



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE: 16/3/3/1/A5/37/2062/17

ENQUIRIES: AYESHA HAMDULAY

DATE: 2018 -04- 23

The Board of Directors
Asla Devco (Pty) Ltd
P O Box 118
GORDON'S BAY
7151

Attention: Mr Marc Stuyck

Tel.: (021) 845 8335

Fax: (021) 845 8552

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 8 OF THE FARM NO. 732 AND PORTION 326 OF THE FARM NO. 728, JOOSTENBERGVLAKTE, KRAAIFONTEIN

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

Yours faithfully



MR ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

Copied to: Louis de Villiers (deVilliers Brownlie Associates)
Pat Titmuss (City of Cape Town)

Fax: (086) 548 2678
Fax: (021) 444 0605



Western Cape
Government

Environmental Affairs and
Development Planning

DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1

EIA REFERENCE: 16/3/3/1/A5/37/2062/17

NEAS REFERENCE: WCP/EIA/0000378/18

ENQUIRIES: AYESHA HAMDULAY

DATE: 2018 -04- 23

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 8 OF THE FARM NO. 732 AND PORTION 326 OF THE FARM NO. 728, JOOSTENBERGVLAKTE, KRAAIFONTEIN

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred Alternative that is described in the Basic Assessment Report ("BAR") received by this Department on 21 February 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

Asla Devco (Pty) Ltd
C/O Mr Marc Stuyck
P O Box 118
GORDON'S BAY
7151
Tel.: (021) 845 8335
Fax: (021) 845 8552

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Activities/Project Description
<p>Government Notice No. R.983 (as amended):</p> <p>Activity number: 12</p> <p>Activity Description:</p> <p><i>"The development of—</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(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;</i> <i>(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;</i> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(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."</i> 	<p>The development proposal includes the infilling of all wetlands for the development of infrastructure of more than 100m² for industrial purposes on Portion 8 of the Farm No. 732 and Portion 326 of the Farm No. 728, Joostenbergvlakte, Kraaifontein.</p>

<p>Government Notice No. R.983 (as amended):</p> <p>Activity number: 19</p> <p>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; but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <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>The development proposal includes the infilling of wetlands with material of more than 10m³ on Portion 8 of the Farm No. 732 and Portion 326 of the Farm No. 728, Joostenbergvlakte, Kraaifontein.</p>
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The abovementioned list is hereinafter referred to as "**the listed activities**".

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

An industrial development and associated infrastructure for industrial-type land uses on Portion 8 of the Farm No. 732 and Portion 326 of the Farm No. 728, Joostenbergvlakte. The development proposal will have a total development footprint of approximately 16.83ha.

The development proposal comprises a development portion south of Sandringham Road of approximately 5.80ha and another development portion north of Sandringham Road of approximately 9.98ha. Access to the proposed site will be taken directly off Sandringham Road.

The associated infrastructure consists of internal roads, stormwater reticulation and retention infrastructure, bulk water and sewerage reticulation infrastructure and underground electrical services reticulation.

The City of Cape Town has confirmed in writing that sufficient unallocated capacity exists to supply municipal services to the proposed site.

The applicant has entered into an agreement with the World Wide Fund for Nature South Africa to administer the wetland offset funds and ring-fence the funds for conservation purposes to offset the loss of wetlands with a receptor wetland site on the Remainder of the Farm No. 1294, Kraaifontein, which forms part of the Joostenbergkloof.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 8 of the Farm No. 732 and Portion 326 of the Farm No. 728, Joostenbergvlakte, Kraaifontein.

The SG 21 digit codes for the land parcels are: C05500000000072800326
C05500000000073200008

The co-ordinates for the midpoint of the properties are given below:

Proposed Site	Latitude (S)	Longitude (E)
Midpoint of Portion 8 of the Farm No. 732 and Portion 326 of the Farm No. 728, Joostenbergvlakte, Kraaifontein.	33° 50' 08.08" South	18° 44' 36.54" East

Refer to Annexure 1: Locality Plan

Refer to Annexure 2: Site Maps

The above parcels of land are together hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

deVilliers Brownlie Associates
C/O Mr Louis de Villiers
21 Menin Avenue
CLAREMONT
7708

Tel.: (021) 674 4263

Fax: (086) 548 2678

E. CONDITIONS OF ENVIRONMENTAL AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative described in Section B above.
2. The holder must commence with the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
3. This Environmental Authorisation is granted for–
 - 3.1. A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - 3.2. A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the development phase, must be concluded.

