



EIA REFERENCE NUMBER: 16/3/3/5/A8/2/3044/23
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000780/2023
DATE OF ISSUE: 06 November 2023

The Directors
King Air Industria (Pty) Ltd.
Private Bag x20009
GARSFONTEIN
0042

For Attention: Mr. A. de Beer

Tel: (012) 471 1600
Email: alex@atterbury.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 11 MAY 2018 (REF. 16/3/3/1/A8/2/3057/17) FOR THE PROPOSED INFILLING OF WETLANDS FOR THE ESTABLISHMENT OF THE KING DAVID WAREHOUSING, INDUSTRIAL AND MIXED-USE BUSINESS DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 112674, ERF 159269 AND THE REMAINDER OF ERF 1181, MATROOSFONTEIN.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&Aps") are provided with access to the decision 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the amended Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Ms. S. Pillay (Chand Environmental Consultants)
(2) Ms. M. Stewart (City of Cape Town: ERM)

Email: serina@chand.co.za
Email: Maurietta.Stewart@capetown.gov.za



EIA REFERENCE NUMBER: 16/3/3/5/A8/2/3044/23

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 11 MAY 2018 (REF. NO. 16/3/3/1/A8/2/3057/17) FOR THE PROPOSED INFILLING OF WETLANDS FOR THE ESTABLISHMENT OF THE KING DAVID WAREHOUSING, INDUSTRIAL AND MIXED-USE BUSINESS DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 112674, ERF 159269 AND THE REMAINDER OF ERF 1181, MATROOSFONTEIN.

With reference to your application, find below the amendment to the Environmental Authorisation in respect of this application.

A. BACKGROUND

1. An Environmental Authorisation ("EA") was issued by this Department on 11 May 2018 for the proposed infilling of wetlands for the establishment of the King David Warehousing, Industrial and Mixed-Use Business development and associated infrastructure on the Remainder of Erf 112674, Erf 159269 and the Remainder of Erf 1181, Matroosfontein (Ref. No. 16/3/3/1/A8/2/3057/17) (attached as Appendix A).
2. An amended EA was issued by this Department on 14 August 2019 (Ref. No. 16/3/3/5/A8/2/3022/19), which authorised a change to the details of the holder, changes to the description of activities, a change in the completion of construction date and approved the Environmental Management Programme ("EMPr") (attached as Appendix B).
3. An amended EA was issued by this Department on 06 January 2020 (Ref. No. 16/3/3/5/A8/2/3047/19), which authorised a change in activity description, conditions of authorisation and the monitoring requirements of the approved EMPr (attached as Appendix C).
4. An amended EA was issued by this Department on 15 June 2023 (Ref. No. 16/3/3/5/A8/2/3061/22), which granted the change to the Master Site Plan in terms of the stormwater layout, internal road configuration and the extent of leasable areas (attached as Appendix D).
5. A correction notice was issued by this Department on 11 July 2023 (Ref. No. 16/3/3/5/A8/2/3061/22) to replace the site plan attached to the amended EA issued by this Department on 15 June 2023 (Ref. No. 16/3/3/5/A8/2/3061/22) with the correct plan (attached as Appendix E).
6. An application for amendment in terms of the EIA Regulations, 2014 (as amended) was received by this Department on 03 October 2023. The application is for the amendment of the EA (Ref. No. 16/3/1/1/A2/35/3030/12) for the inclusion of the Remainder of Erf 159269 into the Site Development Plan and increase in the development footprint of the proposed development.

B. 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 Regulations, 2014 (as amended), the Department hereby **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 11 May 2018 (Ref. No. 16/3/3/1/A8/2/3057/17) in terms of Part 1 of the EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/3/1/A8/2/3057/17) is amended as set out below:

1. The relevant section of Section B (List of Activities Authorised) of the EA (Ref. No. 16/3/3/1/A8/2/3057/17) (as amended on 14 August 2019 (amended EA Ref. No. 16/3/3/5/A8/2/3022/19), 06 January 2020 (amended EA Ref. No. 16/3/3/5/A8/3047/19) and 15 June 2023 (amended EA Ref. No. 16/3/3/5/A8/2/3061/22)), reads as follows:

"The total development footprint will be approximately 71 ha in extent and in accordance with the layout attached (compiled by Empowered Space Architects) as Appendix 1 of this EA."

Is herewith replaced with:

"The total development footprint will be approximately 72.4ha in extent and in accordance with the layout attached (compiled by Planning Partners and dated December 2022) as Appendix 1 of this EA."

