

6 May 2025

Dear Mr. Kraigen Govindasamy

KAPPEC Ref Code: 60014

NOTIFICATION OF ADDENDUM TO THE ENVIRONMENTAL AUDIT REPORT FOR THE PROPOSED DEVELOPMENT OF A REGIONAL STORMWATER POND AND ASSOCIATED INFRASTRUCTURE ON UNREGISTERED ERF 2001 (PREVIOUSLY A PORTION OF PORTION 32 OF FARM NO. 168), ERF 1991 (PREVIOUSLY PORTION 33 OF FARM NO. 168) AND WITHIN A PORTION OF THE ROAD RESERVE OF DARWIN ROAD, FISANTEKRAAL.

Kapp Environmental Consultants (Pty) Ltd. (KAPPEC) has been appointed by Dexter Estate (Pty) Ltd. (the Applicant) to act as the independent environmental assessment practitioners to undertake an external compliance audit in fulfilment of Condition 14 of the Environmental Authorization (the EA) and Regulation 34 of the NEMA EIA Regulations, 2014 (as amended).

An Environmental Authorisation (EA) was granted to the Dexter Estate (Pty) Ltd. on March 20, 2024 (DEA&DP Ref: 16/3/3/5/A5/31/2034/23) 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 2 Amendment of the Environmental Authorisation issued by this Directorate on 11 April 2022 (Ref. No. 16/3/3/1/A5/31/2048/21).

PROJECT DESCRIPTION

The proposed project involves the construction of a new dry stormwater pond and associated infrastructure on unregistered Erf 2001 (previously a portion of Portion 32 of Farm No. 168), Erf 1991 (previously Portion 33 of Farm No. 168), and within a portion of the road reserve of Darwin Road, Fisantekraal. The development aims to manage stormwater flow and improve the area's flood resilience.

The project will include the enlargement of Channel 1 along the existing outlet channel of the temporary pond to convey peak unattenuated 1:100-year flow from the contributing catchments to a new box culvert. This culvert, approximately 2.1m wide and 1.2m high, will allow water to flow from Channel 1 into Channel 2, which will discharge into the forebay of the regional pond. A gabion stilling basin with a 10m wide overflow will be developed at the 1:50 year flood level of the Mosselbank River, with no formal works downstream of the stilling basin.

The project also includes the construction and expansion of roadside channels within the road reserve of Darwin Road. Approximately 50m of a gravel farm road will be rerouted within the road reserve, and a palisade fence will be installed along the boundary line of the services servitude. Temporary laydown and stockpile areas will be demarcated during the construction phase. The total footprint of the proposed development and associated infrastructure will be approximately 6,500m² in extent.

The Environmental Management Programme, now compiled by Guillaume Nel Environmental Consultants and dated 02 November 2023, has been approved and must be implemented as part of this development. Additionally, the Site Development Plan has been updated.

The larger surrounding Durbanville Industrial Area is currently in the process of urban development, which interferes with the natural release of stormwater. A temporary stormwater pond has been developed on the adjacent Erf 1690, Fisantekraal, until a larger regional stormwater pond can be constructed to handle the increased surface water runoff from the development. The proposed regional stormwater pond aims to manage post-development runoff within the catchment area, ensuring that it does not exceed pre-development levels. This is essential to prevent flooding and minimize erosion. By constructing stormwater management facilities, such as attenuation ponds, the post-development peak flows can be reduced to pre-development peaks from the development site.

An amendment is made to implement a dry pond as opposed to the authorised wet attenuation pond.

It is important to note that during the Basic Assessment for the proposed development, a dry attenuation pond was investigated as an alternative, under the Technology Alternatives section of the report.

As part of the initial Basic Assessment Report, City of Cape Town (CoCT) Municipality required a wet attenuation pond to be constructed. However, the CoCT Municipality now recommends that a dry attenuation pond be constructed.

The attenuation requirements as originally authorised for the proposed development will be maintained. There will be subsoils and a low-flow channel on the base of the pond to keep the area dry and contribute to the polishing requirements.

The new overall project description therefore entails the following:

- Construction/ expansion of roadside channels within the road reserve of Darwin Road.

