



**EIA REFERENCE NUMBER:** 16/3/3/5/A8/2/3061/22  
**NEAS REFERENCE NUMBER:** WCP/EIA/AMEND/0000689/2022  
**DATE OF ISSUE:** 15 June 2023

The Directors  
King Air Industria (Pty) Ltd.  
Private Bag x20009  
**GARSFONTEIN**  
0042

**For Attention: Mr. A. de Beer**

Tel: (012) 471 1600  
Email: [alex@atterbury.co.za](mailto:alex@atterbury.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 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 11 MAY 2018 (REF. NO. 16/3/3/1/A8/2/3057/17) FOR THE PROPOSED INFILLING OF WETLANDS FOR THE ESTABLISHMENT OF THE KING DAVID WAREHOUSING, INDUSTRIAL AND MIXED-USE BUSINESS DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 112674, ERF 159269 AND THE REMAINDER OF ERF 1181 (CONSOLIDATED AND SUBDIVIDED INTO THE REMAINDER OF ERF 178931, ERVEN 179170 AND 179171, THE REMAINDER OF ERF 179172, ERVEN 179173 AND 179183, ERVEN 179204 - 179209, ERVEN 179602 – 179607, ERVEN 179610 – 179612, ERF 180439 AND OTHERS), MATROOSFONTEIN.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the 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 decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 amended Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Ms. C. Muller (Chand Environmental Consultants)  
(2) Mr. D. Georgeades (City of Cape Town: ERM)  
(3) Ms. M. Stewart (City of Cape Town: ERM)

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**EIA REFERENCE NUMBER:** 16/3/3/5/A8/2/3061/22

## **AMENDED ENVIRONMENTAL AUTHORISATION**

**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 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 11 MAY 2018 (REF. NO. 16/3/3/1/A8/2/3057/17) FOR THE PROPOSED INFILLING OF WETLANDS FOR THE ESTABLISHMENT OF THE KING DAVID WAREHOUSING, INDUSTRIAL AND MIXED-USE BUSINESS DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 112674, ERF 159269 AND THE REMAINDER OF ERF 1181, (CONSOLIDATED AND SUBDIVIDED INTO THE REMAINDER OF ERF 178931, ERVEN 179170 AND 179171, THE REMAINDER OF ERF 179172, ERVEN 179173 AND 179183, ERVEN 179204 - 179209, ERVEN 179602 – 179607, ERVEN 179610 – 179612, ERF 180439 AND OTHERS), MATROOSFONTEIN.**

With reference to your application, find below the amendment to the Environmental Authorisation in respect of this application.

### **A. BACKGROUND**

1. An Environmental Authorisation was issued by this Department on 11 May 2018 for the proposed infilling of wetlands for the establishment of the King David Warehousing, Industrial and Mixed-Use Business development and associated infrastructure on the Remainder of Erf 112674, Erf 159269 and the Remainder of Erf 1181, Matroosfontein (Ref. No. 16/3/3/1/A8/2/3057/17) (attached as Appendix A).
2. An amended EA was issued by this Department on 14 August 2019 (Ref. No. 16/3/3/5/A8/2/3022/19), which authorised a change in the EA holder, changes to the description of activities, a change in the completion of construction date and approved the Environmental Management Programme ("EMPr") (attached as Appendix B).
3. An amended EA was issued by this Department on 06 January 2020 (Ref. No. 16/3/3/5/A8/2/3047/19), which authorised a change in the activity description, conditions of authorisation and the monitoring requirements of the approved EMPr (attached as Appendix C).
4. An application for amendment in terms of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 23 November 2022. The application is for the amendment of the EA (Ref. No. 16/3/3/1/A8/2/3057/17) is for the additional infilling of wetlands resulting in changes to the site Master Plan in terms of the stormwater layout, internal road configuration and the extent of leasable areas for different land uses.

