



EIA REFERENCE NUMBER: 16/3/3/1/A3/20/2026/19
NEAS REFERENCE NUMBER: WCP/EIA/0000600/2019
ENQUIRIES: AYESHA HAMDULAY
DATE OF ISSUE: 2019 -09- 20

Ms Erika Laker
P O Box 118
GORDON'S BAY
7151

Tel.: (021) 845 8335
Fax: (021) 845 8552

Dear 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 AN INDUSTRIAL PARK ON PORTIONS 9 AND 10 OF THE FARM NO. 959 FIRLANDS, GORDON'S BAY

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 hereby 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

Copied to: Ms Mische Molife

(Pieter Badenhorst Professional Services)

Fax: (086) 476 7134



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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 DEVELOPMENT OF AN INDUSTRIAL PARK ON PORTIONS 9 AND 10 OF THE FARM NO. 959 FIRLANDS, GORDON'S BAY

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 that is described in the Basic Assessment Report ("BAR") received by this Department on 21 June 2019.

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

Ms Erika Laker
P O Box 118
GORDON'S BAY
7151

Tel.: (021) 845 8335
Fax: (021) 845 8552

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Item 27 of GN No. R.983 (as amended): <i>“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i></p> <ul style="list-style-type: none"> <li data-bbox="284 539 826 607"><i>(i) the undertaking of a linear activity; or</i> <li data-bbox="284 618 826 752"><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.”</i> 	<p>The open shaded storage area and associated infrastructure on Portions 9 and 10 of the Farm No. 959 Firlands, Gordon's Bay will require the clearance of more than 1ha of indigenous vegetation.</p>
<p>Item 04 of GN No. R.985 (as amended): <i>“The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <li data-bbox="363 1032 826 1133"><i>i. Areas zoned for use as public open space or equivalent zoning;</i> <li data-bbox="363 1144 826 1581"><i>ii. Areas outside urban areas;</i> <ul style="list-style-type: none"> <li data-bbox="448 1178 826 1279"><i>(aa) Areas containing indigenous vegetation;</i> <li data-bbox="448 1290 826 1581"><i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i> <li data-bbox="363 1592 826 1995"><i>iii. Inside urban areas:</i> <ul style="list-style-type: none"> <li data-bbox="448 1626 826 1693"><i>(aa) Areas zoned for conservation use; or</i> <li data-bbox="448 1704 826 1995"><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.”</i> 	<p>The access road along the western boundary of the site will be wider than 4 metres with a road reserve of less than 13.5m on Portions 9 and 10 of the Farm No. 959 Firlands, Gordon's Bay.</p>

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

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

The development of an industrial park on Portions 9 and 10 of the Farm No. 959 Firlands, Gordon's Bay, which consists of a hardened surface on which approximately 494 shaded warehousing (storage) units will be established, a security/office building and associated infrastructure. No development will be undertaken within the existing electrical servitude that traverses the northern section of the site.

Temporary Access

The existing gravel Lazena Firlands Road utilized to access the site will be abandoned when construction is initiated on the site. As part of the planned future road network of Helderberg, the future Bloubos Road is proposed as a Class 3 route and falls within the western boundary of the site. Temporary access to the site will be gained by the construction of a temporary route along the Bloubos Road alignment toward the TR2/2 Trunk Road intersection. This temporary route will form a direct link with the site's western boundary and the TR2/2 Trunk Road. This temporary route will be abandoned once Bloubos Road is constructed to its final design levels.

Future Access

The future Bloubos Road will form a dual carriageway and form a signalised intersection at the existing Firlands Minor Road intersection. The future N2 National Road's reserve is located along the northern boundary of the site. No direct crossing will be constructed at the intersection of the N2 National Road and Bloubos Road. The future access to the site will therefore be from the future Bloubos Road alignment, which will form an underpass of the future N2 National Road.

Stormwater Retention Pond

A stormwater retention pond of approximately 500m³ capacity will be developed on the south-western part of the site. The outlet of the stormwater retention pond will be discharged into the existing downstream stormwater system.

