



REFERENCE: 16/3/3/1/A8/74/3016/23
NEAS REFERENCE: WCP/EIA/0001253/2023
DATE: 13 October 2023

The Board of Directors
Bardale Village Development (Pty) Ltd.
2 Rustoff Street
KUILS RIVER
7580

Attention: Mr. Charles Witbooi

Cell: 082 563 2867

Email: charles@bardalevillage.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INFILLING OF WETLANDS AND AMENDMENT OF AN EXISTING ENVIRONMENTAL AUTHORISATION (REFERENCE NO.: E12/2/3/2/-A4/46-0455/07): PHASE 5 AND 6 OF THE BARDALE VILLAGE DEVELOPMENT ON THE REMAINDER OF ERF NO. 20733 AND ERF 7584, KUILS RIVER.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copied to:

- 1) Shanathi Chetty (Braaf Environmental Practitioners SA (Pty) Ltd)
- 2) Charlene Dickson-Paulsen (City of CT: ERM)

E-mail: shanathi@braafsa.com

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REFERENCE: 16/3/3/1/A8/74/3016/23

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INFILLING OF WETLANDS AND AMENDMENT OF AN EXISTING ENVIRONMENTAL AUTHORISATION (REFERENCE NO.: E12/2/3/2/-A4/46-0455/07): PHASE 5 AND 6 OF THE BARDALE VILLAGE DEVELOPMENT ON THE REMAINDER OF ERF NO. 20733 AND 7584, KUILS RIVER.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

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 ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated 6 June 2023.

In terms of Regulation 25(4) of the EIA Regulations, 2014 (as amended), the competent authority herewith **replaces** the existing valid Environmental Authorisation issued on 4 June 2010 (Reference No: E12/2/3/2-A4/46-0455/07), to include the proposed amendments to Phase 5 and Phase 6 on Erven 20733 and 7584, within the authorised project description of the authorised Bardale Village development on Erven 20733 and 7854, Kuils River.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
Bardale Village Development (Pty) Ltd.
% Mr. Charles Witbooi
2 Rustoff Street
KUILS RIVER
7580

E-mail: charles@bardalevillage.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITIES AUTHORISED

The following listed activities were authorised in the Environmental Authorisation issued on 4 June 2010:

Government Notice No. R.386 of 21 April 2006:

Activity 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 metre 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 Number 16(b):

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

Government Notice No. R.387 of 21 April 2006:

Activity Number 2:

Any development, including associated structure and infrastructure, where the total developed areas is or is intended to be, 20 hectares or more.

The following listed activities are authorised for Phase 5 and Phase 6:

Listed activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p>The development of—</p> <ul style="list-style-type: none"> i. dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or ii. infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> a) within a watercourse; b) in front of a development setback; or c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; 	<p>The development will result in the construction of infrastructure of more than 100m² within and within 32 metres of a wetland.</p>

<p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Activity Number: 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>a) will occur behind a development setback;</p> <p>b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The development will result in the infilling of any material of more than 10 cubic metres of a wetland on site.</p>

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development:

Due to the proposed amendments of Phase 5 and Phase 6 of Bardale Village Development, certain aspects of the authorised Phase 5 and Phase 6, will no longer be applicable. The description of the authorised development issued on 4 June 2010 is herewith **replaced**, as follows:

The proposal entails infilling of wetlands as part of Phase 5 and 6 of the Bardale Village Development on the Remainder of Erf No. 27033, Kuils River.

The development of a residential and commercial development, public facilities and associated infrastructure on the Remainder of Erf No. 27033 and Erf No. 7584, Kuils River consisting of the following phases:

- Phase 3: Residential units (approximately 7.82ha);
- Phase 4: Residential units and commercial hub (approximately 16.07ha);
- Phase 5: Approximately 301 Residential units, approximately 288 Group Housing units and a commercial centre as General Business 1 measuring approximately 1,2786 ha, with a Gross Lettable Space of 3789m²;
- Phase 6: Approximately 146 Residential units and approximately 56 Group Housing units;
- Phase 7: Residential dwellings, commercial component and access to station (5.64ha); and
- Phase 8: 2 High Schools and 1 Primary School.

The current access to the western portion of the site is via a T-junction on Nooiensfontein Road, and via Ferngrove Drive towards Phase 6. The development includes an internal road network and the upgrade of a number of roads to accommodate the proposed development.

