



REFERENCE: 16/3/3/5/A5/55/2059/22

DATE: 13 DECEMBER 2022

The Municipal Manager
City of Cape Town
P. O. Box 78949
CAPE TOWN
8000

For Attention: Mr. Gavin George

Per E-mail: Gavin.george@capetown.gov.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FOR AMENDMENT SUBMITTED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE AMENDMENT TO THE ORIGINAL THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 30 JANUARY 2013 (REFERENCED: E12/2/2/2/1/4 BULK WATER SUPPLY INFRASTRUCTURE), THE APPEAL EA ISSUED ON 16 SEPTEMBER 2013 (REFERENCED: M 3/6/5), READ TOGETHER WITH THE AMENDED APPEAL EA ISSUED ON 7 AUGUST 2017 (REFERENCED: 14/3/1/1/B4/45/0244/17) FOR THE PROPOSED ESTABLISHMENT OF THE BULK WATER AUGMENTATION SCHEME, MULDERSVLEI COMPONENT

1. This Directorate's letter dated 26 October 2022 (Referenced: 16/3/3/6/A5/55/2117/22), and your Part 2 Amendment Application Form and supporting documentation, received by this Department via electronic mail correspondence on 2 December 2022, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. This Directorate's letter dated 26 October 2022 indicated that the relocation of the Wynland water pipeline will require a non-substantive Part 1 amendment. It was also indicated that although the amendment will change the scope, the impacts will be minimised (pipeline corridor) and there will not be an increase in impact.
4. Please note that further internal discussions were held, where after it was concluded that the relocation of the existing Wynland water pipeline and the 70m corridor were not considered and assessed during the original application and that the proposed amendments exceed the size and footprint of what was initially considered, assessed and authorised.
5. It is therefore the Department's opinion that there will be a change in the scope of the Environmental Authorisation. As such, the relocation of the existing Wynland water pipeline will require an amendment in terms of Part 2 of the EIA Regulations, 2014 (as amended).
6. You are hereby advised to submit a revised application form, to include the relocation of the existing Wynland water pipeline and 70m corridor. The amended application form must be submitted together with the draft Part 2 Amendment Report.

7. Public Participation

7.1. It is noted that the public participation process will meet the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) and the following will be undertaken:

- Registered interested and affected parties ("I&APs"), landowners, the ward councillor, and State Departments/organs of state will be notified via email;
- An advertisement will be placed in the local and provincial newspapers;
- Notices will be placed at visible locations; and
- The draft amendment Report will be placed on the website of Zutari.

7.2. Your attention is drawn to Regulation 3(3) of the EIA Regulations, 2014 (as amended) which states:

"Unless justified by exceptional circumstances, as agreed to by the competent authority, the proponent and applicant must refrain from conducting any public participation process during the period of 15 December to 05 January."

You are hereby advised to start with the Public Participation Process after 5 January 2023.

7.3. E-mail notification to I&APs is strongly supported. However, other means of notification for those I&APs will be required where no e-mail addresses are available, or where the likelihood of success of this electronic correspondence is expected to be low.

7.4. Where I&APs are unable to access electronic copies of the draft amendment report, a hard copy of the report must be made available. Alternatively, the Environmental Assessment Practitioner ("EAP") will be required to engage with I&APs, with respect to alternative methods of accessing electronic copies of the draft amendment report.

7.5. Your attention is drawn to Circular 0027 of 2021 regarding the electronic administration of EIA applications. The Directorate: Development Management will continue with the electronic submission of correspondence and has for this reason established a dedicated e-mail address for the submission of all correspondence to the Directorates. For the Cape Town office, the e-mail address is DEADPEIAAdmin@westerncape.gov.za

This new electronic means of working is effective from 1 February 2022 and all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to the aforementioned email address.

7.6. In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the draft amendment report available to State Departments.

7.7. The person conducting the public participation process must fulfil the requirements outlined in Chapter 6 of the EIA Regulations, 2014 (as amended) and must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended) as well as any other guidance provided by the Department.

8. Screening Tool

8.1. This Directorate notes that a Screening Tool Report (dated 1 November 2022) and confirmation of the relevant specialist studies to be conducted have been provided. A Site Sensitivity Verification Report has also been provided by the EAP.

8.2. The following specialist assessments were identified in the Screening Tool Report (dated 1 November 2022):

- 8.2.1. A Landscape/Visual Impact Assessment;
- 8.2.2. An Archaeological and Cultural Heritage Impact Assessment;
- 8.2.3. A Palaeontological Impact Assessment;
- 8.2.4. A Terrestrial Biodiversity Impact Assessment;
- 8.2.5. An Aquatic Biodiversity Impact Assessment;
- 8.2.6. A Hydrology Impact Assessment;
- 8.2.7. A Socio-Economic Impact Assessment;
- 8.2.8. A Plant Species Assessment; and
- 8.2.9. An Animal Species Impact Assessment.

8.3. According to the application form, a Landscape/Visual Impact Assessment, Hydrology Assessment, Socio-Economic Impact Assessment, Plant Species Assessment and an Animal Species Impact Assessment will not be conducted for the following reasons:

- The proposed route alignments will not affect the visual character of the area;
- There will be no change in the socio-economic considerations due to the alignments; and
- The proposed amendments to the access road have been assessed by CapeNature and the City of Cape Town Biodiversity Management Branch regarding the Damarakloof Conservation Area.

