

**EIA REFERENCE:** 16/3/3/1/A5/20/2038/22  
**NEAS REFERENCE:** WCP/EIA/0001121/2022  
**DATE:** 7 FEBRUARY 2023

The Board of Directors  
AbEnviro (Pty) Ltd.  
P. O. Box 67663  
**BRYANSTON**  
2021

**For Attention: Mr. Tinus Potgieter**

Tel.: (011) 510 9769  
E-mail: [tinus.potgieter@abland.co.za](mailto:tinus.potgieter@abland.co.za)

Dear Sir/Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A CONVENIENCE CENTRE AND RESIDENTIAL COMPONENT ON A PORTION OF THE REMAINDER OF THE FARM NO. 1165, DURBANVILLE**

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 EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties (“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.

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

Yours faithfully

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

Copied to: (1) Ms. H. Groenewald (GNEC (Pty) Ltd)  
(2) Ms. C. Becker (GNEC (Pty) Ltd)  
(3) Ms. S. Warnich-Stemmet (City of Cape Town)

E-mail: [hdp@gnec.co.za](mailto:hdp@gnec.co.za)  
E-mail: [Carina@gnec.co.za](mailto:Carina@gnec.co.za)  
E-mail: [Sonja.WarnichStemmet@capetown.gov.za](mailto:Sonja.WarnichStemmet@capetown.gov.za)

**EIA REFERENCE:** 16/3/3/1/A5/20/2038/22  
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## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A CONVENIENCE CENTRE AND RESIDENTIAL COMPONENT ON A PORTION OF THE REMAINDER OF THE FARM NO. 1165, DURBANVILLE**

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 Final Basic Assessment Report ("BAR"), dated 30 September 2022.

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

AbEnviro (Pty) Ltd.  
c/o Mr. Tinus Potgieter  
P. O. Box 67663  
**BRYANSTON**  
2021

Tel.: (011) 510 9769  
E-mail: [tinus.potgieter@abland.co.za](mailto:tinus.potgieter@abland.co.za)

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p><b>Activity Number: 12</b>  <b>Activity Description:</b>  <i>“The development of—</i>  <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i>  <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i>  <i>where such development occurs—</i>  <i>(a) within a watercourse;</i>  <i>(b) in front of a development setback; or</i>  <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i>  <i>excluding—</i>  <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i>  <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i>  <i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i>  <i>(dd) where such development occurs within an urban area;</i>  <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i>  <i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared”.</i></p>	<p>The proposed development includes the formalisation- and realignment of an on-site tributary of the Mosselbank River. Further construction activities, including, <i>inter alia</i>, the installation of a culvert bridge crossing, outlet structure and stormwater infrastructure will also take place within a watercourse.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p><b>Activity Number: 19</b>  <b>Activity Description:</b>  <i>“The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i>  <i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i>  <i>(a) will occur behind a development setback;</i></p>	<p>The proposed development will result in the moving or removal of more than 10 cubic metres of material from the riverine area.</p>

<p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies”.</p>	
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p><b>Activity Number: 24</b>  <b>Activity Description:</b>  “The development of a road—</p> <p>(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</p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding a road—</p> <p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter”.</p>	<p>The proposed development includes the construction of a new road with an approximately 16m wide road reserve, which will exceed 1 kilometre in length.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p><b>Activity Number: 56</b>  <b>Activity Description:</b>  “The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—</p> <p>(i) where the existing reserve is wider than 13,5 meters; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres;</p> <p>excluding where widening or lengthening occur inside urban areas”.</p>	<p>The proposed development will include the widening of identified road intersection(s) by more than 6 metres in order to connect to the new internal road network.</p>

<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p><b>Activity Number: 28</b>  <b>Activity Description:</b>  <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>  <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>  <i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The proposed development, which exceeds 1 hectare in extent, is located outside an urban area on land previously used for agricultural purposes.</p>
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The abovementioned list is hereinafter referred to as “**the Listed Activities**”.

The holder is herein authorised to undertake the following Alternative that includes the Listed Activities relating to the development.

The proposed development of a convenience centre and residential component on a Portion of the Remainder of the Farm No. 1165, Durbanville. The development proposal comprises the following:

- The construction of a commercial/retail centre and associated infrastructure (including, *inter alia*, roads and utilities), measuring approximately 128 280m<sup>2</sup>;
- The construction of a new shooting range under the parking area of the commercial/retail component;
- The construction of approximately 240 two-storey and three-storey residential units on the southern portion of the site, measuring approximately 52580m<sup>2</sup>;
- The provision of Open Space areas, measuring approximately 125470m<sup>2</sup>; and
- The formalisation- and realignment of the tributary of the Mosselbank River (including a vegetated earth embankment with a 1:3 slope), located to the immediate south of the site.

Access to the proposed development will be taken from the following four entrances:

- Two (2) from Klipheuwel Road;
- One (1) from Okavango Road; and
- One (1) from the adjacent ‘Groot Phesantekraal Phase 4 Development’.

The internal road network will include the main entrance road between the Klipheuwel and Okavango Road intersections, a main roundabout, and a road linking the proposed development with the existing ‘Groot Phesantekraal Phase 4 Development’. The new road linking the proposed development and the adjacent ‘Groot Phesantekraal Phase 4 Development’ will cross the watercourse by means of a new culvert bridge.

Additional Non-Motorised Transport (“NMT”) and road/traffic related infrastructure includes the development of, *inter alia*, the following:

- Pedestrian pathways and cycling facilities;
- Public transport embayments; and
- Parking facilities.

The required bulk services for water and sewer for the proposed development will connect to existing infrastructure of the 'Groot Phesantekraal Phase 4 Development'.

