



EIA REFERENCE NUMBER: 16/3/3/5/A4/5/3034/22
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000634/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 25 AUGUST 2022

The Municipal Manager
City of Cape Town
Housing Development Branch
Private Bag X16
KUILSRIVER
7579

For Attention: Mr. I. Q. Welman

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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 PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 16 NOVEMBER 2010 (REF. NO. E12/2/3/1-A4/53-0699/08) FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF 30297 (FORMERLY PORTION 31 OF FARM NO. 451), BARDALE, BLUE DOWNS.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the 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 decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 amended Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Ms. C. du Toit (The Environmental Partnership)
(2) Ms. A. van Wyk (City of Cape Town: ERM)
(3) Mr. A. Oosthuizen (DEA&DP: Development Facilitation)

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EIA REFERENCE NUMBER: 16/3/3/5/A4/5/3034/22

AMENDED ENVIRONMENTAL AUTHORISATION

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 PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 16 NOVEMBER 2010 (REF. NO. E12/2/3/1-A4/53-0699/08) FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF 30297 (FORMERLY PORTION 31 OF FARM NO. 451), BARDALE, BLUE DOWNS.

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 16 November 2010 (Ref. No. E12/2/3/1-A4/53-0699/08) for the proposed residential development on the Remainder of Erf 30297 (Formerly Portion 31 of Farm No. 451), Bardale, Blue Downs (attached as Appendix A).
2. An application for the non-substantive amendment of the EA (Ref. No. E12/2/3/1-A4/53-0699/08) for the transfer of rights from Great Force Investments 105 (Pty) Ltd to Corporate Aone Trade and Invest 5 (Pty) Ltd and for the extension of the validity period of the EA (Ref. No. E12/2/3/1-A4/53-0699/08) was received by the Department. An amended EA was issued by this Department on 30 October 2013 (Ref. No. 16/3/1/5/A4/5/1027/13) (attached as Appendix B).
3. An application for the non-substantive amendment of the EA (Ref. No. Ref. No. E12/2/3/1-A4/53-0699/08) for the transfer of rights from Corporate Aone Trade and Invest 5 (Pty) Ltd to the City of Cape Town: Human Settlements Urbanisation – Informal Settlements, the amendment to the layout plan (i.e. Layout Alternative 1) and for the extension of the validity period of the EA (Ref. No. E12/2/3/1-A4/53-0699/08), was received by this Department. An amended EA was issued by this Department on 03 November 2015 (Ref. No. 16/3/3/5/A4/5/3016/15) (attached as Appendix C).
4. An application for the non-substantive amendment of the EA (Ref. No. E12/2/3/1-A4/53-0699/08) for a change in property details, the details of the applicant, the amendment to the layout plan and for the extension of the validity period of the EA (Ref. No. E12/2/3/1-A4/53-0699/08), was received by this Department. An amended EA was issued by this Department on 08 December 2020 (Ref. No. 16/3/3/5/A4/5/3045/20) (attached as Appendix D).
5. An application for an amendment of the EA (Ref. No. E12/2/3/1-A4/53-0699/08) in terms of Part 1 of NEMA EIA Regulations, 2014 (as amended) was received by the Department on 04 July 2022. The amendment application is for the amendment to the layout plan of the EA (Ref. No. E12/2/3/1-A4/53-0699/08) to reduce the number of residential erven to accommodate an additional access point and avoid gum trees along Klipfontein Road.

B. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (as amended), the Department hereby **grants** the amendment of the Environmental Authorisation ("EA") issued by this Department on 16 November 2010 (Ref. No. E12/2/3/1-A4/53-0699/08) in terms of Part 1 of the EIA Regulations, 2014 (as amended). The EA (Ref. No. E12/2/3/1-A4/53-0699/08) is amended as set out below:

1. Section A. DESCRIPTION OF ACTIVITY and Layout Alternative 1 (Preferred Alternative) of the EA (Ref. No. E12/2/3/1-A4/53-0699/08), which reads:

"The development entails the establishment of a residential development and associated infrastructure on Remainder Erf 30297 (formerly Portion 31 of Farm No. 451), Bardale, Blue Downs. The development will be in accordance with the revised layout plan (dated 05 August 2020) (Attached as Appendix D)".

is herewith amended as follows:

"The development entails the establishment of a residential development and associated infrastructure on Remainder Erf 30297 (formerly Portion 31 of Farm No. 451), Bardale, Blue Downs. The development will be in accordance with the revised layout plan (dated 14 June 2021) (Attached as Appendix E)".

