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Reference
Isalathiso E12/2/3/1-A4/272-0456/07

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Enquiries
Imibuzo Marbé Herbst

Datum
Date 2008 -10- 9
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Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEbe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso



Shining Oaks Investment 7cc
Suite 158 Postnet
Private Bag X23
PAROW
7499

Attention: Mr Mac Mukadam/ Dr A.W. Barday

Tel: (021) 931 2000
Fax: (021) 931 2001

Dear Sir

APPLICATION: THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON FARMS 517, 517/1, 518, 518/1, 521/4, 522/3, 522/4, 530, 533 AND 1388, KUILS RIVER.

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

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The proposed development entails the establishment of medium-cost housing, consisting of:

- 550 single dwelling units;
- Two places of worship;
- One business premises,
- A crèche or clinic, and
- Roads and bulk services.

These are the activities identified in Government Notice No. R. 386 of 21 April 2006, being:

Activity 1k: The construction of facilities or infrastructure, including associated structures of infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with – (a) An internal diameter of 0,36 metres or more; or (b) A peak throughput of 120 litres per second or more,

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Activity 1m: The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including – (iii) bridges;

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,

Activity 16: The transformation of undeveloped, vacant or derelict land to – (b) Residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectares,

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

hereinafter referred to as “the activity”.

B. LOCATION:

The proposed development is to be located on Farms 521/4, 522/3, 522/4, 517, 517/1, 518, 518/1, 1388, 530 and 533, Kuils River.

Co-ordinates: South 33° 56' 49.15" Latitude
East 18° 40' 06.17" Longitude

hereinafter referred to as “the property”.

C. APPLICANT:

Shining Oaks Investment 7 cc
% Mr Mac Mukadam/ Dr AW Barday
Suite 158 Postnet
Private Bag X23
PAROW
7499

Tel: (021) 931 2000

Fax: (021) 931 2001

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Sillito Environmental Consulting (SEC)
% Fabio Venturi/ Adrian Sillito
PO Box 30134
TOKAI
7966

Tel: (021) 712 5060

Fax: (021) 712 5061

E. SITE VISIT(S):

No site visit was conducted. The information submitted in the application documentation (i.e. photographs and maps of the site) together with relevant information contained in the Departmental information base, was considered

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sufficient to provide adequate information on the nature of the receiving environment.

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified above.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2006 the competent authority hereby authorises the activity described above.

The granting of this environmental authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 ("twenty") days after having received this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above, and
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 5, 11 and 12.
3. All building material/rubble must be removed upon completion of construction activities.
4. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
5. The final layout plans must be approved by the City of Cape Town.
6. No surface or ground water may be polluted due to any activity on the property/site.
7. The recommendations/comments, as stipulated in the Freshwater Assessment must be implemented and complied with (Appendix A).
8. Water saving devices and technologies (e.g. dual flush toilets, low-flow shower heads and taps, etc) must be used and a water demand management and water conservation plan must be prepared and implemented for the proposed development and be included in the Environmental Management Plan. This water demand management and conservation plan must include, but not be limited to: the capture and use of rainwater from gutters and roofs; use of locally indigenous vegetation during landscaping; drip irrigation systems; and the training of staff to implement good housekeeping techniques.

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- 9 Energy saving devices and technologies must be used and an energy management plan must be prepared and included in the Environmental Management Plan and implemented for the proposed development. The energy saving devices and technologies must include, but not be limited to:
 - 9.1 Air-conditioning: the use of solar glazing, energy efficient windows and insulation to reduce the need for air-conditioning;
 - 9.2 Lighting: the use of natural light wherever possible during the day in preference to artificial light; the use of low voltage or compact fluorescent lights instead of incandescent globes; and
 - 9.3 Heating: maximise the use of solar heating; geyser blankets, geyser timers; and roof insulation in the roofing superstructures.
10. 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 ("HWC") (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 10.1 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, and
 - 10.2 If any graves or unmarked human burials are discovered, they must be treated with respect and South African Heritage Resources Association ("SAHRA") must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
11. The Environmental Management Plan submitted as part of the application for authorisation is accepted and must be implemented.
12. The holder of the authorisation must appoint a suitably experienced Environment Control Officer ("ECO") (or Site Agent where appropriate) for the Construction Phase of the development before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the Environmental Management Plan for the Construction Phase.
13. 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) –
 - 13.1 Specify the date on which the authorisation was issued;
 - 13.2 Inform all registered Interested and Affected Parties ("I&AP's") of the appeal procedure provided for in Chapter 7 of the NEMA regulations;

