

REFERENCE: 16/3/3/6/7/1/A5/40/2148/25

DATE: 27 NOVEMBER 2025

The Board of Directors
CD Property Developers (Pty) Ltd.
3rd Floor, Madison Square
Corner of Carl Cronje and Tyger Falls Boulevard
TYGER FALLS
7530

For Attention: Mr. Marco Kriek

Tel.: (021) 914 8066

E-mail: marco@combineddev.com

Dear Sir

RESPONSE TO THE INFORMATION RECEIVED REGARDING THE NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION FORM FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED RESIDENTIAL DEVELOPMENT (LA PIRON APARTMENTS) AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 37120, KRAAIFONTEIN

1. The Notice of Intent ("NOI") Form (dated 16 July 2021), received by this Directorate via electronic mail correspondence on 21 July 2025, the correspondence from this Directorate acknowledging receipt of the NOI Form (dated 30 July 2025), the meeting held on 13 August 2025 that was attended by representatives of Johan Neethling Environmental Services cc and officials of this Directorate, the subsequent information, responses from Johan Neethling Environmental Services cc received by this Directorate via electronic mail correspondences on 28 August 2025, inclusive of the correspondence from Dr. Johan Neethling of Johan Neethling Environmental Services cc (dated 27 August 2025) and the Botanical Compliance Statement (dated August 2025 and compiled by Mr. Steve Molteno of Capensis), the correspondence from this Directorate (dated 30 September 2025), the correspondence from Dr. Johan Neethling of Johan Neethling Environmental Services cc (dated 13 October 2025), received by this Directorate via electronic mail correspondences on the same date, and the additional information from Dr. Johan Neethling of Johan Neethling Environmental Services cc, inclusive of the Botanical Compliance Statement (dated October 2025 and compiled by Mr. Steve Molteno of Capensis), received by this Directorate via electronic mail correspondences on 28 October 2025, refer.
2. This serves to confirm the applicability of the EIA Regulations, 2014 (as amended) with respect to the proposed residential development and associated infrastructure on the Remainder of Erf 37120, Kraaifontein, which comprises of the following.
 - 2.1. The construction of residential apartment blocks, collectively providing approximately 280 residential units.
 - 2.2. The construction of associated infrastructure, including access- and internal roads, parking spaces, open and landscaped spaces and facilities (presently undefined).
 - 2.3. The total development footprint will measure approximately 2ha in extent

3. Based on the information received to date, the following is noted:
- 3.1. The latest Botanical Compliance Statement (dated October 2025 and compiled by Mr. Steve Molteno of Capensis) states the following:
- 3.1.1. The site was visited on the 29 May 2025 and 1 October 2025, and was surveyed thoroughly on foot;
- 3.1.2. The entire site was found to be in a highly degraded state;
- 3.1.3. The original vegetation has been cleared from the site in the past, prior to the year 2005;
- 3.1.4. The original vegetation was dominated by exotic weeds;
- 3.1.5. The current vegetation is not representative of Cape Flats Sand Fynbos, nor of any other of the national vegetation types. Rather, it is what would be expected in highly degraded areas on sandy lowland substrates;
- 3.1.6. No Species of Conservation Concern ("SCC") were recorded on the site;
- 3.1.7. The entire site is assigned a 'Low' sensitivity for the following reasons:
- 3.1.7.1. Terrestrial areas supporting highly degraded vegetation with low species diversity;
- 3.1.7.2. The vegetation is not representative of the original ecosystem;
- 3.1.7.3. Restoration potential is low; and
- 3.1.7.4. No SCCs were observed- or are likely to be present on the site.
- 3.2. Furthermore, the information received on 8 September 2025 confirms that the proposed development no longer triggers any Listed Activities in terms of the EIA Regulations, 2014 (as amended).
4. In light of the information received to date, it appears that the proposed residential development and associated infrastructure (La Piron Apartments) on the Remainder of Erf 37120, Kraaifontein does not trigger the following Listed Activities in terms of the EIA Regulations, 2014 (as amended):

4.1. **Listing Notice 1 of the EIA Regulations, 2014 (as amended):**

Listed Activity No. 9

Activity Description:

"The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—

- (i) with an internal diameter of 0,36 metres or more; or*
(ii) with a peak throughput of 120 litres per second or more;

excluding where—

- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or*
(b) where such development will occur within an urban area."

