



**REFERENCE NUMBER:** 16/3/3/5/A2/37/3054/17  
**ENQUIRIES:** Ms. M. Schippers  
**DATE:**

**2018 -05- 30**

The Director  
Dormell Properties 179 (Pty) Ltd.  
P. O. Box 129  
**BLACKHEATH**  
7581

**For attention: Mr. P. J. Knight**

Tel: (021) 907 1364  
Fax: (021) 905 5639

Dear Sir

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 15 OCTOBER 2009 (REF. NO. E12/2/3/1-A1/432-0303/07) IN TERMS OF PART 2 OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 644, SCHAAPKRAAL, MITCHELLS PLAIN.**

With reference to your application, find below the decision in respect of this application.

**AMENDED ENVIRONMENTAL AUTHORISATION**

**A. BACKGROUND INFORMATION**

An Environmental Authorisation ("EA") was issued by this Department on 15 October 2009 (Ref. No. E12/2/3/1-A1/432-0303/07) for the proposed residential development on Erf 644, Schaapkraal;

On 30 March 2012, this Directorate issued an amendment to the EA (Ref. No. E12/2/4/6-A1/432-3004/12) for the extension of the validity of the EA (Ref. No. E12/2/3/1-A1/432-0303/07) to 29 March 2015;

On 18 October 2013, this Directorate transferred the rights and obligations of the EA (Ref. No. E12/2/3/1-A1/432-0303/07) and the amendment EA (Ref. No. E12/2/4/6-A1/432-3004/12) from Rapitrade 382 (Pty) Ltd. to Dormell Properties 179 (Pty) Ltd. (Ref. No. 16/3/1/5/A2/37/3037/13; and

On 08 January 2015, this Directorate issued a further amendment to the EA (Ref. No. E12/2/3/1-A1/432-0303/07) for the extension of the validity of the EA (Ref. No. 16/3/1/5/A2/37/3124/14) to 14 October 2017.

On 13 October 2017, this Directorate issued a further amendment to the EA (Ref. No. E12/2/3/1-A1/432-0303/07) for the extension of the validity of the EA (Ref. No. 16/3/3/5/A2/37/3053/17) to 14 October 2019.

The proposed development is similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended) and the EA is currently still valid.

## B. DECISION:

With reference to the above-mentioned application, the Competent Authority has decided, in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), to amend the EA issued by this Department on 15 October 2009 (Ref. No. E12/2/3/1-A1/432-0303/07) (attached as Annexure A).

1. Section A (Description of Activity) and the description of the preferred alternative of the EA issued by this Department on 15 October 2009 (Ref. No. E12/2/3/1-A1/432-0303/07) **is hereby amended to read as follows:**

"The proposed development will entail a housing development and associated infrastructure on Erf 644, Schaapkraal, Mitchells Plain in accordance with the site development plan drawing number 2608-S1-02 (Attached as Appendix A). The proposed development will include the following:

- Approximately 729 single residential erven (erven sizes of between 44m<sup>2</sup> and 143m<sup>2</sup>);
- A conservation area (with a footprint of approximately 41 471m<sup>2</sup> and incorporates the 20m high Westridge dune running north-south along the eastern boundary of the site and the biodiversity corridor (Public Open Space 330, 102 and 191 as indicated in drawing number 2608-S1-02) through the development which links the dune to the greater Philippi area);
- Public Open Space and Open space areas;
- A crèche and utility area; and
- Associated infrastructure.

The municipality confirmed (letters dated 18 April 2017, 19 September 2017 and 06 October 2017), their capacity to provide services including:

- water supply;
- sewerage treatment;
- electricity; and
- solid waste removal.

Access to the site will be gained from Wespoort Road and Weltevreden Park Way. The proposed development will have a footprint of approximately 19ha."

2. Section G (Conditions of Authorisation)

Condition 5 of the EA issued by this Department on 15 October 2009 (Ref. No. E12/2/3/1-A1/432-0303/07) **is hereby amended to read as follows:**

"The layout of the proposed development must be in accordance with the site development plan (drawing number 2608-S1-02) as contained in the Amendment Report (dated 13 March 2018)."

Condition 6 of the EA issued by this Department on 15 October 2009 (Ref. No. E12/2/3/1-A1/432-0303/07) **is hereby amended to read as follows:**

"The biodiversity corridor running through the site that links the greater Philippi area with the Westridge dune, which has been created through the provision of Public Open Space areas as indicated in the site development plan (drawing number 2608-S1-02) as contained in the Amendment Report (dated 13 March 2018), must be maintained and no development must occur in this area."

