



REFERENCE: 16/3/3/5/A8/74/2034/20

ENQUIRIES: Bernard Kgosana

DATE: 18 September 2020

The Board of Directors
Power Development Projects (Pty) Ltd
PO BOX 129
BLACKHEATH
7581

Attention: Mr. Steven Levey

Tel.: (021) 907 1300
Email: slevey@powergrp.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE SECOND AMENDMENT, THAT IS A PART 1 AMENDMENT TO THE ORIGINAL ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 14 JUNE 2010 (REFERENCED: E12/2/3/1-A4/224-0614/08) AND FIRST AMENDED ON 16 NOVEMBER 2012 (REFERENCED: 16/3/1/5/A5/1017/12) FOR THE PROPOSED RESIDENTIAL DEVELOPMENT (PHASE 1 TO 6) ON THE REMAINDER OF THE FARM NO. 1327, Highbury, Kuils River

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** the amended Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the amended Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.

3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully



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

Copied to: (1) Ms. Sandra Hustwick (City of Cape Town)
(2) Dr. Johan Neethling (EAP)

Email: Sandra.hustwick@capetown.gov.za
Email: info@jnes.co.za



EIA REFERENCE NUMBER: 16/3/3/5/A8/74/2034/20
ENQUIRIES: Mr. Bernard Kgosaana
DATE OF ISSUE: 18 SEPTEMBER 2020

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 16 NOVEMBER 2012: THE PROPOSED RESIDENTIAL DEVELOPMENT (PHASE 1 TO PHASE 6) ON THE REMAINDER OF THE FARM NO.1327, Highbury AND ON A PORTION OF THE REMAINDER OF ERF 24042, KUILS RIVER

With reference to your application, find below the amended environmental authorisation in respect of this application.

A. BACKGROUND INFORMATION

1. An Environmental Authorisation ("EA") was issued by this Department on 14 June 2010 (Ref. E12/2/3/1-A4/224-0614/08) for the residential development on the Remainder of the Farm No, 1327 and on a portion of Erf No. 24042, Highbury, Kuils River (attached hereto as Appendix A).
2. An application in terms of the EIA Regulations, 2010 (as amended) for amendment of the said EA was received by this Department and the amended EA (Ref. 16/3/1/5/A5/43/1017/12) was issued on 16 November 2012 (attached hereto as Appendix B). The current amendment application is for an increase in the total number of single residential units and a decrease in the total number of apartment dwellings.

B. DECISION

With reference to the above-mentioned application, this Department, in terms of the NEMA and the EIA Regulations, 2014 (as amended), hereby **grants** an amendment to the amended EA issued by this Department on 16 November 2012 in terms of Part 1 of the EIA Regulations, 2014 (as amended). The amended EA (Ref. 16/3/1/5/A5/43/1017/12) is amended as set out below:

1. The Description of activity in Section A, is amended to read in the following manner:

The development entails the establishment of a residential development with associated infrastructure on the Remainder of the Farm No. 1327, Highbury and on a portion of Remainder of Erf 24042, Kuils River. The residential development consists of:

- 393 Single Residential units;

- 114 apartments and
- 9 public open spaces.

2. **The preferred alternative in Section H, is amended to read in the following manner:**

The alternative entails establishing a residential development with associated infrastructure on the Remainder of the Farm No.1327, Highbury and on a portion of the Remainder of Erf 24042, Kuils River comprising of the following:

- 393 single residential units;
- 114 apartments and
- 9 public open spaces.

3. Please find herewith attached a copy of the EA issued by this Department on 14 June 2010 November 2010 (Ref. E12/2/3/1-A4/224-0614/08) (attached as Appendix A) and the amended EA issued by this Department on 16 November 2012 (Ref. 16/3/1/5/A5/43/1017/12) (attached as Appendix B).
4. All other provisions contained in the EA issued on 14 June 2010 and in the amended EA issued on 16 November 2012 remain unchanged and in force.