The associated infrastructure includes, *inter alia*, the following:

- New- and upgraded culverts and bridges;
- Choked outlet structures;
- Litter and silt traps;
- Grassed / vegetated channels;
- Water and sewer bulk pipelines and services;
- Stormwater infrastructure including *inter alia*, 5 attenuation ponds (with a capacity of approximately 193m<sup>3</sup>, 121m<sup>3</sup>, 266m<sup>3</sup>, 297m<sup>3</sup> and 2335m<sup>3</sup>, respectively), outlet structures, stormwater pipes, swales, gabions (including energy dissipaters);
- Wet micro-pools with engineered layer works (to be incorporated into the attenuation ponds);
- A substation measuring approximately 280m<sup>2</sup>, associated infrastructure, including underground cabling;
- Streetlights; and
- Landscaping.

The mature wild olive trees located on the southern boundary of the site will be retained as part of the proposed development.

The total development footprint will amount to approximately 20 hectares.

### C. SITE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on a Portion of the Remainder of the Farm No. 1165, Durbanville, which is located in Durbanville between the Klipheuwel- (western boundary) and Okavango (eastern boundary) Roads.

The Surveyor General 21-digit code is given below:

<b>SG 21-digit Code</b>	C01600000000116500000
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The co-ordinates on the site are given below:

<b>Latitude (S)</b>	<b>Longitude (E)</b>
33° 48' 01.28" South	18° 41' 17.01" East

Refer to:

- **Annexure 1:** Locality Plan;
- **Annexure 2:** Site Layout Plan;
- **Annexure 3:** Cross section of the proposed formalised and re-aligned watercourse; and
- **Annexure 4:** Public transport embayments.

The abovementioned property is hereinafter referred to as "**the site**".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants ("GNEC")

C/O Ms. H. Groenewald / Ms. C. Becker

P. O. Box 2632

**PAARL**

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Tel.: (021) 870 1874

E-mail: [hdp@gnec.co.za](mailto:hdp@gnec.co.za) / [carina@gnec.co.za](mailto:carina@gnec.co.za) / [Guillaume@gnec.co.za](mailto:Guillaume@gnec.co.za)

## **E. CONDITIONS OF ENVIRONMENTAL 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.
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.
  - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing 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 approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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 written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
  - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 9.2, and 13.

### **Notification of Environmental Authorisation 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 decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 5;
    - 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 G below;
- 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 6.4. provide the registered I&APs with the:
  - 6.4.1. 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, of the holder; and
  - 6.4.6. 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 Appeals Regulations, 2014 (as amended).

### **Commencement**

7. The Listed Activities, including site preparation, must not be commenced with within (20) twenty calendar days from the date the applicant notifies the registered I&APs of this decision.
8. 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.

### **Management of Activity**

9. The draft Environmental Management Programme ("EMPr") dated 30 September 2022 (submitted together with the abovementioned Final BAR), is hereby approved on condition that the following amendments to the EMPr are made, and must be implemented:
  - 9.1. No construction must take place within 10 meters of the existing Eskom pylons, which are currently situated below the 1:100-year floodline.
  - 9.2. A Landscaping Plan, which has been subject to approval by the City of Cape Town, must be appended to the EMPr and must be implemented. A copy of the approved Landscaping Plan must be submitted to this Department prior to the commencement of construction activities.
  - 9.3. The addition of the following measures adapted from the final BAR (dated 30 September 2022 and prepared by H. Groenewald/C. Becker of GNEC (Pty) Ltd.), must be implemented:
    - 9.3.1. A 10m wide buffer measured flood line from the edge of the realigned watercourse must be maintained. No building infrastructure (except for road and bulk services infrastructure, Clearvu/palisade fencing and stormwater attenuations ponds) must be constructed within the said buffer.
    - 9.3.2. All open stormwater channels must be vegetated with indigenous plant species.
    - 9.3.3. Annual environmental noise surveys must be conducted until the construction phase has been completed in order to establish whether the implementation of additional measures is required to further mitigate



any noise levels/impacts. The said surveys must be submitted to this Department for record purposes.

- 9.4. The following measures, adapted from the Geotechnical Investigation Report (dated September 2019 and prepared by J. Brown of SRK Consulting (South Africa) (Pty) Ltd.), must be implemented:
  - 9.4.1. Any required conventional strip or pad foundations must be placed at a depth of approximately 0.8m to 1.0m below surface.
  - 9.4.2. A rapid excavation, cleaning and foundation casting sequence must be implemented during the winter months to prevent the soils from becoming wet.
  - 9.4.3. Piled and/or concrete raft foundations must be implemented (depending on the suitability of the on-site geotechnical conditions).
  - 9.4.4. Deep cuts, high fills and cut to fill platforms must be avoided.
- 9.5. The following measures adapted from the Traffic Impact Assessment ("TIA") Report (dated March 2022 and prepared by L. Pretorius, J. Brink and N. Platte of Innovative Transport Solutions (Pty) Ltd.), must be implemented:
  - 9.5.1. Intersection 101 – Klipheuwel Road/Site Access 1 West must be developed into a full priority control intersection, which includes the following lane configuration –
    - 9.5.1.1. The northbound lane must have dedicated left and right turn lanes. The right turn lane must have a minimum vehicle stacking storage length of approximately 35m.
    - 9.5.1.2. The eastbound lane must have dedicated right turn lane with a minimum vehicle stacking storage length of approximately 40m.
    - 9.5.1.3. The westbound existing lane must be reconfigured to a shared through and left-turn lane.
  - 9.5.2. Intersection 102 – Klipheuwel Road/Site Access 2 West must be developed into a left-in/left-out intersection, which includes the following lane configuration –
    - 9.5.2.1. the northbound lane must have a single left out turn and acceleration lane onto Klipheuwel Road.
    - 9.5.2.2. the westbound lane must have a dedicated left tune deceleration lane.
  - 9.5.3. Intersection 103 – Okavango Road/Site Access 3 East must be developed into full priority-controlled intersection, which includes the following lane configuration –
    - 9.5.3.1. the northbound lane must have a shared through and left turn lane.
    - 9.5.3.2. the southbound lane must have a dedicated right turn lane with a minimum vehicle stacking storage length of approximately 30m.