C. SITE DESCRIPTION AND LOCATION

The proposed Phases 5 and 6 of the Bardale Village Development will take place on the Remainder of Erf 20733 and Erf 7584, Kuils River.

The site co-ordinates:

Phase 5- Bardale Village Development			
Latitude (S)	33°	58'	3.23"
Longitude (E)	18°	40'	38.00"
Phase 6- Bardale Village Development			
Latitude (S)	33°	58'	4.95"
Longitude (E)	18°	40'	53.45"

The SG digit code:

Remainder of Erf No. 27033,	C06700240002073300000
Erf No. 7584	C06700240000758400000

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Braaf Environmental Practitioners SA (Pty) Ltd
 % Ms. Shanthy Chetty
 P. O. Box 235
DURBANVILLE
 7551

Cell.: 079 499 4743
 E-mail: shanthy@braafsa.com / info@braafsa.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 6 June 2023 on the site as described in Section C above.
2. Authorisation for the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
- (b) A period of ten (**10**) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.

4. The authorised activities must only be carried out at the site described in Section C above in terms of the approved “Environmental Management Programme” (“EMPr”).
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1. notify all registered Interested and Affected Parties of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date of issue of the decision;
 - 6.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4. provide the registered Interested and Affected Parties with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,

- 6.4.4. telephonic and fax details of the holder,
- 6.4.5. e-mail address, if any;
- 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

- 7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activities, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

- 9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activities

- 10. The draft EMPr (received on 27 June 2023) submitted as part of the application for Environmental Authorisation is herewith approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

- 14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.
- 15. The ECO must–

- 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
- 15.2. ensure compliance with the EMPr and the conditions contained herein;
- 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 15.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
- 15.5. provide the competent authority with copies of the ECO reports monthly and within 30 days of the project being finalised.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid-
 - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit an audit report within six (6) months after completion of the construction period; and
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit report must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must –

- 17.1. provide verifiable findings, in a structured and systematic manner, on-
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 17.2. identify and assess any new impacts and risks as a result of undertaking the activities;
- 17.3. evaluate the effectiveness of the EMPr;
- 17.4. identify shortcomings in the EMPr;
- 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 17.6. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development;
- 17.7. include a photographic record of the site applicable to the audit; and
- 17.8. be informed by the ECO reports.
18. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

19. The Landscaping Plan as approved by the City of Cape Town, must be implemented.
20. A line of trees along Nooiensfontein Road must be planted to enhance the aesthetic value of the development.
21. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

22. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
23. Water must be used wisely during all phases of the development. Non-potable water must be used as far as possible for construction related activities during the development phase and alternative methods to save water must be implemented. In addition, all taps are to be fitted with flow reduction devices and aerators that reduce the flow of water.
24. The development must incorporate energy saving measures which include, *inter alia*, the following:
 - 24.1. Use of energy efficient lamps and light fittings. Replacement bulbs must also be of the low energy consumptions type.
25. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
 - 1.1. Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -

- 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 Interested and Affected Parties, 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 Interested and Affected Parties -

- a) Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

- b) Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, 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 Interested and Affected Party 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 and the responding statement must be submitted to the address listed below:

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 Marius Venter (Tel.: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. 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 future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 13 OCTOBER 2023

Copied to:

- 1) Shanthi Chetty (Braaf Environmental Practitioners SA (Pty) Ltd)
- 2) Charlene Dickson-Paulsen (City of CT: ERM)

E-mail: shanthi@braafsa.com

E-mail: charlene.dicksonpaulsen@capetown.gov.za


FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A8/74/3016/23

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ANNEXURE 1: LOCALITY MAP



BARDALE VILLAGE DEVELOPMENT	
BARDALE VILLAGE DEVELOPMENT (PTY) LTD	
<p>Legend</p> <ul style="list-style-type: none"> Phase 3 Phase 4 Phases_5_6 Phase 7 Phase 8 Erven RE 20733 and 7584 Roads 	
Locality Map	
Checked by: GA	A3
Authorised by: OB	
P.O. Box 235 Durbanville 7551 www.braafsa.com	
	