Condition 18 of the EA issued by this Department on 15 October 2009 (Ref. No. E12/2/3/1-A1/432 0303/07) **is hereby amended to read as follows:**

"The dune and other Public Open Space areas set aside for conservation identified in the site development plan (drawing number 2608-S1-02) as contained in the Amendment Report (dated 13 March 2018) must be demarcated and declared as "No-Go" areas prior to the commencement of the development activities or site clearing activities. Construction workers must be informed of the demarcated "No-Go" areas, the environmental sensitivity of these areas and the need to minimise disturbance of these areas."

Condition 25 of the EA issued by this Department on 15 October 2009 (Ref. No. E12/2/3/1-A1/432 0303/07) **is herewith removed from the EA.**

### **C. REASONS FOR THE DECISION:**

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

1. The information contained in the application form for amendment of the EA dated 10 October 2017 and received by the competent authority on 13 October 2017, the draft Amendment Report received by the competent authority on 22 November 2017, and the final Amendment Report received by the competent authority on 15 March 2018;
2. The proposed amendment will result in the change in the scope of the EA (Ref. No. E12/2/3/1-A1/432 0303/07) and was therefore applied for in terms of Part 2 of the NEMA EIA Regulations, 2014 (as amended);
3. The dune conservation area remains the same, however, the biodiversity corridor has a new location and a smaller footprint based on the proposed amended layout. The Botanical Specialist Report (dated 3 July 2017 and compiled by PB consult) has indicated that the new corridor (south of the site) is located where better preserved vegetation occurs than the original corridor and will allow for better connectivity with adjacent development.
4. CapeNature indicated in comment (dated 08 January 2018) that they do not object to the proposed amended layout as it will not result in a more significant impact on biodiversity when compared to the approved layout. The comment further indicated that the proposed amended layout can be considered a slight improvement when considered in the context of the adjacent development and associated conservation area.
5. The Traffic Impact Assessment Report (dated October 2017 and compiled by Element Consulting Engineers) indicated that certain intersections will continue to operate at acceptable levels of service and some intersections will need to be upgraded (development of a roundabout intersection and upgrade traffic signal phasing). These upgrades do not constitute a listed activity in terms of the NEMA EIA Regulations, 2014 (as amended). The upgrades will be done in consultation with the local authority.
6. The listed activities authorised in the original EA (Ref. No. E12/2/3/1-A1/432 0303/07) are similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended) as follows:

Listing Notice 1 of the NEMA 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.

Activity Number: 11

Activity Description:

The development of facilities or infrastructure for the transmission and distribution of electricity—

- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or
- (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;

excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is —

- (a) temporarily required to allow for maintenance of existing infrastructure;
- (b) 2 kilometres or shorter in length;
- (c) within an existing transmission line servitude; and
- (d) will be removed within 18 months of the commencement of development.

Activity Number: 27

Activity Description:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Listing Notice 3 of the NEMA 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 no 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 indigenous 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 the greater, excluding where such removal will occur behind the development setback line or even 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; or*
- 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.*

**7. Public Participation Process**

7.1. A draft Amendment Report was made available to registered Interested and Affected Parties ("I&APs) on 15 November 2017 for a 30-day commenting period.

7.2. All the concerns raised by I&APs were compiled into a comments and responses report and included in the Amendment Report.

## **D. CONDITIONS:**

1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
  - 1.1. Notify all registered I&APs of –
    - 1.1.1. The outcome of the application;
    - 1.1.2. The reasons for the decision as included in Annexure 1;
    - 1.1.3. The date of the decision; and
    - 1.1.4. The date of issue of the decision.
  - 1.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in section F 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. The name of the responsible person for this environmental authorisation;
    - 1.4.3. The postal address of the holder;
    - 1.4.4. The telephonic and fax details of the holder;
    - 1.4.5. The e-mail address if any; 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. All other requirements contained in the EA issued by this Department on 15 October 2009 (Ref. No. E12/2/3/1-A1/432 0303/07) (Attached as Appendix B) remain unchanged and must be implemented.

## **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 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
  - 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
  - 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator; and
  - 1.4. The applicant (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

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

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

By facsimile: (021) 483 4174; or

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

3. 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 [Jaap.deVilliers@westerncape.gov.za](mailto:Jaap.deVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

The Western Cape 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.

