



**REFERENCE:** 16/3/3/5/A5/55/2001/23  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000703/2023  
**DATE OF ISSUE:** 08 FEBRUARY 2023

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

**CAPE TOWN**  
8000

**Attention: Mr. Gavin George**

E-mail: [Gavin.george@capetown.gov.za](mailto:Gavin.george@capetown.gov.za)

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 30 JANUARY 2013 (REFERENCE NO.: E12/2/2/1/4 BULK WATER SUPPLY INFRASTRUCTURE), THE APPEAL ENVIRONMENTAL AUTHORISATION DATED 16 SEPTEMBER 2013 (REFERENCE NO.: M3/6/5) AND THE AMENDED APPEAL ENVIRONMENTAL AUTHORISATION DATED 07 AUGUST 2017 (REFERENCE NO.: 14/3/1/1/B4/45/0244/17): PROPOSED ESTABLISHMENT OF THE CITY OF CAPE TOWN'S BULK WATER AUGMENTATION SCHEME, MULDERSVLEI COMPONENT.**

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** the amended 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 amended 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**REFERENCE:** 16/3/3/5/A5/55/2001/23  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000703/2023  
**DATE OF ISSUE:** **08 FEBRUARY 2023**

## **AMENDED ENVIRONMENTAL AUTHORISATION**

**APPLICATION 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) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 30 JANUARY 2013 (REFERENCE NO.: E12/2/2/1/4 BULK WATER SUPPLY INFRASTRUCTURE), THE APPEAL ENVIRONMENTAL AUTHORISATION DATED 16 SEPTEMBER 2013 (REFERENCE NO.: M3/6/5) AND THE AMENDED APPEAL ENVIRONMENTAL AUTHORISATION DATED 07 AUGUST 2017 (REFERENCE NO.: 14/3/1/1/B4/45/0244/17): PROPOSED ESTABLISHMENT OF THE CITY OF CAPE TOWN’S BULK WATER AUGMENTATION SCHEME, MULDERSVLEI COMPONENT.**

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as an “Environmental Authorisation”) with respect to this application.

## **ADDENDUM TO ENVIRONMENTAL AUTHORISATION**

### **A. DECISION**

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants the amendment of the Environmental Authorisation issued on 30 January 2013 (Reference No.: E12/2/2/1/4 Bulk Water Supply Infrastructure), the Appeal Environmental Authorisation dated 16 September 2013 (Reference No.: M3/6/5) and the amended Appeal Environmental Authorisation dated 07 August 2017 (Reference No.: 14/3/1/1/B4/45/0244/17).

#### **1. Condition E1 of the Appeal Environmental Authorisation dated 16 September 2013, reads as follows:**

*“This Environmental Authorisation is valid for a period of **ten years** from the date of this appeal decision. The holder must commence with all the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation (i.e. the amendment application must be submitted to the Ministry responsible for environmental affairs in the Western Cape Province), before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended (“the period of administrative extension”) from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities,*

including site preparation, may not commence during the period of administrative extension."

**This is herewith replaced with the following:**

The holder must commence with the listed activities on site by 15 September 2025 or the Environmental Authorisation shall lapse. A new application for Environmental Authorisation must be made for the activities to be undertaken if the holder of the Environmental Authorisation does not commence by the aforementioned date.

**2. The second bullet point on page 7 of the Environmental Authorisation issued on 30 January 2013 reads as follows:**

**“• Between the Wemmershoek pipeline and the proposed Muldersvlei reservoir:**  
*Treated water will be conveyed to and from the existing Wemmershoek pipeline that is located in the road reserve of the N1 National Road, to the proposed Muldersvlei reservoir, via connecting pipelines of approximately 1200mm in diameter”.*

**This is herewith replaced with the following:**

**• Between the Wemmershoek pipeline and the proposed Muldersvlei reservoir:**  
Treated water will be conveyed to and from the existing Wemmershoek pipeline that is located in the road reserve of the N1 National Road, to the proposed Muldersvlei reservoir, via connecting pipelines of approximately 1200mm to 1525mm in diameter.

