

AMENDMENT REFERENCE: 16/3/3/5/A5/20/2057/22
NEAS REFERENCE: WCP/EIA/AMEND/0000691/2022
DATE OF ISSUE: 06 January 2023

The Board of Directors
Dexter Estates (Pty) Ltd.
1st Floor, Waterfront Terraces, Block 2
3 Waterfront Road
Carl Cronje Drive
Tyger Waterfront
BELLVILLE
7613

For Attention: Mr. Pieter van der Westhuysen

Tel.: (021) 914 1840
E-mail: pvdw@propertysite.co.za

Dear Sir

APPLICATION SUBMITTED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PARTS 1 AND 4 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 2 SEPTEMBER 2009 (REFERENCED: E12/2/3/1-A6/126-0595/08), READ TOGETHER WITH SUBSEQUENT AMENDED EA ISSUED ON 27 JUNE 2012 (REFERENCED: 16/3/1/5/A5/20/1008/12), THE AMENDED EA ISSUED ON 28 MARCH 2014 (REFERENCED: 16/3/1/5/A5/20/1001/14), THE AMENDED EA ISSUED ON 27 MARCH 2017 (REFERENCED: 16/3/3/5/A5/20/2013/17), THE AMENDED EA ISSUED ON 20 SEPTEMBER 2019 (REFERENCED: 16/3/3/5/A5/20/2044/19), THE AMENDED EA ISSUED ON 1 JULY 2022 (REFERENCED: 16/3/3/5/A5/20/2018/22) AND THE AMENDMENT TO THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME ("EMPR"): THE AUTHORISED CONSTRUCTION OF A LIGHT INDUSTRIAL PARK ON ERF 1690, DURBANVILLE

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** an amended EA and an amended EMPr, 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 amended EA, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended) which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA

Yours faithfully

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

Copied to: (1) Ms. K. Bedingfield (LEMC (Pty) Ltd.)
(2) Ms. S. Warnich-Stemmet (CoCT)
(3) Mr. M. Theron (CoCT)

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AMENDMENT REFERENCE: 16/3/3/5/A5/20/2057/22
NEAS REFERENCE: WCP/EIA/AMEND/0000691/2022
DATE OF ISSUE: 06 JANUARY 2023

AMENDMENT TO THE AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION SUBMITTED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND PARTS 1 AND 4 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (“EA”) ISSUED ON 2 SEPTEMBER 2009 (REFERENCED: E12/2/3/1-A6/126-0595/08), READ TOGETHER WITH SUBSEQUENT AMENDED EA ISSUED ON 27 JUNE 2012 (REFERENCED: 16/3/1/5/A5/20/1008/12), THE AMENDED EA ISSUED ON 28 MARCH 2014 (REFERENCED: 16/3/1/5/A5/20/1001/14), THE AMENDED EA ISSUED ON 27 MARCH 2017 (REFERENCED: 16/3/3/5/A5/20/2013/17), THE AMENDED EA ISSUED ON 20 SEPTEMBER 2019 (REFERENCED: 16/3/3/5/A5/20/2044/19), THE AMENDED EA ISSUED ON 1 JULY 2022 (REFERENCED: 16/3/3/5/A5/20/2018/22) AND THE AMENDMENT TO THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME (“EMPR”): THE AUTHORISED CONSTRUCTION OF A LIGHT INDUSTRIAL PARK ON ERF 1690, DURBANVILLE

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

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), this Department herewith **grants** the following amendments:

- a) An amendment of the original EA issued on 2 September 2009 (Referenced: E12/2/3/1-A6/126-0595/08), read together with the subsequent amended EA issued on 27 June 2012 (Referenced: 16/3/1/5/A5/20/1008/12), the amended EA issued on 28 March 2014 (Referenced: 16/3/1/5/A5/20/1001/14), the amended EA issued on 27 March 2017 (Referenced: 16/3/3/5/A5/20/2013/17), the amended EA issued on 20 September 2019 (Referenced: 16/3/3/5/A5/20/2044/19), the amended EA issued on 1 July 2022 (Referenced: 16/3/3/5/A5/20/2018/22) in terms of Part 1 of the EIA Regulations, 2014 (as amended); and
- b) An amendment of the EMPr (dated 5 June 2009), approved as part of the abovementioned original EA, in terms of Part 4 of the EIA Regulations, 2014 (as amended).

The amended description of the amended EA is hereby once more amended, as set out below:

1. The amended description of the authorised alternative included in the amended EA issued on 1 July 2022 (Referenced: 16/3/3/5/A5/20/2018/22), reads as follows:

"The activity involves the establishment of a light industrial park on Erf 1690, Durbanville. The light industrial park will consist of:

- 29 industrial erven,
- Bulk Services,
- A detention dam,
- Roads, and
- A Public Open Space.

The amended layout plan is attached hereto as Appendix A"

The amended description of the authorised alternative included in the amended EA issued on 1 July 2022 (Referenced: 16/3/3/5/A5/20/2018/22), is hereby amended to read in the following manner:

"The activity involves the establishment of a light industrial park on Erf 1690, Durbanville. The light industrial park will consist of:

- 29 industrial erven,
- Bulk Services, and
- Roads.

