An aerial photograph of a coastal area, showing a road winding through dense green vegetation towards a sandy beach and the ocean. The image is overlaid with a semi-transparent teal filter.

# **FINAL SECTION 24G APPLICATION & ASSESSMENT REPORT**

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

DEA&DP REF NO. 14/1/1/E1/6/6/3/0917/25

**DATE:** 23 February 2026

**APPLICANT**

Aaron Samuels & Rachael Joseph

**PREPARED BY**

Infinity Environmental

 **Infinity**  
Environmental

# DOCUMENT DETAILS

SECTION 24G RETROSPECTIVE ENVIRONMENTAL AUTHORISATION APPLICATION FOR THE CLEARING OF INDIGENOUS VEGETATION ON FARM CA 974/1, MISTY CLIFFS, CAPE TOWN: DRAFT SECTION 24G IMPACT ASSESSMENT REPORT

## APPLICANT

**Aaron Samuels & Rachael Joseph**

Delphinus Street, Waterkloof Ridge, Pretoria

## ENVIRONMENTAL ASSESSMENT PRACTITIONER

**Infinity Environmental (Pty) Ltd.**

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

### Contact

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

## Report purpose

This section 24G application and assessment report has been prepared for submission to the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) as part of an application for retrospective environmental authorisation in terms of section 24G of the National Environmental Management Act (107 of 1998, 'NEMA') and the section 24G Fine Regulations, 2017. Comments on this report are being sought from interested and affected parties and state departments as part of the public participation process required by the section 24G Fine Regulations, 2017, and section O of the NEMA.

## Authors

Jeremy Rose: Reg. E.A.P. 2019/1116, Pr.Sci.Nat. 120148

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

## DOCUMENT CONTROL

Date	Version	Approved by
02 May 2025	Pre-application draft	J. Rose
31 October 2025	Draft	J. Rose
29 January 2026	Final	J. Rose
23 February 2026	Final for submission	J. Rose

## DECLARATION OF EAP'S INDEPENDENCE

I, Jeremy Rose, appointed by the Aaron Samuels & Rachael Joseph as Environmental Assessment Practitioner for the Section 24G Retrospective Environmental Authorisation Application For The Clearing of Indigenous Vegetation on Farm CA 974/1, Misty Cliffs, Cape Town Section 24G Retrospective Environmental Authorisation Application For The Clearing of Indigenous Vegetation on Farm CA 974/1, Misty Cliffs, Cape Town, hereby declare that the information provided in this report and supporting documentation is complete and correct to the best of my knowledge; that other than fair remuneration for work performed in terms of this application I have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; that I have disclosed, to the Applicant, the specialist(s), the Competent Authority and registered interested and affected parties all material information that have or may have the potential to influence the decision of the Competent Authority; that I have ensured that information in respect of the application was distributed or was made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments; and that I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations.



**Jeremy Thembu Rose** BSc (Hons), Reg. E.A.P. 2019/1116, Pr.Sci.Nat. 120148, IAIA member 5781

Infinity Environmental (Pty) Ltd: Director & Principal EAP

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**FINAL SECTION 24G APPLICATION & ASSESSMENT REPORT:** Section 24G Retrospective Environmental Authorisation Application For The Clearing of Indigenous Vegetation on Farm CA 974/1, Misty Cliffs, Cape Town

Page ii of 154

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Department of Environmental Affairs and Development Planning

# EXECUTIVE SUMMARY

## 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 intend to apply for *ex post facto* approval of the unauthorised clearing, and will also seek environmental authorisation to continue with the proposed development of the access road and house. Infinity Environmental has been appointed as the independent environmental assessment practitioner to undertake the necessary environmental assessment.

The first draft version of the section 24G application and Impact Assessment Report was made available to potential interested and affected parties and organs of state for a 20-day commenting period from 02 May until 22 May in accordance with the 2017 Fine Regulations. This second draft will be published for a 30-day commenting period in accordance with section 24O of the National Environmental Management Act, 1998 (as amended) prior to submission of an application for retrospective environmental authorisation in terms of section 24G of the National Environmental Management Act, 1998 and the 2017 Section 24G Fine Regulations.

## INTRODUCTION

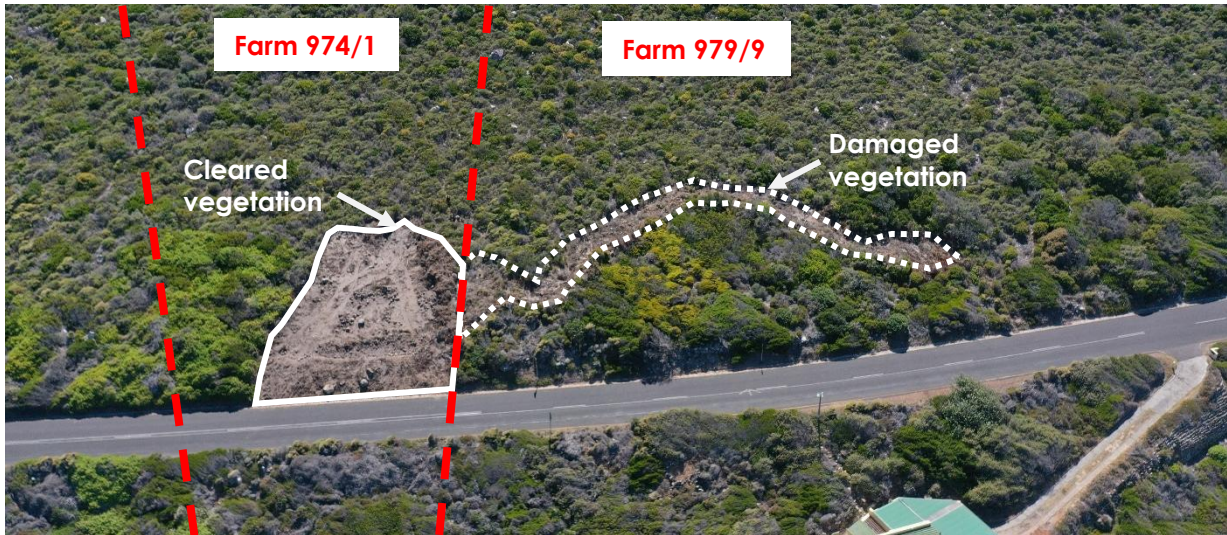
Aaron Samuels and Rachael Joseph are the owners of portion 1 of farm CA974/1 in Misty Cliffs. A civil contractor was appointed in February 2025 based on advice the applicants received that only municipal approval was required for constructing the carriageway and access road as the property is zoned agricultural. The applicants were not aware of the requirement to obtain prior environmental authorisation for activities listed in terms of the NEMA, and commencement of works was undertaken in response to the City of Cape Town's approval of the design for the carriageway and access road.

The contractor commenced clearing of vegetation on the site on 3 February 2025, and cleared not only the lower part of the proposed driveway footprint but also areas adjacent to this totalling approximately 400 square metres cleared on the site (Farm 974/1). A listed activity in furtherance of the proposed development was commenced with in the form of vegetation clearing on the site without the required authorisation.

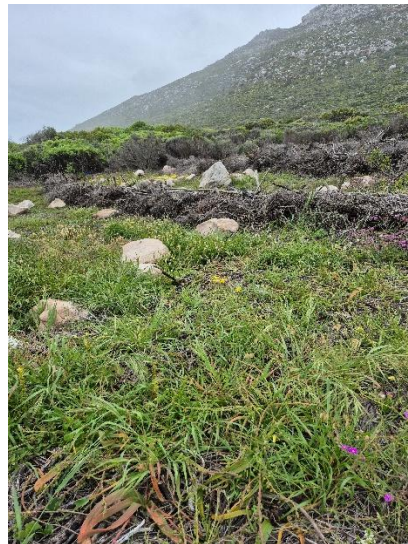
At the same time, the contractor appears to have damaged approximately 200 square metres of indigenous vegetation on an adjacent land parcel (Farm 979/9) forming part of the Table Mountain National Park. This damage was caused by driving a vehicle through the vegetation, in an apparent attempt to create an easier access point. While not constituting 'clearance' as the damage did not result in the permanent removal, eradication or elimination of vegetation, this activity nevertheless caused an impact which is considered in this application.

Works were ceased on 10 February 2025 when the applicant was made aware that the works had required, and had commenced without, environmental authorisation. In this report, the impact and appropriate rectification measures are recommended for the entire extent of the area cleared and damaged including Farm 979/9. The applicant seeks to rectify the unlawful commencement and will

also seek environmental authorisation to continue with the proposed development of the carriageway, access road and house.



Photograph 1: Aerial image of the area of vegetation cleared on the site (Farm 974/1) and damaged on the adjacent site (Farm 979/9) taken on 26 February 2025





Photograph 2: Regrowth of vegetation on site (Farm 974/1) on 08 October 2025

**SITE LOCATION**

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 other farms of the same Agricultural zoning but that fall within the Table Mountain National Park to the north and east. Figure 1 is a locality map indicating the location and context of the site.

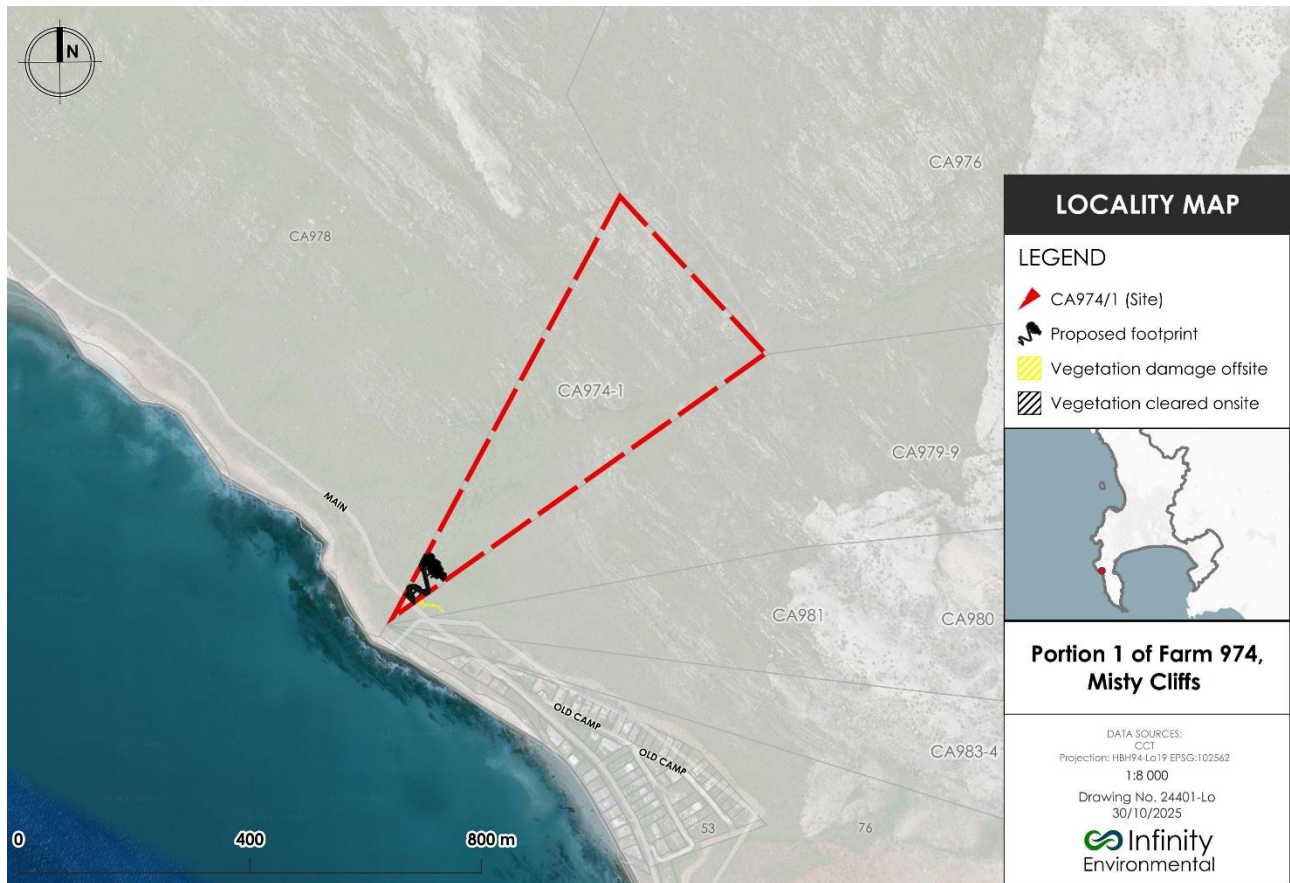


Figure 1: Location and context of the site

## LEGISLATIVE REQUIREMENTS

The applicant unlawfully commenced with listed activities in terms of the National Environmental Management Act (107 of 1998, NEMA) and the Environmental Impact Assessment (EIA) Regulations of 2014, as amended (GNR 326 of 2017). The following listed activity was commenced with:

Listed activity	Description	Description of activities
GN No. R.324 <b>(Listing Notice 3 of 2014): Listed Activity 12</b>	<p><b>The clearance of an area of 300 square metres or more of indigenous vegetation</b> except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>i. Western Cape</b></p> <p><b>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</b></p> <p><b>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</b></p>	<p>Approximately 400 square metres were cleared without authorisation on site, and 200 square metres of this area fall within the proposed development footprint. The remaining 200 square metres are to be rehabilitated after construction with locally indigenous vegetation.</p> <p>The proposed residential house, access driveway, and ancillary infrastructure will require further clearing of vegetation to an approximate total of 2 200 m<sup>2</sup>.</p>

### Proposed activities and infrastructure still to be completed

The proposed house and driveway have undergone an iterative design process aimed at embedding the proposed dwelling into the surrounding landscape, minimising visual impact and permanent disturbance to indigenous vegetation on the site. The design considers the steep nature of the site in terms of stormwater management and the importance of minimising visual impacts adjacent to a scenic drive.

The applicants propose to continue with listed activities on the site, if authorised. The proposed development includes:

- A stepped two-storey home constructed to accommodate the slope of the site, with a total area of approximately 750 square metres. 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 15m 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. The driveway and parking areas will occupy an area of approximately 1450 square metres.

The listed activities involved in the proposed development are:

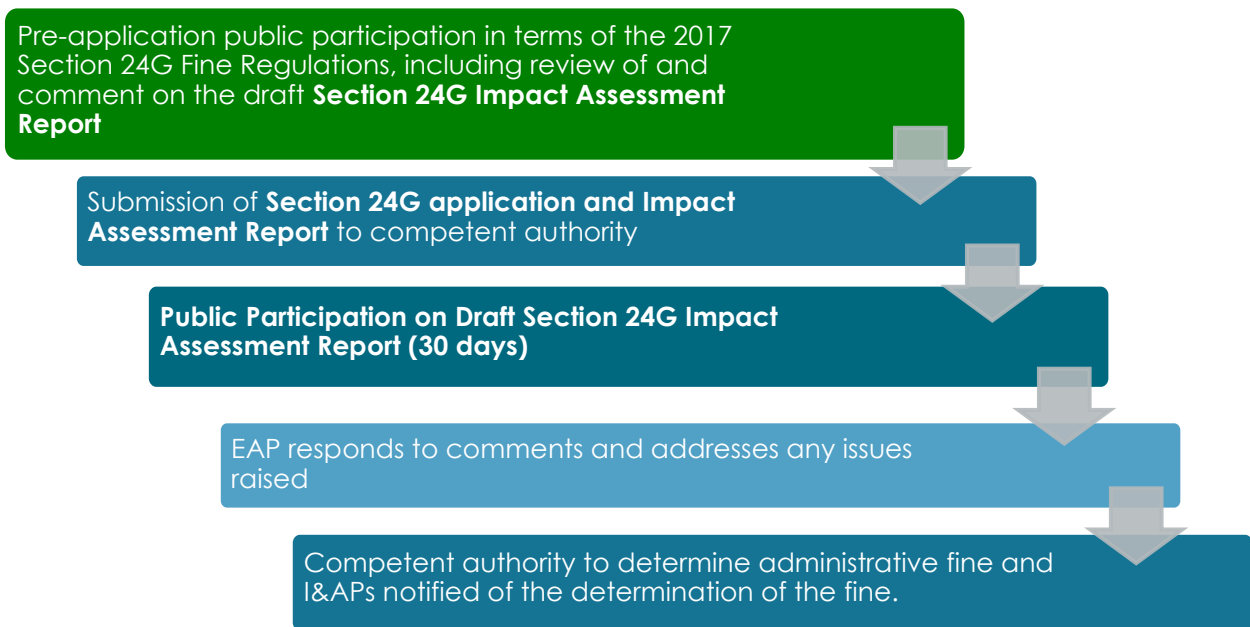
- **Listing Notice 1: Activity 17** (Development – (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is greater; in respect of – (e) infrastructure or structures with a development footprint of 50 square metres or more)
- **Listing Notice 1: Activity 19A** (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 – ii) the littoral active zone, an estuary or a distance of 100m inland of the highwater mark of the sea or an estuary, whichever distance is greater)
- **Listing Notice 3: Activity 12** (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)
- **Listing Notice 3: Activity 4** (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)
- 

**Explanatory note: Additions and changes since the draft s24G application are underlined in this final version for ease of reference**

**Section 24G Application Process**

Having determined that the activity commenced without the requisite environmental authorisation, the applicant is now seeking a retrospective Environmental Authorisation from the Department of Environmental Affairs and Development Planning (DEA&DP) in terms of section 24G of the National Environmental Management Act and the Section 24G Fine Regulations (GNR 698 of 2017).

The competent authority, the Western Cape Department of Environmental Affairs and Development Planning, has advised that the application is to be informed by an environmental impact assessment undertaken by an Environmental Assessment Practitioner (EAP). Infinity Environmental is the appointed EAP responsible for undertaking the Impact Assessment. Key stages in the process are shown below.



**PURPOSE OF THIS REPORT**

This section 24G application and Impact Assessment Report will be submitted to the competent authority, the Department of Environmental Affairs and Development Planning, as part of an application for retrospective environmental authorisation in terms of section 24G of the National Environmental Management Act, 1998 and the 2017 Section 24G Fine Regulations. The report will be made available for public comment in terms of the 2017 Section 24G Fine Regulations and the EIA Regulations, 2014 (as amended). Comments received during each round of public engagement from interested and affected parties and organs of state will be incorporated and responded to in this application.

**RECEIVING ENVIRONMENT**

**Terrestrial ecosystems**

The site is a portion of vacant, undeveloped, densely vegetated land on the slopes of the mountains overlooking Misty Cliffs and the Atlantic Ocean. The site is located within the Core Cape Subregion of the Greater Cape Floristic Region which supports almost half of all the plant species in southern Africa while occupying only 0.1 % of the world's land surface. Many of the plant species in this region do not occur elsewhere and are under threat from agriculture, alien plants and urbanisation. The

southwestern Cape is a major national and global conservation priority, exhibiting a number of threatened plant species, which developments in this area need to consider.

The site is vegetated by Cape Flats Dune Strandveld (Endangered) and Peninsula Sandstone Fynbos (Critically Endangered). The impact assessment by botanical specialist Nick Helme (2025) confirmed the presence of these two vegetation types on the site. There is a gradual transition between the vegetation types as one moves upslope with elements of Peninsula Sandstone Fynbos present within the development footprint but increasing in coverage and dominating the region upslope of the development footprint.

The botanical specialist noted that the site was essentially pristine prior to vegetation clearing with no alien invasive vegetation present on the site (Helme, 2025). Four plant Species of Conservation Concern (SoCC) were observed on the site, two of these (*Cliffortia carinata* and *Asparagus lignosus*) potentially having been present in the cleared area. In both cases the loss of the property level populations would have been less than 3%. *Protea lepidocarpodendron* (black-bearded sugarbush / bearded Protea) is Redlisted as Near Threatened and at least 100 plants are located upslope of the proposed house location (at 55 masl). Few of this species occur below the 40 m contour and only about twelve occur in the region of the proposed development footprint. *Aspalathus chenopoda* ssp. *chenopoda* (Peninsula fluffy Capegorse) is Redlisted as Rare and is a common shrub on this site and within the proposed development footprint (>50 plants). No living plants occur on the site at present and the presence of this species on the site is not considered regionally significant.

In a regional (South Peninsula) context the vegetation in the proposed house footprint is of Medium sensitivity or importance (see Figure 2), as it is of fairly high plant diversity, with four recorded SoCC, and the actual plant community is well conserved within the TMNP, although the vegetation type (Cape Flats Dune Strandveld) is under-conserved, and severely threatened outside the TMNP. High sensitivity areas are found on the property below the M65 (rare seepage areas), and above the proposed development area (high density of Near Threatened *Protea lepidocarpodendron* and other SoCC). The farm portions to the north (farm 976-RE) and east (farm 979) form part of the Table Mountain National Park.

### **Aquatic ecosystems**

Topographic mapping identifies a stream flowing through the site, and the valley on the site is known as the Varingkloof (or 'fern valley' indicative of wetland habitat). Freshwater specialist Antonia Belcher was appointed to confirm the presence of the stream and identify any potential wetland habitat on the site. The specialist confirmed that a seep wetland rather than a stream is located on the midslopes of the Varingkloof valley, with associated distinct vegetation. The seep is mostly sub-surface with no defined channel or surface flows. There are also minor patches of coastal wetland along the shore that are fed by daylighting of deep aquifers and maintain small patches of sedges.

The unauthorised vegetation clearing occurred more than 100m downslope of the seep and east of the drainage area. It is unlikely to have had any impact on the seep or Varingkloof drainage area. The area of disturbance for the proposed house and driveway will be at least 60m east of the Varingskloof drainage and seep area and about 50 m upslope of the M65 road. The only aquatic features thus likely to be at any risk of degradation from the proposed activities are the small patches of coastal wetland that are fed from the surfacing of groundwater at the shore. The potential risks to these features would be in terms of flow interception and contamination. The wetlands are fed from deep groundwater that is 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 with the surfaced road and associated drainage systems in between.

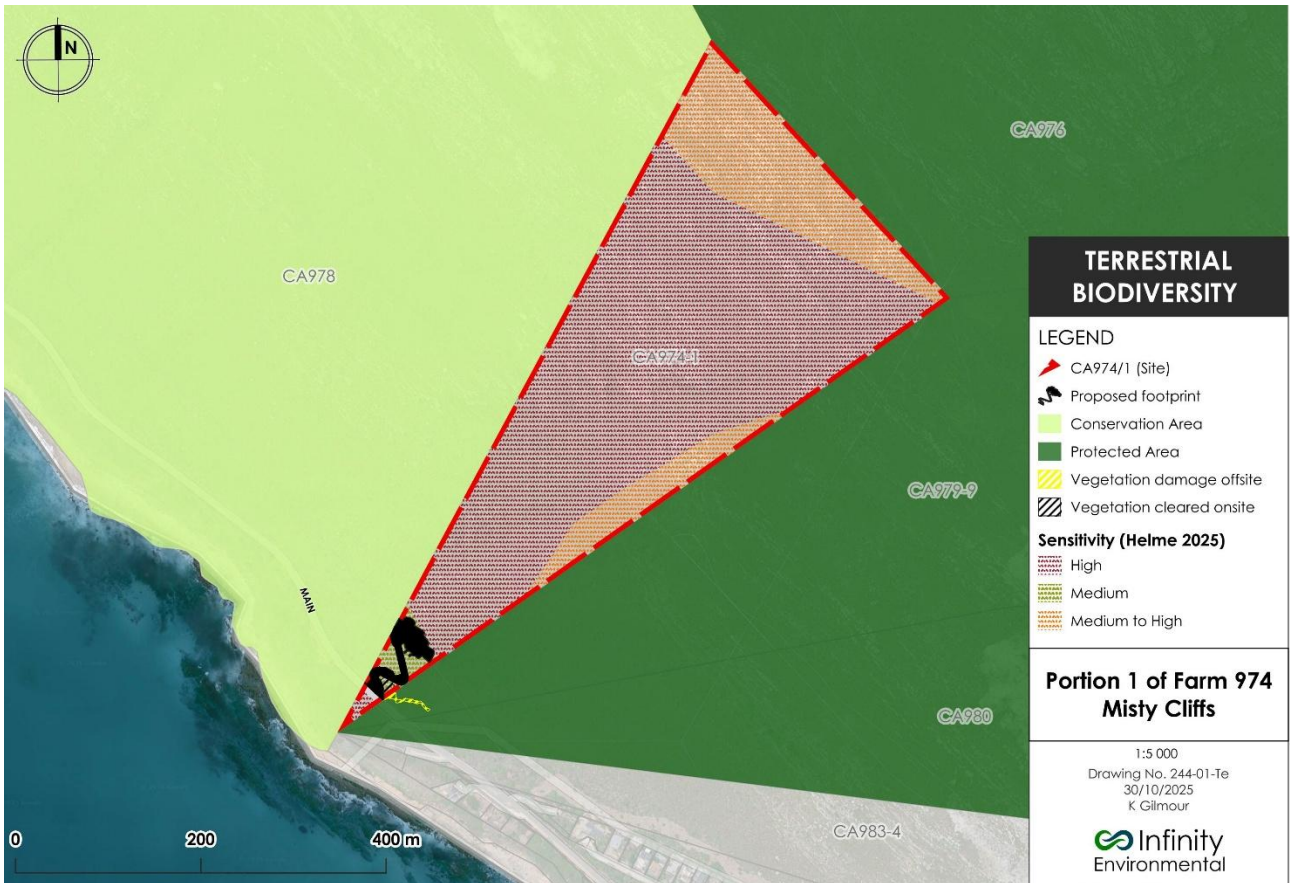


Figure 2: Protected areas in the vicinity, and vegetation sensitivity on the site

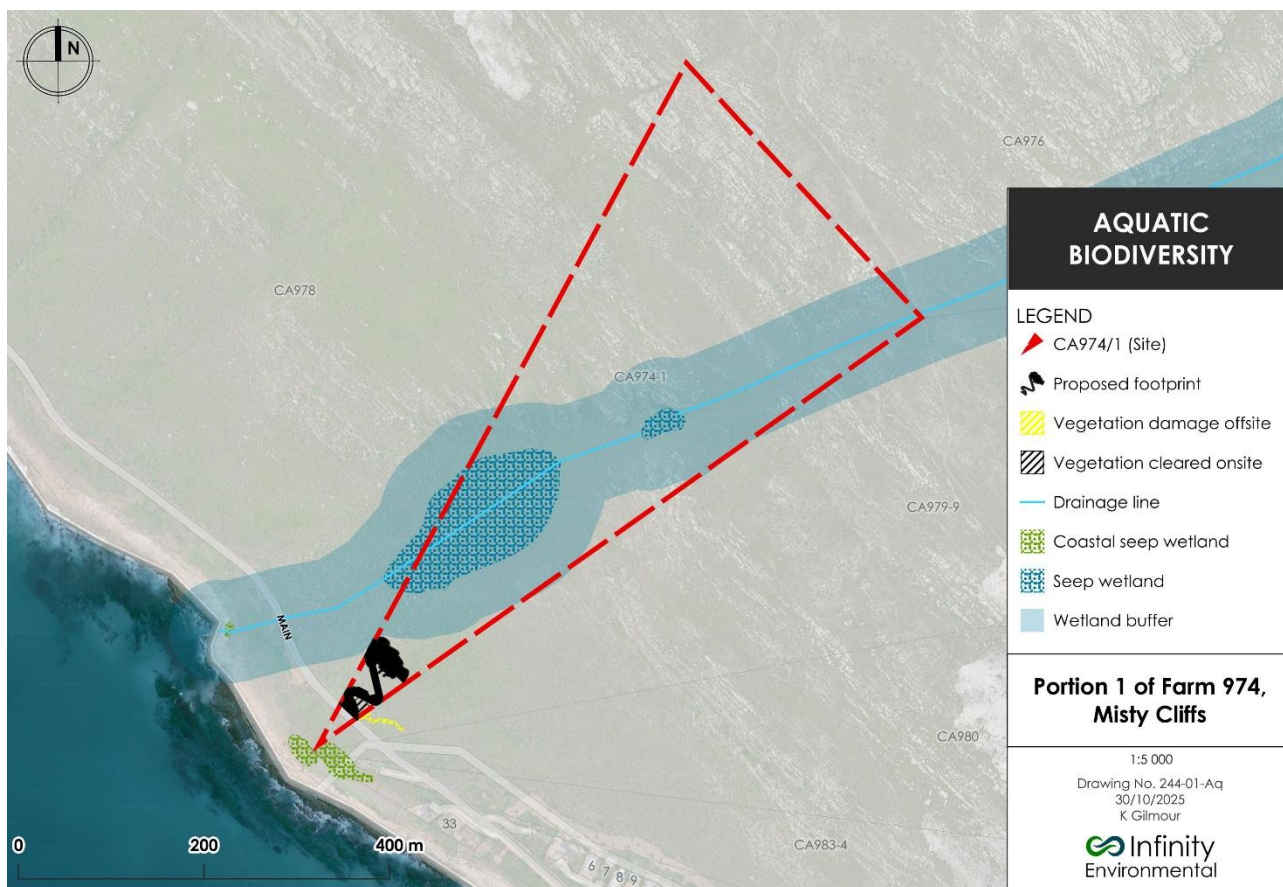


Figure 3: Aquatic features on the site, as delineated by Belcher (2025)

### Wildfire

Fynbos is a fire-adapted and fire-prone ecosystem, and regular wildfires occur on the Cape Peninsula, typically during the drier summer months. Fires are often driven by the prevailing south-easterly winds, but may also occur under the more unpredictable weather conditions and northwesterly wind associated that precede a low-pressure system and cold front. Fires are possible in any season under suitable weather conditions. The frequency of fires varies, but in fynbos on the Peninsula tends to be in the 10 to 15 year range, with higher frequencies in some areas close to urban settlements.

It is evident from the wildfire history of the site (which burned in 2008, 2016, and narrowly avoided burning in December 2023) that development on the site will be at significant risk from a periodic wildfire hazard. Fires that impact the site tend to originate at a significant distance from the site itself, and are driven by strong winds, usually from the southeast. The frequency of these events has, in recent years, been approximately every 7 to 8 years, which is higher than would be optimal for this ecosystem. The most recent fire on the site itself was approximately eight years ago, and fuel loading is therefore approaching the point at which another fire would be expected to be possible. However, the December 2023 fire burned the bulk of the natural areas to the southeast of the site, and the immediate risk to the site itself has therefore been substantially reduced for the next seven to 10 years, particularly under south-easterly wind conditions.

The site falls outside of the Misty Cliffs urban edge, and is not expected to form part of the Circum-Peninsula Firebreak Network. Instead, site-specific risk management measures will be required, and are proposed as mitigation measures.

### Impact assessment

The key findings of the environmental impact assessment are as follows:

- The biodiversity impact associated with the unauthorised clearing of vegetation is considered to be of Very Low negative significance after mitigation. The implemented erosion mitigation and rehabilitation measures were successful and resprouting is already occurring on site. Regrowth is also evident in the area of damaged vegetation on Farm 979/9, and initial discussions with SANParks have occurred regarding the need to monitor this regrowth for alien species. No significant aquatic impacts occurred as a result of the unauthorised clearing.

There are various additional impacts associated with the proposed continuation of the development.

- During construction, with the appropriate mitigation measures (included in the EMPr – Appendix I), general construction-related potential negative impacts associated with waste, erosion, light, noise, vibration, traffic, visual and sense of place are anticipated to be of very low significance.
- Should the proposed development receive authorisation the preferred alternative is the development of the residential dwelling below the 48 m contour as recommended by the botanical specialist to avoid (where possible) and minimise negative impacts on the indigenous vegetation present on site. The post-construction botanical impacts associated with the development of the proposed dwelling and access road are expected to be of Low to Medium negative significance largely due to the potential disruption of fynbos seed dispersal associated with the alien Argentine ant species which is often associated with human settlement.
- No significant aquatic impacts are expected to occur should authorisation be granted due to the small scale of the activities in relation to the watercourses on and below the site. The potential disturbance of watercourses on site can be adequately mitigated such that no impact on these ecosystems should occur during or post construction.
- Wildfire is an important consideration due to the site being located within a fire-prone and fire-dependent ecosystem, and in an area at high risk from periodic wildfires that could damage or destroy structures on the site if not adequately planned and designed for, and managed. For ecological and practical reasons, it is not recommended that a firebreak be installed along the entire property boundary. Instead the applicants' focus should instead be on ensuring sufficient defensible space. Firebreaks are proposed, along with other fire risk mitigation measures.
- Faunal impacts associated with direct loss of habitat within the development footprint, as well as construction-related disturbance and displacement due to increased activity on the site are expected to have a Low negative impact prior to mitigation but Very Low negative impact post mitigation. Fragmentation of habitat is not anticipated to be significant, as fauna will still be able to move freely across the site.
- Human-wildlife conflict associated with Chacma baboons which are widespread on the Cape Peninsula needs to be avoided as far as practicable through design and operational measures.
- 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. 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 architecture of the house includes rounded edges as opposed to stark angular geometric features, and the sloped nature of the roof relates well to the steep gradient of the mountain side. Any stones excavated during construction will be used in gabion structures and / or building material. The terraces and areas rehabilitated after construction are to be landscaped with locally indigenous vegetation consisting of Fynbos/Strandveld vegetation approved by the botanist. 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 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.

The **No Go alternative** would have a lower indirect (operational phase) botanical impact than the clearing of the development area, although given its agricultural zoning there are a variety of theoretical impacts that could take place (such as heavy grazing, cultivation) but which are unlikely in this area. Confidence in the likelihood (or absence) of impacts is moderate to high, and the No Go alternative would on balance be the preferred alternative from a botanical perspective, with perhaps a Neutral botanical impact. However, the zoning in place does allow for a dwelling (and other buildings) with a total floor space of up to 1500 m<sup>2</sup>. The proposed 750 m<sup>2</sup> house footprint associated with the single residential development can be considered as a reasonable use of the site given that the land is privately owned, and the development of the single residential dwelling is designed with various green technologies and considerations of aesthetic elements. It is in the landowner's best interest to maintain the natural indigenous beauty of the site where their house is to be located, and they intend to include indigenous rehabilitation in the design and construction of their home additional to that intended to rectify the unauthorised removal of indigenous vegetation.

**The assessed impacts of the activities are summarised in the table below, with significance values before and after mitigation.**

**Table 1. Summary of impact significance**

<b>Construction Phase</b>			
<b>Nature of Impact</b>	<b>Impact Significance</b>		
	<b>Proposed development without mitigation</b>	<b>Proposed development with mitigation</b>	<b>Cease and rehabilitate alternative</b>
<b>Impacts associated with unauthorised commencement</b>			
Impact of unauthorised indigenous vegetation clearing and damage	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
<b>Anticipated impacts should authorisation be granted</b>			
Terrestrial biodiversity impacts due to the proposed continued development of the house and access road	<b>Low negative</b>	<b>Low negative</b>	<b>None</b>
Faunal impacts due to loss of habitat	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
Baboon management	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
Potential disturbance of watercourses by construction activities	<b>Very low negative</b>	<b>None</b>	<b>None</b>
Waste management	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
Soil erosion and slope destabilisation	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
Light impacts	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
Noise and vibration impacts	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>

Dust impacts	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
Visual disturbance / impacts on sense of place	<b>Very low negative</b>	<b>Very low negative</b>	<b>None</b>
Traffic impacts	<b>Very low negative</b>	<b>Very low negative</b>	<b>None</b>
Impacts on wildfire management and impacts of wildfire hazard on development	<b>Medium negative</b>	<b>Very low negative</b>	<b>None</b>
Construction-related socio-economic impacts	<b>Low positive</b>	<b>Low positive</b>	<b>None</b>

<b>Post-construction Phase</b>			
<b>Nature of Impact</b>	<b>Impact Significance</b>		
	<b>Proposed development without mitigation</b>	<b>Proposed development with mitigation</b>	<b>Cease and rehabilitate alternative</b>
Impacts on wildfire management and impacts of wildfire hazard on development	<b>Medium negative</b>	<b>Very low negative</b>	<b>None</b>
Post-construction waste generation	<b>Low negative</b>	<b>None</b>	<b>None</b>
Post-construction light pollution	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
Post-construction baboon management	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>
Post-construction impact on indigenous vegetation	<b>Low-medium negative</b>	<b>Low-medium negative</b>	<b>None</b>
Potential pollution of watercourses	<b>Very low negative</b>	<b>None</b>	<b>None</b>
Post-construction visual impacts / sense of place	<b>Low negative</b>	<b>Very low negative</b>	<b>None</b>

### EAP's Recommendation

Based on the findings of the environmental impact assessment, it is the opinion of the Environmental Assessment Practitioner that there are no negative impacts associated with the unauthorised clearing and damage to indigenous vegetation which cannot be adequately mitigated to acceptable levels. Additionally, the potential negative impacts associated with the proposed development, should authorisation be granted, have been considered and the recommended mitigation measures deemed adequate such that no unacceptable harm to the environment is anticipated. Provided that the specified mitigation measures stipulated in the Environmental Management Programme and other proposed conditions of authorisation are applied effectively, **it is recommended that the project receives Environmental Authorisation** in terms of section 24G of the National Environmental Management Act.

