



**REFERENCE:** 16/3/3/1/A3/16/2007/22  
**NEAS REFERENCE:** WCP/EIA/0001045/2022  
**DATE OF ISSUE:** 26 July 2022

The Board of Directors  
Annenprop 5 (Pty) Ltd.  
P.O. Box 562  
**CAPE TOWN**  
8000

**Attention: Mr. Dudley Annenberg**

E-mail: [dudley@annenberg.co.za](mailto:dudley@annenberg.co.za)

Dear Sir

**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 DEVELOPMENT OF A NEW ACCESS ROAD FROM MACASSAR ROAD TO BLEND CRESCENT WITHIN THE FIRGROVE INDUSTRIAL ESTATE, FIRGROVE.**

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) Ms. Kim Williams (Doug Jeffery Environmental Consultants)  
(2) Ms. Azanne van Wyk (City of Cape Town)

E-mail: [kim@dougjeff.co.za](mailto:kim@dougjeff.co.za)  
E-mail: [Azanne.VanWyk@capetown.gov.za](mailto:Azanne.VanWyk@capetown.gov.za)



**REFERENCE:** 16/3/3/1/A3/16/2007/22  
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## **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 DEVELOPMENT OF A NEW ACCESS ROAD FROM MACASSAR ROAD TO BLEND CRESCENT WITHIN THE FIRGROVE INDUSTRIAL ESTATE, FIRGROVE.**

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 Basic Assessment Report ("BAR") dated April 2022.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the competent authority hereby adopts the River Maintenance Management Plan ("RMMP") dated April 2022 for the proposed maintenance works associated with the bridge.

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**

Annenprop 5 (Pty) Ltd.  
c/o Mr. Dudley Annenberg  
P.O. Box 562  
**CAPE TOWN**  
8000

Tel.: (021) 465 7780  
Fax: (086) 432 7780  
E-mail: [dudley@annenberg.co.za](mailto:dudley@annenberg.co.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><b>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 19:</b>  <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <ul style="list-style-type: none"> <li><i>(a) will occur behind a development setback;</i></li> <li><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></li> <li><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></li> <li><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></li> <li><i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</i> </li></ul>	<p>The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 10m<sup>3</sup> from the watercourse.</p>

Listed Activity	Activity/Project Description
<p><b>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 14:</b>  <i>"The development of –</i></p> <ul style="list-style-type: none"> <li><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</i></li> <li><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</i></li> </ul> <p><i>where such development occurs -</i></p> <ul style="list-style-type: none"> <li><i>(a) within a watercourse;</i></li> <li><i>(b) in front of a development setback; or</i></li> <li><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i> <p><i>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</i></p> <p><b>i. Western Cape</b>  <i>i. Outside urban areas:</i></p> </li></ul>	<p>Infrastructure with a physical footprint of 10m<sup>2</sup> or more will be developed within a watercourse.</p>

<p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined".</p>	
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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 construction of a new access road from Macassar Road to Blend Crescent within the Firgrove Industrial Estate, Firgrove. A bridge will also be constructed across the stream.

Proposed access road:

The length of the proposed new access road from Macassar Road to the internal road of the Industrial Estate is approximately 260m. The blacktop of the access road at the entrance (off Macassar Road) is approximately 10.5m and transitions to a width of approximately 14.5m at the security kiosk. An approximate 1.5m wide sidewalk will be constructed along the eastern side of the access road. The proposed road will have a development footprint of approximately 4467m<sup>2</sup>. To accommodate the new access road, the following is proposed along Macassar Road:

1. East to west (direction Muizenberg) ending at the new access road/Macassar Road intersection:
  - The southern shoulder of the existing lane (direction Muizenberg) will be widened to make provision for two additional lanes;
  - The existing lane will become a right turn only lane to Doh Street;
  - Additional lane 1 is a straight only lane; and
  - Additional lane 2 is a left turn only lane to the Firgrove Industrial Estate.
  
2. West to east (direction N2) ending at the new access road/Macassar Road intersection:
  - The existing roadway will become two lanes in a west to east direction;
  - Lane 1: will allow for straight/left turn only;
  - Lane 2: will allow for right turn only;
  - The roadway will be widened on the southern shoulder to accommodate the new lane in the east/west direction; and
  - The lane widths vary between 3.47m and 3.7m.

#### Proposed bridge:

A bridge will be constructed across the stream as part of the construction of the access road. The bridge will be located approximately 60m from Macassar Road. A culvert bridge will be constructed, which takes into account the existing storm water management plan of the industrial area, the required capacity in terms of the 1:10 year and 1:50 year overflow of the large catchment area of the stream, and the existing flood lines of the stream.

The bridge will be approximately 18m long and approximately 23.7m wide (and includes reno mattresses, gabions, kerbs and guardrails) and will be perpendicular to the base flow of the stream.

Graded crushed rock stone wrapped in geofabric, and a 250mm thick concrete slab will provide the foundation upon which the culverts will be placed.

The embankment of the bridge will have a 1:2.5 slope to allow for the slopes to be vegetated. The excavated material will be reused for backfilling and will be compacted to the required density.

Eight gabions will be placed at the inlet and outlet. Eight reno mattresses, approximately 300mm thick, will be placed on top of the gabions to reduce erosion and to decrease flow velocities during rain events.

