Department of Environmental Affairs and Development Planning
Natasha Bieding
Development Management
Natasha.Bieding@westerncape.gov.za | Tel.: 021 483 5833

REFERENCE: 16/3/3/2/F5/16/2044/20
NEAS REFERENCE: WCP/EIA/0000799/2020
DATE: 09 November 2021

The Board of Directors
Agri Industria (Pty) Ltd
P.O. Box 3380
CAPE TOWN
8000

Attention: Mr. Ian Geoffrey Chait

E-mail: geoff@newportprop.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) FOR THE PROPOSED ESTABLISHMENT OF AN INTEGRATED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 12526, ERF 12496, PORTION 1 OF THE FARM NO. 1113, REMAINDER OF THE FARM NO. 1113 AND PORTION 1 OF THE FARM NO. 697, MALMESBURY AND ERF 353, ABBOTSDALE.

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

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir Toefy
Date: 2021.11.09 17:10:48 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copied to: (1) L Abrahams (Enviro-EAP (Pty) Ltd) E-mail: admin@enviro-eap.co.za / lauren@enviro-eap.co.za
(2) A Burger / A Zaayman (Swartland Municipality) E-mail: swartlandmun@swartland.org.za

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REFERENCE: 16/3/3/2/F5/16/2044/20
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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 INTEGRATED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 12526, ERF 12496, PORTION 1 OF THE FARM NO. 1113, REMAINDER OF THE FARM NO. 1113 AND PORTION 1 OF THE FARM NO. 697, MALMESBURY AND ERF 353, ABBOTSDALE.

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 Activity Alternative, described in the Final Environmental Impact Assessment ("EIA") Report, dated 22 July 2021.

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

Agri Industria (Pty) Ltd
c/o Mr. Ian Geoffrey Chait
P.O. Box 3380
CAPE TOWN
8000

E-mail: geoff@newportprop.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 Activities	Activity/Project Description
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 9 Activity Description: "*The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—* *(i) with an internal diameter of 0,36 metres or more; or* *(ii) with a peak throughput of 120 litres per second or more;* *excluding where—* *(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or* *(b) where such development will occur within an urban area".*	Infrastructure for the bulk transportation of water and stormwater exceeding 1 000 metres in length with an internal diameter of 0,36 metres or more will be installed.
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 10 Activity Description: "*The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –* *(i) with an internal diameter of 0,36 metres or more; or* *(ii) with a peak throughput of 120 litres per second or more;* *excluding where—* *(a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or* *(b) where such development will occur within an urban area".*	Infrastructure for the bulk transportation of sewage and/or effluent exceeding 1 000 metres in length with an internal diameter of 0,36 metres or more will be installed.
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 12 Activity Description: "*The development of—* *(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or* *(ii) infrastructure or structures with a physical footprint of 100 square metres or more;* *where such development occurs—* *(a) within a watercourse;* *(b) in front of a development setback; or*	Service infrastructure of 100 square metres will be constructed within and within 32 metres of a watercourse.

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — *excluding—* *(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;* *(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;* *(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;* *(dd) where such development occurs within an urban area;* *(ee) where such development occurs within existing roads, road reserves or railway line reserves; or* *(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".*	
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 14 Activity Description: "*The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres".*	The two proposed filling stations will include the installation of 5 underground fuel storage tanks with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 19 Activity Description: "*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—* *(a) will occur behind a development setback;* *(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;* *(c) falls within the ambit of activity 21 in this Notice, in which case that activity*	More than 10 cubic metres will be moved from and into the affected watercourse.

applies; *(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or* *(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".*	
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 24 Activity Description: "*The development of a road—* *(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or* *(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;* *but excluding a road—* *(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;* *(b) where the entire road falls within an urban area; or* *(c) which is 1 kilometre or shorter.*	Roads will be constructed with a reserve wider than 13,5 meters, and/or where no reserve exists where the road is wider than 8 metres.
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 28 Activity Description: "*The Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:* *(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or* *(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;* *excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".*	The mixed-use development which exceeds 1 hectare will be established outside an urban area.
Listing Notice 3 of the EIA Regulations, 2014 (as amended)– Activity Number: 4 Activity Description: "*The development of a road wider than 4 metres with a reserve less than 13,5 metres.* *i. Western Cape* *i. Areas zoned for use as public open space or equivalent zoning;* *ii. Areas outside urban areas;* *(aa) Areas containing indigenous vegetation;*	Roads wider than 4 metres with a reserve less than 13,5 metres will be developed outside an urban area which contains indigenous vegetation.

(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or *iii. Inside urban areas:* *(aa) Areas zoned for conservation use; or* *(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority".*	
Listing Notice 3 of the EIA Regulations, 2014 (as amended)– Activity Number: 12 Activity Description: "*The clearance of an area of 300 square metres 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. Western Cape* *i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;* *ii. Within critical biodiversity areas identified in bioregional plans;* *iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;* *iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or* *v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".*	More than 300 square metres of critically endangered vegetation will be cleared.

Listing Notice 2 of the EIA Regulations, 2014 (as amended)– Activity Number: 15 Activity Description: "*The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—* *(i) the undertaking of a linear activity; or* *(ii) maintenance purposes undertaken in accordance with a maintenance management plan*".	More than 20 hectares of indigenous vegetation will be cleared as part of the proposed development.
Listing Notice 2 of the EIA Regulations, 2014 (as amended)– Activity Number: 27 Activity Description: "*The development of a road—* *(i) with a reserve wider than 30 metres; or* *(ii) catering for more than one lane of traffic in both directions;* *but excluding a road—* *(a) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010, in which case activity 24 in Listing Notice 1 of 2014 applies;* *(b) which is 1 kilometre or shorter; or* *(c) where the entire road falls within an urban area*".	Roads with a reserve wider than 30 metres will be constructed outside an urban area.

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 proposal:

The proposed development includes the construction of a mixed-use development in a phased approached.

Phase 1:
- 8 light industrial erven measuring approximately 1.73 ha;
- filling Station which includes 2 underground petrol tanks, 3 underground diesel tanks, forecourt with 8 multi product dispensers, office, fast food outlets and shop measuring approximately 0.7 ha;
- shopping centre measuring approximately 29.37 ha (whereof 5.25 ha gross leasable area ("GLA") will first be developed as part of phase 1);
- taxi and bus depot measuring approximately 1.04 ha; and
- associated Open Space, Roads and Service infrastructure.

Phase 2:
- big box retail / motor show rooms measuring approximately 9.04 ha (whereof 3.6 ha GLA will first be developed as part of phase 2);
- high density mixed use – offices and apartments measuring approximately 5.52 ha (whereof 6.6 ha GLA will first be developed as part of phase 2);
- medium density mixed use – retail and offices measuring approximately 7.12 ha (whereof 2.8 ha GLA will first be developed as part of phase 2);
- high residential measuring approximately 13.49 ha (whereof 2.7 ha GLA will first be developed as part of phase 2);

- hotel measuring approximately 1.51 ha;
- general industrial node measuring approximately 34.10 ha (whereof 20.4 ha GLA will first be developed as part of phase 2);
- educational – private school measuring approximately 16.05 ha;
- educational – University campus measuring approximately 78.84 ha (whereof 5 ha GLA will first be developed as part of phase 2); and
- associated Open Space, Roads and Service infrastructure.

Phase 3:

- big box retail / motor show rooms measuring approximately 9.04 ha (whereof 3.6 ha GLA will first be developed as part of phase 3);
- high density mixed use – offices and apartments measuring approximately 5.52 ha (whereof 6.6 ha GLA will first be developed as part of phase 3);
- medium density mixed use – retail and offices measuring approximately 7.12 ha (whereof 8.5 ha GLA will first be developed as part of phase 3);
- high residential measuring approximately 13.49 ha (whereof 8.0 ha GLA will first be developed as part of phase 3);
- medium density residential node at approximately 60du/ha and measuring approximately 7.27 ha;
- low density residential node at approximately 40du/ha and measuring approximately measuring approximately 42.54 ha;
- general industrial node measuring approximately 34.10 ha (whereof 6.8 ha GLA will first be developed as part of phase 3);
- educational – University campus measuring approximately 78.84 ha (whereof 5 ha GLA will first be developed as part of phase 3);
- shopping centre expansion measuring approximately 24.12 ha (whereof 4.95 ha GLA will be developed as part of phase 3, consisting of Mall component of 47 500m² and a Service station measuring approximately 2000m²);
- business park /node measuring approximately 16.39 ha;
- healthcare facility measuring approximately 3.83 ha;
- agricultural allotments measuring approximately 19.89 ha; and
- associated Open Space, Roads and Service infrastructure.

