



REFERENCE NUMBER: 16/3/3/1/A2/15/3005/23
NEAS REFERENCE NUMBER: WCP/EIA/0001220/2023
DATE OF ISSUE: 02 June 2023

The Municipal Manager
City of Cape Town: Road Infrastructure Management Department
Directorate: Urban Mobility
14th Floor, Tower Block, Civic Centre
12 Hertzog Boulevard
CAPE TOWN
8001

For Attention: Mr. H. Scholtz

Tel: (021) 400 3720

Email: hilton.scholtz@capetown.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A PEDESTRIAN BRIDGE OVER THE VYGEKRAAL RIVER BETWEEN KEWTOWN AND BRIDGETOWN ON A PORTION OF THE REMAINDER OF ERF 32604, BRIDGETOWN.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** 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 Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Mr. A. Greenwood (City of Cape Town: ERM)
(2) Ms. K. Munamati (Infinity Environmental (Pty) Ltd)

Email: Andrew.Greenwood@capetown.gov.za
Email: kakale@infinityenv.co.za / info@infinityenv.co.za

REFERENCE NUMBER: 16/3/3/1/A2/15/3005/23

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A PEDESTRIAN BRIDGE OVER THE VYGEKRAAL RIVER BETWEEN KEWTOWN AND BRIDGETOWN ON A PORTION OF THE REMAINDER OF ERF 32604, BRIDGETOWN.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

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 ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated March 2023.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
c/o Mr. H. Scholtz
City of Cape Town: Road Infrastructure Management Department
Directorate: Urban Mobility
14th Floor, Tower Block, Civic Centre
12 Hertzog Boulevard
CAPE TOWN
8001

Tel: (021) 400 3720
Email: hilton.scholtz@capetown.gov.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 19 Activity Description:</p> <p><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></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(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."</i></p>	<p>The proposed development of a pedestrian bridge across the Vygekraal River on a portion of the Remainder of Erf 32604, Bridgetown will result in the infilling, excavation / removal and moving of soil, sand or rock in excess of 10m³ within a watercourse (i.e. Vygekraal River).</p>

The abovementioned is hereinafter referred to as **"the listed activity"**.

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the proposed development:

The authorised development entails the development of a raised concrete pedestrian bridge across the Vygekraal River on a portion of the Remainder of Erf 32604, Bridgetown. The proposed development will consist of a raised bridge extending from the top of the banks of the Vygekraal River approximately 2.9m wide. Four (4) supporting concrete columns / piers will be developed. Two columns / piers will be placed on either side of the banks of the river and two columns / piers will be located within the riverbed. The proposed development will result in the removal of approximately 20m³ of soil that will be stockpiled for rehabilitation purposes post construction phase.

Reinforced abutments will consist of stone pitching / gabion mattresses along either side of the channel and up and downstream of the proposed bridge. Reinforced abutments will be approximately 2m wide at the base with a height of approximately 1.975m. The approach slab will be approximately 2.5m wide. The abutments will have perforated drainage pipes and weepholes to ensure adequate drainage is in place.

Paving along either side of the bridge approach slabs to adjoin into existing sidewalks and street infrastructure with landscaping will be developed. Public lights will be installed on either end of the bridge for public safety purposes.

The total development footprint will be approximately 100m² in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on a portion of the Remaining Extent of Erf 32604, Bridgetown.

The 21-digit Surveyor General code is:

Remainder of Erf 32604	C01600070003260400000
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The central co-ordinate for the proposed development is:

Middle point	33° 57' 20.01" South	18° 31' 20.95" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plans.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Infinity Environmental (Pty) Ltd.
% Ms. K. Munamati
Suite 17
Private Bag X11
MOWBRAY
7705

Tel: (021) 834 1602

Email: info@infinityenv.co.za / kakale@infinityenv.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated March 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for –

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
- (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.

3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order 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 applicable legislation.

Written notice to the Competent Authority

5. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of the development activity.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10 and 18.

