



REFERENCE: 16/3/3/1/B3/38/1001/18
NEAS REFERENCE: WCP/EIA/0000349/2018
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: **2018 -07- 27**

The Municipal Manager
Drakenstein Municipality
PO Box 1
Paarl
7622

Attention: Mr. Louis Schlechter

Tel: (021) 807 6236
Fax: (021) 870 1523

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED SITE DEVELOPMENT FRAMEWORK FOR WELLINGTON INDUSTRIAL PARK ON ERF NO. 34, WELLINGTON

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt** the Maintenance Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) M Penwarden (Chand Environmental Consultants)
(2) A Roelf (Drakenstein Municipality)

Email: marielle@chand.co.za
Email: ashleyr@drakenstein.gov.za



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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED SITE DEVELOPMENT FRAMEWORK FOR THE EXPANSION AND REDEVELOPMENT OF THE WELLINGTON INDUSTRIAL PARK ON ERF NO. 34, WELLINGTON

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 Alternative 1 and Layout Option 2, described in the Basic Assessment Report ("BAR"), dated 11 April 2018.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (Government Notice ("GN") No. 324, 325, 326 and 327 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby adopts the Maintenance Management Plan for the watercourse elements for the expansion and redevelopment of the Wellington Industrial Park included as Appendix 8 in the BAR dated 11 April 2018.

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

The Municipal Manager
Drakenstein Municipality
% Mr. Louis Schlechter
PO Box 1

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828 Fax: +27 21 483 3633
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Private Bag X9086, Cape Town, 8000
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Paarl

7622

Tel: (028) 261 1565

Fax:(086) 768 5817

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activities/Project Description
<p>EIA Regulations Listing Notice 1 of 2014-</p> <p>Activity Number: 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse -</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</p> <ul style="list-style-type: none">(a) will occur behind a development setback;(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;(c) falls within the ambit of activities 21 in this Notice, in which case that activities applies,(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or(e) where such development is related to the development of a port or harbour, in which case activities 26 in Listing Notice 2 of 2014 applies.	<p>The expansion and redevelopment will require more than 10 cubic metres of infilling.</p>
<p>Activity Number: 27</p> <p>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 -</p> <ul style="list-style-type: none">(i) the undertaking of a linear activity; or(ii) maintenance purposes undertaken in accordance with a maintenance management plan.	<p>The proposed expansion and redevelopment will result in the clearance of more than a hectare of indigenous vegetation.</p>
<p>EIA Regulations Listing Notice 3 of 2014-</p> <p>Activity Number: 12</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where</p>	<p>The development will require the clearance of more than 300 square metres of critically endangered indigenous vegetation.</p>

such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

Western Cape

- 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;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.

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 as it relates to the development:

The proposal entails the development of a Site Development Framework ("SDF") for the entire precinct to allow for the expansion and redevelopment of the Wellington Industrial Park, consisting of a mixture of municipal/utility uses, industrial use, mixed-use, as well as community areas, open spaces and an ecological corridor. Certain road upgrades will be required, but the primary access will be via Champagne Street. The land uses will be divided into the following precincts:

- Existing Golf Course;
- Additional Industrial Use of up to 45.8ha;
- Mixed-Use of up to 19 ha;
- Utilities and Services of up to 80.5 ha; and
- An Environmental Corridor and Public and Private Open Spaces of up to 190 ha.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf 34, Wellington Industrial Park, Oudebrug Street, Wellington.

Co-ordinates: 33° 39' 27.13"S
18° 58' 39.88"E

The SG21 digit code is: C05500100000003400000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Chand Environmental Consultants (Pty) Ltd
% Ms Marielle Penwarden
PO Box 238
PLUMSTEAD
7801

Tel.: (021) 762 3050
Fax: (021) 762 3240

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 Site Alternative A, described in the BAR dated 11 April 2018 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **20 years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be

necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of clearing and construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 12, 18 and 19

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 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 Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and
 - 7.4.6 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 2014 National Appeals Regulations (as amended).
8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activities

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The MMP adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including on a publicly accessible website.
14. 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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr, MMP, and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these 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 further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological 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.