### Public Participation

Comprehensive public participation ensures that all potential interested and affected parties are identified and notified of the proposed development, giving them an opportunity to register as interested and affected parties and to submit their comments on the application and assessment.

Potential interested and affected parties (I&APs) inclusive of all occupiers, adjacent landowners, key stakeholders, and representatives of organs of state, were notified of the public participation processes. I&APs who requested registration were added to a register that was updated throughout the application consultation process. Media and site notices were placed to inform the broader public of the project.

During the **pre-application consultation**, the first draft of this S24G Application was made available for public review, with a 20-day registration and commenting period allowed for. The 20-day commenting period commenced on **Friday, 02 May 2025** and ended on **Thursday, 22 May 2025**.

The **second round of public engagement** on the revised s24G Application in accordance with the NEMA EIA Regulations commenced on **Thursday, 06 November 2025** and ended on **Monday, 08 December 2025**.

Interested and affected parties were invited to register for future updates, and to comment using any of the following methods:



By email to [comments+mistycliffs@infinityenv.co.za](mailto:comments+mistycliffs@infinityenv.co.za)



By WhatsApp message at 060 524 7676



By filling in a form on the project website at [www.infinityenv.co.za/mistycliffs](http://www.infinityenv.co.za/mistycliffs)

Interested and affected parties were requested to provide contact information and a declaration of any interest they may have in the application together with their comments.

**A 30-day public participation process commenced on Thursday, 06 November 2025 and ended on Monday, 08 December 2025.**

### Application consultation

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. After completion of a 30-day public comment period, reports were revised to address comments received, where applicable. The

Section 24G report, EMPr, and a report on public participation will then be submitted to DEA&DP. Interested and affected parties will be notified using their preferred method of communication.

#### **Final 21-day commenting period**

The final s24G report and appendices were made available to registered I&APs, including a Public Participation Report (Appendix G) showing how the issues and concerns raised in previous engagements have been addressed. This 21-day review and commenting period will commence on **Friday 30 January 2026** and ended on **Friday 20 February 2026**.

Interested and affected parties were invited to submit any comments on the final s24G report via email to [comments+mistycliffs@infinityenv.co.za](mailto:comments+mistycliffs@infinityenv.co.za).

#### **Processing Personal Information**

We are required by the EIA Regulations, GNR 326 of 2017 and the National Environmental Management Act to maintain a register of interested and affected parties including people who have commented, attended meetings, or requested registration. This requires us to collect and process certain personal information as defined in the Protection of Personal Information Act, 2013. The following personal information has been collected for the purpose of public participation from identified I&APs and will be collected from anyone who comments or registers:

- Name, contact details and address;
- A copy of any comments submitted; and
- Details of any interest declared in the granting or refusal of the application.

Should you register and/or comment, your name and your comments will be included in published documents. Your contact details, address, and interest declaration will be provided to the competent authority and must also be provided to any appellants in the event that the environmental authorisation is appealed in terms of the Appeal Regulations, GNR 993 of 2014. Personal information will be stored by Infinity Environmental (Pty) Ltd at 2 Fir Street, Observatory 7925, and on a password-secured cloud storage system which may include servers outside the Republic of South Africa. You may at any time request access to or rectify this personal 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

## REPORT OVERVIEW

<b>Section A</b>	<b>Background Information</b>
<b>Section B</b>	<b>Activity Information</b>
<b>Section C</b>	<b>Description of Receiving Environment</b>
<b>Section D</b>	<b>Need and Desirability</b>
<b>Section E</b>	<b>Alternatives</b>
<b>Section F</b>	<b>Impact Assessment, Management, Mitigation and Monitoring Measures</b>
<b>Section G</b>	<b>Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties</b>
<b>Section H</b>	<b>Recommendations of the EAP</b>
<b>Section I</b>	<b>Representations - Response to an Incident or Emergency Situation</b>
<b>Section J</b>	<b>Public Participation Process</b>

**IMPORTANT: Kindly ensure that this checklist is completed and attached to the NEMA SECTION 24G Application.**

Please indicate by ticking the following below to serve as confirmation that the required information has been included in the application.

No.	Application Requirements	Please tick for confirmation
1.	Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. <b>(Note: Failure to meet the Regulation 8 will result in rejection of the application)</b>	✓
2.	Application form has been completed and attached, which includes among others:	
	2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with.	✓
	2.2. A list of all <b>similarly listed</b> activities in terms of the current EIA regulations (if applicable).	✓
	2.3. A description of the receiving environment <b>before</b> commences of the activity(ies).	✓
	2.4. A description of the receiving environment <b>after</b> commences of the activity(ies).	✓
	2.5. All appendices and annexures:	
	2.5.1. Locality map	✓
	2.5.2. Site plans or/and Layout plan	✓
	2.5.3. Building plans (if applicable)	✓
	2.5.4. Colour photographs	✓
	2.5.5. Biodiversity overlay map	✓
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	✓
	2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information	✓
	2.5.8. Environmental Management Programme	✓
	2.5.9. Certified copy of Identity Document of Applicant	
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	✓
	2.6. Signed declaration forms.	✓
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	3.1. If yes, has the specialist assessment report been attached to the application?	✓
4.	An assessment of the impacts of the activity or activities in terms of the following categories:	
	• Socio-economic	✓
	• Biodiversity	✓
	• Sense of place &/or Heritage/ Cultural	✓
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	✓
	• Visual investigation	✓
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	✓
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations: Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).	✓
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	✓
8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4)).	✓
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	✓
9.	Compliance history of the applicant:	✓

	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	✓
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	✓
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	✓
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	✓
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	✓
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	✓
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply.	✓
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	✓
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	✓
	10.2 Copies of comments and responses included in the application.	✓
	10.2 Comments and Response report attached to the application.	✓
11.	Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") (GN No. R.326 of 7 April 2017) <b>(if conducted/undertaken)</b>	✓

**Section 24G Application Form for the consequences of unlawful commencement of listed activity/ies in terms of the:**

- **National Environmental Management Act, 1998 (Act No. 107 of 1998), (“NEMA”);**
- **National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (“NEM: WA”)**

**OCTOBER 2022**

**Form Number S24GAF/10/2022**

**Kindly note that:**

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.
2. This **Application Form** must be completed for all section 24G applications, by an Independent and Registered Environmental Assessment Practitioner (“EAP”).
3. This Application Form is current as of 10 October 2022. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 10 October 2022.
4. **The contents of this Application Form include the following:**
  - PART 1 -**
    - Section A: Background Information**
    - Section B: Activity Information**
    - Section C: Description of Receiving Environment**
    - Section D: Need and Desirability**
    - Section E: Alternatives**
    - Section F: Impact Assessment, Management, Mitigation and Monitoring Measures**
    - Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties**
    - Section H: Recommendations of the EAP**
    - Section I: Representations - Response to an Incident or Emergency Situation**
    - Section J: Public Participation Process**
  - PART 2 –**
    - ANNEXURE A of Fine Regulations**
      - Section A: Directives**
      - Section B: Deferral of the Application**
      - Section C: Quantum of the section 24G fine**
      - Section D: Preliminary advertisement**
  - PART 3 –**
    - Appendices and Declarations**
  - PART 4 –**
    - ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**
5. An **Independent and Registered EAP** must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence. **Copies of the EAPS and Specialists Registration Certificates be submitted with this application.**
6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted. Email copies to be submitted

7. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department's website <https://www.westerncape.gov.za/eadp/>
8. The use of "not applicable" in the Application Form must be done with circumspection.
9. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.
10. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

**PROCESS TO BE FOLLOWED:**

- a) **Prior to submission of an Application Form**, the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").
- b) Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.
- c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.
- d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G of the NEMA (as amended).
- e) After submission of the application, **consultation with organs of state in terms of section 24O of the NEMA** will be required and public participation with interested and affected parties to inform the application. Any comments received must be compiled in a Comments and Response Report.
- f) In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.
- g) The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.
- h) The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.
- i) **Proof of payment of the fine must be submitted to the Department.** Upon payment of the administrative fine, the MEC/Competent Authority may-
  - refuse to issue an environmental authorisation; or
  - issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
  - direct the applicant to provide further information or take further steps prior to making a decision provided for above;
  - together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

**CIRCULARS, GUIDELINES AND TOOLS:**

1. The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations and guidelines must be taken into account when completing this Application Form.
2. The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link <https://screening.environment.gov.za/screeningtool> to generate the Screening Report. The Screening Report must be attached to this Application Form as an Appendix.

**PLEASE NOTE THE FOLLOWING:**

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.
2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from—
  - (a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of NEMA or any specific environmental management Act;
  - (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.
3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and—
  - (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
  - (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
  - (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.
4. A person is guilty of an offence if that person:
  - Prior to submission of a section 24G application:
    - o fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant's website, if any or
    - o fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
    - o fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties); or
    - o fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.
  - Provides incorrect, false or misleading information in any form, including in any document submitted to a competent authority in terms of the Section 24G Fine Regulations or omits information that may have an influence on the outcome of a recommendation of the fine committee or determination of the competent authority.
5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

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#### DISCLAIMER

With regards to the Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA), please note that all personal information is being voluntarily submitted for the purposes of your participation in this environmental application process. The information will be held by EAP on behalf of the Applicant and will be submitted to the Competent Authority for the decision on the application. Personal information may also be made available to the Appellant/s so that they may participate in the appeal process in the event that the decision on the application is appealed. Personal information may also be made available to third-party auditors so that you can be notified of future audits of the environmental decision.

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**DEPARTMENTAL DETAILS**

Department of Environmental Affairs and Development Planning,  
**Directorate:** Environmental Governance  
**Attention:** Sub-directorate: Rectification  
 Private Bag X9086  
 Cape Town, 8000

Registry Office  
 1<sup>st</sup> Floor Utilitas Building  
 1 Dorp Street, Cape Town

Queries should be directed to the Sub-directorate: Rectification at:  
 Tel: (021) 483-5827 Fax: (021) 483-4033

**DEPARTMENTAL REFERENCE NUMBER(S)** (for official use)

File Reference number (S24G)	
Administrative Fine Reference	

**DEPARTMENTAL REFERENCE NUMBER(S)** (to be completed by the EAP)

File Reference number (Enforcement), if applicable	14/1/1/E1/6/6/3/0917/25
File reference number (EIA), if applicable:	14/2/4/2/1/A6/70/0011/25
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

View the Department's website on <http://www.westerncape.gov.za/eadp> for the latest version of the documents

# PART 1

## PROJECT TITLE AND GENERAL DESCRIPTION OF THE DEVELOPMENT

Proposed new residential home and rectification of unlawful vegetation clearing on Farm 974/1, Misty Cliffs, Cape Town

## RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

Cross out the appropriate box "☒" in which region the unlawful activity/ies has commenced.

REGION 1 City of Cape Town and West Coast District	REGION 2 Cape Winelands District and Overberg District	REGION 3 Central Karoo District and Eden District
X		

## SECTION A: BACKGROUND INFORMATION

### 1. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

1.1	The applicant is a Natural Person (individual)	X
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)	
1.2.1	If a firm, please tick the relevant box below:	
	Body Corporate	Partnership
	Trust	Parastatal
	Organ of State	
	Directors of a Company	Members of a Board
	Other, please specify	

Applicant's details (duplicate this section where there is more than one applicant)			
Applicant Name:	Aaron Samuels & Rachael Joseph		
Name of Firm (if applicable):	Aaron Samuels (U.S. passport # X00095456) Rachael Joseph (U.S. passport # X00095457)		
Firm Registration Number:	NA		
Contact Person at the Firm:	NA		
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below – (In the list below, delete the firms that are not applicable to this application)		
Postal address:	Delphinus Street		
	Waterkloof Ridge, Pretoria	Postal code:	0181
Telephone:	NA	Cell:	082 524 4433 / 067 473 6650
E-mail:	amspvd@gmail.com	Fax:	( )
<b>Project Consultant</b>	Jenny Mills Architecture and Interior Design		
Contact person:	Jenny Mills		
Postal address:	403 De Schuur 120 Bree Street		
	Cape Town	Postal code:	8000
Telephone:	( )	Cell:	
E-mail:	jenny@jma.za.net	Fax:	( )

<b>Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:</b>	Jeremy Rose (Reg. E.A.P.) Kelly Gilmour (Cand. E.A.P.)		
Company name (if any):	Infinity Environmental		
Postal address:	2 Fir Street		
	Observatory	Postal code:	7925
Telephone:	021 834 1602	Cell:	084 055 5678
E-mail:	<a href="mailto:jeremy@infinityenv.co.za">jeremy@infinityenv.co.za</a> <a href="mailto:kelly@infinityenv.co.za">kelly@infinityenv.co.za</a>	Fax:	( )
EAP Qualifications	Jeremy: BSc Hons Environmental and Geographical Science Kelly: MSc Biological Sciences (Marine Biology)		
EAP Registrations/Associations and registration number/s	Jeremy: Reg. E.A.P. 2019/1116, Pr.Sci.Nat. 120148 Kelly: Cand. E.A.P. 2024/8037, Cand.Sci.Nat. 169880		
<b>Name of the Landowner:</b> Aaron Samuels & Rachael Joseph			
Name of the contact person for the land owner (if other):	NA		
Postal address:	Delphinus Street		
	Waterkloof Ridge, Pretoria	Postal code:	0181
Telephone:	NA	Cell:	082 524 4433 / 067 473 6650
E-mail:	amspvd@gmail.com	Fax:	( )
<b>Person in control of land:</b> Aaron Samuels & Rachael Joseph			
Contact person:	NA		
Postal address:	Delphinus Street		
	Waterkloof Ridge, Pretoria	Postal code:	0181
Telephone:	NA	Cell:	082 524 4433 / 067 473 6650
E-mail:	amspvd@gmail.com	Fax:	( )

**Please note:**

In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.

A certified copy of the applicant's (if natural person), alternatively a director's (as defined), Identity Document must be attached to the application.

A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application.

Municipality in whose area of jurisdiction the activity falls:	City of Cape Town		
Contact person, if known:	Joy Garman		
Postal address:	Plessey Building, c/o Main and Victoria Roads		
	Plumstead	Postal code:	7800
Telephone	021 444 2239	Cell:	
E-mail:	joy.garman@capetown.gov.za	Fax:	( )

**Please note:** In instances where there is more than one Municipality involved, please attach a list of Municipalities with their respective contact details to the form.

Property location(s):	Misty Cliffs
Farm/Erf name(s) & number(s) including portion(s)	Farm 974/1
Property size(s) (m <sup>2</sup> )	152 861 m <sup>2</sup>

Development footprint size(s) (m <sup>2</sup> )	Permanent footprint of the house and driveway: 2200m <sup>2</sup> Total footprint including construction areas: 2400m <sup>2</sup>
SG21 Digit code(s)	C0160000000097400001

**Property boundary:**

Point	Latitude (S)	Longitude (E)
1	34°10'52.73"S	18°21'37.26"
2	34°10'53.24"S	18°21'38.09"E
3	34°10'54.77"S	18°21'35.93"E
4	34°10'54.54"S	18°21'35.64"E

**The co-ordinates for the site boundary are:**

Point	Latitude (S)	Longitude (E)
1	- 34° 10' 30" S	18° 21' 50.4" E
2	- 34° 10' 40.8" S	18° 22' 1.2" E
3	- 34° 10' 55.2" S	18° 21' 32.4" E

**Please note:**

Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.

Street address:	Main Road		
Magisterial District or Town:	Misty Cliffs		
Closest City/Town:	Scarborough	Distance	2.3 km
Zoning of Property:	Agricultural		

**Please note:**

In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.

Was the property rezoned after commencement of activities?		YES	NO
If yes, what was the previous zoning?			
Is a rezoning application required?		YES	NO
Is a consent use application required?		YES	NO
Locality map:	<p>A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:</p> <ul style="list-style-type: none"> <li>• an accurate indication of the project site position as well as the positions of the alternative sites, if any;</li> <li>• road names or numbers of all the major roads as well as the roads that provide access to the site(s)</li> <li>• a north arrow;</li> <li>• a legend;</li> <li>• the prevailing wind direction; and</li> <li>• GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)</li> </ul>		
Landowner(s) Consent:	<p>If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.</p> <p><b>Note:</b> The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and</p>		

	petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the <i>Infrastructure Development Act, 2014 (Act No. 23 of 2014)</i> .
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**2. APPLICATION HISTORY**

(Cross out the appropriate box "☒" and provide a description where required).


Has any national, provincial or local authority considered any development applications on the property previously?	YES	<b>NO</b>
If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications)		
<b>Unknown or not applicable</b>		
Which authority considered the application:		
NA		
Has <u>any</u> one of the previous application/s on the property been approved <b>or</b> refused? If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).	Yes	No
NA		
Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.		
NA		

**SECTION B: ACTIVITY INFORMATION**

**1. ACTIVITIES APPLIED FOR**

I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.

**Applicant (Full names):** Aaron Samuels & Rachael Joseph

**Signature:** 

**Place:** Pretoria

**Date:** 23 February 2026

**EAP (Full names):** Jeremy Themba Rose

**Signature:** 

**Place:** Cape Town

**Date:** 23 February 2026

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002			
Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			
ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006			
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989,			
None are applicable as commencement occurred in 2025			

<b>NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010</b>			
<b>Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA</b>			
GN R386 Activity No(s): <b>(Listing Notice 1 of 2006)</b>	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			
Government Notice No. R387 Activity No(s): <b>(Listing Notice 2 of 2006)</b>	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			
<b>NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014</b>			
<b>Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>			
GN No. R. 544 Activity No(s): <b>(Listing Notice 1 of 2010)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			
GN No. R. 545 Activity No(s): <b>(Listing Notice 2 of 2010)</b>	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			
GN No. R. 546 Activity No(s): <b>(Listing Notice 3 of 2010)</b>	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			
<b>NEMA EIA Contraventions: on or after 08 December 2014</b>			
<b>Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,</b>			
GN No. R. 983 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
17	<b>Development— v) 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 the greater; in respect of— (e) infrastructure or structures with a development footprint of 50 square metres or more — but excluding— (aa) the development of infrastructure and structures within existing ports or</b>	The proposed driveway will be more than 50 square metres in extent, within 100 metres of the high water mark.	No construction of structures has yet commenced, but clearing in furtherance of the proposed driveway commenced on 3 February 2025 (see below).

	<p>harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</p> <p>(dd) where such development occurs within an urban area.</p>		
19A	<p><b>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—</b></p> <p><b>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</b></p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(f) will occur behind a development setback;</p> <p>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The proposed access road will require the placement or moving of more than 5 cubic metres of material within 100 metres of the high water mark.</p>	<p>No movement of material in excess of this threshold has yet commenced, but clearing in furtherance of the proposed driveway commenced on 3 February 2025 (see below).</p>
GN No. R. 984 Activity No(s): <b>(Listing Notice 2 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 985 Activity No(s):	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

(Listing Notice 3 of 2014)			
12	<p><b>The clearance of an area of 300 square metres or more of indigenous vegetation</b> except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>i. Western Cape</b></p> <p><b>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</b></p> <p><b>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</b></p>	<p>The proposed residential house, access driveway, and ancillary infrastructure will require the clearing of approximately 2400 square metres of vegetation in total, including construction-related activities, of which 2200 square metres will be a permanent development footprint. Approximately 400 square metres has already been cleared on site.</p>	<p>3 February 2025</p>
4	<p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western cape</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p>	<p>The proposed driveway is to be 4.5 m wide and will be constructed outside an urban area in an area containing indigenous vegetation.</p>	<p>No movement of material in excess of this threshold has yet commenced, but clearing in furtherance of the proposed driveway commenced on 3 February 2025 (see above).</p>

Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

### 1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

<b>Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013</b>			
<b>Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008</b>			
GN No. 718 – Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			
GN No. 718 – Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			

Waste Management Activity Contraventions: On or after 29 November 2013			
Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,			
GN No. 921 - Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			
GN No. 921 - Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
None are applicable as commencement occurred in 2025			

**Please note:**

The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.

Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted.

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014.

The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): <b>(Listing Notice 1 of 2014)</b>	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
17	<p><b>Development—</b></p> <p>i) in the sea;</p> <p>ii) in an estuary;</p> <p>iii) within the littoral active zone;</p> <p>iv) in front of a development setback; or</p> <p><b>v) 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 the greater;</b></p> <p><b>in respect of—</b></p> <p>(a) fixed or floating jetties and slipways;</p> <p>(b) tidal pools;</p> <p>(c) embankments;</p> <p>(d) rock revetments or stabilising structures including stabilising walls; or</p> <p><b>(e) infrastructure or structures with a development footprint of 50 square metres or more —</b></p> <p>but excluding—</p> <p>(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p>	The proposed access road will be more than 50 square metres in extent within 100 metres of the high water mark.

	<p>(bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</p> <p>(dd) where such development occurs within an urban area.</p>	
19A	<p><b>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—</b></p> <p>(i) the seashore;</p> <p><b>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</b></p> <p>(iii) the sea; —</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(f) will occur behind a development setback;</p> <p>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The proposed access road will require the placement or moving of more than 5 cubic metres of material within 100 metres of the high water mark.</p>
GN No. R. 325 Activity No(s): <b>(Listing Notice 2 of 2014)</b>	<p>Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")</p>	<p>Describe the portion of the development as per the project description that relates to the applicable listed activity.</p>
GN No. R. 324 Activity No(s): <b>(Listing Notice 3 of 2014)</b>	<p>Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014</p>	<p>Describe the portion of the development as per the project description that relates to the applicable listed activity.</p>
12	<p><b>The clearance of an area of 300 square metres or more of indigenous vegetation</b> except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>i. Western Cape</b></p>	<p>The proposed residential house, access driveway, and ancillary infrastructure will require the clearing of approximately 2400 square metres of vegetation in total, including construction-related activities, of which 2200 square metres will be a permanent development footprint.</p>

	<p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	Approximately 400 square metres has already been cleared on site.
4	<p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western cape</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p>	The proposed private access road is to be greater than 4 m wide with a road reserve less than 13.5 metres.

**Please note:**

Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.

**2. ACTIVITY DESCRIPTION**

(Cross out the appropriate box "☒" and provide a description where required).

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced <u>as well as</u> the original date of commencement if the application is an upgrade.	New	Upgrade
<p>The project is a new development, and commenced on 3 February 2025. After clearing a portion of the site, activities were ceased on or before 10 February 2025.</p>		
<p>(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.</p> <p>Farm 974/1 (the site) is located north of Misty Cliffs on the southern Cape Peninsula, abutting the Table Mountain National Park. It is approximately 15 hectares in extent. The applicant is the landowner, and proposes to construct a single residential home above the road traversing the lower part of the site. The proposed development includes the construction of a driveway, house and associated infrastructure (i.e. courtyard and terrace). This development is anticipated to impact approximately 1.6 % of the site, which slopes steeply upward from the road and incorporates an ephemeral river and associated wetland.</p>		

The vegetation on the site is Cape Dune Strandveld (Endangered on a national basis) and Peninsula Sandstone Fynbos (Critically Endangered on a national basis). The proposed development footprint itself is located within the area of Cape Dune Strandveld with some elements of Peninsula Sandstone Fynbos species present. Based on a scoping report by the botanical specialist (Helme, 2025), the proposed development footprint has been located below the 48-metre contour line to avoid impacting identified species of conservation concern higher on the site. The building itself is proposed to be approximately 150m inland of the highwater mark.

### Commenced activities

The applicant's appointed architect in February 2025 received approval from the City of Cape Town's Urban Mobility Directorate: Roads Infrastructure and Management for the proposed access road and driveway. On this basis the architect appointed a civil contractor to commence construction of an access road to the future proposed site of the residential home. In the understanding of the applicant, based on advice from their then appointed architect<sup>1</sup>, only municipal approval for building plans and construction of an access road would be required since the site is zoned for agricultural purposes. The applicant was not aware of the requirement to obtain prior environmental authorisation for activities listed in terms of the NEMA, and commencement of works was undertaken in response to the approval of the design for the carriageway and access road.

The contractor commenced clearing of vegetation on the site on 3 February 2025, and cleared not only the lower part of the proposed driveway footprint but also areas adjacent to this totalling approximately 400 square metres cleared on the site (Farm 974/1). A listed activity in furtherance of the proposed development was commenced with in the form of vegetation clearing on the site without the required authorisation.

At the same time, the contractor appears to have damaged approximately 200 square metres of indigenous vegetation on an adjacent land parcel (Farm 979/9) forming part of the Table Mountain National Park. This damage was caused by driving a vehicle through the vegetation, in an apparent attempt to create an easier access point. While not constituting 'clearance' as the damage did not result in the permanent removal, eradication or elimination of vegetation, this activity nevertheless caused an impact which is considered in this application.

Works were ceased on 10 February 2025 when the applicant was made aware that the works had required, and had commenced without, environmental authorisation. The applicant ceased all works and approached an EAP to obtain advice on the authorisation requirements.

**The applicant seeks to rectify the unlawful commencement, and also seeks environmental authorisation to continue with the proposed development of the access road and house. While awaiting approval for the latter, various rehabilitation and stabilisation measures have been implemented to mitigate impacts.**

### Interim rehabilitation measures completed to date

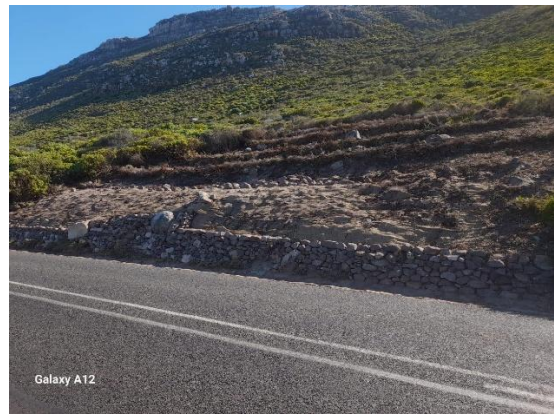
The vegetation clearing, occurring at the end of summer before the onset of winter rains, posed a risk of erosion and associated rock and sand accumulation on the coastal main road that bounds the site to the south-west. On the advice of the appointed EAP and botanist, efforts were made in March 2025 to stabilise the exposed slope in the short-term to prevent erosion and mitigate the safety risks for

<sup>1</sup> A new architect was subsequently appointed, whose designs form the basis of this application.

road users. Erosion protection measures included repacking of rock on the site to create a more stable slope profile; installation of biodegradable hessian fabric to stabilise exposed topsoil; and packing of cleared biomass in windrows to maximise the potential for passive rehabilitation. A site inspection and discussion by the EAP and the SANParks Regional Planner took place on Friday 4 April 2025. Regrowth and resprouting of vegetation was evident in the area damaged on the adjacent SANParks land as well as on the subject site.



**Photograph 3: Area cleared, prior to implementation of erosion mitigation measures (25 February 2025)**



**Photograph 4: Area cleared, after the implementation of erosion mitigation measures (11 March 2025)**



**Photograph 5: Regrowth of vegetation in the area cleared (08 October 2025)**

### Proposed activities and infrastructure still to be completed

The applicants propose to continue with listed activities on the site, once authorised. The proposed development includes:

- 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.

The listed activities involved in the proposed development are:

**Listing Notice 1: Activity 17** (Development – (v) 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 – (e) infrastructure or structures with a development footprint of 50 square metres or more)

**Listing Notice 1: Activity 19A** (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 – ii) the littoral active zone, an estuary or a distance of 100m inland of the highwater mark of the sea or an estuary, whichever distance is greater)

**Listing Notice 3: Activity 12** (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)

**Listing Notice 3: Activity 4** (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)

**Of these, only activity 12 of listing notice 3 was commenced with without the required authorisation.**

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).

Buildings

YES

NO

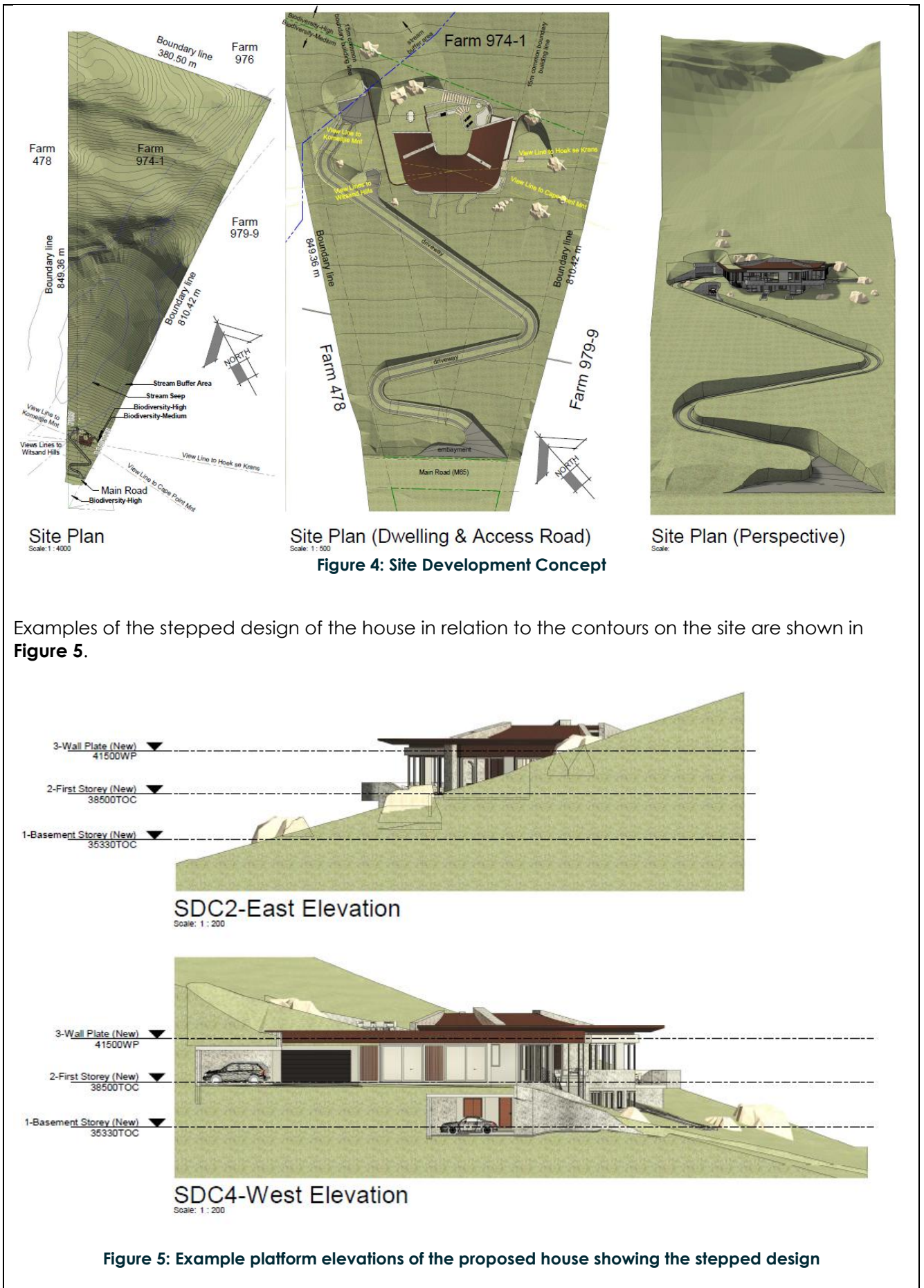
Provide brief description:

There are no buildings on the site at present as the only activity commenced with was the clearing of an area of indigenous vegetation exceeding 300 square metres within a critically endangered ecosystem (Activity 12 of Listing Notice 3). The proposed buildings and infrastructure are described below:

**Proposed development**

The proposed development is a single residential dwelling consisting of a house and driveway (Figure 4). The house will have a footprint of approximately 750 m<sup>2</sup>, and the total development footprint including the driveway and gabion retaining walls will be approximately 2200 m<sup>2</sup>.

The steeply sloping topography of the site is the primary determinant of the design, requiring a carefully designed driveway to maintain access.



**Form and integration**

The buildings have a curved nature reflecting the natural contours of the site. The partially buried design reduces the visibility of the development, reducing the need for cut-and-fill, and maintains the existing contours on site wherever possible.

**Materials and colour**

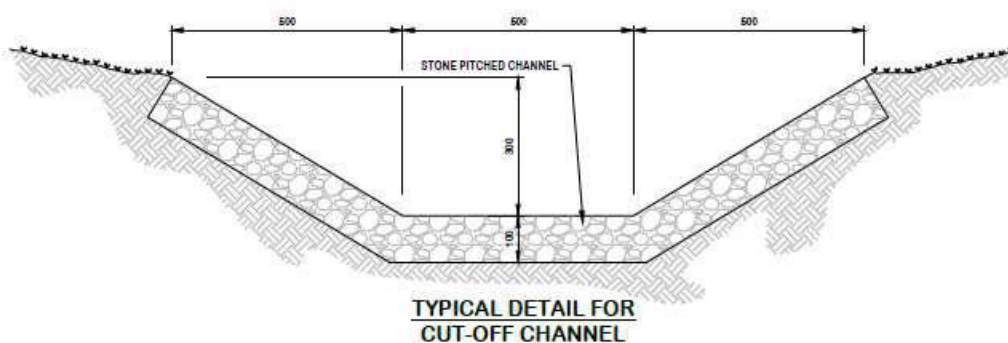
Natural sandstone from site excavations is to be used as stone cladding on vertical surfaces and gabion walls are to be constructed with site stone to act as retaining structures. The colours of these features reflect natural, warm, earth tones.

The road will consist of pavers / concrete surface placed on G5 granular base material layered on the *insitu* material. The retaining walls will be made from gabion baskets, and the material for these is expected to be obtained from the road and building platform excavations.

**Stormwater management measures**

Surface stormwater runoff is expected from the surrounding steep mountain slope. The freshwater statement indicates that the average depth of the groundwater is 6.7m below the existing ground level. An existing stormwater channel runs along the Main Road, and no formal underground stormwater infrastructure is located within the vicinity of the site.

The stormwater management for the site will include cutoff trenches around the buildings and roads to divert surface flows and discharge them into surrounding natural vegetation.

