

**REFERENCE:** 16/3/3/1/A3/20/2019/22  
**NEAS REFERENCE:** WCP/EIA/0001070/2022  
**DATE:** 13 DECEMBER 2022

The Municipal Manager  
City of Cape Town  
Private Bag X9181  
**CAPE TOWN**  
8000

**For Attention: Mr. Jaco Koen**

Per E-mail: [Jaco.Koen@capetown.gov.za](mailto:Jaco.Koen@capetown.gov.za)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED SEWER RISING MAIN, PUMP STATION AND ASSOCIATED INFRASTRUCTURE ON ERVEN 4569, 5109, 9091, 10031, 9212 AND 9971 AND THE REMAINDER OF ERVEN 5100, 5079, 23332, 14383, 13648, 5083, 5323, 18835, 21224, 9872, 29630, 10149, 979, 4187, 8364, 8373, 4225 AND 10161, GORDONS BAY**

1. With reference to the above application, this 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 Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

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

Copied to: (1) Mr. Bernardus Bosman (GNEC)  
(2) Ms. Euonell Visagie (GNEC)  
(3) Ms. Azanne Van Wyk (City of Cape Town)  
(4) Ms. Stephanie Coetzee (City of Cape Town)

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## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED SEWER RISING MAIN, PUMP STATION AND ASSOCIATED INFRASTRUCTURE ON ERVEN 4569, 5109, 9091, 10031, 9212 AND 9971 AND THE REMAINDER OF ERVEN 5100, 5079, 23332, 14383, 13648, 5083, 5323, 18835, 21224, 9872, 29630, 10149, 979, 4187, 8364, 8373, 4225 AND 10161, GORDONS BAY**

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 NEMA and the EIA Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the Listed Activities specified in section B below with respect to the Preferred Activity Alternative, described in the final Basic Assessment Report ("BAR"), dated 28 August 2022.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the Competent Authority hereby **adopts the final River Maintenance Management Plan ("RMMP")**, dated 29 August 2022 for the proposed the ongoing maintenance of the sewer rising main located within the affected watercourses.

The applicant for this Environmental Authorisation ("EA") is required to comply with the conditions set out in section E below.

### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

City of Cape Town  
C/O Mr. Jaco Koen  
Private Bag X9181  
**CAPE TOWN**  
8000

Per E-mail: [Jaco.Koen@capetown.gov.za](mailto:Jaco.Koen@capetown.gov.za)

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12 Activity Description: “The development of—</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</li> <li>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</li> <li>(dd) where such development occurs within an urban area;</li> <li>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</li> <li>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.”</li> </ul>	<p>Portions of the sewer rising main pipeline will traverse the Soet River System and the southern portion of the said route will be located within 32m of seep and depression wetlands located near the Gordons Bay Waste Water Treatment Works (“WWTW”).</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19 Activity Description: “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;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> <li>(a) will occur behind a development setback;</li> <li>(b) is for maintenance purposes undertaken in</li> </ul>	<p>Portions of the sewer rising main pipeline will traverse the Soet River System and the southern portion of the said route will be located within 32m from seep and depression wetlands located near the Gordons Bay WWTW.</p> <p>The southern portion of the sewer rising main route will be located in between an existing flood diversion berm and a trench.</p>

<p><i>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>	
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The abovementioned list is hereinafter referred to as "the Listed Activities".

The holder is herein authorised to undertake the following alternative that includes the Listed Activities relating to the proposed sewer rising main, pump station and associated infrastructure on Erven 4569, 5109, 9091, 10031, 9212 and 9971 and the remainder of erven 5100, 5079, 23332, 14383, 13648, 5083, 5323, 18835, 21224, 9872, 29630, 10149, 979, 4187, 8364, 8373, 4225 and 10161, Gordons Bay, comprising:

- The construction and installation of a sewer rising main measuring approximately 7 780m in length and an approximately 700mm to 800mm in diameter;
- The upgrading of the existing inlet works;
- The construction of a sewer pump station, which will utilise the existing inlet works; and
- The construction of an approximately 1000 kilovolt-ampere ("kVA") transformer.

All works including the pump station and rising sewer main will have throughflow capacity of approximately 630 litres per second ("l/s").

The sewer rising main will specifically located between the existing Gordons Bay WWTW to the south and the Sir Lowry's Pass Outfall Sewer near the Lourens River to the north.

