



REFERENCE: 16/3/3/6/A4/41/3162/25

DATE: 05 November 2025

The Director
PHS Consulting
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For Attention: Mr. Paul Slabbert

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Dear Sir

ACKNOWLEDGEMENT OF RECEIPT AND CONFIRMATION OF THE PROCESS TO BE FOLLOWED IN TERMS OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED) FOR PROPOSED AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 28 OCTOBER 2011 (REFERENCE NO.: E12/2/4/2-A1/297-3018/11) AND AMENDED ON 07 APRIL 2022 (REFERENCE NO.: 16/3/3/5/A4/41/3009/22 (A)) FOR THE MONT CLAIR MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 776, MANDALAY.

1. The meeting between the applicant, Mandalay SH Project (Pty) Ltd., PHS Consulting and officials of this Directorate held on 20 August 2025, and the correspondence and supporting documentation from PHS Consulting dated 03 September 2025 and received by this Directorate via electronic mail correspondence on 04 September 2025, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned documents and to confirm the way forward for the proposed amendment to the Environmental Authorisation issued by this Department on 28 October 2011 (Reference No.: E12/2/4/2-A1/297-3018/11) and as amended on 07 April 2022 (Reference No.: 16/3/3/5/A4/41/3009/22 (A)).
3. Based on the information received, the following is noted:
 - 3.1. An Environmental Authorisation ("EA") (Reference No.: E12/2/4/2-A1/297-3018/11) for the proposed Mont Clair mixed-use development and associated infrastructure on Erf 776, Mandalay was issued by this Department on 28 October 2011.
 - 3.2. On 07 April 2022, the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) was split and the rights and obligations of the EA (Reference No.: E12/2/4/2-A1/297-3018/11) was transferred to three (3) separate EA holders viz. 16/3/3/5/A4/41/3009/22 (A), 16/3/3/5/A4/41/3009/22 (B) and 16/3/3/5/A4/41/3009/22 (C) and changes to the project description were effected.
 - 3.3. The proposed amendment to the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) relates to the amended EA issued by this Department to Communicare (Pty) Ltd on 07 April 2022 (Reference No.: 16/3/3/5/A4/41/3009/22 (A)). The project description (as authorised on 07 April 2022) states:

"The portion of the authorised development applicable to this amended EA pertains to the Remaining Extent of Erf 2939, Erf 2941 and Erf 3547 (Subdivided from Erf 776), Mandalay as follows:

- Approximately 413 single residential erven, with a total footprint of approximately 78 626m²;
 - 2 blocks of 3 storey apartments containing approximately 521 units with a total footprint of approximately 54 882m²;
 - 1 commercial zone Erf consisting of shops and / or offices with a total footprint of approximately 8217m²;
 - 3 private Open Spaces with a total footprint of approximately 9 458m²;
 - 2 public Open Spaces with a total footprint of approximately 23 098m²;
 - Internal roads with a total footprint of approximately 53 818m²; and
 - Associated infrastructure."
- 3.4. The proposed amendment to the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) entails, *inter alia*, the following:
- 3.4.1. A transfer of rights and obligations of the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)) relating to Erven 3303 and 3304, Mandalay (previously subdivided from Erf 776, Mandalay) from Communicare (Pty) Ltd to Mandalay SH Project (Pty) Ltd.
- 3.4.2. A change in the scope of the Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)) to allow for an increase in density of apartments from 521 units to 770 units, retail space, creche and associated infrastructure on Erven 3303 and 3304, Mandalay.
- 3.5. It is the intention of Mandalay SH Project (Pty) Ltd to construct a boundary wall, services and road infrastructure in accordance with the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)) in agreement with the current EA holder until such time that the rights and obligations of the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)) pertaining to Erven 3303 and 3304, Mandalay have been transferred.
- 3.6. Current status of the site:
- 3.6.1. Construction activities commenced on site in 2013, and the site was cleared of indigenous vegetation.
- 3.6.2. By 2018, wetland 7 had been piped and closed, roads were constructed, and services and walls were completed.
- 3.6.3. The designated wetland "no-go areas" are confined to subdivided and zoned open spaces and a section of wetland 7 has already been piped. The full extent of Erven 3303 and 3304 may be developed "wall to wall".
- 3.6.4. Erven 3303 and 3304 have been levelled, cleared and partly serviced. The total extent is approximately 4.9882ha.
- 3.6.5. Erven 3303 and 3304 have been consolidated and approved by the City of Cape Town on 05 November 2024 in terms of the relevant planning legislation. In addition the site development plan for the aforementioned erven has also been approved by the City of Cape Town on 05 November 2024.
- 3.6.6. The current EA holder developed 416 single residential erven instead of the 413 residential erven (as authorised).

