

# Public Participation Process Report

## Section 24G Retrospective Environmental Authorisation Application for the Clearing of Indigenous Vegetation on Farm CA 974/1, Misty Cliffs, Cape Town

**DEADP REFERENCE:** 14/1/1/E1/6/6/3/0917/25

**VERSION:** Final

**DATE:** January 2026

**APPLICANT**

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**PREPARED BY**

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# DOCUMENT DETAILS

## SECTION 24G RETROSPECTIVE ENVIRONMENTAL AUTHORISATION APPLICATION FOR THE CLEARING OF INDIGENOUS VEGETATION ON FARM CA 974/1, MISTY CLIFFS, CAPE TOWN: PUBLIC PARTICIPATION PROCESS REPORT

### APPLICANT

Aaron Samuels & Rachael Joseph

### ENVIRONMENTAL ASSESSMENT PRACTITIONER

**Infinity Environmental (Pty) Ltd.**

#### Project office

Collingwood Building  
Black River Park  
2 Fir Street  
Observatory, Cape Town

#### Contact

info@infinityenv.co.za  
[www.infinityenv.co.za](http://www.infinityenv.co.za)

### Report purpose

This in accordance with the Environmental Impact Assessment Regulations, the purpose of the Public Participation Report is to:

- Present the issues and concerns identified to date from the stakeholder engagement process, together with an explanation of how these issues will be addressed.
- Document the means of notification of potential Interested and Affected Parties and members of the public of the proposed activities.
- Document consultation with organs of state regarding the proposed application.

### Author

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Kelly Gilmour: Cand. E.A.P. 2024/8037, Cand.Sci.Nat. 169880

## VERSION HISTORY

Date	Version
31 October 2025	<b>Pre-application PPPR</b>
January 2026	<b>Application PPPR</b>

## APPROVAL

**Title:** : Section 24G Retrospective Environmental Authorisation Application for the Clearing of Indigenous Vegetation on Farm CA 974/1, Misty Cliffs, Cape Town  
**Report status** : **Final**  
**Date** : January 2026

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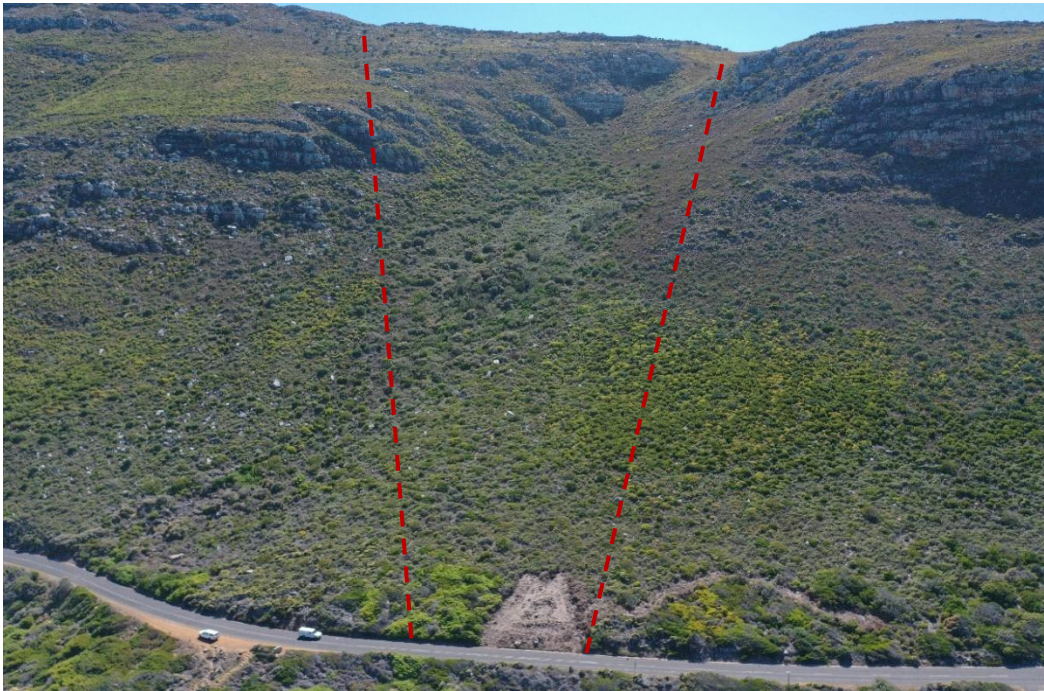
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# 1. INTRODUCTION

## 1.1 BACKGROUND

Farm 974/1 (the site) is located north of Misty Cliffs on the Cape Peninsula, abutting the Table Mountain National Park. It is a privately owned property approximately 15 hectares in extent. The landowners propose to construct a single residential home on the lower part of the steeply sloping site. Vegetation clearing for the easement was started on the site in early February 2025 without the required environmental authorisation. Works were ceased immediately when the applicants were made aware that the works required environmental authorisation. Various interim rehabilitation and stabilisation measures have also been implemented to mitigate impacts. The applicants are applying for *ex post facto* approval of the unauthorised clearing, and are seeking environmental authorisation to continue with the proposed development of the access road and house.



**Photograph 1: Aerial photograph of Farm 974/1**



**Photograph 2: Aerial photograph of the area of cleared and damaged vegetation on Farm 974/1 and 979/9.**

## 1.2 PROPOSED DEVELOPMENT

The proposed development, at the time of the first round of public engagement, was as follows:

- A single-storey home constructed on two levels to accommodate the slope of the site, with a floor area of approximately 500 square metres and an internal courtyard area. A screeded terrace extends along the southwestern side of the house, and an internal courtyard separates the main part of the house from a guest suite. A combination of pitched roofs and flat, planted 'green' roofs with succulents or other fire-resistant plant species is proposed. The exterior of the house will be finished with natural stone cladding to reduce its visual impact, and the house will be set into an excavated platform to lower its overall profile. The house will be constructed between the 35m and 42m (above mean sea level) contours, and within the 15m building line specified in the zoning scheme.
- A driveway providing access to the house from the main road, approximately 4.5 metres wide and 77 metres in length.

The comments received and responded to in this report were based on the above-mentioned proposed design, which has since been changed in response to concerns regarding the visual impact and safe access to the site. The original designs were more geometric, largely above ground, and the driveway design straight upslope posed some concerns regarding safe access to the dwelling. A description of the previous designs and a detailed description of the new designs can be found in the Final s24G Application Report on pages 79-80 and pages 81 – 82 respectively.

The updated development designs, at the time of the second round of public engagement, were as follows:

- A stepped two-storey home constructed to accommodate the slope of the site. The house will include covered parking areas, 5 bedrooms, 5 bathrooms, as well as study, kitchen, dining, living and storage spaces. External features include an enclosed patio area, plunge pool, and landscaped terraces. A combination of pitched roofs and flat, planted 'green' roofs with succulents or other fire-resistant plant species is proposed. The exterior of the house will be finished with natural stone cladding to reduce its visual impact, and the house will be set into an excavated platform to lower its overall profile. The house will be constructed between the 36 m and 48 m (above mean sea level) contours, and within the 15 m building line specified in the zoning scheme.
- A driveway providing access to the house from the main road is proposed which will incorporate a two-track ('tweespoor') grass block system. The driveway is to be wide enough to accommodate construction vehicles and will be stabilised using gabion retaining walls.

## 1.3 PURPOSE OF PUBLIC PARTICIPATION

Public participation is a critical informant of environmental assessment and should include consultation with state departments as well as with the interested and affected public. Guidelines on public participation in terms of the NEMA EIA Regulations, published by the Department of Environmental Affairs in 2017, note that public participation should facilitate the following outcomes:

- » The opportunity to obtain clear, accurate and understandable information about the environmental impacts;
- » The opportunity for role-players to identify mitigation and enhancement measures;
- » A means to incorporate the needs, preferences and values of interested and affected parties;
- » An opportunity to clear up misunderstandings, resolve disputes and reconcile conflicting interests;
- » Encouragement of transparent and accountable decision-making; and

- » Procedural fairness of administrative action.

## 1.4 PUBLIC PARTICIPATION REQUIREMENTS

The below sections outline the consultation process to be followed in accordance with NEMA and the 2017 Fine Regulations.

### **Public participation during the consultation process will include the following tasks:**

- » Compilation of a comprehensive interested and affected parties (I&AP) database, inclusive of all occupiers, adjacent landowners, key stakeholders, and representatives of organs of state. This list will be updated throughout the application consultation process.
- » Preparation of a summary document including information on the project, the environmental processes to be undertaken, details of how and when to participate, and information on potential impacts.
- » Compilation of media and site notices to inform the broader public of the project.
- » Development of a project website allowing for access to project documentation, submission of registration and comments, and updates regarding timeframes and engagement opportunities.
- » Potential interested and affected parties will also be identified and notified via bulk email.

### **Pre-application consultation (02 May – 22 May 2025)**

In terms of the 2017 Fine Regulations:

8(1) Prior to submission of an application in terms of section 24G of the Act, the applicant must place a preliminary advertisement in –

- » A local newspaper
- » On the applicants website (if any)

This advertisement complied with the requirements in Annexure A, Section D and a register of interested and affected parties has been opened and will be maintained throughout the public consultation process. This register will be attached to the application form and report, forming part of the information submitted in terms of section 24G(1) of the Act. During the pre-application consultation, the first draft of the s24G Report was made available for the public followed by a 20-day registration and commenting period (02 May – 22 May 2025) during which comments were received. This Public Participation Report includes the comments received and their responses.

### **Application consultation (06 November – 08 December 2025)**

The comments from the pre-application consultation on the first draft of the s24G Report were incorporated into the second draft of the report which was published for a second round of comment in accordance with section 24O of the NEMA. Interested and affected parties were notified via bulk email, notice in a local newspaper, site notice, and website updates on Thursday 06 November 2025.

After completion of the 30-day public comment period (06 November – 08 December 2025), the report has been revised to include comments received. The Section 24G report, EMPr, and a report on public participation will then be submitted to DEA&DP.

### **Second application consultation**

Should it be required a further commenting period of 21 days will be allowed for, and the section 24G report and public participation report updated with any new information before submission for a decision.

## **2. PRE-APPLICATION PUBLIC PARTICIPATION PROCESS**

This section documents the public participation process conducted during the pre-application consultation phase, whereby the draft pre-application report was made available for comment by potential I&APs for 20 days.

**A notification and comment process commenced on 02 May 2025 and ended on 22 May 2025. Potential interested and affected parties were notified and invited to register and comment on the draft s24G pre-application report.**

### **2.1 WRITTEN NOTICE TO POTENTIAL I&APs**

#### **Adjacent landowners**

A notification was hand delivered to the occupiers of Farm 983/4 (34 Main Road, Misty Cliffs), the adjacent landowners, on 02 May 2025.

# NOTIFICATION THE SECTION 24G APPLICATION FOR ENVIRONMENTAL AUTHORISATION

RETROSPECTIVE ENVIRONMENTAL AUTHORISATION APPLICATION FOR THE CLEARANCE OF INDIGENOUS VEGETATION IN FEBRUARY 2025 ON FARM 974/1, MISTY CLIFFS, CAPE TOWN

DEA&DP REF NO. 14/1/1/E1/6/6/3/0917/25  
FRIDAY 02 MAY 2025

Dear stakeholder,

You have been identified as a potential interested and affected party for a public participation process regarding the retrospective Environmental Authorisation application for the clearance of indigenous vegetation on Farm 974/1 Misty Cliffs, Cape Town.

The applicants commenced with a listed activity without the necessary environmental authorisation and intend to apply for rectification in terms of Section 24G of NEMA.

Approximately 400 square metres of indigenous vegetation was cleared on Farm CA 974/1, Misty Cliffs and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants will also seek environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

Application will be made in terms of the National Environmental Management Act, 1998 and the Section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of Section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended).

The activity necessitating the retrospective Environmental Authorisation application is set out below:

- Activity 12 of Listing Notice 3 (GNR 324 of 2017): The clearance of an area of 300 square metres or more of indigenous vegetation in the Western Cape i) Within any critically endangered or endangered ecosystem.

A pre-application public participation process will commence on Friday 02 May 2025, ending on Thursday 22 May 2025.

You are invited to comment on the draft Application and Assessment Report, which is available online at [www.infinityenv.co.za/mistycliffs](http://www.infinityenv.co.za/mistycliffs), or on request from the Environmental Assessment Practitioner at the details provided.



## Get in touch or find out more:

- [comments@mistycliffs@infinityenv.co.za](mailto:comments@mistycliffs@infinityenv.co.za)
- [infinityenv.co.za/mistycliffs](http://infinityenv.co.za/mistycliffs)
- 021 834 1602
- 060 524 7676

For more information, to comment, or to arrange alternative ways of participating, please contact **Jeremy Rose or Kelly Gilmour** of Infinity Environmental, at the details above.

If you register or comment, we are required by the EA Regulations, GN 324 of 2017 and the NEMA to collect and process certain personal information as defined in the Protection of Personal Information Act, 2013 including your name and your comments. These will be securely stored by Infinity Environmental and will be provided to the authorities and any appellants if a decision is appealed. You may at any time access or rectify the information by contacting us on [info@infinityenv.co.za](mailto:info@infinityenv.co.za). Visit [www.infinityenv.co.za/legal](http://www.infinityenv.co.za/legal) to view our Privacy Policy.

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Environmental

## Proof of notification to adjacent landowner is provided in Appendix 1a

### Bulk email

Organs of State and potential I&APs were notified via bulk email (Mailchimp) of the pre-application commenting period.

**NOTIFICATION OF THE SECTION 24G APPLICATION FOR ENVIRONMENTAL AUTHORISATION**  
RETROSPECTIVE ENVIRONMENTAL AUTHORISATION APPLICATION FOR THE CLEARANCE OF INDIGENOUS VEGETATION IN FEBRUARY 2025 ON FARM 974/1, MISTY CLIFFS, CAPE TOWN  
DEA&DP REF NO. 14/1/1/E/1/6/3/0917/25  
FRIDAY 02 MAY 2025

Dear Organ of State,

You are hereby notified of the Retrospective Environmental Authorisation Application for the Clearance of Indigenous Vegetation on Farm 974/1, Misty Cliffs, Cape Town. The applicants commenced with a listed activity without the necessary environmental authorisation and intend to apply for rectification in terms of Section 24G of NEMA. Approximately 400 square metres of indigenous vegetation was cleared on Farm CA 974/1, Misty Cliffs and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants will also seek environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

Application will be made in terms of the National Environmental Management Act, 1998 and the Section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of Section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended).

The activity necessitating the retrospective Environmental Authorisation application is set out below:

- **Activity 12 of Listing Notice 3 (GNR 324 of 2017):** The clearance of an area of 300 square metres or more of indigenous vegetation in the Western Cape i) Within any critically endangered or endangered ecosystem.

A pre-application public participation process will commence on Friday 02 May 2025, ending on Thursday 22 May 2025.

You are invited to comment on the draft Application and Assessment Report, which is available below:

[2025-05-02 Section 24G Application Farm CA 974-1 Misty Cliffs](#)

**NOTIFICATION OF THE SECTION 24G APPLICATION FOR ENVIRONMENTAL AUTHORISATION**  
RETROSPECTIVE ENVIRONMENTAL AUTHORISATION APPLICATION FOR THE CLEARANCE OF INDIGENOUS VEGETATION IN FEBRUARY 2025 ON FARM 974/1, MISTY CLIFFS, CAPE TOWN  
DEA&DP REF NO. 14/1/1/E/1/6/3/0917/25  
FRIDAY 02 MAY 2025

Dear Stakeholder

You have been identified as a potential interested and affected party for a public participation process regarding the retrospective Environmental Authorisation application for the clearance of indigenous vegetation on Farm 974/1 Misty Cliffs, Cape Town.

The applicants commenced with a listed activity without the necessary environmental authorisation and intend to apply for rectification in terms of Section 24G of NEMA. Approximately 400 square metres of indigenous vegetation was cleared on Farm CA 974/1, Misty Cliffs and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants will also seek environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

Application will be made in terms of the National Environmental Management Act, 1998 and the Section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of Section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended).

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A pre-application public participation process will commence on Friday 02 May 2025, ending on Thursday 22 May 2025.

You are invited to comment on the draft Application and Assessment Report, which is available online at [www.infinityenv.co.za/mistycliffs](http://www.infinityenv.co.za/mistycliffs) or on request from the Environmental Assessment Practitioner at the details below.

**Proof of notification via bulk email is provided in Appendix 1a**

## 2.2 MUNICIPAL COUNCILLORS

The municipal councillors were notified by email at the details below.

Ward	Councillor	Email
Ward 61	Simon Liell-Cock	<a href="mailto:Simon.LiellCock@capetown.gov.za">Simon.LiellCock@capetown.gov.za</a>
Sub-council 19	Desiree Mentor	<a href="mailto:Subcouncil.19@capetown.gov.za">Subcouncil.19@capetown.gov.za</a>

## 2.3 ORGANS OF STATE

Organs of State were notified of the application by email. Contact details are provided below.

