Western Cape Government

Section 24G Application Form for the consequence of unlawful commencement of listed activity/ies in terms of the:

- **National Environment Management Act, 1998 (Act No. 107 of 1998). ('NEMA')**
- **National Environment Waste Act, 2008 (Act 59 of 2008) ('NEM: WA')**

March 2023

Form Number S24GAF/03/2022

Kindly Note that:

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.
2. This Application Form must be completed for all section 24G applications, by an independent Environmental Assessment Practitioner ("EAP").
3. This Application Form is current as of 01 April 2018. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 01 April 2018
4. An independent EAP must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence.
5. The use of "not applicable" in the Application Form must be done with circumspection.
6. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party shoubackground:rgb(184, 204, 228)ld be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted
7. The contents of this Application Form includes the following:

PART 1 -

Section A: Background Information

Section B: Activity Information

Section C: Description of Receiving Environment

Section J: Public Participation Process

PART 2 –

ANNEXURE A of Fine Regulations

Section A: Directives

Section B: Deferral of the Application

Section C: Quantum of the section 24G fine

Section D: Preliminary advertisement

PART 3 –

Appendices and Declarations

PART 4 –

ANNEXURE B: Waste Management Activity Supporting Information (if relevant)

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

File Reference number (S24G)	
Administrative Fine Reference	

DEPARTMENTAL REFERENCE NUMBER(S) (to be completed by the EAP)

File Reference number(Enforcement), if applicable	14/1/1/E1/4/6/4/0971/26
File reference number (EIA), if applicable:	16/3/3/5/A4/41/3009/22 (A)
File reference number (Waste), if applicable:	
File reference number (Other(specify)):	

DEPARTMENTAL DETAILS

Department of Environmental Affairs and Development Planning	Registry Office	Queries should be directed to the Subdirectorate: Rectification at:
Directorate: Environmental Governance Attention: Sub-directorate: Rectification Private Bag X9086 Cape Town, 8000	1st Floor Utilitas Building 1 Dorp Street, Cape Town	Tel: (021) 483-5827 Fax: (021) 483-4033

PROJECT TITLE

SECTION 24G APPLICATION FOR THE DENSIFICATION OF THE APPROVED SOCIAL HOUSING DEVELOPMENT ON ERF 3733, MANDALAY.

PROJECT DESCRIPTION

This Section 24G application is submitted in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) to obtain retrospective Environmental Authorisation for the densification of the approved housing development on Erf 3733, Mandalay, in accordance with the City of Cape Town-approved Site Development Plan (Appendix B1).
The proposed development comprises a social housing project, as contemplated in the Social Housing Act, 2008 (Act 16 of 2008), and entails an increase in residential density from approximately 521 apartment units, as authorised in terms of NEMA through the Environmental Authorisation issued in 2011 (and amended in 2021), to 770 apartment units. The proposed development also includes associated engineering infrastructure, a neighbourhood retail component, and a crèche.

Implementation of the proposed densified social housing development was initiated by means of the unauthorised piping of portions of Wetland 7 beyond the extent authorised under the existing Environmental Authorisation, which enabled the revised densified development footprint. Accordingly, retrospective Environmental Authorisation is sought through this Section 24G application for the proposed densified layout as per Appendix B1.

Further details regarding the project, development history and the unauthorised activities are provided in the accompanying offline Section 24G Application Report.

PRELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

REGION 1 City of Cape Town and West Coast District	REGION 2 Cape Winelands District and Overberg District	REGION 3 Central Karoo District and Eden District

SECTION A: BACKGROUND INFORMATION

1. APPLICANT PROFILE INDEX

1.1	The applicant is a Natural Person (individual)	
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)	

1.2.1 If a firm, please tick the relevant box below:

Body Corporate	Partnership	Trust	Parastatal
Organ of State	Director of a Company	Member of a Board	

Applicant Firm

Name of Firm	Firm Registration Number	Telephone Number
Mandalay SH Project (Pty) Ltd	2024/268851/07	011 300 8600
Fax Number	Postal Address	
	PO Box 1686, Randburg, 2125, Gauteng, South Africa	

Members of the Firm

Member Type	Full Name	Email
Contact Person	Solly Mboweni	SMboweni@ihsinvestments.co.za
Telephone Number	Cell Number	Fax Number
0113008600	0728217261	

Members of the Firm

Member Type	Full Name	Email
Director/Responsible Person	Solly Mboweni	SMboweni@ihsinvestments.co.za
Telephone Number	Cell Number	Fax Number
0113008600	0728217261	

Project Consultant Details

Full Name	Cellphone Number	Email
Telephone Number	Fax Number	Postal Address

Contact Person for the Municipality

Full Name	Commenting Authority	Jurisdiction in respect of the activity	Municipality
Andrew Greenwood	Yes	No	City of Cape Town Metropolitan Municipality
Telephone Number	Cellphone Number	Email	Fax Number
0214448896		andrew.greenwood@capetown.gov.za	

Environmental Assessment Practitioner ("EAP")

Company Name	Full Name	Email	Contact Number	Qualifications
PHS Consulting	Olivia Venter	olivia@phsconsulting.co.za	0768495969	BSc Conservation Ecology

Environmental Assessment Practitioner ("EAP") Professional Registration

Registration Body	Registration Number
EAPASA	2023_6743

Land Owner Details

Name of Land Owner	Contact Person for the Land Owner	Postal Address	Email
Mandalay SH Project (Pty) Ltd		PO Box 1686, Randburg, 2125, Gauteng, South Africa	
Cellphone Number	Telephone Number	Fax Number	

Person in control of land

Full Name	Postal Address	Email
Solly Mboweni	PO Box 1686, Randburg, 2125, Gauteng, South Africa	Smboweni@ihsinvestments.co.za
Cellphone Number	Telephone Number	Fax Number
	0101409625	

Property location(s):	The activity took place on Erf 3733, Mandalay, City of Cape Town

Farm/Erf name	**Farm/Erf number**	**Farm/Erf portion**	**Property Size**	**Longitude**	**Latitude**
Erf 3733 Mandalay	3733	n/a	49781.4	34° 1'12.14"S	18°37'23.37"E

Development Footprint

Development Footprint Name	Erf 3733 Mandalay

Development Footprint Description	Development Footprint Size	Site Activity Location
Development Footprint	4.98ha	C01600300000373300000

Site/Development Footprint coordinates

Point	Latitude (S)	Longitude (E)
1	34°1'11.96"	18°37'22.83"

Please note:

Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses tothe consultation form

Street Address:	Erf 3733, Mandalay is located within the City of Cape Town Metropolitan Municipality, approximately 5 km south-southeast of Cape Town International Airport and approximately 580 m east of Mitchells Plain District Hospital (refer Appendix A). Access will be off Stinkwood Road.
Magisterial District or Town:	City of Cape Town
Closest Suburb/Town:	Mandalay
Distance to closest Town:	0
Zoning of Property:	General Residential Zone 2

Please note:

In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.

Was the property rezoned after commencement of activities?	Yes	No

If yes, what was the previous zoning?

Is a rezoning application required ?	Yes	No

Is a consent use application required?	Yes	No

Locality map:

A locality map must be attached to the Application Form as an appendix. The scale ofPage 8Page 8Page 8Page 8 the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map.
The map must indicate the following
* an accurate indication of the project site position as well as the positions of the alternative sites,if any;
* road names or numbers of all the major roads as well as the roads that provide access to the site(s)
* a north arrow;
* a legend;
* the prevailing wind direction; and
* GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)

Landowner(s) Consent:

If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he / she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites).This must be attached to this document as Appendix G.Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.

Note

The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects(“SIPs”) as contemplated in the Infrastructure Development Act, 2014(Act No. 23 of 2014).

