



24G Consultation: 14/2/4/1/D2/20/0028/24

Pre-Application – Information Requirements letter

The Municipality Manager
George Municipality
PO Box 19
GEORGE
6530

Email: jkoegelenberg@george.gov.za

Attention: Johannes Franciscus Koegelenberg

INFORMATION REQUIREMENTS OF THE POTENTIAL SECTION 24G APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") FOR THE UNLAWFUL COMMENCEMENT OF LISTED ACTIVITY/IES: THE UNLAWFUL CONSTRUCTION OF THE GEORGE MUNICIPALITY WATER DEPOT AND AN OFFICE BUILDING ON A PORTION OF ERF 464, GEORGE

1. The abovementioned consultation form dated 04 September 2024, as received by this Department on the 5 September 2024, has reference.
2. Please be advised that the *Section 24G Fine Regulations* (GN. No. 698 of 20 July 2017 (hereafter referred to as "the fine regulations") were published on 20 July 2017. The fine regulations require that public participation be conducted prior to the submission of an application and that an application must include the representations as set out in Annexure A of the fine regulations.
3. Please be advised that submission of a section 24G application shall in no way derogate from an investigation of any transgression in terms of the *National Environmental Management Act, 1998 (Act 107 OF 1998)* ("NEMA") nor from the National Prosecuting Authority's legal authority to institute criminal proceedings.

Listed activities that are being applied for:

4. A section 24G application is only relevant to listed activities that have commenced without the pre-requisite environmental authorisation. Only those activities applied for will be considered for environmental authorisation.
5. The applicant is thus required to ensure that all the applicable listed activities are included in the application to be submitted. In this regard, the timeframe of commencement of the listed activity/ies and the relevant Environmental Impact Assessment legislative period/regime is of particular importance.

6. Please also ensure that the similarly listed activities in terms of the current *Environmental Impact Assessment Regulations, 2014* (as amended) are applied for should the listed activities not have commenced within this period.
7. Your appointed Environmental Assessment Practitioner is required to provide a detailed explanation as to why the unlawfully commenced activity is still similarly listed in terms of the NEMA.
8. Commencement of listed activities
 - 8.1. Having assessed the information contained in the consultation form, it was determined that additional consideration must be given to the potential applicability of 2006 and 2010 NEMA Environmental Impact Assessment (EIA) Regulations and applicable listed activities as this was not fully assessed / considered as part of the consultation process.
 - 8.2. The NEMA EIA CIRCULAR 1 OF 2012, specifically section/paragraph 18 provides the context within which the "urban area" in terms of the NEMA and EIA Regulations must be considered and determined.
 - 8.3. Due to the nature of the receiving environment, specifically the location of Erf 464 being outside the edge of the built-up environment, as well as the ERF being zoned 'Undetermined Use Zone', it was concluded that the activities do not fall within what is determined to be the urban area as define in terms of the EIA Regulations.
 - 8.4. As such, Activity 12 of GN 327 (Listing Notice 1 of 2014): *"The development of — (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs — (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse..."* as well as Activity 4 of GN 324 (Listing Notice 3 of 2014): *"The development of a road wider than 4 metres with a reserve less than 13.5 metres... iii. Inside urban areas..."* is determined to have been triggered and must be included as part of the list of activities included as part of the s24G application.
 - 8.4.1. The above determination is based on the fact that at the time of commencement the site is deemed to be located outside the urban area as defined in the NEMA EIA Regulations, 2014 (as amended).
 - 8.5. Therefore, it appears that additional listed activities may be applicable and should be considered as part of the section 24G application. Confirmation of the relevant applicable listed activities must be included as part of the section 24G application to be submitted to the Competent Authority.

Minimum requirements for every application for environmental authorisation:

9. You are reminded that section 24G is an application for environmental authorisation and thus an applicant must comply with the requirements of the NEMA in relation to the submission of an application for environmental authorisation and any other relevant information (section 24(1A)(e) of the NEMA). Section 24(4)(a) of the NEMA specifies the "procedures for the investigation, assessment and communication of the potential consequences or impacts of the activities on the environment" that every application for environmental authorisation must comply with.
10. Taking the above into consideration, together with the information requirements of Annexure A, Section C, Part 1 of the fine regulations related to the environmental impacts and representations to be completed by an Environmental Assessment Practitioner ("EAP"); and to be submitted together with the section 24G application; you are hereby advised that the application be informed by an environmental impact assessment.