Organ of State	Contact Person	Email
Cape Nature	Ismat Adams	<a href="mailto:iadams@capenature.co.za">iadams@capenature.co.za</a>
SANParks	Chad Cherry	<a href="mailto:chad.cheney@sanparks.org">chad.cheney@sanparks.org</a>
SANParks	Monique Sham	<a href="mailto:Monique.Sham@sanparks.org">Monique.Sham@sanparks.org</a>
DEA&DP: Development Management	admin	<a href="mailto:DEADPEIAadmin@westerncape.gov.za">DEADPEIAadmin@westerncape.gov.za</a>
DEA&DP: Development Management	Nabeela Khan	<a href="mailto:Nabeela.Khan@westerncape.gov.za">Nabeela.Khan@westerncape.gov.za</a>
DEA&DP: Rectification	Zaidah Toefy	<a href="mailto:Zaidah.Toefy@westerncape.gov.za">Zaidah.Toefy@westerncape.gov.za</a>
DEA&DP: Rectification	Naadiya Wookey	<a href="mailto:Naadiya.Wookey@westerncape.gov.za">Naadiya.Wookey@westerncape.gov.za</a>
DEA&DP: Environmental Law Enforcement	Derryn Hirst	<a href="mailto:Derryn.Hirst@westerncape.gov.za">Derryn.Hirst@westerncape.gov.za</a>
DEA&DP: Waste Management	Lance McBain-Charles	<a href="mailto:Lance.McBain-Charles@westerncape.gov.za">Lance.McBain-Charles@westerncape.gov.za</a>
DEA&DP: Pollution and Chemicals Management	Russell Mehl	<a href="mailto:russell.mehl@westerncape.gov.za">russell.mehl@westerncape.gov.za</a>
DEA&DP: Biodiversity Management	Marlene Laros	<a href="mailto:marlene.laros@westerncape.gov.za">marlene.laros@westerncape.gov.za</a>
DEA&DP: Coastal Management	Mercia Liddle	<a href="mailto:Mercia.Liddle@westerncape.gov.za">Mercia.Liddle@westerncape.gov.za</a>
DEA&DP: Coastal Management	leptshaam Bekko	<a href="mailto:ieptshaam.bekko@westerncape.gov.za">ieptshaam.bekko@westerncape.gov.za</a>
City of Cape Town Environmental and Heritage Management Department	Andrew Green	<a href="mailto:andrew.greenwood@capetown.gov.za">andrew.greenwood@capetown.gov.za</a>
City of Cape Town Environment	Joy Garman	<a href="mailto:joy.garman@capetown.gov.za">joy.garman@capetown.gov.za</a>
Department of Water and Sanitation	Nelisa Ndobeni	<a href="mailto:NdobeniN@dws.gov.za">NdobeniN@dws.gov.za</a>
Cape Peninsula Fire Protection Association	Philip Prins	<a href="mailto:philip.prins1@gmail.com">philip.prins1@gmail.com</a>

## 2.4 RATEPAYER'S ASSOCIATION

The ratepayer's association for the Simon's Town area was also notified

Organisation	Contact	Email
Scarborough Village Association	Andre Greyling	<a href="mailto:andregreyling@gmail.com">andregreyling@gmail.com</a>
Misty Cliffs Village Association	Jon Kerr	<a href="mailto:mistycliffs@gmail.com">mistycliffs@gmail.com</a>
Far South Peninsula Community Forum	Secretary	<a href="mailto:fspcf.secretary@gmail.com">fspcf.secretary@gmail.com</a>

## 2.5 ADDITIONAL STAKEHOLDERS

Adjacent landowners / Potential I&APs	Email
The Kelp Shack	<a href="mailto:phil.mansergh@gmail.com">phil.mansergh@gmail.com</a>
Soetwater Environmental Centre	<a href="mailto:info@soetwater.org">info@soetwater.org</a>
Soetwater Resort Kommetjie	<a href="mailto:William.Bode@capetown.gov.za">William.Bode@capetown.gov.za</a>
Oceana Lighthouse Fisheries	<a href="mailto:companysecretary@oceana.co.za">companysecretary@oceana.co.za</a>
Scarborough Chatter	<a href="mailto:scarbchat@gmail.com">scarbchat@gmail.com</a>

**Proof of notification of municipal councillors, other organs of state, ratepayers' associations and potential I&APs is provided in Appendix 1a**

## 2.6 MEDIA AND SITE NOTICES

### Media Notification

A media notice was published in the local community newspaper (*False Bay Echo*) on Thursday 01 May.

**NOTICE OF PRE-APPLICATION CONSULTATION  
SECTION 24G ENVIRONMENTAL IMPACT ASSESSMENT**

**Clearance of indigenous vegetation in February 2025 on Farm 974/1, Misty Cliffs,  
Cape Town (DEA&DP Ref 14/1/1/E1/6/6/3/0917/25)**

The applicants commenced with a listed activity without the necessary environmental authorisation and intend to apply for rectification in terms of section 24G of the National Environmental Management Act (NEMA), Act 107 of 1998, as amended. Approximately 400 square metres of indigenous vegetation was cleared on Farm 974/1, Misty Cliffs, and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants will also seek environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

**Application will be made in terms of the NEMA and the section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended).**

GNR 324 of 2014: Activity 12 (j)(i) - the clearance of an area of 300 square metres or more of indigenous vegetation in the Western Cape within any critically endangered or endangered ecosystem.

**Opportunity to participate:**  
A pre-application public participation process will commence on **Friday 02 May 2025**. Interested and affected parties (I&APs) are invited to register their interest and may also comment on a draft application and assessment report, available online at [www.infinityenv.co.za/mistycliffs](http://www.infinityenv.co.za/mistycliffs) or on request from the Environmental Assessment Practitioner at the details below. When registering or commenting, I&APs must provide their name, contact details, and an indication of any direct business, financial, personal or other interest which they have in the application.

**The 20-day commenting period will end on Thursday 22 May 2025.**

For more information, to comment, or to arrange alternative ways of participating, please contact the environmental assessment practitioner at the details below. You may also access the documents or comment at [www.infinityenv.co.za/mistycliffs](http://www.infinityenv.co.za/mistycliffs).

**Contact Kelly Gilmour or Jeremy Rose at:**

 021 834 1602	 <a href="mailto:comments+mistycliffs@infinityenv.co.za">comments+mistycliffs@infinityenv.co.za</a>
 060 524 7676	 <a href="http://www.infinityenv.co.za/mistycliffs">www.infinityenv.co.za/mistycliffs</a>



### Site notification

A site notice was placed on site on Friday 02 May 2025.

**NOTIFICATION OF PRE-APPLICATION CONSULTATION  
SECTION 24G ENVIRONMENTAL IMPACT ASSESSMENT**

**Clearance of indigenous vegetation in February 2025 on Farm 974/1, Misty Cliffs, Cape Town**  
DEA&DP Ref 14/1/1/E1/6/6/3/0917/25

**Project background:** The applicants commenced with a listed activity without the necessary environmental authorisation and intend to apply for rectification in terms of section 24 of NEMA. Approximately 400 square metres of indigenous vegetation was cleared on Farm 974/1, Misty Cliffs, and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants will also seek environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

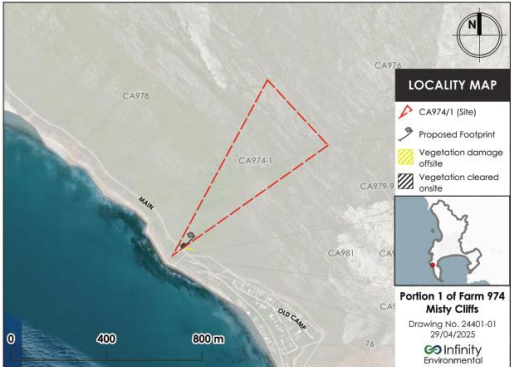
**Application will be made in terms of the National Environmental Management Act, 1998 and the Section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended).**





GNR 324 of 2014: Activity 12 (j)(i) - the clearance of an area of 300 square metres or more of indigenous vegetation in the Western Cape within any critically endangered or endangered ecosystem.


**Opportunity to participate:** A pre-application public participation process will commence on **Friday 02 May 2025**. Interested and affected parties (I&APs) are invited to register their interest and may also comment on a draft application and assessment report, available online at [www.infinityenv.co.za/mistycliffs](http://www.infinityenv.co.za/mistycliffs) or on request from the Environmental Assessment Practitioner at the details below. When registering or commenting, I&APs must provide their name, contact details, and an indication of any direct business, financial, personal or other interest which they have in the application.

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For more information, to comment, or to arrange alternative ways of participating, please contact Kelly Gilmour or Jeremy Rose, at the details below.



 <a href="mailto:comments+mistycliffs@infinityenv.co.za">comments+mistycliffs@infinityenv.co.za</a>	 060 524 7676
 <a href="http://www.infinityenv.co.za/mistycliffs">www.infinityenv.co.za/mistycliffs</a>	 021 834 1602



**Proof of the site and media notice placement is provided in Appendix 1b**

## 2.7 AVAILABILITY OF THE DRAFT PRE-APPLICATION REPORT

The draft pre-application s24G Report was circulated to identified potential I&APs and made available to the public online on Infinity's website.

The screenshot shows a web browser window displaying the Infinity Environmental website. The page title is "Section 24G Retrospective Environmental Authorisation Application for the clearance of indigenous vegetation in February 2025 on Farm 974/1, Misty Cliffs, Cape Town". The page includes a navigation menu, a main content area with a background image of a landscape, and a sidebar with a list of "All current public documents".

**Section 24G Retrospective Environmental Authorisation Application for the clearance of indigenous vegetation in February 2025 on Farm 974/1, Misty Cliffs, Cape Town**

Public Participation / 01 May 2025

- Status: Pre-application Participation
- Reference Number: 14/1/1/E1/6/6/3/0917/25
- Authority: Department of Environmental Affairs and Development Planning
- Date of notice: 2025-05-02
- Closing date: 2025-05-22

**BACKGROUND**

The applicants commenced with a listed activity without the necessary environmental authorisation and intend to apply for rectification in terms of Section 24 of NEMA. Approximately 400 square metres of indigenous vegetation was cleared on Farm CA 974/1, Misty Cliffs and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants will also seek environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

**SITE DESCRIPTION**

The site (Farm 974/1) is approximately 15 ha in extent and located in the City of Cape Town Municipality, approximately 2km northwest of Scarborough and 0,2km northwest of the town called Misty Cliffs. The farm is zoned for Agricultural use and is classified as a Critical Biodiversity Area. The site is bounded by the Table Mountain National Park to the north and east.

**APPLICABLE LEGISLATION**

Application will be made in terms of the National Environmental Management Act, 1998 and the Section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of Section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended).

The activity necessitating the retrospective Environmental Authorisation application is set out below:

- **Activity 12 of Listing Notice 3 (GNR 324 of 2017):** The clearance of an area of 300 square metres or more of indigenous vegetation in the Western Cape i) Within any critically endangered or endangered ecosystem

**OPPORTUNITY TO PARTICIPATE**

A public participation process will commence on **Friday, 02 May 2025** with the publication of the Development Setback Line Application Form and supporting annexures. Interested and Affected Parties (I&APs) are invited to register and provide comments on the application. When registering or commenting, please provide your name, contact details and an indication of any direct business, financial, personal or other interest you may have in the application.

**The 20-day commenting period commences on Friday, 02 May 2025 and will end on Thursday, 22 May 2025.**

Should you have any queries or concerns you can contact the Environmental Assessment Practitioner, Jeremy Rose or Kelly Gilmour as follows:

- By sending an email to [comments+mistycliffs@infinityenv.co.za](mailto:comments+mistycliffs@infinityenv.co.za)
- By sending a WhatsApp message to 060 524 7676
- By completing the form on this page

Files can be accessed at the link below.

[Section 24G Retrospective Environmental Authorisation Application for the clearance of indigenous vegetation in February](#)

**All current public documents**

- Proposed development of portions of Stikland South Hospital site on erf 6300, Stikland, Bellville  
Background Information Document
- Proposed redevelopment of the Strand Street Quarry, Cape Town  
Public Participation Concluded
- Notice of External Environmental Audit Report - Repair work for Culvert C10286 on Divisional Road 1123/ Sient Road in the Swartland Municipal Area
- Proposed Tafelsig Cemetery on Portion 60 of CA544, Tafelsig Mitchells Plain  
Draft Basic Assessment Report
- Notice of Environmental Authorisation for the Proposed Expansion of the Rusthof Cemetery on Erf 5540, Strand, Cape Town  
Dear Registered Interested and Affected Party, You are hereby notified that the Department of...
- R44/N1 Interchange Upgrade  
Final Basic Assessment Report
- Notice of Environmental Authorisation for the Proposed Re-development of the Zeekoewiel and Rondevlei Weir Complex  
Environmental Authorisation
- Setback Line Application for the Proposed upgrade of Long Barn cottage, Miller's Point  
Ad-Hoc Development Setback Line Application
- Application for an ad hoc development  
Setback Line for the proposed refurbishment of Strandfontein Pavilion  
Ad Hoc Development Setback Line
- Section 24G Retrospective Environmental Authorisation Application for the clearance of indigenous vegetation in February 2025 on Farm 974/1, Misty Cliffs, Cape Town  
Section 24G Retrospective Environmental Authorisation Application

Figure 1: Infinity's webpage for the s24G Retrospective Environmental Authorisation Application for the clearance of indigenous vegetation on Farm 974/1, Misty Cliffs, Cape Town.

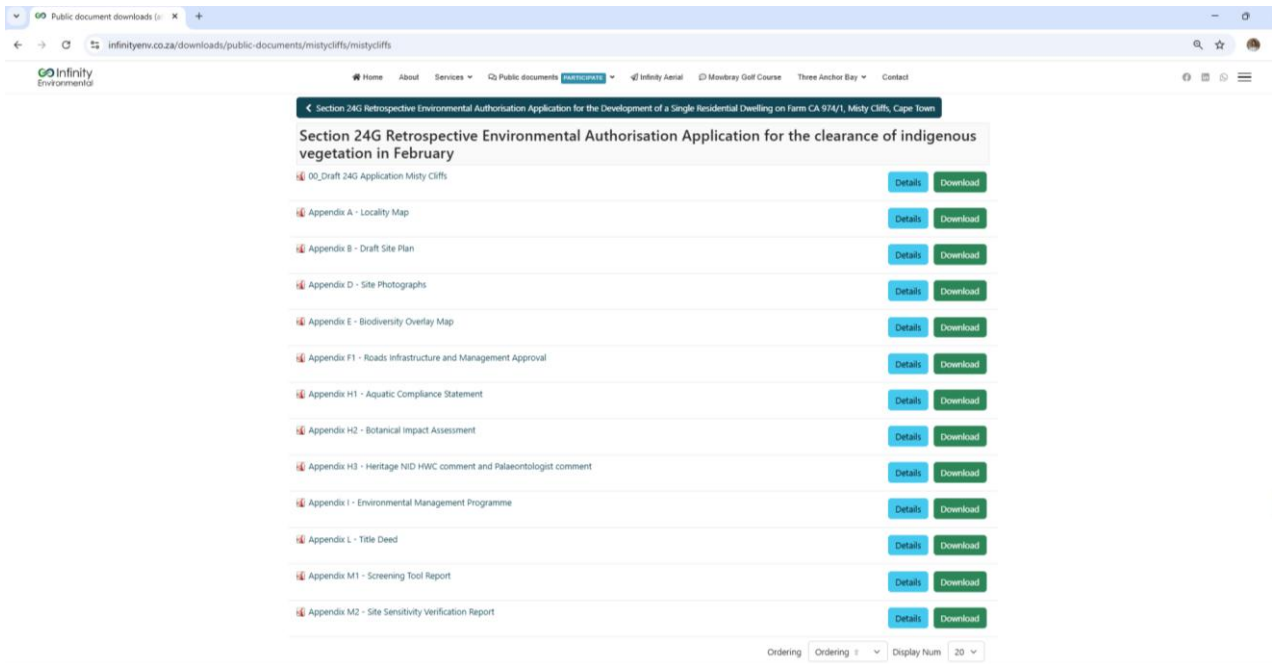


Figure 2: Webpage with downloadable documents.