#### Proposed security kiosk and signage pylon:

The new security (entrance) kiosk island will be approximately 12m in length and 4.01m in width with a total development footprint of approximately 48m<sup>2</sup>.

A signage pylon will be established on the western side of the access road in proximity to the intersection with Macassar Road. The pylon will be approximately 6.005m high and 1.8m high.

A RMMP has been compiled for maintenance or managements works associated with the bridge.

### **C. LOCATION AND SITE DESCRIPTION**

The proposed access road and bridge traverse a greenfield site between Macassar Road (M9) and the Firgrove Industrial Estate perimeter fence. Closer to the perimeter fence is an unnamed tributary of the Moddergat River and associated floodplain area.

The following properties will be affected:

- Erven 710-RE, 1063 and 720 owned by the City of Cape Town; and
- Erven 717 and 718 owned by Annenprop 5 (Pty) Ltd.

The proposed access road ends at the boundary of Erven 1063 and 710. The intersection will be constructed over Erf 710.

The SG 21-digit codes are:

Erf 710-RE: C06700150000071000000

Erf 1063: C06700150000106300000

Erf 720: C06700080000072000000

Erf 717: C06700080000071700000

Erf 718: C06700080000071800000

Co-ordinates of proposed access road:

Starting point:

Latitude: 34° 03' 56.20" S

Longitude: 18° 46' 13.27" E

Middle point:

Latitude: 34° 03' 59.91" S

Longitude: 18° 46' 14.90" E

End point:

Latitude: 34° 04' 02.86" S

Longitude: 18° 46' 17.34" E

Co-ordinates of the bridge:

Latitude: 34° 03' 58.47" S

Longitude: 18° 46' 13.83" 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")**

Doug Jeffery Environmental Consultants  
c/o Mr. Doug Jeffery / Ms. Kim Williams  
P.O. Box 44  
**KLAPMUTS**  
7625

Tel.: (021) 875 5272

E-mail: [doug@dougjeff.co.za](mailto:doug@dougjeff.co.za) / [kim@dougjeff.co.za](mailto:kim@dougjeff.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 BAR dated April 2022 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 five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
  - (b) A period of ten (**10**) 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 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 activities, 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 22.2.

## **Management of activity**

10. The draft Environmental Management Programme ("EMPr") and River Maintenance Management Plan ("RMMP") dated April 2022 (as compiled by Doug Jeffery Environmental Consultants) 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 RMMP, must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation, RMMP 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, RMMP 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, RMMP 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 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 twice 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 four months after commencement of the construction phase to the relevant competent authority;
  - 15.3 submit an environmental audit report six 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 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. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
22. The recommendations provided in the Aquatic Impact Assessment Report dated August 2021 and compiled by Ms. Toni Belcher of BlueScience, as included in the EMPr, the following must be implemented:
  - 22.1 The current channel shape must be maintained, as far as possible when designing and constructing the bridge structure.
  - 22.2 The works within the watercourse channel must be kept to a minimum and must not disturb the upstream and downstream aquatic habitats more than is required for the construction works. This area must be demarcated before the commencement of construction activities.
  - 22.3 The height of the concrete slab and the gabion mattresses at the foot of the bridge structure must not significantly impede flow in the watercourse.
  - 22.4 The construction of the new bridge and access road must be undertaken in the dry season when there is little to no flow in the watercourse.
  - 22.5 Contaminated runoff from the construction site must be prevented from entering the river.
  - 22.6 If a construction site will be used as a laydown area and for the batching of concrete, it must be located at least 30m away from the watercourse.
  - 22.7 Ablution facilities at the construction site must be located away from the river (at least 30m) and must be regularly serviced.
  - 22.8 Disturbed banks associated with the new bridge and access road must be reshaped, if necessary, to resemble the upstream and downstream banks.

- 22.9 The disturbed stream banks must be revegetated with appropriate indigenous vegetation such as *Cynodon dactylon* to stabilise the banks, prevent erosion and invasion with alien vegetation.
- 22.10 Invasive alien vegetation currently at the site must be removed and the area be kept clear of alien vegetation growth.
- 22.11 All rubble and waste material associated with the construction works must be removed after construction is completed.
- 22.12 The channel upstream of the river crossing must be kept free of debris, intrusive growth of invasive alien plants and sediment build-up, particularly at the culverts where it might impede flows.

### **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.

## **F. 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  
8<sup>th</sup> 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](mailto: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](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## G. 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

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

**DATE OF DECISION: 26 JULY 2022**

CC: (1) Ms. Kim Williams (Doug Jeffery Environmental Consultants)  
(2) Ms. Azanne van Wyk (City of Cape Town)