- 3.7. The Environmental Assessment Practitioner is of the opinion that the proposed amendment can be undertaken in terms of a Part 1 amendment process due to the following:
 - 3.7.1. Erven 3303 and 3304 have already obtained approval for the consolidation of the aforementioned erven and the site development plan.
 - 3.7.2. No environmental constraints are on site as the site has been previously cleared and contains no indigenous vegetation or wetlands.
 - 3.7.3. The increase in density and the additional retail space and creche was considered as part of the planning process.
 - 3.7.4. Public participation in terms of the planning approval process was undertaken.
 - 3.7.5. The proposed amendment on its own does not trigger a listed activity.
 - 3.7.6. There is no increase in the level or nature of the impacts.
4. In terms of the proposed amendment to the EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)), please note the following:
 - 4.1. The proposed amendment to original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)) will constitute a Part 2 amendment process due to the following:
 - 4.1.1. The proposed amendment will change the scope of the valid original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)).
 - 4.1.2. The proposed amendment will result in an increase in the level or change in the nature of the impact where such level or change in the nature of impact was not assessed in the initial application for environmental authorisation. In this instance the increase is from:
 - 4.1.2.1. From 512 units to 770 units and the addition of a creche and retail space.
 - 4.1.2.2. From 2 blocks of 3-storey apartments to 14 blocks of 4-storey apartments.
 - 4.2. Although public participation was undertaken as part of the planning process to obtain the relevant planning approvals, the proposed amendment must be considered in terms of the requirements of the NEMA EIA Regulations, 2014 (as amended). The relevant planning approvals does not absolve the applicant from having to meet the requirements of all other statutory approvals that are required.
5. Based on the information with respect to the current status of the site and based on this Departments records, it appears that the current EA holder may be non-compliant with the conditions of the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)). As such, the EA holder will be requested to appoint an independent auditor to conduct an environmental audit of the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)) and to submit an Environmental Audit Report to this Directorate for consideration.
 - 5.1. Condition 8 of the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) reads as follows:
 - “8. The following conditions, inter alia, regarding the wetlands on site must be implemented in accordance with a “Maintenance Management Plan”:
 - 8.1. The Maintenance Management Plan must:

- 8.1.1. *be approved by this Department prior to the commencement of any construction activities;*
- 8.1.2. *be drawn up with input from a suitably qualified and experienced wetland specialist;*
- 8.1.3. *define "Wetland 3" as part of the proposed private Open Space;*
- 8.1.4. *define the partially piped "Wetland 7" as part of the private Open Space; and*
- 8.1.5. *define a riparian buffer zone of approximately 30m for the wetlands to be conserved.*

8.2. *"Wetland 3" and the partially piped "Wetland 7" identified above, including the buffer areas, must be identified as "No-Go" areas before the commencement of construction activities:*

- 8.2.1. *no development must occur in the "No-Go" areas;*
- 8.2.2. *the "No-Go" areas must be zoned and used as private Open Space;*
- 8.2.3. *the "No-Go" areas must be clearly demarcated before commencement of any construction activities;*
- 8.2.4. *no construction activities must be allowed in the "No-Go" areas;*
- 8.2.5. *all rubbish in the "No-Go" areas must be removed during the construction phase and a final clean-up must be done after construction has been completed; and*
- 8.2.6. *the "No-Go" areas must form an integral part of the proposed development.*
- 8.2.7. *The maintenance of the "No-Go" areas, and the public Open Spaces, during the operational phase, must remain the responsibility of the applicant unless a contractual agreement states otherwise."*

5.2. Based on the information provided, the EAP indicated that no wetlands are located on the consolidated Erven 3303 and 3304, Mandalay.

- 6. Further note that in light of Mandalay SH Project (Pty) Ltd.'s intention to commence with construction activities, you are advised that construction activities may not commence on the newly consolidated Erf (previously Erven 3303 and 3304, Mandalay) until such time that compliance with conditions of the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) has been ascertained and the proposed amendment to the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and been completed.
- 7. Should the applicant wish to amend the original EA (Reference No.: E12/2/4/2-A1/297-3018/11) and Amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 (A)), an application for amendment must be submitted to the Competent Authority for consideration.
- 8. A meeting will be arranged to discuss the proposed amendment in due course.
- 9. Please note that the proponent must comply with any other statutory requirements applicable to the undertaking of the activity.
- 10. It is prohibited in terms of Section 24F of the NEMA for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. Failure to comply in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

11. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

pp **MR. ZAAHIR TOEFY**

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copied to:

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