The total development footprint will amount to approximately 361ha.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken Erf 12526, Erf 12496, Portion 1 of the Farm No. 1113, Remainder of the Farm No. 1113 and Portion 1 of the Farm No. 697, Malmesbury and Erf 353, Abbotsdale. The development area is located south-west of the existing built-up area of Malmesbury and north-east of the built-up area of Abbotsdale.

The Swartland Junction precinct will be located between Malmesbury and Abbotsdale and therefore connect these two towns.

The SG digit codes are:

Erf 12526
Unregistered

Erf 12496
Unregistered

Portion 1 of the Farm No. 1113
C04600000000111300001

Remainder of the Farm No. 1113
C04600000000111300000

Portion 1 of the Farm No. 697
C04600000000069700001

Erf 353
C04600160000035300000

The co-ordinates are:

Erf 12526
Unregistered portion of Portion 1 of Farm 1113

Erf 12496
Unregistered

Portion 1 of the Farm No. 1113
33° 28' 25.28" South; 18° 40' 59.99" East
Remainder of the Farm No. 1113
33° 28' 36.1" South; 18° 41' 17.12" East

Portion 1 of the Farm No. 697
33° 27' 50.87" South; 18° 40' 54.94" East

Erf 353
33° 28' 47.46" South; 18° 40' 6.71" East

The co-ordinates for the associated infrastructure:

Stormwater Pipe and Outfall Pipe and Outfall Culvert 1
33° 28' 26.27" South; 18° 41' 12.52" East

Stormwater Pipe and Outfall Pipe and Outfall Culvert 2
33° 28' 36.20" South; 18° 41' 15.15" East

Water Pipeline 1
Starting point 33° 28' 14.11" South; 18° 41' 12.84" East
Middle point 33° 28' 22.52" South; 18° 41' 18.30" East
End point 33° 28' 29.77" South; 18° 41' 23.28" East

Water Pipeline 2
Starting point 33° 28' 36.77" South; 18° 41' 14.64" East
Middle point 33° 28' 39.81" South; 18° 41' 16.55" East
End point 33° 28' 42.12" South; 18° 41' 17.78" East

Water Pipeline 3
Starting point 33° 28' 11.34" South; 18° 41' 23.37" East
Middle point 33° 28' 45.44" South; 18°40' 41.56" East
End point 33° 28' 20.19" South; 18°41' 37.62" East

Water Pipeline 4
Starting point 33° 28' 35.51" South; 18° 41' 37.20" East
Middle point 33° 28' 41.28" South; 18°41' 20.96" East
End point 33° 28' 48.38" South; 18° 41' 4.60" East

Water Pipeline 5
Starting point 33° 28' 20.05" South; 18° 41' 2.13" East
Middle point 33° 28' 29.94" South; 18° 40' 30.32" East
End point 33° 28' 55.36" South; 18° 40' 17.22" East

Water Pipeline 6
Starting point 33° 28' 10.64" South; 18° 41' 45.76" East

Middle point	33° 27' 56.38" South; 18° 41' 40.58" East
End point	33° 27' 57.06" South; 18° 41' 58.72" East

Sewer Pumpstation
33° 28' 54.79" South; 18° 40' 37.18" East

Main Sewer Pumpstation
33° 28' 46.04" South; 18° 41' 20.35" East

Sewer Pipeline 1

Starting point	33° 28' 34.60" South; 18° 41' 36.26" East
Middle point	33° 28' 40.76" South; 18° 41' 20.32" East
End point	33° 28' 47.70" South; 18° 41' 3.77" East

Sewer Pipeline 2

Starting point	33° 28' 45.69" South; 18° 41' 20.39" East
Middle point	33° 28' 16.34" South; 18° 41' 5.53" East
End point	33° 28' 47.86" South; 18° 40' 28.34" East

Sewer Pipeline 3

Starting point	33° 28' 36.22" South; 18° 41' 15.84" East
Middle point	33° 28' 46.14" South; 18° 40' 45.91" East
End point	33° 28' 55.07" South; 18° 40' 17.05" East

Sewer Pipeline 4

Starting point	33° 28' 44.82" South; 18° 40' 32.05" East
Middle point	33° 28' 41.37" South; 18° 40' 28.10" East
End point	33° 28' 37.78" South; 18° 40' 23.63" East

Sewer Pipeline 5

Starting point	33° 28' 20.00" South; 18° 41' 1.02" East
Middle point	33° 28' 16.80" South; 18° 40' 57.54" East
End point	33° 28' 13.98" South; 18° 40' 50.75" East

Schoonspruit Link Road

Starting point	33° 28' 55.75" South; 18° 40' 52.05" East
Middle point	33° 28' 40.77" South; 18° 41' 22.96" East
End point	33° 28' 29.00" South; 18° 41' 58.63" East

Darling Link Road

Starting point	33° 28' 52.16" South; 18° 40' 22.31" East
Middle point	33° 28' 24.64" South; 18° 40' 55.93" East
End point	33° 27' 46.77" South;18° 41' 26.90" East

Refer to Annexure 1: Locality Plan.
Refer to Annexure 2: Site Development Plan.
Refer to Annexure 3: Phasing Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviro-EAP (Pty) Ltd
c/o Ms. Lauren Abrahams
2 School Street
AGULHAS
South Africa
7287
Email: admin@enviro-eap.co.za / lauren@enviro-eap.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 Activity Alternative described in the Final EIA Report, dated 22 July 2021 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. 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.

   This Environmental Authorisation is granted for–

   (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.

   (b) The construction activities must be concluded by 8 November 2036.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such information 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –

   6.1 notify all registered Interested and Affected Parties ("I&APs") of –

   6.1.1 the outcome of the application;

   6.1.2 the reasons for the decision;

   6.1.3 the date of the decision; and

   6.1.4 the date of issue of the decision;

   6.2 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);

   6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

   6.4 provide the registered I&APs with:

   6.4.1 the name of the holder (entity) of this Environmental Authorisation;

   6.4.2 name of the responsible person for this Environmental Authorisation;

   6.4.3 postal address of the holder;

   6.4.4 telephonic and fax details of the holder;

   6.4.5 e-mail address, if any; and

   6.4.6 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).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.

8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.

    9.1 The notice must make clear reference to the site details and EIA Reference number given above.

    9.2 The notice must also include proof of compliance with the following conditions described herein:

    Conditions: 6, 7, 10.3, 14, 18, 19, 20, 21 and 26.7.

Management of activity

10. The EMPr dated 24 May 2021 submitted, including the attached Maintenance Management Plan dated May 2021 and the Rehabilitation and Alien Vegetation Management Plan dated March 2021, are hereby approved, on condition that the following amendments are made to the EMPr before the commencement of construction activities and must be implemented:

    10.1 A Rapid Response Plan for each of the two filling stations, which addresses *inter alia* hydrocarbon spillages or leakages must be compiled by a suitably qualified specialist and must be included in the EMPr.

    10.2 A Groundwater Monitoring Plan for each of the two filling stations which addresses *inter alia* the location of groundwater monitoring boreholes and management of stormwater with potential for contamination of groundwater, must be compiled by a suitably qualified specialist and must be included in the EMPr.

    10.3 The updated EMPr must be submitted to the Department prior to the commencement of any construction activities.

11. An application for amendment of the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended), if any amendments are to be made to the outcomes of the EMPr and these may only be implemented once the amended EMPr has been authorised by the competent authority.

12. The EMPr must be included in all contract documentation for all phases of implementation

13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase and rehabilitation phases of implementation.

    The ECO must–

    14.1 be appointed prior to commencement of any land clearing or construction activities commencing;

    14.2 ensure compliance with the EMPr and the conditions contained herein; and

14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –

    15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;

    15.2 submit environmental audit reports to the relevant competent authority during the construction phase. The holder must submit the first audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction phase;

    15.3 submit an environmental audit report every three (3) years during the development/construction phase; and

    15.4 submit an environmental audit report after construction have been concluded every five (5) years while the Environmental Authorisation remains valid.

16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

    In addition to the above, the environmental audit report, must –

    16.1 provide verifiable findings, in a structured and systematic manner, on–

        (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and

        (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;

    16.2 identify and assess any new impacts and risks as a result of undertaking the activity;

    16.3 evaluate the effectiveness of the EMPr;

    16.4 identify shortcomings in the EMPr;

    16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

    16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;

    16.7 include a photographic record of the site applicable to the audit; and

    16.8 be informed by the ECO reports.

17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, place on a publicly accessible website.

