



**REFERENCE NUMBER:** 16/3/3/6/2/A7/5/3305/16  
**ENQUIRIES:** Mr. M. Lamour  
**DATE OF ISSUE:** 2016 -12- 02

The Proponent  
7 Woodlands Close, 242 Buitengracht  
**CAPE TOWN**  
8001

**For Attention: Mr. T. Brummer**

Tel: (021) 531 8435  
[tommy@tommybrummer.co.za](mailto:tommy@tommybrummer.co.za)

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE REQUEST FOR THE DEFINITION/ADOPTION OF AN AD-HOC DEVELOPMENT SETBACK LINE AND THE APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 WITH RESPECT TO THE PROPOSED DEMOLITION OF AN EXISTING RESIDENTIAL DWELLING AND THE DEVELOPMENT NEW A RESIDENTIAL DWELLING AND ASSOCIATED INFRASTRUCTURE ON ERF 395, CLIFTON.**

1. The Checklist for the Adoption/Definition of an *ad-hoc* development setback line dated 21 November 2016 and received by this Department on 22 November 2016, refers.
2. This letter serves as an acknowledgement of receipt, by this Directorate, of the aforementioned document dated 21 November 2016.
3. Based on the information provided by you, this Directorate notes the following:
  - 3.1 It is proposed to demolish an existing lawful residential dwelling and the development of a new residential dwelling and associated infrastructure on Erf 395, Clifton;
  - 3.2 The existing dwelling was lawfully constructed in 1936;
  - 3.3 The proposed residential dwelling and associated infrastructure will have a development footprint of approximately 268 m<sup>2</sup>;
  - 3.4 The existing development rights of the property will be enhanced by the proposed development; and
  - 3.5 The proposed development will occur within 100m of the high-water mark of the sea.

4. In light of the above it is herewith confirmed that your proposed development constitutes the following listed activity in terms of the NEMA EIA Regulations, 2014:

In terms of GN No. R 983 (Listing Notice 1) of 04 December 2014:

Activity Number: 19

Activity Description:

*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 seashore; or*
- (iii) 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 where such infilling, depositing, dredging, excavation, removal or moving -*

- (a) will occur behind the development setback line;*
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or*
- (c) falls within the ambit of activity 12 of this Notice, in which case that activity applies.*

5. Be advised that in order for this Directorate to make an informed decision with regard to the adoption of the proposed setback line, you are required to conduct a public participation process, which must entail the following:

5.1 Written notification to the surrounding neighbouring landowners and the local authority (in this instance the City of Cape Town) of the proposed *ad-hoc* development setback line request.

5.2 A 30-day commenting period must be afforded to Interested and Affected Parties (I&AP's) to provide written comment with respect to the proposed *ad-hoc* development setback line request.

5.3 Proof of notification and any comments received must be submitted to this Directorate at the end of the 30-day commenting period along with a signed declaration from the proponent.

6. The Directorate will further consider your request for the adoption/definition of an *ad-hoc* development setback line upon receipt of the requested information.

7. You are reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states-

*"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."*

This Department reserves the right to revise or withdraw comments or request further information based on any information received.

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

Yours faithfully

  
  
**HEAD OF DEPARTMENT**

Copies to: (1) Mr. D. Geogardes (City of Cape Town)  
(2) Ms. M. Penwarden (Chand Environmental Consultants)

Fax: (086) 201 1241  
Fax: (021) 762 3240