REFERENCE: 14/3/1/A5/20/0705/26

MINISTER DECISION ON APPEALS RECEIVED FOR THE PROPOSED EXPANSION OF THE CAPE WINELANDS AIRPORT

(P10 OF FARM 724, RE OF FARM 724, P23 OF FARM 724, P7 OF FARM 942, RE OF FARM 474, P3 OF FARM 474 AND P4 OF FARM 474)

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P.O. BOX 1752, HERMANUS, 7200 I TEL: +27 28 312 1734 I FAX: 086 508 3249,
AMANDA@PHSCONSULTING.CO.ZA / PAUL@PHSCONSULTING.CO.ZA

Western Cape Government

Ministry of Local Government,
Environmental Affairs & Development Planning

Tel: +27 21 483 3915
Fax: +27 21 483 6081

REFERENCE NO: 14/3/1/A5/20/0705/26

The Board of Directors
Capewinelands Aero (Pty) Ltd.
P. O. Box 12449
MILL STREET
8001

For Attention: Mr. Deon Cloete

Cell: 082 339 2807
E-mail: d.cloete@capewinelands.aero

Dear Mr. Cloete

APPEALS LODGED AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED FOR THE PROPOSED EXPANSION OF THE EXISTING CAPE WINELANDS AIRPORT ON PORTION 10 OF THE FARM NO. 724, REMAINING EXTENT OF THE FARM NO. 724, PORTION 23 OF THE FARM NO. 724, PORTION 7 OF THE FARM NO. 942, REMAINING EXTENT OF THE FARM NO. 474, PORTION 3 OF THE FARM NO. 474 AND PORTION 4 OF THE FARM NO. 474, FISANTEKRAAL, DURBANVILLE

1. The Appeals lodged against the Environmental Authorisation ("EA") granted on 27 October 2025 and the Responding Statements received on 9 December 2025 and 6 January 2026, refers.

2. Empowering Provisions

2.1 In terms of sections 43(2) and (6) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA"):

"Any person may appeal to an MEC against a decision taken by any person acting under a power delegated by that MEC under this Act or a specific environmental management Act."

"The … MEC may, after considering such an appeal, confirm, set aside or vary the decision, provision, condition or directive or make any other appropriate decision, including a decision that the prescribed fee paid by the appellant, or any part thereof, be refunded."

2.2 In terms of regulation 3 of the National Appeal Regulations, 2025 (Government Notice No. R. 5985 of 13 March 2025):

"These regulations are applicable to an appeal against a decision taken in terms of the Act or a specific environmental management Act that is subject to an appeal to the appeal authority in terms of section 43 of the Act."

3. After considering all relevant facts and supportive documents, I wish to advise that, in terms of section 43(6) of the NEMA, I have decided to **dismiss** the Appeals and **vary** the abovementioned decision by including the following conditions:

Condition E9:

"The approved Environmental Management Programme ("EMPr") (dated July 2025) must be amended to include the following provisions:

9.1 The implementation of the biodiversity offset requirements that have been made conditional to this Environmental Authorisation.

9.2 A permanent noise monitoring terminal is also established at/close to the Fisantekraal High School in addition to the three permanent noise monitoring terminals that should be established before or by the operational year of the new airport and runway."

Condition E50:

"The registered Interested and Affected Parties including the Appellants must be afforded an opportunity to submit comments on all the post authorisation documents such as management plans and guidelines in terms of Conditions 29, 31, 32, 40.1, 42.1 and 46 of the EA."

4. AMENDMENTS/ EXCLUSIONS TO THE DECISION:

4.1 Condition E8 and Section H of the EA are excluded from the decision.

4.2 The following conditions of the EA are amended as follows:

Condition E2:

"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 ten (10) years, from the date of this Appeal decision, during which period the holder must commence with the authorised Listed Activities.

(b) A period of twenty (20) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activities must be concluded."

Condition E6:

"The holder must in writing, within 14 (fourteen) calendar days of the date of this Appeal decision notify all registered Interested and Affected Parties ("I&APs") of –

6.2.1 The outcome of the appeal.

6.2.2 The reasons for the decision.

6.2.3 The date of the decision."

5. REASONS FOR THIS APPEAL DECISION:

The reasons for dismissing the Appeals and varying the decision are contained in the EA and the following are additional reasons for the decision:

The decisive issues are whether:

(a) the information before the Department was sufficient to enable a lawful, rational and procedurally fair decision in terms of NEMA and the 2014 EIA Regulations;

(b) the key environmental, social and economic impacts of the proposed development were adequately identified, assessed and considered;

(c) the public participation process was adequate and procedurally fair in the circumstances;

(d) any matter material to the environmental decision was impermissibly deferred to a later process; and

(e) the conditions of the Environmental Authorisation and the EMPr are adequate to mitigate and manage the identified impacts.

Appeal ground 1: Noise pollution

5.1 During the Scoping and Environmental Impact Assessment ("EIA") process, noise pollution/ impacts were one of the significant issues identified/ raised by the interested and affected parties ("I&APs"), including the Appellants. The I&APs stated, *inter alia*, that:

5.1.1 Irrelevant to the direction of the wind, the sound pollution will affect the local residents, as the planes will land against the wind and take off with the wind. This means the planes will be at a level close to the ground behind their residential homes and animal sheds.

5.1.2 Currently noise pollution is not a huge concern as only light airplanes fly over the area. Increased noise can have adverse effects on the well-being of residents, leading to sleep disturbances and other health issues.

5.1.3 The noise pollution associated with having a busy airport located approximately 1.4km away from the Fisantekraal High School.

5.2 In response, the Applicant appoint a noise impacts specialist, Mr. Demos Dracoulides from DDA Environmental Engineers, to conduct a Noise Impact Assessment ("NIA") (dated June 2025) to inform the EIA process regarding the noise impacts which will result due to the proposed development.

5.3 The Noise Impact Assessment ("NIA") stated, *inter alia*, that:

5.3.1 The study area is located approximately 13 km northeast of Durbanville and 25 km northeast of the Cape Town International Airport. The communities close to the CWA include:

5.3.1.1 Klipheuwel, which is approximately 5 km to the north.

5.3.1.2 Fisantekraal, which is approximately 3 km to the southwest of the CWA.

5.3.1.3 The Durbanville residential suburb, which is located more than 6 km away, towards the southwest of the site.

5.3.2 There are two proposed developments in the vicinity of the airport, namely:

5.3.2.1 The Bella Riva Lifestyle & Country Estate, a mixed residential and lifestyle golf estate, which is situated between the CWA and the railway line to the west.

5.3.2.2 The Greenville Garden City development, a residential development, which is located south of the CWA and the R312.

5.3.3 The research methodology followed involved the use of the Aviation Environmental Design Tool ("AEDT") from the United States Federal Aviation Administration ("FAA") for aircraft noise calculations. AEDT is a software system that models aircraft performance in space and time for the estimation of fuel consumption, emissions, noise and air quality consequences. AEDT consolidates the modelling of these environmental impacts in a single tool and is used for assessing each of these specific environmental impacts. AEDT is designed to model individual studies, ranging in scope from a single flight at an airport to scenarios at the regional, national, and global levels. The AEDT is the successor of the Integrated Noise Model ("INM") model, which is specified in the South African National Standards ("SANS") 10117-2008 Code for the calculation of aircraft noise in South Africa. The following SANS codes relating to noise were taken into consideration for the noise impact assessment:

5.3.3.1 SANS 10103 (for land use planning, annoyance and speech communication).

5.3.3.2 SANS 10328 (for the methods for environmental noise impact assessment).

5.3.4 The study confirmed the health effects of aircraft noise which include the following:

5.3.4.1 Noise annoyance was identified as the most common one evident from the complaints from communities situated near airports.

5.3.4.2 Non-auditory health consequences such as birth defects, low birth weight, psychological illness, cancer, stroke, hypertension, sudden cardiac death, myocardial infarction, and cardiac arrhythmias.

5.3.4.3 Non-auditory health effects of long-term noise exposure will generally not be found at levels below those recommended to protect against hearing loss.

International guidelines and regulations

5.3.5 The international guidelines have taken into consideration the following adverse effects of noise: annoyance; speech intelligibility and communication interference; disturbance of information extraction; sleep disturbance; and hearing impairment. The following guidelines are important:

5.3.5.1 The World Health Organization's guideline on the effects of the exposure to environmental noise. The standard guideline value for average outdoor noise levels of 55 dB(A) should be applied during normal daytime, in order to prevent significant interference with the normal activities of local communities. The relevant night-time noise level is 45 dB(A). The following ambient noise levels have been specified for various environments. These levels are presented in the Table 2-1 below:

Table 2-1. WHO Guidelines for Ambient Sound Levels

Environments	Ambient Sound Level L_{Aeq} (dB(A))			
	Daytime		Night-time	
	Indoor	Outdoor	Indoor	Outdoor
Dwellings	50	55	-	-
Bedrooms	-	-	30	45
Schools	35	55	-	-

5.3.5.2 The World Bank Group ("WBG") International Finance Corporation's ("IFC") program in pollution management specifies that noise levels measured at noise receptors should not be 3 dB(A) greater than the background noise levels, or exceed the noise levels depicted in Table 2-2:

Table 2-2. World Bank/IFC Ambient Noise Guidelines (IFC, 2007)

Receptor	Maximum Allowable Ambient Noise Levels	
	1-hour L_{Aeq} (dB(A))	
	Daytime	Night-time
	07:00 – 22:00	22:00 – 07:00
Residential, institutional, educational	55	45
Industrial, commercial	70	70
Note: No L_{Aeq} values are stipulated for rural areas.		

5.3.5.3 In South Africa, the Western Cape Noise Control Regulations, 2013 (Provincial Gazette Number 7141 of 20 June 2013) ("WCNCR") was promulgated in terms of the *Environment Conservation Act, 1989 (Act No. 73 of 1989)*. The WCNCR distinguishes between the following definitions:

5.3.5.3.1 Disturbing noise means "*a noise, excluding the unamplified human voice, which—*

a) exceeds the rating level by 7 dBA;

b) exceeds the residual noise level where the residual noise level is higher than the rating level;

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c) exceeds the residual noise level by 3 dBA where the residual noise level is lower than the rating level; or

d) in the case of a low-frequency noise, exceeds the level specified in Annex B of SANS 10103;"

5.3.5.3.2 Noise nuisance "*means any sound which impairs or may impair the convenience or peace of a reasonable person.*"

5.3.6 The WCNCR stipulate in:

5.3.6.1 Schedule 2 that a person may not:

5.3.6.1.1 Cause a disturbing noise; or

5.3.6.1.2 Allow a disturbing noise to be caused by any person, animal, machine, device, apparatus, vehicle, vessel or model aircraft, or any combination thereof.

5.3.6.2 Schedule 3, regarding causing of a noise nuisance, that a person may not:

5.3.6.2.1 Build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, model aircraft or any other object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential area.

5.3.6.3 Schedule 4 (1) of the WCNCR states that an application for a building plan approval, business license approval, planning approval or environmental authorization, must conduct and submit, as part of the application, a noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103.

5.3.7 The SANS 10103 Code of Practice provides ambient noise rating levels in various districts as shown in Table 2-3 below.