2. APPLICATION HISTORY

Has any national, provincial or local authority considered any development applications on the property previously ?	Yes	No

If so, please give a brief description of the type and/or nature of the application/s ,a reference number(if applicable) and the authority which considered the application

Nature of Application	Reference Number	Authority
Basic Assessment Application: Proposed Mixed-Use Development on Erf 776, Mont Clair, resulting in the issuing of an Environmental Authorisation	E12/2/4/2-A1/297-3018/11	Department of Environmental Affairs and Development Planning
Water Use Licence Application: Impeding or diverting the flow of water in a watercourse on Erf 776, Mandalay	Water Use Licence No. 19/G22D/CI/2955	Department of Water and Sanitation
Town Planning Application: Rezoning to Subdivisional Area, Subdivision, Phasing Plan, Departures, Special Consent, Conditional Uses and Amendment of General Plan for Unregistered Erf 2329 Mandalay (being the consolidation of Erven 776 and 2329).	Application Ref. 196271	City of Cape Town Metropolitan Municipality
NEMA Part 1 Amendment Application: Amendment to split the authorised development (EA dated 28 October 2021) into three separate Environmental Authorisations following the subdivision of Erf 776.	EA Applicable to Erf 3733: EA Ref. No. 16/3/3/5/A4/41/3009/22 (A)	Department of Environmental Affairs and Development Planning
Town Planning Application: Consolidation of Erven 3303 and 3304 and approval of a revised Site Development Plan (SDP) for the densified residential development.	Case ID 1500112134	City of Cape Town Metropolitan Municipality

Has any one of the previous application/s on the property been approved or refused? If so provide a list of the successful and unsuccessful application / s and the reasons for decision(s)	Yes	No

Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.

Nature of Application	Basic Assessment Application: Proposed Mixed-Use Development on Erf 776, Mont Clair, resulting in the issuing of an Environmental Authorisation
Authority which considered the application	Department of Environmental Affairs and Development Planning
Application Status	Approved
Reason for decision	Refer Appendix F1
Date of decision	10/28/2011
Period of validity Start date	
Period of validity End Date	
Nature of Application	Water Use Licence Application: Impeding or diverting the flow of water in a watercourse on Erf 776, Mandalay
Authority which considered the application	Department of Water and Sanitation
Application Status	Approved
Reason for decision	Refer Appendix F4
Date of decision	07/17/2015
Period of validity Start date	
Period of validity End Date	
Nature of Application	Town Planning Application: Rezoning to Subdivisional Area, Subdivision, Phasing Plan, Departures, Special Consent, Conditional Uses and Amendment of General Plan for Unregistered Erf 2329 Mandalay (being the consolidation of Erven 776 and 2329).
Authority which considered the application	City of Cape Town Metropolitan Municipality

Application Status	Approved
Reason for decision	Refer Appendix F3
Date of decision	08/06/2012
Period of validity Start date	
Period of validity End Date	
Nature of Application	NEMA Part 1 Amendment Application: Amendment to split the authorised development (EA dated 28 October 2021) into three separate Environmental Authorisations following the subdivision of Erf 776.
Authority which considered the application	Department of Environmental Affairs and Development Planning
Application Status	Approved
Reason for decision	Refer Appendix F2
Date of decision	04/07/2022
Period of validity Start date	
Period of validity End Date	
Nature of Application	Town Planning Application: Consolidation of Erven 3303 and 3304 and approval of a revised Site Development Plan (SDP) for the densified residential development.
Authority which considered the application	City of Cape Town Metropolitan Municipality
Application Status	Approved
Reason for decision	Refer Appendix B and C
Date of decision	11/05/2024
Period of validity Start date	
Period of validity End Date	

SECTION B: ACTIVITY INFORMATION

1. Activities Applied for

I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

NEMA EIA Contraventions between 02 August 2010 and end of 07 December 2014				
Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998.				
Government Notice No	**Description**	**Describe the portion of the development as per the project description that relates to the applicable listed activity**	**Activity Number**	**StartDate**
GNR 544	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from: (i) a watercourse; (ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater but excluding	The development activities included the piping of portions of Wetland 7, located on what is now known as Erf 3733, beyond the extent previously authorised under the existing Environmental Authorisation. These works were undertaken to facilitate the implementation of the proposed densified development layout.	Activity 18 of GNR 544	01 October 2013

	where such infilling, depositing , dredging, excavation, removal or moving; is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or occurs behind the development setback line. [Corrected by "Correction Notice 2" of 10 December 2010, GN No. R. 1159]			

NEMA EIA Contraventions: on or after 08 December 2014
Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998

Government Notice No	Description	Describe the portion of the development as per the project description that relates to the applicable listed activity	Activity Number	StartDate
GNR 327	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; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) 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.	The development activities included the piping of portions of Wetland 7, located on what is now known as Erf 3733, beyond the extent previously authorised under the existing Environmental Authorisation. These works were undertaken to facilitate the implementation of the proposed densified development layout.	Activity 19 of GNR 327	01 May 2017

Please Note:

The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.

Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014

The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998.

Government Notice No	Description	Describe the portion of the development as per the project description that relates to the applicable listed activity

2. ACTIVITY DESCRIPTION

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development?	New	Upgrade

Indicate the date (e.g. 2 August 2010) when the activity commenced-Date to be highlighted	2013-10-01
Indicate the original date of commencement if the application is an upgrade.	2013-06-01

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.

The proposed development comprises new social housing development; however, the current application relates to the densification of an existing authorised housing development on Erf 3733. The original Environmental Authorisation was issued on 28 October 2011, and implementation of the authorised development commenced in 2013, including vegetation clearance and earthworks on what is now Erf 3733. Implementation of the proposed densified social housing development was subsequently initiated through the additional piping of Wetland 7 beyond the extent authorised under the existing Environmental Authorisation, with the additional piping undertaken between 2013 and 2017.

The following activities have already taken place on site:
• Authorised vegetation clearance and earthworks associated with the implementation of the authorised development on the original Erf 776, Mandalay (lawful)
• Piping of Wetland 7, including the additional extent beyond that authorised under the existing Environmental Authorisation, which facilitated the revised development layout and constituted the commencement of the proposed densified development (deemed unlawful).

The following activities are associated with the development, which is deemed to have commenced unlawfully, and form part of this Section 24G application:
• Development of the City of Cape Town-approved densified social housing development comprising an increase in residential density from approximately 521 apartment units to approximately 770 apartment units.
• Inclusion of a small retail space and a crèche on the ground floor of one apartment block.
• Construction of internal infrastructure, roads, stormwater infrastructure, engineering services, boundary walls, landscaping, recreational facilities (braai & play areas), a refuse allocation area, communal washing and drying facilities, and ancillary works required to complete the approved densified development.

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.)

Buildings	YES	NO

Provide brief description:

The proposed development will comprise the following buildings and associated facilities:
• Approximately 14 blocks of 4 storey apartments containing a total of approximately 770 residential units
• One of the apartment blocks will include retail component and a crèche on the ground floor
• Communal braai facilities and washing and drying facilities; and
• An admin office/ guardhouse.

Refer to Appendix C for the building plans

Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO

Provide brief description:

Roads: Access to the site will be via Stinkwood Road. Internal roads and associated engineering services will be developed in accordance with the City of Cape Town-approved Site Development Plan (Appendix C). The original Environmental Authorisation authorised "internal roads and associated infrastructure" without prescribing a fixed road alignment or layout for Erf 3733. The proposed internal road network as per Annexure C will provide access to the proposed residential development, associated parking, retail component, crèche and supporting infrastructure.

Water Supply: Water supply services will be provided by the City of Cape Town. Proof of available service provision is included in Appendix M1. A new combined domestic/fire water connection will be used and installed.

Power Supply: Electricity will be provided by the City of Cape Town. Proof of available supply is included in Appendix M2. The supply will be made available from the Montclair Protected Substation, situated adjacent to the proposed development.

