



REFERENCE: 16/3/3/5/A5/40/2053/18
ENQUIRIES: Natasha Bieding
DATE: 2019-02-18

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED 23 AUGUST 2010 (REFERENCED: E12/2/3/2-A4/269-0804/09) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED 5 JANUARY 2012 (REFERENCED: E12/2/4/6-A4/269-1068/11) FOR THE DEVELOPMENT OF PHASE 2 OF THE BUHREIN ESTATE ON PORTION 61 OF THE FARM JOOSTENBERGVLAKTE NO. 725, KRAAIFONTEIN

With reference to your application for the abovementioned, find below the amendment to the amended Environmental Authorisation (hereinafter referred to as an "Environmental Authorisation") with respect to this application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), this Department herewith grants the amendment of the Environmental Authorisation issued on 23 August 2010 (Referenced: E12/2/3/2-A4/269-0804/09 and the amended Environmental Authorisation issued on 5 January 2012 (Referenced: E12/2/4/6-A4/269-1068/11) in terms of Part 2 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation and amended Environmental Authorisations are amended as set out below:

1. The previous description of activity reads as follows:

"The activity entails the construction of a mixed residential and commercial development comprising of approximately 1486 single residential and group housing units, including roads and bulk services, on Portion No. 61 of Farm Joostebergvlakte No 725, Paarl".

This is herewith amended to read as follows:

"The activity entails the construction of a mixed residential and commercial development comprising of approximately 1591 standard residential units and 492 retirement residential units, including roads and bulk services, on Portion No. 61 of Farm Joostebergvlakte No 725, Kraaifontein".

In addition to the above, this Department has decided to include an additional condition that also requires compliance in addition to the conditions contained in the previous Environmental Authorisation issued on 23 August 2010 (Referenced: E12/2/3/2-A4/269-0804/09) and the amended Environmental Authorisation issued on 5 January 2012 (Referenced: E12/2/4/6-A4/269-1068/11).

The additional condition is as follows:

- **Additional Condition 1:** The updated Environmental Management Programme ("EMPr") dated September 2018 submitted as part of the amendment application is hereby approved and must be implemented.
 - An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr and these may only be implemented once the amended EMPr has been authorised by the competent authority.
 - The EMPr must be included in all contract documentation for all phases of implementation.
 - A copy of the Environmental Authorisation, the amended Environmental Authorisations and the EMPr must be kept at the site where the listed activities will be undertaken. EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

B. REASONS FOR THE DECISION

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

- (a) The information contained in the application for amendment dated 17 September 2018 and the final Amendment Application Report dated 7 January 2019, as received by the competent authority on the same date.
- (b) The application is for a Part 2 (substantive) amendment in terms of the EIA Regulations, 2014 (as amended) to the Environmental Authorisation issued on 23 August 2010 (Referenced: E12/2/3/2-A4/269-0804/09) and the amended Environmental Authorisation issued on 5 January 2012 (Referenced: E12/2/4/6-A4/269-1068/11).
- (c) The following impacts are likely to be caused by the amendment of the original development proposal:
 - i. General:

The proposed amendment, *i.e.* increase in the total number of residential units from 1486 to 2083 will help the overall Buhrein Estate to optimally use the land available to develop. In this regard, the proposed increase in residential units will help to increase the gross density of the Estate by 10%, which equates to 4 dwelling units per hectare. As such, the economic viability of the development is also improved,

since a greater number of residential options will be made available, while remaining on the existing footprint of the approved Estate.

ii. Biophysical:

As mentioned in the original decision dated 23 August 2010, the area has been completely transformed by agricultural activities. As such, no significant impacts on biophysical elements are anticipated. It is similarly indicated in the report dated 7 January 2019 which was submitted as part of this amendment application, that the site was previously intensively cultivated for vegetable production. The site has also been further transformed due to the recent construction activities related to the original development. As such, no natural vegetation remains on the site. No significant impacts on biophysical elements are therefore anticipated as part of the amendment to the original development proposal.

ii. Traffic impacts:

According to the Traffic Impact Statement dated 28 September 2017, the exclusion of the school from the original Buhrein development will reduce traffic at peak hours. Furthermore, the proposed retirement units generate approximately 50% less traffic in comparison with conventional residential units.

According to the abovementioned Traffic Impact Statement, the additional residential units can be supported, as proposed. This is largely as a result of the estate being envisaged to remain within the acceptable traffic limits, *i.e.* no steep increase in PM peak and AM peak hour trip generation. Furthermore, no additional road infrastructure will be required.

iii. Visual impacts:

The overall Buhrein estate was originally approved as a high density urban development. The additional retirement and residential units will help to increase the density while remaining within the existing development footprint. As such, the proposed additional residential and retirement units are unlikely to be out of scale with the receiving environment. The proposed additional residential and retirement units will also be consistent with the sense of place, as the Buhrein estate is an existing urban node comprising of a high density residential development. Furthermore, the proposed additional residential and retirement units will be treated with landscaping measures in order to help mitigate any visual impacts.

iv. Bulk services:

The City of Cape Town confirmed in the correspondence dated 27 October 2017 that sufficient capacity exists to provide the necessary bulk services to the proposed increase in the retirement and residential units.

- (d) The environment and the rights and interests of Interested and Affected Parties are not likely to be affected.
- (e) No new listed activities are triggered by the amended development proposal and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels.
- (f) The conditions contained in the previous Environmental Authorisation issued on 23 August 2010 (Referenced: E12/2/3/2-A4/269-0804/09) and the amended Environmental Authorisation issued on 5 January 2012 (Referenced: E12/2/4/6-A4/269-1068/11) remain unchanged and in force.

- (g) A Public Participation Process was conducted for the amendment application, which comprised of:
- Identification of all landowners adjacent to the site;
 - Notification was sent to all relevant Interested and Affected Parties;
 - Advertisement regarding the amendment application was placed in the 'Tygerburger' on 27 June 2018;
 - A notice was placed on site on the 27 June 2018;
 - A commenting period from 27 June 2018 to 30 July 2018 was made available to Interested and Affected Parties;
 - Making the amendment reports and all relevant information available to Interested and Affected Parties for public review and comment.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made thereto were included in the report.

C. CONDITION

1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 1.1 notify all registered Interested and Affected Parties of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
 - 1.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014;
 - 1.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 1.4 provide the registered Interested and Affected Parties with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 1.4.2 name of the responsible person for this Environmental Authorisation,
 - 1.4.3 postal address of the holder,
 - 1.4.4 telephonic and fax details of the holder,
 - 1.4.5 e-mail address, if any.

D. APPEAL

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

An appellant must –


- 1.1 Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered Interested and Affected Parties of this decision;
- 1.2 If the appellant is the applicant, provide any registered Interested and Affected Party, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.3 If the appellant is a person other than the applicant, provide the applicant, any registered Interested and Affected Party, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.4 The applicant (if not the appellant), the decision-maker, Interested and Affected Parties and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
- 1.5 The appeal form/s must be submitted by means of one of the following methods:
 - By post: Attention: Jaap de Villiers
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000
 - By facsimile: (021) 483 4174; or
 - By hand: Attention: Mr J. de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
 - By e-mail: Jaap.DeVilliers@westerncape.gov.za
- 1.6 An electronic copy (word document format) of the appeal and supporting documents must also be submitted.
- 1.7 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

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

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

Yours faithfully



ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 18/02/2019

Copied to: (1) J Neethling (Johan Neethling Environmental Services)
(2) C Fransman (City of Cape Town)

Fax: 086 544 4868
Fax: (021) 444 1063

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

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