



REFERENCE NUMBER: 16/3/3/1/A2/30/3042/21
NEAS REFERENCE NUMBER: WCP/EIA/0001032/2022
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: 09 December 2022

The Director
AME Property Investments (Pty) Ltd.
8th Floor
80 Strand Street
CAPE TOWN
8000

For Attention: Mr. N. Graham

Cell: (076) 889 2904

Email: npg@aragonprop.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): THE PROPOSED COMMERCIAL DEVELOPMENT ON PORTION 42 OF THE FARM NO. 807, PHILIPPI.

1. With reference to the above application, the 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 decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Ms. I. Eggert (In Clover Environmental Consultants (Pty) Ltd)
(2) Mr. T. Horstmann (Landowner)
(3) Mr. C. Newman (City of Cape Town : ERM)
(4) Mr. A. Greenwood (City of Cape Town: ERM)

Email: ingrid@inclover.co.za

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REFERENCE NUMBER: 16/3/3/1/A2/30/3042/21

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): THE PROPOSED COMMERCIAL DEVELOPMENT ON PORTION 42 OF THE FARM NO. 807, PHILIPPI.

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 Preferred Alternative, described in the Basic Assessment Report ("BAR") dated August 2022.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
% Mr. N. Graham
AME Property Investments (Pty) Ltd.
8th Floor
80 Strand Street
CAPE TOWN
8000

Cell: (076) 889 2904
Email: npg@aragonprop.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 27 Activity Description:</p> <p><i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i></p> <p><i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>Activity Number: 28 Activity Description:</p> <p><i>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—</i></p> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The proposed development of a commercial development on Portion 42 of Farm No. 807, Philippi will result in the clearance of more than 1 ha of indigenous vegetation i.e. approximately 4.338 ha in extent.</p> <p>The proposed development of a commercial development on Portion 42 of Farm No. 807, Philippi is proposed on land previously used for agricultural purposes, outside an urban area and will be greater than 1 hectares i.e. approximately 4.338 ha in extent.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><u>i Western Cape</u> <i>(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the</i></p>	<p>The proposed development of a commercial development on Portion 42 of Farm No. 807, Philippi will result in the clearance of more than 300m² of indigenous vegetation within a critically endangered ecosystem listed in terms of section 52 of the NEMBA i.e. Cape Flats Dune Strandveld.</p>

Listed Activity	Activity / Project Description
<p>publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>(ii) Within critical biodiversity areas identified in bioregional plans;</p> <p>(iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>(iv) On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>(v) On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	

The abovementioned is hereinafter referred to as **“the listed activities”**.

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the proposed development:

The authorised development entails the establishment of a commercial development and associated infrastructure on Portion 42 of Farm No. 807, Philippi. The development will consist of three (3) storey buildings maximum of approximately 65 000m² of lettable office space and four (4) storey parking garage.

In addition, the following associated infrastructure will be developed:

- An internal road network not exceeding 4m in width, which will include the provision of motorised and non-motorised transport;
- Internal water reticulation pipelines approximately 200mm in diameter with a maximum throughput of 10.53l/s for a potable water demand of 260kl per day;

Internal sewage reticulation pipelines approximately 160mm in diameter with a maximum throughput of 6.92l/s for an outflow of 208kl per day. A sewer outfall approximately 1.3km in length and 250mm in diameter within the Weltevreden road reserve will be developed to connect to the bulk sewer manhole located at the Weltevreden Road and Vanguard Drive intersection. A pump station with back-up generator will be developed to assist in the continuous conveyance of effluent to the local sewage treatment facility.

- An electrical substation will be established on site / erf boundary for the provision of approximately 4875 kVa of electricity;
- Attenuation ponds to maintain a 1:10 and 1:50 year storm event discharge rates and in accordance with an approved Stormwater Management Plan. Informal stormwater channels within the road

reserve of Vanguard Drive up to the southern boundary of the site to connect into the existing local formal infrastructure;

- Soft landscaping and associate infrastructure.

Sufficient and spare capacity is available with regard to electricity, bulk water supply, solid waste and sewer network to accommodate the proposed development on Portion 42 of Farm No. 807, Philippi.

Access off Weltevreden Road and an access road off Morgenster Road will be developed.

The total development footprint will be approximately 4.3 hectares in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion 42 of Farm No. 807, Philippi.

