

REFERENCE: 16/3/3/6/A5/55/2117/22**DATE:** 26 October 2022

The Director
Zutari
1 Century City Drive
Waterford Precinct
CENTURY CITY
8000

Attention: Mr. Jarryd FinkelsteinE-mail: jarryd.finkelstein@zutari.com

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT AND CONFIRMATION ON THE PROCESS TO BE FOLLOWED IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) WITH REGARDS TO THE PROPOSED AMENDMENTS TO THE AMENDED APPEAL ENVIRONMENTAL AUTHORISATION PERTAINING TO THE BULK WATER AUGMENTATION SCHEME: MULDERSVLEI COMPONENT FOR THE CITY OF CAPE TOWN.

1. The correspondence dated 30 September 2022, as received by this Department via electronic mail correspondence on 03 October 2022, refers.
2. Your attention is drawn to the listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended). These Regulations came into effect on 08 December 2014. All activities identified as listed activities in the EIA Regulations, 2014 (as amended) that had not been commenced with on 08 December 2014, must not be undertaken without an Environmental Authorisation from the competent authority.
3. This Department has reviewed your correspondence and noted the following:
 - 3.1. The proposal entails amendments to the Amended Appeal Environmental Authorisation issued to the City of Cape Town for the proposed Bulk Water Augmentation Scheme: Muldersvlei Component.
 - 3.2. The proposed amendments are as follows:
 - 3.2.1. Amendment to the reservoir and Water Treatment Plant ("WTP") site boundaries:
 - The approved site covers an area of 2.23 ha. The amended site will be 2.42ha.
 - The landowners requested that the authorised boundaries be updated to match the cadastral boundaries.
 - An additional portion of land at the southern end on Farm No. 2/719 was acquired by the City on request of the landowner (Starke Farm Trust). The Stark Farm Trust requested the City to take ownership of the portion of land containing three existing dams, due to the risk of stock theft if the land was to be retained by the Stark Farm Trust.

- The approved area on Farm RE/2/475 includes a portion of the existing farm dam. The area acquired by the City was subsequently adjusted to exclude the farm dam and include an additional portion on the southern side.
- The additional portion of land that was acquired, has been assessed as part of the original EIA process.
- It is proposed to use the southern portion of the site for storm water collection ponds, which will result in a positive environmental impact as a wetland area will be created on land previously used for farming activities.

3.2.2. Amendments to DN1525 incoming pipeline corridor (to be rerouted at the snail farm and Eskom pylon):

- A 60m design corridor was approved for each of the DN1525 incoming pipeline and the future DN1700 raw water pipeline.
- Within this 60m corridor, a construction corridor of 27m and a final servitude corridor of 15m were approved for each pipeline.
- There are two positions where the DN1525 incoming pipeline and future DN1700 raw water pipeline cannot be retained within their respective 60m design corridors.
- The majority of the DN1525 incoming pipeline route runs parallel with the future DN1700 raw water pipeline.
- The pipelines were spaced at 10m centre to centre on the approved locality plan. Therefore, there will be a net 70m wide design corridor in which both pipelines must be placed.
- The first deviation will be on Farm RE/9/721. The deviation is required due to the establishment of organic farming facilities. The width of the construction corridor will be restricted to 15m to minimise the construction impacts outside the approved corridor.
- The second deviation will be on Farm RE/721. This deviation is required to avoid the existing Eskom pylons within the approved design corridor. Pipelines cannot be placed within 20m of Eskom pylons and construction work cannot occur within 10m of the pylons.
- Although a 60m design corridor, 27m construction corridor and 15m servitude were approved for each pipeline where the DN1525 incoming pipeline and the DN1700 raw water pipeline run parallel to each other, it is proposed to reduce the environmental impact by restricting both pipelines to a single 27m construction corridor and a single 15m servitude.

