



AMENDMENT REFERENCE: 16/3/3/5/F5/16/2042/22
NEAS REFERENCE: WCP/EIA/AMEND/0000651/2022
DATE OF ISSUE: 26 October 2022

The Board of Directors
Schoonspruit Development (Pty) Ltd
154 Main Road
SEA POINT
8005

For Attention: Mr. A. L. Chait

Tel.: 078 022 7590
E-mail: antonlc@iafrica.com

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ORIGINAL ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 1 JUNE 2012 (REFERENCED: E12/2/4/1-F5/14-3024/10), READ TOGETHER WITH THE SUBSEQUENT AMENDED EA ISSUED ON 19 JULY 2017 (REFERENCED: 16/3/3/5/F5/16/2025/17): THE ESTABLISHMENT OF A SCHOONSPRUIT INDUSTRIAL PARK ON PORTIONS OF ERVEN 317, 7455 AND 882, MALMESBURY

1. With reference to the above application, this Department hereby notifies you of its Decision to **grant** an amended EA, 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 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.

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

Yours faithfully

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

Copied to: (1) Mr. Nicolaas Hanekom (Enviro-EAP (Pty) Ltd)

(2) Ms. Johmandie Pienaar (Enviro-EAP (Pty) Ltd)
(3) Mr. Mr. Alwyn Zaayman (Swartland Municipality)
(4) Mr. R. Padayachee / Mr. M. Machin (MYV Asset Investments (Pty) Ltd.)

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AMENDMENT ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ORIGINAL ENVIRONMENTAL AUTHORISATION (“EA”) ISSUED ON 1 JUNE 2012 (REFERENCED: E12/2/4/1-F5/14-3024/10), READ TOGETHER WITH THE SUBSEQUENT AMENDED EA ISSUED ON 19 JULY 2017 (REFERENCED: 16/3/3/5/F5/16/2025/17): THE ESTABLISHMENT OF A SCHOONSPRUIT INDUSTRIAL PARK ON PORTIONS OF ERVEN 317, 7455 AND 882, MALMESBURY

With reference to your application for the abovementioned, find below the amendment to the original EA and the amendment to the amended EA 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 amendment to the original EA issued on 1 June 2012 (Referenced: E12/2/4/1-F5/14-3024/10), read together with the amended EA issued on 19 July 2017 (Referenced: 16/3/3/5/F5/16/2025/17) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Amended EA is amended, as set out below.

1. The holder of the original EA and amended EA is as follows:

“MYV Asset Investments Pty Ltd
c/o: M. Machin
P. O. Box 3380
CAPE TOWN
8000

Cell.: (082) 654 002
Fax: (086) 556 2845”

The holder of the original EA and amended EA is hereby amended to read in the following manner:

“Schoonspruit Development (Pty) Ltd
c/o: Mr. A. L. Chait
154 Main Road
SEA POINT
8005

Tel.: 078 022 7590
E-mail: antonlc@iafrica.com”

2. The description of the authorised alternative included in the original EA reads as follows:

"The proposed development entails the transformation of undeveloped land to business and industrial use for the establishment of the Schoonspruit Industrial Park and associated infrastructure on portions of Erven 317, 7455 and 882, Malmesbury. These portions of Erven will be subdivided to establish the following land-uses:

- *Business Zone I comprising 1 Erf with a footprint of approximately 1.30ha;*
- *Business Zone II comprising 13 Erven with a footprint of approximately 0.57ha;*
- *Industrial Zone I comprising 63 Erven with a footprint of approximately 13.74ha;*
- *An internal road network with a footprint of approximately 3.30ha;*
- *A storm water detention pond with a footprint of approximately 0.5ha will be constructed south of the railway line; and*
- *A sewage pump station and a fence will be constructed adjacent to the storm water detention pond (i.e. north of the railway line). The footprint will be approximately 0.008ha.*

The total development footprint will be approximately 19.418ha."