Sewerage Removal

A conservancy tank will be constructed for the proposed security/office building. The hydraulic loading for this sewerage system is approximately 0.150kl/day.

Potable Water Supply

There is currently no water supply available at the proposed development. The developer will therefore install an approximately 750ℓ water tank to provide water for the security/office building personnel. The storage tank will be elevated as necessary and the Holder will be responsible for water supply to the water tank.

Fire Requirements

The fire protection requirement for the development is two (2) wall mounted fire extinguishers located at the security/office building, the provision of a twin typical booster connection in close proximity to the security/office building (point C of Annexure 2), and the installation of fire reticulation from the booster connection, including the associated fire hydrants.

Refuse Removal Services

Refuse removal will be handled by the City of Cape Town as per standard service to the Firlands area.

Electricity

Electricity will be provided by Eskom.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portions 9 and 10 of the Farm No. 959 Firlands, Gordon's Bay.

The SG 21-digit codes for the said land parcels are as follows:

Portion 9 of the Farm No. 959 Firlands, Gordon's Bay	C0670000000095900009
Portion 10 of the Farm No. 959 Firlands, Gordon's Bay	C06700100000095900010

The geographic co-ordinates for the land parcels are given below:

Property	Latitude (S)	Longitude (E)
Portions 9 and 10 of the Farm No. 959 Firlands, Gordon's Bay	34° 07' 47.43"	18° 53' 30.77"

Refer to Annexure 1: Locality Plan(s).

Refer to Annexure 2: Site Map(s).

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Pieter Badenhorst Professional Services
C/O Ms Mische Molife
P O Box 1058
WELLINGTON
7654

Tel.: (021) 873 7228

Fax: (086) 476 7134

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 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.
3. This Environmental Authorisation is granted for–
 - 3.1. A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and

- 3.2. A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the development/ construction phase, must be concluded.
4. The listed activities that have been authorised must only be carried out on the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
5. 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.
6. 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

7. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 8, 9, 13 and 23

Notification of Environmental Authorisation and Administration of Appeal

8. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 8.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 8.1.1. the decision reached on the application;
 - 8.1.2. the reasons for the decision as included in Annexure 3;
 - 8.1.3. the date of the decision; and
 - 8.1.4. the date when the decision was issued.
 - 8.2. 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;
 - 8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 8.4. provide the registered I&APs with the:
 - 8.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 8.4.2. name of the responsible person for this Environmental Authorisation,
 - 8.4.3. postal address of the holder,
 - 8.4.4. telephone and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,
 - 8.4.6. 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

9. The listed activities, including site preparation, must not be commenced with within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
10. 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 Activities

11. The EMPr (submitted with the BAR for decision-making to this Department on 21 June 2019) is hereby approved and must be implemented.
12. The EMPr must be included in all contract documentation for all phases of implementation.

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.
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, and must be made available to any authorised official representing 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 of this Environmental Authorisation must, for the period during which this Environmental Authorisation and EMPr remain valid, conduct environmental audits. The 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).

In addition, the environmental audit report, must –

- 16.1. provide verifiable findings, in a structured and systematic manner, on–
 - 16.1.1. level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - 16.1.2. the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;

- 16.2. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3. evaluate the effectiveness of the EMPr;
 - 16.4. identify shortcomings in the EMPr;
 - 16.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6. indicate the date on which construction work was commenced with and completed or in the case where the authorised development is incomplete, the progress of the authorised development and rehabilitation;
 - 16.7. include a photographic record of the site applicable to the audit; and
 - 16.8. be informed by the ECO reports.
17. The first environmental audit must be undertaken within three (3) months of the authorised listed activities being commenced with. Subsequent environmental audits must be undertaken once a year during the construction phase of the authorised development. The final environmental audit report must be submitted to the Competent Authority within one calendar month of the final environmental audit being undertaken.
 18. 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.