Notification and administration of appeal

6. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 6.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section F below;
 - 6.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4. Provide the registered I&APs with:
 - 6.4.1. The name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. The name of the responsible person for this Environmental Authorisation;
 - 6.4.3. The postal address of the holder;
 - 6.4.4. The telephonic and fax details of the holder;
 - 6.4.5. The e-mail address, if any, of the holder; and
 - 6.4.6. 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).
7. The listed activity, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The Environmental Management Programme ("EMPr") (compiled by in Infinity Environmental and dated March 2023) submitted as part of the application for Environmental Authorisation is hereby approved on condition that the following amendments are made and must be implemented.
 - 8.1. Signed method statements for the maintenance activities to be conducted during the operational phase must be included in the EMPr.
 - 8.2. A minimum of 24 hours' notice must be given to the Competent Authority prior to commencement of maintenance activities within the Vygekraal River.
9. The EMPr must be included in all relevant contract documentation for the applicable phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.
12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 13.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of the environmental audit.
 - 13.2. A final Environmental Audit Report must be submitted to the Competent Authority within two (2) years of the completion of the construction phase.
 - 13.2.1. The final Environmental Audit Report must include a report on the rehabilitation activities and maintenance activities undertaken during the respective phase of the development.
 - 13.3. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.

Specific Conditions

14. In accordance with the Freshwater Impact Assessment (compiled by The Freshwater Consulting Group and dated April 2015) and the Freshwater Specialist comment (compiled by Liz Day Consulting and dated 14 February 2023) and as included in the EMP, the following mitigation measures, *inter alia*, must be implemented:
 - 14.1. Construction related activities within the Vygekraal River must not take place during the winter / rainy season i.e. June – September. However, the commencement with construction related activities pertaining to two (2) of the four (4) supporting columns / piers to be located outside of the Vygekraal River (i.e. banks) is permitted.
 - 14.2. Mitigation measures in accordance with the recommendations of the freshwater specialist regarding the diversion of the Vygekraal River during concrete casting activities must be implemented and reported on by the appointed ECO.
 - 14.3. The removal and appropriate disposal of litter and rubble within the riverbed, banks and floodplain (restricted to the approved development footprint) must be undertaken prior to the commencement of construction activities.
 - 14.4. The riparian area within the development footprint of the proposed site must be rehabilitated on completion of the construction phase in accordance with the requirements provided by the freshwater specialist.
15. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate.
17. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
18. The site must be clearly demarcated prior to the commencement of the development activities. The development footprint must be limited to the demarcated area. Photographic evidence of the demarcated site must be provided to the Competent Authority along with the notification of commencement.
19. The storage / placement of any equipment and/or the establishment of a site camp / laydown yard must not be located within 32m of the edge of the Vygekraal River at any given time.
20. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be implemented instead.
21. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. 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; 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 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za

