





EIA REFERENCE NUMBER: 16/3/3/1/A5/20/2028/16
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 30 JAN 2017

The Board of Directors
Pinetop Estates (Pty) Ltd
23 Quantum House
Technopark
STELLENBOSCH
7600

Attention: Mr Mike Stewart

Tel.: (021) 976 7450
Fax: (021) 975 8619

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:

PROPOSED INDUSTRIAL DEVELOPMENT ON FARM NO. 168/32 AND A PORTION OF FARM NO. 168/33, DURBANVILLE

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants environmental authorisation to the applicant to undertake the list of activities specified in Section B below as included in the final Basic Assessment Report ("BAR") dated 22 September 2016.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Pinetop Estates (Pty) Ltd
c/o Mr Mike Stewart
23 Quantum House
Technopark
STELLENBOSCH
7600
Tel.: (021) 976 7450
Fax: (021) 975 8619

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R. 983 of 4 December 2014 –

Activity 12:

"The development of-

- (i) canals exceeding 100 square metres in size;*
- (ii) channels exceeding 100 square metres in size;*
- (iii) bridges exceeding 100 square metres in size;*
- (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size;*
- (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size;*
- (vi) bulk storm water outlet structures exceeding 100 square metres in size;*
- (vii) marinas exceeding 100 square metres in size;*
- (viii) jetties exceeding 100 square metres in size;*
- (ix) slipways exceeding 100 square metres in size;*
- (x) buildings exceeding 100 square metres in size;*
- (xi) boardwalks exceeding 100 square metres in size; or*
- (xii) 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; or*
- (ee) where such development occurs within existing roads or road reserves";*

Activity 19:

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-

- (i) a watercourse;
- (ii) the seashore; or
- (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater -

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; or
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies";

Activity 24:

"The development of-

- (i) a road 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) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;

but excluding-

- (a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or
- (b) roads where the entire road falls within an urban area";

Activity 28:

"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture 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";

Activity 48:

"The expansion of -

- (i) canals where the canal is expanded by 100 square metres or more in size;
- (ii) channels where the channel is expanded by 100 square metres or more in size;
- (iii) bridges where the bridge is expanded by 100 square metres or more in size;
- (iv) dams, where the dam, including infrastructure and water surface area, is expanded by 100 square metres or more in size;
- (v) weirs, where the weir, including infrastructure and water surface area, is expanded by 100 square metres or more in size;

- (vi) bulk storm water outlet structures where the bulk storm water outlet structure is expanded by 100 square metres or more in size; or
- (vii) marinas where the marina is expanded by 100 square metres or more in size;

where such expansion or expansion and related operation 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 expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such expansion 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 expansion occurs within an urban area; or
- (ee) where such expansion occurs within existing roads or road reserves"; and

Activity 67:

"Phased activities for all activities

- i. listed in this Notice, which commenced on or after the effective date of this Notice; or
- ii. similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices;

where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold;

excluding the following activities listed in this Notice-

17(i) (a-d); 17(ii) (a-d); 17(iii) (a-d); 17(iv) (a-d); 17(v) (a-d); 20; 21; 22; 24(i); 29; 30; 31; 32; 34; 54(i) (a-d); 54(ii) (a-d); 54(iii) (a-d); 54(iv) (a-d); 54(v) (a-d); 55; 61; 62; 64; and 65".

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

The holder is herein authorised to undertake the following related to the listed activities:

The proposed project entails the development of approximately 6100 storage units and associated infrastructure on Portion 32 and a portion of Portion 33 of Farm No. 168, Durbanville.

The proposed development will be approximately 20.5ha in size and will comprise of storage units, an Open Space 3 (Special Open Space) erf, roads and associated infrastructure. Each storage unit will be double storey.

Portion 33 of Farm No. 168 will be subdivided into two portions, namely Portion A and a Remainder. Portion A will be further subdivided into three portions, namely Erf 1, Erf 2 and Erf 3. Erf 1 will then be consolidated with Portion 32 of Farm No. 168 for

the purposes of storage. Erf 2 will be subdivided from Portion 33 of Farm No. 168 to create a public road. Erf 3 will form part of the future extension of Darwin Road.

The existing bridge crossing and gravel road on Portion 32 of Farm No. 168 will be upgraded to provide access to the southern portion of the property.

The portions of the property that fall within the 1: 100 year flood line and/or within 30m from the top bank of the tributary will be rezoned to Open Space 3 (Special Open Space) and will not be developed.

All the existing buildings on the property will be demolished.

Access is proposed from a new Class 4 road that will eventually connect the existing Pastoral Street with Klipheuwel Road. The proposed Class 4 road will run along the northern boundary of the property and two accesses are proposed from this road. The first access is a traffic circle which will include a temporary leg servicing Portion 33 of Farm No. 168 until Darwin Road is extended. From the traffic circle approximately 294m westwards a secondary access is proposed opposite the future access to County Fair.