**3. The description of Site Alternative A1 under Section 2 of Annexure 1: Reasons for the Decision on page 15 of the Environmental Authorisation issued on 30 January 2013 reads as follows:**

*“Site A1:*

*This site straddles the boundary between the Farms Hohenfelde and Rock Ridge (Weltevrede) in the Muldersvlei area, approximately 2km north of the N1 and 1km east of the R304. Site A1 essentially comprises of an eastward shift of site A by approximately 300m. Approximately 12.53ha of the site footprint is located on the Farm Hohenfelde, and approximately 9.72ha on Rock Ridge (Weltevrede). As a result of its close proximity to site A, the two sites are very similar in terms of topographical and hydraulic constraints. This is the preferred site since the impacts will be more equitably shared between two landowners”.*

**This is herewith replaced with the following:**

Site A1:

This site straddles the boundary between the Farms Hohenfelde and Rock Ridge (Weltevrede) in the Muldersvlei area, approximately 2km north of the N1 and 1km east of the R304. Site A1 essentially comprises of an eastward shift of site A by approximately 300m. Approximately 12.13ha of the site footprint is located on the Farm Hohenfelde, and approximately 12.06ha on Rock Ridge (Weltevrede). As a result of its close proximity to site A, the two sites are very similar in terms of topographical and hydraulic constraints. This is the preferred site since the impacts will be more equitably shared between two landowners.

4. **The description of the preferred pipeline route alternatives associated with the water treatment plant on site A1 under Section 2 of Annexure 1: Reasons for the Decision on page 18 of the Environmental Authorisation issued on 30 January 2013 reads as follows:**

***“Preferred pipeline route alternatives associated with the water treatment plant on site A1:***

**(c) Reservoir on site A1 to the Wemmershoek pipeline:**

*Route AW1 is the preferred route from the Wemmershoek pipeline to the reservoir on site A1. It is the most direct route and is considered to have an acceptable level of impact on the affected landowners. In addition, the environmental impact is considered to be less than that of Route AW2”.*

**This is herewith replaced with the following:**

**Preferred pipeline route alternatives associated with the water treatment plant on site A1:**

**(c) Reservoir on site A1 to the Wemmershoek pipeline:**

Route WA1 is the preferred route from the Wemmershoek pipeline to the reservoir on site A1. It is the most direct route and is considered to have an acceptable level of impact on the affected landowners. In addition, the environmental impact is considered to be less than that of Route AW2.

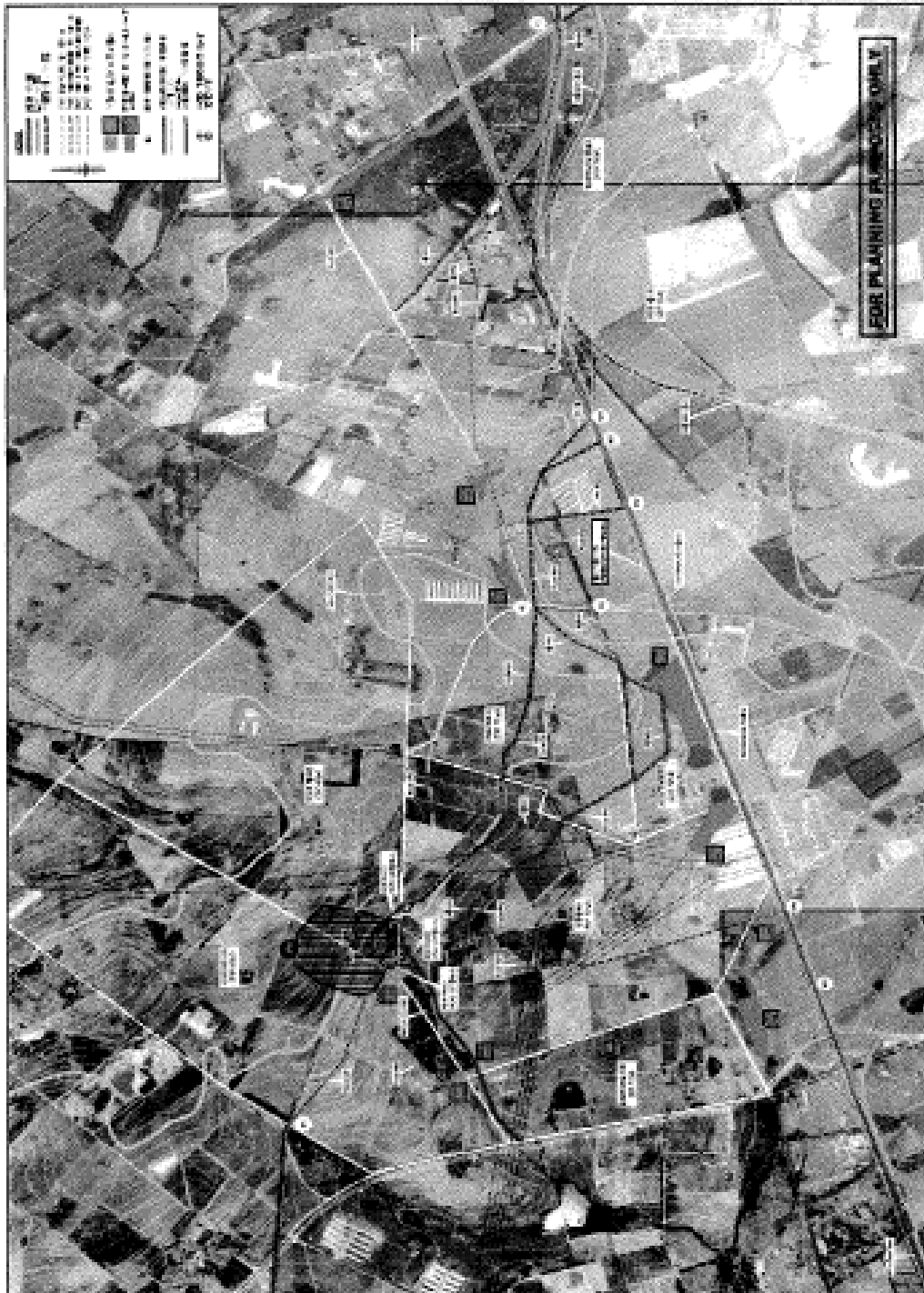
5. **The bullet point at the top of page 20 under the heading: “Preferred pipeline routes associated with the water treatment plant/reservoir on site A1”, under Section 2 of Annexure 1: Reasons for the Decision of the Environmental Authorisation issued on 30 January 2013 reads as follows:**