4. The listed activities that have been authorised must only be carried out on the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
5. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written Notice to the Competent Authority

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

Conditions: 8, 13, 19, 23 and 24

Notification of Environmental Authorisation and Administration of Appeal

8. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 8.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 8.1.1. the decision reached on the application;
 - 8.1.2. the reasons for the decision as included in Annexure 3;
 - 8.1.3. the date of the decision; and
 - 8.1.4. the date when the decision was issued.
 - 8.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 8.4. provide the registered I&APs with the:
 - 8.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 8.4.2. name of the responsible person for this Environmental Authorisation,
 - 8.4.3. postal address of the holder,
 - 8.4.4. telephonic and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,
 - 8.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

Commencement

9. The listed activities, including site preparation, must not be commenced with within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
10. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of Listed Activities

11. The EMPr (submitted with the BAR to this Department on 21 February 2018) is hereby approved and must be implemented.
12. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the listed activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein.
14. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office, and must be made available to anyone on request.
15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

16. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder 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 Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).

The holder must appoint an independent environmental auditor to undertake an environmental audit once a year during the development phase and submit Environmental Audit Reports to the Competent Authority within one calendar month of undertaking the environmental audits until the completion of the authorised development. The first environmental audit must be undertaken within six (6) months of the authorised listed activities being commenced with. The final Environmental Audit Report must be submitted to the Competent Authority within one calendar month of the final environmental audit being undertaken.

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

Specific Conditions

17. Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

18. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
19. The complete hectare equivalent offset area of 14.4ha equivalents, *i.e.*, a 12.8ha area, must be provided as the wetland receptor site and this must accordingly be reflected in the wetland offset agreement. The wetland offset agreement must furthermore specify the location of the actual wetland area in addition to the monetary equivalent of the wetland offset receptor site. These changes must be made to the wetland offset agreement and the agreement must be duly signed and dated by both parties prior to the commencement of any earthworks, including prior to the infilling of any wetland on the site.
20. The wetland offset agreement must be audited every three years to determine the degree to which the equivalent functional and equivalent ecosystem targets have been met on the identified receptor site.
21. The recommendations contained in the Engineering Services Report compiled by Jeffares & Green (Pty) Ltd dated 21 July 2014, must be implemented.
22. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.
23. The holder of the Environmental Authorisation must ensure that adequate training is provided in the appropriate language to all on-site personnel, to help ensure that the conditions of the Environmental Authorisation are complied with and the EMP requirements are met;
24. The exact boundary of the development footprint must be clearly demarcated before the authorised listed activities can be commenced with.
25. The Western Cape is currently experiencing a severe drought and has been declared a disaster area. In light of the current water crisis being experienced in the Western Cape, water must be used wisely during all phases of development. No potable water must be used as far as possible for construction activities during the development phase and alternative methods to save water must be implemented.

26. The proposed development must address, *inter alia*, water, energy and resource demand management and efficiency measures that must include, but are not limited to the following:
 - 26.1. Lighting controls such as dimmers and motion sensors must be used where possible;
 - 26.2. Use of only high energy efficient lighting technologies;
 - 26.3. Energy saving bulbs such as CFLs and LEDs must be installed instead of incandescent bulbs in all structures;
 - 26.4. All water hoses are to be fitted with a trigger gun spray nozzle with high pressure to limit water wastage;
 - 26.5. All taps are to be fitted with flow reduction devices and aerators that reduce the flow of water by at least 30%;
 - 26.6. Energy saving geysers which are properly insulated with geyser blankets to reduce demand on electricity must be used;
 - 26.7. Solar heating to heat water; and
 - 26.8. The use of solar heating must be maximized wherever possible and adequate thermal insulation must be used in the roofs, walls and ceilings.
27. Prior to departure/closure from the site, the contractor must ensure that all rubble, debris, cement deposits/residue, effluent, wash-off, building materials, builder's infrastructure, signage, machinery etc., associated with the development proposal and contractors' camp site are removed and the affected areas are cleaned appropriately.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority before the Environmental Authorisation lapses.
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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within twenty (20) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within twenty (20) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.

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

4. The appeal and the responding statement must be submitted to the address listed below:
By post: Western Cape Ministry of Local Government, Environmental Affairs and
 Development Planning
 Private Bag X9186
 CAPE TOWN
 8000
By facsimile: (021) 483 4174; or
By hand: Attention: Mr 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 at 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 the 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 successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



MR ZAahir TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 23/04/2018

Copied to: Louis de Villiers (deVilliers Brownlie Associates)
Pat Timuss (City of Cape Town)