17. A qualified archaeologist and/or palaeontologist 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.
18. A botanical search and rescue exercise must be undertaken with the guidance of a botanical specialist familiar with the vegetation types on the site prior to commencement of construction activities.
19. The construction footprint must be clearly demarcated prior to commencement of any construction activities and all vehicles and construction related activities must be prohibited outside of the demarcated footprint area.
20. The proposed ecological corridor must be formalised via CapeNature's Stewardship Programme within one year from the date of the environmental authorisation, with the appropriate category of formal stewardship to be determined after the review process.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry of the environmental authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which 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 Organs 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 Organs 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: 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 Jaap de Villiers (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 also 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 Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@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 HENRI FORTUIN

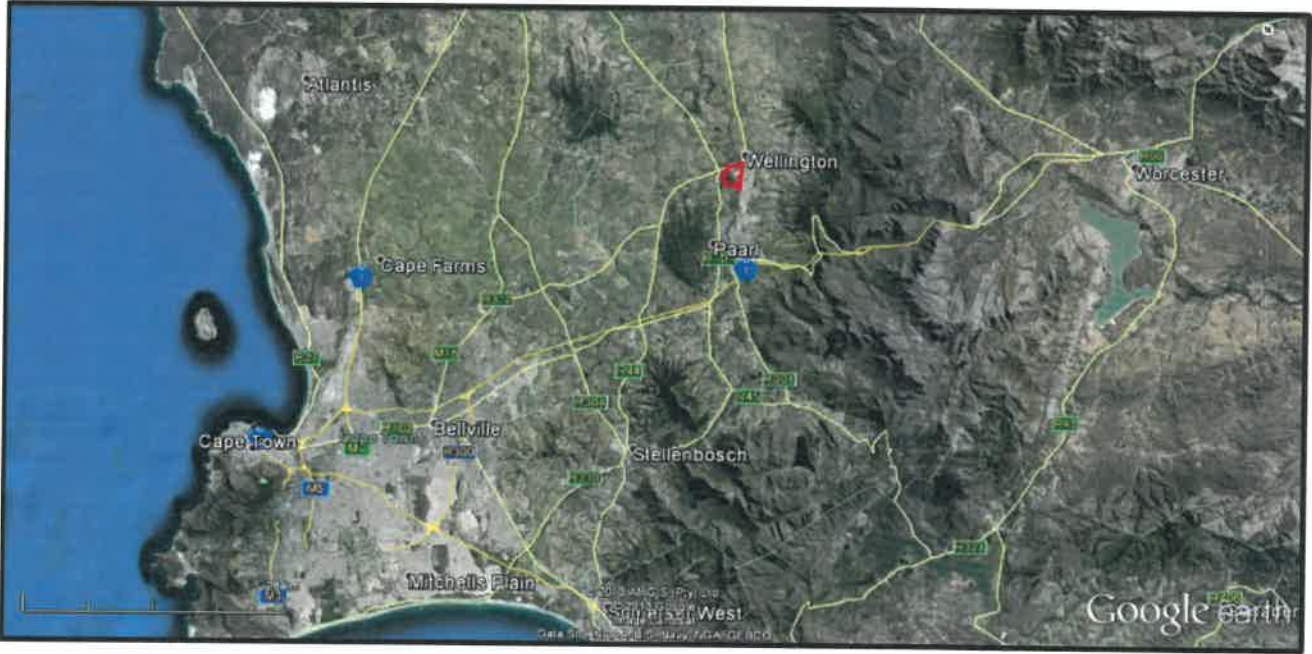
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 26-7-18