- 9.5.3.3. the eastbound lane must have a dedicated left- and right turn lane, and the right-turn lane must have a minimum vehicle stacking storage length of approximately 60m.
- 9.5.4. Internal intersection 104, for the residential access, must developed into a full priority-controlled intersection, which includes a right-turn lane on the eastbound approach to accommodate up to one vehicle stacking space.
- 9.5.5. Intersection 105 must be developed into a single lane roundabout.
- 9.5.6. A northbound right turn at intersection 107 must be constructed.
- 9.5.7. Pedestrian and cycle facilities must be provided along both sides of the Class 4 internal roads within the development extending between Okavango and Klipheuwel Roads, and link across the Wolweriver River to the 'Groot Phesantekraal Phase 4 Development'. (If a shared facility, the width of the facility needs to be at least 3m).
- 9.5.8. Pedestrian crossings must be provided at all internal intersections.
- 9.5.9. One raised pedestrian crossing must be constructed across the Class 4 internal street, linking the residential area to the commercial area.
- 9.5.10. A raised mid-block crossing must be between the proposed minibus embayments along the internal link road.
- 9.5.11. Sidewalks must be provided along Klipheuwel Road and Okavango Road on the sides fronting the side of the development, along the extent of the development.
- 9.5.12. The sidewalk along the west side of Okavango must be constructed between Klipheuwel Road and the Manchestor Road extension (Akademia Road).
- 9.5.13. All pedestrian and bicycle facilities must tie in with the internal site.
- 9.5.14. Public transport embayments must be provided at the signalised intersection of Klipheuwel Road / Okavango Road and two embayments along the internal link road at the locations as illustrated under Annexure 4.
- 9.5.15. Each of the two embayments along Phesantekraal Boulevard must be constructed so that it can accommodate 4 Mini-bus taxis at a time.
- 9.6. People from the previous disadvantaged groups residing in the local area must be given first preference for all employment opportunities, as far as possible.
- 9.7. Local small- and medium enterprises must be used to supply inputs required for the construction, maintenance and operation of the development, as far as possible.
- 9.8. Construction activities must be undertaken during the drier, summer months.
- 9.9. Water- and energy saving technologies and solutions should be implemented, as part of the development.
- 10. The River Rehabilitation Plan ("RRP") (dated 22 March 2022 and prepared by C. Dippenaar of GNEC (Pty) Ltd.), is hereby approved and must be implemented.

11. The Environmental Authorisation, EMPr and RRP must be included in all contract documentation for all phases of implementation.
12. 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.

### Monitoring

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of the construction phase.
14. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the construction phase and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

### Auditing

16. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
17. The audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
  - 17.1. An audit report must be submitted to the Competent Authority within **six (6) months** of the commencement of the construction phase; and
  - 17.2. A final audit report must be submitted within **three (3) months** of the proposed development being completed.
18. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.
19. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

### Specific Conditions

20. Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed

during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

21. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
22. 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.

## **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 the Listed 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.
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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
  - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

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

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

By facsimile:              (021) 483 4174; or

By hand:                    Attention: Mr Marius Venter (Tel.: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority at the address listed above and/or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

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

## G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions, as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 7 FEBRUARY 2023**

Copied to: (1) Ms. H. Groenewald (GNEC (Pty) Ltd)  
(2) Ms. C. Becker (GNEC (Pty) Ltd)  
(3) Ms. S. Warnich-Stemmet (City of Cape Town)

E-mail: [hdp@gnec.co.za](mailto:hdp@gnec.co.za)  
E-mail: [Carina@gnec.co.za](mailto:Carina@gnec.co.za)  
E-mail: [Sonja.WarnichStemmet@capetown.gov.za](mailto:Sonja.WarnichStemmet@capetown.gov.za)