ANNEXURE 2: SITE DEVELOPMENT PLAN

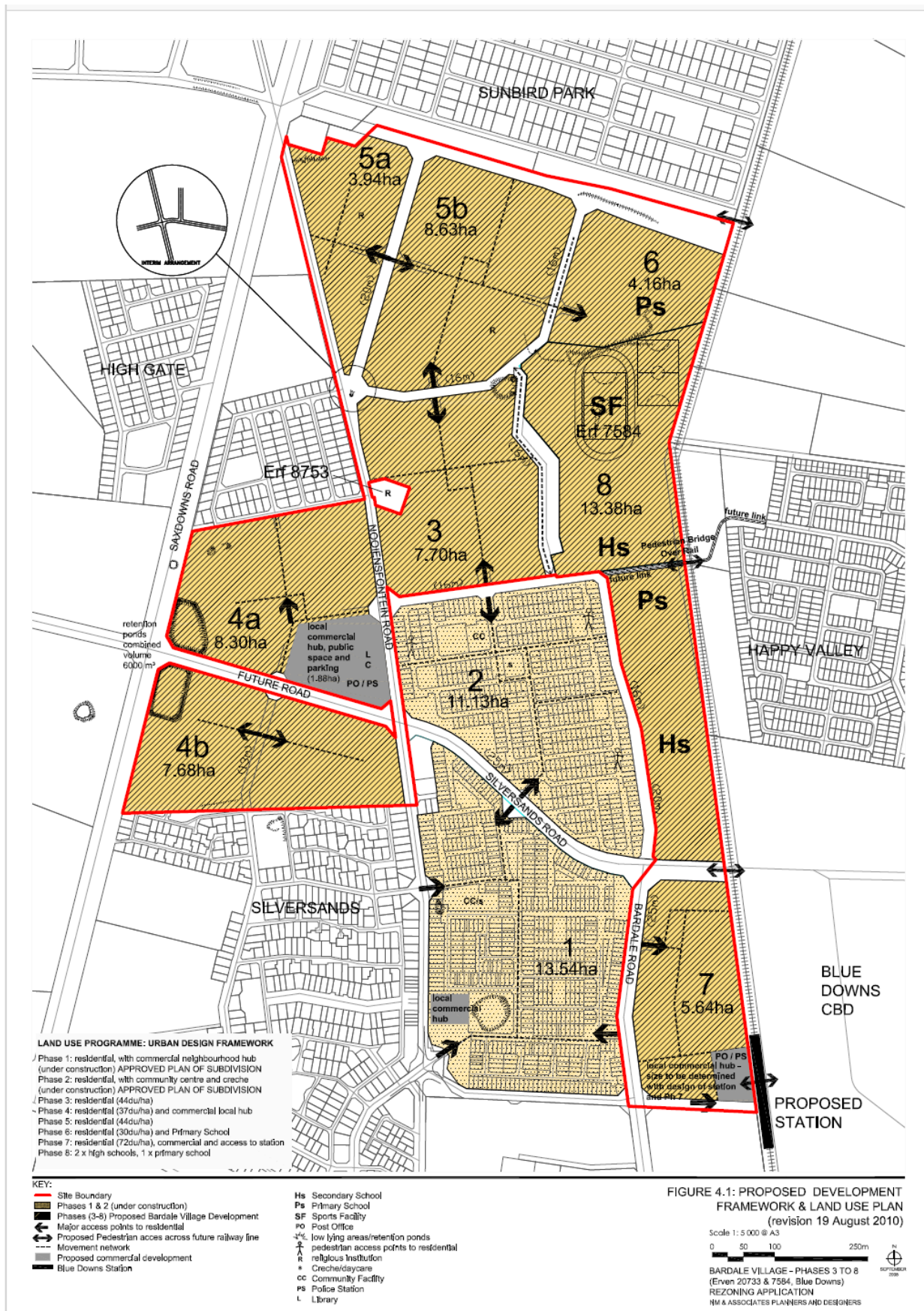


Figure 1: Conceptual Masterplan as approved in the original EA issued 4 June 2010.