“• *Route AW1 is the preferred route from the Wemmershoek pipeline to the reservoir on site A1”.*

**This is herewith replaced as follows:**

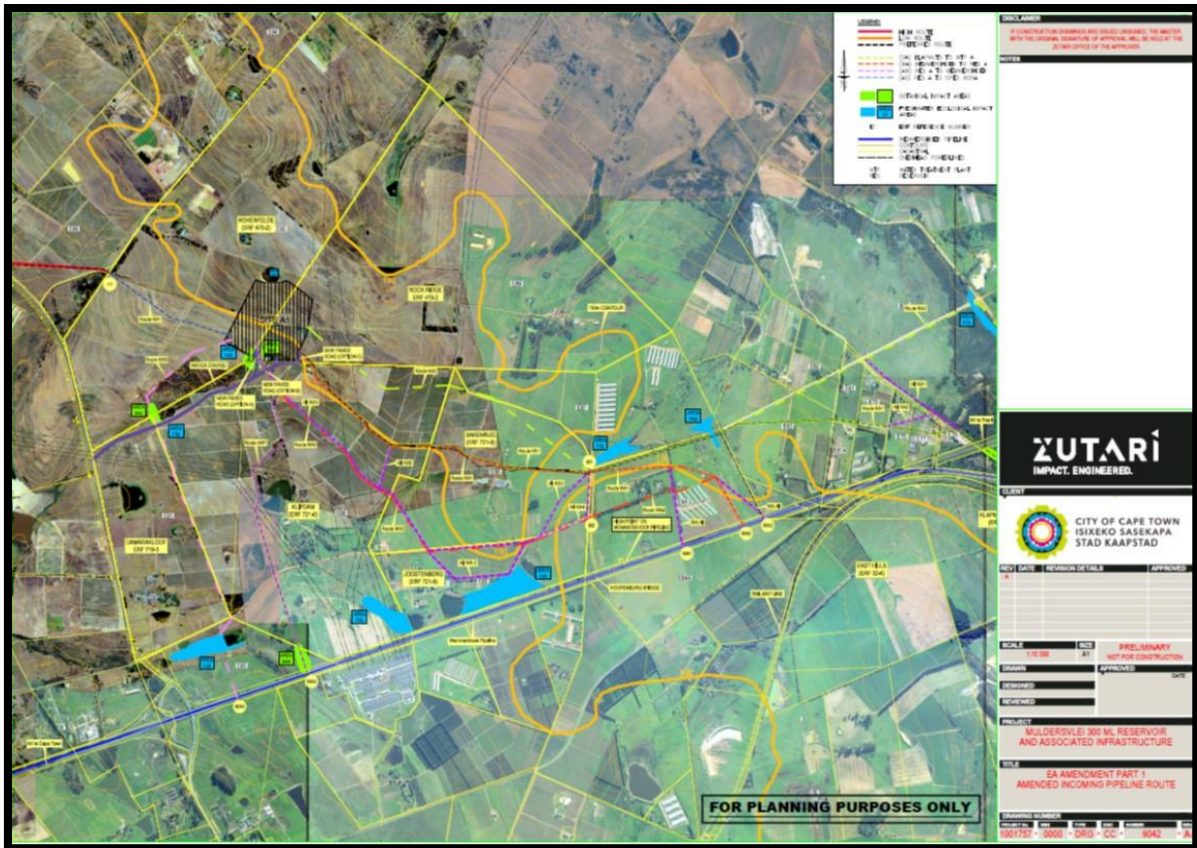
- Route AW1 is the preferred route to the Wemmershoek pipeline from the reservoir on site A1.
- The pipeline route WA1 is the preferred route from the Wemmershoek pipeline to the reservoir on site A1.