Specific Conditions

19. 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.
 - 19.1. Heritage remains include: 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.
20. 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.
21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.
22. The holder of the Environmental Authorisation must ensure that adequate training is provided in the appropriate language to all on-site personnel, to help ensure that the conditions of the Environmental Authorisation are complied with and the EMPr requirements are met.

23. The exact boundary of the development footprint must be clearly demarcated before the authorised listed activities can be commenced with. All construction work must, as far as possible, be limited to within the authorised development footprint.
24. The conditions and fire protection requirements contained in the letter of comment from the City of Cape Town's Water and Sanitation Department dated 10 May 2019 must be adhered to. The conditions and fire protection requirements are attached hereto as Appendix A.
25. The recommendations contained in the Traffic Impact Assessment dated 18 January 2018 must be adhered to. The recommendations are attached hereto as Appendix B.
26. The conditions contained in the letter of comment from the South African National Roads Agency dated 20 March 2018 must be adhered to. The conditions are attached hereto as Appendix C.
27. Prior to departure/closure from the site, the contractor must ensure that all rubble, debris, cement deposits/residue, effluent, wash-off, building materials, builder's infrastructure, signage, machinery etc., associated with the development proposal and contractors' camp site are removed and the affected areas are cleaned appropriately.

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 any Condition of this Environmental Authorisation or approved EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.
4. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.
5. 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.
6. 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.
7. 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.
8. The manner and frequency for updating the EMPr must be as follows:
 - 8.1. 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.

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 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 3721)
Room No. 809
08th Floor Utilitas Building, 01 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 at the address listed above and/ or via e-mail to DEA&DP.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: DEA&DP.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 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 greatly appreciated.

Yours faithfully



MR ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 20/09/2019

Copied to: Ms Mische Molife

(Pieter Badenhorst Professional Services)