2. Please find herewith attached copies of the following documents:
 - 2.1. The EA issued by this Department on 16 November 2010 (Ref. No. E12/2/3/1-A4/53-0699/08) (attached as Appendix A);
 - 2.2. The amended EA issued by this Department on 30 October 2013 (Ref. No. 16/3/1/5/A4/5/1027/13) (attached as Appendix B);
 - 2.3. The amended EA issued by this Department on 03 November 2015 (Ref. No. 16/3/3/5/A4/5/3016/15) (attached as Appendix C);
 - 2.4. The amended EA issued by this Department on 08 December 2020 (Ref. No. 16/3/3/5/A4/5/3045/20) (attached as Appendix D); and
 - 2.5. The revised layout plan dated 14 June 2021 (attached as Appendix E).

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 for the amendment dated 01 July 2022 and received by this Department on 04 July 2022 and the additional information received by this Directorate on 19 July 2022.
2. The application is for the non-substantive amendment to the layout plan of the proposed site. A Part 1 amendment process in terms of the NEMA EIA Regulations, 2014 (as amended) was considered due to the following:
 - 2.1. Although the proposed amendment will result in a change to the scope of the EA (Ref. No. E12/2/3/1-A4/53-0699/08), the proposed amendment will not result in an increased level or change in the nature of the impact.

- 2.2. The proposed amendment will lead to a reduction of erven especially along Klipfontein Road, where some of the erven will be resized to accommodate appropriate access that would not affect the gum trees along the road.
- 2.3. The revised Site Development Plan (dated 25 June 2021) has been approved by the City of Cape Town (Case Number: 70513072) in terms of the planning policies applicable to the area.
3. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
4. All other conditions of the EA issued on 16 November 2010 (Ref. No. E12/2/3/1-A4/53-0699/08) and the subsequent amended EA's issued on 30 October 2013 (Ref. No. 16/3/1/5/A4/5/1027/13), 03 November 2015 (Ref. No. 16/3/3/5/A4/5/3016/15) and 08 December 2020 (Ref. No. 16/3/3/5/A4/5/3045/20) remain unchanged and applicable.
5. The EA (Ref. No. E12/2/3/1-A4/53-0699/08) and the subsequent amended EA's (Ref. No. 16/3/1/5/A4/5/1027/13, Ref. No. 16/3/3/5/A4/5/3016/15 and Ref. No. 16/3/3/5/A4/5/3045/20) is valid until 16 November 2025. If commencement of the activities does not occur within that period, the authorisation lapses and new application for environmental authorisation must be made in order for the activities to be undertaken.

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 associated with the access to the site. The said notice must also include proof of compliance with Condition 1 described in Section C of this Amended Environmental Authorisation.

3. All other conditions of the EA issued on 16 November 2010 (Ref. No. E12/2/3/1-A4/53-0699/08), the amended EA's issued on 30 October 2013 (Ref. No. 16/3/1/5/A4/5/1027/13), 03 November 2015 (Ref. No. 16/3/3/5/A4/5/3016/15) and 08 December 2020 (Ref. No. 16/3/3/5/A4/5/3045/20) remain unchanged and applicable.

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 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: 25 August 2022

Copies to: (1) Ms. C. du Toit (The Environmental Partnership)
(2) Ms. A. van Wyk (City of Cape Town: ERM)
(3) Mr. A. Oosthuizen (DEA&DP: Development Facilitation)

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Email: azanne.vanwyk@capetown.gov.za
Email: andre.oosthuizen@westerncape.gov.za

APPENDIX A

A copy of the Environmental Authorisation issued by this Department on 16 November 2010 (Ref. No. E12/2/3/1-A4/53-0699/08).

APPENDIX B

A copy of the amended Environmental Authorisation issued by this Department on 30 October 2013 (Ref. No. 16/3/1/5/A4/5/1027/13).

APPENDIX C

A copy of the amended Environmental Authorisation issued by this Department on 03 November 2015 (Ref. No. 16/3/3/5/A4/5/3016/15).

APPENDIX D

A copy of the amended Environmental Authorisation issued by this Department on 08 December 2020
(Ref. No.16/3/3/5/A4/5/3045/20)

APPENDIX E

Revised layout plan (dated 14 June 2021)