

Verwysing
Reference
Isalathiso

E12/2/3/2-A4/46-0455/07



Navrae
Enquiries
Imibuzo

ANDREA THOMAS

Datum
Date
Umhla

04 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
Integrated Housing Development (Pty) Ltd
PO Box 1212
KUILS RIVER
7579

Attention: Mr Peter Jones

Tel: (021) 909 0301
Fax: (021) 909 0304

Dear Sir

APPLICATION: BARDALE VILLAGE ON ERVEN 20733. AND 7584, 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 activity entails the construction of a residential development, public facilities and associated infrastructure consisting of the following phases:

Precinct 3: Residential dwellings (7.82ha);

Precinct 4: Residential dwellings and commercial hub (16.07ha);

Precinct 5: Residential dwellings (12.53ha);

Precinct 6: Residential dwellings and Primary School;

Precinct 7: Residential dwellings, commercial component and access to station (5.64ha); and

Precinct 8: 2 High Schools and 1 Primary School.

These are activities 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;

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 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

This is an activity identified in Government Notice No. R. 387 of 21 April 2006, being:

Activity 2:

Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.

hereinafter referred to as “the activity”.

B. LOCATION:

The activity will be located on Erven 20733 and 7584 in Blackheath,

hereinafter referred to as “the property”.

C. APPLICANT:

Integrated Housing Development (Pty) Ltd
% Mr P Jones
P O Box 1212
Kuils River
7579
Tel: (021) 909 0301
Fax: (021) 909 0304

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

The Environmental Partnership
% Ms C du Toit
PO Box 945
CAPE TOWN
8000
Tel: (021) 422 0999
Fax: (021) 422 0998

E. SITE VISIT(S):

No site visits were 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 activities 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 ("EIA") Regulations, 2006 the competent authority hereby authorises the activities 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, 4, 11 and 13.
3. Any solid waste shall be disposed of at a landfill licensed in terms of the relevant legislation.
4. The final layout of the development must be in accordance with "Alternative 3" in the Basic Assessment Report and must be approved by the municipality.
5. Appropriate landscaping (using only indigenous and water-wise species) must be undertaken at appropriate areas on the site.
6. No surface or groundwater may be polluted due to any activity on the property/site. The following measures must be included in the Stormwater Management Plan at the detailed design stage:
 - The limitation of post-development runoff peak flow to the equivalent pre-development rates;
 - The maximisation or area for infiltration, so that the increase in surface runoff volumes is kept to a minimum;
 - The inclusion of open vegetated drains (swales) in the stormwater design wherever possible in order to facilitate removal of particulate and other pollutants; and

- The minimising of the use or piped stormwater conduits beyond those that are already in the system.
7. A line of trees along Nooiensfontein Road must be planted to enhance the aesthetic value of the development.
 8. Water saving devices e.g. dual flush toilet systems, low-flow showerheads etc. and energy saving devices such as energy saving lamps, geyser blankets etc. must be used within all components of the development.
 9. 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.
 - 9.1 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.
 - 9.2 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.
 10. The Construction Phase Environmental Management Plan ("EMP") submitted as part of the application for authorisation is herewith accepted and must be implemented.
 11. The holder of the authorisation must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMP.
 12. The Environment Control Officer must, at all times, ensure that the construction activities comply with the Noise regulations in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
 13. The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision –
 - 13.1 Notify all registered Interested and Affected Parties ("I&AP's") of the decision and the reasons for the decision;
 - 13.2 Specify the date on which the authorisation was issued;

- 13.3 Inform all registered I&AP's of the appeal procedure provided for in Chapter 7 of the NEMA Regulations;
- 13.4 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,
Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000
- By facsimile: (021) 483 4174; or
- By hand: Attention: Mr Jaap de Villiers
9th floor Utilitas Building
1 Dorp Street
Cape Town
8001
- 13.5 Inform all registered I&AP's 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.
- 13.6 Inform all registered I&AP's 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.
- 13.7 If the applicant should decide to appeal, the applicant must –
- lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of this decision and,
 - serve a copy of the Notice of Intention to Appeal on all registered I&AP's as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
 - submit the appeal within 30 days of the lodging of the Notice of Intention to Appeal.
14. 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.
15. 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.