**FOR OFFICIAL USE ONLY:**

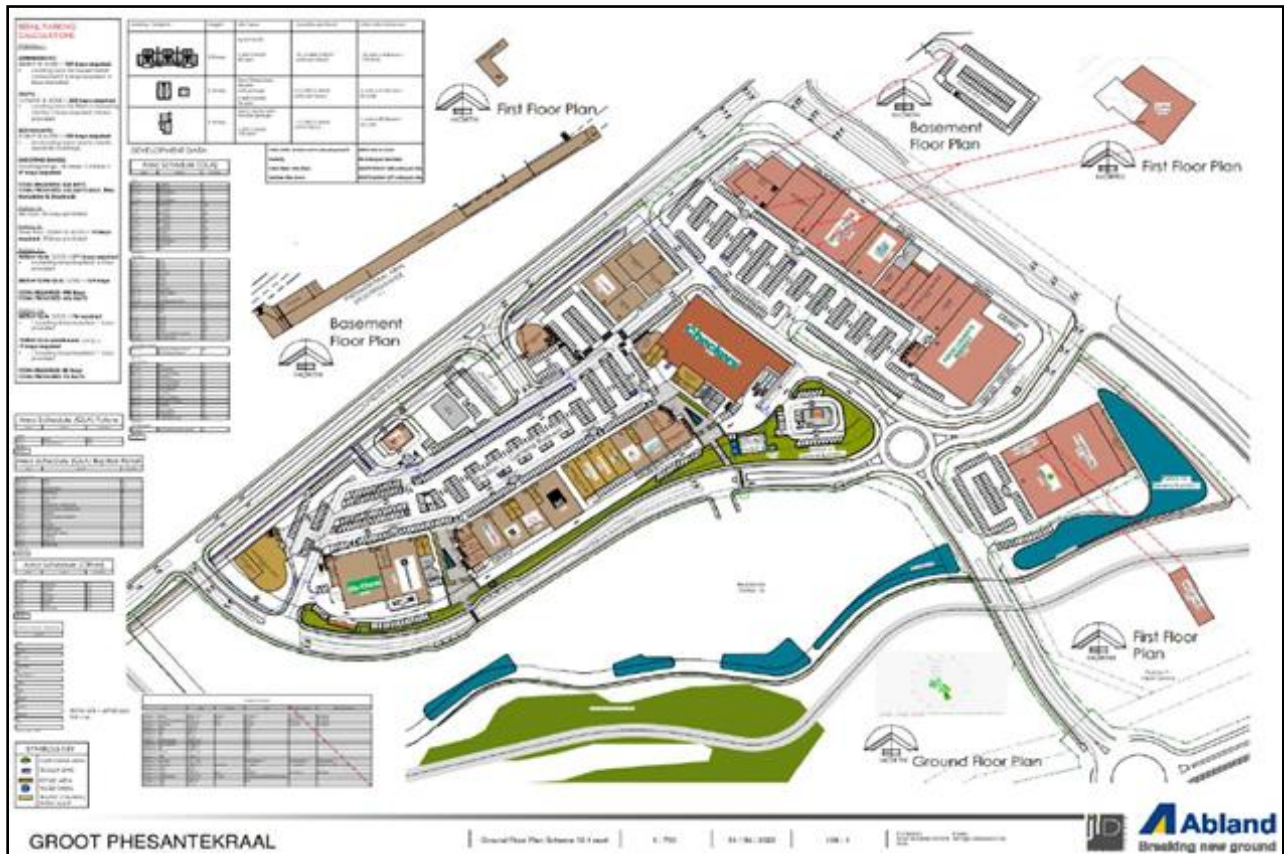
**EIA REFERENCE: 16/3/3/1/A5/20/2038/22**

