



REFERENCE: 16/3/3/2/A8/74/3057/22
NEAS REFERENCE: WCP/EIA/0001192/2022
DATE OF ISSUE: **24 JULY 2023**

The Board of Directors
Communicare NPC
Park Lane Office Block
Park Lane
PINELANDS
7405

Attention: Ms. Carol Procter

E-mail: cprocter@communicare.org.za

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON THE REMAINDER OF ERF NO. 5561 AND ERF NO. 20907, KUILS RIVER.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Mr. Pieter Badenhorst (GroenbergEnviro (Pty) Ltd.)
(2) Ms. Misché Molife (GroenbergEnviro (Pty) Ltd.)
(3) Ms. Maurietta Stewart (City of Cape Town)

E-mail: pieter@groenbergenviro.co.za
E-mail: mische@groenbergenviro.co.za
E-mail: maurietta.stewart@capetown.gov.za



REFERENCE: 16/3/3/2/A8/74/3057/22
NEAS REFERENCE: WCP/EIA/0001192/2022
DATE OF ISSUE: **24 JULY 2023**

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON THE REMAINDER OF ERF NO. 5561 AND ERF NO. 20907, KUILS RIVER.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the EIA Report dated March 2023.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the competent authority hereby adopts the Watercourse Rehabilitation and Management Plan ("WRMP") dated October 2022 as a Maintenance and Management Plan ("MMP") for the proposed rehabilitation and managements works to be undertaken in the watercourses. The WRMP relates to the approved Phase 2 development on Erf No. 19718, which was authorised in the Record of Decision issued on 26 July 2000.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Communicare NPC
c/o Ms. Carol Procter
Park Lane Office Block
Park Lane
PINELANDS
7405

Tel.: (021) 421 6008
E-mail: cprocter@communicare.org.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as “the holder”.

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 28: <i>“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p>(i) <i>will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;</i> or (ii) <i>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes”.</i></p>	<p>The proposed site was zoned and used for agricultural use on or after 01 April 1998 and is located outside the urban area.</p>

Listed Activity	Activity/Project Description
<p>Listing Notice 2 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 15: <i>“The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for -</i></p> <p>(i) <i>the undertaking of a linear activity; or</i> (ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan”.</i></p>	<p>More than 20ha of indigenous vegetation will be cleared.</p>

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <i>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <p>i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that</i></p>	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<p><i>has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <ul style="list-style-type: none"> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> <i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> <i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</i> 	
---	--

The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following related to the listed activities:

The proposed development entails the establishment of a mixed-use development and associated infrastructure on the Remainder of Erf No. 5561 and Erf No. 20907, Kuils River.

Approximately 50ha of indigenous vegetation will be cleared to establish the proposed mixed-use development.

The proposed mixed-use development will comprise of a mix of commercial/retail big box units, as well as general warehousing, including distribution centres, data centres and smaller sized light industrial related business premises. A 'Package of Plans' approach will be followed which will respond to future market changes.

The proposed development will be implemented in phases. The phasing of the proposed development will be determined by future market trends, as well as infrastructure availability and upgrades.

Access:

Two accesses are proposed along Bottelary Road; three accesses are proposed along Amandel Road and two accesses are proposed along Saxdowns Road.

The proposed development will connect to existing Municipal service infrastructure for water and electricity supply. An on-site waste water treatment works will be established which will provide treated water for the irrigation of communal open spaces and sports fields. Emergency back-up generators will be provided and an operations-and-maintenance agreement will be entered into with the provider.

The proposed mixed-use development will be approximately 50ha in size.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on Remainder of Erf No. 5561 and Erf No. 20907, Kuils River.

The Remainder of Erf No. 5561 and Erf No. 20907 are located directly south of Bottelary Road and to the east of Amandel Road in Kuils River.

The Soneike Shopping Centre is located along the northwestern boundary (along Amandel Road). Bottelary Road forms the northern boundary with a power substation directly to the north (across Bottelary Road). Saxdowns Road abuts the eastern boundary with the Bottelary River directly to the south. The Haasendal Development is located to the east along Saxdowns Road. Othello Retirement Village is located to the north and a retail development is located directly to the east along Saxdowns Road.

