



REFERENCE: 16/3/3/1/F5/1/2018/20
NEAS REFERENCE: WCP/EIA/0000762/2020
DATE: 27 September 2021

The Board of Trustees
Pieter Visser Trust
P. O. Box 603
MELKBOSSTRAND
7437

Attention: Mr. Pieter Visser

Cell: 082 553 3240

E-mail: pietervisser@tiptranscape.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION 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 PROPOSED ESTABLISHMENT OF A LIGHT INDUSTRIAL DEVELOPMENT ON ERF NO. 373, ABBOTSDALE.

1. With reference to the above application, this Department 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 Environmental Impact Assessment 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 ("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 Environmental Authorisation.

Yours faithfully

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

Copied to: (1) Mr. Nicolaas Hanekom (Enviro EAP (Pty) Ltd)
(2) Mr. Alwyn Burger (Swarthland Municipality)

E-mail: nicolaas@enviro-eap.co.za
E-mail: alwynburger@swarthland.org.za



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

Natasha Bieding

Development Management

natasha.bieding@westerncape.gov.za | Tel.: 021 483 5833/3185

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, AS AMENDED: PROPOSED ESTABLISHMENT OF A LIGHT INDUSTRIAL DEVELOPMENT ON ERF NO. 373, ABBOTSDALE.

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Activity alternative, described in the Final Basic Assessment Report ("BAR"), dated 7 June 2021.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Pieter Visser Trust
c/o Mr. Pieter Visser
P. O. Box 603
MELKBOSSTRAND
7437

Cell: 082 553 3240
E-mail: pietervisser@tiptranscape.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 Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 9 Activity Description: <i>"The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</i> <i>(i) with an internal diameter of 0,36 metres or more; or</i> <i>(ii) with a peak throughput of 120 litres per second or more;</i> <i>excluding where—</i> <i>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i> <i>(b) where such development will occur within an urban area".</i></p>	<p>Stormwater infrastructure with an internal diameter which exceeds 0,36 metres and a peak throughput which exceeds 120 litres per second will be installed.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 24 Activity Description: <i>"The development of a road—</i> <i>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i> <i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i> <i>but excluding a road—</i> <i>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</i> <i>(b) where the entire road falls within an urban area; or</i> <i>(c) which is 1 kilometre or shorter".</i></p>	<p>Access and internal road infrastructure will range from being approximately 8m wide and be located inside a 25m road reserve servitude measuring approximately 2km in length.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 26 Activity Description: <i>"Residential, retail, recreational, tourism, commercial or institutional developments of 1 000 square metres or more, on land previously used for mining or heavy industrial purposes; —</i> <i>excluding —</i> <i>(i) where such land has been remediated in terms of part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008</i></p>	<p>The proposed development will take place on a site which was previously used for mining related activities.</p>

<p>applies; or</p> <p>(ii) where an environmental authorisation has been obtained for the decommissioning of such a mine or industry in terms of this Notice or any previous NEMA notice; or</p> <p>(iii) where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for such land".</p>	
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 28 Activity Description: "Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</p>	<p>The proposed development will take place outside an urban area and portions of the site which were previously used for agricultural related activities.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)– Activity Number: 4 Activity Description: "The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority".</p>	<p>Associated infrastructure and roads wider than 4 metres with a reserve less than 13,5 metres will be constructed outside an urban area containing indigenous vegetation.</p>

The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development proposal:

The proposed development includes the establishment of a light industrial development comprising:

- 53 Industrial Zone I erven covering an area of approximately 41.5ha;
- 1 Transport Zone II erf to accommodate one access road with two access points located approximately 1050 m south-west and 530 m north-east off the DR1111/DR1146 intersection;
- Internal roads;
- Sidewalks along the border of the site;
- public transport embayments;
- stormwater infrastructure, including a stormwater pond and pipe network;
- a 0.5 millilitre ("ML") reservoir including associated pipeline infrastructure; and
- a sewer network including associated pipeline infrastructure.

The light industrial development will be developed in 6 phases, as follows:

- phases 1, 2 and 3 (as marked in Annexure 2) will be commenced with first and in operation, as part of phase A; and
- phases 4, 5 and 6 (as marked in Annexure 2) will be commenced with and in operation, as part of phase B, after phase A has been constructed and in operation.