Specific conditions

18. A Master Stormwater Management Plan must be compiled and submitted to the Swartland Municipality for approval. A copy of the approval of the Stormwater Management Plan, as well as the approved Master Stormwater Management Plan must be submitted to this Department prior to commencement.

19. A Master Water Management Plan must be compiled and submitted to the Swartland Municipality for approval. A copy of the approval of the Master Water Management Plan, as well as the approved Master Water Management Plan must be submitted to this Department prior to commencement.

20. Landscape guidelines must be compiled by a suitably qualified landscape architect(s) for each precinct or superblock and must be submitted to the Swartland Municipality for approval. A copy of the approval letter and approved Landscape guidelines must be submitted to this Department prior to the commencement of each Phase.

21. Architectural guidelines which seek to respect the rural nature of the local area must be compiled by a suitably qualified architect or specialist(s) for each precinct or super block and submitted to the Swartland Municipality for approval for each superblock. A copy of the approval letter and approved Architectural guideline(s) and plan must be submitted to this Department prior to the commencement of each Phase.

22. The following measures adapted from the Traffic Impact Assessment dated 4 May 2021 compiled by Urban EQ Consulting Engineers, must be implemented:

    22.1 The portion of the Darling Way link road between the single-lane roundabout (located on northern side of the Abbotsdale Interchange) up to the proposed public transport interchange must be constructed as a 2-lane road as part of phase 1.

    22.2 The relevant stakeholders which must include *inter alia*, transport operators, Swartland Municipality and Department of Transport and Public Works must be consulted prior to the construction of the required public transport interchange(s) for phase 1.

    22.3 A pedestrian footbridge of an approximate 2m wide trafficable surface and connecting shared bicycle and pedestrian routes at minimum width of 3m wide must be provided across the railway line on the northern side of the site as part of phase 1.

    22.4 The Darling Way link road must be constructed from the public transport interchange to Darling Way (R315) as part of phase 2.

    22.5 The portion of the road between the Abbotsdale Interchange's northern terminal and the public transport interchange must be upgraded to a four-lane divided roadway (i.e., dual carriageway). All roundabouts along this section must be upgraded to double-lane roundabouts as part of phase 2.

    22.6 The Schoonspruit Road link must be constructed as part of phase 2.

    22.7 Both of Abbotsdale Interchange's terminals must be signalised as part of phase 2.

    22.8 Both the Darling Way and Schoonspruit Road links must include shared bicycle and pedestrian facilities that are no less than 3m wide on at least one side of the road as part of phase 2.

    22.9 Surfaced sidewalks must be provided on both sides of all internal roads within the proposed development (unless a road is designed to be a shared vehicular-pedestrian space. Sidewalks should ideally be 1.8m wide, but no less than 1.5m wide).

    22.10 Parking sharing and communal parking areas must be constructed in order to allow for more efficient use of parking areas.

23. The following measures recommended in the Freshwater Assessment Report dated 11 December 2019 compiled by Mr Nicolaas Willem Hanekom of Enviro-EAP (Pty) Ltd must be implemented.

    23.1 The footprint area of the construction activity must be limited to what is absolutely essential in order to minimise the loss of aquatic habitats. Construction activities must only be undertaken in identified and specifically demarcated areas.

    23.2 The areas in the vicinity of the non-perennial rivers and wetland, its riparian zones where no development is proposed must be regarded as no-go areas during the construction period and all demarcated sensitive zones outside of the construction area must be kept off limits during the construction phase.

    23.3 The delineated 1:100year floodline, 32m buffer around sections of the rivers where no development is proposed, and the delineated wetland must be appropriately demarcated by the ECO and treated and marked as a 'no-go' area. No construction activities may occur within the non-go areas.

    23.4 Contractor laydown areas and stockpiles must be established outside of the 100m zone around the watercourses and wetland.

23.5 Vehicles must be serviced at the contractor laydown area and all re-fuelling must take place outside of all relevant zones of regulation.

23.6 Care must be taken to ensure that all concrete mixing is done on batter boards or within suitably bunded areas and no cement laden run-off may enter into the preferential surface flow pathway or the downstream ephemeral stream.

23.7 Construction activities must be limited to the drier summer months, as far as possible, to avoid sedimentation and siltation of riparian features in the vicinity of the proposed development.

23.8 Invasive vegetation must be removed during construction phase to be disposed of at landfill site if (not use for fire wood), and in such a manner that seeds must not be able to spread from the disposal site or during transportation.

23.9 No construction equipment stand unauthorised within or near the river.

23.10 All excess sediment removed from the watercourses must be utilised as part of the building activities or be removed from site. At no point may this material be dumped on site or within any of the other freshwater features identified within the surrounding area.

23.11 Topsoil with a high density of alien invasive seeds must be suitably controlled during the operational phase.

23.12 Soil surrounding the constructed infrastructure must be suitably backfilled and sloped (minimum of a 1:3 ratio) and concrete aprons as well as gabion mattresses must be installed both up and downstream for energy dissipation and sediment trapping.

23.13 The disturbed areas must be rehabilitated and ongoing monitoring and management of invasive alien plants with the watercourses must be undertaken.

23.14 Monitoring must be done after rehabilitation to ensure that no invasive alien plants establishes within the watercourse adjacent to the development.

24. The following measure adapted from the Final EIA Report compiled by Ms. Lauren Abrahams of Enviro-EAP (Pty) Ltd. must be implemented:

24.1 The seep wetland area in the image below must be protected and rehabilitated as a feature of the development.

25. The following measures adapted from the Socio- Economic Impact Assessment dated December 2020 compiled by leap sustainable development must be implemented:

25.1 A database must be maintained to record the details of prospective employees from the local area.

25.2 A Development and Monitoring Committee must be established for the purpose of facilitating appointments to jobs generated from local data basis compiled, address problems arising during the construction and operational phases and facilitate further skills and training opportunities.

25.3 The Contractor must be required to employ 90% locals (where practically possible) of whom 90% is Historically Disadvantaged Individuals (where practically possible).

25.4 Training and skills transfer must be prioritised whilst construction is taking place for those who lacks the required skills.

25.5 The municipality, local community and local community organisations must be informed of the potential employment opportunities by the developer.

26. The following measures relating to the two filling stations adapted from Risk Assessment dated 15 December 2020 compiled by MHR Consultants must be implemented:

26.1 Good housekeeping must always be observed on site.

26.2 Wheel chocks must be used when road tanker offloads fuel.

26.3 Foreign cylinders must be stored in dedicated storage area.

26.4 The storage tank installations must conform to the relevant SANS codes.

26.5 Flammable Substance Certificate must be issued by the Fire Department.

26.6 The local Fire Department must witness pressure test prior to commissioning.

26.7 An Emergency and Fire Response Plan must be compiled for each of the two filling stations and must be submitted to the Swartland Municipality for approval. A copy of the approval as well as the approved Emergency and Fire Response Plans must be submitted to this Department, prior to commencement.

26.8 Training of employees must be done to ensure that proper maintenance is observed, along with the use of the equipment as specified by the manufacturer and the measures that must be taken in the event of an emergency.

26.9 Fire extinguishers must be placed at appropriate locations at these installations.

26.10 Fire hose reels must be placed within 30m of off-loading area(s).

26.11 Fire hydrant must be placed within 30m of the off-loading area(s).

27. The following measures applicable to the filling stations adapted from the Groundwater Impact Assessment dated 10 December 2020 compiled by GEOSS (Pty) Ltd. must be implemented:

27.1 Tanks must be double walled / "Jacketed" (i.e., possessing secondary containment).

27.2 The Underground Storage Tanks must have an internal leak detection monitoring system between the two walls to monitor for product leakage.

27.3 Fuel lines and sumps must be secondary contained where lines are joined.

27.4 The filling stations must each have a fuel containment area comprising a containment slab graded to drain to a catch-pit. The catchpit must be connected to discharge to the stormwater system *via* an oil separator.

27.5 The surrounding paved surface areas must be graded to ensure rainwater runoff drains into the stormwater system.

27.6 The roofed forecourt area must be provided with its own set of catch pits that must be connected to discharge to the sewer via a separate oil separator.

27.7 The surface area of the forecourt must be graded to the catch pits while the surrounding surface area must be graded to drain rainwater to the stormwater system.

27.8 The filling stations must comply with the relevant Industry design standards, including Leak Detection and Automatic Tank Gauging, Tank Design as well as Monitoring systems.

27.9 The Underground Storage Tanks must be durable to withstand the impacts of events of heavy rains and flooding.

27.10 The Underground Storage Tanks manholes must be impermeable and resistant to fuel and must consists of heavy-duty cast-iron cover.

