



REFERENCE: 16/3/3/5/A5/37/2026/25
NEAS REFERENCE: WCP/EIA/AMEND/0000959/2025
DATE: 21 NOVEMBER 2025

The Board of Directors
N1 Gateway Business Park (Pty) Ltd
P. O. Box 118

GORDON'S BAY
7151

For Attention: Mr. Marc Stuyck

Tel.: (021) 845 8335

E-mail: marcs@asla.co.za

Dear Sir

AMENDMENT APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PARTS 2 AND 4 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT TO THE ORIGINAL ENVIRONMENTAL AUTHORISATION ISSUED ON 13 JUNE 2018 (REFERENCED: 16/3/3/1/A5/37/2063/17), READ TOGETHER WITH THE APPEAL DECISION ISSUED ON 22 JUNE 2020 (REFERENCED: 14/3/1/1/D6/14/0433/19) FOR THE AUTHORISED DEVELOPMENT OF THE N1 GATEWAY BUSINESS PARK MIXED-USE DEVELOPMENT AND ASSOCIATED INTERNAL ROADS AND SERVICES INFRASTRUCTURE ON PORTIONS 29, 30, 32, 374, 375 AND 377 OF THE FARM NO. 728, JOOSTENBERGVLAKE, KRAAIFONTEIN

1. With reference to the above application, this Department hereby notifies you of its decision to grant an amended 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 instructed to ensure, within fourteen (14) days of the date of the amended 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, 2025 which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

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

Yours faithfully

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

Copied to:

- (1) Ms. Mische Molife (GroenbergEnviro)
- (2) Ms. Mome Theron (City of Cape Town)

E-mail: mische@groenbergenviro.co.za

E-mail: mome.theron@capetown.gov.za



REFERENCE: 16/3/3/5/A5/37/2026/25
NEAS REFERENCE: WCP/EIA/AMEND/0000959/2025
DATE: 21 NOVEMBER 2025

AMENDED ENVIRONMENTAL AUTHORISATION

AMENDMENT APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PARTS 2 AND 4 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT TO THE ORIGINAL ENVIRONMENTAL AUTHORISATION ISSUED ON 13 JUNE 2018 (REFERENCED: 16/3/3/1/A5/37/2063/17), READ TOGETHER WITH THE APPEAL DECISION ISSUED ON 22 JUNE 2020 (REFERENCED: 14/3/1/1/D6/14/0433/19) FOR THE AUTHORISED DEVELOPMENT OF THE N1 GATEWAY BUSINESS PARK MIXED-USE DEVELOPMENT AND ASSOCIATED INTERNAL ROADS AND SERVICES INFRASTRUCTURE ON PORTIONS 29, 30, 32, 374, 375 AND 377 OF THE FARM NO. 728, JOOSTENBERGVLAKTE, KRAAIFONTEIN

With reference to your application for the abovementioned, find below the amendment to the original Environmental Authorisation (hereinafter referred to as an "EA") and notwithstanding the Appeal Decision with respect to this amendment application.

A. BACKGROUND

1. An EA was issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17), which authorises the development of the N1 Gateway Business Park Mixed-Use Development and associated internal roads and services infrastructure on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvlakte, Kraaifontein (attached hereto, as Appendix A).
2. The Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19) to dismiss the Appeal against the Decision (i.e., the EA) issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17) (attached hereto, as Appendix B).

B. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the Competent Authority herewith **grants** the amendments to the EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17), read together with the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19), in terms of Parts 2 and 4 of the EIA Regulations, 2014 (as amended).

The EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17), notwithstanding the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19), is amended, as set out below:

1. The Project Description, as contained in the EA issued on 12 June 2018 reads, as follows:

"The development proposal entails the development of an access controlled mixed-use development with approximately twenty-four (24) Erven for land uses comparable with industrial warehousing, storage and distribution on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvlakte. The development proposal will have a total development footprint of approximately 31.43ha. Access will be taken directly off Waarburgh 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 development includes the re-alignment of a section of the internal road adjacent to the area identified as wetland 4.

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

The Project Description is herewith amended to read, as follows:

"The development proposal entails the development of a mixed-use development with approximately twenty-four (24) Erven for land uses comparable with industrial, warehousing, storage and distribution on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvlakte. The development proposal will have a total development footprint of approximately 31.43ha. Access will be taken directly off Waarburgh 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."

2. Condition 22 of the EA issued on 12 June 2018 reads, as follows:

"22. The following interventions and recommendations contained in the Transport Impact Assessment compiled by Eluti dated February 2017 must be implemented prior to construction being commenced with on the site and this Department having acknowledged receipt of the proof of having met this condition:

- 22.1. A dedicated pedestrian and bicycle bridge over the N1 at the location east of the Value Logistics Warehouse;
- 22.2. A dedicated Non-motorized Transport access at the intersection of Tarentaal and Kestrel Street;
- 22.3. A sidewalk along Waarburgh Road on the southern side along the entire frontage of the site as well as in the Joostenbergvlakte small holdings area (up to Lucullus Street);
- 22.4. Safe cycling and pedestrian crossing facilities including dropped kerbs at intersections;
- 22.5. An internal Non-motorized Transport Network Plan to facilitate Non-motorized Transport;
- 22.6. Adequate provision of street lighting along key pedestrian routes in the vicinity of the site and along the access; and
- 22.7. Bicycle facilities such as adequate lock up and end user facilities at each Erf portion."

Condition 22 of the EA is herewith amended to read, as follows:

"22. The following interventions and recommendations contained in the letter from Innovative Transport Solutions ("ITS") (dated 25 April 2025), referencing their Traffic Impact Assessment ("TIA") (dated August 2023), various correspondence and meetings with SANRAL must be implemented in respect of Non-Motorised Transport and the Lucullus Road and N1 National Road Intersection, as follows:

22.1 In relation to non-motorized transport, the following conditions must be met:

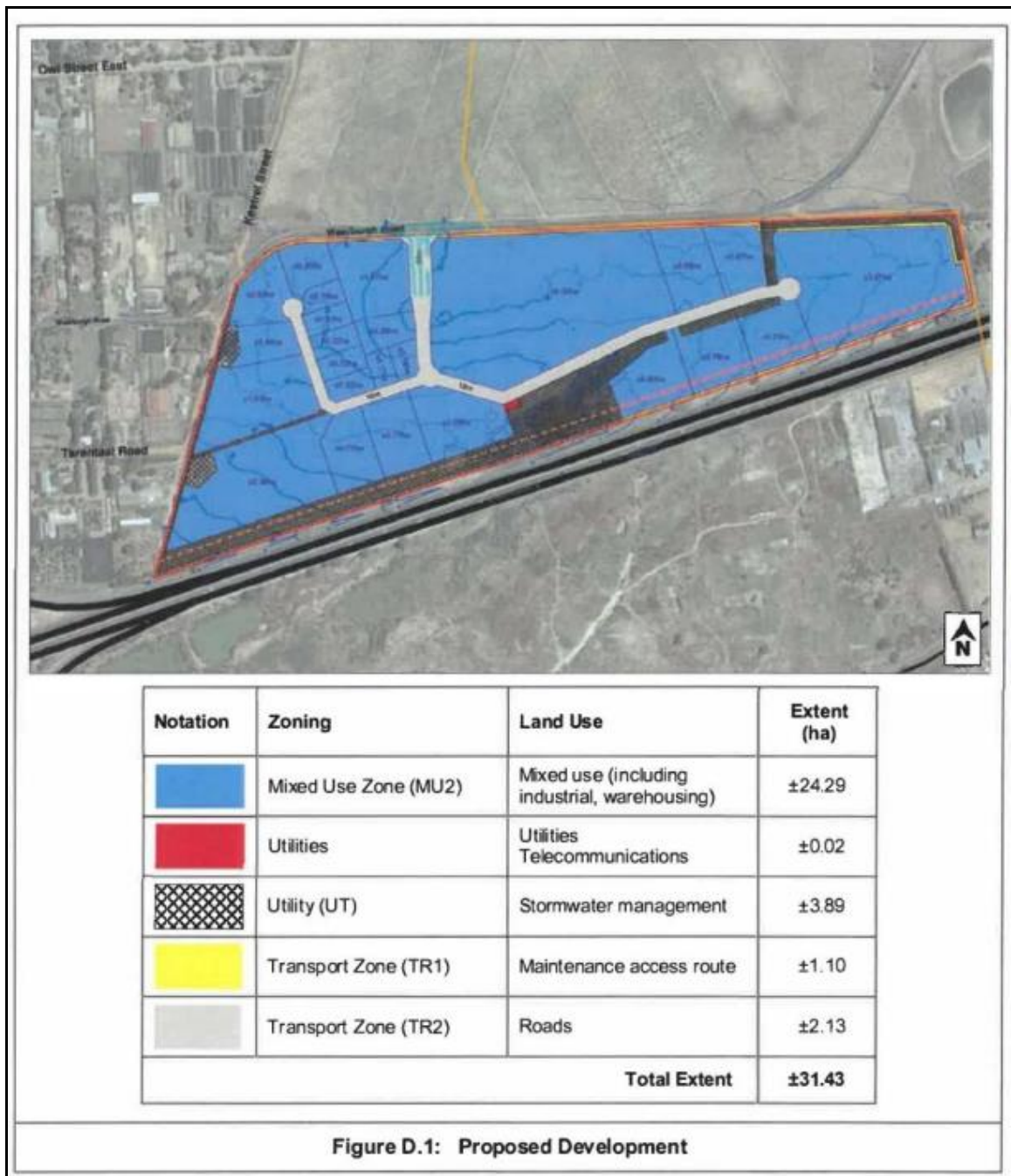
- 22.1.1 Measures must be put in place to prevent pedestrians from crossing the N1 illegally via the right-of-way servitude to the north and via

Bloekombos Road to the south by strengthening and heightening the wall preventing such access.

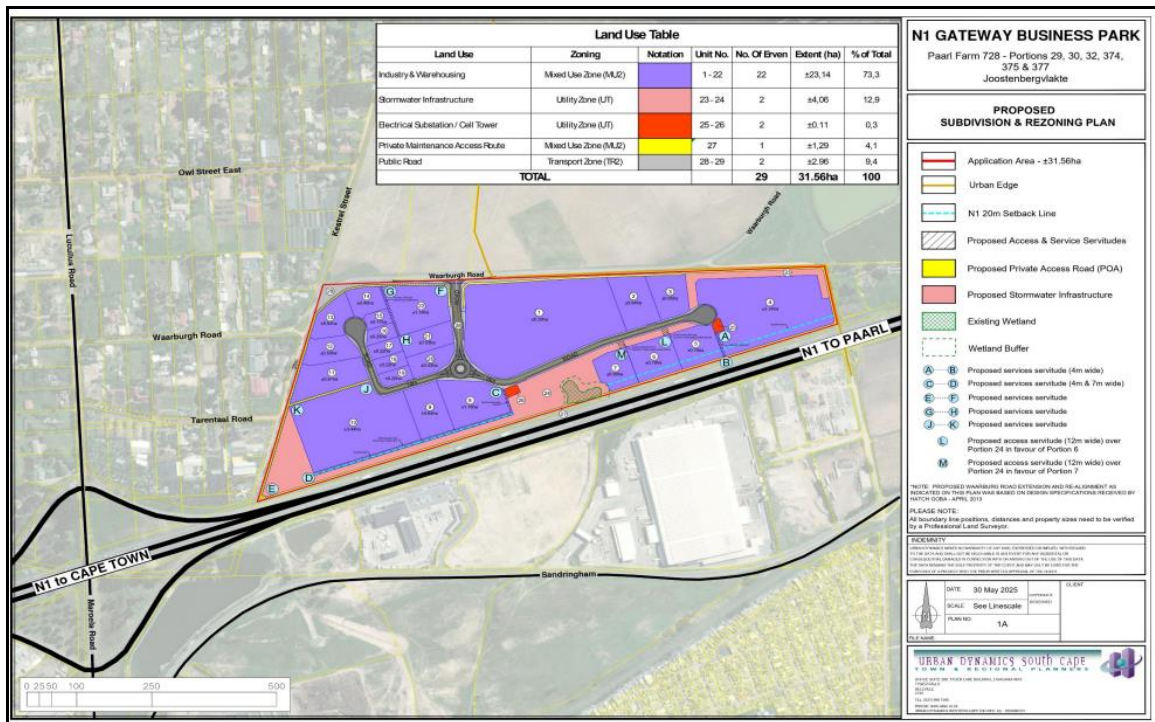
22.1.2 A sidewalk should be provided between Lucullus Street along Tarentaal and Kestrel Street and on the southern side of Waarburgh Road along the entire frontage of the site east of the main access.

22.1.3 That the EA Holder makes the agreed contribution towards the proposed pedestrian bridge over the N1 at the extension of Bloekombos road as defined in the financial agreement in the SANRAL letter dated 11 November 2024, which shall be implemented by SANRAL when they consider it warranted."

3. The Site Development Plan contained under Annexure 2 of the original EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17), read together with the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19) is, as follows:



The Site Development Plan contained under Annexure 2 of the original EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17), read together with the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19), is hereby replaced, as follows:



4. Condition 23 of the EA issued on 12 June 2018 reads, as follows:

"The following interventions and recommendations contained in the Transport Impact Assessment compiled by Eluti dated February 2017 must be implemented prior to the site being occupied:

- 23.1 Separate northbound right turn lanes must be provide at the N1 National Road north and Lucullus Street intersection;
- 23.2 Separate northbound right turn lanes must be provide at the N1 National Road south and Maroela Road intersection;
- 23.3 Lucullus Street/Waarburgh Intersection:
 - 23.3.1 Conversation of the all-way stop to a two-way stop (north/south movement) allowing Lucullus Street to free-flow; and
 - 23.3.2 Establishment of a raised table to act as a speed control measure for traffic on Lucullus Street;
- 23.4 N1 National Road Ramps North and Lucullus Street Intersection:
 - 23.4.1 Provide free-flow left turn on the eastbound approach; and
 - 23.4.2 Widen the southbound approach to accommodate a separate left turn lane and a through lane;
- 23.5 Widen the westbound approach to accommodate a separate left turn lane and a right lane at the N1 National Road Ramps South and Maroela Road Intersection;

- 23.6 Provide a free-flow left turn lane on the westbound approach and mark the remaining westbound approach as a right turn lane at the N1 National Road Ramps South and Maroela Road Intersection;
- 23.7 The site access must have two entrance and two exit lanes separated by a median housing a security hut;
- 23.8 The entrance gate must have a minimum setback of 30m from Waarburgh Road;
- 23.9 Provision of a minibus/taxis drop-off and pick-up along internal roads with provision for sheltered seating; and
- 23.10 Approximately one (1) parking bay per 1 00m² Gross Leasable Area ("GLA") for warehousing Erven and approximately two (2) parking bays for industrial/manufacturing Erven."

