



**EIA REFERENCE NUMBER:** 16/3/3/5/A1/37/3043/23  
**NEAS REFERENCE NUMBER:** WCP/EIA/AMEND/0000779/2023  
**DATE OF ISSUE:** 31 October 2023

The Municipal Manager  
City of Cape Town: Catchment, Stormwater and River Management Branch (Bulk Services Department)  
2nd Floor, 8 Voortrekker Road  
c/o Voortrekker and Mike Pienaar Boulevard  
**BELLVILLE**  
7530

**For Attention: Mr. M. Killick**

Tel: 021 400 6464

Email: [Michael.Killick@capetown.gov.za](mailto:Michael.Killick@capetown.gov.za)

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 13 NOVEMBER 2020 (REF. NO. 16/3/3/1/A1/37/3007/20) FOR THE UPGRADE OF THE BAYSIDE CANAL AND ASSOCIATED INFRASTRUCTURE, TABLEVIEW.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the amended Environmental Authorisation below.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copies to: (1) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)  
(2) Mr. M. Leach (King's Landing Trading 507 (Pty) Ltd t/a Enviroworks)

Email: [Sonja.warnichstemmet@capetown.gov.za](mailto:Sonja.warnichstemmet@capetown.gov.za)  
Email: [michael@enviroworks.co.za](mailto:michael@enviroworks.co.za)

EIA REFERENCE NUMBER: 16/3/3/5/A1/37/3043/23

## AMENDED ENVIRONMENTAL AUTHORISATION

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 13 NOVEMBER 2020 (REF. NO. 16/3/3/1/A1/37/3007/20) FOR THE UPGRADE OF THE BAYSIDE CANAL AND ASSOCIATED INFRASTRUCTURE, TABLEVIEW.**

With reference to your application, find below the amendment to the Environmental Authorisation in respect of this application.

### A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (as amended), the Department hereby **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 13 November 2020 (Ref. No. 16/3/3/1/A1/37/3007/20) in terms the EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/3/1/A1/37/3007/20) is amended as set out below:

1. The details of the holder of the EA (Ref. No. 16/3/3/1/A1/37/3007/20), reads as follows:

*"The Municipal Manager  
City of Cape Town: Transport for Cape Town – Infrastructure  
P.O. Box 35  
**MILNERTON**  
7435  
Tel: (021) 444 5763  
E-mail: [GilbertGawain.Titus@capetown.gov.za](mailto:GilbertGawain.Titus@capetown.gov.za)"*

**is hereby replaced with:**

*"The Director  
City of Cape Town: Catchment Stormwater and River Management Branch  
Bulk Services Department  
Water and Sanitation Directorate  
2nd floor, Water and Sanitation Head Office, 8 Voortrekker Road,  
c/o Voortrekker and Mike Pienaar Boulevard,  
**BELLVILLE,**  
Cape Town  
7530  
Tel: (021) 400 4646  
E-mail: [Michael.Killick@capetown.gov.za](mailto:Michael.Killick@capetown.gov.za)"*

2. The authorised alternative in Section B and pages 3-5 of the EA (Ref. No. 16/3/3/1/A1/37/3007/20) reads as follows:

*“The proposed upgrade entails the upgrade to the existing Bayside Canal stormwater outfall system, the development of a stormwater treatment system and the development of a bypass channel.*

*The upgrade of the existing Bayside Canal:*

*The existing Bayside Canal serves as the only stormwater outfall culvert for the catchment area that includes a large portion of Tableview, West Beach, Parklands and Sunningdale. The existing canal is located along Erven 4607, 4616, 4722, 4731, 4773, 12137 and 14467, Tableview. The existing stormwater capacity is insufficient and is compromised by extensive reed growth downstream of the canal outlet. An upgrade to the canal is therefore required in order to increase stormwater capacity and to reduce the potential for flooding in the surrounding areas. The upgrade of the existing Bayside Canal will therefore entail the formalisation of the cross-section of the canal located between Blaauwberg Road and the canal outlet. This will include the flattening and lining of the side slopes of the canal to reduce vegetation growth within the canal and assist in general maintenance operations. The reduction of vegetation growth (specifically reeds) would allow water to flow freely into the Rietvlei area.*

*The development of a stormwater treatment system:*

*Currently, stormwater from the Bayside Canal flows into the reed beds located in the northern section of Rietvlei. These reed beds treat the stormwater by allowing suspended solids to settle out and by absorbing excess nutrients via root systems. In order to maintain this natural treatment function, while at the same time allowing for easier maintenance and periodic clearing of litter which is trapped within the natural reed bed, it is proposed that a formalised stormwater treatment system utilising reed beds be developed. The stormwater treatment system would consist of the following elements:*

