



REFERENCE NUMBER: 16/3/3/5/F4/18/3032/17

ENQUIRIES: MS. K. ADRIAANSE

DATE: 2018 -04- 0 5

The Director
Fast Pulse Trading 63 (Pty) Ltd.
P.O. Box 1223
VREDENBURG
7380

For attention: Ms. G. Lawrence

Tel: (022) 714 0091

Email: glendalawrence50@gmail.com

Dear Madam

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 13 JULY 2009 (REF. NO. E12/2/3/2-F5/14-0253/07) IN TERMS OF PART 2 OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF AN INDUSTRIAL PARK AND ASSOCIATED INFRASTRUCTURE ON PORTION 9 OF FARM NO. 957, SALDANHA.

With reference to your application, find below the decision in respect of this application.

AMENDED ENVIRONMENTAL AUTHORISATION

A. BACKGROUND INFORMATION

1. An application for Environmental Authorisation ("EA") was received by this Department on 21 April 2008. An EA for the establishment of an industrial park and associated infrastructure on Portion 9 of Farm No. 957, Saldanha was issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) (attached as Appendix A);
2. An application for the non-substantive amendment of the EA (Ref. No. E12/2/3/2-F5/14-0253/07) for the extension of the validity period of the EA (Ref. No. E12/2/3/2-F5/14-0253/07) was received by this Department. An amended EA granting the extension of the validity period was issued by this Department on 14 June 2012 (Ref. No. 16/3/1/5/F5/16/3015/12) (attached as Appendix B);
3. An application for the substantive amendment of the EA (Ref. No. E12/2/3/2-F5/14-0253/07) for changes to the activity description, conditions of authorisation and an extension to the validity period of the EA (Ref. No. E12/2/3/2-F5/14-0253/07) was received by this Department. An amended EA was granted and issued by this Department on 12 October 2015 (Ref. No. 16/3/1/5/F4/18/3111/14) (attached as Appendix C); and

4. An application for an amendment of the EA (Ref. No. E12/2/3/2-F5/14-0253/07) and amended EA (Ref. No. 16/3/1/5/F4/18/3111/14) in terms of Part 2 of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 10 July 2017. The amendment application is for the amendment of the following:
 - 4.1. The activity description;
 - 4.2. Conditions of authorisation;
 - 4.3. The preferred alternative; and
 - 4.4. The approved Environmental Management Programme.

B. DECISION:

With reference to the above-mentioned application, the Competent Authority has decided, in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended)", to amend the EA issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) (attached as Annexure A). The amended EA issued by this Department on 12 October 2015 (Ref. No. 16/3/1/5/F4/18/3111/14) is herewith replaced by this amended EA.

1. Section A (Description of Activity) and the description of Alternative 4 (preferred alternative) of the EA issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) **is hereby amended to read as follows:**

"The proposed activity entails the development of industrial, business, office park, filling station, private open space erven and associated infrastructure on Portion 9 of Farm No. 957, Malmesbury.

The proposed development site is located approximately 4km northeast of the town of Saldanha. The site borders the railway line on the northern side and an existing industrial development on the eastern side. In the south the site borders agricultural land and in the west the railway line. A 29m servitude (bulk water) supply line (7m) and electric power line (22m) traverses the site in an east-west direction.

Portion 9 of Farm No. 957, Malmesbury is located within the Municipal boundary of the Saldanha Bay Municipality and inside the proposed Industrial Corridor.

The proposed development comprises the rezoning of Portion 9 of Farm No. 957, Malmesbury (Saldanha Bay Municipality), from Agriculture Zone I to Sub Divisional area, for the establishment of:

- 26 Industrial erven (approximately 10.20ha),
- 5 Business erven (approximately 3.18ha),
- 5 Private Open Space erven (approximately 9.12ha),
- internal public roads (approximately 3.40ha);
- stormwater infrastructure; and
- associated infrastructure.

An access road linking Platinum Street to Vooruitgang Close will be developed in accordance with the sub-divisional plan dated 05 July 2017.

The area indicated as Private Open Space on the sub-divisional plan (dated 05 July 2017 (attached as Appendix D) will be formally conserved. This area mainly consists of the high conservation value area and the moderate conservation value area.

The existing power line (11kv) will be upgraded to a capacity of 8MVA by replacing of the existing conductor, structures and accessories as required before the commencement of the operational phase of the proposed development. Provision will also be made to cross the railway line.

The municipality confirmed their capacity to provide services including:

- water supply;
- sewerage treatment;
- electricity; and
- solid waste removal.

The total area of the property is approximately 29.19ha. The total area of the proposed development footprint is approximately 17.09ha."

2. Section G (Conditions of Authorisation)

2.1. Condition 7.4 of the EA issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) **is hereby amended to read as follows:**

"7.4. A specialist archaeologist or palaeontologist must be appointed by the applicant to inspect and examine bulk earth works on site for potential fossil and buried archaeological material during the development phase."

2.2. Condition 8 of the EA issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) (as described in the amended EA (Ref. No. 16/3/1/5/F4/18/3111/14) **is hereby amended to read as follows:**

"8. The area indicated as "Private Open Space" on the sub-divisional plan (dated 05 July 2017) attached as Appendix D to this amended EA must be clearly demarcated and fenced off from the development activities during the development phase.

8.1. The Rehabilitation Plan (compiled by VULA Environmental Services and dated 31 July 2017) and submitted together with the Amendment Report dated November 2017 must be adhered to and implemented."

2.3. Condition 10 of the EA issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) **is hereby amended to read as follows:**

"10. The Environmental Management Programme (compiled by Enviro Logic and dated December 2008 and updated October 2017) and submitted together with the Amendment Report dated November 2017 must be implemented."

2.4. Condition 13 of the EA issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) **is hereby amended to read as follows:**

"13. Alien vegetation on the site (i.e. Rooikrans trees) must be removed and disposed of at a registered waste facility during the development phase.

13.1. The Conservation Management Plan contained in the Environmental Management Programme (compiled by Enviro Logic and dated December 2008 and updated October 2017) must be implemented. Alien vegetation present in open spaces must be removed during the operational phase."

C. REASONS FOR THE DECISION:

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

1. The information contained in the application form for amendment of the EA (Ref. No. E12/2/3/2-F5/14-0253/07) dated and received by the competent authority on 10 July 2017, the draft Amendment Report received by the competent authority on 29 August 2017, the updated draft Amendment Report received by the competent authority on 24 October 2017 and the final Amendment Report received by the competent authority on 29 November 2017;

2. The proposed amendment will result in the change in scope of the EA (Ref. No. E12/2/3/2-F5/14-0253/07) and was therefore applied for in terms of Part 2 of the NEMA EIA Regulations, 2014 (as amended);
3. The listed activities authorised in the original EA (Ref. No. E12/2/3/2-F5/14-0253/07) are similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended) as follows:

Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended)

Activity Number: 9

Activity Description:

The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—

- (i) with an internal diameter of 0,36 metres or more; or*
- (ii) with a peak throughput of 120 litres per second or more;*

excluding where—

- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or*
- (b) where such development will occur within an urban area.*

Activity Number: 12

Activity Description:

The development of—

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or*
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more;*

where such development occurs—

- (a) within a watercourse;*
- (b) in front of a development setback; or*
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —*

excluding—

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;*
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;*
- (dd) where such development occurs within an urban area;*
- (ee) where such development occurs within existing roads, road reserves or railway line reserves; or*
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.*

Activity Number: 19
Activity Description:

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;*
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;*
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;*
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or*
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.*

Activity Number: 27
Activity Description:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or*
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.*

Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):

Activity Number: 4
Activity Description:

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

i. Western Cape

- i. Areas zoned for use as public open space or equivalent zoning;*
- ii. Areas outside urban areas;*
 - (aa) Areas containing indigenous vegetation;*
 - (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or*
- iii. Inside urban areas:*
 - (aa) Areas zoned for conservation use; or*
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.*

4. Public Participation Process

- 4.1. A draft Amendment Report was made available to registered interested and affected parties ("I&APs) on 08 August 2017 for a 30-day commenting period. An updated draft Amendment Report was made available to registered I&APs on 24 October 2017 for a 30-day commenting period.