11. When conducting such environmental impact assessment, the applicant/EAP must take into account the applicable guidelines developed by the Department, which may be downloaded from the Department's website (see above). In particular, the following are applicable:
 - 11.1. Guideline for Environmental Management Plans (June 2005);
 - 11.2. Guideline on Public Participation
 - 11.3. Guideline on Alternatives
 - 11.4. Guideline on Need and Desirability
 - 11.5. Information Document for the Development of a Maintenance Management Plan for a Watercourse, July 2017
12. You are required to submit a Screening Report from the National Web based Environmental Screening Tool. The Screening Tool also provides site specific EIA process and review information, for example, the Screening Tool may identify if an industrial development zone, minimum information requirement, Environmental Management Framework or bio-regional plan applies to a specific area. The Screening Tool identifies related exclusions and/ or specific requirements including specialist studies applicable to the site and/or development, based on the national sector classification and the environmental sensitivity of the site.
13. You are advised that "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation" ("the Protocols") (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) came into effect on 09 May 2020. It is noted that the protocols are applicable to the development.
 - 13.1. According to the Protocols, prior to commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool, must be confirmed by undertaking a site sensitivity verification.
 - 13.2. A site sensitivity verification report in accordance with the Protocols indicating a motivation as to why certain specialist studies highlighted in the Screening Report will/will not be conducted has been provided must be included in the section 24G application.
 - 13.3. Please note that should reasonable concerns arise from any potential interested and affected parties that require additional assessment, such assessment may be required.
 - 13.4. Please note that where a specialist assessment is required, but no specific environmental theme protocol has been prescribed, the level of assessment must be based on the findings of the site sensitivity verification and must comply with Appendix 6 of the NEMA EIA Regulations, 2014 (as amended).
14. Having considered the information contained in the consultation form and the fact the associated impacts related to botanical and freshwater aspects may have occurred as a result of the unlawful commencement. It is thus recommended that specialist input from a botanical and freshwater perspective be sought regarding the sensitivity of the surrounding environment.

Public Participation Process:

15. Preliminary Advertisement

- 15.1. Kindly note the requirements of Regulation 8 and Annexure A, Section D of the fine regulations which stipulate that when submitting an application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.
- 15.2. Please note further that the advertisement must state that the applicant commenced a listed/ specified/ waste management activity(ies) without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. The advertisement **must** include (a) the date, (b) the location, (c) the applicable legislative provision contravened, (d) and the listed activity(ies) commenced with without the required authorisation.
- 15.3. Interested and affected parties (I&APs) must be provided with the details of where they can register as an I&AP and submit their comment. Please be advised that at least 20 days must be provided in which to do so. Proof of compliance with Regulation 8 of the fine regulations must be submitted together with your application.
- 15.4. Should you decide to compile a draft section 24G Application and of your own accord make it available for comment, it is recommended that the draft section 24G Application report be made available simultaneously with the Preliminary Advertisement requirement.

16. Section 24O consultation with organs of state/State departments

- 16.1. Kindly note that any public participation undertaken **prior to submission of the section 24G Application** report, does not exempt from compliance with section 24O of NEMA.
- 16.2. According to Section 24 O (2) of NEMA, upon submission of the complete and signed application to this department, it is the responsibility of the EAP to consult with every organ of state that administers a law relating to a matter affecting the environment. Proof of consultation must be part of the final report submitted to this department.
- 16.3. You are required to submit a list of organs of state to be consulted in terms of section 24O together with the complete and signed application. The list of organs of state must be include their contact details with fax/email and the relevant contact person.
- 16.4. Copies of the section 24G application may be made available for comment to the relevant organs of state upon simultaneous submission of the application to the Department.
Note: this does not qualify as the Regulation 8 public participation requirement which is required to be conducted prior to submission of an application.
- 16.5. In terms of the public participation process ("PPP") to be undertaken, kindly be advised that you/the EAP must record and respond to all comments received during the public participation process. The comments and responses must be captured in a Comment and Response Report (C&RR) and must also include a description of the PPP followed.
- 16.6. Following the initial 30-day commenting period, the application and the C&RR must be made available to registered Interested and Affected Parties and State Departments for an additional 21 days for review and/or comment, if any, advising them how their comments and concerns have been addressed, before it is submitted to the Department for consideration. Proof of notification of the additional 21-day commenting period must be appended to the final C&RR.

