



REFERENCE: 16/3/3/1/A2/30/3023/21
NEAS REFERENCE: WCP/EIA/0000917/2021
DATE: 29 November 2021

The Board of Directors
TTIN Properties (Pty) Ltd and MAE Property Investments (Pty) Ltd
P. O. Box X1
Postnet Suite 440
Melrose Arch
JOHANNESBURG
2076

Attention: Mr. Gareth Phillip Hooker

Cell: 082 569 7925

E-mail: gareth@griffinholdings.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 MIXED-USE DEVELOPMENT ON PORTIONS 11, 38 AND 43 OF FARM SCHULTZ VLEI NO. 807, PHILIPPI.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the amended 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 summarized in the attached Environmental Authorisation.

Yours faithfully

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to:

- (1) I. Eggert (In Clover Environmental Consultants)
- (2) R. Samaai (City of Cape Town: Cape Flats District)
- (3) M. Noqhamza (DWS)
- (4) G. Swanepoel (DTPW)
- (5) K. Bonile (HWC)
- (6) C. van der Walt (WCG: Department of Agriculture)

E-mail: ingrid@inclover.co.za

E-mail: Rashaad.Samaai@capetown.gov.za

E-mail: noqhamzam@dws.gov.za

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REFERENCE: 16/3/3/1/A2/30/3023/21
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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 MIXED-USE DEVELOPMENT ON PORTIONS 11, 38 AND 43 OF FARM SCHULZ VLEI 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 Layout Alternative, described in the Basic Assessment Report ("BAR"), dated 7 August 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF this Environmental Authorisation

TTIN Properties (Pty) Ltd and MAE Property Investments (Pty) Ltd
c/o Mr. Gareth Phillip Hooker
P. O. Box X1
Postnet Suite 440
Melrose Arch
JOHANNESBURG
2076

Tel.: 011 783 4540
Cell: 082 569 7925
E-mail: gareth@griffinholdings.co.za

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

B. AUTHORISED ACTIVITIES

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 27</p> <p>Activity Description: <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> <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>Portion 43 of Farm No. 807 is currently undeveloped and supports remnants of indigenous vegetation. The proposed construction of the mixed-use development requires the removal of 1.6ha of indigenous vegetation.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 28</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;</i></p> <p><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 site is located outside an urban area and Portions 11 and 38 of Farm No. 807 will entail the transformation of more than 1ha of land used for agriculture.</p>

<p><i>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</i></p> <p><i>Activity Number: 12</i></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><i>i. Western Cape</i></p> <p><i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>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;</i></p> <p><i>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</i></p> <p><i>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.”</i></p>	<p>Portion 43 of Farm No. 807 is undeveloped and supports remnant indigenous species of the Cape Flats Dune Strandveld ecosystem which is categorised as an Endangered. The proposed development will entail the clearance of more than 300m² of Cape Flats Dune Strandveld.</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 proposal is comprised of the following components:

- Retail and commercial space (including a gymnasium and fast-food drive through opportunities) with associated parking as well as hard and soft landscaping elements;
- A school, earmarked as a private lower ‘Living Standards Measure’ (“LSM”) education facility, catering for children from pre-school to Grade 12 with associated sports field(s), parking and other hard and soft landscaping elements; and
- A private medical centre and day hospital will be developed.
- Additional infrastructure includes:
 - access points to the site from the adjacent road network,
 - internal roads, electrical, sewage and water supply/discharge infrastructure; and
 - storm water management features (including a stormwater pond).

The proposal includes the construction of a new 1344m long and 250mm diameter sewer outfall pipeline that runs from the site along the registered road reserve of Weltevreden Road, which connects into the bulk sewer manhole located at the road intersection of Weltevreden Road and Vanguard Drive. The pipeline does not trigger any listed activities in terms of the EIA listing notices.

The total development footprint will be approximately 15.4 ha in extent.