Stormwater Management: A stormwater management plan as approved by the CoCT will be implemented onsite (refer Appendix M3)

Processing activities(e.g.manufacturing, storage, distribution)	YES	NO

Provide brief description:

Storage facilities for raw materials and products (e.g. volume and substances to be stored)

Storage and treatment facilities for solid waste and effluent generated by the project	YES	NO

Provide brief description:

Other activities (e.g. water abstraction activities, crop planting activities)	YES	NO

Provide brief description:
Sewage: Sanitation services will be provided by the City of Cape Town. Proof of service provision is included in Appendix M1. New service connections will be installed to connect the proposed development to the City of Cape Town's existing sanitation networks. Domestic Solid Waste: Refuse removal will be undertaken by the CoCT (refer Appendix M4).

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	Total proposed development footprint: ±4,98ha
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	The entire site (±4,98ha) was cleared in 2013 as p
Total area:	±4,98ha

4. SITE ACCESS

Was there an existing access road?	Yes	No
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	0 m(Length)	0 m(Width)

Describe the type of access road constructed:

5. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an appendix to this form. Attached as Appendix D

Please Note:

Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.

6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

LEGISLATION	ADMINISTERING AUTHORITY	Type Permit/ license/ authorisation/comment	DATE (if already obtained)	Application Submitted:
Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of S24G (GN 40994 dated 20 July 2017)	Department of Environmental Affairs and Development Planning ,	Fine determination - Pending this process		No
National Environmental Management Act 107 of 1998, as amended (NEMA)	Department of Environmental Affairs and Development Planning ,	Environmental Authorisation - Pending this process		No

National Environmental Management Act, Environmental Impact Assessment Regulations	Department of Environmental Affairs and Development Planning ,	Environmental Authorisation - Pending this process		No
National Water Act 36 of 1998 (NWA)	Breede-Olifants Catchment Management Agency (BOCMA) ,	Water Use License Application	2015-07-17	Yes
City of Cape Town Municipal Planning Bylaw, 2015	City of Cape Town Metropolitan Municipality ,	Consolidation	2024-11-05	Yes
National Building Regulations and Building Standards Act No. 103 Of 1977	City of Cape Town Metropolitan Municipality ,	Building Plan Approval	2026-06-02	Yes

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Guidelines for EMP's (June 2015)	Department of Environmental Affairs and Development Planning
Guidelines on Alternatives (March 2013)	Department of Environment Forestry and Fisheries
Guideline for involving Biodiversity Specialists in the EIA process (2005)	Department of Environmental Affairs and Development Planning
Guideline for the review of Specialist Input in the EIA process (June 2005)	Department of Environmental Affairs and Development Planning
Circular EADP 0028/2014: One Environmental Management System	Department of Environmental Affairs and Development Planning
Western Cape Provincial Spatial Development Framework (PSDF) (2014)	Department of Environmental Affairs and Development Planning
Guideline on Public Participation (2017)	Department of Environmental Affairs and Development Planning
Guideline on Need and Desirability (2017)	Department of Environmental Affairs and Development Planning
BGIS	Cape Nature
City of Cape Town Municipal Spatial Development Framework	City of Cape Town Metropolitan Municipality
City of Cape Town Integrated Development Plan	City of Cape Town Metropolitan Municipality
Cape Town Densification Policy 2012	City of Cape Town Metropolitan Municipality

7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS ("SEMAs")

If not specifically applied for in terms of this application, does the development require an application for a	Yes	No
If yes, has an application been submitted to the licensing authority?	Yes	No
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	Yes	No
If yes, has an application been submitted to the licensing authority?	Yes	No
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?	Yes	No
If yes, has an application been submitted to the licensing authority?	Yes	No
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act ("NEM: ICMA")?	Yes	No
If yes, has an application been submitted to the relevant competent authority?	Yes	No

If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA

SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

Site/Area Description

Development Footprint - Erf 3733 Mandalay

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan

1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE

GRANITE	QUARTZITE	SHALE
DOLOMITE	SANDSTONE	DOLERITE

OTHER (specify)	Mudrock, Siltstone, feldspathic arenite and wacke

2. GRADIENT OF THE SITE

Indicate the general gradient of the site(s)

Flat	Flatter than 1:10	1:10 – 1:5	Steeper than 1:5

3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site

Ridgeline	Plateau	Side slope of hill/mountain	Closed valley	Plain
Undulating plain/low hills	Dune	Open Valley	Seafront	Other

If Other, Please Describe :	

4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)

Is the site(s) located on or near any of the following

Shallow water table (less than 1.5m deep)	YES	NO	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO	UNSURE
Soils with high clay content	YES	NO	UNSURE
Any other unstable soil or geological feature	YES	NO	UNSURE
An area sensitive to erosion	YES	NO	UNSURE

4.2. Groundwater,soil and Geological stability of the site(Post-commencement)

Shallow water table (less than 1.5m deep)	YES	NO	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO	UNSURE

Unstable rocky slopes or steep slopes with loose soil	YES	NO	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO	UNSURE
Soils with high clay content	YES	NO	UNSURE
Any other unstable soil or geological feature	YES	NO	UNSURE
An area sensitive to erosion	YES	NO	UNSURE

If any of the answers to the above are “YES” or “unsure”, specialist input may be requested by the Department. (Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

5. SURFACE WATER

5.1 SURFACE WATER (PRE-COMMENCEMENT)

Development Footprint - Erf 3733 Mandalay

Indicate the surface water present on and or adjacent to the site and alternative sites

Perennial River	YES	NO	UNSURE
Non-Perennial River	YES	NO	UNSURE
Permanent Wetland	YES	NO	UNSURE
Seasonal Wetland	YES	NO	UNSURE
Artificial Wetland	YES	NO	UNSURE
Estuarine / Lagoonal wetland	YES	NO	UNSURE

5.2. SURFACE WATER (POST-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites

Perennial River	YES	NO	UNSURE
Non-Perennial River	YES	NO	UNSURE
Permanent Wetland	YES	NO	UNSURE
Seasonal Wetland	YES	NO	UNSURE
Artificial Wetland	YES	NO	UNSURE
Estuarine / Lagoonal wetland	YES	NO	UNSURE

6. VEGETATION AND/OR GROUNDCOVER

Development Footprint - Erf 3733 Mandalay

Please note:

The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult http://bgis.sanbi.org.za or BGIShelp@sanbi.org.za. Information is also available on compact disc (“cd”) from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP’s responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an appendix to this form.

6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)

Describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity

Indigenous Vegetation - good condition	Indigenous Vegetation with scattered aliens	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:	Describe the vegetation type above:	Describe the vegetation type above:
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide ecosystem status for above:
Indigenous Vegetation in an ecological corridor or along a soil boundary /interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone,alluvial deposits, termitaria etc.) –describe
Bare soil	Building or other structure	Sport field
Other (describe below)	Cultivated land	Paved surface

If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan

Describe the vegetation type if Other:

(a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

Systematic Biodiversity Planning Category			
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA	Other Natural Area(ONA)	No Natural Area Remaining(NNR)

If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan

(b) Highlight and describe the habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	0%	n/a
Near Natural (includes areas with low to moderate level of alien invasive plants	0%	n/a
Degraded (includes areas heavily invaded by alien plants	0%	n/a
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	100%	The site was cleared in 2013 as part of the implementation of the original authorised development. As part of this EA several wetland were approved for infilling. At the time of the unauthorised piping of wetland 7 the site had already been entirely transformed in preparation for the approved development.