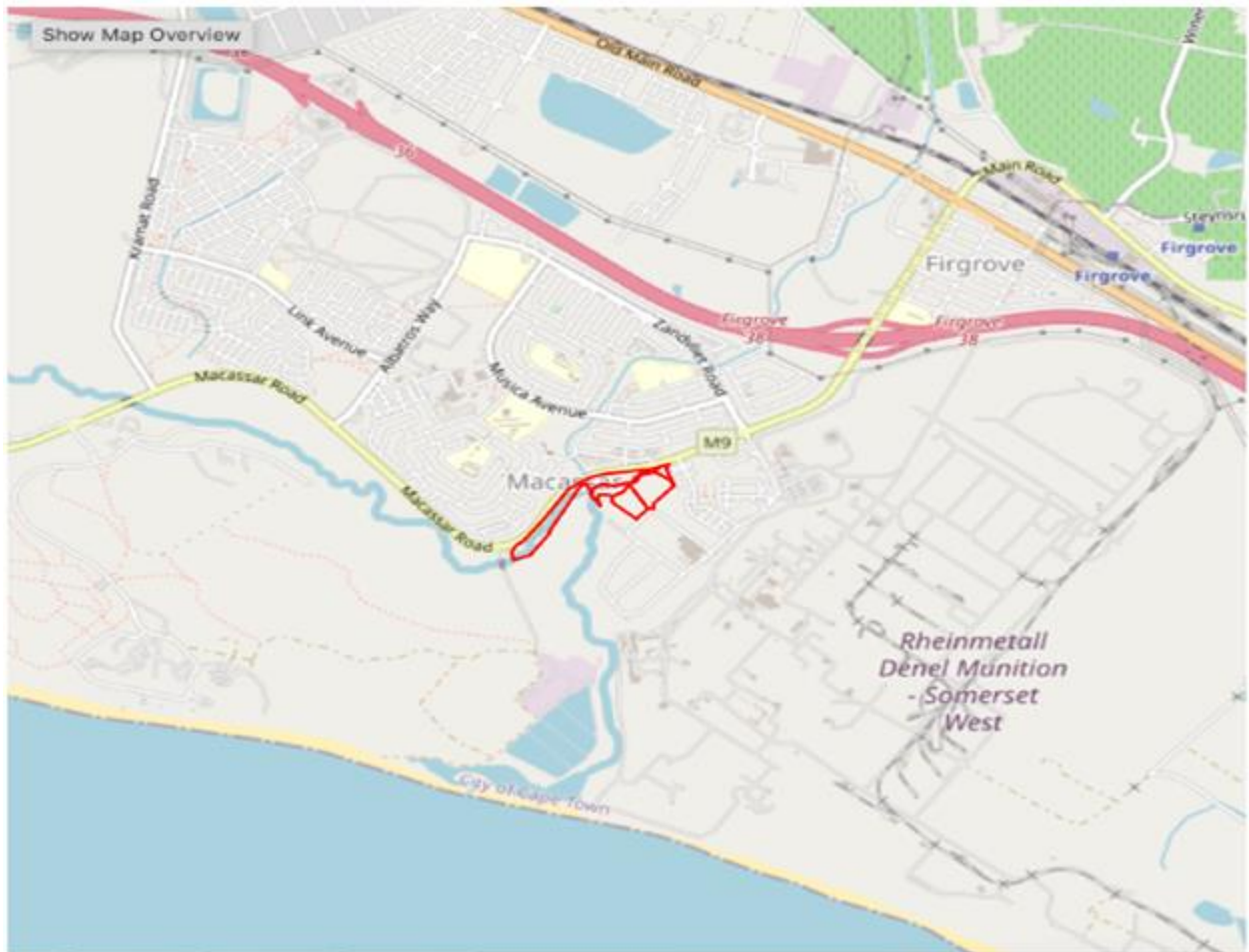
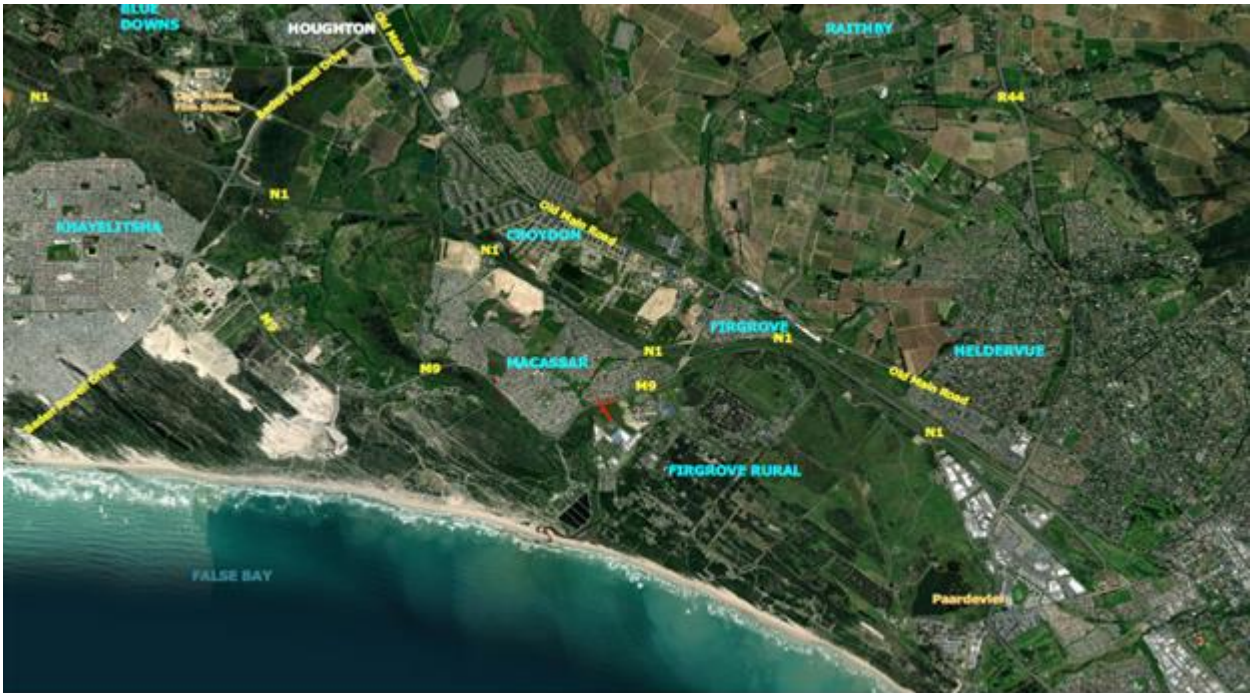
E-mail: [kim@dougjeff.co.za](mailto:kim@dougjeff.co.za)  
E-mail: [Azanne.VanWyk@capetown.gov.za](mailto:Azanne.VanWyk@capetown.gov.za)