**NEAS REFERENCE: WCP/EIA/0001121/2022**

# ANNEXURE 1: LOCALITY MAP

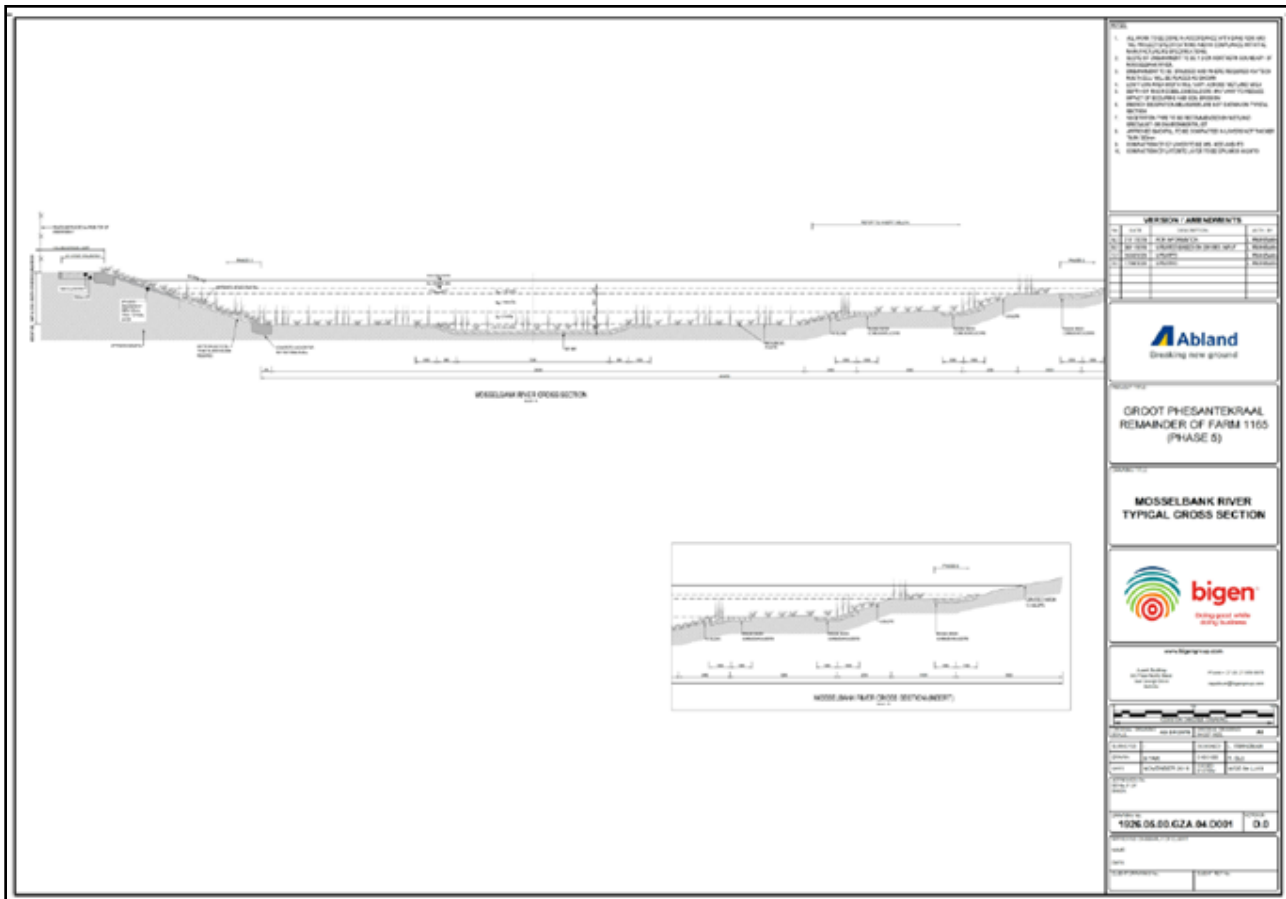


## ANNEXURE 2: THE LAYOUT PLAN

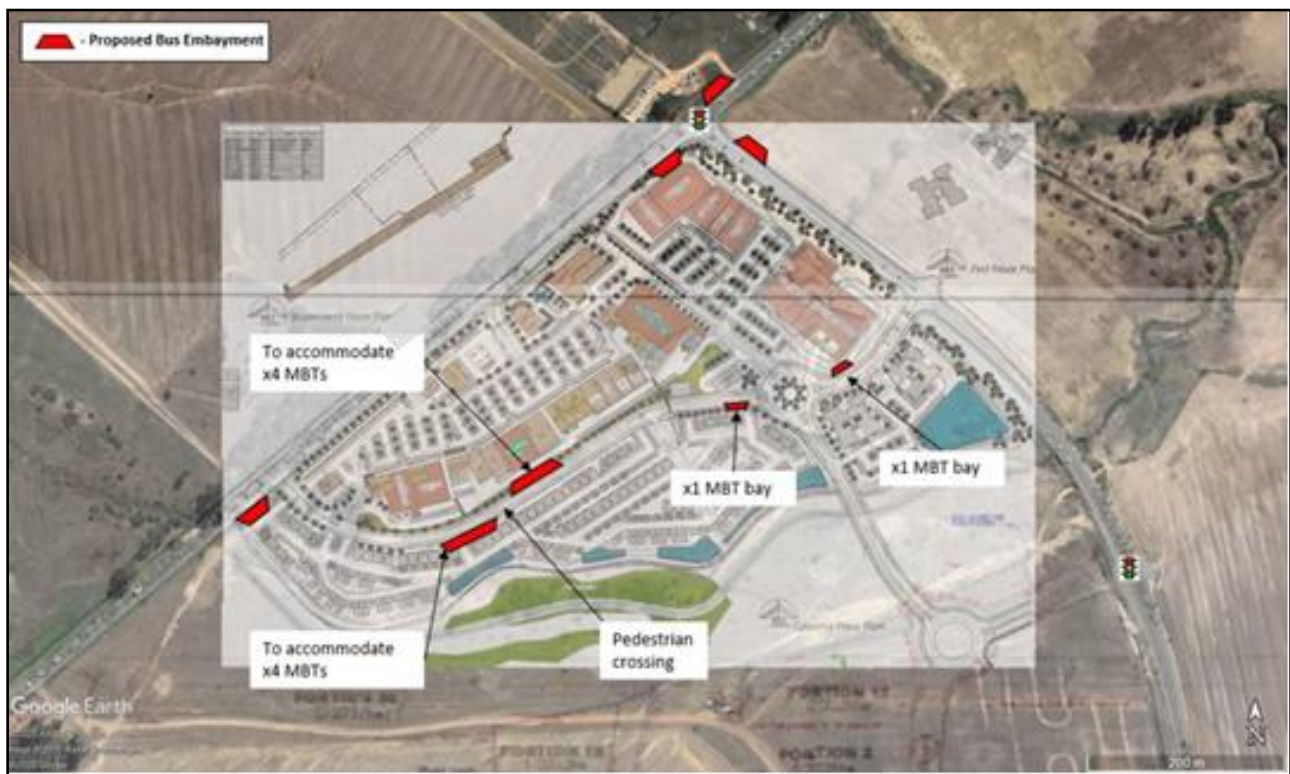




**ANNEXURE 3:** Cross section of the proposed re-aligned watercourse / tributary



## ANNEXURE 4: PUBLIC TRANSPORT EMBAYMENTS



## ANNEXURE 5: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received by this Department via electronic mail correspondence on 1 July 2022, the Final BAR (dated 30 September 2022), the EMPr (dated 30 September 2022), and the additional information from the EAP that was received by this Department on 11, 24 and 30 January 2023, respectively;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.
- f) A site visit was conducted by officials of the Department, including the Competent Authority, and Mr. Guillaume Nel and Ms. Heloise Groenewald of Guillaume Nel Environmental Consultants (Pty) Ltd on 22 November 2022.

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 ("PPP") included:

- Identification of and engagement with I&APs;
- Giving written notice to I&APs, owners and occupiers of land adjacent to the site, and relevant stakeholders having jurisdiction in respect of any aspect of the development proposal via electronic mail correspondence on 9 December 2020;
- An Executive Summary document was hand-delivered to adjacent property owners on 9 December 2020;
- Letters were hand-delivered to landowners within a 100m radius of the proposed site on 9 December 2020;
- Three sets of notices were placed on site on 9 December 2020;
- An advertisement was published in the 'Tygerburger Durbanville' local newspaper on 9 December 2020;
- Making the first draft BAR available for comment to I&APs from 9 December 2020 to February 2021; and
- Making the second draft BAR available for comment to I&APs from the 27 July 2022 to 29 August 2022;
- Registered I&APs were notified of the opportunity to comment on the first and second draft BARs via electronic mail correspondence.

This Department is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the comments and responses report.

Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address any significant concerns raised.

## 2. Alternatives

### Property / Site Alternative

The preferred Property / Site Alternative is for the proposed development to be constructed on a Portion of the Remainder of the Farm No. 1165, Durbanville. This is the only and preferred Property / Site alternative, as the site is easily accessible from two major roads and largely located within the Incremental Growth and Consolidation Area of the City of Cape Town. The location of the site is also ideal in the sense that commercial/retail facilities will be provided to the local existing and new residents and thereby reducing the need to travel far distances to access such facilities.

### Activity Alternative (Preferred)

The preferred Activity Alternative is for the development proposal to include the formalisation and alignment of a portion of the on-site tributary of the Mosselbank River. This will be done in order to decrease the extent of the 1:100-year floodline and increase the total developable area (as also displayed in Appendix 3 above). The northern watercourse embankment will be formalised by means of a vegetated embankment within a 1:3 slope.