(c) Complete the table to indicate:

(i) the type of vegetation, including its ecosystem status, that was previously present on the site; and

(ii) whether an aquatic ecosystem was previously present on site

Terrestrial Ecosystems

Ecosystem threat status as per the National Environmental Management: Biodiversity Act,2004 (Act No. 10 of 2004)			
Critical	Endangered	Vulnerable	Least Threatened

Aquatic Ecosystems			
Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands	YES	NO	UNSURE

Estuary	YES	NO
Coastline	YES	NO

(d) Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)

Terrestrial:
According to the National Vegetation Map (2012, 2018 and 2024), the site falls within the Cape Flats Dune Strandveld vegetation type, which is listed as Endangered in the National List of Threatened Ecosystems (2009; 2022). This vegetation type has undergone extensive historical transformation with almost 40% of this vegetation type having been transformed by urban development, cultivation and invasive alien plant infestations (Mucina and Rutherford, 2006).

A Botanical Assessment undertaken for Erf 776 in 2008 found that the site was already highly disturbed at the time, having been affected by historical earthmoving, fire, invasive alien plant infestations, mowing and grazing. Although 39 indigenous plant species were recorded, these occurred mainly as scattered individuals or fragmented patches associated with wetter areas, while the site was dominated by alien and disturbance-associated vegetation, particularly Pennisetum clandestinum (Kikuyu). Nineteen invasive alien plant species were also recorded. A dense herbaceous alien species component was present over large portions of the site with canopy cover varying between <5% to 100%.

The site was cleared in 2013-2017 as part of the implementation of the original authorised development. At the time of the unauthorised piping of wetland 7 the site had already been entirely transformed in preparation for the approved development. However, the development did not proceed at the time and the site has remained vacant resulting the previous vegetation communities reestablishing onsite.

The current condition of the site remains broadly consistent with the findings of the 2008 assessment. The site continues to comprise predominantly kikuyu grass with scattered opportunistic indigenous species and woody invasive alien vegetation (predominantly Acicia Saligna); however, the level of anthropogenic disturbance has increased as a result of historical development activities, including the dumping of building rubble and other material across portions of the site.

The 2008 assessment concluded that at the time the site was of low terrestrial ecological sensitivity at the species level due to its degraded condition and limited conservation value. However, the site was considered to have moderate ecological sensitivity at the habitat level owing to its location within the Endangered Cape Flats Dune Strandveld vegetation type and the presence of wetlands on the property.

Aquatic:
A freshwater assessment undertaken by FEN Consulting (Pty) Ltd in June 2026 found that no natural freshwater ecosystems occur within the study area. The study and investigation areas (500m zone of regulation) have been seriously modified and, in some areas, completely transformed due to urban residential expansion and densification together with associated bulk civil services infrastructure.

The feature historically identified as “Wetland 7” was found to be an anthropogenic stormwater channel and water resource rather than a natural wetland. Although it was identified as a wetland in the 2008 Freshwater Ecological Assessment, the 2026 field assessment found no hydromorphic soil characteristics or hydrophytic vegetation associated with the feature. The entire route of the former stormwater channel, including the portions that were piped beyond the extent authorised under NEMA, have reverted to a terrestrial nature which supports the opinion of the author that this area was most likely never a true watercourse but that the stormwater channel functioned as a waterway and thus a water resource (FEN, August 2026). This finding raises the question if the infilling and piping of wetland 7 required authorisation in the first place.

A stormwater pond is located immediately south of the study area, adjacent to Stinkwood Road. This feature is artificial and forms part of the wetland offset area authorised by the Department of Water and Sanitation in 2015. The offset was established to compensate for the perceived loss of functional wetland habitat associated with the entire development area including the piping of Wetland 7.

A depression wetland (Wetland 3 in 2008 assessment) was also identified immediately outside the study area within the established residential estate to the west. This natural freshwater feature forms part of the estate's public open space and is separated from the proposed development area by a fixed boundary wall. It is therefore not located within the development site and is not directly affected by the proposed development.

6.2 VEGETATION AND/OR GROUNDCOVER (POST-COMMENCEMENT)

Pescribe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

Indigenous Vegetation - good condition	Indigenous Vegetation with scattered aliens	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:	Describe the vegetation type above:	Describe the vegetation type above:
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide ecosystem status for above:
Indigenous Vegetation in an ecological corridor or along a soil boundary /interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone,alluvial deposits, termitaria etc.) – describe
Bare soil	Building or other structure	Sport field
Other (describe below)	Cultivated land	Paved surface

Describe the vegetation type if Other:
At the time the additional piping of Wetland 7 commenced, the site had recently been lawfully cleared as part of the implementation of the existing Environmental Authorisation. Accordingly, ground cover comprised predominantly exposed soil and disturbed surfaces associated with earthworks and construction activities, with limited vegetation remaining. By the time the remaining piping works were undertaken between 2017 and 2018, some disturbance-associated vegetation had re-established on portions of the site. Following implementation of the proposed densified development, the site will comprise apartment buildings, internal roads, parking areas, associated engineering services and landscaped open spaces. This post-development condition will be broadly consistent with that already authorised under the existing Environmental Authorisation, with the principal differences being the increased residential density and the replacement of the previously approved open sections of Wetland 7 with an underground piped stormwater system.

(a) Highlight and describe the post-construction habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	0%	n/a
Near Natural (includes areas with low to moderate level of alien invasive plants	0%	n/a
Degraded (includes areas heavily invaded by alien plants	0%	n/a
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	100%	The site will comprise apartment buildings, internal roads, parking areas, associated services and landscaped open spaces. This post-development condition will be broadly consistent with the existing authorised development, with the principal differences being the increased residential density and the replacement of the previously approved open sections of Wetland 7 with an underground piped stormwater system.

((b) How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

The commencement of the listed activity did not result in any material additional impacts on the terrestrial vegetation, as the site had already been lawfully cleared during implementation of the existing Environmental Authorisation.

Freshwater specialists from FEN Consulting visited the site on 10 June 2026.

Findings of the specialist:
The principal impact was on the aquatic environment through the additional piping of Wetland 7 beyond the authorised extent, which resulted in the loss of the remaining open-channel sections within the affected area. Associated site preparation, earthworks, removal of topsoil and vegetation, excavation, stockpiling and infilling resulted in changes to

hydrological functioning, geomorphological processes and aquatic habitat. The Freshwater Impact Assessment identified potential changes in flow patterns, water quality, erosion and sedimentation, as well as the transformation of the stormwater channel from an aquatic to a terrestrial environment.

The June 2026 field assessment confirmed that no natural freshwater ecosystems are currently present within the study area. The assessment found that the feature historically identified as Wetland 7 was not a natural wetland, but an anthropogenic stormwater channel and water resource forming part of the area's stormwater system. The affected portions have been piped and currently show no hydromorphic soil characteristics or hydrophytic vegetation, having reverted to a terrestrial condition. The assessment therefore concluded that the feature was most likely never a true natural watercourse. While the feature remains protected as a water resource under the National Water Act, 1998 (Act 36 of 1998), it does not exhibit the characteristics of a natural watercourse for the purposes of NEMA (FEN, August 2026).

The only natural freshwater feature identified in proximity to the study area is a depression wetland (Wetland 3) located west of the site within the existing residential estate. This feature forms part of the estate's public open space and is separated from the development site by a fixed boundary wall. It is therefore outside the development area and was not affected by the commencement of the listed activities.

The additional piping of Wetland 7 beyond the approved extent nevertheless resulted in the perceived loss of functional wetland habitat and associated ecosystem services. A wetland offset was established through the 2015 Water Use Licence process to compensate for the perceived loss of functional wetland habitat associated with the development of Erf 776 and included the piping of the stormwater channel.

(6.3 VEGETATION / GROUNDCOVER MANAGEMENT

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

- Vegetation clearing was undertaken in accordance with the approved Environmental Management Programme (EMPr) (attached as Appendix F2) which formed part of the 2011 Environmental Authorisation.