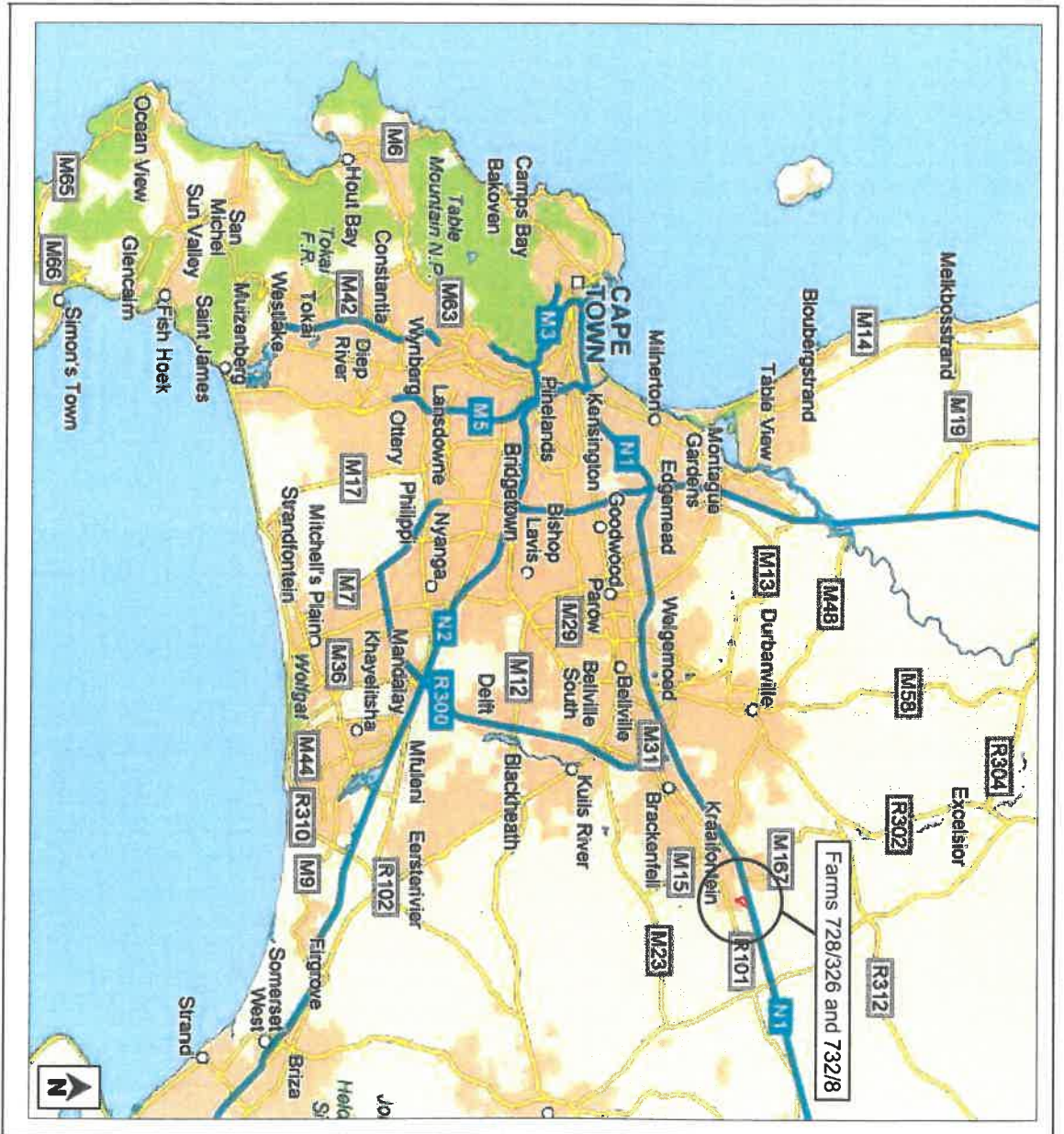
Fax: (086) 548 2678
Fax: (021) 444 0605

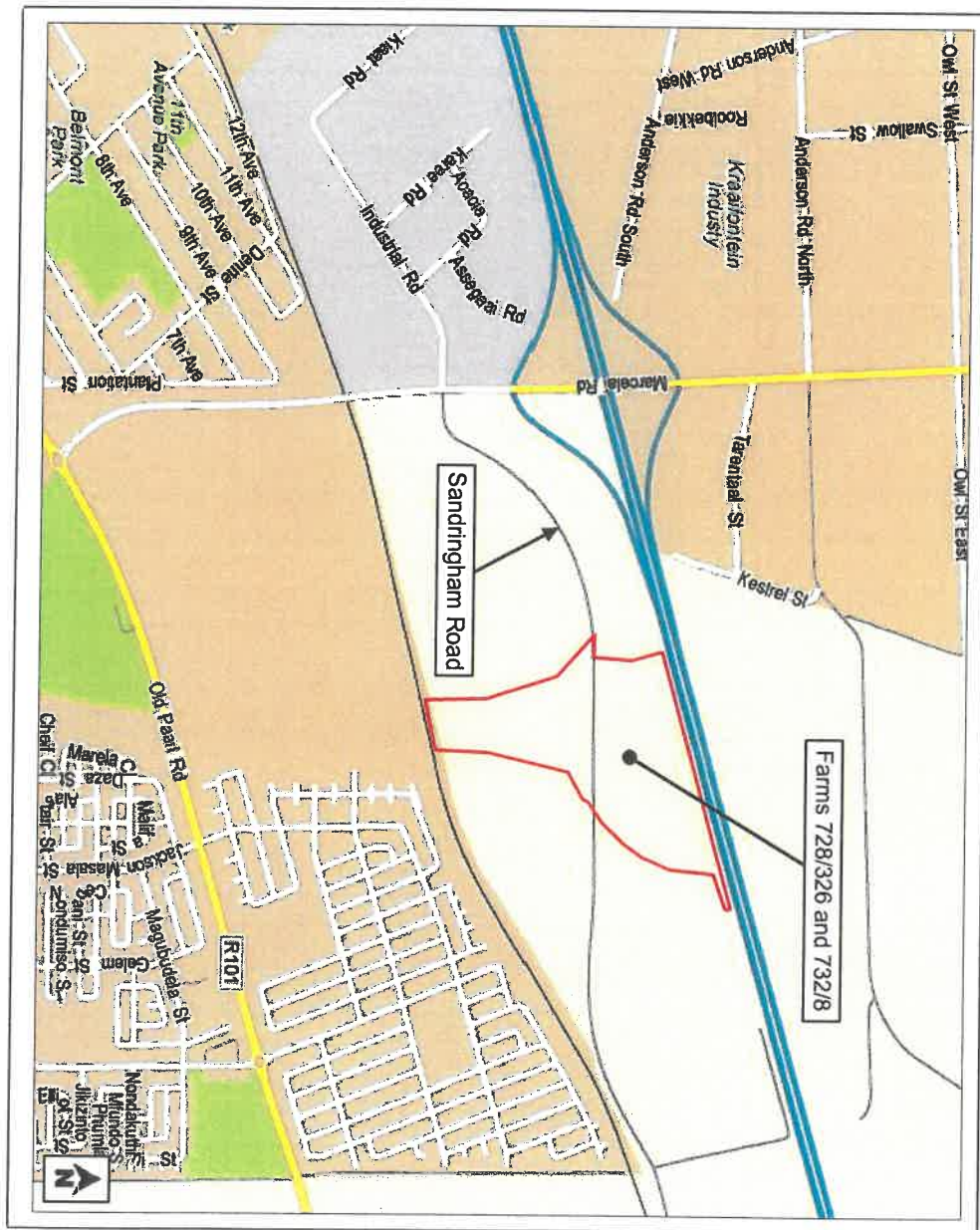