- 4.2. Concerns with respect to the access road and conservation area were highlighted by CapeNature in their correspondence dated 28 August 2017. CapeNature's concerns have been adequately addressed and responded to. The portion of the conservation area impacted by the proposed development will be rehabilitated in accordance with the Rehabilitation Plan (compiled by VULA Environmental Services and dated 31 July 2017).
- 4.3. All the concerns raised by I&APs were compiled into a comments and responses report during the amendment process.

D. CONDITIONS:

1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
 - 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 Annexure 1;
 - 1.1.3. The date of the decision; and
 - 1.1.4. The date of issue of the decision.
 - 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 F 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. The name of the responsible person for this environmental authorisation;
 - 1.4.3. The postal address of the holder;
 - 1.4.4. The telephonic and fax details of the holder;
 - 1.4.5. The e-mail address if any; 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).
2. The Environmental Management Programme submitted as part of the application for amendment is hereby approved and must be implemented.
3. All other requirements contained in the EA issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) remain unchanged and must be implemented.

E. APPEALS

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

1. 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 any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator; and
 - 1.4. The applicant (if not the appellant), the decision-maker, I&APs and Organ 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.
2. The appeal form/s must be submitted by means of one of the following methods:
- By post: Attention: Jaap de Villiers
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 J. de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
3. The 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 Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

The Western Cape Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is appreciated.

Yours faithfully


ZAAHIR TOFEY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 05/04/2018

Copies to: (1) Mr. G. Pretorius (Enviro Logic)
(2) Ms. N. Duarte / Mr. L. Gaffley (Saldanha Bay Municipality)

Email: gpec12@telkomsa.net
Fax: (022) 715 1518

Appendix A

Copy of the original EA issued by this Department on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07).

Verwysing
Reference
Isalathiso

E12/2/3/2-F5/14-0253/07

Navrae
Enquiries
Imibuzo

LIZA PETERSEN

Datum
Date of issue
Umhla

13 JUL 2009

Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISebe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso



The Manager
Fast Pulse Trading 63 (Pty) Ltd.
PO Box 1223
VREDENBURG
7380

Attention: Mr. J.C. Coetzee

Tel: (022) 772 1700

Fax: (022) 772 1524

Dear Sir

APPLICATION: THE PROPOSED ESTABLISHMENT OF AN INDUSTRIAL PARK AND ASSOCIATED INFRASTRUCTURE ON PORTION 9 OF FARM NO.957, MALMESBURY, SALDANHA BAY.

With reference to your application, find below the environmental authorisation in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The proposed activity entails the development of industrial, business, office park, filling station, private open space erven and associated infrastructure on Portion 9 of Farm No.957, Malmesbury.

The proposed development site is located approximately 4km northeast of the town of Saldanha. The site borders the railway line on the northern side and an existing industrial development on the eastern side. In the south the site borders agricultural land and in the west the railway line. A 29m servitude (bulk water supply line (7m) and electric power line (22m)) traverses the site in an east-west direction.

Portion 9 of Farm No.957, Malmesbury is located within the Municipal boundary of the Saldanha Bay Municipality and inside the proposed Industrial Corridor.

The proposed development comprises the rezoning of Portion 9 of Farm No.957, Malmesbury (Saldanha Bay Municipality), from Agriculture Zone I to Sub Divisional area, for the establishment of:

- 26 Industrial erven (approximately 10.20ha),
- one Business erf (approximately 0.59ha),

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- three Office Park erven (approximately 2.28ha),
- one Filling Station erf (approximately 0.31ha),
- 5 Private Open Space erven (approximately 9.35ha),
- internal public roads (approximately 3.17ha); and
- associated infrastructure.

The proposed development will be accessed from the existing Harbour Link gravel road and possibly from the future extension of Main Road 559 and from the future extension of Harbour Link Road. The proposed development makes provision for the extension of Main Road 559 (approximately 1.28ha) and the extension of Harbour Link Road (approximately 2.01ha).

The area indicated as Public Open Space on the preferred alternative layout 4 (attached as appendix A) will be formally conserved. This area mainly consists of the high conservation value area and the moderate conservation value area as is indicated by a botanical study. The area is approximately 9.35ha in size (32% of the total area of the site).

All stormwater minor flows will be channelled in pipes with a minimum diameter of 375mm for runs and 300mm for road crossings. Two stormwater detention facilities positioned in open spaces at the south-eastern end of Voorspoed Close and at the eastern end of Vooruitgang Close will be developed. The pipes will flow into the proposed stormwater detention facilities. All major flows will be overland towards the detention facilities.

The existing power line (11kv) will be upgraded to a capacity of 8MVA by replacing of the existing conductor, structures and accessories as required before the commencement of the operational phase of the proposed development. Provision will also be made to cross the railway line.

The municipality has confirmed their capacity to provide services including:

- water supply;
- sewerage treatment;
- electricity; and
- solid waste removal.

The total area of the property is approximately 29.19ha. The total area of the proposed development footprint is approximately 16.55ha.

These are activities identified in Government Notice No. R. 386 and Government Notice No. R. 387 of 21 April 2006, being:

Government Notice No. R. 386:

Activity Number: 1(k)

Activity Description: *The construction of facilities or infrastructure, including associated structures or infrastructure, for –*

The bulk transportation of sewage and water, including storm water, in pipelines with –

- (i) *an internal diameter of 0.36 metres or more; or*
- (ii) *a peak throughput of 120 litres per second or more.*

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Activity Number: 1(m)

Activity Description: *The construction of facilities or infrastructure, including associated structures or infrastructure, for –*

Any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including –

- (i) canals;*
- (ii) channels;*
- (iii) bridges;*
- (iv) dams; and*
- (v) weirs.*

Activity Number: 4

Activity Description: *The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding five cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.*

Activity Number: 12

Activity Description: *The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).*

Activity Number: 15

Activity Description: *The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.*

Activity Number: 16

Activity Description: *The transformation of undeveloped, vacant or derelict land to*

- (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or*
- (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.*

Activity Number: 18

Activity Description: *The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.*

Government Notice No. R. 387:

Activity Number: 2

Activity Description: *Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.*

hereinafter referred to as "the activity".

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B. LOCATION:

The proposed activity is to be located approximately 4km northeast of the town of Saldanha, off the intersection of Main Road 559 and Harbour Link Road.

co-ordinates: 32° 58' 55.89" South
 17° 58.38' 78" East

hereinafter referred to as "the site/property".

C. APPLICANT:

Fast Pulse Trading 63 (Pty) Ltd.
% Mr. J.C. Coetzee
PO Box 1223
VREDENBURG
7380

Tel: (022) 772 1700

Fax: (022) 772 1524

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Enviro Logic
% Mr. G.J. Pretorius
PO Box 7313
Tyger Valley
7536

Tel: (021) 919 4048

Fax: (021) 919 4048

E. SITE VISIT(S):

Date: 16 July 2008

Persons Present: Ms. Liza Petersen (Department of Environmental Affairs and Development Planning ("DEA&DP")) and Ms. Taryn Maart (Department of Environmental Affairs and Development Planning ("DEA&DP")).

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation that the applicant should be authorised to undertake the activity specified above.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006, the Department hereby **authorises** the activity.

This environmental authorisation only authorises the activities specified in the description (A) above.

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Should any future activities within the industrial park trigger any listed activities in terms of GN No. R 386 or GN No. R 387 of 21 April 2006 such as the **above ground storage of a dangerous good**, an application must be submitted and environmental authorisation obtained prior to commencement with those activities.