C. REASONS FOR THE DECISION TO GRANT THE AMENDED ENVIRONMENTAL AUTHORISATION:

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

1. The information contained in the application form for amendment dated and received by this Department on 11 August 2020 and the additional information received on 20 August 2020.
2. The amendment will not result in a change in the scope of the original EA (Ref. E12/2/3/1-A4/224-0614/08) nor the amended EA (Ref. 16/3/1/5/A5/43/1017/12).
3. The development footprint remains unchanged, free standing and semi-detached Single Residential units.
4. Within the development footprint (Phase 1 to Phase 6 were identified), which was originally earmarked for apartments will now be replaced by 21 Single Residential units.
5. The increase in the number of Single Residential units from 372 to 393 and the reduction in the number of apartments from 180 to 114 will not increase the impacts assessed in the initial application for environmental authorisation.
5. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
6. All other conditions of the EA issued on 14 June 2010 (Ref. E12/2/3/1-A4/53-0988/10) and the amended EA issued on (Ref. 16/3/1/5/A5/43/1017/12) remain unchanged and in force.
7. The authorised development constitutes listed activities in terms of the EIA Regulations of 2010 that are similarly listed to the following activities listed in terms of the EIA Regulations, 2014 (as amended):

Listing Notice 1 of the EIA Regulations, 2014 (as amended):

Activity Number: 9

Activity Description:

The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water –

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

excluding where-

- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or
- (b) where such development will occur within an urban area.

Activity Number: 10

Activity Description:

The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

excluding where-

- (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or
- (b) where such development will occur within an urban area.

Listing Notice 3 of the EIA Regulations, 2014 (as amended):

Activity Number: 4

Activity Description:

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

i. Western Cape

- i. Areas zoned for use as public open space or equivalent zoning;
- ii. Areas outside urban areas;
 - (aa) Areas containing indigenous vegetation;
 - (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where not such setback line has been determined; or
- iii. Inside urban areas:
 - (aa) Areas zoned for conservation use; or
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.

Activity Number: 12

Activity Description:

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is greater, excluding where such removal will occur behind the development setback line on erven in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning;
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.

Activity Number: 15

Activity Description:

The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.

f. Western Cape

- i. Outside urban areas, or
- ii. Inside urban areas:
 - (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2020;
 - (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or
 - (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.

D. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 1.1 notify all registered interested and affected parties ("I&APs") of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.
 - 1.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeal Regulations, 2014 (as amended) detailed in Section E below;
 - 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

1.4 provide the registered I&APs with:

- 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
- 1.4.2 name of the responsible person for this Environmental Authorisation;
- 1.4.3 postal address of the holder;
- 1.4.4 telephonic and fax details of the holder;
- 1.4.5 e-mail address, if any, of the holder; and
- 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

2. A minimum of seven (7) calendar days' notice must be given to the Competent Authority before commencement of construction activities. The said notice must also include proof of compliance with Condition 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, and 16 described in Section G of the previous amendment (Ref. 16/3/1/5/A5/43/1017/12).

E. APPEALS

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

1. An appellant must –

- 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
- 1.2 Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–

- 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
- 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. M. Venter (Tel: 021 483 3721)
Room 809
8th Floor of Utilitas Building,
1 Dorp Street
Cape Town 8001

5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at Tel.: (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

F. DISCLAIMER

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

Your interest in the environment is greatly appreciated.

Yours faithfully



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

DATE OF DECISION: 18 SEPTEMBER 2020

Copied to: (1) Ms. Sandra Hustwick (City of Cape Town)
(2) Dr. Johan Neethling (EAP)

Email: Sandra.hustwick@capetown.gov.za
Email: info@ines.co.za

ANNEXURE A

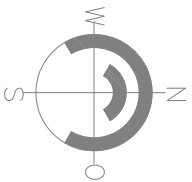
Remainder of Farm No, 1327 and include a portion of Erf No. 24042, Highbury, Kuilsrivier.

ANNEXURE B

A copy of the Environmental Authorisation issued by this Department on 14 June 2010 (Ref. No.E12/2/3/1-A4/224-0614/08)

ANNEXURE C

A copy of the amended Environmental Authorisation issued by this Department on 16 November 2012
(Ref. No. 16/3/1/5/A5/43/1017/12)



ANNEXURE A



ZONING	LAND USE	N	PTN. NRS	AREA (ha)	%
Single Residential	Free standing units	110	1 14 15 22 45 - 90 105 110 135 136 143 220 231 232 239 252 265 280 291 292 305 - 350	5.07	34.14
Single Residential	Semi-detached units	240	23 - 44 91 - 104 106 - 109 111 - 134 137 - 142 144 - 219 221 - 230 233 - 238 240 - 251 253 - 264 266 - 289 293 - 304		
General Residential	Flats	3	351 - 353	1.32	8.89
Worship	Church	1	354	0.09	0.61
Public open space	Public open space	5	355 - 359	5.28	35.56
Roads	Roads			3.09	20.80
TOTAL				14.85	100