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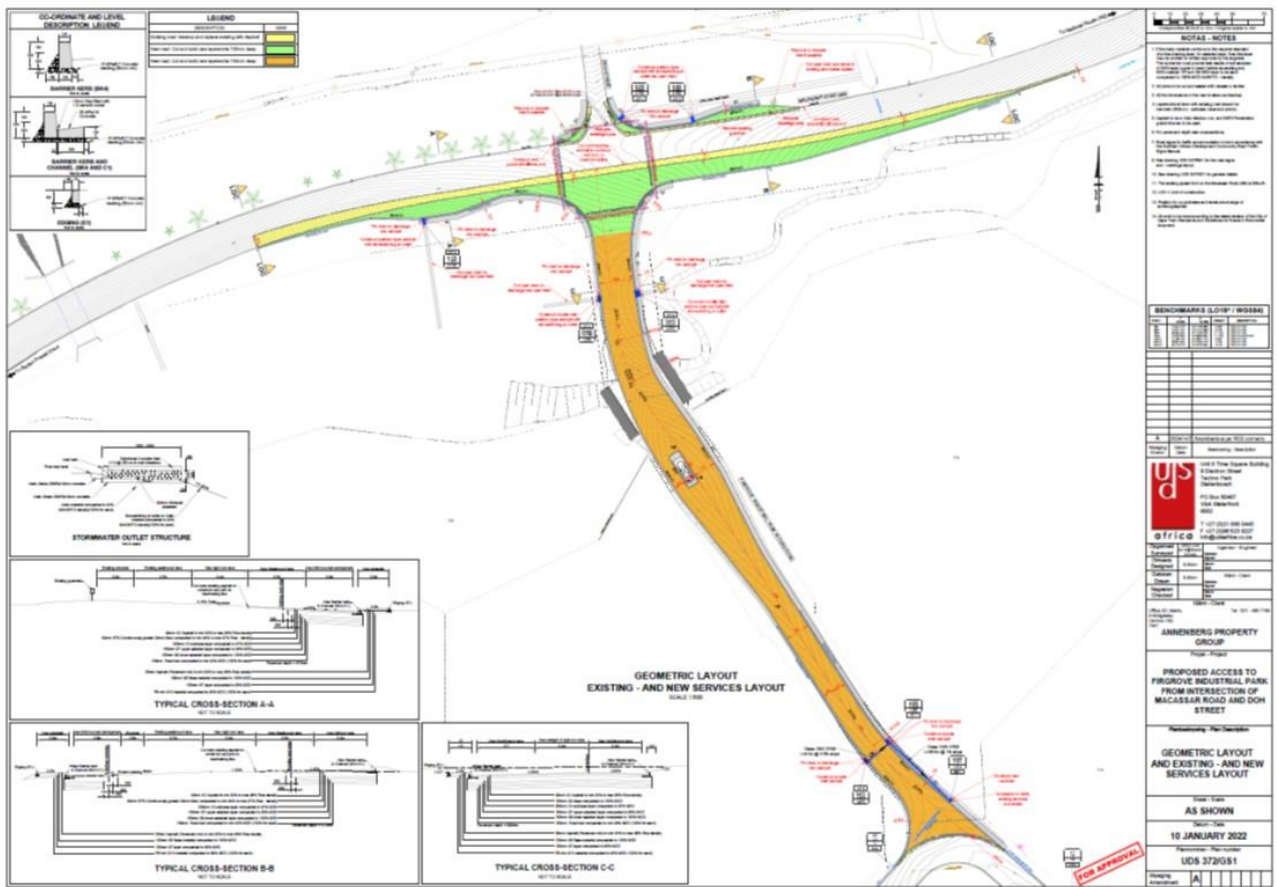
**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER: 