The granting of this environmental authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within **20 (twenty) days** after having received this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region B), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1. Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2. The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 6 and 23.
3. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
4. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) and the Department of Water Affairs ("DWA") must be complied with at all times.
5. The relevant legislative requirements pertaining to air emissions must be complied with at all times.
6. The holder of the authorisation must appoint a suitably experienced Environmental Control Officer ("ECO") for the construction phase of the development before commencement of any land clearing or construction activities, to ensure that the EMP and the mitigation measures and conditions of the authorisation are implemented and complied with.
7. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 7.1. If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any

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- articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape;
- 7.2. If any shipwrecks are discovered during construction they must immediately be reported to South African Heritage Resources Agency ("SAHRA") and must not be disturbed further until necessary approval has been obtained from SAHRA;
 - 7.3. If any graves or unmarked human burials are discovered, they must be treated with respect and SAHRA must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer; and
 - 7.4. A specialist palaeontologist must be appointed to inspect and examine excavations and exposures for ancient raised beach deposits, and possible vertebrate fossils (bones) during the construction phase of the project.
8. The area indicated as "public open space" on the preferred alternative layout 4 must be identified as a "no-go" area before the commencement of the construction phase. This area must be clearly demarcated and fenced off from development activities before the commencement of any construction activities.
 9. The existing power line (11kv) must be upgraded to a capacity of 8MVA by replacing of the existing conductor, structures and accessories as required before the commencement of the operational phase of the proposed development. Provision must also be made to cross the railway line.
 10. The Environmental Management Plan ("EMP") dated December 2008 and prepared by Enviro Logic and submitted together with the Environmental Impact Assessment Report must be implemented. This EMP must, *inter alia*:
 - 10.1. be included in all contract documentation for the construction phase of the development;
 - 10.2. provide for sidewalks along all the internal roads of the proposed development to facilitate safe pedestrian movements;
 - 10.3. include a comprehensive 'search and rescue' operation for plant species prior to any land clearing or construction activities (including the installation of roads and services). The 'search and rescue' must be done by a suitably qualified and experienced botanist;
 - 10.4. provide for a 'search and rescue' of any fauna (like tortoises, lizards, snakes, etc.) that could be impacted upon prior to any land clearing or construction activities. Any animals found must be moved and securely relocated within the adjacent "public open space". No animals must be harmed or killed;
 - 10.5. include environmental awareness and training programmes (for all contractors, sub-contractors and labourers) conducted by the ECO;
 - 10.6. be accompanied by architectural guidelines;

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- 10.7. provide for the landscaping of road verges and other public and undeveloped spaces. These areas must be planted with a selection of suitable, waterwise and locally occurring indigenous Strandveld plant species approved by a qualified botanist;
- 10.8. include environmental control and management measures and procedures to ensure that adequate environmental management is exercised, including, but not limited to:
 - 10.8.1. pollution control and water quality management measures;
 - 10.8.2. rehabilitation and stabilisation of disturbed areas;
 - 10.8.3. erosion and dust control measures;
 - 10.8.4. storage and management of hazardous materials and other construction materials such as, but not limited to, cement, detergents and paints;
 - 10.8.5. sedimentation control measures;
 - 10.8.6. visual impacts;
 - 10.8.7. traffic impacts, including scheduling, (as far as possible, construction vehicle operating hours outside normal commuter peak periods (between 09h00 and 16h00));
 - 10.8.8. control of all alien plant species on the site during the construction phase of the development and provision for ongoing monitoring and maintenance with respect to the control of alien plants, control of excessive vegetation growth and solid waste management;
 - 10.8.9. ensure that no kikuyu grass (*Pennisetum clandestinum*) or any other alien or invasive plant species are allowed within the development under any circumstances;
 - 10.8.10. the management of social impacts such as, but not limited to, disturbance to neighbouring landowners and security risks;
 - 10.8.11. safety and security measures and emergency procedures;
 - 10.8.12. water, energy and resource demand management and efficiency, including, but not limited to, ensuring that all devices and fittings are energy and water efficient in nature, including the following:
 - all toilets must have interruptible flush mechanisms that allows for complete control over flushing by the user unless the cistern is supplied with a fitted weight (to interrupt the flow) or a hippo pack or any water replacement pack/device to reduce the amount of water lost in a single flush;
 - all toilet cisterns must have a capacity of less than 9 litres;
 - no automatic flush urinals are to be installed in any facilities;
 - all taps used must include an aerator that reduces the flow of water by at least 30% or to 6 liters/minute, unless

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- used solely to fill receptacles such as basins or water troughs;
- shower heads must be adjustable to reduce the water flow or have a built-in water restrictor/aerator that reduces the water flow to at least 10 litres/minute;
 - energy saving lightbulbs such as CFLs and LEDs must be installed instead of incandescent bulbs except where the quality of the light is not sufficient for high precision work and reading;
 - where applicable, all outdoor lighting must be fitted with timers, automatic shut-off devices or photo-sensitive mechanisms to switch off the lights during daylight hours;
 - where applicable, rain water harvesting from the roofs must be considered; and
 - the installation of solar water heaters and solar photovoltaic panels for the generation of some of the electricity must be considered;
- 10.8.13. ensure that adequate ablution facilities are provided on site during construction. The ratio of 15 people per ablution facility must not be exceeded;
- 10.8.14. define the code of conduct for all other parties operating on the site during the construction and the operational phase and include penalties for non-conformance (Any financial collections made as a consequence of the fining regime must be put towards an Environmental Management Fund (See 12.4 below));
- 10.8.15. include environmental awareness and training programmes for all parties operating on the site during the operational phase; and
- 10.8.16. provide for a pollution and water quality monitoring programme and for remediation measures to be implemented when the results of the monitoring indicate that contamination may have arisen as a result of the development of the site.
- 10.9. The Design Manual (Appendix P of the Environmental Impact Assessment Report dated 13 February 2009) prepared by Creative Profile must be implemented.
- 10.10. This Directorate must be notified in writing of any proposed changes to the EMP, and this Directorate must approve any proposed changes prior to implementation; and
- 10.11. The ECO must notify this Directorate immediately of events or incidents that may cause significant environmental damage or breach the requirements of the EMP.

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11. A Property Owner's Association (POA) with a constitution must be established for the property and must provide for all owners and lease holders to be responsible for the ongoing implementation of the EMP as well as auditing of environmental performance.
 - 11.1. Once the bulk infrastructure has been completed, the POA must take over the responsibility of ensuring that individual erf owners comply with the EMP and the Design Manual for the Industrial Park development;
 - 11.2. A requirement that individual erf owners comply with the EMP at their own cost when developing their individual sites must form part of the Constitution of the Property Owners Association;
 - 11.3. The building Design Manual for the Industrial Park development (Appendix P of the Environmental Impact Assessment Report dated 13 February 2009) compiled by Creative Profile, must be incorporated into the Property Owners Association agreement; and
 - 11.4. An Environmental Management Fund must be set up by the POA to provide sufficient ongoing funding for ecological management of the Public Open Space (conservation area) on site and must be incorporated into the Property Owners Association Agreement.
12. Local people must be employed for all areas of employment as labour as far as possible. A community liaison officer must be appointed by the contractor to ensure that as far as possible, labourers from the local area are appointed.
13. An alien vegetation eradication and control programme must be implemented within one (1) month of the commencement of construction activities.
14. The use of generators on site must include the use of drip trays.
15. The following conditions regarding the temporary storage of fuel on site must be complied with:
 - 15.1. Temporary fuel storage tanks must be bunded (110% of the proposed tank's capacity) to contain any possible spills and to prevent any infiltration of fuel into the ground;
 - 15.2. Temporary fuel tanks used for fuel storage must be designed and installed in accordance with relevant Oil Industry standards and SANS codes. The tanks must be constructed to conform to the requirements of all relevant legislation; and
 - 15.3. Gas and fuel must not be stored in the same storage.
16. All outdoor advertising associated with the development, whether on or off the property, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC).
17. All lighting, wherever practically possible, must be "down" lighting to minimise the visual impact of the facility at night. Lighting must be directed at the specific areas they are intended to illuminate. High mast lights must be tilted at an angle that ensures that they illuminate downwards. The minimum amount of night lighting must be used and all lights not specifically required must remain switched off.