NOTES

Typical erf dimensions
22m x 9.5m = 209m²
20m x 9.5m = 190m²
15m x 7.7m = 115m²
CONTOURS
Interval : 1m
Source: Jennings Goulee Thomson

- FLOOD LINE 1:50 YEAR
- FLOOD LINE 1:100 YEAR
- TEMPORARY RIGHT OF WAY SERVITUDE
- SUBDIVISIONAL AREA

FLOODLINE: NINHAM SHAND 14 JAN 2008

JENNINGS GOULLEE THOMSON

Professionele Land Surveyors
Landmeesters

NOTA: ALLE AFSTANDE EN BEWAARDING EN ONDERHOUD VAN OPENING

NOTE: ALL MEASUREMENTS APPROXIMATE AND SUBJECT TO SURVEYING

HERSIENINGS • REVISIONS

NO	DATE	BESKRYWING/DESCRIPTION
01	24 April 2008	Revisie plan - accommodie input from civil engineers
01	9 May 2008	Revisie plan - accommodie detention ponds
01	15 May 2008	Revisie plan - nr of even
02	15 Oct 2008	Revisie layout to accommodate 8m sewer servitude
02	21 Oct 2008	Revisie layout to accommodate 16m future road
02	27 Oct 2008	Revisie layout to accommodate 3m servitude-gen res site Pn 351
02	18 Nov 2008	Revisie 4m stormwater servitude to 6m
02	1 March 2010	Change temporary right of way servitude at gen residential site Pn 352 to 8m
02	7 May 2010	Add temporary right of way servitude over pns 345 & 346
02	7 May 2010	Amend layout - Pn 352 - road alignment / Finalize land use table

NUPLAN AFRICA
INNOVATIVE PLANNING
SOLUTIONS
Gids: 1111 Gids: 1111 Gids: 1111 Gids: 1111
Tel: +27 21 975-1255 • Fax: +27 21 975-1254

Projek • Project
STELLENBOSCH
REM. FARM 1327

PROPOSED SUBDIVISION

DATE	7 May 2010	GETEKEN	AV
SCALE	A3 - 1:3000 A3 - 1:1500	DRAWN	DL
SCALE	A2 - 1:2000	DESIGNED	DL

TEK.Nr DWG.No 2.342 - S1 - 02

Verwysing
Reference
Isalathiso

E12/2/3/1-A4/224-0614/08

Navrae
Enquiries
Imibuzo

CLEMENT ARENDSE



Datum
Date
Umhla

14 JUN 2010
Of Issue

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

The Board of Directors
Power Development Projects (Pty) Ltd
PO Box 129
BLACKHEATH
7581

Attention: Mr Mark Julie

Tel: (021) 907 1300
Fax: (021) 905 5639

Dear Sir

APPLICATION: THE HOUSING DEVELOPMENT (PHASE 3) ON ERF NO. 1327, HIGHBURY, KUILS RIVER.

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

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The development entails the establishment of a residential development on Erf No. 1327, Highbury, Kuils River. The residential development will consist of approximately:

- 110 single residential erven (free standing units)
- 240 single residential erven (semi-detached units)
- 3 general residential erven (two and three storey blocks of flats – 180 flats)
- 5 public open spaces

The development will include associated infrastructure including internal roads.

This is the activity identified in Government Notice No. R. 386 of 21 April 2006, being:

Activity Number 1(k):

The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with -

- (a) An internal diameter of 0,36 metres or more; or
- (b) A peak throughput of 120 litres per second or more,

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

Activity Number 1(m):

The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams; and
- (v) weirs,

Activity Number 4:

The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland,

Activity Number 12:

The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004),

Activity Number 15:

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

Activity Number 16 (b):

The transformation of undeveloped, vacant or derelict land to residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare, and

Activity Number 18:

The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less,

hereinafter referred to as "the activity".

B. LOCATION:

The activity will be located on Erf No. 1327, Highbury, Kuils River,

Co-ordinates:

Latitude: 33° 57' 13.075" S

Longitude: 18° 40' 10.605" E,

hereinafter referred to as "the site".