The description of the authorised alternative included in the original EA is hereby amended to read in the following manner:

"The proposed development entails the transformation of undeveloped land to business and industrial use for the establishment of the Schoonspruit Industrial Park and associated infrastructure on portions of Erven 317, 7455 and 882, Malmesbury. These portions of Erven will be subdivided to establish the following land-uses:

Phase 1 (total size of developed area is approximately 9.2395ha) [construction completed, transferred and in operation]

- *1 Business Zone 1 erf*
- *1 Business Zone 1 erf (office park)*
- *2 Open Space Zone 2 Erven*
- *16 Industrial Zone 2 Erven*
- *Transport Zone 2 (road)*

Phase 2A (an approximately 5.5141ha in extent)

- *5 Industrial Zone 2 Erven*
- *Transport Zone 2 (road)*

Phase 2B (an approximately 4.3074ha in extent)

- *4 Industrial Zone 2 Erven*
- *Transport Zone 2 (road)*

The existing historic manor house to be accommodated within a heritage zone, as recommended by heritage specialist study.

The water borne sewage system will link to the existing municipal system with a sewage pump station to be installed on either Erf 317 or Erf 7455.

A detention pond to hold 5000m³ of stormwater will be constructed south of the railway line and will buffer stormwater flow.

Telkom and electricity lines will be laid underground.

Internal bituminous roads will be constructed, as per the required specifications, as received from the local authority.

The total development footprint will be approximately 19.071ha."

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 for amendment dated 12 August 2022, the updated application form dated 19 September 2022, and the additional information received by this Department on 19 September 2022 and on 12 October 2022, respectively.
- (b) The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the original EA issued on 1 June 2012 (Referenced: E12/2/4/1-F5/14-3024/10) and the amended EA issued on 19 July 2017 (Referenced: 16/3/3/5/F5/16/2025/17).
- (c) The amendment, *i.e.*, the transfer of the original EA and amended EA from MYV Asset Investments Pty Ltd to Schoonspruit Development (Pty) Ltd. is required, as MYV Asset Investments (Pty) Ltd was declared insolvent, and the property and development was purchased by Schoonspruit Development (Pty) Ltd.
- (d) The amendment, *i.e.*, amending the description of the original authorised alternative will not trigger additional Listed Activities in terms of the EIA Regulations, 2014 (as amended). The proposed amendment of the description of the original authorised alternative is required, as an increase in Erven sizes is based on the current market demand as well as to accommodate the needs of the business and industrial tenants at the Schoonspruit Development (Pty) Ltd.
- (e) Amending the description of the original authorised alternative will not result in increase or any additional impacts, as detailed below:

- i. General

The original appointed Environmental Assessment Practitioner determined, as also detailed in the correspondence dated 15 September 2022, that the proposed amendment of the description of the original authorised alternative (which mainly relates to the increase in Erven sizes) will not result in an increased level of impacts. The changes associated with the proposed amendment of the description of the original authorised alternative will take place within the existing footprint that was assessed and authorised, as per the original EA. Furthermore, no additional service requirements are applicable, as a result of amending the description of the original authorised alternative, while the original approved Environmental Management Programme ("EMPr") will continue to be implemented in order to manage the impacts of the authorised development.

- ii. Biophysical

According to the correspondence dated 12 September 2022, the specialist who compiled the Aquatic Biodiversity Assessment, which formed part of the original Basic Assessment Process, determined that the proposed amendment of the description of the original authorised alternative do not alter the original findings of the aforesaid study. As such, the mitigation measures proposed in the original study remain the same, with no additional mitigation measures being required.

iii. Heritage and Archaeology

According to the correspondence dated 12 September 2022, the specialist who compiled the Archaeological Impact Assessment, which formed part of the original Basic Assessment Process, determined that the proposed amendment of the description of the original authorised alternative do not alter the original findings of the aforesaid study. As such, the mitigation measures proposed in the original study remain the same, with no additional mitigation measures being required.

iv. Visual / Sense of place

According to the correspondence dated 19 September 2022, the specialist who compiled the Visual Impact Assessment, which formed part of the original Basic Assessment Process, determined that the proposed amendment of the description of the original authorised alternative do not alter the original findings of the aforesaid study. As such, the mitigation measures proposed in the original study remain the same, with no additional mitigation measures being required.

- (f) The environment and the rights and interests of relevant Interested and Affected Parties ("I&APs") are not likely to be affected, as a result of the proposed amendments.

C. CONDITIONS

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 Interested and Affected Parties 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 responsible person 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 Appeal Regulations, 2014 (as amended).
2. The remaining conditions contained in the original EA issued on 1 June 2012 (Referenced: E12/2/4/1-F5/14-3024/10) and the amended EA issued on 19 July 2017 (Referenced: 16/3/3/5/F5/16/2025/17), 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 Authority 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 (Tel.: 021 483 2659)
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 at 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 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 EA 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)

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