

Date: 16 September 2024

Mr Du Plessis
Municipal Manager: Kouga Local Municipality
P.O Box 21
Jeffreys Bay
6330

Email: Registry-registry@kouga.gov.za
Charl du plessis cduplessis@kouga.gov.za

Dear Mr C Du Plessis

DIRECTIVE ISSUED IN TERMS OF SECTION 30A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO 107 OF 1998) ("NEMA"), EMERGENCY BREACH OF THE SEEKOEI ESTUARY, (SEPTEMBER 2024) IN RESPECT OF THE PROPOSED UNDERTAKING OF A LISTED ACTIVITY, FOR SAID BREACH.

The urgent communications and engagements dated:

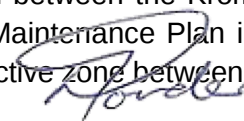
- 16 September 2024, email from Ms N Siwela highlighting the need to breach the estuary.
 - The application is for various listed activities, as set out in the correspondence that relates to construction works on the causeway structure.
- 16 September email from DEDEAT to Kouga Local Municipality, Municipal Manager: Mr Charl Du Plessis.
 - The DEDEAT correspondence states that approval will be **only** for the breaching of the Seekoei River mouth, with the intent to lower the water level within the Seekoei Estuary.
- The verbal Directive issued to the Executive Mayor: Cllr Bornman on 16 September 2024.

The Department has considered the information provided and hereby confirms that the levels of the water within the estuary poses a danger to the residents of Paradise Beach who are traversing the causeway, thus constitutes an emergency in terms of Section 30A of National Environmental Management Act.

The situation demonstrates an imminent and serious threat to the residents utilizing the causeway which will invariably have a socio-economic impact on the local populace.

The images confirmed the cause way has been overtopped and is being submerged with prevailing winds.

The Department acknowledges that the Seekoei Estuary Management Plan (adopted EMP) is currently being reviewed and notes the municipality has submitted the final Basic Assessment Report for the Environmental Management and Maintenance Plan between the Kromme and the Kabeljows coastal areas. The Environmental Management and Maintenance Plan includes long term management of the municipal infrastructure within the littoral active zone between the Kromme and the Kabeljows coastal areas.



Kouga Local Municipality is hereby Directed to affect an artificial breach of the Seekoei Estuary Mouth with the following conditions being in place:

- I. The breach must be actioned on or before 18/19 September 2024, coinciding with the Spring Tides.
- II. The works must be under the supervision of the Kouga Local Municipality Environmental Management Specialist.
- III. All works must be concluded by or on 24 September 2024, 17H00.
 - a. This Directive is only for the lowering of the water level by **450mm** and does not approve the draining of the estuary water body in its totality.
 - b. Basic maintenance works i.e. pothole repairs may be actioned.
 - c. The causeway, Latitude:34 05' 04"S, Longitude: 24 54' 13"E (Midway Point), to a manageable level, as per **point III.a** above.
 - i. The location of the "breach point" to be actioned as per previous breaches with the intent to mitigate the excessive out-flow of water from the system.
 - ii. The breach point must be managed in manner that allows proper tidal inter-change
- IV. A close out report must be provided to DEDEAT within 30 days from date of signature of this Directive.
- V. The breach to be directed as per the Seekoei Estuary Management Plan.
- VI. This Directive must be made available on the Kouga Local Municipality website and other social media platforms that Kouga Local Municipality manages or subscribes to.

In terms of the legislation, interested and affected parties are entitled to appeal this Directive or conditions in terms of section 43 of NEMA. Such an appeal must be lodged in accordance with the Appeal Regulations, 2014 and should be marked for the attention of Siyabonga.Gqalangile@dedea.gov.za, the appeals administrator of this Department.

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



Dayalan Jeff Govender
Regional Manager: Environmental Affairs
Sarah Baartman/Nelson Mandela Bay Region