



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT  
(REGION 1)**

**REFERENCE:** 16/3/3/1/A2/3033/19  
**NEAS REFERENCE:** WCP/EIA/0000667/2019  
**ENQUIRIES:** Mr. R. Chambeau  
**DATE OF ISSUE:** **23 MAR 2020**

The Director  
Sheffield Park Industries (Pty) Ltd  
154 Piketberg Close  
Stonehurst Mountain Estate  
**TOKAI**  
7945

**For attention: Mr. M. Winfield**

Tel: (021) 702 1021  
E-mail: mikewinfield@mweb.co.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF AN INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 12 OF FARM NO. 609, PHILIPPI.**

1. With reference to the above application, the 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 Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR, DEVELOPMENT MANAGEMENT (REGION 1)  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copies to: (1) Ms. M. Molife (GroenbergEnviro (Pty) Ltd.)  
(2) Ms. R. Samaai (City of Cape Town: ERM)  
(3) Mr. D. Daniels (Department of Water and Sanitation)

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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): PROPOSED ESTABLISHMENT OF AN INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 12 OF FARM NO. 609, 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 Design Alternative 1, described in the BAR, dated November 2019.

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  
Sheffield Park Industries (Pty) Ltd  
154 Piketberg Close  
Stonehurst Mountain Estate  
**TOKAI**  
7945

Tel: (021) 702 1021  
E-mail: mikewinfield@mweb.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**

<b>Listed Activity</b>	<b>Activity/Project Description</b>
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 11 Activity Description:</p> <p><i>The development of facilities or infrastructure for the transmission and distribution of electricity-</i></p> <p>(i) <i>outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></p> <p>(ii) <i>inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;</i></p> <p><i>excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is-</i></p> <p>(a) <i>temporarily required to allow for maintenance;</i></p> <p>(b) <i>2 kilometres or shorter in length;</i></p> <p>(c) <i>within an existing transmission line servitude; and</i></p> <p>(d) <i>will be removed within 18 months of the commencement of development.</i></p>	<p>The proposed development will require an electrical load estimated to be between 550 and 600kVA. A new sub-station (108m<sup>2</sup>) is proposed to be located on the south-western corner of the site.</p>
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>The development of-</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i></p> <p>(a) <i>within a watercourse;</i></p> <p><i>in front of a development setback; or</i></p> <p>(c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>excluding-</i></p> <p>(aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p>	<p>The proposed development will entail the development of infrastructure or structures with a physical footprint of 100 square metres or more, within 32 metres of a wetland located on the eastern portion of the site, and the site is located outside an urban area.</p>

<p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p><b>Listed Activity</b></p> <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 material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i></p> <p>(a) <i>will occur behind a development setback;</i></p> <p>(b) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p>(c) <i>falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p>(d) <i>occurs within existing ports or harbours that will not increase the development footprint of the port or harbor; or</i></p> <p>(e) <i>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 development will entail the excavation, removal or moving of soil and sand of more than 10 cubic metres from the wetland located on the eastern portion of the site.</p>

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 activity entails the construction of an industrial development and associated infrastructure on Portion 12 of Farm No. 609, Philippi within 32 metres of the wetland area on the south-eastern portion of the site. The wetland area will be reshaped and rehabilitated and will be integrated with the proposed Stormwater Management System within the site. The wetland area

will function as bioretention and attenuation areas. Internal roads will be developed and a 2m wide sidewalk will be developed along old Lansdowne Road.

Access to the site will be gained via Old Lansdowne Road and emergency access will be gained from the existing farm road on the western boundary of the site.

The proposed development will comprise of the following:

- Building footprint (warehouses, etc.) – approximately 9000m<sup>2</sup>;
- Hard surfaces/ roads and parking – approximately 9200m<sup>2</sup>;
- Soft landscaping and wetland/stormwater pond area – approximately 17 700m<sup>2</sup>; and
- Substation – approximately 108m<sup>2</sup>.

The proposed development area will therefore be approximately 2.07ha and the wetland area (including buffer area) will be approximately 1.55ha in extent.

The development will connect to the following municipal services:

- Sewerage network;
- Solid waste management;
- Water supply; and
- Electricity supply

### **C. SITE DESCRIPTION AND LOCATION**

The authorised listed activities will be undertaken on Portion 12 of Farm No. 609, Philippi.

The SG digit code for Portion 12 of Farm No. 609, Philippi:

C0160000000060900012

Site co-ordinates for Portion 12 of Farm No. 609, Philippi:

Latitude: 34° 0' 23.64" South  
Longitude: 18° 33' 14.53" 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**

Environmental Assessment Practitioner:

GroenbergEnviro (Pty) Ltd  
c/o Ms. Mishce Molife  
P.O. Box 1058  
**WELLINGTON**  
7654

Tel: (081) 371 9289  
Email: [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)

## **E. CONDITIONS OF AUTHORISATION**

### **Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated November 2019 on the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within 10 (ten) 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. A minimum of 7 (seven) 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: 7, 8, 12 and 17.1.

