

REFERENCE NUMBER: 16/3/3/1/A2/30/3016/20
NEAS REFERENCE NUMBER: WCP/EIA/0000747/2020
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: 01 December 2020

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 EXPANSION OF AN EXISTING INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF FARM NO. 1460, PHILIPPI.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated August 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section F below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Bowler Properties Two (Pty) Ltd.
P.O. Box 92
OTTERY
7808

Tel: (021) 704 2223
Fax: (021) 704 2224
Email: Pfsass@bowler.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 19 Activity Description:</p> <p><i>The infilling or depositing of any materials of more than 10 cubic meters into, of the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic meters from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>The proposed expansion of an existing industrial development on Portion 1 of Farm No. 1460, Philippi will result in the infilling or depositing of material of more than 10m³ of soil or sand from a remnant wetland located on the proposed site.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>The clearance of an area of 300 square meters 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) Western Cape:</p> <p><i>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>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>iii. Within the littoral active zone or 100 meters 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; or</i></p> <p><i>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.</i></p>	<p>The proposed expansion of an existing industrial development on Portion 1 of Farm NO. 1460, Philippi will result in the clearance of an area of more than 300m² of Cape Flats Sand Fynbos, which is classified as a Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011.</p>

Listed Activity	Activity/Project Description
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 proposed development:

The proposed development entails the expansion of an existing industrial development on Portion 1 of Farm No. 1460, Philippi, for the increase in production capacity of the manufacturing of rigid plastic packaging for the food, cosmetic, household and pharmaceutical markets. The proposed expansion will comprise:

- The expansion of an existing building;
- The recreation of a wetland of approximately 3400m²;
- Additional parking areas;
- Additional hardstand concrete areas; and
- Associated infrastructure.

The proposed expansion will result in the clearance of approximately 500m² of Cape Flats Sand Fynbos vegetation, which is a critically endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011.

The proposed expansion will further result in the infilling of approximately 3100m² of remnant wetland vegetation. A wetland area of approximately 3400m² will be recreated and incorporated into the stormwater management area on the proposed site. The new wetland / stormwater management area will consist of three interconnected areas on the southern, eastern, and western sides of the proposed building expansion, which will consist of ponds and swales. The recreated wetland area / stormwater management area will be planted with local indigenous vegetation to replace the habitat and function lost as a result of the infilling of the remnant wetland.

The Lotus River Canal is located on the eastern boundary of the property. The proposed building expansion will be set back from the eastern boundary by at least 11m to accommodate a wetland area of at least 10 meters in width along the Lotus River Canal. The setback from the eastern boundary will also enable an ecological buffer of at least 15 m from the top of the bank of the Lotus River Canal.

A servitude located along the southern edge of the proposed site, which contains an existing foul sewer and pump station, will remain in place and no development is proposed within this servitude.

The existing development footprint is approximately 17 800m² in extent and will be expanded by approximately 17 400m² in extent. Existing access off Springfield Road, Philippi will be used to access the proposed site and services will continue to be provided by the Local Authority.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Portion 1 of the Farm No. 1460, Philippi.

The SG digit code is:

Portion 1 of the Farm No. 1460, Philippi	C016000000014600001
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The co-ordinates of the proposed site are:

Middle Point	Latitude (S)	Longitude (E)
Portion 1 of Farm No. 1460	34° 0' 15.01" South	18° 31' 41.99" East

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

Infinity Environmental (Pty) Ltd.
c/o Mr. J. Rose / Ms. T. Solomon
Suite 17
Private Bag X11
MOWBRAY
7705

Tel: (021) 834 1602
Fax: (086) 591 8616
Email: jeremy@infinityenv.co.za / tarryn@infinityenv.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated August 2020 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
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 **five (5)** years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
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. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 8, 9, 12 and 18.1.
7. The holder must notify the Competent Authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.

Notification 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 outcome of 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 H 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:
 - 8.4.1. the 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. telephonic and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,
 - 8.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
9. The listed activities, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

10. The draft Environmental Management Programme ("EMPr") (compiled by Infinity Environmental Consultants and dated August 2020) and submitted as part of the application for Environmental Authorisation is hereby approved, on condition that the following amendment is made to the EMPr and must be implemented.