Table 2-3. Typical Rating Levels for Ambient Noise

Type of district	Equivalent continuous rating level ($L_{Req,T}$) for noise (dB(A))					
	Outdoors			Indoors, with open windows		
	Day-Night $L_{R,dn}$ [1)]	Day-time $L_{Req,d}$ [2)]	Night-time $L_{Req,n}$ [2)]	Day-Night $L_{R,dn}$ [1)]	Day-time $L_{Req,d}$ [2)]	Night-time $L_{Req,n}$ [2)]
a) Rural districts	45	45	35	35	35	25
b) Suburban districts with little road traffic	50	50	40	40	40	30
c) Urban districts	55	55	45	45	45	35
d) Urban districts with one or more of the following: workshops; business premises; and main roads	60	60	50	50	50	40
e) Central business districts	65	65	55	55	55	45
f) Industrial districts	70	70	60	60	60	50

5.3.8 The White Paper on Aircraft Noise and Environment Policy of 2017 contains the draft policy on aircraft operations and the environment which states that, for the noise contours and long-term planning of land-uses around airports, the white paper specifies that the calculation of noise contours for an airport should comply with:

5.3.8.1 SANS 10117 Calculation and Prediction of Aircraft Noise Around Airports for Land Use Planning.

5.3.8.2 ICAO (Doc 9911) Recommended Method for Computing Noise Contours Around Airports.

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5.3.9 The current study utilized the latest version of the SANS 10117 of 2008 for the calculations and assessments. The SANS 10117 of 2008 code recommended that the noise model for the calculation of the noise contours around an airport is the IINM, which is updated by the Federal Aviation Administration on an ongoing basis, and that the user should ensure that the latest available version is used. In the present noise study, the latest version of the AEDT model was utilized, which is the FAA successor of the INM model.

5.3.10 In South Africa, any operation that has the potential to generate noise should have a noise survey done, in terms of the Noise Induced Hearing Loss Regulations of the *Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)* ("OHSA"). The regulations require an Approved Inspection Authority to conduct the surveys in accordance with SANS 10083 and submit a report. All people exposed to an equivalent noise level of 85 dB(A) or more must be subjected to audiometric testing.

Results and findings

5.3.11 The AEDT model was used to predict the noise levels according to the following 3 modelled operational scenarios to identify high impact areas due to the aircraft operations and highlight the differences between the current and future options:

5.3.11.1 Scenario 1: Existing operations at full capacity (No-Go Alternative);

5.3.11.2 Scenario 2: New runway in operational year; and

5.3.11.3 Scenario 3: New runway at full capacity.

5.3.12 In terms of Scenario 1, the total area affected by noise levels higher than 55 dB(A) is 2.47 km^2. A small portion of this contour extends beyond the R312 towards the south, within the Greenville Garden City. As can be seen, for Scenario 1, the 60 dB(A) zone is completely contained within the airport site.

5.3.13 In terms of Scenario 2, the 55 dB(A) contour will be contained within the development area of the airport site. During the operational year, the area with Day-Night Noise Rating Level of 55 dB(A) will only be 1.44 km and will not extend into the proposed residential areas west and south of the airport. Therefore, the new runway over the first year of operation will generate noise levels lower than the existing runway system at full capacity.

5.3.14 In terms of Scenario 3, the impact zones, when this capacity is reached, will extend beyond the development area boundaries, primarily towards the north and the south, but also towards the west and east. The length of the 55 dB(A) impact zone will reach 4 km north from the airport's northern site boundary, in a north-north-westerly direction and reach the Klipheuwel residential area. This contour, north and east of the airport, will be situated only agricultural land. The community around the Mikpunt train station is considered as part of the general Klipheuwel area and will also fall outside the 55 dB(A) noise contour. Towards the west, the 55 dB(A) contour will reach the Bella Riva residential development, extending approximately 300m within Bella Riva, measured from its eastern furthermost point. This zone will follow the orientation of the new 01/19 runway. South of the airport, the 55 dB(A) noise contour will extend less, reaching a distance of 3.3 km. This zone will overlap the Greenville Garden City area covering approximately 1.03 km^2. For this scenario, there is small area of 0.11 km^2 within the Greenville Garden City area and immediately south of the runway, where the noise levels will be between 60 dB(A) and 63 dB(A). The 55 dB(A) contour for Scenario 3 will cover a 10.3 km^2 area, compared to Scenario 1, which will cover an area of 2.5 km^2.

5.3.15 In terms of the noise levels at discrete receptors, the schools identified (Fisantekraal High School (R04), Klipheuwel Equitots School (R25) and Klipheuwel Primary School (R27)) will be outside the 50 dBA zone for all three scenarios. Also the SANS 10103 district guidelines for Urban Residential areas are not exceeded for the three scenarios. The exceptions are one small area on the eastern side of Bella Riva for

Scenario 3, as well as an area immediately south of the airport for Scenario 1 and Scenario 3 (R21).

Conclusions, recommendations and impact significance

5.3.16 During construction phase, the noise levels at the closest community receptors are not expected to exceed the SANS guidelines for Urban Residential areas. As a result, the following general measures are considered essential and should be adhered to:

5.3.16.1 Limit the night-time construction activities.

5.3.16.2 Avoid night-time construction activities on the property to the west of the airport boundary (earthworks), which are closer to the Fisantekraal residential area.

5.3.17 During the operational phase, the noise level on the south-eastern part of Klipheuwel community is expected to reach 49 dB(A), which is in accordance with the SANS 10103 guideline for Urban Districts with little road traffic. The number of events that exceed the 60 dB(A) LAmax (the maximum (A-weighted) sound level experienced in a given period of time) during night-time is 3, and its contour is primarily around the northern section of the new runway. This contour marginally extends beyond the airport site boundaries and covers a small portion of the northern Bella Riva development area. This is considered of low significance, since it only refers to 3 events and will take place before 11h00. The following measures can be implemented to minimize the noise impacts around the CWA:

5.3.17.1 Encourage airport compatible land-use planning via:

5.3.17.1.1 establishing compatible land use (such as industrial and commercial) to be located around airport facilities.

5.3.17.1.2 directing incompatible land use (such as houses and schools) away from the airport environments and the runway alignments;

5.3.17.2 Provide incentives for airlines to obtain aircraft with the latest available noise reduction technology, through, for example noise-related landing charges.

5.3.17.3 Consider the use of specific take-off or approach procedures (such as Continuous Descent Operations, or steeper landing trajectories) to minimize and optimize the distribution of noise on the ground.

5.3.17.4 Use noise preferential routes to assist aircraft in avoiding noise-sensitive areas, such as Klipheuwel, on departure and arrival, and the use of turns to direct aircraft away from noise-sensitive areas.

5.3.17.5 Consider approaches at slightly steeper angles. A small increase in the glide-path angle to 3.2°, rather than the standard 3.0°, may be feasible and offer scope for noise reduction.

5.3.17.6 Establish and maintain effective communication channels with the affected public and provide real-time information on incoming and outgoing flights and their evolving noise footprints.

5.3.17.7 Consider noise-related operating restrictions for night-time. These can be imposed on a voluntary basis by the airport, or by the Government.

5.3.17.8 In conjunction with the above-mentioned noise abatement measures, the introduction of 'passive' mitigation measures, such as noise insulation on existing residential dwellings and noise-sensitive buildings (schools, hospitals, etc.) may be considered.

Monitoring Network and Monitoring Plan

5.3.17.9 During the construction phase of the new airport and runway, the following noise monitoring should be conducted in accordance with the methods stipulated in the SANS 10103:2008 Code of Practice and the current Western Cape Noise Control Regulations:

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5.3.17.9.1 Two points should be used for the noise-monitoring locations, positioned on the inside of the airport boundary and these locations should cover the area close to the entry point of the trucks to the site and the community closest to the construction activities.

5.3.17.9.2 The monitoring should be conducted every three months during construction and monthly during the period when night-time construction will be taking place.

5.3.17.9.3 Three-monthly reports should be compiled and submitted to the relevant authorities, including a brief assessment indicating if any construction-specific noise exceedances above baseline and SANS district guidelines are taking place. In the event of exceeding noise guidelines, appropriate site- and operation-specific noise mitigation measures should be investigated and implemented.

5.3.17.10 During the operational phase of the new airport and runway, the following noise monitoring should be conducted:

5.3.17.10.1 Three permanent noise monitoring terminals should be established before or by the operational year of the new airport and runway.

5.3.17.10.2 The first of these terminals should be established at the Klipheuwel area, preferably close to its southeastern boundary. The second should be positioned within the Greenville Garden City Development, in line with the new runway 01/19 and the third on the eastern side of the Bella Riva development.

5.3.17.11 A summary of the noise monitoring results should be reported on a quarterly basis to the appropriate authorities. These reports should contain, but not be limited to the:

5.3.17.11.1 A 24-hour equivalent continuous A-weighted sound pressure level.

5.3.17.11.2 Equivalent continuous day-night rating level.

5.3.17.11.3 Equivalent continuous day and night rating levels.

5.3.17.11.4 Maximum A-weighted level.

5.3.17.11.5 Percentile levels.

5.3.17.11.6 Number of exceedances above 70 dB(A) and 60 dB(A) of the Lamax (the maximum (A-weighted) sound level experienced in a given period of time) and sound exposure level.

5.3.17.12 A noise complaints register should be established and connected with the noise monitoring system, to provide the capability for correlation of the complaints with the actual measured levels, as well as the aircraft-related operational data.

5.3.17.13 The complaints and relevant aircraft-related operational data should be included in the quarterly report to the authorities.

5.3.18 In terms of the impact ratings, based on the above:

5.3.18.1 The overall impact rating without mitigation for Scenario 1 was found to be of HIGH significance. With the implementation of the mitigation measures, primarily in terms of land use planning for the proposed residential areas adjacent to the airport, the overall impact rating was found to be of MODERATE significance.

5.3.18.2 Based on the above, the overall impact rating for Scenario 2 was found to be of LOW significance without mitigation. Additional noise abatement procedures for the aircraft operations are not required for the operational year of the new runway. However, consideration of such measures and operations should be initiated before the full capacity of the new runway is

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reached, based on the noise monitoring around the airport and noise modelling of the applicable mitigation measures.

5.3.18.3 The unmitigated overall impact rating for Scenario 3 was found to be of HIGH significance. With the implementation of appropriate land use planning for the proposed adjacent residential areas, the overall impact rating for Scenario 3 was found to be of MEDIUM significance.

5.3.19 In the comments and responses report, the EAP addressed the issues of the I&APs with the responses below, amongst others:

5.3.19.1 The World Health Organization ("WHO") recommends that night-time outdoor noise levels should not exceed 40 dB(A) to protect against sleep disturbance and associated health effects. However, the WHO also recognizes that in urban or urbanizing areas, exposure of up to 55 dB(A) may still be considered moderate and does not necessarily pose a significant health risk, particularly when mitigated through building design and planning.

5.3.19.2 In line with both WHO guidance and South African standards (SANS 10103), the 45–55 dB(A) Day-Night Noise Rating Level range is considered a low to moderate environmental noise exposure band. Within this range:

5.3.19.2.1 Residential activities are generally not significantly impacted, especially when standard building envelope attenuation (typically around 10 dB(A)) is taken into account.

