environmental authorisation, may constitute an offence in terms of section 49A(1)(a) read with section 24F(1)(a) of NEMA:

#### **Listing Notice 1, Item 32:**

*“The continuation of any development where the environmental authorisation has lapsed and where the continuation of the development, after the date the environmental authorisation has lapsed, will meet the threshold of any activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014.”*

3. The holder of this directive must, before commencement of the listed and specified activities, appoint one or more internal Environmental Control Officer (ECO) to monitor and enforce compliance for the duration of the repair works. The holder may appoint an official permanently employed by Knysna Municipality except for Ms Pamela Booth.
4. The holder of this directive must within 72 hours of commencement of the listed and specified activities, inform the Department in writing. The notification must be submitted to Mr Sabelo Malaza, SMalaza@dffe.gov.za, Ms Nyiko Nkosi, NNkosi@dffe.gov.za, Mr Vusi Skosana, and to directorcompliance@dffe.gov.za.
5. The ECO appointed as per condition three (03) above must, from the onset of commencement as outlined in condition one (01) above, conduct monthly compliance inspections, until such time that the authorised activities have been concluded and all construction material and machinery have been removed from the said site.

6. The holder of this directive or ECO in condition three (03) above, must for the duration of this directive and rehabilitation works, submit a monthly compliance monitoring report to [directorcompliance@dffe.gov.za](mailto:directorcompliance@dffe.gov.za). All submitted ECO reports must be dated and signed off by the appointed ECO.
7. The holder of this directive or ECO in condition three (03) above, must inform the Departmental officials outlined in condition four (04) above as soon as the authorised activities have been concluded.
8. The holder of this directive or ECO in condition three (03) above, must notify the DFFE official in condition four (04) above, within twenty-four (24) hours in writing, if any one or more conditions of this directive is not adhered to.
9. Any notification in terms of condition eight (08) above must be accompanied by reasons for the non-compliance, inclusive to immediate steps that will be taken to resolve the matter and prevent further non-compliance.
10. The impact management outcomes and impact management actions contained in the document titled (ENVIRONMENTAL MANAGEMENT PLAN (EMPr) KNYSNA MUNICIPALITY STORM DAMAGE SEPTEMBER 2023) must be complied with.
11. Where an amendment is required to the impact management actions stipulated in the document titled (ENVIRONMENTAL MANAGEMENT PLAN (EMPr) KNYSNA MUNICIPALITY STORM DAMAGE SEPTEMBER 2023) such amendments may immediately be effected by the holder of the section 30A Directive without the endorsement of the DFFE, provided that the DFFE is informed within seven (07) calendar days of such an amendment. An electronic copy of the amended document must be submitted to the Compliance: Environmental Impact and Pollution directorate of this Department with the contact details outlined in condition four (04) above.
12. The holder of the section 30A directive may not implement an amendment to the impact management actions in condition eleven (11) above, if such an amendment will result in a situation where the impact management outcomes will only be partially achieved or no longer achieved.
13. Where an amendment to the impact management outcomes stipulated in in the document titled (ENVIRONMENTAL MANAGEMENT PLAN (EMPr) KNYSNA MUNICIPALITY STORM DAMAGE SEPTEMBER 2023), is required, the DFFE must be formally requested to effect such an amendment. The holder of the section 30A directive may only commence with the implementation of an amendment of an impact management outcome once and in the event where such an amendment is effected in writing, by the Department.
14. The construction camp, laydown areas, ablution facilities as well as site offices must be established within already disturbed areas.
15. The holder of the directive must notify the relevant landowner(s) or person(s) in control of the land within forty-eight (48) hours of receipt of the written confirmation of the verbal directive.
16. Two (02) copies of the directive and the EMP titled (ENVIRONMENTAL MANAGEMENT PLAN (EMPr) KNYSNA MUNICIPALITY STORM DAMAGE SEPTEMBER 2023), must be available on site at all times.
17. The holder of this directive must within twenty-four (24) hours of a request from any person who may be affected by this project, provide such person with a copy of the documentation in condition twenty-four (24) above.

18. Waste generated on site must, where appropriate, be managed in line with the waste hierarchy, including recycling, recovery, re-use, treatment, and disposal. In the event where disposal is the only appropriate option for waste management, waste must be disposed of at a duly authorised waste disposal facility.
19. Should any heritage objects or sites of archaeological and cultural significance be discovered during the course of development, construction must cease immediately, and the discovery must be reported to SAHRA.
20. Structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
21. Should Species of Conservation Concern be identified during construction phase, the appointed ECO must use the appropriate mitigation measures to conserve or translocate them.
22. Disturbed areas must be rehabilitated as soon as possible after construction with locally indigenous plants to enhance the conservation of existing natural vegetation on site.
23. Concurrent rehabilitation and alien vegetation control program within all sensitive areas must be implemented.
24. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
25. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
26. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

**(c) GENERAL**

27. This directive does not negate the need for Knysna Municipality and / or its agent, servant, contractor, sub-contractor, employee, consultant, or person rendering a service to the holder of the directive to comply with other legislation. Necessary approval may be required from inter alia the Department of Water and Sanitation (DWS) should the proposed work encroach into watercourse and / or riverbanks.
28. It is Knysna Municipality's responsibility to determine which other authorisations, permits and / or licenses are required for the proposed work to be undertaken.
29. You are strongly advised to familiarise yourself with the Regulations relating to the procedure to be followed when oral requests are made in terms of section 30A of NEMA, which includes the powers for this department to amend, suspend or revoke this directive.
30. Section 28 of the NEMA remains applicable to all interventions to be implemented. Section 28(1) states the following:



**NEMA Section 28(1)**

*“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.”*

31. This department shall not be held responsible for any damages or losses suffered by the holder or his (or her) successor in title in any instance where the authorised activity is temporarily or permanently stopped for reasons of non-compliance by the holder with the conditions of the directive or any other subsequent document emanating from the conditions of this directive.
32. The holder of the directive will be held responsible for ensuring compliance with the conditions contained in this directive. This includes any person acting on the holder’s behalf, including but not limited to an agent, servant, contractor, sub-contractor, employee, consultant, or person rendering a service to the holder of the directive.

**Acknowledgement of Receipt:**

Signed by \_\_\_\_\_

On behalf of the company \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 2023, at \_\_\_\_\_ Signature