27.11 Reinforced concrete slabs must be constructed over the Underground Storage Tanks, with the thickness and strength that must be determined by a qualified Engineer prior to construction.

27.12 The filler point and tank must be fitted with overfill protection, with the critical level be such that a space remains in the tank to accommodate the delivery hose volume (2%).

27.13 Earthing and snap tight quick coupling must be provided for loading of materials into tanks.

27.14 The Underground Storage Tanks must be fitted with a tank containment sump, fitted on top of the tank and a dispenser containment sump must be fitted underneath the dispenser as containment.

27.15 Filler spill containment must be provided for remote filler containment purposes.

27.16 Excavation activities must be protected against the ingress of surface run off water and must be kept reasonably free of sub-surface water.

27.17 Excavated areas must be lined with a HDPE liner or a suitable clay layer to prevent infiltration of product to the groundwater should a spill or leak occur.

27.18 The Underground Storage Tanks must be inspected before installation for damage, including factures or damage to coating work.

27.19 Leak and pressure tests must be conducted on tanks and pipelines to ensure integrity prior to operation and the inspection authority must issue pressure test certificates, which must be kept on-site.

27.20 The local/municipal Fire Department must be informed two (2) working days before installation commences and must be called for inspection at the following stages:

27.20.1 installation of tank on clean sand bed before backfilling;

27.20.2 witness pressure test; and

27.20.3 inspection of slab over tank before concreting.

27.21 All pipeline connections must be housed within impermeable containment chambers.

27.22 A leak detector on all submersible pumps that automatically checks the integrity of the pipework on the pressure side of the pump must be installed.

27.23 Pipelines must not retain product after use and no joints must be installed underground.

27.24 An emergency shut-off valve must be provided between the supply pipeline and dispenser inlet.

27.25 All pipes (vent, filler and delivery) must slope back to the Underground Storage Tanks so that fuel does not remain in the pipes.

27.26 Vent pipes must be fitted with "Fulcrum" vertical vent roses, or an approved equally equivalent market product replacement, that conforms to the relevant standards.

27.27 Vent pipes above ground must be galvanised mild steel and must be installed at least 1000mm above the roof height and away from any doors, windows, chimney openings and other sources of ignition.

27.28 The tank product lines must be pressure tested prior to commissioning.

27.29 The Underground Storage Tanks and underground pipe integrity must be tested on integrity prior to installation, when ownership of the tanks and associated underground pipework changes, when leaks are detected and during leak detection monitoring.

27.30 The Underground Storage Tanks must be fitted with a monitoring tube to allow for the monitoring of leaks through the tank surface.

27.31 Leak detectors must be installed to the submersible pumps within the Underground Storage Tanks manholes to ensure that there are no line leaks.

27.32 Technology pertaining to soil vapour monitoring must be installed.

27.33 The installation of Soil Vapour Sampling Points must include the placement of a permeable coarse clean sand layer beneath the storage tanks for a vertical depth of approximately 0.5m to 1m.

27.34 Continuous electronic monitoring of product must be carried out. Should discrepancies occur the appropriate action to rectify the situation must be taken.

27.35 The pumps must be fitted with a 'Spill Containment Chamber' at the forecourt dispensing area.

27.36 A concrete bunded reinforced graded slab over the forecourt area as determined appropriate by a suitably qualified engineer, with positive falls towards a centrally located catch-pit/sump must be constructed.

27.37 The centrally located catch-pit/sump must drain into a pollution containment chamber i.e. an approved oil/water separator system. Once the wash water has passed through the system, the separated oil must be collected regularly by an approved waste contractor and removed to an approved hazardous waste disposal facility.

27.38 The forecourt area must be covered.

28. Energy and water saving technologies must be implemented including *inter alia*, the use of renewable energy, energy efficient lighting, dual flush toilets, low-flow water fittings, automated and drip irrigation systems connected to water tanks and rainwater collection water tanks.

29. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

30. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.

31. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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.

31.1 A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

31.2 The following recommendations provided by the Archaeological Impact Assessment dated June 2020 as compiled by the Agency for Cultural Resource Management and Heritage Western Cape in their final comment dated 28 January 2021, must be implemented:

31.2.1 The remains of the 19th Century `starter' home (GPS Point 4711) on Portion of the Remainder of Erf 353 must be retained in the Final Site Development Plan. An information board could be placed alongside the structure describing the history and context in which the ruins occur.

31.2.2 Sampling of the pre-colonial artefacts in three areas of the densest artefacts'concentration on the property (i.e. an area of 10m x 10m each) is required under an approved Workplan.

F. RECOMMENDATIONS

This Directorate recommends that the following be implemented:

- New age technology such as vegetable and herb gardens should be established on the roof of the shopping centre. The produce should be used by the shopping centre and/or distributed to the local community who manages charities and soup kitchens and/or Non-Profit organisations.
- Mechanisms should be put into place for young people to access study opportunities at the new university campus. This could be offered by means of local businesses which form part of the mixed-use development designing social investment contributions to a bursary fund where local youth get preference or are afforded study opportunities.
- As much indigenous vegetation should be retained within the planned open space areas to assist with soil stability and reduce dust.

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 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 Interested and Affected Parties, 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 Interested and Affected Parties -

   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 Interested and Affected Party, 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 Interested and Affected Party 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: Attention: Marius Venter
   Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
   Private Bag X9186
   CAPE TOWN
   8000

   By facsimile: (021) 483 4174; or
   By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
   Room 809
   8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

   Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL http://www.westerncape.gov.za/eadp.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/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

Zaahir Toefy

Digitally signed by Zaahir Toefy
Date: 2021.11.09 17:11:21 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

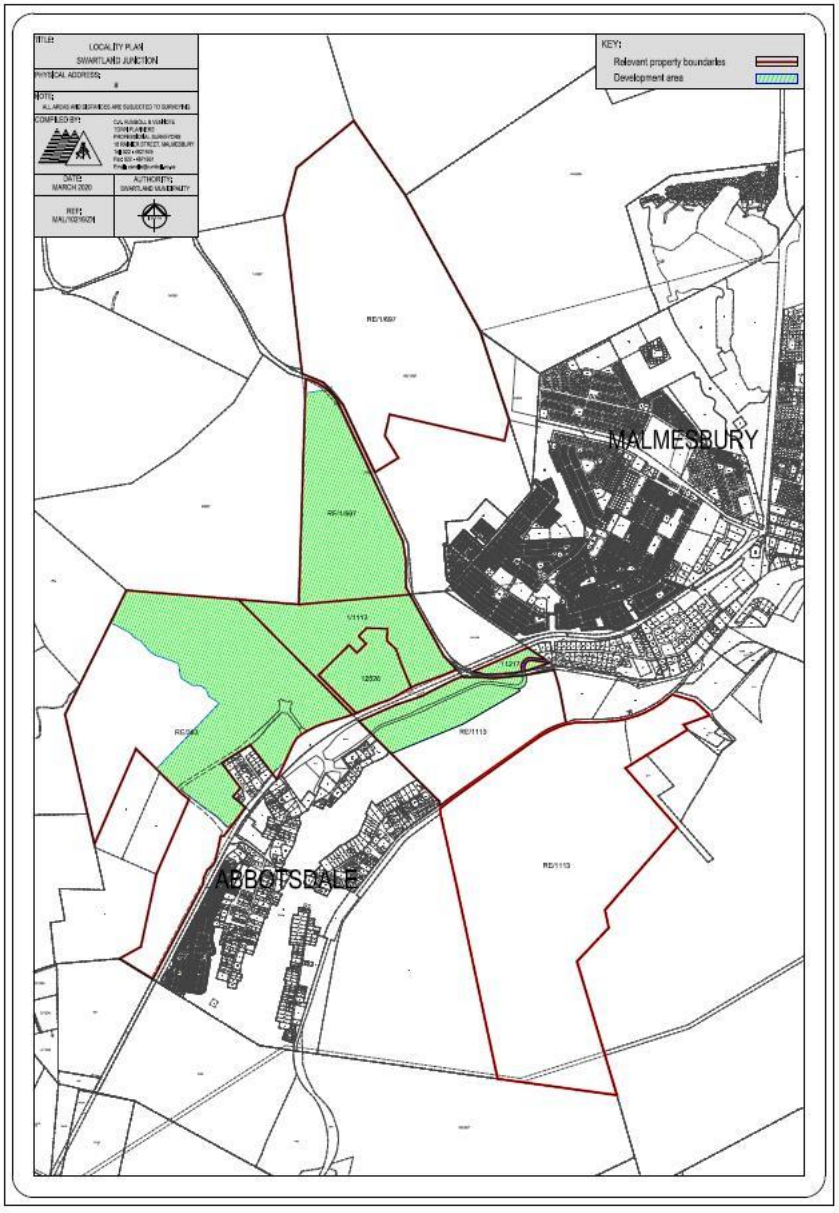
DATE OF DECISION: 09 NOVEMBER 2021

Copied to: (1) L Abrahams (Enviro-EAP (Pty) Ltd) E-mail: admin@enviro-eap.co.za / lauren@enviro-eap.co.za
(2) A Burger / A Zaayman (Swartland Municipality) E-mail: swartlandmun@swartland.org.za