The site will be accessed immediately off the adjacent road network. The three farm portions that form the development site currently have three accesses:

- A full access along Weltevreden Road, 396 m north of Morgenster Road;
- A left-in-left-out access along Morgenster Road, 110 m west of Jakes Gerwel Drive (vehicles currently turn right illegally by driving over the Morgenster Road median); and
- A left-in-left-out access along Jakes Gerwel Drive, 495 m north of Morgenster Road.

The following is proposed in relation to the development on the site:

- Shifting the Weltevreden Road access about 20 m south of its current position and continue to be a full access.
- A new full access along Weltevreden Road, 180 m north of Morgenster Road and about 196 m south of the existing Weltevreden access.
- Replacing the Morgenster Road access with a new left-in-left-out access located approximately midway between Weltevreden Road and the Yellow Line Break Point of the future Morgenster Road/ Jakes Gerwel Drive western terminal intersection slip lane.

C. SITE DESCRIPTION AND LOCATION

The proposed development is located to the east of Weltevreden Road and the west of Vanguard Drive, opposite the Westgate Mall, Philippi.

The proposed mixed-use development will occur on the following properties:

- Portion 11 of Farm No. 807: 7.4 ha
- Portion 38 of Farm No. 807: 6.4 ha
- Portion 43 of Farm No. 807: 1.6 ha

Site co-ordinates for proposed mixed use development (centre point of each property):

Portion 11 of Farm No.807			
Latitude (S)	34°	02'	25.71"
Longitude (E)	18°	34'	59.37"
Portion 38 of Farm No. 807			
Latitude (S)	34°	02'	32.48"
Longitude (E)	18°	34'	57.36"
Portion 43 of Farm No. 807			
Latitude (S)	34°	02'	35.66"
Longitude (E)	18°	34'	54.96"

The SG digit codes:

Portion 11 of Farm No. 807	C0160000000080700011
Portion 38 of Farm No. 807	C0160000000080700038
Portion 43 of Farm No. 807	C0160000000080700043

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

inClover Environmental Consulting (Pty) Ltd
c/o Ms. Ingrid Eggert
P. O. Box 3420
TYGERVALLEY
7536

Cell: 083 278 7107
E-mail: 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 the BAR dated 7 August 2021 on the site as described in Section C above.
2. Authorisation for the activities are subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activities during which period the authorised listed activities for the construction phase, must be concluded.
4. The authorised activities must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1. notify all registered Interested and Affected Parties of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date of issue of the decision;

- 6.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
- 6.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
- 6.4. provide the registered Interested and Affected Parties with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,
 - 6.4.4. telephonic and fax details of the holder,
 - 6.4.5. e-mail address, if any;
 - 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 11, 14 and 22

Management of activities

10. The draft EMPr (dated August 2021) submitted as part of the application for Environmental Authorisation must be amended to include the traffic mitigation measures recommended by the Traffic Impact Assessment dated 16 April 2020 compiled by GIBB (Pty) Ltd.
11. A copy of the amended EMPr must be submitted to the Directorate prior to the commencement of construction activities.
12. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted

and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.
15. The ECO must–
 - 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
 - 15.2. ensure compliance with the EMPr and the conditions contained herein; and
 - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid–
 - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit at least two environmental audit reports to the competent authority during the construction phase. The holder must submit the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must –

- 17.1. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 17.2. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.3. evaluate the effectiveness of the EMPr;
 - 17.4. identify shortcomings in the EMPr;
 - 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.6. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 17.7. include a photographic record of the site applicable to the audit; and
 - 17.8. be informed by the ECO reports.
18. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

19. Surface and 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.
20. 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.
21. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