## B. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (as amended), the Department hereby **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 11 May 2018 (Ref. No. 16/3/3/1/A8/2/3057/17) in terms of Part 2 of the EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/3/1/A8/2/3057/17) is amended as set out below:

1. Section B (LIST OF ACTIVITIES AUTHORISED) and the description of Alternative 3 (the preferred alternative) of the EA issued on 11 May 2018 (Ref. No. 16/3/3/1/A8/2/3057/17) as amended on 06 January 2020 (amended EA Ref. No. 16/3/3/5/A8/2/3047/19) reads as follows:

*"The proposed development entails the infilling of approximately 10, 649m<sup>2</sup> of wetlands for the development of the King David Warehousing, Industrial and Mixed-use Business development on the Remainder of Erf 112674, Erf 159269 Cape Town and the Remainder of Erf 1181, Matroosfontein, Cape Town. The proposed development will take place in phases over a period of approximately 10 years. The development also entails the development of roads on areas zoned as Open Space 3, where the roads will be wider than 4m but with a reserve of up to 32m. The widening of the Pallotti Road by greater than 4m will also take place into an area zoned as Public Open Space.*

*A network of internal roads will be constructed to provide road access to all areas within the development. Various other roads including Robert Sobukwe Road may be upgraded.*

*Main access will be provided from Robert Sobukwe.*

*Stormwater management will be managed through the use of water storage tanks, three stormwater attenuation ponds as well as a storm water ditches and swales. This is reflected in the Environmental Management Programme ("EMPr"). A total wetland area of approximately 6.3708ha will be retained to form part of the stormwater infrastructure. These measures will save approximately 79 550 m<sup>3</sup> of water. Potable water will be supplied by the local authority.*

*Electricity will be provided by the local authority with various upgrades at a cost to the applicant.*

*The proposed development will link to existing municipal sewerage services.*

*The total development footprint will be approximately 71 ha in extent and in accordance with the layout attached as Annexure C of this amended EA.*

*Developments within the development footprint may require additional environmental authorisation for other listed activities not authorised in this environmental authorisation."*

### **is hereby amended to read as follows:**

*"The proposed development entails the infilling of approximately 13 275 m<sup>2</sup> of wetlands for the development of the King David Warehousing, Industrial and Mixed-use Business development on the Remainder of Erf 112674, Erf 159269 Cape Town and the Remainder of Erf 1181 (consolidated and subdivided into the remainder of Erf 178931, Erven 179170 and 179171, the remainder of Erf 179172, Erven 179173 and 179183, Erven 179204 - 179209, Erven 179602 - 179607, Erven 179610 - 179612, Erf 180439 and others), Matroosfontein, Cape Town. the proposed development will take place in phases over a period of approximately 10 years. The development also entails the development of roads on areas zoned as Open Space 3, where the roads will be wider than 4m but with a reserve of up to 32m. The widening of the Pallotti Road by greater than 4m will also take place into an area zoned as Public Open Space.*

*A network of internal roads will be constructed to provide road access to all areas within the development. Various other roads including Robert Sobukwe Road may be upgraded.*

*Main access will be provided from Robert Sobukwe.*

Stormwater management will be managed through the use of water storage tanks, two stormwater attenuation ponds as well as a storm water ditches and swales. This is reflected in the Environmental Management Programme ("EMPr"). A total wetland area of approximately 6.3668ha will be retained to form part of the stormwater infrastructure. These measures will save approximately 79 550 m<sup>3</sup> of water. Potable water will be supplied by the local authority.

Electricity will be provided by the local authority with various upgrades at a cost to the applicant.

The proposed development will link to existing municipal sewerage services.

The total development footprint will be approximately 71 ha in extent and in accordance with the layout attached (compiled by Empowered Space Architects) as Appendix 1 of this EA.

Developments within the development footprint may require additional environmental authorisation for other listed activities not authorised in this environmental authorisation."

2. Condition 9 of Section E (CONDITIONS OF AUTHORISATION) in the EA (Ref. No. 16/3/3/1/A8/2/3057/17), reads as follows:

"The EMPr (dated July 2019) submitted as part of the application for amendment is hereby approved and must be implemented."

**is hereby replaced with:**

"The EMPr (dated January 2023) submitted as part of the application for amendment is hereby approved and must be implemented."

3. Condition 16.5 of Section E (CONDITIONS OF AUTHORISATION) in the EA (Ref. No. 16/3/3/1/A8/2/3057/17), reads as follows:

"16.5. A total wetland area of approximately 8.667m<sup>2</sup> must be retained as part of the proposed development."

