



REFERENCE: 16/3/3/5/F5/16/2014/22
NEAS REFERENCE: WCP/EIA/AMEND/0000604/2022
DATE OF ISSUE: 03 May 2022

The Board of Directors
De Zwartland Werf (Pty) Ltd.
P.O. Box 4985

BELLVILLE
7536

Attention: Mr. Stephanus Heinrich Ehlers

E-mail: hein@devmark.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 DECEMBER 2020 (REFERENCE NO.: 16/3/3/1/F5/16/2025/20): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT (INCLUDING A MALL, HOSPITAL AND ASSOCIATED INFRASTRUCTURE) ON A PORTION OF PORTION 3 OF FARM NO. 696, PORTION 4 OF FARM NO. 696 AND ERVEN RE/327, 2654 AND 11206, MALMESBURY.

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

Yours faithfully

MR. ELDON VAN BOOM
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Ross Holland (Holland & Associates Environmental Consultants)
(2) Mr. Alwyn Burger (Swartland Municipality)

E-mail: ross@hollandandassociates.net
E-mail: alwynburger@swartland.org.za

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 DECEMBER 2020 (REFERENCE NO.: 16/3/3/1/F5/16/2025/20): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT (INCLUDING A MALL, HOSPITAL AND ASSOCIATED INFRASTRUCTURE) ON A PORTION OF PORTION 3 OF FARM NO. 696, PORTION 4 OF FARM NO. 696 AND ERVEN RE/327, 2654 AND 11206, MALMESBURY.

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

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants the amendment of the Environmental Authorisation issued on 08 December 2020 (Reference No.: 16/3/3/1/F5/16/2025/20).

The details of the holder that are provided in the Environmental Authorisation issued on 08 December 2020 reads as follows:

*"DevMark Development Services (Pty) Ltd.
c/o Mr. Jean-Pierre Nortier
P.O. Box 4985
BELLVILLE
7536
Tel.: (021) 048 3502
E-mail: jean-pierre@devmark.co.za"*

This is herewith replaced with the following:

De Zwartland Werf (Pty) Ltd.
c/o Mr. Stephanus Heinrich Ehlers
P.O. Box 4985
BELLVILLE
7536

Tel.: (021) 948 3502
E-mail: hein@devmark.co.za

The Activity Description in Section B of the Environmental Authorisation issued on 08 December 2020 reads as follows:

"The proposed project entails the establishment of a mixed-use development (including a mall, hospital and associated infrastructure) on a Portion of Portion 3 of Farm No. 696 (to be registered as Erf No. 11203), Remainder of Portion 3 of Farm 696, Portion 4 of Farm No. 696 and Erven RE/327, 2654 and 11206, Malmesbury.

The proposed development will include a retail centre, an outdoor retail area, restaurants, an auto dealership and other related outlets, parking areas, internal access roads and a 150-bed single storey hospital.

A new traffic circle will be constructed on the N7/Voortrekker Road off-ramp with a new link road which will provide access to the proposed development. The link road will be constructed on the existing showgrounds and road reserve (Erven RE/327 and 2654). A formal intersection between the link road and Piketberg Road will also be constructed. The bulk of deliveries will be handled between the N7 reserve and the north-south wing of the retail centre. A pedestrian link (left-out slip lane) will provide direct access to the entrance of the hospital. The hospital will be accessed via the N7 and Voortrekker Road.

The internal storm water system will comprise of an underground pipe network and a road-side channel and inlet structures which will drain the roads and other impermeable and semi-impermeable surfaces. Storm water from the developed areas will be routed to discharge into on-site attenuation tanks at two locations on low points on the site. The attenuation tanks will attenuate storm water runoff rates to protect the downstream watercourses and ecosystems. The attenuation tanks will be concrete/brick built tanks. The discharge from the two tanks will follow the pre-development runoff routes to eventually discharge eastward where it will follow the flow path of the natural stream.

The proposed development will connect to the existing water reservoir situated on the adjacent showgrounds. Booster pumps will be installed at the reservoir to pump water to the on-site domestic and fire tanks. The on-site booster pump set will provide the required pressure for domestic and fire purposes.

The electricity will be supplied from the Klipfontein Substation to an on-site brick-walled substation close to the main entrance gate. The Swartland Municipality has confirmed that the electrical load will be supplied from the Klipfontein Substation.

An area of approximately 1916m² of disturbed to semi-intact vegetation, in slightly worse condition than the excluded southern portion, will be cleared for the proposed traffic circle.

The total development footprint will be approximately 13ha in extent".

This is herewith replaced with the following:

The proposed project entails the establishment of a mixed-use development (including a mall, hospital and associated infrastructure) on a Portion of Portion 3 of Farm No. 696 (to be registered as Erf No. 11203), Remainder of Portion 3 of Farm 696, Portion 4 of Farm No. 696 and Erven RE/327, 2654 and 11206, Malmesbury.

The proposed development will include a retail centre, an outdoor retail area, restaurants, an auto dealership and other related outlets, parking areas, internal access roads and a 150-bed double storey hospital.