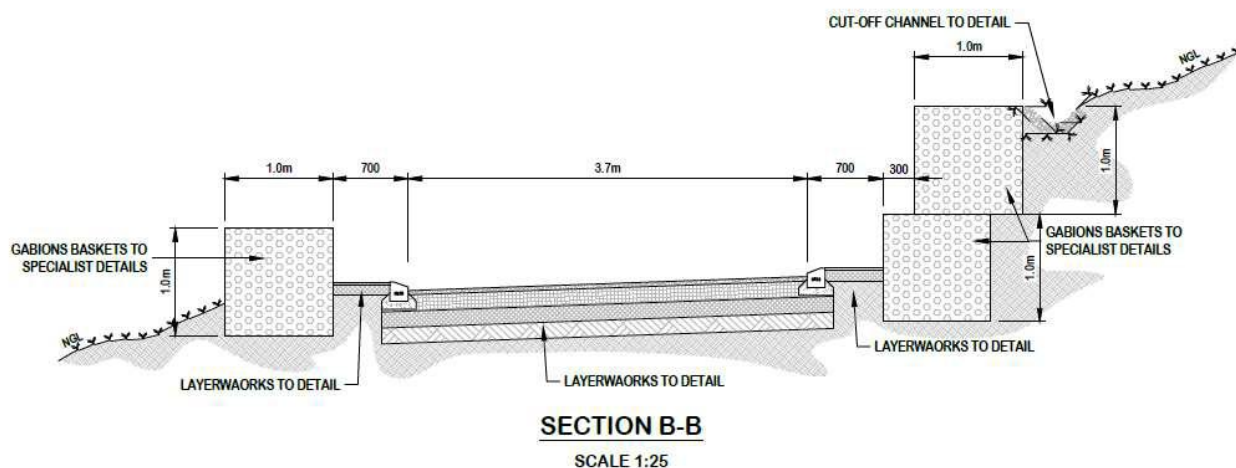


To protect the site from erosion, a slight depression lined with stone riprap will be placed at each outlet of the headwalls and cutoff channels to slow the flow of stormwater and disperse it over a wider area. This depressed area will also allow for the trapping of silt.

A cut-off trench is proposed at the low point of the new access road close to Main Road. This cut-off trench will collect any stormwater runoff from the road. The cut-off trench will contain sand and subsoil drain to assist in filtering the stormwater runoff before discharging into the existing roadside channel. The preliminary calculations indicate that the development needs to attenuate an equivalent of 18.0m<sup>3</sup> for the 1:10yr and 24.3 m<sup>3</sup> for the 1:50yr return intervals. This will be accommodated in 3 x 10,000 litre Jojo tanks which will be located appropriately on site. Refer to Appendix M3 for the proposed stormwater layout.

Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO
Provide brief description:		
<b>Access road:</b>		

The proposed development will include the construction of an 8-metre-wide carriageway crossing to the main road and a driveway to the site. The carriageway narrows to approximately 3.7 m wide for vehicle access leading to the house. The driveway will incorporate a two-track ('tweespoor') grass block system and is to be wide enough to accommodate construction vehicles, stabilised using gabion retaining walls. The driveway is to meander from the main road upslope to the proposed house located between the 36-48 m contours. The curves of the road are such as to accommodate the turning circle of a passenger and construction vehicles. The driveway is to be cut into the slope at an average depth of 2 m (typical road section shown in **Figure 6**) and maximum depth of 6.3 m for the garage level on the first storey of the house, resulting in the driveway and parking being embedded into the mountainside (Appendix M3). This design ensures alignment with the 2025 Municipal Planning Bylaw with the driveway being constructed below EGL levels within the 15 common boundary building lines, complying with the retaining structures as per item 121 of the 2025 Municipal Planning Bylaw.



**Figure 6: Typical section of a road cut into a sloped surface**

#### **Electricity:**

The house will make use of municipal electricity supply supplemented by either a rooftop photovoltaic installation or micro wind turbine and battery backup; the use of LED bulbs, lighting control systems (motion and lux sensors), and outdoor solar LED units will reduce the overall energy use.

An electric geyser and solar water heating system are also to be installed in accordance with the National Building Regulations.

#### **Water supply:**

Municipal water will be utilised for potable and fire water supply, and a municipal water connection will be required. There is an existing water main (Ø225 mm) traversing the site below the proposed dwelling (**Figure 7**), and correspondence with the relevant Water Reticulation Infrastructure personnel is underway regarding the conditions, servitudes and/or any required wayleaves (refer to Appendix M3). An application will be submitted to council to allow for 1 x Ø25 mm potable water and 1 x Ø40 mm fire water connection for the house.

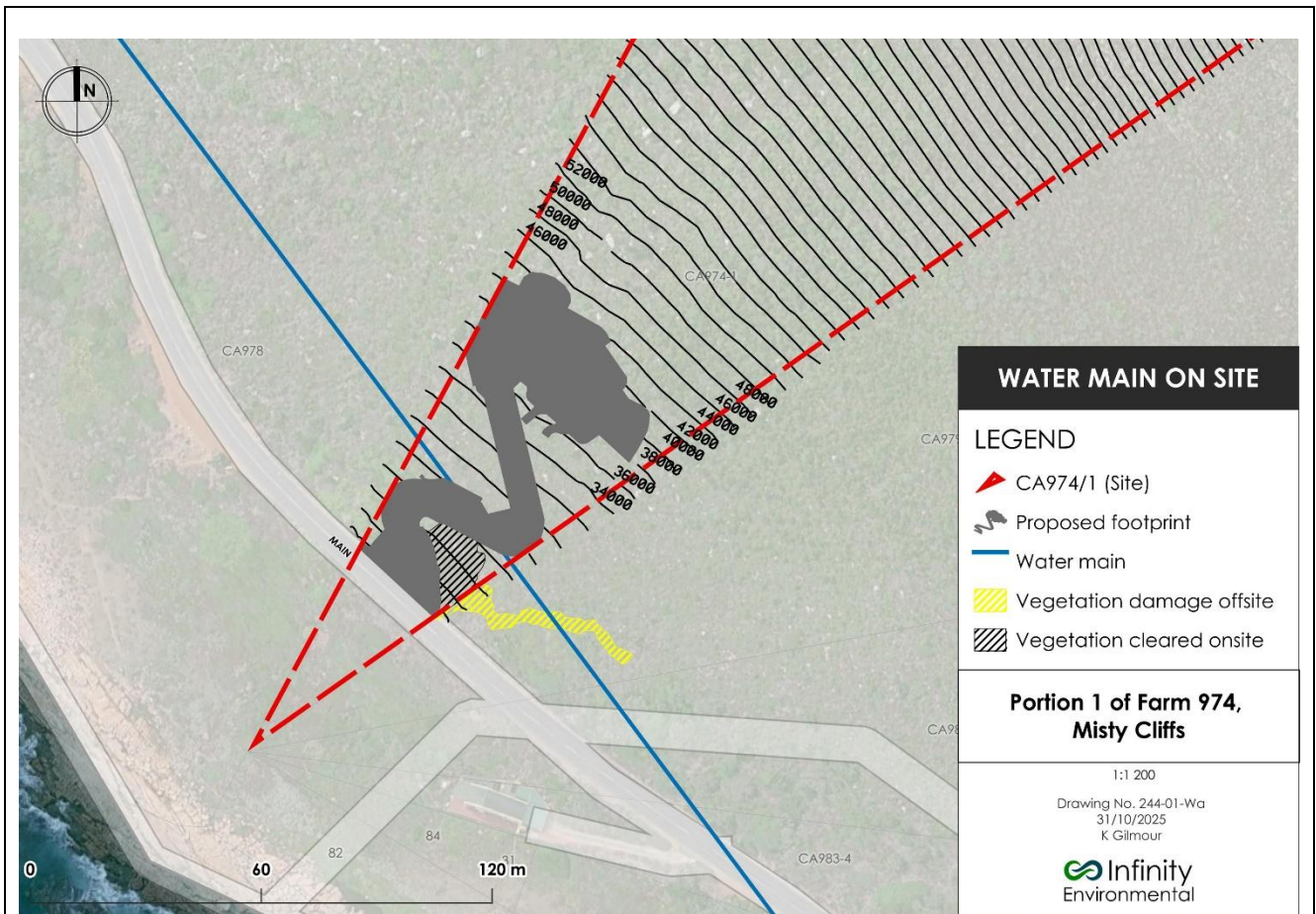


Figure 7: Existing water main on site (Farm 974/1)

The existing water main is made from asbestos material and therefore the procedures as stipulated by an Approved Inspection Authority and Asbestos approved contractor might be required to undertake the water connections and realignment of the pipe, if necessary. This may be required depending on the depth of the pipe in relation to the proposed access road.

**Rainwater harvesting:**

Excess rainwater runoff from the roof of the proposed dwelling is to be collected and stored in Jojo tanks to be used for irrigation and other domestic uses.

Processing activities (e.g. manufacturing, storage, distribution)	YES	NO
Provide brief description:		
NA		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)		
Provide brief description	YES	NO
NA		
Storage and treatment facilities for solid waste and effluent generated by the project	YES	NO
Provide brief description		
There is no formal municipal sewer system in the vicinity of the site, and a conservancy tank is proposed. The conservancy tank is to be positioned close to the carriageway crossing to facilitate easy access by the emptying tank.		
Domestic solid waste will be stored indoors in sealed bins for weekly municipal kerbside collection.		

(d) Other activities (e.g. water abstraction activities, crop planting activities)	YES	NO
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Provide brief description
NA

### 3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	~ 750 (house) ~1450 (driveway and parking)	<b>Total 2200 m<sup>2</sup></b>
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	~ 400 cleared (on site) and ~ 200 damaged (adjacent site)	<b>Total 600 m<sup>2</sup></b>
Total area:	<b>Cleared on site</b>	<b>2400 m<sup>2</sup></b>
	<b>Permanent footprint</b>	<b>2200 m<sup>2</sup></b>

#### NOTE

The 400 m<sup>2</sup> area of already cleared indigenous vegetation on the site is proposed to be used as the construction laydown area / site camp. Areas outside of the permanent development footprint are to be rehabilitated, including the areas used for construction site camp in the area of already cleared vegetation on site. This equates to approximately 200 m<sup>2</sup> outside of the permanent footprint that will require rehabilitation. A firebreak of 5-10 m around the house is proposed in which vegetation will be brush cut, although this does not constitute as clearance or part of the development footprint.

The indigenous vegetation that was damaged on the adjacent site (Farm 979/9) was brush cut and the botanical specialist has indicated that no additional rehabilitation is required in this area which exhibits good natural regrowth and rehabilitation.

### 4. SITE ACCESS

Was there an existing access road?	YES	<b>NO</b>
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length) approx 150 m	(width) between 5 - 9 m
Describe the type of access road constructed:		
<p>The proposed development will include the construction of an 8-metre-wide carriageway crossing to the main road and a driveway to the site 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.</p> <p>The carriageway narrows to approximately 3.7 m wide for vehicle access leading to the house. The driveway will incorporate a two-track ('tweespoor') grass block system and is to be wide enough to accommodate construction vehicles, stabilised using gabion retaining walls. The driveway is to meander from the main road upslope to the proposed house located between the 36-48 m contours. The curves of the road are such as to accommodate the turning circle of passenger and construction vehicles. The driveway is to be cut into the slope at an average depth of 2 m (typical road section shown in Figure 6 and maximum depth of 6.3 m for the garage level on the first storey of the house, resulting in the driveway and parking being embedded into the mountainside (Appendix M3). The total footprint of the driveway and parking areas on site is expected to be approximately 1450 m<sup>2</sup>.</p>		

Road signage is proposed to ensure safe access to the site, including “Proposed concealed driveway on left” sign. Additionally, the movement of the existing 50 km/h and 60 km/h speed signs north-westward is proposed.

**Please Note: Indicate the position of the access road on the site plan (See Section 5 below)**

## 5. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form.

**Refer to Appendix D attached to this form.**

**Please note:**

**Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.**

## 6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (if already obtained):
NEMA, Act 107 of 1998, and EIA Regulations in terms of Section 24.	Western Cape Department of Environmental Affairs	Record of decision / Environmental Authorisation	Not obtained
National Water Act, Act No. 36 of 1998 (NWA)	Department of Water and Sanitation	To be confirmed whether an authorisation or comment is required (aquatic specialist confirms no water uses are proposed).	In process
Section 24G Fine Regulations, 2017	Western Cape Department of Environmental Affairs	Environmental authorisation	This application
National Veld and Forest Fire Act, 1998	N/a	n/a Requirements for fuel breaks, fire suppression planning and implementation, and responsibility for wildfire spread	

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Department of Environmental Affairs Public Participation guideline in terms of NEMA EIA Regulations	DEA&DP
DEA&DP Guideline for Determining the Scope of Specialist Involvement, June 2005	DEA&DP
DEA&DP EIA Guideline Information Document on Environmental Management Plans, July 2006	DEA&DP
Guideline 3: General Guide to the EIA Regulations 2006	DEA

DEA&DP Guideline on Public Participation (2013)	DEA&DP
Misty Cliffs Development, Building, Landscaping and Horticultural Guidelines (2010) (not directly applicable but has been considered to ensure building designs align where possible)	Misty Cliffs Village Association
Scenic Drive Network Management Plan Vol 3 (2003) and associated Designated Overlays (2012)	City of Cape Town

**7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS (“SEMA’s”)**

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?	YES	<b>NO</b>
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?  <b>To be confirmed in consultation with the Catchment Management Agency – the aquatic specialist compliance statement (Appendix H2) advises that no risk assessment in terms of Section 21c and Section 21i water uses is deemed to be required for the proposed activities nor would any water use authorisation for these water use activities be required</b>	YES	NO
If yes, has an application been submitted to the licensing authority?  <b>Pre-application consultation has been initiated.</b>	YES	NO
If no, please provide evidence of existing water use rights (if applicable) with this application form.		
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?	YES	<b>NO</b>
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act (“NEM: ICMA”)?	YES	<b>NO</b>
If yes, has an application been submitted to the relevant competent authority?	YES	NO
If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA		
NA		

**8. APPLICATIONS IN TERMS OF OTHER LEGISLATION**

Is any permission, licence or other approval required in terms of any other legislation? (Please tick)	YES	<b>NO</b>
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If yes, please complete the table below:

Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)

**SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT**

**Site/Area Description**

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan.

Section C Copy No. (e.g. 1, 2, or 3):

**1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (Tick the appropriate box)**

GRANITE	<input type="checkbox"/>	QUARTZITE	<input type="checkbox"/>
SHALE	<input type="checkbox"/>	DOLOMITE	<input type="checkbox"/>
<b>SANDSTONE</b>	<b>X</b>	DOLERITE	<input type="checkbox"/>
OTHER (specify)	Mainly quartzitic sandstone with siltstone, underlain by shale and conglomerate beds of the Peninsula Formation, Table Mountain Group. The soil is shallow with bedrock at the surface.		

**2. GRADIENT OF THE SITE**

Indicate the general gradient of the site(s) (cross out the appropriate box).

Flat	Flatter than 1:10	1:10 – 1:5	<b>Steeper than 1:5</b>
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**3. LOCATION IN LANDSCAPE**

Indicate the landform(s) that best describes the site (cross out ("☒") the appropriate boxes).

Ridgeline	Plateau	<b>Side slope of hill/mountain</b>	<b>Closed valley</b>	Open valley	Plain	Undulating plain/low hills	Dune	Sea-front	Other
<b>If other, please describe</b>									
NA									

**4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE**

**4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)**

Is the site(s) located on or near any of the following (cross out ("☒") the appropriate boxes)?

Shallow water table (less than 1.5m deep)	YES	<b>NO</b>	UNSURE
Seasonally wet soils (often close to water bodies)	<b>YES</b>	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	<b>NO</b>	UNSURE
Dispersive soils (soils that dissolve in water)	YES	<b>NO</b>	UNSURE
Soils with high clay content	YES	<b>NO</b>	UNSURE
Any other unstable soil or geological feature	YES	<b>NO</b>	UNSURE
An area sensitive to erosion	YES	<b>NO</b>	UNSURE
Description: The site is steep but densely vegetated, reducing the erodibility of the site and stabilising the soils. Bedrock is close to the surface.			

#### 4.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)

Shallow water table (less than 1.5m deep)	YES	<b>NO</b>	UNSURE
Seasonally wet soils (often close to water bodies)	<b>YES</b>	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	<b>YES</b>	NO	UNSURE
Dispersive soils (soils that dissolve in water)	YES	<b>NO</b>	UNSURE
Soils with high clay content	YES	<b>NO</b>	UNSURE
Any other unstable soil or geological feature	YES	<b>NO</b>	UNSURE
An area sensitive to erosion	<b>YES</b>	NO	UNSURE
Description: After unlawful vegetation clearing occurred on site, prior to the implementation of erosion mitigation measures, the area where vegetation was removed became at high risk of erosion due to unstable slopes with loose soils.			

If any of the answers to the above are "YES" or "unsure", specialist input may be requested by the Department. (Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

### 5. SURFACE WATER

#### 5.1 SURFACE WATER (PRE-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

Perennial River	YES	<b>NO</b>	UNSURE
Non-Perennial River	<b>YES</b>	NO	UNSURE
Permanent Wetland	<b>YES</b>	NO	UNSURE
Coastal wetlands downslope from the site below the main road			
Seasonal Wetland	YES	<b>NO</b>	UNSURE
Artificial Wetland	YES	<b>NO</b>	UNSURE
Estuarine / Lagoonal wetland	YES	<b>NO</b>	UNSURE

#### 5.2 SURFACE WATER (POST-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("X") the appropriate boxes)?

Perennial River	YES	<b>NO</b>	UNSURE
Non-Perennial River	<b>YES</b>	NO	UNSURE
Permanent Wetland	<b>YES</b>	NO	UNSURE
Coastal wetlands downslope from the site below the main road			
Seasonal Wetland	YES	<b>NO</b>	UNSURE
Artificial Wetland	YES	<b>NO</b>	UNSURE
Estuarine / Lagoonal wetland	YES	<b>NO</b>	UNSURE

**6. VEGETATION AND/OR GROUNDCOVER**

**Please note:** The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult <http://bgis.sanbi.org.za> or [BGIShelp@sanbi.org.za](mailto:BGIShelp@sanbi.org.za). Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP's responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an **appendix** to this form.

**6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)**

Cross out ("X") the block **and** describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity.

Indigenous Vegetation - good condition	X	Indigenous Vegetation with scattered aliens	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above: The site supports Cape Flats Dune Strandveld and Peninsula Sandstone Fynbos vegetation. Prior to the commencement of unlawful vegetation clearing the site was in pristine condition with very limited invasive alien vegetation (a few specimens of <i>Acacia cyclops</i> are present).  The vegetation in the area of the proposed development has Medium botanical sensitivity according to the botanical impact assessment (Helme, 2025) with the majority of species of conservation concern occurring further upslope in an area classified as High botanical		Describe the vegetation type above:	Describe the vegetation type above:

sensitivity. Most of the vegetation in the development footprint area is Cape Flats Dune Strandveld, with some aspects of Peninsula Sandstone Fynbos present.		
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide Ecosystem status for above: Indigenous Vegetation with scattered aliens
Cape Flats Dune Strandveld is Endangered and Peninsula Sandstone Fynbos is Critically Endangered on a national basis according to the 2022 NEMBA List of Ecosystems.		
<b>Indigenous Vegetation in an ecological corridor or along a soil boundary / interface</b>	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil	Building or other structure	Sport field
Other (describe below)	Cultivated land	<b>Paved surface</b>

(a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

Systematic Biodiversity Planning Category				If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan
<b>Critical Biodiversity Area (CBA)</b>	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	The site (Farm 974/1) is privately owned land categorised as CBA1. The vegetation on site prior to unlawful vegetation clearing was in a largely natural pristine state as the site has no previous development. The definition of a terrestrial CBA is “any other terrestrial habitat [other than forests] in a largely natural and functional condition that is required to meet biodiversity targets for species, ecosystems or ecological processes and infrastructure”. The site is classified as a CBA 1 <u>and</u> only low-impact, biodiversity-sensitive land uses are appropriate in CBA 1 areas. <u>A previous version of this report stated that the site falls within the biosphere reserve zone “Core” and “Buffer” located within the buffer region of the Cape Floral Regional Protected Area World Heritage Site as declared in 2009 (Government Gazette 31832 and Government Notice 72 of 2009) which means this site acts as a buffer to the core areas of TMNP, allowing for connectivity to the core biodiversity areas identified in the City of Cape Town BioNet. The Biodiversity Management Branch have subsequently clarified that only the adjacent Table Mountain National Park forms part of the larger Cape Floristic Region UNESCO World Heritage Site.</u> According to the 2024 Terrestrial Biodiversity Network, the area in which the

				<p>unauthorised vegetation clearing commenced and where the proposed development is to occur is in Good condition.</p> <p>According to the Table Mountain National Park (TMNP) Management Plan (2015-2025), the site is abutted to the southeast by TMNP Contracted land and to the north and west as TMNP Managed Land – Not Declared. The site is</p>
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(b) Highlight and describe the habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	99.8%	The pre-commencement habitat conditions on the site (Farm 974/1) and Farm 979/9 were largely pristine supporting Peninsula Sandstone Fynbos with no invasive alien vegetation and no previous development.
Near Natural (includes areas with low to moderate level of alien invasive plants)	%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	0.2%	The coastal main road runs through approximately 0.03 ha of the site (Farm 974/1).

(c) Complete the table to indicate:

- (i) the type of vegetation, including its ecosystem status, that was previously present on the site; and
- (ii) whether an aquatic ecosystem was previously present on site.

Terrestrial Ecosystems		Aquatic Ecosystems						
Ecosystem threat status as per the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	Critical	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)	Estuary	Coastline				
	Endangered							
	Vulnerable							
	Least Threatened							
		YES	NO	UNSURE	YES	NO	YES	NO

(d) Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)

### Vegetation type (Helme, 2025)

The site is vegetated by Cape Flats Dune Strandveld (Endangered) and Peninsula Sandstone Fynbos (Critically Endangered). Approximately 90% of the site was covered with indigenous vegetation in essentially pristine condition with no invasive alien vegetation present. The remaining 10% consisted of exposed Table Mountain Group sandstone bedrock. The site is mapped as CBA1a (good condition) abutted by Table Mountain National Park to the north and east (Protected Area).

The botanical specialist identified four plant Species of conservation Concern (SoCC):

- *Protea lepidocarpodendron* (black-bearded sugarbush / bearded Protea)  
This species is Redlisted as Near Threatened and at least 100 plants are located in the footprint of the originally proposed house location (at 55 masl). Few of this species occur below the 40 m contour and only about twelve occur in the region of the revised development footprint. The population of over 600 plants on the site above the development footprint is considered regionally significant.
- *Aspalathus chenopoda ssp. chenopoda* (Peninsula fluffy Capegorse)  
This species is Redlisted as Rare and is a common shrub on this site and within the proposed development footprint (>50 plants). This plant lives for six to seven years post fire and thereafter sits in the seedbank until the next fire. No living plants occur on the site at present (unburned for > 20 years) and the presence of this species on the site is not considered regionally significant.
- *Asparagus lignosus* (Katdoring)  
This species is Redlisted as Near Threatened but is widespread from Vanrhynsdorp to George. The few plants of this species on the site do not constitute a significant part (<1%) of the regional population of this species.
- *Cliffortia carinata* (Trident Caperose)  
This species is Redlisted as Rare and is restricted to the Cape Peninsula to Caledon region. The six plants on the site do not constitute a significant part (<1%) of the regional population of the species.
- *Leucospermum concarpodendron ssp. viridum* (Kreupelhout / green tree pincushion / yellow pincushion)  
This species is Redlisted as Near Threatened and few of this species occur on the site just above the proposed development footprint, although it is more common higher upslope as are various other SoCC (e.g. *Mimetes fimbriifolius*).

In a regional (South Peninsula) context the vegetation in the proposed house footprint is of Medium sensitivity or importance (see Figure 2), as it is of fairly high plant diversity, with four recorded SoCC, and the actual plant community is well conserved within the TMNP, although the vegetation type (Cape Flats Dune Strandveld) is under-conserved, and severely threatened outside the TMNP.

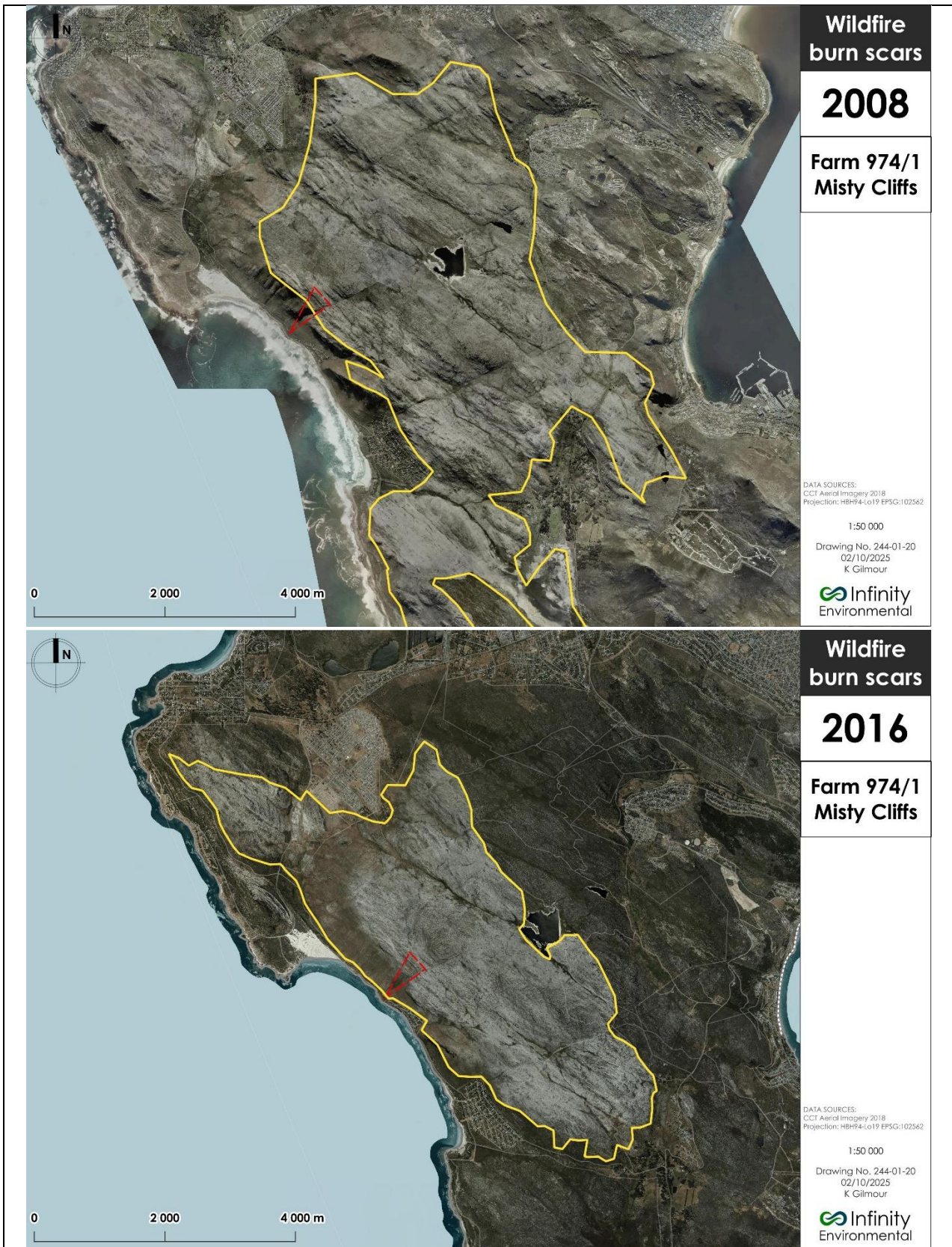
High sensitivity areas are found on the property below the main road (rare seepage wetland areas), and above the proposed development area (high density of Near Threatened *Protea lepidocarpodendron* and other SoCC).

### Wildfire

Fynbos is a fire-adapted and fire-prone ecosystem, and regular wildfires occur on the Cape Peninsula, typically during the drier summer months. Fires are often driven by the prevailing south-easterly winds, but may also occur under the more unpredictable weather conditions and northwesterly wind associated that precede a low-pressure system and cold front. Fires are possible in any season under suitable weather conditions. The frequency of fires varies, but in fynbos on the Peninsula tends to be in the 10 to 15 year range, with higher frequencies in some areas close to urban settlements. Many Fynbos systems are fire driven, and species diversity is maintained by fires at appropriate intervals. Cape Flats Dune Strandveld, which occurs within the proposed development footprint, typically has greater fire intervals. In a natural system the fire regime will be regulated by weather, fuel load and natural ignition sources. Human settlements, development and interventions have, however, played a significant role in affecting the natural fire regime of fynbos. Such impacts include increased fires as a result of deliberate or accidental fire setting, as well as the control and extinguishing of wildfires.

The wildfire history of the site can be traced using historical satellite image series, and includes two major recent events:

- A fire in early 2008 which started southeast (SE) of Scarborough and burned along the slopes above the coast, driven by a SE wind. The fire burned around the fuel break above Misty Cliffs, and most of the subject site above the road was burned.
- A fire in January 2016, which started near Red Hill southeast of Scarborough and burned northwestward driven by a SE wind. The fire burned around the fuel break above Misty Cliffs, and the whole of the subject site above the road was burned.
- A third fire in December 2023, which started at Castle Rock near Simon's Town, burned itself out in a change of weather conditions at the top of the slope about 300 metres south of the site. The fire burned around the fuel break above Scarborough but did not reach the Misty Cliffs fuel break.



**Figure 8: Wildfire burn scars in 2008 (top) and 2016 (bottom) in relation to the site (red triangle)**

It is evident from the wildfire history that development on the site will be at significant risk from a periodic wildfire hazard. Fires that impact the site tend to originate at a significant distance from the site itself, and are driven by strong winds, usually from the southeast. The frequency of these

events has, in recent years, been approximately every 7 to 8 years, which is higher than would be optimal for this ecosystem. The most recent fire on the site itself was approximately eight years ago, and fuel loading is therefore approaching the point at which another fire would be expected to be possible. However, the December 2023 fire burned the bulk of the natural areas to the southeast of the site, and the immediate risk to the site itself has therefore been substantially reduced for the next seven to 10 years, particularly under south-easterly wind conditions.

There are three ways a wildfire can ignite a building:

- Ignition by flying embers;
- Radiant heat, and
- Direct contact with flames.

Fuel conditions have a direct influence on fire intensity, and are the only major aspect over which the landowner has any control – the others being weather and topography. The most common source of ignition of a house is from burning embers igniting parts of the structure or adjacent vegetation, often ahead of the main flame front. Embers may be carried ahead of the main fire and be forced into buildings through holes, ventilation ports and open windows, or may ignite debris in gutters, compost heaps, garden furniture, or woodpiles.

During wildfires, especially in summer, firefighting services are likely to be stretched during larger incidents. In these situations, firefighting protocols will restrict firefighting activities to saving lives as a first priority, and secondly to focus on fires in areas with the greatest risk to property.

The site falls outside of the Misty Cliffs urban edge, and is not expected to form part of the Circum-Peninsula Firebreak Network. Instead, site-specific risk management measures will be required, and are proposed as mitigation measures.

### **Aquatic ecosystem (Belcher, 2025)**

Topographic mapping identifies a stream flowing through the site, and the valley on the site is known as the Varingkloof (or 'fern valley' indicative of wetland habitat). Freshwater specialist Antonia Belcher was appointed to confirm the presence of the stream and identify any potential wetland habitat on the site. The specialist confirmed that a seep wetland rather than a stream is located on the midslopes of the Varingkloof valley, with associated distinct vegetation. The seep is mostly sub-surface with no defined channel or surface flows. There are also minor patches of coastal wetland along the shore that are fed by daylighting of deep aquifers and maintain small patches of sedges.

The unauthorised vegetation clearing occurred more than 100m downslope of the seep and east of the drainage area. It is unlikely to have had any impact on the seep or Varingkloof drainage area. The area of disturbance for the proposed house and driveway will be at least 60m east of the Varingkloof drainage and seep area and about 50 m upslope of the M65 road. The only aquatic features thus likely to be at any risk of degradation from the proposed activities are the small patches of coastal wetland that are fed from the surfacing of groundwater at the shore. The potential risks to these features would be in terms of flow interception and contamination. The wetlands are fed from deep groundwater that is 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 with the surfaced road and associated drainage systems in between.

**6.2 VEGETATION AND/OR GROUNDCOVER (POST-COMMENCEMENT)**

Cross out ("☒") the block **and** describe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

Indigenous Vegetation - good condition	<b>X</b>	Indigenous Vegetation with scattered aliens	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:		Describe the vegetation type above:	Describe the vegetation type above:
<p>The site is still predominantly covered in Cape Flats Dune Strandveld and Peninsula Sandstone Fynbos. The unlawful vegetation clearing resulted in the loss of approximately 0.26% of the indigenous vegetation cover on the site.</p> <p>The vegetation cleared is considered Medium botanical sensitivity according to the botanical impact assessment (Helme, 2025) due to majority of SoCC occurring further upslope in an area classified as High botanical sensitivity. Most of the vegetation in the proposed development footprint area is Cape Flats Dune Strandveld.</p>			
Provide ecosystem status for above:		Provide ecosystem status for above:	Provide Ecosystem status for above:
Cape Flats Dune Strandveld is Endangered on a national basis according to the 2022 NEMBA List of Ecosystems.			
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil		Building or other structure	Sport field
Other (describe below)		Cultivated land	Paved surface

(a) Highlight and describe the post-construction habitat condition on site.

Habitat Condition	Percentage of habitat condition	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
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	class (adding up to 100%)	
Natural	99.4%	Of the 15 ha site approximately 0.04 ha indigenous vegetation has been lost due to unlawful vegetation removal, and the site remains predominantly Cape Flats Dune Strandveld and Peninsula Sandstone Fynbos.
Near Natural (includes areas with low to moderate level of alien invasive plants)	%	
Degraded (includes areas heavily invaded by alien plants)	0.4%	0.06 ha of indigenous vegetation was cleared leaving bare soil exposed on the site (approx. 0.04 ha on Farm 974/1) and adjacent site (approx. 0.02 ha on Farm 979/9).
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	0.2%	The coastal main road runs through approximately 0.03 ha of the site (Farm 974/1).

(b) How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

The unlawful commencement of vegetation clearance has resulted in the loss of approximately 400 m<sup>2</sup> of indigenous vegetation on the site (Farm 974/1) and damage to approximately 200 m<sup>2</sup> of indigenous vegetation on the adjacent land (Farm 979/9) which is part of the Table Mountain National Park. The cleared vegetation was classified as Medium botanical sensitivity according to Helme (2025). The Species of Conservation Concern are located further upslope and only two plant SoCC may have been in the impacted area already cleared (*Cliffortia carinata* and *Asparagus lignosus*), and in both cases the loss of the property level populations would have been less than 3%. The botanical specialist rated the botanical impact as Low negative (before mitigation) and Very Low negative (after mitigation), as the impact is mostly temporary, the area is very small, and mitigation has already been implemented.

According to the freshwater specialist, the unauthorised vegetation clearing occurred more than 100m downslope of the seep and east of the drainage area, and is unlikely to have had any impact on the seep and Varingkloof drainage area.

### 6.3 VEGETATION / GROUND COVER MANAGEMENT

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

The unlawful vegetation removal resulted in an erosion risk due to the steepness of the site. On the advice of the EAP and botanical specialist, erosion mitigation measures were implemented to minimise any further environmental degradation. The steepest parts have been covered with staked biodegradable hessian to control wind and water erosion; loose rock has been restacked to stabilise the lower slope, and cut vegetation has been stacked in windrows along the contours at 4m intervals to break and prevent significant surface flow runoff (Photograph 4).

Should the proposed development receive authorisation, additional mitigation measures recommended in the botanical impact assessment by Helme (2025), refer to Appendix H2, include:

- All approved development footprints must be surveyed and staked out prior to any site development. Once this has been done a temporary fence (2 strand rope or wire, and/or with 1m high black shade cloth) must be erected at a reasonable 3m distance from the approved

footprints, to allow for working space, and no disturbance of the vegetation beyond this fence may be allowed. No material may be dumped or stored beyond the fence.