2. Appendix 1 of the EA (Ref. No. 16/3/3/1/A8/2/3057/17) (as amended on 14 August 2019 (amended EA Ref. No. 16/3/3/5/A8/2/3022/19), 06 January 2020 (amended EA Ref. No. 16/3/3/5/A8/3047/19) and 15 June 2023 (amended EA Ref. No. 16/3/3/5/A8/2/3061/22)) **is hereby amended to be replaced with** the amended master plan (compiled by Empowered Spaces architects, dated 3 November 2023 and attached as Appendix F to this amended EA).

B. REASONS FOR THE DECISION:

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

1. The information contained in the application for the amendment dated and received by this Department on 03 October 2023 and the additional information dated 11 October 2023 and 03 November 2023.
2. The application for an amendment to the EA (Ref. No. 16/3/3/1/A8/2/3057/17) is considered as a Part 1 amendment in terms of the EIA Regulations, 2014 (as amended) due to the following:
 - 2.1. The application for amendment is to include the remaining portion of Erf 159269, which is approximately 1.4ha in extent, in the development footprint as reflected in the amended phasing plan (attached as Appendix F).
 - 2.2. Although the proposed amendments will result in a change to the scope of a valid EA, the proposed amendment will not change the level or nature of the impact. The inclusion of the remaining portions of Erf 159269 is to allow for the creation of a congruent public street linking the development to Bahrain Road via Beachcraft Road and Erf 9650 Matroosfontein and the development of the remainder of Erf 159269 for general business purposes.
 - 2.3. The proposed amendment does not, on its own, constitute a listed activity.
3. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
4. All other provisions contained in the EA (Ref. No. 16/3/3/1/A8/2/3057/17) (as amended on 14 August 2019 (amended EA Ref. No. 16/3/3/5/A8/2/3022/19), 06 January 2020 (amended EA Ref. No.

16/3/3/5/A8/3047/19) and 15 June 2023 (amended EA Ref. No. 16/3/3/5/A8/2/3061/22)) remain unchanged and in force.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1. Notify all registered interested and affected parties ("I&APs") of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the decision as included in Section B;
 - 1.1.3. the date of the decision; and
 - 1.1.4. the date when the decision was issued.
 - 1.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeal Regulations, 2014 (as amended) detailed in Section E below;
 - 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 1.4. Provide the registered I&APs with:
 - 1.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2. name of the responsible person for this Environmental Authorisation;
 - 1.4.3. postal address of the holder;
 - 1.4.4. telephonic and fax details of the holder;
 - 1.4.5. e-mail address, if any, of the holder; and
 - 1.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
2. All other conditions contained in the EA (Ref. No. 16/3/3/1/A8/2/3057/17) (as amended on 14 August 2019 (amended EA Ref. No. 16/3/3/5/A8/2/3022/19), 06 January 2020 (amended EA Ref. No. 16/3/3/5/A8/3047/19) and 15 June 2023 (amended EA Ref. No. 16/3/3/5/A8/2/3061/22)) and the correspondence issued on 11 July 2023 (Ref. No. 16/3/3/5/A8/2/3061/22) remain unchanged and in force.
3. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities on the Remainder of Erf 159269.
 - 3.1. The notice must make clear reference to the site details and EIA Reference number given above.
4. Proof of compliance with Condition 1 of this amended EA must be submitted along with the notification of commencement of development activities.

D. APPEALS

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

1. An appellant must –
 - 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 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 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 I&AP 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 form/s must be submitted by means of one of the following methods:
 - By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000
 - By facsimile: (021) 483 4174; or
 - By hand: Attention: Mr. M. Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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 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 environment is greatly appreciated.

Yours faithfully

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

DATE OF DECISION: 06 November 2023

Copies to: (1) Ms. S. Pillay (Chand Environmental Consultants)
(2) Ms. M. Stewart (City of Cape Town: ERM)

Email: serina@chand.co.za
Email: Maurietta.Stewart@capetown.gov.za

-----END-----

APPENDIX A

A copy of the Environmental Authorisation issued by this Department on 11 May 2018 (Ref. No. 16/3/3/1/A8/2/3057/17).

APPENDIX B

A copy of the amended Environmental Authorisation issued by this Department on 14 August 2019 (Ref. No. 16/3/3/5/A8/2/3022/19).

APPENDIX C

A copy of the amended Environmental Authorisation issued by this Department on 06 January 2020 (Ref. No. 16/3/3/5/A8/2/3047/19).

APPENDIX D

A copy of the amended Environmental Authorisation issued by this Department on 15 June 2023 (Ref. No. 16/3/3/5/A8/2/3047/19).

APPENDIX E

A copy of the correction notice issued by this Department on 11 July 2023 (Ref. No. 16/3/3/5/A8/2/3061/22).

APPENDIX F

A copy of the amended Phasing Plan compiled by Empowered Spaces architects dated 3 November 2023 (Drawing Ref. No.C074-0013).