You are reminded of the general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

Your interest in the future of our environment is appreciated.

Yours faithfully

  
**ZAAHIR TOFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 30/05/2018

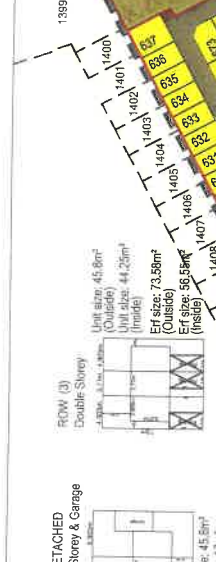
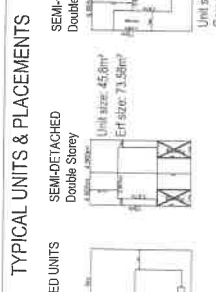
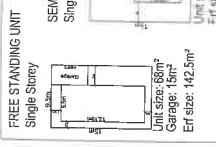
Copies to: (1) Mr. D. Jeffery (DJ Environmental Consultants)  
(2) Mr. R. Samaai (City of Cape Town)

Email: [dudley@djec.co.za](mailto:dudley@djec.co.za)  
Fax: (021) 444 3802

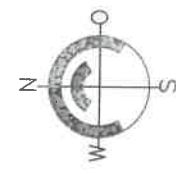
## **Appendix A**

Site development plan drawing number 2608-S1-02





PHASE	ZONING	LAND USE TABLE	TOTAL FTA (M <sup>2</sup> )	TOTAL FTA (%)	TOTAL FTA (M <sup>2</sup> )	TOTAL FTA (%)
PHASE 1	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	101	1.40	11 879	26.67
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	102	1.37	3 717	8.65
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	103	1.37	443	10.08
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	104	1.37	2 423	5.50
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	2	0.03	8 508	19.32
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	1	0.01	17 545	39.13
	<b>TOTAL</b>		<b>107</b>		<b>44 422</b>	<b>100</b>
PHASE 2	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	80	1.00	9 038	41.52
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	1	0.01	2 127	9.42
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	2	0.03	102	0.45
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	1	0.01	4 778	21.62
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	1	0.01	8 002	35.75
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	89	1.12	21 198	93.80
	<b>TOTAL</b>		<b>97</b>		<b>44 422</b>	<b>100</b>
PHASE 3	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	133	1.07	15 800	82.05
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	1	0.01	2 460	12.62
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	1	0.01	30	0.15
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	1	0.01	9 974	52.23
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	1	0.01	28 302	149.00
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	138	1.07	31 300	163.00
	<b>TOTAL</b>		<b>138</b>		<b>79 800</b>	<b>423.00</b>
PHASE 4	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	137	1.07	15 800	82.05
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	1	0.01	2 460	12.62
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	1	0.01	30	0.15
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	1	0.01	9 974	52.23
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	1	0.01	8 002	35.75
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	138	1.07	31 300	163.00
	<b>TOTAL</b>		<b>138</b>		<b>79 800</b>	<b>423.00</b>
PHASE 5	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	101	1.40	11 879	26.67
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	102	1.37	3 717	8.65
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	103	1.37	443	10.08
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	104	1.37	2 423	5.50
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	2	0.03	8 508	19.32
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	1	0.01	17 545	39.13
	<b>TOTAL</b>		<b>107</b>		<b>44 422</b>	<b>100</b>
PHASE 6	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	80	1.00	9 038	41.52
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	1	0.01	2 127	9.42
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	2	0.03	102	0.45
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	1	0.01	4 778	21.62
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	1	0.01	8 002	35.75
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	89	1.12	21 198	93.80
	<b>TOTAL</b>		<b>97</b>		<b>44 422</b>	<b>100</b>
PHASE 7	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	133	1.07	15 800	82.05
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	1	0.01	2 460	12.62
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	1	0.01	30	0.15
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	1	0.01	9 974	52.23
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	1	0.01	8 002	35.75
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	138	1.07	31 300	163.00
	<b>TOTAL</b>		<b>138</b>		<b>79 800</b>	<b>423.00</b>
PHASE 8	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	137	1.07	15 800	82.05
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	1	0.01	2 460	12.62
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	1	0.01	30	0.15
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	1	0.01	9 974	52.23
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	1	0.01	8 002	35.75
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	138	1.07	31 300	163.00
	<b>TOTAL</b>		<b>138</b>		<b>79 800</b>	<b>423.00</b>
PHASE 9	Open Space Zone 1 (OS1)	Open Space Zone 1 (OS1)	101	1.40	11 879	26.67
	Open Space Zone 2 (OS2)	Open Space Zone 2 (OS2)	102	1.37	3 717	8.65
	Urban Zone 3 (UZ3)	Urban Zone 3 (UZ3)	103	1.37	443	10.08
	Urban Zone 4 (UZ4)	Urban Zone 4 (UZ4)	104	1.37	2 423	5.50
	Public Road & Public Utility Zone 5 (PRU5)	Public Road & Public Utility Zone 5 (PRU5)	2	0.03	8 508	19.32
	Public Road & Public Utility Zone 6 (PRU6)	Public Road & Public Utility Zone 6 (PRU6)	1	0.01	17 545	39.13
	<b>TOTAL</b>		<b>107</b>		<b>44 422</b>	<b>100</b>