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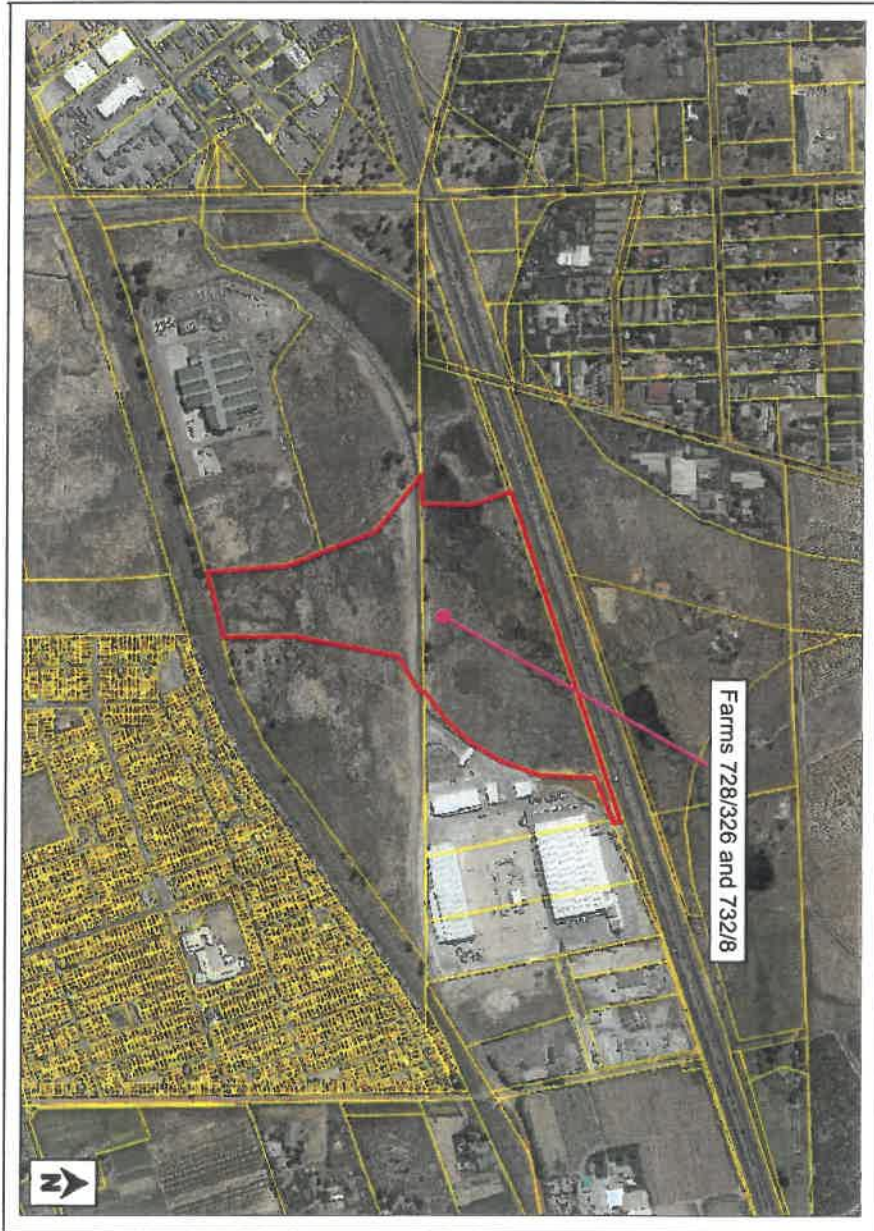
