



REFERENCE: 14/1/1/E1/4/6/4/0971/26

ENQUIRIES: Fundiswa Zingitwa-Lwana

BY EMAIL:

GM: Property Development and Investment tmashologu@Communicare.org.za

Communicare (Pty) Ltd.

P.O. Box 259

CAPE TOWN

8000

For Attention: Mr Thabo Mashologu

Dear Sir

RE: PRE-COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) IN RESPECT OF ALLEGED NON-COMPLIANCE WITH CONDITIONS OF AN EA FOR MONT CLAIR MIXED DEVELOPMENT ON ERVEN 3303 AND 3304 (SUBDIVIDED FROM ERF 776), MANDALAY

1. I refer to the following:

- 1.1 The Department's Pre-Compliance Notice dated 29 April 2026;
- 1.2 Your email correspondence dated 05 May 2026, wherein you requested an extension of **fourteen (14) working days** to submit written representations in response to the above-mentioned Pre- Compliance Notice.
- 1.3 This Directorate's subsequent email dated 07 May 2026, in terms of which an extension was granted until 27 May 2026; and
- 1.4 The representations submitted on 27 May 2026 by Mr Paul Slabbert, Environmental Assessment Practitioner (EAP), together with the associated appendices, namely:
 - 1.4.1 Water Quality Report dated 14 April 2017;

- 1.4.2 Wetland Offset Report dated March 2015;
- 1.4.3 Water Use Licence dated 18 August 2015; and
- 1.4.4 City of Cape Town Stormwater email correspondence dated 20 May 2026.

2. The Department's Directorate: Environmental Law Enforcement (D: ELE), in consultation with the Directorate: Development Management (D:DM) and Sub- Directorate: Rectifications, has reviewed the representations submitted by your appointed Environmental Assessment Practitioner, Mr Paul Slabbert of PHS Consulting, together with the supporting documentation, and respond as follows:

2.1 The Department notes that PHS Consulting has been duly appointed by both Communicare NPC in its capacity as the current Environmental Authorisation (EA holder) and IHS Social Housing Company SA (Pty) Ltd through its subsidiary Mandalay Social Housing Company (Pty) Ltd being the current registered landowner, to submit the representation.

2.2 It is further noted that both the EA holder and the landowner have expressed a commitment to finalising and implementing a Maintenance Management Plan (MMP), while maintaining the position that rehabilitation, as a singular remedial intervention, is neither technically feasible nor environmentally appropriate.

3. Notwithstanding the above, and after due consideration of the representations submitted, including the substantiated grounds advanced against rehabilitation, the Department has resolved to proceed with the issuance of a Compliance Notice.

4. The Compliance Notice will, inter alia, afford you an opportunity to submit a voluntary application in terms of Section 24G of the NEMA. Furthermore, the Compliance Notice serves to hold you accountable for implementing and complying with the recommendations and corrective measures prescribed by your Environmental Assessment Practitioner.

5. The Department emphasises that non-compliance with the conditions of an Environmental Authorisation, including any amended Environmental Authorisation, constitutes an offence in terms of NEMA. Such non-compliance remains separate and distinct from the Section 24G administrative process and will be addressed accordingly.

6. In this regard, it is required that a Maintenance Management Plan (MMP), compiled by a suitably qualified freshwater specialist, be submitted to the Department as part of any Section 24G application.
7. Failure to comply with the provisions of the Compliance Notice will result in this matter being formally referred to the Sub-Directorate: Criminal Investigation (CI) component for further action, including the initiation of a criminal investigation.
8. Please note that the Department has duly considered the alternative option of submitting a Part 2 Amendment application to the existing Environmental Authorisation to regularise the current site layout. However, this option is not supported by the Department.
9. Please be informed that the Department reserves the right to review the above-mentioned comments, should additional information come to light.
10. Please contact Ms Fundiswa Zingitwa-Lwana on 021 483 2028 or Fundiswa.Zingitwa-Lwana@westerncape.gov.za should you have any further queries in this regard.
11. Your cooperation in this regard will be highly appreciated.



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Director: Environmental Law Enforcement
Grade 1 Environmental Management Inspector

CC:

(1) Mr Graham Kusano	IHS	Email: gkusano@ihsinvestments.co.za
(2) Mr Zarier Emeran	Asrin	Email: zemeran@asrin.co.za
(3) Mr Ishmail Essa	Asrin	Email: iessa@asrin.co.za
(4) Mr Martin Witbooi	CCT	Email: Martin.Witbooi@capetown.gov.za
(5) Mr Paul Slabbert	PHS Consulting	Email: paul@phsconsulting.co.za
(6) Mr Eldon van Boom	D:DM	Email: Eldon.vanBoom@westerncape.gov.za
(7) Ms Taryn Dreyer	D:DM	Email: Taryn.Dreyer@westerncape.gov.za