5. A 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 or URL <http://www.westerncape.gov.za/eadp>.

H. 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 future of our environment is appreciated.

Yours faithfully

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

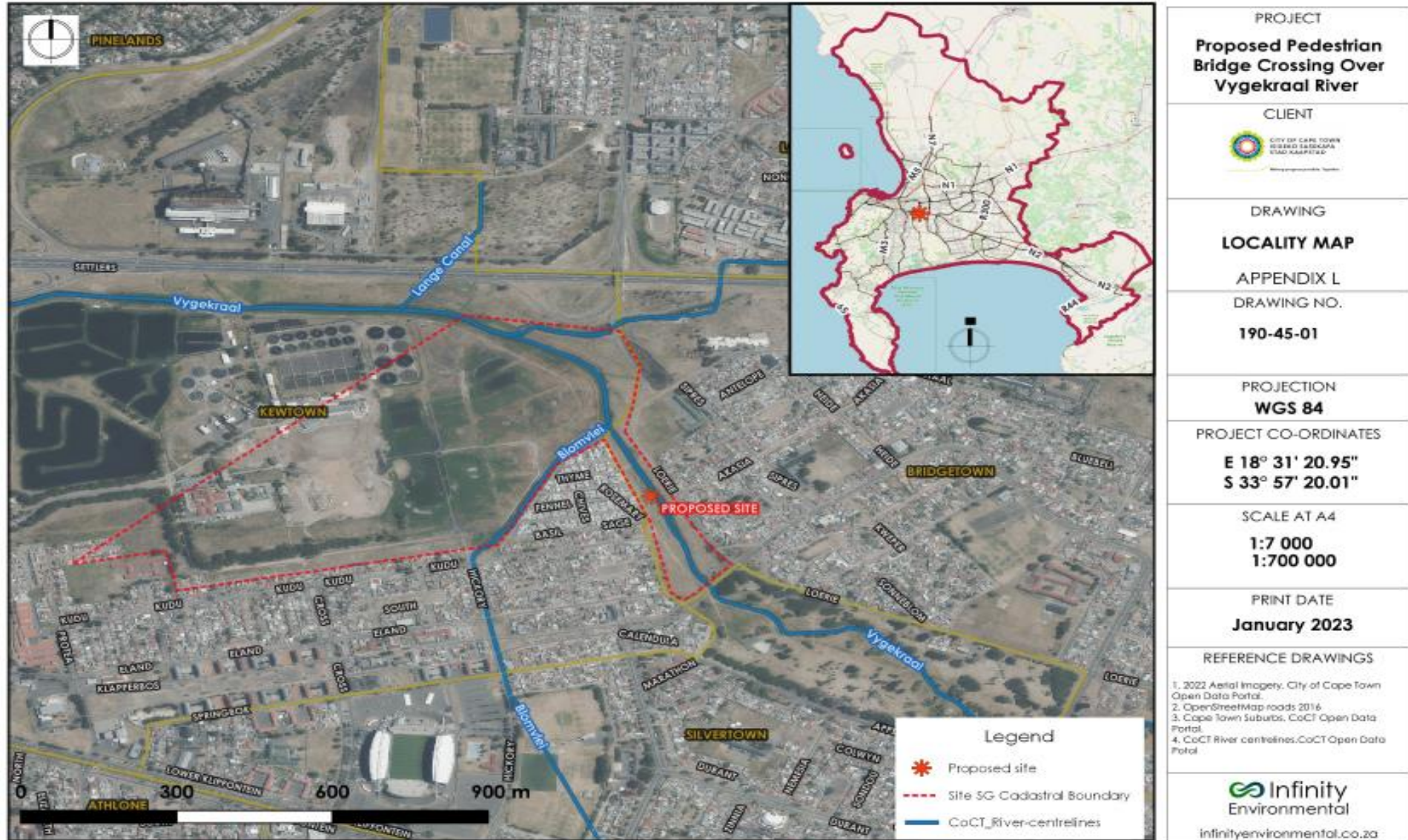
DATE OF DECISION: 02 JUNE 2023

Copies to: (1) Mr. A. Greenwood (City of Cape Town: ERM)
(2) Ms. K. Munamati (Infinity Environmental (Pty) Ltd)

Email: Andrew.Greenwood@capetown.gov.za
Email: kakale@infinityenv.co.za / info@infinityenv.co.za