10.1. The stormwater management plan, to be compiled, must be included in the EMPr. A copy of the stormwater management plan must be submitted to this Department within three (3) months of the completion of the development phase for information purposes.

11. The EMPr 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 the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

13. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities whereafter it must be kept at the office of the applicant, and must be made available to any authorised person on request.

14. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

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 and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

15.1. The holder must undertake an environmental audit within six (6) months of the commencement of the listed activities and submit the Environmental Audit Report to the Competent Authority one (1) month after the completion of undertaking the environmental audit.

15.2. A second Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities.

15.3. Thereafter, an Environmental Audit Report must be submitted to the Competent Authority every five (5) years after the commencement of the operational phase while the environmental authorisation remains valid.

15.4. The holder must, within seven (7) days of the submission of the reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to any I&APs upon request.

Specific Conditions

16. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated building rubble generated on the premises can be used as back-filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited in the recreated wetland area.

17. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay. 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: 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.
18. In accordance with the Freshwater Impact Assessment (compiled by Blue Science and dated June 2020), the following mitigation measures must be implemented:
 - 18.1. A search and rescue of indigenous vegetation must be undertaken by a suitably experience person prior to the commencement of land clearing activities. The indigenous vegetation to be rescued must be removed in sods for revegetation in the proposed new wetland areas.
 - 18.2. An ecological buffer of at least 15 meters must be maintained between the proposed building expansion and the Lotus River Canal.
19. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be investigated and implemented instead.
20. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. 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, other than those required by this Environmental Authorisation, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

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

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building,
1 Dorp Street,
Cape Town,
8001
5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the holder, 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: 01 DECEMBER 2020

Copies to: (1) Mr. J. Rose / Ms. T. Solomon (Infinity Environmental)
(2) Mr. A. Greenwood (City of Cape Town: ERM)

Email: Jeremy@infinityenv.co.za / tarryn@infinityenv.co.za
Email: Andrew.Greenwood@capetown.gov.za

