



Directorate: Development Management
(Region 2)

EIA REFERENCE: 16/3/3/1/B3/38/1032/17
NEAS REFERENCE: WCP/EIA/0000317/2017
ENQUIRIES: Lorretta Osborne
DATE OF ISSUE: 2018 -03- 14

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): BUSINESS DEVELOPMENT ON A PORTION OF ERF NO. 34 AND ERF NO. 14435, WELLINGTON

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 Development Alternative 1 and Access Alternative 2, described in the Basic Assessment Report ("BAR"), dated November 2017.

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

The Board of Directors
Springdeals Four CC
% Mr. L Ahmed
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7654

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. 325 of 7 April 2017</p> <p>Activity Number: 12</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. <i>In the Western Cape:</i></p> <p>(i) within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>(ii) <i>within critical biodiversity areas identified in bioregional plans;</i></p> <p>(iii) <i>within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; or</i></p> <p>(iv) <i>on land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning;</i></p> <p>(v) <i>on land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	<p>Indigenous vegetation of more than 300m² within a critically endangered ecosystem will be cleared.</p>

3. The development must be concluded within **ten years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of clearing and construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11 and 17.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and

7.4.6 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 2014 National Appeals Regulations (as amended).

8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including on a publicly accessible website.
13. 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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr, and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and

make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

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

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

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. A search and rescue of indigenous bulbs and succulents, as well as the species of conservation concern that occur on the site, must be undertaken by a suitably qualified specialist prior to commencement of construction activities on the site.
18. The following conditions stipulated in the Traffic Impact Assessment, dated February 2016, prepared by Sturgeon Consulting must be undertaken:
 - 18.1 The perimeter of the site must be fully fenced to prevent people accessing the site at any points other than the two access intersections.
 - 18.2 Sidewalks for pedestrians as well as pedestrian routes must be provided for in the development.
 - 18.3 Parking for the retail component based on the recommended parking ratios must be provided.
19. Water supply pipelines for the development can only be connected to the municipal reticulation network once the Strawberry King pipeline (EIA Ref: 16/3/1/1/B3/28/1048/13) has been installed. Written confirmation, from the municipality indicating that the Strawberry King pipeline has been installed and that the development can be connected, must be obtained before operation and submitted to this Department.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry of the environmental authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

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

- 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>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR HENRI FORTUIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 14-3-18

CC: (1) Mr M Geldenhuys (Doug Jeffery Environmental Consultants)
(2) Mr H Strydom (Drakenstein Municipality)