C. APPLICANT:

Power Development Projects (Pty) Ltd
% Mr Mark Julie
PO Box 129
BLACKHEATH
7581

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

Tel: (021) 907 1300

Fax: (021) 980 6039

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Strategic Environmental Focus (Pty) Ltd

% Ms Katy Spalding

PO Box 1330

DURBANVILLE

7551

Tel: (021) 979 3822

Fax: (021) 979 3830

E. SITE VISIT(S):

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

F. DECISION:

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

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2006, the competent authority hereby authorises the activity described above.

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

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after having received this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 8 and 9.
3. All solid waste must be removed upon completion and disposed of at a landfill licensed in terms of the relevant legislation.
4. No surface or groundwater may be polluted due to any activity.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

5. Appropriate landscaping (using only water-wise, indigenous species) must be undertaken at appropriate areas on the site.
6. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 6.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 6.2 If any graves or unmarked human burials are discovered, they must be treated with respect and the South African Heritage Resources Agency ("SAHRA") must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
7. The Environmental Management Programme ("EMP") submitted as part of the application for authorisation is herewith accepted and must be implemented.
8. The holder of the authorisation must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) to ensure compliance with the provisions of the EMP.
9. The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision –
 - 9.1 Notify all registered Interested and Affected Parties ("I&APs") of the decision and the reasons for the decision.
 - 9.2 Specify the date on which the authorisation was issued.
 - 9.3 Inform all registered I&APs of the appeal procedure provided for in Chapter 7 of the Regulations.
 - 9.4 Advise all registered I&AP's that should they wish to appeal that they must lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their Notice of Intention to Appeal, by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environment
Affairs and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

By hand: Attention: Mr Jaap de Villiers
9th floor Utilitas Building
1 Dorp Street
Cape Town
8001

- 9.5 Inform all registered I&APs that a signed Appeal Form obtainable from the Minister's office at tel (021) 483 3721/3195, email: jedevill@pgwc.gov.za or URL: <http://www.capegateway.gov.za/eadp>; must accompany the appeal.
- 9.6 Inform all registered I&APs that should they wish to appeal, the appellant must serve on the applicant a copy of the Notice of Intention to Appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 9.7 If the applicant should decide to appeal, the applicant must –
 - 9.7.1 Lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of this decision and,
 - 9.7.2 Serve a copy of the Notice of Intention to Appeal on all registered I&APs, as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
 - 9.7.3 Submit the appeal within 30 days of the lodging of the Notice of Intention to Appeal.
10. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.
11. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
12. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
13. A copy of this authorisation must be kept at the municipal office of the municipality in which the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the site along the route.
14. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
15. Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/ or

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.

16. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
 - 16.1 The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wish the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activity(ies) was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.
 - 16.2 The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.
 - 16.3 If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.
17. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
18. The activity which is authorised may only be carried out at the property indicated above.
19. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
20. This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

H. REASONS FOR THE DECISION:

All information presented to the Department, such as the information contained in the Application Form and Basic Assessment Report ("BAR") dated 31 March 2009 compiled by Strategic Environmental Focus, additional information dated 21 January 2010 and 9 March 2010, respectively and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), were taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

Environment

The development will be constructed in an area heavily infested by alien vegetation. Almost no indigenous vegetation (Cape Flats Sand Fynbos) is present on the site. The site partially falls within the 1:50 year floodline of the Kuils River.

Need and Desirability

The development will provide quality and affordable housing for the subsidy and GAP market. The property falls within the urban edge and according to the Greater Blue Downs Spatial Framework Plan the property is considered suitable for residential development. The development of residential units is therefore desirable and would complement the broader existing built form and natural environment.

Alternatives**Layout Alternative 1(Preferred):**

This alternative entails a residential development with associated infrastructure on Erf No. 1327, Highbury, Kuils River, comprising of the following:

- 110 single residential erven (free standing units);
- 240 single residential erven (semi-detached units);
- 3 general residential erven (two and three storey block flats);
- 1 place of worship (church); and
- 5 public open spaces

All areas falling within the 1:100 year floodline will form part of the public open space. This layout is the preferred alternative because it complies with recommendations by the Local Authorities.

Layout Alternative 2:

This alternative entails a residential development with associated infrastructure on Erf No. 1327, Highbury, Kuils River, comprising of the following:

- 103 single residential erven (free standing units);
- 254 single residential erven (semi-detached units);
- 3 general residential erven (two and three storey block flats);
- 1 place of worship (church); and
- 6 public open spaces

This layout is not the preferred alternative because it does not comply with recommendations by the Local Authorities (i.e. no stormwater facilities, no provision for the future Highbury Road extension and no 8m sewer servitude on the southwestern portion of the site).