- The EMPr identified potential environmental impacts and prescribed mitigation measures, management actions and responsibilities to minimise adverse environmental effects. It applied to all contractors and personnel working on the project and was intended to be updated where necessary based on site conditions and monitoring outcomes. An appointed Environmental Control Officer (ECO) was responsible for monitoring compliance with the EMPr and the conditions of the Environmental Authorisation, ensuring that all parties implemented the prescribed environmental management measures throughout the construction period.

- The EMPr included measures for site establishment, erosion and sediment control, wetland protection, waste management, pollution prevention, protection of flora and fauna, dust suppression, rehabilitation and general construction management.

- Although the site was lawfully cleared in 2013, the authorised development was not subsequently constructed. As a result, disturbance-associated vegetation has naturally re-established across much of the site, providing ground cover over the previously cleared areas.

7 LAND USE OF THE SITE (PRE-COMMENCEMENT)
Development Footprint - Erf 3733 Mandalay

Please note: The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

Untransformed area	Low density residentia	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site

Other land uses (describe):

Prior to the commencement of the unauthorised development activities, the site was undeveloped but had been cleared in preparation for the implementation of the previously authorised development. Although construction had not yet commenced, the site had been approved for a high-density residential development in terms of the existing 2011 Environmental Authorisation. The current proposal represents a densification of this previously approved development.

(a) Please provide a description.

Although the previously approved development had not yet been implemented, the site was intended for a high-density residential development authorised in terms of the Environmental Authorisation issued in 2011. In preparation for the approved development, the site was cleared in 2013 in accordance with the Environmental Authorisation. However, the authorised development was not constructed.

Over time, vegetation re-established across the site, which broadly returned to its pre-clearance condition. The site is currently dominated by kikuyu grass (Pennisetum clandestinum) and Port Jackson (Acacia saligna). A site inspection undertaken on 10 June 2026 confirmed that the site has also been subject to various anthropogenic disturbances, including widespread littering and the illegal dumping of rubble.

8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Indicate the past land uses and/or prominent features that occur/red within +/-500m radius of the site and neighbouring properties if these are located beyond 500m of the site.Please note: The Department may request specialist input/ studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	Low density residentia	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site

Other land uses (describe):

9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Indicate the current land uses and/or prominent features that occur(s) within +/-500m radius of the site and neighbouring properties if these are located beyond 500m of the site.Please note: The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	Low density residentia	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station

Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site

Other land uses (describe):
The current land use within ±500 m of the site is predominantly agricultural, including newly planted and established orchards, pastures, and limited dryland cropping. Natural drainage lines, a constructed farm dam, and areas of seasonal wetness occur within the footprint and buffer. The site and adjacent properties fall within a Protected Agricultural Area and overlap with Critical Biodiversity Areas (CBAs), requiring sensitivity in future land use decisions. No urban, industrial, or coastal features are present.

10. SOCIO-ECONOMIC CONTEXT
Development Footprint - Erf 3733 Mandalay

10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

The property is located in Mandalay within the Khayelitsha, Mitchells Plain and Greater Blue Downs District of the City of Cape Town Metropolitan Municipality. Prior to development of the broader site, Erf 776 was vacant. The surrounding area comprised a mix of formal residential neighbourhoods, government-subsidised housing developments, community facilities, schools, healthcare facilities, places of worship, public open spaces and local commercial services. The site is well connected to the surrounding road network and public transport infrastructure, including the nearby Mandalay Railway Station.

The Khayelitsha, Mitchells Plain and Greater Blue Downs District has historically experienced significant socio-economic challenges associated with spatial marginalisation, high levels of poverty and unemployment, and limited private investment. At the time, unemployment within the District was estimated at 42.8%, the highest in the City of Cape Town, with many residents required to travel outside the District to access employment opportunities. The 2012 District Plan further recognised that continued population growth would substantially increase the demand for housing, economic opportunities, community facilities and public transport infrastructure, making the provision of affordable housing and employment opportunities a key priority for the District.

10.2 SOCIO-ECONOMIC CONTEXT (POST_COMMENCEMENT)

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

The broader socio-economic characteristics of the surrounding community currently remain substantially similar to those described for the pre-commencement phase. The Khayelitsha, Mitchells Plain and Greater Blue Downs District continues to experience high levels of unemployment, sustained demand for affordable housing, and increasing pressure on housing, community facilities, public transport and municipal infrastructure as a result of continued population growth and urbanisation.

The unauthorised activities comprising the piping of portions of Wetland 7 beyond the authorised extent and the associated preparation of the site for the proposed densified social housing development have not resulted in any discernible changes to the socio-economic characteristics of the surrounding community. Upon completion, the proposed densified social housing development is however anticipated to make a significant positive contribution to the local socio-economic environment through the provision of approximately 770 affordable residential units, together with a neighbourhood retail component and a crèche. The development will contribute towards addressing the demand for affordable housing within a well-located urban area with access to existing services, public transport and community facilities. In addition, the proposal aligns with the spatial objectives of the 2012 Khayelitsha, Mitchells Plain and Greater Blue Downs District Plan, which identifies Erf 776 as a suitable location for medium-density residential infill and mixed-use development as well as the 2023 District Plan which demarcates a portion of the site for potential commercial and high-density residential development.

Furthermore, the proposed development constitutes a social housing project as contemplated in the Social Housing Act, 2008 (Act 16 of 2008), and is being implemented in consultation with the Social Housing Regulatory Authority and the City of Cape Town. By increasing the supply of affordable, well-located housing, the development has the potential to deliver substantial and long-term socio-economic benefits to the surrounding community.

SECTION J: PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation prior to submission of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement)

The applicant must place a preliminary advertisement in
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.
(3) The applicant must open and maintain of a register of interested and affected parties.
(4) The register must be attached to the application form and included in the report, or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of
(a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;
(b) all persons who have requested the applicant, in writing, to place their names on the register; and
(c) all organs of state that have jurisdiction in respect of the activity to which application relates.
Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, inter alia, proof of preliminary advertisement in a local newspaper.
Public participation was undertaken from 26 August 2026 – 28 September 2026 in terms of both and the Section 24G Fine Regulations, 2017 and the Environmental Impact Assessment Regulations, 2014 (as amended): - The Section 24G Application was circulated for public comment for a 30 day period from 26 August – 28 September 2026. - An advertisement (in English) was published in the local newspaper, the Daily Voice on 28 August 2026. - A site notice was placed at a visible location at the boundary of the proposed development site. - The Section 24G Application and supporting documentation, plus the EMPr was available for download from the PHS website for the duration of the commenting period (26 August – 28 September 2026) - All identified IAPs was notified by email of the proposed project and the availability of the documentation for comment. Proof of compliance with Regulation 8 of the Section 24G Fine Regulations, 2017 and the EIA Regulations, 2014 is attached as Appendix G1 to this application.

Please indicate whether the applicant has a website (please tick relevant box):	YES	NO

If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application

1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

1. In terms of regulation 41 of the EIA Regulations, 2014
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of

(i) the site where the activity to which the application relates is or is to be undertaken; and	YES	DEVIATION
(ii) any alternative site	~~YES~~ N/A	DEVIATION

(b) giving written notice, in any manner provided for in section 47D of the NEMA, to			
(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	~~YES~~ N/A	DEVIATION	N/A
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	
(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	YES	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES	DEVIATION	
(c) placing an advertisement in			
(i) one local newspaper; or	YES	DEVIATION	
(ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	~~YES~~- N/A	DEVIATION	N/A
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	DEVIATION	N/A
(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	YES	DEVIATION	N/A
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE: 2. The NEM: WA requires that a notice must be placed in at least two newspapers.			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	DEVIATION	N/A
If "NO", then an application for exemption from the requirement must be applied for.			
1. Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed. (The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)			
Please refer to Appendix G2.			
2. Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.			
Please refer to Appendix G2.			