16. 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.
17. A copy of this authorisation must be kept at the property where the activities 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 property.
18. 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 telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.
19. 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.
20. 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:
 - 20.1 The current holder of the Environmental Authorisation must submit an original signed letter to the Department stating that he/she wishes 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.
 - 20.2 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.
 - 20.3 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.
21. 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.

22. The activities which are authorised may only be carried out at the property indicated above.
23. 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 activities.
24. The activities must commence within a period of three (3) years from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken.

H. REASONS FOR THE DECISION:

All information presented to the Department, such as the information contained in the Environmental Impact Assessment Report compiled by The Environmental Partnership, the subsequent additional information received and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, 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.

Environment

The area falls within the Cape Flats Dune Strandveld Area which is considered vulnerable but because of the degraded nature of the site, it is deemed to have a low conservation value. The wetland areas on the site are also degraded but it still provides a valuable function and must therefore be retained and will be used as stormwater detention facilities. Recommendations made by the freshwater specialist to minimise associated impacts have been incorporated into the development proposal and this Environmental Authorisation (See Section G).

Socio-Economic Impact

The development will provide much needed low-cost affordable quality housing. The village will comprise of low to medium rise residential units and related public amenities. An integrated living environment will allow the residents to have access to a variety of facilities that include recreational facilities for the children. Retail, educational and medical facilities will be located in close proximity. The development will also include fenced-off areas to improve safety and security.

Stormwater Impacts

The increased stormwater runoff could result in flooding. To limit stormwater runoff from the development to the equivalent of the "pre-development" discharge, a stormwater detention pond will be included to allow infiltration before the runoff enters the Kuils River. Also, identified wetland areas (Phase 4) will be utilised as stormwater detention ponds, as per the freshwater specialist recommendation.

Traffic Impacts

The Traffic Impact Assessment recommended that various intersections be upgraded to accommodate the increased traffic. These intersections include the Stellenbosch Arterial/Nooiensfontein Road intersection, the Stellenbosch Arterial/Saxdowns Road intersection and the Saxdowns/Hindle Road intersection. In addition, Saxdowns Road is to be constructed in phases to coincide with the phasing of the development. These major road upgrades will be a shared responsibility between the developer and the municipality.

Visual Impact

A landscape framework has been developed to ensure that Bardale Village offers an integrated living environment for the residents. Landscape strategies include open space systems, public courts and play areas, the use of indigenous vegetation, hard landscaping and stormwater amelioration. A line of trees along Nooiensfontein Road will be planted for aesthetic value.

Alternatives

The following layout alternatives were considered:

Alternative 1:

This option includes the following:

- Precinct 3: Residential dwellings (8.22ha);
- Precinct 4a: Residential dwellings and commercial hub (16.07ha);
- Precinct 4b: Residential dwellings (1.88ha);
- Precinct 5a: Residential dwellings and primary school (13.12ha);
- Precinct 5b: Residential dwelling (medium density);
- Precinct 6: Residential dwellings (5.14ha);
- Precinct 7: Mixed-use medium density housing and access to station (5.64ha); and
- Precinct 8: Schools and sports facilities (4.3ha).

Alternative 2:

This option includes the following:

- Precinct 3: Residential dwellings (8.12ha);
- Precinct 4: Residential dwellings and a local commercial hub (16.07ha);
- Precinct 5: Residential dwellings, primary school and sports facility (12.32ha);
- Precinct 6: Light Industrial, commercial and business components (5.14ha);
- Precinct 7: Residential dwellings (5.94ha); and
- Precinct 8: 2 High Schools and 1 Primary School (12.8ha).

These options were not preferred since the ratio between the residential dwellings and educational facilities does not conform to the requirements of the relevant policies. The industrial component included in Alternative 2 is also not compatible with the surrounding land uses.

Alternative 3 (Preferred Alternative)

This option includes the following:

- Precinct 3: Residential dwellings (7.82ha);
- Precinct 4: Residential dwellings and commercial hub (16.07ha);
- Precinct 5: Residential dwellings (12.53ha);

Precinct 6: Residential dwellings and Primary School;
Precinct 7: residential dwellings, commercial component and access to station (5.64ha); and
Precinct 8: 2 High Schools and 1 Primary School.