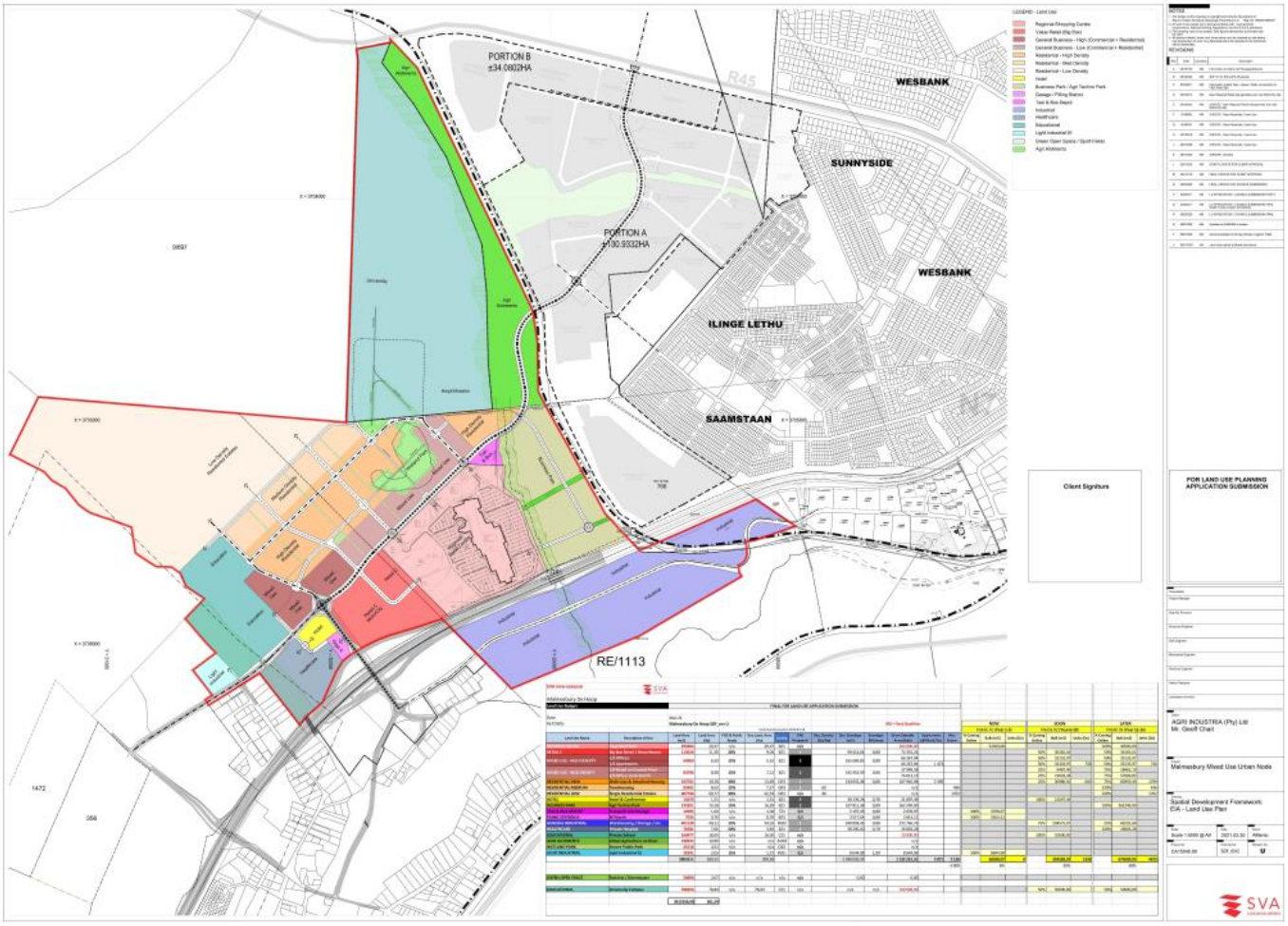
FOR OFFICIAL USE ONLY:

REFERENCE: 16/3/3/2/F5/16/2044/20
NEAS REFERENCE: WCP/EIA/0000799/2020

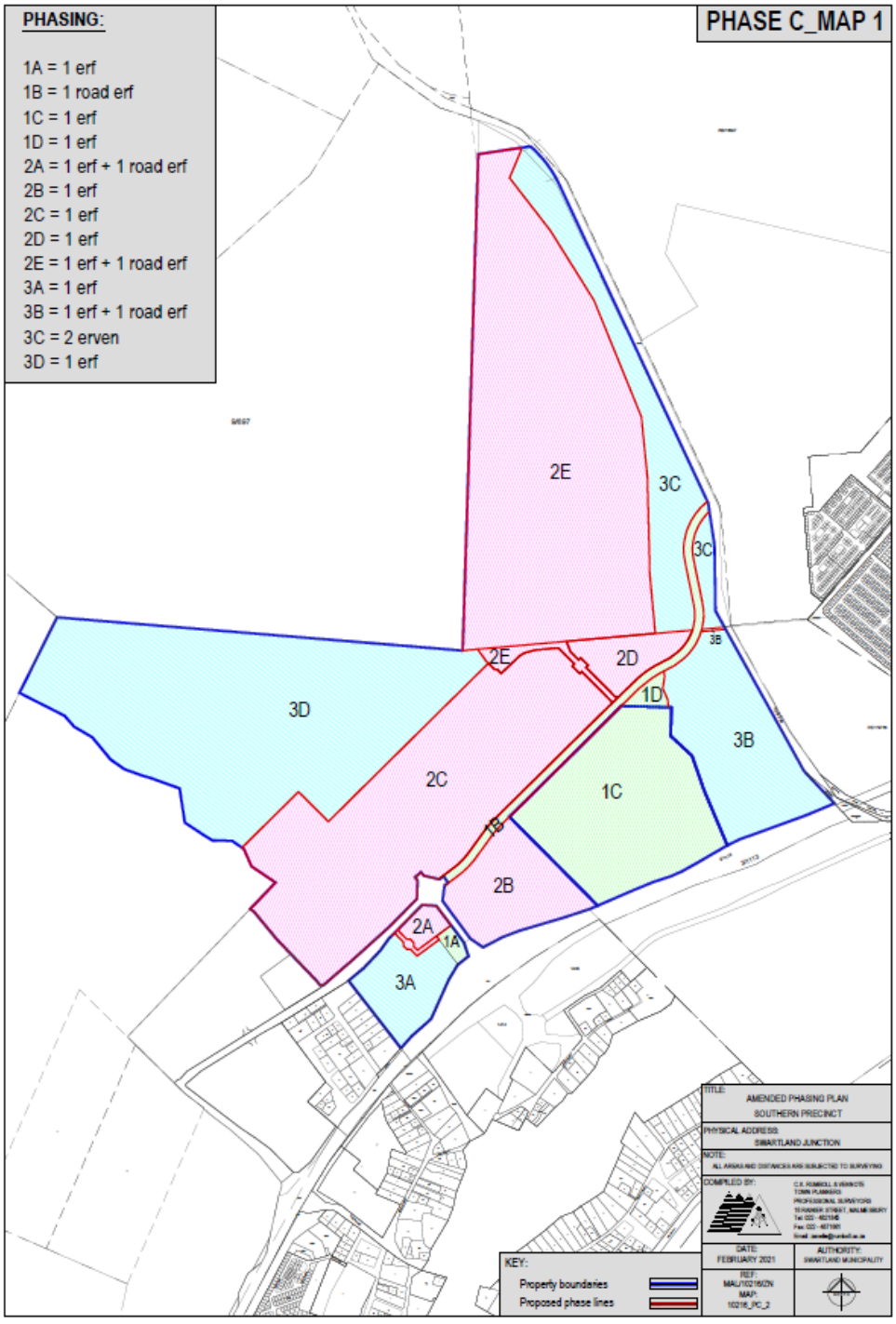
ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: THE SITE DEVELOPMENT PLAN



ANNEXURE 3: PHASING PLAN



ANNEXURE 4: 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 15 September 2020, the Final Scoping Report dated 2 November 2020, the Final EIA Report dated 22 July 2021, the EMPr dated 24 May 2021 and the additional information received on 5 November 2021 and 9 November 2021.

b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);

c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and

d) The comments received from I&APs and responses to these, included in the Final EIA Report.