- Construction of a new dry stormwater pond within the services servitude registered on Portion 32 and 33 of Farm 168 according to the abovementioned specifications. Unregistered Erf 2001 (previously Portion 32 of Farm 168) Erf 1991 (previously Portion 33 of Farm 168)
- The erection of concrete palisade fencing along the boundary line of the services servitude.
- Rerouting of a $\pm 50\text{m}$ stretch of gravel farm road within the road reserve of Darwin Road.
- Demarcation of temporary laydown and stockpile areas during construction. Maintenance of the dry regional pond during the operational phase, including sediment and litter removal and alien vegetation control.
- The enlargement of a channel (i.e. channel 1) located along the existing outlet channel of the temporary pond to convey peak unattenuated 1:100 year flow from the contributing catchments to a new box culvert. The new box culvert will allow the water to flow from channel 1 into channel 2. Channel 2 will discharge the water into the forebay of the regional pond.
- A box culvert, approximately 2.1m wide and approximately 1.2m high will be developed to allow water to be discharged into the gabion spillway/basin.
- The gabion stilling basin with a 10m wide overflow will be developed and will be provided at the 1:50 year flood level of the Mosselbank River. No formal works downstream of the stilling basin will occur.

The location and size of the attenuation pond will also remain the same.



COMMENT ON THE ENVIRONMENTAL AUDIT REPORT (DATED 19 SEPTEMBER 2024)

With respect to compliance with the conditions of the EA (Ref. No. 16/3/3/1/A5/31/2048/21)

- Condition 1 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) and as amended on 20 March 2024 (Ref. No. 16/3/3/5/A5/31/2034/23) has been complied with as the listed activities were undertaken in accordance with the authorised alternative.
- Although the auditor indicated that Condition 2 of the EA (Ref. No. 16/3/3/1/A5/21/2048/21) has been complied with, this Directorate was informed that construction activities may have commenced 13 April 2024. The date of commencement of construction activities is therefore questioned.
- Although the Environmental Audit Report notes Condition 3 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) as being complied with, the auditor notes that construction is anticipated to be completed within 4 months. This Directorate does not agree that the aforementioned condition was complied with as the aforementioned condition refers to the conclusion of the commencement of the listed activities.
- Condition 5 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with since changes to the scope of the EA was authorised prior to the implementation of such changes.
- Although the auditor indicated that Condition 6 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) was complied with, this Directorate does not agree that the aforementioned condition was complied with. Proof of compliance with Condition 7 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) was not available during the audit. In addition, the auditor indicated that the appeal period ended on 15 April 2024 and construction activities commenced on 07 May 2024. However, the Environmental Control Officer ("ECO") indicated that the appeal period ended on 11 April 2024 and construction may have commenced on 13 April 2025.
- Proof of Condition 7 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) was not available at the time of the audit. Please note that this Directorate confirmed compliance with Condition 7 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) in this Directorate's correspondence dated 28 March 2025 (Ref. No. 16/3/3/1/A5/21/2048/21 and 16/3/3/5/A5/31/2034/23).
- Although the auditor confirmed compliance with Condition 8 of the EA (Ref. No.

16/3/3/1/A5/31/2048/21), the aforementioned condition cannot be confirmed at this stage due to the uncertainty regarding the date of commencement of construction activities. Further information, as requested above, is required.

- Condition 9 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) and as amended on 20 March 2024 (Ref. No. 16/3/3/5/A5/31/2034/23) has been complied with since the EMPr was implemented.
- Condition 10 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with since proof of the EMPr on file at the site has been provided.
- Although the auditor confirmed compliance with Condition 11 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), the date that the ECO was appointed has not been provided.
- Condition 12 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with since proof of copies of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), amended EA (Ref. No. 16/3/3/5/A5/31/2034/23), EMPr and ECO reports on site were provided.
- Condition 13 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with since access to the site was granted.
- Although the auditor confirms compliance with Condition 14.1 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), the aforementioned condition has been partially complied with since the Environmental Audit Report was not submitted to the Competent Authority one month after the completion of the undertaking of the environmental audit.
- Condition 15 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with since no heritage remains have been unearthed on site.
- Although the auditor confirms compliance with Condition 16 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), the auditor does not confirm whether an integrated waste management approach was implemented. Clarification is therefore required.
- Condition 17 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with since contamination of the surface or groundwater was not evident during the site audit.

- Condition 18 of the of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been partially complied with since the proposed site was partially demarcated during the site audit.
- Condition 19 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with since vehicles/machinery were not stored within 32m of the watercourse/seasonal drainage line during the site audit.
- Condition 20 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with since the recommendations of the Aquatic Impact Assessment Report (compiled by Blue Science and dated September 2021) were implemented.

With respect to compliance with conditions of the amended EA (Ref. No. 16/3/3/5/A4/5/3035/19)

- Conditions 1 and 2 of the amended EA (Ref. No. 16/3/3/5/A5/31/2034/23) has been complied with since registered interested and affected parties were notified of the decision within 14 calendar days of the date of the decision and proof thereof has been provided.

With respect to compliance with the approved EMPr

- Partial compliance with respect to sediment management, the demarcation of the development footprint, waste containers and waste management and stockpiles were noted by the auditor.
- Recommendations with respect to the aforementioned aspects were provided by the auditor.