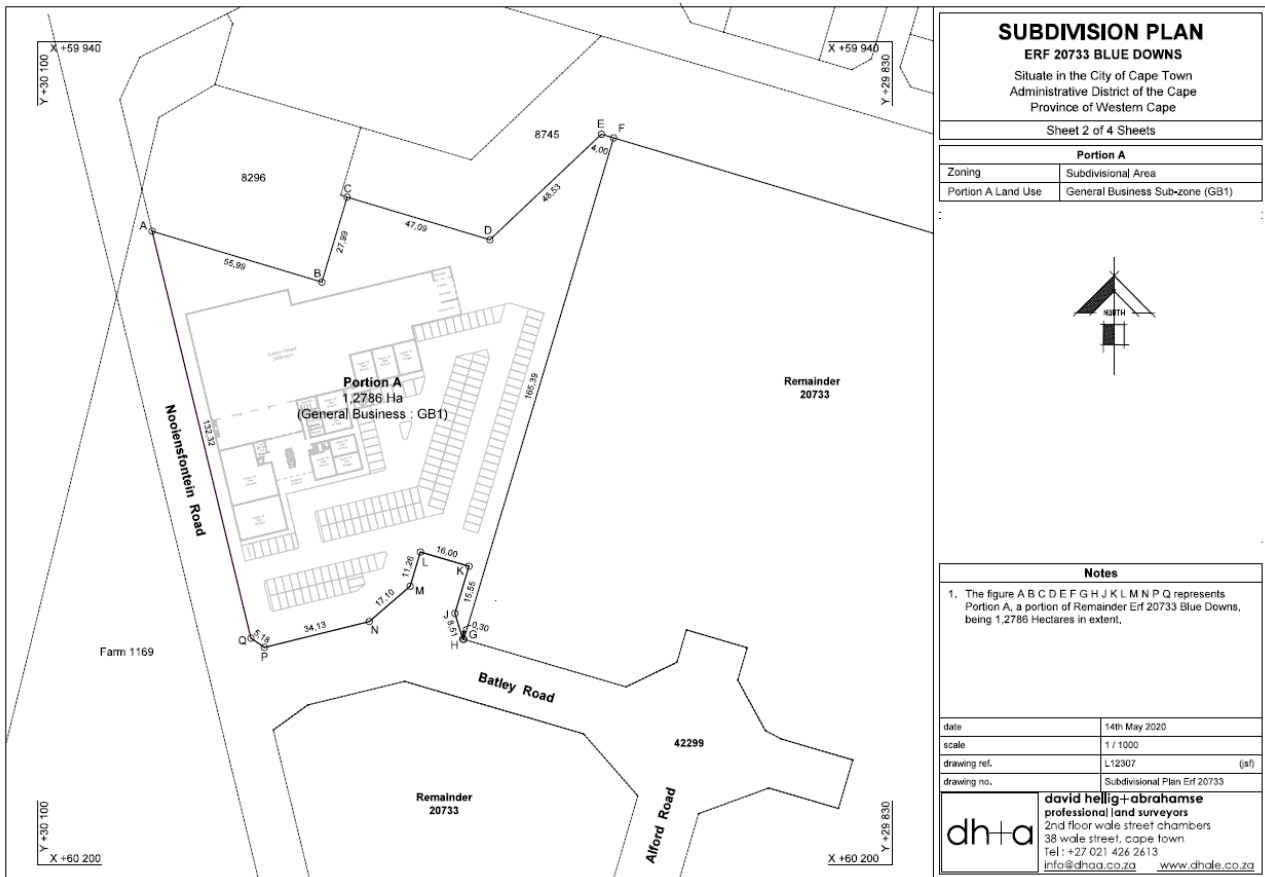


Figure 2: Conceptual Masterplan of Phase 5 of the Bardale Village Development.