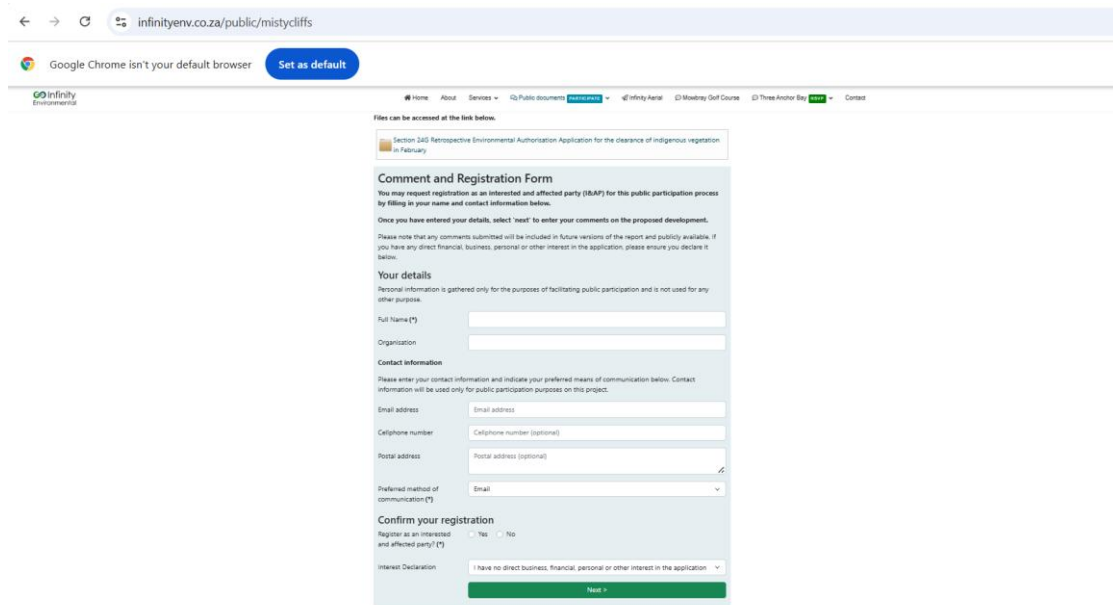
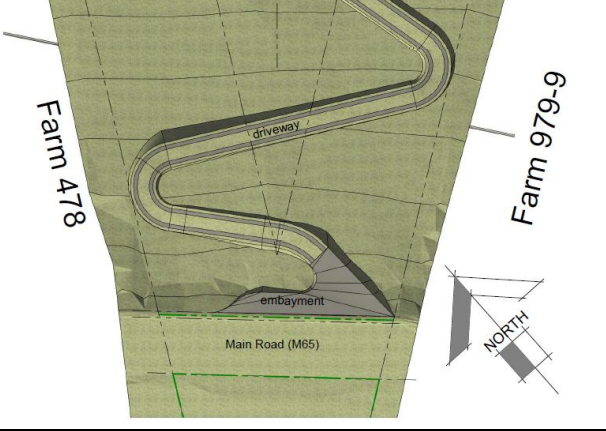


Figure 3: Online I&AP registration and comment form.

## 2.8 PRE-APPLICATION COMMENTS AND RESPONSES TABLE

As required, a 20-day public participation process was conducted. Notifications were distributed, and the draft s24G Report was published on the Infinity Environmental website on 01 May 2025. The 20-day public participation period for the draft s24G Report commenced on 02 May 2025 and ended on 22 May 2025. Comments and responses are provided in the table below, and proof of comments is provided in Appendix 1c.

Comment by	Date received	Comments/Concerns/Questions	Responses
<b>Jon Kerr</b>	<b>03/05/2025</b>	I would like more detail on the road access. There is limited visibility access and high speed traffic (MCVA has measured up to 94kph (in a 50 kph zone) within Misty Cliffs. The 50 kph zone may have to be extended to cover the entrance and speed calming measures introduced.	The concerns regarding road access, visibility and high-speed traffic are acknowledged. A proposed carriageway crossing and access road was approved in November 2024, and these details have been appended to the draft s24G Report as Appendix F1. The original driveway and house designs have changed since the carriageway crossing layout was approved, although the traffic signage and road marking are likely to align with those in the approved carriageway crossing layout. These designs include proposed concealed driveway signage, the movement of the existing 50 km/h and 60 km/h speed signs north-westward. Additionally, the new design includes a layby area / embayment which will allow for vehicles to pull over and access the site without obstructing the main road itself. The layby is expected to prevent vehicles from stopping in the middle of the road when they want to access the site and thereby reduce interference with visibility and associated collision risk as vehicles commute around the corner from a northwest direction.

Comment by	Date received	Comments/Concerns/Questions	Responses
			 <p>The diagram is a site plan showing the layout of Farm 478 and Farm 979-9. It features a 'Main Road (M65)' at the bottom, a 'driveway' curving through the center, and an 'embayment' area. A north arrow is located in the bottom right corner of the plan.</p>
<p><b>Kai Sessinghause</b></p>	<p><b>05/05/2025</b></p>	<p>We are highly concerned about the environmental impact of a new development on that land. We are also concerned about safe access to the site.</p>	<p>The environmental impact is assessed in the s24G Report, with the incorporation of botanical and aquatic specialists input. The mitigation measures recommended by these specialists reduce any potential negative impacts on the environment to Low / Low-Medium negative (botanical) and Insignificant (Aquatic). Additionally, the proposed development footprint of approximately 0.08 ha of the 15 ha site means that potential impacts are likely to be highly localised and the remainder of the site is to be conserved (a fire break will need to be established as discussed in the EMPr – Appendix I of the s24G Report).</p> <p>The concerns regarding safe access to the site are noted and details regarding the carriageway layout, which was approved in November 2024, have been appended to the draft s24G Report as Appendix F1. These include proposed concealed driveway signage as well as the</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
			<p>movement of the existing 50km/h and 60km/h speed signs north-westward to reduce vehicle speeds around the proposed driveway. Refer to the previous comment regarding the addition of a layby area to the driveway design which further improves safe access to the site.</p>
<p><b>Ismat Adams (Cape Nature)</b></p>	<p><b>21/05/20256</b></p>	<p>Herewith comment on this application.</p> <ol style="list-style-type: none"> <li>1. Based on the botanical assessment provided it is understood that the development site is not within a protected area but is bounded by Table Mountain National Park on either side and to the north of the property. The site is mapped CBA1a and is in good ecological condition as per the botanical specialist. The botanical specialist has assessed the clearing of vegetation that has already occurred to be low negative residual impact considering the rehabilitation measures that have already been implemented and that appear to be succeeding.</li> </ol> <p>The botanical specialist has assessed a low negative residual impact to the ecosystem on site (Cape Flats Dune Strandveld mixed with sandstone fynbos elements) from a pre-mitigation impact of low-medium negative. A few botanical SCC will be impacted by the proposed house and road development and have been impacted by the current vegetation clearing, but the botanical specialist has indicated that the SCC that will and have been impacted are not regionally significant sub-populations. Most of the overall impact on ecosystems on site comes from the fire suppression and Argentine ant invasion that may threaten the ecosystems on site. The botanical specialist has indicated mitigation measures</p>	<p>It is confirmed that the site is not a Protected Area and is mapped as CBA1a in good ecological condition. The botanical specialist has indicated that the clearing of vegetation that has occurred is of Low negative significance before mitigation, but Very low negative post mitigation.</p> <p>During construction, the expected loss of indigenous vegetation is rated as Low negative before AND after mitigation due to the small extent of the development and avoidance of SoCC. In the post construction phase, indigenous vegetation impacted by the proposed development of the house and access road is rated as Low to Medium negative before AND after mitigation largely due to the impact of Argentine Ants which inhibit indigenous seed dispersal. In terms of disruption to ecological connectivity, this is expected to be of Low negative significance. It is confirmed that the botanist deems the recommended mitigation</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>that are deemed to be practicable to achieve mitigation and reduce impact to low-negative.</p> <p>2. The botanical impact assessment is supported and all recommendations and mitigation measures should be implemented. The impact assessment based on the botanical specialist expertise has demonstrated that the CBA1a objective should still be met despite the development on site.</p> <p>3. No further development of the site should occur on the property other than this application, and it is suggested that the rest of the property be zoned for conservation to consolidate legal protection of the ecosystems on site (including the wetland area) with the adjacent properties. If the landowner is willing there is also an option of entering into a stewardship agreement for the rest of the site. CapeNature would need to be consulted in this regard. Note that this suggestion is not linked to the development and the site would need to be considered a proactive stewardship site as the impacts as assessed for the development do not require conservation set-asides to further reduce impacts.</p> <p>4. It is noted that the freshwater specialist has delineated and identified a seep wetland on site that has ultimately been avoided by the proposed development. The freshwater assessment is [supported].</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>measures sufficient to reduce negative impacts where possible such that none are unacceptable.</p> <p>The support for the botanical impact assessment, and the mitigation measures therein, is noted. The CBA1a objectives are still able to be met should the proposed development occur.</p> <p>No further development on the site is planned other than this application for a single residential dwelling and driveway. Environmental conservation use is a primary use right in Agricultural Zoning according to the Municipal Planning By-law (2015), and the applicant intends to preserve the rest of the site in its natural state.</p> <p>Support for the freshwater assessment is noted.</p> <p>The right to revise initial comments and request further information is acknowledged.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
<p><b>Camila Coogan</b></p>	<p><b>22/05/2025</b></p>	<p>I am writing as a concerned member of the public in response to the notice of pre-application consultation for the Section 24G environmental impact assessment regarding the clearance of indigenous vegetation on Farm 97/1 in Misty Cliffs, Cape Town, which took place in February 2025.</p> <p>I would like to formally submit the following comments:</p> <p>Lack of Authorisation: The activity commenced without the required environmental authorisation. This is deeply concerning, especially in an area of such ecological sensitivity. What measures will be put in place to prevent similar unauthorized activities in the future?</p> <p>Government Accountability: What is the role of the relevant authorities in monitoring such activities? How is compliance enforced, and what penalties or corrective actions are being pursued in this case?</p>	<p>The environmental legal process underway (Section 24G application in terms of the National Environmental Management Act) is in response to the unauthorised commencement of vegetation clearing on the site. Measures in place to prevent unauthorised activities are included in NEMA which identifies activities that require prior environmental authorization through "Listing Notices" published in Regulations. These notices list activities that cannot commence without the necessary environmental authorization. The provision of Listed Activities in the NEMA also includes provisions for enforcement, including penalties for non-compliance and potential legal action against those who violate the Act. 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 or MEC may take a decision on whether or not to grant an <i>ex post facto</i> environmental authorisation. The 2017 Section 24G Fine Regulations (No. 698) outline the regulations relating to the procedure to be followed and criteria to be considered when</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>Restoration and Mitigation: What plans are in place to restore the damaged area? I urge that any authorisation (if granted) be contingent on a clear, independently monitored rehabilitation plan with timelines and accountability measures.</p> <p>Community Involvement: The local community must be engaged not only in the commenting process but also in ongoing oversight, given the environmental value and vulnerability of this area.</p>	<p>determining an appropriate fine. Section C: Quantum of the Section 24G Fine is included in the draft s24G Report in Part 2 – Annexure A. The fine will be determined by the competent authority upon receipt of the recommendation of the fine committee.</p> <p>The area of vegetation cleared on site that does not fall part of the proposed development footprint is to be rehabilitated with locally indigenous plant species. The area of damaged vegetation on the adjacent land is already experiencing regrowth and is to be monitored for opportunistic alien species which should be removed. These measures are included in the Botanical Impact Assessment and draft s24G Report on page 102. During the construction phase an independent Environmental Control Officer will be appointed to monitor the construction activities and ensure the mitigation measures and management actions stipulated in the Environmental Management Programme are being implemented. Post construction, the responsibility will fall on the landowner to monitor for and remove alien plant species, among other measures included in the EMPr (Appendix I of the draft s24G Report).</p> <p>The community are welcome to comment during the public participation processes included in the s24G application process. Should the proposed development receive environmental authorisation, a complaints register will be kept</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>I appreciate the opportunity to provide input and trust that all public concerns will be meaningfully considered in the assessment process.</p>	<p>during the construction phase for the local community to report any environmental (or other) concerns associated with the construction of the development. This ensures that the contractors and applicant are held accountable for the activities on site by the ECO and community.</p>
<p><b>Kate Snaddon</b></p>	<p><b>22/05/2025</b></p>	<p>The wetlands below the M65 are rare coastal seeps, fed probably primarily by interflow (shallow subsurface flow), surface flow, and possibly some deeper groundwater. The supply of water to these seeps has been impacted by the tar road but not to the extent that they have been significantly transformed. The Aquatic Compliance Report does not consider these wetlands to be potentially impacted by the development of the house and associated infrastructure, and, for that reason, these wetlands have not been assessed, either as part of an environmental or a water use authorisation. I suggest that they are included in the environmental assessment process, in order that mitigation measures will then be thought through, to reduce any potential impact on these coastal wetlands.</p>	<p>Concern regarding the coastal wetlands below the M65 is noted and has been considered by the freshwater specialist. According to the Aquatic Compliance Statement (Appendix H1 of the s24G Report), the coastal wetlands “are relatively rare along the coastline and sensitive to flow impacts. The potential risks to these features would be in terms of flow interception and contamination. The wetlands are fed from deep groundwater unlikely to be intercepted by the proposed activities. Any water quality impacts are also likely to be insignificant given the extent of the wetlands; and their distance from the residence and with the tar road in between.”</p> <p>The specialist recommended mitigation measures to prevent any potential impact on these wetlands, including the need for stormwater measures that prevent direct runoff from the proposed residence onto the M65 and coastal wetlands below. The stormwater measures planned for the site can be found in Appendix M3 of the draft s24G Report.</p> <p>Additionally, according to the freshwater specialist, any consideration of groundwater use</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>The rehabilitation of the cleared area seems largely effective, but I have noticed the growth of grass, along the edges of the rehabilitated area. It doesn't look like Kikuyu, which would be a real concern, as this could spread into the rest of the rehabilitated area, and is then difficult to eradicate. Maybe the person doing the rehab just needs to check on the grasses that are popping up in the cleared area.</p>	<p>would need to follow an investigation to ensure that the abstraction of groundwater would not impact on the groundwater flow to the downstream coastal wetland.</p> <p>Nick Helme visited the site on 30 May 2025 and reported via email on 31 May 2025 that the evident grasses are not kikuyu, but rather the widespread annual ryegrass (<i>Lolium</i>) that is abundant in all disturbed habitats and roadsides in that area. This should not present a long term problem, and will disappear as the Fynbos returns.</p>
<p><b>Joy Garman (CCT Spatial Planning and Environment)</b></p>	<p><b>22/05/2025</b></p>	<p>The City of Cape Town has delegated certain powers to the Executive Director and Director, Spatial Planning &amp; Environment, to make comments, objections and representation in a basic assessment, full scoping or other environmental impact assessment processes, and on an advertised report or submission, including applications for exemption from any provision of the National Environmental Management Act or specific Environmental Management Act. The comments below are given in terms of these delegations (dated 20 October 2020 and sub-delegations of 2 November 2020).</p> <p>This application was circulated to the following internal departments and branches for comment:</p> <ul style="list-style-type: none"> <li>• Urban Mobility: Roads Infrastructure Management – Shafiek Salie</li> <li>• Urban Mobility: Transport Impact Assessments – Marlyn Botha</li> <li>• Spatial Planning &amp; Environment: Spatial Planning – Kier Hennessy</li> <li>• Spatial Planning &amp; Environment: Urban Design – Ashvind Beetul</li> </ul>	<p>The circulation of the application to the listed internal departments and branches is noted.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<ul style="list-style-type: none"> <li>• Spatial Planning &amp; Environment: Development Management – Pierre Hoffa</li> <li>• Spatial Planning &amp; Environment: EMD: Environment &amp; Heritage Management – Joy Garman and Mark Bell</li> <li>• Spatial Planning &amp; Environment: EMD: Biodiversity Management Branch – Charmaine Oxtoby</li> <li>• Spatial Planning &amp; Environment: EMD: Coastal Management – Gregg Oelofse</li> <li>• Water &amp; Sanitation: Water Demand Management – Chanee Johnstone</li> <li>• Water &amp; Sanitation: Reticulation – Natasha Bouillon &amp; Chad Snell</li> <li>• Water &amp; Sanitation: Catchment, Stormwater &amp; River Management – Alistair Lee</li> <li>• Community Services &amp; Health: City Health (Air Quality) – Ian Gildenhuys</li> <li>• Community Services &amp; Health: City Health (Environmental Health) – Anzil Sampson</li> <li>• Energy: Electrical Generation &amp; Distribution – Susan Nel</li> <li>• Safety &amp; Security: Fire Services - Gerard Langenhoven</li> </ul> <p>The following departments/branches provided comment:</p> <ul style="list-style-type: none"> <li>• Spatial Planning &amp; Environment: Spatial Planning – Kier Hennessy</li> <li>• Spatial Planning &amp; Environment: Urban Design – Ashvind Beetul</li> <li>• Spatial Planning &amp; Environment: Development Management – Pierre Evard</li> <li>• Spatial Planning &amp; Environment: EMD: Environment &amp; Heritage Management – Joy Garman and Mark Bell</li> <li>• Spatial Planning &amp; Environment: EMD: Coastal Management – Natalie Newman</li> </ul>	<p>The comments from the listed departments/branches are acknowledged and have been responded to in the below sections.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<ul style="list-style-type: none"> <li>• Water &amp; Sanitation: Distribution – Andrew Taylor</li> <li>• Water &amp; Sanitation: Water Demand Management – Chanee Johnstone</li> </ul>	
		<p><b>COMMENTS RECEIVED FROM INTERNAL BRANCHES AND DEPARTMENTS:</b></p>	
		<p><b>Spatial Planning &amp; Environment: Spatial Planning</b></p> <p><b>1. Introduction</b></p> <p><u>i. Site Characteristics:</u> The site is portion 1 of erf 974 in Misty Cliffs. The erf is ±15,3ha on steep land, with the vast majority of the site north of Main Road and just a small portion of ±580m<sup>2</sup> to the south of this road.</p> <p><u>ii. Land Use Rights</u> The erf is zoned Agricultural Zone 1 (AG) in terms of the Development Management Scheme regulations (DMS, 2015).</p> <p><u>iii. Application:</u> The application is to develop a single dwelling on a small northern portion of the site which directly abuts the northern side of Main Road. It is noted that a significant amount of vegetation clearing has already (allegedly illegally) occurred to this end.</p> <p><b>2. Applicable Spatial Planning Policy – see Annexure A</b></p> <p><b>3. General Considerations from a Spatial Planning Perspective:</b> From a spatial planning perspective key issues in regards to this application include the following:</p> <p><u>3.1 The degree to which the application is aligned with applicable spatial planning policies:</u></p> <p>i. The application is consistent with all applicable policy. ii. There are nevertheless policy related concerns associated with the proposed development.</p>	<p>The site characteristics are confirmed.</p> <p>The land use rights are confirmed and the site is zoned as Agricultural Zone 1.</p> <p>The proposed application is confirmed to be a single dwelling above the main road. Unauthorised vegetation clearing of approximately 400 m<sup>2</sup> occurred on site, hence the Section 24G Application.</p> <p>The applicable Spatial Planning Policy has been noted and any aspects not already included have been added to the draft s24G application.</p> <p>Consistency of the application with applicable policy is noted.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>iii. Given the likely high visual impact of development on the site, no matter what is proposed, the development impact needs to be minimised as far as possible. This relates to views of development on the site from the scenic route.</p> <p>3.2 <u>The degree to which the proposed development will impact negatively on immediate adjoining residential properties and local character of the area.</u></p> <p>i. Ideally no development on the site would be a preferable outcome (and that the site is incorporated into the National Park – as per policy and proclamation guidance). However, it is accepted that development rights on the site already exist that may be exercised in terms of the law.</p> <p>ii. Development of the site will have a significant, if not major, visual impact given that the site is outside the urban edge and in an ideally no-development area.</p> <p>3.3 <u>Mitigating Visual impact:</u>  In its context the proposed development is anticipated to have a high negative visual impact. Therefore:</p> <p>i. A visual impact analysis should be a requirement.</p>	<p>The visual impact of the proposed development will be minimised as far as possible as described below (page 26 of this report).</p> <p>It is confirmed that the proposed development is permitted according to the development rights relating to the site.</p> <p>We disagree and believe that the careful design of the proposed development will not have a significant visual impact, as explained below. The visual impact of the proposed development will be minimised by various design elements specifically chosen to ensure the integration of the house and driveway into the mountainside. The proposed house is to have a two-storey stepped design, with graded retaining walls and the architecture of the house is to include rounded edges as opposed to stark angular geometric features. Any stones excavated during construction will be used in gabion structures and / or building material. The house is proposed to be stone-clad and the external terraces and lawn areas are to be landscaped with locally indigenous vegetation. The house and driveway are to be 'buried' in the landscape and in response to the natural steep topography of the site. These designs are attached to the</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>ii. This analysis should consider (test) possible development options. This includes whether the proposed dwelling should best be in the location currently proposed by the applicant, or whether it should be located below (south of) the main road. Either location is likely to have a high visual impact but it is possible that the site below the road would be less impactful, especially since the site is some way outside of the urban edge and that there is already another house below the road that is outside the urban edge.</p>	<p>draft s24G Report as Appendix B. Included in the designs are four different perspectives of the proposed development, which have been modelled to address the visual impact of the house, showing how the steepness of the site and natural vegetation provides a visual buffer, minimising the visual impact of the proposed house.</p> <p>The area below the main road is not appropriate for development given the small size and close proximity of this area to the street and common boundaries (&lt;15m). Additionally, the Coastal Management comment states that they would not support any development on portion of the site that is seaward of the main road (see page 32 of this report). This area also falls below a scenic drive, and according to the 2003 Scenic Drive Network Management Plan which refers to the Municipality of the City of cape Town Zoning Scheme Regulations: "<b>Section 93 (2):</b> Save as provided for in subsection (5) of this section, nothing shall be built, constructed, erected, fixed or placed, whether permanently or temporarily, on land which:</p> <ul style="list-style-type: none"> <li>a) abuts the lower side of a Scenic Drive, or</li> <li>b) abuts any land (including any street) owned by or vesting in the Council which abuts the lower side of Scenic Drive so as to project above the level of the nearest point on the footway of such Scenic Drive"</li> </ul>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>iii. The ideal development outcome would be for the proposed house to be perceived to be a part of the Misty Cliffs village area. The location of the proposed dwelling will be important in this regard, as will the nature and form of the dwelling (re- size, height, design, orientation, building materials and retaining walls etc.</p>	<p>The location of the proposed house and driveway accounts for sensitive indigenous vegetation on the site, avoiding areas demarcated by the botanical specialist as highly sensitive. The nature and form of the dwelling, including the building materials and retaining walls, has been described above in response to 3.3.i. The size of the proposed development is approximately 2200 m<sup>2</sup> (including the house and driveway). The proposed house and driveway follow the natural slope of the site, and the house has a stepped, two-storey design. A combination of pitched roofs and flat, planted 'green' roofs with succulents or other fire-resistant plant species is proposed. The exterior of the house will be finished with natural stone cladding to reduce its visual impact, and the house will be set into an excavated platform to lower its overall profile. The house will be constructed between the 36 m and 48 m (above mean sea level) contours, and within the 15m building line specified in the zoning scheme. This design means that the building will present a reduced visual height with the roofline merging into the natural slope of the site and the northeastern walls of the house will largely be below the surrounding ground level. Refer to Appendix B of the draft S24G Report for the detailed design drawings, and page 33 – 35 of the draft s24 G report for descriptions of the proposed development.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p><b>Spatial Planning &amp; Environment: Urban Design</b></p> <p>There is no objection to this application from the Urban Design Branch as the proposal is aligned with the Designing Quality Places: Urban Design Policy for the City of Cape Town (2024). Key considerations to be taken into account:</p> <ul style="list-style-type: none"> <li>• Materials used for the construction of the house and the driveway;</li> <li>• Colour of the house;</li> <li>• Recommendations from District Planning and Mechanisms.</li> </ul>	<p>The alignment of the proposed development with the Designing Quality Places: Urban Design Policy for the City of Cape town (2024) is noted.</p> <p>The proposed development has been designed with careful consideration of its surroundings and natural elements. The proposed house is to have a two-storey stepped design, with graded retaining walls and the architecture of the house is to include rounded edges as opposed to stark angular geometric features. Any stones excavated during construction will be used in gabion structures and / or building material. The house is proposed to be stone-clad and the external terraces and lawn areas are to be landscaped with locally indigenous vegetation. The house and driveway are to be 'buried' in the landscape and in response to the natural steep topography of the site. These designs are attached to the draft s24G Report as Appendix B and more details about the design of the house have been added to the draft s24G Report (pages 72-74). A combination of pitched roofs and flat, planted 'green' roofs with succulents or other fire-resistant plant species is proposed. The exterior of the house will be finished with natural stone cladding to reduce its visual impact, and the house will be set into an excavated platform to lower its overall profile. The house will be constructed between the 35m and 45m (above mean sea level) contours, and within the 15m building line specified in the zoning scheme.</p>