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18. Signage at night that utilises lighting for the illumination of advertisements must be switched off during night-time non-operational hours.
19. The following noise mitigation measures must be implemented:
 - 19.1. All noise and sounds generated during all phases of the proposed development must comply with the relevant SANS codes and standards;
 - 19.2. No pure tone sirens or sounds must be used unless in emergency situations, or when required with respect to relevant health and safety regulations;
 - 19.3. Silencers must be installed and maintained on machinery, trucks and earth moving equipment; and
 - 19.4. No amplified music or related equipment must be allowed on site.
20. The following mitigation measures regarding stormwater management must be implemented:
 - 20.1. Porous surfaces that facilitate infiltration of stormwater run-off must be utilised as far as possible within the development;
 - 20.2. Litter traps must be installed at the detention/ stormwater structure to ensure that pollutants in the form of particulate matter are removed prior to run-off entering the Bokrivier;
 - 20.3. An oil-water separator must be installed at the detention/ stormwater structure to ensure that oil is removed from the water prior to run-off entering the Bokrivier;
 - 20.4. The litter traps and oil-water separator must be checked and monitored on a weekly basis and serviced as required; and
 - 20.5. Regular testing of stormwater leaving the site must be done during the operational phase in order to monitor the quality of water leaving the site and ensure that it is in line with the standards set by the Department of Water Affairs and local authority requirements.
21. The following mitigation measures regarding internal roads must be implemented:
 - 21.1. All roads constructed must be based on appropriate professional engineering standards and must be approved by the municipality's road engineer, and comply with the requirements of the Department of Transport and Public Works where appropriate; and
 - 21.2. The speed limit on internal roads on the site must be clearly signed and all internal roads must include speed inhibiting mechanisms like speed humps and stop streets.
22. The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate one (1) year after construction has been commenced with.
 - 22.1. The audit report must detail compliance with this environmental authorisation and the EMP relevant to the stage of development.
 - 22.2. If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense

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of the applicant and may authorise any person to take such measures necessary for this purpose.

23. The applicant must, in writing, **within 10 (ten) calendar days** of receiving notice of the Department's decision to authorise the activity –
- 23.1. Notify all registered interested and affected parties of the outcome of the application and the reasons for the decision.
 - 23.2. Specify the date on which the authorisation was issued.
 - 23.3. Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations.
 - 23.4. Advise all registered interested and affected parties that, should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal.
 - 23.5. Inform every interested and affected party that a prescribed Notice of Intention to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email jedevill@pgwc.gov.za or URL <http://www.capecgateway.gov.za/eadp>.
 - 23.6. Inform all interested and affected parties that should they wish to appeal, the appellant must serve on the applicant a copy of the Notice of Intention to Appeal form as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant; and
 - 23.7. If the applicant should decide to appeal, the applicant must –
 - lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision; and
 - submit the appeal within 30 days of the lodging of the notice of intention to appeal; and
 - serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.
24. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.
25. Any changes to, or deviations from the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

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26. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
27. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
28. Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.
29. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
30. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions imposed in this authorisation must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
31. Departmental officials must be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
32. The activity which is authorised may only be carried out at the property indicated above.
33. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
34. This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

H. REASONS FOR THE DECISION:

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

- a) the information submitted by the applicant and Environmental Assessment Practitioner (including the Notice of Intent received on 26 April 2007; Application and BAR received on 30 January 2008; Scoping/ EIA Application received on 21 April 2008; Final Scoping Report received on 09 June 2008; Final EIA Report received on 13 Feb 2009 (with additional information received on 20 February); Cape Nature comment received on 17 March 2009; Additional comments received on 15 April 2009; Comment from municipality received on 22 May 2009; Clarity regarding the electricity supply received on 02 July 2009).
- b) the comments received from interested and affected parties;
- c) relevant information contained in the Departmental information base; and

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- d) the objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA").

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

Background and Socio-Economic

The proposed development site falls under the jurisdiction of the Saldanha Bay Municipality and the West Coast District Municipality. The area falls into Ward 5. The two towns in close proximity to the proposed development are Saldanha Bay and Vredenburg.

Saldanha has developed into the largest industrial centre along the West Coast. This town displays further growth potential in the steel-manufacturing sector, which can lead to job creation. Further growth potential in the oil and gas industries along the coast could also alter the function of the town. In spite of the reduction of fish quotas, which had a major impact on the fishing community, this industry still offers opportunities for job creation and tourism development. Saldanha has a well-balanced economic base (the fishing industry, institutional services, tourism, the harbour and the industrial sector), which holds strong development potential. This is expected to bring relief to the "human needs" in the wider region.

Vredenburg fulfils the role of a regional service centre for the West Coast and as municipal seat for the Saldanha Bay Municipality. The town has developed as the area's main administrative, financial and commercial service centre and the trend is for most inhabitants to commute from nearby coastal towns (Saldanha, Langebaan, Jacobsbaai and Paternoster) to work here. Economic growth is further expected given the dependence of its adjacent towns and the mutual interaction.

Planning

The spatial planning documents that are relevant to the proposed Industrial Park development include the Western Cape Provincial Spatial Development Framework (WCPSDF), Saldanha Bay Spatial Development Plan and Western Cape Provincial Growth and Development Strategy. Principles and guidelines contained within these planning framework documents are of relevance to the proposed development.

On a national level Saldanha Bay has been identified as a Presidential Development growth node due to its existing natural deep water harbour and its associated development potential. This view was strengthened in the principles contained in the National Spatial Development Perspective and carried forward in the WCPSDF. In terms of the WCPSDF, the Saldanha-Vredenburg area is earmarked as a "Regional Motor" and the link between Cape Town ("Global City") and Saldanha-Vredenburg is seen as a Regional Transport corridor. The WCPSDF also states that opportunities should be investigated and focused on settlements with sufficient growth potential. In this regard an industrial corridor was identified in the draft *Saldanha Bay Spatial Development Framework* (2008).

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In view of the above planning documentation, the property is earmarked for industrial purposes. The proposed development is therefore in line with the forward planning for the area.

Need and Desirability

According to the Provincial Spatial Development Framework (PSDF, November 2005) the Saldanha industrial/ urban development is identified as a potential economic development location. Industries present opportunities for economic development and employment creation. The area enjoys significant national and international comparative advantages. According to the Saldanha Bay Spatial Development Plan (2004) (SBSDP) the site is located within the proposed industrial area. Land use surrounding the site comprises mixed-use heavy, medium and light industrial such as Namakwa Sands, Saldanha Steel, Alpha Cement, Duferco and Trident.

The site would ideally be used for industrial purposes, due to the fact that the site is in proximity to existing major industries. According to the Western Cape Provincial Growth and Development Strategy (October 2006), Saldanha-Vredenburg is an area of economic opportunity. Emerging Industrial port of Saldanha-Vredenburg services key sectors: oil and gas, iron ore exporting and steel processing. Vredenburg and Saldanha are leader towns (highest growth potential) in this area.

The proposed Industrial Park development is expected to include substantial social and economic benefits through job creation and training. The Consulting Engineers via the tender documentation will appoint a Community Liaison Officer. Both unskilled and skilled labour will come from the previously disadvantaged community and will be monitored by the Community Liaison Officer. It will be ensured that previously disadvantaged individuals are employed during the construction and operational phases of the proposed development.

The Saldanha Bay Municipality has confirmed capacity to service the proposed Industrial Park development in terms of water provision, waste removal and treatment of sewage. The Saldanha Bay municipality confirmed that sufficient electricity capacity exist to accommodate the proposed Industrial Park development. The existing power line (11kv) will be upgraded to a capacity of 8MVA by replacing of the existing conductor, structures and accessories as required. Provision will also be made to cross the railway line.

About 70% of the site has been heavily and fairly heavily disturbed, by ploughing and planting with crops, by cattle grazing, and by quarrying and infilling. The "No-Go" option for this site would most likely mean that the site remains undeveloped. It would probably involve continued cultivation of the existing ploughed areas, irregular grazing on all of the site, and possibly more illegal squatting, dumping, trampling and vehicle access. There is also unlikely to be any control of alien invasive vegetation.

A portion (approximately 9.35ha, i.e. approximately 32%) of the land is proposed to be left for the conservation of Saldanha Limestone Strandveld.

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Property Owners Association

A Property Owners Association (POA) with a Constitution, which incorporates the conditions of the "Environmental Authorisation", will be established.

Once the bulk infrastructure has been completed, the Property Owners Association will take over the responsibility of ensuring that individual erf owners comply with the EMP and the building Design Manual for the Industrial Park development.

A requirement that individual erf owners comply with the EMP at their own cost when developing their individual sites will form part of the Property Owners Constitution. The building Design Manual for the Industrial Park development compiled by Creative Profile, will be incorporated into the Property Owners Association Agreement.

An Environmental Management Fund will be set up by the POA to provide sufficient ongoing funding for ecological management of the Public Open Space (conservation area) on site and will be incorporated into the Property Owners Association Agreement.