A new traffic circle will be constructed on the N7/Voortrekker Road off-ramp with a new link road which will provide access to the proposed development. The link road will be constructed on the existing showgrounds and road reserve (Erven RE/327 and 2654). A formal intersection between the link road and Piketberg Road will also be constructed. The bulk of deliveries will be handled between the N7 reserve and the north-south wing of the retail centre. A pedestrian link (left-out slip lane) will provide direct access to the entrance of the hospital. The hospital will be accessed via the N7 and Voortrekker Road.

The internal storm water system will comprise of an underground pipe network and a road-side channel and inlet structures which will drain the roads and other impermeable and semi-impermeable surfaces. Storm water from the developed areas will be routed to discharge into on-site attenuation tanks at two locations on low points on the site. The attenuation tanks will attenuate storm water runoff rates to protect the downstream watercourses and ecosystems. The attenuation tanks will be concrete/brick built tanks. The discharge from the two tanks will follow the pre-development runoff routes to eventually discharge eastward where it will follow the flow path of the natural stream.

The proposed development will connect to the existing water reservoir situated on the adjacent showgrounds. Booster pumps will be installed at the reservoir to pump water to the on-site domestic and fire tanks. The on-site booster pump set will provide the required pressure for domestic and fire purposes.

The electricity will be supplied from the Klipfontein Substation to an on-site brick-walled substation close to the main entrance gate. The Swartland Municipality has confirmed that the electrical load will be supplied from the Klipfontein Substation.

An area of approximately 1916m² of disturbed to semi-intact vegetation, in slightly worse condition than the excluded southern portion, will be cleared for the proposed traffic circle.

The total development footprint will be approximately 13ha in extent.

B. REASONS FOR THE DECISION:

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

- (a) The information contained in the application form that was received by the competent authority via electronic mail correspondence on 18 March 2022.
- (b) The application is for a non-substantive amendment to the Environmental Authorisation and will not change the scope of the Environmental Authorisation issued on 08 December 2020.
- (c) No additional impacts are anticipated due to the proposed amendment. This can be justified as follows:
 - i. The proposed amendment will not result in a change in the nature of the impacts nor an increase in the nature of the impacts.
 - ii. The site has significant level differences requiring substantial earthwork.
 - iii. The height differences result in challenges to create meaningful inter-relations between the various proposed buildings.

- iv. It is proposed that the various building platforms be designed to accommodate the height differences and that the road network, parking and landscaping be used to transition between the height differences.
 - v. It is now proposed to build the hospital on two separate building platforms with separate, but connected buildings, which requires the building on the lower platform to be double storey.
 - vi. The proposed double storey building will be lower than the authorised single storey building.
 - vii. The double storey building will also have a lower visual impact.
 - viii. The proposed change from single to double storey will not change the bed capacity of the hospital, nor lead to an increase in the height of the building.
 - ix. The botanical specialist, Mr. Grant Nicholson of Capensis, indicated in a statement dated 02 November 2021 that the proposed amendment will not result in any change to the development footprint and that there will be no change to the impacts of the development from a botanical perspective.
 - x. The freshwater specialist, Ms. Antonia Belcher, indicated in a letter dated 25 November 2021 that the proposed amendment will not result in any change to the significance of the aquatic ecosystem impact or the risk to the aquatic ecosystems. There will also not be a change to the recommended mitigation measures. The proposed amendment is thus not deemed to have a more significant impact or risk on the associated aquatic ecosystems.
 - xi. The socio-economic specialist, Mr. Hugo van Zyl indicated in a letter dated 05 October 2021 that the proposed amendment has almost no implication for socio-economic impacts. The key drivers of socio-economic impacts, including the Gross Leasable Area, footprint, and number of beds and its height will not increase. Therefore, all impacts will remain at the same overall level of significance.
- (d) The amendment is administrative in nature and no impacts are associated with the application for amendment.
- (e) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.
- (f) No new listed activities are triggered and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels. The conditions contained in the Environmental Authorisation issued on 08 December 2020 still remain unchanged and in force.

C. CONDITION:

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.

- 1.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section D below;
- 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2 name of the responsible person for this Environmental Authorisation;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

D. APPEALS:

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

An appellant must –

- 1.1 Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
- 1.2 If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.3 If the appellant is a person other than the applicant, provide the applicant, any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.4 The applicant (if not the appellant), the decision-maker, I&APs and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
- 1.5 The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Mr. Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Marius Venter (Tel: 021 483 3721), Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001



By e-mail: DEADP.Appeals@westerncape.gov.za

- 1.6 An electronic copy (word document format) of the appeal and supporting documents must also be submitted.
- 1.7 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za 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 non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

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

Yours faithfully

MR. ELDON VAN BOOM

**ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 03 MAY 2022

CC: (1) Mr. Ross Holland (Holland & Associates Environmental Consultants)
(2) Mr. Alwyn Burger (Swartland Municipality)

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E-mail: alwynburger@swartland.org.za