22. A copy of the Site Development Plan as approved by the City of Cape Town, as part of the land use application process, must be submitted to this Department prior to the commencement of construction activities.
23. A Stormwater Management Plan must be compiled and submitted to the City of Cape Town Catchment, Stormwater and River Management Department. A copy of the approved Stormwater Management Plan must be submitted to this Department prior to the commencement of construction activities.
24. The following measures adapted from the Socio- Economic Impact Analysis dated 11 September 2019 compiled by Urban-Econ must be implemented:
 - 24.1. A database must be maintained to determine the skills that can be sourced of prospective employees from the local area for the purpose of facilitating appointments to jobs generated from local data basis compiled, address problems arising during the construction and operational phases and facilitate further skills and training opportunities.
 - 24.2. The Contractor must be required to employ locals (where practically possible), to maximise the benefits of the local economy.
 - 24.3. Knowledge and skills transfer must be prioritised whilst construction is taking place for those who lack the required skills.
 - 24.4. Goods and services should be procured from local small businesses (where practically possible).
 - 24.5. The municipality, local community and local community organisations must be informed of the potential employment opportunities by the developer.
25. Energy and water saving technologies must be implemented including inter alia, the use of renewable energy, energy efficient lighting, dual flush toilets, low-flow water fittings.
26. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

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 activity.
2. If the holder does not commence with the listed activity within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the 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.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
 - 3.1. Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

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 notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel.: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

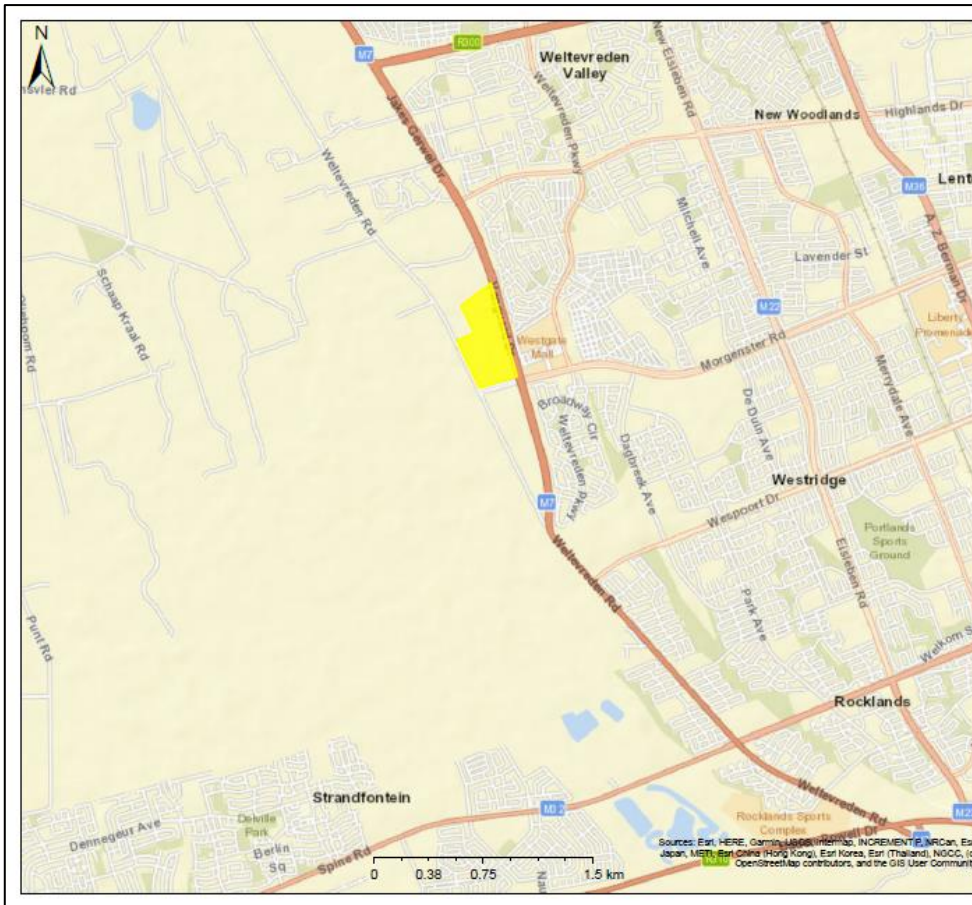
DATE OF DECISION: 29 NOVEMBER 2021

Copied to:

- (1) I. Eggert (In Clover Environmental Consultants)
- (2) R. Samaai (City of Cape Town: Cape Flats District)
- (3) M. Noqhamza (DWS)
- (4) G. Swanepoel (DTPW)
- (5) K. Bonile (HWC)
- (6) C. van der Walt (WCG: Department of Agriculture)