The 21-digit Surveyor General code is:

Portion 42 of Farm No. 807, Philippi	C0160000000080700042
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The central co-ordinate for the proposed development is:

Middle (Point)	34° 02' 44.78" South	18° 35' 02.53" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

In Clover Environmental Consulting (Pty) Ltd.

% Ms. I. Eggert

P. O. Box 3420

TYGERVALLEY

7536

Cell: 083 278 7107

Email: ingrid@inclover.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 Section B above and in the BAR dated August 2022 on the site as described in Section C above.
2. 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 activities, during which period the authorised listed activities for the construction phase, must be concluded.
- 3. The holder shall be responsible for ensuring 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.
- 4. Any changes to, or deviations from the scope of the alternative described in section B 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 information in order 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.

Written notice to the Competent Authority

- 5. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of the development activity.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10 and 18.2.

Notification and administration of appeal

- 6. The holder must in writing, within **fourteen (14)** 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 as included in Section H;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 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) detailed in Section F below;
 - 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. The name of the responsible person for this Environmental Authorisation;
 - 6.4.3. The postal address of the holder;
 - 6.4.4. The telephonic and fax details of the holder;
 - 6.4.5. The e-mail address, if any, of the holder; 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).

7. The listed activities, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The Environmental Management Programme ("EMPr") (compiled by in Clover Environmental Consulting and dated August 2022) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all relevant contract documentation for the applicable phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.
12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above 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.

Auditing

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 13.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of the environmental audit.
 - 13.2. An Environmental Audit Report must be submitted to the Competent Authority every two (2) years for the duration of the development/construction phase.
 - 13.3. A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of the completion of the construction phase.
 - 13.4. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.

Specific Conditions

14. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay.
 - 14.1. 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: meteorites, archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
15. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate.
16. Surface, storm 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.
17. The site must be clearly demarcated prior to the commencement of the development activities. The development footprint of the proposed development must be limited to the demarcated area.
18. In accordance with the Faunal Ecological Assessment (compiled by FEN Consulting and dated December 2020), the following mitigation measures, *inter alia*, must be implemented:
 - 18.1. A rescue and relocation plan must be developed by a suitably qualified specialist;
 - 18.2. A copy of the aforementioned plan must be submitted to the Competent Authority prior to the commencement of land clearing/construction phase.
 - 18.3. All other recommendations contained in the Faunal Ecological Assessment (compiled by FEN Consulting and dated December 2020), as included in the EMPr, must be implemented.
19. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be implemented instead.
20. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. 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. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, 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.

4. An application for amendment of the Environmental Authorisation must be submitted 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.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. 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 the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr M. Venter (Tel: 021 483 2659)
Room 809

8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

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

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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 Addendum to the Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