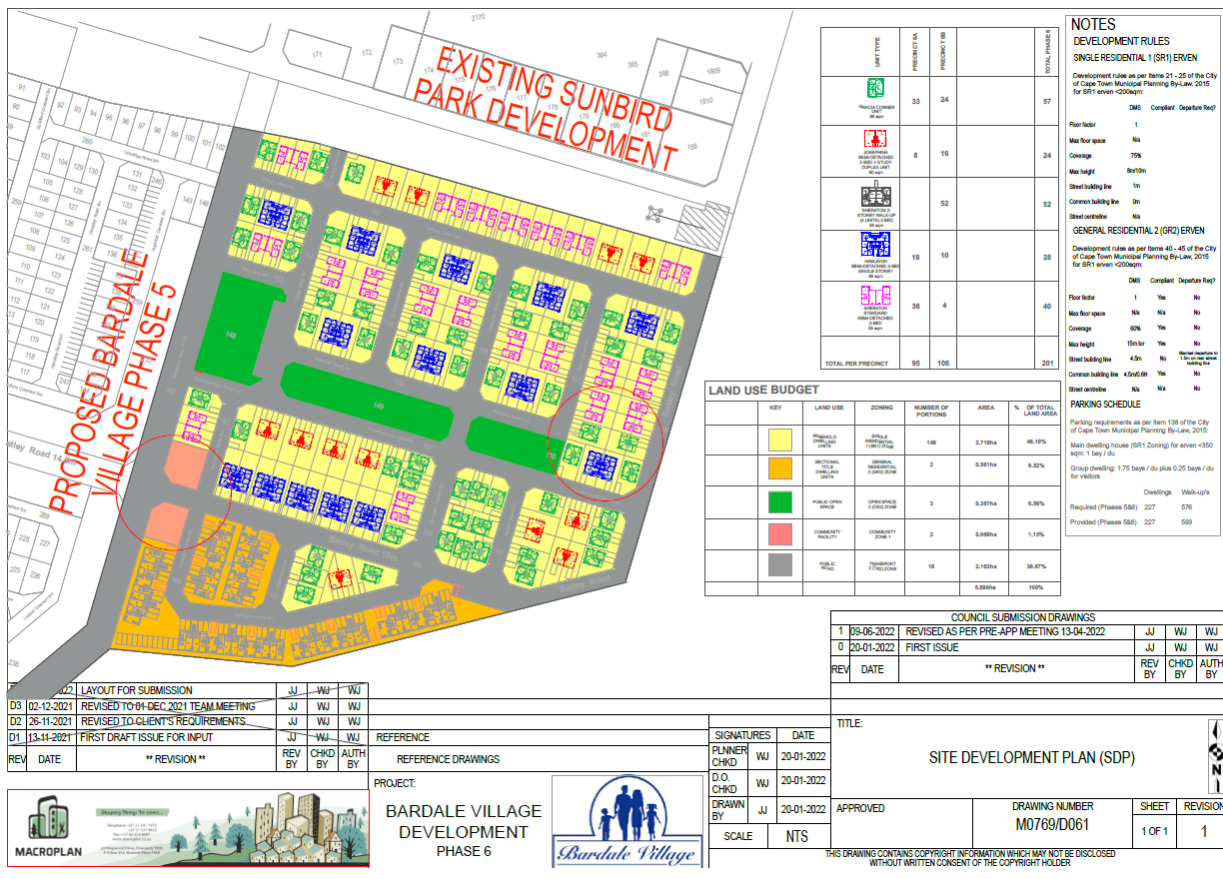


Figure 3: Conceptual Masterplan of Phase 6 of the Bardale Village Development.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in, the Application Form received on 29 March 2023, the Draft BAR received on 31 March 2023 and the draft EMPr submitted together with the Final BAR received on 27 June 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated 6 June 2023.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with Interested and Affected Parties;
- notification letters to all potential and registered Interested and Affected Parties including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the draft BAR;
- fixing notices at the site where the listed activities will be undertaken;
- the placing of a newspaper advertisement in the "Tygerburger" on 5 April 2023;
- the placing of the draft BAR on the Environmental Assessment Practitioner's website for public review;
- the distribution of the draft BAR to Interested and Affected Parties for public review and comment from 31 March 2023 to 4 May 2023.

Responses to the comments raised during the public participation process were included in the BAR and comments and responses report. This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements.

2. Alternatives

Activity Alternatives

Environmental Authorisation has already been approved for Phases 3-8 of the Bardale Village Development the Remainder of Erf No. 27033 and 7584 in Kuils River. No other activity alternatives were considered as the proposed development of Phases 5 and 6 of Bardale Village Development is aligned with the surrounding land uses.

Preferred alternative-herewith authorised:

The proposal entails infilling of wetlands as part of Phase 5 and 6 of the Bardale Village Development on the Remainder of Erf No. 27033, Kuils River.

The development of a residential and commercial development, public facilities and associated infrastructure on the Remainder of Erf No. 27033 and Erf No. 7584, Kuils River consisting of the following phases:

- Phase 3: Residential units (approximately 7.82ha);
- Phase 4: Residential units and commercial hub (approximately 16.07ha);
- Phase 5: Approximately 301 Residential units, approximately 288 Group Housing units and a commercial centre as General Business 1 measuring approximately 1,2786 ha, with a Gross Lettable Space of 3789m²;
- Phase 6: Approximately 146 Residential units and approximately 56 Group Housing units;
- Phase 7: Residential dwellings, commercial component and access to station (5.64ha); and
- Phase 8: 2 High Schools and 1 Primary School.