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- 13.3 Advise all registered I&AP's that, should they wish to appeal that they must lodge a Notice of Intention to Appeal with the Minister, within 10 days of being notified of the Department's decision (the 10 day period available to registered I&AP's 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;
- 13.4 Inform every Interested and Affected Party that a prescribed Notice of Intention to Appeal Form and Appeal Form are obtainable from the Minister's office at tell: (021) 483 3721, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp>;
- 13.5 Inform all I&AP's 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 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, and
- 13.6 If the applicant should decide to appeal, the applicant must –
 - 13.6.1 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);
 - 13.6.2 submit the appeal within 30 days of lodging the Notice of Intention to Appeal; and
 - 13.6.3 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 I&AP's 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.
14. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.
15. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
16. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
17. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of

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the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

18. Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.
19. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
20. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. 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.
21. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
22. The activity which is authorised may only be carried out at the property indicated above.
23. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
24. This activity must commence within a period of two (2) 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 ("BAR") dated 21 April 2008, as compiled by Fabio Venturi/ Adrian Sillito from SEC, and the additional information as received on 23 July 2008, and
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA, 1998 (Act No. 107 of 1998).

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 the most significance is set out below.

Need and Desirability

The development will provide additional housing at a market level that is accessible to the medium-income bracket. The inclusion of places of worship will assist in creating a sense of community and in the generation of social structures.

The provision of important services will also contribute to the strengthening of the community and social structures. The aim of the development is to improve the

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aesthetics of the area with an architectural design that is complementing to the area.

Affected Environment

The site is relatively flat with a shallow water table and seasonally wet soils. An artificial wetland is present and though it has limited conservation value, it is to be retained and/or modified to form a potentially valuable component of the future storm water management plan.

The vegetation on site is completely transformed and very few indigenous plants species were found. No significant biophysical impacts are anticipated, as there appears to be no conservation worthy biophysical elements on the site.

Alternatives

The following **technology alternatives** have been identified:

- Lighting efficiency alternative:

The use of compact florescent light bulbs (CFL's) instead of standard tungsten light bulbs. CFL's are preferred as it will relieve the service provider in terms of electricity capacity constraints currently experienced across the country.

- Heating and cooling efficiency alternative:

- Residential geysers

Installation of energy efficient geyser blankets, solar heater water geysers and/or geyser times will be installed instead of conventional hot water geysers. This is preferred as it will relieve the service provider in terms of electricity constraints currently experienced across the country.

- Roof installation:

Installation of roof insulation instead of the residential units being without insulation. This is preferred as it will reduce the energy requirements for heating and cooling of the residential units. This option will also relieve the service provider in terms of electricity capacity constraints currently experienced across the country.

- Water efficiency alternative:

The development of the residential units will include technologies for rainwater harvesting, as well as the implementation of drip irrigation technologies, as it saves up to 90% of irrigated water. These measures will save a significant amount of water in terms of municipal supply.

All buildings on site will implement water saving devices such as dual flush cisterns in residential units. This is preferred as the amount of water to be utilised is less than the standard flush cisterns. Auto-stop taps will be implemented in public spaces where appropriate. This is preferred as it will save a significant amount of water.

Public Participation

The Public Participation Process ("PPP") undertaken comprised of the following:

- Advertisements were placed in English and Afrikaans in the Kuils River Edition of the Tygerburger to inform all I&AP's of the proposed development on 23 August 2007;

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- Notices in English and Afrikaans were erected on the site and in public places in Blackheath;
- Registered letters including a copy of a Background Information Document were given to all adjacent owners within 100 metres from the boundary of the application site, as well as all relevant organs of state; and
- Notices were made available for a second time in English and Afrikaans, to all adjacent owners within 100 metres from the boundary of the application site, as well as all relevant organs of state, due to a revised development footprint. The availability of the Draft BAR was also indicated in these notices.

At the end of the commenting period no objections were received.