5.3.19.2.2 Noise levels do not warrant mandatory mitigation measures, such as land-use exclusion or enforced acoustic insulation upgrades.

5.3.19.3 Regarding the impacts on Existing and Future Residential Areas:

5.3.19.3.1 Existing residential areas (e.g. Klipheuwel and Fisantekraal) are outside the 55 dB(A) Day-Night Noise Rating Level contours in the full-capacity Scenario 3 and are therefore not subject to significant average noise exposure.

5.3.19.3.2 For future development areas, such as Bella Riva, only a portion of the site falls within the 55–60 dB(A) Equivalent continuous Day-Night rating level ("LRdn") contour. Importantly:

5.3.19.3.2.1 These areas are not exposed to high or frequent single-event exceedances, such as N70 (events above 70 dB(A)) or N60 (events above 60 dB(A) at night).

5.3.19.3.2.2 The absence of frequent high-intensity noise events indicates that residential land use remains appropriate and does not require enforced restrictions or design controls under current regulations.

5.3.19.3.3 Under Scenario 3 (full utilization), only three night-time operations are scheduled within each 24-hour period, all of which are planned to occur before 23:00. This is a very low number, particularly when compared to the thresholds used internationally (e.g., the N60 metric), where more than 10–15 nighttime events above 60 dB(A) often trigger concern. This limited number of night operations significantly reduces the risk of:

5.3.19.3.3.1 Repeated awakenings or sleep disturbance, which are primarily caused by frequent nighttime noise events.

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5.3.19.3.3.2 Cumulative sleep-related health impacts, even for those in the vicinity of the airport.

5.3.19.3.4 The primary purpose of the NIA is to quantify and predict aircraft noise exposure in accordance with South African regulatory standards (SANS 10103 and SANS 10117), and to assess the potential impact on human amenity and land use compatibility. While the NIA is not a formal health risk assessment, it does incorporate and summarize the internationally acknowledged health effects associated with long-term noise exposure, such as sleep disturbance, annoyance, and cardiovascular risks, which are widely documented in literature from the WHO, European Environment Agency, and the United States Environmental Protection Agency ("EPA").

5.3.19.3.5 The mitigation hierarchy proposed in the NIA—combined with monitoring, land use compatibility planning, and the development of a Noise Management Plan—are designed to manage and reduce exposure, which is the key preventative strategy against health risks related to noise.

5.3.19.4 Under full development and maximum capacity of the airport under Scenario 3, the 55dBA noise contour for the CWA remains acceptable for the 1.5 km from the nearest school in Fisantekraal, Fisantekraal High School. An analysis of the N70 contours for Scenario 3 indicates that the contour with 5 to 10 noise events will not extend to Fisantekraal High School. This implies that noise levels momentarily reaching 70dBA will occur fewer than five times per day, each lasting only a few seconds— within acceptable limits for a school environment. The event frequencies are projected to occur only after more than 20 years of CWA operations. The average noise contribution at the Fisantekraal High School for the maximum utilisation (Scenario 3) is 44.3dBA. The number of events that will momentarily exceed the maximum value of 70 dBA, as the aircraft may take off or land, is less than 3 events. These values are considered acceptable for an educational building. The vehicular noise will be the main contributing source at the Fisantekraal High School location.

5.3.20 I concur with the contents of the Responding Statements from the Applicant and the Delegated Competent Authority in relation to this ground of appeal, *inter alia*, that the Fisantekraal High School's location is suitable, as modelled scenarios of the Noise Impact Assessment which confirm that noise will stay within acceptable Urban Residential noise limits.

5.3.21 Considering the above, the resulting noise levels from the proposed CWA aircraft operations were modelled with the use of the AEDT model. Based on the noise modelling methodology and input data, the resulting noise contour levels were estimated for three (3) scenarios. The noise impacts and the related health risk have been adequately addressed in the NIA. Appropriate mitigation measures which were recommended from the NIA and the Final EIA Report have been included in the conditions of the EA and the Environmental Management Programme ("EMPr") which has been approved for implementation in the conditions of the authorization. However, the EMPr must be amended to, *inter alia*, ensure that a permanent noise monitoring terminal is also established at/close to the Fisantekraal High School in addition to the three permanent noise monitoring terminals that should be established before or by the operational year of the new airport and runway.

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Appeal ground 2: Permissible Distance under Environmental Health and Safety Guidelines

5.4 During the Scoping and EIA process, the issue of noise levels at sensitive receptors was identified/ raised by the I&APs, including the Appellants. The I&APs stated, inter alia, that the Fisantekraal High School is situated within 1 kilometer from the runway which is planned to be used for international flights accommodating Boeing 777, Boeing 737, Dreamliner and Airbus A380 and A350 aircraft.

5.5 In the comments and responses report, the noise impacts specialist addressed the issue as follows:

5.5.1 The number of aircraft operations cited as potentially disturbing to Fisantekraal High School is not fully accurate, as school hours are from 08h00 to 15h00. According to the noise modelling for a busy day under Scenario 3 (full utilisation)—which reflects conditions projected to occur more than 15 years after the operational year—only 17 aircraft movements are expected during school hours. Furthermore, these operations will be evenly split between departures and arrivals to the north and south, reducing the concentrated impact on any one location.

5.5.2 The average noise level (LAeq) at the school during maximum airport activity is projected to be 44.3 dB(A), which is within acceptable limits for an educational environment. Additionally, the number of single noise events exceeding 70 dB(A) (LAmax), such as during take-off or landing, is expected to be fewer than three events during the school day.

5.5.3 In this context, the primary noise source affecting the school will remain vehicular traffic, not aircraft operations. Overall, the predicted aircraft noise exposure at Fisantekraal High School is considered low and acceptable for a learning environment.

5.6 The NIA confirmed that the noise levels at the sensitive receptors such as the schools identified (Fisantekraal High School located approximately 1.3 km, Klipheuwel Equitots School located approximately 3.5 km northwest of CWA and Klipheuwel Primary School located approximately 4.0 km northwest of CWA) will be outside the 50 dBA zone for all three scenarios. The Durbanville High School, which is alleged that it will be affected by the noise levels of the proposed development, is located approximately 10km from the site.

5.7 The predicted noise levels from the sensitive receptors and residential area are compliant with the SANS 10103 district guidelines for Urban Residential areas except only for the following areas:

Receptors closer to the airport

5.7.1 One small area on the eastern side of Bella Riva for Scenario 3.

5.7.2 An area immediately south of the airport for Scenario 1 and Scenario 3 (R21).

Receptors further away from the airport

5.7.3 A farm house (R28), which is situated on the eastern side of Klipheuwel.

5.8 Considering the above, the average noise level at the Fisantekraal High School during maximum airport activity is projected to be 44.3 dB(A), a noise level which is within acceptable limits for an educational environment. The Durbanville High School will also not be affected by the aircraft noise levels. The predicted noise levels for the residential area are generally within the limits of the SANS 10103 district guidelines for Urban Residential areas except for the abovementioned few receptors.

Appeal ground 3: Geographical Location (Measurements calculated according to Google Maps 2025) and inadequate assessment of safety impacts in the context of the impacted airspace and surrounding aviation activities

5.9 During the Scoping and EIA process, the I&APs raised a concern that:

5.9.1 The proposal to develop the CWA is concerning in terms of the management and safety of the airspace within Cape Town, which is a limited and shared resource.

5.9.2 The introduction of a second commercial airport within this space, without proper air route design, modelling, or airspace simulations, poses risks of operational conflict, congestion and safety challenges.

5.10 The following studies were included in the Scoping and EIA application, which broadly addressed aspects of safety as briefly stated below:

5.10.1 The specialist **Visual Impact Assessment ("VIA") Report** included requirements with respect to signage (to not cause safety hazards) and the relevant fencing and lighting requirements (unless unavoidable due to aviation safety and security). This study concluded, *inter alia*, that the overall project will result in Moderate visual intrusion (with aspects of Low Visual Intrusion and High Visual Intrusion), depending on which aspect of the proposed development is being considered, and which Landscape Character Areas are being affected.

5.10.2 The Aviation Specialist Study in support of the EIA included aspects of planned infrastructure and facility developments to ensure safe operations. This report served as the Civil Aviation Compliance Statement, as referred to in the **Protocol for the Specialist Assessment and Minimum Report Content Requirements for Environmental Impacts on Civil Aviation Installations**, published in Government Notice No. 320, Government Gazette 43110 of 20 March 2020. This study acknowledged and confirmed that the South African Civil Aviation Authority ("SACAA") did not identify any significant negative impacts of the proposed development on nearby civil aviation installations, suggest any impacts to be unacceptable, or raise the need for further assessments to be undertaken as part of the EIA. The report concluded that the proposed airport will impact airspace operations in the area and neighbouring developments. However, these impacts have been thoroughly identified and analysed, and none are considered unacceptable. The further design of airport infrastructure, airspace, and flight procedures should adhere to prescribed methods and comply with applicable legislation, regulations, standards, and recommended practices. This approach will ensure that any impacts are appropriately mitigated and managed, resulting in a compliant airport with operations that integrate into the regional and national civil aviation environment.

5.10.3 The **Obstacle Assessment Report** (dated 4 October 2022 and compiled by Air Traffic and Navigation Services SOC Ltd ("ATNS") assessed the surveyed obstacles to investigate their influence on existing or future instrument procedures and whether these obstacles will have any effect on safety aspect such as aircraft collisions. The study confirms that the CWA and immediate surrounds are not used for any defence operations and that the private airport operates under a specific radar frequency. The proposed airspace procedures required for the expansion at CWA do not interfere with military airspace. No new communication system frequencies will be needed and any frequency interference with existing defence installation and radar systems is unlikely.

5.10.4 The **Development of an Airspace Concepts of Operations** ("CONOPS") for the Cape Winelands Airport Report (dated 8 October 2024 and compiled by NACO – a company of Royal Haskoning DHV (Pty) Ltd) included aspects of the approach to flight operations at the airport in order to, inter alia, operate safely within the regional airspace. This study concluded that there will be integration of the airspace around CWA with the existing controlled airspace around Cape Town to ensure safe, efficient, and harmonious air traffic management in light of the growing demand for air travel and aviation activities in the region.

5.10.5 The **Cape Winelands Alternate Aerodrome Feasibility Study** (dated 26 April 2024 and compiled by Munich Airport International GmbH), outlined the legal requirements and industry best practices that govern the planning of alternate airports, including safety aspects that will be applicable. This study concluded that the proposed CWA

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will be classified as an operational aerodrome by airlines, meeting all requirements of an operational aerodrome to provide a suitable destination alternate aerodrome for CTIA.

5.10.6 The **Major Hazard Installation Study** (dated 14 August 2024 and compiled by RISCOM (PTY) LTD) detailed the applicable health and safety requirements applicable to ensure the health and safety of employees and the public. This study concluded that the proposed CWA will be classified as a Low Hazard Establishment, resulting in the risks to the general public being considered acceptable.