The SG 21-digit codes are:

Erf number	SG 21 digit code
Remainder of Erf No. 5561	C06700130000556100000
20907	C06700130002090700000

Co-ordinates:

Erf No.	Co-ordinates
Remainder of Erf No. 5561	Latitude: 33° 54' 28.54" S
	Longitude: 18° 41' 30.88" E
20907	Latitude: 33° 54' 35.89" S
	Longitude: 18° 41' 09.20" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

GroenbergEnviro (Pty) Ltd.
c/o Mr. Pieter Badenhorst
P.O. Box 1058
WELLINGTON
7654

Tel.: (021) 673 7228
Fax: (086) 476 7139
E-mail: pieter@groenbergenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the EIA Report dated March 2023 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of ten (**10**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of fifteen (**15**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 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);

- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 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).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14 and 21.1.

Management of activity

10. The draft EMPr dated February 2023 (as compiled by GroenbergEnviro (Pty) Ltd.) and the WRMP dated October 2022 (as compiled by Freshwater Ecologist Network Consulting (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr, including the WRMP, must be included in all contract documentation for all phases of implementation.

13. A copy of the Environmental Authorisation, WRMP and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr, WRMP and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct monthly site inspections during the construction phase.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report three (3) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and

- (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. As per the recommendations provided in the Botanical Impact Assessment Report dated April 2022 and compiled by Biodiversity Africa, as included in the EMPr, the following must be implemented:
- 21.1 Search and rescue must be undertaken by a qualified botanist or horticulturalist during the flowering season (between August and October) before commencement of construction activities.

- 21.2 A translocation plan must be approved by CapeNature for the translocation of individuals of Sensitive Species 158 that may be impacted by the proposed development.
 - 21.3 A site verification assessment must be done during the flowering season (August to October) by an experienced botanist to ensure that no populations of restricted range species will be lost.
 - 21.4 The outcome of the verification assessment must provide a comprehensive Search and Rescue Plan.
 - 21.5 The Search and Rescue Plan must identify the number of individual species that will be impacted and identify a suitable receiving environment for the individual species that will be moved.
22. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
- 22.1 Dual-flush toilet systems.
 - 22.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 22.3 Water-wise landscaping must be done.
23. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
- 23.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 23.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
 - 23.3 All geysers must be covered with geyser "blankets".
 - 23.4 The installation of solar water heaters and solar panels must be considered for all buildings.

F. General matters

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:
By post: Attention: Mr. Marius Venter
 Western Cape Ministry of Local Government, Environmental
 Affairs and Development Planning
 Private Bag X9186
 CAPE TOWN
 8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Marius Venter (Tel: 021 483 3721)

Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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

DATE OF DECISION: 24 JULY 2023

CC: (1) Mr. Pieter Badenhorst (GroenbergEnviro (Pty) Ltd.)
(2) Ms. Misché Molife (GroenbergEnviro (Pty) Ltd.)
(3) Ms. Maurietta Stewart (City of Cape Town)

E-mail: pieter@groenbergenviro.co.za
E-mail: mische@groenbergenviro.co.za
E-mail: maurietta.stewart@capetown.gov.za