**NUPLAN AFRICA**  
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3001 Jansenville Street, Grahamstown, 6160, South Africa  
Tel: +27 21 975-236 • Fax: +27 21 975-294

**SCHAAP KRAAL**  
ERF 644

Proposed rezoning & sub-division

DATE: 20 Feb 2018  
DRAWN: AV  
SCALE: 1:12500 / A1:1:2500  
DATE: 20 Feb 2018  
DRAWN: AV  
SCALE: 1:12500 / A1:1:2500

**TEK.NR. 2608 - S1 - 02**



NOTE: ALL AREAS MUST BE BOUNDARIED IN UNDERGROUND AND SURFACE. NOTE: ALL MEASUREMENTS MUST BE SUBJECT TO SURVEYING.

NO.	DATE	DESCRIPTION
01	2 AUG 2017	ACCEPTED
01	7 AUG 2017	PROPOSE LAYOUT - ADD CORRIDOR TO NORTH
01	15 AUG 2017	ADD SUBSTITUTIONS ACCORDING TO ENGINEER'S RECOMMENDATIONS
01	23 AUG 2017	REVISE LAYOUT & STREET NAMES
01	12 SEP 2017	REVISE SECTION FROM WATERPOINT DRIVE TO PHASE 1 TO BE INDUSTRIAL/AGRICULTURE
01	2 OCT 2017	PHASE PORTION 174 DRAWN TO OPEN SPACE
02	20 FEB 2018	REVISE LAYOUT/STREET NAME SOME UNITS WITH PHASE 1 TO BE INDUSTRIAL/AGRICULTURE

LAND USE TABLE TOTALS (AMEND PHASES)

Basemap & Contours:  
GeoSurv Land Surveyors

## **Appendix B**

Copy of the environmental authorisation (Ref. No. E12/2/3/1-A1/432-0303/07)

Verwysing  
Reference  
Isalathiso

E12/2/3/1-A1/432-0303/07



Navrae  
Enquiries  
Imbuzo

MELANIE WEBBER

Datum  
Date of Issue  
Umhla

2009-10-15

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

The Director  
Rapitrade 382 (Pty) Ltd.  
Post Net Suite 225  
Private Bag X1  
VLAEBERG  
8018

**Attention: Mr R. Pietersen**

Tel : (021) 425 1515  
Fax: (021) 421 3969

Dear Sir

**APPLICATION: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 644, SCHAAPKRAAL, MITCHELL'S PLAIN, CAPE TOWN.**

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

#### **ENVIRONMENTAL AUTHORISATION**

##### **A. DESCRIPTION OF ACTIVITY:**

The proposal is for the development of an affordable housing development with associated infrastructure on Erf 644, Schaapkraal, Cape Town. The development area will be approximately 19 ha in size and will comprise:

- A maximum of 395 single residential erven (erven sizes are between 161 m<sup>2</sup> and 462 m<sup>2</sup> and cover an approximate 89 363 m<sup>2</sup>),
- Public open space (covering an approximate 6 309 m<sup>2</sup>),
- Public open space set aside for conservation area (covering an approximate 53 598 m<sup>2</sup>) (this incorporates the 20 m high Westridge dune running north-south along the eastern boundary of the site and includes a biodiversity corridor through the development which links the dune to the greater Phillippi area),
- Crèche facilities (462 m<sup>2</sup>), and
- Public streets (covering an approximate 42 605 m<sup>2</sup>).