This Activity Alternative is preferred, as it will allow for a larger developable area, whilst the 1:3 vegetated slope will result in having less visual and other intrusive impacts on the said watercourse (when compared to the use of a terramesh wall, as mentioned below).

### Activity Alternative (Rejected)

The rejected Activity Alternative is for the development to include the formalisation of a portion of the on-site tributary of the Mosselbank River in order to decrease the extent of the 1:100-year floodline and increase the total developable area. The northern watercourse embankment will be formalised by means of a terramesh wall.

This proposal was deemed undesirable, as the use of a terramesh wall will include the construction of an extensive modular system within the watercourse, which will result in extensive negative impacts on the said watercourse. This Activity Alternative was deemed unfeasible and therefore rejected.

### Design Alternative (Preferred)

The preferred Design/Layout Alternative includes upgrading the intersection at Klipheuwel Road to a full priority control as well as a left in and left out intersection. This is the preferred Design/Layout Alternative, as a design alternative other than the preferred alternative will result in both accesses from Klipheuwel Road being developed as full intersections, which was not supported by the Western Cape Government: Transport and Public Works.

### Preferred Layout Alternative (Preferred by the applicant and herewith authorised)

The preferred Layout Alternative, i.e., the development of a convenience centre and residential component on a Portion of the Remainder of the Farm No. 1165, Durbanville, comprises the following:

- The construction of a commercial/retail centre and associated infrastructure (including, *inter alia*, roads and utilities), measuring approximately 128 280m<sup>2</sup>;
- The construction of a new shooting range under the parking area of the commercial/retail component;
- The construction of approximately 240 two-storey and three-storey residential units on the southern portion of the site, measuring approximately 52580m<sup>2</sup>;
- The provision of Open Space areas, measuring approximately 125470m<sup>2</sup>; and

- The formalisation- and realignment of the tributary of the Mosselbank River (including a vegetated earth embankment with a 1:3 slope), located to the immediate south of the site.

Access to the proposed development will be taken from the following four entrances:

- Two (2) from Klipheuwel Road;
- One (1) from Okavango Road; and
- One (1) from the adjacent 'Groot Phesantekraal Phase 4 Development'.

The internal road network will include the main entrance road between the Klipheuwel and Okavango Road intersections, a main roundabout, and a road linking the proposed development with the existing 'Groot Phesantekraal Phase 4 Development'. The new road linking the proposed development and the adjacent 'Groot Phesantekraal Phase 4 Development' will cross the watercourse by means of a new culvert bridge.

Additional Non-Motorised Transport ("NMT") and road/traffic related infrastructure includes the development of, *inter alia*, the following:

- Pedestrian pathways and cycling facilities;
- Public transport embayments; and
- Parking facilities.

The required bulk services for water and sewer for the proposed development will connect to existing infrastructure of the 'Groot Phesantekraal Phase 4 Development'.

The associated infrastructure includes, *inter alia*, the following:

- New- and upgraded culverts and bridges;
- Choked outlet structures;
- Litter and silt traps;
- Grassed / vegetated channels;
- Water and sewer bulk pipelines and services;
- Stormwater infrastructure including *inter alia*, 5 attenuation ponds (with a capacity of approximately 193m<sup>3</sup>, 121m<sup>3</sup>, 266m<sup>3</sup>, 297m<sup>3</sup> and 2335m<sup>3</sup>, respectively), outlet structures, stormwater pipes, swales, gabions (including energy dissipaters);
- Wet micro-pools with engineered layer works (to be incorporated into the attenuation ponds);
- A substation measuring approximately 280m<sup>2</sup>, associated infrastructure, including underground cabling;
- Streetlights; and
- Landscaping.

The mature wild olive trees located on the southern boundary of the site will be retained as part of the proposed development.

The total development footprint will amount to approximately 20 hectares.

This is the preferred Layout Alternative, as the proposed development is set to provide positive impacts to the local area in the form of residential opportunities, associated commercial facilities as well as employment opportunities.

#### No-go Alternative (Rejected)

The 'No-Go' Alternative of not proceeding with the development of a convenience centre and residential component on a Portion of the Remainder of the Farm No. 1165, Durbanville was considered. However, the 'No-Go' Alternative was deemed undesirable, as it will result in the loss of positive impacts associated with a mixed-use commercial/retail node, which includes the provision of residential- and employment opportunities.

### 3. Impact Assessment and Mitigation Measures

#### 3.1 Activity Need and Desirability

The proposed development largely comprises of a mixed-use commercial/retail node which aims to service the new- and existing residential developments, such as Buh-Rein, Thornwood Estate, Stonewood Estate, which are located in close proximity to the site. In addition to this, the development will help meet the demand for additional services and facilities resulting from the current population- and household growth in the greater Durbanville area (which otherwise cannot be met by the existing facilities available). Whilst meeting this demand, the proposed commercial/retail component will also contribute towards shorter travelling distance for residents to access commercial and retail facilities and thereby reduce the traffic volumes in/out of Durbanville.

Transforming the site into a vibrant and inclusive node will not only provide the much-needed facilities to the local area but will also result in positive impacts such as economic growth and employment opportunities, as further detailed below under the section titled: 'Socio-economic Impacts'.

#### 3.2 Town and Regional Planning

The property is zoned Agriculture. The applicable planning related applications are required to permit the proposed development on the proposed site.

The development is consistent with the Provincial Spatial Development Framework ("SDF"), as it relates to creating a quality and livable space, which offers a variety of opportunities, experiences and choices (particularly the commercial activities available to local residents), whilst also ensuring that the health of the tributary of the Mosselbank River is maintained and improved. It is also in this regard that the development is consistent with the local SDF (2018) and Integrated Development Plan (2017-2022) ("IDP"), whereby opportunities, good and services are provided in close proximity to new and existing residential development. Additionally, the site is located within the 'Incremental Growth and Consolidation Area' in terms of the City of Cape Town's Consolidated Spatial Plan (February 2018) (i.e., the Municipal SDF), which is earmarked for urban development. The development proposal is, therefore, aligned with the MSDF.