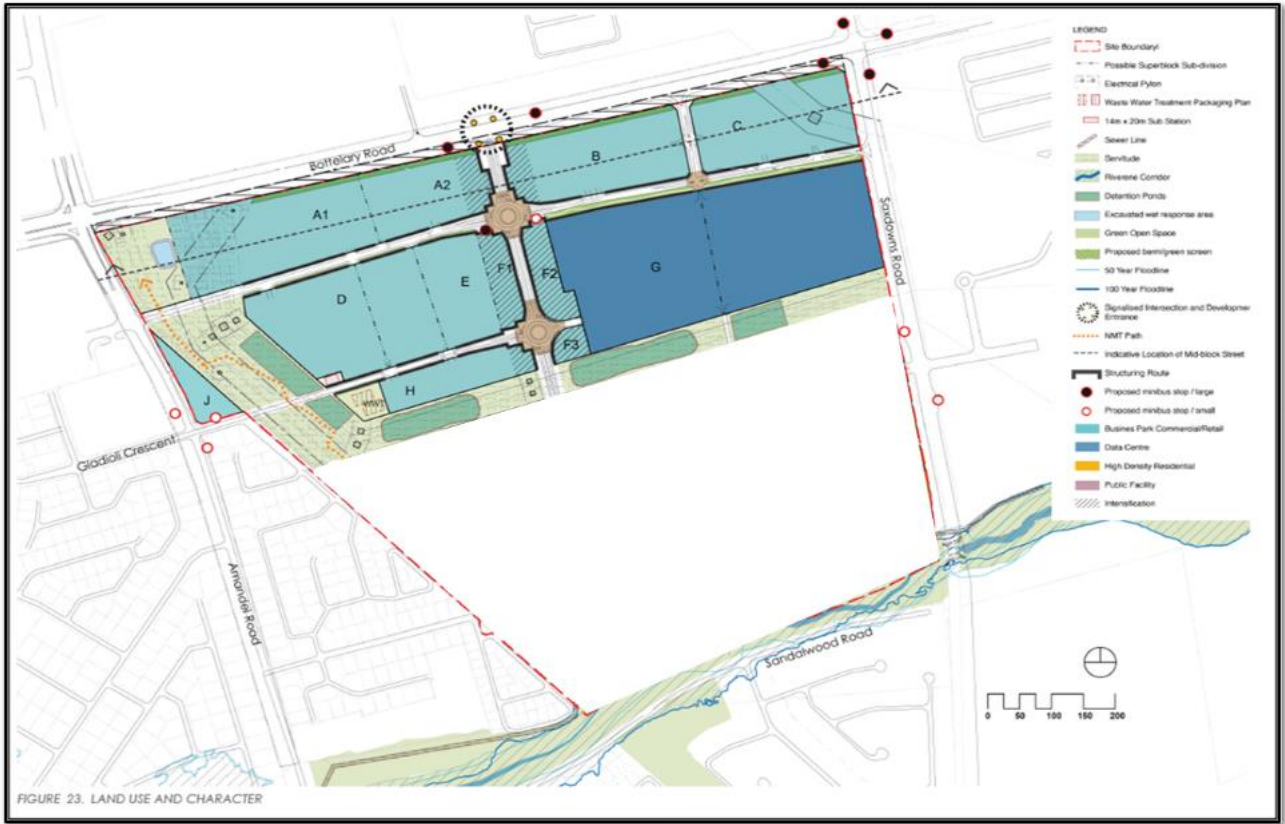
FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/2/A8/74/3057/22
NEAS EIA REFERENCE NUMBER: WCP/EIA/0001192/2022

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form received by the competent authority via electronic mail correspondence on 03 November 2022; the final Scoping Report received by the competent authority via electronic mail correspondence on 18 April 2022; the final EIA Report dated March 2023, as received by the competent authority via electronic mail correspondence on 13 April 2023; the EMPr submitted together with the final EIA Report; and the additional information received on 21 July 2023;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the final EIA Report dated March 2023;
- d) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit;

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- A previous application referenced "16/3/3/2/A8/74/3012/22" was lapsed on 27 September 2022.
- The competent authority advised the holder in a letter dated 27 September 2022 that the applicant was not required to re-submit a Scoping Report as per Regulation 21 (2) since the findings of the previously accepted Scoping Report (referenced "16/3/3/2/A8/74/3012/22") were still valid and the environmental context had not changed.
- Proof has been provided that registered I&APs, who participated in the Public Participation Process conducted as part of the application referenced "16/3/3/2/A8/74/3012/22", were notified of the intended resubmission of the application.
- The new application excluded Erf No. 19718, as this proposal (Phase 2) was previously authorised on 26 July 2000.

Scoping phase:

- Letter drops were conducted on 23 February 2022 to adjacent landowners;
- A notice was placed on site on 23 February 2022;
- E-mails were sent on 24 February 2022 to announce the availability of the draft Scoping Report;
- An advertisement was placed in the "Tygerburger" newspaper on 02 March 2022;
- The draft Scoping Report was made available from 04 March 2022 until 04 April 2022; and
- E-mails were sent on 30 September 2022 to registered I&APs to indicate that the application has lapsed and that a new application will be submitted.