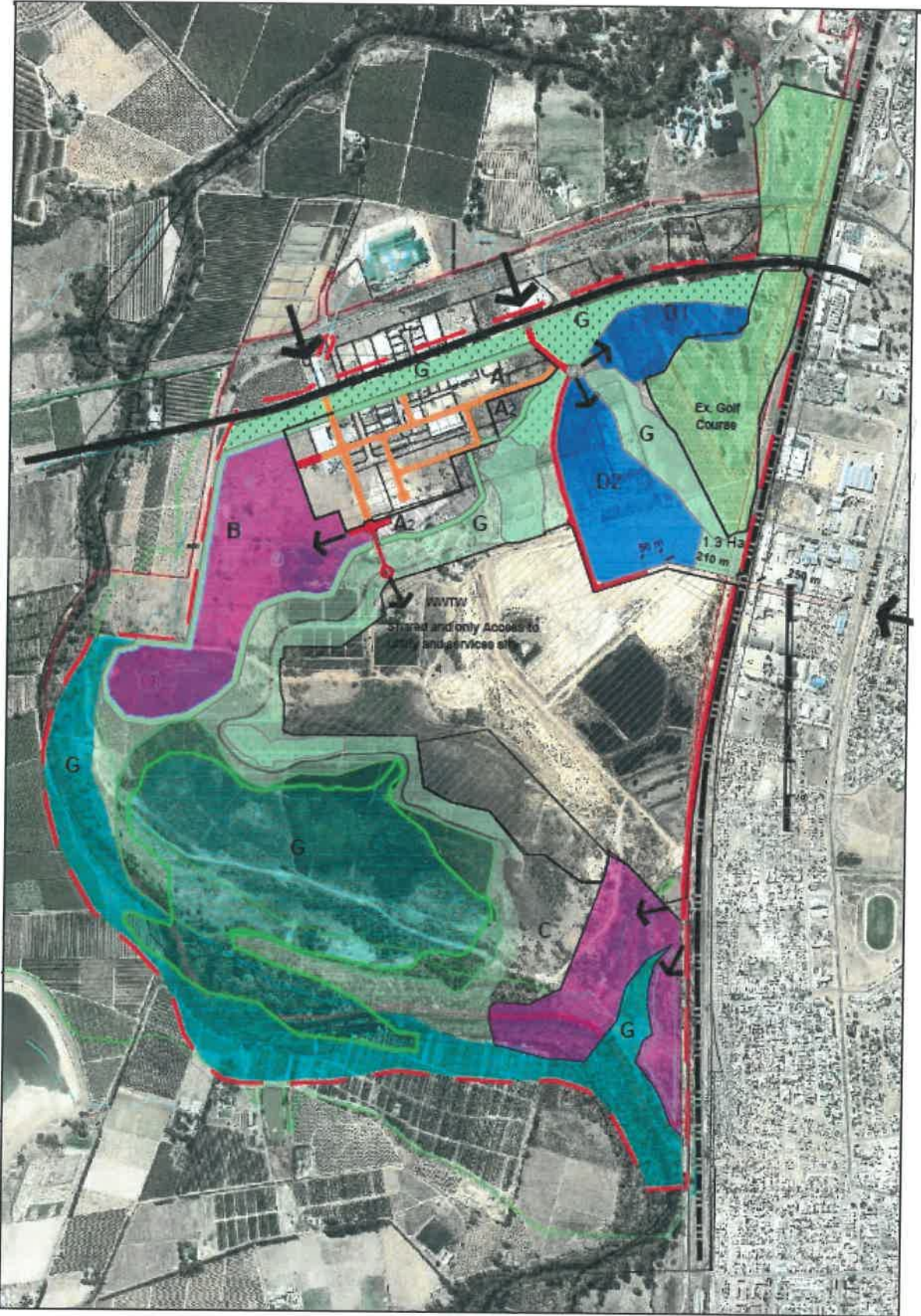
CC: (1) M Penwarden (Chand Environmental Consultants)
(2) A Roelf (Drakenstein Municipality)

Email: marielle@chand.co.za
Email: ashleyr@drakenstein.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



Wellington Industrial Precinct Site Development Plan


Spatial Framework
October 2017

Prepared for Knight Piesold

Development Clusters

A Industrial Erven

	A1 Existing Built up:	19.50 Ha
	Future Redevelopment	3.3 Ha
	A2 Proposed new Erven	