The Industrial Zone 1 will accommodate light industrial uses and service trades and the proposed subdivision and rezoning will create self-sufficient industrial units.

The total development footprint will amount to approximately 47.4112ha.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf 373, in Abbotsdale along the Divisional Road 1111 (Malmesbury Road), which connects Abbotsdale with Malmesbury.

The SG digit code is:

C04600160000037300000

The site co-ordinates are:

33° 29' 54" South; 18° 41' 03" East

The co-ordinates for the linear infrastructure are:

Starting point-

33° 30' 11.61" South; 18° 40' 51.49" East

Middle point-

33° 29' 33.23" South; 18° 41' 04.64" East

End point-

33° 29' 13.80" South; 18° 41' 25.88" East

Refer to Annexure 1: Locality Plan.

Refer to Annexure 2: Site Development Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviro EAP (Pty) Ltd
c/o Mr. Nicolaas Willem Hanekom
P. O. Box 205
AGULHAS
7287

Cell.: 076 963 6450

E-mail: nicolaas@enviro-eap.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 site alternative described in the Final BAR, dated 7 June 2021 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.
 - (b) A period of ten (10) years, from the date the holder commenced with an authorised listed activities, during which period the authorised listed activities, 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 "Environmental Management Programme" ("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; and
 - 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 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, 19 and 21.4.

Management of activity

- 10. The EMPr submitted, as dated May 2021 is hereby approved and must be implemented.
- 11. An application for amendment of 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 must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation 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 and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase and rehabilitation phases of implementation.

The ECO must–

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein; and
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –
 - 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction phase; and
 - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report 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, place on a publicly accessible website.

Specific conditions

18. Suitable energy and water saving devices must installed, including *inter alia*, the use of compact fluorescent lamps, dual flush and 6 litre water holding capacity toilet systems etc.
19. Urban design, architectural and landscaping guidelines must be compiled and submitted to the Swartland Municipality for approval and/or comment. A copy of the approval and/or comment must be submitted to this Department prior to commencement of the development.

20. The following measures as included in the Traffic Impact Assessment ("TIA") dated February 2020 compiled by Mr. B. du Preez of Sturgeon Consulting must be implemented:
- 20.1 The following must be implemented as part of phase A (i.e., phase 1, 2 and 3 as displayed in the Spatial Development Plan in Annexure 2 of this EA) of the light industrial development:
 - 20.1.1 An auxiliary right turn lane along DR1111 for right turning movements into DR1146 must be constructed.
 - 20.1.2 An auxiliary right and left turning lanes along MR174 for right and left turning movements into DR1111 must be constructed.
 - 20.1.3 A T-intersection with stop control on the development site's side must be constructed, of which the access must have a three-lane cross section with one lane to enter the development site and two lanes to exit the development.
 - 20.1.4 An auxiliary right and left turning lanes along DR1111 for right and left turning movements into the development must be constructed.
 - 20.2 The following must be implemented as part of phase B (i.e., phase 4, 5, and 6 as displayed in the Spatial Development Plan in Annexure 2 of this EA) of the light industrial development:
 - 20.2.1 A separate left turning lane along DR1111 must be constructed.
 - 20.2.2 A separate right and left turning lanes and signalise intersection along the Abbotsdale approach must be constructed.
 - 20.2.3 A separate left and right turning lanes along DR1111 must be constructed.
 - 20.2.4 A T-intersection with stop control on development's site's side must be constructed of which the access must have a three-lane cross section with one lane to enter the development site and two lanes to exit the development.
 - 20.2.5 An auxiliary right and left turning lanes along DR1111 for right and left turning movements into the development must be constructed.
 - 20.2.6 Both proposed site accesses should have one lane in and two lanes out, with an additional right and left turning lane along DR1111.
21. The following measures adapted from the Groundwater Impact Assessment dated 11 December 2020 compiled by Mr. Charl Muller of GEOSS South Africa (Pty) Ltd. must be implemented:
- 21.1 Four groundwater monitoring boreholes must be installed a depth of approximately 20m in order to detect any potential contamination. The monitoring boreholes should be drilled to.
 - 21.2 The borehole water level and the groundwater quality must be monitored quarterly to determine seasonal fluctuation.
 - 21.3 Hazardous material(s) must be stored in sealed/closed containers that are leak proof and be located in bunded areas where no potential leaks or spills can enter the groundwater or environment.
 - 21.4 A Stormwater Management Plan must be submitted to the Swartland Municipality for approval. A copy of the approval letter and approved Stormwater Management Plan must be submitted to this Department prior to commencement of the development.
22. The following recommendations adapted from the Socio-Economic Assessment dated December 2020 must be implemented:
- 22.1 The Contractor must employ approximately 90% local people.
 - 22.2 Should there be a lack of suitably qualified people (with respect to above condition), skills transfer must be prioritised whilst construction is taking place.
 - 22.3 The municipality, local community and community organisations must be informed of the light industrial development project and the potential employment opportunities offered by the developer.
 - 22.4 A database of local small businesses and service providers (e.g., construction companies, catering companies, waste collection companies, site cleaning companies etc.) must be