Stormwater

All minor flows will be handled in pipes of a minimum diameter of 375mm runs and 300mm road crossings. These pipes will flow into the proposed stormwater detention facilities. These positions are in open spaces at the south-eastern end of Voorspoed Close and at the eastern end of Vooruitgang Close. Storm water pipes in Harbour Link will also be diverted towards the detention facility adjacent to the proposed re-alignment of Main Road 559 (eastern end of Vooruitgang Close). It has also been incorporated as a worst case scenario, for very minor flow in pipes in the southern direction of Nywerheids Street start to be incorporated into the Kamp street re-alignment stormwater handling. These pipes can be diverted towards Vooruitgang Close should the Main Road 559/ Kamp street re-alignment be placed on ice. All major flows will be overland towards the detention facilities mentioned above.

Stormwater flow (from the proposed detention facility adjacent to the proposed re-alignment of Main Road 559) will eventually discharge into a stream ("Bokrivier") west of the proposed development and will finally be disposed into the sea.

Porous surfaces that facilitate infiltration of stormwater run-off will be utilised as far as possible within the development. Litter traps will be installed at the detention/ stormwater structure to ensure that pollutants in the form of particulate matter are removed prior to run-off entering the Bokrivier. An oil-water separator will be installed at the detention/ stormwater structure to ensure that oil is removed prior to run-off entering the Bokrivier. Regular testing of stormwater leaving the site will be done in order to monitor the quality of water entering the Bokrivier and ensure that the water quality in line with the standards set by the Department of Water Affairs.

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Biophysical

The proposed project area falls within the Mediterranean climate region of the South-western Cape, along the more arid West Coast Region towards the north of the Western Cape Province. The area is characterised by winter rainfall, associated with frontal activity and hot, dry summers.

The gradient of the site is flatter than 1:10 and the ground slopes predominantly from northeast to southwest. The geology of the site is dominated by Langebaan Limestone according to the 1:125 000 scale geological map (3217D & 3218C – ST HELENABAAI and 3317B & 3318A – SALDANHABAAI). Specialists Groundwater Solutions (report dated September 2008) stated that “a 10 to 15m thick, unconfined, fine to medium grained sand aquifer is present in the vicinity of the property. The water quality is however such that it is unfit for direct human consumption.

The Saldanha-Vredenburg Peninsula (Langebaan – St Helena) supports at least four threatened vegetation types, according to the vegetation map of South Africa (Mucina & Rutherford 2003), two of which (Saldanha Flats Strandveld and Saldanha Limestone Strandveld) would originally have covered the study area. According to Nick Helme Botanical Surveys (report dated 09 July 2008) three areas of different conservation value occurs on the site, namely “Low and Low to Moderate Conservation value areas”, Moderate conservation value areas and High conservation value areas.

The ploughed areas and the heavily quarried and infilled areas are mapped as Low conservation value. The Low to moderate conservation value areas are heavily dominated by a few weedy species, some of which are alien invasive weeds of disturbed areas. Areas that are partly disturbed and that have reduced species diversity are regarded as being of Moderate conservation value. The areas mapped as being of High conservation value (about 25% of the site) supports high species diversity and a viable population of at least one Red Data Book listed species. The vegetation type in this area is Saldanha Limestone Strandveld, which is an endangered vegetation type.

Low and Low to Moderate conservation value areas present few botanical constraints to development, but any development in these areas should have a 20m buffer from High conservation value areas. Moderate conservation value areas are ecologically functional, and support the viability of the ecological corridor and the High conservation value areas, and should thus not be developed. High conservation value areas are not suitable for development, and should be buffered by at least 20m from any development. Loss of the High conservation value area will not have a direct significant regional impact on any rare plant species, but will destroy the existing ecological linkage from the south to the north and east, and this may be of High regional significance, as it has an impact at greater than just the site scale. The high conservation value areas should become formal conservation corridors, with all industrial and residential development in old agricultural lands and similarly disturbed areas of low conservation value.

Relative to the surrounding West Coast area the study area contains no unique mammalian habitats, and appears to have low species diversity. No detailed faunal surveys have however been conducted as part of the Scoping/ EIA

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process for the proposed development. The presence of fauna, however, was determined largely by the presence of suitable, intact habitat, which could be inferred to some degree from the botanical survey undertaken. A low diversity of animal life is expected, due to the disturbed nature of the vegetation and the proximity of the railwayline, roads and industrial buildings to this area and public access. Animals such as tortoises, snakes, lizards, various rodents (moles, field mice, etc), birds and invertebrates is however likely to be found on site.

The EMP will include a comprehensive 'search and rescue' operation for plant species prior to any land clearing or construction activities (including the installation of roads and services). The 'search and rescue' will be done by a suitably qualified and experienced botanist. The EMP will also provide for a 'search and rescue' of any fauna (like tortoises, lizards, snakes, etc.) that could be impacted upon during construction prior to any land clearing or construction activities. Any animals found will be moved and securely relocated within the adjacent "High Conservation value area". No animals will be intentionally harmed or killed.

No permanent or seasonal streams or wetlands are found on the site. A non-perennial stream, the "Bokrivier" is to be found ~150m west of the southwestern corner of the proposed development site.

Emissions

POLTECH stated in a report dated 13 October 2008 that air pollution aspects at most industries of the proposed light industrial development will lead to insignificant impacts on the biophysical and socio-economic environment. Industries that are potentially problematic include crematoriums, fishing enterprises as well as builders yards and scrap yards. Conditions stipulated in this Environmental Authorisation are however expected to mitigate the impacts to acceptable levels.

Visual and Noise

As the site is being developed as a mixed retail, business and industrial park purposes it is likely that noise impacts, associated with normal industrial activity, will arise during the operational phase. The majority of the surrounding land uses are industrial (with a low sensitivity to noise and high ambient noise levels) and the anticipated noise impact is therefore considered to be of low significance. However, specific conditions set in this Environmental Authorisation will further assist to mitigate noise impacts that can be expected from the proposed development.

Architectural guidelines, together with a building height restriction, and landscaping will also be implemented to minimise visual impacts. An Environmental Management Plan (dated December 2008) and a design manual compiled by Creative Profile (Appendix P in the EIAR) will also be implemented to manage impacts to acceptable levels during the construction and operation phases of the development.

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Archaeological and Heritage Resources

The Phase 1 Archaeological Impact Assessment (dated August 2007) has identified no significant impacts to pre-colonial archaeological material that will need to be mitigated prior to the proposed development activities. The probability of locating important pre-colonial archaeological heritage remains during implementation of the project is likely to be low. It is unlikely but unmarked human burials may be uncovered or exposed during earthmoving operations. Deposits from the last interglacial Pleistocene may, however, be exposed during deep trenching for services. Important vertebrate fossils may also be exposed or uncovered should excavations penetrate underlying limestone or associated sediments.

A "Notification of Intent to Develop" (NID) was submitted to the Heritage Western Cape, Built Environment and Landscape Committee (BELCOM) whose recommendations dated 26 September 2007 have been included in this Environmental Authorisation.

Should any human remains be disturbed, exposed or uncovered during excavations and earthworks for the proposed project, these will immediately be reported to the South African Heritage Resources Agency or Heritage Western Cape. Burial remains will not be disturbed or removed until inspected by the archaeologist.

Services

The proposed development includes the construction (and bituminous surface treatment) of internal roads, an access from Main Road 559 and an access from the future extension of Harbour Link Road. The site will be accessed (in the interim) from the existing Harbour Link Road gravel access road. When the extension of MR559 to the west towards the R45 (MR238) is constructed the development will also have direct access off MR559 at the intersection with the realigned Kamp Street. In the future when Harbour Link is constructed the interim access off Harbour Link will be formalised and aligned with the "Nywerheid" Street intersection. When the extension of MR559 to the west towards the R45 (MR238) is constructed, Kamp Street will be realigned to intersect MR559 approximately 450 metres to the west of the future Harbour Link intersection. This MR559/ Kamp Street intersection will then become the main access to the proposed development.

Should the future upgrades and extension of Harbour Link Road and the MR559 be listed in terms of the NEMA EIA Regulations, the upgrades and extension will be the subject of a separate EIA process.

The proposed development will include the construction of an underground water supply network. The network will consist of an underground pipeline (diameter 110-160mm) with a connection to every site. The Saldanha Bay Municipality confirmed that sufficient capacity exist to supply water to the proposed development.