	B Industrial estate	25.50 Ha
	C Industrial estate	17.00 Ha

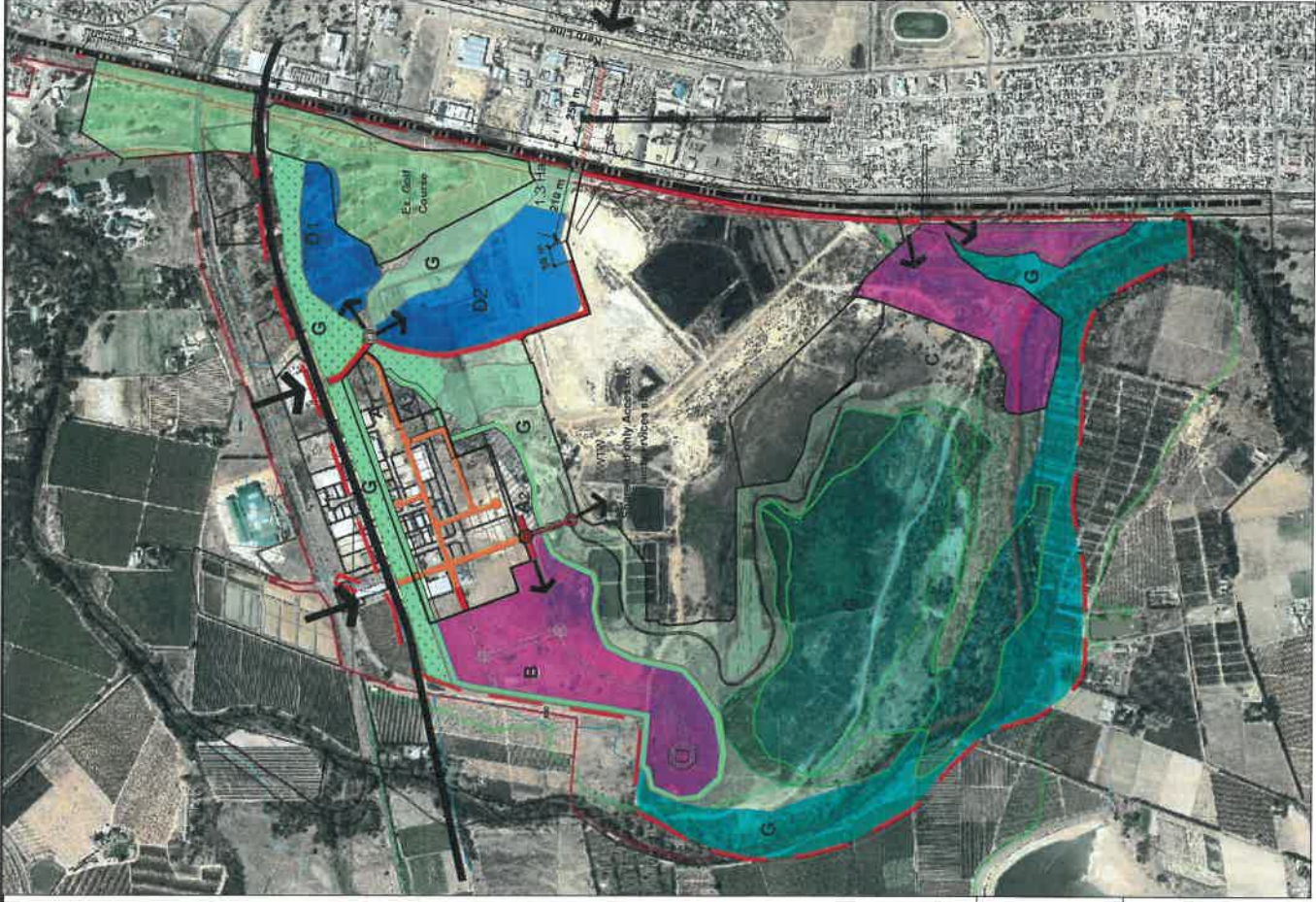
D Mixed uses

	D1 Outside Buffers	6.0 Ha
	D2 Inside Buffers	13.0 Ha


Total		
New Developable Land	72.80 Ha	
Existing Industrial	19.50 Ha	

	E Total Utilities and Services	80.50 Ha
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	G Environmental Corridor and associated facilities.
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Access and Movement

 Railway Line
 Urban vehicular network


 Access Points to Wellington Precinct

 Access points to Development areas (Sub-precincts)

Vehicular Public Roads
 (All vehicular roads will include NMT)


 Existing


 Proposed


 Future vehicular Link over railway reserve

 Other Roads

 Private estate Roads. Apt for Heavy vehicles

 Private roads with mutual and public access servitude. Parking Pool. No heavy vehicles

 NMT lane within

 Environmental corridor: Passive and active recreation (boardwalks, seating, jogging, cycling, bird watching, wheel chairs..)



MLS Urban Design

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form submitted on 15 January 2018 and the BAR together with the EMPr and MMP dated 11 April 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated 11 April 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures;

No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during 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:

- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 30 January 2018;
- Placing site notices on 31 January 2018 and 2 February 2018;
- Placing a newspaper advertisement the "Paarl Post" on 1 February 2018; and
- Circulating the in-process draft BAR to I&APs for public review from 2 February 2018.
- An open-house meeting was held on 15 February 2018.

Numerous concerns related to the proposed Waste-To-Energy facility were raised during the public participation process for this Basic Assessment process. It should be noted that although the proposed facility might be located within the municipal/utility space within the precinct, the proposal forms part of a separate Scoping and Environmental Impact Reporting process for which the National Department of Environmental Affairs is the competent authority.