6. **Appendix A of the Environmental Authorisation issued on 30 January 2013 is as follows:**





This is herewith replaced with the following:



## B. REASONS FOR THE DECISION:

In reaching its decision, the competent authority took, *inter alia*, the following into consideration:

- (a) The information contained in the application form received by the competent authority via electronic mail correspondence on 09 January 2023 and the additional information received by the competent authority via electronic mail correspondence on 03 February 2023, respectively.
- (b) The application is for a non-substantive amendment to the Environmental Authorisation and will not change the scope of the Environmental Authorisation issued on 30 January 2013, the Appeal Environmental Authorisation dated 16 September 2013 and the amended Appeal Environmental Authorisation dated 07 August 2017.
- (c) The extension of the validity period of the amended Appeal Environmental Authorisation is required, as the holder has been unable to commence with the listed activities within the validity period.
- (d) No additional impacts are anticipated due to the proposed amendment. This can be justified as follows:
  - i. The proposed amendment will not result in a change in the nature of the impacts nor an increase in the nature of the impacts.

- ii. Amendment to the reservoir and Water Treatment Plant site boundaries:  
The approved site covers an area of 22.3 ha and the amended site will be 24.2ha in size. 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 of Cape Town on request of the landowner (Starke Farm Trust). The Stark Farm Trust requested the City of Cape Town 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 of Cape Town 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 was 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.

- iii. 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.

- (e) The amendment is administrative in nature and no impacts are associated with the application for amendment.

- (f) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.
- (g) The development is similarly listed in terms of the EIA Regulations, 2014 (as amended) and no new listed activities are triggered by the proposed amendments.
- (h) The remaining conditions contained in the Environmental Authorisation issued on 30 January 2013, the Appeal Environmental Authorisation dated 16 September 2013 and the amended Appeal Environmental Authorisation dated 07 August 2017 still remain unchanged and in force.

### **C. CONDITION:**

- 1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 1.1 notify all registered I&APs of –
    - 1.1.1 the outcome of the application;
    - 1.1.2 the reasons for the decision as included in Section B;
    - 1.1.3 the date of the decision; and
    - 1.1.4 the date when the decision was issued.
  - 1.2 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 D below;
  - 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 1.4 provide the registered I&APs with:
    - 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
    - 1.4.2 name of the responsible person for this Environmental Authorisation;
    - 1.4.3 postal address of the holder;
    - 1.4.4 telephonic and fax details of the holder;
    - 1.4.5 e-mail address, if any, of the holder; and
    - 1.4.6 the 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 Appeal Regulations, 2014 (as amended).

### **D. APPEALS:**

- 1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

An appellant must –

- 1.1 Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision.



- 1.2 If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
- 1.3 If the appellant is a person other than the applicant, provide the applicant, any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
- 1.4 The applicant (if not the appellant), the decision-maker, I&APs and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
- 1.5 The appeal form/s must be submitted by means of one of the following methods:
- By post:           Attention: Mr. Marius Venter  
                          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 3721), Room 809  
                          8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
- By e-mail:        [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)
- 1.6 An electronic copy (word document format) of the appeal and supporting documents must also be submitted.
- 1.7 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of 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>.

## E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Amended 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 greatly appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 08 FEBRUARY 2023**

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