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

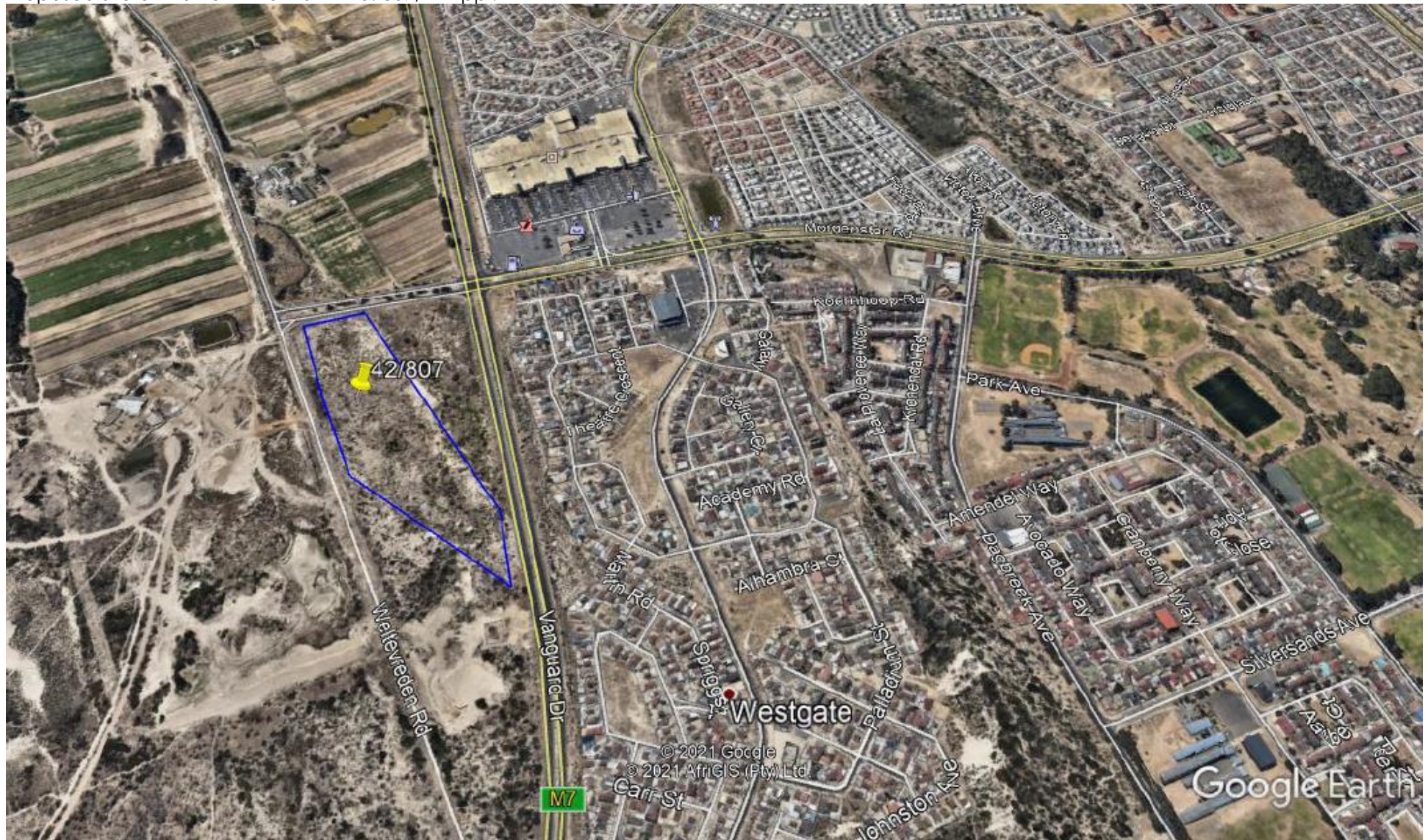
DATE OF DECISION: 09 DECEMBER 2022

Copies to: (1) Ms. I. Eggert (In Clover Environmental Consultants (Pty) Ltd)
(2) Mr. T. Horstmann (Landowner)
(3) Mr. C. Newman (City of Cape Town : ERM)
(4) Mr. A. Greenwood (City of Cape Town: ERM)

Email: ingrid@inclover.co.za
Email: adri@horstmann.co.za
Email: chad.newman@capetown.gov.za
Email: Andrew.Greenwood@capetown.gov.za

ANNEXURE 1: LOCALITY PLAN

Proposed site on Portion 42 of Farm No. 807, Philippi.



ANNEXURE 2: SITE DEVELOPMENT PLAN

Simulated Site Development Plan for the proposed commercial development Portion 42 of Farm No. 807, Philippi (contained in the Visual Impact Assessment (compiled by Filia Visual and dated 23 December 2021)).



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

- a) The information contained in the Application Form dated and received by the Competent Authority on 27 August 2021 and the BAR and EMPr dated August 2022 and received by the Competent Authority on 23 August 2022;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the BAR dated August 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) 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 included:

- identification of and engagement with I&APs;
- fixing notice boards at the boundary of the proposed site where the listed activities are to be undertaken on 02 September 2021 and public areas adjacent to the site i.e. the Westridge Civic Centre, Shoprite Centre and the Westridge Shopping Centre;
- the placing of a newspaper advertisement in the 'The Plainsman' on 01 September 2021;
- giving written notice to the occupiers of land adjacent to the site where the listed activities are to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 02 September 2021;
- Making the pre-application draft BAR available to I&APs for public review from 18 January 2022 to 18 February 2022;
- Making the draft BAR available to I&APs for public review from 03 September 2021 to 04 October 2021;
- Making the revised draft BAR available to I&APs for public review from 02 November 2021 to 02 December 2021;
- Providing requested additional botanical sensitivity information for review to the relevant organs of state from 10 May 2022 to 10 June 2022 with respect to the determination of the need for biodiversity offset;
- Making the second revised draft BAR available to I&APs for public review from 06 July 2022 to 05 August 2022;
- A comprehensive executive summary of the proposed development was made available with a comment box at the Westridge Public Library.
- The PPP undertaken was in accordance with the approved Public Participation Plan as agreed to.

All concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

No site, property or layout alternatives were investigated due to the fact that the size of the proposed site and its location in terms of access to major roads is deemed suitable for urban development. The proposed site is not located within the Philippi Horticultural Area but rather in the Weltevreden wedge intended for urban development. In addition, the proposed site was previously used for sand mining and agricultural activities. The development will incorporate water saving and energy efficiency technology alternatives applicable at the time of commencement with the construction phase. Four activity alternatives were considered. The activity alternatives identified were as follows:

- The development of retail and office space;
- The establishment of a commercial development;
- The development of a residential complex with six (6) apartment blocks; and
- The development of a public primary school and a secondary school.

The Preferred Alternative was selected based on the economic activity and social considerations highlighted by the Socio-Economic Specialist. The Preferred Alternative and the "No-Go" Alternative were therefore assessed as follows:

Preferred Alternative - herewith authorised

The Preferred Alternative entails the establishment of a commercial development and associated infrastructure on Portion 42 of Farm No. 807, Philippi. The development will consist of three (3) storey buildings maximum of approximately 65 000m² of lettable office space and four (4) storey parking garage.

In addition, the following associated infrastructure will be developed:

- An internal road network not exceeding 4m in width, which will include the provision of motorised and non-motorised transport;
- Internal water reticulation pipelines approximately 200mm in diameter with a maximum throughput of 10.53l/s for a potable water demand of 260kl per day;

Internal sewage reticulation pipelines approximately 160mm in diameter with a maximum throughput of 6.92l/s for an outflow of 208kl per day. A sewer outfall approximately 1.3km in length and 250mm in diameter within the Weltevreden road reserve will be developed to connect to the bulk sewer manhole located at the Weltevreden Road and Vanguard Drive intersection. A pump station with back-up generator will be developed to assist in the continuous conveyance of effluent to the local sewage treatment facility.

- An electrical substation will be established on site / erf boundary for the provision of approximately 4875 kVa of electricity;
- Attenuation ponds to maintain a 1:10 and 1:50 year storm event discharge rates and in accordance with an approved Stormwater Management Plan. Informal stormwater channels within the road reserve of Vanguard Drive up to the southern boundary of the site to connect into the existing local formal infrastructure;
- Soft landscaping and associate infrastructure.

Sufficient and spare capacity is available with regard to electricity, bulk water supply, solid waste and sewer network to accommodate the proposed development on Portion 42 of Farm No. 807, Philippi.

Access off Weltevreden Road and an access road off Morgenster Road will be developed.

The total development footprint will be approximately 4.3 hectares in extent.

The proposed commercial development was deemed the Preferred Alternative as the development is the most suitable from an economic and socio-economic perspective. Although the Preferred Alternative will result in the clearance of indigenous vegetation, the proposed site is disturbed and transformed. In addition, the proposed development is in line with the Municipal Spatial Development Framework as the proposed site is earmarked as 'Consolidated Areas' intended for urban development.

"No-Go" Alternative

The "No-Go" alternative entails maintaining the "status quo", i.e. not developing a commercial development on Portion 42 of Farm No. 807, Philippi. Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the "No-Go" alternative was not preferred.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned agriculture and is located outside an urban area. Although the site is mapped to be located within a Critical Biodiversity Area, the site is disturbed and transformed. The site is located outside of the Philippi Horticultural Area and within the Weltevreden Wedge, which is earmarked for urban development in terms of the Municipal Spatial Development Framework. The site is isolated by development such as sand mining to the west and south, urban development in the east and agriculture in the north. Although the site contains endangered indigenous vegetation i.e. Cape Flats Dune Strandveld, the sensitivity and conservation of the site has been assessed and it was concluded that the proposed development of the site and the potential residual botanical impacts (positive and negative) will result in an acceptable loss from a botanical perspective. The conservation worthiness of the site has not been highlighted as priority from a biodiversity perspective.

The proposed development is aligned with the Provincial Spatial Development Framework, the National development Plan (2030) and the New Growth Path Plan (2012) as it is expected to provide for approximately 6074 and 165 direct / indirect and induced employment opportunities during the construction and operational phase, respectively. It is expected that the development will contribute to the upskilling of the local community and contribute to the strengthening of the Mitchells Plain and Philippi commercial nodes.