All the concerns raised by I&APs were responded to and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process, and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

A number of alternatives were considered for the proposed development. These consisted largely of layout and bulk alternatives, which were scoped out based on feedback from I&AP's and specialist and project team input.

No site alternatives were considered since a Strategic Environmental Assessment ("SEA") conducted during 2014 determined that certain areas of the site would be appropriate for development. The site was specifically selected since existing industrial and municipal uses already occurred on the site. A number of suitable land uses were considered in the SEA and a constraints analysis was undertaken, earmarking developable land and areas in which development was not recommended.

Two development alternatives were assessed, namely maximum development permissible in terms of the zoning scheme (Alternative 1) and a reduced bulk alternative (Alternative 2). Since there was no difference between these two alternatives from a biophysical perspective, utilising the maximum potential of the site was deemed the preferred option, i.e. Alternative 1.

Subsequent to this, two layout alternatives (Option 1 and Option 2) were assessed by the botanist and freshwater ecologist. Both layouts consisted of the same mixed-use precincts. Following the assessment of Option 1, certain areas of the development footprint were realigned to exclude the identified sensitive environmental areas. Option 1 was therefore discarded since the proposed SDF allowed for development within the botanical and freshwater sensitive areas.

Option 2 (Herewith authorised):

The proposal entails the development of a SDF for the entire precinct to allow for the expansion and redevelopment of the Wellington Industrial Park, consisting of a mixture of municipal/utility uses, industrial uses, mixed-uses, as well as community areas, open spaces and an ecological corridor. Certain road upgrades will be required, but the primary access will be via Champagne Street. The land uses will be divided into the following precincts:

- Existing Golf Course;
- Additional Industrial Use of up to 45.8ha;
- Mixed-Use of up to 19 ha;
- Utilities and Services of up 80.5 ha; and
- An Environmental Corridor and Public and Private Open Spaces of up to 190 ha.

This layout considers one of the key mitigation measures with respect to the botanical and freshwater impacts, i.e. re-alignment of certain development portions of the SDF to fall outside the areas containing semi-intact natural vegetation, as well as freshwater areas and their associated buffer areas. The development proposal also consists of a mixed-use precinct incorporating sustainable systems such as harvesting and reuse of rainwater, grey-water recycling, sustainable storm-water systems, solar arrays and roof solar panels. Plans include a mix of municipal utility services, industrial use, community facilities and green open spaces. This layout is preferred as the proposed SDF does not allow for any development in the wetlands to the south of the site or within any botanically sensitive areas and incorporates an extensive ecological corridor.

"No-Go" Alternative

The 'no-go' alternative was considered. However, it is not preferred since it will not provide an opportunity to expand the existing industrial and municipal uses on the site and increase the economic viability of the site. In addition, the opportunity to conserve and maintain the environmentally sensitive areas on the site will be lost and the safety and security of the area will not be improved.

3. Impact assessment and Mitigation measures

3.1 Activities need and desirability

Wellington Industrial Park lies to the west of the urban edge of Wellington, to the south of the R44 (Champagne Street) and to the east of the Berg River within the Drakenstein municipal area. The footprint of the Wellington Industrial Park is 46 ha and consists of 22 serviced erven. Development is currently concentrated in the western portion of the park and some of the erven have not yet been developed. Currently there is a need for additional capacity for industrial use in Wellington and the lack of space for this type of development means that the proposed expansion and redevelopment of the existing industrial site for additional industrial and mixed-uses are crucial for the economic growth of the area and municipality. The proposed expansion of the Wellington Industrial Park and development of a Site Development Framework for the entire precinct will address this requirement. Furthermore, the SDF for Wellington earmarks the site for various types of development including new industrial development, green spaces and urban green links.

There are guiding principles in the SDF, which are observed through the proposed development. These principles include spatial justice, spatial efficiency, accessibility, and liveability. Spatial justice would be provided through the provision of mixed-use opportunities close to communities which need them. Spatial efficiency would result from the proposed development as the site would be used to its maximum potential, with the current industrial activities being expanded on and located in a single area close to the communities who work there. Accessibility to places of work and recreation would be provided through the proposed development and the principles of liveability would be invoked through the layout and architectural design of the precinct. Other spatial goals include increased inclusivity and productivity as well as the generation of opportunities in the urban economy. These principles would apply to the proposed expansion and redevelopment as the site would be accessible to all members of the public and further economic opportunities would be generated through unlocking mixed use for the site as well as expanding on the existing industrial area.

