

The Municipal Manager
P O Box 134
East London
5200

**BUFFALO CITY METRO
MUNICIPALITY**

2023 -03- 08

MUNICIPAL MANAGERS OFFICE

Dear Sir

INPUT INTO THE IDP/BUDGET FOR 2023/2024 FINANCIAL YEAR

We hereby submit the following input into the IDP/Budget for the 2023/2024 financial year in terms of Section 29(1)(b)(ii) " The local community to be consulted on its development needs and priorities" and (ii) " The local community to participate in the drafting of the IDP/Budget"

We have on many occasions in the past , since 2019, reported and discussed the illegal spilling of sewerage by the municipality into the Nahoon River Estuary , with officials of the Municipality, as well as the poor water quality of the Estuary which is a health risk to all recreational users of the Estuary.

We call on Section 24 of our Constitution that : " Everyone has a right to an environment that is not harmful to the health or well-being of citizens"

Regulation 6(1) (b) of the Regulations published under Section 9 of the National Water Act " water service institutions must take measures to prevent any substance other than uncontaminated stormwater enter any water course"

Section 126 of the Buffalo City Metropolitan Municipality Water Services By-law deals with the illegal discharge of sewage to the sewage system and environment. It provides as follows:

- (1) No person may discharge, or cause or permit any sewage to be discharged, directly or indirectly into a storm water drain, river, stream or other water course, whether natural or artificial or any public place.*

(2) The owner or occupier of any premises on which any steam liquid or fluid, other than potable water, is stored, processed or generated, shall provide all facilities necessary to prevent any discharge or leakage of such liquid or fluid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the Municipality has approved such discharge upon terms and conditions that it may prescribe.

As the Municipality did not react to our pleas and the laws of the country, not to spill sewerage into the Nahoon River Estuary, we obtained court orders against the municipality to compel them to stop the sewerage spills. These cases are attached:

- Spills from Nompumelelo Township and Informal Settlement
- Spills from the sewer pipe at Torquay Road
- Spills from the Maldives Townhouse Complex in Beacon Bay

The Municipality have reacted as follows to these cases:

- They appointed consulting Engineers Zutari to investigate the problems causing the sewer spills , and to identify solutions, project actions with timeframes and budget. To our knowledge Zutari have submitted a report
- They requested Blue Planet to investigate a solution to the spillages at Nompumelelo and to submit a proposed solution with timeframes and costs. To our knowledge Blue Planet have submitted a report
- They did not react to the broken sewerage pump station at the Maldives Townhouse Complex

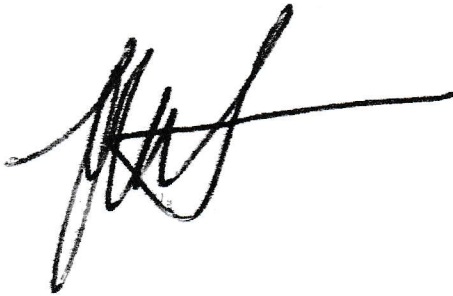
However, the Municipality must now implement the court orders in terms of the knowledge they obtained regarding solutions.

We hereby demand that the Municipality include upgrading projects and/or new projects required to implement the three court orders issued against them as above in their IDP/Budget for the 2023/2024 financial year, including capital funds in their Budget.

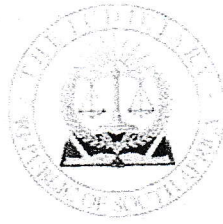
We would submit that it would be totally irrational not to include such projects and a budget to implement the above court orders into their IDP/Budget for the 2023/2024 financial year

We are looking forward to you publishing the draft IDP/Budget for the 2023/2024 financial year following its approval by your council.

Kind regards



Christo Theart
Chairperson
Nahoon Estuary Management Forum
27 February 2023
christo@nahoonestuary.co.za



IN THE HIGH COURT OF SOUTH AFRICA
(EAST LONDON CIRCUIT LOCAL DIVISION, EAST LONDON)

Case No.: 1292/21

BEFORE THE HONOURABLE JUDGE GOOSEN

On the 25th Day of January 2022

In the matter between:

NAHOON ESTUARY MANAGEMENT FORUM
(TORQUAY ROAD, BONNIE DOON)

APPLICANT

And

BUFFALO CITY METROPOLITAN MUNICIPALITY

RESPONDENT

Having read the documents filed of record and having heard Adv Tarr for the Applicant and Mr Nyangiwe for the Respondent:

IT IS ORDERED BY AGREEMENT THAT:

1. The respondent clear the silt trap on the main sewer line at Loweridge Road on the Nahoon River and ensure it implements a maintenance schedule to regularly clear the slit trap as well as drag the main sewer line on the West bank side of the river up to the Nahoon Beach pump station. Within 180 days of the granting of this order.

2. To provide an alternative for the overflows occurring at the purposely made overflow at the pipe crossing the stream at the Lower Ridge Road preventing the sewage from entering the stream flowing into the Nahoon River.
3. Provide a backup power supply for the Municipal sewage pump station.
4. The respondent pay the costs of the application.

BY ORDER OF COURT

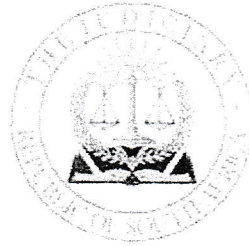


N JALI

ASSISTANT REGISTRAR

Niehaus McMahon Inc.