Condition 23 of the EA is herewith amended to read, as follows:

"In relation to the road access to the Development and the Lucullus Road – N1 Interchange the following conditions must be met:

- 23.1 That the Lucullus Street/ Waarburgh Street intersection be converted to a priority-control intersection and that the trees obstructing the vision of the driver be cleared to ensure that sufficient SSD is provided.
- 23.2 That the EA Holder contributes to the proposed new N1 – Lucullus Road Intersection as defined in the financial agreement in the SANRAL letter dated 11 November 2024."
5. The EMPr approved as part of the EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17) is herewith replaced by the amended EMPr (dated August 2025).

C. REASONS FOR THE DECISION

In reaching its decision, the competent authority took, *inter alia*, the following into consideration:

- a) The information contained in the Amendment Application Form (dated May 2025), and the final Amendment Report (dated August 2025).
- b) The Amendment Application is for –
- The amendment of the original EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17), read together with the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19) in terms of Part 2 of the EIA Regulations, 2014 (as amended); and
 - The amendment of the original EMPr, approved together with the original EA, in terms of Part 4 of the EIA Regulations, 2014 (as amended).
- c) The application is for the following amendments to the original EA, read together with the Appeal Decision:

Parts 2 and 4 (substantive) amendment in terms of the EIA Regulations, 2014 (as amended) to the EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17), read together with the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19) in terms of the EIA Regulations, 2014 (as amended).

d) The following impacts are likely to be caused by the proposed amendments:

i. Need and Desirability

The proposed N1 Gateway Business Park Mixed-use Development addresses a critical need for industrial, warehousing, storage and distribution facilities within the Kraaifontein area, stimulating local economic growth by creating employment opportunities during both construction and operational phases, while enhancing the logistical and industrial capacity within the area.

ii. Regional and Local Planning Policy

The proposed development is consistent with the spatial planning objectives outlined in the Western Cape Provincial Spatial Development Framework ("PSDF"), promoting spatial efficiency, economic development and sustainable land use by transforming underutilised agricultural land into a productive industrial hub. It also aligns with the City of Cape Town's Municipal Spatial Development Framework ("MSDF") by creating inclusive, integrated, and vibrant urban spaces in the Northern growth corridor of Cape Town. The development's integration with existing and planned transport infrastructure, including the N1 National Road and the future upgrades to the Lucullus Street interchange by the South African National Roads Agency SOC Limited ("SANRAL"), enhances regional connectivity and supports transit-oriented development.

iii. Municipal Services

The City of Cape Town confirmed in a correspondence (dated 10 September 2025), that sufficient unallocated capacity exists to supply the development proposal with water, wastewater treatment and refuse removal services.

iv. Aquatic Impacts

According to the Freshwater Assessment Report (dated June 2025 and compiled by Mr. S. van Staden of FEN Consulting), the site is located in the upper reaches of the Mosselbank River Catchment, a tributary of the Diep River System. The freshwater specialist concluded that the wetlands and watercourses on the site are highly degraded systems that possess limited ecosystems services or contribution to biodiversity. The site contains wetland B ("W4"), which is a moderately impacted wetland and has been conserved by avoiding development within its boundaries and including it into a broader ecological corridor.

The stormwater system was redesigned to replicate wetland functions, improve water quality and reduce downstream impacts. The freshwater specialist concluded that the proposed development poses a low risk to freshwater resources and is unlikely to result in significant loss of wetland functionality. Furthermore, the changes are expected to yield positive outcomes, such as improved stormwater management and enhanced vegetation within residual drainage features.

v. Heritage Resources

No additional heritage-related impacts are expected, as a result of the additions to the authorised development. Heritage Western Cape confirmed in their correspondence (dated 10 February 2017), that there is no reason to believe that the additions of the authorised development of the N1 Gateway Business Park Mixed-Use Development and associated internal roads and services infrastructure on Portions 29, 30, 32, 374, 375 And 377 of the Farm No. 728, Joostenbergvlakte, Kraaifontein will impact on heritage resources and no further action under

Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

vi. Traffic Impacts

The site is located adjacent to the N1 National Road and Lucullus Street, with access from Waarburgh Road. Initially, the EA required the developer to implement extensive traffic upgrades, including a pedestrian bridge and intersection improvements. However, SANRAL's correspondence (dated 11 November 2024), confirmed that it will undertake the necessary upgrades to the N1 National Road/Lucullus Street interchange and pedestrian infrastructure. As such, the developer's obligations were revised to include a financial contribution towards these upgrades and the implementation of interim safety measures, such as a 2m boundary fence to prevent illegal pedestrian crossings. The updated Transport Impact Assessment ("TIA") Report (dated 25 April 2025 and compiled by Mr. Johan Brinks of Innovative Transport Solutions) indicated that the proposed development would generate approximately 940 trips generated during the weekday AM peak hour and approximately 941 trips during the weekday PM peak hour. The TIA supported by SANRAL, concluded that the interim traffic impact will not compromise road safety or capacity and is therefore of low significance. These amendments reflect current infrastructure planning, avoid redundant construction, and ensure alignment with SANRAL's strategic objectives, justifying their authorisation.

vii. Dust and Noise Impacts

The holder is required to implement the dust and noise control measures contained in the approved EMPr. The implementation of these measures will help to ensure that the potential dust and noise impacts of the authorised N1 Gateway Business Park Mixed-Use development are adequately mitigated.

viii. Socio-economic Impacts

The authorised N1 Gateway Business Park Mixed-Use development will allow for the creation of some temporary- and permanent employment opportunities during the development and operational phases, as well as skills acquisition.

ix. Visual Impacts/ Sense of Place

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

- e) The environment and the rights and interests of Interested and Affected Parties ("I&APs") are not likely to be affected.
- f) The proposed amendment to the original EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17), read together with the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19), is required to remove traffic-related conditions that are no longer applicable, following SANRAL's confirmation that it will undertake the necessary upgrades to the N1 National Road and Joostenbergvlakte interchange, and construct the pedestrian bridge at a later stage. The developer is now required to contribute financially and implement interim safety measures. Additionally, the layout plan has been amended to comply with the City of Cape Town's stormwater management requirements, with the freshwater specialist professional confirming that the changes are environmentally acceptable and beneficial.