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 included:

- notices regarding the proposed development and the manner in which I&APs could register were distributed to all relevant I&APs and authorities on 30 July 2020 and 31 July 2020 respectively;
- six notices were placed on site on 28 July 2020;
- an advertisement was placed in the Swartland Gazette on 4 August 2020;
- the Draft Scoping Report and associated information was made available for comment from 18 September 2020 to 19 October 2020;
- the Draft EIR and associated information was made available for comment 4 March 2021 to 18 April 2021; and
- the revised Draft EIR and associated information was made available for comment from 31 May 2021 to 2 July 2021.

Authorities consulted

The authorities consulted included the following:

- West Coast District Municipality;
- Swartland Municipality;
- Department of Water and Sanitation;
- Western Cape Department of Agriculture;
- Department of Agriculture, Forestry and Fisheries;
- National Department of Agriculture, Land Reform and Rural Development;
- CapeNature;
- Heritage Western Cape;
- Western Cape Department of Transport and Public Works;
- The South African National Roads Agency Limited; and
- This Department's: Directorate: Waste Management and Directorate: Pollution and Chemicals Management.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the Final Scoping Report and Final EIA Report.

2. Alternatives

Property / Location Alternative (Preferred by the applicant)

This alternative entails the construction of the mixed-use development and associated infrastructure on Erf 12526, Erf 12496, Portion 1 of the Farm No. 1113, Remainder of the Farm No. 1113 and Portion 1 of the Farm No. 697, Malmesbury and Erf 353, Abbotsdale. This is the preferred and only Property / Location Alternative as the said properties are highly accessible, particularly from the improved N7 road.

Activity Alternative (Preferred by the applicant and herewith authorised)

This alternative entails the construction of mixed-use development in a phased approached.

Phase 1:

- 8 light industrial erven measuring approximately 1.73 ha;
- filling Station which includes 2 underground petrol tanks, 3 underground diesel tanks, forecourt with 8 multi product dispensers, office, fast food outlets and shop measuring approximately 0.7 ha;
- shopping centre measuring approximately 29.37 ha (whereof 5.25 ha gross leasable area ("GLA") will first be developed as part of phase 1);
- taxi and bus depot measuring approximately 1.04 ha; and
- associated Open Space, Roads and Service infrastructure.

Phase 2:

- big box retail / motor show rooms measuring approximately 9.04 ha (whereof 3.6 ha GLA will first be developed as part of phase 2);
- high density mixed use – offices and apartments measuring approximately 5.52 ha (whereof 6.6 ha GLA will first be developed as part of phase 2);
- medium density mixed use – retail and offices measuring approximately 7.12 ha (whereof 2.8 ha GLA will first be developed as part of phase 2);
- high residential measuring approximately 13.49 ha (whereof 2.7 ha GLA will first be developed as part of phase 2);
- hotel measuring approximately 1.51 ha;
- general industrial node measuring approximately 34.10 ha (whereof 20.4 ha GLA will first be developed as part of phase 2);
- educational – private school measuring approximately 16.05 ha;
- educational – University campus measuring approximately 78.84 ha (whereof 5 ha GLA will first be developed as part of phase 2); and
- associated Open Space, Roads and Service infrastructure.

Phase 3:

- big box retail / motor show rooms measuring approximately 9.04 ha (whereof 3.6 ha GLA will first be developed as part of phase 3);
- high density mixed use – offices and apartments measuring approximately 5.52 ha (whereof 6.6 ha GLA will first be developed as part of phase 3);
- medium density mixed use – retail and offices measuring approximately 7.12 ha (whereof 8.5 ha GLA will first be developed as part of phase 3);
- high residential measuring approximately 13.49 ha (whereof 8.0 ha GLA will first be developed as part of phase 3);
- medium density residential node at approximately 60du/ha and measuring approximately 7.27 ha;
- low density residential node at approximately 40du/ha and measuring approximately measuring approximately 42.54 ha;
- general industrial node measuring approximately 34.10 ha (whereof 6.8 ha GLA will first be developed as part of phase 3);
- educational – University campus measuring approximately 78.84 ha (whereof 5 ha GLA will first be developed as part of phase 3);
- shopping centre expansion measuring approximately 24.12 ha (whereof 4.95 ha GLA will be developed as part of phase 3, consisting of Mall component of 47 500m² and a Service station measuring approximately 2000m²);
- business park /node measuring approximately 16.39 ha;

- healthcare facility measuring approximately 3.83 ha;
- agricultural allotments measuring approximately 19.89 ha; and
- associated Open Space, Roads and Service infrastructure.

The total development footprint will amount to approximately 361ha.

This is the preferred and only activity alternative as the mixed components and land uses will sufficiently allow for the creation of an integrated well located and highly accessible urban node, with associated benefits aimed at the local area as well as the greater Swartland Municipal region.

Layout Alternative 1 (rejected by the applicant):

Layout Alternative 1 entails the construction of approximately 307.9 ha integrated urban node mixed uses including residential, social services, light industrial, service industries, institutional, commercial uses, open space areas, agri-alotments and a transport interchange depot.

Layout Alternative 1 was rejected as the layout does not take the identified ecological areas or the constraints of the site into account.

Layout Alternative 2 (rejected by the applicant):

Layout Alternative 2 entails the construction of an approximate 361 ha integrated mixed-use development including residential, social services, light industrial, service industries, institutional, commercial uses, open space areas, agri-alotments and a transport interchange depot.

Layout Alternative 2 was rejected, as although it was developed in consultation with the appointed specialists, total avoidance of the negative impacts on watercourses does not form part of this layout alternative. Hence, forms of impact mitigation measures such as the establishment of open space areas as well as a wetland park forms part of Layout Alternative 2.

Layout Alternative 3 (preferred by the applicant):

Layout Alternative 3 entails the construction of an approximate 361ha integrated mixed-use development. The development will include high density residential, commercial, industrial, healthcare, community, recreational, educational facilities and associated infrastructure.

Layout Alternative 3 is preferred as it also incorporates some of the requests obtained from the stakeholder and investor engagements. These related to the preferred increase in coverage (m^2) in terms of the residential and commercial components, which will make the mixed-use development economically more viable.

Technology Alternatives (preferred by the applicant):

The preferred technology alternatives include the:

- the use of municipal as well as renewable energy sourced electricity;
- energy efficient lighting;
- dual flush toilets;
- low-flow water fittings;
- automated and drip irrigation systems connected to water tanks; and
- rainwater collection water tanks.

This is a preferred alternative as the abovementioned are all aimed at the implementation of water and energy saving solutions.

No-go alternative (rejected by the applicant):

The no-go alternative entails maintaining the *status quo*, i.e. no construction of the mixed-use development and associated infrastructure. The no-go alternative was rejected, as it will imply that the site will remain underutilised and vacant with less than half of the development under cultivation.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development is proposed to be phased over a 15-year timeframe in 5-year cycles. The two focal points of the development will be the shopping centre, and a satellite campus of Stellenbosch University, focusing on technical education and agricultural courses.

The vision of the shopping centre is to function as a regional shopping centre in the Swartland area and beyond, which will reduce the distance and time that local residents in the region must travel to gain access to shopping centres of a similar scale. The site's proximity to the N7 makes location of the shopping centre ideally accessible to local residents as well as those traveling to the Swartland municipal region. According to the Market Study dated March 2019, based on the consumer survey conducted of people residing in Malmesbury, Darling, Atlantis, Avondale, Piketberg, Robinvale, Riebeek Kasteel, Beacon Hill, Abbotsdale, Cape Town, Greater Chatsworth, Kalbaskraal, Kraaifontein, Paarl, Sherwood Park, Tulbagh and Porterville, 92.3% of the respondents support the retail facility, which should meet the demands for full-line grocers, clothing stores, shoe stores, pharmacy, butchery and restaurants / take-aways. This demand is expected to increase with the growth of the Swartland region as well as the new resident community forming part of the Swartland Junction mixed-use development. The shopping centre is aimed at meeting this demand while also improving the area's existing retail supply which at present only comprises De Bron Centre - Malmesbury, Malmesbury Handelssentrum and Checkers Centre. In this regard, the Market Study further uses a baseline scenario (i.e. in the context of residual nodal capacity calculations) that the optimum retail size could ideally measure approximately 33 885m² in GLA.