The new pump station will be constructed at the Gordons Bay WWTW where the sewer rising main starts and will tie into the Sir Lowry's Pass Outfall Sewer, located approximately 45m from the banks of the Lourens River.

Access to the site will be gained from the existing road reserves.

Access to the southern portion of the development site will be gained from St Andrews Drive.

Open trench method or microtunneling methods will be used, depending on the favorable subsoil conditions.

The footprint of the proposed sewer rising main will measure approximately 6 224m<sup>2</sup>.

### C. SITE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on Erven 4569, 5109, 9091, 10031, 9212 and 9971 and the Remainder of Erven 5100, 5079, 23332, 14383, 13648, 5083, 5323, 18835, 21224, 9872, 29630, 10149, 979, 4187, 8364, 8373, 4225 and 10161, Gordons Bay.

The SG 21-digit codes are:

Erf 4569	C06700100000456900000
Erf 5109	C06700230000510900000
Erf 9091	C06700230000909100000
Erf 10031	C06700230001003100000
Erf 9212	C06700230000921200000
Erf 9971	C06700230000997100000
Remainder of Erf 5100	C06700230000510000000
Remainder of Erf 5079	C06700230000507900000

Remainder of Erf 23332	C06700230002333200000
Remainder of Erf 14383	C06700230001438300000
Remainder of Erf 13648	C06700230001364800000
Remainder of Erf 5083	C06700230000508300000
Remainder of Erf 5323	C06700230003532300000
Remainder of Erf 18835	C06700230001883500000
Remainder of Erf 21224	C06700230002122400000
Remainder of Erf 9872	C06700230000987200000
Remainder of Erf 29630	C06700230002963000000
Remainder of Erf 10149	C06700230001014900000
Remainder of Erf 979	C06700000000097900000
Remainder of Erf 4187	C06700230000418700000
Remainder of Erf 8364	C06700230000836400000
Remainder of Erf 8373	C06700230000837300000
Remainder of Erf 4225	C06700230000422500000
Remainder of Erf 10161	C06700230001016100000

The co-ordinates for the rising sewer main are:

	<b>Latitude (S)</b>	<b>Longitude (E)</b>
<b>Starting point of rising sewer main</b>	34° 8' 30.63" South	18° 52' 25.26" East
<b>Middle point of rising sewer main</b>	34° 7' 20.76" South	18° 50' 59.00" East
<b>End point of rising sewer main</b>	34° 5' 39.59" South	18° 50' 16.07" East

The co-ordinates for the pump station are:

	<b>Latitude (S)</b>	<b>Longitude (E)</b>
<b>Pump Station</b>	34° 8' 30.58" South	18° 52' 24.75" East

Refer to **Annexure 1**: Locality Plan.

Refer to **Annexure 2**: The sewer rising main sections and the layout for pump station.

The above-mentioned properties are hereinafter referred to as "**the site**".

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Guillaume Nel Environmental Consultants  
C/O Ms. Euonell Visagie  
P. O. Box 2632  
**PAARL**  
7620

Tel.: (021) 870 1874

E-mail: [eg@gnec.co.za](mailto:eg@gnec.co.za) / [intern1@gnec.co.za](mailto:intern1@gnec.co.za)

#### **E. CONDITIONS OF AUTHORISATION**

##### **Scope of authorisation**

1. The holder is authorised to undertake the Listed Activities specified in Section B above in accordance with and restricted to the Preferred Activity Alternative described in Section B above.
2. The holder must commence with, and conclude, the Listed Activities 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 Activities.
  - b) A period of ten (**10**) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing 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 approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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 written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
  - 5.1. The notice must make clear reference to the site details and the route of the sewer rising main and EIA Reference number given above.
  - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 9 and 12

#### **Notification of Environmental Authorisation 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 decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 4;
    - 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 G below;
  - 6.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4. Provide the registered I&APs with the:
    - 6.4.1. name of the holder (entity) of this Environmental Authorisation;
    - 6.4.2. name of the responsible person for this Environmental Authorisation;
    - 6.4.3. postal address of the holder;
    - 6.4.4. telephonic and fax details of the holder;

- 6.4.5. e-mail address, if any, of the holder; and
- 6.4.6. 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 Appeals Regulations, 2014 (as amended).