- g) No new Listed Activities are triggered by the proposed amendments, and the Competent Authority is satisfied that all potential impacts will be mitigated to acceptable levels.
- h) The remaining Conditions contained in the EA issued on 13 June 2018 (Referenced: 16/3/3/1/A5/37/2063/17) and notwithstanding the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19), remain unchanged and in force.
- i) A Public Participation Process was conducted for this amendment application, which comprised of the following:
 - Notices were placed along the boundaries of the site on 13 June 2025;
 - An advert was published in the 'Tygerburger Kraaifontein Nuus' Newspaper on 11 June 2025;
 - Notification letters were sent to the owners and person in control of the land, occupiers of land adjacent to the site and other I&APs on 12 June 2025;
 - A hard copy of the draft Amendment Report was made available from 17 June 2025 to 17 July 2025; and
 - The draft Amendment Report was made available to I&APs and circulated for a minimum commenting period of thirty (30) days.
- j) This Directorate is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made thereto were included in the final Amendment Report.

D. CONDITIONS

1. The amended EMPr (dated August 2025) submitted, as part of the amendment application, is hereby approved and must be implemented.
 - 1.1. An application for amendment to the amended 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 amended EMPr and these may only be implemented once the amended EMPr has been authorised by the Competent Authority.
 - 1.2. The amended EMPr must be included in all contract documentation for all phases of implementation.
 - 1.3. A copy of the original EA, the Appeal Decision, Amended EA and the amended EMPr must be kept at the site where the Listed Activities will be undertaken. The amended EMPr must be made available for inspection by any employee or agent of the holder who works or undertakes work at the site.
2. The holder must, in writing, within fourteen (14) calendar days of the date of this Amended Decision–
 - 2.1. notify all registered I&APs of –
 - 2.1.1. the outcome of the application;
 - 2.1.2. the reasons for the decision, as included in Section B;
 - 2.1.3. the date of the decision; and
 - 2.1.4. the date when the decision was issued.
 - 2.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2025 detailed in Section D below;
 - 2.3. draw the attention of all registered I&APs to the manner in which they may access the decision; and

- 2.4. provide the registered I&APs with:
 - 2.4.1. the name of the holder (entity) of this Amended Decision;
 - 2.4.2. name of the person responsible for this Amended Decision;
 - 2.4.3. postal address of the holder;
 - 2.4.4. telephonic and fax details of the holder;
 - 2.4.5. e-mail address, if any, of the holder; and
 - 2.4.6. 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 Appeals Regulations, 2025.

D. APPEALS

Appeals must comply the National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). Please note the provisions of Regulations 1(2) and (3) of the National Appeal Regulations, 2025 when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered I&APs and the decision maker (Competent Authority who issued the decision) within twenty (20) calendar days from the date this Decision was sent by the decision maker.
2. The I&APs (not the holder of this Decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the Decision and the decision maker within twenty (20) calendar days from the date this Decision was sent to the registered I&APs by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&APs and affected organs of state of any appeal received, and make the appeal available to them, within five (5) calendar days after the 20-day appeal period ends.
 - b. Submit proof of this notification to the Appeal Administrator within five (5) calendar days after sending the last notification.
5. The applicant, where applicable, the decision-maker, or any person notified under Regulation 4 of the National Appeal Regulations, 2025 may submit a Responding Statement within twenty (20) calendar days from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
 - a. By e-mail:
DEADP.Appeals@westerncape.gov.za or
 - b. By hand where that person submitting does not hold an electronic mail account:
Attention: Mr Marius Venter
Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the Appeal Authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel.: (021) 483 3721 or email: DEADP.Appeals@westerncape.gov.za

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Amended EA 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 noncompliance 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)

DATE OF DECISION: 21 NOVEMBER 2025

Copied to:

(1) Ms. Mische Molife (GroenbergEnviro)
(2) Ms. Morné Theron (City of Cape Town)

E-mail: mische@groenbergenviro.co.za
E-mail: morne.theron@capetown.gov.za

FOR OFFICIAL USE ONLY:

REFERENCE: 16/3/3/5/A5/37/2026/25
NEAS REFERENCE: WCP/EIA/AMEND/0000959/2025

-----END-----

Appendix A

Copy of the original Environmental Authorisation issued on 13 June 2018 (Referenced: 16/3/31/A5/37/2063/17)



Western Cape Government
Department of Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE: 16/3/31/A5/37/2063/17
ENQUIRIES: AYESHA HAMDULAY
DATE: 2018-06-13

The Board of Directors
 N1 Gateway Business Park (Pty) Ltd
 P O Box 118
GORDON'S BAY
 7151

Attention: Mr Marc Sluyck 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 N1 GATEWAY BUSINESS PARK MIXED-USE DEVELOPMENT AND ASSOCIATED INTERNAL ROADS AND SERVICES INFRASTRUCTURE ON PORTIONS 29, 30, 32, 374, 375 AND 377 OF THE FARM NO. 728, JOOSTENBERGVLAKTE, KRAAIFONTEIN


- 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.
- 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.
- 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 ZIAAHIR TOEFY
 DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

Copied to: Louis de Villiers (deVilliers Brownie Associates) (City of Cape Town) Fax: (086) 548 2678 Fax: (021) 444 0403

(2nd Floor, 1 Deep Street, Cape Town, 8001) Tel: +27 21 483 0756 Fax: +27 21 483 4372 Email: ayasha.hamdulay@westerncape.gov.za Private Bag X 9086, Cape Town, 8000 www.westerncape.gov.za/ziaahirtoefy



Western Cape Government
Department of Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

EIA REFERENCE: 16/3/31/A5/37/2063/17
NEAS REFERENCE: WCP/EIA/0000377/18
ENQUIRIES: AYESHA HAMDULAY
DATE: 2018-06-13

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 N1 GATEWAY BUSINESS PARK MIXED-USE DEVELOPMENT AND ASSOCIATED INTERNAL ROADS AND SERVICES INFRASTRUCTURE ON PORTIONS 29, 30, 32, 374, 375 AND 377 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

N1 Gateway Business Park (Pty) Ltd
 C/O Mr Marc Sluyck
 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"**.

(2nd Floor, 1 Deep Street, Cape Town, 8001) Tel: +27 21 483 0756 Fax: +27 21 483 4372 Email: ayasha.hamdulay@westerncape.gov.za Private Bag X 9086, Cape Town, 8000 www.westerncape.gov.za/ziaahirtoefy

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Activities/Project Description
Government Notice No. R.983 (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 (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."	The development proposal includes the development of infrastructure of more than 100m ² on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvlakte, Kraaifontein.

Reference No.: 16/3/31/A5/37/2063/17 Page 2 of 19

Government Notice No. R.983 (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 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."	The development proposal includes the infilling or depositing, dredging, excavation, removal or moving of material of more than 10m ³ from the wetlands and freshwater ecosystems on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvlakte, Kraaifontein.
Government Notice No. R.983 (as amended): Activity number: 28 Activity Description: "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 development proposal entails the transformation of more than 1ha of agricultural land for mixed-use and industrial purposes outside of an urban area on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvlakte, Kraaifontein.

The abovementioned list is hereinafter referred to as **"the listed activities"**.