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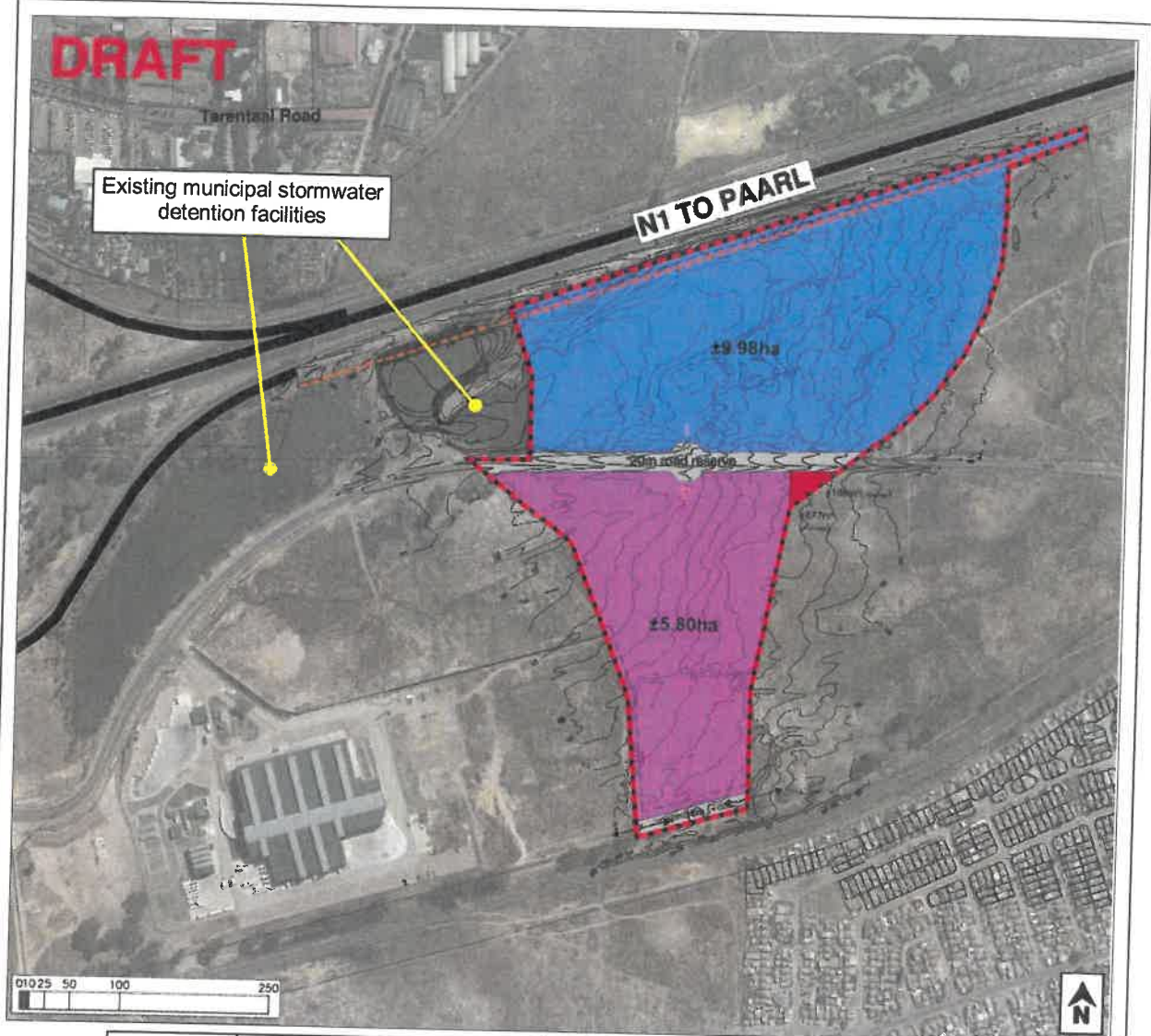
ANNEXURE 1: LOCALITY MAPS