The abovementioned Listed Activity is not triggered, since the pipelines for water will be less than 0.36m in diameter and less than 1000m in length. Further, the pipelines for stormwater will be located in the road reserve and will be less than 1000m in length.

4.2. **Listing Notice 1 of the EIA Regulations, 2014 (as amended):**

Listed Activity No. 10

Activity Description:

"The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –

- (i) with an internal diameter of 0,36 metres or more; or*
- (ii) with a peak throughput of 120 litres per second or more;*

excluding where—

- (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or*
- (b) where such development will occur within an urban area."*

The abovementioned Listed Activity is not triggered, since the pipelines for sewage and wastewater transport will be less than 0.36m in diameter and less than 1000m in length.

4.3. **Listing Notice 1 of the EIA Regulations, 2014 (as amended):**

Listed Activity No. 24

Activity Description:

"The development of a road—

- (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or*
- (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;*

but excluding a road—

- (a) which is identified and included in activity 27 in Listing Notice 2 of 2014;*
- (b) where the entire road falls within an urban area; or*
- (c) which is 1 kilometre or shorter."*

The abovementioned Listed Activity is not triggered, since the total road length (above and below 8m) will measure less than 1 kilometre.

4.4. **Listing Notice 1 of the EIA Regulations, 2014 (as amended):**

Listed Activity No. 27

Activity Description:

"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or*
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan."*

The abovementioned Listed Activity is not triggered, since no indigenous vegetation over an area of 1 hectares or more, but less than 20 hectares, will be cleared.

4.5. **Listing Notice 1 of the EIA Regulations, 2014 (as amended):**

Listed Activity No. 28

Activity Description:

"The Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or*

- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."

The abovementioned Listed Activity is not triggered, since the Remainder of Erf 37120, Kraaifontein is zoned Agriculture, but was never use for agricultural purposes to date.

4.6. Listing Notice 3 of the EIA Regulations, 2014 (as amended):

Listed Activity No. 4

Activity Description:

"The development of a road wider than 4 metres with a reserve less than 13,5 metres.

- i. Western Cape
 - i. Areas zoned for use as public open space or equivalent zoning;
 - ii. Areas outside urban areas;
 - (aa) Areas containing indigenous vegetation;
 - (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or
 - iii. Inside urban areas:
 - (aa) Areas zoned for conservation use; or
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."

The abovementioned Listed Activity is not triggered, since the proposed roads will not be constructed in an area containing indigenous vegetation.

4.7. Listing Notice 3 of the EIA Regulations, 2014 (as amended):

Listed Activity No. 12

Activity Description:

"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

- i. **Western Cape**
 - i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
 - ii. Within critical biodiversity areas identified in bioregional plans;
 - iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;
 - iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
 - v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."

The abovementioned Listed Activity is not triggered, since no critically endangered or endangered vegetation over an area of 300 square metres or more will be cleared.

5. Environmental Authorisation for the abovementioned Listed Activities **is therefore not required** from the Competent Authority (in this instance, this Directorate) prior to the proposed residential

development and associated infrastructure (La Piron Apartments) on the Remainder of Erf 37120, Kraaifontein being commenced with.

6. However, should the development proposal be amended in a manner that makes one or more of the above Listed Activities or any other Listed Activity in terms of the EIA Regulations, 2014 (as amended) applicable, an application form for Environmental Authorisation must be submitted to the Competent Authority and the relevant Environmental Authorisation obtained prior to the proposed residential development and associated infrastructure (La Piron Apartments) on the Remainder of Erf 37120, Kraaifontein.
7. Please note that even when an Environmental Authorisation is not required for a development proposal, the 'Duty of Care' and remediation of environmental damage in terms of Section 28 of the NEMA should be taken into account. It is stated in the 'Duty of Care' that –

"every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring or, in so far, as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. It is prohibited in terms of the NEMA to commence with a Listed Activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition will be referred to the Department's Directorate: Environmental Law Enforcement for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R10 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
9. You are reminded to comply with any other statutory requirements that may be applicable to the proposed development on the proposed site.
10. Please note that based on the abovementioned determinations and outcomes, this Directorate has closed the pre-application file referenced: 16/3/3/6/7/1/A5/40/2148/25 for all administrative purposes from the date of issue of this correspondence.
11. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.

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

Yours faithfully

pp MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copied to:

- (1) Dr. Johan Neethling (Johan Neethling Environmental Services cc)
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town)

E-mail: info@jnes.co.za

E-mail: Sonja.WarnichStemmet@capetown.gov.za