Western Cape Government

Department of Environmental Affairs and Development Planning
Fundiswa Zingitwa-Lwana
Directorate: Environmental Law Enforcement
Fundiswa.Zingitwa-Lwana@westerncape.gov.za Tel: 021 483 2028

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

COMPLIANCE NOTICE

Dear Sir

COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 107 OF 1998

1. The Department's Pre-Compliance Notice dated 29 April 2026, the representation received from your appointed Environmental Assessment Practitioner (EAP), PHS Consulting Environmental, Heritage, Eco-Tourism and Land-Use, dated 27 May 2026 and the Section 24G application Project Schedule (PS) dated 18 August 2026, has reference.

2. Having considered the evidence before me, and the fact that you have decided to apply for the rectification of the unlawful commencement of a listed activity in terms of section 24G of the NEMA, I, Achmad Bassier, in my capacity as an Environmental

Management Inspector Grade 1, hereby issues Mr Thabo Mashologu, of Communicare (Pty) Ltd. with a Compliance Notice in terms of section 31L of the National Environmental Management Act, 1998 ("NEMA").

3. This Compliance Notice relates to the non-compliance with the provisions of section 24F of the NEMA and serves to hold you responsible to comply with the aforesaid project schedule.

Details of conduct constituting non-compliance

4. During an investigation into allegations of non-compliance with an Environmental Authorisation ("EA") (E12/2/4/2-A1/297-3018/11) and amended EA (Reference No.: 16/3/3/5/A4/41/3009/22 A) conditions, a site inspection was conducted at Erven 3303 and 3304, Mandalay, by an Environmental Management Inspector from the Department's Directorate: Environmental Law Enforcement on 07 April 2026 and it was confirmed that you have not complied with conditions of your EA and amended EA.

5. As such, you are hereby instructed to:

   Adhere to the section 24G project schedule and specified timeframes as received on 18 August 2026 (attached hereto) and confirm such in writing **within 7 (seven) calendar days** of receipt of this Compliance Notice.

6. Approval of the section 24G application by the Department does not remedy the unlawful commencement of the above activities, which remain unlawful in terms of section 49A(1) (a) and/or (d) of the NEMA, until such time that environmental authorization is granted.

7. Notwithstanding the section 24G application, the Department may commence criminal proceedings should circumstances so require.

8. Please inform the Department of any delays/changes in respect of the section 24G PS on the following details; Ms Zaidah Toefy (Head of Sub-Directorate: Rectification) email: Zaidah.Toefy@westerncape.gov.za **and** Fundiswa Zingitwa-Lwana

(Directorate: Environmental Law Enforcement) email: Fundiswa.Zingitwa-Lwana@westerncape.gov.za .

Varying this Compliance Notice

9. If you would like me to vary this Compliance Notice or extend the period to which it relates, you may make representations to me, in writing, to do so.

Failure to comply with this Compliance Notice (section 31N of the NEMA) and related offences in terms of the NEMA

10. In terms of section 49A(1)(a) of the NEMA it is an offence to commence a listed activity without environmental authorisation. A person convicted of such an offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

11. Furthermore, failure to comply with a Compliance Notice is an offence in terms of section 49A(1)(k). A person convicted of such an offence is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

12. Any non-compliance with the Compliance Notice must be reported to the Minister, who may:

    12.1 revoke any permit or authorisation to which this Compliance Notice relates; and/or

    12.2 take any steps necessary to ensure compliance with the provisions of the law, permit or authorisation to which this Compliance Notice relates and recover from you the cost of doing so.

Procedure for lodging an objection to this Compliance Notice (section 31L and 31M of the NEMA)

13. If you wish to lodge an objection to this Compliance Notice, you may do so by making representations, in writing, to the Provincial Minister of Environmental Affairs and Development Planning ("the Minister") within 30 calendar days of receipt of this Compliance Notice.

14. Note further, that the lodgement of an objection does not automatically suspend the operation of this Compliance Notice. You may, accordingly, within 30 (thirty) calendar days from the date of receipt of this Notice, apply to the Minister to suspend the operation of this Notice (or any part thereof), pending the finalisation of the objection.

15. The objection and the application for the suspension of the operation ("suspension") of the Compliance Notice (if applied for) must be done independently and in writing to the of Ministry of Local Government, Environmental Affairs and Development Planning (for Attention Marius Venter) and contain the following:

    15.1. The objection must be accompanied by a statement detailing the grounds of the objection as well as supporting documentation, if any;

    15.2. The application for suspension must be accompanied by a motivation for the suspension of the Compliance Notice, as well as supporting documentation, if any.

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174

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

By email: DEADP.Appeals@westerncape.gov.za

16. Irrespective of any representations you may make to me or to the Minister, you must comply with this Compliance Notice within the time period stated in the Compliance Notice, unless the Minister agrees to suspend the operation of this Compliance Notice.



Digitally signed by Achmad Bassier (54103321)
Date: 2026.08.31 11:35:19 +02'00'

Director: Environmental Law Enforcement

Grade 1 Environmental Management Inspector

CC:

1)	Ms Zaidah Toefy (SD: Rectification)	Email: Zaidah.Toefy@westerncape.gov.za
2)	*Mr Graham Kusano*	Email: *gkusano@ihsinvestments.co.za*
3)	*Mr Zarier Emeran*	Email: *zemeran@asrin.co.za*
4)	*Mr Ishmail Essa*	Email: *iessa@asrin.co.za*
5)	*Mr Martin Witbooi*	Email: *Martin.Witbooi@capetown.gov.za*
6)	*Mr Paul Slabbert*	Email: *paul@phsconsulting.co.za*
7)	*Mr Eldon van Boom*	Email: *Eldon.vanBoom@westerncape.gov.za*
8)	*Ms Terryn Dreyer*	Email: *Taryn.Dreyer@westerncape.gov.za*
9)	*Ms Olivia Venter*	Email: *olivia@phsconsulting.co.za*
10)	*Ms Saa-rah Adams*	Email: *Saa-rah.Adams@westerncape.gov.za*