5.10.7 The **Aviation Glint and Glare Assessment Report** (dated 4 March 2025 and compiled by Future Impact (Pty) Ltd) assessed the impacts of glaring on aircraft operations. This study concluded that the glint and glare impacts will be **very low** and acceptable in terms of the United States Federal Aviation Administration Regulations if the recommendations are implemented.

5.11 In the comments and responses report, the Applicant addressed the issues raised by the I&APs as follows:

5.11.1 The raised issues are the responsibility of the SACAA. The Applicant currently operates under an aerodrome license issued by the SACAA but is obliged to obtain an amendment to that license, which process is regulated by the *Civil Aviation Act, 2009 (Act no. 13 of 2009)* ("Civil Aviation Act"), read with the 2011 Regulations made under that Act.

5.11.2 Regulation 139 of the Civil Aviation Act's 2011 Regulations sets out the requirements of an application for an amendment to an aerodrome license. SACAA and the Department of Transport have not raised any concerns during the EIA process. The same applies for ATNS mandated and responsible for ensuring safe, expeditious and efficient air traffic solutions throughout South Africa and a large part of the Southern Indian and Atlantic Oceans, comprising approximately 10% of the world's airspace.

5.11.3 The technical details of airspace safety will be considered by the SACAA, which is best qualified to assess that.

5.11.4 The planned integration of CWA poses no structural or systemic risk to the safety or efficiency of air navigation in the region. This conclusion is backed by modelling, expert review and regulatory engagement.

5.11.5 The issues raised rely on unfounded assumptions and mischaracterize the evidence presented in support of the proposed development. The concern raised about operational conflict, congestion and safety within the Cape Town terminal airspace is refuted by objective data and validated technical processes.

5.11.6 The Fast-Time Simulation ("FTS") conducted as part of the airspace planning process for CWA was based on the traffic projections included in the CWA traffic forecasts and modelled against realistic peak scenarios. The simulation outcomes provide verifiable, quantified evidence that simultaneous operations at CWA and Cape Town International Airport ("CTIA") are both feasible and safe, without compromise to airspace efficiency or existing operations.

5.11.7 International Civil Aviation Organisation ("ICAO") Aligned Methodology and Regulatory Compliance: The use of FTS in airspace and procedure design is standard international practice, aligned with ICAO Document 9971 and endorsed by regulators and Air Navigation Service Providers ("ANSPs") worldwide. The simulations form part of a comprehensive airspace planning approach that includes:

5.11.7.1 ATNS, South Africa's Air Navigation Service Provider, was formally part of the development team for the CWA Concept of Operations. At no point during the development or review of the Concept of Operations did ATNS raise any objections or concerns regarding the integration of CWA operations into the regional airspace. ATNS, as the only authority responsible for the safe and efficient management of South African controlled airspace, has full insight into traffic flows, separation standards, sector capacity and ATM

architecture. Their active involvement and lack of objection serve as strong, authoritative support for the feasibility and safety of the CWA plans.

5.11.8 The airspace surrounding Cape Town is already a multi-user environment that supports general aviation, scheduled commercial flights and military operations. The simulations conducted confirm the ability of the TMA to support concurrent operations, including:

5.11.8.1 Separation assurance under all forecast conditions.

5.11.8.2 Capacity balancing between CTIA and CWA.

5.11.8.3 Procedural compatibility with existing Standard Instrument Departure ("SID")/ Standard Terminal Arrival Route ("STAR") networks.

5.11.9 During the public participation process, an I&AP, a domestic airline, issued a letter of support for the proposed Cape Winelands Airport, stating, *inter alia*, the following:

"Secondary airports such as CWA are essential to the success of the low-cost carrier model. Around the world, secondary airports have enabled LCCs to thrive by offering lower airport charges, quicker turnaround times, and reduced airspace congestion. These efficiencies are fundamental to maintaining our high aircraft utilisation, low operating costs, and ability to offer affordable fares." (sic)

5.12 I concur with the Responding Statements of the Applicant and the Delegated Competent Authority in relation to this ground of appeal.

5.13 Considering the above, the concerns regarding the geographical location of the airport, the surrounding terrain, the proximity to Cape Town International Airport and the potential effect on impacted airspace and surrounding aviation activities were sufficiently identified and considered in the EIA process through the specialist aviation studies submitted as part of the application. On the information before the Department, none of those studies indicated that the proposed expansion would result in unacceptable safety impacts such as to preclude the granting of the environmental authorisation. While the final detailed design of airspace, routing, obstacle clearance and related operational aviation matters remain subject to determination by the competent aviation authorities within their respective statutory mandates, this does not mean that the Department lacked sufficient information for purposes of the environmental decision-making process under NEMA.

Appeal ground 4: Critically Endangered indigenous vegetation

5.14 During the Scoping and EIA process, the I&APs raised a concern that the results of the online **National Web-Based Environmental Screening Tool** (2023) indicate the Terrestrial Biodiversity Sensitivity Theme for the study to be of very high sensitivity due to 'the presence of CBA 1's, CBA 2's, critically endangered ecosystems, and an endangered ecosystem'.

5.15 According to the **Botanical Scoping Report** dated September 2024, the botanical impacts specialist acknowledged, confirmed and recommended the following:

5.15.1 The total current study area is now about 470ha, with the proposed airside layout being about 172ha. The study area is largely surrounded by agricultural land. The site's northernmost remaining patch of vegetation as **Swartland Silcrete Renosterveld**, which is Critically Endangered on a national basis (Government of South Africa 2022).

5.15.2 The vegetation types in the study area are classified as Swartland Silcrete Renosterveld, Swartland Shale Renosterveld, Swartland Granite Renosterveld and Cape Flats Sand Fynbos, which differs somewhat from what is presented in the SA vegetation map. The only remaining habitat on site is Swartland Silcrete Renosterveld and Swartland Shale Renosterveld, which are both listed as Critically Endangered on a national basis, and any viable and partly intact remnants are thus of high national conservation priority.

5.15.3 Approximately 93% of the study area and about 88% of the site has been heavily disturbed and degraded over a long period of time, with the result that negligible

indigenous vegetation is found in these areas, and these areas are now of Low botanical sensitivity. These areas present no significant botanical constraints to development. However, two patches of Very High botanical sensitivity have been identified in the study area, each of about 1.6ha in extent. The northern one (Swartland Silcrete Renosterveld) is located within the proposed development area, whilst the southern one (Swartland Shale Renosterveld) is just outside the development area.

5.15.4 A total of 14 plant Species of Conservation Concern ("SCC") were found, with the most significant populations being within the two areas of Very High sensitivity. These are clear priorities for conservation and would ideally not be disturbed or lost to development.

5.15.5 Based on the Endangered and Critically Endangered status of the habitats it was strongly recommended that any mapped areas of remnant habitat that are lost to development should be offset by formalized conservation of high conservation priority examples of the same habitat in the region, at minimum ratios of 20:1 (for non-pristine habitat) and 30:1 (for better quality examples; as per the national Department of Forestry, Fisheries & Environment National Biodiversity Offset Guidelines). Preliminary estimates suggest that the 1.6ha of Very High sensitivity vegetation (partly degraded) will need to be offset at a ratio of at least 20:1, and the 2.3ha of Medium sensitivity at a ratio of about 10:1, and the 1.3ha of High sensitivity vegetation at about 15:1. This means that a total offset of about 75ha (plus ongoing environmental management budget for this) might be required to help mitigate the unavoidable residual botanical impacts of the loss of natural habitat on site. The biodiversity offset must be finalized in terms of the conditions of the authorisation.

5.16 The **Plant Species Impact Assessment** for proposed CWA, Fisantekraal, dated 10 February 2025, which was conducted by the botanical impacts specialist stated, *inter alia*, the following:

5.16.1 The total current study area is now about 470ha, with the proposed airside layout being about 172ha and the landside layout is about 152ha, making a total footprint of about 324ha. The study area is largely surrounded by agricultural land. The applicant has proposed to purchase agricultural land to the east of the main project area, after project approval and this approximately 412ha area will be managed primarily for ongoing agriculture, as well as some wetland offset rehabilitation and plant species conservation.

5.16.2 The preferred development layout is now known as Alternative 4.

5.16.3 In terms of botanical sensitivity, two patches of Very High sensitivity have been mapped in the primary study and another two in the Agricultural Precinct. The patch closest to the airport infrastructure is anchored by the important population of *Leucadendron verticillatum* (Critically Endangered; Klapmuts Conebush; about 60 plants), but other SCC present in this area are *Drosanthemum hispifolium, Xiphotheca lanceolata* and *Restio duthieae*. This is probably the only part of the primary study area not previously cultivated and quarried and lies just east of the proposed development footprint. The second Very High sensitivity patch is in the northern area (1.6ha), unfortunately at least partly (maybe 30-50%, depending on the plan) within the proposed runway alignment. This patch is classified as Swartland Silcrete Renosterveld, a Critically Endangered vegetation type. This ferricrete outcrop supports a large population (and the only one on the primary study area) of *Podalyria microphylla* (Critically Endangered), along with at least six plants of what is currently thought to be an undescribed species of *Ficinia*. The patches of High sensitivity, all in the original study area, are brushcut "lawns" in front of the hangars, plus three patches near the main gate, two brushcut and one not. These areas could arguably be mapped as Medium sensitivity, but the relatively high species richness has elevated their sensitivity rating. The brushcut areas have been kept clear of

woody aliens (by mechanical and chemical control), but the brushcutting does mean that there are no indigenous shrubs either, and the plant community is thus dominated by seasonal annual and bulbs but is species rich and of conservation value. There are substantial woody alien seedlings in the area that is not brushcut, near the main gate. A young, flowering plant of *Leucospermum grandiflorum* (Endangered) was present in one of these area in June 2021, and one dead plant of this species (evidently killed by the brushcutting) was observed. However, the living plant had been mowed and was dead in Sep 2021. The area also supports a fairly high diversity of bulbs and annuals but is largely likely to fall within the development footprint.

5.16.4 The main construction phase botanical impact of the proposed development is loss and degradation of the remaining natural and partly natural vegetation in some of the development footprints. It is likely that about 1.0ha of the 1.6ha patch of Very High sensitivity in the north will be lost, along with the two associated plant SCC in this area. About 1.3ha of High sensitivity vegetation will be lost, and about 2.7ha of Medium sensitivity vegetation will be lost. Thus, a total of about 5ha of vegetation of some sensitivity will be lost, with all the rest being of Low sensitivity (generally heavily disturbed or cultivated).

5.16.5 Only 3 of the 25 recorded plant SCC in the study (and Agricultural Precinct) area will be lost to the proposed development footprint.

5.16.6 The overall botanical construction phase impact of the proposed development is likely to be **Medium – High negative before mitigation**, driven mainly by the partial loss of a 1.6ha patch of Very High sensitivity Swartland Silcrete Renosterveld (Critically Endangered), and the two associated plant SCC in this area. This impact is largely unavoidable, other than by runway layout alteration. **After mitigation** this could be reduced to an acceptable **Medium negative level, or even Low negative**, if adequate ecological management of the priority remaining natural areas is implemented, along with an appropriate biodiversity offset.