The shopping centre and the new commercial components may however pose a negative cumulative impact on the existing economic facilities in the local municipal region. This relates to a decrease in business activities and customers for the existing economic facilities. It is however expected that given the nature and scale of the mixed-use development comprising housing and a university campus, these components will increase the region's consumer demand and thereby mitigate the negative impact on the existing economic facilities.

The other components such as the filling stations and associated retail components, as well as the motor sales and big box retail sites will also complement the commercial component of the proposed development. The facilities are easily accessible due to its close proximity to the N7. Due to the site's location, the filling stations will be easily accessible and primarily serve the road users on the N7. The filling stations are however also required to serve as a refuelling station for visitors to the newly proposed development. The proposed commercial franchises (restaurants) and a shop/convenience store will complement the offerings available at the filling stations. In the same manner the healthcare facility will be highly accessible from the N7 which allows fast transport of emergency vehicles to and from the healthcare site.

Further considerations were also incorporated into the overall development concept to improve the desirability context. Firstly, the high-density mixed uses will be located around a central point to enforce a specific growth pattern. This is where the densities of the built footprint decrease at a distance moving further away from the urban node. The proposed amenities included in the development will be within walking distance to communities and thus meets the requirements of creating walkable cities which is central for good place-making. Secondly, the medium density mixed-use area will be multi-functional by accommodating retail opportunities on the ground floor and offices on the first and second floors, which will allow for more economic opportunities to be created. Thirdly, the high-density residential sites will be located within walking distance of the university campus, and thereby reduce the need for long-distance traveling. In the same manner, the hotel will be centrally located and within walking distance of the business park/node and shopping centre.

In order to accommodate this large-scale development all modes of transport were considered and the need for an additional Taxi and Bus Depot will be a major asset to the development. The site will be ideally located next to the main arterial route through the development. Users of public transport will be dropped off and picked up in a central location, which is within walking distance to the University, central business area and the shopping centre.

The residential components of the development are aimed to meet the demand for housing opportunities resulting from the dualling of the N7. The hotel is aimed at providing accommodation to travellers on the N7, including the route between Namibia and Cape Town.

The industrial node aims to increase the opportunities for industrial development within the Malmesbury area. The site's accessibility and proximity to the N7 provides an opportunity to establish an industrial corridor, which links with the existing residential area and the Schoonspruit industrial area.

The school is set to meet the demand created by the influx of people associated with the dualling of the N7. The University is aimed to complement the educational needs of the overall development concept.

The Business Park aims to provide further economic benefits to the Local Economy by attracting companies to establish their office in the local area.

To maximise the benefits that the site has to offer, the areas which were not identified as feasible to develop, will be used for urban agriculture, including cultivation of vegetable gardens and small crop farming.

The ecological/natural corridors will be maintained, improved, and protected by the development and the development will not result in the loss of any species of conservation concern. The wetland and rivers will not be disturbed by buildings by means of implementing buffer areas to protect these areas.

3.2 Regional/Planning Context

The affected properties are zoned as follows:

- Erf 12526 Malmesbury: Agricultural Zone I;
- Erf 12496 Malmesbury: Agricultural Zone I;
- Erf 353 Abbotsdale: Agricultural Zone I;
- Portion 1 of the Farm 1113, RD Malmesbury: Agricultural Zone I;
- Remainder of the Farm 1113, RD Malmesbury: Agricultural Zone I; and
- Portion 1 of the Farm 697, RD Malmesbury: Agricultural Zone I.

The relevant planning applications must be submitted to the relevant authority(ies) in order to permit the proposed development.

The entire development footprint is included within the demarcated urban edge of Malmesbury/Abbotsdale. The proposed development is consistent with forward planning policies. In this regard, the Swartland Spatial Development Framework (2017-2022) identifies Malmesbury/Abbotsdale as the Regional Service Centre of the Swartland. Broadly, the nature of the proposal is also consistent with the provisions of the Swartland Spatial Development Framework requiring development to be mixed-use, compact and promotes integration. The development will be in line with this vision, by means of it functioning as the central point between Abbotsdale and Malmesbury. The shopping centre aims to unlock the regional function of the Swartland area by attracting various retail anchors to the centre.

The proposed development is consistent with the West Coast District Municipality Spatial Development Framework (2020) objectives of promoting integrated human settlements, due to the nature of the development and wide variety of landuses it will provide. In the same manner, in terms of the Western Cape Provincial Spatial Development Framework, the proposed

development is consistent with the vision of the integration of different land uses to create integrated sustainable settlements.

3.3 Botanical Impacts

Very little indigenous vegetation remains on the site, except for the riverbed, while most of the site is covered in grasslands. A Terrestrial Biodiversity Assessment dated 23 November 2019 confirmed that the proposed site is of a poor ecological status. It was further confirmed that no species of conservation were identified on the proposed site. The botanical impacts were therefore determined to be of low negative significance with no specific mitigation measures required.

3.4 Aquatic and Groundwater

According to the Freshwater Ecology Impact Assessment dated 11 December 2019, the on-site watercourses include an unchanneled valley bottom wetland and two non-perennial rivers of a moderately to largely modified state. To avoid impacting the wetland area, the area will be protected and rehabilitated to function as a natural space and feature in the development concept. In order to protect the riparian vegetation, no-go areas will be established during the construction phase in the areas in the vicinity of the non-perennial rivers, wetland, and its riparian zones. A flood line determination was done on portions of the eastern non-perennial rivers to ensure safe development and protection of the vegetation around the river. No development will be allowed within the flood line or 32m off-set line from the rivers or within the buffer area, as set out in the framework plan. No significant negative impacts on freshwater systems are anticipated, except for a small area of the eastern non-perennial river, which may be impacted upon during the construction period. The impacts on the on-site aquatic elements are therefore expected to be of low negative significance, post mitigation.

An intergranular and fractured aquifer underlies the site, which has a medium vulnerability to surface-based contaminants. However, due to the bedrock and the clay forming an impermeable layer, the aquifer will be protected against point and non-point sources of contamination.

Several groundwater users are located in the area surrounding the site. According to the Groundwater impact assessment dated 10 December 2020, as compiled by GEOSS South Africa (Pty) Ltd, none of the on-site trial pits intersected any groundwater. However, the risk of groundwater as well as soil contamination still exists, due to the proposed development of the filling stations. These impacts were identified as low negative post mitigation. The recommended measures include the need to implement a Groundwater Monitoring Action Plan. This requirement has been included as a condition of this environmental authorisation.

3.5 Geotechnical

According to the Geotechnical Investigations Report compiled by SKCM Engineers, the site has fairly good founding conditions and is fit for human settlement and commercial development. As such, it was conclusively established that no significant geotechnical constraints are apparent on the site.

3.6 Agricultural impacts

Portions of the site were previously farmed, while vineyards exist on the most northern portion of the site and some planted pastures and wheat fields are scattered at the bottom of the site. The National Screening Tool identifies the site as having a high agricultural sensitivity because of its cultivation status. However, much of the site has not been cultivated for an extended period and should no longer be classified as cultivated land. Of the total site of 361 hectares, only 9.5% should be classified as presently cultivated land. According to the Agricultural Assessment dated 3 May 2021 compiled by Johann Lanz, the soils vary in their potential agricultural suitability ratings from low (15% of the site), medium (23% of the site), medium-high (36% of the site), high (21% of the site) to very high (5% of the site). The agricultural specialist concluded that the development would result in the loss of arable land and the impacts were identified as being of high negative significance. However, based on the cost benefit analysis completed as part of the Socio-

Economic Assessment, the proposed mixed-use development would have lower costs and higher benefits for the receiving community than an alternative agricultural landuse development. The Department of Agriculture (Western Cape: LandUse Management) in its correspondence dated 14 May 2020 indicated that it has no objection against the proposed development.

3.7 Visual/Sense of place

A Visual Impact Assessment dated 4 May 2021 was undertaken by New World Associates. The receiving environment is comprised of rolling foothills, valleys between wine farms, old pastures and vineyards. According to the Visual Impact Assessment, the proposed development is anticipated to have a very high visual impact on the landscape and causing a permanent change to the visual environment. The site also has a high visual exposure, low to medium visual absorption capacity, low to medium compatibility and high visibility. The specialist has recommended that approved landscape plans and architectural plans and guidelines be implemented to mitigate the high visual impacts associated with the development. Further, the architectural plans and guidelines will need to focus on respecting the rural context of the site and further be compiled together with an urban designers. The development will not be regulated by a Master Homeowners Association due to its size. However, each precinct or "super block" which consists of a zoning will be managed by either a Homeowners Association or a Body Corporate, to be established at building plan stage. There will not be a definite architectural guideline for the entire development, but each superblock with a relevant zoning that prescribes an architectural guideline will be compiled for approval by the local authority, before the development of that superblock/precinct. These recommendations have been included in the conditions of this Environmental Authorisation and the EMPr.