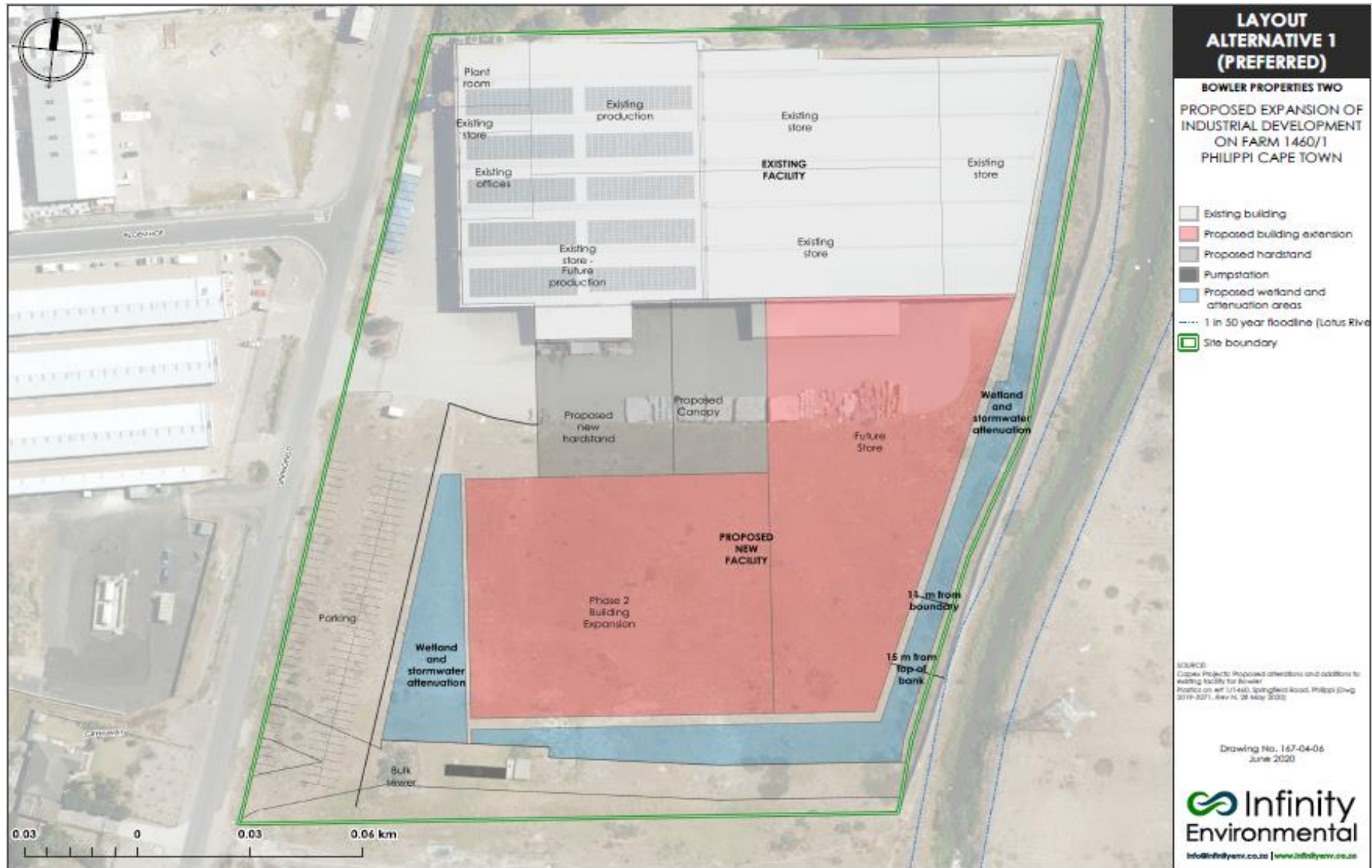
ANNEXURE 1: LOCALITY MAP

Locality map of the proposed development.



ANNEXURE 2: SITE PLAN

Site plans of the proposed development.



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 dated 12 June 2020 and received by the Competent Authority on 15 June 2020, the BAR received by the competent authority on 21 August 2020 and the EMPr submitted together with the BAR;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (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 interested and affected parties and the responses to these, included in the BAR dated August 2020;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board on the property entrance where the listed activities are to be undertaken on 30 June 2020;
- 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 councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 30 June 2020; and
- the placing of a newspaper advertisement in the 'People's Post Lansdowne' on 30 June 2020.
- Making the draft BAR available to I&APs for public review from 30 June 2020 to 30 July 2020.
- The PPP undertaken was in accordance with the approved Public Participation Plan dated 18 May 2020.

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

2. Alternatives

Site Alternatives were screened out due to the fact that the site is owned by the applicant and that the proposed development is for the expansion to an existing facility. The applicant's initial layout alternative entailed the proposed expansion of the industrial building and associated infrastructure, where the proposed building expansion would be set back from the eastern boundary of the site by a minimum of approximately 5m. Stormwater attenuation infrastructure, consisting of a swale along the southern edge of the building and a pond between the western edge of the building and the parking area were proposed.

However, the applicant's initial layout alternative did not take cognizance of the loss of the remnant wetland and therefore could not accommodate for the recreation of a wetland and stormwater management area along the eastern boundary of the site due to the limited developable space available on the site. The preferred alternative is therefore as follows:

The Preferred Alternative (herewith authorised):

The proposed development entails the expansion of an existing industrial development on Portion 1 of Farm No. 1460, Philippi, for the increase in production capacity of the manufacturing of rigid plastic packaging for the food, cosmetic, household and pharmaceutical markets. The proposed expansion will comprise:

- The expansion of an existing building;
- The recreation of a wetland of approximately 3400m²;
- Additional parking areas;
- Additional hardstand concrete areas; and
- Associated infrastructure.

The proposed expansion will result in the clearance of approximately 500m² of Cape Flats Sand Fynbos vegetation, which is a critically endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011.

The proposed expansion will further result in the infilling of approximately 3100m² of remnant wetland vegetation. A wetland area of approximately 3400m² will be recreated and incorporated into the stormwater management area on the proposed site. The new wetland / stormwater management area will consist of three interconnected areas on the southern, eastern, and western sides of the proposed building expansion, which will consist of ponds and swales. The recreated wetland area / stormwater management area will be planted with local indigenous vegetation to replace the habitat and function lost as a result of the infilling of the remnant wetland.