5.16.7 The overall cumulative ecological impacts of the proposed development at the local scale are likely to be Low to Medium negative prior to mitigation, given the fairly small area of High or Very High sensitivity vegetation to be impacted (<3ha). After mitigation, and with implementation of an appropriate offset, and on-site management of the remaining conservation worthy areas, this could be reduced to Neutral or even Low positive.

5.16.8 Given the Endangered and Critically Endangered status of the underlying habitats, and the level of impact (Medium – High negative before mitigation) it is required that any mapped areas of remnant habitat that are lost to development should be offset by formalised conservation of high conservation priority examples of the same habitat in the region, at the appropriate ratios (as per the national **Department of Forestry, Fisheries & Environment** National Biodiversity Offset Guidelines, 2022). A specialist terrestrial biodiversity offset report has been completed (M. Botha 2024) and found that a terrestrial biodiversity offset of at least 77ha is required (plus ongoing environmental management budget for this). The applicant, or their appointed management authority, will provide all necessary funding for all required ecological management of the site (airport site and conservation areas in Agricultural Precinct, including all Search and Rescue costs), and for the chosen and agreed biodiversity offset, in perpetuity.

5.17 In the comments and responses report, the botanical impacts specialist responded as follows:

5.17.1 Detailed botanical site sensitivity mapping has been undertaken, accurate to less than 5m. It was determined that there are indeed small but important remnants of Endangered and Critically Endangered ecosystems (and CBAs) within the overall project area, and unfortunately others fell unavoidably (due to geometric layout

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considerations of runway, etc.) within the proposed development footprints, whilst other remnants are outside the development footprints. It would be ideal if all such remnants could be excluded from the development footprints, but this is simply not possible given the project at hand, and the Mitigation Hierarchy was carefully followed being 1) Avoidance 2) Minimisation of Impact and 3) Mitigation of Impact, where the first two steps were not fully possible.

5.17.2 In many cases mapped areas of CBA1 and Endangered and Critically Endangered ecosystems proved to be badly degraded, with little rehabilitation potential, and on balance it is felt that the development layout, including all mitigation and the required biodiversity offset will not result in an unacceptably high level of botanical loss on this site.

5.18 CapeNature provided, *inter alia*, the following comments with regards to the biodiversity offset:

"1. The medium to high negative pre-mitigation impact of the development as assessed by the botanical specialist is accepted, considering that the vegetation type to be impacted occurs in small patches within the site (about 5ha cumulatively) within a highly modified landscape. It is noted that the botanical specialist has indicated that the residual negative impact would be medium or even low provided the avoidance measures proposed and recommended biodiversity offset implemented for the parts of the naturally vegetated areas to be lost. It is further noted that the impacts of alternative 2 and 3 (preferred alternative) are essentially the same. The botanical assessment has assessed the baseline receiving environment/habitat that will be impacted by the proposed development. The botanical assessment is supported, all mitigation measures and recommendations must be implemented.

2. It is agreed that the terrestrial biodiversity offset is warranted considering the fragments of critically endangered habitat that will be impacted by the proposed development, and the medium to high impact on these habitats as assessed by the botanical specialist…"

5.19 Conditions have been included into the EA to manage the unavoidable loss of the sensitive vegetation on the site including the biodiversity offset which will be implemented according to the relevant biodiversity offset guideline.

5.20 I concur with the contents of the Responding Statements from the Applicant and the Delegated Competent Authority in relation to this ground of appeal.

5.21 Considering the above, the unavoidable loss of Endangered and Critically Endangered habitats due to the development has been extensively investigated and the loss will be offset by formalised conservation of high conservation priority examples of the same habitat in the region, at the appropriate ratios in accordance with the Department of Forestry, Fisheries & Environment's National Biodiversity Offset Guidelines). A specialist terrestrial biodiversity offset report has been completed which found that a terrestrial biodiversity of offset of at least 77ha is required (plus ongoing environmental management budget for this). The applicant, or their appointed management authority, will provide all necessary funding for all required ecological management of the site (airport site and conservation areas in Agricultural Precinct, including all Search and Rescue costs), and for the chosen and agreed biodiversity offset, in perpetuity. While it is accepted that the proposed expansion will result in the unavoidable loss of some remnant critically endangered vegetation, the specialist assessment also confirmed that the majority of the site has already been heavily disturbed and is of low botanical sensitivity. The appellant's contention that the site is unsuitable solely because critically endangered vegetation will be affected therefore cannot be sustained.

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Appeal ground 5: Birdlife

5.22 During the Scoping and EIA process, the I&APs raised a concern that bird strikes are not accounted for, and the open water bodies should be covered with appropriate netting.

5.23 The **Specialist Bird Strike Risk Assessment** dated September 2024 which was conducted to address the threat of bird strikes as a safety concern in aviation from the proposed development concluded with the following:

5.23.1 The presence of bird species is primarily associated with agricultural land use and water bodies within the primary bird hazard zone surrounding the proposed airfield. The movement of birds between these habitats require some management measures to be in place. Specific attention should be given to managing the wastewater treatment works ("WWTW"), its expansion, and the surrounding livestock feedlots and lawn cultivation areas.

5.23.2 The large open water body to the southeast of the airfield requires careful oversight. The landowners in the vicinity will need to be engaged to mitigate the attractiveness of agricultural and farming activities to birds. The establishment of grassy areas, which attract birds' risk, directly on the airfield and adjacent to manoeuvring zones is discouraged.

5.24 A **Bird and Wildlife Hazard Management Landscape and Open Space Planning Guideline** document has been compiled for the proposed CWA. This must be implemented as a condition of authorisation.

5.25 In the comments and responses report, the avifauna/poultry specialist provided the following responses:

5.25.1 Wild birds are unlikely to be a significant issue. Airports are designed to create conditions that are hostile to wild birds on both the airside and landside to minimize bird strike. At the same time, netting of any body of water on the airport property is a desirable precautionary measure.

5.25.2 The Avifauna specialist stated that bird strike for these retention periods is not a concern but will be closely monitored.

5.25.3 A bird strike specialist was involved in the EIA process. A Wildlife Hazard Management Plan (including Birds) will be developed as per the requirement for all airports.

5.25.4 The wildlife management plan will look at bird breeding areas on and near the site and bird strike avoidance. No Blue Crane breeding sites have been identified with the Bird Strike Risk Assessment so these measures will be developed when the wildlife management plan is developed.

5.25.5 No Blue Cranes can breed on site as it will be a strike risk to the planes.

5.26 CapeNature provided these comments regarding the avifauna and bird strikes:

"2. The faunal specialist has assessed a low negative residual impact to faunal species with potential faunal habitat on site assessed as low to intermediate sensitivity with more natural patches offering more diverse habitat while most of the site has been highly modified by agriculture and transformed by the current airport facility. The only avifaunal SCC confirmed on site is Blue Crane and forage and breed on cultivated areas. Recommended mitigation measures as per the faunal assessment include that any Blue Crane breeding areas discovered will require the input of an avifaunal specialist on the way forward. It is suggested that in such cases any breeding areas for Blue Crane be avoided and if they cannot be avoided that an avifaunal specialist provide measures to move nests or individuals (if this is possible) that can be included in the EMPr. Other than this the faunal assessment is supported, and all recommendations and mitigation measures must be implemented."

5.27 Considering the above, the risk of bird strikes and the presence of bird-attracting features in and around the site were adequately identified, assessed and considered in the specialist Bird Strike Risk Assessment and the EIA process. While it is accepted that agricultural land

uses, water bodies and other bird attractants in the surrounding area create an inherent bird-strike risk, the specialist assessment did not conclude that this renders the site unsuitable for the proposed expansion. Instead, it concluded that the risk is capable of management through the implementation of the Bird and Wildlife Hazard Management Landscape and Open Space Planning Guideline, the mitigation measures contained in the EMPr, and the conditions of authorisation, including measures relating to open water bodies on the site.

Appeal ground 6: Sustainability and Climate change

5.28 The I&APs identified that the EIA process for the proposed development does not address the question of associated carbon emissions.

5.29 A **Climate Change Impact Assessment Report** (dated February 2025) and compiled by Brundtland Consulting (Pty) Ltd) assessed the impact of the Project on climate change, a carbon footprint for the construction and operation of the airport was developed using the Green House Gases ("GHG") Protocol's Corporate and Accounting reporting standard and the Department of Forestry, Fisheries and Environment's Methodological Guidelines for the Quantification of Greenhouse gas emissions. The carbon footprint included Scope 1 direct and Scope 2 indirect GHG emissions largely related to the combustion of fuels and the use of electricity by the airport itself, as well as Scope 3 value chain emissions largely related to fuel usage by road transport and flights to and from the airport. It was concluded that the proposed development will align with national and global climate goals while ensuring resilience against evolving climate challenges by implementing the planned mitigation and adaptation strategies. The emissions controlled by the airport are low when compared to the emissions related to fuels burnt by incoming and outgoing flights which will be managed through future carbon budgets imposed on airlines under the Climate Change Act.

5.30 In the comments and responses report, the Applicant responded that:

5.30.1 The broader emissions associated with increased air traffic at CWA, including the projected 200 daily flight movements, have been addressed separately in the Climate Change Impact Assessment.

5.30.2 The **Climate Change Impact report** quantifies total Scope 1, 2, and 3 emissions through to 2050, and confirms that even at full capacity, CWA's emissions represent less than 0.1% of South Africa's national carbon budget.

5.31 The climate change mitigation measures outlined in the EMPr include the following:

Wildfires

5.31.1 Identification of infrastructure and areas on site that are vulnerable to wildfire risks.

5.31.2 Consideration of wildfire risks in site design and layout planning and fuel management procedures.

5.31.3 Construction of firebreaks in areas vulnerable to wildfires.

5.31.4 Implementation of site evacuation and emergency response plans for wildfire events to ensure health and safety of employees.

5.31.5 Ensuring that backup power systems are available, should energy supply be disrupted.

Landslides

5.31.6 Avoidance of building near steep slopes, close to cliffs or near stream channels and drainage ways.

5.31.7 Planting of ground cover on slopes.

5.31.8 Seeking of professional evaluation of the site as construction plans may need to consider structures for debris flow diversion or retention, if the area is prone to landslides,

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5.31.9 Ensuring that multiple transportation routes of entry to and exit from the site in case roadways are damaged.

Water Scarcity

5.31.10 The development of a water scarcity management plan to mitigate water scarcity risks.
5.31.11 The CWA should increase water storage, reduce water use and improve water consumption efficiencies.
5.31.12 Ensuring that multiple potable water sources are available for the site to alternate between should it be required.
5.31.13 Investigation of monitoring and forecasting systems to help predict future periods of drought and enhance preparedness.
5.31.14 Monitoring of water consumption during drought periods to prevent compromising water availability.

Extreme Heat

5.31.15 Keeping facilities/buildings cool with efficient use of air-conditioning.
5.31.16 Consideration of building designs appropriate for local climate that are conducive to cooling in summer i.e., consider building orientation, natural shading, and ventilation.
5.31.17 Ensuring that equipment and vehicles purchased for use on site can operate under increased ambient temperatures to avoid downtime.
5.31.18 Investigation of early warning/monitoring systems to inform the site of expected heat wave occurrences.
5.31.19 Ensuring health and safety of employees by regularly monitoring hydration levels, avoiding work hours during the hottest part of the day and providing medical attention/resources to those who are vulnerable.