Whilst sections of the site are mapped as Other Ecological Support Area ("OESA") and as Critical Biodiversity Area 2 ("CBA 2") in terms of the City of Cape Town's Biodiversity Network (BioNet), it was determined by the botanist that the areas mapped as OESA do not have any ecological value. The area mapped as CBA 2 has also been used for past agricultural activities and is therefore transformed from its natural state with no natural vegetation remaining.

#### 3.3 Biophysical/Botanical Impacts

The proposed site has historically been used for agricultural purposes (ploughing and grazing) and hence has been totally transformed from its natural state.

According to the latest Botanical Impact Assessment Report (dated 5 May 2022 and prepared by D. J. McDonald of Bergwind Botanical Surveys & Tours CC.), the botanical sensitivity of the on-site areas ranges from Very Low (ploughed and fallow land) to heavily grazed land with no remaining Cape Flats Sand Fynbos (low sensitivity). A zone of High Sensitivity is demarcated along the Mosselbank River and a Very High Sensitivity zone, where the old wild olive trees are present. It was, however, confirmed that the site no longer supports any intact Cape Flats Sand Fynbos vegetation. The botanical impacts were therefore deemed to be of Low Negative to Very Low Negative significance. Furthermore, the botanical restorability of the site is very low. Hence, no specific mitigation measures with reference to botanical impacts were deemed necessary, except for retaining the on-site mature olive trees. It is indicated in the correspondence

from CapeNature (dated 30 August 2022) that the findings of the said Botanical Impact Assessment Report are supported.

### 3.4 Aquatic Impacts

An extensively transformed and degraded tributary of the Mosselbank River located along the southern boundary of the proposed site will be realigned and formalised in order to decrease the extent of the 1:100-year floodline. As such, the developable area will be increased and maximised to accommodate the development and its total development footprint and ensuring that the mixed-use commercial/retail node and residential units are located above the 1:100-year floodline. The realignment and formalisation activities include, *inter alia*, earthworks and infilling in the floodplain area, installation of riprap in the low flow areas, and the construction of a vegetated berm along the northern embankment of the tributary with a pedestrian footpath. The placement of the riprap will particularly contribute to maintaining the hydrological functioning as well as the ecological reinstatement of the watercourse.

It was confirmed in the Flood Study Report (dated August 2020 and prepared by K. Ramsaroop of AECOM SA (Pty) Ltd) that the activities associated with the realignment and formalisation of the tributary will not have any major negative impacts on downstream properties or watercourses. This is attributed to the fact that no major diversions to the river corridor are being proposed. It was also established that the resultant reduction in the floodplain area will have a negligible impact on the current typical flows in the Mosselbank River. The overall development will pose a Moderate risk significance to the integrity of the affected tributary and associated floodplain area. This can be reduced if the required recommendations, as per the Freshwater Ecological Assessment Report (dated July 2019 and updated June 2022 and prepared by K. Marais and C. du Preez of Scientific Aquatic Services), and included in the EMPr, are implemented.

Other activities that will directly impact aquatic elements includes the road to be constructed across the watercourse by means of a culvert bridge and the construction of water and sewer bulk services as well as stormwater attenuation facilities. The construction and installation of new culverts are set to reduce the backwater effect and potential flood risk thereof, resulting in the improved throughflow during flood events.

Forms of both avoidance and mitigation measures will be implemented with respect to impacts on aquatic elements, e.g., in terms of avoidance, a 10m wide buffer measured from the edge of the realigned watercourse must be maintained, and certain on-site aquatic features such as the floodplain area must be treated as 'no-go' areas during the construction phase. In terms of mitigation, the affected watercourse will be rehabilitated in accordance with the River Rehabilitation Plan (dated 22 March 2022 and prepared by C. Dippenaar of GNEC (Pty) Ltd.). The said Plan will ensure that the overall health of the on-site aquatic systems is improved over time, which, in the long-term can be considered as a positive impact.

A Water Use License Application for the said property was issued by the National Department of Water and Sanitation on 27 July 2022.

### 3.5 Agricultural Impacts

The property has historically largely been used for small scale agricultural activities. However, as per the Site Sensitivity Verification Report (dated 29 June 2022), it was determined that the size of the property is too insignificant to produce a profitable agricultural outcome. The Western Cape Government: Agriculture indicated in their correspondence (dated 8 March 2021), that it has no objection to the proposed development.

### 3.6 Geotechnical Impacts

According to the Geotechnical Investigation Report (dated September 2019 and prepared by J. Brown of SRK Consulting (South Africa) (Pty) Ltd.), general founding measures relating to the design and treatment of the founding conditions are required to accommodate the development from a geotechnical perspective. These general founding measures have been made conditional to this Environmental Authorisation by way of inclusion in the EMPr.

### 3.7 Visual/Sense of Place

The local area comprises is a mixed landscape character and 'Sense of Place', with rural agricultural and cultural landscape elements, as well as elements of industrial and residential land uses. Cumulatively, the proposed development will result in an overall increase in developed land and urbanity in the local area and a starker transition between the developed and rural agricultural landscape.

According to the Visual Impact Assessment ("VIA") Report (dated July 2022 and prepared by F. Smit of FILIA Visual, the significance of the visual impact will be 'Moderate' overall for the proposed development. However, if the mitigation measures, as included in the VIA are implemented, the significance of the visual impact can be reduced to 'Low' overall. These mitigation measures were therefore made part of the approved EMPr and largely focuses on the treatment and design of the buildings, lighting and landscaping guidelines applicable to the development as well as appropriate practices that must be followed during the construction phase. Based on the findings of the VIA, the development is supported from a visual impact perspective.