The amended layout plan is attached hereto as Appendix A"

The approved EMPr is hereby amended, as set out below:

2. The original EMPr (dated 5 June 2009), approved together with the original EA issued on 2 September 2009 (Referenced: E12/2/3/1-A6/126-0595/08), has been amended to include the updated provisions with respect to stormwater management, whereby all stormwater from the site will drain to the offsite regional stormwater pond. The offsite regional stormwater pond located on the unregistered Erf 2001, Fisantekraal (previously a Portion of Portion 32 of Farm No. 168, Fisantekraal), Erf 1991, Fisantekraal (previously Portion 33 of Farm No. 168, Fisantekraal) and within a portion of the road reserve of Darwin Road, Fisantekraal, forms part of the amended EA that was issued by this Department on 11 April 2022 (Referenced: 16/3/3/1/A5/31/2048/21).

B. REASONS FOR THE DECISION

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

1. The information contained in the application form for amendment (dated 29 November 2022) and the additional information from Ms. Karin Bedingfield of Legacy Environmental Management Consulting (Pty) Ltd., received by this Department on 7 December 2022.
2. The amendment applied for in terms of Part 1 of the EIA Regulations, 2014 (as amended) will not change the scope of the original EA issued on 2 September 2009 (Referenced: E12/2/3/1-A6/126-0595/08, the amended EA issued on 27 June 2012 (Referenced: 16/3/1/5/A5/20/1008/12), the amended EA issued on 28 March 2014 (Referenced: 16/3/1/5/A5/20/1001/14), the amended EA issued on 27 March 2017 (Referenced: 16/3/3/5/A5/20/2013/17), the amended EA issued on 20 September 2019 (Referenced: 16/3/3/5/A5/20/2044/19), and the amended EA issued on 1 July 2022 (Referenced: 16/3/3/5/A5/20/2018/22).
3. The amendment of the amended description of the authorised alternative in the amended EA issued on 1 July 2022 (Referenced: 16/3/3/5/A5/20/2018/22) is required, as the on-site stormwater, which would have originally drained into an on-site detention dam, will now drain into an offsite regional stormwater pond located on the unregistered

Erf 2001, Fisantekraal (previously a Portion of Portion 32 of Farm No. 168, Fisantekraal), Erf 1991, Fisantekraal (previously Portion 33 of Farm No. 168, Fisantekraal) and within a portion of the road reserve of Darwin Road, Fisantekraal. As such, the detention dam on Erf 1690, Durbanville will be infilled, and form part of the industrial development located on the said property but will not increase the number of industrial Erven to be created. Hence, the proposed number of industrial Erven will remain unchanged.

4. The amendment applied for in terms of Part 4 of the EIA Regulations, 2014 (as amended) will result in a change to the impact management actions originally included in the EMPr (dated 5 June 2009), approved together with the original EA. However, the change to the impact management actions will not result in an increased level of impacts, as explained below:

- i) General

The appointed Environmental Assessment Practitioner (“EAP”) confirmed in the application form for amendment (dated 29 November 2022), that the proposed amendment of the description of the original authorised alternative (which mainly relates to infilling of the on-site detention dam) will not result in an increased level of impacts.

- ii) Biophysical

According to correspondence (dated 16 November 2022), a specialist professional indicated that the proposed infilling activities would have no aquatic ecosystem impacts, as the detention dam to be infilled is largely fed by stormwater. Further, the stormwater channels associated with the detention dam have also been altered and a minor and natural drainage feature that passed to the north of the detention dam no longer exists. Hence, all aquatic features within the vicinity of the detention dam are considered artificial and have no associated natural watercourse or wetland areas.

5. The environment and the rights and interests of relevant Interested and Affected Parties (“I&APs”) will not be adversely affected by the decision to amend the amended description of the authorised alternative included in the amended EA issued on 1 July 2022 (Referenced: 16/3/3/5/A5/20/2018/22) and the amendment of the original EMPr (dated 5 June 2009), approved together with the original EA issued on 2 September 2009 (Referenced: E12/2/3/1-A6/126-0595/08).

C. CONDITIONS

1. The holder must in writing, within fourteen (14) calendar days of the date of this decision—
 - 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision, as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.
 - 1.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section D below;
 - 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision;

- 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Amended EA;
 - 1.4.2 name of the person responsible for this Amended EA;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

2. All conditions contained in the original EA issued on 2 September 2009 (Referenced: E12/2/3/1-A6/126-0595/08, the amended EA issued on 27 June 2012 (Referenced: 16/3/1/5/A5/20/1008/12), the amended EA issued on 28 March 2014 (Referenced: 16/3/1/5/A5/20/1001/14), the amended EA issued on 27 March 2017 (Referenced: 16/3/3/5/A5/20/2013/17), the amended EA issued on 20 September 2019 (Referenced: 16/3/3/5/A5/20/2044/19), and the amended EA issued on 1 July 2022 (Referenced: 16/3/3/5/A5/20/2018/22), remain unchanged and in force.

D. 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 twenty (20) calendar days from the date the 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 twenty (20) 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 Administrator and the appellant within twenty (20) 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: 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
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the 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 noncompliance with the conditions, as set out herein, or any other subsequent document or legal action emanating from this decision.

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

Yours faithfully

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

DATE OF DECISION: 06 JANUARY 2023

Copied to: (1) Ms. K. Bedingfield (LEMC (Pty) Ltd.)
(2) Ms. S. Warnich-Stemmet (CoCT)
(3) Mr. M. Theron (CoCT)

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END

APPENDIX A: THE LAYOUT PLAN