EIA phase:

- An advertisement was placed in the "Die Burger" newspaper on 10 November 2022;

- Notice boards were placed at the site boundaries on 10 November 2022;
- E-mails were sent on 10 November 2022 to announce the availability of the draft EIA Report;
- Notices were distributed from 11 November 2022 until 12 December 2022; and
- The draft EIA Report was made available from 11 November 2022 until 12 December 2022.

Authorities consulted

The authorities consulted included the following:

- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Pollution & Chemicals Management;
- DEA&DP Directorate: Waste Management;
- Department of Water and Sanitation;
- Heritage Western Cape;
- CapeNature; and
- City of Cape Town.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the EIA Report.

2. Alternatives

The following layout alternatives were investigated:

Preferred layout alternative – herewith authorised:

The preferred alternative entails the establishment of a mixed-use development on the Remainder of Erf No. 5561 and Erf No. 20907, Kuils River.

Approximately 50ha of indigenous vegetation will be cleared to establish the proposed mixed-use development.

The proposed mixed-use development will comprise of a mix of commercial/retail big box units, as well as general warehousing, including distribution centres, data centres and smaller sized light industrial related business premises. A 'Package of Plans' approach will be followed which will respond to future market changes.

The proposed development will be implemented in phases. The phasing of the proposed development will be determined by future market trends, as well as infrastructure availability and upgrades.

Access:

Two accesses are proposed along Bottelary Road; three accesses are proposed along Amandel Road and two accesses are proposed along Saxdowns Road.

An on-site waste water treatment works will be established which will provide treated water for the irrigation of communal open spaces and sports fields. Emergency back-up generators will be provided and an operations-and-maintenance agreement will be entered into with the provider.

The proposed mixed-use development will be approximately 50ha in size.

Reasons for the preferred alternative:

The preferred alternative is split into two separate components, i.e., business and residential. This will ensure that potential noise and traffic impacts will be prevented for residents staying within the area. The preferred alternative will also ensure more effective utilisation of land.

Layout alternative 2:

This alternative entails the establishment of a mixed-use development comprising of the following:

- A predominantly mixed-used development consisting of a mix of commercial/retail big box units, general warehousing including distribution centres, data centres, smaller sized light industrial related business premises and residential buildings.

This layout was discarded since the residential component will be situated within the business section, which will result in noise and traffic complaints from residents living within the business section.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the mixed-use development will not be established. This alternative was not deemed as preferred as the proposed development will augment the economic activities, provide for much needed mixed-uses and the benefits to the holder and creation of jobs would not be realised. The "no-go" alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

Based on the Precinct Plan for Erf No. 5561, the precinct will be subdivided into street blocks and individual Mixed-Use zone properties. Portion A of Erf No. 5561 was rezoned from Agriculture Zone to Subdivisional Area Overlay Zone.

In terms of the Municipal Spatial Development Framework ("MSDF"), the site is located within the Incremental Growth and Consolidation Area ("IGA"). The proposed development in the IGA aligns with the MSDF. The Tygerberg District Plan designates the area as New Urban Infill where integrated planning and development are promoted. This provision is also consistent with the proposed development.

The proposed development is thus in accordance with the relevant planning policies and the proposed site is not mapped as a Critical Biodiversity Area. Further, the site is unselected in the City of Cape Town's Biodiversity Network.

3.2 Botanical impacts

A Botanical Impact Assessment Report dated April 2022 was compiled by Biodiversity Africa, to assess the botanical impacts of the proposed development.

A botanical assessment was undertaken by Dr Christopher Cupido in 2018 and 2019, and this study corresponds with the study undertaken by Biodiversity Africa in 2022.

The site was previously used for farmland, but agricultural practices were ceased by the 1990s. The site is currently vacant and Eskom power lines traverse the site along the western boundary, through the middle and along the northeastern boundary. A number of footpaths cross the site and brush cutting and dumping are evident.

According to the Botanical Assessment Report, dated April 2022, the vegetation on the site represents low growing, weedy flora and is no longer representative of Cape Flats Sand Fynbos, but rather degraded modified grassland. The vegetation is dominated by weedy species and alien invasive trees.

Cupido noted in 2019 that annuals and succulents were common in the sandy soils near Bottelary River. In addition to the annuals, the clayey soils also supported geophytes such as *Babiana* sp., *Triglochin bulbosa*, Sensitive species 158 and *Sparaxis bulbifera*.