17. It is noted that your activity/development may require a water use licence. Please provide proof of submission of the application to the relevant authority together with your section 24G application form (if applicable).
18. The Environmental Management Programme ("EMPr") contents must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Appendix 4 of the NEMA EIA Regulations, 2014 (as amended). The EMPr must address the environmental impacts of the activity throughout the development life cycle including an auditing protocol for the assessment of the effectiveness of monitoring and management arrangements after implementation.
19. The section 24G application must be submitted as a standalone document, separate to the accompanying appendices, and that each of the appendices is saved separately (in PDF format) and not scanned / merged into a single document.
20. Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date but will advise you accordingly.
21. You are reminded that it is an offence in terms of section 49A of the NEMA to commence with a listed activity unless the competent authority has granted environmental authorisation for the undertaking of the activity, and it is an offence to fail to comply with a directive issued in terms of NEMA. A person convicted of an offence is liable to a fine not exceeding **R10 million** or **imprisonment for a period not exceeding 10 years**, or to both such fine and imprisonment.
22. Kindly quote the abovementioned reference number in any future correspondence in respect of this consultation form.



Zaidah Toefy Digitally signed by Zaidah Toefy
Date: 2025.02.18 17:24:21 +02'00'

Mrs Z Toefy

Head of Rectification

Directorate: Environmental Governance

CC: (1) Francois Byleveld (EAP)

Email: francois@cape-eaprac.co.za



24G CONSULTATION: 14/2/4/1/D2/20/0028/24

ACKNOWLEDGEMENT OF 24G CONSULTATION

The Municipality Manager
George Municipality
PO Box 19
GEORGE
6530

Email: jkoegelenberg@george.gov.za

Attention: Johannes Franciscus Koegelenberg

TO ADVISE ON THE UNLAWFUL CONSTRUCTION OF THE GEORGE MUNICIPALITY WATER DEPOT AND AN OFFICE BUILDING ON A PORTION OF ERF 464, GEORGE

1. Please be advised that the Section 24G Fine Regulations, 2017 (hereafter referred to as "the fine regulations") require that **public participation be conducted prior to the submission** of an application, as outlined in Regulation 8 of the fine regulations. A section 24G application form must also include the information as set out in **Annexure A of the fine regulations**.
2. You are reminded of the G.N. No. 960 of 5 July 2019: Notice of the Requirement to Submit a Report Generated by the National Web Based Environmental Screening Tool in terms of Section 24(5)(h) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and Regulation 16(1)(b)(v) of the Environmental Impact Assessment Regulations, 2014, as amended.
3. Please note that from 04 October 2019 the submission of a Screening Report generated from the National Web Based Environmental Screening Tool is compulsory when submitting an application for environmental authorisation.
4. The Department will consider the information herein and advise you accordingly.
5. Kindly quote the abovementioned reference number in any future correspondence in respect of the pre-application/consultation process.

Zaidah Toefy

Digitally signed by Zaidah Toefy
Date: 2024.11.04 11:29:52 +02'00'

Mrs Z Toefy

Head of Rectification

Directorate: Environmental Governance

CC: (1) Shafeeq Mallick (DEA&DP: Rectification)
(2) Louise-Mari van Zyl (EAP)

Email: shafeeq.mallick@westerncape.gov.za

Email: louise@cape-eaprac.co.za



REFERENCE: 16/3/3/6/1/D2/20/0411/24
DATE OF ISSUE: 20 January 2024

The Director
Cape EAPrac Pty Ltd
PO Box 2070
GEORGE
6530

Attention: Mr. F. Byleveld

Email francois@cape-eaprac.co.za

Dear Sir,

**COMMENT ON S24G RECTIFICATION PROCESS REGARDING ACTIVITIES ON A PORTION OF
ERF 464, GEORGE MUNICIPALITY (REF: 14/2/4/1/D2/20/0028/24)**

1. The abovementioned matter and the planning application received by the Directorate: Development Management (Region 3), hereinafter referred to as "this Directorate" via electronic mail on 21 November 2024 refers.
2. It is understood that the proposal is for the rectification of commencement with listed activities in terms of the EIA Listing Notices of 2014, as amended 2017. The activities commenced with prior to obtaining environmental authorisation entails the development of new offices for additional operational personnel, new mechanical and electrical storeroom and test facilities, as well as the expansion of fleet and the service of fleet facilities for George Municipality – Water Depot on a portion of Erf 464, George.
3. Kindly note that this Directorate does not have any comment on the proposal at this stage and awaits the submission of the draft report in order to provide informed comment.
4. In addition to the above, kindly take note of the case officer listed above. All matters or correspondence submitted with respect to this application and must be submitted to DEADP EIA Admin and copied to the case officer.
5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
6. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any new or revised information received.