16/3/3/1/A3/16/2007/22**  
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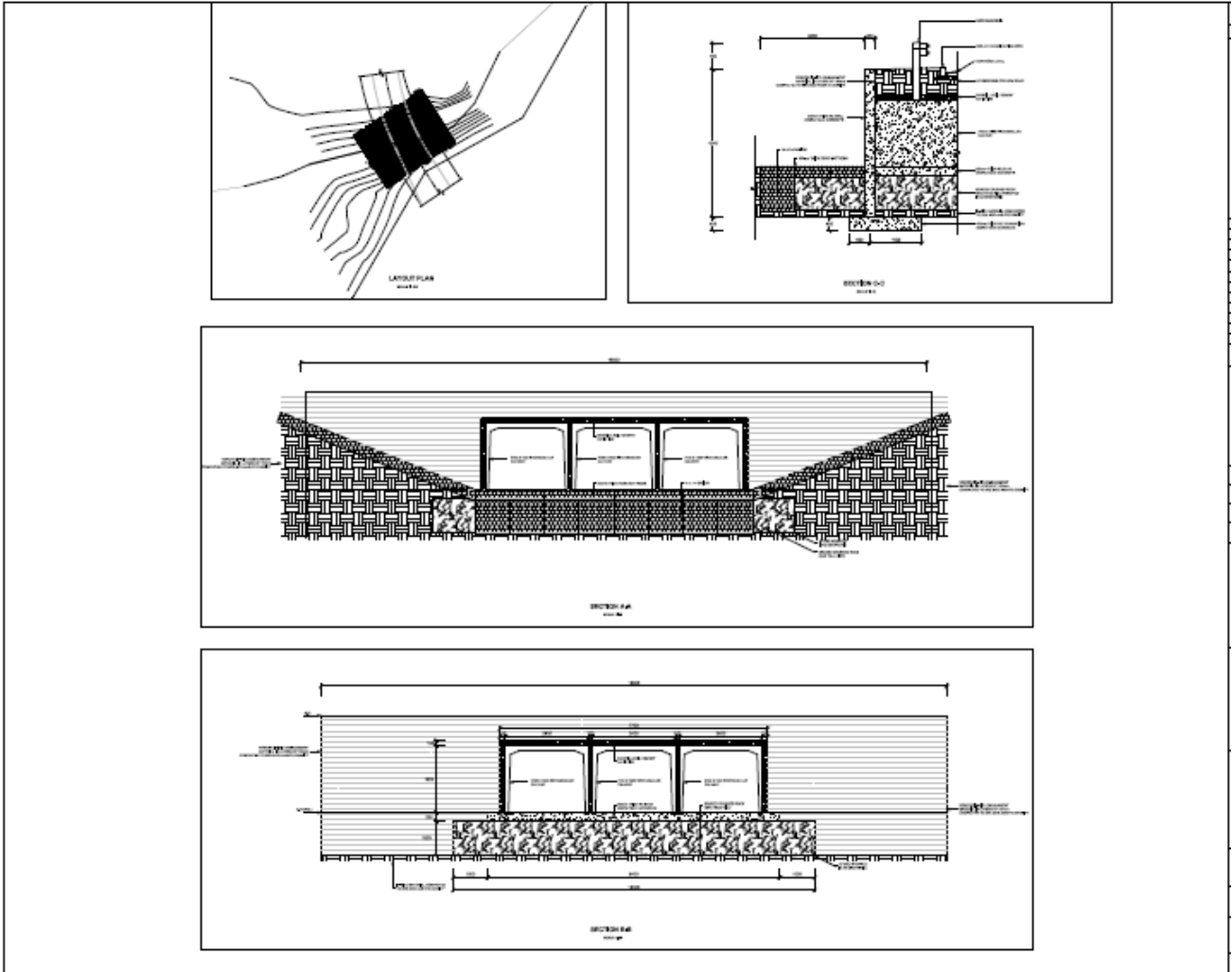
# ANNEXURE 1: LOCALITY PLAN