Authorities Consulted

The following authorities commented and have no objection to the proposed development:

- Heritage Western Cape,
- The Department of Water Affairs and Forestry,
- CapeNature, and
- City of Cape Town.

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 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.

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All appeals must be submitted, within 30 days of the lodging of the Notice of Intent to Appeal, by means of one of the following methods:

By post: Western Cape Minister of Local Government, Environmental Affairs and
Development Planning
Development
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 3rd floor Leeusig Building (Attention: Jaap de Villiers)
4 Leeuwen Street
Cape Town
8001

A prescribed Notice of Intent to Appeal Form and Appeal Form are obtainable from the Minister's office at tell: 021 483 3721, email jedevill@pgwc.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.



AYUB MOHAMED
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: _____

CC: (1) F Venturi/ A Sillito (Sillito Environmental Consulting)
(2) J Loots (City of Cape Town)

Fax: (021) 712 5061
Fax: (021) 900 1786

Appendix A

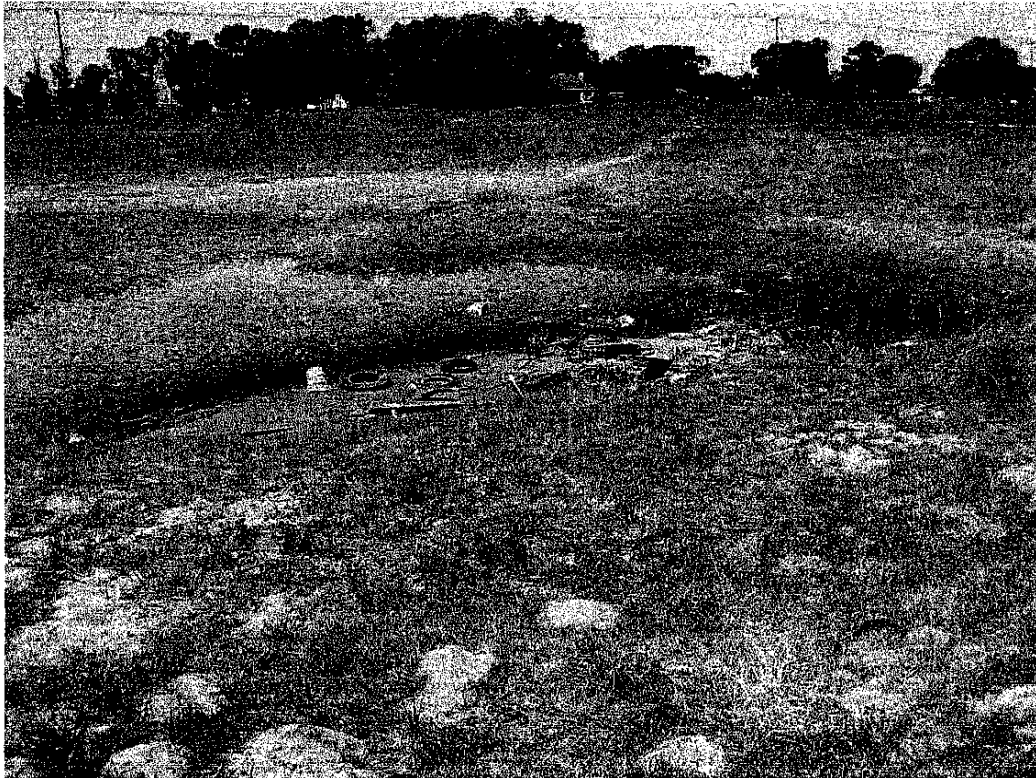


Figure 7: Excavated hole in Area D.

5. CONCLUSIONS

The only area with any semblance of wetland character on the Kuils River Farms site is the reeded-depression to the south-east. This, currently, has limited conservation value but should be retained and/or modified to form a potentially-valuable component of the future stormwater management plan. In the absence of any developed riparian fringe alongside the river, the integration of sediment trapping wetlands between developments and the riverine environment is to be strongly encouraged.

With respect to provision for the recommended riparian buffer, this has been allowed for in the development planning. Infilling of the property, provided that same does not conflict with the City of Cape Town's published flood management guidelines, or negatively alter the hydraulics of the river, is deemed to be acceptable.