### **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 Appeal 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;
  - 7.4. Provide the registered I&APs with:
    - 7.4.1. 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,
  - 7.4.6. 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).
8. The listed activities, including site preparation, must not commence within 20 (twenty) 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**

- 9. The Environmental Management Programme ("EMPr") dated October 2019 and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 10. The Management Maintenance Plan ("MMP") included as part of this EMPr must be implemented.
- 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") 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 activities 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 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 6 (six) months of the commencement of the listed activities and submit Environmental Audit Reports to the Competent Authority 1 (one) month after the completion of the listed activities.
  - 15.2. The holder must submit an Environmental Audit Report every 5 (five) years while the EA remains valid.

- 15.3. The holder must, within 7 (seven) days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

### **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.
- 16.1. 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.
- 16.2. 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.
17. The recommendations of the Freshwater Impact Assessment Report (dated May 2019 and compiled by BlueScience) as included in the EMPr, must be implemented.
- 17.1 A search and rescue for plants of conservation importance in the wetland area to be reshaped in the site, must be undertaken prior to the commencement of any construction activities and must ideally be undertaken in September (where possible). These plants must be removed in sods to the newly created wetland area.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.
19. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include inter alia, the following:
- 19.1 A dual-flush toilet system;
- 19.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads;
- 19.3 Water-wise landscaping must be done;
- 19.3.1 Indigenous plants and/or plants that require little water must be used.
- 19.3.2 The use of kikuyu grass must be prohibited in all landscaped areas. Non-invasive, low-water use grass must be used for any lawns on site.
20. The development must incorporate energy/electricity saving measures, which include inter alia, the following:
- 20.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
- 20.2 Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Street lights must be switched off during the day.
- 20.3 All geysers must be covered with geyser 'blankets'.



## 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, 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 must –
  - 1.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision.
  - 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
  - 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
2. The applicant (if NOT the appellant), the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
3. 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

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

4. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 2659, E-mail [DEADP.Appeals@westerncape.gov.za](mailto: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. ZAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 23/03/2020

Copies to: (1) Ms. M. Molife (GroenbergEnviro (Pty) Ltd.)  
(2) Mr. R. Samaai (City of Cape Town: ERM)  
(3) Mr. D. Daniels (Department of Water and Sanitation)

E-mail: [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)  
Fax: (021) 444 3802  
Fax: (021) 941 6077

## ANNEXURE 1: LOCALITY MAP

Locality map of the proposed development.

### PORTION 12 OF FARM NO. 609, PHILIPPI (OUTLINED IN RED)





## **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 27 August 2019 and received by the competent authority on 28 August 2019, the BAR dated November 2019 and received by the competent authority on 13 November 2019 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 I&APs and responses to these, included in the BAR dated November 2019;
- 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 at the site where the listed activities are to be undertaken on 30 August 2019;
- 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 27 August 2019; and
- the placing of a newspaper advertisement in the "City Vision" on 29 August 2019.

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 EMPr to adequately address significant concerns raised.

### **2. Alternatives**

Two design alternatives were investigated, as indicated below:

#### Design Alternative 1 (Preferred Alternative – herewith authorised)

This alternative entails the construction of the industrial development on the western side of the site, and includes reshaping the wetland area to the eastern boundary. This alternative is considered the preferred alternative for the following reasons:

- This design alternative allows most of the wetland area to remain in its existing position;



- The impact on the wetland area has been found to be of low negative significance by the freshwater specialty;
- With the proposed wetland avoidance, most of the existing wetland (1.23ha or 98% of the mapped 1.25ha original wetland) will remain on the same location within a recreated area of approximately 1.5ha in extent;
- This design alternative allows for the consolidation, rehabilitation and integration of the wetland with the stormwater management area for the site;
- By allowing the stormwater to drain into this wetland, it will ensure that the stormwater mitigation functionality of the existing wetlands is replaced and enhanced;
- Water quality of the wetland is currently poor, and the reshaping and rehabilitation will ensure that quality is improved;
- The rehabilitated wetland may provide foraging habitat for amphibians such as the endangered Western Leopard Toad that occurs in the wider area;
- It is supported from a freshwater perspective;
- From a botanical perspective *"It was found that the vegetation of the western 2 ha of the site that would have been Cape Flats Dune Strandveld has been completely transformed. The site has been levelled and over time rubble has been dumped on the surface. There is no natural vegetation left, only exotic weeds, mainly exotic annual grasses."*

#### Design Alternative

This alternative entails the construction of the industrial development on the southern side of the site, and includes moving the entire wetland area, to the northern site boundary. This is not regarded as the preferred alternative for the following reasons:

- The access road (entrance to the site) will be constructed across the wetland area;
- The entire wetland area will be disturbed and an access road will be constructed across the wetland area;
- The electrical substation would be constructed within the wetland buffer area;
- The pipeline/swale (from the wetland to the north-western storage pond) will disturb a larger area of the wetland when compared to Alternative 1; and
- All services (sewer, water, etc.) will be installed/run across the wetland area.