### **Commencement**

- 7. The Listed Activities, including site preparation, must not be commenced with within (20) twenty calendar days from the date the applicant notifies the registered I&APs of this decision.
- 8. 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.

### **Management of Activity**

- 9. The draft Environmental Management Programme ("EMPr") dated 29 August 2022, (submitted as part of the final BAR on 29 August 2022), is hereby approved, subject to the following documents being appended to the EMPr, and submitted to this Department prior to the commencement of the construction phase:
  - 9.1. A Spring Survey Plan, inclusive of the methods of translocation, compiled by a suitably qualified botanist or horticulturist. The said Plan must have been submitted to the City of Cape Town's Environmental and Heritage Resource Branch and CapeNature for comment prior to being appended to the EMPr.
  - 9.2. The Traffic Accommodation Plan. The said Plan must have been submitted to the City of Cape Town for comment prior to being appended to the EMPr.
  - 9.3. The Chemical Spill Procedures. The said Plan must have been submitted to the City of Cape Town for comment prior to being appended to the EMPr.
  - 9.4. A Stormwater Management Plan approved by the relevant authority.
- 10. The RMMP, adopted as part of this Environmental Authorisation must be implemented.
- 11. Environmental Authorisation, EMPr and RMMP must be included in all contract documentation for all phases of implementation.

### **Monitoring**

- 12. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of the construction phase.
- 13. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the construction phase and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
- 14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.



## Auditing

15. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
16. The audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
  - 16.1. An audit report must be submitted to the Competent Authority within **six (6) months** of the commencement of the construction phase; and
  - 16.2. A final audit report must be submitted within **three (3) months** of the proposed development being completed.
17. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.
18. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

## Specific conditions

19. Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; 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.

20. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
22. The construction footprint must be demarcated prior to the commencement of construction activities. All areas outside the construction footprint must be demarcated as "no-go" areas.
23. The following botanical requirements must be complied with:
  - 23.1. Disturbance in the southern section of the route, in close proximity to highly degraded area, must be kept to a minimum; and



- 23.2. Construction must take place during the dry season, *i.e.*, between November and April, when bulbs will not be actively growing and will be less sensitive to disturbance.

## **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 Activities.
2. Non-compliance with any Condition of this Environmental Authorisation, or the provisions of the EMPr and RMMP may render the holder liable for criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for the Listed Activities, 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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:

Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (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 twenty (20) 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 twenty (20) 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 twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to 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: Attention: Mr. Marius Venter (Tel.: 021 483 2659)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority at the address listed above and/or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from 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>.

## 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

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

**DATE OF DECISION: 13 DECEMBER 2022**

Copied to: (1) Mr. Bernardus Bosman (GNEC)  
(2) Ms. Euonell Visagie (GNEC)  
(3) Ms. Azanne Van Wyk (City of Cape Town)  
(4) Ms. Stephanie Coetzee (City of Cape Town)

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**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE:** 16/3/3/1/A3/20/2019/22  
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**ANNEXURE 1: LOCALITY MAP (ILLUSTRATING THE SEWER RISING MAIN ROUTE)**



