



OBSERVATORY
Civic Association

60 Trill Road
Observatory
7925
26th August 2020

The Director
Development Management
Department of Environmental Affairs and Development Planning
Private Bag X9086, Cape Town, 8000
Keagan-Leigh.Adriaanse@westerncape.gov.za

Dear Mr Zaahir Toefy

REQUEST FOR ADEQUATE REASONS in terms of section 5 of the Promotion of Administrative Justice Act, 3 of 3000 (“PAJA”) – re: Decision on Application for Environmental Authorisation *DEA&DP Reference Number: 16/3/3/1/A7/17/3001/20*

We are in receipt of a letter from SRK Consulting, the consultants for the application by the LLPT for the proposed redevelopment of the River Club for mixed use development and associated infrastructure on the remainder of erf 15326 and erven 26169-26175, 26426-26427, 108936 and 151832, Observatory in which it is indicated that you have granted an Environmental Authorisation for the application.

The reasons for your department’s decision are seemingly set out in Annexure 3.

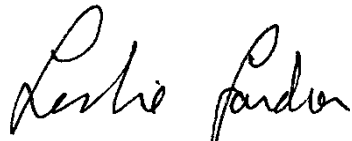
However, it is unclear as to how the 18 pages of the Annexure, which most reprise the applicant’s motivation, provide reasons for your decision. For example, it is fact that the Heritage Impact Assessment was deemed to have failed to meet the requirements of the National Heritage Resource Act by the competent authority to make such an assessment (Heritage Western Cape) and this fact is noted in the Annexure. Yet nowhere in the Annexure does it explain why the decision was made to ignore this fact – what reason was there to discount this recommendation from Heritage Western Cape.

Similarly, other section of the Annexure do not, in our view, provide clear and succinct reasons for the decision.

We are of the respectful view that the reasons as given in Annexure 3 are not adequate reasons as envisaged in section 5 (3) of PAJA and note that the provisions of section 5 (4) PAJA have not been invoked.

Kindly therefore provide us with adequate written reasons as soon as possible, so that we may take up the appeal provisions fairly informed, failing which the presumption, in accordance with PAJA, will be that this decision was taken without good reason.

Yours sincerely

A handwritten signature in black ink, appearing to read "Leslie London". The signature is written in a cursive, flowing style.

Leslie London
OCA Chair