Fax: (086) 476 7134

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/1/F5/16/2023/19

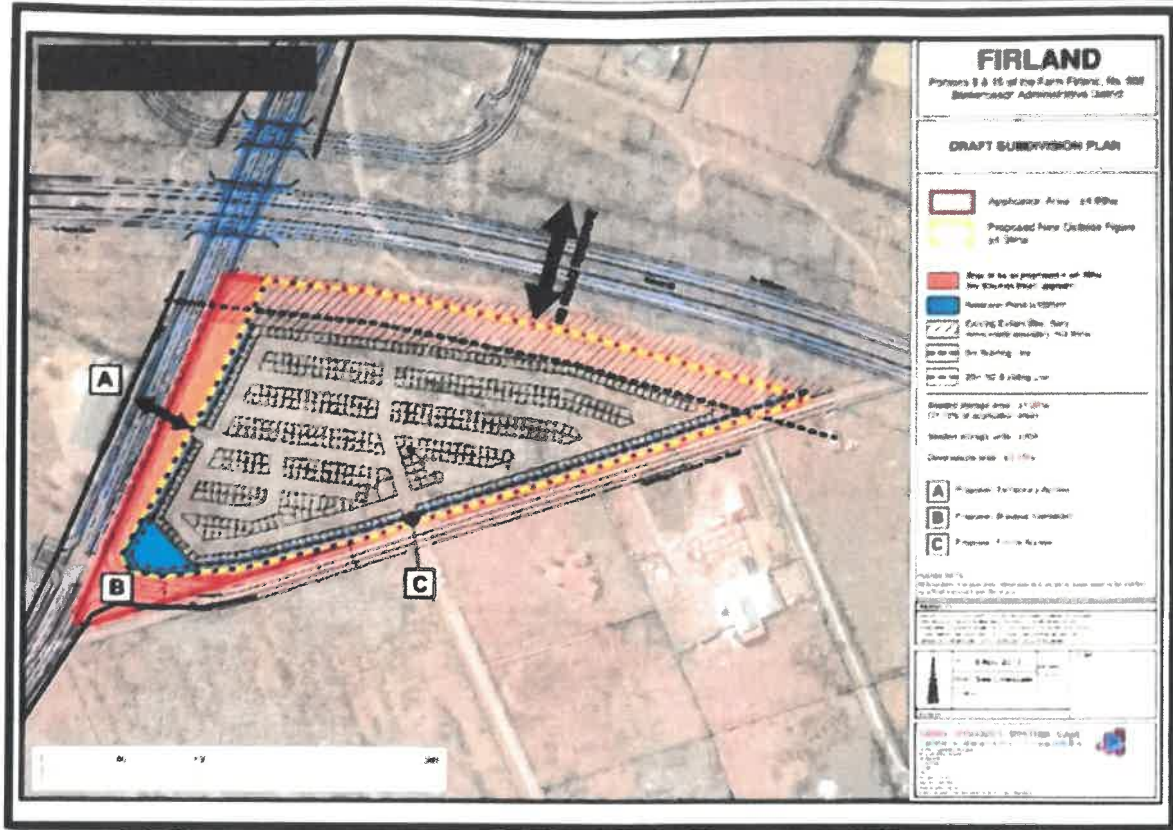
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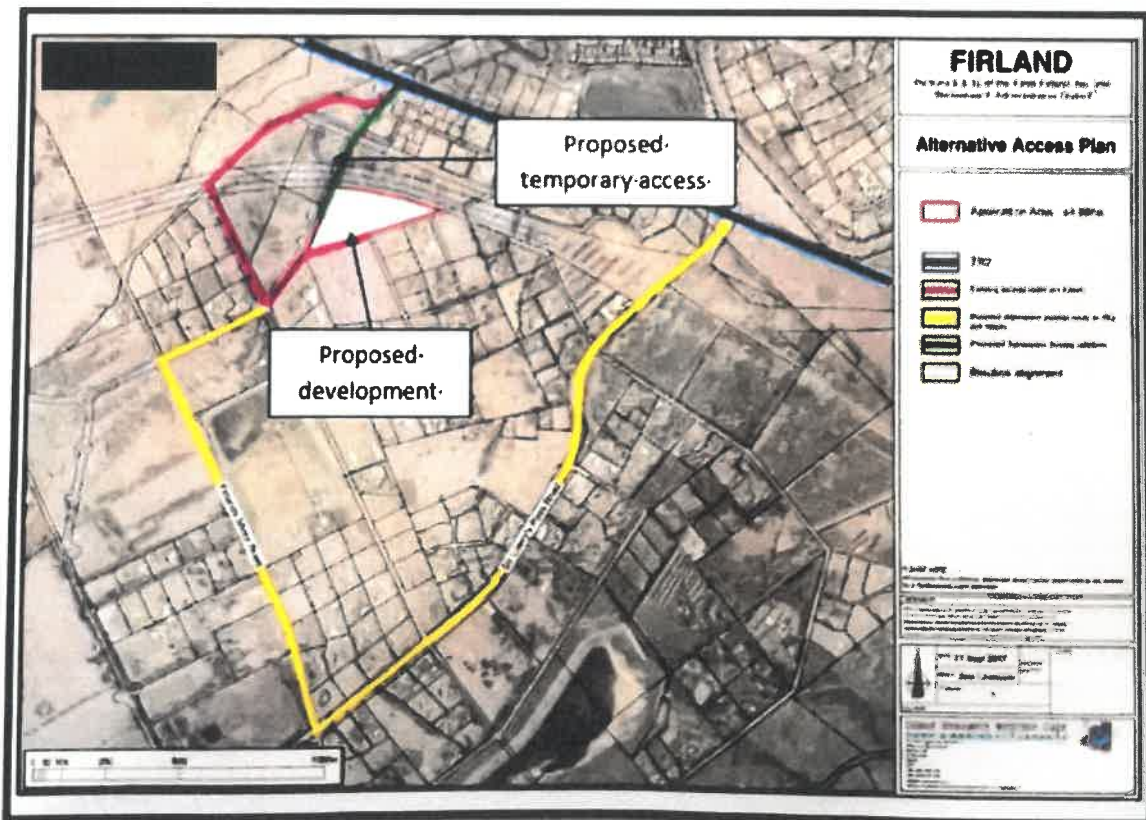
ANNEXURE 1: LOCALITY PLAN(S)