**is hereby replaced with:**

"16.5. A total wetland area of approximately 6.3668 ha must be retained as part of the proposed development."

4. Condition 18 of Section E (CONDITIONS OF AUTHORISATION) in the EA (Ref. No. 16/3/3/1/A8/2/3057/17), reads as follows:

"18. The following recommendations regarding the widening of the Palloti Road made by the Transport Impact Assessment dated October 2017 compiled by Innovative Transport Solutions, must be implemented:

Intersection 2 (Robert Sobukwe/Salm/Palloti Road):

- Robert Sobukwe western approach: add a through lane and an acceptance lane on the exit approach;
- Robert Sobukwe eastern approach: remark the left turn lane to a shared through and left-turn lane and add a dedicated left-turn lane and an acceptance lane on the exit approach;
- Palloti southern approach: widen approach for four lanes – one left turn only, shared left and through and two right turn only lanes. Widen Palloti southbound for two accepting lanes; and
- Salm Road northern approach: add separate left-turn and through lanes and reconfigure the existing shared lane to a right-turn lane only."

**is hereby amended to include the following recommendations:**

*"The following recommendations made by the updated Traffic Impact Assessment dated November 2022 compiled by Innovative Transport Solutions, must be implemented:*

- *Intersection 2 (Robert Sobukwe/King Air Boulevard): - Western Approach (Robert Sobukwe) – Add a protected right-turn phase*
- *Intersection 4 (Borcherds Quarry/Bahrain): Provide a second access to King David development to/from Borcherds Quarry Road via Bahrain Road for Phase 3 of the development. Upgrade the intersection as follows:*
  - *Eastern Approach (Bahrain) – Reconfigure the left-turn lane to a shared left and through lane.*
  - *Reconfigure the shared through and right lane to a right turn only lane.*
  - *Western Approach – Extend existing through and left-turn lane to 90 m.*
  - *Southern Approach – Add through lanes on both southern and northern approaches with corresponding accepting lanes."*

5. Appendix 1 of the EA (Ref. No. 16/3/3/1/A8/2/3057/17) and as amended on 06 January 2020 (amended EA Ref. No. 16/3/3/5/A8/2/3047/19) **is hereby replaced with** the Master Site Plan (compiled by Empowered Spaces Architects and attached as Appendix D to this amended EA).

### **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 for the amendment dated and received by this Department on 23 November 2022 and the final Amendment Report dated and received by this Department on 28 February 2023.
2. Since the proposed amendment will result in a change of scope of a valid EA (Ref. No. 16/3/3/1/A8/2/3057/17) and the proposed amendment will result in an increased level or change in the nature of the impacts, Part 2 amendment process in terms of Regulation 31 of the NEMA EIA Regulations, 2014 (as amended) was followed.
3. A public participation process was undertaken, which entailed the following:
  - 3.1. A site notice was placed at the entrance to the site on 17 January 2023.
  - 3.2. Interested and Affected Parties ("I&APs") registered during the initial application for environmental authorisation were notified of the availability of the draft Amendment Report via electronic mail and registered post on 17 January 2023.
  - 3.3. An electronic copy of the draft Amendment Report was made available on the EAP's website for comment from 18 January 2023 to 16 February 2023. I&APs were notified of the opportunity to comment on the draft Amendment Report on 17 January 2023.
  - 3.4. All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the Environmental Management Programme to adequately address significant concerns raised.

#### 4. Specialist input

##### 4.1. Freshwater impacts

Since the proposed amendment includes the additional infilling of wetlands (approximately 2626 m<sup>2</sup> in extent), input from an Aquatic Ecologist (prepared by BlueScience and dated 02 June 2022) was obtained.

The specialist indicated that the proposed additional infilling of wetlands will still result in the required wetland offset area being met and the functionality of the wetland areas (as primarily stormwater related mitigation measures) also being met. The amended stormwater layout will still be compliant with the stormwater policy requirements for treatment and attenuation of stormwater from the developed site. Furthermore, the specialist is of the opinion that the proposed alterations to the proposed development will not in any way influence the freshwater impacts assessed. No additional mitigation measures were recommended by the specialist.