Urban and Riverine Floods

5.31.20 Ensuring that drainage infrastructure is well maintained.
5.31.21 Ensuring that infrastructure built on site is resilient to projected flood levels, and that site design and layout planning considers the potential for flooding event on site
5.31.22 Implementation of site evacuation and emergency response plans for flooding events to ensure health and safety of employees.
5.31.23 Ensuring that backup power systems are available, should energy supply be disrupted.

5.32 Considering the above, the **Specialist Climate Change Impact Assessment** established that the proposed airport will result in a low-medium significance impact in terms of greenhouse gas emissions and recommended mitigation measures which will be implemented through the EMPr and the conditions of the authorisation. On the information before the Department, the proposed airport was not found to be inconsistent with national and global climate goals, provided that the identified mitigation and adaptation measures are implemented. Appropriate climate-change mitigation and resilience measures are contained in the EMPr and the conditions of authorisation and must be implemented throughout the lifecycle of the development.

Appeal round 7: Biosecurity

5.33 During the Scoping and EIA process, the I&APs raised, *inter alia*, the following concerns with regards to this ground of appeal:
5.33.1 The landside activities of the proposed expanded airport should be moved to the western side right up against the boundary with County Fair farms.

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5.33.2 The increase in human activity so close to the chicken houses will undoubtedly compromise biosecurity in terms of poultry production.

5.34 In the comments and responses report, the issues were addressed as follows:

5.34.1 Landside layout was determined by the preferred runway orientation and airside positioning. Once the runway orientation was determined (through a rigorous analysis), the 3.5km runway positioning on site had to be determined. The runway could not be shifted further West, due to the physical constraints on site, such as the quarry, property boundaries and topography of the site.

5.34.2 The runway could not be shifted further East because of space and boundary constraints. The runway had to maintain an orientation of 01-19 to allow for parallel airspace operations with CTIA to allow for safer and more efficient airspace operations. Once the runway orientation and placement were concluded as per current proposal, vacant land existed on the West and the East for landside development.

5.34.3 The integration of the landside development into the urban area as per the planning documents (such as the **City of Cape Town 2023 Metropolitan Spatial Development Framework** ("MSDF") had to be evaluated to minimize the loss of productive agricultural area and avoiding and minimize impacts on the biophysical environment.

5.34.4 The **Poultry Biosecurity Report** assessed the impacts associated with the development of CWA, inclusive of landside development on the West, and proposed mitigation measures, which have been included in the EIA Report and EMPr. Please refer to page 25 of the Poultry Biosecurity report states that: In general, with suitable mitigation measures it should be possible for the farm and the proposed airport to coexist.

5.34.5 Impacts of the proposed CWA project on Country Fair have been evaluated by various specialists (notably the Poultry specialist Dr Petty). The **Poultry Biosecurity Report** assessed the impacts associated with the development of CWA, inclusive of landside development on the West, and proposed mitigation measures, which have been included in the EIA Report and EMPr.

5.34.6 The omission of chicken manure to be used in the biodigester was because of the I&AP's comment and specialist evaluation and recommendation.

5.34.7 The **Noise Specialist Report** confirms that no undue noise will impact on the County Fair land and operations, the impact should be acceptable, no concessions are therefore required. The Biosecurity and Poultry Health specialist recorded on page 21 of her report that…"*All scenarios remain below the 80dB level associated with harm to poultry and are only slightly higher than current levels*."

5.34.8 Airports are designed to create conditions that are hostile to wild birds on both the airside and landside to minimize bird strikes. Water bodies on the airport property will be implemented as a desirable precautionary measure.

5.34.9 To mitigate the biosecurity risks associated with the airport's access road, a solid high wall (at least 1.7m) will be implemented to block the farm from the airport.

5.34.10 On waste management, South African airports generally have good waste management practices, largely due to the imperative to avoid attracting wild birds, which pose a significant safety hazard to aircraft.

5.34.11 The original biosecurity and health assessment stated that a noise level greater than 80dB or higher is a common level for concern. A single short stress does not affect egg production, but continuous stress does. The noise effect is a series of short stresses not one long stress.

5.34.12 Comprehensive studies show no production losses in broiler or laying flocks exposed to noise levels as high as 99 dBA from various aircraft.

5.35 The EMPr which will be implemented as included in the conditions of the authorisation contains, *inter alia*, the following:

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5.35.1 It acknowledges that there may be:

5.35.1.1 Increase activity, dust and noise that will affect poultry.

5.35.1.2 Flies and rodents associated with improper waste management can transmit diseases.

5.35.1.3 Light pollution as the result of road usage at night and lighting of the airport near the poultry farm may interfere with the circadian rhythm of breeders and layer birds.

5.35.1.4 Loud noises (aircraft and vehicles) can disturb and stress the birds and decrease production.

5.35.1.5 Increase air pollution can cause respiratory issues in poultry.

5.35.1.6 Contamination of ground water may occur because of run-off of water used for cleaning and accidental spills.

5.35.1.7 The influx of people into the area may act as fomites and transmit poultry diseases.

5.35.1.8 Wild birds attracted to the area may transmit diseases if they encounter poultry.

5.35.1.9 International waste poses a risk for disease outbreaks.

5.35.2 It proposes the following measures, amongst others, to mitigate the potential biosecurity impacts and risks associated with the proposed development:

5.35.2.1 Planting of fast-growing vegetation that does not attract wild birds.

5.35.2.2 Installation of a solid wall to screen the section of the poultry farm closest to the construction. The type and extent of barrier to be implemented should be subjected to consultation between the parties, it must align with regulatory guidelines and requirements and it need to achieve the mitigation requirements for dust, noise and lighting impacts.

5.35.2.3 Implementation of the dust mitigation measures during the construction phase: i.e. use of water to settle dust, enforcement of 30km/h speed limits, rerouting traffic away from the farm.

5.35.2.4 Adherence to good housekeeping and municipal by laws to address pests.

5.35.2.5 In terms of light mitigation, the road should be designed so that light does not shine into poultry sheds, signs requiring that car lights are dimmed on the affected section of road, diversion of traffic to an alternative road, barriers that prevent light going into the sheds erected on farms, hood the sources of light, erection of a facility wall which will block some of the light and the use of minimal lighting in the car park area.

5.35.2.6 In terms of noise mitigation, fast growing vegetation should be planted that does not attract birds (to muffling noise), construction of the facility's wall to muffle sound, schedule arrivals during the daytime, avoid runways closest to the farm (phase 1).

5.35.2.7 Air Quality Mitigation Measures should be implemented.

5.35.2.8 Hydrogeological mitigation measures should be implemented.

5.35.2.9 People should be isolated from the farm and access by people to the farm should not be allowed.

5.35.2.10 Stagnant pools of water should be avoided by treating wastewater in closed systems and waste should be handled according to the relevant municipal By-laws.

5.36 Considering the above, the biosecurity risks and impacts have been adequately identified, assessed and mitigated as per the mitigation measures contained in the EMPr which will be implemented as required by the conditions of the authorization.

5.36.1 The issues therefore which were raised by Dr Lukhele's report were adequately addressed in the abovementioned comments and responses. The Wildlife Hazard Management Plan

will be implemented as required by the EMPr and the conditions of the authorization to address aspects associated with open water bodies.

Appeal ground 8: Public Participation Process is defective, non-transparent and non-inclusive

5.37 A comprehensive and detailed public participation process which has exceeded the minimum requirements for a public participation process has been conducted in terms of the NEMA and the 2014 EIA Regulations.

5.38 The comments of the I&APs and the responses which were detailed in the comments and responses report were considered. It has been noted that the I&APs responses also informed the formulation of the measures contained in the EMPr. For example, the comments and responses report also demonstrate the concerns, *inter alia*, raised regarding the poultry biosecurity risks and impacts and how the risks and impacts have been addressed.

5.39 The comments received from the I&APs and the responses to those comments were considered during the decision-making process. However, the reasons for the decision of the Delegated Competent Authority could not demonstrate and refer to all the lengthy comments which were received from the I&APs. Where the Delegated Competent Authority did not fully agree with certain comments, it ensured that appropriate mitigation measures are in place to mitigate the impacts of the proposed activities on the environment.

5.40 The airspace design issues were considered in aviation studies such as the Airspace and Capacity Study and Concept of Operation Report submitted with the EIA Report and are deemed adequate for the purposes of the Scoping and EIA Application process.

5.41 I concur with the contents of the Responding Statements from the Applicant and the Delegated Competent Authority.

5.42 Considering the above, a comprehensive public participation process, which exceeded the minimum requirements of NEMA and the 2014 EIA Regulations, was undertaken. Interested and affected parties were afforded multiple opportunities to participate, submit comments and raise concerns, and the issues raised were responded to in the comments and responses report and considered during decision-making. Although certain detailed aviation and airspace design matters remained subject to further specialist and regulatory processes, the information made available during the Scoping and EIA process was sufficient to enable meaningful participation and to inform the environmental decision-making process. The appellants' contention that the public participation process was defective, non-transparent and non-inclusive therefore cannot be sustained.

Appeal ground 9: Site visit

5.43 There is no mandatory provision in the NEMA and its 2014 EIA Regulations that require the Competent Authority to conduct a site visit for an EIA application. As a result, a site visit may not be conducted at all for other EIA applications.

5.44 The EIA Report and the specialist studies contained sufficient information about the status of the site and its surrounding environment, which confirmed, *inter alia*, the following:

5.44.1 The site is largely surrounded by agricultural land.

5.44.2 Approximately 93% of the total study area is deemed to be of Low botanical sensitivity, with a total of 7% being of Medium, High or Very High botanical sensitivity.

5.44.3 The site is bordered by the R312 and Garden Cities urban development in the South, with several agricultural activities towards the East and North. North-West is a Corobrik mine in process of closure and the Fisantekraal Wastewater Treatment Works.

5.44.4 The Bella Riva urban development and the County Fair Laying Farms are directly West of the CWA.

5.44.5 In the West, there are dirt and dust recreational tracks, and Braam's Voerkrale.

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5.44.6 Southwest of the site is the Fisantekraal residential area, which links with the Greenville Garden Cities development.

5.45 To obtain an overview of the site and its environment, the Competent Authority also has access to Geographical Information System databases and the internet-based Google Earth which contained remote sensing imagery.

5.46 The Department of Environmental Affairs and Development Planning's ("DEA&DP") Sub-directorate: Environmental Appeals Management conducted a site visit to obtain a general overview of the site and its surroundings during the review of the appeals against the EA.

5.47 Considering the above, the Delegated Competent Authority is not obliged to conduct a site visit for an EIA application although it reserves its discretion to undertake a site visit whenever it deems appropriate to do so. The timing of the site visit therefore had no significant bearing on the review and consideration of the application by the Delegated Competent Authority as information was available about the state of the site and its surroundings during the decision-making process.