The auditor has concluded that the EA holder has sufficiently complied with the conditions of the EA and that the EMPr is adequate and effective to manage and mitigate activities.

A compliance rating has not been provided by the auditor.

COMMENTS TO BE ADDRESSED

1. Clarification with respect to the end date of the appeal period and the date construction activities were commenced with must be provided. The relevant proof must be included.
2. The compliance rating/colour coding assigned to Conditions 3, 6, 8, 11, 14.1, 16 and any other

conditions of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) must be corrected (where relevant).

3. The date that the ECO was appointed must be provided. This must include proof of appointment.
4. Confirmation as to whether an integrated waste management process was implemented on the site must be provided.
5. A compliance rating for overall compliance with the conditions of authorisation and EMPr must be provided.

RESPONSE TO COMMENTS/UPDATE OF TABLES 2a, 2b, AND 3 OF THE EXTERNAL AUDIT REPORT

No.	EA CONDITIONS	COMPLIANCE FINDING
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	The I&APs were notified of the new EA on the 22nd of March 2024 after the EA was approved on the 20th of March 2024.

	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.	The holder must commence with the listed activities on the site within a period of five years from the date issue of this Environmental Authorisation.	The 2024 EA was granted on the 20th of March 2024 and the I&AP's were notified of the EA on the 22nd of March 2024, two days after the EA was granted. The ECO would like to clarify a discrepancy in the wording of the letter of commencement previously submitted. The following statement was included in the commencement notification: "This letter serves to notify that the holder of the Environmental Authorisation (EA) intends to commence with activities within 21 days of the new EA has been issued after the appeal period on the 15th of April 2024." Upon review, the ECO acknowledges that this wording was inaccurate and may have led to a misinterpretation regarding the intended commencement date. What was meant is that construction could legally commence from the end of the appeal period—i.e., from 11 April 2024—as per the EA notification letter dated 22 March 2024,

		provided no appeals were received and all other compliance requirements were met. In practice, construction commenced around 20 April 2024. The ECO was not present on-site on the exact day construction began; however, during the first site visit on 26 April 2024, initial excavation activities had already been undertaken. It is hoped that this clarification provides a more accurate record of the commencement timeline. Please also refer to the attached EA notification letter for reference.
3.	The development must be concluded within ten years from the date of commencement of the listed activities.	This is noted, the ECO will send the final ECO closure report once construction has been completed.
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.	The holder holds all responsibility for the actions undertaken by anyone on site.
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	No changes or deviations of the scope have been made to date.

	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.	
6.	A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. 6.1. The notice must make clear reference to the site details and EIA Reference number given above. 6.2. The notice must also include proof of compliance with the following conditions described herein: Conditions: 7, 8, 11 and 18.	A letter of commencement was submitted to the Competent Authority on the 28th of March 2024, making clear reference to the site details and EIA reference number. The appeal period ended on the 11th of April 2024, and construction commenced around the 20th of April 2024. More than 7 days after notice was given to the Competent Authority. Proof of compliance: Please note that an amendment has been done on the 2022 EA and the new 2024 EA Condition 1 has to be noted in the notification of commencement: Condition 1: The 2024 EA was granted on the 20th of March 2024, and the I&AP's were notified of the EA on the 22nd of March 2024, two days after the EA was granted. Please refer to the proof attached. Please refer to proof of EA conditions below as required in condition 6 of the 2022 EA.

Condition 7: The original EA was issued on the 11th of April 2022, and the I&AP's were notified of the EA on the 14th of April 2022, thus within 3 days from the EA was issued.

Condition 8: The listed activities will not commence within 20 days from the date of issue of the EA. A letter of commencement was submitted to the Competent Authority on the 28th of March 2024, making clear reference to the site details and EIA reference number. The appeal period ended on the 11th of April 2024, and construction commenced around the 20th of April 2024. More than 7 days after notice was given to the Competent Authority.

Condition 11: Guillaume Nel Environmental Consultants (GNEC) has been appointed, as of 14 February 2024, as the Environmental Control Officer (ECO) to conduct fortnightly audits on compliance in terms of the EA and the Environmental Management Programme (EMPr).

Condition 18: The proposed site will be clearly demarcated prior to commencement, the ECO have provided proof of this condition within the 1st ECO report.

- 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 Appeal 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;
- 7.4. Provide the registered I&APs with:
- 7.4.1. the name of the holder (entity) of this Environmental Authorisation;
- 7.4.2. the name of the responsible person for this Environmental Authorisation;
- 7.4.3. the postal address of the holder;
- 7.4.4. the telephonic and fax details of the holder;
- 7.4.5. the e-mail address if any, of the holder; and
- 7.4.6. 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

The original EA was issued on the 11th of April 2022, and the I&AP’s were notified of the EA on the 14th of April 2022, thus within 3 days from the EA was issued.