REGISTERED DEPT. OF JUSTICE, QUEBEC, CANADA ENREGISTRÉ DÉPT. DE LA JUSTICE, QUÉBEC, CANADA
Private Bag X1, East London 5201
2022 -01- 27
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REGISTERED DEPT. OF JUSTICE, QUEBEC, CANADA ENREGISTRÉ DÉPT. DE LA JUSTICE, QUÉBEC, CANADA



IN THE HIGH COURT OF SOUTH AFRICA
(EAST LONDON CIRCUIT LOCAL DIVISION, EAST LONDON)

Case No.: 1294/21

BEFORE THE HONOURABLE JUDGE GOOSEN

On the 25th Day of January 2022

In the matter between:

NAHOON ESTUARY MANAGEMENT FORUM NPO

APPLICANT

(MALDIVES BEACON BAY)

And

DEPARTMENT OF WATER AND SANITATION

1ST RESPONDENT

BUFFALO CITY METROPOLITAN MUNICIPALITY

2ND RESPONDENT

Having read the documents filed of record and having heard Adv Tarr for the Applicant and Mr Nyangiwe for the Respondents:

IT IS ORDERED BY AGREEMENT THAT:

1. The first and/or second respondent is ordered to repair the sewage pump station serving Maldives Group Housing Development consisting of 64 Units and to stop and prevent sewage leakage or spillage onto the land and into the stream adjacent to the development and pump station within 180 days of grating of this order;

2. The first and/or second respondent is ordered to, once the pump station has been repaired, ensure that the pump station is maintained in a working condition.
3. The first and/or second respondent is ordered to clean the land where spillage and leakage is occurring which is affected by the sewage.
4. The respondents are ordered to pay the costs of the application.

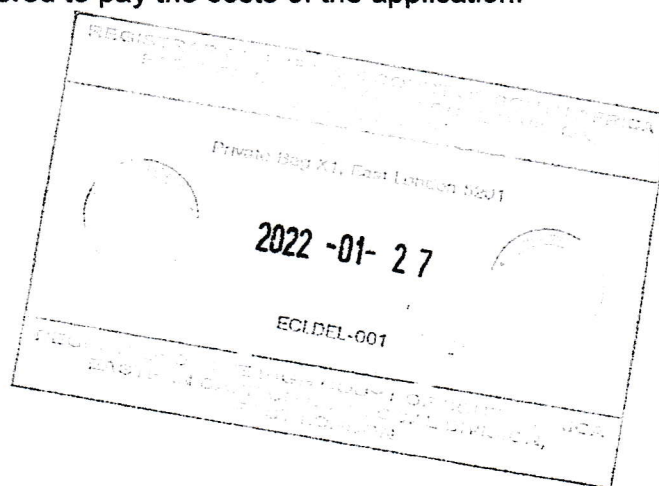
BY ORDER OF COURT



N JALI

ASSISTANT REGISTRAR

Niehaus McMahon Inc.





**IN THE HIGH COURT OF SOUTH AFRICA
(EAST LONDON LOCAL CIRCUIT DIVISION)**

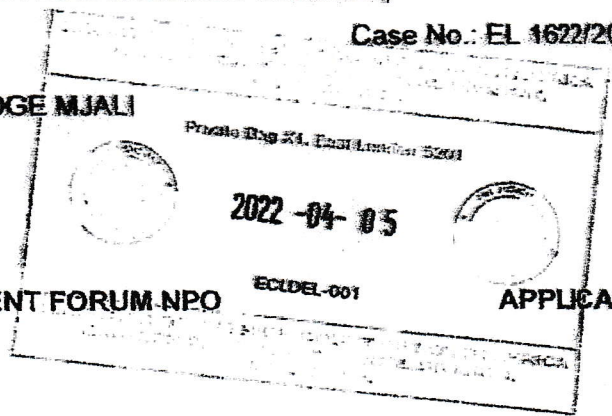
Case No.: EL 1622/2021

BEFORE THE HONOURABLE JUDGE MJALI

On the 05th Day of April 2022

In the matter between:

**NAHOON ESTUARY MANAGEMENT FORUM NPO
(NOMPUMELELO)**



APPLICANT

And

BUFFALO CITY METROPOLITAN MUNICIPALITY

RESPONDENT

Having read the documents filed of record and having heard Mr Tarr for the Applicant and Mr Nyangiwe for the Respondent:

IT IS ORDERED THAT:

- 1 Prayers 1, 6, 7, 8, 9 and 10 are postponed *sine die*;
- 2 To develop and implement a contingency plan for the accidental sewage releases at Nompumelelo to contain sewage spills and to prevent it from entering the stormwater system of Nompumelelo.
- 3 Develop and implement an inspection and maintenance plan for sewage infrastructure in Nompumelelo.

- 4 To appoint a Social Facilitator to engage the residents of Nompumelelo regarding proper use of water bore sanitation as well as the consequences of improper use thereof.
- 5 To take all measures necessary to ensure that the flow of sewage from Nompumelelo Township is contained in a sewage containment facility and is disposed of accordingly.
- 6 The respondent shall pay the costs of this application.

BY ORDER OF COURT



N. JALI

ASSISTANT REGISTRAR