compiled by the contractor prior to the commencement. These identified businesses and service providers must be invited to render services where required.

- 22.5 A Monitoring Committee for the construction phase in collaboration with representatives of the local community must be established. The Monitoring Committee must ensure that the light industrial development is implemented as proposed and that any problems that arise during construction phase, is addressed.
 - 22.6 International construction, health and safety standards and precaution measures must be adhered to.
 - 22.7 Health and social training for the project team and in the community which include Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome awareness training must be provided.
 - 22.8 Appropriate Road signage must be placed on-site.
 - 22.9 Contractor/ Implementation agent must implement a traffic safety awareness programme amongst the project team and the local community, particularly the kids.
 - 22.10 Access during the construction phase must be obtained from the on declared access routes.
 - 22.11 Disturbed areas during the construction phase must be kept to a minimum.
 - 22.12 Appropriate pedestrian walkways and infrastructure must be provided.
 - 22.13 Outdoor lighting must be strictly controlled so as to prevent light pollution
23. 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.
 24. 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.
 25. 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 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.

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 Interested and Affected Parties, 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 Interested and Affected Parties -
 - 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 Interested and Affected Party, 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 Interested and Affected Party 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: 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

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to 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>.

G. RECOMMENDATIONS

This Directorate hereby recommends that the following be implemented:

- Measures should be provided which enables women as well as local youth employment of the working age group to be afforded employment opportunities.
- Building materials and supplies should as far as possible, be purchased from local suppliers located within the Swartland Municipal area.

H. 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

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

DATE OF DECISION: 27 SEPTEMBER 2021

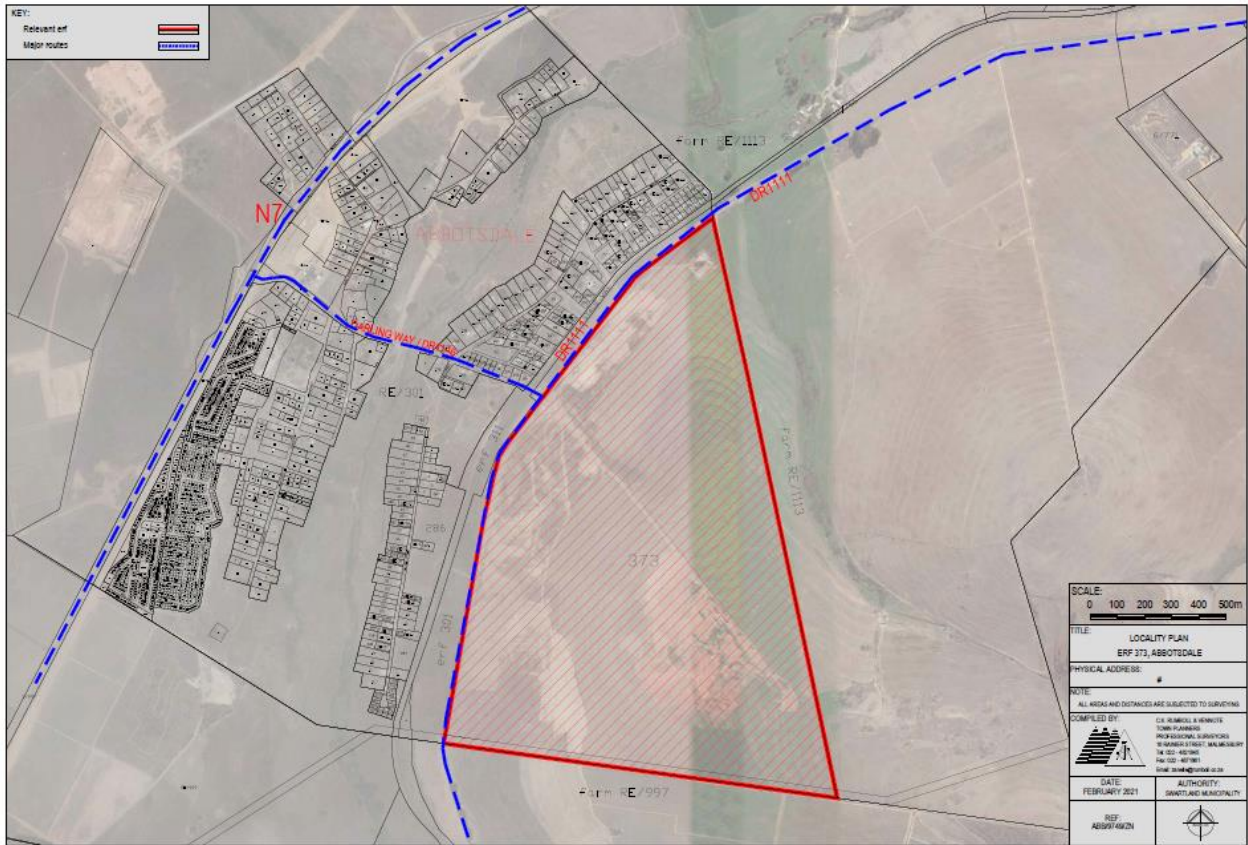
Copied to: (1) Mr. Nicolaas Hanekom (Enviro EAP (Pty) Ltd)
(2) Mr. Alwyn Burger (Swartland Municipality)