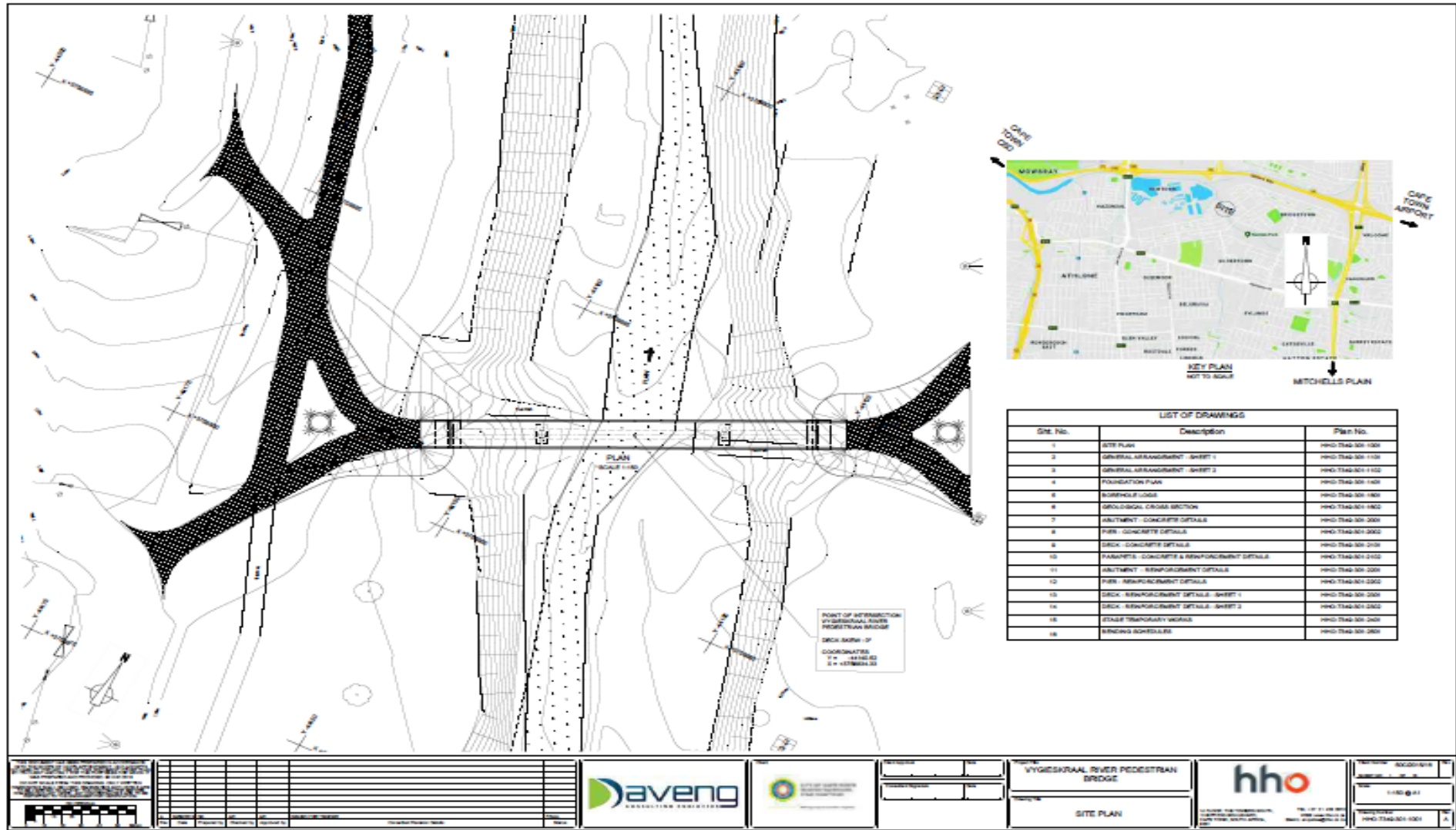
ANNEXURE 1: LOCALITY PLAN

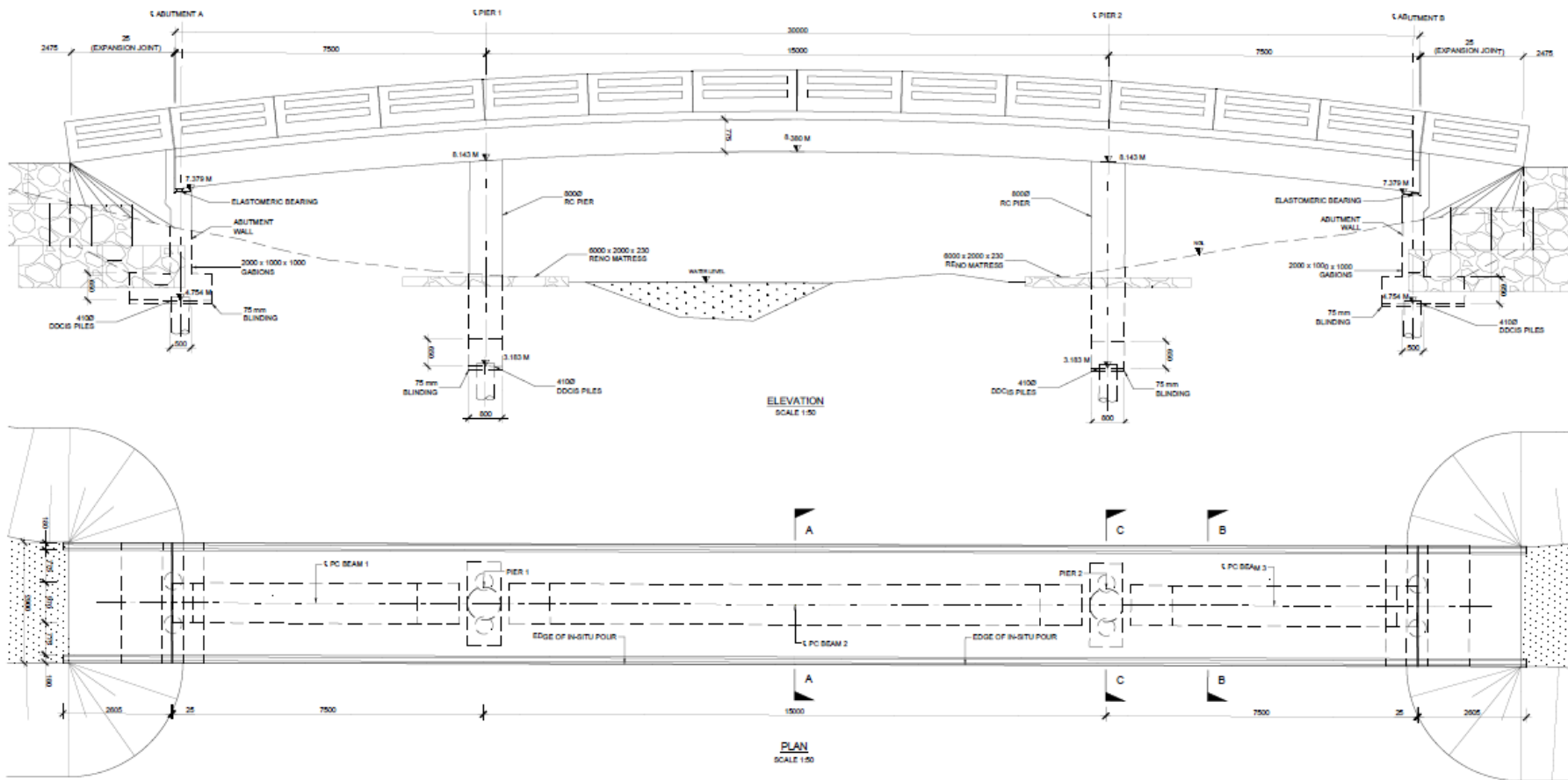
The proposed pedestrian bridge across the Vygekraal River on a portion of the Remainder of Erf 32604, Bridgetown.