#### "No-Go" Alternative

Should the activity not be approved the site will result in maintaining the "status quo". However, since the proposed development 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 proposed site is located within the Philippi North Industrial area and is earmarked for industrial development, and therefore, the site is in keeping with the City of Cape Town's Integrated Development Plan (2017-2022) and City of Cape Town's Municipal Spatial Development Framework (2018). The proposed site is zoned Agriculture, however has not been used for agriculture for more than 20 years.

#### 3.2. Botany

A Botanical scan was conducted by Bergwind Botanical Surveys & Tours CC dated 19 August 2019. According to the Botanical specialist the vegetation of the western 2 ha of the site that would have been Cape Flats Dune Strandveld has been completely transformed. There is no natural vegetation left, only exotic weeds, mainly exotic annual grasses.

The Botanist found that apart from the wetland, the site is suitable for development with suitable buffers in place for the wetland. The Botanical Specialist recommended that an active programme to remove the invasive *Xanthium strumarium* from the wetland should be implemented. The proposed development will not result in any botanical impacts.

CapeNature indicated in their comment dated 30 September 2019 that the site is classified as a Critical Biodiversity Area (CBA) 2 according to the City of Cape Town: Biodiversity Network, 2017. CapeNature agreed with the botanical specialist's conclusion that there are no constraints in terms of the terrestrial habitat, and indicated the CBA classification of the site should be queried.

### 3.3. Freshwater Impacts

A Freshwater Assessment Report dated May 2019 and compiled by BlueScience, was undertaken to assess the potential impacts on the wetland located on the north-eastern portion of the site. According to the specialist, the wetland area can be classified as depression wetland that is fed from both surface and groundwater. The wetland within the site is in largely modified ecological condition, having developed more recently within the site as a result of topographical changes within the site as well as ongoing development of the adjacent areas.

The specialist concluded that the wetland area is considered to be of a low conservation importance, however it is likely to provide habitat for wetland flora and fauna. It is also likely that the wetland is important for mitigating the impacts of storm water that flows as surface and subsurface flow across the site of the downstream catchment. The wetland offset determination was undertaken for the consideration of the wetland habitat that would need to be reshaped and rehabilitated within the site. It is proposed that the existing wetland area be re-shaped and incorporated within the stormwater management system.

A MMP has been compiled to address future maintenance activities taking place in the affected watercourse. The maintenance of the re-shaped wetland area 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.

A Water Use Licence in terms of the National Water Act, 1998 (Act No. 36 of 1998) has been submitted to the Department of Water and Sanitation for the re-shaping of the wetland area.

The potential freshwater impacts associated with the proposed development have been identified in the BAR as being of low negative significance post mitigation.

### 3.4. Heritage Impacts

Heritage Western Cape in their final comment dated 22 June 2018 indicated that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act No. 25 of 1999) is required.

The potential heritage impacts associated with the proposed development have been identified in the BAR as being of low negative significance.

### 3.5. Traffic Impacts

The Traffic Impact Statement ("TIS") dated 15 May 2019 and compiled by Gibb (Pty) Ltd, indicated that all the intersections in the development area currently operates acceptably and will continue to do so following the establishment of the proposed development, with the exception of the right-turning movement at the eastern approach of Old Lansdowne Road/Ottery Road intersection, which currently operates poorly (particularly during the AM peak hour).

Following the implementation of the upgrade (i.e. if the Lansdowne Road / Ottery Road intersection is upgraded by converting the existing through and left-turn lane at the northern approach into a dedicated left-turn slip-lane, the operation of a right-turn movement at the eastern approach will improve significantly in terms of the 95<sup>th</sup> percentile vehicle queue lengths and average control delay per vehicle).

According to the TIS, there is sufficient room for turning movement of the expected large trucks into and out of the site. An emergency access is proposed off the gravel road at a position approximately 280m from the intersection. The present gravel road reserve is 12m wide, which is sufficient for turning movements for emergency purposes. Internally the circulation is designed to accommodate the turning movements of large articulated industrial vehicles, including reversing movements up the loading platforms of the buildings. A 30m diameter turning circle is provided at the end of the internal road for such trucks to turn around. In addition, parking for passenger cars is provided. Some of this parking as well as the main access is positioned over the existing electrical servitude.

Following the recommendation of the specialist, a 2m wide surface sidewalk will be provided adjacent to the proposed development along Old Lansdowne Road (approximately 385m in length). Further, the existing surfaced sidewalk on Old Lansdowne Road opposite the proposed development will be resurfaced. The portion that will be resurfaced is approximately 80m from the northern corner of the site to the south-east corner of the site and is 340m long. The traffic specialist's recommendations have been included in the EMPr.

The traffic impacts associated with the proposed development have been identified in the BAR as being of low negative significance post mitigation.

### 3.6. Noise Impacts

Potential noise impacts are anticipated to be of low negative significance, since it will be of short duration and the proposed development is located in an industrial area.

### 3.7. The development will result in both negative and positive impacts.

Negative Impacts include:

- Freshwater impacts.
- Traffic impacts.

Positive impacts include:

- The site is located in an area earmarked for industrial development.
- The proposed development will provide some employment opportunities during the construction phase and the operational phase.
- The development will contribute to the local economy.

## 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 activity 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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