- E-mail: ingrid@inclover.co.za
- E-mail: Rashaad.samaai@capetown.gov.za
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- E-mail: grace.swanepoel@westerncape.gov.za
- E-mail: khayisile.bonile@westerncape.gov.za
- E-mail: landuse.elsenburg@elsenburg.com

ANNEXURE 1: LOCALITY MAP



Locality Map: Schulz Vlei site shown in Legend

Scale: 1:36 112
Date created: November 22, 2021

Compiled with CapeFarmMapper



Western Cape
Government
FOR YOU

Sources: Esri, HERE, Garmin, IGN, Intermap, INCREMENTAL, Navteq, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

ANNEXURE 2: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form and BAR dated 27 May 2021, the EMPr submitted together with the final BAR on 10 August 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated August 2021.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with Interested and Affected Parties ("I&APs");
- fixing notices at the site where the listed activity will be undertaken on 2 October 2019;
- the placing of a newspaper advertisement in the "Plainsman" newspaper on 2 October 2019;
- the placing of the pre-application draft BAR and application phase draft BAR at Westridge Public Library for public review;
- the distribution of an Executive Summary which provided a summary of the contents of the BAR to I&APs by e-mail;
- E-mail notifications were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity, about the availability of the report with reminders sent to submit comments;
- making the pre-application draft BAR and application phase draft BAR and all relevant information available to I&APs for public review and comment from 3 October 2019 to 3 November and 1 June 2021 until 2 July 2021, respectively.

During the public participation process, comments and objections were received. The comments received from Westgate Mall Management related to the proposal lacking detailed site development plans. The EAP responded adequately to confirm that the land use planning application process will provide detailed planning. The impacts associated with the transformation of the site was assessed and sufficient information was provided for the Competent Authority's decision-making.

The City of Cape Town: Environment and Heritage Management Branch, Heritage Resources Section ("HRS") indicated that the proposed development required a heritage impact assessment to be undertaken due to the nature and scale of the proposed development and its proximity to the Philippi Horticultural Area ("PHA"). However, a Notice of Intent to Develop was compiled by a heritage specialist and submitted to the provincial authority on heritage resources, Heritage Western Cape ("HWC"). HWC confirmed in their response dated, 1 October 2019, that the proposed development would not impact on heritage resources. However, the developer would be required to comply with the relevant architectural guidelines specified in the City of Cape Town's planning by-laws. Furthermore, HRS has confirmed that a report addressing the associated heritage impacts will be a requirement from their section during the land use process application.

The Westgate Ratepayers and Residents Association raised concerns regarding the 'sense of place' due to the nature and scale of the development considering its close proximity to the PHA. The loss of

agricultural land was addressed during the EIA process and it was determined that the site falls outside the area of agricultural significance and the PHA in terms of City of Cape Town Municipal Spatial Development Framework, 2018. An Agricultural Compliance Statement was obtained from Johann Lanz who confirmed that the entire site is of low sensitivity for agriculture, because of its designation for urban development in the aforementioned Spatial Development Framework.

2. Alternatives

No other site alternatives were investigated and considered for the proposed development of the mixed-use development and associated infrastructure on Portions 11, 38 and 43 of Farm Schulz Vley No. 807, Philippi. The only alternatives considered was the Preferred Alternative and the "No-go" Alternative.

This is based on the following reasons:

- The site is earmarked for urban development in terms of the MSDF and is the appropriate size to accommodate the proposed development.
- The site is located in an area easily accessible and in proximity to amenities such that area of influence for positive socio-economic impacts is large which would contribute positively to the local community in the greater area surrounding the site.
- There is no environmental features of a sensitive nature on site.

Preferred Alternative (herewith authorized)

The proposal is comprised of the following components:

1. Retail and commercial space (including a gymnasium and fast-food drive through opportunities) with associated parking as well as hard and soft landscaping elements;
2. A school, earmarked as a private lower 'Living Standards Measure' ("LSM") education facility, catering for children from pre-school to Grade 12 with associated sports field(s), parking and other hard and soft landscaping elements; and
3. A private medical centre and day hospital will be developed.
4. Additional infrastructure includes:
 - access points to the site from the adjacent road network,
 - internal roads, electrical, sewage and water supply/discharge infrastructure; and
 - storm water management features (including a stormwater pond).