ANNEXURE 2: SITE MAP



Proposed layout of the shaded storage development



Proposed temporary access road (indicated in green)

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received by this Department on 09 May 2019, and the EMPr submitted together with the BAR on 21 June 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives;
- 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 BAR;
- e) The balancing of negative and positive impacts and proposed impact mitigation measures; and
- f) No site visit was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The Public Participation Process ("PPP") undertaken during the pre-application and formal EIA application processes:

- Identification of I&APs, including the surrounding landowners, the City of Cape Town and other relevant Organs of State and State Departments;
- An advertisement was placed in the '*Helderberg Gazette*' on 20 February 2018, notifying potential I&AP of the development proposal and of the opportunity to register as an I&AP between 23 February 2018 and 26 March 2018;
- Fixing site notices along the site boundary on 22 February 2018, 23 October 2018 and 10 May 2019;
- A notice, which included an executive summary of the development proposal was sent to all registered I&APs and neighbours for a commenting period of thirty (30) days on the pre-application BAR between 23 February 2018 and 26 March 2018;
- An advertisement was placed in the '*Helderberg Gazette*' on 23 October 2018, notifying potential I&AP of the development proposal and of the opportunity to register as an I&AP between 29 October 2018 and 28 November 2018;
- A notice, which included an executive summary of the development proposal was sent to all registered I&APs and neighbours for a commenting period of thirty (30) days on the consultation BAR between 29 October 2018 and 28 November 2018;
- A notice, which included an executive summary of the development proposal was sent to all registered I&APs and neighbours for a commenting period of thirty (30) days on the revised consultation BAR between 24 January 2019 and 22 February 2019;
- An advertisement was placed in the '*Helderberg Gazette*' on 14 May 2019, notifying potential I&AP of the development proposal and of the opportunity to register as an I&AP between 14 May 2019 and 12 June 2019;
- A notice, which included an executive summary of the development proposal was sent to all registered I&APs and neighbours for a commenting period of thirty (30) days on the consultation BAR between 14 May 2019 and 12 June 2019;
- A copy of all reports were submitted to the Competent Authority for comment as is required in terms of the EIA Regulations, 2014 (as amended).

The following State Departments and/or Organs of State were provided with an opportunity to comment on the development proposal:

- South African National Roads Agency ("SANRAL");
- Western Cape Government: Transport and Public Works;
- Western Cape Government: Agriculture;
- City of Cape Town;
- Heritage Western Cape; and
- CapeNature.

This Department is satisfied that the PPP followed met the minimum legal requirements in terms of the EIA Regulations, 2014 (as amended).

2. Alternatives

Alternative 1

This alternative entails the subdivision of the site into seven (7) erven and the inclusion of an approximately 16m wide internal road. Access to the site is proposed along the southern site boundary. This alternative includes the establishment of bulk stormwater infrastructure by the City of Cape Town.

This alternative is deemed undesirable, as this alternative traverses the Eskom electrical servitude and there is insufficient unallocated bulk stormwater infrastructure from the City of Cape Town to accommodate this development proposal on the site. Additionally, the south-western section of the site falls within the future N2 National Road re-alignment. This alternative was therefore discarded.

Preferred Alternative (Herewith Authorised)

The development of an industrial park on Portions 9 and 10 of the Farm No. 959 Firlands, Gordon's Bay, which consists of a hardened surface on which approximately 494 shaded warehousing (storage) units will be established, a security/office building and associated infrastructure. No development will be undertaken within the existing electrical servitude that traverses the northern section of the site.

Temporary Access

The existing gravel Lazena Firlands Road utilized to access the site will be abandoned when construction is initiated on the site. As part of the planned future road network of Helderberg, the future Bloubos Road is proposed as a Class 3 route and falls within the western boundary of the site. Temporary access to the site will be gained by the construction of a temporary route along the Bloubos Road alignment toward the TR2/2 Trunk Road intersection. This temporary route will form a direct link with the site's western boundary and the TR2/2 Trunk Road. This temporary route will be abandoned once Bloubos Road is constructed to its final design levels.