3.8 Services and infrastructure

The property will be subdivided into superblocks and the developers of each superblock will provide the required on-site stormwater management and retention facilities. A Master Stormwater Management Plan will be submitted to the local municipality for approval. It is projected that the Stormwater Management Plan will make provision for the construction and installation of *inter alia* storm water catch pits and stormwater pipelines.

A Master Water Management Plan will be submitted to the local municipality for approval. The development will connect to the existing as well as planned municipal reticulation network and system, as required.

The proposed sewerage infrastructure will include the construction of two pump stations and associated sewer pipelines and network. The Swartland Municipality in its correspondence dated 16 November 2020 confirmed that sufficient unallocated water supply, sewage treatment and solid waste removal is available. In the correspondence dated 8 July 2021, the municipality confirmed sufficient capacity is not available for Phase 1, but electricity supply may be supplied by an independent power producer.

A private electrical network, including *inter alia*, streetlights, substations and standard electrical cabling will be constructed. Additional electric supply from renewable sources will be obtained from a private entity, i.e. Swartland Power Solutions, who confirmed in its correspondence dated 5 May 2021 that the renewable energy supply will be provided for the proposed development, as required. It is also required that further measures for water and energy saving technologies be implemented to reduce resource demands.

3.9 Traffic

According to the Traffic Impact Assessment dated 4 May 2021, phase 1 is estimated to generate a total of 287 Friday AM vehicular trips (i.e. 187 in and 100 out), a total of 1124 Friday PM trips (i.e. 562 in and 562 out) and a total of 1 492 Saturday Midday trips (i.e. 747 in and 747 out) during phase 1. Phase 2 will generate a total of 3890 Friday AM vehicular trips (i.e. 2597 in and 1293 out), a total of 4824 Friday PM trips (i.e. 1957 in and 2876 out) and a total of 3362 Saturday Midday trips (i.e. 1628 in and 1734 out) during phase 1. Based on these calculations, it was determined that in order for the local road network and intersections to operate at acceptable levels the following road network upgrades and measures will be required:

- The portion of the Darling Way link road between the single-lane roundabout (located on northern side of the Abbotsdale Interchange) up to the proposed public transport interchange must be constructed as a 2-lane road as part of Phase 1 of the development.
- The relevant stakeholders which must include *inter alia*, transport operators, Swartland Municipality and Department of Transport and Public Works must be consulted prior to the construction of the required public transport interchange(s) for phase 1 of the development.
- A pedestrian footbridge of an approximate 2m wide trafficable surface and connecting shared bicycle and pedestrian routes at minimum width of 3m wide must be provided across the railway line on the northern side of the site as part of phase 1.
- The Darling Way link road must be constructed from the public transport interchange to Darling Way (R315) as part of phase 2.
- The portion of the road between the Abbotsdale Interchange's northern terminal and the public transport interchange must be upgraded to a four-lane divided roadway (i.e. dual carriageway). All roundabouts along this section must be upgraded to double-lane roundabouts as part of phase 2.
- The Schoonspruit Road link must be constructed as part of phase 2.
- Both of Abbotsdale Interchange's terminals must be signalised as part of phase 2.
- Both the Darling Way and Schoonspruit Road links must include shared bicycle and pedestrian facilities that are no less than 3m wide on at least one side of the road as part of phase 2.
- Surfaced sidewalks must be provided on both sides of all internal roads within the proposed development (unless a road is designed to be a shared vehicular-pedestrian space. Sidewalks should ideally be 1.8m wide, but no less than 1.5m wide).
- Parking sharing and communal parking areas must be considered to allow for the more efficient use of parking areas.

In addition to the abovementioned public transport requirements, shared bicycle and pedestrian facilities and surfaced sidewalks will improve the overall accessibility of the proposed development.

3.10 Heritage / Archaeological

According to the Archaeological Impact Assessment dated June 2020, remains of Early Stone Age and Later Stone Age and a few Middle Stone Age (MSA) tools were recorded on site. The remains recorded were graded as having low significance and also not conservation worthy. The specialist recommended that the remains of a 19th century 'starter' home was found on Portion of the Remainder of Erf 353 must be retained. Overall, the proposed development will not impact on any significant archaeological heritage resources. Heritage Western Cape indicated in the comment dated 28 January 2021 that there are no heritage resources worthy of formal protection and that the development may proceed. The recommendations provided by the specialist and Heritage Western Cape have been included as conditions of the Environmental Authorisation.

3.11 Nuisance(s) and hazards

The development area is located within the 500m buffer area of the Highlands Waste Facility, which does not permit the development of certain land uses in accordance with the facility's waste Management Licence conditions. However, only a portion of the proposed light industrial area will be located in the buffer area. On 2 August 2021, the Western Cape Department of Environmental Affairs and Development Planning's Directorate: Waste Management amended a condition of approval which allows development within the abovementioned buffer area.

As diesel and petrol storage and handling associated with the two filling stations have the potential to cause on-site and offsite incidents, a Risk Assessment was commissioned which revealed that these risks are considered as low. The scenario contributing the most towards the total risk at the facility is a loading hose rupture of the petrol road tanker. Risk reducing measures

will however be implemented, as also included in the conditions of this environmental authorisation.

Nuisance related impacts such as noise and dust created during construction will be managed accordingly in terms of the provisions of the approved EMPr.

3.12 Socio-economic

The proposed development will benefit the broader community by means of providing housing, social and commercial amenities as well as employment opportunities for the local community, while also stimulating the economy of the Swartland region. The employment opportunities will most notably be generated by the shopping facility, which is further motivated by the location being in close proximity to Saamstaan, Ilinge Lethu, the future De Hoop housing project and Abbotsdale. Employment opportunities will be located within walking distance to these areas and households. Furthermore, the construction of pedestrian bridge(s), public transportation facilities as well as non-motorised facilities will increase the accessibility to and from the shopping centre. Similarly, other components of the development will provide additional employment opportunities such as the hotel, filling stations and the associated retail component, the motor sales and big box retail sites and the business park.

In order to increase the positive socio-economic impacts, it is further proposed in the Socio-Economic Impact Assessment dated December 2020 that initiatives such as training and skills transfer initiatives also be implemented, while a Development and Monitoring Committee must be established to facilitate appointments to jobs. This will ensure that local communities benefit from the employment opportunities to be generated by the proposed development. The benefit of training and skills transfer is further enhanced by the proposed university campus that will be available to the local residents or those in the surrounding region, who wish to use this new facility.

According to the Socio- Economic Impact Assessment dated December 2020, stimulating the economy will be derived from activities such the increased sales when building materials are purchased from local suppliers during construction and the purchasing of goods and services from the new shopping centre.

The Socio-Economic Impact Assessment further states, the CBDs in Malmesbury, the Voortrekker road to Darling roadside CBD, will compete with the Swartland Junction CBD as a super-regional centre. The Voortrekker Darling road CBD is a through fare or ribbon business zone with community stores serving the settlement of Malmesbury and some settlements in the Swartland, whilst the proposed Swartland Junction is initially an isolated complex being home to a super-regional centre made up of stores and becoming a multiple nuclei business zone as the precinct develops.

Initially, the Voortrekker Darling road CBD may experience a decrease in business activities and customers as the competing Swartland Junction rolls out. Over time the competition should be converted into the two business districts becoming complementary and overcoming the diminishing and overall decay that the Voortrekker Darling road business district may have experienced. In the long term each CBDs will grow its own sense of place and inviting environment. The proposed development is therefore not anticipated to result in any significant negative impacts on the existing economic facilities, as the development entails a mixed-use development comprising housing and a university campus, which will increase the region's consumer demand and thereby mitigate the potential negative impact on the existing economic facilities.

The development will result in both negative and positive impacts.

Negative Impacts:

- Increased demand for bulk infrastructure and service supply.
- Loss of agricultural land.
- Increased traffic levels in the Swartland municipal region.
- Permanent change in the visual landscape.

Positive impacts:

- Provision of employment opportunities during the construction and operational phases.
- Provision of residential, education and commercial amenities and facilities.
- Contribution 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 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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