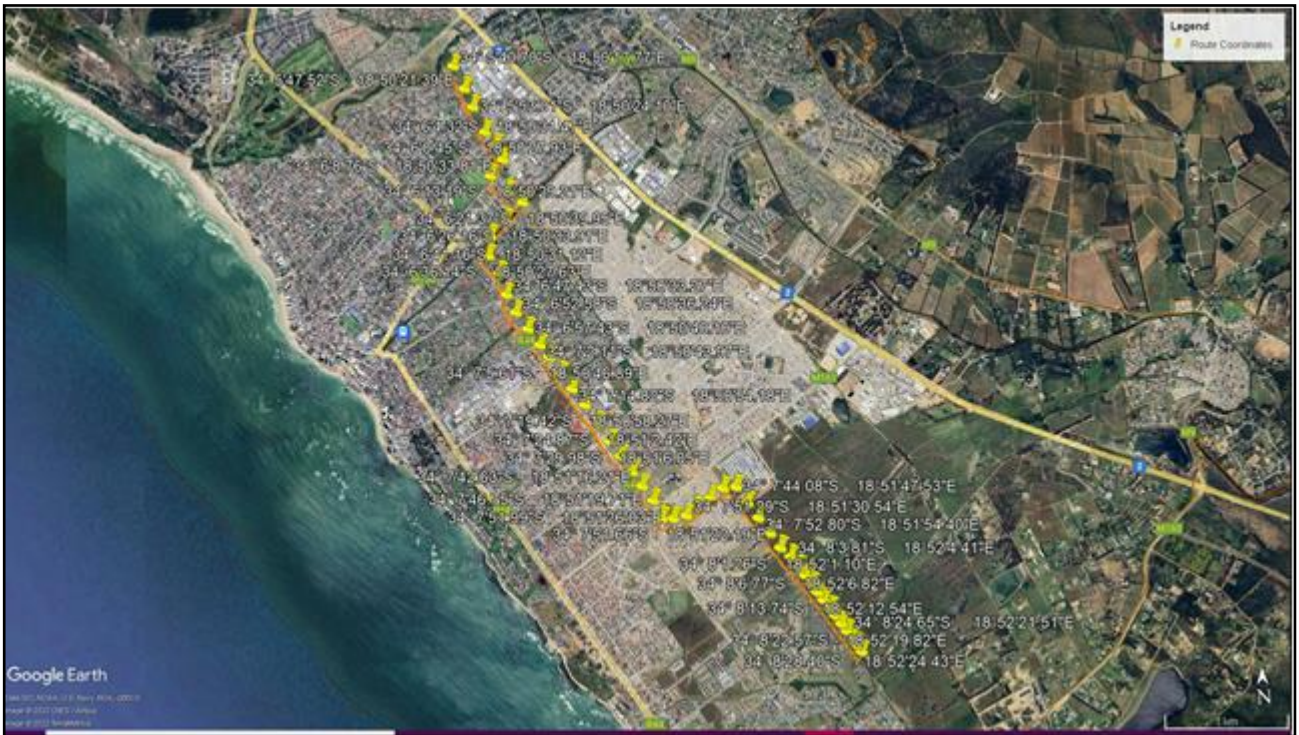


**ANNEXURE 2: THE SEWER RISING MAIN SECTIONS AND THE LAYOUT FOR THE PUMP STATION**





### ANNEXURE 3: ROUTE COORDINATES



## ANNEXURE 4: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form (dated 25 March 2022), the Final BAR (dated 28 August 2022), the RMMP (dated 29 August 2022), the EMPr (dated 29 August 2022), and the additional information received on 24 November 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visit was 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 that were considered to be the most significant for the decision, is set out below.

### 1. Public Participation

The Public Participation Process ("PPP") included:

- Identification of and engagement with I&APs;
- Fixing notice boards at the beginning, middle and end points along the sewer rising main route on 14 April 2022;
- The placing of an advertisement in the 'Distrikspos' Newspaper on 4 May 2022;
- Giving written notice to potential I&APs, owners, interest groups and occupiers of land adjacent to the site, the Municipality, Organs of State and State Departments having jurisdiction in respect of any aspect of the activity on 6 May 2022;
- Background Information Documents were hand delivered to residents and farm owners within a 100m radius of the sewer rising main route on 6 May 2022;
- Fixing additional notice boards at the locations of the proposed watercourse crossings, along the sewer rising main route, at accessible locations, and on information boards and at local supermarkets on 6 May 2022;
- Distributing Executive Summaries to I&APs on 6 May 2022;
- Making the Draft BAR available on the website of Guillaume Nel Environmental Consultants ([www.gnec.co.za](http://www.gnec.co.za)) on 6 May 2022;
- Placing a hard copy of the draft BAR at the Gordon's Bay Public Library on 6 May 2022;
- Making the draft BAR available to I&APs for comment from 6 May 2022 to 8 June 2022; and
- Making the revised draft BAR available for comment from 20 July 2022 to 19 August 2022.

This Department is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the comments and responses report.

Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address any significant concerns raised.

### 2. Alternatives

Various Route Alternatives were considered, those which were not deemed feasible and reasonable were scoped out of further assessment due to, *inter alia*, the requirement for significant road surface rehabilitation and traffic accommodation, negative impact on recent upgrades to existing roads and road reserves (particularly the recently upgraded Broadway Boulevard), the loss of entire road reserves, a lack of capacity within road reserves already utilised for existing service infrastructure, the requirement to obtain additional permits for

provincial roads (N2 National Road), and the costs associated with the various route alternatives.