Layout Alternative 3:

This alternative entails a residential development and a business node with associated infrastructure on Erf No. 1327, Highbury, Kuils River, comprising of the following:

- 347 single residential erven;
- 3 general residential erven (two and three storey block flats);
- 1 place of worship (church);
- 6 public open spaces; and
- 6 business buildings

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

This layout is not the preferred alternative because the single residential erven take up more space on the site, thus making the houses less affordable to the local community falling in the low income category. Also, no direct access is available from the Stellenbosch Arterial and Nooiensfontein Road (abutting collector roads), therefore making business practices impractical.

No-go alternative:

This alternative would mean maintaining the status quo. This alternative is not preferred as the site would continue to deteriorate and will provide opportunity for the expansion of informal settlement, which will result in environmental degradation.

Public Participation

The public participation process comprised of the following:

- An advertisement was placed in the "TygerBurger" newspaper on 23 April 2008;
- Site notices were placed on 23 April 2008;
- Informed I&APs of the proposed development by post on 23 April 2008
- Letters were hand delivered to land owners adjacent to and within 100m of the site on 23 April 2008
- Letters informing I&APs of the availability of the draft BAR on 13 August 2008;
- The draft BAR was distributed to all organs of state for comment on 13 August 2008; and
- The draft BAR was placed in the Kuils River Library from 13 August 2008 to 11 September 2008.

At the end of the commenting period, several comments from I&APs and State Departments were received. All issues were adequately addressed by the applicant and the environmental assessment practitioner.

Authorities Consultation:

The authorities consulted included the following:

- Department of Agriculture;
- City of Cape Town Directorate: Transport;
- City of Cape Town: Environmental Resource Management (Parow Branch);
- Department of Transport and Public Works;
- Department: Water Affairs and Forestry
- Heritage Western Cape; and
- CapeNature.

Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. No authorities have objected to the proposed activity. Where possible and relevant, the conditions imposed by these authorities have been included in this Environmental Authorisation insofar as it relates to the environmental aspects of the proposed activity. This authorisation is issued only in terms of the environmental legislation and the applicant is required to obtain all other necessary approvals before commencing with the activities.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

I. APPEAL:

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

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

By post: Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 9th floor Utilitas Building
For Attention: Mr Jaap de Villiers
1 Dorp Street
Cape Town
8001

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

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

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

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

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

Yours faithfully



AYUB MOHAMED

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 14/06/2010

Copies to: (1) K Spalding (Strategic Environmental Focus)
(2) T vd Merwe (City of Cape Town)

Fax: (021) 979 3830
Fax: (021) 938 8509



**Western Cape
Government**

Environmental Affairs and
Development Planning

Fax

To: (1) P Knight (Power Development
Projects (Pty) Ltd)
(2) N Ritsch (Strategic Environmental
Focus (Pty) Ltd)

From: Bernadette Osborne

Pages: 14

Fax: (1) (021) 905 5639
(2) (021) 979 3830

Re: Amendment of an Environmental
Authorisation for the housing development
(Phase 3) on Erf No. 1327, Highbury, Kuils
River.

Date:

Confidential

The contents of this fax are confidential and intended for the addressee only. If you are not the addressee, please take note any disclosure, copying or distribution of the contents of this fax, or the taking of any action based on it, is strictly prohibited. If you received this fax in error, please notify author immediately by telephone.



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Land Management (Region 1)

REFERENCE: 16/3/1/5/A5/43/1017/12
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2012 -11- 16

The Board of Directors
Power Development Projects (Pty) Ltd
PO Box 129
BLACKHEATH
7581

Attention: Mr Percy Knight

Tel: (021) 907 1300
Fax: (086) 905 5639

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 14 JUNE 2010: THE HOUSING DEVELOPMENT (PHASE 3) ON ERF NO. 1327, HIGHBURY, KUILS RIVER.

With reference to your application, find below the amended environmental authorisation in respect of this application.

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Amendment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants** amendment of the Environmental Authorisation on 14 June 2010.