Appeal ground 10: Conditions of the EA and absence of adequate conditions of authorisation that mitigate the impact on existing aviation operations

5.48 Condition 29 of the EA, which requires the submission of Urban Design Guidelines, was recommended by the specialist Visual Impact Assessment as a post authorisation process document to be compiled to address, *inter alia*, the following:

5.48.1 Guidelines for Fencing, Walls, Entrances and Boundary interfaces.

5.48.2 Lighting guidelines.

5.48.3 Materials and finishes guidelines.

5.49 The EMPr also includes this measure: *"It is recommended that the first Site Development* Plan *(SDP) to be submitted for approval must trigger the requirement for the following to be submitted for approval to the CoCT at the same time:*

1) An Urban Design Guidelines document to govern all architectural development within the CWA throughout all future phases …".

5.50 Condition 30 of the EA which requires the submission of the Groundwater Monitoring Action Plan was recommended by the specialist Geohydrological study as a post authorisation process document to be compiled to address, *inter alia*, boreholes to monitor the regional groundwater quality and water levels. The EMPr also includes this measure: *"The Groundwater Monitoring Action Plan must be included as an Annexure to the approved EMP."*

5.51 Condition 31 emanates from the general construction phase mitigation measures of the specialist Visual Impact Assessment which states that *"Dust management, waste management, the placement of screens and hoarding, as well as the location and management of access points to the site must be proactively managed to reduce visual clutter and limit visual impacts associated with construction activity before, during and after each phase of the construction process (demolition, excavation, project execution, close-out etc., establishment, etc.)"*.

5.52 Condition 32 of the EA which requires the submission of the Water Scarcity Management Plan emanates from the identification of the water scarcity risks in the EIA Report. The EMPr includes a measure which states that: *"A water scarcity management plan should be developed to mitigate water scarcity risks."*

5.53 Condition 40.1 of the EA which requires the implementation of the Overall Lighting Report to ensure that lighting is correctly included to avoid/mitigate impacts. The EMPr also includes a measure which requires the following: *"An Overall Lighting Report should be prepared at SDP stage by a suitably qualified electrical engineer, to be submitted to the CoCT for comment and approval."*

5.54 In terms of Condition 42.1 of the EA, the EIA Report stated that impacts associated with an on-site Waste Management Facility must ensure that, in relation to the attraction Birds and Vermin: *"Best practice pest control measures will be implemented, and a Certified Pest Control Company will be appointed at the onset of the Construction and Operational Phases to ensure that preventative measures are put in place and monitored to ensure the effectiveness of the Pest Control Schedule."*

5.55 Condition 46 of the EA which requires a Noise Mitigation and Management Plan was informed by the EIA Report which stated that: *"A Noise Mitigation and Management Plan (NMMP), with measurable goals, which will effectively prevent and intricately manage noise emissions from the Operational Phase of the CWA must be compiled prior to the implementation of the proposed Operational Phase. The NMMP is to be included in Annexure 19."* The EMPr also included this requirement as a post authorisation document.

5.56 To ensure procedural fairness in the compilation and submission of the post authorisation documents required by the conditions of the EA, the following condition should be included in the EA:
Condition E50:

"The registered Interested and Affected Parties including the Appellants must be afforded an opportunity to submit comments on all the post authorisation documents, such as management plans and guidelines in terms of Conditions 29, 31, 32, 40.1, 42.1 and 46 of the EA."

5.57 The EA has included conditions of authorisation which are intended to ameliorate the significance of the environmental impacts, which cannot altogether be avoided during the operational phases of development. Condition 49, which consists of measures which were recommended by the specialist Socio-Economic Impact Assessment ("SEIA"), has been imposed in the conditions of the authorisation, to address the impact on nearby farming and business operations such as the general aviation community.

5.58 Considering the above, the appellants' contention that the conditions of the Environmental Authorisation are inadequate, or that material matters were impermissibly deferred to later plans and reports, cannot be sustained. The key environmental impacts of the proposed development were identified, assessed and considered during the Scoping and EIA process, and binding mitigation measures were incorporated into the conditions of authorisation and the approved EMPr. While certain specialist plans, reports and management instruments are still required post-authorisation, these serve to operationalise, monitor and refine mitigation measures and do not constitute a substitute for the impact assessment undertaken during the EIA process. On the information before the Department, no matter material to the environmental decision was left unassessed in a manner that rendered the granting of the Environmental Authorisation inappropriate.

Appeal ground 11: Socio-economic impacts

5.59 During the Scoping and EIA process, the I&APs raised, *inter alia*, the following concerns with regards to this ground of appeal:

5.59.1 The proposed development will have a significant and material adverse socio-economic impact on the Greenville development and the land use rights granted to Garden Cities by the City of Cape Town in connection with the Greenville development.

5.59.2 Economic impact on existing businesses due to potential disruptions

5.60 The Development Context section of the EIA Report states that:

"The airport currently has a valid Category 1 Aerodrome License (number 0820) from the Civil Aviation Authority (CAA), designating the aerodrome as "Cape Winelands" with ICAO code "FAWN".

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Current aviation activity at the airport consists of flight training, recreational flying, charter, and other unscheduled General Aviation (GA) activity with all flights operate under visual flight rules (VFR).

Flight activity at the airport averages approximately 100 air traffic movements per day, with variation based on weather conditions, seasons, and day of the week." (sic)

5.61 A specialist SEIA was conducted by Dr Jonathan Bloom from Multi-Purpose Business Solutions for the proposed development. The terms of reference for the study included, *inter alia*, an objective to identify potential social and economic impacts/ consequences/ implications associated with the proposed development. The SEIA indicated that, amongst others, the following businesses will likely be affected by the proposed development:

"Several Aviation associations expressed concern about the proposed expansion of CWA as it could impact their operations. ACSA supports the relocation of light general aviation to CWA, but not high-performance General Aviation, such as fixed-wing, jet-engine aircraft. In particular, the precincts surrounding CTIA may experience a significant economic impact if business is redirected to CWA, or if capital allocation is split between two airports (ACSA, 2024). The Stellenbosch Flying Club stated that their primary objective is safeguarding their operational interests and ensuring the design aligns with their flight school's unique requirements and commercial viability. The Morningstar Flying Club's concerns relate primarily to the potential changes to airspaces and the impact they may have on their free and safe use. The South African Hang-gliding and Paragliding Association (SAHPA) expressed concerns about the hang-gliding site at Rondebossie, and launch sites and flight corridors within 50 km."

5.62 The SEIA concluded that "*… the benefits would outweigh the potential socio-economic costs of the proposed CWA expansion. The proposed development and operation of the CWA at the proposed location do not indicate any fatal flaws, provided that all regulatory standards and permit requirements issued to operate airport facilities are adhered to.*" It recommended that "*[m]any potential impacts could be mitigated by introducing the measures proposed by various specialists; these must be considered and implemented by the developer.*"

5.63 In the comments and responses report of the EIA Report, the socio-economic issues were addressed as follows:

5.63.1 The assessment of the impact on surrounding land uses is not specific to the Garden Cities Greenville development, as other development projects, such as Bella Riva, may also be affected.

5.63.2 Greenville residents and surrounding communities stand to benefit significantly from the proposed CWA development. As stated above, the Socio Economic Impact study conducted for the proposed expansion of Cape Winelands Airport indicates that only "57,33% of the total population residing within 10 km of the site is employed, while 59,61% within 20 km are employed." The study further indicates that "*The project could sustain about 32 433 (direct, indirect, and induced) employment opportunities during construction, including ongoing capital expenditure upgrades over 20 years. This could increase household incomes by R3,8 billion over 22 years. During the initial 20 years of operations, the project could sustain about 102 732 direct, indirect, and induced employment opportunities, adding R17,7 billion in household income.*"

5.63.3 The proposed development has been designed with a comprehensive understanding of its socio-economic and environmental impacts, fully aligning with the principles outlined in the **Fuel Retailers Association of Southern Africa versus Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province and Others (CCT67/06) (7 June 2007) judgment**. The EIA process for CWA seeks to identify, assess, and mitigate

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potential impacts on surrounding developments, ensuring that both projects can coexist and thrive.

5.63.4 CWA is a critical regional infrastructure project that will enhance economic opportunities, attract investment, and improve accessibility.

5.63.5 The Fuel Retailers case underscores the importance of informed, balanced decision-making to avoid unsustainable developments. CWA's phased approach, rigorous impact assessments, and commitment to stakeholder collaboration ensure that the project supports sustainable regional development without undermining existing or planned developments. By fostering a mutually beneficial relationship, CWA contributes to a vibrant and sustainable future for the area.

5.64 The socio-economic impacts of the proposed development on the general aviation in the area were identified in the **Concept of Operations Report** dated 8 October 2024) which states, *inter alia*, that:

5.64.1 There is no airspace assigned to CWA and only VFR operations take place at the airport, mostly for flight school and private aviation activities.

5.64.2 The Concept of Operations ("CONOPS") outlines the integration of the airspace around CWA with the existing controlled airspace around Cape Town, to ensure a safe, efficient, and harmonious air traffic management while accommodating the growing demand for air travel and aviation activities in the region, while always adhering to the South African National Airspace Masterplan ("NAMP").

5.64.3 Surrounding civil aviation sites identified include many small aerodromes, as well as model aircraft sites, in the area near CWA, but the key aerodromes to be considered in the CONOPS are CTIA (FACT), Ysterplaat Airforce Base (FAYP) and Stellenbosch Airfield (FASH). During the in-process Scoping PPP the need to include Morningstar Airfield in the CONOPS was raised by I&APs and as a result the CONOPS was updated for the EIA Phase

5.65 I concur with the contents of the Responding Statements received from the Applicant and the Delegated Competent Authority in relation to this ground of appeal.

5.66 The socio-economic impacts of the proposed development have been identified, assessed and considered in the SEIA and the relevant aviation studies. Appropriate mitigation measures will be implemented through the EMPr and the conditions of the authorization.

5.67 The granting of the EA was informed by a comprehensive EIA process which included specialist studies on biophysical, social and economic impacts; aviation studies; and detailed public participation processes, which met the requirements of the NEMA and the 2014 EIA Regulations.

5.68 The claims of deferring the mitigation hierarchy are not correct considering that it was applied throughout the assessment of impacts. The airspace design and planning aspects will be dealt with by the relevant aviation authorities such as SACAA, and airspace aspects should not be dealt under the NEMA EIA process.

5.69 The proposed development is subject to various regulatory processes by relevant authorities including the aviation authorities. Aviation authorities such as SACAA have jurisdiction regarding the airspace design and planning. Therefore, the granting of the EA was informed by comprehensive studies which addressed the potential risks and impacts of the proposed.

5.70 Considering the above, the concern raised by the appellants that the final airspace design and associated aviation regulatory processes may affect the operational continuity, viability or flexibility of certain existing aviation businesses is acknowledged. However, this does not mean that the social, environmental and economic impacts of the proposed development were not considered in terms of NEMA. The information before the Department, including the specialist socio-economic and aviation studies, was sufficient to identify, assess and evaluate the relevant impacts of the proposed expansion, including potential operational disruption, employment impacts, training continuity and impacts on surrounding business operations. While certain detailed aviation, routing and airspace-

related consequences remain subject to determination by the relevant aviation authorities within their respective statutory mandates, the overall social, environmental and economic considerations required for purposes of the environmental authorisation were taken into account. On the information before the Department, the residual socioeconomic impact of the preferred alternative was assessed as of low negative significance with mitigation, and the conditions of authorisation and approved EMPr provide for mitigation and management measures to ameliorate the impacts of the proposed activities.