### 3.8 Heritage Impacts

The correspondence from Heritage Western Cape (dated 22 August 2019), confirmed that no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

Additionally, the applicant will comply with Conditions 19 and 20 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

### 3.9 Traffic Impacts

According to the Transport Impact Assessment ("TIA") Report (dated March 2022 and prepared by L. Pretorius, J. Brink and N. Platte of Innovative Transport Solutions (Pty) Ltd), the proposed development will generate approximately 509 peak am hour trips (i.e., 277 in and 232 out) and approximately 1367 pm hour trips (i.e., 691 in and 676 out), based on the final land use extents. Based on these calculations and analyses of the affected intersections and local roads, it was determined that the expected development traffic can be accommodated on the external road network, provided that certain road infrastructure is implemented. The TIA thus concluded that the proposed be approved from a transport perspective, subject to the implementation of the recommendations included in the said TIA. These recommendations have been made conditional to this Environmental Authorisation, by way of inclusion in the EMPr.

The link road proposed for the development will serve an important role in terms of accessibility and internal road circulation within the local area, without having to enter/utilise the metropolitan road network. Similarly, pedestrians will also be able to walk along the route/pathways without having to enter the higher-order road network, and thereby increasing the level of pedestrian safety.



Additional facilities such as pedestrian pathways, cycle and NMT facilities as well as public transport embayments will be provided to reduce the reliance and need to make use of personal vehicular transport options.

### 3.10 Services and Infrastructure

The associated infrastructure includes, *inter alia*, the following:

- New upgraded culverts and bridges;
- Water and sewer bulk pipelines and services;
- Stormwater infrastructure including, *inter alia*, 5 attenuation ponds, each with a capacity of approximately 193m<sup>3</sup>, 121m<sup>3</sup>, 266m<sup>3</sup>, 297m<sup>3</sup> and 2335m<sup>3</sup>, respectively), outlet structures, stormwater pipes, swales, gabions (including energy dissipaters);
- A substation measuring approximately 280m<sup>2</sup> and associated and other underground cabling;
- Streetlights; and
- A berm and a pedestrian footpath along the northern embankment of the tributary.

Electricity, water and sewer bulk services will largely link/connect to the 'Groot Phesantekraal Phase 4 Development' development's infrastructure.

The water and sewer pipeline infrastructure will cross tributary(s) via open trenching.

It is indicated in correspondence from the City of Cape Town (dated 9 December 2021), that certain measures must be implemented in terms of the electricity requirements, including, *inter alia*, the construction of the substation. The correspondence from the City of Cape Town (dated 8 February 2021), confirms sufficient capacity exist to accommodate the proposed development in terms of the sewer network, water network as well as bulk supply and wastewater treatment. The correspondence from the City of Cape Town (dated 27 October 2021), confirms sufficient capacity exist to accommodate the proposed development in terms of solid waste removal service(s).

It was determined that the abovementioned attenuation ponds will provide sufficient combined storage capacity to cater for the 1:100 RI storm event.

The stormwater infrastructure such as the attenuation facilities and will particularly be implemented to ensure that the site's runoff characteristics (in its developed state) does not impact areas downstream. All open stormwater channels will be vegetated with indigenous plant species in order to assist with the treatment of the water quality and to prevent erosion. Gabions together will similarly act as energy dissipaters to further prevent erosion, whilst the gabions' energy dissipaters will act as litter and silt traps. The upgrading of the existing culverts will aid to reduce the backwater effect and potential flood risk thereof and thereby assist with improved throughflow during any mass flood event.

The following additional structural control measures will be implemented to improve the runoff quality before it reaches the end point of disposal:

- choked outlet structures;
- litter and silt traps removal;
- grassed / vegetated channels;
- wet micro-pools with engineered layer works (to be incorporated into the attenuation ponds); and
- landscaping largely with indigenous plants.

Both the River Rehabilitation Plan (dated 22 March 2022) and the EMPr will be implemented to mitigate the risk of construction related pollutants.

### 3.11 Noise Impacts

According to the Noise Impact Assessment ("NIA") Report (dated 24 - 26 April 2021 and prepared by B. Williams and J. Hutten of SAFETECH), during the construction phase, noise will result from construction related activities including, *inter alia*, vehicle use and movement, site remediation and earthworks and the use of construction equipment. During the operational phase, noise will result from the increased level of traffic and road use, the new shooting range and the normal operations from the commercial and residential components. The noise impact of the shooting range (to be constructed underground) will however be fully contained and thereby resulting in having very little negative noise impacts. Overall, the noise impacts during both the construction and operational phases will be of Low Negative significance. These impacts will be managed in accordance with the recommendations of the abovementioned NIA, which were included in the provisions of the EMPr. Annual environmental noise surveys will be conducted until the construction phase has been completed in order to establish whether the implementation of additional measures is required to further mitigate noise levels/impacts.

### 3.12 Socio-economic Impacts

Besides the provision of commercial facilities and services and residential opportunities in the local area, the proposed development is estimated to create approximately 805 direct jobs during the construction phase and approximately 1060 direct jobs during the operational phase. This will in turn result in positive economic and social spillover effects for the local area. These impacts are set to benefit the local area that is currently experiencing rapid urban expansion and population- and household growth. In order to maximise these positive socio-economic benefits, the requirement for local labour and enterprises to be used during all phases of the proposed development have been made conditional to this Environmental Authorisation, by way of inclusion in the EMPr.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- The infilling of the Mosselbank tributary.
- An increase in demand for bulk services and infrastructure.

#### **Positive impacts:**

- The creation of employment opportunities.
- The provision of commercial/retail facilities in the local area.
- The provision of residential opportunities.
- The rehabilitation of the remainder of the on-site aquatic elements.

#### 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.

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