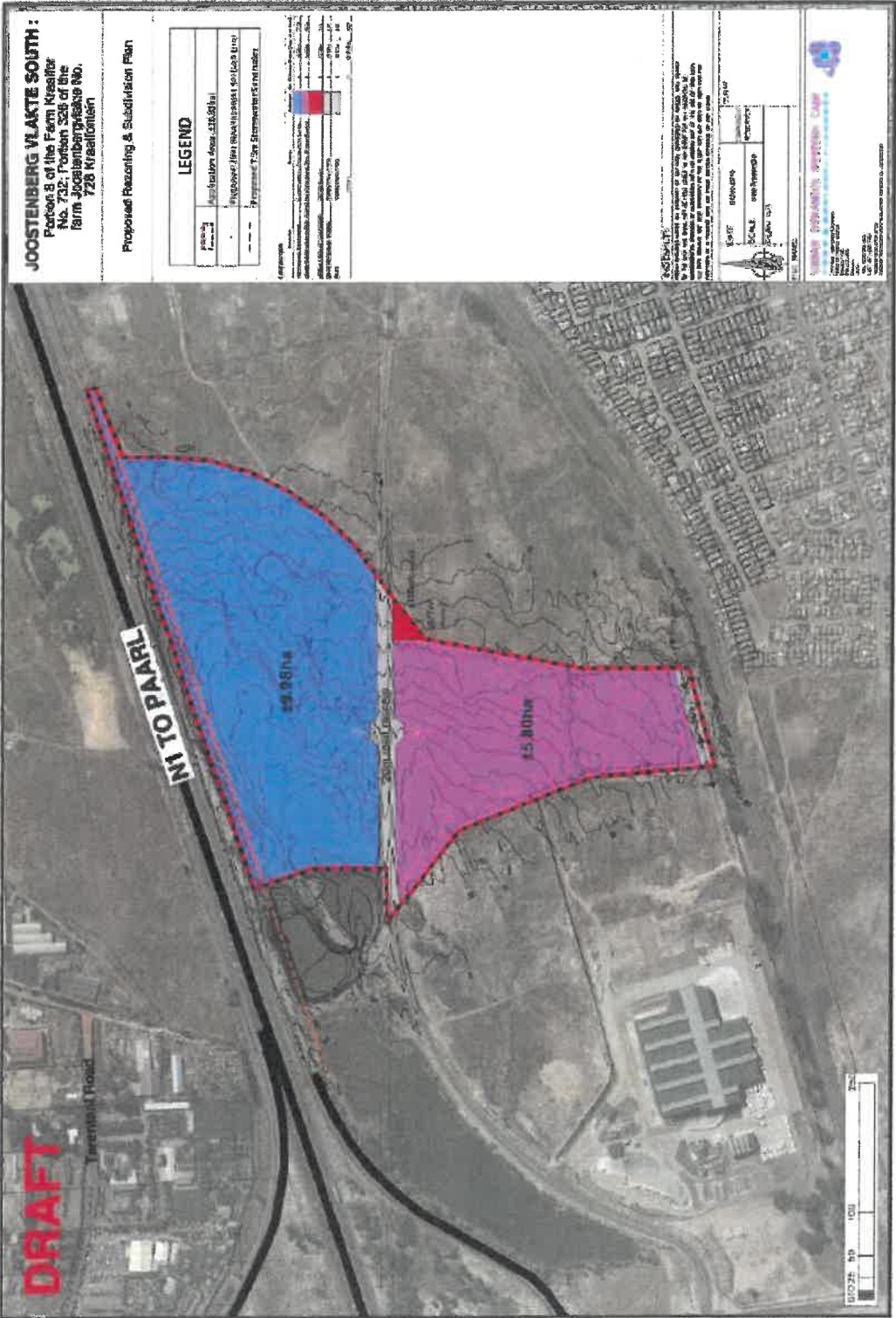




ANNEXURE 2: SITE PLANS



Notation	Zoning	Land Use	Extent (ha)
	General Industrial 2 (GR2) (current zoning)	Industrial (including warehousing)	±9.98
	General Industrial 1 (GR1) (proposed zoning)	Industrial	±5.81
	Utilities	Utilities Telecommunications	±0.09
	Transport 2 (TR2)	Roads	±0.95
Total Extent			±16.83



JOOSTENBERG VLAKTE SOUTH:
 Portion 8 of the Farm Kreaiflar
 No. 732, Portion 526 of the
 farm Joostenbergvlakte No.
 728 Kraaibosch

Proposed Rezoning & Subdivision Plan

LEGEND

Proposed Subdivisions	Proposed Subdivisions
Proposed Rezoning	Proposed Rezoning
Proposed Easements	Proposed Easements
Proposed Roads	Proposed Roads
Proposed Sewerage	Proposed Sewerage
Proposed Stormwater	Proposed Stormwater

NOTES:
 1. The proposed rezoning and subdivision plan is subject to the approval of the relevant authorities.
 2. The proposed rezoning and subdivision plan is subject to the approval of the relevant authorities.
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DISCLAIMER:
 The information contained in this plan is for general information only and does not constitute a guarantee, warranty or representation of any kind. The user of this plan is advised to consult a professional advisor for more detailed information.

DATE	REVISION	BY

UNIVERSITY OF THE FREE STATE

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ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received by this Department on 29 November 2017, and the EMPr submitted together with the BAR on 21 February 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the BAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visit was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The Public Participation Process ("PPP") included:

- The identification of and engagement with I&APs;
- Fixing a notice board at the entrance of the site where the listed activities are to be undertaken;
- Identification of potential I&APs;
- An advertisement of the availability of the pre-application BAR for consultation was placed in the 'Tygerburger Kraaifontein' on 19 July 2017;
- A site notice was placed along the site boundary dated June 2017;
- Written notification to adjacent land owners and State Departments of the availability of the pre-application BAR;
- Copies of the pre-application BAR was placed at the Kraaifontein Public Library;
- The pre-application BAR was made available for a commenting period of 30 days; and
- Written notification to adjacent landowners and State Departments of the availability of the consultation Basic Assessment Report for a commenting period of 30 days from 10 January 2018 to 09 February 2018.