The 2024 EA was granted on the 20th of March 2024, and the I&AP’s were notified of the EA on the 22nd of March 2024, two days after the EA was granted. Please refer to the proof attached.

	lodged in terms of the National Appeal Regulations, 2014 (as amended).	
8.	The listed activities, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided, i.e., the listed activities, including site preparation, must not be commenced with until the appeal is decided.	The listed activities, including site preparation, did not commence within 20 calendar days from the date the applicant notified the I&AP's. A letter of commencement was submitted to the Competent Authority on the 28th of March 2024. The appeal period ended on the 11th of April 2024, and construction commenced around the 20th of April 2024. More than 7 days after notice was given to the Competent Authority. The 2024 EA was granted on the 20th of March 2024, and the I&AP's were notified of the EA on the 22nd of March 2024, two days after the EA was granted. Construction only commenced around the 20th of April 2024, more than 25 days after the I&APs were notified.
9.	The Environmental Management Programme (compiled by Legacy Management Consulting and dated December 2021) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.	The EMPr is implemented on site.
10.	The EMPr must be included in all contract documentation for all phases of implementation.	The holder supplied proof of the EMPr being part of the contract documentation.

11.	The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.	Guillaume Nel Environmental Consultants have been appointed, as of 14 February 2024, as ECO on the site. Nica Kotze is the ECO for the site. Please refer to the LoA attached as proof of appointment.
12.	A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.	The Environmental File on site had copies of the EA, EMPr, audit reports and External audits on site.
13.	Access to the site referred to in Section C above 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.	Access to the site referred to in Section C is available. The Environmental Reports are accessible to the Competent Authority.
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 and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person, with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).	Kapp Environmental Consultants (Pty) Ltd. (KAPPEC) has been appointed by Dexter Estate (Pty) Ltd. (the Applicant) to act as the independent environmental practitioner to undertake an external compliance audit in fulfilment of Condition 14 of the Environmental Authorization (the EA) and Regulation 34 of the NEMA EIA Regulations, 2014 (as amended).

14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the development activities and submit the Environmental Audit Report to the Competent Authority one (1) month after the completion of the undertaking of the environmental audit. 14.2. Thereafter, the holder must undertake an environmental audit every two (2) years during the construction period and submit the Environmental Audit Reports to the Competent Authority one (1) month after the completion of undertaking each of the environmental audits. 14.3. A final Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities. 14.4. The holder must, within seven (7) days of the submission of an Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.	The first External Audit was conducted in July 2024, within the required three-month period. However, partial compliance was noted due to the late submission of the audit report to the Competent Authority. Noted, the I&APs have been notified within the provided timeframe.
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	No heritage remains have been exposed during excavation or any other actions on site.

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; 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. 15.1. The Fossil Finds Procedure, as included in the EMP, must be implemented during the construction phase.	
16. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated can be used as back-filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited in the recreated wetland area.	An integrated waste management approach has been implemented on-site. Waste bins have been distributed on-site. Minimal littering has been noted. Please also refer to the attached waste disposal slips as proof of implementation.

17.	Surface, storm or groundwater must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.	No polluted surface, storm-, or groundwater were noted on-site during the audit.
18.	The proposed site must be clearly demarcated prior to the commencement of development activities. The site demarcation must remain visible for the duration of the development activities (where practical).	The construction area has been clearly demarcated during the audit on one side.
19.	No vehicles, machinery or dangerous goods must be stored within 32m of a watercourse during the development phase.	Noted and complied with.
20.	The recommendations of the Aquatic Impact Assessment Report (compiled by Blue Science and dated September 2021), as included in the EMP, must be implemented during all phases of the proposed development.	Noted and complied with, refer to Table 4 for the compliance findings.
21.	Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.	Noted and complied with.

COMPLIANCE RATINGS

The following compliance ratings were given to the EA and EMP_r, respectively:

Colour	Compliance Rating Significance
GREY (N/A)	A grey item indicates that a compliance rating is not relevant. Item is listed for awareness although will not/cannot be rated.
GREEN (4)	An item is marked green to indicate complete compliance in line with the EMP.
YELLOW (3)	An item is marked yellow to indicate sufficient compliance although possibly not as prescribed in the EMP.
ORANGE (2)	An item is marked orange to indicate a non-compliance although the resulting impact is not deemed significant.
RED (1)	An item is marked red to indicate a significant or ongoing non-compliance which needs to be addressed as per the EAP instruction.

- The EA obtained a 97.6% compliance rating
- The EMP_r obtained a 98.8% compliance rating

Yours sincerely



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