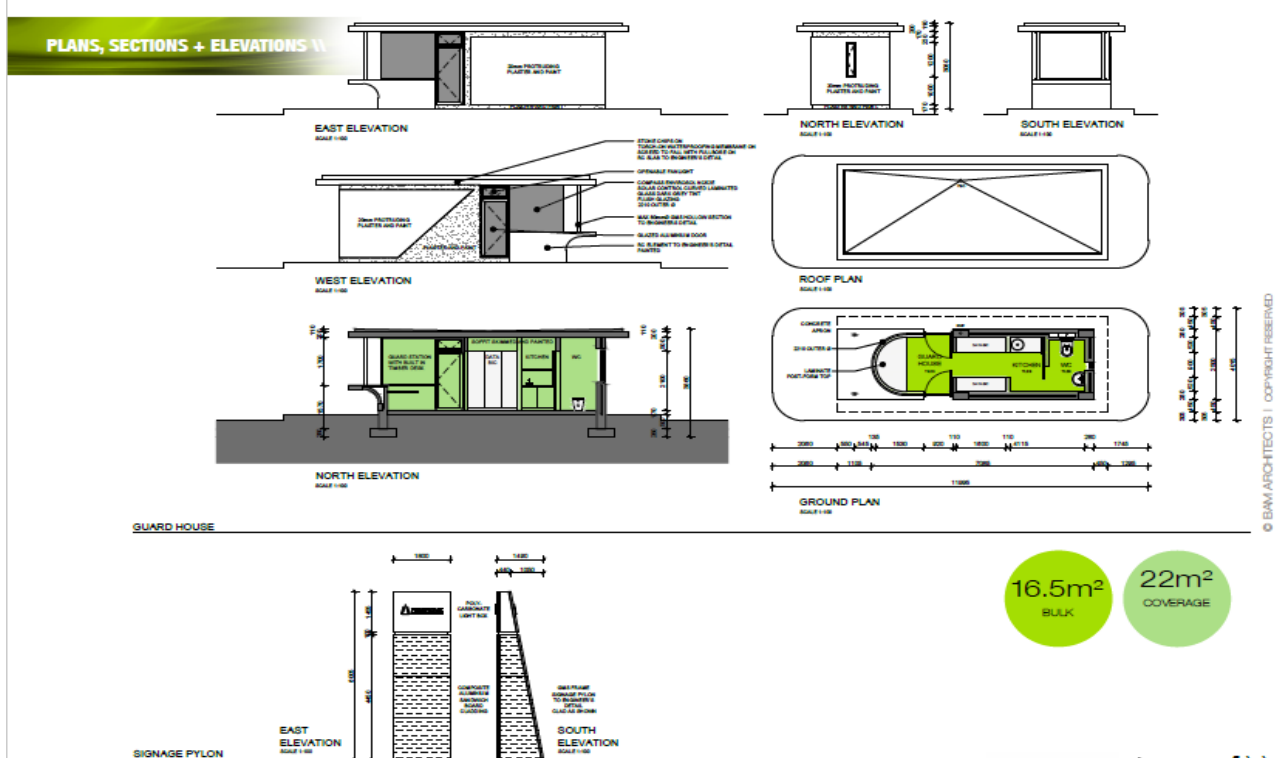
# ANNEXURE 2: SITE PLAN



### Bridge design and cross-section:



### Entrance kiosk and pylon cross-section:



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### **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 as received by the competent authority via electronic mail correspondence on 21 February 2022; the BAR dated April 2022; and the EMPr submitted together with the BAR;
- 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 BAR dated April 2022;
- 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 site notice was placed at the entrance to the Firgrove Industrial Estate on 04 November 2021;
- An advertisement was placed in the "District Mail" newspaper on 04 November 2021;
- Adjacent property owners, occupiers of the site, the ward councillor, local municipality and relevant organs of state/State Departments were notified via e-mail or post on 04 November 2021;
- The ward councillor and/or local community representative(s) assisted with the distribution of notices via their respective online platforms (websites or social media);
- An electronic copy of the pre-application BAR was placed on the EAPs website;
- The Executive Summary of the pre-application BAR was made available as a separate downloadable document;
- A copy of the pre-application BAR was placed at the Macassar Library on 04 November 2021;
- The pre-application BAR was made available from 04 November 2021 until 06 December 2021;
- E-mails were sent on 21 February 2022 to announce the availability of the draft BAR;
- An electronic copy of the draft BAR was placed on the EAPs website;
- The Executive Summary of the draft BAR was made available as a separate downloadable document; and
- The draft BAR was made available from 21 February 2022 until 24 March 2022.

#### **Authorities consulted**

The authorities consulted included the following:

- City of Cape Town;
- CapeNature;
- Department of Water and Sanitation;
- Heritage Western Cape; and
- Western Cape Department of Transport and Public Works.

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 BAR.

## **2. Alternatives**

The current access to the Firgrove Industrial Estate from the Macassar Road/Reeb Road intersection is unsafe. The risk between pedestrians and vehicles entering and exiting the Industrial Estate is already high. The proposed access road will negate this conflict and provide a safer access for the large trucks entering and exiting the Industrial Estate.

Two access positions were assessed as follows:

### Position A:

The road will pass through a residential area and will be situated approximately 304m from the existing Macassar Road/Reeb Road intersection. This alternative was discarded and will not be implemented due to the road passing through a residential area. Furthermore, it is not good practice for industrial traffic to pass through a residential area, especially in areas where an increased number of pedestrians can be expected. In addition, the Western Cape Government Access Management Guidelines (2020) stipulates that a distance of 540m is required between signalised intersections along Macassar Road. Position A is only 304m from the existing Macassar Road/Reeb Road intersection which does not satisfy the aforementioned spacing requirements.

### Position B:

The spacing between the Reeb Road/Macassar Road intersection and the proposed access road and intended intersection is sufficient. Therefore, the site distance at Position B is acceptable.

### Preferred alternative – herewith authorised:

The proposed development entails the construction of a new access road from Macassar Road to Blend Crescent within the Firgrove Industrial Estate, Firgrove. A bridge will also be constructed across the stream.

### Proposed access road:

The length of the proposed new access road from Macassar Road to the internal road of the Industrial Estate is approximately 260m. The blacktop of the access road at the entrance (off Macassar Road) is approximately 10.5m and transitions to a width of approximately 14.5m at the security kiosk. An approximate 1.5m wide sidewalk will be constructed along the eastern side of the access road. The proposed road will have a development footprint of approximately 4467m<sup>2</sup>. To accommodate the new access road, the following is proposed along Macassar Road:

1. East to west (direction Muizenberg) ending at the new access road/Macassar Road intersection:
  - The southern shoulder of the existing lane (direction Muizenberg) will be widened to make provision for two additional lanes;
  - The existing lane will become a right turn only lane to Doh Street;
  - Additional lane 1 is a straight only lane; and
  - Additional lane 2 is a left turn only lane to the Firgrove Industrial Estate.
  