- 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.
- Only locally indigenous Fynbos/Strandveld plant species should be planted on site, and the planting list is to be approved by the botanist.
- No soil from elsewhere should be imported onto site, to minimise the likelihood of Argentine ant invasion.
- A firebreak around the dwelling would be advisable, particularly on the south, east and north sides. This firebreak should be brushcut (with no soil disturbance) every November, and should be between 5 and 10 metres wide.
- A roof sprinkler system would be strongly recommended, to reduce fire danger.
- Care should be taken to avoid or minimise organic waste, rubble, construction related disturbance and dumping, as these all attract and provide nest sites for alien invasive Argentine ants. Compost should also ideally not be brought onto site, for the same reason, and thus compost should be made only from locally sourced organic matter, such as that generated by the required annual firebreak clearance.
- A professional entomologist or ant control expert should be brought in a year after construction is complete to monitor and survey for Argentine ants (*Linepithema humile*). If detected they should be poisoned using 9% Fipronil<sup>2</sup>, which the workers will disperse to their nest sites.
- Gutters should be metal, not plastic, also to reduce the risk of flying embers setting alight the gutters.

The specialist notes that all mitigation measures are considered feasible, reasonable and essential, and must be timeously and properly implemented, in which case the post mitigation impact of the unauthorised clearing could be reduced to Low negative. No additional mitigation or fine is deemed necessary if the mitigation outlined above is properly and timeously implemented.

A more detailed description of these can be found in the Environmental Management Programme (**Appendix I**).

## 7. LAND USE OF THE SITE (PRE-COMMENCEMENT)

**Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	<b>River, stream or wetland</b>	Nature conservation area

<b>Mountain, koppie or ridge</b>	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):	The M65, the main road between Scarborough and Kommetjie, traverses the site.			

(a) Please provide a description.

Prior to commencement the site was untransformed and largely pristine. The site is located on the slopes of the mountain and includes the Varingkloof seeps on the site with associated coastal wetland habitat below the site and coastal main road. The site (Farm 974/1) is classified as a Critical Biodiversity Area and adjacent land (Farm 979/9) is part of the Table Mountain National Park.

### 8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Cross out ("X") the block that reflects the past land uses and/or prominent features that occur/red within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

<b>Untransformed area</b>	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	<b>River, stream or wetland</b>	<b>Nature conservation area</b>
<b>Mountain, koppie or ridge</b>	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):	The adjacent land (Farm 979/9) is part of the Table Mountain National Park.			

### 9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Cross out ("X") the block that reflects the current land uses and/or prominent features that occur(s) within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

<b>Untransformed area</b>	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	<b>River, stream or wetland</b>	<b>Nature conservation area</b>

<b>Mountain, koppie or ridge</b>	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

**10. SOCIO-ECONOMIC CONTEXT**

**10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)**

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

The site falls within Ward 61 Subcouncil 19. Ward 61 comprises various towns including Ocean View, Simons Town, Glencairn, Kommetjie, Scarborough as well as Cape Point. According to the City of Cape Town 2011 Census for the Scarborough Suburb:

The population for Scarborough was 1075 people with 408 households and approximately half of the population (55%) were between the ages of 25 and 64 years. The population was predominantly white people (70%) with 96% of the population between ages 15 and 64 employed and 81% of those aged 20 years and older having completed Grade 12 or higher. Majority (91%) of the households lived in formal dwellings and 24% of households had an income of R3200 or less. Majority (95%) of households had access to piped water with 36% having access to a flush toilet connected to the public sewer system and 57% using a flush toilet with a septic tank. Refuse was removed at least once a week for 99% of the households, and 96% of households used electricity for lighting in their dwelling. Energy sources for cooking were predominantly electricity (68%) and gas (30%), and energy used for heating was mainly electricity (52%) and wood (19%).

Misty Cliffs is a small village approximately 250 m away from the proposed site known for its rugged nature and frequent mist that hangs over the cliffs. The village is a popular recreational space for surfing, beach-going activities (e.g. walking and picnicking), and rock climbing. The currents are strong but the rock pools are safe for swimming. Due to the village bordering a nature reserve there are abundant opportunities to experience wildlife and the village is known for its peace and tranquillity.

**10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)**

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

There are no anticipated effects on the socio and economic characteristics of the community due to the nature of the activity. The unauthorised clearing was very limited in extent and was quickly rehabilitated / reinstated as far as possible. A single additional home will not have any significant negative socioeconomic impacts positive. The costs of construction, and the associated local economic investment may have a minor local economic benefit.

**11. HISTORICAL AND CULTURAL ASPECTS**

- (a) Please be advised that every application for Environmental Authorisation including an application for a Waste Management Licence, must include, where applicable the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage

Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows: "38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50m in length;
- (c) any development or other activity which will change the character of a site-
  - (i) exceeding 5 000 m<sup>2</sup> in extent; or
  - (ii) involving three or more existing erven or subdivisions thereof; or
  - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years;
- or
- (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- (d) the re-zoning of a site exceeding 10 000 m<sup>2</sup> in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,
 

must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."

(b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "3(2) Without limiting the generality of subsection (1), the national estate may include—

- (a) places, buildings, structures and equipment of cultural significance;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and palaeontological sites;
- (g) graves and burial grounds, including—
  - (i) ancestral graves;
  - (ii) royal graves and graves of traditional leaders;
  - (iii) graves of victims of conflict;
  - (iv) graves of individuals designated by the Minister by notice in the Gazette;
  - (v) historical graves and cemeteries; and
  - (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- (h) sites of significance relating to the history of slavery in South Africa;
- (i) movable objects, including—
  - (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
  - (ii) objects to which oral traditions are attached or which are associated with living heritage;
  - (iii) ethnographic art and objects;
  - (iv) military objects;
  - (v) objects of decorative or fine art;
  - (vi) objects of scientific or technological interest; and
  - (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	NO
		UNCERTAIN	
If YES, explain:	The proposed development will change the character of the site which exceeds 5 000 m <sup>2</sup> . A notification of intent to develop was submitted to Heritage Western Cape and tabled for discussion at HOMS on 17 March 2025. Heritage Western Cape issued a final comment on 19 March 2025 indicating that there is no reason to believe that the proposed development will have any impact on heritage resources, and that no impact assessment in terms of section 38(3) of the Act is required.		
		YES	NO

Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?			UNCERTAIN
If YES, explain:			
Was any building or structure older than 60 years affected in any way?		YES	<b>NO</b> UNCERTAIN

**Please Note:**

**If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form.**

**12. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)**

- (a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).  
If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

AREA	YES	NO	UNSURE	If "YES": Distance to nearest area (m)
An area within 100m of the high water mark of the sea	<b>YES</b>	NO	UNSURE	The carriageway and access road are partially within 100 m of the highwater mark, estimated as the seaward extent of the coastal vegetation. The building itself is proposed to be approximately 150 m inland of the highwater mark.
An area within 100m of the high water mark of an estuary/lagoon	YES	<b>NO</b>	UNSURE	
An area within the littoral active zone	YES	<b>NO</b>	UNSURE	
An area in the coastal public property	YES	<b>NO</b>	UNSURE	
Major anthropogenic structures	YES	<b>NO</b>	UNSURE	
An area within a Coastal Protection Zone	<b>YES</b>	NO	UNSURE	The coastline adjacent to the site is part of the Table Mountain National Park Controlled Zone According to the ICMA (Act No. 24 of 2008) as amended, the coastal protection zone includes (d) any land unit situated wholly or partially within one kilometre of the high-water mark which, when this Act came into force – (i) was zoned for agricultural use

An area seaward of the coastal management line	YES	<b>NO</b>	UNSURE	A coastal management line promulgated in terms of section 26 of the ICMA is located seaward of the proposed site.
An area within the high risk zone (20 years)	YES	<b>NO</b>	UNSURE	Risk zones have not been determined for Cape Town's coastline
An area within the medium risk zone (50 years)	YES	<b>NO</b>	UNSURE	
An area within the low risk zone (100 years)	YES	<b>NO</b>	UNSURE	
An area below the 5m contour	YES	<b>NO</b>	UNSURE	
An area within 1km from the high water mark of the sea	<b>YES</b>	NO	UNSURE	The carriageway and access road are partially within 100 m of the highwater mark, estimated as the seaward extent of the coastal vegetation. The building itself is proposed to be approximately 150 m inland of the highwater mark.
A rocky beach	YES	<b>NO</b>	UNSURE	
A sandy beach	YES	<b>NO</b>	UNSURE	

(b) If any of the answers to the above is "YES" or "UNSURE", specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

**13. REGIONAL PLANNING CONTEXT**

Is the activity permitted in terms of the property's existing land use rights?	<b>YES</b>	NO	Please explain
<p>The site is zoned for Agriculture and according to the City of Cape Town's Municipal Planning By-law, amended in 2019, Agricultural zoning allows for the development of a dwelling house as a primary use right, provided that it has less than 1500 m<sup>2</sup> in floor space, a height restriction of 10 m, and a building line of 15 m. The proposed development is permitted in terms of the existing land use rights.</p>			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	<b>YES</b>	NO	Please explain
<p>According to Policy R1 of the Western Cape Provincial SDF (2014), biodiversity and ecosystem services need to be protected. CBA mapping informs spatial planning and land use management decisions in the province. The Municipal SDF also states in Policy E2 regarding diversifying and strengthening the rural economy that development outside the urban edge needs to be compatible and sustainable, of the appropriate scale and form. The proposed privately owned, small, stepped two-storey residential dwelling has been designed to be compatible with the surroundings by accommodating the natural contours of the site in its stepped design, and incorporating stone-faced walls and terraces. The location of the dwelling considers and avoids (where possible) impacting plant SoCC and prominent rocks on site. The compatibility of the land use activities within the CBA in which the project is situated needs to be considered.</p> <p>The site is classified as a Critical Biodiversity Area (1a) which, according to the Western Cape Biodiversity Spatial Plan Handbook, is an area that has to meet biodiversity targets for species,</p>			

ecosystems or ecological processes and infrastructure. Only low-impact, biodiversity-sensitive land uses are appropriate as CBAs are required to be maintained in a healthy natural or near-natural state, therefore permissible land uses are those that are compatible with maintaining the natural vegetation cover of CBAs in a healthy ecological state, and that do not result in loss or degradation of natural habitat. The proposed single residential dwelling aligns with the PSDF and WCBSP as it consists of a low-impact land-use and result in the site maintaining majority of its healthy naturally vegetated state.

The PSDF states the need to diversify housing options and typologies, to align housing projects with economic opportunities – Policy S5: Promote sustainable, integrated and inclusive housing in formal and informal markets. The efficient use of land such that urban sprawl is prevented is also a priority in the PSDF – Policy S1: Protect, manage and enhance sense of place, cultural and scenic landscapes. The proposed development of a private, single residential dwelling to be located on a 15 ha piece of land, owned by the applicant, covered in Critically Endangered indigenous vegetation (Peninsula Sandstone Fynbos) which the applicant intends to conserve aligns with Policy S5 and S1 of the PSDF.

Urban edge / Edge of Built environment for the area	YES	<b>NO</b>	Please explain
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The site falls outside of the urban edge as delineated within the City of Cape Town's Spatial Development Framework (January 2023) and adopted as per Provincial Government Notice No. 9104, published in Gazette No. 87/2025, 15 July 2025. According to the City of Cape Town MSDP (2023) and the site falls outside of the urban development edge of Misty Cliffs which is an area demarcated as Incremental Growth and Consolidation. The site is within a Critical Natural Asset area in which the desired spatial outcome is to "maintain and enhance in a natural or near natural state with no further loss of natural habitat and critical natural assets".

The Southern District Plan (2023) also indicates that the site is located outside of the urban development edge, and describes 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. The proposed development can be considered a reasonable expectation of the landowner due to the zoning of the land permitting a single dwelling as a primary use right.

Integrated Development Plan of the Local Municipality	<b>YES</b>	NO	Please explain
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The IDP primarily regulates municipal development, and the proposed development is a private single residential dwelling and therefore is unlikely to impact the objectives of the IDP. The relevant Municipal IDP is the City of Cape Town Five-year Integrated Development Plan (2022 -2027).

**Objective 9: Healthy and sustainable environment and Objective 14: A resilient city**

The City recognises the importance of green infrastructure as an important aspect of creating resilience to climate change and reducing the impact of extreme climatic events.

The proposed site forms part of the Green Infrastructure Network, but the proposed development is not expected to inhibit or hinder the role of the site in terms of the ecosystem services that it provides. For example, the freshwater specialist determined that the proposed development is anticipated to

have an insignificant impact on aquatic resources due to the proximity and small scale of the development in relation to the aquatic resources and ecosystems of concern. The design of the house includes deep overhangs which respond directly to the harsh coastal sun exposure, providing solar control and passive cooling, and prevailing wind conditions by creating sheltered outdoor space on the northeastern side of the dwelling.

Spatial Development Framework of the Local Municipality	YES	NO	Please explain
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According to the City of Cape Town MSDF (2023) the site falls approximately 200 m outside of the urban development edge of Misty Cliffs which is an area demarcated as Incremental Growth and Consolidation. The site is within a Critical Natural Asset area (map 5d: consolidated spatial plan concept) in which the desired spatial outcome is to “maintain and enhance in a natural or near natural state with no further loss of natural habitat and critical natural assets”. The site also falls within the Green Infrastructure Network highlighting the area as important for green infrastructure provision.

The MSDF includes the following policies that have relevance to this application:

- i.P18: Increased efforts to protect and enhance natural resources such as biodiversity networks ...
  - a. P18.1: Support inward growth, the protection of critical natural assets ...
- ii. P20: Promote risk-averse and sustainable land development along the coast in accordance with the coastal development edge.
  - a. P20.1: No land development should be permitted beyond the coastal edge line (seaside).

The Municipal SDF also states that development outside the urban edge needs to be compatible and sustainable, of the appropriate scale and form. The proposed privately owned, small, stepped two-storey residential dwelling has been designed to be compatible with the surroundings by accommodating the natural contours of the site, incorporating stone-faced walls and terraces. The location of the dwelling considers and avoids (where possible) impacting plant SoCC and prominent rocks on site and lies landward of the coastal edge line.

The 2023 Integrated District Spatial Development Framework and Environmental Management Framework (Southern District Plan) is informed by the Cape Town MSDF and focuses on influencing the future taking into consideration the current realities in the district. The EMF is integrated into the District SDF.

The Southern District Plan also indicates that Critical Natural Assets that support the City, regional environment and ecology need to be enhanced and connected. The Spatial Planning Category of the proposed site is classified as Structuring Open Space, although the SDP notes that not all private sites are expected to remain structuring open space, though they may still provide ecosystem services. The proposed site is anticipated to retain majority of its ecosystem services prior to the proposed development of a singular residential dwelling.

The site falls within the Green Infrastructure Network which guides the type of development appropriate for the space by highlighting the need to consider ecological, social and infrastructural services, such as habitat and connectivity, recreation, cultural or spiritual practices, groundwater infiltration, and flood attenuation, amongst others. The proposed site is approximately 15 ha of which 0.08 ha is intended to be developed into a single dwelling unit, which would result in most of the site remaining undisturbed and covered in indigenous vegetation. The proposed development is not expected to negatively impact ecological, social and infrastructural services, such as habitat and connectivity, recreation, cultural or spiritual practices, etc.

<p>The proposed site is within a CBA 1 in which development should be sensitive to biodiversity and an EMP is required (see Appendix I). Low impact activities inside the urban development edge are permitted but subject to stringent controls including limits to the development footprint and implementation of management plans. Although the proposed dwelling falls outside of the urban development edge, in a CBA 1, the anticipated impact of the proposed development on the environment is anticipated to be low given the size of the site in relation to the dwelling, the incorporation of green technologies (including solar electricity and rainwater harvesting) alongside the rehabilitation of any indigenous vegetation unlawfully removed or damaged during future construction related activities should the project be granted environmental authorisation.</p> <p>The Southern District Plan states that the spatial development objectives for Misty Cliffs include 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 and the built form of the house considers the surrounding natural area by incorporating stone clad walls into the stepped two-storey design.</p> <p>Therefore, although the proposed dwelling may not contribute significantly towards the objectives of the CCT SDF due to the nature and small scale of the dwelling, it is not expected to inhibit or hinder any of the goals or objectives of the CCT SDF.</p>			
Approved Structure Plan of the Municipality	YES	NO	Please explain
Not applicable – no Structure Plan is approved for the municipality			
An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
There is no adopted EMF by the department at present – refer to the section above regarding the 2023 Integrated District Spatial Development Framework and Environmental Management Framework (Southern District Plan) which is informed by the Cape Town MSDF.			
Any other Plans	YES	NO	Please explain
<p><b>Misty Cliffs Development, Building, Landscaping and Horticultural Guidelines (2010):</b></p> <p>These guidelines are endorsed by the community and the local authority (the City of Cape Town). The purpose of this guideline was to ensure that all future development in the Misty Cliffs (and Scarborough) area is compatible and in harmony with its environmental setting and conservation objectives by controlling the external appearances, environmental impacts, and the designs of new and altered buildings and other structures, including signs, water features, earthworks, landscaping devices, driveways and paving. The proposed designs largely align with these guidelines, although these guidelines have no direct application to the proposed dwelling which is located outside of the urban footprint of Misty Cliffs.</p> <p>Designs incorporating terraces, positive outdoor spaces and broken-down forms are generally the most appropriate to prevent over-urbanisation maintain the characteristic mountainside backdrop of the village. Stone terraced gardens with indigenous fynbos are very appropriate and enhance the scenic experience. Pre-cast concrete retaining structures, vibracrete walls and kikuyu grass lawns are inappropriate and not permitted. The proposed dwelling incorporates terraces, indigenous</p>			

gardens and stone-clad walls which minimise the visual impact of the house and align with these design requirements.

#### **Guidelines relating to the natural environment:**

- Misty Cliffs is a high fire risk area, experiencing annual wind-driven bush fires and large-scale uncontrolled fires every few years.
- Building components should be in groupings of smaller elements that form protected outdoor space rather than large monolithic blocks
- Design should be structured to maintain flow of vegetation around and between buildings and neighbours
- Existing features of the site such as indigenous trees and notable rock formations need to be retained where possible
- Design for energy efficiency, including building materials, utilising rainwater from roofs, and including solar water heating.
- Houses should be located on their plots in such a way as to maintain sufficient areas of natural ground and vegetation to absorb the storm water run-off from roofs and hard surfaces, and to allow for fynbos gardens. The coverage of a plot by buildings and hard-surfaced areas must therefore not exceed 50 percent of the site area. Natural materials that blend with the environment are recommended.

The proposed development aligns with these guidelines and it includes building components in groupings of smaller elements, avoids plant SoCC and notable rocky outcrops, incorporates solar heating and rainwater harvesting. Additional to the abovementioned development and design guidelines, the following provisions from the Misty Cliffs Development, Building, Landscaping and Horticultural Guidelines (2010) address specific aspects of the design in relation to key known concerns including the management of baboons and fire.

#### **Baboon proofing**

- Lockable pantry or food cupboard and fridge cupboard
- Round handles for exterior doors and internal bolts for sliding doors and windows
- Doors, windows, fanlights, skylights and furniture should be resistant to inquisitive baboons able to operate ordinary types of knobs, handles, latches etc.
- Door-closers are recommended where appropriate
- Compost bins and worm farms should be lockable, and fruit and vegetable gardens enclosed by baboon-proof cages

#### **Fire protection**

- Glazing on the south and east aspects should have external metal blinds or fire/heat-resistant shutters
- Building materials that burn easily or deform should not be used
- The lighting used for the development is also important to consider as this can impact crepuscular and nocturnal fauna as well as create a nuisance for adjacent landowners and road users. The below guidelines are applicable:

#### **External lighting**

- Kept to a minimum and "always-on" bright security lighting shall not be allowed

- Security lights should be automatically controlled to go off after five minutes
- Light pool to be contained within the area of the property

The proposed development designs already include some of these aspects such as stone-clad (fire-resistant) walls, LED bulbs, lighting control systems (motion and lux sensors), and outdoor solar LED units. Please refer to the Misty Cliffs Development, Building, Landscaping and Horticultural Guidelines (2010) for more details regarding the recommended guidelines developed in careful consideration of the surrounding natural environment. The relevant guidelines have also been included in the EMPr.

## SECTION D: NEED AND DESIRABILITY

**Please Note:** Before completing this section, first consult this Department's *Guideline on Need and Desirability* (March 2013) available on the Department's website (<http://www.capegateway.gov.za/eadp>).

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES	NO	Please explain
The site is zoned for Agricultural Use and the activities associated with the development of a single dwelling are permitted in terms of the existing land use rights.			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
<p>The proposed development is the construction of a private, single residential dwelling and the only activity commenced with prior to environmental authorisation was the clearing of indigenous vegetation on the site classified as a CBA1, and damage to vegetation on the adjacent property (Farm 979/9, part of the TMNP). This activity was very localised and although it does not align with the policies and objectives of the PSDF, it also does not negatively impact or inhibit them either. Various rectification and rehabilitation measures in response to the vegetation clearing are recommended in the EMPr (Appendix I).</p> <p>Refer to Section C number 13 for details regarding how the proposed development aligns with the PSDF.</p>			
(b) Urban edge / Edge of Built environment for the area	YES	NO	Please explain
<p>The unauthorised activity occurred outside of the urban development edge of Misty Cliffs. The site is within a Critical Natural Asset area in which the desired spatial outcome is to "maintain and enhance in a natural or near natural state with no further loss of natural habitat and critical natural assets". The unauthorised commencement of vegetation clearing occurred before the required mitigation measures could be considered, implemented and monitored to reduce the impact of the activity.</p> <p>According to the City of Cape Town MSDF (2023) the site falls outside of the urban development edge of Misty Cliffs which is an area demarcated as Incremental Growth and Consolidation. The City's urban development edge has been adopted as per Provincial Government Notice No. 9104, published in Gazette No. 87/2025, 15 July 2025. The site is within a Critical Natural Asset area in which the desired spatial outcome is to "maintain and enhance in a natural or near natural state with no further loss of natural habitat and critical natural assets".</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 privately owned, small, stepped two-storey residential dwelling aligns with this and the built form of the house considers the surrounding natural area by accommodating the natural contours of the site in its stepped design, incorporating stone-faced walls and terraces. The location of the dwelling considers and avoids (where possible) impacting plant SoCC and prominent rocks on site.

(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	YES	NO	Please explain
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The relevant Municipal IDP is the City of Cape Town Five-year Integrated Development Plan (2022 - 2027). The IDP primarily regulates municipal development, and the proposed development is a private single residential dwelling. Although the proposed development does not necessarily align with the IDP, it does not inhibit or negatively impact the IDP. Of the IDP objectives, the proposed development does relate to objective 9:

**Objective 9: Healthy and sustainable environment and Objective 14: A resilient city**

The City recognises the importance of green infrastructure as an important aspect of creating resilience to climate change and reducing the impact of extreme climatic events. Green infrastructure can be cost-effective, enhance quality of life, and improve resilience to climate change. This initiative will identify ecosystem services provided by natural and green open spaces in Cape Town, with a focus on flood attenuation. The proposed dwelling is located in the Green Infrastructure Network, but the proposed development is not expected to inhibit or hinder the role of the site in terms of the ecosystem services that it provides. For example, the freshwater specialist determined that the proposed development is anticipated to have an insignificant impact on aquatic resources due to the proximity and small scale of the development in relation to the aquatic resources and ecosystems of concern.

Refer to Section C number 13 for details regarding how the proposed development aligns with the local SDFs.

(d) Approved Structure Plan of the Municipality	YES	NO	Please explain
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Not applicable – no Structure Plan remains applicable for the local area.

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	YES	NO	Please explain
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There is no EMF adopted by the department relevant to the local area – refer to the section above regarding the 2023 Integrated District Spatial Development Framework and Environmental Management Framework (Southern District Plan), a draft EMF which is informed by the Cape Town MSDF.

(f) Any other Plans (e.g. Guide Plan)	YES	NO	Please explain
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**Misty Cliffs Development, Building, Landscaping and Horticultural Guidelines (2010):**

These guidelines are endorsed by the community and the local authority (the City of Cape Town). The purpose of this proclamation was to ensure that all future development in the Misty Cliffs (and Scarborough) area is compatible and in harmony with its environmental setting and conservation objectives by controlling the external appearances, environmental impacts, and the designs of new and altered buildings and other structures, including signs, water features, earthworks, landscaping devices, driveways and paving. The proposed designs largely align with these guidelines, although these guidelines have no direct application to the proposed dwelling which is located outside of the urban footprint of Misty Cliffs.

Designs incorporating terraces, positive outdoor spaces and broken-down forms are generally the most appropriate to prevent over-urbanisation maintain the characteristic mountainside backdrop of the village. Stone terraced gardens with indigenous fynbos are very appropriate and enhance the scenic experience. Pre-cast concrete retaining structures, vibracrete walls and kikuyu grass lawns are inappropriate and not permitted. The proposed dwelling incorporates terraces, indigenous gardens and stone-faced walls which minimise the visual impact of the house and therefore aligning with these design requirements.

**Guidelines relating to the natural environment:**

- Misty Cliffs is a high fire risk area, experiencing annual wind-driven bush fires and large-scale uncontrolled fires every few years.
- Building components should be in groupings of smaller elements that form protected outdoor space rather than large monolithic blocks
- Design should be structured to maintain flow of vegetation around and between buildings and neighbours
- Existing features of the site such as indigenous trees and notable rock formations need to be retained where possible
- Design for energy efficiency, including building materials, utilising rainwater from roofs, and including solar water heating.
- Houses should be located on their plots in such a way as to maintain sufficient areas of natural ground and vegetation to absorb the storm water run-off from roofs and hard surfaces, and to allow for fynbos gardens. The coverage of a plot by buildings and hard-surfaced areas must therefore not exceed 50 percent of the site area. Natural materials that blend with the environment are recommended.

The proposed development aligns with these guidelines as it includes building components in groupings of smaller elements, avoids plant SoCC and notable rocky outcrops, incorporates solar heating and rainwater harvesting. Please refer to the Misty Cliffs Development, Building, Landscaping and Horticultural Guidelines for more details. The relevant guidelines have also been included in the EMPr.

<p>3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)?</p>	YES	NO	Please explain
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As discussed in the above sections, the proposed development is a small, private, single residential dwelling. The SDF and IDP focus on municipal development, and although the vegetation removal was not authorised by the relevant environmental authority and does not align with the projects and programmes identified as priorities in these documents, the proposed development is not anticipated to inhibit or negatively impact the objectives and plans of the relevant SDFs and IDP.

4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced?	YES	NO	Please explain
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The activity (removal of indigenous vegetation to prepare the site for construction) should not have occurred without the required environmental assessments, mitigations and authorisations. The land use of the site prior to commencement was vacant and undisturbed indigenous vegetation. The site is zoned for Agriculture and according to the City of Cape Town amended municipal by-law, 2019, the current agricultural zoning allows for the development of a dwelling house that is not more than 1500 m<sup>2</sup> in floor space size and with a height restriction of 10 m as a primary use right. Therefore, the proposed activity and development are permitted in terms of the existing land use rights. Although the site is outside of the urban development footprint, the proposed single house is arguably a rural land use, and the impact of the development on the privately-owned site is anticipated to be low.

5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)	YES	NO	Please explain
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The development and associated activities are not expected to impact the community due to the proposal being for a private, small, single residential dwelling. The design of the proposed development aligns with the guidelines laid out in the Misty Cliffs Development Guidelines (2010).

6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an <b>appendix</b> , where applicable.)	YES	NO	Please explain
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Confirmation is awaited from the City of Cape Town, but the proposed development includes measures that reduce its demand and reliance on municipal services.

7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an <b>appendix</b> , where applicable.)	YES	NO	Please explain
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The proposed development is a small, private, single residential dwelling with minimal demand on municipal resources. Confirmation is awaited from the City of Cape Town, but the proposed development includes measures that reduce its demand and reliance on municipal services.

8. Was this project part of a national programme to address an issue of national concern or importance?	YES	NO	Please explain
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The proposed development is a small, private, single residential dwelling on a privately owned piece of land.

9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	YES	NO	Please explain
<p>The site is located in close proximity to the urban development footprint of Misty Cliffs with easy access off the Main Road which abuts the site. The site is privately owned by the applicant and therefore the proposed development is considered a reasonable use of the land that is also permitted as a primary use according to the Agricultural zoning of the site, provided that negative environmental impacts are not unacceptable. The recommendations from the botanical specialist have been considered in determining the location of the house on the site such that it avoids/minimises the impact on plant SoCC.</p>			

10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?	YES	NO	Please explain
<p>The activity that commenced without the required authorisation is the clearing of Critically Endangered vegetation (Peninsula Sandstone Fynbos) from the site (Farm 974/1) and damage to indigenous vegetation on the adjacent land (Farm 979/9). Farm 979/9 falls part of Table Mountain National Park and the vegetation damaged on this site was flattened and cut at ground level by a vehicle. The trampling and brush cutting of vegetation on Farm 979/9 is not believed to constitute 'clearance' of vegetation, which is defined in the 2017 Guidance by the Department of Forestry, Fisheries and the Environment, as it did not result in the permanent removal, eradication or elimination of vegetation. A site inspection and discussion by the EAP and the SANParks Regional Planner took place on Friday 4 April 2025. Regrowth and resprouting of vegetation was evident in the area damaged on the adjacent SANParks land as well as on the subject site. Comment from SANParks is being sought regarding the further measures that may be required to ensure satisfactory rehabilitation of this area.</p> <p>The clearing of vegetation on the applicant's site (Farm 974/1) increased the risk of erosion on the site, and erosion mitigation measures were implemented on the site to prevent further environmental degradation and safety risk to road users (see Photograph 3 and Photograph 4). Should the proposed development be granted authorisation, the post-construction phase botanical impact of the proposed development is likely to be Low to Medium negative (before and after mitigation) driven largely by the potential impact of Argentine ants. The No Go alternative (taken to mean no further habitat loss to development, no alien plant invasion, fire suppression due to proximity of Misty Cliffs houses, and no grazing or trampling by livestock) is likely to have a Neutral impact. The primary cumulative impacts in the region are loss of natural vegetation and threatened plant species to ongoing agriculture, urban development and alien plant invasion. The overall cumulative ecological impact of the proposed new dwelling and the unauthorised clearing of vegetation in the study area at the regional scale is likely to be Very Low negative.</p>			

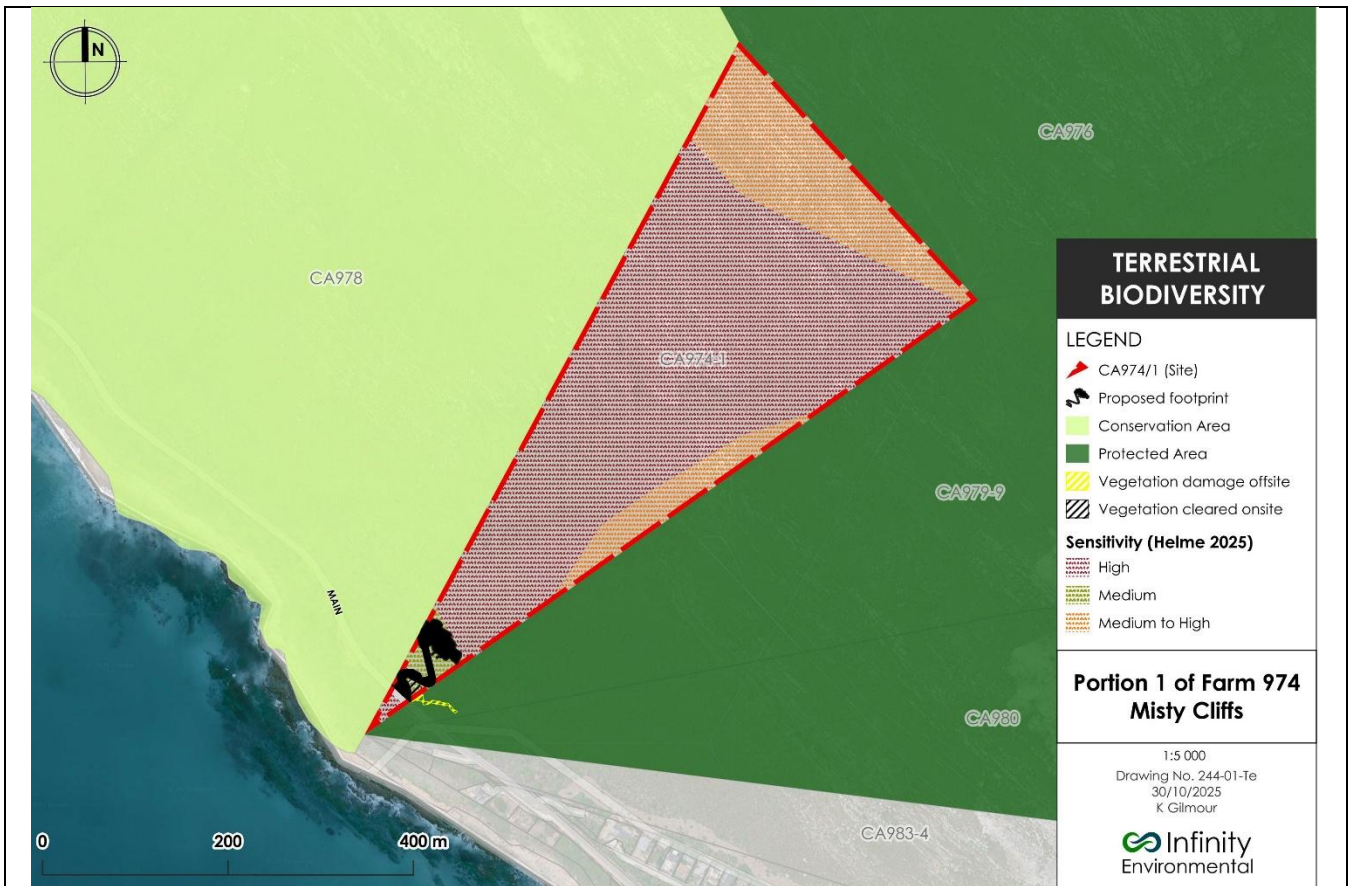


Figure 9: Disturbed area superimposed on terrestrial biodiversity sensitivities

According to archaeologist Jonathan Kaplan, no cultural heritage resources are anticipated to be impacted by the development. Other than the potential for some shell middens on the site, no other heritage concerns were identified and the NID indicated that the anticipated impact of the development on heritage resources is Low. The response from Heritage Western Cape confirmed this and no further action under Section 38 of the National Heritage Resources Act is required. Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

According to freshwater specialist Antonia Belcher, the activity was undertaken more than 100m downslope of the seep area and east of the drainage area. It is thus not likely to have had any impact on the seep and Varingkloof drainage area.

The design of the proposed house aligns with many of the building guidelines outlined in the 2010 Misty Cliffs Development Guidelines which ensures that developments are harmonious and congruent with Misty Cliffs and to protect the Village, its properties and the surrounding environment. For example, the house design includes stone faced walls, terraces, and is built with a stepped design to accommodate the natural contours of the site.

11. How did/does the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc.)?	YES	NO	Please explain
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There are minor visual and character or sense of place impacts associated with the proposed development, as well as potential noise and light pollution, discussed in section F.