- Litter Screening: Initial litter screening would be undertaken within the Bayside Canal using a litter boom to intercept floating litter and debris. The installation of the floating boom would require the widening of a section of the canal in order to reduce the velocity of the stormwater flow. The boom would trap floating debris which is ultimately collected in a screen box installed on the eastern canal bank. A second stage of litter screening is also proposed and would comprise the installation of a second floating boom located within the primary sedimentation ponds.*
- Primary and Secondary Sedimentation ponds: The proposed primary and secondary sedimentation ponds would allow any suspended sand, grit and other solids to settle out of the stormwater runoff discharged by the canal. Two primary sedimentation ponds are planned to allow heavier suspended matter to drop out of suspension, while two secondary sedimentation ponds would allow for the removal of the finer suspended matter that has passed through the primary ponds.*
- Reed bed ponds: After passing through the sedimentation ponds, stormwater would overflow into a series of reed bed ponds. The reed beds would allow for the uptake of nutrients and physical filtration of pollutants by the reeds.*

*The development of the bypass channel:*

*A bypass channel is proposed along the eastern boundary of the R27 in order to divert high volumes of stormwater runoff generated during higher order storms. The bypass channel would include a weir, which would force all runoff from periods of lower rainfall (below the 5-year Return Interval storm event) through the reed bed ponds for treatment prior to discharging into the Rietvlei. When the water level reaches the top of the weir, the excess volumes of stormwater would be diverted into the bypass channel and discharge 300m short of the main water body of Rietvlei. During normal*

flow conditions, the channel would serve as an outlet for the stormwater which has passed through the stormwater treatment system discussed above.

The development of the stormwater treatment system and the bypass channel will be located within the north-western corner of the Rietvlei within the Table Bay Nature Reserve on a portion of Erf 22994, Tableview.

The proposed upgrade will result in the clearance of approximately 9500m<sup>2</sup> of endangered vegetation, will result in the infilling or depositing of material of more than 10m<sup>3</sup> of a wetland and will result in the infilling or depositing of material of more than 5m<sup>3</sup> within 100m of the high-water mark of the sea.

The total development footprint will be approximately 9.5ha in extent."

**is hereby replaced with:**

"The proposed upgrade entails the upgrade to the existing Bayside Canal stormwater outfall system, the development of a stormwater treatment system and the development of a bypass channel.

The upgrade of the existing Bayside Canal:

The existing Bayside Canal serves as the only stormwater outfall culvert for the catchment area that includes a large portion of Tableview, West Beach, Parklands and Sunningdale. The existing canal is located along Erven 4607, 4616, 4722, 4731, 4773, 12137 and 14467, Tableview. The existing stormwater capacity is insufficient and is compromised by extensive reed growth downstream of the canal outlet. An upgrade to the canal is therefore required in order to increase stormwater capacity and to reduce the potential for flooding in the surrounding areas. The upgrade of the existing Bayside Canal will therefore entail the formalisation of the cross-section of the canal located between Blaauwberg Road and the canal outlet. This will include the flattening and lining of the side slopes of the canal to reduce vegetation growth within the canal and assist in general maintenance operations. The reduction of vegetation growth (specifically reeds) would allow water to flow freely into the Rietvlei area.

The development of a stormwater treatment system:

Currently, stormwater from the Bayside Canal flows into the reed beds located in the northern section of Rietvlei. These reed beds treat the stormwater by allowing suspended solids to settle out and by absorbing excess nutrients via root systems. In order to maintain this natural treatment function, while at the same time allowing for easier maintenance and periodic clearing of litter which is trapped within the natural reed bed, it is proposed that a formalised stormwater treatment system utilising reed beds be developed. The stormwater treatment system would consist of the following elements:

- **Litter Screening:** Initial litter screening would be undertaken within the Bayside Canal using a litter boom to intercept floating litter and debris. The installation of the floating boom would require the widening of a section of the canal in order to reduce the velocity of the stormwater flow. The boom would trap floating debris which is ultimately collected in a screen box installed on the eastern canal bank and sluice gates. A second stage of litter screening is also proposed and would comprise the installation of a second floating boom located within the primary sedimentation ponds.
- **Primary and Secondary Sedimentation ponds:** The proposed primary and secondary sedimentation ponds would allow any suspended sand, grit and other solids to settle out of the stormwater runoff discharged by the canal. Two primary sedimentation ponds are planned to allow heavier suspended matter to drop out of suspension, while two primary treatment ponds and one secondary treatment channel with associated berm structures, access roads and laydown areas will be constructed to allow for the removal of the finer suspended matter that has passed through the primary ponds. A cross connection pipe between the two primary

sedimentation ponds, has been incorporated to ensure water level balance and wet conditions.