The Lotus River Canal is located on the eastern boundary of the property. The proposed building expansion will be set back from the eastern boundary by at least 11m to accommodate a wetland area of at least 10 meters in width along the Lotus River Canal. The setback from the eastern boundary will also enable an ecological buffer of at least 15 m from the top of the bank of the Lotus River Canal.

A servitude located along the southern edge of the proposed site, which contains an existing foul sewer and pump station, will remain in place and no development is proposed within this servitude.

The existing development footprint is approximately 17 800m² in extent and will be expanded by approximately 17 400m² in extent. Existing access off Springfield Road, Philippi will be used to access the proposed site and services will continue to be provided by the Local Authority.

The preferred alternative incorporates the recommendations of the freshwater specialist and takes cognizance of the concerns raised by interested and affected parties. The preferred alternative further includes the recreation of a wetland to avoid a net loss of wetland habitat and function.

"No-Go" Alternative

The "no-go" alternative entails the status quo remaining on Portion 1 of Farm No. 1460, Philippi. Since the preferred alternative will not result in unacceptable environmental impacts, the "no-go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The existing development was established in 2001 when the site was acquired by the applicant. At the time of the establishment of the existing development, an environmental authorisation was not required in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) since the site was zoned for service industrial prior to 2000. In 2006 and 2010, the existing facility expanded. However, at the time of the expansions to the existing building, an environmental authorisation was not required in terms of the relevant NEMA EIA Regulations due to the fact that no thresholds were triggered.

The proposed site is currently zoned as General Industrial 1 in terms of the City of Cape Town's Municipal Planning By-law and Development Management Scheme. The zoning permits the proposed use as a primary use. The proposed land use is consistent with the City of Cape Town's Municipal Spatial Development Framework (dated 2018-2023) and is earmarked as "Incremental Growth and Consolidation Area", where the intensification of land use is encouraged. The City of Cape Town's 2012 Cape Flats District Plan shows the area as existing 'General Industrial Development'. The proposed expansion is therefore inline with the relevant planning policies applicable to the area.

In addition, the existing facility currently employs 136 employees. It is anticipated that approximately 150 temporary employment opportunities are anticipated during the construction phase. It is further anticipated that the proposed development will create approximately 100 employment opportunities in the first phase of the proposed development (the proposed development is expected to be constructed in two phases).

3.2. Biophysical impacts

Based on the screening tool report (dated 09 May 2020), the proposed site was screened to be located within a very high sensitivity area from a terrestrial biodiversity perspective. However, the based on the site sensitivity verification, the terrestrial biodiversity sensitivity was disputed and verified to be located within a low sensitivity area. A terrestrial biodiversity compliance statement (compiled by Nick Helme Botanical Surveys and dated 03 June 2020) was therefore completed.

The specialist found that indigenous plant species diversity on the site is very low and limited to common indigenous plants with a total coverage of approximately 500m² on the site. The historic naturally occurring indigenous vegetation would have been Cape Flats Sand Fynbos, which is classified as a critically endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 100 of 2004) - National List of Ecosystems that are Threatened and in need of Protection, 2011. The specialist indicated that due to the fact that there is minimal remaining indigenous vegetation on the proposed site, it is not possible to confirm or dispute the classification of critically endangered ecosystem.

No plant Species of Conservation Concern were recorded on the proposed site and none are expected to survive in the heavily disturbed area. The specialist further noted that faunal diversity of the proposed site is low, and is typical of disturbed, remnant habitat. No animal Species of Conservation Concern were recorded on the proposed site. No specific terrestrial ecological impact management and mitigation measures were therefore proposed by the specialist. The potential biophysical impacts are therefore anticipated to be of low negative significance with and without the implementation of mitigation measures.

3.3. Animal Species and Plant Species Impacts

Based on the screening tool report (dated 09 May 2020), the proposed site was screened to be located within a high sensitivity area from an animal species perspective and a medium sensitivity area from a plant species perspective. However, based on the site sensitivity verification, the animal species and the plant species sensitivities were disputed and verified to be within a low sensitivity area. No further assessments on animal species and plant species were therefore required.