The proposed development will also include the construction of a conventional waterborne sewage system. The network will consist of an underground uPVC sewer pipeline (diameter ~160mm). The proposed sewer system will be linked up with the existing municipal sewer treatment plant located west of the development

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on municipality land. The underground uPVC sewer pipeline (diameter approximately 160mm) will cross a non-perennial stream ("Bokrivier") located west of the development. The pipeline will be cast in concrete along the full width of the stream and will be a minimum of 600mm below the deepest point of the stream. The Saldanha Bay Municipality confirmed that sufficient unallocated capacity exist for treating/ disposing of the sewage or any other effluent to be generated by the proposed development.

The proposed development will further include the construction of an underground electricity supply network and Telkom lines. The Saldanha Bay Municipality confirmed that sufficient electricity capacity exist to accommodate the proposed "Harbour View Industrial Park" development.

Construction solid waste (including rubble) will be removed by the civil contractor and disposed of at the municipal waste disposal site. During the operational phase solid waste will be collected by the municipal waste trucks and treated/ disposed of at the municipal waste disposal site. The Saldanha Bay Municipality confirmed that sufficient capacity exist for disposing of the solid waste to be generated by the proposed development.

Any hazardous waste generated during the construction and/ or operational phase will be kept separately and will be transported by a private contractor to a licensed hazardous waste site for disposal.

Alternatives

The proposed development comprises the rezoning of Portion 9 of Farm No.957, Malmesbury (Saldanha Bay Municipality), from Agriculture Zone I to Sub Divisional area, to provide for the establishment of an industrial development. No alternative sites were considered for the proposed development.

Alternative layouts of the proposed development were considered, including the following:

Preferred Alternative (Alternative 4)

Alternative 4: The establishment of 26 Industrial erven (approximately 10.20ha), one Business erven (approximately 0.59ha), three Office Park erven (approximately 2.28ha), one Filling Station erf (approximately 0.31ha), 5 Private Open Space erven (approximately 9.35ha), internal public roads (approximately 3.17ha) and associated infrastructure. The High conservation value areas, portions of the Moderate conservation value areas and portions of Low and Low Moderate conservation value areas, are included in the proposed public open space/ conservation areas (approximately 9.35ha). The conservation of the most critical portion of the property, as well as the maintenance of ecological corridors across priority portions of the site and across to adjacent natural areas, makes this alternative the most viable option from a botanical viewpoint. This alternative is, however less cost-effective and financially viable for the applicant due to the development (infrastructure) cost versus potential income.

Alternative 1

The proposed development comprises the rezoning of Portion 9 of Farm No.957, Malmesbury (Saldanha Bay Municipality), from Agriculture Zone I to Sub Divisional are, for the establishment of 28 Industrial erven (approximately 10.85ha), one Business erven (approximately 0.59ha), three Office Park erven

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(approximately 2.54ha), one Filling Station erf (approximately 0.31ha) and six Private Open Space erven (approximately 8.37ha). The High conservation value areas and portions of the Moderate conservation value areas are included in the proposed public open space/ conservation areas (approximately 8.37ha). The conservation of the most critical portion of the property makes this alternative a more viable option from a botanical viewpoint. This alternative is, however less cost-effective and financially viable for the applicant due to the development (infrastructure) cost versus potential income.

Alternative 2

Alternative 2: The establishment of 31 Industrial erven (approximately 14.73ha), three Business erven (approximately 0.81ha), four Office Park erven (approximately 1.02ha), five Public Open Space erven (approximately 5.71ha), public roads (approximately 3.56ha) and associated infrastructure. Most of the High conservation value areas and portions of the Moderate conservation value areas are included in the proposed private open space/ conservation areas (approximately 5.71ha). The conservation of most of the High conservation value areas and portions of the Moderate conservation value areas makes this alternative a more viable option than Alternative 3 from a botanical viewpoint. There was however concern from CapeNature that the recommendations by the botanical specialist have not been adequately applied in this proposed development layout. This alternative was thus amended to produce the above preferred alternative.

Alternative 3

Alternative 3: The establishment of 37 Industrial erven (approximately 21.47ha), two Business erven (approximately 0.43ha), six Office Park erven (approximately 1.25ha), one Public Open Space erf (approximately 1.09ha), public roads (approximately 4.85ha) and associated infrastructure. The alternative will result in the complete loss of High conservation value area on the eastern portion of the site. From a botanical viewpoint, this alternative is therefore not desirable. This alternative is, however more cost-effective and financially viable for the applicant due to the development (infrastructure) cost versus potential income.

The "no-go" option

The "no-go" option of leaving the land for the proposed development as it is has also been considered, as required in terms of the EIA Regulations of the National Environmental Management Act (Act no. 108 of 1998). This alternative is not, however, considered to be viable. The "no-go" option would mean that the site would most likely remain undeveloped. It is likely to involve continued cultivation of the existing ploughed areas, irregular grazing on all of the site, and possibly more illegal squatting, dumping, trampling and vehicle access. The site is also unlikely to have the potential to function sustainably as a successful agricultural economic unit. Vacant land in this position would not contribute to the development of the Saldanha Bay Industrial Corridor, it will not allow for the long-term conservation of the High and/ or Medium conservation value areas on site and will not contribute to urgently needed job creation in this area. From an economic, social and ecological perspective, the "no-go" option for the site is not warranted.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

National Environmental Management Principles

The National Environmental Management Principles (set out in Section 2 of the NEMA) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment, *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment; and
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures.

Public Participation

The public participation process entailed:

- Identification of interested and affected parties;
- Fixing notice boards at the site where the activity is to be undertaken;
- Giving written notice to-
 - the owners and occupiers of land adjacent to the site where the activity is to be undertaken (Spoornet, Department of Transport and Public Works, SALDOK (Pty) Ltd., Regional Manager SANRAL);
 - the owners and occupiers of land within 100 metres of the boundary of the site who may be directly affected by this activity;
 - the municipal councillor (Councillor J.J. Cillié) of ward 5, in which the site is situated;
 - the municipality (Saldanha Bay and West Coast District Municipality) which has jurisdiction in the area; and
 - the various organs of state having jurisdiction in respect of any aspect of the activity;
- Placing an advertisement (English and Afrikaans) in one local newspaper ("Weslander") on 24 May 2007; and
- Making a Background Information Document, the Scoping Report, Environmental Impact Assessment Report and additional information available for comment.

All the issues raised were responded to and adequately addressed during the process, and specific management and mitigation measures provided for in this environmental authorisation to adequately address the issues raised.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

I. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the regulations.

If the applicant should decide to appeal, the applicant must lodge a notice of intention to appeal with the Minister, within 10 days of being notified of this decision (the date of "being notified" deemed to be the date the notice of the Department's decision was sent, i.e. the date of issue), and serve a copy of the notice of intention to appeal, on the same day that the notice of intent is lodged with the Minister, on all registered interested and affected parties as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

Should any other person decide to appeal, the person must lodge a notice of intention to appeal with the Minister, within 10 days of being notified of the Department's decision (the 10 day period is deemed to only start 10 days after the date of issue of the Department's decision), and serve a copy of the notice of intention to appeal, on the same day that the notice of intent is lodged with the Minister, on the applicant as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

All appeals must be submitted, within 30 days of the lodging of the notice of intention to appeal, by means of one of the following methods:

By post: Western Cape Minister of Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
Cape Town 8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers
9th floor Utilitas Building
1 Dorp Street
Cape Town 8001

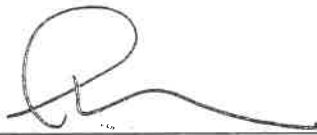
A prescribed Notice of Intent to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp>.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

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

Yours faithfully



ANTHONY BARNES
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)

DATE OF DECISION: 13/7/2009

Copies to: (1) Mr. G. Pretorius (Enviro Logic)
(2) Mr. Lindsey Gaffley (Saidanha Bay Municipality)

Fax: (021) 919 4048
Fax: (022) 715 1101

Appendix B

Copy of the amended EA issued by this Department on 14 June 2012 (Ref. No. 16/3/1/5/F5/16/3015/12).