3.2. Botanical Impacts

According to the Screening Report (dated 24 August 2021), the site is deemed to be located within a medium sensitivity area from a plant species perspective and a very high sensitivity area from a terrestrial biodiversity perspective. A Botanical Impact Assessment (compiled by Bergwind Botanical Tours and Surveys and dated September 2020) was conducted. The specialist indicated that the site contains Cape Flats Dune Strandveld, which is classified as Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011. The proposed site is further mapped as a Critical Biodiversity Area.

The botanical specialist has deemed the site as a degraded site given the alien invasive vegetation and evidence of anthropogenic activities such as illegal dumping and sand mining are evident. The botanical specialist has indicated that the likelihood of a successful rehabilitation and restoration initiative is deemed futile in the absence of proactive monitoring and management and in consideration of the isolated nature of the site. In accordance with the Botanical Impact Assessment, the expected loss of the remnant indigenous vegetation (i.e. approximately 1ha) will not constitute the need for a biodiversity offset nor contribute to the achievement biodiversity targets since the site is not deemed conservation worthy.

Concerns raised by CapeNature (in their comment dated 04 October 2021) challenged the recommendations of the botanical specialist in that the site is not isolated, but has low connectivity given the fact that the indigenous vegetation persists on the site (albeit in a degraded state) and is supportive of faunal species in accordance with the findings made in the faunal impact assessment. CapeNature was of the opinion that the site be regarded as a buffer / interface between the natural habitat and urban developed areas and is indicative of the anthropogenic disturbances. Concerns with respect to ecosystem collapse and the prioritisation of less intact / remnant endangered ecosystems was highlighted and noted that of the proposed development was initially not supported by CapeNature. The recommendations provided by CapeNature (dated 04 October 2021) entailed the earmarking of the site for stewardship or an offset receiving area to alleviate degradation, however, should development proceed, a biodiversity offset will be required for the loss of the critically endangered ecosystem. Further to this, CapeNature provided recommendation that a financial contribution for the loss of the remnant Cape Flats Dune Strandveld be provided to the Conservation Implementation Plan ("CIP") Macassar Land Bank in aid of achieving biodiversity targets for the particular vegetation type given that no mitigation measures have been proposed.

An additional Botanical Sensitivity Report (compiled by Bergwind Botanical Tours and Surveys and dated 09 May 2022) was undertaken to provide further information on the botanical sensitivity of the proposed site. The specialist indicated that the site contains remnants of secondary vegetation (i.e. Cape Flats Dune Strandveld) as a result of previous disturbance and further confirms the heavily disturbed nature of the site to an extent where intact fragmented vegetation can only be estimated. The botanical specialist confirmed that only a high-intensity management approach to restore the site to a substandard state of Cape Flats Dune Strandveld is likely. The specialist disputed the site classification from a Critical Biodiversity Area to classification as an Other Natural Area. This determination was based on the high disturbance levels of anthropogenic activities and soil ripping from alien vegetation management that have resulted in fragmented remnants of Cape Flats Dune Strandveld. It was confirmed by the botanical specialist that approximately 1 ha of secondary Cape Flats Dune Strandveld remains of the site.

The classification of the site as an Other Natural Area is supported by CapeNature (in their comment dated 08 June 2022) and in agreement with the fact that a biodiversity offset is not required from the loss of the indigenous vegetation based on the fact that the residual impact is regarded as a low negative and does therefore not meet the provincial offset guideline requirement i.e. medium residual impact or higher.

The City of Cape Town's Biodiversity Branch and Environmental Management Section are in support of the proposed development in accordance with their comment dated 05 October 2021. However, the City of Cape Town concurred with the findings of CapeNature (in their comment dated 05 August 2022) in that the site is categorised as an unselected remnant and not envisaged for inclusion into the Protected Areas Network. Therefore, the proposed development is not opposed but is considered to contribute to the loss of the terrestrial habitat and concurs with CapeNature for the recommended mitigation by offset.

Although the concerns have been highlighted by the relevant state departments and adequately responded to by the EAP, the request for financial contribution toward the Metro-South East Conservation Implementation Plan is not suitable. This is in light of the fact that the botanical specialist has expressed the state of the current site and vegetation cover that is

remnants of secondary vegetation and not considered conservation worthy. The residual impact is therefore less than medium or higher and does not warrant an off-site offset or financial offset / contribution.

It must be noted that consideration of the re-introduction of the naturally occurring (endemic) indigenous vegetation is considered during the land use planning phase with the inclusion of a landscape plan and greening initiatives. The recommendations of the botanical specialist have been included in the EMPr.