Fax: (086) 660 2635
Fax: (021) 872 8054

ANNEXURE 1: LOCALITY MAP

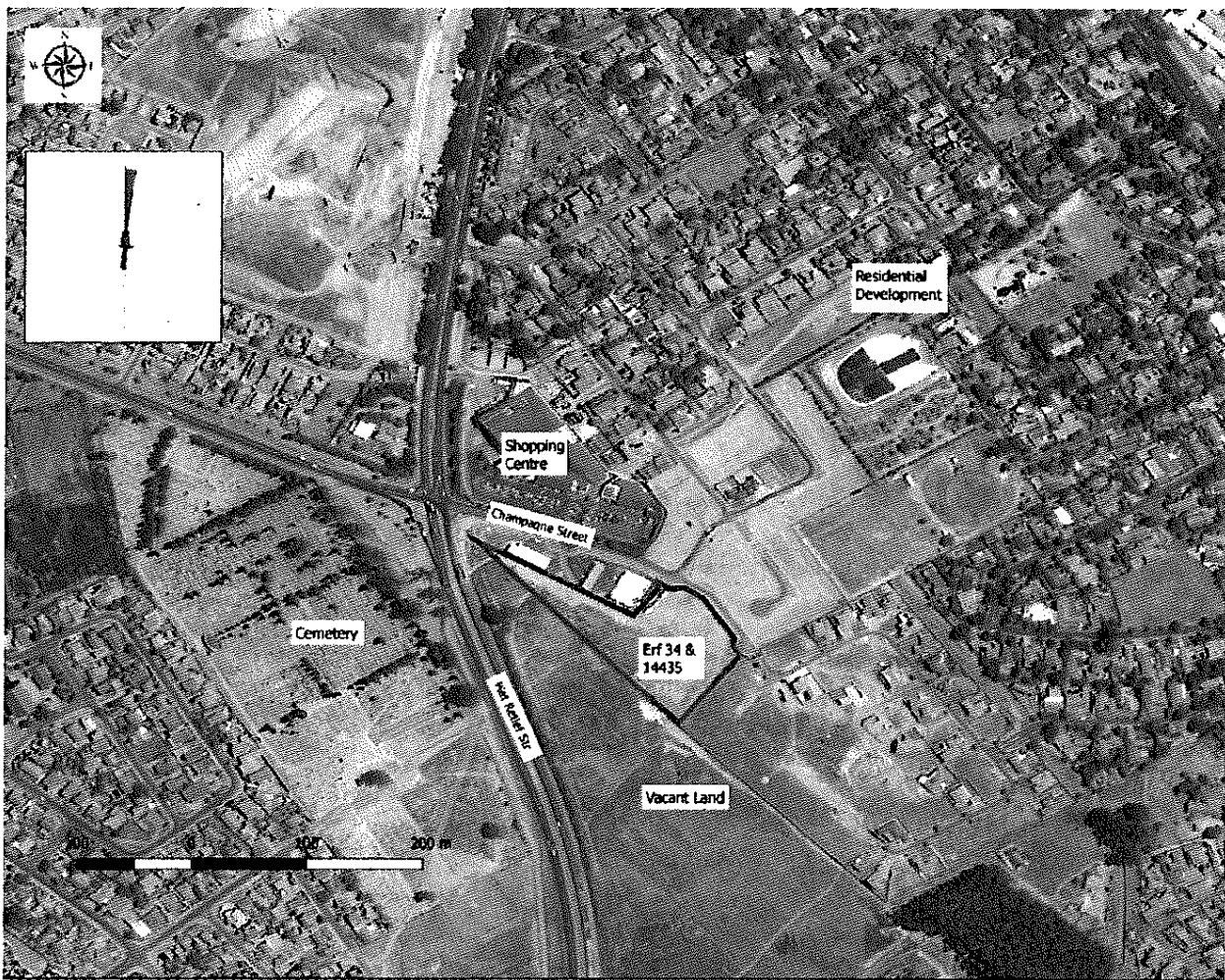


Figure 1: Locality map of a Portion of Erf No. 34 and Erf No. 14435, Wellington

ANNEXURE 2: SITE PLAN

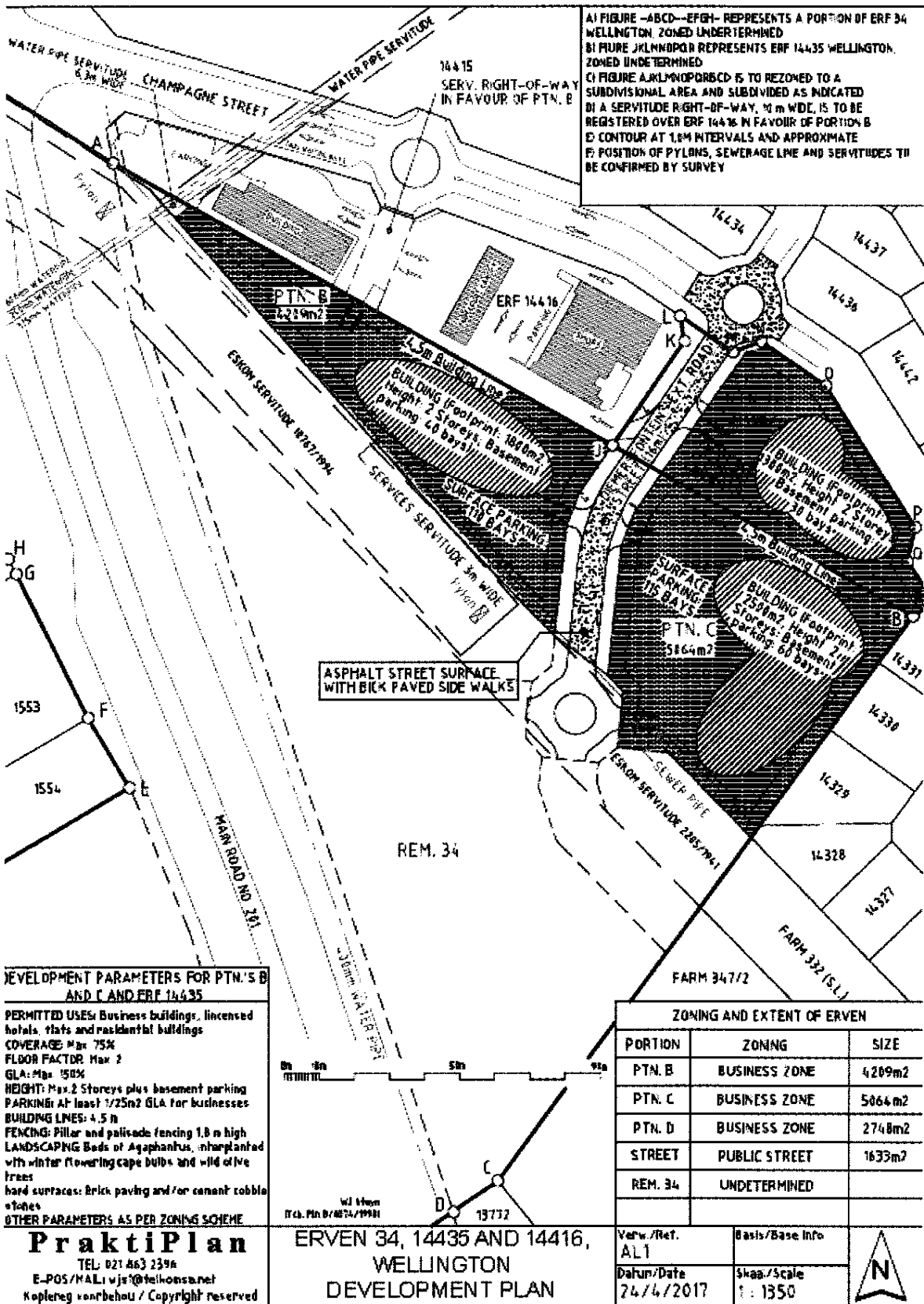


Figure 2: Site Plan of the proposed business development

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form submitted on 10 August 2017, the BAR dated November 2017 and the EMPr submitted together with the BAR on 7 November 2017;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated November 2017; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2014. This decision takes into account the relevant amendments to the text of the said regulations promulgated on 7 April 2017.

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

1. Public Participation

The public participation process included:

- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 2 June 2017;
- Fixing a notice board at the site where the listed activity is to be undertaken on 6 June 2017;
- The placing of a newspaper advertisement in the "Paarl Post" on 8 June 2017;
- The report was made available at Paarl Public Library and on the company's website at www.dougjeff.co.za;
- Circulating the pre-application draft BAR for comment to I&APs for public review from 8 June 2017; and
- Circulating the in-process draft BAR for comment to I&APs for public review from 25 August 2017.

All the concerns raised by I&APs were responded to, and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr, in order to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process, and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

The following alternatives were considered:

Preferred Development Alternative 1 and Access Alternative 2 (Herewith authorised):

This alternative entails the development of three business precincts comprising of two-storey buildings with basement parking, on a Portion of Erf No. 34 and Erf No. 14435, Wellington. The maximum footprint of the 3 precincts will be 11 260m². Access to the site will be via a new street which will link up with the Champagne Street and Fifth Avenue intersection. A new roundabout will be developed at the intersection. The development will be connected to the existing municipal service network.

This alternative is preferred since it will result in economic benefits for the local and private sector. This type of development is in keeping with the existing surrounding developments. The new access road will replace the service road that leads through the filling station on Erf No. 14416, Wellington.

Access Alternative 1:

This alternative entails an access road to be developed over Erf No. 14416, Wellington.

This alternative is not preferred since the property was sold off and has been developed as a filling station.

"No-Go" Alternative

The 'no-go' alternative was considered. However, it is not preferred since the site in its current zoning is restricted from development to occur. This is not beneficial from a socio-economic point as it will not provide an opportunity for economic growth in the area.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development is located within an existing development node, where the development will contribute towards opportunities for economic growth as it promotes densification in an undeveloped area, and by providing for a business cluster in an area where newly residential developments are being established. In addition, the development can be accommodated by the existing transport network. The development will also provide employment opportunities in both the construction and operational phases.