- **The description of activity in Section A, is amended to read as follows:**

The development entails the establishment of a residential development on Erf No. 1327, Highbury, Kuils River. The residential development will consist of:

- 18 single residential erven (free standing units);

2nd Floor, 1 Dorp Street, Cape Town, 8001
tel: +27 21 483 3679/2792 fax: +27 21 483 3633
e-mail: Bernadette.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

- 354 single residential erven (semi-detached units);
- 3 general residential erven (two and three storey blocks of flats – 180 flats); and
- 9 public open spaces.

• **The preferred alternative in Section H, is amended to read as follows:**

Layout Alternative 1 (Preferred):

The alternative entails a residential development with associated infrastructure on Erf No. 1327, Highbury, Kuils River, comprising of the following:

- 18 single residential erven (free standing units)
- 354 single residential erven (semi-detached units)
- 3 general residential erven (two and three storey blocks of flats – 180 flats)
- 9 public open spaces.

All other provisions contained in the Environmental Authorisation issued on 14 June 2010 (attached) still remain unchanged and in force.

B. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION

1. The application is for an amendment within the existing footprint of the approved development and is therefore a non-substantive amendment to the environmental authorisation.
2. The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the environmental authorisation.
3. The Local Authority has sufficient capacity to provide the necessary municipal services (i.e., effluent management, solid waste management, electricity and water supply) to the additional residential units.

C. APPEAL

In terms of Regulation 10 (2) of Government Notice No. R. 543 of 18 June 2010 you are instructed to:

- a) notify all registered Interested and Affected Parties ("I&APs"), in writing and **within 12 days of the date of the decision on the application**, of the outcome of the amendment application and the reasons for the decision;
- b) notify all registered I&APs of the appeal provisions as outlined in Chapter 7 of the Regulations;
- c) inform all I&APs that, should they decide to appeal, they must, in terms of, Regulation 60 (1), lodge a Notice of Intention to Appeal with the Minister, MEC, or delegated Organ of State, as the case may be, within 20 (twenty) days after the date of the decision if such an appeal is available in the circumstances of the decision. An appeal must then be submitted within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60 (1);

- d) draw the attention of all registered I&APs to the manner in which they can access the decision;
- e) inform every I&AP that a prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office, as well as assistance regarding the appeal processes, at telephone number (021) 483 3721, or 483 3915, email Jaap.deVilliers@westerncape.gov.za or via the URL http://www.westerncape.gov.za/eng/your_gov/406/services/11537/10199;
- f) inform all I&APs that should they wish to appeal the amendment, the appellant must provide the applicant, within 10 (ten) days of having lodged the notice contemplated in Regulation 60 (1), with a copy of the notice referred to in Regulation 60 (1), and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. A responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister; and
- g) notify all registered I&APs that all Notice of Intention to Appeal and Appeal forms must be submitted by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Jaap de Villiers
3rd floor Leesig Building
1 Dorp Street
CAPE TOWN
8001

If the applicant should decide to appeal, the applicant must, in terms of, Regulation 60 (1):

- a) lodge a Notice of Intention to Appeal with the Minister, within 20 (twenty) days after the date of the decision;
- b) must within 10 (ten) days of having submitted the notice contemplated in Regulation 60 (1), provide each person and Organ of State registered as an I&AP in respect of the application with a copy of the Notice of Intention to Appeal; a notice indicating where and for what period the appeal submission will be made available for inspection by such person or Organ of State on the day of lodging it with the Minister, MEC, or delegated Organ of State, as the case may be; and

- c) indicate that a responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister. A copy of the responding statement must, within 10 (ten) days of having been submitted to the Minister, MEC, or delegated Organ of State, as the case may be, be served to the appellant.

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

Yours faithfully



MR. HENRI FORTUIN
DIRECTOR: LAND MANAGEMENT (REGION 1)

DATE OF DECISION: 15-11-2012

CC: (1) A Sillito / A McClelland (Sillito Environmental Consulting)

Fax: (021) 712 5061

FOR OFFICIAL USE ONLY

EIA REFERENCE NUMBER

16/3/1/5/A5/43/1017/12

NEAS EIA REFERENCE NUMBER

WOP/EIA/AMEND/0000177/2012

END

Verwysing
Reference
Isalathiso

E12/2/3/1-A4/224-0614/08

Navrae
Enquiries
Imibuzo

CLEMENT ARENDSE



Datum
Date
Umhla

14 JUN 2010
Of Issue

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

The Board of Directors
Power Development Projects (Pty) Ltd
PO Box 129
BLACKHEATH
7581

Attention: Mr Mark Julie

Tel: (021) 907 1300
Fax: (021) 905 5639

Dear Sir

APPLICATION: THE HOUSING DEVELOPMENT (PHASE 3) ON ERF NO. 1327, HIGHBURY, KUILS RIVER.