Design Alternatives were also considered. In terms of installing the sewer rising main, two construction methods for the crossing of the watercourses were considered. If the sub-soil conditions are found favourable to allow the use of trenchless installation method, the sewer rising main will be installed by means of microtunneling. Alternatively, if the subsoil conditions are not appropriate for the microtunneling process, open trenching will be used. The preferred alternative in this regard therefore depends on the sub-soil conditions to be revealed during the construction phase.

#### Preferred Route Alternative (Preferred by the Applicant)

The Preferred Route Alternative entails the sewer rising main being routed across Erven 4569, 5109, 9091, 10031, 9212 and 9971 and the Remainder of Erven 5100, 5079, 23332, 14383, 13648, 5083, 5323, 18835, 21224, 9872, 29630, 10149, 979, 4187, 8364, 8373, 4225 and 10161, Gordons Bay.

The description of Route Alternative 1 is, as follows:

- The sewer rising main route starts at the Gordons Bay WWTW in the south, where the new pump station is proposed;
- From the Gordons Bay WWTW, the said route will run north-easterly along the western border of Erf 5109, Gordons Bay and the Remainder of Erf 5100, Gordons Bay. The said route will then run parallel to the Trappies Sewer between the existing and future flood diversion berm. The said route traverses three (3) wetland areas opposite Fairview Golf Village. The diversion berm will only be extended to the edge of the Remainder of Erf 5100, Gordons Bay and the said route will run northwards on the Remainder of Erf 5100, Gordons Bay;
- At the north-eastern corner of the Fairview Golf Village, the said route enters an existing road reserve until it turns in a south-western direction into Bosduif Street and follows Bosduif Street into Broadway Boulevard;
- The said route then runs to the north on the western side of the Broadway Boulevard, crossing Broadlands and Onverwacht Road (a stormwater channel crossing will take place between these two roads);
- The said route continues in a northerly direction in the road reserve of Broadway Boulevard and crosses two watercourses between Onverwacht Road and George Road. The said route proceeds to run parallel to the Morkels Cottage Conservation area, and outside of the western boundary of the said Conservation Area. From George Road, the said route continues to follow Broadway Boulevard after it crosses Altena Road;
- The said route then crosses Broadway Boulevard before the railway bridge, next to the existing siphon and follows the open space on the eastern side of Broadway Boulevard until it reaches the railway line;
- The said route then runs east within the rail reserve boundary until it joins Boschendal Road;
- The said route will follow Boschendal Road up to the dead-end, where the said route will turn north-westerly and cross the railway reserve up to Kleinbossie Lane;
- The said route crosses Kleinbossie Lane and enters Arnold Street;
- At the end of Arnold Street, the said route crosses Main Road, passes the skateboard-park and enters the Strand High School property;
- Once inside the Strand High School property, the said route turns north-easterly again, exiting the Strand High School property at Aerodrome Way;
- The said route crosses Aerodrome Way, passing the existing residential properties on the left. The said route then turns north-westerly;
- When the said route reaches Jameson Street, it turns into Jameson Street and continues up to the intersection of Jameson and Algoa Streets; and
- The said route then follows Algoa Street up to De Ruyter Drive, where it leaves the road reserve and discharges into the Sir Lowry's Pass Outfall Sewer.



Route Alternative 1 is preferred, based on the following reasons:

- The said route allows for adequate working width for laying a large diameter pipeline during the construction phase;
- The static head of the said route allows for adequate pumping equipment, which is cost effective;
- The said route will avoid crossing, or running parallel to, major existing services as well as avoid severe traffic disruption due to lane closures;
- Most of the said route will be located within existing road reserves and servitudes;
- The said route makes use of approved flood diversion infrastructure within the Sir Lowry's Pass River floodplain on Erf 5109, Gordon's Bay, where seep and depression wetlands are located; and
- The said route will be run into an approximately 20m wide green belt, specifically set aside for service infrastructure located north of the Gordons Bay WWTW and adjacent to the Fairview Golf Estate.

#### Activity Alternative (Preferred by the Applicant and Herewith Authorised)

The Preferred Activity Alternative comprises the following:

- The construction and installation of a sewer rising main measuring approximately 7 780m in length and an approximately 700mm to 800mm in diameter;
- The upgrading of the existing inlet works;
- The construction of a sewer pump station, which will utilise the existing inlet works; and
- The construction of an approximately 1000 kilovolt-ampere ("kVA") transformer.