Please note:

- A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register
- All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed
- The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.
- Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.

2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014

Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above
Given the significant socio-economic importance of the proposed 770-unit social housing development, the risk that further delays may affect secured funding and implementation, and the Applicant's proactive engagement with DEA&DP to regularise the historical matter, the Applicant respectfully requests that a single, consolidated Public Participation Process be accepted for the Section 24G application prior to the fine determination and decision making. The development has also already undergone a comprehensive PPP as part of the land use planning process in November 2023, during which one objection was received and addressed. Considering the previous PPP, the updated freshwater assessment, and the Applicant's commitment to regularisation, a consolidated PPP would provide meaningful public participation while avoiding unnecessary duplication and delay

3. LIST OF STATE DEPARTMENTS THAT HAS BEEN/WILL BE CONSULTED

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.

State Department	Name of person	Tel	E-mail	Comment Obtained	Reason for comment not obtained
Department of Environmental Affairs and Development Planning	Zaidah Toefy	0214832443	Zaidah.Toefy@westerncape.gov.za	No	Comment Requested
Department of Environmental Affairs and Development Planning	Nabeelah Khan	021 483 2443	Nabeelah.Khan@westerncape.gov.za	No	Comment Requested
Department of Environmental Affairs and Development Planning	Fundiswa Zingitwa-Lwana	0214832028	Fundiswa.Zingitwa-Lwana@westerncape.gov.za	No	Comment Requested
City of Cape Town Metropolitan Municipality	Andrew Greenwood	021 444 1557	andrew.greenwood@capetown.gov.za	No	Comment Requested
Breede-Olifants Catchment Management Agency (BOCMA)	TBD TBD	023 346 8000	info@bocma.co.za	No	Comment Requested
Cape Nature	Ismat Adams	087 087 3188	iadams@capenature.co.za	No	Comment Requested
Heritage Western Cape	CEO CEO	021 483 9543	Ceoheritage@westerncape.gov.za	No	Comment Requested
Department of Infrastructure	Vanessa Stoffels	021 483 2203	land.use@westerncape.gov.za	No	Comment Requested

Please Note: A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period

PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM

SECTION A: DIRECTIVES

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorization in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to

i	immediately cease the activity pending a decision on the application submitted in terms of this subsection
ii	investigate, evaluate and assess the impact of the activity on the environment
iii	remedy any adverse effects of the activity on the environment
iv	cease, modify or control any act, activity, process or omission causing pollution or environmental degradation
v	contain or prevent the movement of pollution or degradation of the environment
vi	eliminate any source of pollution or degradation
vii	compile a report containing-

	aa	a description of the need and desirability of the activity
	bb	an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity
	cc	a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity
	dd	a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed
	ee	an environmental management programme

viii	provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

The Applicant acknowledges the abovementioned instructions in terms of Section 24G(1) of the National Environmental Management Act, 1998 (Act 107 of 1998) and submits the following representations: (i) Immediately cease the activity pending a decision on the application The Applicant confirms that the unauthorised activity commenced comprises the completed piping of portions of Wetland 7 beyond the extent authorised under the existing Environmental Authorisation. The piping infrastructure has been operational since approximately 2017–2018 and now forms an integral component of the City of Cape Town's stormwater management system. Accordingly, the nature of the activity differs from one that can simply be suspended pending a decision on the application. Reversal of the works would require the removal of operational stormwater infrastructure and reinstatement of the previous drainage configuration. As demonstrated in the accompanying application and supporting technical documentation, reinstatement is neither technically feasible nor environmentally appropriate, as it would be inconsistent with the approved stormwater management design, compromise the functioning of the City's stormwater system, and introduce unacceptable hydraulic and flood risk implications for the surrounding area. The larger site footprint facilitates the development of a densified development already approved by City of Cape Town in line with all the guidelines. (ii) Investigate, evaluate and assess the impact of the activity on the environment The Applicant submits that the environmental impacts associated with the unauthorised activities have been comprehensively investigated and assessed as part of the original 2011 Environmental Impact Assessment process, the subsequent 2015 Water Use Licence Application process, and this Section 24G application. The original Environmental Impact Assessment, which culminated in the 2011 Environmental Authorisation, assessed the impacts associated with the approved high density residential development, including the authorised destruction of several wetlands and the partial piping of Wetland 7. The Water Use Licence Application subsequently assessed the impacts associated with the complete piping of Wetland 7 and established a wetland offset to compensate for the loss of aquatic ecological function. As part of this Section 24G application, an updated freshwater ecological assessment has been undertaken to assess the implications of the additional piping of Wetland 7 beyond the authorised extent and the proposed densified development. The specialist finding raises the question if the infilling and piping of wetland 7 required authorisation in the first place. Accordingly, the Applicant submits that the environmental impacts of the unauthorised activities and the proposed development have been comprehensively assessed. (iii) Remedy any adverse effects of the activity on the environmentMeasures to remedy and offset the environmental impacts associated with the unauthorised activities have already been developed and implemented and are incorporated into this application.A wetland offset, comprising a managed stormwater pond, was developed as part of the 2015 Water Use Licence process

to compensate for the loss of ecological function associated with the piping of Wetland 7. The offset is supported by a Maintenance Management Plan (Appendix H4) which was submitted to DEADP (Directorate: Environmental Law Enforcement) on the 25th of June 2026 and is also included as part of this application, which provides for the long-term management and enhancement of the offset area.Implementation of the Environmental Management Programme and Maintenance Management Plan will ensure that the offset continues to provide ecological function and that potential environmental impacts associated with the development are appropriately managed over the long term.(iv), (v) and (vi) Cease, modify or control any act causing pollution or environmental degradation; contain or prevent the movement of pollution or degradation; eliminate any source of pollution or degradation The Applicant submits that these matters have been appropriately addressed through both the historical design of the stormwater system and the mitigation measures proposed as part of this Section 24G application. The replacement of the former open stormwater channel with an enclosed stormwater conveyance system has reduced opportunities for illegal dumping, accumulation of solid waste, pollution, sediment build-up and vegetation blockages, while improving the hydraulic performance of the municipal stormwater system. The accompanying Environmental Management Programme and Maintenance Management Plan further provide mitigation, monitoring and management measures to prevent or minimise environmental degradation associated with the proposed development and the long-term management of the Wetland 7 offset area. (vii) Compile a report containing the prescribed information The accompanying Section 24G Application Report has been prepared to address the requirements of Section 24G(1) of NEMA. The report includes a description of the need and desirability of the activity, an assessment of the environmental impacts and cumulative effects, proposed mitigation measures, a description of the public participation process, and an Environmental Management Programme. (viii) Provide such other information or undertake such further studies as may be required. The Applicant remains committed to providing any additional information that the competent authority may reasonably require to facilitate consideration of this application.

Please Note: Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive. The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.

SECTION B: DEFERRAL OF THE APPLICATION

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

(a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;

(b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or

(c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review

Kindly answer the following questions:

Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that is not subject to this application and in any province in the Republic	YES	NO	UNCERTAIN

If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation

Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is not subject to this application and in any province in the Republic?	YES	NO	UNCERTAIN

If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation

Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA in terms of which this application directly relates?	YES	NO	UNCERTAIN

If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation

SECTION C: QUANTUM OF THE SECTION 24G FINE

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an ex post facto environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor

PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES

Socio Economic Impact	Appropriate box
The activity is not giving, has not given and will not give rise to any negative socioeconomic impacts	
The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts	

This application relates to the proposed deification of a social housing development that was initiated through the piping of Wetland 7 beyond the NEMA approved extent. The activity would result in positive socio-economic impacts in the form of approximately 770 affordable social housing units, together with a neighbourhood retail component and a crèche, creating temporary and permanent employment opportunities while contributing to the delivery of affordable housing in a well-located urban area.