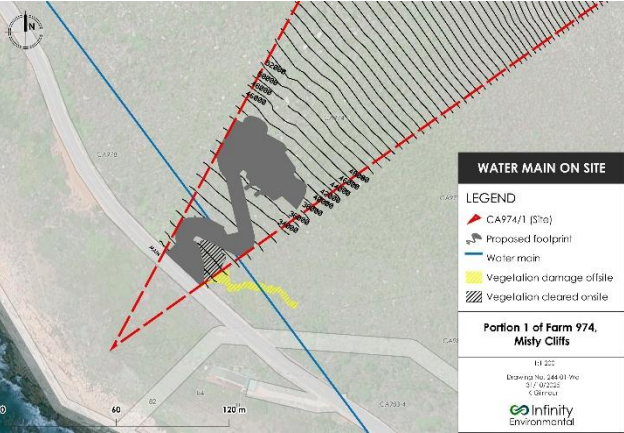
Comment by	Date received	Comments/Concerns/Questions	Responses
			<p>The Southern District Plan states that the spatial development objectives for the Misty Cliffs village, which the site lies adjacent to, includes limiting development to residential, restricting further subdivisions and careful consideration should be given to the impact of the built form. The proposed single residential dwelling aligns with this as no subdivision is proposed and careful consideration has been given to the built form of the house which considers the surrounding natural area by incorporating stone clad walls into the stepped two-storey design.</p>
		<p><b>Spatial Planning &amp; Environment: Development Management</b>  Land Use Management comment as follows:  The property being Cape Farm 974 Portion 1 (Misty Cliffs) is zoned Agricultural Zone and subject to the following Use Rights and Development Rules in terms of the Development Management Scheme (as well as the General Provisions):</p> <p><b>108 Use of the property</b>  The following use restrictions apply to property in this zoning:</p> <p>(a) Primary uses are <b>agriculture</b>, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and additional use rights as listed in paragraph (b).  <small>[Para. (a) substituted by s. 66 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]</small></p> <p>(b) Additional use rights, which may be exercised by the occupant of a property as a primary use are second dwelling and home occupation, or bed and breakfast establishment, or home child care, subject to:</p> <p>(i) only one of the activities listed as additional use rights shall be conducted from any land unit, provided this does not apply to a second dwelling, and if more than one such activity is required, the City's approval shall be obtained;</p> <p>(ii) the proprietor of the activity concerned shall live on the property; and</p> <p>(iii) the development rules stipulated in items 23, 24 and 25 whichever is applicable, shall be adhered to.</p> <p>(c) Consent uses are additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop, renewable energy structure, veterinary practice and agricultural industry.</p>	

Comment by	Date received	Comments/Concerns/Questions	Responses									
		<p><b>109 Development rules</b></p> <p>The following development rules apply:</p> <p>(a) Floor space</p> <p>(i) The total floor space of all dwelling units on the land unit, including accommodation for bona fide agricultural workers employed on the property, shall not exceed 1 500 m<sup>2</sup>, provided that with the approval of the City this requirement may be relaxed if such accommodation is required for persons who are genuinely engaged for their livelihood in agricultural activities on the land unit;</p> <p>(ii) Any farm shop shall not exceed a floor space of 100 m<sup>2</sup>.</p> <p>(b) Building lines</p> <p>(i) The street and common boundary building lines are determined in accordance with the area of the land unit, as shown in the following 'Table of building lines in Agricultural Zoning'.</p> <p>(ii) The general building line encroachments in item 121 shall apply.</p> <table border="1" data-bbox="633 528 1352 619"> <caption>Table of building lines in Agricultural Zoning</caption> <thead> <tr> <th>Land unit area</th> <th>Street boundary building line</th> <th>Common boundary building line</th> </tr> </thead> <tbody> <tr> <td>&gt;20 ha</td> <td>30,0 m</td> <td>30,0 m</td> </tr> <tr> <td>≤20 ha</td> <td>15,0 m</td> <td>15,0 m</td> </tr> </tbody> </table> <p>Not much detail has been provided regarding the proposed development, other than that the owner intends constructing a single dwelling house and access driveway.</p> <p>The intended use is permitted, subject to compliance with the applicable Development Rules and General Provisions of the Development Management Scheme, relating to, inter alia, uses, setbacks (i.e. at ±15 ha in extent the property is subject to 15m setbacks from the street and common boundaries), raising ground level, parking etc.</p> <p>It must be noted that activities beyond the property boundary, on an abutting property, under a different ownership is</p>	Land unit area	Street boundary building line	Common boundary building line	>20 ha	30,0 m	30,0 m	≤20 ha	15,0 m	15,0 m	<p>More details regarding the proposed development design have been included in the draft S24G Report on pages 72 – 74 of the draft S24G application Report and shown in Appendix B.</p> <p>The proposed development complies with the applicable development rules and provisions, including the position of the house over 15m away from the street and common boundaries. The basement parking area and the living level external parking area are to be entirely below the EGL and comply with the definition of a basement which is permitted within the 15m building lines as per item 121 of the Municipal Bylaw.</p> <p>The site is to be accessed directly off the coastal Main Road (Witsands Road), and not activities relating to the development should occur beyond the property boundary. During the</p>
Land unit area	Street boundary building line	Common boundary building line										
>20 ha	30,0 m	30,0 m										
≤20 ha	15,0 m	15,0 m										

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>problematic, and any access arrangement would require the appropriate servitude to be registered.</p>	<p>construction phase, no-go areas will be demarcated (as stated in the EMPr – Appendix I).</p>
		<p><b>Spatial Planning &amp; Environment: EMD: Environmental Management Section (EMS)</b></p> <p>This application entails the rectification of illegally cleared indigenous vegetation as well as the construction of a dwelling and associated infrastructure, (including an access driveway) on erf 974/1 in Misty Cliffs.</p> <p>The botanist has identified the vegetation within the cleared area as Cape Flats Dune Strandveld, being 'Endangered,' with elements of Peninsula Sandstone Fynbos (PSF) which is 'Critically Endangered'. The vegetation transitions to predominantly PSF as one moves upslope the property. The development footprint is to be located in what is deemed to be the least botanically sensitive part of the property.</p> <p>In terms of the BIONET, the site is categorised as Core Biodiversity Area 1a (CBA1a) in good condition. These areas should be managed for biodiversity conservation purposes, restored where required and incorporated into the Protected Area network where possible as they support critical habitat and species. Appropriate land uses are low impact and biodiversity sensitive. Four plant species of conservation concern were observed on site. These will be impacted upon in the development footprint area but they do not have a population of regional significance. The overall botanical significance of the cleared area is 'very low negative'.</p> <p>The aquatic specialist has identified a 50m ecological buffer for the Varingskloof drainage corridor and seep areas. Although the development footprint does not fall within this corridor, no activities associated with the dwelling should take place here. She concluded that the clearing of the vegetation should not impact on the downstream seep.</p>	<p>It is confirmed that the application includes the rectification of unauthorised clearing of vegetation as well as application for environmental authorisation relating to the construction of the dwelling and driveway on erf 974/1 in Misty Cliffs.</p> <p>The development footprint is confirmed to be located in the least botanically sensitive area on the property.</p> <p>The area already cleared has a 'very low' negative impact due to the small, temporary nature of the impact which has already experienced some mitigation/rehabilitation steps. The species of conservation concern will largely be avoided by the development footprint, but any loss of vegetation on site is anticipated to be 'low' negative due to the small extent and scale of the development resulting in no SoCC experiencing regionally significant impacts.</p>

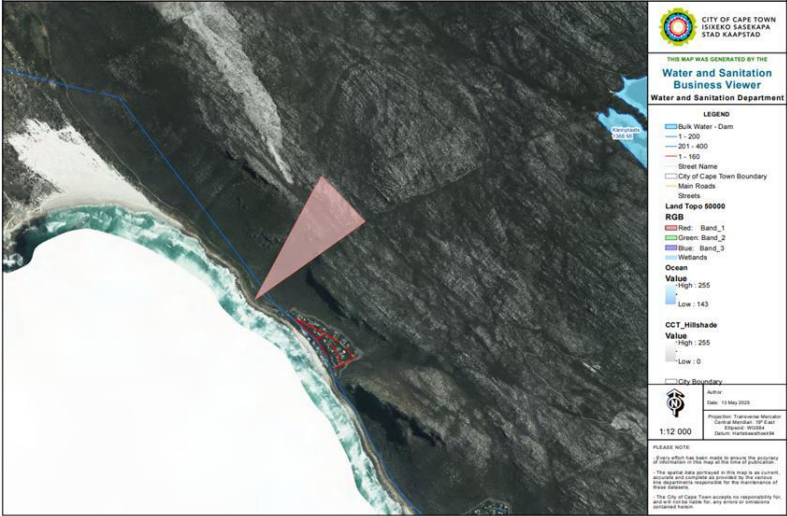
Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>The preferred alternative is supported by the Aquatic and Botanical Specialist, provided their recommendations and mitigation measures are implemented. This stance is supported by EMS.</p> <p>Additional comments:</p> <ul style="list-style-type: none"> <li>• There is a lot of reference to wildfires throughout the Basic Assessment Report and in the Botanical Report. Mitigation measures to reduce the fire risk have been proposed, all of which are supported by EMS.</li> <li>• During the rainy season erosion control measures may need to be reassessed and interventions such as silt curtains installed over the cleared area.</li> <li>• Every morning all open trenches should be checked for wildlife. Any trapped animals must be released in the vegetation closest to the trench. If venomous snakes become trapped an expert in dealing with these animals must be called upon to assist with relocation. All necessary permits must be obtained.</li> </ul>	<p>The support by EMS provided that the recommendations and mitigation measures provided by the specialists are implemented is noted.</p> <p>Support from EMS of the mitigation measures recommended in the application and botanical report is noted.</p> <p>The recommendation that during the rainy season erosion control measures may need to be reassessed and interventions such as silt curtains installed has been included in the EMPr (page 29).</p> <p>The recommendation that all trenches should be checked for wildlife, to be released in the vegetation closest to the trench, and experts consulted should venous snakes be trapped is noted and has been added to the EMPr (page 28).</p>
		<p><b>Spatial Planning &amp; Environment: EMD: Heritage Resources Section</b></p> <p><u>Policy</u></p> <p>The proposal aligns with The City's Environmental Strategy (approved by Council August 2017) which includes directives as part of section 6.11 Protected Cultural Heritage.</p> <p><u>Assessment</u></p> <p>The proposal triggers Section 38(1) of the National Heritage Resources Act (NHRAAct) and as such, the applicant must notify Heritage Western Cape (HWC) of the proposal and provide details regarding the location, nature and extent of the</p>	



