



REFERENCE: 16/6/D6/18/0420 /24
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The Manager
Afrikaanse Taal en Kultuurvereniging
PO Box 3
HARTENBOS
6520

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SECTION 30A EMERGENCY DIRECTIVE

DIRECTIVE ISSUED IN TERMS OF SECTION 30A (1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) IN RESPECT OF AN EMERGENCY SITUATION: EMERGENCY REPAIR WORKS TO A REVETMENT ON REMAINDER OF PORTION 5, ATKV HARTENBOS RESORT, MOSSEL BAY

A. INTRODUCTION

1. The written request for a Section 30A Directive dated 25 November 2024 as prepared by Ms Louise-Mari van Zyl of Cape Environmental Assessment Practitioners (Pty) Ltd. on behalf of the Afrikaanse Taal en Kultuurvereniging ("ATKV Hartenbos") and supporting documentation, which was received by the Directorate: Development Management (Region 3) (hereinafter referred to as "this Directorate" on 27 November 2024, refers.
2. **Cause of the Emergency Situation**
 - 2.1. On 4 September 2024 this Directorate issued a Directive (DEA&DP Ref: 16/6/D6/18/0274/24) which confirmed the verbal Directive issued on 27 August 2024, for among other interventions, the placement of three (3) layers of geotextile sandbags to replace the existing wooden revetment along this affected area which stretches from Strandverhoog in the south, to the parking area in the North.
 - 2.2. The Directive has been implemented since, however, during the spring tide on 20 September 2024 the three layers of sandbags were overtopped, undercutting of the frontal dune on Erf 5. Some of the sandbags also washed away, indicating that the height of the sandbags and possibly the design of the structure were not sufficient, thereby not entirely addressing the original emergency condition resulting in erosion.
3. **Nature, Scope and Possible Impact of the Emergency Situation**
 - 3.1. The risk is high that the affected dune erosion areas will become more eroded, over a larger extent of the frontal dune. The possible damage to existing infrastructure and structures located inland of the high-watermark and frontal dune is considerable without further emergency intervention measures applied for through this Directive.

- 3.2. Continued damage to the dune will increase the risk of damage to the municipal sewer line that runs underneath the public walkway and consequently may result in pollution of sewage on the beach.
- 3.3. Without the necessary emergency works/interventions, the ATKV is of the opinion that their parking area, the so-called Strandverhoog, the public walkway (with municipal sewer line underneath it) may sustain further significant damage without emergency intervention measures being put in place to prevent further slumping and dune erosion.
- 3.4. In addition to the above, there is also a risk of personal injury to members of the public who utilize the coastal access points. The NSRI also makes use of the vehicular beach access point from time to time. At present this access point is inaccessible and the NSRI would need to utilise alternative points which are located further, which will delay their response to emergency incidents along this section of the coastline.
- 3.5. Leaving the situation as is also has liability impacts to the ATKV as it poses a risk to potential injury of members of the public utilizing these features (on ATKV property). The ATKV will be forced to close these areas to the public to reduce their liability which will prevent residents / visitors and members of the public from accessing the beach at these points and reaching the Hartenbos River mouth (other than directly via the beach). The accessibility for disabled access to the beach will also be lost as the damaged pedestrian walkway is disabled friendly.
- 3.6. Continued damage to the dune will increase the risk of exposing the municipal sewerline that runs underneath the public walkway and as consequence may result in the damage to the pipeline and pollution of sewage on the beach. This would create a significant health risk and it is also noted that this portion of the beach has Blue Flag Beach status.
- 3.7. The competent authority concurs with the immediate need to implement emergency measures and/or interventions to address the current emergency situation, and to contain or mitigate the effects of the emergency situation.
- 3.8. The proposed measures to prevent or to contain the emergency situation; or to prevent, contain or mitigate the effects of the emergency situation are as follows:
 - 3.8.1. The proposal is to remove the existing sandbag revetment structure to rectify the damage caused by the last spring tide, increase the depth of the bottom most sandbag layer to carry and stabilise the increased weight of the six (6) layer sandbag revetment structure, and then reinstate the revetment with a further five (5) layer sandbag revetment (1+5 = 6 layers) along the same stretch of frontal dune on Erf 5 and along the same footprint as previously authorised.
 - 3.8.2. The establishment of a temporary sand bank is also required as the toe of the dune will be exposed once the 3 layered sandbag system is removed, making the dune prone to tidal damage.
 - 3.8.3. Increasing the level of the bottom geotextile sandbag from 0,3m below MSL to 1m below MSL in order to stabilize the larger revetment structure and preventing further undercutting and slumping.
 - 3.8.4. Backfilling and revegetation of the remnant dune located behind the sandbag structure.
- 3.9. The listed activities that will be commenced with in response to the emergency situation are listed in **Annexure 1**, hereto.