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All services including water, electricity, solid waste, storm water and sewage will be connected to existing municipal infrastructure. Access to the development will be from Wespoort Road. Internal access roads will be designed and aligned in such a way that they feed into existing internal roads of adjacent developments. Three electrical substations will be constructed on site to aid the distribution of power. Stormwater attenuation ponds will form part of the storm water management system for the site. These ponds will be located in the Public Open Space areas, POS 346 and Remainder (1) (indicated on the Site Development Plan dated February 2008).

These are activities identified in Government Notice No. R386 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 with (i) an internal diameter of 0.36 metres or more; or (ii) a peak throughput of 120 litres per second or more,

Activity 1 (l): The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts,

Activity 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 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: The transformation of undeveloped, vacant or derelict land to establish infill development covering an area of 5 hectares or more, but less than 20 hectares, and

Activity 18: The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less,

hereinafter referred to as "the activities".

**B. LOCATION:**

The proposed residential development is located on the Farm Schaapkraal No. 644 which is situated on the corner of Weltevreden and Wespoort Roads in Mitchell's Plain, Cape Town;

co-ordinates of the site are:      34°    03'    10.38° South  
                                                 18°    35'    29.72° East

hereinafter referred to as "the site".

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**C. APPLICANT:**  
Rapidtrade 382 (Pty) Ltd.  
C/o Mr R. Pietersen  
Post Net Suite 225  
Private Bag X1  
VLAEBERG  
8018

Tel: (021) 425 1515  
Fax: (021) 421 3969

**D. CONSULTANT:**  
Anél Blignaut Environmental Consultants  
C/o Ms A. Blignaut  
PO Box 12268  
Die Boord  
STELLENBOSCH  
7613

Tel: (021)-887 9900  
Fax: 086 607 990

**E. SITE VISIT(S):**  
None

**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) and the Environmental Impact Assessment Regulations, 2006 the Department 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 B), (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.

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2.2. The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1, 20, 27, 28 and 32.

3. No surface or ground water may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
4. An integrated waste management approach must be used that is based on waste minimization and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of the relevant legislation.
5. The development layout must be in keeping with the Final Site Development Plan dated February 2008 contained in the Final Basic Assessment Report.
6. The biodiversity corridor running through the site that links the greater Philippi area with the Westridge dune, which has been created through the provision of Public Open Space as indicated on the site development plan dated February 2008, must be maintained and no development is to encroach on this area.
7. No buildings may be constructed at the toe of the dune.
8. All electricity and telephone cables must be laid underground.
9. The development must address, *inter alia*, water, energy and resource demand management and efficiency, ensuring that all devices and fittings are energy and water efficient in nature, including the following:
  - 9.1. all toilets must have interruptible flush mechanisms that allow for complete control over flushing by the user unless the cistern is supplied with a fitted weight (to interrupt the flow) or a hippo pack or any water replacement pack/device to reduce the amount of water lost in a single flush;
  - 9.2. all toilet cisterns must have a capacity of less than 9 litres;
  - 9.3. no automatic flush urinals are to be installed in any facilities;
  - 9.4. all taps used must include an aerator that reduces the flow of water by at least 30% or to 6 liters/minute, unless used solely to fill receptacles such as basins or water troughs;
  - 9.5. shower heads must be adjustable to reduce the water flow or have a built-in water restrictor/aerator that reduces the water flow to at least 10 litres/minute;
  - 9.6. energy saving light bulbs such as CFLs and LEDs must be installed instead of incandescent bulbs except where the quality of the light is not sufficient for high precision work and reading;
  - 9.7. where applicable, all outdoor lighting must be fitted with timers, automatic shut-off devices or photo-sensitive mechanisms to switch off the lights during daylight hours;
  - 9.8. rain water harvesting from the roofs; and
  - 9.9. where possible, the installation of solar water heaters and solar photovoltaic panels but where this is not possible the installation of geyser blankets.