ANNEXURE 2: SITE DEVELOPMENT PLANS

Site development plan of the proposed pedestrian bridge across the Vygekraal River on a portion of the Remainder of Erf 32604, Bridgetown.





GENERAL ARRANGEMENT NOTES

1. DESCRIPTION OF STRUCTURE

- THE BRIDGE IS A THREE SPAN REINFORCED CONCRETE OF SKEW DECK. THE DECK COMPRISES OF 3 CAMBERED STANDARD PRECAST (U) BEAMS, A CONTINUOUS CAST-IN-PLACE SLAB AND IS MONOLITHIC AT THE PIERS.
- FOUNDATIONS ARE ON 4100 DRIVEN DISPLACEMENT CAST-IN-SITU PILES.

2. DESIGN CRITERIA

2.1 DESIGN LOADING

- TMT PARTS 1, 2 (1988) AND 3 (1988) CODE OF PRACTICE FOR THE DESIGN OF HIGHWAY BRIDGES AND CULVERTS IN SOUTH AFRICA
- SUPPLEMENTARY ACTIONS WHERE APPLICABLE ARE IN ACCORDANCE WITH TMT1 - PARTS 1 & 2 (1988).

2.2 LOADING STATEMENT

- SELF WEIGHTS: REINFORCED CONCRETE 25.5 kN/m³
- SUPERIMPOSED DEAD LOAD EARTH BACKFILL 23.0 kN/m³
- ROAD SURFACING 23.0 kN/m³
- HORIZONTAL EARTH PRESSURE EARTH PRESSURE 14.0 kN/m²
- YIELDING ELEMENTS (SA) 1/3
- UNYIELDING ELEMENTS (SA) 1/2
- ANGLE OF INTERNAL FRICTION 30°

3. STRUCTURAL ANALYSIS PARAMETERS

- WALL FRICTION 20°
- LIVE LOAD PEDESTRIAN AND CYCLE TRACK 5kN/m²

3.1 METHOD OF ANALYSIS

- THE STRUCTURE HAS BEEN DESIGNED USING ELASTIC ANALYSIS AND THE LIMIT STATE APPROACH IN ACCORDANCE WITH TMT1.
- ANALYSES DONE WITH FRODOX 3D PLANE FRAME, GRILLAGE AND SOFISTK SOFTWARE.