Reference No.: 16/3/31/A5/37/2063/17 Page 3 of 19

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

The development proposal entails the development of an access controlled mixed-use development with approximately twenty-four (24) Erven for land uses comparable with industrial warehousing, storage and distribution on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvakte. The development proposal will have a total development footprint of approximately 31.43ha. Access will be taken directly off Waaburg 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.

SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvakte, Kwaaitonlein.

The 5G 21 digit codes are: C0550000000007280029
C0550000000007280030
C0550000000007280032
C0550000000007280034
C0550000000007280037
C0550000000007280037

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

Proposed Site	Latitude [S]	Longitude [E]
Midpoint of Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvakte, Kwaaitonlein	33° 49' 52,81" South	18° 44' 42,39" East

Refer to Annexure 1: Locality Plan

Refer to Annexure 2: Site Maps

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

DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

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

Tel: (021) 674 4263
Fax: (086) 548 2678

Reference No.: 16/3/3/1/AS/37/2063/17

Page 4 of 19

E. CONDITIONS OF ENVIRONMENTAL AUTHORISATION

Scope of Authorisation

- 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.
- 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.
- This Environmental Authorisation is granted for-
 - A period of ten (10) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - A period of twenty (20) 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.
- 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 ("EMP").
- 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.
- 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

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

Conditions: 8, 13, 19, 21 and 22

Notification of Environmental Authorisation and Administration of Appeal

- The holder must in writing, within fourteen (14) calendar days of the date of this decision-
 - notify all registered interested and Affected Parties ("I&APs") of -
 - the decision reached on the application;
 - the reasons for the decision as included in Annexure 3;
 - the date of the decision; and

Reference No.: 16/3/3/1/AS/37/2063/17

Page 5 of 19

- 8.1.4, the date when the decision was issued.
- draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
- draw the attention of all registered I&APs to the manner in which they may access the decision;
- 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

- 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.
- 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

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

Monitoring

- The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the listed activities can be commenced with, to ensure compliance with the EMP and the conditions contained herein.
- A copy of the Environmental Authorisation, EMP, 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.
- 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

- 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 EMP and submit Environmental Audit Reports to the Competent

Reference No.: 16/3/3/1/AS/37/2063/17

Page 6 of 19

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 for the first five years and one every three years thereafter. The holder must 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 three (3) 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

- 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.
- 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.
- An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.
- 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;
- The exact boundary of the development footprint must be clearly demarcated before the authorised listed activities can be commenced with. All construction work must be limited to within the demarcated development footprint.
- The following interventions and recommendations contained in the Transport Impact Assessment compiled by E&K dated February 2017 must be implemented prior to construction being commenced with on the site and this Department having acknowledged receipt of the proof of having met this condition:
 - A dedicated pedestrian and bicycle bridge over the N1 at the location east of the Value Logistics Warehouse;

Reference No.: 16/3/3/1/AS/37/2063/17

Page 7 of 19

- 22.2. A dedicated Non-motorized Transport access of the Intersection of Tarentaal and Kestrel Street;
- 22.3. A sidewalk along Waarburgh Road on the southern side along the entire frontage of the site as well as in the Joostenbergvlei small holdings area (up to Lucullus Street);
- 22.4. Safe cycling and pedestrian crossing facilities including dropped kerbs at intersections;
- 22.5. An Internal Non-motorized Transport Network Plan to facilitate Non-motorized Transport;
- 22.6. Adequate provision of street lighting along key pedestrian routes in the vicinity of the site and along the access; and
- 22.7. Bicycle facilities such as adequate lock up and end user facilities at each Erf portion.
23. The following interventions and recommendations contained in the Transport Impact Assessment compiled by Ebluf dated February 2017 must be implemented prior to the site being occupied:
- 23.1. Separate northbound right turn lanes must be provide at the N1 National Road north and Lucullus Street Intersection;
- 23.2. Separate northbound right turn lanes must be provide at the N1 National Road south and Maroela Road Intersection;
- 23.3. Lucullus Street/Waarburgh Intersection:
- 23.3.1. Conversion of the all-way stop to a two-way stop (north/south movement) allowing Lucullus Street to free-flow; and
- 23.3.2. Establishment of a raised table to act as a speed control measure for traffic on Lucullus Street;
- 23.4. N1 National Road Ramps North and Lucullus Street Intersection:
- 23.4.1. Provide free-flow left turn on the eastbound approach; and
- 23.4.2. Widen the southbound approach to accommodate a separate left turn lane and a through lane;
- 23.5. Widen the westbound approach to accommodate a separate left turn lane and a right lane of the N1 National Road Ramps South and Maroela Road Intersection;
- 23.6. Provide a free-flow left turn lane on the westbound approach and mark the remaining westbound approach as a right turn lane at the N1 National Road Ramps South and Maroela Road Intersection;
- 23.7. The site access must have two entrance and two exit lanes separated by a median housing a security hut;
- 23.8. The entrance gate must have a minimum setback of 30m from Waarburgh Road;
- 23.9. Provision of a minibus/taxis drop-off and pick-up along internal roads with provision for sheltered seating; and
- 23.10. Approximately one (1) parking bay per 100m² Gross Leasable Area ("GLA") for warehouse Even and approximately two (2) parking bays for industrial/manufacturing Even.
24. All road and transport infrastructure must be implemented to the satisfaction of the relevant local and provincial authorities.
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;

Reference No: 16/3/31/A5/37/2063/17

Page 8 of 19

- 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.
- 26.9. The installation of water tanks must be installed alongside all buildings, including warehouses, in order to harvest and store rainwater captured as runoff during rainy periods. The guttering systems must be connected to a pipe network that feeds into the water tanks and the water harvested must be used as part of the operations on the site.
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 contractor's camp site are removed and the affected areas are cleaned appropriately.

F. GENERAL MATTERS

- Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
- Non-compliance with a Condition of this Environmental Authorisation or EMP may render the holder liable for criminal prosecution.
- 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.
- 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 EA Regulations, 2014 (as amended) must be submitted.
- 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.
- The manner and frequency for updating the EMP must be as follows:
 - Amendments to the EMP 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.

Reference No: 16/3/31/A5/37/2063/17

Page 9 of 19

G. APPEALS

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

- 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 -
 - Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - Submit a copy of the appeal to 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.
- 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 -
 - Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 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.
- 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.
- 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 93186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel.: (021) 483 3721)
Room 829
8th Floor Willem Building, 1 Darp 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.dvilliers@westerncape.gov.za.
- 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.dvilliers@westerncape.gov.za or URL: <http://www.westerncape.gov.za/eadp>.