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10. Dumping is not permitted on the property. All illegally dumped waste material on the site must be removed and disposed of at a licensed landfill site.
11. Alien vegetation must be removed from the site during construction at the expense of the developer.
12. The developer and the City of Cape Town ("the City") must compile a Memorandum of Understanding in which the City: Parks Department undertakes to declare the dune and associated corridor as a Local Authority Nature Reserve.
13. A financial contribution amounting to R1.2 million, to ensure the future maintenance of the conservation area, must be made to the Cape Town Environmental Education Trust (CTEET) as agreed to between the City of Cape Town and the developer (as documented in the final BAR dated 28 May 2009). These funds must be used to employ a conservation officer to manage the conservation area. The funds must be made available to the trust within 36 months of the developers commencing construction on site.
14. The entire conservation area must be palisade fenced as agreed to by the City of Cape Town and the developer. This includes the section of the dune area that currently belongs to the City. An access gate to the area must be provided.
15. Illegally dumped waste material within the conservation area must be removed to a licensed landfill site at the developer's expense.
16. The developer must contribute to security in the community by providing a security guard cubicle at the entrance to the site and associated equipment that is required for the guard to perform his/her duties effectively.
17. A landscape plan with a species list must be compiled by a suitably qualified botanist or horticulturalist with knowledge of the area and implemented for the development. Water-wise and locally indigenous species must be used.
18. The dune and other Public Open Space areas set aside for conservation, identified on the Final Site Development Plan dated February 2008, must be demarcated and declared as "No-Go" areas prior to the commencement of construction or site clearing activities. These "No-Go" areas must be avoided at all costs. Construction workers must be briefed about the demarcated "no-go" areas, the environmental sensitivity of the site and the need to minimise disturbance of the site.
19. All tortoises as well as any other animals encountered on site must be moved to undisturbed natural areas in the surrounds before the site is cleared. No wildlife may be harmed during the construction and operational phases of the development.
20. A search and rescue program must be undertaken prior to any land clearing and construction activities commencing on site. Transplantable species as well as any Red Data Book species identified on the site must be rescued and transplanted to areas set aside for conservation as well as reused on site for rehabilitation of open spaces and landscaped areas. An experienced horticulturalist must be contracted to do this work. Proof of appointment of this professional must be submitted to this Department prior to site clearing activities commencing.
21. All disturbed areas which fall within the proposed corridor and conservation/dune area must be rehabilitated with locally indigenous vegetation following

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completion of construction activities on site. Rehabilitation activities must be conducted in consultation with a suitably qualified botanist or horticulturist.

22. Kikuyu lawns are not permitted. Indigenous grass species such as Kweek and Buffalo grass must be used in gardens.
23. Employment must be sought from the local community as far as possible.
24. The stormwater system design for the development must comply with the City of Cape Town's specifications and guidelines pertaining to stormwater management.
25. Stormwater attenuation ponds must be provided in Public Open Space areas indicated as POS 346 and Remainder (1) on the Final Site Development Plan dated February 2008 according to the specifications of the City of Cape Town's Catchment, Stormwater, & River Management Branch.
26. 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. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
  - 26.1. 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.
  - 26.2. If any graves or unmarked human burials are discovered, they must be treated with respect and SAHRA must be notified immediately and 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.
27. The Environmental Management Plan ("EMP") contained in the Basic Assessment Report, dated May 2009, must be implemented.
  - 27.1. Where relevant the EMP must be amended to reflect the conditions of approval of this Environmental Authorisation.
  - 27.2. The EMP must be included in all the contract documentation for the construction phase of the development.
  - 27.3. This Directorate must be notified in writing of any proposed changes to the EMP due to additional information gained as a result of construction activities, and this Directorate must approve any proposed changes prior to implementation.
  - 27.4. The Environment Control Officer ("ECO") must notify this Directorate immediately of events or incidents that may cause significant environmental damage or breach the requirements of the EMP.
28. The applicant must appoint a suitably experienced ECO before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this



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Environmental Authorisation are implemented and to ensure compliance with the provisions of the EMP.

29. A Home Owners Association ("HOA") with a Constitution, which incorporates the conditions of the Environmental Authorisation, must be established, and must be responsible for all matters regarding the operational aspects of the development. The HOA must be responsible for the monitoring, maintenance, and management of all Public Open Space areas within the development (excluding those areas set aside for conservation which will be managed by the conservation officer). The prevention of litter and ongoing removal of alien invasive vegetation and illegally dumped waste material from these areas must form part of the responsibilities of the HOA.
30. ~~The holder of the authorisation must submit an Environmental Audit Report, ("audit report") to this Directorate within three (3) months after construction of bulk services has been completed.~~
  - 30.1. The audit report must indicate the date on which the construction of bulk services was completed, and detail compliance with the conditions of this authorisation.
  - 30.2. This Directorate may require remedial action should the audit report reflect that the EMP and the conditions of authorisation which are applicable at the time have not been complied with.
  - 30.3. If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
31. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:

The Director: Environmental Impact Management  
Department of Environmental Affairs and Tourism  
Private Bag X447  
Pretoria  
0001
32. The applicant must, in writing, **within 10 (ten) calendar days** of being notified of the Department's decision to authorise the activity (the date of "being notified" is deemed to be the date the notice of the Department's decision was sent) –
  - 32.1. Notify all registered interested and affected parties of the outcome of the application and the reasons for the decision; and –
  - 32.2. Specify the date on which the authorisation was issued.
  - 32.3. Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations.
  - 32.4. Advise all registered interested and affected parties that, should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, **within 10 days of being notified of the Department's decision** (the 10 day period available to registered interested and affected parties

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is deemed to only start 10 calendar days after the date of issue of the Department's decision) and must submit their appeal within 30 days of the lodging of their notice of intention to appeal.

32.5. Inform every interested and affected party that a prescribed Notice of Intention to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email [jedevill@pqwc.gov.za](mailto:jedevill@pqwc.gov.za) or URL <http://www.capegateway.gov.za/eadp>.

32.6. Inform all interested and affected parties that should they wish to appeal, the appellant must serve on the applicant, on the same day that the notice of intent is lodged with the Minister, a copy of the notice of intention to appeal form as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

32.7. If the applicant should decide to appeal, the applicant must –

32.7.1. lodge a notice of intention to appeal with the Minister, within 10 days of being notified of this decision (the date of "being notified" deemed to be the date the notice of the Department's decision was sent);

32.7.2. submit the appeal within 30 days of the lodging of the notice of intention to appeal; and

32.7.3. serve a copy of the notice of intention to appeal, on the same day that the notice of intent is lodged with the Minister, on all registered interested and affected parties as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

33. 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.

34. 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.

35. 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.

36. A copy of this authorisation must be kept at the property where 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 property.

37. 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.
38. 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.
39. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions imposed in this authorisation ~~must be made known to the new owner and/or developer and are binding on the new owner and/or developer.~~
40. 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.
41. The activity, which is authorised, may only be carried out at the property indicated above.
42. 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.
43. This activity must commence within a period of 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:**

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

- a) The information contained in the Application Form and Basic Assessment Report dated May 2009.
- b) All additional information submitted in the process.
- c) 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).
- d) The comments submitted by the interested and affected parties.
- e) Relevant information contained in the Departmental information base.

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of most significance are set out below.

**Planning Context**

The property concerned is located within the urban edge of the City of Cape Town and is considered infill development. The property was rezoned from Rural Zone to Subdivisional Area in 2002.

**Biodiversity Impacts**

The site supports Cape Flats Dune Strandveld which is an endangered vegetation type according to the National Spatial Biodiversity Assessment (2004). Although the vegetation is endangered, according to the botanical report, no unique taxa were found on the site. Plant species identified on site are formally protected in conservation areas to the east and west of the site. The most significant aspect of the site is the fact that it forms the only remaining natural corridor between the Montagu's Gift area to the west and the ecologically important Westridge dune system to the east of the property. As such, most of the site forms part of the City of Cape Town's Biodiversity Network. Given that endangered vegetation will be lost should the proposed development be implemented, CapeNature indicated that the proposed development will have negative impacts on biodiversity pattern and process of a high to very high significance. To compensate for the loss of vegetation on the site, various arrangements were discussed with the City of Cape Town. It is acknowledged that the site presents unique circumstances in that the natural areas on the site currently are not afforded any protection and, if left, will continue to become degraded due to illegal dumping, squatting, trampling and the real threat of the Westridge dune being mined. At least, through the implementation of the development, a corridor through the development will be maintained and protected and the sensitive dune area will be afforded protection, limiting further degradation of this area. The financial contribution which will be made by the developer into a trust fund held by the City, will enable the City to appoint a permanent conservation officer to manage the dune area and remaining natural vegetation on the site. According to CapeNature, provided the remaining conservation area is secured for conservation purposes, they will have no objection to the proposed development.

The implementation of various mitigation measures (contained as conditions in this Environmental Authorisation) will ensure that environmental impacts associated with the development will not be unacceptable.

**Services**

All services (sewerage, water supply, electricity supply, waste removal and stormwater) are readily available through connecting to the municipal infrastructure and the City of Cape Town has confirmed that sufficient capacity does exist to service the development.

**Social Impacts**

The proposed development serves to address the need for affordable housing in the City. A number of job opportunities will be made available through establishment of the residential development. These jobs will mostly be related to housekeeping, maintenance, gardening and security. The current security risk on the site has been identified as a medium to high impact in the EIA. The developer will contribute towards the security of the community by providing and supporting a security guard at the entrance to the residential development. The conservation area including the dune will be fenced and access controlled, which is also in the

interest of the local community as this area will no longer be able to be used as a vantage point for criminals.