3.3. Faunal Impacts

In accordance with the Faunal Ecological Assessment (compiled by FEN Consulting and dated December 2020), the faunal specialist has indicated that site is characterised by the Dune Strandveld habitat and that the fragmented nature of the site limits movement of faunal species. The limitation of movement therefore does not support and maintain a diverse assemblage of fauna.

The *Bradypodion pumilum* (Cape Dwarf Chameleon) was the only faunal species observed within the study area by the specialist. Although the highly threatened butterfly species *Kedestes barbarae bunta* (Barber's Cape Flats Ranger), *Kedestes lenis lenis* (False Bay Unique Ranger) have been recorded within 2.5km and 10km of the study area and the forage required by both species were observed, the presence of these species within the study area were deemed to be unlikely by the specialist.

The potential faunal impacts of the proposed development with mitigation proposed has been rated as medium low from a faunal perspective. The findings of the faunal specialist is aligned with the findings of the botanical specialist in that, should the proposed site not receive proactive rehabilitation initiatives and adequate monitoring, the site will continue to degrade over time. The recommendations of the faunal specialist have been included as a condition set in this Environmental Authorisation and in the EMPr.

3.4. Agricultural Impacts

According to the Screening Report (dated 24 August 2021), the proposed site is located within a high sensitivity area from an agricultural perspective and was disputed by the EAP. An Agricultural Compliance Statement was therefore undertaken.

The findings of the agricultural specialist in the Agricultural Compliance Statement (compiled by Johann Lanz and dated 11 August 2020) indicated that the sensitivity rating of the Screening Report is disputed to a low sensitivity rating and no mitigation measures required from an agricultural perspective. This is based on the fact that the proposed site is designated for urban development in terms of the Municipal Spatial Development Framework which, negates any potential agricultural production potential on the proposed site.

The Western Cape Government: Department of Agriculture indicated (in their correspondence dated 22 November 2022) that they have no objection to the proposed development and provided recommendations with respect to stormwater management, erosion control during construction and the unrestrictive operations to be maintained throughout the duration of the development with respect to the adjacent agricultural activities.

3.5. Freshwater Impacts

According to the Screening Report (dated 24 August 2021), the proposed site is located within a very high sensitivity area from an aquatic biodiversity perspective. A Freshwater Screening Report (compiled by FEN Consulting and dated 14 November 2019) indicated that no watercourses occur within proximity of the proposed site and that no delineated aquatic biodiversity was observed.

No concerns regarding the specialist report was highlighted by the Department of Water and Sanitation noted (in their comment dated 05 October 2021).

3.6. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape indicated in their comment (dated 15 April 2020) that since there is no reason to believe that the proposed development will impact on any heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act 25 of 1999) is required.

Although the City of Cape Town's Heritage Resources Section has noted concerns (in their comment dated 05 October 2021) regarding the potential heritage significance of the proposed site given its proximity to the PHA Heritage Protection Overlay and opposes the findings of Heritage Western Cape, the concerns will be addressed during the landuse planning application in terms of the relevant planning legislation applicable to the proposed development.

3.7. Traffic Impacts

In accordance with the Traffic Impact Assessment (compiled by GIBB (Pty) Ltd. and dated 15 April 2021), the specialist indicated that the proposed development is expected to generate 929 peak hour trips. The forecast is based on the traffic count conducted in March 2019 with a annual growth rate of 0.5% for 2020 background traffic scenario. The 2025 projection year was used with an applied 2.5% growth rate and deemed acceptable. Trip generation calculations for estimates of peak hour trips resulted in 928 morning trips and 929 afternoon trips. The traffic specialist has calculated that in accordance with the Municipal Planning Bylaw of the City of Cape Town, a total of 2600 off-street parking bays will be required for the proposed development since a gross lettable area of 65 000m² is proposed.

Access to the site is proposed to be established as a full access point along the Weltevreden Road and a left-in-left-out access midway between Weltevreden Road and the proposed Morgenster Road / Jakes Gerwel Drive future interchange western terminal intersection slip lane.

The recommendations provided by the traffic specialist have been included in the EMPr and will be subjected to approval as part of the planning application process with the City of Cape Town. The City of Cape Town's Transport Planning Section is in support of the proposed development and agrees with the Traffic Impact Assessment (compiled by GIBB (Pty) Ltd. and dated February 2020), provided that the requirements of the planning application process are satisfied as stipulated in their correspondence (dated 15 November 2021).