Comment by	Date received	Comments/Concerns/Questions	Responses
		<p><b>Water &amp; Sanitation: Water Demand Management</b></p> <p><u>Background</u></p> <p>The applicant intends to apply for the approval of the unauthorised clearing and seeks environmental authorisation to continue with the proposed development of the access road and house.</p> <p>This letter provides an overview of the existing water and sewer infrastructure near the development, the capacity of both complete systems to service it as well as associated conditions that would apply. The information provided is based on the City of Cape Town's master plan model as well as comments from relevant branches of the department.</p> <p><u>Water Reticulation and Bulk main (see Annexure B: Figure 1)</u></p> <p>The proposed development falls within Scarborough DMA (District Metered Area) water distribution zone. There is a 225mm diameter water main traversing the portion of land where the proposed structure will be constructed. According to the latest hydraulic model, this main has an average demand head of 48.94 m, an average static pressure of 52.26 m and a velocity of 0.68 m/s. This water main must be considered during the construction phase, as no structures are permitted to be built over existing water infrastructure.</p> <p><u>Sewer Reticulation (see Annexure B: Figure 1)</u></p> <p>There is no existing sewer infrastructure within the immediate vicinity. For this reason, the applicant is proposing to install a 6000 litre conservancy tank downslope of the proposed site to collect all sewage generated. The tank will be periodically emptied by a vacuum tanker, with the waste disposed of at a municipal wastewater treatment facility.</p> <p><u>Conclusion</u></p> <p>The Water and Sanitation Directorate requires the applicant to consult with the Regional Manager for Water Reticulation</p>	<p>The overview of the existing water and sewer infrastructure near the development, and associated capacity and conditions, is noted.</p> <p>The location of a water main traversing the site has been investigated and confirmed to be below the footprint of the house.</p>  <p>The architects were able to get the precise location of the water main from the relevant City department. The water main is confirmed to be</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>Infrastructure, Mr. Clyde Koen (Clyde.Koen@capetown.gov.za ). His input is necessary regarding conditions, servitudes, and/or any required wayleaves related to the 200mm diameter water main crossing the proposed development site. It is also necessary for the applicant to consult with the Regional Manager for Sewer Reticulation Infrastructure, Mr. Chad Snell (Chad.Snell@capetown.gov.za), his input is necessary regarding the proposed conservancy tank and the related conditions.</p> <p><u>Conditions</u></p> <p>1.This is not a capacity letter. Once a proposed development has been identified, a formal application must be made in Development Application Management System (DAMS)</p>	<p>downslope of the proposed house footprint but underneath the proposed access road. Further communication regarding conditions, servitudes and/or any required wayleave related to the water main crossing the site will occur (refer to Appendix M3 of the Draft S24G Report).</p> <p>It is confirmed that a conservancy tank is to be used for the proposed development, routinely emptied and waste disposed of at a municipal wastewater treatment facility. Consultation with the Regional Manager for Sewer Reticulation Infrastructure (Mr Chad Snell) will also occur regarding the conditions relating to the proposed conservancy tank.</p> <p>A formal application will be submitted in the DAMS once a development concept is finalised.</p>
		<p>Annexure A: Applicable Spatial Planning Policy</p> <p>4. Applicable Spatial Planning Policy</p> <p><u>i. The Municipal Spatial Development Framework (MSDF, 2023):</u></p> <p>In terms of this framework the site is designated as 'Critical Natural Asset' area (map 5d: Consolidated spatial plan concept) which is (±120m) outside the 'Urban Development Edge' line and also seaward of the 'Coastal Edge' line.</p> <p>The MSDF includes the following policies that have relevance to this application:</p> <p>i.P18: Increase efforts to protect and enhance natural resources such as biodiversity networks ...</p> <p>a. P18.1: Support inward growth, the protection of critical natural assets ....</p>	<p>The applicable spatial planning policy is confirmed to be the Municipal Spatial Development Framework (2023), Southern District Plan (2023) and Scenic Drive Study (2003). It is noted that the Scarborough and Misty Cliffs Structure Plan (2000) was withdrawn by council in 2023 due to most development guidance of importance has been subsumed into the Southern District Plan (2023). The relevant policies have been added to the draft s24G Report (pages 57-58).</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>ii. P20: Promote risk-averse and sustainable land development along the coast in accordance with the coastal development edge.</p> <p>a. P20.1: No land development should be permitted beyond the coastal edge line (seaside).</p> <p>The proposed development is consistent with the MSDF.</p> <p><u>ii. Southern District Plan (2023):</u></p> <p>This policy designates the property as 'Core Biodiversity' area. It is a 'Buffer area' as part of the proclaimed Cape Floral Region (Table Mountain Area) World Heritage Site area. The proposed development portion of the erf abuts Main Road which is designated as both a 'Connector Route' and a 'Scenic Route'. The plan includes the following particular local sub-district spatial development guidelines for the Sub-District 5: TMNP and Environs area:</p> <p>i. S4.5.1: No urban development should be considered beyond the urban development edge line. ....</p> <p>ii. S4.5.3: The utilisation of areas outside the urban development edge, almost all of which is world heritage site area, must be aimed generally at the conservation and maintenance of the natural environment. In these areas restoration of degraded biodiversity areas should be a focus, .... Consideration should be given to limiting the extent of residential development in terms of size and form in all areas outside the urban development edge towards mitigating 'palatial' residence types, visual impact and veldfire risk.</p> <p>iii. Prioritise the upgrade of scenic routes ...</p> <p>The proposed development is consistent with the District Plan.</p> <p><u>iii. Scenic Drives study (2003)</u></p> <p>Witsand Main Road, from Plateau Road to Slangkop Road is identified as a route of 'outstanding scenic quality' and requires the highest level of protection. Inappropriate development at Misty Cliffs is identified as a key concern.</p>	

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>i. sB: Protecting upward views: no boundary wall on the upper side of a scenic drive should be higher than 1.5m from the back of the footway level.</p> <p>ii. sB: Height restricted to 46 degrees above road level.</p> <p>The proposed development is consistent with this policy.</p> <p><u>iv. The Scarborough and Misty Cliffs Structure Plan (2000):</u></p> <p>This policy is on Schedule 2 of the MPBL, however in a (District Plan) report to Council in January 2023 its recommendation for withdrawal was approved. As such the policy is effectively considered withdrawn even though in practice this has still to be procedurally addressed with the next review of the MPBL. The basis for the Council decision for withdrawal of this policy is that most development guidance of importance has been subsumed into the Southern District Plan (2023).</p>	
		<p>Annexure B: Figure 1 – Existing Water and Sewer Network</p> <p><b>Figure 1: Existing water and sewer network</b></p> 	

Comment by	Date received	Comments/Concerns/Questions	Responses
<p><b>Monique Sham (SANParks)</b></p>	<p><b>22/05/2025</b></p>	<p>Your notification regarding the abovementioned Section 24G Application is acknowledged.</p> <p>SANParks has reviewed the Section 24G Impact Assessment Report for the proposed residential development on Farm CA 974/1, Misty Cliffs. The application pertains to unauthorised clearing of indigenous vegetation on the private property, including incidental damage to the adjacent Table Mountain National Park (TMNP) portion.</p> <p><b>1. Encroachment into Table Mountain National Park</b></p> <p>The Section 24G report confirms that approximately 193m<sup>2</sup> of indigenous vegetation within TMNP (Farm 979/9) was damaged by a contractor working on behalf of the applicant. This constitutes unauthorised activity within a proclaimed national park in contravention of the National Environmental Management: Protected Areas Act (Act 57 of 2003, NEMPAA). This portion of the park is mapped as CBA1a (Critical Biodiversity Area of highest conservation value) and supports Cape Flats Dune Strandveld, a nationally listed Endangered ecosystem. The site is ecologically sensitive and forms part of the broader TMNP conservation network.</p> <p><b>2. Request for Clarification Regarding Rehabilitation</b></p> <p>While the botanical assessment acknowledges that rehabilitation measures were implemented for the cleared area on the applicant's property, it does not provide:</p> <ul style="list-style-type: none"> <li>• Confirmation of whether any rehabilitation was conducted on the SANParks managed portion;</li> <li>• An opinion on whether any additional ecological intervention or monitoring is required.</li> </ul> <p>SANParks requests that the botanical specialist be asked to:</p> <ul style="list-style-type: none"> <li>• Clarify the status of the SANParks portion affected by the clearing;</li> <li>• Indicate whether any additional rehabilitation or monitoring is necessary from a biodiversity or ecosystem function perspective.</li> </ul>	<p>The encroachment into Table Mountain National Park and damage to approximately 193 m<sup>2</sup> Endangered vegetation is confirmed.</p> <p>Clarification regarding rehabilitation was received from the botanical specialist, Nick Helme, who confirmed via email that he had visited the site on 30 May reported that natural rehabilitation is well underway in all areas.</p> <ol style="list-style-type: none"> <li>1) Rehabilitation (limited to spreading of previously cut branches) was undertaken on the SANParks section</li> <li>2) No additional intervention or monitoring is needed</li> <li>3) Natural rehabilitation in this area is very good, with no subsoil damage – all bulbs are up after the first rains, resprouting species are resprouting, and seedlings are emerging.</li> </ol>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>This information will allow SANParks to assess whether further action or oversight is required in respect of the impacted park land.</p> <p><b>3. Management of Future Activities</b> To prevent recurrence, SANParks requests that:</p> <ul style="list-style-type: none"> <li>• The boundary of the TMNP be clearly demarcated on site;</li> <li>• All contractors and future service providers be formally informed that no access to TMNP land is permitted, and that any incursion into TMNP constitutes an offence under NEMPAA.</li> </ul> <p><b>4. Fire Risk and Management</b> The proposed development lies within a fire-prone landscape. The botanical report confirms that the proposed dwelling footprint was last burnt in 2008, while the lower slope vegetation has not burnt for over 20 years, resulting in accumulated fuel loads. Despite this, the Section 24G application does not address:</p> <ul style="list-style-type: none"> <li>• Fire risk to the proposed dwelling;</li> <li>• Fuel load management;</li> <li>• Compliance with the National Veld and Forest Fire Act (Act 101 of 1998);</li> <li>• Fire-safe building design or access for emergency response.</li> </ul> <p>SANParks recommends that a fire management plan be provided, indicating:</p> <ul style="list-style-type: none"> <li>• Measures to reduce fuel loads in the immediate vicinity of the proposed dwelling;</li> <li>• Any fire-safe design elements (e.g., defensible space or access routes);</li> </ul>	<p>4) No additional monitoring or action required to ensure optimal recovery.</p> <p>The request for clear demarcation of the boundary of the TMNP is supported, and “no-go” areas will be indicated on site. This is included in the EMPr (page 25). The contractors and site workers will be informed of the “no-go” areas and site boundary during the Environmental Awareness Training and regular toolbox talks during the construction phase.</p> <p>The draft s24G addresses fire risk and management on:</p> <ul style="list-style-type: none"> <li>- page 10 which describes the wildfire history of the site and surrounds</li> <li>- page 11 where wildfire is listed as an important consideration</li> <li>- pages 12&amp;13 wildfire is included in the impact tables</li> <li>- page 46-47 where wildfire is described and past fires mapped</li> <li>- page 47 describes how wildfires ignite and fuel conditions</li> <li>- pages 86 and 92-94 assess the potential impacts of wildfire on the development</li> <li>- page 111 describes wildfire impacts, the need for fuel breaks, appropriate response to wildfire</li> </ul> <p>The aspects discussed in the s24G Report and EMPr pertaining to fuel breaks, fire suppression planning and implementation, and responsibility</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<ul style="list-style-type: none"> <li>Confirmation of coordination with the City of Cape Town Fire Department and/or the TMNP Fire Management Team.</li> </ul> <p><b>5. Conclusion</b></p> <p>SANParks supports the intent to regularise unauthorised activities through the Section 24G process. However, where land within a National Park has been affected, it is important that the environmental implications are fully addressed. We request that the above clarifications and additions be incorporated into the final submission or addressed through supplementary documentation.</p>	<p>for wildfire spread comply with the National Veld and Forest Fire Act (Act 101 of 1998). Fire mitigation measures are included on pages 33 – 35 of the EMPr.</p> <p>The request for clarifications and additions is acknowledged and have been responded to above.</p>

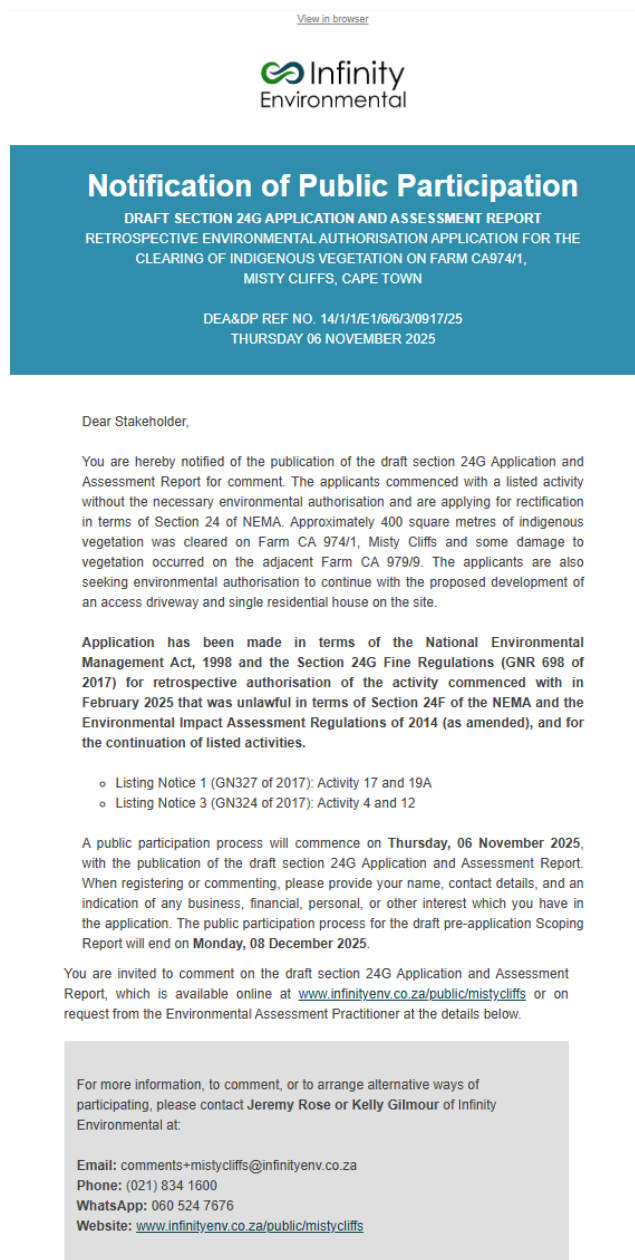
## 3. APPLICATION PUBLIC PARTICIPATION PROCESS

This section documents the public participation process conducted during the application consultation phase whereby the draft s24G application report was made available for comment by registered I&APs for 30 days.

**A notification and comment process commenced on 06 November 2025 and ended on 08 December 2025. Interested and affected parties were notified and invited to register and comment on the draft s24G application report.**

### 3.1 WRITTEN NOTICE TO POTENTIAL I&APs

Organs of State and registered I&APs were notified via bulk email (Brevo) of the application commenting period. The adjacent landowner of Farm 983/4 (34 Main Road, Misty Cliffs) was also notified via email.



**Proof of notification to registered I&APs and Organs of State is provided in Appendix 2a**

### 3.2 MUNICIPAL COUNCILLORS

The municipal councillors were notified by email at the details below.

Ward	Councillor	Email
Ward 61	Simon Liell-Cock	<a href="mailto:Simon.LiellCock@capetown.gov.za">Simon.LiellCock@capetown.gov.za</a>
Sub-council 19	Desiree Mentor	<a href="mailto:Subcouncil.19@capetown.gov.za">Subcouncil.19@capetown.gov.za</a>

### 3.3 ORGANS OF STATE

Organs of State were notified of the application by email. Contact details are provided below.