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	<b>NO</b>	Please explain
<p>The proposed private, small-scale, single residential dwelling is not anticipated to impact any future options regarding the site. The footprint of the proposed development was reduced during the design process thereby minimising the impacts on the site associated with the development. The remainder of the site is to remain as is, covered in indigenous vegetation, with the purpose of conservation.</p>			

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	<b>YES</b>	NO	Please explain
<p>Cumulative impacts for each impact are indicated in the impact tables in section F. The cumulative effect of the loss of indigenous vegetation is anticipated to be Very Low negative according to the botanical specialist. The cumulative impact of the proposed development associated with urban expansion is very small due to the small scale of the development and close proximity of the dwelling to the Misty Cliffs village. Overall, the proposed development is expected to have very minor cumulative impacts associated with the land use as a single, private, small-scale residential dwelling.</p>			

14. Is/was the development the best practicable environmental option for this land/site?	YES	NO	<b>Please explain</b>
<p>Indigenous vegetation clearing (approx. 400 m<sup>2</sup>) was carried out on the site without the required authorisation and therefore without the necessary impact assessment and mitigation measures implemented. Additionally, approximately 200 m<sup>2</sup> of indigenous vegetation was damaged on Farm 979/9 by a vehicle. Negative environmental impacts occurred and have been assessed in this report, with mitigation measures proposed.</p> <p>According to the botanical specialist (Appendix H2), the No Go alternative is usually considered to mean a continuation of the status quo, which in this case is taken to mean no further habitat loss to development, no alien plant invasion, some fire suppression in parts due to proximity of Misty Cliffs houses, and no grazing or trampling by livestock. Confidence in the likelihood (or absence) of impacts is moderate to high, and the No Go alternative would on balance be the environmentally preferred alternative, with perhaps a Neutral botanical impact. The freshwater specialist is also of the opinion that the only aquatic features likely to be at any risk of degradation from the proposed activities are the small patches of coastal wetland that are fed from the surfacing of groundwater at the shore. 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 proposed residence with the tar road in between.</p> <p>The applicant is also the landowner and the proposal of a small, single residential dwelling on the site is as a reasonable use of the privately owned 15ha site. The applicant, acknowledging the environmental impact, is now taking steps to rectify environmental damage caused by the unlawful activity on site. The implementation of mitigation and management measures alongside the proposed development, additional to the rehabilitation and rectification of unlawful activities, can be</p>			

considered an acceptable option for this site and land as the impacts on environmental aspects are not anticipated to be unacceptable.

15. What are/were the benefits to society in general and to the local communities?	Please explain
<p>The only benefit to society and local communities would be the short-term job creation associated with construction activities on the site.</p>	

16. Any other need and desirability considerations related to the activity?	Please explain
<p>N/A</p>	

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:
<p>Although activities commenced in the form of indigenous vegetation removal without the required prior authorisation from the DEA&amp;DP, the applicant has now taken steps to rectify the situation and will be implementing measures to mitigate environmental impacts.</p> <p><b>Section 23 of NEMA states that the general objectives of integrated environmental management are to:</b></p> <ul style="list-style-type: none"> <li>(a) promote the integration of the principles of environmental management set out in section 2 into the making of all decisions which may have a significant effect on the environment;</li> <li>(b) identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management set out in section 2;</li> <li>(c) ensure that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them;</li> <li>(d) ensure adequate and appropriate opportunity for public participation in decisions that may affect the environment;</li> <li>(e) ensure the consideration of environmental attributes in management and decision-making which may have a significant effect on the environment; and</li> <li>(f) identify and employ the modes of environmental management best suited to ensuring that a particular activity is pursued in accordance with the principles of environmental management set out in section 2.</li> </ul> <p><b>Each of these objectives were considered as follows:</b></p> <ul style="list-style-type: none"> <li>(a) All of the environmental impacts on the environment have been considered and discussed in this application. Although impacts on the environment that have already occurred due to the unlawful commencement of activities cannot be avoided now, measures to mitigate the impacts have been proposed and several of these have already been implemented.</li> <li>(b) All impacts were identified and assessed (refer to section F of this report) and measures to mitigate negative impacts were proposed.</li> <li>(c) Despite unauthorised commencement occurring before adequate consideration occurring, an Environmental Management Programme (EMPr) has been compiled to make sure that</li> </ul>

activities henceforth are maintained and undertaken in accordance to the best environmental management practice (Appendix I).

- (d) A public participation process is being undertaken to ensure adequate opportunity for participation in decision-making.
- (e) At the time of unauthorised commencement, proper consideration of environmental attributes in management and decision-making did not occur. However, the landowners have since acknowledged this omission and appointed an independent environmental assessment practitioner to assess the environmental impacts and recommend appropriate mitigation measures.
- (f) Modes of environmental management to ensure activities associated with the proposed development are carried out responsibly are considered in the EMPr. Recommendations regarding the mitigation of impacts associated with the unlawful commencement of indigenous vegetation removal have also been provided.

18. Please describe how the **principles of environmental management** as set out in section 2 of NEMA were taken into account:

**Section 2 of NEMA includes the following principles:**

(2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.

(3) Development must be socially, environmentally and economically sustainable.

(4) (a) Sustainable development requires the consideration of all relevant factors including the following:

(i) That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;

(vii) that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions;

(viii) that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.

(b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.

(i) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.

Each of these principles above were addressed as follows:

(2) Section D of this report addresses the need and desirability of the activities which serve the physical, developmental, and social-economic needs.

(3) The social, environmental and economic aspects of the activities was assessed and their respective impacts included in Section C and F of this report.

(4)(a) (i) Botanical and aquatic specialist studies were undertaken to evaluate the ecosystems on the site. The proposed mitigation within these reports aims to remediate the disturbance of the ecosystems and minimise the loss of biological diversity.

(vii) The precautionary principle of environmental management has been applied in the identification of impacts.

(viii) The identification, assessment and mitigation of potential impacts is detailed in Section F of this report. In particular, the 'remedying' of impacts is proposed in the form of a biodiversity offset.

(b) An assessment of potential impacts to determine the best practicable environmental option was conducted.

(i) Social, environmental economical sustainability of the activities and their impacts are assessed in Section C and F of this report.

I&APs and stakeholders will be allowed the opportunity to consider the application and submit comments, thereby ensuring that all people's needs, rights and concerns will be addressed through this process. Sustainable development factors such as social, environmental and economic aspects have also been carefully considered whilst the impacts of the proposed activities were assessed. The EAP believes that the approval to continue with the activities will not compromise the principles of environmental management.

## SECTION E: ALTERNATIVES

**Please Note:** Before completing this section, first consult this Department's *Guideline on Alternatives* (March 2013) available on the Department's website (<http://www.capegateway.gov.za/eadp>).

"Alternatives", in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

- (a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity;
- (d) the technology to be used in the activity;
- (e) the operational aspects of the activity; and
- (f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

- ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
- include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to "identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management" set out in NEMA.

1. In the sections below, please provide a description of any considered alternatives and alternatives that were found to be feasible and reasonable.

**Please note:**

- Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.
- Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.
- In respect of a section 24 application, the option of not implementing the activity ("no-go"), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

(a) Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The applicants acquired the site, Farm 974/1, in 2023. The site has been privately owned since 1982 according to the title deed, although the site has remained vacant. The proposed site is the only alternative location for the proposed activity as the applicant owns the land - it is not reasonable or feasible to seek another site for this activity.

(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The applicant owns the land and the proposed activity – development of a single residential dwelling – is permitted according to the zoning of the site (Agriculture). The small scale of the development is consistent with management objectives for the relevant Biodiversity Network category. The design of the house has undergone various iterations to reduce the impact of the house on the vegetation on the site as well as to consider the built form of the house in relation to its surroundings.

Other potentially feasible and reasonable alternatives to the development of a single residential dwelling house do exist, but all would involve substantially greater negative impacts than the proposed activity. These would include a private housing development including multiple units over at least the lower and less steep portion of the site; or a hotel or similar commercial development. Either of these would capitalise on the unique locational attributes of the site that include sweeping views over the Cape Peninsula and Atlantic Ocean, but would have far greater impacts on vegetation and watercourses than the proposed, single home. The applicants do not seek to develop the site for profit, and only propose a dwelling for their own use. The remainder of the site is to be conserved and managed for ecological outcomes in line with the Environmental Management Programme included with this report.

(c) Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

During the first round of public engagement (02 - 22 May 2025), two layout and design alternatives were considered (refer to Figure 10 and Figure 11 below). The first alternative involved the house footprint being located between the 45 m and 50 m contours. The design included an access road of 3.5m wide and 92 m in length. The second alternative included the adjustment of the house downslope to below the 48 m contour in response to the input from the botanical specialist who recommended moving the house downslope to avoid species of conservation concern located in the original footprint. The second position of the house avoids and minimises the impact on these species, and the first alternative was therefore discarded.

The house and driveway have been redesigned, and **both of these alternatives will not be considered further**. The redesign addressed 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.

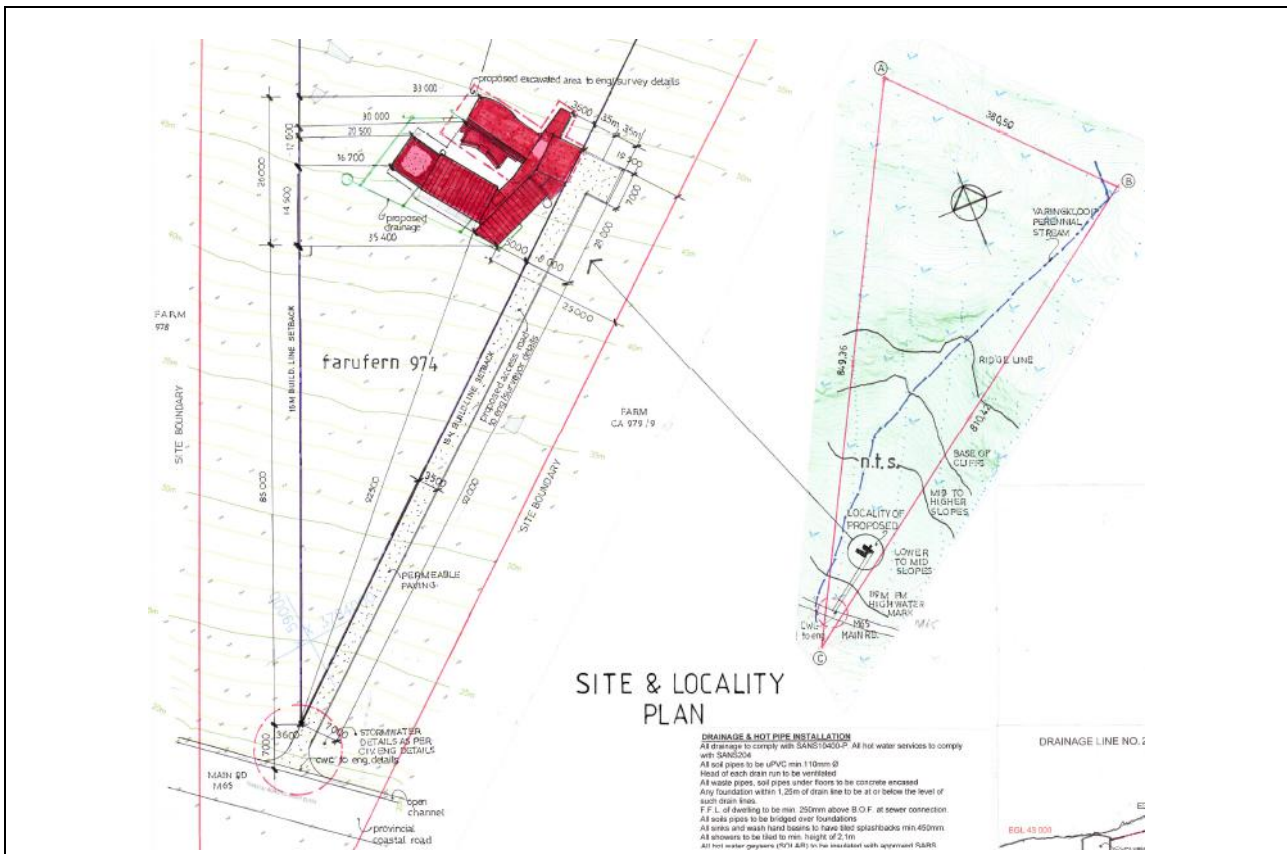


Figure 10: First proposed location of the house

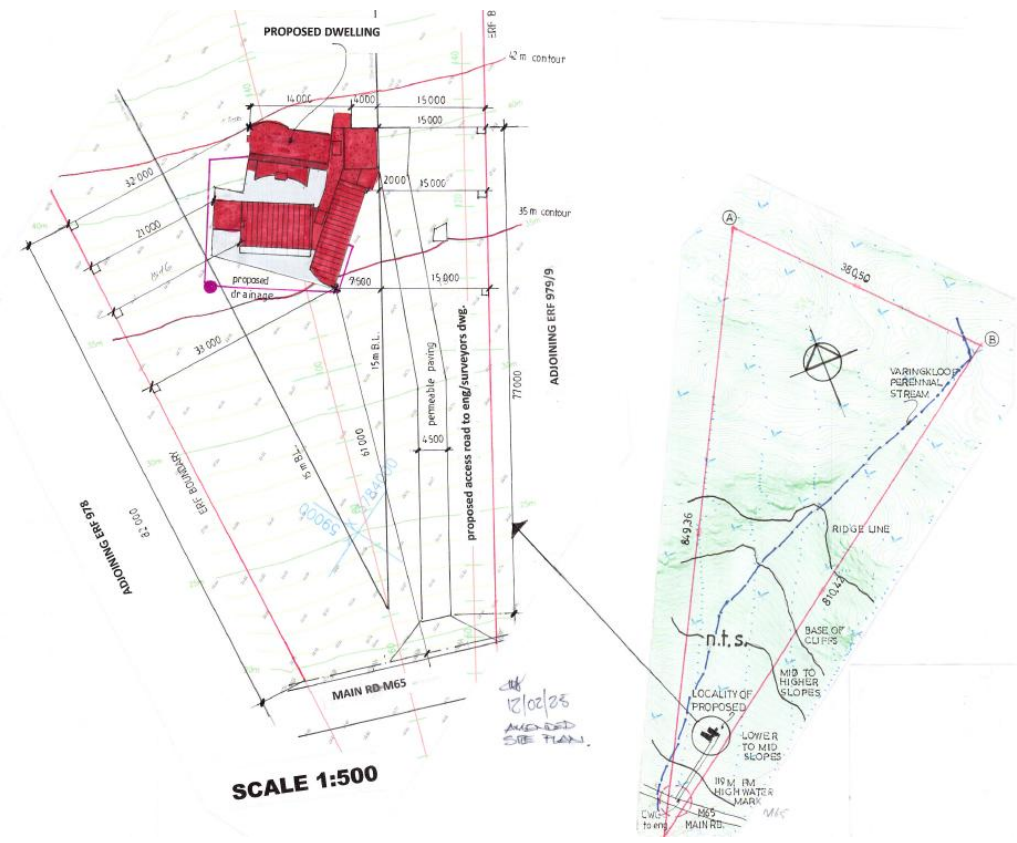
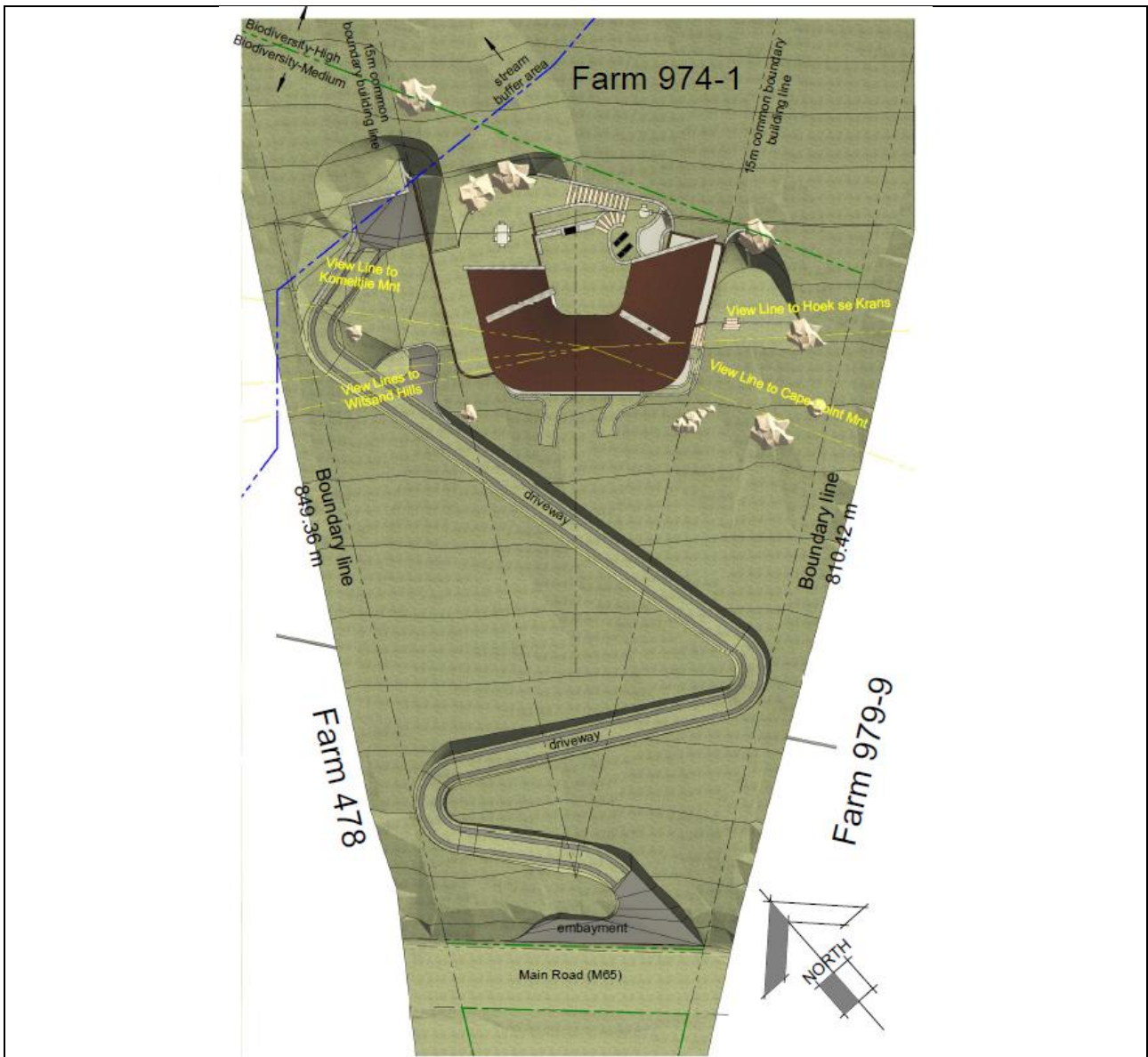


Figure 11: Second proposed location of the house

The new design accommodates the steep nature of the site, incorporating multiple design elements targeted at reducing visual impact. Additionally, the access road design has changed from being straight upslope to a meandering shape, making vehicle access to the house easier by reducing the gradient of the driveway.

- The proposed development will include the construction of an 8-metre-wide carriageway crossing to the main road and a driveway to the site. The carriageway narrows to approximately 3.7 m wide for vehicle access leading to the house. The driveway will incorporate a two-track ('tweespoor') grass block system and is to be wide enough to accommodate construction vehicles, stabilised using gabion retaining walls. The driveway is to meander from the main road upslope to the proposed house located between the 36-48 m contours. The curves of the road are widened to accommodate the turning circle of a passenger and construction vehicles. The driveway is to be cut into the slope at an average depth of 2 m (typical road section shown in Figure 6) and maximum depth of 6.3 m for the garage level on the first storey of the house, resulting in the driveway and parking being embedded into the mountainside (Appendix M3).
- The house is proposed to have a stepped two-storey design on to accommodate the slope of the site, with a total area of approximately 750 square metres. 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 15m building line specified in the zoning scheme.



**Figure 12: Proposed design of the house and driveway (preferred alternative)**

The dwelling is proposed to use a conservancy tank located downslope of the house fed by drainage lines. The house will make use of municipal electricity supply supplemented by a rooftop photovoltaic installation and battery backup; the use of LED bulbs, lighting control systems (motion and lux sensors), and outdoor solar LED units will reduce the overall energy use. The rainwater from inverted box rib (IBR) roofed areas will be collected and stored in rainwater tanks for irrigation use. An electric geyser and solar water heating system are also to be installed in accordance with the National Building Regulations. Municipal water will be utilised for potable supply, and a municipal water connection will be required.

(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

Technology alternatives are not relevant to the proposed activity. However the proposed development includes green technologies such as the use of solar or wind energy to supplement municipal electricity, as well as LED bulbs, lighting control systems, and outdoor solar LED units to reduce the overall energy demand of the house. Other green technologies include the harvesting of rainwater which reduces the reliance on municipal water.

(e) Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The proposed development is a single residential dwelling, and operational alternatives are not relevant to this activity. Post-construction, the site will be managed in line with the environmental management programme included as Appendix I.

(f) The option of ceasing the activity (the refusal of the activity(ies) and/or rehabilitation of the site):

In respect of a section 24G application, the option of not implementing the activity ("no-go"), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of authorisation for the commenced activity and complete rehabilitation of the affected site. In this case, the refusal of the activity and rehabilitation of the site would result in the rehabilitation of existing and avoidance of future indigenous vegetation loss. It would also imply that the applicant would be prevented from exercising their reasonable expectation of a right to construct a single dwelling on land owned by them, and on which the development of a single residential dwelling is a primary use right under the zoning scheme.

The botanical specialist has noted that the anticipated loss of indigenous vegetation on the site associated with the construction of the proposed development poses a Low negative impact due to the small scale of the development, large area of the site and avoidance/minimised impact on SoCC. According to Helme (2025), the No Go alternative would have had a lower direct (construction phase) botanical impact than the clearing and/or the proposed development – an assessment best rated as Neutral.

The applicant is eager to rectify unnecessary damage to the indigenous vegetation on Farm 974/1 and Farm 979/9, and has carefully considered the advice of the botanical specialist in the location of the proposed house. The design of the site reflects the applicants desire to avoid, minimise, and manage environmental degradation should authorisation of the development be granted. The option of ceasing the activity is further considered below in the impact assessment section.

(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No other alternatives are feasible or reasonable, please see the explanations above which discuss the only alternatives considered.

(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

**Please note:** If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

The only location/site alternative considered is the land owned by the applicant (Farm 974/1) on which the activity – development of a single residential dwelling house – is a primary use right according to the zoning of the land for Agricultural Use.

Various layout alternatives have been considered in the iterative design process. The applicant incorporated the botanical specialist's recommendations and adjusted the position of the house on the proposed site to below the 48 m contour to avoid and/or minimise impacts on SoCC. Any development above the 48 m contour is not preferred due to its terrestrial biodiversity impacts. Due to the design process considering the environmental sensitivities as well as the steep nature and topography of the site, only one alternative assessed in this report. Refer to page 76 for more details regarding the previous designs which have informed the current preferred alternative.

The incorporation of green technologies in the preferred alternative reduces the carbon footprint of the proposed dwelling and demand on municipal water and electricity. These include the use of a solar heating system, solar outdoor lighting, interior LED lighting with control systems (including motion and lux sensors) and the harvesting of rainwater.

The option of ceasing the activity and rehabilitation of the site was also investigated. Of the 600 square metres of impacted vegetation, approximately 200 square metres was damaged by a construction vehicle and falls on the adjacent land (Farm 979/9). The vegetation in this area has already begun to regrow. The remaining 400 square metres was cleared from the site (Farm 974/1) and lies in the area where the proposed access road/driveway is to be located. The botanical specialist assessed the impact of this clearing to be Very Low negative due to the small extent and temporary nature of the impact, and mitigation (rehabilitation via seed scattering) has already been implemented. The applicant intends to rehabilitate areas damaged during construction such that the development footprint will not exceed the 2200 square metres of infrastructure (house and driveway) post development. The extent of the site is approximately 15 ha, and the loss of the 0.24 ha (1.6%) indigenous vegetation is anticipated to have a Low negative impact in terms of botanical impacts (Helme, 2025), and insignificant impact on freshwater resources and ecosystems (Belcher, 2025).

The proposed development of a private single residential dwelling, permitted according to the Agricultural zoning of the site, is considered a reasonable and feasible alternative on the premise that it will not result in unacceptable environmental impacts and will permit the applicants to exercise their reasonable expectation of a single dwelling on their property. The impacts of this alternative and required mitigation and management measures are further described below. Various design and management measures are prescribed in mitigation of the potential negative post-construction impacts.

# SECTION F: IMPACT ASSESSMENT, MANAGEMENT, MITIGATION AND MONITORING MEASURES

Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.

Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).

## 1. PLEASE DESCRIBE THE MANNER IN WHICH THE DEVELOPMENT HAS IMPACTED ON THE FOLLOWING ASPECTS:

(a) Geographical and physical aspects:

The site rises from about 10 masl to approximately 340 masl. The site is west-facing and the steepest gradients on the site are on the above the 120 m contour up to the plateau between the 280 m and 340 m contours. The proposed dwelling is to be built below the 48 m contour, and excavations will be required to level the foundation for the house, which is designed to integrate as far as possible with the terrain and topography with a split-level design.

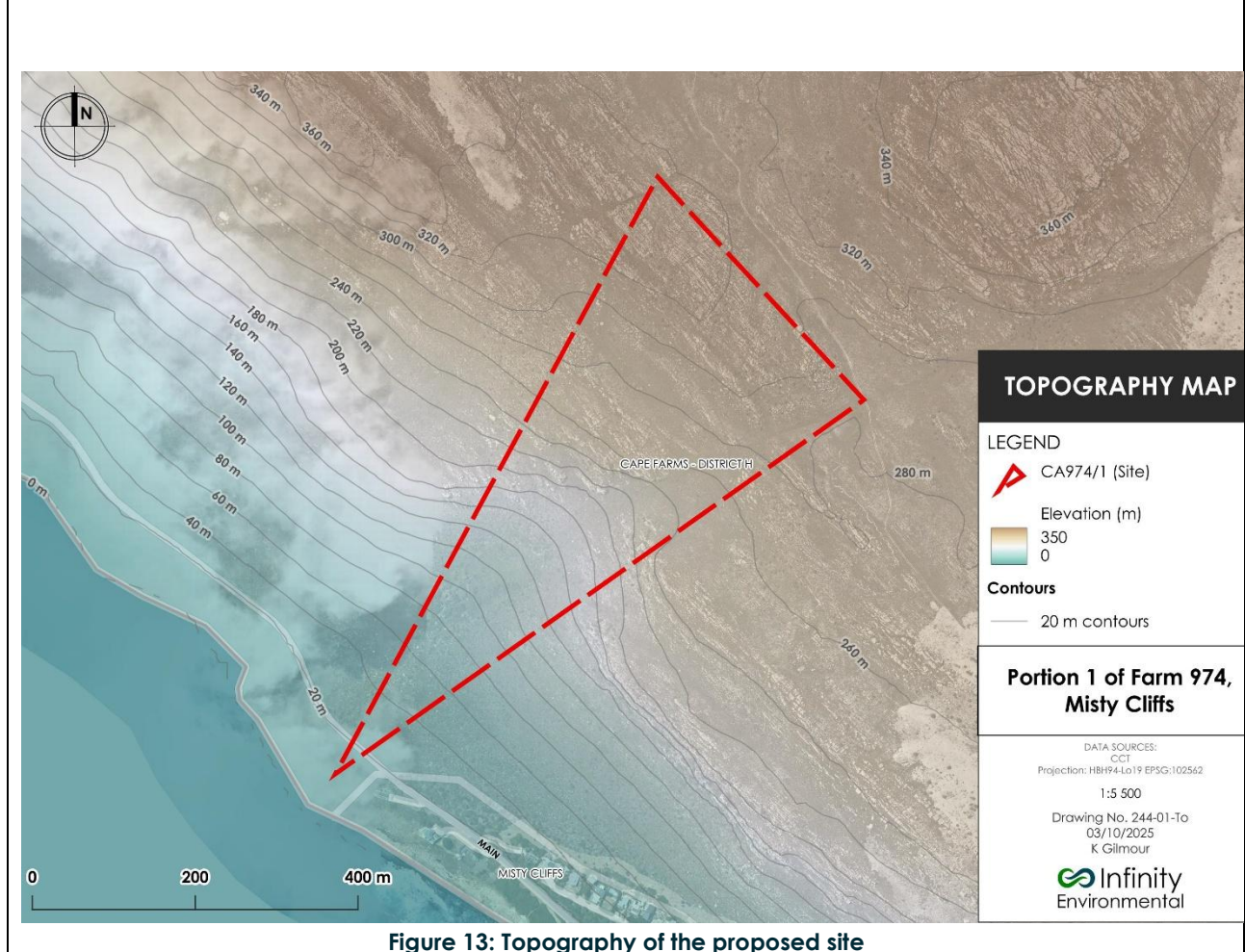


Figure 13: Topography of the proposed site

The unauthorised commencement of vegetation removal temporarily increased the risk of erosion on the site, which was mitigated by the implementation of erosion prevention measures on site. The proposed driveway consists of permeable paving and the roofing of the house includes planted sections, both of which reduce the hardening impact of the proposed development and resulting impact on stormwater runoff.

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	YES	NO
If yes, please describe:		
<p>The site falls part of a Critical Biodiversity Area, adjacent to Table Mountain National Park (Protected Area). According to the 2024 Terrestrial Biodiversity Network the site is classified as a CBA 1a which, according to the Western Cape Biodiversity Spatial Plan Handbook, is an area that must be preserved to meet national biodiversity targets for species, ecosystems or ecological processes and infrastructure. Only low-impact, biodiversity-sensitive land uses are appropriate as CBAs are required to be maintained in a healthy natural or near-natural state, therefore permissible land uses are those that are compatible with maintaining the natural vegetation cover of CBAs in a healthy ecological state, and that do not result in loss or degradation of natural habitat.</p> <p>The botanical specialist assesses the loss of vegetation which has already occurred as Very Low significance after mitigation, and the proposed development, which will include further clearing within the CBA, as having Low negative significance in the construction phase and Low to Medium significance in the post-construction phase.</p> <p>Most of the indigenous vegetation on the site and within the CBA will be preserved under the proposed development scenario.</p>		
Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES	NO
If yes, please describe:		
<p>The vegetation on the site is Cape Flats Dune Strandveld (Endangered on a national basis) and Peninsula Sandstone Fynbos (Critically Endangered on a national basis). The unauthorised commencement resulted in approximately 400 square metres of this vegetation being cleared on the site (Farm 974/1). The unauthorised clearing of indigenous vegetation on the site is rated as Low negative prior to mitigation and Very Low negative post mitigation according to Helme (2025). The vegetation loss in this area is temporary, and should largely recover within a few years, except in the portion that will form part of the new access road.</p> <p>The unauthorised commencement also involved damage to indigenous vegetation on the adjacent land (Farm 979/9) which is part of the Table Mountain National Park. A site inspection and discussion by the EAP and the SANParks Regional Planner took place on Friday 4 April 2025. Regrowth and resprouting of vegetation was evident in the area damaged on the adjacent SANParks land as well as on the subject site. Comment from SANParks is being sought regarding the further measures that may be required to ensure satisfactory rehabilitation of this area. In the first round of public engagement, SANParks requested clarification of the status of the SANParks affected land and whether the botanical specialist recommend further rehabilitation. The botanical specialist (Helme, 2025) confirmed that no further intervention is required on the TMNP land and that natural rehabilitation in this area is very good, with no subsoil damage. Helme</p>		

confirmed that all bulbs are up after the first rains, resprouting species are resprouting, and seedlings are emerging. Refer to page 37 of the Comments and Responses Table in Appendix G for more details.

According to the freshwater specialist (Belcher, 2025), the unauthorised vegetation clearing occurred more than 100 m downslope of the seep and east of the drainage area, unlikely to have had any impact on the seep and Varingkloof drainage area. The area of disturbance for the proposed development will be about 60 m east of the Varingskloof drainage and seep area and about 50 m upslope of the M65 road. The only aquatic features thus likely to be at any risk of degradation from the proposed activities are the small patches of coastal wetland that are fed from the surfacing of groundwater at the shore. 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 with the tar road in between.

Should the proposed development be granted authorisation, additional vegetation will need to be cleared to enable construction of the driveway and house. Various mitigation measures recommended by the aquatic and botanical specialists are included in the EMPr (Appendix I).

Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species? YES NO

If yes, please describe:

The site is covered by Cape Flats Dune Strandveld (Endangered) and Peninsula Sandstone Fynbos (Critically Endangered). Approximately 90% of the site was covered with indigenous vegetation in essentially pristine condition with no invasive alien vegetation present. The remaining 10% consisted of Bare Table Mountain Group sandstone. The site is mapped as CBA1a (good condition) abutted by Table Mountain National Park to the north and east.

The botanical specialist identified four plant Species of conservation Concern (SoCC) on the site, of which only two may have been in the impacted area (*Cliffortia carinata* and *Asparagus lignosus*), and in both cases the portions of the property level populations would have been less than 3%.

- *Asparagus lignosus* (Katdoring)  
This species is Redlisted as Near Threatened but is widespread from Vanrhynsdorp to George. The few plants of this species on the site are not considered regionally significant.
- *Cliffortia carinata* (Trident Caperose) \*as indicated in the Screening Tool Report  
This species is Redlisted as Rare and is restricted to the Cape Peninsula to Caledon region. The six plants on the site are not considered regionally significant.

The proposed additional clearing for the footprint of the house if authorised, would result in the loss of more indigenous vegetation. The dominant species (>65% coverage) in the development footprint area include *Metalasia densa*, *Tarconanthus littoralis*, *Protea lepidocarpodendron*, *Pseudopentameris macrantha* and *Erica plukenetii*. The overall botanical significance of the loss of vegetation in the development footprint area is deemed to be Low negative (before and after mitigation), as the extent and scale is relatively small, and none of the four SoCC will suffer regionally significant losses.

<p>The mitigation already undertaken for the unauthorised clearing of vegetation has already been undertaken, and is deemed adequate by the specialist, with new growth already coming through.</p> <p>The national environmental Screening Tool identified the <i>Circus maurus</i> (Black Harrier) as a potential animal of concern in the area. There are no records of Black Harrier for the Cape Peninsula on iNaturalist, and only a few (&lt;2) records for the Peninsula in the SA Bird Atlas Project, so the balance of evidence would suggest that this species does not breed on site nor on the property.</p>
<p>Please describe the manner in which any other biological aspects were impacted:</p>
<p>All impacts on biological aspects have been discussed above.</p>

(c) Socio-Economic aspects:

<p>What was the capital value of the activity on completion?</p>	<p>Unknown – costs incurred to date are related only to the clearing and subsequent rehabilitation and are not significant.</p>
<p>What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?</p>	<p>Insignificant, due to one additional residence</p>
<p>Has/will the activity have contributed to service infrastructure?</p>	<p>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>
<p>How many new employment opportunities were/will be created in the construction phase of the activity?</p>	<p>&lt; 10 temporary construction employment opportunities</p>
<p>What was the value of the employment opportunities during the construction phase?</p>	<p>Unknown at this stage</p>
<p>What percentage of this accrued to previously disadvantaged individuals?</p>	<p>Unknown at this stage</p>
<p>How was this ensured and monitored (please explain):</p>	
<p>The proposed development is a private residential home and is not required to ensure socioeconomic outcomes for previously disadvantaged individuals.</p>	
<p>How many permanent new employment opportunities were/will be created during the operational phase of the activity?</p>	<p>Unknown – potentially one to two part-time employment opportunities in maintenance and domestic work</p>
<p>What is the current/expected value of the employment opportunities during the first 10 years?</p>	<p>Unknown at this stage</p>
<p>What percentage of this accrued/will accrue to previously disadvantaged individuals?</p>	<p>Unknown at this stage</p>
<p>How was/will this be ensured and monitored (please explain):</p>	
<p>The proposed development is a private residential home and is not required to ensure socioeconomic outcomes for previously disadvantaged individuals.</p>	
<p>Any other information related to the manner in which the socio-economic aspects was/will be impacted:</p>	
<p>Socio-economic aspects are not anticipated to be impacted significantly by the proposed development as it is a private single residential dwelling.</p>	

(d) Cultural and historic aspects:

The site is a portion of vacant, undeveloped, densely vegetated land on the slopes of the mountains overlooking Misty Cliffs and the Atlantic Ocean.