8.4. Please note that should any of the commenting authorities request for any of these studies to be conducted, these will have to be undertaken.

8.5. It is indicated that the following specialist studies will be updated:

- Heritage Western Cape will be contacted regarding the requirement for an Archaeological and Cultural Heritage Impact Assessment and Paleontology Impact Assessment;
- Terrestrial Biodiversity Impact Assessment: the specialist will review their previous report and provide a statement regarding the proposed amendment and whether it will result in any significant changes to the impact rating as previously assessed; and
- Aquatic Biodiversity Impact Assessment: the specialist will update their previous report to confirm potential impacts.

8.6. Be advised that the Protocols are applicable to your proposed development.

8.7. Where an assessment protocol is prescribed for one of the environmental themes included in the Protocol (in this instance, agriculture, archaeological and cultural heritage, civil aviation, animal species, aquatic biodiversity and terrestrial biodiversity), the specialist assessment must comply with the Protocol.

8.8. Where a specialist assessment is required, but no specific environmental theme protocol has been prescribed, the level of assessment must be based on the findings of the site verification and must comply with Appendix 6 of the EIA Regulations, 2014 (as amended).

9. Please be advised that the Amendment Report must contain the following:

- An assessment of all impacts related to the proposed change, including the impacts related to the relocation of the Wynland water pipeline;
- Advantages and disadvantages associated with the proposed change;
- Measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and
- The amended EMPr.

10. Need and Desirability

- 10.1. In terms of the NEMA and the EIA Regulations, 2014 (as amended), when considering an application, the Department must take into account a number of specific considerations including, *inter alia*, the need for and desirability of any proposed project. As such, the need for and desirability of the proposed activity must be considered and reported on in the draft Amendment Report.
- 10.2. The draft Amendment Report must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).

11. NEMA Principles

In addition to the above, you must clearly show how the proposed amendment complies with the principles contained in Section 2 of the NEMA and must show how the proposed amendment meets the requirements of sustainable development.

12. Social and Gender Considerations

You are reminded that the social context of the proposed amendment must always be considered. This includes the impact that the proposed amendment may have on the prevalence of HIV/AIDS, sexually transmitted infections ("STI") and Tuberculosis ("TB"), as well as equity and gender related concerns.

13. Climate Change

- 13.1. The proposed amendment must report on the potential impacts on climate change. One of the objectives of the Western Cape Provincial Spatial Development Framework published by the Department is to minimise the consumption of scarce environmental resources such as water, fuel, building materials, mineral resources, electricity, and land. To this effect and as part of the efforts to reduce the effects of climate change, you must, as part of the Amendment process, identify energy efficient technologies (e.g., the use of low voltage or compact fluorescent lights instead of incandescent globes, maximising the use of solar heating, etc.) that could be implemented for the proposed amended development.
- 13.2. Considering that South Africa is a water scarce country and that many catchments in the Western Cape are already water stressed, you must also consider implementing the use of water saving devices and technologies (e.g., dual flush toilets, low-flow shower heads and taps, etc.) for the proposed amended development.

14. General

- 14.1. Kindly ensure that the draft and final Amendment Reports, respectively, are submitted as a standalone document, separate to the accompanying appendices, and ensure that each one of the appendices is saved separately (in PDF format and not scanned).
- 14.2. Please note that the amendment report must contain all the information as prescribed by Regulation 32 of the EIA Regulations, 2014 (as amended).
- 14.3. The amendment report must be submitted **within ninety (90) days** of receipt of the Amendment Application by the Competent Authority.
- 14.4. If however, significant changes have been made or significant new information has been added to the report, the applicant/EAP must notify this Department that an additional 50 days (i.e., 140 days from the date of receipt of the application) will be required for submission of the report. The additional 50 days must include a minimum commenting

period of thirty (30) days to allow registered I&APs to comment on the revised report/additional information.

- 14.5. If the report is not submitted within 90 days, or 140 days where an extension is applicable, the application shall lapse in terms of Regulation 45 of the EIA Regulations, 2014 (as amended) and your file will be closed. Should you wish to continue, a new application form must be submitted.
15. The conditions stipulated in the amended Appeal Environmental Authorisation issued on 07 August 2017 (Reference No.: 14/3/1/1/B4/45/0244/17) remain applicable until a decision on this amendment application is taken by this Department.
16. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
17. The Directorate reserves the right to revise or withdraw its comments or request further information from you based on any information received.

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

Yours faithfully

**Ayesha
Hamdulay**

Digitally signed by
Ayesha Hamdulay
Date: 2022.12.13
13:00:58 +02'00'

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

CC: (1) Mr. Wynand Loftus (Zutari)	E-mail: Wynand.loftus@zutari.com
(2) Mr. Jarryd Finkelstein (Zutari)	E-mail: jarryd.finkelstein@zutari.com
(3) Ms. Magdalena van Zyl (City of Cape Town)	E-mail: Magdalena.VanZyl@capetown.gov.za
(4) Mr. Schalk van der Merwe (Stellenbosch Municipality)	E-mail: Schalk.vanderMerwe@stellenbosch.gov.za
(5) Ms. Cindy Winter (Drakenstein Municipality)	E-mail: Cindy.Winter@drakenstein.gov.za
(6) Mr. Quinton Balie (Cape Winelands District Municipality)	E-mail: Quinton@capewinelands.gov.za
(7) Ms. Sonja Warnich-Stemmet (City of Cape Town)	E-mail: Sonja.warnichstemmet@capetown.gov.za