The following authorities commented on the development proposal:

- The National Department of Water and Sanitation
- The South African National Roads Agency Ltd
- Transnet Ltd
- The City of Cape Town
- Heritage Western Cape
- CapeNature

The EAP adequately responded to the comments on the BAR by, *inter alia*, making reference to relevant provisions in the EMPr, specialist recommendations contained in the specialist reports appended to the BAR and the mitigation hierarchy used to address potential impacts. Where impacts could not altogether be avoided, they will be mitigated to acceptable levels.

2. Alternatives

The various layout alternatives were assessed in view of the opportunities and constraints of the site. Layout alternatives also took cognisance of development proposals that were subjected to an EIA process in the past. The layout alternatives that were considered feasible and reasonable are described below.

Design/Layout Alternative 1

This alternative entails the development of approximately eighteen (18) erven zoned for Industrial uses on a single development parcel. The associated infrastructure include:

- Access and internal road network from Sandringham Road; and
- Underground engineering services.

This alternative is associated with an inadequate stormwater management system on the site.

Design/Layout Alternative 2

This alternative entails the development of a single development parcel with nine (9) erven zoned for Industrial uses. The associated infrastructure include:

- Access taken off Sandringham Road;
- An internal road network;
- An underground stormwater management system; and
- Underground engineering services.

This alternative aims to maximise development opportunities on the site. This alternative will furthermore not meet present market demands for larger industrial Erven.

Design/Layout Alternative 3 (Preferred and Herewith Authorised)

The development proposal entails an industrial development and associated infrastructure for industrial-type land uses on Portion 8 of the Farm No. 732 and Portion 326 of the Farm No. 728, Joostenbergvlakte. The development proposal will have a total development footprint of approximately 16.83ha.

The development proposal comprises a development portion south of Sandringham Road of approximately 5.80ha and another development portion north of Sandringham Road of approximately 9.98ha. Access to the proposed site will be taken directly off Sandringham Road.