Biodiversity Impact	Appropriate box
The activity is not giving, has not given and will not give rise to any impacts on biodiversity	
The activity is giving, has given or could give rise to localised biodiversity impacts	
The activity is giving, has given or could give rise to significant biodiversity impacts	
The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species	

The commencement of the activity resulted in localised impacts associated with the piping and infilling of portions of the feature identified as Wetland 7 beyond the extent authorised under the existing Environmental Authorisation. These impacts included the loss of the remaining open-channel habitat and associated perceived aquatic ecosystem functioning within the affected portions. The most recent Freshwater Impact Assessment (Appendix H1) assessed the overall impact of the commencement of the unauthorised piping as Low Negative for the hydrology of the study area.

However, the Freshwater Impact Assessment (Appendix H1) confirmed that Wetland 7 is an anthropogenic stormwater channel rather than a natural wetland, and that no natural freshwater ecosystems occur within the development footprint. The hydrological connection between the catchment area north of the site and the wetland offset area (stormwater pond) is maintained through the piped stormwater channel. Furthermore, a wetland offset was established through the 2015 Water Use Licence process to compensate for the perceived loss of functional aquatic habitat and associated ecosystem functioning.

The affected feature has therefore been appropriately addressed through the existing stormwater system and wetland offset (Appendix H3), with the ongoing management and maintenance of the offset to be secured through the applicable Maintenance Management Plan (Appendix H4). The Freshwater Impact Assessment further confirms that, although minor temporary impacts may occur during active rehabilitation of the offset area, the long-term implementation and management of the offset is anticipated to result in a net positive impact on the ecological condition and ecosystem service provisioning of the offset area. The freshwater specialist has accordingly confirmed that, given the current freshwater conditions on site, the long-term outcome of implementing the offset strategy is expected to be net positive.

Accordingly, while the commencement of the activity resulted in a localised historical impact, there is currently no residual biodiversity impact that remains unmitigated or unmanaged. On the contrary, the long-term implementation of the wetland offset is expected to result in a net positive freshwater biodiversity outcome.

Sense of Place Impact and / or Heritage Impact	Appropriate box
The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	
The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	

The activity is consistent with the surrounding urban environment and is not expected to negatively affect the area's sense of place or heritage significance. The site comprises a previously cleared, levelled and partly serviced urban property within an established residential area, surrounded by residential development, community facilities and associated municipal infrastructure. The proposed densified development remains consistent with the existing land use, zoning and established urban character of the area. Although the number of residential units has increased, the approved building height and development form remain compatible with the surrounding urban context and are consistent with the City of Cape Town-approved Site Development Plan. No heritage resources have been identified on the site, and the proposed development is not expected to result in impacts on heritage resources or cultural significance.

Pollution Impact	Appropriate box
The activity is not giving, has not given and will not give rise to any pollution	
The activity is giving, has given or could give rise to pollution with low impacts.	
The activity is giving, has given or could give rise to pollution with moderate impacts.	
The activity is giving, has given or could give rise to pollution with high impacts.	
The activity is giving, has given or could give rise to pollution with major impacts.	

The unauthorised activities already undertaken have not resulted in pollution. The piping of Wetland 7 formed part of the formalisation of the City's stormwater management system and, as confirmed by the City of Cape Town, has reduced the potential for litter accumulation, illegal dumping, sediment build-up and associated pollution within the former open stormwater channel. Potential pollution associated with the implementation of the proposed densified development is typical of urban construction activities and will be appropriately managed through the Environmental Management Programme. Consequently, these activities are not considered to have caused, nor are they likely to cause, any significant pollution to the surrounding environment.

PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT

Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Appropriate box
Administrative action was previously taken against the applicant in respect of the abovementioned provisions	
No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant’s directors sit or sat at the relevant time when the administrative action was taken	
Administrative action was not previously taken against the applicant in respect of the abovementioned provisions	

Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Appropriate box
The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant’s directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her	

personal capacity.	
The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	

Number of section 24G applications previously submitted by the applicant	Appropriate box
Previous applications in terms of section 24G of NEMA were submitted by the applicant	
No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time	
No previous applications have been submitted by the applicant ~~but the applicant sat on the board of a firm that previously submitted an application~~	

No previous applications have been submitted by the applicant

PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES

Applicant's legal persona	Appropriate box
The applicant is a natural person.	
The applicant is a firm.	

Any other relevant information that the applicant would like to be considered
The proposed development is a social housing project of significant socio-economic importance, providing approximately 770 affordable housing opportunities within an established urban area. The proposed social housing development is supported by the City of Cape Town, the Western Cape Department of Infrastructure and the Social Housing Regulatory Authority (SHRA) (Appendix N). A Consolidated Capital Grant Agreement is in place for the project, and the development has received support at provincial level through the relevant social housing processes. The project therefore has the potential to make a significant contribution to the provision of affordable housing and associated socio-economic benefits. The current property owner has undertaken significant efforts to secure the necessary funding and approvals to enable the social housing development to proceed. The current applicant was not responsible for the historical non-compliance and inherited the existing situation when acquiring the property. At the time of acquiring the property, the applicant understood that the development activities undertaken to date were lawful and consistent with the existing approvals. The applicant did not intentionally undertake activities in contravention of NEMA and has, since becoming aware of the regulatory concerns, taken steps to regularise the situation and ensure compliance with the applicable environmental regulatory framework. Upon acquiring the property, the applicant initiated a Part 2 amendment application in 2023/2024 to regularise the proposed densified development layout. However, this application ultimately lapsed following delays in the process. This was not due to any unwillingness on the part of the applicant to comply with the environmental regulatory process, but rather difficulties relating to information requirements and the actions of the previously appointed environmental consultant. Following the appointment of the current environmental team, meetings were held with DEA&DP to clarify the application history and determine the appropriate regulatory process and information requirements. PHS Consulting motivated that a Part 1 Amendment process is rational for the intended densification. During this process, it was identified that portions of the feature historically identified as "Wetland 7" may have been piped beyond the extent authorised in the existing 2011 Environmental Authorisation. DEA&DP subsequently requested an independent environmental audit, which confirmed the extent of the additional piping is unlawful and ultimately resulted in the submission of this Section 24G application. Importantly, the updated 2026 Freshwater Impact Assessment provides further clarity regarding the nature of Wetland 7. Although the feature was identified as a wetland in the 2008 Freshwater Ecological Assessment, the assessment also referred to it as a stormwater channel. The 2026 field assessment confirmed that the feature is an anthropogenic stormwater channel and water resource rather than a natural wetland or natural watercourse. No hydromorphic soils or hydrophytic vegetation were identified within the affected areas, and the feature has reverted to a terrestrial condition following piping and infilling. The specialist therefore concluded that the feature was most likely never a true natural watercourse. Accordingly, the historical piping did not result in the destruction or transformation of a natural freshwater ecosystem, and from a NEMA perspective the specialist findings indicate that the feature does not constitute a natural watercourse to which the relevant listed activity would ordinarily apply. The EAP, based on this finding, raises the question if the infilling and piping of wetland 7 required authorisation in the first place. The piping also occurred in the context of the City of Cape Town's stormwater management requirements (Appendix H9.2). Retaining isolated open-channel sections within an otherwise piped stormwater network, particularly in the area of Erf 3733 could have resulted in hydraulic bottlenecks, reduced stormwater conveyance and increased risks of upstream ponding, surcharging and localised flooding. Open-channel sections would also have remained susceptible to sediment accumulation, vegetation growth, illegal dumping and debris blockages. The continuous piped stormwater system therefore provides a more hydraulically efficient solution designed to accommodate the 1:50-year flood event while reducing flood risk, pollution and long-term maintenance requirements. The perceived loss of functional aquatic habitat associated with the piping was also addressed through the wetland offset established as part of the 2015 Water Use Licence

process (Appendix H3). The offset provides for the compensation of the perceived loss of functional aquatic habitat and associated ecosystem services, with its ongoing management and maintenance to be secured through the applicable Maintenance Management Plan (Appendix H4). The Freshwater Impact Assessment (Appendix H1) indicates that implementation and ongoing management of the offset will ultimately result in a net positive impact on the ecological condition and ecosystem service provision of the offset area.