Seventy species were recorded by Cupido in 2019, eighteen of which were confirmed during the April 2022 survey. Of the seventy species, one is listed as endangered, one as near threatened, five are alien invasive species and six are listed as a Schedule 4 species.

Two species of conservation concern were confirmed to be present on the site, four have a high likelihood of occurrence and ninety-nine have a low likelihood of occurrence. Due to the presence of species of conservation concern, the conservation importance was determined to be high. Functional integrity is low as the site occurs within a residential and industrial area and is surrounded by a busy road network with limited connectivity to other areas of open vegetation.

The loss of degraded and transformed vegetation will be of low significance as the site ecological importance is low. The loss of species listed as endangered will have a very high impact as this species is only known from twenty populations. However, the translocation of individuals to a suitable receiving site that will not be impacted on in the future, will reduce the impact to moderate. CapeNature in their comment dated 14 December 2022, agreed that translocation would reduce the impact to moderate and considering that the site no longer contains representative Cape Flats Sand Fynbos, an offset is not warranted.

The proposed development will contribute to habitat fragmentation and edge effects, but since the site is located on the edge of existing urban developments and already experiencing edge effects, the impact was rated as having a significance rating of low negative with the implementation of mitigation measures. With the removal of alien invasive species and other weedy species and rehabilitation of vegetation along the river, the impact can be reduced to low negative after mitigation.

The Comments and Responses Report submitted with the final BAR indicated the following:

- According to the search and rescue plan, green corridors within the site will be used as the receiving environment for the individuals to be translocated.
- For the endangered species, two areas within the site were identified by the botanist as being suitable habitat for the species, and these areas will not be impacted on. In addition, individuals of the species are already present and there is sufficient space to accommodate additional individuals.

The botanical specialist confirmed that the proposed development can proceed with the implementation of mitigation measures since the site ecological importance is low. The botanical specialist's recommendations have been included in the EMP and conditions of this Environmental Authorisation.

3.3 Freshwater impacts

A Freshwater Ecological Assessment Report dated August 2022 was compiled by Freshwater Ecologist Network Consulting (Pty) Ltd., to assess the freshwater impacts of the proposed development.

The Bottelary River and associated floodplain are located along the southern boundary of the site. The floodplain wetland is confined to the northern embankment of the River. Several other artificial wet response areas occur on the site. These are predominantly along the northern boundary (Bottelary Road). Due to the site's slope and the absence of formal storm water attenuation ponds, storm water drains almost through the entire length of the site. This results in a distinct wet response area diagonally across the site, which becomes more pronounced during the wet winter months. Since these areas were not present prior to 2005, the features are considered to be artificial.

The freshwater assessment concluded that the activities associated with the construction and operational phases of the proposed mixed-use development pose a medium to low risk to the freshwater ecosystems associated with the site. The construction activities pose a medium risk significance to the Bottelary River and associated floodplain wetland. The operation of the proposed development poses a medium risk significance to the Bottelary River and associated floodplain wetland in terms of storm water management and a low risk significance in terms of general operational activities as well as operation and management of the sewer and water pipelines. Since the wetland is located upgradient of the site, no significant quantum of risk is posed to the wetland.

A WRMP has been compiled for rehabilitation and maintenance works to be undertaken in the watercourses as part of the approved Phase 2 development on Erf No. 19718, which was authorised in the Record of Decision issued on 26 July 2000. The impacts on the watercourses were assessed as part of this EIA application. The freshwater specialist's recommendations have been included in the EMP.

3.4 Visual impacts

A Visual Impact Statement dated 30 August 2022 was compiled by David Gibbs Landscape Architect, to assess the visual impacts associated with the proposed development.

According to the Statement, the site has very few interesting features. Therefore, the primary visual resource is openness of the site which, at the local scale, allows for visual access to agricultural rural cultural landscapes towards the east. The site is located within the sky-dominated Cape Flats domain, since the hills and mountains are too distant to provide for meaningful spatial definition of the site.

The landscape character of the site is considered moderately sensitive due to the lack of visual absorption and the visual clutter as a result of electrical power lines on portions of the site.