3.2 DESIGN PARAMETERS

- YOUNG'S MODULUS CONCRETE (DMPA) 28000
- REINFORCING BARS 20000
- STRAIN LOADING SHRINKAGE 0.150 mm/m
- CREEP TEMPERATURE RANGE 22°C
- THERMAL EXPANSION COEFF. 0.012 mm/m/°C

4. MATERIALS

- PIERS AND ABUTMENTS FOUNDED ON DDCIS PILES ABOUT 12m BELOW FLE CAP LEVEL.

4.2 CONCRETE CLASS AND COVER

- SCREEN LAYERS 15 MPa (15mm)
- ABUTMENTS / PIERS 40 MPa (15mm (50mm COVER))
- PRECAST BEAMS 40 MPa (15mm (50mm COVER))
- DECK SLAB 40 MPa (15mm (50mm COVER))
- PRECAST PARAPETS 40 MPa (15mm (50mm COVER))

4.3 REINFORCEMENT

- ALL REINFORCEMENT SHALL BE GALVANIZED IN ACCORDANCE WITH SANS 121:2001 IN ADDITION TO COMPLYING WITH THE SANS 820:2011 SPECIFICATION.
- MILD STEEL R (fy = 250 MPa)
- HIGH TENSILE STEEL Y (fy = 450 MPa)

4.4 BEARINGS

- ELASTOMERIC SHORE A HARDNESS 60°
- ABUTMENTS A & B 200x150(2x40)

4.5 MOVEMENT JOINTS

- CONCRETE USING SILICONE SEALANT JOINT WITH MAXIMUM MOVEMENT CAPACITY OF 25MM.

5. CONSTRUCTION REQUIREMENTS

5.1 ARRISSES

- ALL VISIBLE CONCRETE CORNERS TO BE CHAMFERED: SUPERSTRUCTURE / PARAPETS 25 x 25 mm
- ALL OTHER EXPOSED CORNERS 20 x 20 mm

5.2 CONCRETE SURFACE FINISHES

- FORMED SURFACES: UNEXPOSED F1 (INNER SURFACE PC BEAM)
- EXPOSED F2 (OUTER SURFACE DECK SLAB)
- PARAPETS F3 (PRECAST ELEMENTS)
- UNFORMED SURFACES: DECK TOP U1
- EXPOSED U2
- BEARING PLINTHS U3

NO. 1	DATE	BY	CHKD	REVISION

DESIGNED BY	CHKD BY	DATE	SCALE
PREPARED BY	APPROVED BY	DATE	



Client Signature	Date
Contractor Signature	Date

PROJECT NO.
VYGIESKRAAL RIVER PEDESTRIAN BRIDGE

DATE: 2024/05/16

GENERAL ARRANGEMENT - SHEET 1

111, 117 ST. GEORGE'S
2 HERZOGS BULLVAAG,
8001 TOLKE, SOUTH AFRICA.

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ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 26 January 2023 and received by the Competent Authority on 30 January 2023 and the BAR and EMPr dated March 2023 and received by the Competent Authority on 24 March 2023;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the BAR dated March 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the boundaries of the proposed site (i.e. either end of the existing informal bridge) where the listed activity is to be undertaken on 16 February 2023;
- the placing of a newspaper advertisement in the 'Athlone News' on 15 February 2023;
- giving written notice to the occupiers of land adjacent to the site and 100m up and downstream of the proposed site where the listed activity is to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 14 February 2023;
- Making the draft BAR available to I&APs for public review from 16 February 2023 to 20 March 2023;
- A hard copy of the BAR was made available at the Bridgetown Public Library and electronically on the Environmental Assessment Practitioner's website.

Concerns raised by the City of Cape Town: Electricity Generation and Distribution Department and the City of Cape Town: Water & Sanitation (Technical Services) (in their correspondence dated 17 March 2023) with respect to the encroachment of the proposed development on existing electricity and sewer infrastructure were noted, respectively. It was, however, indicated that walkways are proposed over the infrastructure and would not jeopardize the integrity of any service infrastructure within proximity of the proposed development. It was further indicated that intrusive construction related activities of the four proposed column/pile foundation is within clearance of the service infrastructure and the location, demarcation, and protection of the existing service infrastructure will be ensured. Furthermore, support in favour of the proposed development is noted from various interested and affected parties.