**Western Cape
Government**

Environmental Affairs and
Development Planning

DIRECTORATE: LAND MANAGEMENT
REGION 2

EIA REFERENCE NUMBER: 16/3/1/5/F5/16/3015/12
ENQUIRIES: MS. L. PETERSEN

DATE OF ISSUE: 14 JUN 2012

The Director
Fast Pulse Trading 63 (Pty) Ltd.
PO Box 1223
MALDENBURG
7800

Attention: Mr. J.C. Coetzee

Tel: (022) 772 1700
Fax: (022) 772 1700

Dear Sir

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (REFERENCE NUMBER E12/2/3/2-F5/14-0253/07) FOR THE PROPOSED ESTABLISHMENT OF AN INDUSTRIAL PARK AND ASSOCIATED INFRASTRUCTURE ON PORTION 9 OF FARM NO.957, MALMESBURY, SALDANHA BAY.

With reference to your application, find below the amended Environmental Authorisation ("EA") in respect of this application.

AMENDED ENVIRONMENTAL AUTHORISATION

A. DECISION

With reference to this application, the Directorate in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) Environmental Impact Assessment Amendment Regulations, 2010, ("NEMA EIA Amendment Regulations") hereby amends the EA issued on 13 July 2009 (EIA Reference Number: E12/2/3/2-F5/14-0253/07, attached as Appendix A) as follows –

The following condition of section G (Conditions of Authorisation) of the environmental authorisation:

Condition 34: *"This activity must commence within a period of 3 years from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken".*

Is herewith substituted with:

Condition 34: "The listed activities must commence within a period of **two (2) years** from the date of issue of this amended environmental authorisation. If commencement of the listed activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the listed activity to be undertaken".

B. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION:

- a) The application is for a non-substantive amendment to the original EA.
- b) The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the original EA.
- c) The EA is currently still valid.
- d) There are no proposed changes to the original application.

C. CONDITIONS

1. Your attention is drawn to Chapter 7 of the NEMA EIA Amendment Regulations, 2010, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, in terms of, Regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision. You must then submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1), for the lodging of the notice of intention to appeal.
2. Should any other person, or an interested and affected party, decide to appeal, they must, in terms of, Regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision. An appeal must be submitted within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1).
3. The appellant must provide the applicant, within 10 days of having lodged the notice contemplated in Regulation 60(1), with a copy of the notice referred to in Regulation 60(1), and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. A responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.

4. All Notice of Intention to Appeal and Appeal forms must be submitted by means of one of the following methods:

By post: 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. Jaap de Villiers
Room 305 A
3rd Floor
Leeusig Building
CAPE TOWN
8001

5. The prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office, as well as assistance regarding the appeal processes, at telephone number (021) 483 3721 or email Jaap.DeVilliers@pgwc.gov.za or via the URL <http://www.westerncape.gov.za/eadp>.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Yours faithfully



ZAAHIR TOEFY
DIRECTOR: LAND MANAGEMENT (REGION 2)

DATE OF DECISION: 13/06/2012

Copies to: (1) Mr. G. Pretorius (Enviro Logic)
(2) Mr. L. Gaffley (Saldanha Bay Municipality)

Fax: (021) 919 4048
Fax: (022) 715 1101

Appendix C

Copy of the amended EA issued by this Department on 12 October 2015 (Ref. No. 16/3/1/5/F4/18/3111/14).



REFERENCE NUMBER: 16/3/1/5/F4/18/3111/14
ENQUIRIES: Ms. M. Engelbrecht
DATE: 2015 -10- 12

The Director
Fast Pulse Trading 63 (Pty) Ltd.
P. O. Box 1223
VREDENBURG
7380

Attention: Mr. J. C. Coetsee

Tel & Fax: (022) 772 1700

Dear Sir

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED BY THIS DEPARTMENT ON 13 JULY 2009 (REF. NO. E12/2/3/2-F5/14-0253/07) FOR THE PROPOSED ESTABLISHMENT OF AN INDUSTRIAL PARK AND ASSOCIATED INFRASTRUCTURE ON PORTION 9 OF FARM NO. 957, SALDANHA BAY.

With reference to your application, find below the decision in respect of this application.

AMENDMENT OF ENVIRONMENTAL AUTHORISATION

A. DECISION

With reference to this application, the Directorate in terms of Regulation 39 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") hereby amends the original EA issued on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07 attached as Appendix A) and the subsequent amendment to the EA dated 14 June 2012 (Ref. No. 16/3/1/5/F5/16/3015/12 attached as Appendix B) as follows:

1. Section A (Description of Activity) of the EA issued on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) which reads:

" The proposed activity entails the development of industrial, business, office park, filling station, private open space erven and associated infrastructure on Portion 9 of Farm No. 957, Malmesbury.

The proposed development site is located approximately 4km northeast of the town of Saldanha. The site borders the railway line on the northern side and an existing industrial development on the eastern side. In the south the site borders agricultural land and in the west the railway line. A 29m servitude (bulk water supply line (7m) and electronic power line (22m)) traverses the site in an east-west direction.

Portion 9 of Farm No. 957, Malmesbury is located within the Municipal boundary of the Saldanha Bay Municipality and inside the proposed Industrial Corridor.

FILE
37

The proposed development comprises the rezoning of Portion 9 of Farm No. 957, Malmgrury (Saldanha Bay Municipality), from Agriculture Zone 1 to Sub Divisional area, for the establishment of:

- 26 Industrial erven (approximately 10.20ha),
- one Business erf (approximately 0.59ha),
- three Office Park erven (approximately 2.28ha),
- one Filling Station erf (approximately 0.13ha),
- 5 Private Open Space erven (approximately 9.35ha),
- Internal public roads (approximately 3.17ha); and
- Associated infrastructure.

The proposed development will be accessed from the existing Harbour Link gravel road and possibly from the future extension of Main Road 559 and from the future extension of Harbour Link Road. The proposed development makes provision for the extension of Main Road 559 (approximately 1.28ha) and the extension of Harbour Link Road (approximately 2.01ha).

The area indicated as Public Open Space on the preferred alternative layout 4 (attached as appendix A) will be formally conserved. This area mainly consists of the high conservation value area and the moderate conservation value area as is indicated by a botanical study. The area is approximately 9.35ha in size (32% of the total area of the site).

All stormwater minor flows will be channelled in pipes with a minimum diameter of 375mm for runs and 300mm for road crossings. Two stormwater detention facilities positioned in open spaces at the south-eastern end of Voorspoed Close and at the eastern end of Vooruitgang Close will be developed. The pipes will flow into the proposed stormwater detention facilities. All major flows will be overland towards the detention facilities.

The existing power line (11kv) will be upgraded to a capacity of 8MVA by replacing of the existing conductor, structures and accessories as required before the commencement of the operational phase of the proposed development. Provision will also be made to cross the railway line.

The municipality has confirmed their capacity to provide services including:

- water supply;
- sewerage treatment;
- electricity; and
- solid waste removal.

The total area of the property is approximately 29.19ha. The total area of the proposed development footprint is approximately 16.55ha

These are activities identified in Government Notice No. R. 386 and Government Notice No.387 of 21 April 2006, being:

Government Notice No. R. 386:

Activity Number: 1(k)

Activity Description: The construction of facilities or infrastructure, including associated structures and infrastructure, for –

The bulk transportation of sewage and water, including stormwater, in pipelines with-

- (i) an internal diameter of 0.36 metres or more; or
- (ii) a peak throughput of 120 litres per second or more.

Activity Number: 1(m)

Activity Description: The construction of facilities or infrastructure, including associated structures or infrastructure, or –

Any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including –

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams; and
- (v) weirs.

Activity Number: 4

Activity Description: The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding five cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.

Activity Number: 12

Activity Description: The transformation or removal of indigenous vegetation of 3 hectares or more of any size where the transformation or removal would occur within a critically endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Activity Number: 15

Activity Description: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

Activity Number: 16

Activity Description: The transformation of undeveloped, vacant or derelict land to

- (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or
- (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

Activity Number: 18

Activity Description: The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.

Government Notice No. R. 387:

Activity Number: 2

Activity Description: Any development activity, including associated structures and infrastructure, where the total area of the development area is, or is intended to be, 20 hectares or more."

Is herewith amended to include the following:

A temporary access road will be developed on the southern section of the conservation area (as detailed in the proposed layout attached as Appendix C) in order to access the development until permanent access to the development is available. The temporary access road will be rehabilitated when permanent access to the development is obtained.