Since the site falls within the urban edge and is part of an established urban landscape, the proposed development will fit comfortably within this context. The proposed development will augment established patterns of place-making for the enhancement of the cultural landscape, with particular attention paid to its edges and continuous open space systems.

The site has a degree of visual exposure due to its lack of vegetation cover, and portions of the site are visually compromised by the overhead power line infrastructure. The proposed development will improve the visual quality of the site. By avoiding the most environmentally sensitive and visually exposed areas and allowing for sufficient curtilage around the historic buildings, the proposed development will not compromise the quality of the site and the broader context.

Landscape (tree planting) will significantly improve the visual absorption capacity of the site. The Visual Impact Statement concluded that the proposed development will have a visual impact of low significance, reducing to neutral significance with mitigation such as landscaping and architectural controls.

3.5 Socio-economic impacts

A Socio- Economic Impact Assessment Report dated 2022 was compiled by Urban-Econ Development Economists, to assess the socio-economic impacts associated with the proposed development.

The proposed development will contribute to the growth and development of the area by expanding the economic base and creating employment opportunities through investment in the built environment. The construction and operation of the proposed land uses will provide employment opportunities. This will assist in improving unemployment and household income, which in turn will assist in stimulating improved standard of living and improved consumer spending.

The proposed development will provide business and employment opportunities for people residing within the greater Tygerberg District and the City of Cape Town.

The proposed development will have a direct, indirect and induced impact on production/new business sales. The localised expenditure on the proposed development will stimulate the local and regional economies during construction. The biggest effects on economic activity will be through production and gross domestic product through the multiplier effect, specifically through production and consumption induced effects. Although not all of the indirect and induced effects will be concentrated in the City of Cape Town, the potential positive effects on the economy will be sizeable. The sectors to benefit the most from the production and consumption induced effects are tertiary services such as trade, accommodation, transport services, personal services, real estate and insurance.

The construction of the proposed development will positively impact on the income of households employed locally and regionally.

3.6 Heritage impacts

Heritage Western Cape indicated in their final comment dated 08 October 2019 that the proposed development will not impact on heritage resources and that no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.7 Traffic impacts

A Traffic Impact Assessment Report dated 05 September 2022 was compiled by UDS Africa, to assess the traffic impacts associated with the proposed development.

The Traffic Impact Assessment that was previously submitted estimated approximately 3855 trips during the morning peak hour and 4199 trips during the afternoon peak hour.

The proposed mixed-use development will generate approximately 2132 trips during the morning peak hour, 3271 trips during the afternoon peak hour and 4215 trips during the Saturday peak hour, respectively.

A number of accesses were previously proposed and approved by the City of Cape Town and the Western Cape Department of Transport and Public Works. The conditions of approval contained the following accesses:

(i) Two accesses along Bottelary Road:

- A signalised intersection approximately 650m east of the Bottelary Road/Amandel Road/Cecil Morgan Drive intersection; and
- A left-in/left-out access approximately halfway between (300m away from) the proposed access above and the Bottelary Road/Saxdowns Road/Brackenfell Boulevard intersection.

(ii) Three accesses along Amandel Road:

- A left-in opposite the existing signalised access to Soneike Mall approximately 180m south of the existing signalised Bottelary Road/Amandel Road/Cecil Morgan Drive intersection;
- The extension of Gladioli Street providing access to the site at the Gladioli Street/Amandel Road signalised intersection, approximately 200m south of the existing signalised access to Soneike Mall; and
- The extension of Confettibush Street providing access to the site at the Confettibush Street/Amandel Road stop-controlled intersection, approximately 220m from the existing signalised Annandale Road/Amandel Road intersection.

(iii) Two accesses along Saxdowns Road:

- A left-in/left-out approximately 165m south of the Bottelary Road/Saxdowns Road/Brackenfell Boulevard intersection; and
- Fourth leg to be constructed at the existing signalised Saxdowns Road/Pugsli Road intersection.

For the authorised Phase 1, all the accesses, except the extension of Confettibush Street will be implemented.

The proposed mixed-use development will generate approximately 1119 trips during the morning peak hour with 760 in/359 out; approximately 2421 trips during the afternoon peak hour with 980 in/1441 out and 4111 trips during the Saturday peak hour with 2066 in/2045 out.