3.2.3. Amendments to access road corridor to match the proposed SG diagrams:

- Approval was granted for a 20m road reserve and a 9.5m surfaced roadway for the access road.
- Approval was also granted for a preliminary access route which has, due to existing infrastructure and the natural topography, been refined.
- Based on the refined route, an amendment is thus proposed for the access road.
- The intersection with the R304 will be shifted to allow for a perpendicular connection between the access road and the R304, as per the Western Cape Government: Department of Transport and Public Works requirements.
- The City of Cape Town agreed to relocate the existing access road to County Fair on the eastern side of the R304, which will result in a single intersection for both access roads to significantly improve road safety. This was also a requirement from the Western Cape Government: Department of Transport and Public Works.

- County Fair has also provided consent for the relocation of their access road.
- The access road will be aligned for the first 100m after the intersection to navigate through the existing Eskom pylons as safely as possible.
- The proposed amended alignment will provide optimal clearance from the pylons, will minimise the impact on Eskom and will improve road travel safety.
- Other minor refinements to the access road are required to minimise the vertical slopes and to provide improved sight distance for road users. According to the e-mail correspondence of Jacques van der Merwe of the City of Cape Town dated 06 June 2022, the following is relevant:
 - Feedback was obtained from CapeNature regarding the construction of the new road through the Damarakloof Conservation Area.
 - Since the road will be expropriated, CapeNature will not hold the owner accountable for the breach of the agreement, but will amend the agreement to exclude the road from the Conservation Area.
 - The agreement and implementation of the Environmental Management Plan for the Damarakloof Conservation Area will still apply for the remainder of the Conservation Area.
 - The proposed new alignment will shift the road north of the original, authorised entry point off the R304 (Klipheuwel Road) into the Conservation Area. The authorised road previously avoided the watercourse and associated Critical Biodiversity Area ("CBA") wetlands, but these will now be impacted on during construction.
 - It is unsure whether the road will have a gate to avoid people driving into the site. Furthermore, with a formal road running through the Conservation Area, there is an increased risk that illegal harvesting of Fynbos will occur or acts of arson when the veld is set alight from the edge of the road.

3.2.4. Wynland water pipeline:

- There is an existing pipeline from Wynland Water that is routed through the reservoir and water treatment plant site.
- The pipeline must be relocated before the construction of the reservoir can commence.
- Due to the incoming pipeline crossing (DN1525 and DN1700), there is an area of 30m which has not previously been assessed and approved.
- However, access road option C, which was the eastern most entry to the reservoir, has an assessed buffer of at least 20m.
- The proposed new pipeline route will be as far as possible within the boundaries of the City of Cape Town's property.
- Where the pipeline cannot be retained within the City's property, the pipeline will be within the authorised design corridors for the DN1525 incoming pipeline and the DN1700 raw water pipeline. This approach was adopted to ensure that the pipeline is routed, as far as possible, within previously assessed areas.
- Wynland Water agreed to the proposed relocation route.
- The affected landowner of Farm No. 2/719 also consents to the proposed relocation route.
- The new pipeline will have a diameter of 160mm.
- Where the pipeline will not be within City of Cape Town property, the servitude will be limited to 4m wide or a right-of-way agreement will be concluded with the landowner.

4. Please be advised that, based on the above information provided, the proposed amendments to the access road corridor to match the proposed SG diagrams require an application for a substantive amendment of the existing amended Appeal Environmental Authorisation in terms of the EIA Regulations, 2014 (as amended). **The authorised road previously avoided the watercourse and associated Critical Biodiversity Area wetlands, but these will now be impacted on during construction, which will result in a scope and increase in impact and/or impact change, which was not previously assessed.**
5. The proposed amendments of the reservoir and WTP site boundaries, amendments to the DN1525 incoming pipeline corridor (to be rerouted at the snail farm and Eskom pylon) and the Wynland water pipeline will require a non-substantive Part 1 amendment. Although these amendments will change the scope, the impacts will be minimised (pipeline corridor) and there will not be an increase in impact for the reservoir and WTP boundaries and the Wynland water pipeline.
6. Please be reminded that the application for amendment must be accompanied by the relevant landowner consent forms.
7. The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.
8. Your interest in the future of our environment is greatly appreciated.

Yours faithfully

**Taryn
Dreyer** Digitally signed
by Taryn Dreyer
Date: 2022.10.26
14:11:58 +02'00'

pp **MR. ZAAHIR TOEFY**
DIRECTOR: DEVELOPMENT MANAGEMENT REGION 1

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