Future Access

The future Bloubos Road will form a dual carriageway and form a signalised intersection at the existing Firlands Minor Road intersection. The future N2 National Road's reserve is located along the northern boundary of the site. No direct crossing will be constructed at the intersection of the N2 National Road and Bloubos Road. The future access to the site will therefore be from the future Bloubos Road alignment, which will form an underpass of the future N2 National Road.

Stormwater Retention Pond

A stormwater retention pond of approximately 500m³ capacity will be developed on the south-western part of the site. The outlet of the stormwater retention pond will be discharged into the existing downstream stormwater system.

Sewerage Removal

A conservancy tank will be constructed for the proposed security/office building. The hydraulic loading for this sewerage system is approximately 0.150kl/day.

Potable Water Supply

There is currently no water supply available at the proposed development. The developer will therefore install an approximately 750l water tank to provide water for the security/office building personnel. The storage tank will be elevated as necessary and the Holder will be responsible for water supply to the water tank.

Fire Requirements

The fire protection requirement for the development is two (2) wall mounted fire extinguishers located at the security/office building, the provision of a twin typical booster connection in close proximity to the security/office building (point C of Annexure 2), and the installation of fire reticulation from the booster connection, including the associated fire hydrants.

Refuse Removal Services

Refuse removal will be handled by the City of Cape Town as per standard service to the Firlands area.

Electricity

Electricity will be provided by Eskom.

'No-Go' Alternative

The 'No-Go' option entails maintaining the status quo on the site. This means abandoning the current development proposal and leaving the site as unused agricultural land that is prone to illegal dumping and squatting. This alternative was therefore deemed undesirable.

3. Key Factors Affecting the Decision

In reaching its decision to grant authorisation for the development proposal, this Department took into account the following:

3.1 Need and Desirability

The development proposal falls within the emerging economic node of Gordon's Bay, as specified in the Spatial Development Framework. The development proposal is a light industrial development and will therefore contribute to the local economy. The development proposal will help relieve unemployment levels in the vicinity of the site by securing temporary employment opportunities and providing some permanent employment opportunities as well.

3.2 Planning Context

The applicant will submit an application in terms of the relevant land use planning legislation to the Swartland Municipality, in order to obtain the necessary approval for the development proposal on the site.

3.3 Botanical Impacts

The site would have historically contained Vulnerable Cape Winelands Shale Fynbos. According to the botanical specialist, the site is highly disturbed with scattered remnants of this Vulnerable vegetation type and is unlikely to be rehabilitated to the extent that the site will be able to contribute significantly to the conservation of this Vulnerable vegetation type or recover as a functional ecosystem. No rare or threatened (Red Listed) species were found on the site.

In light of the fact that the site has a very low conservation value from a botanical perspective according to the botanical specialist, the impact of the development proposal on biodiversity will be of low significance and the site can be developed without resulting in a significant loss of this vegetation type.

3.4 Traffic Impacts

The site will be accessed from the TR2/2 Trunk Road situated along the future Bloubos Road alignment. The Bloubos Road alignment will form an underpass of the future N2 National Road. The intersection of the access road at the existing farmstall will require minor road-stop control in order to accommodate the trips generated by the development proposal.

The additional trips generated by the development proposal will result in a very low significance rating on the surrounding road network and the impact will therefore be minimal.

3.5 Heritage Resources

Heritage Western Cape in the correspondence dated 12 March 2018 confirmed that no further action in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. No mitigation is therefore required prior to construction work being commenced with on the site.

In addition to this, 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.

3.6 Dust and Noise Impacts

The applicant is required to implement the dust and noise control measures contained in the EMP. The implementation of these measures will help to ensure that the potential dust and noise impacts of the development proposal are adequately mitigated.

3.7 Socio-economic Impacts

The proposed development will allow for the creation of some temporary and permanent employment opportunities during the development and operational phases as well as skills acquisition.