The anticipated reduction in the number of trips expected for the proposed development is 1723 trips during the morning peak hour (approximately 45% reduction) and 928 trips during the afternoon peak hour (approximately 22% reduction).

The City of Cape Town confirmed that the upgrading of the Bottelary Road/Saxdowns Road intersection is currently under way whilst the City of Cape Town is also planning the dualling of Bottelary Road from Amandel Road to Saxdowns Road as well Amandel Road in a southerly direction up to the Church Street intersection in the short term.

The following are recommended:

- A left-turning slip lane on the R300 Off-ramp.

- A left-turning slip lane on the Cecil Morgan Drive approach at the Bottelary Road/Amandel Road/Cecil Morgan Drive intersection to accommodate the proposed development.
- A left-in access at the Amandel Road/Soneike Access intersection.
- The western leg of the Saxdowns Road/Pugsli Road intersection including turning lanes along Saxdowns Road.
- The signalisation of the Amandel Road/Confettibush Road intersection be considered for Phase 2.
- The left-in/left-out access along Bottelary Road for Phase 1 be approximately 300m west of the Bottelary Road/Saxdowns Road/Brackenfell Boulevard intersection.
- The left-in/left-out access along Saxdowns Road for Phase 1 be approximately 160m south of the Bottelary Road/Saxdowns Road/Brackenfell Boulevard intersection.
- The main access from Bottelary Road be approximately 650m from the Amandel Road/Cecil Morgan Drive intersection, with two dedicated right-turning lanes along the western approach of Bottelary Road, one left-turning lane on the eastern approach of Bottelary Road and one left-turning lane and two right-turning lanes on the southern access approach for Phase 1.
- Roundabouts be constructed within the site at major intersections.
- Roundabouts or raised crossings be considered at other intersections within the site.
- Traffic impact statements be conducted for each pocket of the proposed development.
- Public transport embayments be constructed along the outbound carriageway at signalised intersections along Bottelary Road, Amandel Road and Saxdowns Road. Provision for public transport must also be made along the major routes within the site.
- Non-motorised transport be provided along all major routes within the site.

The traffic specialist's mitigation measures have been included in the EMPr for implementation.

3.8 Storm water impacts

A Storm Water Management Plan dated August 2022 was compiled by Ingerop, to assess the storm water impacts of the proposed development.

The storm water management plan will consist of the major and minor storm water systems, which discharge into bio-retention ponds with extended attenuation or infiltration ponds with extended attenuation. The storm water management plan is based on the following principles:

- To infiltrate the 95-percentile storm event as well as the water quality storm event.
- The larger storm events up to the 50-year flood events will be attenuated to predevelopment levels.
- To route the 100-year floods through the road and open space systems and ensuring that these systems can accommodate these recurrence period floods.

The following is required for the proposed development:

- Pond1A, Pond1B, Pond1C and Pond1D.
- The ponds will be approximately 1.2 m deep to accommodate the 50 year floods.
- A swale with an underground pipe (for subsurface flows) will be constructed on the western boundary of the site/eastern boundary of the Eskom servitude to convey the storm water of both Phases 1 and 2 to the Bottelary River. The swale must be constructed during Phase 1 and a servitude must be registered for this purpose.
- The 100 year floods must be accommodated within the road reserves, open spaces and the proposed swale.

The site slopes from north-east to south-west towards the Bottelary River. A formal storm water system is not available close to the site and storm water currently discharges in a sheet-flow fashion into the Bottelary River. A 1050mm diameter culvert crosses Bottelary Road and the flow from the culvert must be accommodated within the proposed storm water system.

Infiltration basins with extended detention are proposed for the larger catchment area and most of the ponds along the open spaces, corridors and in the power line servitudes. Bio-retention cells will be established, where appropriate, in road reserves and public open spaces.

3.9 Dust and noise impacts

Potential dust and noise impacts are anticipated during the construction phase. However, no significant potential dust and noise impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Loss of indigenous vegetation;
- Potential impacts on aquatic ecosystems; and
- Potential traffic and visual impacts.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development;
- Optimal use of available vacant land;
- Additional mixed-use opportunities in the Kuils River area; and
- Contribution to the local economy.

National Environmental Management Act Principles

The National Environmental Management Act 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;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any

potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

-----END-----