3.2 Biodiversity and Biophysical Impacts

Historically, the site would have been covered with Swartland Shale Renosterveld, which is critically endangered in terms of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004). The Botanical Impact Assessment dated March 2017, conducted by Bergwind Botanical Surveys and Tours CC, concluded that the major part of the site is highly transformed from its original state. It also concluded that it would not be practically feasible to rehabilitate such a site. The southern area of the site however does contain a number of

indigenous bulbs and shrubs, including at least one species of conservation concern. A search and rescue operation prior to commencement of construction activities (included in Section E, Condition 17) will be undertaken to translocate all species such as bulbs and succulents to a suitable receptor site. The potential impacts on vegetation that may result from the proposed development will be mitigated by the implementation of the conditions of this Environmental Authorisation and the mitigation measures in the EMPr (accepted in Section E, Condition 9).

3.3 Traffic Impacts

The Traffic Impact Assessment dated February 2016, conducted by Sturgeon Consulting, concluded that the proposed development will be accommodated subject to the implementation of certain conditions. These have been included under Section E as conditions of approval.

3.4 Services

The letter dated 8 January 2018 from Drakenstein Municipality stipulates that effluent discharge and solid waste services are available for the development. Potable water will only be available to the development once the Strawberry King pipeline (EIA Ref: 16/3/1/1/B3/28/1048/13) has been installed. As per Condition 19 of this Environmental Authorisation the water supply pipelines for the development can only be connected to the municipal reticulation network once the Strawberry King pipeline has been installed.

The development will result in both negative and positive impacts.

Negative impacts:

- The proposed development will result in construction related impacts such as dust, noise and visual intrusion. However, these impacts will be mitigated to a satisfactory level.
- The development will have a negative biophysical impact due to the loss of natural vegetation. Mitigation measures will be implemented to effectively reduce the significance of the potential impacts.

Positive impacts:

- The construction and operational phases will result in socio-economic upliftment through employment opportunities.
- The development will contribute positively to local economic development in the area.
- The preferred alternative takes into account the constraints and opportunities of the site and facilitates the search and rescue of indigenous bulbs and one species of conservation concern.

4. National Environmental Management Act Principles

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

- the effects of decisions on all aspects of the environment to be taken into account;

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, compliance with the EMPr and the MMP, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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