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

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The development entails the establishment of a residential development on Erf No. 1327, Highbury, Kuils River. The residential development will consist of approximately:

- 110 single residential erven (free standing units)
- 240 single residential erven (semi-detached units)
- 3 general residential erven (two and three storey blocks of flats – 180 flats)
- 5 public open spaces

The development will include associated infrastructure including internal roads.

This is the activity identified in Government Notice No. R. 386 of 21 April 2006, being:

Activity Number 1(k):

The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with -

- (a) An internal diameter of 0,36 metres or more; or
- (b) A peak throughput of 120 litres per second or more,

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

Activity Number 1(m):

The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams; and
- (v) weirs,

Activity Number 4:

The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland,

Activity Number 12:

The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004),

Activity Number 15:

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

Activity Number 16 (b):

The transformation of undeveloped, vacant or derelict land to residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare, and

Activity Number 18:

The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less,

hereinafter referred to as "the activity".

B. LOCATION:

The activity will be located on Erf No. 1327, Highbury, Kuils River,

Co-ordinates:

Latitude: 33° 57' 13.075" S

Longitude: 18° 40' 10.605" E,

hereinafter referred to as "the site".

C. APPLICANT:

Power Development Projects (Pty) Ltd

% Mr Mark Julie

PO Box 129

BLACKHEATH

7581

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

Tel: (021) 907 1300

Fax: (021) 980 6039

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Strategic Environmental Focus (Pty) Ltd

% Ms Katy Spalding

PO Box 1330

DURBANVILLE

7551

Tel: (021) 979 3822

Fax: (021) 979 3830

E. SITE VISIT(S):

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

F. DECISION:

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

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2006, the competent authority hereby authorises the activity described above.

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

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after having received this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 8 and 9.
3. All solid waste must be removed upon completion and disposed of at a landfill licensed in terms of the relevant legislation.
4. No surface or groundwater may be polluted due to any activity.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

5. Appropriate landscaping (using only water-wise, indigenous species) must be undertaken at appropriate areas on the site.
6. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 6.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 6.2 If any graves or unmarked human burials are discovered, they must be treated with respect and the South African Heritage Resources Agency ("SAHRA") must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
7. The Environmental Management Programme ("EMP") submitted as part of the application for authorisation is herewith accepted and must be implemented.
8. The holder of the authorisation must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) to ensure compliance with the provisions of the EMP.
9. The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision –
 - 9.1 Notify all registered Interested and Affected Parties ("I&APs") of the decision and the reasons for the decision.
 - 9.2 Specify the date on which the authorisation was issued.
 - 9.3 Inform all registered I&APs of the appeal procedure provided for in Chapter 7 of the Regulations.
 - 9.4 Advise all registered I&AP's that should they wish to appeal that they must lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their Notice of Intention to Appeal, by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environment
Affairs and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

By hand: Attention: Mr Jaap de Villiers
9th floor Utilitas Building
1 Dorp Street
Cape Town
8001

- 9.5 Inform all registered I&APs that a signed Appeal Form obtainable from the Minister's office at tel (021) 483 3721/3195, email: jedevill@pgwc.gov.za or URL: <http://www.capegateway.gov.za/eadp>; must accompany the appeal.
- 9.6 Inform all registered I&APs that should they wish to appeal, the appellant must serve on the applicant a copy of the Notice of Intention to Appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 9.7 If the applicant should decide to appeal, the applicant must –
 - 9.7.1 Lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of this decision and,
 - 9.7.2 Serve a copy of the Notice of Intention to Appeal on all registered I&APs, as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
 - 9.7.3 Submit the appeal within 30 days of the lodging of the Notice of Intention to Appeal.
10. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.
11. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
12. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
13. A copy of this authorisation must be kept at the municipal office of the municipality in which the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the site along the route.
14. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
15. Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/ or

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.

16. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
 - 16.1 The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wish the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activity(ies) was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.
 - 16.2 The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.
 - 16.3 If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.
17. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
18. The activity which is authorised may only be carried out at the property indicated above.
19. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
20. This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

H. REASONS FOR THE DECISION:

All information presented to the Department, such as the information contained in the Application Form and Basic Assessment Report ("BAR") dated 31 March 2009 compiled by Strategic Environmental Focus, additional information dated 21 January 2010 and 9 March 2010, respectively and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), were taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

Environment

The development will be constructed in an area heavily infested by alien vegetation. Almost no indigenous vegetation (Cape Flats Sand Fynbos) is present on the site. The site partially falls within the 1:50 year floodline of the Kuils River.

Need and Desirability

The development will provide quality and affordable housing for the subsidy and GAP market. The property falls within the urban edge and according to the Greater Blue Downs Spatial Framework Plan the property is considered suitable for residential development. The development of residential units is therefore desirable and would complement the broader existing built form and natural environment.

Alternatives**Layout Alternative 1(Preferred):**

This alternative entails a residential development with associated infrastructure on Erf No. 1327, Highbury, Kuils River, comprising of the following:

- 110 single residential erven (free standing units);
- 240 single residential erven (semi-detached units);
- 3 general residential erven (two and three storey block flats);
- 1 place of worship (church); and
- 5 public open spaces

All areas falling within the 1:100 year floodline will form part of the public open space. This layout is the preferred alternative because it complies with recommendations by the Local Authorities.

Layout Alternative 2:

This alternative entails a residential development with associated infrastructure on Erf No. 1327, Highbury, Kuils River, comprising of the following:

- 103 single residential erven (free standing units);
- 254 single residential erven (semi-detached units);
- 3 general residential erven (two and three storey block flats);
- 1 place of worship (church); and
- 6 public open spaces

This layout is not the preferred alternative because it does not comply with recommendations by the Local Authorities (i.e. no stormwater facilities, no provision for the future Highbury Road extension and no 8m sewer servitude on the southwestern portion of the site).

Layout Alternative 3:

This alternative entails a residential development and a business node with associated infrastructure on Erf No. 1327, Highbury, Kuils River, comprising of the following:

- 347 single residential erven;
- 3 general residential erven (two and three storey block flats);
- 1 place of worship (church);
- 6 public open spaces; and
- 6 business buildings

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

This layout is not the preferred alternative because the single residential erven take up more space on the site, thus making the houses less affordable to the local community falling in the low income category. Also, no direct access is available from the Stellenbosch Arterial and Nooiensfontein Road (abutting collector roads), therefore making business practices unpractical.

No-go alternative:

This alternative would mean maintaining the status quo. This alternative is not preferred as the site would continue to deteriorate and will provide opportunity for the expansion of informal settlement, which will result in environmental degradation.

Public Participation

The public participation process comprised of the following:

- An advertisement was placed in the "TygerBurger" newspaper on 23 April 2008;
- Site notices were placed on 23 April 2008;
- Informed I&APs of the proposed development by post on 23 April 2008
- Letters were hand delivered to land owners adjacent to and within 100m of the site on 23 April 2008
- Letters informing I&APs of the availability of the draft BAR on 13 August 2008;
- The draft BAR was distributed to all organs of state for comment on 13 August 2008; and
- The draft BAR was placed in the Kuils River Library from 13 August 2008 to 11 September 2008.

At the end of the commenting period, several comments from I&APs and State Departments were received. All issues were adequately addressed by the applicant and the environmental assessment practitioner.

Authorities Consultation:

The authorities consulted included the following:

- Department of Agriculture;
- City of Cape Town Directorate: Transport;
- City of Cape Town: Environmental Resource Management (Parow Branch);
- Department of Transport and Public Works;
- Department: Water Affairs and Forestry
- Heritage Western Cape; and
- CapeNature.

Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. No authorities have objected to the proposed activity. Where possible and relevant, the conditions imposed by these authorities have been included in this Environmental Authorisation insofar as it relates to the environmental aspects of the proposed activity. This authorisation is issued only in terms of the environmental legislation and the applicant is required to obtain all other necessary approvals before commencing with the activities.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

I. APPEAL:

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

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

By post: Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 9th floor Utilitas Building
For Attention: Mr Jaap de Villiers
1 Dorp Street
Cape Town
8001

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

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

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

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

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

Yours faithfully



AYUB MOHAMED

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 14/06/2010

Copies to: (1) K Spalding (Strategic Environmental Focus)
(2) T vd Merwe (City of Cape Town)

Fax: (021) 979 3830
Fax: (021) 938 8509