B. SITE DESCRIPTION AND LOCATION

The emergency works will take place the remainder of erf 5, on the coastline in front of the ATKV Resort in Hartenbos, on a stretch of the beach of 180-metres long which runs from the *Strandverhoog* in the South to the parking area in the northern extent (**Annexure 2**).

Coordinates and SG21 Digit codes of the sites:

Position along fontal dune	Latitude (S)	Longitude (E)
Northern extent: Next to vehicle access point	34° 07' 17.98"	22° 07' 17.40"
Southern extent: Next to the stage - <i>Strandverhoog</i>	34° 07' 23.15"	22° 07' 14.16"

SG 21 Digit Code: C05100040000000500000

Remainder of Erf 5, Hartenbos, Mossel Bay is hereinafter referred to as "**the site**"

C. DIRECTIVE

I, **Gavn Benjamin**, in my capacity as Director: Development Management, in the employ of the Western Cape Government: Department of Environmental Affairs and Development Planning and duly delegated, having considered the information submitted by the requester, hereby issue —

The Afrikaanse Taal en Kultuurvereniging (ATKV Hartenbos)
duly represented by Mr. Mornay Beukes in his capacity as the Resort Manager,

with a written Directive issued in terms of Section 30A of the National Environmental Management Act (Act No. 107 of 1998) ("NEMA") in order for the ATKV Hartenbos to carry out a listed activities identified in terms of the NEMA and EIA Regulations, 2014 (as amended), related to the implementation of interventions to address the emergency situation at Remainder erf 5, Hartenbos, as detailed in the request for a section 30A Directive, dated 25 November 2024.

The ATKV Hartenbos is the holder of this Section 30A Directive (hereinafter referred to as "**the Holder**").

I hereby confirm that you may commence with the proposed emergency measures or interventions, which fall within the ambit of the identified listed activity/activities in terms of the NEMA and the EIA Regulations Listing Notices of 2014 (as amended) set out in **Annexure 1** hereto, subject to the terms and instructions/conditions set out below.

D. CONDITIONS / INSTRUCTIONS

Scope of the Directive and emergency work to be undertaken

1. This Directive is limited to the physical implementation of measures or interventions that constitute a listed activity in terms of the EIA Regulations, 2014 (as amended) on the site.
2. This Section 30A Directive shall remain in effect (from the date of issue) until **31 January 2025**, the date on which all the listed activities, including post-construction rehabilitation and monitoring requirements, must be concluded at the site(s).
3. The listed activity (activities) authorised herein are to be undertaken exclusively in response to the emergency situation described above and in terms of the conditions/instructions in this Directive. The proposed emergency works must fall within the ambit of the listed activities in terms of the NEMA Environmental Impact Assessment Regulations, 2014 as set out in Appendix 1 to this Directive.
4. The measures to be implemented to prevent or contain the emergency situation or to prevent, contain or mitigate the effects of the emergency situation along the 180-metre stretch of beach, include the following:
 - (a) The proposal is to remove the existing sandbag revetment structure to rectify the damage caused by the last spring tide, increase the depth of the bottom most sandbag layer to carry and stabilise the increased weight of the six (6) layer sandbag revetment structure, and then reinstate the revetment with a further five (5) layer sandbag revetment (1+5 = 6 layers) along

the same stretch of frontal dune on Erf 5 and along the same footprint as previously authorised.