Storm water runoff will be attenuated and subjected to pollutant removal in accordance with the City of Cape Town's Sustainable Urban Drainage Systems policy before it is released into the stream. Attenuation of the peak storm water runoff is proposed by means of infiltration swales and/or detention ponds along the property boundaries.

Sewage generated by the proposed development will drain to a centralized storage tank from where the sewage will be pumped to the City's sewerage network along Darwin Road.

C. LOCATION AND SITE DESCRIPTION

The listed activities will take place on Portion 32 and a portion of Portion 33 of Farm No. 168, Durbanville.

Agricultural land, the County Fair offices, the Durbanville Industrial Park and the Durbanville Memorial Park (cemetery) are located north of the site. The site is surrounded by agricultural land to the east, south and west. Denny Mushrooms and Corobrick Centre are located further to the north west of the site. An electrical substation is located to the north east of the site.

The SG 21 digit codes are:

Portion 32 of Farm No. 168: C01600770000016800032

Portion 33 of Farm No. 168: C01600770000016800033

Co-ordinates:

Latitude: 34° 47' 50.15" S

Longitude: 18° 41' 58.43" E

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Withers Environmental Consultants (Pty) Ltd
c/o Mr Aubrey Withers
PO Box 6118
Uniedal
STELLENBOSCH
7612
Tel.: (021) 887 4000
Fax: (021) 883 2952

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The preferred alternative as described in Section B above is approved.
2. Authorisation of the activity 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; and
 - (b) A period of five (5) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.
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 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 Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014;
 - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4 provide the registered Interested and Affected Parties 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;
 - 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations 2014.

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation.
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 activities, 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. 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, 14 and 24.

Management of activity

10. The draft EMPr and Maintenance Management Plan submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 if any amendments are to be made to the objectives and 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 it 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 or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction 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;
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid—
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited; and
 - 15.2 submit environmental audit report(s) to the relevant competent authority at intervals specified in the approved EMPr.

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.

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 Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted during construction activities on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. 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.
20. 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; shipwrecks; and graves or unmarked human burials.

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.

21. An ecological stream corridor that is approximately 75 to 80m wide, which allows for a 30m buffer on either side, must be established and maintained to allow for the protection of the aquatic habitat.
22. Rubble from demolished buildings may not be dumped in the riparian/buffer zone.
23. Disturbed areas or areas where the soil is left bare must be re-vegetated with locally occurring indigenous vegetation.
24. The exact boundary of the construction footprint must be clearly defined before commencement of construction activities.
25. The stream and ecological corridor must be treated as no-go areas during the construction phase and must be demarcated as such.
26. The site office and construction camp; fuel storage; refueling, vehicle maintenance or vehicle depots; or toilets must be located at least 50m from the stream.
27. Construction activities must take place during the drier, low rainfall months to reduce the potential for contaminated runoff. Alternatively, measures must be put in place (such as the construction of a berm) to prevent runoff from discharging directly into the downstream aquatic features.
28. Sediment trapping measures such as silt curtains, cut-off trenches and/or settlement pumps must be placed down-slope of cleared areas to minimise sediment runoff into freshwater ecosystems.
29. If water is to be drained from construction areas, the water must be pumped into an appropriate settlement area and must not be allowed to flow into the stream.

General

30. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
31. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority at least three months prior to the expiry date of the Environmental Authorisation.

Note that: (1) in terms of Regulation 28(2) of the EIA Regulations, 2014, failure to lodge an application for amendment at least three months prior to the expiry of the validity period of the Environmental Authorisation may result in the lapsing of the Environmental Authorisation, due to the competent authority being unable to process the application for amendment within this period; (2) it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.

32. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

33. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.
34. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. 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: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000
- By facsimile: (021) 483 4174; or
- By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
- Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. 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



MR ZAahir TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 30/01/2017

CC: (1) Mr Aubrey Withers (Withers Environmental Consultants)

Fax: (021) 883 2952

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A5/20/2028/15

NEAS EIA REFERENCE NUMBER: WCP/EIA/0000131/2016

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the Application Form dated 23 June 2016, as received by the competent authority on the same date, the BAR dated 22 September 2016 and the EMP submitted together with the BAR;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the BAR dated 22 September 2016;
- d) The meeting held on:

Date: 25 January 2017

Persons present: Mr Eldon van Boom, Ms Rondine Isaacs, Ms Fundiswa Zingitwa-Lwana and Mr Dale Wakefield of the Department of Environmental Affairs and Development Planning ("DEA&DP");

- e) The site visit conducted on:

Date: 26 January 2017

Persons present: Mr Eldon van Boom, Ms Najah Ben Jeddou and Ms Fundiswa Zingitwa-Lwana of the DEA&DP and Mr Mike Stewart of Pinetop Estates (Pty) Ltd.

