



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

Directorate: Development Management  
Region 1

**REFERENCE NUMBER:** 16/3/3/6/1/A7/5/3287/15  
**ENQUIRIES:** MS. K. ADRIAANSE  
**DATE OF ISSUE:** 2015-09-22

The Director  
Chand Environmental Consultants  
P.O. Box 238  
**PLUMSTEAD**  
7800

**For Attention: Ms. M. Penwarden**

Tel: (021) 762 3050  
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Dear Madam

**APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 WITH RESPECT TO THE PROPOSED RE-DEVELOPMENT OF AN EXISTING APARTMENT BLOCK AND ASSOCIATED INFRASTRUCTURE ON ERF 281, CLIFTON.**

The checklist for the determination of the applicability of the NEMA EIA Regulations, 2014 dated 24 August 2015 and received by this Department on 25 August 2015, this Directorate's acknowledgement thereof dated 03 September 2015 and your electronic mail correspondences dated 07 September 2015 and 11 September 2015, refer.

1. On 04 December 2014, the Minister of Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz. the Environmental Impact Assessment ("EIA") Regulations 2014 (Government Notice No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 04 December 2014). Please note that these Regulations came into effect on 08 December 2014.
2. The information provided by you indicates the following:
  - 2.1. The proposed development entails the re-development of an existing apartment block and associated infrastructure on Erf 281, Clifton;
  - 2.2. The existing development was constructed in 1989 in accordance with the approved plans dated 16 August 1986;
  - 2.3. The proposed development footprint will be approximately 543.7m<sup>2</sup> in extent;
  - 2.4. Erf 281, Clifton is located within 100m of the high water mark of the sea;
  - 2.5. Erf 281, Clifton is located within an urban area; and
  - 2.6. The proposed development requires the removal of restrictions and departures in terms of the relevant planning legislation.

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3. You are herewith informed that based on the information provided by you, your proposed development will trigger the following listed activity in terms of the NEMA EIA Regulations, 2014, namely:

GN No. R.983 of 4 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 a development setback;*

*(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or*

*(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.*

4. This determination is based on the fact that more than 5 cubic metres of sand will be moved, removed or excavated within 100m of the high water mark of the sea.
5. Please note that although the existing apartment block and associated infrastructure was constructed in 1989, the re-development of the new apartment block and associated infrastructure does not constitute a continuation of construction which commenced since the re-development will require the removal of restrictions and the proposed re-development is not in accordance with the original approval obtained in terms of the relevant planning legislation.
6. Written authorisation is therefore **required** from the competent authority prior to the undertaking of the said activity on Erf 281, Clifton. The onus, however, rests with the applicant and his/her environmental assessment practitioner to ensure that all applicable listed activities are applied for and assessed.
7. You are hereby advised that only those activities applied for will be considered for authorisation.
8. You may contact this Directorate to discuss the application process in this regard.
9. Please note that the Minister of Environmental Affairs promulgated Regulations in terms of Sections 24(5)(c)(i), 24(5)(j) and 44(i)(a) and (b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") (Government Notice No. R. 141 in Government Gazette No. 37383 of 28 February 2014). The Regulations introduce a fee structure for the consideration and processing of applications for Environmental Authorisations ("Fee Structure Regulations, 2014") which came into effect on 01 April 2014. As such, a fee as stipulated in these Regulations will apply before the submission of an application form. Please refer to the application form for further information.

10. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.

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



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**HEAD OF DEPARTMENT**

Copies to: (1) Mr. T. Brümmer (The Landowner)  
(2) Ms. S. Hustwick (The City of Cape Town: Environmental Resource Management)

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