The proposal includes the construction of a new 1344m long and 250mm diameter sewer outfall pipeline that runs from the site along the registered road reserve of Weltevreden Road, which connects into the bulk sewer manhole located at the road intersection of Weltevreden Road and Vanguard Drive. The pipeline does not trigger any listed activities in terms of the EIA listing notices.

The total development footprint will be approximately 15.4 ha in extent.

The site will be accessed immediately off the adjacent road network. The three farm portions that form the development site currently have three accesses:

1. A full access along Weltevreden Road, 396 m north of Morgenster Road;
2. A left-in-left-out access along Morgenster Road, 110 m west of Jakes Gerwel Drive (vehicles currently turn right illegally by driving over the Morgenster Road median); and
3. A left-in-left-out access along Jakes Gerwel Drive, 495 m north of Morgenster Road.

The following is proposed in relation to the development on the site:

- Shifting the Weltevreden Road access about 20 m south of its current position and continue to be a full access.
- A new full access along Weltevreden Road, 180 m north of Morgenster Road and about 196 m south of the existing Weltevreden access.
- Replacing the Morgenster Road access with a new left-in-left-out access located approximately midway between Weltevreden Road and the Yellow Line Break Point of the future Morgenster Road/ Jakes Gerwel Drive western terminal intersection slip lane.

This alternative is preferred for the following reasons:

- The size of the site can accommodate the development proposal.
- Due to the location of the site and its proximity to transport routes and amenities, the area of influence for positive socio-economic impacts is significant. The proposed developments would be beneficial for the local community in the greater area surrounding the site.
- There is no environmental features of a sensitive nature on site.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain and the undeveloped land would not be upgraded to a mixed-use development. Since the proposed development is not anticipated to result in any high negative impacts, the "no-go" alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Planning Context

The site is located outside an urban area with agricultural activities found in the area east of the site, while the area west of the site is predominantly built-up. However, the site is located inside the urban edge, within an area termed the 'Weltevreden Wedge', an area with agricultural sensitivity, but also earmarked for urban expansion. The development is however not fully aligned with the Municipal Spatial Development Framework ("SDF"), 2018. While the current zoning only allows for agriculturally related uses, it is recognised that the Weltevreden Wedge has been earmarked for urban development in the SDF, which indicates that the zoning change from agriculture is acceptable.

There is a contradiction in the SDF which reflects the development site as being agriculturally significant whilst simultaneously attributing it as an Incremental Growth and Consolidation Area. In terms of the Cape Flats District Plan, 2012, the proposed development is in full alignment thereof. Due to the location of the site, consideration of appropriate changes in land use (to urban development) within the area bordered by Weltevreden Road and Vanguard Drive is encouraged.

The site is transformed, and the proposed development will not impact on biodiversity or conservation targets. It is located inside an area earmarked for urban expansion in the City's spatial planning instruments. As such, it is anticipated that the proposed development is in accordance with the relevant planning policies. The Environmental Management Framework is contained in the Cape Flats District Plan, 2012. The composite map prepared in terms of this Plan shows the site included in the area earmarked for urban development (as part of the larger Weltevreden Wedge). The relevant planning applications must be submitted to the relevant authority(ies) in order to permit the proposed development

3.2 Socio-economic Impacts

According to the Socio-Economic Impact Assessment dated 11 September 2019, compiled by Urban-Econ it states within the *Socio-Economic Agricultural Plan for the Philippi Horticultural Area, 2018*, "according to the document the wedge of land along the agricultural area is designated for business/ industrial purposes, of which some could serve the horticultural area". The proposed Schulz Vlei development would provide essential amenities required for an increasing population as well as employment opportunities for the greater community with traditionally low levels of employment. The employment opportunities would be provided through both the construction and operational phase of the development.