All works including the pump station and rising sewer main will have throughflow capacity of approximately 630 litres per second ("l/s").

The sewer rising main will specifically located between the existing Gordons Bay WWTW to the south and the Sir Lowry's Pass Outfall Sewer near the Lourens River to the north.

The new pump station will be constructed at the Gordons Bay WWTW where the sewer rising main starts and will tie into the Sir Lowry's Pass Outfall Sewer, located approximately 45m from the banks of the Lourens River.

Access to the site will be gained from the existing road reserves.

Access to the southern portion of the development site will be gained from St Andrews Drive.

Open trench method or microtunneling methods will be used, depending on the favorable subsoil conditions.

The footprint of the proposed sewer rising main will measure approximately 6 224m<sup>2</sup>.

This is the Preferred Activity Alternative, as the development is required due to the rapidly growing urban population of Gordon's Bay and surrounds. As such, the current capacity of the Gordons Bay WWTW is insufficient to treat current and future sewer flows. The proposed development aims to alleviate hydraulic loading on the Gordons Bay WWTW.

#### 'No-Go' Alternative (Rejected by the Applicant)

The 'No-Go' Alternative entails maintaining the status quo, *i.e.*, no installation of the sewer rising main and associated infrastructure. The 'No-Go' Alternative was rejected, as it would have the following negative socio-economic impacts:

- The City of Cape Town (Gordon's Bay Region) will not be able to cope with the urban expansion and the service infrastructure it demands;
- The continuous use of sub-standard infrastructure will increase the risk of leakages; and
- The development potential in the areas identified for the City of Cape Town's future expansion needs will decrease.

### 3. Impact Assessment and Mitigation Measures

#### 3.1 Need and Desirability

The proposed development is needed, as the current capacity of the Gordon's Bay WWTW is insufficient to treat current and future sewer flows due to the rapidly growing urban population within Gordon's Bay and surrounds. The proposed pump station and rising sewer main will alleviate hydraulic loading on the Gordon's Bay WWTW and at the time contribute towards meeting the growing demand for bulk sewerage infrastructure in the Helderberg Region.

The development proposal is for the City of Cape Town to convey the surplus flows to the Macassar WWTW instead of upgrading the existing GBWWTW to accommodate the anticipated growth in sewage yield from the catchment. The proposed development will therefore align with the City of Cape Town's future wastewater management strategy, which aims to consolidate sewage flows from different catchments into larger regional wastewater treatment facilities in order to maximise operational efficiency.

#### 3.2 Regional/Planning Context

The affected properties are zoned, as follows:

Erf 4569	Utility
Erf 5109	Rural
Erf 9091	Open Space II
Erf 10031	Community I
Erf 9212	Open Space II
Erf 9971	Single Residential
Remainder of Erf 5100	Agriculture
Remainder of Erf 5079	Transport Zone II
Remainder of Erf 23332	Transport Zone II
Remainder of Erf 14383	Transport Zone II
Remainder of Erf 13648	Transport Zone II
Remainder of Erf 5083	Transport Zone II
Remainder of Erf 5323	Transport Zone II
Remainder of Erf 18835	Transport Zone II
Remainder of Erf 21224	Transport Zone II
Remainder of Erf 9872	Transport Zone II
Remainder of Erf 29630	Transport I
Remainder of Erf 10149	Transport II
Remainder of Erf 979	Transport II
Remainder of Erf 4187	Utility
Remainder of Erf 8364	Transport II
Remainder of Erf 8373	Transport II
Remainder of Erf 4225	Transport II
Remainder of Erf 10161	Transport II

The applicable planning applications will be submitted to the relevant authority in order to permit the development.

The proposed development falls within the urban edge of the City of Cape Town and aims to be in line with the overall strategic objective of providing adequate infrastructure and service in terms of water and sanitation. The development proposal comprises of a new sewage pump station on the grounds of the existing Gordon's Bay WWTW and a rising main sewer pipeline to transport the sewage from the Gordon's Bay WWTW to the Sir Lowry's Pass Outfall Sewer situated adjacent to the Lourens River. The Sir Lowry's Pass Outfall Sewer drains a large portion of Somerset West and Strand and discharges into the Helderberg sewer. The sewage will then flow to the Helderberg Sewer Pump Station from where it will be pumped to the Macassar WWTW for treatment.