The site has low archaeological sensitivity, with shell middens having been recorded on the rocky shoreline well outside the footprint of the affected property. The site is not an environment favourable to fossil bone preservation due to overall slow overall burial rates, excluding infrequent slumping in places. Due to the typically slightly acidic groundwater draining off the Peninsula Fm. mountains, the long-term preservation of any fossil bones at depth in the porous talus is unlikely. Accordingly, the talus has very low palaeontological sensitivity.

A strong wilderness character embodies the landscape, where the proposed development is located at the interface between the steep, densely vegetated slopes of the Mountains, and the rugged coastline of the Atlantic Ocean. The landscape character is bisected by the Main Road/M65, while the village of Misty Cliffs is located 300m south of the proposed development site.

The appointed heritage specialist found no significant heritage or cultural impacts to be associated with the proposed development, and Heritage Western Cape has concurred that 'there is no reason to believe that the proposed dwelling on Farm 974 Portion 1, Main Road, Misty Cliffs, will impact on heritage resources.'

**2. WASTE AND EMISSIONS**

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	<b>YES</b>	NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	m <sup>3</sup>	
Rubble and other construction-related solid waste will be transported to the nearest licensed landfill / waste management facility. Types of waste include building materials (e.g. concrete spoil, bricks, tiles etc.), domestic waste and recyclable waste (e.g. wood, plastic etc.).	Quantities are unknown at this stage.	

Does the activity produce waste during its operational phase?	<b>YES</b>	NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	m <sup>3</sup>	
General household waste is anticipated to be produced post construction.	Quantities are unknown at this stage.	

Where and how was/will the waste be treated / disposed of (describe)?
<p>During the construction phase, effluent will be produced and managed using on site chemical ablation facilities. Rubble and other construction-related solid waste will be transported to the nearest licensed landfill / waste management facility.</p> <p>The proposed development is the construction of a single unit residential home which will produce sewage and effluent post-construction. Sewage and grey water are to be piped to a 6 000 L conservancy tank on the property, which will be routinely emptied by vacuum tanker and transported</p>

to the appropriate municipal wastewater treatment works facility (most likely Wildevoëlvelei or Simons Town WWTW) for treatment.		
Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority	YES	<b>NO</b>
Confirmation will be sought during public participation and provided to the competent authority before decision. Refer to Appendix M3.		
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream?	YES	<b>NO</b>
Solid waste is anticipated to be disposed of in the municipal waste stream.		
If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility:	YES	NO
Does the facility have an operating license? (If yes, please attach a copy of the license.)	YES	NO
Facility name:		
Contact person:		
Postal address:		
	Postal code:	
Telephone:	Cell:	
E-mail:	Fax:	

Describe the measures that were/will be taken to reduce, reuse or recycle waste:
Waste separation (recyclable materials, compost, and general waste) is to be implemented during and after construction.

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	<b>NO</b>
If yes, does it require approval in terms of relevant legislation?	YES	NO
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		
Not applicable		

**3. WATER USE**

Please indicate the source(s) of water for the activity by ticking the appropriate boxes)  
Please indicate the source(s) of water for the activity by ticking the appropriate boxes)

<b>Municipal</b>	Water board	Groundwater	River, Stream, Dam or Lake	Other	The activity did/does/will not use water
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If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate the volume that was extracted per month:	m <sup>3</sup>
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Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole)
Municipal water will be utilised for potable and fire water supply, and a municipal water connection will be required. There is an existing water main (Ø225 mm) traversing the site below the proposed dwelling, and correspondence with the relevant Water Reticulation Infrastructure personnel is underway regarding the conditions, servitudes and/or any required wayleaves (refer to Appendix M3). An application will be submitted to council to allow for 1 x Ø25 mm potable water and 1 x Ø40 mm fire water connection for the house.

Did/does the activity require a water use permit / license from DWA?	YES	<b>NO</b>
If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable.		
Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water:		
The applicant intends to harvest rainwater to be stored in tanks and used for domestic purposes which reduces the demand on municipal water supplies.		

**POWER SUPPLY**

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

Municipal electricity will be used and supplemented with solar or wind energy in the form of a solar water heating system and photovoltaic roof panels or micro wind turbine with battery storage.

If power supply is not available, where will power be sourced from?

Confirmation of municipal supply will be sought during public participation and provided to the competent authority before decision.

**4. ENERGY EFFICIENCY**

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:

The installation of LED bulbs, lighting control systems (motion and lux sensors), and outdoor solar LED units will reduce the overall energy demand of the building. An electric geyser and solar water heating system are also to be installed in accordance with the National Building Regulations.

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

See above answer.

**5. DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS prior to and after MITIGATION**

**Please note:**

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts.
  - Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.
- (a) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

**IMPACTS OF UNAUTHORISED VEGETATION CLEARING**

<b>Impact of unauthorised indigenous vegetation clearing and damage</b>	
<i>Based on the assessment by botanist N. Helme</i>	
Nature of impact:	<p>The unauthorised commencement of vegetation clearing on site resulted in approximately 400 square metres of indigenous vegetation being cleared on Farm 974/1 and approximately 200 square metres being damaged on the adjacent Farm 979/9 which falls part of the Table Mountain National Park.</p> <p>This vegetation in this area was Endangered Cape Flats Dune Strandveld and was largely in pristine condition prior to the unauthorised commencement of vegetation clearing.</p> <p>The clearance of vegetation resulted in an increased risk of erosion on the site, which has already been mitigated.</p>
Extent and duration of impact:	<p>The impact was both local and regional in extent.</p> <p>The area of vegetation removed on Farm 974/1 is a combination of short-term (in areas not forming part of the development footprint and where rehabilitation will occur post development) and permanent (in areas where the access road will be constructed).</p> <p>The area of vegetation already cleared and which will not be rehabilitated as it falls within the driveway footprint is small (approximately 100 square metres). The remaining 300 square metres will be rehabilitated after construction.</p> <p>The duration of the impact is mostly temporary on Farm 979/9 as the area where vegetation was damaged is already resprouting.</p>
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Largely reversible – of the 600 square metres of removed/damaged vegetation, only 100 square metres is anticipated to be permanently lost within the driveway footprint
Degree to which the impact may cause irreplaceable loss of resources:	Low: a small area of indigenous vegetation within the development footprint will be lost permanently.
Cumulative impact prior to mitigation:	Very Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Highly mitigable
Proposed mitigation:	<p>The mitigation required for the unauthorised clearing on the site has already been undertaken, with new growth already visible. The steepest parts have been covered with staked biodegradable hessian to control wind and water erosion, loose rock has been re-stacked, and cut vegetation has been stacked in windrows along the contours to break and prevent significant surface flow runoff.</p> <p>Confirmation is being sought from SANParks as to whether the mitigation measures already implemented in respect of the damaged vegetation on the adjacent site are adequate, or whether additional measures are required.</p>
Cumulative impact post mitigation:	Very Low negative

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very Low negative</b>
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## IMPACTS OF PROPOSED CONTINUED DEVELOPMENT

<b>Terrestrial biodiversity impacts due to the proposed continued development of the house and access road</b> <i>Based on the assessment by botanist N. Helme</i>	
Nature of impact:	During the construction phase of the proposed development there will be a loss of indigenous vegetation within and surrounding the development footprint (<0.1 ha). This vegetation will be cleared to construct the driveway and house, resulting in some permanent loss and some temporary degradation.
Extent and duration of impact:	The impact is anticipated to be local and regional in extent. The duration of the impact is mostly permanent due to the nature of the development – the construction of a single residential dwelling and access road. The area of vegetation damaged outside of the development footprint will be rehabilitated (See EMPr Appendix I).
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Partly reversible (the area within the development footprint with result in permanent loss of indigenous vegetation, but the disturbed areas outside of the development footprint will be rehabilitated and therefore the impact reversed).
Degree to which the impact may cause irreplaceable loss of resources:	Low – Medium (a small area of indigenous vegetation within the development footprint will be lost permanently)
Cumulative impact prior to mitigation:	Very Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<ul style="list-style-type: none"> <li>All approved development footprints must be surveyed and staked out prior to any site development. Once this has been done a temporary fence (2 strand rope or wire, and/or with 1m high black shade cloth) must be erected at a reasonable 3m distance from the approved footprints, to allow for working space, and no disturbance of the vegetation beyond this fence may be allowed. No material may be dumped or stored beyond the fence.</li> <li>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.</li> <li>Only locally indigenous Fynbos/Strandveld plant species should be planted on site, and the planting list is to be approved by the botanist.</li> <li>No soil should be brought onto site, to minimise the likelihood of Argentine ant invasion.</li> </ul> <p>Please refer to the EMPr (Appendix I) for more detailed mitigation measures.</p>
Cumulative impact post mitigation:	Very Low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low negative</b>  The overall botanical significance of the loss of vegetation in the development footprint area is deemed to be Low negative both before and after mitigation, as the extent and scale is relatively small and none of the four species of conservation concern will suffer regionally significant losses.

Faunal impacts due to loss of habitat	
Nature of impact:	<p>The construction of the proposed dwelling may impact fauna on the site, as a result of habitat alteration and construction-related activities. Impacts will include direct loss of habitat within the development footprint, as well as construction-related disturbance and displacement due to increased activity on the site. Fragmentation of habitat is not anticipated to be significant, as fauna will still be able to move freely across the site.</p> <p>Fauna known to occur in the area, and which may be impacted, include caracal <i>Caracal caracal</i>, Chacma baboon <i>Papio ursinus</i>, Porcupine <i>Hystrix africaeaustralis</i> tortoise <i>Chersina angulata</i>, Cape cobra <i>Naja nivea</i> and Cape Grey mongoose <i>Herpestes pulverulentus</i>. (Note that the National Environmental Screening Tool maps Black Harrier and Cape platanna as potential species of concern on the site, but these are not expected to occur on or near the site and will not be impacted).</p>
Extent and duration of impact:	The impact is anticipated to be local in extent. The duration of the impact is short-term (in the case of construction disturbance) as well as permanent (for the direct loss / destruction of habitat within the development footprint).
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Partially reversible (disturbance will cease once the development is constructed, but the loss of habitat in the extent of the development footprint is irreversible)
Degree to which the impact may cause irreplaceable loss of resources:	Low (no fauna on site is anticipated to be lost during construction, provided mitigation is implemented).
Cumulative impact prior to mitigation:	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Low – the extent and scale of the development is relatively small, therefore the impact prior to mitigation is anticipated to be Low. Should the recommended mitigation measures be implemented this could further reduce the impact on indigenous fauna on and adjacent to the site.
Proposed mitigation:	<ul style="list-style-type: none"> <li>Should any tortoises or other animals be found on site during construction these animals should be relocated by a suitable to a safe area outside of the construction zone.</li> <li>A buffer from the Varingskloof drainage corridor and seep areas, as delineated in Figure 3, should be maintained into which no activities associated with the proposed residence should take place such as the establishment of wide firebreaks (greater than 10m) around the residence or access roads.</li> <li>The site should be kept clean and secure during construction to avoid risk of injury or harm to animals typical of the area (e.g. porcupines, caracal and baboons) by abiding by the recommended waste management measures discussed below and in the EMPr.</li> <li>All excavations are to be inspected daily for fauna and a record of any found and relocated from excavations is to be kept.</li> </ul> <p>These mitigation measures are included in the EMPr (Appendix I).</p>
Cumulative impact post mitigation:	Low negative

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very Low negative</b>
<b>Baboon management impacts during construction</b>	
Nature of impact:	Chacma baboon ( <i>Papio ursinus</i> ) are widespread on the Cape Peninsula and human-baboon conflict is common. Potential construction-phase issues include both impacts on individuals of this species, and risks to people associated with construction if not appropriately managed. The site is likely to be within the range of the Slangkop or Groot Olifantsbos troops.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Potentially irreversible if significant conflict occurs
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	Without appropriate mitigation, the proposed development could contribute to cumulative negative impacts on the baboon troops in the area
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Readily mitigable
Proposed mitigation:	<p>Management of baboons and efforts to reduce baboon raiding incidents are guided by the City of Cape Town, SANParks and Cape Nature who are collectively called the Cape Peninsula Baboon Management Joint Task Team. Baboon rangers are employed to deter baboons from raiding.</p> <p>Objectives of the Cape Peninsula Baboon Strategic Management Plan 2023/24 to 2033/34 include ensuring effective waste management and waste holding facilities so that baboons are unable to access human derived foods. The Misty Cliffs Development Guidelines (2010) include baboon-proofing techniques which have been incorporated in the house design and are specified in the EMPr.</p> <p>Specific construction-phase mitigation measures include:</p> <ul style="list-style-type: none"> <li>• During construction, keeping the site clean and organised, with disposal of food waste into lockable baboon-proof bins and regular waste removal.</li> <li>• Provision of environmental awareness training for construction workers that includes training on how to interact with baboons.</li> </ul> <p>Specific measures that must be implemented by the applicants in the design include:</p> <ul style="list-style-type: none"> <li>• Provision of double lockable baboon-proof bin systems</li> <li>• Fitting of burglar guards on opening windows, with a gap not exceeding 8 cm</li> <li>• Storage of bins indoors or in a lockable cage</li> <li>• Exclusion of any fruit trees and external compost heaps unless in a locked caged area or surrounded by fencing.</li> </ul> <p>These mitigation measures are included in the EMPr (Appendix I).</p>
Cumulative impact post mitigation:	Very low negative

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low negative</b>
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**Impacts on wildfire management and impacts of wildfire hazard on development**

Nature of impact:	The site is located within a fire-prone and fire-dependent ecosystem, and is located in an area at high risk from periodic wildfires that could damage or destroy structures on the site if not adequately planned and designed for, and managed during the construction phase.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Potentially irreversible if significant harm or damage occurs on the site as a result of a wildfire, or if the spread of a wildfire from the property causes harm or damage elsewhere.
Degree to which the impact may cause irreplaceable loss of resources:	May cause irreplaceable loss
Cumulative impact prior to mitigation:	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium negative
Degree to which the impact can be mitigated:	Partially mitigable
Proposed mitigation:	<p><b>House design</b></p> <p>The house design should be based on the concept of the 'Home Ignition Zone' which acknowledges that most home ignitions in wildfires occur due to embers and small flames. Specifically:</p> <ul style="list-style-type: none"> <li>Planted trellises are <b>not</b> recommended and should be avoided.</li> <li>Planted 'green' roofs should only be planted with succulents or other fire-resistant plant species.</li> <li>Roof eaves should not have openings that permit embers to blow into the roof space. Vents should be screened with non-combustible mesh, and soffits should be flat to direct fire outward.</li> <li>Gutters and fascias should be made from non-combustible materials</li> <li>Wooden decks should be avoided.</li> <li>Non-combustible roof coverings and wall treatments are required.</li> <li>Roof sprinklers or an irrigation system that permits the wetting down of walls, gutters, and surrounding vegetation should be installed.</li> </ul> <p><b>Construction-phase mitigation measures</b></p> <ul style="list-style-type: none"> <li>The Contractor shall take all reasonable steps to avoid increasing the risk of fire through activities on site.</li> <li>The Contractor shall ensure that basic fire-fighting equipment is available at all construction areas and facilities.</li> <li>Smoking shall not be permitted in those areas where it is a fire hazard. Such areas shall include any areas where the vegetation or other material is such as to make liable the rapid spread of an initial flame.</li> <li>A fire extinguisher of the appropriate type must be present when welding or other "hot" activities are undertaken.</li> </ul>

	<ul style="list-style-type: none"> <li>The Contractor shall appoint a fire officer who shall be responsible for ensuring immediate and appropriate action in the event of a fire.</li> <li>The Contractor shall ensure that all site personnel are aware of the procedure to be followed in the event of a fire.</li> <li>The Contractor shall submit a fire control and fire emergency method statement to the ECO for approval. The method statement shall detail the procedures to be followed in the event of a fire and the name of the appointed fire officer.</li> <li>Fire-fighting equipment shall be available.</li> </ul> <p>These measures are captured in the EMP for ease of implementation and monitoring (Appendix I).</p>
Cumulative impact post mitigation:	Very low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low negative</b>

Potential disturbance of watercourses by construction activities	
Nature of impact:	Flow interception and contamination are potential risks to watercourses on and adjacent to the site identified by the freshwater specialist. This can occur due to the inadequate management of construction-related waste such as concrete, bricks, effluent and domestic waste.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low (most disturbance to watercourses as a result of construction activities relating to the development of the proposed small, single, residential dwelling are reversible and not expected to cause irreplaceable loss of resources)
Cumulative impact prior to mitigation:	Very low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Very low negative
Degree to which the impact can be mitigated:	Highly mitigable with good construction management
Proposed mitigation:	<ul style="list-style-type: none"> <li>The proposed construction will take place downslope from the Varingkloof drainage line, limiting the effects on this watercourse.</li> <li>Waste must be managed appropriately and disposed of offsite at the nearest appropriate landfill / waste management facility.</li> <li>Portable ablution facilities should be routinely cleaned and securely fastened to the ground.</li> <li>Any consideration of groundwater use 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.</li> <li>Adequate stormwater, sanitation and solid waste services must be in place and properly maintained. The stormwater management measures must prevent direct runoff from the residence and road onto the downstream R65 tar road and from there into the sensitive coastal wetlands.</li> <li>Only appropriate local indigenous vegetation should be utilised to landscape the disturbed areas within the</li> </ul>

	<p>residence and access road, and care should be taken to not introduce any alien invasive plant seed to the site.</p> <ul style="list-style-type: none"> <li>• A buffer from the Varingskloof drainage corridor and seep areas, as delineated in Figure 3, should be maintained into which no activities associated with the proposed residence should take place such as the establishment of wide firebreaks (greater than 10m) around the residence or access roads.</li> </ul> <p>The EMPr includes these mitigation measures (See Appendix I).</p>
Cumulative impact post mitigation:	No cumulative impacts are anticipated.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Insignificant</b>

<b>Waste management</b>	
Nature of impact:	During construction the generation of general construction-related waste is expected. This includes building materials (e.g. concrete spoil, bricks, tiles etc.), domestic waste, effluent, and recyclable waste (e.g. wood, plastic etc.). This can impact terrestrial and aquatic habitats and the animals that inhabit them.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low (construction-related pollution relating to the development of the proposed small, single, residential dwelling is likely to be reversible and not expected to cause irreplaceable loss of resources)
Cumulative impact prior to mitigation:	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>• Consult with the ECO when determining the appropriate site for the site camp.</li> <li>• The site camp must be kept neat and tidy and free of litter at all times.</li> <li>• Waste must be managed according to the EMPr and the mitigation measures listed above in terms of waste management. Good housekeeping practices on site must be maintained to ensure the site is kept neat and tidy.</li> <li>• The site camp, storage facilities, stockpiles, waste bins, and any other temporary structures on site should be located in such a way that they will present as little visual impact to surrounding residents and road users as possible.</li> <li>• A buffer from the Varingskloof drainage corridor and seep areas, as delineated in Figure 3 should be maintained into which no activities associated with the proposed residence should take place such as the establishment of wide firebreaks (greater than 10m) around the residence or access roads.</li> </ul> <p>The EMPr includes more detailed mitigation measures for the construction phase (See Appendix I).</p>
Cumulative impact post mitigation:	Very Low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very Low negative</b>

**Soil erosion and slope destabilisation**

Nature of impact:	Due to the steep slope of the site, there is a risk of erosion during the clearing of vegetation and construction of the proposed development. Erosion poses a safety risk to the users of the coastal main road directly below the site should loose soil and/or rocks fall downslope. Erosion also amplifies the risk of further environmental degradation as a result of loose soils and eroded edges being difficult to rehabilitate and easily windblown (lost from the site).
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low (erosion can result in the loss of topsoil from the site)
Cumulative impact prior to mitigation:	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Readily mitigable
Proposed mitigation:	Mitigation for the potential erosion impacts resulting from the unauthorised clearing has already been implemented as described elsewhere in this report – including re-stacking of larger rocks, stacking of cleared vegetation in contoured windrows, and placement of biodegradable hessian textile - and this mitigation is sufficient to reduce the impact of the unauthorised clearing to negligible levels.  During future construction, the contractor shall implement appropriate erosion control measures approved by the environmental control officer, as specified in the Environmental Management Programme (see Appendix I).
Cumulative impact post mitigation:	Very Low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very Low negative</b>

<b>Light impacts</b>	
Nature of impact:	During construction there may be security lighting on site and machinery that emit light (e.g. headlights). Lighting can have a negative impact on nocturnal fauna and invertebrates, and pose a nuisance to adjacent land occupiers and road users. This impact is limited to situations where works occur outside of daylight hours.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Unlikely
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>Construction activities should be limited to standard working hours in line with municipal requirements.</li> <li>Permanent security lighting should be avoided, and – if required – limited to motion-triggered lighting.</li> </ul> The EMP includes these mitigation measures (See Appendix I).
Cumulative impact post mitigation:	Very low negative

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low negative</b>
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<b>Noise and vibration impacts</b>	
Nature of impact:	Construction of the proposed development will include earthworks on the site and associated noise and vibrations caused by earthmoving machinery. The location of the site outside of the urban area of Misty Cliffs localises these impacts to the site itself and road users.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	No cumulative impact
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>• Use of serviced and well-maintained machinery</li> <li>• Restriction of working hours in line with municipal and provincial requirements</li> <li>• Noise levels must comply with the relevant health &amp; safety regulations and SANS code</li> </ul> Please refer to the EMPr for more detailed mitigation measures (Appendix I).
Cumulative impact post mitigation:	No cumulative impact
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low negative</b>

<b>Dust impacts</b>	
Nature of impact:	Construction of the proposed development will include earthworks on the site and associated dust caused by earthmoving machinery. The location of the site outside of the urban area of Misty Cliffs localises these impacts to the site itself and road users.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	No cumulative impact
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>• Stabilisation of exposed sand</li> <li>• Dust suppression methods (wetting the sand, use of straw etc.)</li> <li>• All vehicles transporting sand need to have tarpaulins covering their loads which will assist in any windblown sand occurring off the trucks</li> </ul> Please refer to the EMPr for more detailed mitigation measures (Appendix I).
Cumulative impact post mitigation:	No cumulative impact

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low negative</b>
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<b>Visual disturbance / impacts on sense of place</b>	
Nature of impact:	The proposed development is to be located off the coastal main road, a scenic route and scenic drive in municipal planning. Some visual disturbance is likely during the construction phase, especially for road users.  The construction of the development will not inhibit the sea views of any adjacent properties or road users due to the site being and above the coastal main road (scenic drive).
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible (construction-related visual impact) and Irreversible (changes to character/sense of place of the site)
Degree to which the impact may cause irreplaceable loss of resources:	Not applicable
Cumulative impact prior to mitigation:	Very low negative – the development is to occur outside of the urban edge of Misty Cliffs, expanding the developed extent of the area to a very small extent.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low negative</b>
Degree to which the impact can be mitigated:	Readily mitigable - the extent and scale of the development is relatively small and can be readily mitigated as indicated below.
Proposed mitigation:	<ul style="list-style-type: none"> <li>• Screening of the site can be implemented if necessary to reduce the visual impact on road users</li> <li>• The construction site is to be managed and monitored in line with the EMPr that specifies measure to limit the footprint and visual disturbance.</li> </ul> <p>Please refer to the EMPr for more detailed mitigation measures (Appendix I).</p>
Cumulative impact post mitigation:	Very Low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very Low negative</b>

<b>Traffic impacts</b>	
Nature of impact:	The proposed development is located directly adjacent to the coastal main road and traffic impacts are likely to occur associated with the movement of construction vehicles to and from the site. The small scale of the proposed construction will limit this impact to manageable levels. Permission has been obtained from the local roads authority to construct the proposed access, and mitigation measures have been stipulated in this approval.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources

Cumulative impact prior to mitigation:	Very low negative. Traffic on the coastal route is likely to be highest on weekends, when construction-related activity is at its lowest.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Very low negative
Degree to which the impact can be mitigated:	Readily mitigable
Proposed mitigation:	<ul style="list-style-type: none"> <li>Implementation of traffic management measures as may be necessary, including the use of appropriate signage and flag persons to direct traffic when construction vehicles are moving on and off the site</li> </ul> <p>Please refer to the EMPr for more detailed mitigation measures (Appendix I).</p>
Cumulative impact post mitigation:	Insignificant
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very Low negative</b>

<b>Construction-related socio-economic impacts</b>	
Nature of impact:	The construction of the proposed development is anticipated to provide temporary employment for construction workers and economic support to companies from which building materials are bought which has, albeit small, positive impacts on the local economy.
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Not applicable – positive impact
Degree to which the impact may cause irreplaceable loss of resources:	Not applicable – positive impact
Cumulative impact prior to mitigation:	Low positive
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low positive
Degree to which the impact can be mitigated:	Not applicable
Proposed mitigation:	No mitigation is required for a positive impact, although the positive impact can be enhanced by the use of local contractors and purchasing of necessary materials from local businesses.
Cumulative impact post mitigation:	Low positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low positive</b>

- (b) **Impacts that result from the post-construction phase (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the post-construction phase.**

<b>Impacts on wildfire management and impacts of wildfire hazard on development</b>	
Nature of impact:	<p>The site is located within a fire-prone and fire-dependent ecosystem, and is located in an area at high risk from periodic wildfires that could damage or destroy structures on the site if not adequately planned and designed for, and managed during the post-construction phase.</p> <p>The design of the site also has implications for local wildfire management, as it will be necessary for fire services to access and defend the structures on the property during a wildfire, and the risk to responders' safety must also be managed for.</p>

	<i>(The future exclusion of regular fire from the area immediately surrounding the proposed development is separately assessed as an ecological impact, forming part of the impacts on terrestrial ecosystems described below)</i>
Extent and duration of impact:	The impact is anticipated to be local in extent and short-term in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Potentially irreversible if significant harm or damage occurs on the site as a result of a wildfire, or if the spread of a wildfire from the property causes harm or damage elsewhere.
Degree to which the impact may cause irreplaceable loss of resources:	May cause irreplaceable loss
Cumulative impact prior to mitigation:	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium negative
Degree to which the impact can be mitigated:	Partially mitigable
Proposed mitigation:	<p><b>House design</b> The house design should be based on the concept of the 'Home Ignition Zone' which acknowledges that most home ignitions in wildfires occur due to embers and small flames. Specifically:</p> <ul style="list-style-type: none"> <li>• Planted trellises – as specified in the design – are <b>not</b> recommended and should be avoided.</li> <li>• Planted 'green' roofs should only be planted with succulents or other fire-resistant plant species.</li> <li>• Gutters should be kept clear of debris.</li> <li>• Roof sprinklers or an irrigation system that permits the wetting down of walls, gutters, and surrounding vegetation should be installed and maintained.</li> <li>• The area immediately surrounding the house should be kept free of combustible vegetation, debris, furniture, and compost heaps.</li> </ul> <p><b>FPA</b> The applicants must become members of the Cape Peninsula Fire Protection Association (CPFPA).</p> <p><b>Fuel breaks</b> Given the small scale of the proposed development and its relative isolation, the fuel breaks / firebreaks are proposed to be primarily focused on the creation of defensible space immediately around the house, and the maintenance of a safe access and egress route for responders and residents. For ecological and practical reasons, it is not recommended that a break be installed along the entire property boundary. Instead, an application for exemption from this requirement of the Veld &amp; Forest Fire Act should be made by the CPFPA, and the applicants' focus should instead be on ensuring sufficient defensible space.</p> <ul style="list-style-type: none"> <li>• Firebreaks must be prepared and maintained as indicated in the EMPr – with a width of between 8 and 10 metres, narrowing to approximately 6 metres east of the driveway where their width is constrained by the property boundary.</li> <li>• Firebreaks must be prepared by brush cutting, by hand, and must not include ploughing or ripping of topsoil.</li> <li>• Firebreak maintenance must take place in October-November annually, and must result in significantly reduced fuel loads and low vegetation heights within the</li> </ul>

	<p>break. They should be prepared in such a way as to permit 4x4 vehicle access when required for firefighting</p> <ul style="list-style-type: none"> <li>Waste material from firebreak preparation must be disposed of by mulching or composting on site, but may not be stacked within 5 metres of the break itself.</li> </ul> <p><b>Response</b> It is the property owner's responsibility to ensure that wildfires are reported to the City of Cape Town's Fire and Rescue Services. They shall provide the following detail, to the best of their ability, based on the availability of information:</p> <ul style="list-style-type: none"> <li>Location of the fire;</li> <li>Fire intensity;</li> <li>The speed and direction in which the fire is moving;</li> <li>Structures and people at risk.</li> </ul> <p><b>Resources</b> The City of Cape Town and SANParks firefighting resources will respond quickly in the event of a wildfire, but the landowner is required by the Veld and Forest Fire Act to have sufficient resources at their disposal to act as a first response. It is proposed that this should include at least –</p> <ul style="list-style-type: none"> <li>Sufficient hoses and connection points surrounding the house to provide for water supply wherever required. A fire-services compatible geka or storz coupling on taps is recommended.</li> <li>At least two fire beaters and sufficient PPE for the occupants of the house (flash hood, gloves, and boots) are to be maintained.</li> </ul> <p><b>Prescribed fire</b> As the site is predominantly fynbos, prescribed burning will be necessary from time to time if natural wildfires do not occur sufficiently frequently. The scale of the site and proposed development are not such as to warrant the preparation of a specific plan for prescribed fire and ecological burns. However, the landowner must cooperate with SANParks in respect of any prescribed fire planned for on adjacent properties, to incorporate the upper parts of the site into such burns.</p> <p>These measures are captured in the EMP for ease of implementation and monitoring (Appendix I).</p>
Cumulative impact post mitigation:	Very low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low negative</b>

<b>Post-construction waste generation</b>	
Nature of impact:	<p>The proposed development is the construction of a small, private, single residential dwelling, producing only general domestic waste is anticipated to be produced post construction. If inappropriately managed, waste could lead to pollution of the site and surrounds, and could aggravate impacts on fauna and risks posed by conflict with baboons.</p> <p>Grey water and sewage will also be produced, and if discharged on site would have significant negative environmental impacts including nutrient enrichment of soils and the introduction of pollutants to watercourses.</p>

Extent and duration of impact:	The impact is anticipated to be local in extent and long-term in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>Waste must be disposed of appropriately (i.e. collected by municipal services or taken to a licensed waste management facility).</li> <li>Conservancy tanks must be routinely pumped out and sewage taken to an appropriate wastewater treatment facility.</li> </ul> <p>The EMPr includes these mitigation measures for the post-construction phase (See Appendix I).</p>
Cumulative impact post mitigation:	Insignificant
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	With appropriate mitigation and management this impact can be reduced to <b>Insignificant</b>

Post-construction light pollution	
Nature of impact:	<p>The proposed development of a single residential dwelling will include lighting, which may impact on nocturnal animals by altering their habits, and may have negative effects on invertebrates and bat populations. Artificial light can affect the behaviour, circadian rhythms and reproduction of invertebrates. For example, many invertebrates rely on light from the moon and stars to navigate and this can be disrupted when artificial lights are present. When invertebrates are drawn to artificial lights, this can also attract bats and increase their risk of predation.</p> <p>Additionally, a visual impact altering the rural nature of the site and surrounds may occur if inappropriate lighting is installed on the site.</p>
Extent and duration of impact:	The impact is anticipated to be local in extent and long-term in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	Low negative (the lighting from the adjacent Misty Cliffs village and residential dwellings is an existing impact to which the impact of lighting emitted by the proposed dwelling should be added to determine the cumulative impact, although due to the small nature of the development this is anticipated to be low)
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Medium (the extent and scale of the development is relatively small, with very little light pollution prior to a few minor mitigation measures)

Proposed mitigation:	The following lighting mitigation measures are to be included in the proposed design of the house: <ul style="list-style-type: none"> <li>• Motion or lux sensors must be installed on all outdoor lights to ensure lights are not left on unnecessarily.</li> <li>• Lighting must be directed downward.</li> <li>• All outdoor lighting must be low height and low energy, and installed only where strictly necessary for security and/or wayfinding purposes.</li> </ul>
Cumulative impact post mitigation:	Very Low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very Low negative</b>

**Post-construction baboon management**

Nature of impact:	Chacma baboon ( <i>Papio ursinus</i> ) are widespread on the Cape Peninsula and human-baboon conflict is common. Potential post-construction phase issues include both impacts on individuals of this species, and risks to people associated with human-wildlife conflict. The site is likely to be within the range of the Slangkop or Groot Olifantsbos troops.
Extent and duration of impact:	The impact is anticipated to be local in extent and long-term in duration.
Probability of occurrence:	Possible
Degree to which the impact can be reversed:	Potentially irreversible if significant conflict occurs
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	Without appropriate mitigation, the proposed development could contribute to cumulative negative impacts on the baboon troops in the area
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Readily mitigable
Proposed mitigation:	<p>Management of baboons and efforts to reduce baboon raiding incidents are guided by the City of Cape Town, SANParks and Cape Nature who are collectively called the Cape Peninsula Baboon Management Joint Task Team. Baboon rangers are employed to deter baboons from raiding.</p> <p>Objectives of the Cape Peninsula Baboon Strategic Management Plan 2023/24 to 2033/34 include ensuring effective waste management and waste holding facilities so that baboons are unable to access human derived foods. The Misty Cliffs Development Guidelines (2010) include baboon-proofing techniques which have been incorporated in the house design and are specified in the EMPr.</p> <p>Specific measures that must be implemented by the applicants in the design include:</p> <ul style="list-style-type: none"> <li>• Provision of double lockable baboon-proof bin systems</li> <li>• Fitting of burglar guards on opening windows, with a gap not exceeding 8 cm</li> <li>• Storage of bins indoors or in a lockable cage</li> <li>• Exclusion of any fruit trees and external compost heaps unless in a locked caged area or surrounded by fencing.</li> </ul> <p>These mitigation measures are included int the EMPr (Appendix I).</p>
Cumulative impact post mitigation:	Very low negative

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very low negative</b>
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**Post-construction impact on indigenous vegetation** *Based on the assessment by botanist N. Helme*

Nature of impact:	Operational phase impacts include loss of previous levels of good ecological connectivity across the area, and associated habitat fragmentation, likely disruption of natural fire cycles in close proximity to the house, plus the difficult to measure impacts of indigenous seed dispersal disruption by invasive alien Argentine ants ( <i>Linepithema humile</i> ).  Argentine ants are associated with human settlement (typically foraging up to 50 m away from their nests) and outcompete the indigenous ants, which are adapted to distributing and burying the seeds of up to 35% of the Fynbos plant species. Not only do they outcompete the indigenous ants, but they do not bury the seeds (like the indigenous ants do), and leave them at the surface to get predated by rodents, leading to near total collapse of ant-based seed dispersal in these areas. This can be a subtle and difficult to measure impact, as it happens over an extended period (typically a few fire cycles), and is thus often overlooked in assessments, but it should not be discounted.
Extent and duration of impact:	The impact is anticipated to be local and regional in extent and mostly permanent in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Medium
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low – Medium negative (disruption of ecological connectivity is likely to be Low negative, fire suppression impact is likely Low to Medium negative, Argentine ant invasion is likely to be Low to Medium negative)
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<ul style="list-style-type: none"> <li>• Only locally indigenous Fynbos/Strandveld plant species should be planted on site, and a planting list is to be approved by the botanist as an addendum to the EMPr.</li> <li>• No topsoil should be imported to site for landscaping purposes, to minimise the likelihood of Argentine ant invasion.</li> <li>• A professional entomologist or ant control expert should be brought in a year after construction is complete to monitor and survey for Argentine ants (<i>Linepithema humile</i>). If detected they should be poisoned using 9% Fipronil (see Buczkowski, G. and T. Wossler. 2019), which the workers will disperse to their nest sites.</li> </ul> <p>These mitigation measures are included in the EMPr (Appendix I).</p>
Cumulative impact post mitigation:	Very Low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Low – Medium negative</b> (largely due to Argentine ant impact on seed dispersal)