This is the preferred alternative since it was formulated in response to policy compliance with regard to the number of housing units to the number of schools required, the compatibility of activities within the study area, as well as issues relating to viability or feasibility of the proposal.

No-go alternative:

This alternative means that the site remains unutilised. This option was disregarded since there is a great demand for affordable housing and the designated site is ideal for a medium-density residential development. Developing the site will also eliminate the current problem of vagrancy and associated crime incidences.

Public Participation

The public participation process comprised of the following:

- Advertisements were placed in the Cape Argus and “Die Burger” newspapers on 23 and 24 August 2007, respectively;
- Notices were placed on site and in the immediate vicinity on 24 August 2007;
- Background information documents were distributed to adjacent landowners within 200m from the boundary of the site, the Ward Councillors, the local municipality and relevant government departments on 24 August 2007;
- An open house meeting was held on 06 September 2007 in the Silversands Primary School Hall;
- A focus meeting was held with the officials of the Silversands Taxi Association (“STA”) on 04 October 2007;
- The Draft Scoping Report (“DSR”) was made available for comment from 18 October 2007; and
- Information sheets were distributed on 23 July 2008 to notify the registered I&AP’s of the availability of the draft Environmental Impact Report for comment at PD Paulse Library and on-site.

Comments received can be categorised into:

- (1) Replacement of the proposed location of the taxi rank;
- (2) Provision of taxi embayments;
- (3) Lack of consultation with the STA;
- (4) Appropriate landscaping;
- (5) Phasing of the proposed development;
- (6) Proposed industrial component;
- (7) Planning;
- (8) Bulk Infrastructure;
- (9) Wetland Area; and
- (10) Botanical status.

The Environmental Assessment Practitioner addressed the above concerns as follows:

- (1) The STA was informed that the proposed development is on private land, that taxi passenger pick-up points are provided within the development and that the STA should negotiate with the City of Cape Town to set a part of its land for a taxi rank.
- (2) The STA was advised that taxi embayments will not be located on Nooiensfontein Road but that taxi pick-up points will be provided at intersections and near the access into the fenced residential blocks.
- (3) The STA was invited and attended the Open House meeting. A follow-up focus meeting was also held with the STA on 04 October 2007. It was recommended that a request be submitted to the developer to set aside an area from which the STA can operate. The request was however never received from the STA.
- (4) Landscaping is proposed and presented in the rezoning application.
- (5) The first phase of the development will only be initiated once all the relevant authorisations have been received and are also dependant on the programme of the developer.
- (6) Alternative 3 which excludes the industrial component is the preferred option.
- (7) All newly created units will be zoned out of agriculture.
- (8) The proposed development will link up to the municipality's bulk services and the stormwater plan must be submitted to the Department of Water Affairs for approval.
- (9) A freshwater specialist was appointed to assess the significance of the water bodies on the site and made recommendations to mitigate associated impacts that will be incorporated into the development proposal. In addition, no development may take place within 100m from a water resource.
- (10) Although the site falls within the Cape Flats Dune Strandveld area which is considered as vulnerable, it is degraded and is considered to have a low conservation value.

Authorities Consultation

The following authorities provided comment on the EIA Report:

- Cape Nature;
- Department of Water Affairs;
- Department of Agriculture;
- Heritage Western Cape; and
- City of Cape Town.

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application. 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 activity. This authorisation is issued only in terms of the NEMA and the applicant is required to obtain all other necessary approvals before commencing with the activity.

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

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the NEMA, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

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: Attention: Mr Jaap de Villiers
9th floor Utilitas Building
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.capecgateway.gov.za/eadp> must accompany the appeal.

All I&AP's 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&AP's as well as a notice indicating where and for what period the appeal submission will be available for inspection.

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

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: 04/06/2010

Copies to: (1) Ms T Petersen (The Environmental Partnership)
(2) Mr G Hanekom (CoCT)

Fax: (021) 422 0998
Fax: (021) 900 1786