E-mail: nicolaas@enviro-eap.co.za
E-mail: alwynburger@swartland.org.za

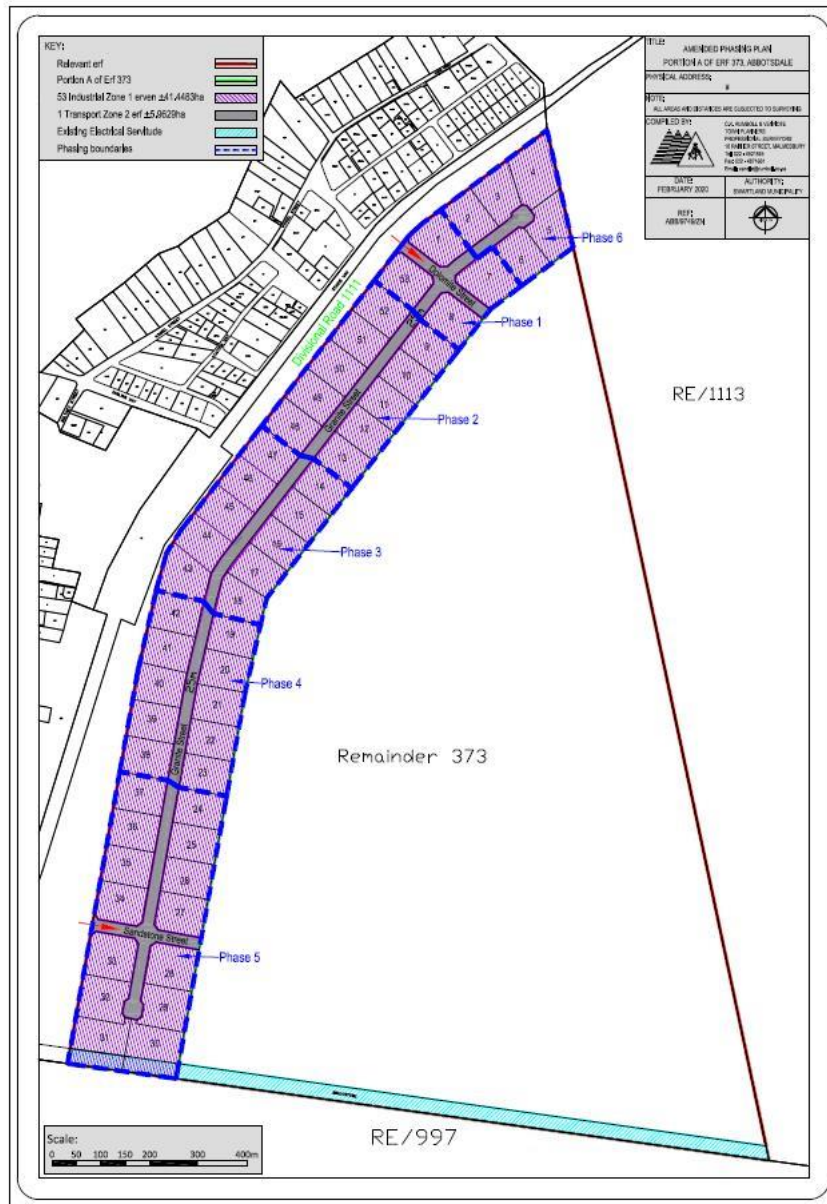
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EIA REFERENCE NUMBER: 16/3/3/1/F5/1/2018/20
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: THE SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form dated 16 June 2020, the Final BAR dated 7 June 2021, the EMPr dated May 2021 and the additional information received on 1 September 2021, 18 September 2021 and 23 September 2021.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from I&APs and responses to these, included in the Final BAR.