2. West to east (direction N2) ending at the new access road/Macassar Road intersection:
  - The existing roadway will become two lanes in a west to east direction;
  - Lane 1: will allow for straight/left turn only;
  - Lane 2: will allow for right turn only;

- The roadway will be widened on the southern shoulder to accommodate the new lane in the east/west direction; and
- The lane widths vary between 3.47m and 3.7m.

Proposed bridge:

A bridge will be constructed across the stream as part of the construction of the access road. The bridge will be located approximately 60m from Macassar Road. A culvert bridge will be constructed, which takes into account the existing storm water management plan of the industrial area, the required capacity in terms of the 1:10 year and 1:50 year overflow of the large catchment area of the stream, and the existing flood lines of the stream.

The bridge will be approximately 18m long and approximately 23.7m wide (and includes reno mattresses, gabions, kerbs and guardrails) and will be perpendicular to the base flow of the stream.

Graded crushed rock stone wrapped in geofabric, and a 250mm thick concrete slab will provide the foundation upon which the culverts will be placed.

The embankment of the bridge will have a 1:2.5 slope to allow for the slopes to be vegetated. The excavated material will be reused for backfilling and will be compacted to the required density.

Eight gabions will be placed at the inlet and outlet. Eight reno mattresses, approximately 300mm thick, will be placed on top of the gabions to reduce erosion and to decrease flow velocities during rain events.

Proposed security kiosk and signage pylon:

The new security (entrance) kiosk island will be approximately 12m in length and approximately 4.01m in width with a total development footprint of approximately 48m<sup>2</sup>.

A signage pylon will be established on the western side of the access road in proximity to the intersection with Macassar Road. The pylon will be approximately 6.005m high and approximately 1.8m high.

A RMMP has been compiled for maintenance or managements works associated with the bridge.

This is the preferred alternative as the proposed bridge will not impact on the flow of the stream as the rectangle culverts will allow for the continued flow of the stream. The proposed access road will negate the current risks and conflict between pedestrians and the large trucks that use Reeb Road to access the Industrial Estate.

“No-Go” Alternative:

This alternative implies that the access road and bridge will not be constructed. This alternative was not deemed as preferred due to the risk to pedestrians. The potential conflict between pedestrians and the large trucks that use Reeb Road to access the Industrial Estate will not be alleviated. The “no-go” alternative is therefore not warranted.

**3. Impacts, assessment and mitigation measures**

3.1 Activity Need and Desirability

According to the City of Cape Town Municipal Spatial Development Framework 2018, the proposed access road is located within an incremental growth and consolidation

area and not within a protected area. The proposed access road is not in conflict with the spatial strategies and related policies.

Since the proposed new access road cannot be located at any other suitable location, the bridge design considered the Floodplain and River Corridor Management Policy, 2009 and the Management of Urban Storm Water Impacts Policy, 2009, since:

- The bridge allows for the natural flood carrying capacity of the stream by being perpendicular to the flow direction;
- The stream will continue to provide its related environmental goods and services;
- The proposed access road and bridge will not cause water attenuation and absorption or result in a reduction in water quality management downstream and upstream of the stream; and
- The storm water design will not reduce the water quality and runoff rate and the quantity of the post-development storm water will not increase from the pre-development rate and quantity.

The proposed access road will resolve the conflict between industrial and residential traffic via the existing access and will provide access from a higher order road network.

### 3.2 Freshwater impacts

An Aquatic Impact Assessment Report dated August 2021 was prepared by Ms. Toni Belcher of BlueScience to assess the freshwater impacts of the proposed development.

The main aquatic feature is a smaller tributary of the lower Eerste River and its associated floodplain/estuarine wetland area. The tributary joins the Eerste River approximately 150m to the west of the site. Some wetland habitat occurs along the tributary and downstream of the site.

The site has been significantly modified with the terrestrial vegetation cover mostly been removed. Infilling has taken place and the aquatic features on the site have been highly modified. The aquatic features on and adjacent to the site comprise a minor tributary of the lower Eerste River and a remnant floodplain wetland.

The northern portion of the road traverses a small seasonal tributary of the lower Eerste River. The watercourse at the proposed crossing is largely devoid of riparian vegetation and is dominated by alien invasive kikuyu grass (*Pennisetum clandestinum*). Some patches of low shrubs comprise of a mix of indigenous *Searsia undulata* and *Senecio halimifolius*, together with invasive alien plants such as *Ricinus communis*. Wetland areas are confined to the river channel and are dominated by *Phragmites australis*.

Invasive alien plant species such as Port Jackson willows (*Acacia saligna*), red-eyed wattle or rooikrans (*Acacia Cyclops*) and gum trees (*Eucalyptus*) occur in patches of moderate density within the site.

The floodplain and estuarine wetlands at the site are mapped as an aquatic Critical Biodiversity Area ("CBA") 1. CBA1 is a natural or semi-natural floodplain wetland that should be safeguarded. The area north of the river is mapped as a terrestrial CBA2 (restorable irreplaceable site). However, the terrestrial vegetation within the proposed footprint have been significantly transformed with little of the natural elements remaining. The floodplain/estuarine wetland areas at the site are mapped as Freshwater Ecosystem Priority Areas wetlands that are of national aquatic biodiversity importance.