The proposed development will result in both negative and positive impacts.

Negative impacts include:

- Some visual impacts;
- Potential fire risk; and
- Some noise and dust impacts.

The Competent Authority took into consideration the abovementioned negative impacts and although some impacts cannot altogether be prevented/avoided, they can be mitigated/reduced to acceptable levels.

Positive impacts include:

- The development proposal will create some temporary and permanent employment opportunities during the development and operational phase, thereby alleviating unemployment in the area to a certain extent; and
- The development proposal will deter people that have been using the site for illegal dumping and squatting.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the listed activities can be mitigated to acceptable levels.

-----END-----

APPENDIX A

Conditions and fire requirements contained in the letter of comment from the City of Cape Town's Water and Sanitation Department dated 10 May 2019

Conditions

CONDITIONS

The Water and Sanitation Department requires the following conditions to be met:

1. Development contributions is payable as per the DC policy, to be quantified by the Reticulation Regional Operations Manager
2. The water main to supply the area South of the N2 must be installed.
3. The upgrade of the Macassar WWTW has to be completed, expected December 2024
4. All link services are required to be installed prior to occupation.
5. There needs to be confirmation of a tanker service to clear the proposed conservancy tank on a regular basis.

ADDITIONAL TECHNICAL REQUIREMENTS

6. The owner is responsible for application for the new water meter or sewer connection including for relocation, at the standard tariff to the Reticulation Regional Operations Manager.
7. Handover of any municipal water and sanitation services will be subject to quality control during construction.

Fire Requirements

Provision for fire, as per the consultant, this type of development can be considered as similar to a caravan park.

Fire requirements / provision will be as follows:

- Two wall mounted fire extinguishers in the office / security building.
- Provide twin typical booster connection at a convenient position.
- Install fire reticulation from the booster connection including fire hydrants

APPENDIX B

Recommendations contained in the Traffic Impact Assessment dated 18 January 2018

7 CONCLUSIONS AND RECOMMENDATIONS

This traffic impact assessment has been prepared for the proposed development of Firlands Farm 959 Portions 9 & 10, Strand. The site is proposed to consist of approximately 1.56 ha GLA, which will operate as an open shaded storage facility.

Manual intersection counts were performed for the weekday AM peak and PM peak period at the TR2/2 / Firlands Minor Road intersection, the intersection of Firlands Minor Road with the Shell garage access road and also with the farmstall.

The trip generation rates that were used for the analysis were taken from TMH17 for *mini-warehousing* land use. The total trips generated by the development were estimated to be 23 trips for the AM peak and 39 trips for the PM peak period. Capacity analyses indicate that an LOS D is achieved for the base year scenario with and without development at the TR2/2 / Firlands Minor Road intersection for both the AM and PM peak periods. Intersections with the access roads to the Shell garage and with the farm stall above achieved a worst case of LOS B and were not considered critical intersections.

A queue length analysis was also performed to determine whether the warrants for signalisation of the intersection TR2/2 / Firlands Minor Road intersection would be met. The warrant analyses indicate that the existing conditions at the intersection do not warrant signals.

It is also proposed that access to the site be gained from the TR2/2, along the future Bloubos Road alignment. The future Bloubos Road alignment will form an underpass with the future N2. The temporary alignment is proposed to be constructed at-grade. This temporary route is proposed to be in use until the future underpass is constructed.

The intersection of the access road at the existing farmstall access will require minor road stop-control.

The assessment of the provision of non-motorised transport and public transport facilities due to the site indicate that no separate provision for these facilities is required.

From the traffic engineering investigations set out in the report, it is found that the proposed development will have minimal impact on the transport network and is supported for implementation from a traffic engineering perspective, provided the intersection control at the farmstall access is addressed as proposed.