- (b) The establishment of a temporary sand bank is also required as the toe of the dune will be exposed once the 3 layered sandbag system is removed, making the dune prone to tidal damage.
 - (c) Increasing the level of the bottom geotextile sandbag from 0,3m below MSL to 1m below MSL in order to stabilize the larger revetment structure and preventing further undercutting and slumping.
 - (d) Backfilling and revegetation of the remnant dune located behind the sandbag structure.
5. This Directive is only for the interventions mentioned in 4 above. All additional stabilizing or maintenance activities must be approved by the Competent Authority prior to commencement thereof.

This is therefore temporary measures, and the ATKV / the Holder is advised to commence with a formal process to obtain Environmental Authorisation for coastal erosion protection measures, along with an integrated environmental maintenance management plan (EMMP) for the maintenance of the coastal erosion protection structures, to also address the affected coastal areas along the 1.8km stretch of coastline on Erf 5, Hartenbos.

6. Any changes to, or deviations from, the project description set out in this Directive and information submitted to date must be approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the Competent Authority may request such information as it deems necessary 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 regulations pertaining to environmental impact assessments under sections of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
7. The Holder shall be responsible for ensuring compliance with this Directive and the conditions thereof, by any person acting on its behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the ATKV Hartenbos.

Specific requirements

8. The wooden revetment (as replaced by the 3-layer geotextile sandbags) and existing gabion structure may not be moved or expanded seaward of their position, as determined on 27 August 2024.
- 8.1. The 180-metre stretch of beach, where the wooden revetment (as replaced with geotextile sandbags), must be demarcated for the duration of the construction activities, to ensure that the structure is not expanded seaward of the current development line.
9. The fill material that is utilised must have the same or similar composition of the local beach sand.
- 9.1. No waste material or building rubble may be utilised as fill material for backfilling or the filling of geotextile sandbags.
 - 9.2. Fill material for geotextile sandbags and backfilling of the damaged revetment, may not be sourced from below the high-water mark of the sea.
10. The emergency works must be performed under the supervision of a suitably qualified Environmental Control Officer ("ECO").
11. The Holder must appoint a suitably experienced Environmental Control Officer for the duration of the project.

The ECO must–

- 11.1. physically oversee and monitor the emergency operations/works and ensure that the implementation is within the scope of this Directive and effect is given to Section 28(1) of NEMA;
- 11.2. ensure compliance with the mitigation measures contained in the Request For A Section 30A Emergency Directive compiled by Cape Environmental Assessment Practitioners (Pty) Ltd. dated 25 November 2024;
- 11.3. keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the Site Agent / ECO;
- 11.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation;
- 11.5. compile and submit progress reports and a final completion report to the Competent Authority;
- 11.6. ensure that the contractor acts in accordance with the existing ATKV ORV permit and this Directive
- 11.7. notify the Competent Authority in writing of any non-compliance with the Directive, or environmental degradation, within 24-hours of being made aware of such situation or of it being observed.

Note: The ATKV already has a valid ORV permit which enables them to implement coastal erosion measures along other parts of Erf 5. The ORV permit contains several conditions the Contractor must adhere to.

12. Access to the site must be controlled for the duration of the construction and rehabilitation activities. The access control measures must be implemented to reduce the risk of any further disturbance to the frontal dune system and promote the safety of the public frequenting the area.
13. The mitigation hierarchy must be implemented by the Holder, where *bona fide* measures or interventions are implemented to address the current emergency situation.
14. Consideration must always be given to Section 2 of the NEMA.
15. Prior to driving in/entering the beach, the operator of the machinery must ensure that his machine/vehicle is fully operational and does not leak any fuel, oil or other lubricants.
16. No re-fuelling or servicing of the machinery/vehicles may take place on the beach.

Monitoring and Reporting requirements

17. The reporting requirements associated with this Directive are limited to measures or interventions that constitute a listed activity in terms of the EIA Regulations, 2014 (as amended).
18. The Holder must for the period which the Section 30A Directive remains valid ensure compliance with the conditions of this Directive is monitored and reported to the Competent Authority.
19. The Holder must compile a completion report and submit it to the Competent Authority.

The Completion Report must—

- 19.1. be prepared on completion of the measures or intervention implemented to address the emergency situation at the site;
- 19.2. be submitted to the Competent Authority within **30-calander days** of completing the activities on site, but by no later than **20 January 2025**, whichever date will occur first;
- 19.3. indicate the date on which the emergency works were commenced with at the site(s);
- 19.4. indicate the progress of the emergency works which does not form part of the completion report (if any).

