



EIA REFERENCE NUMBER: 16/3/3/5/A4/5/3037/22
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000637/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 04 October 2022

The Director
City of Cape Town
Housing Implementation
Somerset West Municipal Building
Corner Victoria Street and Andries Pretorius Street
SOMERSET WEST
7130

For Attention: Mr. R. Rughubar

Tel: (021) 400 9325

Email: Rayan.Rughubar@capetown.gov.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 25 AUGUST 2020 (REF. NO. 16/3/3/2/A4/5/3027/19) FOR THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE BLUEBERRY HILL HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 1901 (WHICH INCLUDES UNREGISTERED ERVEN 5015, 5424, 7635, THE REMAINDER OF ERF 7636, ERVEN 18065 – 18093, 18097, 18112-18123, 18128 – 18151, THE REMAINDER OF ERF 18152 AND ERVEN 18153-18201), 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) Mr. A. Oosthuizen (DEA&DP: Development Facilitation Unit)
(2) Ms. M. van Zyl (City of Cape Town: ERM)
(3) Ms. S. van Jaarsveld (City of Cape Town: Human Settlements)

Email: Andre.Oosthuizen@westerncape.gov.za

Email: Magdalena.vanzyl@capetown.gov.za

Email: Sanmarie.Vanjaarsveld@capetown.gov.za



EIA REFERENCE NUMBER: 16/3/3/5/A4/5/3037/22

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 25 AUGUST 2020 (REF. NO. 16/3/3/2/A4/5/3027/19) FOR THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE BLUEBERRY HILL HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 1901 (WHICH INCLUDES UNREGISTERED ERVEN 5015, 5424, 7635, THE REMAINDER OF ERF 7636, ERVEN 18065 – 18093, 18097, 18112-18123, 18128 – 18151, THE REMAINDER OF ERF 18152 AND ERVEN 18153-18201), BLUE DOWNS.

With reference to your application, find below the amendment to the Environmental Authorisation in respect of this application.

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (as amended), the Department hereby **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 25 August 2020 (Ref. No. 16/3/3/2/A4/5/3027/19) in terms of Part 1 of the EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/3/2/A4/5/3027/19) is amended as set out below:

1. All reference to "4150 residential units" is **hereby replaced with** "3789 residential units".
2. The authorised site development plan (as contained in Annexure 3 of the EA (Ref. No. 16/3/3/2/A4/5/3027/19) and dated 08 July 2019) **is hereby replaced with** the revised site development plan (dated 02 November 2021).

B. 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 and received by this Department on 07 July 2022, the electronic mail correspondences from an official of City of Cape Town received by this Directorate on 11 July 2022 and 18 July 2022, the meeting between officials of the City of Cape Town and officials of this Department held on 03 August 2022, the correspondence dated and received by this Directorate on 10 August 2022, the correspondence dated and received by this Directorate on 30 August 2022, and the additional information dated and received by this Directorate on 16 September 2022.
2. The application is for amendment to the EA (Ref. No. 16/3/3/2/A4/5/3027/19) is considered as a Part 1 amendment in terms of the NEMA EIA Regulations, 2014 (as amended) due to the following:

- 2.1. The application for amendment is for the reduction in the total number of residential opportunities from 4150 to 3789.
- 2.2. The reduction in the total number of residential opportunities is as a result of the correspondence issued by the National Department of Human Settlements (dated 30 September 2020) to limit the development of top structures in housing developments.
- 2.3. Although the proposed amendment will result in a change to the scope of a valid EA, the proposed amendment will not result in an increase in the level or nature of the impact.
- 2.4. Minor changes to the approved EMPr (dated January 2020) will be required. However, the minor changes will not entail an amendment to the impact management outcomes of the approved EMPr.
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 amended EA issued on 25 August 2020 (Ref. No. 16/3/3/2/A4/5/3027/19) remain unchanged and applicable.

C. 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. The updated EMPr must be submitted to the Competent Authority for record purposes.
3. All other conditions contained in the EA issued on 25 August 2020 (Ref. No. 16/3/3/2/A4/5/3027/19) remain unchanged and in force.

D. 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>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this 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: 04 October 2022

Copies to: (1) Mr. A. Oosthuizen (DEA&DP: Development Facilitation Unit)
(2) Ms. M. van Zyl (City of Cape Town: ERM)
(3) Ms. S. van Jaarsveld (City of Cape Town: Human Settlements)

Email: Andre.Oosthuizen@westerncape.gov.za
Email: Magdalena.vanzyl@capetown.gov.za
Email: Sanmarie.Vanjaarsveld@capetown.gov.za

ANNEXURE A

A copy of the Environmental Authorisation issued by this Department on 25 August 2020 (Ref. No. 16/3/3/2/A4/5/3027/19).

ANNEXURE B

The amended site development plan dated 02 November 2021.