**Potential pollution of watercourses**

Nature of impact:	The proposed development is the construction of a small, private, single residential dwelling, and general domestic waste is anticipated to be produced post construction. Additionally, grey water and sewage will also need to be managed to avoid negative environmental impacts.
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Extent and duration of impact:	The impact is anticipated to be local in extent and long-term in duration.
Probability of occurrence:	Unlikely
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Low
Cumulative impact prior to mitigation:	Very Low negative
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Very Low negative
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<ul style="list-style-type: none"> <li>• Adequate stormwater, sanitation and solid waste services must be in place and properly maintained. The stormwater management measures must prevent direct runoff from the residence and road onto the downstream R65 tar road and from there into the sensitive coastal wetlands. Infiltration of stormwater and dispersion of the flow should be encouraged through use of permeable paving, planting of local indigenous vegetation and shaping of the surface to prevent concentration of runoff.</li> <li>• If a conservancy tank is to be utilised, it must be regularly evacuated and maintained to ensure that no contamination of groundwater takes place.</li> <li>• Any consideration of groundwater use 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.</li> <li>• Only appropriate local indigenous vegetation should be utilised to landscape the disturbed areas within the residence and access road, and care should be taken to not introduce any alien invasive plant seed to the site.</li> <li>• A buffer from the Varingskloof drainage corridor and seep areas, as delineated in Figure 3, should be maintained into which no activities associated with the proposed residence should take place such as the establishment of wide firebreaks (greater than 10m) around the residence or access roads.</li> </ul> <p>These mitigation measures are included in the EMP (Appendix I).</p>
Cumulative impact post mitigation:	No cumulative impacts
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Negligible/insignificant/none</b>

<b>Post-construction visual impacts / Sense of Place:</b>	
Nature of impact:	The proposed development is located above a scenic drive, from which it will be visible. Existing regulations do not regulate against structures on the upper side of scenic routes according to the Scenic Drive Network Management Plan (2003).
Extent and duration of impact:	The impact is anticipated to be local in extent and permanent in duration.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Irreversible (other than if the house was demolished and area rehabilitated)
Degree to which the impact may cause irreplaceable loss of resources:	Low (small area of indigenous vegetation lost)
Cumulative impact prior to mitigation:	Low negative

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	<p>The visually sensitive design of the property provides mitigation against negative visual and sense of place impacts. These include:</p> <ul style="list-style-type: none"> <li>• Stone-faced walls</li> <li>• Planting of indigenous gardens (only locally indigenous Fynbos/Strandveld plant species should be planted on site, and the planting list is to be approved by the botanist)</li> </ul> <p>The zoning of the site restricts the height and area of the development to not more than 1500 m<sup>2</sup> in floor space size and 10 m tall as a primary use. The design and character of the private, small, single residential dwelling incorporates stone-faced walls and indigenous planting around the house. Due to the location of the house upslope of the road, the visual impact to road users is expected to be minimal and the sense of place and character of the house aligns with that of the Misty Cliffs residential area (according to the 2010 Misty Cliffs Development Guidelines). These mitigation measures are included in the EMPr (Appendix I).</p>
Cumulative impact post mitigation:	Very Low negative
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Very Low negative</b>

**(c) Impacts that may result from the decommissioning and closure phase (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.**

<b>Potential impacts of the 'no-go' or 'cease and rehabilitate' alternative</b>	
Nature of impact:	The only activity that has occurred on the site is the unauthorised clearance of indigenous vegetation; <b>therefore the decommissioning and closure phase impacts can be considered the same as the 'no-go' or 'cease and rehabilitate' alternative.</b> The No Go alternative is usually considered to mean a continuation of the status quo, which in this case is taken to mean no further habitat loss to development, no alien plant invasion, some fire suppression in parts due to proximity of Misty Cliffs houses, and no grazing or trampling by livestock.
Extent and duration of impact:	The impact is anticipated to be local in extent and unknown in duration.
Probability of occurrence:	Unlikely
Degree to which the impact can be reversed:	Not applicable
Degree to which the impact may cause irreplaceable loss of resources:	Not applicable
Cumulative impact prior to mitigation:	Not applicable
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Neutral
Degree to which the impact can be mitigated:	Not applicable
Proposed mitigation:	Not applicable as the alternative is not anticipated to have negative consequences for the environment.
Cumulative impact post mitigation:	Not applicable
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	<b>Neutral</b>

	<p>The No Go alternative would have a lower indirect (operational phase) botanical impact than the clearing of the development area, although given its agricultural zoning there are a variety of theoretical impacts that could take place (such as heavy grazing, cultivation) but which are unlikely in this area. Confidence in the likelihood (or absence) of impacts is moderate to high, and the No Go alternative would on balance be the preferred alternative from a botanical perspective, with perhaps a Neutral botanical impact. However, the agricultural zoning in place does allow for a dwelling (and other buildings) of up to a total of 1500 m<sup>2</sup>. The proposed 750 m<sup>2</sup> single residential development can be considered as a reasonable use of the site given that the land is privately owned, and the development of the single residential dwelling is designed with various green technologies and considerations of aesthetic elements. It is in the landowner's best interest to maintain the natural indigenous beauty of the site where their house is to be located, and they intend to include indigenous rehabilitation in the design and construction of their home additional to that intended to rectify the unauthorised removal of indigenous vegetation.</p>
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(d) Any other impacts:

Potential impact:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

**Please note:** If any of the above information is not available, specialist input may be requested.

**7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS**

**Please note:** Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department's relevant Guidelines on the Involvement of Specialists in EIA Processes available on the Department's website (<http://www.capegateway.gov.za/eadp>). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

<p><b>Botanical Impact Assessment (Helme, 2025) – Appendix H2</b></p> <p>The botanical specialist provided an impact assessment on the unauthorised clearing of indigenous vegetation on the site (Farm 974/1) and vegetation damage on the adjacent land (Farm 979/9), as well as an impact assessment of the proposed development (construction of a small, privately-owned, single residential dwelling on the site between the 36 m and 48 m contours).</p>
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Helme's input during the scoping phase informed the position of the house, moved down from the 55 m contour, to accommodate botanical concerns.

Helme notes that a dwelling of no more than 1500 m<sup>2</sup> is permitted according to the zoning of the site. The regional context of the site includes the location of the site within the Core Cape Subregion of the Greater Cape floristic Region which supports almost half of all the plant species in southern Africa while occupying only 0.1% of the world's land surface. Many of the plant species in this region do not occur elsewhere and are under threat from agriculture, alien plants and urbanisation. The southwestern Cape is a major national and global conservation priority, exhibiting a number of threatened plant species, which developments in this area need to consider.

The study area falls part of the Southwest Fynbos bioregion, with the site being mapped as high priority (Critical Biodiversity Area 1a). The adjacent land is part of the Table Mountain National Park and Conservation Area. The site was considered pristine prior to vegetation clearing with 90% of the site covered in indigenous vegetation and the rest made up of open space and rocks. The vegetation on the site is a combination of Cape Flats Dune Strandveld (Endangered) below the 50 m contour and Peninsula Sandstone Fynbos (Critically Endangered) above the 50 m contour, although the transition between vegetation types is gradual. The development footprint falls within the area classified as Cape Flats Dune Strandveld with some elements of the nearby Peninsula Sandstone Fynbos present.

Dominant species in the study area, comprising about 65% of the plant cover, are *Metalasia densa*, *Tarchonanthus littoralis*, *Protea lepidocarpodendron*, *Pseudopentameris macrantha* and *Erica plukenetii*.

Four plant Species of Conservation Concern were identified on the site:

- *Protea lepidocarpodendron* (black-bearded sugarbush / bearded Protea)  
This species is Redlisted as Near Threatened and at least 100 plants are located in the footprint of the originally proposed house location (at 55masl). Few of this species occur below the 40 m contour and only about twelve occur in the region of the revised development footprint. The population of over 600 plants on the site above the development footprint is considered regionally significant.
- *Aspalathus chenopoda ssp. chenopoda* (Peninsula fluffy Capegorse)  
This species is Redlisted as Rare and is a common shrub on this site and within the proposed development footprint (>50 plants). This plant lives for six to seven years post fire and thereafter sits in the seedbank until the next fire. No living plants occur on the site at present (unburned for > 20 years) and the presence of this species on the site is not considered regionally significant.
- *Asparagus lignosus* (Katdoring)  
This species is Redlisted as Near Threatened but is widespread from Vanrhynsdorp to George. The few plants of this species on the site do not constitute a significant part (<1%) of the regional population of this species.
- *Cliffortia carinata* (Trident Caperose)

This species is Redlisted as Rare and is restricted to the Cape Peninsula to Caledon region. The six plants on the site do not constitute a significant part (<1%) of the regional population of the species.

- *Leucospermum concarpodendron* ssp. *viridum* (Kreupelhout / green tree pincushion / yellow pincushion)

This species is Redlisted as Near Threatened and few of this species occur on the site just above the proposed development footprint, although it is more common higher upslope as are various other SoCC (e.g. *Mimetes fimbriifolius*).

The region in which the development footprint occurs can be classified as Medium sensitivity, while the area below the M65 and above the proposed development are considered to be High sensitivity areas.

Impact Assessment:

### Unlawful vegetation clearing and damage

The clearing of indigenous vegetation on site was rated to have a **Low negative impact** before mitigation, which was reduced to **Very low negative** after mitigation as the impact is mostly temporary, the area is very small, and mitigation (erosion prevention and rehabilitation) has already been implanted. It is likely that only two plant SoCC maybe have been in the impacted area (*Cliffortia carinata* and *Asparagus lignosus*), and in both cases the portions of the property level populations would have been less than 3%. The area of vegetation on TMNP land which was essentially brushcut, with no topsoil degradation or removal, should recover naturally.

### Construction phase impact on indigenous vegetation

Should the development be granted authorisation, the construction-phase impacts are anticipated to have a **Low negative** impact prior and post mitigation due to the small extent and scale (compared to for example a housing development, hotel, quarry or cultivation), and none of the four SoCC will suffer regionally significant losses. Standard mitigation is required, but it will not significantly reduce the impact.

The **No Go** alternative would clearly have had a lower direct (construction phase) botanical impact than the clearing and/or the proposed development which is presumably best rated as **Neutral**.

### Post construction impacts on indigenous vegetation

Post-construction impacts include the loss of previous levels of good ecological connectivity across the area, and associated habitat fragmentation, likely disruption of natural fire cycles in close proximity to the house, plus the difficult to measure impacts of indigenous seed dispersal disruption by invasive alien Argentine ants (*Linepithema humile*). Disruption of ecological connectivity is likely to be of **Low negative** significance, as there is still plenty of adjacent natural habitat on the property. The impact of fire suppression is difficult to rate but is likely to be **Low to Medium negative** in the immediate vicinity of the house which may be partly mitigated by the recommended brushcutting of a 5-10 m wide firebreak around the house, which partly (but not fully) mimics the fire effect, and allows for regeneration of annuals and bulbs. The impact of invasive Argentine ants associated with human settlements is also difficult to rate but could be between **Low to Medium**

**negative.** These ants outcompete indigenous ants which are adapted to distribute and bury the seeds of up to 35% of Fynbos plant species, thereby disrupting seed dispersal.

Overall, the post-construction phase botanical impact of the proposed development is likely to be **Low to Medium negative** (before and after mitigation) driven largely by the potential impact of Argentine ants. The **No Go alternative** (taken to mean no further habitat loss to development, no alien plant invasion, some fire suppression in parts due to proximity of Misty Cliffs houses, and no grazing or trampling by livestock) is likely to have a **Neutral** impact. The primary **cumulative impacts** in the region are loss of natural vegetation and threatened plant species to ongoing agriculture, urban development and alien plant invasion. The overall cumulative ecological impact of the proposed new dwelling and the unauthorised clearing of vegetation in the study area at the regional scale is likely to be **Very Low negative**. No positive ecological impacts of the proposed development are expected.

Recommended mitigation measures:

The following mitigation for the unauthorised clearing of vegetation in the study area in 2025 and the proposed dwelling and access road is deemed feasible, reasonable and mandatory:

- The mitigation already undertaken for the clearing of the 372 m<sup>2</sup> has already been undertaken, and should prove adequate, with new growth already coming through. The steepest parts have been covered with staked biodegradable biddum cloth (to control wind and water erosion), loose rock has been stacked on the slope along the M65, and the cut branches have been stacked along the contours at 4m intervals (to break and prevent significant surface flow runoff), with seed shaken out onto the bare surfaces between the stacked vegetation.
- All approved development footprints must be surveyed and staked out prior to any site development. Once this has been done a temporary fence (2 strand rope or wire, and/or with 1m high black shade cloth) must be erected at a reasonable 3 m distance from the approved footprints, to allow for working space, and no disturbance of the vegetation beyond this fence may be allowed. No material may be dumped or stored beyond the fence.
- 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
- Only locally indigenous Fynbos/Strandveld plant species should be planted on site, and the planting list is to be approved by the botanist.
- No soil should be brought onto site, to minimise the likelihood of Argentine ant invasion.
- A professional entomologist or ant control expert should be brought in a year after construction is complete to monitor and survey for Argentine ants (*Linepithema humile*). If detected they should be poisoned using 9% Fipronil<sup>2</sup>, which the workers will disperse to their nest sites.

<sup>2</sup> Buczkowski, G. and T. Wossler. 2019. Controlling invasive Argentine ants, *Linepithema humile*, in conservation areas using horizontal insecticide transfer. Scientific Reports, 9:19495.

## Conclusions and recommendations:

- The vegetation on the site, and in the cleared area, is best classified as Cape Flats Dune Strandveld (Endangered), with elements of Peninsula Sandstone Fynbos more common as one moves upslope.
- The cleared area and the proposed dwelling and access road are in areas deemed to be of Medium botanical sensitivity, with High sensitivity areas both above and below the target areas, and the dwelling has been located in what is deemed to be the least botanically sensitive part of the entire property.
- The overall botanical significance of the clearing of the 431m<sup>2</sup> area is deemed to be Very Low negative.
- The overall botanical significance of the proposed development (~2200 m<sup>2</sup>) is deemed to be Low to Medium negative, driven mainly by operational phase impacts such as Argentine ant impact (seed dispersal failure) and fire suppression impacts.
- A firebreak around the dwelling would be advisable, particularly on the south, east and north sides. This firebreak should be brushcut (no soil disturbance) every November, and should be at least 5 m wide, and ideally as much as 10 m wide.
- A roof sprinkler system would be strongly recommended, to reduce fire danger.
- Care should be taken to avoid or minimise organic waste, rubble, construction related disturbance and dumping, as these all attract and provide nest sites for alien invasive Argentine ants. Compost should also ideally not be brought onto site, for the same reason, and thus compost should be made only from locally sourced organic matter, such as that generated by the required annual firebreak clearance.
- Gutters should be metal, not plastic, also to reduce the risk of flying embers setting alight the gutters
- All mitigation noted in Section 7 is considered feasible, reasonable and essential, and must be timeously and properly implemented, in which case the post mitigation impact of the unauthorised clearing could be reduced to Low negative, from Low to Medium negative prior to mitigation.
- No additional mitigation or fine is deemed necessary if the mitigation outlined in Section 7 is properly and timeously implemented.

It was also noted that the habitat in the study area, and particularly in the marshy section about 200 m above the study area, is potentially good Black Harrier habitat (*Circus maurus*; flagged by Screening Tool for the general area). However, there are no records of Black Harrier for the Peninsula on iNaturalist, and only a few (<2) records for the Peninsula in the SA Bird Atlas Project, so the balance of evidence would suggest that this species does not breed on site nor on the property. In 35 years of living in the area I have never seen this bird on the South Peninsula.

**Aquatic Compliance Statement (Belcher, 2025) – Appendix H1**

Most of the property is located within a wider area considered of Very High Aquatic Biodiversity Sensitivity. The high sensitivity is associated with an aquatic Critical Biodiversity Area (CBA) mapped along the Varingkloof (from the 2017 Western Cape Biodiversity Spatial Plan), a National Freshwater Ecosystem Priority Area (FEPA) River Sub-catchment, as well as the Strategic Water Source Area for surface water (Table Mountain) that covers a far larger area.

In terms of other aquatic biodiversity conservation mapping, the site is mapped only as a terrestrial CBA in the 2023 WCBSA with the closest aquatic CBA associated with wetland habitat at the Shusters River at Scarborough more than 2.5 km to the southeast. The Shusters River wetlands and wetlands at Kleinplaas Dam 1.5 km to the northeast are the closest wetlands mapped in the National FEPA Wetland mapping. The National Wetland Map, informed by the City of Cape Town wetland mapping, contains seep wetlands 100m to the northeast of the site as well as 500m to the east and 600m to the southeast of the property boundaries.

The site is located north of the small settlement of Misty Cliffs on the Cape Peninsula. The Varingkloof valley crosses the property in a southwesterly direction. The general drainage at the site is southwestwards, towards the coastline.

The underlying geology in the area comprises mainly quartzitic sandstone with siltstone, shale and conglomerate beds of the Peninsula Formation, Table Mountain Group. The soil is shallow with rock. A minor fractured aquifer occurs at the site that has an average yield of between 0.5 and 2 l/s. The recharge rate in the area is high and typically about 98 mm/a. The average depth of the groundwater table is 6.7 m below ground level. The general groundwater quality is relatively good, with an electrical conductivity of less than 150 mS/m. The aquifer is considered to have a moderate to high susceptibility and vulnerability to contamination from anthropogenic activities.

There is a distinct seep on the midslopes within Varingkloof, with an associated distinct vegetation but no defined channel. On the lower slope, the drainage down the kloof is visible from the distinct vegetation but is mostly sub-surface with no defined channel. The drainage surfaces near the shoreline form a small coastal wetland. There are also minor patches of coastal wetland along the shore that are fed where deep groundwater surfaces and maintains small patches of sedges.

The site and surrounding area are still mostly natural with little change from pre-development/disturbance conditions. Only localised impacts occur along the roads and at Misty Cliffs. Within the site, it is only the very recent vegetation clearing that appears to have taken place. The initial disturbance was undertaken more than 100m downslope of the seep area and east of the drainage area. It is thus not likely to have had any impact on the seep and Varingkloof drainage area.

With regards to the proposed development of the site, it is proposed to construct a residence with terraces/courtyards and an access road that will cumulatively result in disturbance of not more than 2200 m<sup>2</sup> of the southeastern corner of the site which is about 15 ha in extent. The area of disturbance will be about 60m east of the Varingkloof drainage and seep area and about 50 m upslope of the M65 road. The only aquatic features thus likely to be at any risk of degradation from the proposed activities are the small patches of coastal wetland that are fed from the surfacing of groundwater at the shore. 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 with the tar road in between. Given the above, it is my opinion that no risk assessment in terms of Section 21c and

Section 21i water uses is deemed to be required for the proposed activities nor would any water use authorisation for these water use activities be required.

To mitigate and prevent any potential impact of the activities of the residence on the adjacent aquatic features the following is recommended:

- Adequate stormwater, sanitation and solid waste services must be in place and properly maintained. The stormwater management measures must prevent direct runoff from the residence and road onto the downstream R65 tar road and from there into the sensitive coastal wetlands. Infiltration of stormwater and dispersion of the flow should be encouraged through use of permeable paving, planting of local indigenous vegetation and shaping of the surface to prevent concentration of runoff.
- If a conservancy tank is to be utilised, it must be regularly evacuated and maintained to ensure that no contamination of groundwater takes place.
- Any consideration of groundwater use 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.
- Only appropriate local indigenous vegetation should be utilised to landscape the disturbed areas within the residence and access road, and care should be taken to not introduce any alien invasive plant seed to the site.
- A buffer from the Varingskloof drainage corridor and seep areas, as delineated in Figure 3, should be maintained into which no activities associated with the proposed residence should take place such as the establishment of wide firebreaks (greater than 10m) around the residence or access roads.

### Heritage Notice of Intent – Appendix H3

The proposed dwelling is expected to change the character of a site that exceeds 5000 m<sup>2</sup> in extent and therefore triggers Section 38(1)(c), resulting in the need for a Notification of Intent to Develop (NID). The NID was also prepared in compliance with the s24G application process.

Archaeological resources including fragments of Black Mussel (*Choromytilus meridionalis*) were recorded on the rocky and sandy slopes in the area where vegetation had been cleared. Shell middens were recorded during the site visit on 25 February below the main road outside of the proposed site. The anticipated impact of the development on heritage resources was rated as Low and no further heritage studies were recommended. The response to the NID from Heritage Western Cape supported this conclusion and stated that no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

## 8. IMPACT ASSESSMENT SUMMARY

The below paragraphs summarise the nature and recommended mitigation for the impacts associated with the unauthorised commencement and proposed continued development. The significance ratings for each impact can be found in the tables below.

**The unauthorised indigenous vegetation clearing and damage** was assessed by a botanical specialist (Helme, 2025). Approximately 400 square metres of indigenous vegetation was cleared on Farm 974/1 and approximately 200 square metres was damaged on the adjacent Farm 979/9 which falls part of the Table Mountain National Park. The vegetation in this area was Endangered Cape Flats Dune Strandveld and was largely in pristine condition prior to the unauthorised commencement of vegetation clearing. The clearance of vegetation also resulted in the increased risk of erosion on the site.

The mitigation required for the unauthorised clearing on the site has already been undertaken, with new growth already visible. The steepest parts have been covered with staked biodegradable hessian to control wind and water erosion, loose rock has been re-stacked, and cut vegetation has been stacked in windrows along the contours to break and prevent significant surface flow runoff. Confirmation is being sought from SANParks as to whether the mitigation measures already implemented in respect of the damaged vegetation on the adjacent site are adequate, or whether additional measures are required.

Construction Phase			
Nature of Impact	Impact Significance		
	Proposed development without mitigation	Proposed development with mitigation	Cease and rehabilitate alternative
<b>Impacts associated with unauthorised commencement</b>			
Impact of unauthorised indigenous vegetation clearing and damage	Low negative	Very low negative	None

**CONSTRUCTION-PHASE IMPACTS (should the proposed development continue)**

**Terrestrial biodiversity impacts associated with the construction of the proposed development** will result in a loss of indigenous vegetation within and surrounding the development footprint (<0.1 ha). This vegetation will be cleared to construct the driveway and house, resulting in some permanent loss and some temporary degradation. The botanist recommended several mitigation measures:

- All approved development footprints must be surveyed and staked out prior to any site development. Once this has been done a temporary fence (2 strand rope or wire, and/or with 1m high black shade cloth) must be erected at a reasonable 3m distance from the approved footprints, to allow for working space, and no disturbance of the vegetation beyond this fence may be allowed. No material may be dumped or stored beyond the fence.
- 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.
- Only locally indigenous Fynbos/Strandveld plant species should be planted on site, and the planting list is to be approved by the botanist.
- No soil should be brought onto site, to minimise the likelihood of Argentine ant invasion.

**Faunal impacts due to loss of habitat** are anticipated as a result of direct loss of habitat within the development footprint, as well as construction-related disturbance and displacement due to increased activity on the site. Fragmentation of habitat is not anticipated to be significant, as fauna will still be able to move freely across the site. Fauna known to occur in the area, and which may be impacted, include caracal *Caracal caracal*, Chacma baboon *Papio ursinus*, Porcupine *Hystrix africaeaustralis* tortoise *Chersina angulata*, snakes *Naja nivea* and Cape Grey mongoose *Herpestes pulverulentus*. (Note that the Screening Tool maps Black Harrier and Cape platanna as potential species of concern on the site, but these are not expected to occur on or near the site and will not be impacted). The EAP and aquatic specialist recommended several mitigation measures:

- Should any tortoises or other animals be found on site during construction these animals should be relocated by a suitable to a safe area outside of the construction zone.
- A buffer of at least 50 m from the Varingkloof drainage corridor and seep areas should be maintained into which no activities associated with the proposed house should take place.
- The site should be kept clean and secure during construction to avoid risk of injury or harm to animals typical of the area (e.g. porcupines, caracal and baboons) by abiding by the recommended waste management measures discussed below and in the EMP.
- All excavations are to be inspected daily for fauna and a record of any found and relocated from excavations is to be kept.

**Baboon management impacts during construction** are anticipated as the Chacma baboon (*Papio ursinus*) are widespread on the Cape Peninsula and human-baboon conflict is common. Potential construction-phase issues include both impacts on individuals of this species, and risks to people associated with construction if not appropriately managed. The site is likely to be within the range of the Slangkop or Groot Olifantsbos troops.

Management of baboons and efforts to reduce baboon raiding incidents are guided by the City of Cape Town, SANParks and Cape Nature who are collectively called the Cape Peninsula Baboon Management Joint Task Team. Baboon rangers are employed to deter baboons from raiding. Objectives of the Cape Peninsula Baboon Strategic Management Plan 2023/24 to 2033/34 include ensuring effective waste management and waste holding facilities so that baboons are unable to access human derived foods. The Misty Cliffs Development Guidelines (2010) include baboon-proofing techniques which have been incorporated in the house design and are specified in the EMP.

Specific construction-phase mitigation measures include:

- During construction, keeping the site clean and organised, with disposal of food waste into lockable baboon-proof bins and regular waste removal.
- Provision of environmental awareness training for construction workers that includes training on how to interact with baboons.

**Potential disturbance of watercourses by construction activities** including the interception of flow and contamination of watercourses are potential risks identified by the aquatic specialist. This can occur due to the inadequate management of construction-related waste such as concrete, bricks, effluent and domestic waste.

Proposed mitigation measures include:

- Adequate stormwater, sanitation and solid waste services must be in place and properly maintained. The stormwater management measures must prevent direct runoff from the residence and road onto the downstream R65 tar road and from there into the sensitive

coastal wetlands. Infiltration of stormwater and dispersion of the flow should be encouraged through use of permeable paving, planting of local indigenous vegetation and shaping of the surface to prevent concentration of runoff.

- If a conservancy tank is to be utilised, it must be regularly evacuated and maintained to ensure that no contamination of groundwater takes place.
- Any consideration of groundwater use 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.
- Only appropriate local indigenous vegetation should be utilised to landscape the disturbed areas within the residence and access road, and care should be taken to not introduce any alien invasive plant seed to the site.
- A buffer from the Varingskloof drainage corridor and seep areas, as delineated in Figure 3, should be maintained into which no activities associated with the proposed residence should take place such as the establishment of wide firebreaks (greater than 10m) around the residence or access roads.

**Waste management** during the construction phase is needed due to the generation of general construction-related waste. This includes building materials (e.g. concrete spoil, bricks, tiles etc.), domestic waste, effluent, and recyclable waste (e.g. wood, plastic etc.) which can impact terrestrial and aquatic habitats and the animals that inhabit them.

The associated mitigation measures include:

- Consult with the ECO when determining the appropriate site for the site camp.
- The site camp must be kept neat and tidy and free of litter at all times.
- Waste must be managed according to the EMPr and the mitigation measures listed above in terms of waste management. Good housekeeping practices on site must be maintained to ensure the site is kept neat and tidy.
- The site camp, storage facilities, stockpiles, waste bins, and any other temporary structures on site should be located in such a way that they will present as little visual impact to surrounding residents and road users as possible.

A buffer from the Varingskloof drainage corridor and seep areas, as delineated in Figure 3, should be maintained into which no activities associated with the proposed residence should take place such as the establishment of wide firebreaks (greater than 10m) around the residence or access roads.

**Soil erosion and slope destabilisation** due to the steep nature of the site during the clearing of vegetation and construction of the proposed development poses a safety risk to the users of the coastal main road directly below the site should loose soil and/or rocks fall downslope. Erosion also amplifies the risk of further environmental degradation as a result of loose soils and eroded edges being difficult to rehabilitate and easily windblown (lost from the site).

Mitigation for the potential erosion impacts resulting from the unauthorised clearing has already been implemented including:

- re-stacking of larger rocks,
- stacking of cleared vegetation in contoured windrows, and
- placement of biodegradable hessian textile.

This mitigation is sufficient to reduce the impact of the unauthorised clearing to negligible levels. During future construction, the contractor shall implement appropriate erosion control measures

approved by the environmental control officer, as specified in the Environmental Management Programme (see Appendix I).

**Light impacts** associated with artificial lighting on site during construction can have a negative impact on nocturnal fauna and invertebrates, and pose a nuisance to adjacent land occupiers and road users. This impact is limited to situations where works occur outside of daylight hours, and mitigation measures include:

- Construction activities should be limited to standard working hours in line with municipal requirements.
- Permanent security lighting should be avoided, and – if required – limited to motion-triggered lighting.

**Noise and vibration impacts** associated with earthworks and machinery are expected to be highly localised due to the location of the site outside of the urban area of Misty Cliffs. Recommended mitigation measures include:

- Use of serviced and well-maintained machinery
- Restriction of working hours in line with municipal and provincial requirements
- Noise levels must comply with the relevant health & safety regulations and SANS code

**Dust impacts** associated with earthworks and machinery are also expected to be highly localised, impacting only the site itself and road users. Recommended mitigation measures include:

- Stabilisation of exposed sand
- Dust suppression methods (wetting the sand, use of straw etc.)
- All vehicles transporting sand need to have tarpaulins covering their loads which will assist in any windblown sand occurring off the trucks

**Visual disturbance and impacts on sense of place** associated with the location of the development off the coastal main road, a scenic route and scenic drive in municipal planning. Some visual disturbance is likely during the construction phase, especially for road users, although the construction of the development will not inhibit the sea views of any adjacent properties or road users due to the site being and above the coastal main road (scenic drive). Recommended mitigation measures include:

- Screening of the site can be implemented if necessary to reduce the visual impact on road users
- The construction site is to be managed and monitored in line with the EMP that specifies measure to limit the footprint and visual disturbance.

**Traffic impacts** due to the proposed development being located directly adjacent to the coastal main road include the movement of construction vehicles to and from the site. The small scale of the proposed construction will limit this impact to manageable levels. Permission has been obtained from the local roads authority to construct the proposed access, and mitigation measures have been stipulated in this approval. Traffic management measures should be implemented as may be necessary, including the use of appropriate signage and flag persons to direct traffic when construction vehicles are moving on and off the site.

**Impacts on wildfire management and impacts of wildfire hazard on development** need to be considered as the site is located within a fire-prone and fire-dependent ecosystem, and is located in an area at high risk from periodic wildfires that could damage or destroy structures on the site if not adequately planned and designed for, and managed during the construction phase.

The recommended mitigation measures include:

The house design should be based on the concept of the 'Home Ignition Zone' which acknowledges that most home ignitions in wildfires occur due to embers and small flames:

- Planted trellises – as specified in the design – are not recommended and should be avoided.
- Planted 'green' roofs should only be planted with succulents or other fire-resistant plant species.
- Roof eaves should not have openings that permit embers to blow into the roof space. Vents should be screened with non-combustible mesh, and soffits should be flat to direct fire outward.
- Gutters and fascias should be made from non-combustible materials
- Wooden decks should be avoided.
- Non-combustible roof coverings and wall treatments are required.
- Roof sprinklers or an irrigation system that permits the wetting down of walls, gutters, and surrounding vegetation should be installed.

Construction-phase mitigation measures:

- The Contractor shall take all reasonable steps to avoid increasing the risk of fire through activities on site.
- The Contractor shall ensure that basic fire-fighting equipment is available at all construction areas and facilities.
- Smoking shall not be permitted in those areas where it is a fire hazard. Such areas shall include any areas where the vegetation or other material is such as to make liable the rapid spread of an initial flame.
- A fire extinguisher of the appropriate type must be present when welding or other "hot" activities are undertaken.
- The Contractor shall appoint a fire officer who shall be responsible for ensuring immediate and appropriate action in the event of a fire.
- The Contractor shall ensure that all site personnel are aware of the procedure to be followed in the event of a fire.
- The Contractor shall submit a fire control and fire emergency method statement to the ECO for approval. The method statement shall detail the procedures to be followed in the event of a fire and the name of the appointed fire officer.
- Fire-fighting equipment shall be available.

**Construction-related socio-economic impacts** include the temporary employment for construction workers and economic support to companies from which building materials are bought which has, albeit small, positive impacts on the local economy.

Construction Phase			
Nature of Impact	Impact Significance		
	Proposed development without mitigation	Proposed development with mitigation	Cease and rehabilitate alternative
<b>Anticipated impacts should authorisation be granted</b>			
Terrestrial biodiversity impacts due to the proposed continued development of the house and access road	Low negative	Low negative	None
Faunal impacts due to loss of habitat	Low negative	Very low negative	None
Baboon management	Low negative	Very low negative	None
Potential disturbance of watercourses by construction activities	Very low negative	None	None
Waste management	Low negative	Very low negative	None
Soil erosion and slope destabilisation	Low negative	Very low negative	None
Light impacts	Low negative	Very low negative	None
Noise and vibration impacts	Low negative	Very low negative	None
Dust impacts	Low negative	Very low negative	None
Visual disturbance / impacts on sense of place	Very low negative	Very low negative	None
Traffic impacts	Very low negative	Very low negative	None
Impacts on wildfire management and impacts of wildfire hazard on development	Medium negative	Very low negative	None
Construction-related socio-economic impacts	Low positive	Low positive	None

## POST-CONSTRUCTION PHASE IMPACTS

**Impacts on wildlife management and impacts of wildfire hazard on development** due to the site being located within a fire-prone and fire-dependent ecosystem, and is located in an area at high risk from periodic wildfires that could damage or destroy structures on the site if not adequately planned and designed for, and managed during the post-construction phase.

The design of the site also has implications for local wildfire management, as it will be necessary for fire services to access and defend the structures on the property during a wildfire, and the risk to responders' safety must also be managed for. (The future exclusion of regular fire from the area immediately surrounding the proposed development is separately assessed as an ecological impact, forming part of the impacts on terrestrial ecosystems described below).

The recommended mitigation measures include:

The house design should be based on the concept of the 'Home Ignition Zone' which acknowledges that most home ignitions in wildfires occur due to embers and small flames. See the recommendations regarding the house design in the construction-phase section above.

### Fuel breaks

Given the small scale of the proposed development and its relative isolation, the fuel breaks / firebreaks are proposed to be primarily focused on the creation of defensible space immediately around the house, and the maintenance of a safe access and egress route for responders and residents.

- Firebreaks must be prepared and maintained as indicated in the EMPr – with a width of between 8 and 10 metres, narrowing to approximately 6 metres east of the driveway where their width is constrained by the property boundary.
- Firebreaks must be prepared by brush cutting, by hand, and must not include ploughing or ripping of topsoil.
- Firebreak maintenance must take place in October-November annually, and must result in significantly reduced fuel loads and low vegetation heights within the break. They should be prepared in such a way as to permit 4x4 vehicle access when required for firefighting
- Waste material from firebreak preparation must be disposed of by mulching or composting on site, but may not be stacked within 5 metres of the break itself.

### Response

It is the property owner's responsibility to ensure that wildfires are reported to the City of Cape Town's Fire and Rescue Services. They shall provide the following detail, to the best of their ability, based on the availability of information:

- Location of the fire;
- Fire intensity;
- The speed and direction in which the fire is moving;
- Structures and people at risk.

### Resources

The City of Cape Town and SANParks firefighting resources will respond quickly in the event of a wildfire, but the landowner is required by the Veld and Forest Fire Act to have sufficient resources at their disposal to act as a first response. It is proposed that this should include at least –

- Sufficient hoses and connection points surrounding the house to provide for water supply wherever required. A fire-services compatible geka or storz coupling on taps is recommended.

- At least two fire beaters and sufficient PPE for the occupants of the house (flash hood, gloves, and boots) are to be maintained.