In order to accommodate this large-scale development, all modes of transport were considered and the need for additional road infrastructure was addressed in the EIA process. The site will be ideally located next to Weltevreden, Morgenster Roads and Jakes Gerwel Drive. Users of public transport will be within walking distance to the mixed-use development. The site is located adjacent to well established road networks thus providing commuters easy and safe access to the public transport and the development.

The areas of Philippi and Mitchells Plain surrounding the site contain public schools with limited options available for private schooling. It is envisioned that a demand will arise for a school that caters to the lower LSM groups within the surrounding areas due to the expected higher level of education that is provided.

Medical facilities within the surrounding area are limited. The medical facility is set up to meet the demands of the increasing population with the establishment of prospective residential developments.

The socio-economic impact specialist confirmed that the resultant Gross Domestic Product ("GDP") from the CAPEX is R518 million and the resultant GDP from the OPEX is R154 million per annum for the proposed mixed-use development. While a GDP contribution would be created from the small agricultural enterprise it would not be as significant as that of the mixed-use development. Thus, based on the findings of the socio-economic impact analysis it is noted that that the GDP contribution of a small agricultural enterprise is not comparable to that of a mixed-use development offering medical, retail and educational facilities.

The report further states, from a socio-economic perspective, the proposed development will have positive impacts on the unemployment rate which will lead to improved income, rates and taxes and the provision of essential amenities (retail, medical, educational). With the implementation of the mitigation measures and recommendations made by the socio-economic specialist, the impacts can be reduced to an acceptable level. The proposed development will provide much needed infrastructure which also promotes economic development, since it creates jobs during the construction and operational phases of development.

3.3 Agricultural Impacts

The proposed development falls within the urban development node adjacent to the PHA. According to the Agricultural Compliance Statement dated August 2020 compiled by Johann Lanz, *"the classification of high agricultural sensitivity in this case does not take account of the fact that the site is identified for urban development, and not for agriculture, in the statutory City of Cape Town Metropolitan Spatial Development Framework, which was approved by the City of Cape Town on 25 April 2018."* While the importance of the PHA is acknowledged, the site falls outside of this designated agricultural area of significance. Therefore, the proposed development does not require mitigation from an agricultural perspective as the site is designated for urban development. The Western Cape Department of Agriculture in their comment dated 7 February 2020 indicated, the development is located, *"between the Jakes Gerwel Drive and Weltevreden Road "wedge" earmarked in the City of Cape Town's Spatial Development Framework for "infill development" and currently under cultivation. Guided by historical decisions and policies, including the Indego PHA study (2017), the best decision would be to not oppose community beneficial development types within the wedge area to preserve the "core" PHA agricultural area."* They have no objection to the proposed development.

3.4 Biophysical Impacts

A Watercourse Verification Report was undertaken by Water Use Licence Associates (Pty) Ltd, dated 28 August 2019 to verify the presence of wetlands and surface water resources on and within a 500m radius from the site. According to the Watercourse Verification Report, the site has been transformed, due to agricultural practices. There are no watercourses, wetland nor riparian resources located on the site. In addition to this, the seep wetland that was mapped on the City of Cape Town Map Viewer: wetland layer was not apparent as a wetland during the ground truthing assessment of the site. Since the applicant will be responsible for installation of sewage reticulation from the site to the intersection of Vanguard and Weltevreden Roads, Enviroswiff was appointed to screen the pipeline route along the registered Weltevreden Road reserve to ground truth mapped watercourses in this area. The freshwater screening report confirmed that there are no wetlands inside the Weltevreden Road reserve and there are no wetlands to be considered in the regulated area of the proposed pipeline alignment. Therefore, no EIA listed activities are triggered by the proposed connecting pipeline.