- 19.5. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Section 30A Directive and
 - (b) the methodology implemented and whether this is sufficient or not;
- 19.6. include a photographic record of the site applicable to the report and compliance with the specific requirements.

E. PROCEDURAL ARRANGEMENTS

1. In terms of section 43 of NEMA a person is entitled to lodge an appeal against this Directive in. Such appeal must be lodged in accordance with the Appeal Regulations, 2014 and should be directed to the Appeals Authority set out in **Annexure 3** hereto.
2. The necessary reports and post-implementation requirements must be submitted to the competent authority within the specified timeframes.
3. 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.

4. You are encouraged to maintain open communication lines with all relevant authorities and must ensure that all stipulated authorities are included in the reporting protocol. The competent authorities will endeavour to assist in such efforts as far as is reasonably possible.

Any queries with regard to the contents of this confirmation of the verbal Directive may be directed to:

Western Cape Government: Environmental Affairs & Development Planning:
Directorate: Development Management
Contact person(s): Mr. Gavin Benjamin
Mobile: 071 624 5237
E-mail: Gavin.Benjamin@westerncape.gov.za

5. Notwithstanding this Section 30A Directive, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
6. Please note that Section 28 of the NEMA remains applicable to all interventions to be implemented. Section 28 states the following:

"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."

Your interest in the well-being of the environment is appreciated.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
WESTERN CAPE GOVERNMENT: DEPARTMENT ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
(reference: 16/6/D6/18/0420 /24)

DATE OF DECISION: 04 DECEMBER 2024

ANNEXURE 1: LISTED ACTIVITIES RELEVANT TO THE POTENTIAL MEASURES OR INTERVENTIONS THAT MAY BE IMPLEMENTED

Emergency measures or interventions may fall within the ambit of the following listed activity / activities in terms of the EIA Regulations Listing Notices of 2014 (as amended), listed below:

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 1 OF 2014

(GN. 983 of 4 December 2014, as amended)

Activity Number: 17

Activity Description:

Development—

- i. in the sea;*
- ii. in an estuary;*
- iii. within the littoral active zone;*
- iv. in front of a development setback; or*
- v. if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;*

in respect of—

- (a) fixed or floating jetties and slipways;*
- (b) tidal pools;*
- (c) embankments;*
- (d) rock revetments or stabilising structures including stabilising walls; or*
- (e) infrastructure or structures with a development footprint of 50 square metres or more —*

but excluding—

- (a) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*
- (b) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;*
- (c) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or*
- (d) where such development occurs within an urban area.*

Activity Number: 18

Activity Description:

The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where —

- (i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or*
- (ii) such planting of vegetation or placing of material will occur behind a development setback.*

Activity Number: 19 A*Activity Description:*

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) the seashore;
- (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; or
- (iii) the sea; —

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity Number: 54*Activity Description:*

The expansion of facilities—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

in respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or
- (e) infrastructure or structures where the development footprint is expanded by 50 square metres or more,

but excluding—

- (i) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (ii) where such expansion occurs within an urban area.

ANNEXURE 2: LOCALITY OF SITE



End of gabion revetment northern extent

Site on a portion of Erf 5

End of gabion revetment southern extent, and start of sandbag revetment approved by DEADP

LOCALITY OF SITE (continued)



Figure 1: Erf 5 is indicated with the RED cadastral area. The affected area that falls within Erf 5 is indicated by the YELLOW overlay - approximately 185m of coastline requiring improved emergency intervention. The Strandverhoog is indicated with the RED arrow, the public walkway with the ORANGE arrow and the parking area with the GREEN arrow.

ANNEXURE 3: APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority -
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator;
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at: Gavin.Benjamin@westerncape.gov.za and copied to DEADPEIAadmin.George@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs-
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at: [Gavin Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za) and copied to DEADPEIAadmin.George@westerncape.gov.za
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

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

By facsimile: (021) 483 4174; or

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

Note: For purposes of electronic database management, the appellant is requested to also submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.