



The EAP
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RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE MACASSAR WASTEWATER TREATMENT WORKS, CAPACITY EXTENSION AND ASSOCIATED INFRASTRUCTURE REFURBISHMENT, WESTERN CAPE.

Good day Madam,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned draft basic assessment report received on 30 October 2024, refers.

1. LEGISLATIVE CONTEXT

- 1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".
- 1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The Western Cape Provincial Coastal Management Programme ("WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the

Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and is available upon request.

- 1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans.
- 1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.

2. COMMENT

- 2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:
 - 2.1.1. According to the draft BAR, the Department issued an environmental authorisation ('EA') to the City of Cape Town ('CCT') on 07 July 2016 approving the upgrade and expansion of the Macassar Wastewater Treatment Works ('WWTW') and associated infrastructure. However, due to time lapsed with implementation of the EA, new design engineers have been appointed to finalise the detailed design. It is further noted that the design engineers have identified alternative technology options that will enable the WWTW to run more efficiently and improve the quality of effluent being discharged into the estuary. An application is being made to amend the previous EA dated 07 July 2016 to include the new project description. Apart from rapid urbanisation, the Macassar WWTW is not able to treat wastewater adequately resulting in poor effluent quality being discharged into the Eerste River. The CCT has therefore prioritised the upgrade of the Macassar WWTW to address the poor quality of effluent being discharged. The CCT also proposes electrical infrastructure as part of the refurbishment of the WWTW, the proposed electrical infrastructure will supply the Macassar WWTW with power, sourcing it from the nearest Eskom substation.

- 2.1.2. It is noted that the proposed site is considered a brownfield site with some of the new proposed infrastructure to be located on open areas within the cadastral boundaries of the Macassar WWTW. The applicant adequately identified the subject area in relation to critical biodiversity and ecological support areas in accordance with the Western Cape Biodiversity Spatial Plan, 2017 as well as the management objectives of these areas. The applicant also highlighted the significance of the Lower Eerste River, the Eerste River Estuary as well as the wetlands associated with the estuary.
- 2.1.3. It is noted on page 33 of the draft BAR that the applicant did not indicate the proposed development in relation to the intention/purpose of the NEM: ICMA. Be advised that the CCT undertook proactive measures with the intent to address a multitude of growing pressures along its coastline by delineating a coastal urban edge along the City's coastline in terms of the requirements for coastal management lines in terms of the NEM: ICMA. The MEC for Local Government, Environmental Affairs & Development Planning formally established the CCT's Coastal Urban Edge as the CCT coastal management line ("CML") in terms of Section 25 of the NEM: ICMA on 19 March 2021. The entire existing and proposed development is located seaward of the CCT Coastal Urban Edge/CML, however, the SD: CM notes the nature of the development warrants its placement seaward of the CCT's Coastal Urban Edge as it forms part of essential services.
- 2.1.4. The site is also within the Coastal Protection Zone ('CPZ') as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 should be considered by local authorities for land use decision making.
- 2.1.5. It is noted that the Macassar WWTW is currently operating in terms of a water use licence dated 21 July 2011 which allows for the treated wastewater to be discharged into the Kuils/ Eerste River and the current WULA amendment is to increase the amount of water to be released annually into the Eerste River and a request for relaxation of the effluent criteria for phosphate. The draft BAR further states that due to the existing discharge of treated wastewater from the Macassar WWTW into the Eerste River, the estuary has already been considerably altered and thus the expected impact of an upgrade to this WWTW is likely to be less significant but the proposed increase in the volume of discharge is nevertheless substantial. The proposed upgrades to the WWTW is anticipated to result in an improvement of the existing water quality situation in the Eerste River Estuary.

- 2.1.6. The applicant referenced that in the National Biodiversity Assessment for Estuaries (2011) the Eerste River Estuary should be given a high priority for rehabilitation due to the poor condition of the estuary as the estuary is located within a Marine Protected Area. It is noted that the relevant Estuarine Management Plan for the Eerste River Estuary has also been considered.
- 2.1.7. The proposed upgrade and associated works align with Priority Area 5 of the Western Cape Provincial Coastal Management Programme (2022-2027) which aims to minimise the impacts of pollution on the coastal environment, through the promotion of appropriate mechanism to alleviate potential pollution and improvement of the water quality of the estuary. In this regard, the SD: CM supports any pollution control- and waster management interventions in order to prevent, minimise and strictly control harmful discharges into coastal ecosystems with appropriate monitoring measures, provided there are no significant changes to the sea water temperature.
- 2.1.8. In terms of the map indicating the route of the proposed electrical infrastructure on page 30 of the draft BAR, it is noted that the construction of the proposed electrical infrastructure is not a major concern from an environmental perspective due to the existing disturbed areas, however it is a matter of concern from a social perspective. The residents of Ward 109 have been negatively impacted upon in recent years by various upgrades to roads, traffic signals as well as development of new residential areas in Ward 109. During these various upgrades, contractors on different occasions have damaged underground electrical cables that consequently caused major power outages for lengthy periods of times especially throughout 2023 and 2024 – negatively impacting the local residents. Additionally, with the intention to link the proposed cables to the nearest Eskom substation, which is already so fragile, there should be proper mitigation measures in place to ensure there will be no collapse of the said substation and infrastructure. Furthermore, it is imperative that should the proposed upgrades be authorised there must be strict conditions stipulating that only accredited and qualified contractors be appointed to undertake the installation of the new proposed electrical infrastructure to ensure that residents of Ward 109 is not negatively impacted upon during the construction and operational phases of the proposed upgrades.
- 2.1.9. Based on the information provided, the SD: CM does not object to the proposed upgrades to the existing Macassar WWTW, provided that all the above mentioned items are considered and all relevant mitigations measures as stipulated in the Draft Environmental Management Programme and Maintenance Management Plan are strictly adhered to.
3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...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..."
together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.

4. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.

Yours faithfully

**leptieshaam
Bekko**

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CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT
DATE: 26 November 2024