Appeal ground 12: Decrease in use of land for agriculture

5.71 During the public participation processes, the I&APs commented, *inter alia*, about the following:

5.71.1 The impact of the proposed development on the farms - vineyards, chicken, dairy, equestrian.

5.71.2 Several farms surrounding the proposed CWA will probably close down should the expansion go ahead, due to pollution and excessive noise.

5.71.3 No mention is made of the need to rezone agricultural land for the expanded airport.

5.72 In the comments and responses report, it was responded that:

5.72.1 The impacts on agriculture have been assessed in the specialist Agro-Ecosystem Assessment conducted for the proposed project.

5.72.2 The proposal is to retain the existing "*Agriculture*" zoning on the areas east of the runway safety zone. A split zoning is proposed for the two large farm portions, Portion 7 of Farm 942 Kliprug (257 ha) and the Remainder of Farm 474 Joostenberg Kloof (398 ha). Only the runway safety area and the area west of the runway is proposed to be rezoned to Transport Zone 1 (TR1). This explanation is supplemented in Fig. 29 of Appendix 36 with a map indicating the existing and proposed zoning for CWA.

5.72.3 The areas East of the proposed airside currently zoned as agriculture will remain as agriculture zoning with associated farming activities.

5.72.4 The current Concept Stormwater Management Plan that was subjected to consultation as part of the EIA process is regarded as sufficient for the EIA purposes. It addresses the requirements of specialist consultants, comments made, and it include the necessary mitigation measures to address stormwater impacts. The Concept SWMP will further be subjected to the Town Planning application process whereby it will be finalised. After the Town Planning SDP approval, the Detailed SWMP will be approved by the City of Cape Town.

5.73 The EIA Report addressed, *inter alia*, the following agricultural impacts:

5.73.1 Loss of productive land.

5.73.2 Impact on Food Security.

5.73.3 Loss of farming infrastructure.

5.73.4 Change in Employment.

5.73.5 Possible Long-Term Benefits.

5.74 The specialist Agricultural Agro-Ecosystem Assessment stated that

"The proposed development of the Cape Winelands Airport to include a runway of 3 500 m x 45 m, taxiways and the proposed airport facilities and infrastructure will occupy approximately 275 ha of land currently zoned for Agriculture. Table 8 quantifies the loss of the various land use categories. The loss of cultivated fields amounts to 168 ha, of which only ±60% (100 ha) are being cultivated per year, due to the crop rotation system followed. At an average wheat yield of 4.0 t/ha, that loss of productive land relates to a reduction of 400 tons in production or ±0.03% of the wheat production of the Western Cape…

While the impact of the loss of 168 ha high potential productive land is regarded as high, it is deemed justified in terms of the perceived importance of the proposed Cape Winelands

Airport development as a key infrastructure node for the Cape Metropole and surrounding districts and is therefore supported and recommended for approval." (sic)

5.75 The Western Cape Department of Agriculture indicated that it has no objection to the proposed CWA when it was consulted in terms section 24O of the NEMA.

5.76 Considering the above, the loss of productive land was adequately investigated and the specialist recommended that the proposed CWA should be authorised since it is a key infrastructure development for the Cape Metropole and surrounding districts.

Appeal ground 13: Traffic impacts

5.77 During the public participation processes, the I&APs commented, *inter alia*, that traffic is a concern considering the lack of access roads.

5.78 In the comments and responses report, the EAP responded that Impacts associated with transport and roads are assessed in the TIA conducted by specialists for the proposed project.

5.79 The specialist Transport Impact Assessment ("TIA") assessed the traffic impacts of the proposed CWA development and concluded that the impact of the CWA will be relatively low compared to the other future developments in the area. Hence, it is recommended that the airport be approved from a transport point of view and that an amended TIA be prepared in future to accommodate changes in intersection upgrades over time.

5.80 The EMPr, which has been approved in the conditions of the authorisation for implementation, include, inter alia, the following measure:

5.80.1 All deliveries are to be scheduled outside peak hours to prevent congestion during peak periods.

5.81 I concur with the contents of the Responding Statements in relation to this ground of appeal.

5.82 Considering the above, the specialist TIA concluded that proposed development should be authorised for the CWA and appropriate mitigation measures have been included in the EMPr to mitigate and manage the potential traffic impacts.

Appeal ground 14: Light pollution

5.83 Light pollution impacts were generally identified and assessed in the specialist VIA where the recommended mitigation measures were included into the EMPr.

5.84 The site only consists of about 5ha of vegetation of some sensitivity which will be lost while all the rest is of Low sensitivity (generally heavily disturbed or cultivated). A botanical offset has been considered for the vegetation that will be lost due to the CWA development.

5.85 The EMPr includes the following measures in relation to light pollution:

5.85.1 An Overall Lighting Report should be prepared at SDP stage by a suitably qualified electrical engineer, to be submitted to the City of Cape Town for comment and approval.

5.86 I concur with the contents of the Responding Statements in relation to this ground of appeal.

5.87 Considering the above, the light pollution impact has been adequately considering and appropriate mitigation measures will be implemented through the conditions of the authorisation.

Appeal ground 15: Water pollution

5.88 The I&APs identified that the contamination of the aquifer will result in livestock, residents and crops in Joostenbergvlakte not getting enough and/or quality water.

5.89 In the comments responses report, the following responses were made:

5.89.1 There is a comprehensive set of specialist reports in the application that deals with the agricultural and water related issues.

5.90 The EIA Report acknowledged that the aquifer vulnerability increases to the north-east where the Colenso Fault system is located and it should be considered as a sensitive area in terms of groundwater.

5.91 The EMPr requires the submission of the Groundwater Monitoring Action Plan which must be included as an Annexure to the approved EMPr. It also contains a comprehensive list of mitigation measures for geohydrological impacts during the construction and operational phases of the development, in terms of the following:

5.91.1 Surface runoff.

5.91.2 Leaks from fuel storage and distribution.

5.91.3 Fuel containment area.

5.92 Considering the above, groundwater impacts have been satisfactorily considered, and appropriate mitigation measures have been put in place to ameliorate the impacts of the activities.

Appeal ground 16: Air pollution

5.93 During the public participation processes, the I&APs identified air quality as one of the most important impacts to consider.

5.94 In the comments and responses report, the following responses were provided:

5.94.1 Air quality impacts have been quantified and addressed in the relevant study.

5.95 The Air Quality Impact Assessment conducted for the Cape Winelands Airport found that ambient air quality impacts will be low and within national standards, with no significant increase in PM2.5 or ultrafine particulate concentrations at sensitive receptors such as Fisantekraal. However, the study recommended mitigation measures in terms of air quality impacts.

5.96 The EMPr includes the following mitigation measures in terms of the air quality impacts:

Construction phase

5.96.1 Dust suppression measures are recommended in order to reduce any possible impacts.

5.96.2 Dust monitoring along the western, southern and northern boundaries of the site is recommended to be conducted monthly during construction and to be reported quarterly to the authorities.

Operational phase

5.96.3 A continuous air quality monitoring station is established at the northern CWA site boundary.

5.97 Considering the above, the air quality impacts have been addressed, and mitigation measures have been recommended for implementation during both the construction and operational phase of the development.

Appeal ground 17: Devaluation of agricultural

5.98 The I&APs commented during the public participation processes that the proposed CWA will negatively affect property values.

5.99 In the comments and responses report, the devaluation of properties has been assessed as part of the Socio-Economic Impact Assessment conducted by specialists for the proposed project.

5.100 The specialist SEIA stated that:

"Residential property owners may be concerned about the sense of place, visual impact, peace and tranquillity (increased traffic, noise and dust), privacy, and security. However, no existing residential properties are located within the 55 dBA noise contour identified by the Noise Impact Assessment (DDA Environmental Engineers, 2024b). The latter recommended that the proposed residential developments of Bella Riva and Greenville Garden City have an opportunity to consider and implement appropriate mitigation

measures during the planning stages, considering the areas of impact in each development…

Mitigation measures

Implementing mitigation measures related to the sense of place would reduce the potential negative impact on residential property prices.

Impact Rating

The impact is unavoidable but can be partially managed if visual, noise and traffic concerns are effectively mitigated.

*For **residential properties**, the residual impact could be very low negative for Alternative 1, and **medium negative** for Alternatives 2, 3 and 4.*

*For **commercial and industrial properties** (including agricultural properties with the potential to be rezoned), the impact could be **very low positive** for Alternative 1, and **low positive** for Alternatives 2, 3 and 4. Other industrial developments in the area could contribute to a **high negative cumulative** impact for residential properties along the flight path, or **medium positive** for non-residential properties in the airport precinct." (sic)*

5.101 Considering the above, this issue has been identified and assessment in the specialist SEIA and it has been concluded that the traffic, noise and dust impacts which are often associated with the decrease of the value of land can be appropriately mitigated with the measures contained in the EMPr and the conditions of the authorisation.

6. Having considered the appeals, the responding statements, the Environmental Authorisation, the specialist studies, and the information contained in the administrative record, I am satisfied that the information before the Department was sufficient to enable a lawful and rational decision in terms of NEMA and the 2014 EIA Regulations. I am further satisfied that the key environmental, social and economic impacts were adequately identified, assessed and considered; that the public participation process was adequate in the circumstances; that no matter material to the environmental decision was impermissibly deferred; and that the conditions of the Environmental Authorisation and the approved EMPr provide for the mitigation and management of the identified impacts.

7. In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the grounds of Appeal and/ or Responding Statement, and where a particular statement is not directly addressed, the absence of any response should not be interpreted to mean that I agree with or abide by the statement made.

8. I have discharged my decision-making powers when making this decision and I am thus *functus officio* in this regard. My decision is final and your only recourse, should you still be aggrieved by my decision, is to apply to the Western Cape High Court to review my decision.

Sincerely,

Digitally signed
by Anton Bredell
Date: 2026.05.21
16:13:02 +02'00'

Mr. ANTON BREDELL
WESTERN CAPE MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to:

(1) Ms. Amanda Fritz-Whyte (PHS Consulting)	E-mail: amanda@phsconsulting.co.za
(2) Mr. Paul Slabbert (PHS Consulting)	E-mail: paul@phsconsulting.co.za
(3) Ms. Sonja Warnich-Stemmet (City of Cape Town)	E-mail: sonja.warnichstemmet@capetown.gov.za

(4) Mr. Z. Toefy (DEA&DP)	Email: zaahir.toefy@westerncape.gov.za
(5) Ms. T. Winstanley (Winstanley Inc)	Email: terry@winstanleyinc.com
(6) Mr. R. Summers (Richard Summers Inc.)	Email: celine@summersinc.co.za
(7) Dr L. Heydenrych	Email: Leonard Heydenrych
(8) Mr. J. Brand (Edward Nathan Sonnenberg Africa)	Emai: jbrand@ensafrica.com
(9) Ms A. Muller (Darson Trust)	Email: Muller1@mweb.co.za