Organ of State	Contact Person	Email
Cape Nature	Ismat Adams	<a href="mailto:iadams@capenature.co.za">iadams@capenature.co.za</a>
SANParks	Chad Cherry	<a href="mailto:chad.cheney@sanparks.org">chad.cheney@sanparks.org</a>
SANParks	Monique Sham	<a href="mailto:Monique.Sham@sanparks.org">Monique.Sham@sanparks.org</a>
DEA&DP: Development Management	admin	<a href="mailto:DEADPEIAadmin@westerncape.gov.za">DEADPEIAadmin@westerncape.gov.za</a>
DEA&DP: Development Management	Nabeela Khan	<a href="mailto:Nabeela.Khan@westerncape.gov.za">Nabeela.Khan@westerncape.gov.za</a>
DEA&DP: Rectification	Zaidah Toefy	<a href="mailto:Zaidah.Toefy@westerncape.gov.za">Zaidah.Toefy@westerncape.gov.za</a>
DEA&DP: Rectification	Naadiya Wookey	<a href="mailto:Naadiya.Wookey@westerncape.gov.za">Naadiya.Wookey@westerncape.gov.za</a>
DEA&DP: Environmental Law Enforcement	Derryn Hirst	<a href="mailto:Derryn.Hirst@westerncape.gov.za">Derryn.Hirst@westerncape.gov.za</a>
DEA&DP: Waste Management	Lance McBain-Charles	<a href="mailto:Lance.McBain-Charles@westerncape.gov.za">Lance.McBain-Charles@westerncape.gov.za</a>
DEA&DP: Pollution and Chemicals Management	Russell Mehl	<a href="mailto:russell.mehl@westerncape.gov.za">russell.mehl@westerncape.gov.za</a>
DEA&DP: Biodiversity Management	Marlene Laros	<a href="mailto:marlene.laros@westerncape.gov.za">marlene.laros@westerncape.gov.za</a>
DEA&DP: Coastal Management	Mercia Liddle	<a href="mailto:Mercia.Liddle@westerncape.gov.za">Mercia.Liddle@westerncape.gov.za</a>
DEA&DP: Coastal Management	leptshaam Bekko	<a href="mailto:leptshaam.bekko@westerncape.gov.za">leptshaam.bekko@westerncape.gov.za</a>
City of Cape Town Environmental and Heritage Management Department	Andrew Green	<a href="mailto:andrew.greenwood@capetown.gov.za">andrew.greenwood@capetown.gov.za</a>
City of Cape Town Environment	Joy Garman	<a href="mailto:joy.garman@capetown.gov.za">joy.garman@capetown.gov.za</a>
Department of Water and Sanitation	Nelisa Ndobeni	<a href="mailto:NdobeniN@dws.gov.za">NdobeniN@dws.gov.za</a>
Cape Peninsula Fire Protection Association	Philip Prins	<a href="mailto:philip.prins1@gmail.com">philip.prins1@gmail.com</a>

### 3.4 RATEPAYER'S ASSOCIATION

The ratepayer's association for the Simon's Town area was also notified

Organisation	Contact	Email
Scarborough Village Association	Andre Greyling	<a href="mailto:andregreyling@gmail.com">andregreyling@gmail.com</a>
Misty Cliffs Village Association	Jon Kerr	<a href="mailto:mistycliffs@gmail.com">mistycliffs@gmail.com</a>
Far South Peninsula Community Forum	Secretary	<a href="mailto:fspcf.secretary@gmail.com">fspcf.secretary@gmail.com</a>

**Proof of notification of municipal councillors, organs of state, ratepayers' associations and I&APs is provided in Appendix 2a.**

### 3.5 MEDIA AND SITE NOTICES

#### Media Notification

A media notice was published in the local community newspaper (*False Bay Echo*) on 06 November 2025.

## NOTICE OF PUBLIC PARTICIPATION SECTION 24G ENVIRONMENTAL IMPACT ASSESSMENT

### Clearance of indigenous vegetation in February 2025 on Farm 974/1, Misty Cliffs, Cape Town (DEA&DP Ref 14/1/1/E1/6/6/3/0917/25)

The applicants commenced with a listed activity without the necessary environmental authorisation and intend to apply for rectification in terms of section 24G of the National Environmental Management Act (NEMA), Act 107 of 1998, as amended. Approximately 400 square metres of indigenous vegetation was cleared on Farm 974/1, Misty Cliffs, and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants also seek environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

**Application has been made in terms of the NEMA and the section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended), and for the continuation of listed activities.**

- Listing Notice 1 (GNR 327 of 2014, as amended) - Activity 17 and 19A
- Listing Notice 3 (GNR 324 of 2014, as amended) - Activity 4 and 12

**Opportunity to participate:**

An public participation process will commence on **Thursday 06 November 2025**. Interested and affected parties (I&APs) are invited to register their interest and may also comment on the application and assessment report, available online at [www.infinityenv.co.za/public/mistycliffs](http://www.infinityenv.co.za/public/mistycliffs) or on request from the Environmental Assessment Practitioner at the details below. When registering or commenting, I&APs must provide their name, contact details, and an indication of any direct business, financial, personal or other interest which they have in the application.

**The 30-day commenting period will end on Monday 08 December 2025.**

For more information, to comment, or to arrange alternative ways of participating, please contact the environmental assessment practitioner at the details below. You may also access the documents or comment at [www.infinityenv.co.za/public/mistycliffs](http://www.infinityenv.co.za/public/mistycliffs).

**Contact Kelly Gilmour or Jeremy Rose at:**

 **021 834 1600**

 **comments+mistycliffs@infinityenv.co.za**

 **060 524 7676**

 **[www.infinityenv.co.za/public/mistycliffs](http://www.infinityenv.co.za/public/mistycliffs)**



## Site notification

A site notice was placed on site on Wednesday 05 November 2025.

# NOTIFICATION OF PUBLIC PARTICIPATION SECTION 24G ENVIRONMENTAL IMPACT ASSESSMENT

Clearance of indigenous vegetation in February 2025 on Farm 974/1, Misty Cliffs, Cape Town

DEA&DP Ref 14/1/1/E1/6/6/3/0917/25

**Project background:** The applicants commenced with a listed activity without the necessary environmental authorisation and are applying for rectification in terms of section 24 of NEMA. Approximately 400 square metres of indigenous vegetation was cleared on Farm 974/1, Misty Cliffs, and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants are also seeking environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

**Application will be made in terms of the National Environmental Management Act, 1998 and the Section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended), and for the continuation of listed activities.**

Listing Notice 3 (GNR 324 of 2014, as amended) - Activity 4 and 12  
Listing Notice 1 (GNR 327 of 2014, as amended) - Activity 17 and 19A

**Opportunity to participate:** A public participation process will commence on **Thursday 06 November 2025**. Interested and affected parties (I&APs) are invited to register their interest and may also comment on the application and assessment report, available online at [www.infinityenv.co.za/public/mistycliffs](http://www.infinityenv.co.za/public/mistycliffs) or on request from the Environmental Assessment Practitioner at the details below. When registering or commenting, I&APs must provide their name, contact details, and an indication of any direct business, financial, personal or other interest which they have in the application.

**The 30-day commenting period will end on Monday 08 December 2025.**

For more information, to comment, or to arrange alternative ways of participating, please contact Kelly Gilmour or Jeremy Rose, at the details below.



✉ [comments+mistycliffs@infinityenv.co.za](mailto:comments+mistycliffs@infinityenv.co.za)

📞 060 524 7676

🌐 [www.infinityenv.co.za/public/mistycliffs](http://www.infinityenv.co.za/public/mistycliffs)

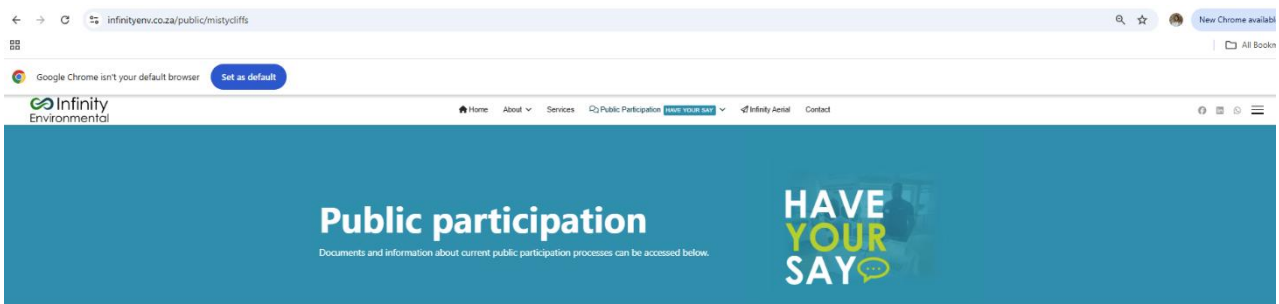
📞 021 834 1600



## Proof of the site and media notice placement is provided in Appendix 2b

### 3.6 AVAILABILITY OF THE DRAFT S24G APPLICATION REPORT

The draft s24G application report was circulated to registered I&APs and made publicly available for download on Infinity's website. A registration and comment form was also available online.



Section 24G Application for clearance of indigenous vegetation on Farm 974/1, Misty Cliffs

Public Participation / 05 November 2025

Current stakeholder engagement processes

Proposed Redevelopment of the Moussy Bay Golf Course

Proposed Mixed-use Development on E1

2187, Three Anchor Bay, Green Point

Strandfontein Pavilion Rehabilitation

Current environmental public participation processes

- Status: Public Engagement
- Reference Number: 14/1/1/E1/6/3/0917/25
- Authority: Department of Environmental Affairs and Development Planning
- Date of notice: 2025-11-06
- Closing date: 2025-12-08

#### BACKGROUND

The applicants commenced with a listed activity without the necessary environmental authorisation and are apply for rectification in terms of Section 24 of NEMA. Approximately 400 square metres of indigenous vegetation was cleared on Farm CA 974/1, Misty Cliffs and some damage to vegetation occurred on the adjacent Farm 979/9. The applicants also seek environmental authorisation to continue with the proposed development of an access driveway and single residential house on the site.

#### SITE DESCRIPTION

The site (Farm 974/1) is approximately 15 ha in extent and located in the City of Cape Town Municipality, approximately 2 km northwest of Scarborough and 0.2 km northwest of the town called Misty Cliffs. The farm is zoned for Agricultural use and is classified as a Critical Biodiversity Area. The site is bounded by the Table Mountain National Park to the north and east.

#### PROPOSED DEVELOPMENT

The proposed development includes a driveway and house, which have undergone an iterative design process aimed at embedding the proposed dwelling into the surrounding landscape. Inputs from botanical and freshwater specialists have been incorporated into the application informing the location of the proposed development on the site to minimise negative impacts on the natural environment. The proposed design also responds to the steep nature of the site, considering the importance of safe access and reduced visual impact.

#### APPLICABLE LEGISLATION

Application has been made in terms of the National Environmental Management Act, 1998 and the Section 24G Fine Regulations (GNR 698 of 2017) for retrospective authorisation of the activity commenced with in February 2025 that was unlawful in terms of Section 24F of the NEMA and the Environmental Impact Assessment Regulations of 2014 (as amended), and for the continuation of listed activities.

The activity necessitating the retrospective Environmental Authorisation application is set out below:

- **Activity 12 of Listing Notice 3 (GNR 324 of 2017):** The clearance of an area of 300 square metres or more of indigenous vegetation in the Western Cape i) Within any critically endangered or endangered ecosystem

The activities not yet commenced with that require authorisation are as follows:

- **Activity 4 of Listing Notice 3 (GNR 324 of 2017):** The development of a road wider than 4 metres with a reserve less than 13.5 metres i. Western Cape i Areas outside urban areas: (aa) Areas containing indigenous vegetation.
- **Activity 17 of Listing Notice 1 (GNR 327 or 2017):** Development - (i) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is greater: in respect of - (a) infrastructure or structures with a development footprint of 50 square metres or more.
- **Activity 19A of Listing Notice 1 (GNR 327 or 2017):** 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) 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 greater.

#### OPPORTUNITY TO PARTICIPATE

The first round of pre-application public engagement occurred from Friday 02 May 2025 until Thursday 22 May 2025. A second public participation process commences on **Thursday, 06 November 2025** with the publication of the draft S24G report. Interested and Affected Parties (IAAPs) are invited to register and provide comments on the application using the form below. The 30-day commenting period starts on **Thursday, 06 November 2025** and ends on **Monday, 08 December 2025**.

Comments raised during the first round of public engagement were addressed and responded to in a Public Participation Process Report (PPPR) appended as Appendix G available in the link below. **Comments received during this second round of public engagement will be addressed and responded to in a second PPPR which will be made available accordingly.**

Should you have any queries or concerns you can contact the Environmental Assessment Practitioner, Jeremy Rose or Kelly Gilmour as follows:

- By sending an email to comments-mistycliffs@infinityem.co.za
- By sending a Whatsapp message to 060 524 7676
- By completing the form on this page

Files associated with this round of public engagement can be accessed at the link below.

- 2025-11 Section 24G Retrospective Environmental Authorisation Application, Misty Cliffs

#### Section 24G Application for clearance of indigenous vegetation on Farm 974/1, Misty Cliffs

Section 24G Retrospective Environmental Authorisation Application

Proposed Mlombon Lagoon Dredging Draft Basic Assessment Report

Proposed redevelopment of the Westlake Conservation Centre Final Basic Assessment Report

Proposed redevelopment of the Strand Street Quarry, Cape Town Appeal Decision

Dredging of Zeehoewel in False Bay Nature Reserve Environmental Audit Report

Proposed Dewatering and Discharge of Groundwater on Erf 2189 - Green Point - Cape Town

Water Use License Application

Proposed Development for the Stikland South Hospital Site, Bellville

Draft Basic Assessment Report

Proposed Tafelberg Cemetery on Portion 60 of CAS44, Tafelberg Mitchells Plain

Draft Basic Assessment Report

Proposed Grainger Bay Precinct Development at the V&A Waterfront

Draft Scoping Report

Proposed R44/N1 Interchange Upgrade in Klipfontein

Environmental Authorisation Granted

Coastal Setback Line for the Upgrading of Long Bars Cottage, Miller's Point

Ad-Hoc Development Setback Line Adoption

Environmental Audit Report for the bulk sewer outfall pipeline in Montague Gardens

Notice of External Audit

Amendment to Environmental Authorisation: Montague Gardens Bulk Outfall Sewer

Amended Environmental Authorisation

#### Comment and Registration Form

You may request registration as an Interested and affected party (IAAP) for this public participation process by filling in your name and contact information below.

Once you have entered your registration details, you may choose to enter or upload comments.

Please note that any comments submitted will be included in future versions of the report and publicly available. If you have any direct financial, business, personal or other interest in the application, please ensure you declare it below.

#### Your details

Personal information gathered only for the purpose of facilitating public participation and is not used for any other purpose.

First name \*  Surname \*

Organisation

Email address

Cellphone Number

Postal Address

Preferred communication method \*

#### Confirm your Registration \*

- Register as an interested and affected party
- No, I do not wish to register, and understand that I will not receive any further updates on this process

#### Comments

You may submit comments in writing below, or upload a file (PDF, MS Word, or image). If you are not able to submit written comments, please contact us on 021 834 1600 to request assistance with alternative methods of commenting.

Comments

#### Upload your comments as an attachment

Drag and drop files here or

Personal Information and Privacy

**Figure 4: Infinity's webpage for the s24G Retrospective Environmental Authorisation Application for the clearance of indigenous vegetation on Farm 974/1, Misty Cliffs, Cape Town.**

### 3.7 RESPONSE TO THE PRE-DIRECTIVE

The comments received from the Department of Environmental Affairs and Development Planning in section 10 of the Pre-directive (dated 04.06.2025) were responded to in the final s24G report as follows:

Comment number		Comment	Response
10.1 Development footprint	10.1.1	Confirmation as to whether the areas to be demarcated for use as stock yards / laydown areas for building materials and dedicated parking for construction vehicles (i.e. including turning circles etc.) have been included as part of the total development footprint of the site must be provided.	The total footprint as indicated on page 27 of the final s24G report includes the construction areas. A schematic of the development footprint with the construction areas is shown in Figure 7 of the EMPr (Appendix I)
10.2 Confirmation of the Consequences of unlawful commencement of listed activities	10.2.1	This Directorate notes the Environmental Assessment Practitioner ("EAP") has indicated that the unlawful activities undertaken on Portion 1 of Farm 974, Misty Cliffs have caused damage to indigenous vegetation on the adjacent property (i.e. Portion 9 of Farm No. 979, Misty Cliffs) which form part of the Table Mountain National Park ("TMNP"), a declared World Heritage Site. It is further noted that the damage caused does not constitute clearance activities on the adjacent property (i.e. TMNP).	The indigenous vegetation on the adjacent land was brush-cut and not believed to constitute clearance by the EAP.
	10.2.1.1.	In addition, it is noted that the botanical specialist confirmed the "accidental clearing" on the adjacent property to be of a Very Low negative impact and no further intervention / mitigation is required.	The botanical specialist confirmed that no further intervention is required on the Table Mountain National Park land, and has amended his conclusion to state "The overall botanical significance of the accidental damage to the 193m2 area on the adjacent TMNP is deemed to be Very Low negative. Vegetation in this area is already rehabilitating naturally and no further intervention is required." Refer to Appendix H2 of the final s24G report.