A botanical screening of Portion 43 of Farm No. 807 was undertaken by Dr Dave McDonald of Bergwind Botanical Surveys and Tours. The Botanical Screening Report dated 11 March 2019 concluded that no indigenous vegetation remains on the agricultural portions of the site. The botanist identified some plant species that represent the Cape Flats Dune Strandveld vegetation type on the northern section of the property. The botanical screening report concluded that no vegetation of significant value is located on site and the development of the development will not affect the overall ecological connectivity of the surrounding environment. This was confirmed and supported by CapeNature in their correspondence dated 21 June 2021. In terms of the installation of the proposed sewer pipeline, there is pristine indigenous vegetation present at least 30m away from the proposed route alternative. However, with the implementation of the mitigation measures made in the EMPr, the impacts can be reduced to a low negative.

The Cape Flats Aquifer underlies the site. Considering the importance of protection of the aquifer, stormwater management on site will be designed to ensure it meets the requirements of the City's Sustainable Urban Drainage Policy. This policy requires control measures on site to limit post-development outflow to the estimated existing (undeveloped) discharge rates for the 10- and 50-year storm events. It also necessitates measures to reduce suspended solids by 80% and total phosphorus by 45% in the stormwater runoff produced by a development.

3.5 Heritage, sense of place/visual impacts

It is recognised that the Cape Flats Aquifer, which is an important environmental resource also constitutes a heritage resource given its historical and continued significance as a water source for the farming community of the PHA and residents in the City of Cape Town. The development will however not impact on the aquifer, as the stormwater management system will be designed and implemented in accordance with the Sustainable Urban Drainage System requirements of the City of Cape Town.

The sense of place and visual impacts of the proposed development was considered as part of the EIA process. A heritage practitioner, Ms. Lize Malan was appointed by the applicant to identify potential impacts on heritage resources as a result of the proposed development of the site. A Notice of Intent to Develop was submitted to HWC. HWC confirmed in a correspondence dated 1 October 2019, that there is no reason to believe the development will impact on any heritage resources and that no further action under Section 38 of the National Heritage Resource Management Act, 1999 (Act No. 25 of 1999) is required. As such, no heritage impacts are anticipated. However, the City of Cape Town: Environmental and Heritage Management, Heritage Resource Section in their correspondence dated 22 June 2021, noted that the site is located adjacent to the core PHA and within the proposed PHA Heritage Protection Overlay zone which is currently actively farmed and contributing to the agricultural cultural landscape and is within a strategic position at the entrance to the PHA. Considering the very high significance of the PHA, which has been identified by independent heritage practitioners as being worthy of a grade of 3A and potentially grade 2 (Provincial Heritage Site), a report addressing the heritage impacts associated with the proposed development will be a requirement from HRS during the land use processing application with the City of Cape Town.

3.6 Traffic Impacts

Based on the findings of the Traffic Impact Assessment dated April 2020 compiled by GIBB (Pty) Ltd, recommendations were made for upgrades of roads and civil infrastructure to ensure that the development will not impact on the bulk infrastructure or roadways in the surrounding area.

Currently, most intersections in the study area operate adequately with the exception of some that has capacity constraints during peak times. Mitigation measures are therefore required at these intersections as a result of existing traffic conditions with signalisation already warranted at both the Jakes Gerwel Drive / Wespoort Drive and Morgenster Road / Weltevreden Road intersections. These existing constraints will further deteriorate for the background 2025 traffic scenario.

Details regarding the impact management actions related to traffic during construction phase of the development is included in the EMPr. A Traffic Accommodation Plan will be prepared by the

contractor which will be subject to approval by both the engineer as well as the relevant department within the City of Cape Town. This must be incorporated within the relevant section of the EMPr to be amended and resubmitted to this Department as per Condition 10 of this EA (herewith authorised).

3.7 Dust and Noise impacts

Construction activities (mainly site clearing and use of mechanical equipment) will generate noise and associated volumes of dust during weekly construction hours. The EMPr includes dust and noise control measures that will be implemented on site and at areas of high dust generation.

The development will result in negative and positive impacts

Negative impacts:

- Loss of agricultural land;
- Heritage/Visual impacts; and
- Traffic impacts.

Positive impacts:

- Increase in the socio-economic impacts by contributing positively to the local economy;
- Provision of essential amenities (retail, educational, medical) that cater to the surrounding communities; and
- The development will provide employment opportunities.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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