APPENDIX C

Conditions contained in the letter of comment from the South African National Roads Agency dated 20 March 2018

The South African National Roads Agency SOC Limited (SANRAL) approved your application in terms of section 49 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998), subject to the following conditions:

1. The development as indicated on the Draft Subdivision Layout, dated 8/11/2017 drawn by Urban Dynamic Western Cape, is hereby approved.
2. Prior to the approval of a general plan over that portion of the layout relating to sites adjoining the national road, where minor changes are required, the layout may be amended with approval of the SANRAL.
3. For the purpose of paragraph 2 above, "minor changes" shall mean changes that entail amendments to the layout to accommodate engineering design issues such as the swapping of a turning head from one side of the road to another, the relocation of a panhandle, the change of shape of a turning circle, the opening of a storm water lane, the upgrading of a foot path to a road, the shortening or lengthening of a cul-de-sac, the re-alignment of a road or a site boundary for topographical reasons, the rationalisation of site boundaries to accommodate cut and fill banks for roads and site platforms, as well as amendments to accommodate local survey modifications arising from the rationalisation of survey pegs to accommodate existing structures, fences, infrastructure and/or other topographical features.
4. A permanent 2m high brick wall/fence must be erected on the boundary of the land development area and the national road reserve. Detailed plans of the proposed wall must be submitted to the SANRAL for approval prior to the erection thereof. The maintenance of the wall will be the responsibility of the property owner/successor in title/Home Owners Association.
5. Where substantial amendments to that portion of the layout relating to sites adjoining the national road are required, the written approval of the SANRAL shall be required.
6. Upon approval of a general plan over the site adjoining the national road, the layout may be amended or cancelled in terms of section 37 (2) of the Land Survey Act, (Act 8/1997) with the prior consent of the SANRAL.
7. No structure or other thing (including anything which is attached to the land on which it stands even though it does not form part of that land) shall be erected, laid or established within the land development area within a distance of 20 meters from the boundary of the national road without the written approval of the SANRAL.
8. No direct access or egress from the land development area to the future national road shall be permitted.
9. The SANRAL will not be liable for any damage or diminishment in value of the land development area arising out of any impact on the proposed development as result of existing or future storm water drainage from the national road.
10. Such facilities as are necessary for the control and disposal of storm water from the land development area shall be constructed to the satisfaction of the SANRAL. Prior to the establishment of the proposed development a storm water accommodation plan must be submitted to SANRAL for approval.
11. No free standing advertising signs will be allowed in terms of Regulations on Advertising on or visible from the National Road as published in Government Gazette no 6968 dated 22 December 2000.
12. The SANRAL shall not be held liable to any party should it be found at any time in the future that noise, air pollution and light pollution emanating from the national road presents a problem to the development adjacent to the national road. The developer/successor in title/local authority shall be responsible for taking such steps as may be necessary to reduce the impact of such noise, air and/or light pollution.
13. The aforementioned provisions shall be recorded in the title deeds of each of the property.
14. The written confirmation of the SANRAL, that the conditions referred to herein have been fulfilled to its satisfaction, shall be required prior to occupation of the site. The applicant/developer shall provide SANRAL with a certificate from a professional consulting engineer certifying that the design and construction of all services and other improvements referred to in these conditions have been undertaken to the required standards.

15. The approval granted herein by the SANRAL does not exempt the developer from the provisions of any other legislation.
16. This approval shall bind any successor-in-title to the land on which the structures have been established. This approval shall bind any successor-in-title to the land on which the structures have been established. This approval does not exempt the applicant from the provisions of any other Act.
17. In terms of Section 50(1) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No.7 of 1998), no person may, unless authorised by SANRAL or otherwise in terms of Section 50(2), - display and advertisement on a national road, or permit it to be displayed; display, outside an urban area, any advertisement visible from a national road, or permit any advertisement which is so visible, to be displayed; display any advertisement visible from a national road in an urban area, on any land adjoining the national road or on land separated from the national road by a street, or permit it to be displayed.
18. SANRAL shall not be involved in any expenditure in connection with and shall not be responsible or liable for:
- the erection of any structures
 - any financial expenditure or loss in the event of SANRAL ordering the removal or shifting or relocation of anything related to this approval
 - any financial responsibility or liability for any claim from the applicant which may occur from the lapsing of the approval.