The tributary of the Eerste River flows within a relatively narrow channel of about 10m. The adjacent floodplain has been subjected to infilling and clearing of the cover vegetation has taken place. Little of the natural terrestrial riparian vegetation remains. The watercourse is dominated by the common reed *Phragmites australis*. Today, the watercourse is likely fed by storm water runoff that has altered flow with some areas having become more permanently wet with a resultant dense growth of common *Phragmites* reeds and *Typha* bulrush that is fed with nutrient enriched storm water.

The watercourse is considered to be in a largely to severely modified state in terms of its instream habitat and riparian habitat. Impacts to instream habitat consist of flow modification and water quality impacts, while removal of riparian vegetation has altered the riparian habitat. The tributary is considered to be of a low ecological importance and sensitivity.

The floodplain wetland area associated with the tributary is confined to the watercourse's channel because the surrounding land has been filled and modified. There are also small patches of the wetland shrub *Senecio halimifolium* and some sedges occur along the fringes of the wetland. The floodplain wetland is considered to be in a largely to seriously modified ecological condition as a result of the surrounding land use activities with the associated topographical changes, flow and water quality modification, and removal of indigenous vegetation.

In terms of goods and services, the floodplain wetland provides some valuable goods and services, such as flood attenuation and water quality amelioration.

The access road associated with the crossing will be placed on existing infilled and modified areas and will not have any potential aquatic ecosystem impact.

Sediment and potentially also vegetation will be removed at the crossing to maintain the integrity and safety of the structure, and as such a RMMP has been compiled.

Based on the findings of the freshwater assessment, the main negative impacts associated with the proposed development are associated with the proposed construction of the bridge and culverts. The watercourse bed and banks at the site will be reworked and compacted before laying a 400mm concrete foundation, installing the gabions wrapped in geofabric, overlaid with reno mattress. The box culverts will then be placed on this foundation and backfilled. The potential impacts of the proposed activity from an aquatic ecological perspective are the disturbance of aquatic habitat and the potential for modification of the hydraulics in the watercourse at the bridge. Some water quality impacts may also result from the construction activities. The freshwater impacts were assessed as low negative significance post mitigation. The recommended mitigation measures have been included in the BAR and EMPr in order to minimize potential negative freshwater impacts.

### 3.3 Botanical impacts:

The site contains limited indigenous vegetation. The development footprint of the proposed new access road is degraded and characterised by weeds and grasses that are regularly mowed.

A portion of the road traverses a degraded CBA2. Approximately 416m<sup>2</sup> of the degraded CBA2 will be lost, however, the CBA2 is completely transformed and not characteristic of a CBA2.

The proposed bridge will also result in the loss of approximately 185m<sup>2</sup> of an estuarine wetland. The estuarine vegetation along the lower Eerste River near the site is considered a least threatened vegetation type. The vegetation along the Eerste River is dominated by the common reed, *Phragmites australis*, with patches of bulrush, *Typha capensis*, and the sea clubrush, *Bolboschoenus maritimus*.

#### 3.4 Impacts on insects

An Entomologist Compliance Statement dated 11 June 2021 was compiled by Dr Casparus Crous and Dr Gabriella Kietzka, to assess the potential impacts on insects associated with the proposed development.

No individuals of any of the species of *Aneuryphymus montanus* (Yellow-winged Agile Grasshopper); *Pachysoma Aesculapius* (a species of dung beetle); and *Frankenbergerius opacus* (a species of dung beetle) were collected or observed on the site. There are also no other records of these species being present on the site.

The proposed construction of the access road off Macassar Road, directly south (opposite) of Doh Street is unlikely to impact the terrestrial animal species (*A. montanus*, *P. Aesculapius* and *F. opacus*). Furthermore, there no suitable, undisturbed areas that meet the necessary habitat conditions required to support the species. The species are unlikely to be present in the area proposed for road construction.

#### 3.5 Traffic impacts

A Traffic Impact Statement dated 03 June 2021 was prepared by UDS Africa, to assess the traffic impacts of the proposed development.

To accommodate the background traffic, and the addition of the development-traffic at the Macassar Road/Reeb Road intersection, the changing of the existing yield-controlled left-slip lane along the Zandvliet Road-approach to a continuous slip lane is considered necessary, as well as dedicated right-turn lanes along the Macassar Road-approaches.

The proposed access to the Firgrove Industrial Estate will intersect Macassar Road opposite the Macassar Road/Doh Street intersection. To accommodate the development traffic at the proposed access intersection opposite the Macassar Road/Doh Street intersection, dedicated right-turn lanes are required along the Macassar Road-approaches, as well as dedicated left-turn lane along the north eastern Macassar Road-approach and dedicated left-turn lane and shared through-right lane along the access-approach.

Sufficient spacing between intersections is available for the proposed access to be signalised in future if/when warranted.

With the implementation of the proposed new access, the existing access to Reeb Road will be closed by way of a gate, and used as emergency access when required. Security controls are also proposed at the new access. The said controls will be provided about 100m from the edge of Macassar Road, with two lanes in and two lanes out. Stacking at the security controlled access will thus operate acceptably.

#### 3.6 Dust and visual impacts

Potential dust and visual impacts are anticipated during the construction phase. However, no significant potential dust and visual 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:**

- Potential aquatic impacts; and
- Construction phase impacts.

**Positive impacts:**

- A safer access for the large trucks entering and exiting the Industrial Estate; and
- Employment opportunities will be created during the construction phase of the development.

**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."

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