Reference No: 16/3/31/A5/37/2063/17

Page 10 of 19

K. 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 temporary 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 JAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 17/06/2018

Copied to: Loui de Villiers (3rd/Vilens Brownie Associates)
Pretorius (City of Cape Town)

Fax: (080) 548 2678
Fax: (021) 444 0005

FOR OFFICIAL USE ONLY:

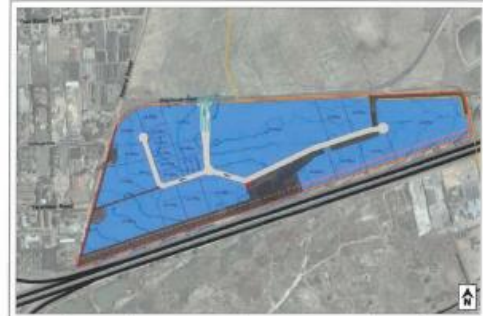
EIA REFERENCE NUMBER: 16/3/31/A5/37/2063/17
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000377/2018

Reference No: 16/3/31/A5/37/2063/17

Page 11 of 19



Location of N1 Gateway Business Park – Aerial Photograph



Notation	Zoning	Land Use	Extent (ha)
	Mixed Use Zone (MUZ)	Mixed use (including industrial, warehousing)	±24.29
	Utilities	Utilities Telecommunications	±0.02
	Utility (UT)	Stormwater management	±3.89
	Transport Zone (TR1)	Maintenance access route	±1.10
	Transport Zone (TR2)	Roads	±2.13
Total Extent			±31.43

Figure D.1: Proposed Development

ANNEXURE 3: REASONS FOR THE DECISION

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

- The information contained in the Application Form received by this Department on 29 November 2017, and the EMP submitted together with the BAR on 21 February 2018;
- Relevant information contained in the Departmental Information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- The comments received from I&APs and the responses thereto, included in the BAR;
- The balancing of negative and positive impacts and proposed mitigation measures; and
- A site visit was conducted on 28 May 2018 by officials of this Department.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorization. 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 interested and Affected Parties ("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 of the availability of the pre-application BAR for consultation 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 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 EMP, 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 terms of the opportunities and constraints of the proposed site. Layout alternatives also took cognizance of development proposals that were subjected to an EA process in the past. Layout alternatives that were considered to be feasible and reasonable are described below.

Design/Layout Alternative 1

This alternative entails the development of approximately eighty-nine (89) even zoned for industrial use. The associated infrastructure include:

- The re-alignment of Waarburgh Road;
- Access and internal road network from a re-aligned Waarburgh Road; and
- Underground engineering services.

This alternative will result in the loss of all wetland and watercourses identified on the site, with specific reference to the loss of Wetland 4. The present levels of function and structure of wetland 4 as a seasonally inundated to saturated wetland area will therefore not be secure. This alternative will consequently result in the loss of freshwater ecosystems on the site and also in an inadequate stormwater management system on the site.

Design/Layout Alternative 2

This alternative entails the development of approximately thirty-four (34) even zoned for industrial use. The associated infrastructure include:

- Access taken off Waarburgh Road;
- An internal road network;
- An open-void stormwater management system; and
- Underground engineering services.

This alternative maximises development opportunities on the site. While also taking cognizance of freshwater ecosystems on the site with the preservation of wetland 4 and the importance of a proper stormwater management system on the site. This alternative further meets present market demands for larger industrial Even.

Design/Layout Alternative 3 (Preletted and Helewith Authorised)

This alternative entails the development of an access controlled mixed-use development with approximately twenty-four (24) Even for land uses comparable with industrial warehousing, storage and distribution on Portions 29, 30, 32, 374, 375 and 377 of the Farm No. 728, Joostenbergvlei. The development proposal will have a total development footprint of approximately 31.43ha.

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.

This alternative includes the re-alignment of a section of the internal road adjacent to the area identified as wetland 4 and also divides the site into even larger even than indicated for design/layout alternative 2. This alternative will maintain and potentially enhance the ecological functioning and structure of freshwater ecosystems that will be incorporated into open space areas on the site within an ecologically sensitive stormwater management system. It is noteworthy that

the requirements of the City of Cape Town regarding the management of stormwater on the site has influenced the layout of the development proposal.

Although alternative 2 and 3 are similar, the slightly bigger even reduces the number of industrial even on the site and together with the re-alignment of a section of the road alongside the wetland corridor, will help ensure greater protection of wetland 4 within the stormwater management system.

No-Go Alternative

The no-go alternative entails using the properties zoned Transport Use (Portions 374, 375 and 377 of the Farm No. 728, Joostenbergvlei) and Agriculture Zone (Portions 29, 30 and 32 of the Farm No. 728, Joostenbergvlei) in a manner consistent with the current zoning of the property. 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 with the Northern District Spatial Development Plan that has earmarked the said properties for an urban use and within an Industrial / Mixed-Use Node.

3. Key Factors Affecting the Decision

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

3.1 Planning Context

The properties are zoned Transport Use (Portions 374, 375 and 377 of the Farm No. 728, Joostenbergvlei) and Agriculture Zone (Portions 29, 30 and 32 of the Farm No. 728, Joostenbergvlei). The applicant intends to submit an application to the City of Cape Town in terms of the relevant land use management legislation in order to obtain permission for the development proposal.

3.2 Need and Desirability

According to the information stipulated in the SAR, the property is situated inside of the proclaimed Urban Edge of the City of Cape Town and has been located in an area designated as Industrial / Mixed-Use Node in the Northern District Spatial Development Plan.

Based on the above, the development proposal is therefore generally consistent with the relevant spatial planning policies.

3.3 Municipal Services

The City of Cape Town confirmed in writing, in a letter dated 19 September 2016, 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 site is located in the upper reaches of the Mosselbank River catchment, a tributary of the Diep River system. The wetland specialist concluded that the wetlands and watercourses on the site are highly degraded systems that possess limited biodiversity and ecosystem services.

Large areas of the eastern and north eastern parts of the site consist of wetlands. Rehabilitation of the wetlands will only be possible with significant intervention in the form of adjusting the hydrological regime and allowing artificial re-establishment of indigenous vegetation. The rehabilitation of wetlands is therefore highly unlikely.

Reference No.: 16/3/31/AS/37/2063/17

Page 16 of 19

Small patches of more natural wetland do occur on the site of wetland 4. The biodiversity functions performed by wetlands 1 (outside of the site) and 4 cannot be replaced by artificial systems. Wetland 4 is moderately impacted and will be retained as a node of more natural function within the stormwater management system on the site.

The impact on freshwater ecosystems will result in a low significance after implementation of the mitigation measures recommended by the freshwater specialist are implemented.

In view of the above, the significance of the impact associated with the disturbance and the loss of freshwater ecosystems for the development proposal will be adequately mitigated.

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 chances of the Critically Endangered Cape Flats Sand Fynbos being rehabilitated in the future is highly unlikely. The only wetland that will be included in the Open Space area of the development proposal is the area identified as Wetland 4, in order to retain the wetland's present levels of function and structure as a seasonally inundated to saturated wetland area.

The implementation of the mitigation measures will result in the development proposal causing impact of a low significance on water resources.

3.6 Traffic / Access

The proposed entrance to the site will be taken directly off Waarburgh Road. The site is located in close proximity to high order roads making accessibility to the site very good. The three intersections identified in close proximity to the site currently operate at acceptable Levels of Service ("LoS").

The main findings of the Transport Impact Assessment compiled by BUI dated February 2017 are the following:

- All three intersections analysed in the Transport Impact Assessment currently operate at acceptable LoS;
- All three intersections will require minor improvements to accommodate the growth in traffic until the year 2021 at a similar LoS;
- Additional improvements to the said intersections to ensure the LoS remains the same in the year 2021; and
- Adequate infrastructure is required for public transport, pedestrian and bicycle trips which is expected to increase significantly as a result of the development proposal.

