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Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISebo leMicimbi yeNdalo esiNgqongileyo noCwanciso loPhuhliso



Sunflower Maze Trading 511
42 Blaauwberg Road
TABLE VIEW
7441

Attention: Dick Groeneweg

Dear Sir

Cell: (083) 603 3333

APPLICATION FOR THE CONSTRUCTION OF A LIGHT INDUSTRIAL DEVELOPMENT ON THE REMAINDER OF FARM NO. 180 AND PORTION 3 OF THE FARM NO. 180, DURBANVILLE.

With reference to your application, find below the environmental authorisation hereinafter referred to as "the environmental authorisation" in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The activity involves the establishment of a light industrial park on the Remainder of Farm No. 180 and Portion 3 of the Farm No. 180, Durbanville. The light industrial park will consist of:

- 79 general industrial erven,
- 3 commercial erven (business park),
- Public open space,
- Roads, and
- Bulk services.

These are the activities identified in Government Notice ("GN") No. R. 386 of 21 April 2006, being:

Activity 1k: The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with – (a) An internal diameter of 0,36 metres or more; or (b) A peak throughput of 120 litres per second or more,

Activity 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres,

Activity 16: The transformation of undeveloped, vacant or derelict land to – (b) residential mixed, retail, commercial, industrial or institutional uses where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare,

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Activity 18: The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less, and

Activity 19: The development of a new facility or the transformation of an existing facility for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage, which, including associated structures or infrastructure, occupies an area of 1 000 square metres or more outside an existing area zoned for industrial purposes,

hereinafter referred to as "the activities".

B. LOCATION:

The development will be located on the Remainder of Farm No. 180 and Portion 3 of the Farm No. 180, Durbanville,

Co-ordinates: South 33° 47' 11" Latitude
East 18° 42' 16" Longitude,

hereinafter referred to as "the property/site".

C. APPLICANT:

Sunflower Maze Trading 511

% Dick Groeneweg

42 Blaauwberg Road

Table View

7441

Cell: (083) 603 3333

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Guillaume Nel Environmental Consultants cc (GNEC)

% Guillaume Nel

P.O. Box 3253

DURBANVILLE

7551

Tel: (021) 975 4444

Fax: (021) 975 4426/ (086) 693 3802

E. SITE VISIT(S):

No site visit was conducted. The information submitted in the application documentation (i.e. photographs and maps of the site) together with relevant information contained in the Departmental information base, was considered sufficient to provide adequate information on the nature of the receiving environment.

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified above.

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, 2006 the competent authority hereby authorises the activities described above.

The granting of this environmental authorisation is subject to the conditions set out below.

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G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 ("twenty") days after having received this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above, and
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 6, 9 and 10.
3. Any solid waste shall be disposed of at a landfill licensed in terms of the relevant legislation.
4. No surface or ground water may be polluted due to any activities on the site.
5. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape ("HWC") (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 5.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape, and
 - 5.2 If any graves or unmarked human burials are discovered, they must be treated with respect and South African Heritage Resources Association ("SAHRA") must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
6. The final layout plans must be approved by the Municipality before the commencement of construction activities.
7. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) must be adhered to.
8. The Environmental Management Plan ("EMP"), inclusive of the Waste, Water use and Electricity Consumption Minimization and Management Plan, submitted as part of the application for authorisation, is accepted and must be implemented.
9. The holder of the authorisation must appoint a suitably experienced Environment Control Officer ("ECO") (or Site Agent where appropriate) for the Construction Phase of the development before commencement of any land clearing or

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construction activities to ensure compliance with this authorisation and with the provisions of the EMP.

10. The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision –
 - 10.1 Notify all registered Interested and Affected Parties ("I&AP's") of the decision and the reasons for the decision; and –
 - 10.2 Specify the date on which the authorisation was issued;
 - 10.3 Inform all registered I&AP's of the appeal procedure provided for in Chapter 7 of the Regulations; and
 - 10.4 Advise all registered I&AP's that should they wish to appeal that they must lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their Notice of Intention to Appeal, by means of one of the following methods:

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: 9th floor Utilitas Building
For Attention: Mr Jaap de Villiers
1 Dorp Street
Cape Town
8001
 - 10.5 Inform all registered I&AP's that a signed Appeal form obtainable from the Minister's office at tel: (021) 483 3721/3195, e-mail jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp>; must accompany the appeal.
 - 10.6 Inform all registered I&AP's that should they wish to appeal, the appellant must serve on the applicant a copy of the Notice of Intention to Appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
 - 10.7 If the applicant should decide to appeal, the applicant must –
 - lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of this decision and,
 - serve a copy of the Notice of Intention to Appeal on all registered I&AP's as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
 - submit the appeal within 30 days of the lodging of the Notice of Intention to Appeal.
11. Any industry to be established in future, which triggers any activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations as defined in GN No. R. 386 and R. 387 of 21 April 2006, will require their own approval in terms of the Regulations.

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12. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.
13. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the Regulations.
14. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
15. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
16. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
17. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
18. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
 - (i) The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wishes the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activities was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.
 - (ii) The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.
19. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.

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20. The activities which are authorised may only be carried out at the property indicated above.
21. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activities.
22. The activities must commence within a period of three (3) years from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken.

H. REASONS FOR THE DECISION:

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

- a) The information contained in the Application Form and Basic Assessment Report ("BAR") dated 19 November 2008, as compiled by Guillaume Nél from GNEC, the additional information as submitted to this Department on 20 April 2009 and the amended BAR dated 17 February 2010, and
- b) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA.

A summary of the issues which, in the Department's view, were of the most significance is set out below.