The Western Cape Government Department of Transport and Public Works indicated (in their correspondence dated 27 September 2021) that they have no objection to the proposed development.

3.8. Socio-economic Impacts

In accordance with the Socio-Economic Impact Assessment (compiled by Urban Econ Development Economists and dated 2021), the proposed development will satisfy two of the five objectives contained in the City of Cape Town's Integrated Development Plan 2017 – 2022. This entails the building of safe communities and building of integrated communities. The socio-economic specialist highlighted the potential positive impacts that the proposed development will have such as a decrease in unemployment, improved income, rates and taxes and the provision of essential amenities. The assessment included the four alternatives considered by the holder and indicated that the proposed development and the school development are most favourable from a socio-economic perspective.

The proposed development is expected to contribute to the social and economic aspects of the regional area by providing for temporary employment relief during the construction phase to approximately 6074 and 165 direct / indirect and induced employment opportunities during the construction and operational phase, respectively. The upskilling of the local community is an expected outcome of the proposed development. The recommendations contained in the Socio-Economic Impact Assessment have been included in the EMPr.

3.9. Visual, Dust and Noise Impacts

A Visual Impact Statement (compiled by Filia Visual and dated 23 December 2021) was undertaken since the proposed site is located between agricultural development and urban development. The specialist indicated that since no detailed design is available at this stage, no significant visual impacts are expected from a visual perspective in consideration of a three and four storey building proposal. The visual specialist provided recommendations with respect to, *inter alia*, the landscape planning, screening effects with use of existing relief / typography and stormwater management planning. The recommendations provided has been included in the EMPr.

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.10. Services

An Outline Scheme Report (compiled by BSM Baker (Pty) Ltd and dated August 2021), which detailed the services required for the proposed development, was undertaken. Estimated potable water demand, sewer reticulation and sewage discharge and stormwater management were estimated.

Confirmation of the provision of sufficient capacity for water supply from local authority has been provided in their correspondence dated 20 September 2021. An on-site pump station with back-up generator) and sewer outfall pipeline will be developed within the road reserve approximately 1.3km in length since the existing municipal bulk sewer reticulation network is not available on the proposed site. However, the local authority has provided confirmation that the Mitchells Plain Waste Water Treatment Works is able to accommodate the proposed development in their correspondence dated 20 September 2021. This Department's Directorate: Pollution and Chemicals Management requested (in their correspondence dated 04 October 2021) that the inclusion of the constraint regarding the draining of effluent from the proposed development be included in the BAR for context although no relevant listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) is triggered. The recommendations and mitigation measures have been included in the EMPr. Confirmation of sufficient capacity with respect to solid waste management has been confirmed by the local authority in their correspondence dated 02 November 2021 and 10 August 2022 with requirements and recommendations. This Department's Directorate: Waste Management Planning have confirmed their support of the mitigation measures contained in the EMPr with respect to waste management (in their comments dated 30 September 2021 and 30 November 2021).

An estimated of electrical supply required for the proposed development was compiled by BFBA Consultants Cape Town (Pty) Ltd and dated 30 August 2021. An estimation of 4875kVA was determined. The provision of sufficient electrical capacity for the proposed development may be accommodated by the Weltevreden Valley – Woodbury Drive 3 feeder group, which has been confirmed by the City of Cape Town in their correspondence dated 07 October 2021. The electrical supply is conditional to the development of an electrical substation on site and the inclusion of measures for the improvement of energy efficiency of the proposed development to limit growth in electricity demand. The development of the substation will be developed as part of the proposed development.

The City of Cape Town: Catchment Stormwater and River Management confirmed their support of the proposed development (in their comment dated 05 October 2021) and indicate that a Stormwater Management Plan be compiled in accordance with the City of Cape Town's Sustainable Urban drainage Policy and City of Cape Town Management of Urban Stormwater Impact Policy, 2009 for approval. The EAP has indicated that Stormwater Management Plan will be submitted as part of the planning process and once more detailed designs of the proposed development become available.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential botanical impacts;
- Potential faunal impacts;
- Potential traffic impacts; and
- Potential visual, dust and noise impacts during the construction phase.

Positive impacts include:

- Employment opportunities during construction and operational phase of the proposed development;
- Improvement of economy in the area;
- Increase in amenities and safety in the community; and
- Economic gain for the applicant.

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.

Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, 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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