3.7 Heritage Resources

Heritage Western Cape in their correspondence dated 10 February 2017, 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.

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 BMP. The implementation of these measures will help to ensure that the potential dust and noise impacts of the development proposal are adequately mitigated.

Reference No.: 16/3/31/AS/37/2063/17

Page 17 of 19

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 a plain. The visual impact of the site will be adequately mitigated by the implementation of visual impact mitigation measures contained in the BMP.

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

Negative impacts include:

- Some loss of ecosystem services and biodiversity on the site;
- Some loss of ecological connectivity on the site;
- Some degradation of remnant wetlands;
- Potential cumulative loss of wetlands as a result of inadequate maintenance;
- Potential traffic congestion during the development phase;
- Some visual scarring that will be visible from the N1 National Road; and
- Some noise and dust impacts.

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

Positive impacts include:

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

4. 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.

Reference No.: 16/3/31/AS/37/2063/17

Page 18 of 19

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the BMP, 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.


—END—

Reference No.: 16/3/31/AS/37/2063/17

Page 19 of 19

Appendix B

Copy of the Appeal Decision issued on 22 June 2020 (Referenced: 14/3/1/1/D6/14/0433/19)



**Western Cape
Government**

**MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING**

REFERENCE: 14/3/1/1/D6/14/0433/19

Mr Justin Truter
Werkmans Attorneys
PO Box 1008
STELLENBOSCH
7599

Email: jtruter@werkmans.com

Dear Mr Truter,

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED FOR THE N1 GATEWAY BUSINESS PARK MIXED-USE DEVELOPMENT, ASSOCIATED INTERNAL ROADS AND SERVICE INFRASTRUCTURE ON PORTIONS 29, 30, 32, 374, 375 AND 377 OF THE FARM 728, JOOSTENBERGVLAKTE, KRAAIFONTEIN

1. Appeals lodged in terms of section 43(2) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") against the Environmental Authorisation ("EA") issued by the Department of Environmental Affairs and Development Planning's Director, Development Management for the N1 Gateway business park mixed-use development, associated internal roads and service infrastructure on Portions 29, 30, 32, 374, 375 and 377 of the Farm 728, Joostenbergvlakte, Kraaifontein ("the property") have reference.
2. After careful consideration of the appeals, as well as supporting documentation received, I have decided to dismiss the appeal and confirm the decision of the delegated competent authority. With respect to your request to vary the EA, such request is refused.
3. The abovementioned EA and the conditions under which the authorisation was granted must be complied with.
4. **AMENDMENTS/EXCLUSIONS TO THE ENVIRONMENTAL AUTHORISATION:**
 - 4.1. Section G of the abovementioned EA is excluded from this authorisation.
 - 4.2. Condition E9 and E10 of the EA is excluded from this authorisation.
 - 4.3. The following conditions of the EA are substituted and must be complied with:

SECTION E: CONDITIONS
Condition E3.1:
"A period of ten (10) years, from the date of issue of this Appeal Environmental Authorisation, during which period the holder must commence with the authorised listed activities; and"

Room 809 Uthmaniyah Building, Cape Town, 8001 Private Bag 91186, Cape Town, 8009
tel: +27 21 483 3721 fax: +27 21 483 4174 e-mail: DEADP.Appeals@westerncape.gov.za

<p>Condition E8: "8.1 The holder must, in writing, within 14 (fourteen) calendar days of the date of this appeal decision notify registered Interested and Affected Parties ("I&AP") of: 8.1.1 The outcome of the appeal; 8.1.2 The reasons for the decision; 8.1.3 The date of the decision; and 8.1.4 The date of issue of the decision."</p> <p>5. REASONS FOR THE DECISION The following are reasons to confirm the Environmental Authorisation issued by the Delegated Competent Authority and dismiss the appeal. The request to vary the EA by removing or replacing Conditions 22 and 23 of the EA is also discussed:</p> <p>5.1. APPEAL GROUND 1: Public Participation As confirmed by Dr Gale, though the Environmental Assessment Practitioner ("EAP") had originally erroneously indicated that there was no relevant community organisations, the Joostenbergvlakte Community Forum ("JCF") were not excluded from the Public Participation Process ("PPP") and the error had been corrected.</p> <p>It is further alleged that JCF submitted its comments on the draft Basic Assessment Report ("BAR") and Final BAR and these were not taken into consideration or ignored. In correspondence dated 4 May 2018, the EAP asserts that the comments were submitted after the closing date for comments. Concerns were subsequently raised directly with the Department in correspondence dated 12 April 2018, which the EAP addressed. Comment by JCF on the Final BAR was submitted on 22 March 2018, 41 days after the closing date for comments.</p> <p>The Appellant's are of the view that the site in question precludes development, the site is however situated inside the urban edge and earmarked in the Northern District Spatial Development Framework ("NDSDF") for urban development purposes. The arguments put forward in the 12 April 2018 correspondence relate largely to "promises" made during the 2017 Spatial Planning meeting and of protection of the area as a green lung.</p> <p>Dr Gale and the JCF expressed concerns around the wetlands on site and the potential impacts on the aquifer associated with the proposed development. In this respect Dr L. Day confirmed that "although the overall site includes surface aquatic ecosystems, none of them are in a near-natural condition and the change pattern throughout has been significantly disrupted." She further states that the loss of wetlands W2 and W3 as well as of Dam E as suggested in development layouts would not be associated with a significant loss of biodiversity. The two natural wetlands as identified are both determined to be degraded and assessed as of a low Ecological Importance and Sensitivity ("EIS") and in a Poor (Category E) condition. These wetlands are not considered rehabilitable without significant expense, the limited function these wetlands provide can be replicated in an effectively managed stormwater attenuation, amelioration and conveyance system, provided that this incorporates several specific design elements. The net risk of the proposed development to the water resource will be low, and the net development impact would have low significance.</p>	<p>The EAP determined that any impacts to the aquifer are extremely remote and unlikely and that the presence of the aquifer does not preclude the development as there will be no groundwater abstraction while all stormwater will be strictly managed in accordance with an approved Stormwater Management Plan which complies with the Stormwater Management By-Law No. 6300, 2005 and requirements.</p> <p>The concerns expressed are noted but Dr Day's report is clear that the proposed development impacts would be of low significance.</p> <p>Concerns have also been raised in respect of municipal functions which fall outside the ambit of the EA process. These will be addressed during the planning and building approval processes which are municipal competences.</p> <p>With respect to concerns expressed around the provision of municipal services and whether the extent and severity of the drought were taken into consideration when it was confirmed in the letter dated 19 September 2016, that sufficient capacity exists, that determination is made by the municipality who have the responsibility of providing the services.</p> <p>Issues raised in respect of the water use licence process should be addressed to the National Department of Human Settlements, Water and Sanitation.</p> <p>5.2. APPEAL GROUND 2: Alternatives Section 24(4)(b)(i) of the NEMA, requires "investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity".</p> <p>The alternatives must be considered as reasonable and feasible for inclusion in the EA process.</p> <p>The assessment requirements relating to "alternatives" makes it clear that the obligation to consider alternatives may be achieved in a variety of different ways including site locations, types of activities, design or layout; and technological or operational aspects of undertaking the activity (either in combination or in isolation of each other).</p> <p>Although the design alternatives appear similar, the approved alternative (3) has considerably fewer even than proposed Alternative 1 in particular and Alternative 2. Alternative 1 would result in the loss of all the wetlands on site.</p> <p>It could also be argued that Alternative 2 and Alternative 3 are similar but the latter reduces the number of even and the proposed re-alignment of a section of road alongside the wetland corridor, will ensure protection of Wetland 4 within the stormwater management system.</p> <p>The no-go approach does not entail the site remaining undeveloped and would permit the properties to be utilised in terms of its Transport Use and Agriculture. The NDSDF however indicates the area for urban use and within an Industrial / Mixed Use zone, thus the no-go option does not align with the municipality's vision for the area. The no-go option was not considered reasonable or feasible.</p>
--	---