Need and Desirability

The development is aimed at the current market demand, which is for the smaller, mini factory size erven, as well as the option to create medium size erven. The property falls within the urban edge of the City of Cape Town and is regarded to be consistent with the development dynamics of the surrounding Durbanville Industrial Park. The development will benefit the local community residing in close proximity to the development site, but also the greater Fisantekraal and Durbanville area.

Affected Environment

The high degree of disturbance and transformation of the properties indicate that they have a low conservation value. The Remainder of Farm No. 180 consists of fallow fields with mostly exotic weeds and some riparian vegetation on the eastern boundary. Portion 3 of Farm No. 180 is highly disturbed due to the presence of a horse-riding centre. Thus, no significant biophysical impacts are anticipated, as there is no conservation worthy biophysical elements present on the site.

Socio-Economic

The subject properties are located within the urban edge, in a rapidly expanding industrial and mixed use area of Finsantekraal. The proposed industrial development is foreseen to create job opportunities, where local labour will be encouraged.

Alternatives

The following layout alternatives have been identified:

Alternative 1:

The alternative involves the establishment of a light industrial park on the Remainder of Farm No. 180 and Portion 3 of the Farm No. 180, Durbanville. The light industrial park will consist of:

- 95 general industrial erven,

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- A commercial erf,
- A retention pond,
- Roads, and
- Bulk services.

This alternative was not preferred as it does not allow for the construction of a road on the eastern part of the site, directly adjacent to the Mosselbank River. Furthermore, the area of the retention pond is too small to ensure efficiency in dealing with the stormwater.

Alternative 2:

The alternative involves the establishment of a light industrial park on the Remainder of Farm No. 180 and Portion 3 of the Farm No. 180, Durbanville. The light industrial park will consist of:

- 101 general industrial erven,
- Roads, and
- Bulk services.

This alternative was not preferred as it would not have been able to effectively deal with the associated traffic. This alternative also omitted the business park as part of the development.

Alternative 3:

The alternative involves the establishment of a light industrial park on the Remainder of Farm No. 180 and Portion 3 of the Farm No. 180, Durbanville. The light industrial park will consist of:

- 81 general industrial erven,
- A retention pond,
- Roads, and
- Bulk services.

This alternative provided for an access road to be created from the R312, which was not permitted as it is too close to the intersection with Klipheuwel Road (R302). The internal road design was also not preferred.

Alternative 4 (Preferred alternative):

The alternative involves the establishment of a light industrial park on the Remainder of Farm No. 180 and Portion 3 of the Farm No. 180, Durbanville. The light industrial park will consist of:

- 79 general industrial erven,
- 3 commercial erven (business park),
- Public open space,
- Roads,
- A retention pond, and
- Bulk services.

This is the preferred alternative as it allows for the construction of a road on the eastern part of the site, directly adjacent to the Mosselbank River. Furthermore, the stormwater will be managed more effectively as the area zoned for the retention ponds has been drastically increased as requested by the City of Cape Town's Catchment, Stormwater and River Management Department in conjunction with the Environmental and Heritage Management Branch.

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No-go alternative

This alternative means that the site remains in its current state. This alternative was not preferred as the City of Cape Town earmarked the Fisantekraal area to be utilised for the light industrial facilities in the Durbanville area.

Public Participation

The Public Participation Process ("PPP") undertaken comprised of the following:

- An advertisement was placed in the local "TygerBurger" newspaper on 3 September 2008,
- On-site notices, in English and Afrikaans, were erected on 3 September 2008,
- Registered letters were sent to all relevant Organs of State, Non-Governmental Organizations and owners directly adjacent to the site on 3 September 2008,
- Letters were hand-delivered to adjacent landowners within 100 metres from the boundary of the site on 3 September 2008, and
- Registered letters informing registered I&AP's of the availability of the Draft BAR were sent on 17 October 2008.
- Registered letters informing registered I&AP's of the availability of the final draft BAR and draft EMP were sent on 20 January 2010.

At the end of the commenting period no comments or objections were received.

Authorities Consulted

The following authorities commented and had no objection to the proposed development:

- Heritage Western Cape,
- CapeNature,
- City of Cape Town, and
- Department of Agriculture.

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application. Where possible and relevant, the conditions imposed by these authorities have been included in this environmental authorisation insofar as it relates to the environmental aspects of the activities. This authorisation is issued only in terms of the NEMA and the applicant is required to obtain all other necessary approvals before commencing with the activities.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activities will not conflict with the general objectives of integrated environmental management laid down 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 proposed activities can be mitigated to acceptable levels. The application is accordingly granted.

J. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the regulations.

Any person who wishes to appeal against this environmental authorisation, must lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of the lodging of the Notice of Intention to Appeal, by means of one of the following methods:

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A2)*

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
9th floor Utilitas Building
Dorp Street
Cape Town
8001

A signed Appeal form, obtainable from the Minister's office at tel (021) 483 3721/3195, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal.

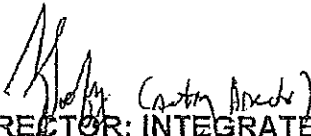
All I&AP's that wish to appeal must serve on the applicant a copy of their Notice of Intention to Appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant should decide to appeal, the applicant must serve a copy of the Notice of Intention to Appeal on all registered I&AP's as well as a notice indicating where and for what period the appeal submission will be available for inspection.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

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

Yours faithfully



DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 20/06/2010

CC: (1) Mr Guillaume Nel (GNEC)
(2) Ms T Koetze (Tygerberg Administration)

Fax: (021) 975 4426 / (086) 693 3802
Fax: (021) 976 9586