This alternative is deemed as preferred, as there is a shortage of commercial centres near the developments in the Silversands area. It is important that shops and other retail or service providers be available to people and be conveniently located to minimise transportation costs and stimulate economic growth and employment within the local area. The existing commercial centres will not be able to cater for the scale of this development in its totality and the surrounding developing areas.

Regarding the amendment relating to Phase 6, the existing Environmental Authorisation allows for the development of 2 High Schools and 1 Primary School to be developed, as part of Precinct 8. The Silversands High School and Happy Valley Primary School have already been developed as part of Precinct 8. The applicant is of the view that upon completion the development will have 2 high schools and 1 primary school, which is sufficient to cater for the larger development area.

"No-Go" Alternative (Rejected)

Phases 5 and 6 forms part of an approved development which received Environmental Authorisation on 4 June 2010. Phases 5 and 6 falls within an area comprised of wetlands which cannot be avoided. The development will result in the restoration of the wetlands on site through improved stormwater function. This alternative is not preferred as it will not address the demand for residential needs of the community and the receiving environment. Since the proposed development will not result in any high negative impacts, the "no-go" alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability and Planning Context

An Environmental Authorisation (Reference Number: E12/2/3/2-A4/46-0455/07) was issued by this Department to Integrated Housing Development (Pty) Ltd on 4 June 2010. This application includes the amendment of the holder of the Environmental Authorisation. The Environmental Authorisation was issued for the Bardale Village phased development on Erven 20733 and 7584, Kuils River. The development comprises residential, commercial, and institutional use through the various phases namely phase 3-8. The proposed Phases 5 and 6 will occur on approximately 20.45 ha of the site and falls within an area comprised of wetlands.

At the time of the previous Environmental Impact Assessment process, wetland zones were broadly identified over Phases 5-8, with more detailed assessment over Phases 3-4. A recommendation was made that a more detailed assessment be undertaken for the remaining phases. The proponent, now Bardale Village Development (Pty) Ltd has thus embarked on complying with this recommendation by initiating this basic assessment process, which includes a detailed assessment of any wetlands that may exist on the phases they now wish to develop, namely, Phases 5 and 6. The wetlands on Phases 5 and 6 were not identified and, as such, not included. The associated listed activities were not included in the application form to the Department at the time and therefore has not been authorised.

Although the proposal will entail the infilling of wetlands, the site is located within the urban inner core as described in the City of Cape Town's Municipal Spatial Development Framework ("MSDF"). The Western Cape Provincial Spatial Development Framework highlights the need to provide

affordable housing and the City of Cape Town MSDF is committed to address the existing imbalance in the distribution of different housing typologies. Bardale Village already contains an overarching land use approval and Environmental Authorisation for a mixed-use development and the intention is to continue developing Erven R27033 and 7584 in line with the high level conceptual plan, which was approved in 2010, but will include amendments to the uses to be contained in Phase 5 to include a commercial centre and residential uses and for phase 6 to comprise only residential units.

The Khayelitsha, Mitchells Plain, Greater Blue Downs District Plan which includes the Blue Downs area, incorporates an Environmental Management Framework which describes the permitted developments within each environmental zone. The proposed infilling the wetlands in Phases 5 and 6 will not occur within the hydrological, coastal and dune, conservation and biodiversity priority, and the natural conservation resources zone. As such, the proposed infilling of wetlands and/or development in proximity of a wetland in Phase 5 and 6 is not in contravention of the District Plan or its Environmental Management Framework.

The Bardale Village Development is thus, aligned with the relevant planning policies. The development will provide increased housing opportunities and aims to enhance the stormwater function of the surrounding area and improve the current wetland habitat condition which is highly degraded and transformed. The site is degraded, and it is of low local and regional conservation value and suitable for development. There are no threatened ecosystems on the site. The site largely degraded with an existing environmental authorisation permitting urban use and is not included in the Biodiversity Network as terrestrial priority. The development thereof will not impact on any conservation targets.

3.2 Botanical Impacts

Historically, the vegetation on site would have been described as Cape Flats Sand Fynbos and Swartland Shale Renosterveld. According to the National Environmental Management: Biodiversity Act (Act 10 of 2004) List of Threatened Ecosystems in Need of Protection (dated 2022), both ecosystems are classified critically endangered. However, no evidence of this vegetation remains on the site.