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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- notices regarding the proposed development were distributed to all potential I&APs as well as key authorities;
- advertisements were placed in the 'Swartland Gazette' on 21 July 2020, the 'Swartland Gazette' on 13 September 2016 and 'Die Burger' on 15 September 2016;
- a notice was placed on 13 September 2016;
- a site notice was placed on site fence and entrance to property opposite the Abbotsdale town entrance on 14 July 2020;
- a notice was placed at Abbotsdale Hall and community centre on 14 July 2020;
- a notice was placed at small cafes on 14 July 2020;
- a notice was placed at St Michael's Anglican Church on 14 July 2020; and
- copies of the Draft BAR (from 13 July 2020 to 12 September 2020), revised Draft BAR (from 1 March 2021 to 1 April 2021) & associated information were distributed to all I&APs as well as well as key authorities and

The following key concerns were raised by I&APs during the Public Participation:

Objections were received against the original development proposal which included the development of a compost facility. Due to these objections and its potential impacts, the compost facility was removed from the development proposal.

Aspects of the development being expanded into natural areas was also of concern. It was confirmed that given the transformed state of the site by previous agricultural activities, no expansion into sensitive natural areas will take place.

Other comments related to the need to follow the prescribed Public Participation Process and regulatory requirements in terms of the EIA Regulations, 2014 (as amended). The Environmental Assessment Practitioner responded to these comments by confirming that the said requirements were adhered and the BAR was updated to further comply with the regulatory requirements, including updating the need and desirability context, the comparative assessment of alternatives and using the prescribed template / form to complete the BAR.

Concerns were raised about the potential impacts of the proposed development including traffic, noise (associated with proposed chipping), socio-economic, visual and agricultural as well as the service requirements. It was confirmed that the traffic impacts were addressed as part of a TIA, while no chipping activities are proposed to form part of the development. The BAR was also subsequently updated to respond to the other identified impacts, while a service report was compiled to address the service and engineering requirements.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the BAR.

2. Alternatives

Site Alternative (Preferred by the applicant)

Erf 373, Abbotsdale is the only site alternative that was considered for the proposed development. The said property is the only preferred site alternative, as Erf 373 is located within the municipal urban edge while the site is situated close to existing roads (old Malmesbury to Kalbaskraal road) which makes access and being linked to other services spatially possible. Erf 373 is also not found to be biophysically sensitive, as the site largely comprises previously ploughed and mined areas.

Activity alternative (Preferred by the applicant and herewith authorised)

The only activity alternative is for the establishment of a light industrial development, comprising of:

- 53 Industrial Zone I erven covering an area of approximately 41.5ha;
- 1 Transport Zone II erf to accommodate one access road with two access points located approximately 1050 m south-west and 530 m north-east off the DR1111/DR1146 intersection;
- Internal roads;
- Sidewalks along the border of the site;
- public transport embayments;
- stormwater infrastructure, including a stormwater pond and pipe network;
- a 0.5 ML reservoir including associated pipeline infrastructure; and
- a sewer network including associated pipeline infrastructure.

The total development footprint will amount to approximately 47.4112ha.

This is the only activity alternative preferred based on the identified need for industrial development to be located within the local area and the aim of generating the associated benefits such as employment and diversified economic opportunities for the local and wider area.