10.3 Environmental Management Programme ("EMPr")	10.3.1.	This Directorate notes the draft section 24G application report includes the freshwater specialist recommendations "adequate stormwater measures" as mitigation measures. Since the site (i.e. Portion 1 of Farm No. 974, Misty Cliffs) is located within an area along a steep slope and may be susceptible to erosion, clarification as to whether site specific engineering designs concerning dissipation measures (i.e. vegetated swales, riprap apron etc.) have been provided. It is imperative that such specific recommendations be included in the section 24G application report.	Stormwater management measures have been included in the final s24G report on page 40.
10.4. Compliance History	10.4.1.	Please note that previous administrative action has been taken against the applicant in respect of a contravention of section 24F(1) of the NEMA (Ref. No. 14/1/1/E1/6/6/3/0917/25 Pre-Compliance Notice dated 05 March 2025 and Compliance Notice 31 March 2024). Please correct this error.	This has been amended in the final s24G report.
	10.4.1.1	In light of the above, the relevance of Appendix J as indicated in Part 3 of the draft section 24G application is deemed applicable to this application. The relevant supporting documentation must be appended to the section 24G application to be submitted for decision-making.	Pre-Compliance Notice dated 05 March 2025 and Compliance Notice 31 March 2024 have been added as Appendix J of the final s24G report.

### 3.8 S24G APPLICATION REPORT COMMENTS AND RESPONSES TABLE

Comment by	Date received	Comments/Concerns/Questions	Responses
<b>Denzel Ramedies</b>	<b>09/11/2025</b>	The building proposal of this erf needs to be submitted. Approvals for the sale of the erf from the necessary departments to be provided. If illegal, then this department does not support. Responsible Department to advise of approval or confirmation of disposal property was provided be provided. Furthermore, has this area been sold for housing purposes, if so, what fire mitigating plan was developed/approved/ or provided.	The site (Farm 974/1) is privately owned and the landowner is the applicant applying for retrospective environmental authorisation. Fire mitigation measures have been described in detail in the s24G application report (refer to page 119 of the Final s24G Report for example).

Comment by	Date received	Comments/Concerns/Questions	Responses
<b>Sylvain Denarie</b>	<b>11/11/2025</b>	<p>Thank you for bringing this wrong doing to the public. Environment protection is a major concern on this superb piece of land on the coastal road to Cape Point conservancy. Not only the prejudice to species is critical for environmental protection but this jewel of Cape Town landmark shall not be compromised as it is what attracts people to come and visit our mother city.</p> <p>Everything shall be done to protect our environment from deterioration and increased human footprint on this natural wonder.</p> <p>We support Infinity environmental Kelly Giliour and Jeremy Rose in their process</p>	<p>This comment is noted and the unlawful commencement of vegetation clearing has resulted in this application for retrospective environmental authorisation in accordance with section 24G of the National Environmental Management Act, 107 of 1998, as amended.</p> <p>The relevant environmental rehabilitation and recommended mitigation measures are included in the s24G report on pages 114-124 and in the EMPr (Appendix I).</p>
<b>leptieshaam Bekko and Mercia Liddle (Biodiversity and Coastal Management)</b>		<p>1. CONTEXT</p> <p>1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".</p> <p>1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The PCMP is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform</p>	<p>The context provided by Coastal Management is acknowledged.</p> <p>The PCMP, adopted in 2023, is noted, and availability upon request acknowledged.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>approach to coastal management in the Province. The Department has developed the next generation PCMP that includes priority objectives for the next 5 years. This PCMP was adopted on 19 May 2023 and available upon request.</p> <p>1.3. A key priority of the PCMP is the Estuary Management Programme, which is predominantly implemented through the Estuary Management Framework and Implementation Strategy ("EMFIS") project. The Department is implementing estuary management in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans (EMPs).</p> <p>1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.</p> <p>2. COMMENT</p> <p>2.1 The sub-directorate: Coastal Management ("SD: CM") have reviewed the information as specified above and have the following commentary:</p>	<p>It is noted that estuary management is a key priority in the PCMP. The proposed development is not located close to an estuary.</p> <p>It is acknowledged that public access to the coast is an objective of NEM:ICMA as well as a priority in the PCMP. The proposed development is not anticipated to hinder or impact on public access to the coast.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>2.1.1. The applicants are intending to apply for ex post facto approval of an unauthorised clearing of indigenous vegetation on Farm 1/974 and seeking environmental authorisation to continue with a proposed development of an access road for the construction of a single residential home on the lower part of the steeply sloping site. The applicants were not aware of the requirement to obtain prior environmental authorisation for activities listed in terms of NEMA, and commencement of works was undertaken in response to the City of Cape Town's approval of the design for a carriageway and access road.</p> <p>2.1.2. The applicant has accurately noted the subject property in relation to critical biodiversity and ecological support areas in accordance with the Western Cape Biodiversity Spatial Plan (2023).</p> <p>2.1.3. The coastline of the City of Cape Town ("CCT") is a harsh and highly dynamic environment where the biophysical attributes of the coastline in a constant state of flux. Some of this change is cyclical and predictable, taking place over relatively short (seasonal) temporal scales, whilst other change is unseasonable and unpredictable. These unpredictable fluctuations often result in abrupt changes in coastal morphology. This paired with the increased effects of climate change, sea-level rise and increased storm surges in coastal environments obliges authorities to take a more cautious approach when considering land use decisions along the coast, including along estuaries.</p> <p>2.1.4. The CCT undertook proactive measures with the intent to address a multitude of growing pressures along its coastline by delineating a coastal urban edge along the City's coastline in terms of the requirement of the NEM: ICMA. The MEC for Local Government, Environmental Affairs &amp; Development Planning formally established the CCT Coastal Urban Edge as the CCT coastal management line ("CML") in</p>	<p>The description provided in point 2.1.1 is confirmed and aligns with what is written in the Final s24G report.</p> <p>Confirmation of the property in relation to CBA's and ESA's, in accordance with the 2023 Western Cape Biodiversity Spatial Plan, is acknowledged</p> <p>The highly dynamic nature of the coastal environment is noted and has been considered in the design and positioning of the proposed dwelling.</p> <p>It is confirmed that the location of the property in relation to the coastal urban edge and coastal protection zone has been considered.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>terms of the NEM: ICMA on 19 March 2021. The principle purposed of the CML is to protect coastal public property ("CPP"); private property and public safety; to protect the coastal protection zone ("CPZ"); and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in the response to the effects of climate change as it involves both a quantification of risks and pro-active planning for future development. The SD: CM can confirm that the applicant has considered the subject property in relation to the CPZ.</p> <p>2.1.5. The SD: CM confirms the subject property is located landward of the CCT's CML. It is further noted that the proposed residential dwelling will be set approximately 150m inland from the high-water mark and this accords with the position of the CCT CML as well as the CCT MSDF.</p> <p>2.1.6. Based on the abovementioned items and the applicant's consideration of the NEM: ICMA objectives, the SD: CM does not object to the application for retrospective environmental authorisation nor the proposed development on Farm 1/974, provided that the Environmental Management Programme for the subject property, is strictly adhered to. The applicant is also advised to ensure that any future developments or activities on Farm 1/974, be strictly located landward of the CCT's CML/Coastal Urban Edge.</p> <p>3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states 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</p>	<p>Confirmation that the property is located landward of the CCT's CML is noted, and accordance with the position of the CCT CML and CCT MSDF are acknowledged.</p> <p>The lack of objection from the Coastal Management Department, provided that the EMP is strictly adhered to, is noted.</p> <p>It is also noted that the Coastal Management Branch advise that any future development or activities on Farm 1/974 be strictly located landward of the CCT's CML/Coastal Urban Edge.</p> <p>The applicant is aware of their duty of care and has been eager to remediate the environmental damage caused by unlawful commencement and, once they were made aware of the need, to seek environmental authorisation for the proposed dwelling. Botanical and freshwater specialists have been consulted with to ensure</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.</p> <p>4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.</p>	<p>impacts on the environment are avoided where possible, otherwise adequately mitigated and managed.</p> <p>The right of the Coastal Management Branch to revise or withdraw its comment is acknowledged.</p>
<p><b>Andrew Greenwood and Joy Garman (City of Cape Town)</b></p>	<p><b>02/12/2025</b></p>	<p>SECTION 24G APPLICATION FOR A DWELLING ON ERF 974/1 IN MISTY CLIFFS DEA&amp;DP REFERENCE NUMBER: 14/1/1/E1/6/6/3/0917/25</p> <p>The abovementioned application refers.</p> <p>The City of Cape Town has delegated certain powers to the Executive Director: Spatial Planning &amp; Environment, to make comments, objections and representation in a basic assessment, full scoping or other environmental impact assessment processes, and on an advertised report or submission, including applications for exemption from any provision of the National Environmental Management Act or specific Environmental Management Act. The comments below are given in terms of these delegations (dated 20 October 2020 and sub-delegations of 2 November 2020).</p> <p>A pre-application Basic Assessment Report for this development was circulated in May this year. Comments raised during this first round of engagement have been addressed and responded to in a "Public Participation Process Report" (PPPR). This round of engagement consists of a draft Basic Assessment Report (DBAR) and annexures. The PPPR was included as an annexure.</p> <p>This application was circulated to the following internal departments and branches for comment:</p> <ul style="list-style-type: none"> <li>•Urban Mobility: Roads Infrastructure Management – Shafiek Salie</li> </ul>	<p>The comments from the various City departments are noted and have been responded to in detail below.</p> <p>It is confirmed that a pre-application report was circulated in May, and the comments received were addressed and responded to in the Comments and Responses Table above in section 2.8.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<ul style="list-style-type: none"> <li>•Urban Mobility: Transport Impact Assessments – Marlyn Botha</li> <li>•Spatial Planning &amp; Environment: Spatial Planning – Kier Hennessy</li> <li>•Spatial Planning &amp; Environment: Urban Design – Ashvind Beetul</li> <li>•Spatial Planning &amp; Environment: Development Management – Pierre Hoffa</li> <li>•Spatial Planning &amp; Environment: EMD: Environment &amp; Heritage Management – Joy Garman and Mark Bell</li> <li>•Spatial Planning &amp; Environment: EMD: Biodiversity Management Branch – Charmaine Oxtoby</li> <li>•Spatial Planning &amp; Environment: EMD: Coastal Management – Gregg Oelofse</li> <li>•Water &amp; Sanitation: Technical Services – Chanee Johnstone</li> <li>•Water &amp; Sanitation: Sanitation Distribution – Chad Snell</li> <li>•Water &amp; Sanitation: Catchment, Stormwater &amp; River Management – Alistair Lee</li> <li>•Community Services &amp; Health: Recreation &amp; Parks – Phila Nkosinkhulu</li> <li>•Community Services &amp; Health: City Health (Air Quality) – Ian Gildenhuys</li> <li>•Community Services &amp; Health: City Health (Environmental Health) – Anzil Sampson</li> <li>•Energy: Electrical Generation &amp; Distribution – Xavier Rosenberg</li> <li>•Safety &amp; Security: Fire Services - Gerard Langenhoven</li> </ul> <p><b>The following departments/branches provided comment:</b></p> <ul style="list-style-type: none"> <li>•Spatial Planning &amp; Environment: Spatial Planning – Kier Hennessy</li> <li>•Spatial Planning &amp; Environment: EMD: Environment &amp; Heritage Management – Joy Garman</li> <li>•Spatial Planning &amp; Environment: EMD: Biodiversity Management Branch – Charmaine Oxtoby</li> </ul>	<p>The comments from the departments/branches have been responded to individually below.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<ul style="list-style-type: none"> <li>•Community Services &amp; Health: City Health (Environmental Health) – Keith Langdon</li> <li>•Water &amp; Sanitation: Sanitation Distribution – Andrew Taylor</li> <li>•Water &amp; Sanitation: Technical Services – Chanee Johnstone</li> </ul> <p><b>KEY POINTS RECEIVED FROM INTERNAL BRANCHES AND DEPARTMENTS:</b> (see email attachments for full comments)</p> <p><b>Spatial Planning &amp; Environment: Spatial Planning</b> Spatial Planning has the following comments:</p> <ul style="list-style-type: none"> <li>•The proposed development is consistent with applicable spatial planning policy.</li> <li>•The visual impact, in relation to the scenic drive, is the key consideration.</li> </ul> <p><b>Spatial Planning &amp; Environment: EMD: Environmental Management Section (EMS)</b> The Environmental Management Section has no further comment as our concerns raised in the first round of public participation have been addressed.</p> <p><b>Spatial Planning &amp; Environment: EMD: Biodiversity Management Branch</b> Biodiversity Management raised the following issues:</p> <ul style="list-style-type: none"> <li>•The condemning of unlawful clearing/damage to indigenous vegetation.</li> <li>•The interim rehabilitation measures being appropriate.</li> <li>•Planning for a 1:100 year storm event to be considered.</li> <li>•Table Mountain National Park forms part of the larger Cape Floristic Region UNESCO World Heritage Site.</li> <li>•Managing the remainder of the property for conservation.</li> <li>•The need for and design of fencing.</li> <li>•The cumulative loss of indigenous vegetation for fencing.</li> </ul>	<p>Refer to responses on page 55-56 of this report.</p> <p>It is acknowledged that EMS has no further comment and that the concerns raised in the first round of public engagement have been addressed.</p> <p>Refer to responses on pages 56-58 of this report.</p>