3.3 Freshwater Impacts

Based on the findings of the Aquatic/Wetlands Specialist Report dated 2 January 2022, compiled by Earl Herdien, the site is transformed and highly degraded due to the past and current urban development pressures. Ground truthing of the site has confirmed that there are no significant wetland seeps located on site. The specialist notes that the overall ecological condition of the landscape, in respect to wetland or aquatic ecology, is regarded to be in a very limited ecological state and is strongly associated with stormwater management.

Since the wetlands located in phases 5 and 6 are proposed to be infilled, stormwater detention ponds/retention ponds will be developed as additional stormwater management interventions. Therefore, this will counterbalance the infilling of the wetlands and will contribute to retaining and improving on the functional value of the wetlands. Stormwater runoff from the proposed development will be routed to the internal and external streets. Runoff from minor storm events - i.e. with return period of up to 2 years for the residential areas and up to 5 years for the commercial zone - will be collected via kerb inlets and routed via underground pipes to the proposed bio-retention pond or the existing box culvert. The collected runoff from the eastern portion of the site will be attenuated in the bio-retention pond and discharged northwards via a proposed 375mm stormwater pipe in Nooiensfontein Road. The bio-retention pond will formalise the existing low area adjacent to Nooiensfontein Road. It will operate as a dual-purpose treatment/detention facility that will attenuate runoff from the site and enable it to be discharged into the existing infrastructure at a controlled rate. The detention pond will be sized to accommodate post-development runoff from storm events with return period of up to 50 years.

The bio-retention area will be planted with appropriate vegetation to filter runoff from the proposed development. During low-order storm events (i.e. with return period of less than half a

year), it will act as a bio-swale. Catchpits at the proposed commercial centre will be designed with grit and litter traps to limit pollutants entering the formal stormwater system.

A Stormwater Management Plan ("SMP") dated June 2020 was compiled by JG Afrika (Pty) Ltd, which notes that currently, stormwater drains via failing drainage paths to a shallow depression on the eastern side of Nooiensfontein Road. The SMP provides recommendations to improve stormwater management and enhance the ecological function of the receiving environment. The specialists and the correspondence from the City of Cape Town's Bulk Services: Catchment, Stormwater and River Management Directorate dated 9 June 2022 supports the proposed development and the recommendations made in the SMP. A Water Use Licence Application has been submitted to the Department of Water and Sanitation in terms of the National Water Act, 1998 (Act No. 36 of 1998) and the DWS has confirmed that an application for a General Authorisation should be submitted instead.

3.4 Heritage impacts

The potential impacts on heritage resources are low, and the likelihood of archeological material being found during earthworks is low. A Notice of Intent to Develop in terms of Section 38 (8) of the National Heritage Resources Act, 1999 was submitted to Heritage Western Cape ("HWC"). In HWC's correspondence dated 29 July 2022, it is confirmed that there is no reason to believe the proposed Phases 5 and 6 of the Bardale Village Development will impact on heritage resources and no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

3.5 Traffic impacts

Based on the findings of the Site Traffic Assessment for Phases 5 and 6 of the Bardale Village Development dated 16 March 2022, as compiled by Motion Consulting Engineers, there is an existing Service Level Agreement in place for the internal and external road network surrounding the proposed development that can accommodate the proposed development with minor amendments. According to the Site Traffic Assessment Report, the potential traffic impacts associated with the Bardale Village Development on the existing road network can be mitigated using intersection upgrades including short turning lanes, signalisation, and roundabout conversions.

Furthermore, the proposed development is in close proximity to transport routes and will have sufficient access to public transport. Due to the nature and scale of the proposed development, mitigation measures related to on site and off-street parking have been recommended by the transport engineers. These recommendations have been included in the EMPr for implementation.

3.6 Service Capacity

The relevant departments within the City of Cape Town have confirmed that there is sufficient unallocated capacity to accommodate the proposed development.

3.7 Dust and noise impacts

The EMPr includes dust and noise impact management actions that will be implemented in order to minimise potential impacts.

The development will result in negative and positive impacts.

Negative impacts:

- Loss of wetlands through infilling, and
- Dust and noise impacts during construction.

Positive impacts:

- The proposed development intends to provide service infrastructure in the form of additional housing and service infrastructure for the local community;
- Improved stormwater management system; and
- Employment opportunities.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated 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 listed activities can be mitigated to acceptable levels.

You are reminded of your 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."*

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