CapeNature (in their correspondence dated 14 February 2023) expressed support for the statement provided by the specialist in respect to the proposed amendment.

##### 4.2. Traffic Impacts

An updated Traffic Impact Assessment ("TIA") (prepared by Innovative Transport Solutions and dated November 2022) based on current traffic conditions and proposed new phasing/GLA allocation was conducted. The report noted that most of the upgrades to the external road network for this study area, as previously proposed in the approved TIA, have already been constructed, and only the upgrades to the Borchers Quarry Road/Bahrain intersection have not yet been implemented. In order to accommodate the additional GLA proposed and the change in land-use to be implemented per phase, additional recommendations are proposed with regard to upgrades to the external road network specifically at the Robert Sobukwe/King Air Boulevard intersection and the Borchers Quarry/Bahrain Drive intersection. These recommendations have been incorporated into the amended EMPr and Condition 18 of the EA (Ref. No. 16/3/3/1/A8/2/3057/17) has been amended accordingly through this application for amendment.

##### 4.3. Stormwater considerations

An Addendum (prepared by Graeme McGill consulting and dated 11 May 2022) to the Stormwater Management Plan (compiled by Green Hippo Innovations (Pty) Ltd and dated September 2019) was undertaken to determine the potential impacts associated with the proposed change to the stormwater attenuation facilities. The specialist indicated that the proposed amendment to combine the attenuation ponds will result in a negligible effect on the overall stormwater management. The input provided by the engineers in the Addendum (dated 11 May 2022) states that the required attenuation of stormwater on site will still be met as a result of the proposed amendment.

5. The Remainder of Erf 112674, Erf 159269 Cape Town and the Remainder of Erf 1181 has been consolidated and subdivided into the remainder of Erf 178931, Erven 179170 and 179171, the remainder of Erf 179172, Erven 179173 and 179183, Erven 179204 - 179209, Erven 179602 – 179607, Erven 179610 – 179612, Erf 180439 and others), Matroosfontein and will be further subdivided as the development phase progresses.
6. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
7. All other provisions contained in the EA (Ref. No. 16/3/3/1/A8/2/3057/17) remain unchanged and in force.



## D. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 1.1. Notify all registered interested and affected parties ("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 National Appeal Regulations, 2014 (as amended) detailed in Section E below;
  - 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 1.4. Provide the registered I&APs with:
    - 1.4.1. the name of the holder (entity) of this Environmental Authorisation;
    - 1.4.2. name of the responsible person for this Environmental Authorisation;
    - 1.4.3. postal address of the holder;
    - 1.4.4. telephonic and fax details of the holder;
    - 1.4.5. e-mail address, if any, of the holder; and
    - 1.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
2. All other conditions contained in the EA issued on 11 May 2018 (Ref. No. 16/3/3/1/A8/2/3057/17) as amended on 14 August 2019 (Ref. No. 16/3/3/5/A8/2/3022/19) and on 06 January 2020 (Ref. No. 16/3/3/5/A8/2/3047/19) remain unchanged and in force.

## 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 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 form/s must be submitted by means of one of the following methods:
  - By post: Attention: 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. M. Venter (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. 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 [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### F. 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 environment is greatly appreciated.

Yours faithfully

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

**DATE OF DECISION: 15 June 2023**

Copies to: (1) Ms. C. Muller (Chand Environmental Consultants)  
(2) Mr. D. Georgeades (City of Cape Town: ERM)  
(3) Ms. M. Stewart (City of Cape Town: ERM)

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## **APPENDIX A**

A copy of the Environmental Authorisation issued by this Department on 11 May 2018 (Ref. No. 16/3/3/1/A8/2/3057/17).

## **APPENDIX B**

A copy of the amendment to the Environmental Authorisation issued by this Department on 14 August 2019 (Ref. No. 16/3/3/5/A8/2/3022/19).

## **APPENDIX C**

A copy of the amendment to the Environmental Authorisation issued by this Department 06 January 2020 (Ref. No. 16/3/3/5/A8/2/3047/19).

## APPENDIX D

A copy of the amended site Master Plan.