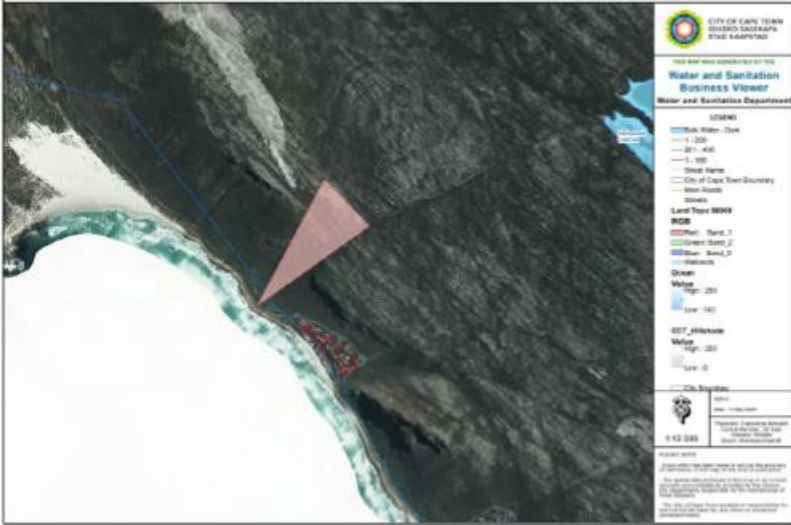

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p><b>Community Services &amp; Health: City Health (Environmental Health)</b> Environmental Health has no objection to the proposal.</p> <p><b>Water &amp; Sanitation: Distribution Services</b> Distribution Services has no objection as they have no services in the area.</p> <p><b>Water &amp; Sanitation: Technical Services</b> Water &amp; Sanitation: Technical Services has the following comments:</p> <ul style="list-style-type: none"> <li>•The presence of a water main where the structure will be constructed.</li> <li>•The need for a conservancy tank.</li> </ul>	<p>No objection from Community Services &amp; Health: City Health (Environmental Health) is noted</p> <p>No objection from Water and Sanitation Distribution Services is noted.</p> <p>Refer to responses on pages 58-61 of this report</p>
<p><b>Kier Hennessy (Urban Integration Department)</b></p>	<p><b>07/11/2025</b></p>	<p>This comment is pursuant to comment submitted by this Dept dated 7 May 2025.</p> <p>Key issues from a spatial planning perspective in relation to the revised BAR, inclusive of comments submitted by other Depts and stakeholders and also response to comments submitted, are as follows:</p> <p>i. It is noted in the revised BAR that comment by the City's Coastal Management Dept does not support any development below (i.e. seaward) of the coastal edge line that is delineated along the Main Road in this vicinity.</p> <p>ii. It is also noted that in response to comments reference is made to specialist assessment that a visual impact study is not required. In relation to this it is further noted that assessment is that with mitigation visual impact will be very low.</p>	<p>i. It is confirmed that the Coastal Management Department does not support any development below (seaward) of the coastal edge line delineated along the main road.</p> <p>ii. The visual investigation by the architects showed that the proposed development will be visually integrated within the surrounding environment and vegetation. This means that the visual impact of the proposed development is expected to be low.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>As regards comment originally submitted by this Dept, it is reiterated that the proposed development is not inconsistent with applicable spatial planning policy and that visual impact, in relation to the scenic drive, is the key consideration associated with the proposed development from a spatial planning perspective.</p> <p>However, the above two points (i &amp; ii) are noted by this Dept. Kier Hennessy for Urban Planning and Mechanisms Branch: Urban Development and Design Dept. Spatial Planning and Environment</p>	<p>It is noted that the proposed development is not inconsistent with the applicable spatial planning policy and that visual impact in relation to the scenic drive is a key consideration.</p>
<p><b>Charmaine Oxtoby (Biodiversity Management Branch, Environmental Management Department)</b></p>	<p><b>20/11/2025</b></p>	<p>The section 24G retrospective environmental authorisation application for the clearing of indigenous vegetation and development of a new dwelling and access on Farm CA 974/1, Misty Cliffs, Cape Town: draft section 24G impact assessment report refers.</p> <p>The City of Cape Town Environmental Management Department's Biodiversity Management Branch submit the following comments:</p> <ol style="list-style-type: none"> <li>1. The Biodiversity Management Branch does not condone damage to indigenous vegetation inside a protected area (Table Mountain National Park) or the unlawful clearance of indigenous vegetation. The misinformation given to the applicant is however noted.</li> <li>2. The interim rehabilitation measures to stabilise the slope, minimise erosion and promote passive restoration completed to date are ecologically appropriate.</li> <li>3. Page 19, stormwater management measures: It is suggested that planning for a 1:100-year rainfall event should be considered for stormwater management measures. Such events have occurred on several occasions in the past few years in Cape Town, and are predicted to have increasing frequency of occurrence with climate change impacts.</li> </ol>	<p>The comments from the City of Cape Town Environmental Management Department's Biodiversity Management Branch are acknowledged and responded to below.</p> <ol style="list-style-type: none"> <li>1. The statement that the Biodiversity Management Branch does not condone damage to indigenous vegetation within Table Mountain National Park or the unlawful clearing on site is noted.</li> <li>2. The confirmation that the interim rehabilitation and slope stabilisation measures implemented to date are ecologically appropriate is noted.</li> <li>3. The recommendation that planning for a 1:100 year rainfall event be considered due to climate change and the relatively frequent occurrence of these events in the past few years is noted and will be considered when finalising the detailed stormwater management measures for the site.</li> </ol>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>4. Page 28, systematic biodiversity planning category: Please note that the site is not within a core or buffer of a UNESCO Biosphere Reserve. Rather, Table Mountain National Park forms part of the larger Cape Floristic Region UNESCO World Heritage Site only.</p> <p>5. Page 50: "The remainder of the site is to remain as is, covered in indigenous vegetation, with the purpose of conservation." Please elaborate how the remainder of the property will be managed for conservation. Will the landowner enter into a contractual Biodiversity Stewardship agreement with CapeNature and SANParks? Will the land be donated to SANParks for inclusion into Table Mountain National Park? Or will the landowner commit to undertaking basic ecological management activities, including invasive alien control and fire management?</p> <p>6. Page 50: "The remainder of the site is to remain as is, covered in indigenous vegetation, with the purpose of conservation." Will the remainder of the site remain unfenced to enable free movement of fauna from-to the neighbouring National Park?</p> <p>7. Fencing: If the development footprint is to be fenced, the design thereof should take into consideration fire management (e.g. a low kicker wall to inhibit the spread of creeping fires); be permeable to small animals (e.g. palisade above the brick/stone kicker wall); be semi-permeable to retain the view of the mountain above; and take baboon management into consideration (e.g. through electrification, if necessary).</p> <p>8. Fencing: If the development footprint is to be fenced, the cumulative loss of indigenous vegetation should be included in this application, and mitigated appropriately.</p>	<p>4. Clarification that the location of the site does not fall within a core or buffer region of a UNESCO Biosphere Reserve, and rather borders the Table Mountain National Park which forms part of the larger Cape Floristic Region UNESCO World Heritage Site only is noted and this has been amended in the final s24G application report on page 48.</p> <p>5. The landowner will commit to undertaking basic ecological management activities, including invasive alien control and fire management.</p> <p>6. The remainder of the site is to remain unfenced thereby not impacting the movement of fauna from and to the neighbouring National Park.</p> <p>7. No fencing around the proposed development footprint is planned. A firebreak surrounding the development footprint is proposed between 5-10 m in which vegetation will be brush-cut and baboon management measures are included in the Environmental Management Programme (Appendix I).</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>The Biodiversity Management Branch reserves the right to revise comments and request further information if additional information is received.</p>	
<p><b>Chanee Johnstone (Water and Sanitation Directorate, Technical Services Department)</b></p>		<p><b>Background</b></p> <p>The applicant intends to apply for the approval of the unauthorised clearing and seeks environmental authorisation to continue with the proposed development of the access road and house.</p> <p>This letter provides an overview of the existing water and sewer infrastructure near the development, the capacity of both complete systems to service it as well as associated conditions that would apply. The information provided is based on City of Cape Town master plan model as well as comments from relevant branches of the department.</p> <p><b>Water Reticulation</b></p> <p>The proposed development falls within Scarborough DMA (District Metered Area) water distribution zone.</p> <p>There is a 225mm diameter water main traversing the portion of land where the proposed structure will be constructed. According to the latest hydraulic model, this main has an average demand head of 48.94m, an average static pressure of 52.26m and a velocity of 0.68 m/s. This water main must be considered during the construction phase, as no structures are permitted to be built over existing water infrastructure.</p> <p>Confirmation from the Regional reticulation official Region1 (Water) Eva Muinamia: Eva.Muinamia@capetown.gov.za is required prior to commencement of work. Based on the latest report that applicant still requires clarity on the potential relocation of the water main.</p> <p>See figure 1 Water network.</p> <p><b>Sewer Reticulation</b></p>	<p>The background as described in this comment is confirmed to align with that of the s24G application report.</p> <p>As stated in the previous Comments and Responses table, further communication regarding conditions, servitudes and/or any required wayleave related to the water main crossing the site will occur (refer to Appendix M3 of the Draft S24G Report). Confirmation from the Regional reticulation official Eva Muinamia will be sought prior to commencement of work.</p>

Comment by	Date received	Comments/Concerns/Questions	Responses
		<p>There is no existing sewer infrastructure within the immediate vicinity.</p> <p>For this reason, the applicant is proposing to install a 6000-litre conservancy tank downslope of the proposed site to collect all sewage generated. The tank will be periodically emptied by a vacuum tanker, with the waste disposed of at a municipal wastewater treatment facility.</p> <p>The Regional Manager (Sewer Reticulation Region 1) has confirmed the requirements for the proposed conservancy tank and has highlighted that a Conservancy tank is private and to be maintained privately as well.</p>	<p>It is confirmed that a conservancy tank is proposed to be downslope of the proposed house located close to the road which is to be periodically emptied and waste disposed of at a municipal wastewater treatment facility.</p> <p>Confirmation of the requirements from the regional manager are noted.</p>

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		<p>Existing water and sewer network</p>  <p>Location for the proposed project</p>  <p>Figure 1: Location and context of the site</p>	<p>Please refer to Figure 1 on page 5 of the final s24G report for the updated locality map.</p> <p>The applicant will engage further with the regional reticulation official regarding the 225 mm diameter water main on the site.</p> <p>It is confirmed that a formal application will be made in Development Application Management System.</p>

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		<p><b>Conclusion</b></p> <p>The applicant to engage further with the regional reticulation official as the Reticulation Branch input is necessary for conditions, servitudes, and/or any required wayleaves related to the 225mm diameter water main crossing the proposed development site.</p> <p>Conditions</p> <p>1. This is not a capacity letter. Once a proposed development has been identified, a formal application must be made in Development Application Management System (DAMS)</p> <p><b>General/ Disclaimer</b></p> <p>Information provided is based on best available data. The infrastructure as-built information referred to and used in the analysis is based on the GIS asset records, while modelled pressures, flows, velocities, capacities and volumes are based on hydraulic models of the current land use and demands. Where appropriate, future land use and demands are considered. The flows and pressures provided are theoretical and not measured. All levels provided to be verified on site.</p>	<p>The disclaimer that information is based on the best available data is noted.</p>
<p><b>Ismat Adams (CapeNature)</b></p>	<p><b>09/12/2025</b></p>	<p><b>DEA&amp;DP ref: 14/1/1/E1/6/6/3/0917/25</b></p> <p>Herewith comment on this application.</p> <p>1. The responses provided on CapeNature's previous comments, based on the updated botanical assessment are noted.</p> <p>2. It is further noted that the freshwater specialist has determined that the development did not impact the drainage line and seep wetland to the north of the site. The freshwater specialist recommendations must be implemented. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>The comment from CapeNature is acknowledged. The right to revise initial comments and request further information based on any additional information that may be received is noted.</p>

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<p><b>Camila Coogan</b></p>	<p><b>23/01/2026</b></p>	<p>Thank you for providing the draft Section 24G Application and Public Participation documentation in response to my initial submission. I appreciate the opportunity to review the material and the effort that has gone into compiling it.</p> <p>Having read the documents carefully, I would like to submit a consolidated follow-up, structured to clearly identify:</p> <p>(1) the questions from my original submission that still require fuller responses,</p> <p>(2) additional clarity requested regarding earthmoving and development footprint, and</p> <p>(3) a specific mitigation measure that I believe should be considered essential should any earthmoving be permitted.</p> <p>1. Outstanding questions from my original submission</p> <p>While the documentation explains the Section 24G process and applicable legislative framework, several of the substantive concerns I raised remain only partially addressed. I respectfully request clearer, site-specific responses to the following:</p> <p>1.1 Prevention of future unauthorised activities</p> <p>The documentation outlines the existence of environmental legislation and the Section 24G process, but does not clearly explain what practical safeguards (procedural, contractual, or site-level) will be implemented to prevent similar unauthorised activities in future, particularly in ecologically sensitive areas such as Misty Cliffs, or how accountability will be ensured beyond retrospective compliance.</p>	<p>Your comment is acknowledged and queries responded to below.</p> <p>Your follow-up questions are noted and addressed in detail below.</p> <p>Should retrospective environmental authorisation be received, this would be audited periodically.</p> <p>The process of the s24G retrospective application is described on pages 2-23 of the final s24G report, including the fine determination and legal action provided for in legislation should the applicant fail to comply with the relevant legislation and directives. Therefore, this process</p>

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		<p>I would appreciate clarity on what will change in practice as a result of this incident.</p> <p>1.2 Government monitoring, compliance, and enforcement While administrative enforcement pathways are described, it remains unclear how unauthorised activities are actively detected on the ground, what role ongoing inspections or audits play, and whether enforcement in this case extends beyond the administrative fine.</p> <p>Clarification on how compliance is monitored and enforced in practice would be appreciated.</p> <p>1.3 Rehabilitation, monitoring, and independence Although rehabilitation measures are described, I remain concerned about the absence of clear rehabilitation success criteria and timelines, the reliance on landowner-led monitoring post-construction, and the lack of clarity on independent ecological oversight beyond the construction phase.</p>	<p>is designed to hold people accountable beyond retrospective compliance.</p> <p>In the case of this project, the applicants were genuinely unaware and misinformed by their then-appointed architect. Upon being made aware of the situation they immediately met with the botanical specialist and appointed an EAP (Infinity Environmental). A new architect (principal agent) was also appointed. Should retrospective environmental authorisation be received for the project, any future activities on the site relating to commencement of site preparation and construction will be monitored for compliance by an Environmental Control Officer and auditors.</p> <p>As mentioned above, non-compliance with legislation and directives would have serious legal and financial repercussions for the applicant as this would be considered a criminal offence. Additionally, there is a general duty of care for landowner, as detailed in Section 28(1) of NEMA, which</p> <p>Any areas outside of the house and driveway footprint that are disturbed during construction are to be rehabilitated and, in accordance with the EMPr page 14, "Only locally indigenous Fynbos/Strandveld plant species should be planted on site, and the planting list is to be approved by the botanist." The rest of the site is</p>

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		<p>Given the sensitivity of the site, I request clarification on whether longer-term, independent monitoring with defined performance indicators is being considered.</p> <p>1.4 SANParks land and ongoing oversight The documentation notes limited impacts on adjacent SANParks land and suggests that no additional monitoring is required. Given the significance of this land, I would appreciate clarity on SANParks' role in ongoing oversight, and how impacts, rehabilitation, and monitoring on SANParks land will be reported and verified.</p> <p>1.5 Community involvement beyond the application stage Community participation appears to be limited to the statutory commenting process and a construction-phase complaints register. I request clarification on whether any mechanisms are envisaged for ongoing transparency or community oversight should authorisation be granted.</p>	<p>essentially pristine according to the botanist. The implementation of the mitigation measures detailed in the EMPr and s24G report for the construction phase are intended to prevent the introduction of invasive or alien species to the site. Should this happen post construction, it would be detected by the Environmental Auditor (pages 23-24 of the EMPr – Appendix I of the s24G report).</p> <p>Due to the nature of the damage being the brush cutting of vegetation and the relatively small scale, this area has already shown significant regrowth (photographs included in Appendix D of the s24G report). A site visit occurred with SANParks in April 2025 where the impact to the site was inspected. Comment received from SANParks during the first round of engagement in May was responded to on pages and no further comment received from SANParks in response. The applicant would comply and respond accordingly should SANParks request additional rehabilitation measures and monitoring going forward, but SANParks have not yet requested this.</p> <p>Community participation is limited to the statutory commenting process and complaints register during construction. As the proposal is a private dwelling, and the applicant is aware of the site-specific environmental and building restrictions going forward, the community input is</p>

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		<p>2. Minimisation of earthmoving and development footprint</p> <p>Beyond procedural matters, I would like to clearly articulate the outcome I believe is critical for this site.</p> <p>Misty Cliffs represents a pristine, biodiverse mountain landscape directly adjacent to protected areas. In a context where biodiversity and habitat loss are globally recognised as environmental risks on par with climate change, developments in such areas should adopt the lightest possible physical footprint.</p> <p>I therefore request clarity on whether conditions of authorisation could explicitly require minimisation of earthmoving, cut-and-fill, and terrain alteration; terrain-responsive or stepped design approaches; and avoidance of disturbance beyond the already impacted footprint.</p> <p>My concern is not whether development is legally permissible, but whether it is ecologically appropriate, and whether design itself is being treated as a primary mitigation measure rather than relying predominantly on post-impact rehabilitation.</p> <p>3. Mandatory plant rescue prior to any earthmoving</p>	<p>not required beyond the above-mentioned methods.</p> <p>The proposed development has been designed with careful consideration of its surroundings and natural elements. The stepped design includes terraces, graded retaining walls, and stone clad finishes to visually integrate the development with its surroundings. Plant Species of Conservation Concern have largely been avoided by the adjustment of the position of the house in response to the botanists recommendations, and prominent rocky outcrops on the site have also been avoided. Rather than clearing more area for construction-related activities, it was proposed that the area that has already been cleared be used for construction and part of the development footprint. Any additional rehabilitation other than what has already been implemented on site is recommended to occur post-construction.</p> <p>The steep nature of the site makes it impossible to avoid earthmoving, but the proposed dwelling has incorporated the contours where possible in the stepped design.</p>

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		<p>Should any earthmoving be permitted, I respectfully submit that plant rescue should be treated as an essential mitigation measure, and I request clarity on whether this is being considered.</p> <p>Specifically, I propose that conditions require the appointment of a qualified botanical or plant rescue specialist team prior to construction; the careful removal of all salvageable indigenous plants from affected areas; the relocation, propagation, or donation of rescued plants to an appropriate indigenous nursery or conservation initiative; and that the full cost of plant rescue, handling, and relocation be borne by the developer.</p> <p>Plant rescue is an established best-practice mitigation measure in sensitive environments and would meaningfully reduce biodiversity loss while contributing positively to local conservation efforts.</p> <p>I raise these points in the spirit of constructive engagement and long-term environmental stewardship. Given the ecological sensitivity of Misty Cliffs, I trust that these issues can be meaningfully addressed in the final assessment and reflected, where appropriate, in enforceable conditions of authorisation. In owning and choosing to develop this piece of pristine wilderness, you have a real opportunity and responsibility to set a precedent that avoids normalising habitat loss, and instead demonstrates how development in sensitive landscapes can be designed to actively support biodiversity.</p> <p>Thank you for your time and consideration. I look forward to your response.</p>	<p>Plant rescue is included as a mitigation measure and condition of environmental authorisation “Search and Rescue for all useable plant material from the development footprint (probably mostly the few bulbs and succulents on site) must be undertaken prior to site development, and the rescued plants kept in a nursery for re-use on site once construction is complete.” – page 91 of the s24G report.</p> <p>A botanist will be consulted for any plant search and rescue, and the applicant will be responsible for the cost of this.</p> <p>Your comments are well received and appreciated. Conditions for authorisation in the s24G report include</p> <ul style="list-style-type: none"> <li>- The appointment of an Environmental Control Officer for the duration of the construction phase</li> <li>- The mitigation, management and monitoring requirements of the Environmental Management Programme (EMPr) (refer to Appendix I) should be implemented by the applicant. This includes plant search and rescue and rehabilitation as per the botanists recommendations, among other mitigation measures.</li> </ul>

## 4. DATABASE OF REGISTERED I&APS

[redacted for privacy]