5.3. APPEAL GROUND 3: Planning Context & Need and Desirability

The site which is made up of six portions is zoned as Transport Use (Portions 374, 375 and 377 of the Farm No. 728, Joostenbergvlei) and Agriculture Zone (Portions 29, 30 and 32 of the Farm No. 728, Joostenbergvlei). The proposed development falls within the urban edge and within an area designated as an Industrial/Mixed-use node in terms of the NDSDF.

The proposed development is consistent with the relevant spatial planning policies.

An application will have to be submitted to the City of Cape Town for rezoning. Appellants will have opportunity to comment on the land use planning process.

As our country's high levels of unemployment is of concern, the proposed development would potentially benefit the two nearby areas of Wallacedene and Boekombos with short and long term employment opportunities associated with the proposed development.

5.4. APPEAL GROUND 4: Visual Impacts

Visual impacts were not expressed as a concern during PPP for the Draft BAR and Final BAR processes.

The site will largely have a visual impact from the N1. To the rear of the site are vineyards and Bugt Playpark, Wijnland Auto Museum on the Torenkops Road side of the property. Visual impacts in respect of the structures to be erected will be considered in the design and building approval requirements to be assessed by the municipality.

5.5. APPEAL GROUND 5: Freshwater Impacts

The statements regarding the impact of the development on the aquifer are contradicted by the specialist studies that informed the Final BAR, specifically the Wetland and Freshwater Ecology study prepared by Freshwater Consulting.

Dr Day states that the loss of wetlands W2 and W3 as well as of Dam E as suggested in the development layouts would not be associated with a significant loss of biodiversity. The two natural wetlands as identified are both determined to be degraded and assessed as of a low ES and in a Poor (Category E) condition. These wetlands are not considered rehabilitable without significant expense. The limited function these wetlands provide can be replicated in an effectively managed stormwater attenuation, amelioration and conveyance system, provided that this incorporates several specific design elements. The net risk of the proposed development to the water resource will be low, and the net development impact would have low significance.

5.6. APPEAL GROUND 6: Traffic Impacts

The original assessment dated February 2017, indicated that no pedestrian sidewalks or cycling facilities are present in the area, despite notable volumes of both these modes. This was confirmed in the revised Traffic Impact Assessment ("TIA") dated December 2019.

The 2017 TIA indicated that in order to improve the safety of pedestrians a pedestrian bridge was considered as a mitigation measure as a large proportion of the population uses public transport or walking and cycling as traveling modes requiring

more emphasis to be placed on the provision of a user-friendly pedestrian environment. Having calculated that approximately 455 and 245 pedestrians will cross the N1 in the AM and PM peak hours, it was concluded that the location warrants the provision of a pedestrian bridge.

The TIA further concluded that:

- All three intersections operate at an acceptable Level of Service ("LOS");
- All three intersections would require minor improvements to accommodate the growth in background traffic until 2021 at a similar LOS;
- Further improvements to the intersections would be required to ensure the LOS remains the same in 2021, once the development traffic is added to the network; and
- A significant number of public transport, pedestrian and bicycling trips are likely to be generated by the development, for which adequate infrastructure should be provided.

With respect to Non-motorised transport ("NMT") the TIA clearly states that a dedicated pedestrian and bicycle bridge should be provided over the N1 at the location east of the Value Logistics Warehouse along with additional NMT access recommendations.

The 2019 revised TIA indicates that both terminals of the Joostenbergvlei interchange operate at a capacity with critical movements operating at a LOS F. SANRAL confirms that the interchange operates at capacity during peak hours. Expected 2024 traffic demand for the N1 Ramps North/Luculus Street is expected to continue to operate at unacceptable LOS F during AM and PM peak hours whilst N1 Ramps South/Maroela Road is expected to operate at or over capacity during the AM and PM peak hours.

With regard to the pedestrian bridge the revised TIA concluded that it is not warranted yet as there is no exact collision data. It further states that SANRAL would have budgeted for the construction of a pedestrian bridge and the construction of such a bridge cannot be solely at the cost of the Applicant as other developments will derive benefit.

It is recommended that:

- the Luculus Street/Waarburgh Road all-way stop be converted to a 2-way stop with Luculus Street (north/south movement) being free-flow;
- the N1 Ramp North/Luculus Street provide a free flow left turn lane on the eastbound approach, widening the north approach to accommodate a separate left turn and widening the bridge to provide a right turn lane on the south approach; and
- the N1 Ramp South/Maroela Road widen the north approach to accommodate a right turn lane, allowing a 3 lane cross section over the bridge.

SANRAL, per their comments dated December 2019, expressed a view that the pedestrian bridge is warranted. The view is further expressed that developers bare the cost of provision for the pedestrian bridge.

SANRAL further indicates that the proposed improvements at the Joostenbergvlei interchange should be implemented ahead of any further developments in the area.

5.7. RESPONSE TO REQUEST TO REMOVE CONDITIONS 22 & 23 OF THE EA:

The recommendations per the 2017 and 2019 TIA's are similar with the exception being whether a pedestrian bridge is warranted with the latter arguing that it is not at this time. Additionally, as confirmed by SANRAL, significant improvements to the N1 and Joostenbergvlei interchange are being planned to accommodate the increased traffic volumes that will be generated but such improvements should be implemented prior to any further development in the area.

The Responding statement submitted indicates that the Appellants should be comforted by the fact that stringent conditions, being conditions 22-24 have been included in the EA to prevent and/or mitigate traffic impacts. The statement recognises the need for these conditions.

It is further noted, that the conditions were included based on the specialist inputs furnished in the Final BAR and these conditions were not appealed by the Applicant at the time the EA was issued.

SANRAL's view, which is supported, contends that the pedestrian bridge, for the developers cost, is warranted. The curtailment of development prior to the improvements to the N1 and Joostenbergvlei interchange is based on the premise that it is expected to operate at or over capacity with the addition of traffic from the proposed development(s).

Yours faithfully,

ANTON BREDELL
WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 22/6/2020

Copied to:
Development Management (Region 1) Mr Zozihle Soefy email: Zozihle.Soefy@westerncape.gov.za
Development Management (Region 1) Ms Ayisha Hamuday email: Ayisha.Hamuday@westerncape.gov.za
DevVilles Brownlie Associates Mr Louis de Villiers email: info@dvas.co.za