All concerns raised by I&APs were responded to and addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

No site, property, activity, technology or operational alternatives were assessed as part of the environmental impact assessment process since alternatives were determined to be impractical as part of a formal feasibility assessment undertaken as part of the initial environmental impact assessment process. The preferred site is in response to existing desire lines, which demonstrate pedestrian preference in accordance with the findings of the feasibility study undertaken. The design of the preferred alternative has considered financial viability and the desired outcome of the proposed development. In light of the fact that the proposed development will replace the informal crossing, the proposed development is expected to alleviate and improved ecological, social and economic aspects in the surrounding environment.

The Preferred Alternative and the "No-Go" Alternative were therefore assessed as follows:

Preferred Alternative - herewith authorised

The Preferred Alternative entails the development of a raised concrete pedestrian bridge across the Vygekraal River on a portion of the Remainder of Erf 32604, Bridgetown. The proposed development will consist of a raised bridge extending from the top of the banks of the Vygekraal River approximately 2.9m wide. Four (4) supporting concrete columns / piers will be developed. Two columns / piers will be placed on either side of the banks of the river and two columns / piers will be located within the riverbed. The proposed development will result in the removal of approximately 20m³ of soil that will be stockpiled for rehabilitation purposes post construction phase.

Reinforced abutments will consist of stone pitching / gabion mattresses along either side of the channel and up and downstream of the proposed bridge. Reinforced abutments will be approximately 2m wide at the base with a height of approximately 1.975m. The approach slab will be approximately 2.5m wide. The abutments will have perforated drainage pipes and weepholes to ensure adequate drainage is in place.

Paving along either side of the bridge approach slabs to adjoin into existing sidewalks and street infrastructure with landscaping will be developed. Public lights will be installed on either end of the bridge for public safety purposes.

The total development footprint will be approximately 100m² in extent.

The proposed raised concrete pedestrian bridge across the Vygekraal Bridge was deemed the Preferred Alternative based on its suitability from a social feasibility perspective. The proposed development will replace the informal structure and provide safe and efficient access between two communities i.e. Kewtown and Bridgetown. The development of the proposed bridge is in support of the improvement and implementation of critical infrastructure within the urban areas of the City of Cape Town and is conducive to the non-motorised transport plan. Although the Preferred Alternative will result in the temporary impeding of the river (i.e. removal of 20m³ of soil), the long term economic and social benefits of the proposed development will facilitate municipal policies and improve the ecological quality of the watercourse. The proposed development is in line with Objectives 2 and 7 of the Western Cape Provincial Spatial Development Framework in that it contributes to the delivery of human development programs and basic needs programs wherever they are required; and promotes public and non-motorised transport. The preferred alternative was deemed to have potential negative impacts that can be mitigated to acceptable levels from a freshwater perspective.

"No-Go" Alternative

The "No-Go" alternative entails maintaining the "status quo", i.e. not developing a pedestrian bridge across the Vygekraal River on a portion of the Remainder Erf 32604, Bridgetown. Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the "No-Go" alternative was not preferred.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site has a split zoning. The eastern boundary of the proposed site is zoned for Transport (TR2) and the western boundary of the proposed site is zoned Public Open Space (OS2). The proposed development is therefore in line with the existing land-use rights of the proposed site.

An existing informal crossing comprising of sandbags, plastic crates and rubble is currently used to obtain immediate access between the Kewtown and Bridgetown communities, which is unsafe. A feasibility study (compiled by Sturgeon Consulting and dated July 2017) indicated that approximately 180 pedestrians were observed to make use of the informal crossing during a 12-hour period of which approximately 60 pedestrians were observed per hour during the peak AM period. It must be noted that approximately 75% of these users crossing the Vygekraal River were young learners during the peak AM and PM hours.

The proposed development therefore aims to provide safe access across the Vygekraal River. The preferred location of the bridge has been determined using existing pedestrian desire lines, which intersect at the informal crossing. The proposed development is in line with the various planning policies applicable to the area in terms of improved and safe accessibility and efficiency in transport modes. The proposed development further supports the equitable access principle for people with impaired mobility with the provision of convenient and dignified access to spaces. The proposed development is aligned with Objective 2 and 7 of the Provincial Spatial Development Framework, which emphasises the service delivery of human development and basic needs programmes where required and the promotion of public and non-motorised transport, respectively.