### 3.3 Biophysical Impacts

The Botanical Compliance Statement (compiled by Capensis and dated March 2022) confirms that the said route is mostly transformed and that no important species or habitats occurs within the development footprint of the said route and pump station. No Species of Conservation Concern ("SCC") were found within the proposed development footprint.

The sewer rising main will run adjacent to the Morkels Cottage Conservation Area, in the Broadway Boulevard road reserve. As such, there will be no direct impact on the said Conservation Area. No identified botanically/ecological sensitive areas will be lost as a result of the proposed development. The said route will therefore be of a very low sensitivity from a botanical perspective.

The mitigation measures proposed by the botanical specialist professional have been made conditional to this Environmental Authorisation and included in the EMPr.

### 3.4 Aquatic Impacts

The proposed development will affect three (3) areas of freshwater ecological significance. The first are wetland areas located north of the Gordons Bay WWTW within the first 1.8km of the said route. The second area is located within the built-up area of Strand, where the sewer rising main will traverse the Soet River system. The third area is the Lourens River.

The wetland areas located north of the Gordons Bay WWTW are highly disturbed by historical land uses. Only a few areas in the floodplain have conservation importance and are of moderate ecological importance. The present ecological state of the wetlands can be described as 'moderately modified'. It was determined that the impact on these wetland areas will be of low to medium negative significance with the implementation of mitigation measures.

The Soet River System is seriously modified and in a very poor ecological condition due to anthropogenic factors, such as sewerage and plastic pollution. It was determined that the impact on the Soet River System will be of low to medium negative significance with the implementation of mitigation measures.

The Lourens River has a present ecological state that is largely modified with an ecological significance rating of high and an ecological sensitivity of high. It was determined that with the implementation of mitigation measures, the impacts can be reduced to low-medium significance.

An RMMP was compiled to address routine maintenance activities taking place within the affected watercourses and associated aquatic systems.

All of the relevant mitigation measures contained in the Freshwater Impact Assessment Report (compiled by DDK Consulting and dated July 2022) have been included in the EMPr approved as part of this Environmental Authorisation. The potential impacts on water resources that may result from the proposed development will be further mitigated by the implementation of the conditions of this Environmental Authorisation and the RMMP.

### 3.5 Visual Impacts/Sense of Place

The proposed development will have a negative impact on the sense of place and visual character during the construction phase. This will, however, be temporary and managed in accordance with standard provisions of the EMPr. Since the sewer rising main will be installed underground, no further negative visual impacts are expected during the operational phase. Furthermore, relevant provisions in the EMPr requires that

the site and affected areas be suitably rehabilitated after the construction activities have been concluded.

### 3.6 Heritage Impacts

No sensitive heritage resources were identified on the site to be affected by the proposed development. It is indicated in the correspondence from Heritage Western Cape ("HWC") (dated) that there is no reason to believe that the proposed development will impact on heritage resources.

The correspondence from Heritage Western Cape (dated 11 November 2021), confirmed that no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. Heritage Western Cape confirmed in a follow-up correspondence (of 9 June 2022) that their original comments remains the same.

Additionally, the applicant will comply with Conditions 19 and 20 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered along the said route.

### 3.7 Nuisance

The proposed development will have a negative impact on the local area during the construction phase in terms of increased levels of traffic/construction vehicles, noise and dust. This will however be short-term, temporary and managed in accordance with standard provisions of the EMP. Given the nature of the proposed development, no nuisance related impacts are expected during the operational phase.

### 3.8 Socio-economic Impacts

The proposed development aims to create employment opportunities during the construction phase. The proposed development further aims to provide much needed bulk sewerage infrastructure for the provision of water and sanitation services to the Helderberg Region.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Construction related impacts, such as dust, noise and visual intrusion during the construction phase.
- Potential impacts on the aquatic systems being traversed by the installation of the sewer rising main pipeline.

Positive Impacts include:

- The provision of essential sewerage service infrastructure needed for current- and future development in the Helderberg Region of the City of Cape Town.
- The creation of temporary employment opportunities during the construction phase and skills acquisition.

## 4. 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.

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the authorised Listed Activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the Listed Activities can be mitigated to acceptable levels.

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