3.4. Freshwater Impacts

Based on the screening tool report (dated 09 May 2020), the proposed site was screened to be located within a very high sensitivity area from an aquatic biodiversity perspective. However, based on the site sensitivity verification, the aquatic biodiversity sensitivity area was disputed and verified to be within a high sensitivity area. A Freshwater Impact Assessment (compiled by Blue Science and dated June 2020) was therefore undertaken to determine potential freshwater impacts associated with the proposed development.

The assessment found that the site contains areas of wetland in largely to seriously modified ecological condition. These wetland areas have developed more recently within the site as a result of topographical changes within the site and ongoing development of the adjacent areas. The wetland areas are very fragmented and are not known to support any wetland plant and faunal species of biodiversity conservation value. The specialist indicated that the wetland areas are considered to be of a low to marginal ecological importance and sensitivity.

Wetland habitat currently occurring within the site, comprises of approximately 3 100 m² of depression wetland. The key services provided by the wetland, considering that the site is located within an increasingly urbanised area, is the mitigation of stormwater and providing some habitat for wetland biota.

The potential impacts associated with the proposed infilling of the remnant wetland is anticipated to be of low negative significance prior to the implementation of mitigation measures due to the current state of the wetland habitat. The specialist indicated that the potential freshwater impacts are anticipated to be of low positive significance after the implementation of mitigation measures provided that the required attenuation and wetlands areas are created and maintained. The specialists' recommendations have been included as conditions set in this environmental authorisation and in the EMPr. The Department of Water and Sanitation indicated (in their comment dated 16 July 2020) that the requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with. An application for a General Authorisation in terms of the National Water Act, 1998 (Act No. 36 of 1998) has been submitted to the Department of Water and Sanitation for their consideration.

Concerns with respect to the layout of the proposed recreated wetland area/stormwater management area were raised by the City of Cape Town in their comment dated 29 July 2020. The specialist indicated (in the comment dated 06 August 2020) that the concerns related to the layout of the proposed recreated wetland area/stormwater management area can be mitigated through the shaping of the swale and associated wetlands and that the landscape be shaped to ensure that any spillage from the pump station drains away from the stormwater infrastructure and is contained within the servitude on the proposed site. The recommendations of the specialist have been included in the EMPr.

3.5. Agricultural Impacts

Based on the screening tool report (dated 09 May 2020), the proposed site was screened to be located within a high sensitivity area from an agricultural perspective. Based on the site sensitivity verification, the agricultural sensitivity area was disputed and verified to be within a low sensitivity area. An agricultural compliance statement (compiled by Johann Lanz and dated 03 June 2020) was therefore completed.

The specialist indicated that although the proposed site is located within close proximity to the Philippi Horticulture Area, the proposed site is not zoned for agricultural use and has not been used for agriculture since the development of the existing facility in 2001. No agricultural impacts are therefore associated with the proposed development.

3.6. Civil Aviation and Defence Impacts

Based on the screening tool report (dated 09 May 2020), the proposed site was screened to be located within a very high sensitivity area from a civil aviation perspective and a medium sensitivity area from a defence perspective. However, based on the site sensitivity verification, the civil aviation and the defence sensitivities were disputed and verified to be within a low sensitivity area. No further assessments on civil aviation and defence were therefore required.

3.7. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape on 04 June 2020. Heritage Western Cape indicated (in their comment dated 19 June 2020) that since there is no reason to believe that the proposed expansion will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.8. Services

Electricity supply, water supply and solid waste removal have been confirmed by the City of Cape Town in their correspondence dated 29 July 2020.

3.9. Dust, visual and noise impacts

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

3.10. Traffic Impacts

The potential traffic impacts have been assessed to be of low negative significance prior to the implementation of mitigation measures. The potential traffic impacts are anticipated to be of very low negative significance post the implementation of mitigation measures. Mitigation measures have been included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The loss of remnant indigenous vegetation;
- The loss of remnant wetland areas on the site;
- Potential dust, visual and noise impacts during the construction phase; and
- Potential traffic impacts during the construction phase.

Positive impacts include:

- The recreation of a wetland habitat and associated stormwater infrastructure;
- Some employment opportunities during all phases of the proposed development; and
- Some economic benefits.

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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