Layout Alternative 1 (rejected by the applicant):

Layout Alternative 1 includes the establishment of a light industrial development as well as a compost facility. Due to the nature of the comments received and detailed objections to the development of the compost facility, Layout Alternative 1 was rejected.

Layout Alternative 2 (rejected by the applicant):

Layout Alternative 2 includes the establishment of a light industrial development, including the construction of two access roads.

Layout Alternative 3 (preferred by the applicant):

Layout Alternative 3 includes the establishment of a light industrial development, including the construction of one access road with two access points located approximately 1050 m south-west and 530 m north-east off the DR1111/DR1146 intersection.

The difference between Layout Alternative 2 and Layout Alternative 3 is the number of access roads that each alternative includes. Layout alternative 3 is however preferred as it was informed by the inputs and recommendations obtained from the local municipality, specialists, engineers and planners, which particularly resulted in the option of only constructing one access road.

Technology alternatives (preferred by the applicant):

The preferred technology alternatives included the use of water and energy saving technologies, including *inter alia* the use of energy efficient equipment, compact fluorescent lamps, dual flush and 6 litre water holding capacity toilet systems. These are preferred options as it will ensure that the light industrial development will be energy and water efficient.

No-go alternative (rejected by the applicant):

The no-go alternative entails maintaining the *status quo*, i.e. no light industrial development or associated infrastructure. This alternative was rejected, as it would result in losing employment opportunities to be generated during construction and operational phases. An opportunity to expand economic opportunities in the area will also not be realised.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

Economic opportunities in Abbotsdale are limited and the proposed light industrial development to be located on the periphery of the town will provide additional economic opportunities in the town and create much needed employment opportunities.

The industrial area of Malmesbury is located on the southern periphery of the town towards Abbotsdale and by establishing the proposed industrial development, the connection between the two industrial nodes will have significant economic opportunities for the Swartland region.

Furthermore, the proposed development area is located adjacent to existing roads and services. The development will make use of the existing road network and is able to readily connect to existing services in this area. The favourable location of the site is not only limited to its close proximity to existing infrastructure and services, as the development will not impact on any sensitive ecosystems, Critical Biodiversity Areas or Ecological Support Areas. The proposed development is situated further than 100m away from a non-perennial river and no natural watercourses are located on the site.

3.2 Regional/Planning Context

The site is zoned Agriculture. The necessary applications for subdivision and rezoning are required to permit the proposed development.

In terms of the Swartland Municipal Spatial Development Framework ("MSDF") (2017 – 2022), Erf 373 is located within the urban edge of Abbotsdale in a zone which is earmarked for "Light Industrial" purposes, along the Old Cape Road, also known as Divisional Road 1111. The proposed subdivision and rezoning will create separate entities from the larger erf that can be developed for light industrial uses that will support urban services. The proposed development proposal is, therefore, consistent with the Swartland MSDF.

It was further confirmed that the proposed development will not require a provincial land development approval in terms of section 53 of the Land Use Planning Act, 2014 (Act No. 3 of 2014) as per the Western Cape Land Use Planning Regulations, 2015: Amendment, 2019, i.e., regulation 10(2)(b).

3.3 Biophysical Impacts

The proposed development will take place on a brownfield site which largely contains no ecological features. Portions of the proposed development site were mined previously whereas some portions were cultivated with small grains, which has limited the presence of indigenous vegetation. Limited to insignificant botanical impacts are therefore expected.

A Groundwater Impact Assessment Report dated 11 December 2020, was compiled by GEOSS South Africa (Pty) Ltd. According to the specialist report, there are a number of groundwater users from boreholes/shallow wells and springs surrounding the proposed light industrial development, while a low yielding intergranular and fractured aquifer with moderate groundwater quality underlies the site. No groundwater was however intersected in any of the five trial pits that were excavated on the site. The aquifer vulnerability to contamination was determined to be "low to medium". The bedrock which consists of greywacke that weathers to clay forms an impermeable layer above the fractured greywacke which will likely also provide some protection against point and non-point sources of contamination. It was recommended that monitoring boreholes are required to detect any potential contamination. The specialist's recommendations were included in the conditions of this authorisation and the EMPr.