- *Reed bed ponds: After passing through the sedimentation ponds, stormwater would overflow into a series of reed bed ponds. The reed beds would allow for the uptake of nutrients and physical filtration of pollutants by the reeds.*

*The development of the bypass channel:*

*A bypass channel is proposed along the eastern boundary of the R27 in order to divert high volumes of stormwater runoff generated during higher order storms. The bypass channel would include a weir, which would force all runoff from periods of lower rainfall (below the 5-year Return Interval storm event) through the reed bed ponds for treatment prior discharging into the Rietvlei. When the water level reaches the top of the weir, the excess volumes of stormwater would be diverted into the bypass channel and discharge 300m short of the main water body of Rietvlei. During normal flow conditions, the channel would serve as an outlet for the stormwater which has passed through the stormwater treatment system discussed above.*

*The development of the stormwater treatment system and the bypass channel will be located within the north-western corner of the Rietvlei within the Table Bay Nature Reserve on a portion of Erf 22994, Tableview.*

*The proposed upgrade will result in the clearance of approximately 9500m<sup>2</sup> of endangered vegetation, will result in the infilling or depositing of material of more than 10m<sup>3</sup> of a wetland and will result in the infilling or depositing of material of more than 5m<sup>3</sup> within 100m of the high-water mark of the sea.*

*The total development footprint will be approximately 9.5ha in extent."*

3. Annexure 2 of the EA (Ref. No. 16/3/3/1/A1/37/3007/20) **is hereby replaced with** the Stormwater Pond Layout (Plan No. 30964.27-120-0: Revision C and dated 26 August 2022).
4. Please find attached copies of the following:
  - 4.1. The EA (Ref. No. 16/3/3/1/A1/37/3007/20) issued by this Department on 13 November 2020 (attached as Appendix A).
  - 4.2. The Stormwater Pond Layout (Plan No. 30964.27-120-0: Revision C and dated 26 August 2022) (attached as Appendix B)

## **B. REASONS FOR THE DECISION:**

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The information contained in the application for the amendment dated and received by this Department on 03 October 2023.
2. The application for an amendment to the EA (Ref. No. 16/3/3/1/A1/37/3007/20) is considered as a Part 1 amendment in terms of the NEMA EIA Regulations, 2014 (as amended) due to the following:
  - 2.1. The application for amendment is for the amendment of the details of EA holder and the activity description of the EA (Ref. No. 16/3/3/1/A1/37/3007/20) with respect to the number of sedimentation ponds and associated infrastructure. The activity description remains largely the same, except for a reduction in the number of sedimentation ponds and the addition of sluice gates and associated minor infrastructure.

- 2.2. Although the proposed amendment will result in a change to the scope of a valid EA, the proposed amendment will not result in an increased level or change in the nature of impact where such level or change in nature of impact was not assessed and included in the initial application for Environmental Authorisation.
- 2.3. The proposed amendment will not on its own constitute a listed activity.
3. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
4. All other provisions contained in the EA (Ref. No. 16/3/3/1/A1/37/3007/20) remain unchanged and in force.

## C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 1.1. Notify all registered interested and affected parties ("I&APs") of –
    - 1.1.1. the outcome of the application;
    - 1.1.2. the reasons for the decision as included in Section B;
    - 1.1.3. the date of the decision; and
    - 1.1.4. the date when the decision was issued.
  - 1.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeal Regulations, 2014 (as amended) detailed in Section E below;
  - 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 1.4. Provide the registered I&APs with:
    - 1.4.1. the name of the holder (entity) of this Environmental Authorisation;
    - 1.4.2. name of the responsible person for this Environmental Authorisation;
    - 1.4.3. postal address of the holder;
    - 1.4.4. telephonic and fax details of the holder;
    - 1.4.5. e-mail address, if any, of the holder; and
    - 1.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
2. Proof of compliance with Condition 1 of this amended EA must be submitted along with the notification of commencement of development activities.
3. All other conditions contained in the EA issued on 13 November 2017 (Ref. No. 16/3/3/1/A1/37/3007/20) remain unchanged and in force.

## D. APPEALS

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

1. An appellant must –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 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.
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.
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 form/s must be submitted by means of one of the following methods:
  - By post:           Attention: Marius Venter  
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:         Attention: Mr. M. Venter (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the environment is greatly appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 31 October 2023**

Copies to: (1) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)  
(2) Mr. M. Leach (King's Landing Trading 507 (Pty) Ltd t/a Enviroworks)  
(3) Mr. G. Titus (City of Cape Town: TCT – Infrastructure)

Email: [Sonja.warnichstemmet@capetown.gov.za](mailto:Sonja.warnichstemmet@capetown.gov.za)  
Email: [michael@enviroworks.co.za](mailto:michael@enviroworks.co.za)  
Email: [GilbertGawain.Titus@capetown.gov.za](mailto:GilbertGawain.Titus@capetown.gov.za)

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## **APPENDIX A**

A copy of the Environmental Authorisation issued by this Department on 13 November 2020 (Ref. No. 16/3/3/1/A1/37/3007/20).

## **APPENDIX B**

A copy of the Stormwater Pond Layout (Plan No. 30964.27-120-0: Revision C and dated 26 August 2022)