On 04 December 2014, the Minister of Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations 2014 (Government Notice No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 04 December 2014). **Please note that these regulations came into effect on 08 December 2014.** The listed activities below are the similarly listed activities in terms of the NEMA EIA Regulations, 2014.

Government Notice No. R. 983 of 04 December 2014 -

Activity Number: 9

Activity Description:

The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water-

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

excluding where-

- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or
- (b) where such development will occur within an urban area.

Activity Number: 12

Activity Description:

The development of-

- (i) canals exceeding 100 square metres in size;
- (ii) channels exceeding 100 square metres in size;
- (iii) bridges exceeding 100 square metres in size;
- (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size;
- (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size;
- (vi) bulk storm water outlet structures exceeding 100 square metres in size;
- (vii) marinas exceeding 100 square metres in size;
- (viii) jetties exceeding 100 square metres in size;
- (ix) slipways exceeding 100 square metres in size;
- (x) buildings exceeding 100 square metres in size;
- (xi) boardwalks exceeding 100 square metres in size; or
- (xii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs-

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -

excluding-

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area; or
- (ee) where such development occurs within existing roads or road reserves.

Activity Number: 19

Activity Description:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-

- (i) a watercourse;
- (ii) the seashore; or
- (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-

but excluding where such infilling, depositing, dredging, excavation, removal or moving-

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.

Activity Number: 27

Activity Description:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan."

Government Notice No. R. 985 of 04 December 2014 -

Activity Number: 4

Activity Description:

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

(f) **In Western Cape:**

i. Areas outside urban areas;

(aa) Areas containing indigenous vegetation;

(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or

ii. In urban areas:

(cc) Areas zoned for conservation use; or

(dd) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.

2. Section G (Conditions of Authorisation) of the EA issued on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) is herewith amended, as follows:

2.1. Condition 2.2 of the EA is herewith replaced with:

"2.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1, 6, 8 and 23."

2.2. Condition 8 of the EA is herewith replaced with:

"8. The area indicated as "Public Open Space" on the proposed layout attached as Appendix B, which excludes the temporary access road, must be clearly demarcated and fenced off from the development activities prior to the commencement of any construction activities.

8.1 The Rehabilitation Plan (dated July 2015 and compiled by Mr. D. van Eeden and Mr. B. Low of VULA Environmental Services) and submitted together with the Amendment Report dated 04 September 2015 must be adhered to and implemented within six (6) months of the temporary access road no longer being required."

3. The listed activities must commence within a period of **two (2) years** from the date of this amended EA. If commencement of the listed activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority in order for the listed activities to be undertaken.

B. REASONS FOR THE DECISION TO AMEND THE AMENDED ENVIRONMENTAL AUTHORISATION.

- (a) The information contained in the application form for the amendment of the EA issued on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) and the subsequent amendment to the EA dated 14 June 2012 (Ref. No. 16/3/1/5/F5/16/3015/12) dated 06 June 2014 and received by the Department on 09 June 2014, the additional information received by this Department on 17 June 2014, 02 September 2014, 13 October 2014, respectively, the final Background Information Document ("BID") dated and received by this Department on 02 February 2015, the additional information received by this Department on 05 March 2015 and the amendment report dated and received by this Department on 04 September was considered.
- (b) The amendment was for a substantive amendment and a Public Participation Process ("PPP") was followed.
- (c) Comments:
- (i) During the PPP, a draft and a final BID was provided to the registered interested & affected parties ("I&APs") which were registered in the previous PPP. During the commenting period on the final BID dated December 2014, CapeNature requested that detailed input from an appropriately qualified and experienced rehabilitation specialist be obtained regarding the feasibility of the rehabilitation of the proposed road.
 - (ii) A Rehabilitation Plan dated July 2015 was therefore compiled by Mr. D. van Eeden and Mr. B. Low of VULA Environmental Services (Pty) Ltd. and was circulated to I&APs for a 30-day commenting period.
 - (iii) In response to the Rehabilitation Plan, CapeNature indicated in their comment dated 11 August 2015 that they are satisfied with the Rehabilitation Plan and recommended that rehabilitation actions commence within six (6) months of the access road no longer being required. This recommendation has been included as a condition of this amended EA.
 - (iv) No objections were raised by the interested and affected parties which were registered in the previous PPP with respect to the amendment application.
- (d) Motivation for the amendment:
- (i) According to the information provided, the temporary access road is required to access the proposed site in order to commence with the proposed development, since there are uncertainties regarding the future extension of MR 559 to the west towards the R45 as well as the future extension of Harbour Link Road to the north.
 - (ii) The temporary access road will be rehabilitated in accordance with the Rehabilitation Plan (dated July 2015 and conducted by Mr. D. van Eeden and Mr. B. Low of VULA Environmental Services) when permanent access to the property from the adjacent road network is available.
- (e) The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the Environmental Authorisation.
- (f) The remaining conditions of the EA issued on 13 July 2009 (Ref. No. E12/2/3/2-F5/14-0253/07) will remain unchanged and valid.

C. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Regulations, 2010.

1. An appellant must –

- 1.1 submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.1.1 If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.
 - 1.1.2 If the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 1.2 submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the notice of intention to appeal;
- 1.3 that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister; and
- 1.4 if a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

By post: 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. Jaap de Villiers (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, **CAPE TOWN**, 8001

PLEASE NOTE: No appeal, responding and answering statement may be lodged by e-mail.

4. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za>.

The Western Cape Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction being temporarily or permanently stopped for reasons of non-compliance with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation by the developer.

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

Yours faithfully



ZAAHIA TOEY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 12/10/2015

Copies to: (1) Mr. G. Pretorius (Enviro Logic)
(2) Mr. L. Gaffley / Ms. N. Duarte (Saldanha Bay Municipality)

Fax: (021) 919 4048
Fax: (022) 715 1518

Appendix D

The sub-divisional plan (dated 05 July 2017).

SUBDIVISIONAL PLAN: ERF 957/9 SALDANHA

Y +85 500

ZONING	USE	ERF NUMBERS SG 632/2016	NUMBER OF ERVEN
LIGHT INDUSTRIAL	AUTOMOTIVE SHOWROOM PUBLIC OFFICE LIGHT INDUSTRIAL BUILDING RESTAURANT ABOVE GROUND FL. SERVICE WORKSHOP PUBLIC GARAGE (CONSENT) PUBLIC OFFICE BUILDING	16030 - 16031 16033 - 16034 16036 - 16040 16046 - 16058 16062 - 16069	26
BUSINESS	HOTEL RESTAURANT ABOVE GROUND FL. RESIDENTIAL ABOVE GROUND FL. PUBLIC GARAGE (CONSENT)	16045, 16047 16059 - 16061	5
RESERVED PRIVATE OPEN SPACE	ANY USE REQUIRES COUNCIL PERMISSION	16028, 16032, 16035, 16041, 16046	6
RESERVED ROAD AND ROAD EXTENSIONS (EXTERNAL ROADS)	ROAD PURPOSES	16029, 16043	2
RESERVED ROAD AND ROAD EXTENSIONS (INTERNAL ROADS)	ROAD PURPOSES	16044	1

X:3 651 000

THE FARM No. 957



5 JULY 2017

CREATIVE PROFILE

Call: 082 771 4955

G. Venter



SCALE 1:4000 (A3)

OUTSOURCING VOORBEHOUD

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8.041

PLAN NO. 5

DATE	AMENDMENTS
06 JUNE 2017	1. ADD GENERAL PLAN NUMBERS (SG 632/2016)
	2. DISTRIBUTE VOORSPOED CLOSE BETWEEN ERVEN 16045 & 16047
	3. MOVE LEFT TURNING HEAD OF VOORUITGANG CLOSE
	4. ADD ZONING TO LAND USE TABLE + USES ALLOWED
	5. REMOVE SOUTHERN ACCESS ROAD
	6. ERF 16042 LIGHT INDUSTRIAL
	7. ERF 16030 LIGHT INDUSTRIAL AND MOVE BUSINESS ZONING TO ERVEN 16059 - 16061
	8. ADD APPROVED ACCESS FROM HARBOUR LINK ROAD (ERF 16045)