3.4 Agriculture

In accordance with the requirements of the Protocols for assessing agricultural impacts and given that portions of the site were historically used for agriculture, a Site Verification and Agricultural Compliance Statement dated 10 May 2021, was compiled by Mr. Johann Lanz. The Agricultural Compliance Statement confirmed that certain portions of the site were previously used for agriculture and will be lost to the proposed development. However, the specialist concluded that the site has limited future agricultural production potential and considered to have a medium sensitivity for agriculture, as the remaining soils predominantly having by low nutrient and water

holding capacity. The Department of Agriculture in correspondence dated 16 January 2019, indicated they have no objection to the proposed development.

3.5 Traffic

According to the TIA dated February 2020 it is expected that the proposed development will generate approximately 1557 total AM trips (1090 inbound 468 outbound) and approximately 1557 total PM trips (389 inbound 1168 outbound). Based on these calculations, certain road upgrades and associated infrastructure are required so that the local road network can still operate at acceptable levels. As such, the TIA determined that the proposed development can be accommodated by the local transport network, provided that the certain road upgrades are implemented. The recommended upgrades have been included as conditions of this authorisation and the EMPr. The potential traffic impacts associated with the proposed development was identified and assessed as low negative post mitigation.

3.6 Visual impacts/Sense of place

The light industrial development will permanently alter the existing sense of place which comprises undeveloped ploughed fields, rolling foothills above Abbotsdale and the Diep River Valley. In order to mitigate potential visual impacts, urban design, architectural and landscaping guidelines will need to be compiled.

3.7 Nuisance

Only light industrial uses and service trades will be accommodated as part of the development, and as such no nuisances are anticipated. Due to the comments raised by I&APs, the compost facility which originally formed part of the application, was also excluded from the development proposal. The proposed light industrial development is not anticipated to result in significant nuisance related impacts.

3.8 Heritage

No impacts on heritage resources are expected. Heritage Western Cape indicated in correspondence dated 19 September 2016 that the proposed development will not impact on any heritage resources.

3.9 Socio-economic

Although the nature and scale of the proposed development will have negative socio-economic impacts, including a changed sense of place, increased traffic levels and decreased road safety, increased noise and dust levels, influx of people to access the employment opportunities and loss of some agricultural land, the Socio-Economic Impact Assessment dated December 2020 established that the positive impacts outweigh these negative impacts. More specifically, the proposed development will provide opportunities for approximately 165 900m² of industrial bulk Gross Leasable Area and the associated employment opportunities. Developing the site will further translate into additional opportunities, including improved road infrastructure and enhancing mobility as well as diversification of the local economy.

According to the Socio-Economic Impact Assessment dated December 2020, approximately 2031 to 2370 local employment opportunities are expected to be generated by the proposed development. This in turn means that the local community of Abbotsdale will benefit of being in close proximity to an area of employment and will therefore, less likely be required to travel from outside their local area to access employment. This is consistent with one of the required urban planning principles derived from the concept of 'live-work-play-pray' whereby people should benefit from living and working in the same local area. This will further assist to decrease the local carbon footprint, as contributed to no need for travelling long distances to access employment.

The proposed development also aims to directly respond to some of the needs of the Swartland municipal area as identified in the Swartland Integrated Development Plan ("IDP"), 2017 – 2021, which includes *inter alia*, slow economic growth as well as the high and growing unemployment levels. Indirectly, given the scale of the proposed development, the brand of the Swartland region is expected to be improved as an area of economic opportunity and growth. Further indirect benefits are also expected to be generated including support for local suppliers from where building materials will be purchased, possible training opportunities and skills transfer as well as youth development.

The Socio-Economic Assessment assessed the potential increased offences and incidents of crime as low negative prior to and post mitigation. Increased noise and dust impacts were identified as low negative prior to mitigation and neutral post mitigation. These impacts will be mitigated with the implementation of the mitigation measures included in the EMPr. The mitigation measures recommended by the specialist has been included as conditions of this authorisation.

The development will result in both negative and positive impacts.

Negative Impacts:

- Permanently altering the local landscape and sense of place.
- The loss of some potentially viable agricultural land.
- Increased traffic during both the construction and operational phases of the light industrial development.

Positive impacts:

- Utilising an unused space for purposes that will generate local employment opportunities and other related socio-economic benefits.
- Economic spinoffs such as the use of local suppliers to purchase goods and services required by the light industrial development.
- Diversification and contribution to the local economy.

4. National Environmental Management Act Principles

The National Environmental Management 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.

5. Conclusion

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) 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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