It must be noted that the proposed development of a formal pedestrian (non-motorised transport) bridge across the Vygekraal River was proposed in 2014 to address the safety concerns raised at the proposed site. An Environmental Authorisation (Ref. No. 16/3/1/1/A2/15/3120/14) was issued by this Department and has subsequently lapsed. As such, there is an urgent need to replace the informal crossing with a formalised structure (i.e. pedestrian bridge) for use as a non-motorised transport link to ensure adequate safety and security for the local community and to improve the quality of the instream and riparian habitat of the river system.

3.2. Freshwater Impacts

According to the Screening Report (dated 27 January 2023), the proposed site is located within a very high sensitivity area from an aquatic biodiversity perspective and has been verified by a freshwater specialist as indicated in April 2015 and February 2023, respectively.

Since a Freshwater Impact Assessment (compiled by The Freshwater Consulting cc and dated April 2015) was conducted as part of the previous application for environmental authorisation (Ref. No. 16/3/1/1/A2/15/3120/14), a comment from the freshwater specialist (compiled by Liz day Consulting and dated 14 February 2023) was obtained to verify the relevance of the findings of the initial assessment.

The specialist indicated that the current status of the proposed site is of poor ecological quality. The state of the Vygekraal River specific to the study area is channelized, degraded and in a permanently altered state. Consideration of the threat status of the south west Fynbos Valley Bottom Wetlands was disregarded given the overall water quality rating of Category F and the general habitat integrity rating of Category E. This demonstrates that no conservation priority criteria could be realistically met and that the proposed site is not envisaged for conservation contribution either.

The freshwater specialist indicated that the initial proposed alternatives assessed in 2015 were assessed to be of medium negative significance without mitigation and low to negligible significance with the implementation of mitigation measures. Similarly, the Preferred Alternative now proposed is deemed to not have any new impacts that were not previously assessed by the freshwater specialist in 2015 and confirmed that the overall potential impacts are deemed to be of low significance post mitigation.

The freshwater specialist has, however, provided recommendations with respect to the design of the bridge and construction related impacts. The design recommendation included the type of balustrade (i.e. reinforced concrete vs. steel (preferred by freshwater specialist)) was provided for the purpose of reducing potential impacts related to flood events of the river system, such as debris snagging resulting in bank destabilization, increase in sediment load and river degradation.

This recommendation was taken into consideration and was appropriately responded to by HHO Consulting Engineers (in their correspondence dated 15 February 2023). The response provided reasons as to why the reinforced concrete design is preferred by noting aspects such as, robustness, criminal desirability, longevity of structure and the raising of the deck profile to a curve above the adjacent shoulder levels for height clearance above the Vygekraal River. Construction related recommendations have been considered and included in the EMPr (dated March 2023).

Further, a General Authorisation (dated September 2015, Ref. No. 22132880) has been registered and issued by the Department of Water and Sanitation for the proposed water uses in terms of Section 21(c) and (i) of the National Water Act, 1998 (Act 36 of 1998), associated with the proposed development.

3.3. Dust, Noise and Visual Impacts

Dust, noise and visual impacts associated with the construction related activities of the proposed development are anticipated to be of low and of very low significance post mitigation. Potential dust, noise and visual impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

A positive impact on the visual aspect is anticipated since the informal crossing over the Vygekraal River will be aesthetically improved with formalised infrastructure as part of the proposed development.

3.4. Heritage impacts

The proposed development does not trigger any of the requirements in terms of Section 38 of the National Heritage Resources Act, 1999 (Act 25 of 1999). Therefore, no heritage impacts are anticipated, as confirmed with the comment provided by the City of Cape Town, Spatial Planning and Development Heritage Professional Environmental and Heritage Management Branch (in their correspondence 28 February 2023).

3.5. Socio-economic Impacts

The proposed development is anticipated to reduce safety concerns and improve non-motorised transport aspects within the area. The proposed development is expected to contribute to the social and economic aspects of the regional area by providing temporary employment relief during the construction phase.

The proposed development will not require any services post construction phase.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential freshwater impacts, increase in sediment load and disturbance to riverbed and banks; and
- Potential dust, noise and visual impacts during the construction phase.

Positive impacts include:

- Employment opportunities during construction of the proposed development;
- Improved visual impact;
- Improved ecological quality of the river system;
- Improved efficiency and safe accessibility across the Vygekraal River;
- Increase in non-motorised transport infrastructure; and
- Improved achievement of targets and objectives in accordance with IDP and MSDF.

National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“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.”*

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