3.2 Biodiversity and Biophysical Impacts

The proposed expansion and redevelopment of the Wellington Industrial Park will result in the transformation of more than 50 ha of undeveloped open space. The site falls within an area historically covered by Swartland Alluvium Fynbos and Swartland Shale Renosterveld, ecosystems classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The site however mostly consists of transformed habitat or has been heavily disturbed. The high disturbance levels and general neglect of the land has resulted in a proliferation of exotic weed species. The transformed habitat contains no natural vegetation. Based on the findings of the Botanical Assessment, dated January 2017 and conducted by Bergwind Botanical Surveys and Tours, it is estimated that the overall ecological condition of the study area is poor owing to high levels of disturbance and transformation of habitat. The high levels of disturbance in the past has resulted in equally high infestations of invasive alien plants. However, several patches of very high sensitivity vegetation

and remnant species were found within these disturbed areas. These areas will be incorporated into an ecological corridor reducing the potential botanical impacts with respect to the loss of vegetation and ecological processes to low negative. CapeNature recommended in their comment dated 9 March 2018 that given the presence of Species of Conservation Concern on the site, which includes species listed as endangered, threatened, near threatened and vulnerable, a botanical search and rescue exercise must be conducted prior to commencement under the guidance of a botanical specialist familiar with the vegetation types on the site. It was further recommended that a level of formal protection be established for the proposed ecological corridor via CapeNature's Stewardship Programme. These requirements have been included as conditions of this environmental authorisation.

Wetlands occur across a large portion of the site. The on-site freshwater features identified as areas of aquatic significance include the middle reaches of the Berg River and its riparian zone, the historic sludge pond associated wetland, the Mbkweni Stream and the wetland area adjacent to the golf course. As part of the SEA it was recommended that these areas be incorporated into an ecological corridor and open space. The preferred layout has taken this into consideration and will not result in any significant wetland loss as it will allow for the recommended buffer areas and the ecological corridor. Indirect impacts on the freshwater features would result from modification to the flow characteristics and quality of runoff from the developed areas, which will be adequately mitigated through effective storm water management. A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has also been submitted to the Department of Water and Sanitation, who will further investigate the watercourse related impacts.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the open space areas and stormwater management areas. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"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."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA). The development will result in both negative and positive impacts.

3.3 Visual Impact

The proposed site is located on the south-western outskirts of Wellington and is bound by the Berg River in the west, the railway line in the east and the R44 to the north. The visual resources of the site include the Berg River corridor, large eucalyptus trees along the river corridor and at the golf course, the wetlands/old evaporation ponds and associated fauna, the R44 scenic route and the

parkland golf course and associated trees. The visual receptors of the site were determined by the Visual Impact Assessment dated February 2017 and prepared by Megan Anderson Landscape Architect and the site was found to have receptors covering a range of sensitivities. The highly sensitive receptors consist of the R44 scenic route and the rural and agricultural development to the north, west and south, while the golf course is considered a moderately sensitive receptor. Low sensitivity receptors include the industrial area to the north-east, existing landfill and the wastewater treatment works, as well as other degraded areas on the site. The visual sensitivity of the site ranges from low to highly sensitive. The visual absorption capacity of the site was found to be moderate to low as there is partial screening in certain areas and little screening in others and the visual intrusion of the proposed development proposal was found to be moderate. Mitigation measures to minimise the significance of the visual impact include additional landscaping to screen the development from the surrounding areas and the implementation of architectural guidelines to ensure the architectural style, form and finishes conforms to the surrounds. Heritage Western Cape also confirmed in their comment dated 27 February 2017 that they have no objection to the proposed development and that no further action is required.

Negative Impacts:

- The development will result in the loss of natural vegetation and impact on freshwater features during construction and operation, which will be effectively mitigated to a low negative significance with the implementation of the proposed mitigation measures.
- It was determined that the potential negative impacts during the construction phase of the development, such as noise and visual impacts, will be of low significance after mitigation.

Positive impacts:

- The proposed development will increase the intensification of land use and accumulation of commercial and industrial activities on the site.
- It would also prevent urban sprawl as the development would be concentrated within a site designated for this type of use, which is located within the urban edge.
- It will allow the formal protection and maintenance of sensitive environmental features on the site.
- It will provide temporary and permanent 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, compliance with the EMPr and the MMP, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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