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

1. Public Participation

The Public Participation Process comprised of the following:

- A notice was placed on site;
- A meeting was held with the City of Cape Town and the Department of Water and Sanitation on 11 May 2016;
- An advertisement was placed in the "Tygerburger" newspaper on 29 June 2016;
- Background Information Documents were circulated to adjacent landowners, the ward councillor and relevant Organs of State on 29 June 2016; and
- A draft BAR was made available from 30 June 2016.

Authorities consulted

The authorities consulted included the following:

- Department of Agriculture;
- CapeNature;
- Heritage Western Cape
- Department of Transport and Public Works;
- Department of Water and Sanitation; and

- Various departments within the City of Cape Town.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were included in the BAR.

2. Alternatives

The following layout alternatives were considered:

Alternative 1 (preferred alignment - herewith authorised):

In this alternative the proposed public Class 4 road that will link Klipheuwel Road to Pastorale Road will be aligned along the northern boundary of the site. The storage units will be established on the remainder of the developable area outside the 1:100 year flood line and which incorporate a 30m buffer. The total number of units will be approximately 6100.

This is the preferred alternative since the Class 4 road is further from the tributary. The road is along an existing servitude that is already utilised for access purposes. In addition, the Class 4 road alignment provides access to Portion 41 of Farm No. 168 (County Fair).

Alternative 2:

In this alternative the proposed public Class 4 road that will link Klipheuwel Road to Pastorale Road runs through the site. A portion of the road will be located within the 1:100 year flood line and the total number of units is approximately 6090. This alternative was rejected since a portion of the Class 4 road is located within the 1:100 year flood line. In addition, the Class 4 road alignment will divide the site into two portions, which may have security implications for the site.

"No-Go" Alternative

This option would mean that no development will take place. This alternative was rejected since the property will not be developed in accordance with the spatial planning documents for the area (the area is earmarked for future industrial development).

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The site is located in Sub-District 2 of the Northern District within an area that is identified by the City of Cape Town as an area for "New Industrial Development" in terms of their Spatial Development Plan ("SDP"). The tributary which traverses the site is earmarked as Open Space and Core 2 in the SDP for the Northern District. The tributary will be rezoned and its buffer area to Open Space 3 (Special Open Space).

The proposed development is consistent with the surrounding land uses as well as the future spatial planning for the site. The proposed development will create new employment opportunities and will make a minor contribution to the general economic development of the area.

3.2 Biophysical Impacts

The freshwater features on the site include two smaller wetland areas, an unnamed tributary of the Mosselbank River and drainage trenches which carry runoff to the unnamed tributary. Neither the wetlands nor the trenches are considered significant for the conservation of habitat or the supply of ecosystem services. This is due to the extensive to complete modification of these features. The tributary is however, considered an important aquatic ecological feature.

The in-stream habitat integrity of the tributary is moderately to largely modified, while the riparian habitat integrity is seriously modified. A riparian strip along the banks of the river has been almost completely lost due to disturbances up to the top of the river banks. The tributary is crossed by two roads, one in the middle of the site and a second on the site's eastern boundary.

Nearly all the vegetation cover has been removed and consists of alien and weedy vegetation. The tributary however, still consists mainly of indigenous *Phragmites australis* reeds. The river channel has been straightened and canalised and most of the riparian vegetation removed. Flow within the river has been highly modified as a result of increasing hardening of surfaces, the discharge of treated waste water from the Kraaifontein Waste Water Treatment Works and the construction of many small farm dams.

Although the stream is dominated by tolerant and common aquatic plant species, it does provide refuge habitat and a corridor into less developed agricultural areas. This corridor eventually link up to the Diep River System.

Disused chicken houses have been demolished on the southern portion of Portion 32 of Farm No. 168 and some of the building rubble has been retained on site. The rubble is intended to be crushed and used for the base course of the roads. The rubble is thus temporarily stockpiled on the site for re-use instead of disposal to a waste disposal facility.

3.3 Traffic impacts

Access is proposed from a new Class 4 road that will connect the existing Pastorale Street with Klipheuwel Road. The proposed Class 4 road will run along the northern boundary of the site and two accesses are proposed from the Class 4 road, i.e.:

- (1) A traffic circle will include a temporary leg serving Portion 33 of Farm No. 168 until Darwin Road is extended; and
- (2) From the traffic circle approximately 294m westwards, a secondary access is proposed, opposite the future access to County Fair.

It is anticipated that the new link from Darwin Road to the traffic circle (and including the traffic circle) will be constructed first and to start the development from there.

3.4 Storm water impacts

Storm water runoff currently drains directly into the tributary. For the proposed development storm water will be attenuated and subjected to pollutant removal in accordance with the City of Cape Town's Sustainable Urban Drainage Systems policy before the water is released into the tributary. Attenuation of the peak storm

water runoff is proposed by way of infiltration swales and/or detention ponds along the site's boundaries.

National Environmental Management Act Principles

The National Environmental Management Act 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.

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