Yours faithfully

pp **Francois Naudé**

HEAD OF DEPARTMENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Digitally signed by Francois Naudé
Date: 2025.01.20 15:18:37 +02'00'

Our Ref: HM/ GARDEN ROUTE / GEORGE / PORTION OF REMAINDER OF ERF 464
Case No: HWC25011405SB0115
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 829 3315



Applicants/Consultant details: Stefan de Kock,
Owner: Johannes Koegelenberg on behalf of George Municipality,
perceptionplanning@gmail.com ;

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSAL INVOLVES EXPANDING THE EXISTING WATER DEPOT WITH NEW OFFICES, WORKSHOPS, AND INFRASTRUCTURE ON PORTION OF REMAINDER OF ERF 464, OFF RAND STREET, FOUNDRY STREET, GEORGE, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

Heritage Western Cape is in receipt of the above matter received. This matter was discussed at the Heritage Officers meeting held on 29 January 2025.

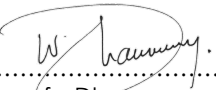
You are hereby notified that, since there is no reason to believe that the proposed involves expanding the existing water depot with new offices, workshops, and infrastructure on Portion of Remainder of Erf 464, Off Rand Street, Foundry Street, George will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. HWC chance finds to be implements.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.


.....
Waseefa Dhansay
Assistant Director: Professional Services



www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1665, Cape Town, 8000
• **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Posbus 1665, Kaapstad, 8000
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Francois Byleveld

From: Aviation Environmental Compliance <environment@caa.co.za>
Sent: Monday, 25 November 2024 11:36
To: Francois Byleveld
Cc: Evelyn Shogole; Pamela Madondo
Subject: RE: Notification of the Preliminary Advertisement: S24G Rectification Process on a portion of Erf 464, George, George Municipality

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I hope this email finds you well.

SACAA has no comments for the proposed development. The proposed site is outside the vicinity of aviation infrastructure which show no indication of major/negative impacts to aviation infrastructure and activities within the airport. However, if there are any structures or machinery whether temporary or permanent that are deemed too tall, kindly lodge an application as published on the SACAA website: www.caa.co.za/industryinformation/obstacles/. The list and contact details of the approved obstacles assessment services providers can be obtained from the CAA website: www.caa.co.za.

Kind regards,

Nrateng Mashiloane

Aviation Environmental Compliance Department

Aviation Safety Infrastructure (ASI)- Aviation Environmental Compliance

Tel: +27 11 545 1199 | **Fax:** +27 11 545 1282 **Email:** MashiloaneN@caa.co.za | www.caa.co.za

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From: Francois Byleveld <francois@cape-eaprac.co.za>

Sent: Thursday, November 21, 2024 1:50:45 PM

To: Johan Oelofse <Johan.Oelofse@westerncape.gov.za>; dpower@george.gov.za <dpower@george.gov.za>;

Megan Simons <msimons@capenature.co.za>; Lizell Stroh <StrohL@caa.co.za>; Danie Swanepoel

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<gavin.benjamin@westerncape.gov.za>

Subject: Notification of the Preliminary Advertisement: S24G Rectification Process on a portion of Erf 464, George, George Municipality

"This message was sent from outside of SACAA. Please use caution when opening links and/ or attachments"

Good day,

I trust you are well.

NOTIFICATION OF THE PRELIMINARY ADVERTISEMENT: S24G RECTIFICATION PROCESS ON A PORTION OF ERF 464, GEORGE, GEORGE MUNICIPALITY

As Interested & Affected Parties, we hereby notify you of a voluntary 24G Rectification Process that is being undertaken in terms of the National Environmental Management Act (Act No. 107 of 1998), as amended (NEMA). The Applicant commenced with development of new offices for additional operational personnel, new mechanical and electrical storeroom and test facilities, as well as the expansion of fleet and the service of fleet facilities for George Municipality – Water Depot on a portion of Erf 464, George without prior Environmental Authorisation.

We kindly inform you of a 20-day registration period extending from **22 November 2024 – 11 December 2024**. If you have any provisional comment on this Application, you are more than welcome to submit your comment to Cape EAPrac in writing on or before **11 December 2024**.

For more information, please find attached a Notification Letter.

Please do not hesitate to contact us directly if you have any questions.

Kind regards/Vriendelike groete

Francois Byleveld

Candidate EAP

MSc Geology (UFS)

Candidate EAP Reg # 2023/6770

T: 044 874 0365

17 Progress Street, George

PO Box 2070, George 6530

Cape EAPrac



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In the interest of resource conservation please reconsider printing this email.

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