The associated infrastructure consists of internal roads, stormwater reticulation and retention infrastructure, bulk water and sewerage reticulation infrastructure and underground electrical services reticulation.

The City of Cape Town has confirmed in writing that sufficient unallocated capacity exists to supply municipal services to the proposed site.

No-Go Alternative

The no-go alternative entails using the site which is partly zoned Transport Zone and partly zoned General Industrial 2 in a manner consistent with the current zoning. The no-go alternative does not adequately consider the demarcation of the said properties within the Proclaimed Urban Edge of the City of Cape Town, as the no-go alternative will not align well with the Northern District Spatial Development Plan that has earmarked the said properties for an urban use and within an area demarcated 'Industrial'.

3. Key Factors Affecting the Decision

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

3.1 Planning Context

The site is partly zoned Transport Use and partly General Industrial. The applicant intends to submit an application to the City of Cape Town in terms of the relevant land use management legislation to rezone the site to Mixed Use Zone in order to permit the development proposal.

3.2 Need and Desirability

The site is situated inside of the proclaimed Urban Edge of the City of Cape Town and has been located in an area designated as '*Industrial Development*' in the Northern District Spatial Development Plan.

This makes the development proposal generally consistent with spatial planning policies of the City of Cape Town for the area and therefore is desirable on the site.

3.3 Municipal Services

The City of Cape Town confirmed in writing that sufficient unallocated capacity exists to supply the development proposal with water, wastewater treatment and refuse removal services.

3.4 Wetland and Freshwater Impacts

The development proposal will result in the loss of all wetlands on the site. A wetland offset has been agreed to between the World Wide Fund for Nature South Africa and the applicant (Section 4. Wetland Offset below, refers).

3.5 Biodiversity Impacts

The botanical specialist in the letter dated 03 April 2017, concluded that the site has been completely transformed from its natural state and the likelihood of the Critically Endangered Cape Flats Sand Fynbos being rehabilitated in the future is very low.

3.6 Traffic / Access

The proposed entrance to the site will be taken directly off Sandringham Road.

3.7 Heritage Resources

Heritage Western Cape in their correspondence dated 17 April 2013, indicated that no further action in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required, as the site has no heritage significance. Heritage Western Cape in their electronic correspondence dated 03 March 2017, again indicated that no further action in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required for the amended site development plan.

In addition to this, the applicant will comply with Conditions 17 and 18 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

3.8 Dust and Noise Impacts

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

3.9 Socio-economic

The development proposal will allow for the creation of some temporary employment opportunities during the development phase as well as skills acquisition. The development proposal will also provide employment opportunities during the operational phase.

3.10 Visual Impacts /Sense of Place

The site is generally situated in a visually prominent position due to the proximity of the site to the N1 National Road. The topography of the site is flat and gradual in slope with the landform best described as an open, gently undulating plain. The visual impact of the site can be adequately mitigated through the implementation of mitigation measures contained in the EMPr.

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

Negative impacts include:

- Loss of wetlands on the site;
- Loss of ecological connectivity on the site;
- Loss of ecosystem services and biodiversity on the site;
- Potential wetland offset ill-managed;
- Potential traffic congestion during the development phase;
- Some visual scarring from the N1 National Road; and
- Some noise and dust impacts.

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

Positive impacts include:

- The development proposal will create some temporary employment opportunities during the development phase;
- Removal of alien vegetation; and
- Rates and taxes will be collected by the City of Cape Town.

4. Wetland Offset

The development proposal will result in the infilling of wetlands on the site resulting in the complete loss of all wetlands. The Department of Water and Sanitation issued a Water Use License on 19 November 2015, which permits the applicant to infill the entire extent of the proposed site, inclusive of wetlands, subject to a wetland offset on a receptor site of equivalent conservation value.

The requisite offset area is, as per the offset calculation, determined to be 14.4 equivalent hectares. According to the 'Comments on Residual Impact Significance' compiled by Liz Day dated June 2017, the earmarked offset area has a high rehabilitation potential and in terms of conservation, would be better buffered than the wetlands on the site earmarked for development, as this offset area would ensure better ecological connectivity to a riverine and/or wetland corridor.

The loss of wetlands will be offset by a receptor wetland site on the Remainder of the Farm No. 1294, Kraaifontein, which forms part of the Joostenbergkloof. The applicant has entered into an agreement with the World Wide Fund for Nature South Africa who will administer the wetland offset funds and ring-fence the funds for conservation purposes on the said property.

5. National Environmental Management Act, 1998 (Act No. 107 of 1998) Principles

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

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

6. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the listed activities can be mitigated to acceptable levels.

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