### **Alternatives**

Various alternative layouts were proposed for the site including a site option which included commercial erven and apartments on the site. The size and placement of areas set aside for conservation on the site also differed in the alternative site plans. Through interactions with the City of Cape Town's Biodiversity Management component, a preferred layout was chosen that ensures that the best quality remaining natural vegetation on the site falls into areas set aside for conservation and which facilitates a biodiversity corridor area across the site which connects the Westridge Dune area to other natural areas in the greater Philippi area. The preferred layout (hereby approved) consists of only single residential units i.e. no apartments or commercial component is proposed and overall the development footprint is reduced and a greater area has been set aside for conservation.

The 'no-go' option is not considered a favourable option given the fact that the site is currently largely degraded being used as a thoroughfare by the local community to get to public transport as well as an illegal dumping ground. The safety of community members who make use of the site as a thoroughfare is further affected by criminals who currently use the dune area as a vantage point. The site is also under continued risk of squatters moving into the area. The remaining intact Cape Flats Dune Strandveld on the site and the Westridge Dune bordering the site currently are not under any formal conservation programme. These areas form part of the City's Biodiversity Network and as such are seen as priority areas for conservation. The implementation of the proposed development on the site does afford these areas formal protection and limits further degradation of these areas. Increased community safety on the site is also anticipated. The need for affordable housing in the area will also not be realised if the development does not go ahead.

### **Public Participation**

The public participation process entailed the following:

- Displaying a notice on the site from the 6<sup>th</sup> of September 2007,
- Making the draft Basic Assessment Report ("BAR") available for public inspection at the Westridge Public Library from the 12<sup>th</sup> of September 2007,
- Giving written notice to the owners and occupiers of adjacent properties and to owners and occupiers of land within a 100-m radius of the property on 06 September 2007,
- Giving written notice to the City of Cape Town, local ward councillor and local ratepayers association on 6 September 2007,
- Providing copies of the draft BAR to CapeNature, City of Cape Town Environmental Resource Management Department and Heritage Western Cape on the 21<sup>st</sup> of September 2007,
- The placement of an advertisement in the local newspaper, the *Plainsman*, in English and Afrikaans on the 13<sup>th</sup> of September 2007, and
- Registered Interested & Affected Parties were notified of the availability of the final BAR for comment on the 1<sup>st</sup> of April 2009 for a 45-day commenting period.

A number of meetings were held between the City of Cape Town, developers and consultants to come to an acceptable way forward with respect to the site development plan and a compromise position given the sensitivity of the site.

*WACJ*

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The City of Cape Town's Biodiversity Management Branch were integrally involved in influencing the final site development plan. Their final comment on the development proposal was that the environmental constraints for the site would be met through the negotiation process and workable conservation model. The issues raised by I&APs (as discussed in major issues raised above) have been adequately addressed in the process.

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 National Environmental Management Act, 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.

If the applicant should decide to appeal, the applicant must lodge a notice of intention to appeal with the Minister, within 10 days of being notified of this decision (the date of "being notified" deemed to be the date the notice of the Department's decision was sent, i.e. the date of issue), and serve a copy of the notice of intention to appeal, on the same day that the notice of intent is lodged with the Minister, on all registered interested and affected parties as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

Should any other person decide to appeal, the person must lodge a notice of intention to appeal with the Minister, within 10 days of being notified of the Department's decision (the 10 day period is deemed to only start 10 days after the date of issue of the Department's decision), and serve a copy of the notice of intention to appeal, on the same day that the notice of intent is lodged with the Minister, on the applicant as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

All appeals must be submitted, 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 Minister of Local Government, Environmental 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 B)*

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

A prescribed Notice of Intent to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email [jedevill@pqwc.gov.za](mailto:jedevill@pqwc.gov.za) or URL <http://www.capegateway.gov.za/eadp>.

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



**ANTHONY BARNES**  
**DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)**

DATE OF DECISION: 15/10/2009

CC: Ms A. Blignaut (Ané Blignaut Environmental Consultants) Fax: (086) 607 9900  
Mr Z. Mohammed (City of Cape Town) Fax: (021) 360 1113  
Mr D. Gibbs (City of Cape Town: Biodiversity Management Branch) Fax: (021) 706 2405