The various regulatory processes and delays associated with the previous application have resulted in significant delays to implementation of the social housing project. Further delays may place the project's secured funding at risk and could adversely affect the delivery of approximately 770 affordable housing opportunities. The applicant has nevertheless demonstrated its commitment to compliance by engaging with DEA&DP, appointing an appropriate environmental team, undertaking the required specialist assessment and independent audit, and initiating the Section 24G process to regularise the situation on technical ground only considering that the wetland is likely not a water course as per NEMA definitions and the densification not a substantive change from the original authorised scope

In light of the significant socio-economic importance of the project, the applicant respectfully requests that the Section 24G application be processed as efficiently as reasonably possible. The applicant remains committed to full compliance with the environmental regulatory framework and will continue to cooperate with DEA&DP and implement all required management, mitigation and monitoring measures.

Furthermore, in determining the administrative fine, the applicant respectfully requests that DEA&DP consider the mitigating circumstances including that the applicant inherited the historical non-compliance and did not intentionally contravene NEMA, the affected feature has been confirmed as an anthropogenic stormwater channel rather than a natural wetland or watercourse, the perceived aquatic loss has been addressed through the established wetland offset, and the applicant has proactively cooperated with DEA&DP to regularise the matter. The significant socio-economic importance of the social housing project and the potential loss of secured funding due to further delays are also relevant considerations. Accordingly, the applicant respectfully requests that the administrative fine be reduced, with a maximum fine of R125,000.

Regarding Public Participation:
Given the significant socio-economic importance of the proposed 770-unit social housing development, the risk that further delays may affect secured funding and implementation, and the Applicant’s proactive engagement with DEA&DP to regularise the historical matter, the Applicant respectfully requests that a single, consolidated Public Participation Process be accepted for the Section 24G application prior to the fine determination and decision making. The development has also already undergone a comprehensive PPP as part of the land use planning process in November 2023, during which one objection was received and addressed. Considering the previous PPP, the updated freshwater assessment, and the Applicant’s commitment to regularisation, a consolidated PPP would provide meaningful public participation while avoiding unnecessary duplication and delay.

SECTION D: PRELIMINARY ADVERTISEMENT

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any

Page 41Page 41Page 41Page 41 SECTION D: PRELIMINARY ADVERTISEMENT When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any. The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for ex post facto approval. It must include the following:

- the date;
- the date; the location;
- the date; the applicable legislative provision contravened; and
- the date; the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

NOTE: Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

Please refer to Appendix G1

PART 3 - APPENDICES

Appendix		Attached
Appendix A	Locality map(s)	
Appendix A1	Waste Listed Activities supporting information	n/a
Appendix B	Site Plan(s)	
Appendix C	Building Plan(s)	
Appendix D	Color Photographs of Site and Surroundings	
Appendix E	Biodiversity overlay map(s)	
Appendix F	Permit(s) and or License from any other Organ of State	
Appendix G	Public Participation Information	
Appendix H	Specialist Report(s)	
Appendix I	Environmental Management Programme	
Appendix J	Supporting Documents relating to compliance/enforcement history of the applicant	
Appendix K	Certified copy of Identity Document of Applicant	
Appendix L	Certified copy of Title Deed(or Title Deeds)	
Appendix M	Other	
Declarations	Declarations	
S24G Assessment Report	S24G Assessment Report	
Screening Tool Report	Screening Tool Report	
Supporting images	Supporting images Please refer to Appendix D	

Appendix M - Other	Document Description
Appendix M - Other	Appendix M1 - CoCT Water & Sanitation Service Letter
Appendix M - Other	Appendix M2 - CoCT Electricity Supply Letter
Appendix M - Other	Appendix M3 - CoCT Comments on Stormwater Management Plan
Appendix M - Other	Appendix M4 - CoCT Waste Services Letter
Appendix M - Other	Appendix N1 - WC Letter of Support Mandalay SH Project - 14 September 2023
Appendix M - Other	Appendix N2 - CoCT Confirmation of Social Project
Appendix M - Other	Appendix N3 - Capital Grant Agreement 18 December 2024
Appendix M - Other	Explanation as to why the application did no obtain an EA

Appendix M - Other	Appendix P - Landscape Plan

PART 4 ANNEXURE B - SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)

1. WASTE QUANTITIES

Indicate or specify types of waste and list the estimated quantities (expected to be) managed daily (should you need more columns; you are advised to add more)

Note: In this case of hazardous waste, the National Department of Environmental Affairs is the relevant competent authority to consider the 24G application.

Non-hazardous waste	Total waste handled (tonnes per day)	Source if information

1.1. Recovery, Reuse, Recycling, treatment and disposal quantities:

Indicate the applicable waste types and quantities expected to be disposed of and salvaged annually:

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	Tons/Month	m\u00B3/Month	ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL (Method & Location)	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL(Location)	OFFSITE DISPOSAL(Contractor details)

2. GENERAL

Prevailing wind direction (e.g. NWW)

November – April	
May - October	

The size of population to be served by the facility

	Mark	Comment
0-499		
500-9,999		
10,000-199,999		
200,000 upwards		

LANDFILL PARAMETERS (If applicable)

The method of disposal of waste:

Land-building		Land-filling		Both	

The dimensions of the disposal site in metres

At commencement	After rehabilitation	The dimensions of the disposal site in metres

The total volume for the disposal of waste on the site:

Volume Available	Mark	Source of information (Determined by surveyor/ Estimated)
Up to 99		
100 - 34 999		
35 000- 3,5 million		
>3,5 million		

The total volume already used for waste disposal on the site:

(a) Will the waste body be covered daily	Yes	No
(b) Is sufficient cover material available	Yes	No
(c) Will waste be compacted daily	Yes	No

What type of compactor is used?

If the answers (a) and/or (b) are No, what measures will be employed to prevent the problems of burning or smouldering of waste and the generation of nuisance?

The Salvage method.

Mark the method to be used.

At source	
Recycling installation	
Formal salvaging	
Contractor	
No salvaging planned	

Fatal flaws for the site:

Indicate which of the following apply to the facility for a waste management activity:

Within a 3000m radius of the end of an airport landing strip	Yes	No
Within the 1 in 50-year flood line of any watercourse	Yes	No
Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes)	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within an area adjacent to or above an aquifer	Yes	No
Within an area with shallow bedrock and limited available cover material	Yes	No
Within 100 m of the source of surface water	Yes	No
Within 1km from the wetland	Yes	No

Indicate the distance to the boundary of the nearest residential area	meters
Indicate the distance to the boundary of the industrial area	meters

Wettest six months of the year

November- April	
May -October	

For the wettest six-month period indicated above, indicate the following for the preceding 30 years

	Total rainfall for 6 months	Total Evaporation for 6 months	Climatic Water Balance
For the 1st wettest year			
For the 2nd wettest year			
For the 3rd wettest year			
For the 4th wettest year			
For the 5th wettest year			
For the 6th wettest year			
For the 7th wettest year			
For the 8th wettest year			
For the 9th wettest year			
For the 10th wettest year			

Location and depth of ground water monitoring boreholes:

Codes of the boreholes	Borehole locality	Depth (m)	Latitude	Longitude

Location and depth of landfill gas monitoring test pit:

Codes of the boreholes	Borehole locality	Latitude	Longitude