#### Prescribed fire

As the site is predominantly fynbos, prescribed burning will be necessary from time to time if natural wildfires do not occur sufficiently frequently. The scale of the site and proposed development are not such as to warrant the preparation of a specific plan for prescribed fire and ecological burns. However, the landowner must cooperate with SANParks in respect of any prescribed fire planned for on adjacent properties, to incorporate the upper parts of the site into such burns.

**Post-construction waste generation** includes the production of general domestic waste. If inappropriately managed, waste could lead to pollution of the site and surrounds, and could aggravate impacts on fauna and risks posed by conflict with baboons. Grey water and sewage will also be produced, and if discharged on site would have significant negative environmental impacts including nutrient enrichment of soils and the introduction of pollutants to watercourses.

Recommended mitigation measures include:

- Waste must be disposed of appropriately (i.e. collected by municipal services or taken to a licensed waste management facility).
- Conservancy tanks must be routinely pumped out and sewage taken to an appropriate wastewater treatment facility.

**Post-construction light pollution** may impact on nocturnal animals by altering their habits, and may have negative effects on invertebrates and bat populations. Artificial light can affect the behaviour, circadian rhythms and reproduction of invertebrates. For example, many invertebrates rely on light from the moon and stars to navigate and this can be disrupted when artificial lights are present. When invertebrates are drawn to artificial lights, this can attract bats and increase their risk of predation. Additionally, a visual impact altering the rural nature of the site and surrounds may occur if inappropriate lighting is installed on the site.

The recommended mitigation measures include:

- Motion or lux sensors must be installed on all outdoor lights to ensure lights are not left on unnecessarily.
- Lighting must be directed downward.
- All outdoor lighting must be low height and low energy, and installed only where strictly necessary for security and/or wayfinding purposes.

**Post-construction baboon management** is needed in response to issues including impacts on individuals of this species, and risks to people associated with human-wildlife conflict. The site is likely to be within the range of the Slangkop or Groot Olifantsbos troops.

Specific measures that must be implemented by the applicants in the design include:

- Provision of double lockable baboon-proof bin systems
- Fitting of burglar guards on opening windows, with a gap not exceeding 8cm
- Storage of bins indoors or in a lockable cage
- Exclusion of any fruit trees and external compost heaps unless in a locked caged area or surrounded by fencing.

**Post-construction impact on indigenous vegetation** was assessed by the botanist and includes loss of previous levels of good ecological connectivity across the area, and associated habitat fragmentation, likely disruption of natural fire cycles in close proximity to the house, plus the difficulty to measure impacts of indigenous seed dispersal disruption by invasive alien Argentine ants (*Linepithema humile*).

Argentine ants are associated with human settlement (typically foraging up to 50 m away from their nests) and outcompete the indigenous ants, which are adapted to distributing and burying the seeds of up to 35% of the Fynbos plant species. Not only do they outcompete the indigenous ants, but they do not bury the seeds (like the indigenous ants do), and leave them at the surface to get predated by rodents, leading to near total collapse of ant-based seed dispersal in these areas. This can be a subtle and difficult to measure impact, as it happens over an extended period (typically a few fire cycles), and is thus often overlooked in assessments, but it should not be discounted.

Recommended mitigation measures include:

- Only locally indigenous Fynbos/Strandveld plant species should be planted on site, and a planting list is to be approved by the botanist as an addendum to the EMPr.
- No topsoil should be imported to site for landscaping purposes, to minimise the likelihood of Argentine ant invasion.

**Potential pollution of watercourses** due to general domestic waste, grey water and sewage will also need to be managed to avoid negative environmental impacts.

Recommended mitigation measures include:

- Adequate stormwater, sanitation and solid waste services must be in place and properly maintained.
- A buffer from the Varingskloof drainage corridor and seep areas, as delineated in Figure 3, should be maintained into which no activities associated with the proposed residence should take place such as the establishment of wide firebreaks (greater than 10m) around the residence or access roads.
- Conservancy tanks must be routinely cleaned and sewage taken to an appropriate wastewater treatment facility.

**Post-construction visual impacts and sense of place** associated with the proposed development being located above a scenic drive. Existing regulations do not provide adequate protection against structures on the upper side of scenic routes on abutting erven and can have a negative impact, particularly on mountain views according to the Scenic Drive Network Management Plan (2003).

General recommended policy guidelines include:

- Generally, long deep plots should allow staggered system of terraces, a more gradual vegetated slope and the preservation of mountain views.
- No boundary wall on the upper side of a scenic drive should be higher than 1.5 m from the back of footway level.
- An angle from the top of the boundary wall determined by maximum height above natural ground level (e.g. 6m) should be stipulated above which no development should be allowed to occur.

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 consisting of Fynbos/Strandveld vegetation approved by the botanist. 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 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.

The zoning of the site restricts the height and area of the development to not more than 1500 m<sup>2</sup> in floor space size and 10 m tall as a primary use. The design and character of the private, small, single residential dwelling incorporates stone-faced walls and indigenous planting around the house. Due to the location of the house upslope of the road, the visual impact to road users is expected to be minimal and the sense of place and character of the house aligns with that of the Misty Cliffs residential area (according to the 2010 Misty Cliffs Development Guidelines).

Post-construction Phase			
Nature of Impact	Impact Significance		
	Proposed development without mitigation	Proposed development with mitigation	Cease and rehabilitate alternative
Impacts on wildfire management and impacts of wildfire hazard on development	Medium negative	Very low negative	None
Post-construction waste generation	Low negative	None	None
Post-construction light pollution	Low negative	Very low negative	None
Post-construction baboon management	Low negative	Very low negative	None
Post-construction impact on indigenous vegetation	Low-medium negative	Low-medium negative	None
Potential pollution of watercourses	Very low negative	None	None
Post-construction visual impacts / sense of place	Low negative	Very low negative	None

**9. SUMMARY OF THE CONSEQUENCES OF/ IMPACTS OF THE UNLAWFULLY COMMENCED ACTIVITY/IES**

Please provide a detailed summary of the consequences/impacts of commencement of the activity/ies on the environment.

The unauthorised commencement of vegetation clearing on the site included the clearance of approximately 400 m<sup>2</sup> of indigenous vegetation (predominantly Endangered Cape Flats Dune Strandveld) cleared from the site (Farm 974/1) and approximately 200 m<sup>2</sup> indigenous vegetation damaged on the adjacent land (Farm 979/9) which is part of Table Mountain National Park. The consequences of this included the loss and damage of indigenous vegetation and subsequent increase in erosion risk.

**Loss of indigenous vegetation and increase in erosion risk**

The ~400 m<sup>2</sup> of indigenous vegetation cleared from the site (Farm 974/1) falls within the area classified as Cape Flats Dune Strandveld and it is likely that only two plant SoCC maybe have been in the impacted area (*Cliffortia carinata* and *Asparagus lignosus*), and in both cases the portions of the property level populations would have been less than 3%. The clearing of indigenous vegetation resulted in the soil being exposed which caused an erosion risk, amplified by the steep topography of the site. Rehabilitation and erosion mitigation measures were implemented on the site to prevent further environmental degradation and safety risk to road users. These measures included:

- Steep exposed areas covered with staked biodegradable biddum cloth
- Loose rocks brought downslope to prevent rockslides (e.g. stacked along the M65)
- Cut branches stacked in secure piles used to create natural contours where the slope is more gradual to reduce runoff and erosion during construction
- Seed from on-site damaged vegetation was shaken out onto the bare surfaces between the stacked vegetation piles

Regrowth is occurring of site as indicated in the photographs below:



**Photograph 6: Regrowth of indigenous vegetation occurring on site – Farm 974/1 (photographs taken on 4 April 2025)**



**Photograph 7: Regrowth of indigenous vegetation and grasses on site – Farm 974/1 (photographs taken on 8 October 2025)**

**Damage to indigenous vegetation on adjacent land (Farm 979/9)**

During the unauthorised clearing of vegetation on the site (Farm 974/1), the contractor appears to have driven over and cut vegetation on the adjacent land (Farm 979/9) with a bulldozer or equivalent vehicle (see Photograph 3). This could have been as a result of the contractor searching for a more gradual slope from which to access the site, although no connection with the road is evident and this was not under the instruction of the applicant or project manager.



**Photograph 8: Aerial image of the vegetation cleared from the site (Farm 974/1) and adjacent land (Farm 979/9) taken on 26 February 2025**

An on-site inspection and discussion with the TMNP representative Monique Sham (the Regional Planner for SANParks) occurred on site on 4 April 2025 where the rehabilitation of the area was discussed. Due to the activity on Farm 979/9 being trampling rather than removal of vegetation, and regrowth in this area already prominent (see photographs below) no active rehabilitation is deemed necessary. The monitoring of the regrowth is recommended and removal of any opportunistic alien species is required (e.g. Rooikrans – *Acacia cyclops*).



**Photograph 9: Regrowth of indigenous vegetation on Farm 979/9 where trampling and brush cutting occurred (photographs taken on 4 April 2025)**



**Photograph 10: Regrowth of indigenous vegetation on Farm 979/9 where trampling and brush cutting occurred (photographs taken on 8 October 2025)**

### **Aquatic ecosystems**

The unauthorised vegetation clearing was undertaken more than 100m downslope of the seep area and east of the drainage area. It is thus not likely to have had any impact on the seep and Varingkloof drainage area.

The abovementioned impacts relate only to the unauthorised commencement and the residual botanical impact of the unauthorised clearing of indigenous vegetation is considered to be Very Low negative. All other impacts assessed in this report fall part of the proposed application for Environmental Authorisation and do not relate specifically to the unlawfully commenced activity.

**10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES**

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures.

Should the proposed development be granted authorisation an Environmental Control Officer needs to be appointed. The additional mitigation measures associated with the proposed continuation of the development are included in the EMPr – Appendix I.

(b) Describe the ability of the applicant to implement the management, mitigation and monitoring measures.

The applicants have the necessary resources and are eager to implement the required management, mitigation and monitoring measures should the proposed development be granted authorisation. This is demonstrated in the rapid response of the applicant in appointing an EAP once informed about the need for environmental authorisation, as well in taking steps to rehabilitate and mitigate erosion as soon as this risk was identified.

**Please note:** A draft **ENVIRONMENTAL MANAGEMENT PROGRAMME** must be attached to this application as **Appendix I**.

**Please refer to Appendix I.**

## **SECTION G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES**

(a) Please describe adequacy of the assessment methods used.

The impacts associated with the development were identified and assessed through the following activities:

- The EAP:
  - Conducted two site visits, including an aerial drone survey, to gain an understanding of the local context and biophysical characteristics of the property;
  - Reviewed recent and historical imagery of the site
  - Discussed with the client the activities that took place
  - Reviewed applicable legislation, policies, plans and guidelines
  - Consult with SANParks regarding the damage to vegetation on Farm 979/9, and, if necessary, required rehabilitation
- A Botanical Assessment was conducted by Nick Helme Botanical Surveys
- An Aquatic Specialist Assessment was conducted by Toni Belcher
- A public participation process is being undertaken as part of the section 24 G process to consult with interested and affected parties and organs of state.

To retrospectively assess the impacts of the activities, specialist assessments considered the state of adjacent areas, historical imagery, and expert knowledge of local systems. These were utilised

as a baseline against which to compare the current state of the site, subsequent to implementation of the unlawful activities.

Assessments of the significance of impacts is based on the 2006 DEAT *Guideline on Assessment of Alternatives and Impacts*, and considers their

- Spatial extent,
- Duration,
- Probability,
- Irreplaceability of resource loss, and
- Reversibility.

The impacts were assessed for the implemented activities, and for the option of the ceasing the activities and rehabilitating the site, with and without the implementation of proposed mitigation measures.

It is the EAP's opinion that the assessment methods utilised were adequate to the purpose.

(b) Please describe the assessment criteria used.

The assessment criteria below are adapted from the DEAT 2006 *Guideline on Assessment of Alternatives and Impacts*.

Impacts are defined as the changes in an environmental parameter that result from undertaking an activity. The change is the difference between the effect on the environmental parameter where the activity is undertaken compared to that where the activity is not undertaken. Impacts occur over a specific period and within a defined area.

Impacts may occur during the construction, operational and decommissioning phases of the development, and may be direct, indirect and/or cumulative in nature.

- Direct impacts are impacts that are caused directly by the activity and generally occur at the same time and at the place of the activity. These impacts are usually associated with the construction, operation or maintenance of an activity and are generally obvious and quantifiable.
- Indirect impacts of an activity are indirect or induced changes that may occur as a result of the activity. These types of impacts include all the potential impacts that do not manifest immediately when the activity is undertaken or which occur at a different place as a result of the activity.
- Cumulative impacts, in relation to an activity, means the past, current and reasonably foreseeable future impact of an activity, considered together with the impact of activities associated with that activity, that in itself may not be significant, but may become significant when added to the existing and reasonably foreseeable impacts eventuating from similar or diverse activities.

The impacts were rated in terms of their :

- **Spatial extent** – The size of the area affected by the impact:
  - Immediate (site only);
  - Local (<2 km from site);
  - Regional (within 30 km of site);

- National; or
- International.
- **Duration** – The timeframe during which the impact will be or was experienced:
  - Temporary (less than 1 year);
  - Short term (1 to 6 years);
  - Medium term (6 to 15 years);
  - Long term (the impact will cease after the operational life of the activity); or
  - Permanent (reversal will not occur in such a way or in such a time span that the impact can be considered transient).
- **Reversibility** – The extent to which the impacts will be reversible when the project has reached the end of its life cycle (decommissioning phase, if applicable):
  - High reversibility of impacts (impact is highly reversible at end of project life);
  - Moderate reversibility of impacts;
  - Low reversibility of impacts; or
  - Impacts are non-reversible (impact is permanent).
- **Irreplaceability of resources lost** – the degree to which the impact causes irreplaceable loss of resources:
  - High irreplaceability of resources (project will destroy unique resources that cannot be replaced);
  - Moderate irreplaceability of resources;
  - Low irreplaceability of resources; or
  - Resources are replaceable (the affected resource is easy to replace/rehabilitate).

Using the criteria above, the impacts are further assessed in terms of the following:

**Probability** – The probability of the impact occurring:

- Improbable;
- Unlikely;
- Probable; or
- Very likely.

**Significance** – Will the impact cause a notable alteration of the environment?

- Low to very low (the impact may result in minor alterations of the environment and can be easily avoided by implementing appropriate mitigation measures, and will not have an influence on decision-making);
- Medium (the impact will result in moderate alteration of the environment and can be reduced or avoided by implementing the appropriate mitigation measures, and will only have an influence on the decision-making if not mitigated); or
- High (the impacts will result in major alteration to the environment even with the implementation on the appropriate mitigation measures and will have an influence on decision-making).

**Status** – Whether the impact on the overall environment will be:

- Positive - environment overall will benefit from the impact;
- Negative - environment overall will be adversely affected by the impact; or
- Neutral - environment overall will not be affected.

Impact mitigation measures have been incorporated into the EMPr which includes where appropriate:

- Standards for measuring and monitoring mitigatory measures and enhancements, and a programme for monitoring and reviewing the recommendations to ensure their ongoing effectiveness; and
- Mitigation and management measures to avoid or reduce negative impacts.

Other aspects taken into consideration in the assessment of impact significance were:

- Impacts were evaluated for the construction and operation phases of the development.
- Impacts were evaluated with and without mitigation, stating the effectiveness of mitigation measures to reduce the significance of a particular impact;
- The impact evaluation took into consideration the cumulative effects associated with this and regional land use change.

(c) Please describe the gaps in knowledge.

The following are the gaps in knowledge associated with this retrospective application:

- The rationale behind the contractor trampling vegetation on the adjacent land (Farm 979/9), although assumed to be related to accessing the site, is unclear.
- Initial discussions with SANParks regarding rehabilitation measures on site occurred on 4 April 2025 for the area of vegetation damaged on Farm 979/9. Due to the resprouting occurring on site, it is expected that no further active rehabilitation will be necessary, although this will be confirmed in further consultations.
- Services availability associated with the provision of waste, water and electricity services is unknown at this stage.

(d) Please describe the underlying assumptions.

It is assumed that all statements and information received from the applicant concerning the operations, are correct and impartial. Moreover, it is assumed that if the listed activities are authorised, the mitigation and management measures recommended in this report and the EMPr will be implemented by the applicant.

(e) Please describe the uncertainties.

Uncertainties are similar to the gaps in knowledge described in (c) above.

## SECTION H: RECOMMENDATIONS OF THE EAP

In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for.

**YES**

NO

If "NO", list the aspects that should be further assessed through additional specialist input/assessment:

Not applicable

If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:

Applicant should be directed to cease the activity:

YES

**NO**

Please provide reasons for your opinion

The applicants appointed an EAP as soon as they became aware of the need for an Environmental Authorisation. The applicant is eager and able to rectify non-compliance and implement the required management, mitigation and monitoring measures should the proposed development be granted authorisation. The activities that were undertaken without authorisation were assessed in terms of the impacts on terrestrial biodiversity, aquatic systems, and social aspects. Various mitigation measures have been recommended and included in the EMPr to further reduce negative impacts where possible.

An Environmental Impact Assessment requires an environmental impact statement as stated the 2014 NEMA EIA Regulations (as amended). This includes a summary of the key findings of the EIA, a map of the proposed activity and associated structures in relation to environmental sensitivities, and a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

The key findings of the environmental impact assessment are as follows:

- The biodiversity impact associated with the unauthorised clearing of vegetation is considered to be of Very Low negative significance after mitigation. The implemented erosion mitigation and rehabilitation measures were successful and resprouting is already occurring on site. Regrowth is also evident in the area of damaged vegetation on Farm 979/9, and initial discussions with SANParks have occurred regarding the need to monitor this regrowth for alien species. No significant aquatic impacts occurred as a result of the unauthorised clearing.

There are various additional impacts associated with the proposed continuation of the development.

- During construction, with the appropriate mitigation measures (included in the EMPr – Appendix I), general construction-related potential negative impacts associated with waste, erosion, light, noise, vibration, traffic, visual and sense of place are anticipated to be of very low significance.
- Should the proposed development receive authorisation the preferred alternative is the development of the residential dwelling below the 48 m contour as recommended by the botanical specialist to avoid (where possible) and minimise negative impacts on the indigenous vegetation present on site. The post-construction botanical impacts associated with the development of the proposed dwelling and access road are expected to be of Low to Medium negative significance largely due to the potential disruption of fynbos seed dispersal associated with the alien Argentine ant species which is often associated with human settlement.
- No significant aquatic impacts are expected to occur should authorisation be granted due to the small scale of the activities in relation to the watercourses on and below the site. The potential disturbance of watercourses on site can be adequately mitigated such that no impact on these ecosystems should occur during or post construction.
- Wildfire is an important consideration due to the site being located within a fire-prone and fire-dependent ecosystem, and in an area at high risk from periodic wildfires that could damage or destroy structures on the site if not adequately planned and designed for, and managed. For ecological and practical reasons, it is not recommended that a firebreak be installed along

the entire property boundary. Instead the applicants' focus should instead be on ensuring sufficient defensible space. Firebreaks are proposed, along with other fire risk mitigation measures.

- Faunal impacts associated with direct loss of habitat within the development footprint, as well as construction-related disturbance and displacement due to increased activity on the site are expected to have a Low negative impact prior to mitigation but Very Low negative impact post mitigation. Fragmentation of habitat is not anticipated to be significant, as fauna will still be able to move freely across the site.
- Human-wildlife conflict associated with Chacma baboons which are widespread on the Cape Peninsula needs to be avoided as far as practicable through design and operational measures.
- The proposed development has been designed with careful consideration of its surroundings and natural elements. The stepped design includes terraces and stone clad walls 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.

The No Go alternative would have a lower indirect (operational phase) botanical impact than the clearing of the development area, although given its agricultural zoning there are a variety of theoretical impacts that could take place (such as heavy grazing, cultivation) but which are unlikely in this area. Confidence in the likelihood (or absence) of impacts is moderate to high, and the No Go alternative would on balance be the preferred alternative from a botanical perspective, with perhaps a Neutral botanical impact. However, the zoning in place does allow for a dwelling (and other buildings) of up to a total of 1500 m<sup>2</sup>. The proposed 750 m<sup>2</sup> single residential development can be considered as a reasonable use of the site given that the land is privately owned, and the development of the single residential dwelling is designed with various green technologies and considerations of aesthetic elements. It is in the landowner's best interest to maintain the natural indigenous beauty of the site where their house is to be located, and they intend to include indigenous rehabilitation in the design and construction of their home additional to that intended to rectify the unauthorised removal of indigenous vegetation.

Given the fact that the negative impacts can be satisfactorily mitigated, and the applicant has a reasonable expectation of developing a single residential house on this piece of privately owned land according to the zoning of the land, it is the opinion of the EAP that the applicant should not be directed to cease the activity but should instead be granted authorisation in terms of section 24G of the NEMA.

If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.

The mitigation, management and monitoring requirements of the Environmental Management Programme (EMPr) (refer to Appendix I) should be implemented by the applicant.

An independent Environmental Control Officer should be appointed for the duration of the construction phase to monitor compliance with the EMPr.

# SECTION I: REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION

This section is only applicable to instances where Section 49A (2) of NEMA applies. Please list all steps that were taken in response to the incident or emergency situation.	
Not applicable	X000954

**Please note:**

Section 30 of NEMA deals with the procedures to be followed for the control of emergency incidents and Section 30A deals with procedures to be followed in the case of emergency situations.

## SECTION J: PUBLIC PARTICIPATION

### 1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

#### 1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement).

<b>"The applicant must place a preliminary advertisement in-</b>
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.
An advertisement was placed in the <i>False Bay Echo</i> on 01 May 2025 complying with the requirements set out in the regulations as well as the requirements of the EIA Regulations for public participation.
(3) The applicant must open and maintain a register of interested and affected parties.
A register of interested and affected parties was opened during the pre-application public participation process.
(4) The <b>register must be attached to the application form and included in the report</b> , or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of- (a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application; (b) all persons who have requested the applicant, in writing, to place their names on the register; and (c) all organs of state that have jurisdiction in respect of the activity to which application relates."
The register of interested and affected parties will form part of the application form submitted to the competent authority after completion of public participation. The contact information of I&APs

will be redacted in versions of the report made available for public comment, to ensure compliance with the Protection of Personal Information Act, 2013.

Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper.

- An advertisement was placed in the *False Bay Echo* on Thursday 01 May 2025. The advertisement invited I&APs to register to participate in the public participation process, for a period of at least 20 days (according to requirements for pre-liminary advertisement).
- A notice was placed on the EAP's website for the same 20-day period mentioned above, and reports were made available on the EAP's website for public access.

The above participation was conducted in respect of activities on farm 974/1 and 979/9.

Please indicate whether the applicant has a website (please tick relevant box):

YES	<b>NO</b>
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If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application.

The application was advertised on the EAP's website, [www.infinityenv.co.za/mistycliffs](http://www.infinityenv.co.za/mistycliffs)

**NOTE: The details of the first round of public engagement in accordance with the 2017 s24G Fine Regulations can be found in the Public Participation Report (Appendix G).**

**Please note: Annexure A: Section D attached to this Application form must be strictly adhered to.**

## 1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

1. In terms of regulation 41 of the EIA Regulations, 2014 -			
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -			
(i) the site where the activity to which the application relates is or is to be undertaken; and	<b>YES</b>	DEVIATION	
(ii) any alternative site	YES	DEVIATION	<b>N/A</b>
(b) giving written notice, in any manner provided for in section 47D of the NEMA, to -			
(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	<b>N/A</b>
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	<b>YES</b>	DEVIATION	
(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	<b>YES</b>	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	<b>YES</b>	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	<b>YES</b>	DEVIATION	

(vi) any other party as required by the Department;	YES	DEVIATION	N/A
(c) placing an advertisement in -			
(i) one local newspaper; or	YES	DEVIATION	
(ii) any official <i>Gazette</i> that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	YES	DEVIATION	N/A
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	DEVIATION	N/A
(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	YES	DEVIATION	N/A
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE: 2. The NEM: WA requires that a notice must be placed in at least two newspapers.			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	NO	
If "NO", then an application for exemption from the requirement must be applied for.			

1. Provide a list of all the state departments that has been / will be consulted:		
List of State Depts.	Comment obtained (YES/NO)	If not, provide reasons
CapeNature	<u>Yes</u>	
SANParks	<u>Yes (pre-app consultation)</u>	
City of Cape Town	<u>Yes</u>	
DEA&DP: Development Management	<u>Yes (pre-app consultation)</u>	
DEA&DP: Rectification	<u>Yes (pre-app pre-directive)</u>	
DEA&DP: Environmental and Heritage Management	<u>Yes</u>	
DEA&DP: Environmental Law Enforcement	<u>No</u>	<u>No comment received</u>
DEA&DP: Waste Management	<u>No</u>	<u>No comment received</u>
DEA&DP: Pollution & Chemicals Management	<u>No</u>	<u>No comment received</u>
DEA&DP: Biodiversity Management	<u>Yes</u>	
DEA&DP: Coastal Management	<u>Yes</u>	
DFFE: Oceans and Coasts	<u>Yes</u>	

<p>2. Provide a summary of the issues raised by I&amp;APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed. (The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)</p> <p><b>The below summarised the issues raised during the pre-application consultation phase in terms of the section 24G Fine Regulations, 2017:</b></p> <ul style="list-style-type: none"> <li>Concerns regarding safe access to the site were raised which were responded to by providing details regarding the revised design of the carriageway and access road, as well as the necessary road safety signage.</li> <li>CapeNature commented that no further development of the site should occur on the property other than this application to conserve the natural state of the site. The response confirmed that no other development on the site is planned and that the applicant intends to preserve the rest of the site in its natural state.</li> <li>Concerns regarding the impact of the proposed development on the coastal wetland seeps was raised, and this was responded to by referring to the aquatic specialists statement and mitigation measures.</li> </ul>
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- Concerns raised about potential Kikuyu grass on the site, which was responded to by confirming that the botanical specialist visited the site to check and identified the grass to be the widespread annual ryegrass which shouldn't present a long-term problem when the fynbos returns
- Concerns about the visual impact of the development were raised and these were addressed by referring to the redesign of the house to better integrate it within the surrounding landscape and the associated four different perspectives modelled (Appendix B).
- Clarification about the design, materials and colour of the house were responded to by describing these aspects, which were also added to the revised report.
- Concern regarding construction-related impacts associated with erosion and risk to wildlife were responded to and mitigation added to the EMPr (Appendix I).
- Concern regarding the location of an existing water main traversing the site was raised, and the response included an investigation and communication with the relevant city departments to get the precise location of the main in relation to the proposed development. The water main is confirmed to be downslope of the proposed house footprint but underneath the proposed access road. Further communication with the Regional Manager for Water Reticulation Infrastructure regarding conditions, servitudes and/or any required wayleave related to the water main crossing the site will occur.
- Clarification regarding rehabilitation measures implemented on the SANParks land on which vegetation was damaged was requested, and the botanist responded that rehabilitation (limited to spreading of previously cut branches) was undertaken on the SANParks section, and that no additional intervention or monitoring is needed. 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. The specialist confirmed that no additional monitoring or action required to ensure optimal recovery.
- The clear demarcation of TMNP boundaries was requested during construction, which has been included in the EMPr (Appendix I).
- Fire risk and management measures were requested, and the response highlighted the sections of the draft s24G report that addressed these concerns. Fire mitigation measures are also included in the EMPr (Appendix I).

**The below summarises the issues raised during the application consultation phase in terms of the NEMA EIA Regulations, 2014 (as amended):**

- Clarification was requested regarding wildfire mitigation measures, and the responses referred to the relevant sections of the report that address these concerns.
- Concern regarding the visual impact of the proposed development in relation to the scenic drive was raised by CCT Spatial Planning. The response highlighted how the visual investigation undertaken by the architects shows how the proposed house and associated infrastructure is to be designed to integrate the development into the natural landscape.
- CCT Environmental Management confirmed that their concerns raised during the first round of engagement were addressed.
- CCT Biodiversity Management Branch confirmed the interim mitigation measures are appropriate, and that planning for a 1:100 year storm event should be considered. They requested clarification regarding the need for and design of fencing. The response confirmed that the remainder of the site is to remain unfenced and no fencing around the proposed development footprint is planned.
- CCT Water and Sanitation raised the concern about the existing water main traversing the site, and highlights that no structures should be built over the existing water infrastructure.

The response noted that 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

- Clarification regarding the statutory process, mechanisms for future prevention of such occurrences, and the relevant monitoring of compliance, rehabilitation and oversight. The need for minimal development footprint and earthmoving on the pristine site was noted, as well as requirement for plant search and rescue prior to commencement of activities should the development go ahead. These aspects were responded to with reference to where the s24G report has addressed such aspects.

**The below summarises the comments received during the final 21-day comment and review period (30 January 2026 – 20 February 2026).**

- Concerns raised about potential impact to coastal public property and coastal protection zone. This was responded to by confirming that no impact on coastal processes or coastal public access is expected as the site is landward of the coastal main road. Any potential impacts to the coastal wetland habitat below the main road has been included in the s24G report, as well as the associated mitigation measures recommended by the aquatic specialist.
- Adequate consideration of the no-go alternative given that the site is within a CBA1. This was responded to by noting that the site is also zoned for agriculture and is privately-owned. The use of the site for a single residential dwelling is permitted in terms of the municipal planning by-law. Therefore, given the nature of the development, the specialists' and EAP's assessment consider the small-scale house and driveway an appropriate use of the site, on the condition that all recommended mitigation measures in this report and EMPr are implemented.
- Concern regarding the potential loss of endangered vegetation, even if small. This was responded to by referring to the botanical impact assessment which has accounted for the endangered vegetation on site.
- The monitoring of operational impacts and need for the precautionary principle. This was responded to by highlighting the mitigation measures relevant to the operational phase.
- The need for long-term enforceability and responsibility. This was responded to by confirming that long-term compliance will be monitored by an Environmental Auditor.
- Concern regarding the cumulative impacts. This was responded to by referring to the relevant sections of the report that address these aspects.
- Need for the precautionary principle and responsible ecological monitoring and management. This was responded to by referring to sections that indicate how the precautionary principle was considered, through the identification and assessment of potential impacts and associated mitigation measures.
- The potential need for biodiversity offset or stewardship mechanisms. This was responded to by noting that the landowner is committed to undertaking basic ecological management activities including invasive alien control and fire management and intends to preserve the rest of the site in its natural state.

**3. Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.**

The conditional aspects highlighted by Organs of State include:

**Spatial Planning & Environment: EMD:**

- Coastal Management: would not support any form of development or infrastructure on the tiny portion on the seaward side of the road.

**Spatial Planning & Environment: EMD:**

- Heritage Resources Section: should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

**Water and Sanitation: Water Demand Management:**

- No structures are permitted to be built over existing water infrastructure.
- The Water and Sanitation Directorate requires the applicant to consult with the Regional Manager for Water Reticulation 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. Confirmation from the Regional reticulation official Eva Muinamia will be sought prior to commencement of work.

**SANParks:**

- The boundary of the TMNP be clearly demarcated on site.
- 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

**Department of Forestry, Fisheries and the Environment: Oceans and Coasts:**

- The applicant has a responsibility to act in a manner that discourages Ex post-Facto incidents within the coastal zone. The applicant should pay an administrative fine determined by the competent authority before this application is considered.

**All the mitigation measures recommended by the specialists should be implemented and adhered to.**

**Please note:**

- **A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.**
- **All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.**
- **The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.**
- **Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.**

## 2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014

Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above.

No deviation is proposed or expected.

## 3. LIST OF STATE DEPARTMENTS

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.			
State Department	Name of person	Contact details	
CapeNature	Ismat Adams	E-mail	iadams@capenature.co.za
SANParks	Chad Cheney and Monique Sham	E-mail	chad.cheney@sanparks.org Monique.Sham@sanparks.org
City of Cape Town Environmental and Heritage Management	Andrew Greenwood	E-mail	Andrew.Greenwood@capetown.gov.za
Department of Water and Sanitation	Nelisa Ndobeni	E-mail	NdobeniN@dws.gov.za
DEA&DP: Development Management	Zaahir Toefy	E-mail	deadp.eiaadmin@westerncape.gov.za
DEA&DP: Rectification	Naadiya Wookey and Zaidah Toefy	E-mail	Naadiya.Wookey@westerncape.gov.za zaidah.toefy@westerncape.gov.za
DEA&DP: Environmental Law Enforcement	Derryn Hirst and Dale Wakefield	E-mail	Derryn.Hirst@westerncape.gov.za dale.wakefield@westerncape.gov.za
DEA&DP: Waste Management	Lance McBain-Charles	E-mail	Lance.McBain-Charles@westerncape.gov.za
DEA&DP: Pollution & Chemicals Management	Natasha Davis Wolmarans	E-mail	natasha.davis-wolmarans@westerncape.gov.za
DEA&DP: Biodiversity Management	Marlene Laros	E-mail	marlene.laros@westerncape.gov.za
DEA&DP: Coastal Management	Mercia Liddle and Ieptshaam Bekko	E-mail	Mercia.Liddle@westerncape.gov.za ieptshaam.bekko@westerncape.gov.za
DFFE: Oceans and Coasts	Tabisile Mhlana	E-mail	oceia@dfef.gov.za

### Please note:

A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.

**NOTE: As per the Pre-Directive received from the Department of Environmental Affairs and Development Planning: Rectification on 04 June 2025 (ref /2/4/2/1/A6/70/0011/25), an additional 21-day commenting period occurred between Friday 30 January 2026 and Friday 20 February 2026 on the final s24G report.**

## PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM

### SECTION A: DIRECTIVES

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

i	<i>immediately cease the activity pending a decision on the application submitted in terms of this subsection</i>
ii	<i>investigate, evaluate and assess the impact of the activity on the environment</i>
iii	<i>remedy any adverse effects of the activity on the environment</i>
i v	<i>cease, modify or control any act, activity, process or omission causing pollution or environmental degradation</i>
v	<i>contain or prevent the movement of pollution or degradation of the environment</i>
v i	<i>eliminate any source of pollution or degradation</i>
v ii	<i>compile a report containing-</i>
aa	<i>a description of the need and desirability of the activity</i>
bb	<i>an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity</i>
cc	<i>a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity</i>
dd	<i>a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed</i>
ee	<i>an environmental management programme</i>
v iii	<i>provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.</i>

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

#### **Please Note:**

Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive.

The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.

**SECTION B: DEFERRAL OF THE APPLICATION**

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

- (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
- (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or
- (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

<i>Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that <u>is not subject to this application</u> and in any province in the Republic?</i>	YES _____	<b>NO</b> _____	UNCERTAIN _____
<i>If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.</i>			
NA			
<i>Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?</i>	YES _____	<b>NO</b> _____	UNCERTAIN _____
<i>If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.</i>			
NA			
<i>Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA <u>in terms of which this application directly relates?</u></i>	YES _____	<b>NO</b> _____	UNCERTAIN _____
<i>If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.</i>			
NA			

If you have answered yes or uncertain to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

**SECTION C: QUANTUM OF THE SECTION 24G FINE**

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, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form.

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor.

**Note that the quantum of the fine should be determined based only on the activity that took place prior to environmental authorisation: the clearance of approximately 400 m<sup>2</sup> of indigenous vegetation on Farm 974/1. The remainder of the proposal has had no impact on the environment and will not proceed unless authorised.**

**PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES**

Index	Socio Economic Impact	Place an "x" in the appropriate box
	Description of variable	
	<b>The activity is not giving, has not given and will not give rise to any negative socio-economic impacts</b>	X
	The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
	The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
	The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts.	
	Motivation: The activity – the clearing of approximately 400 square metres of indigenous vegetation – has not resulted in any negative socioeconomic impacts. Positive socioeconomic impacts, albeit very small and localised, include the temporary employment of a contractor.	

Index	Biodiversity Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any impacts on biodiversity	
	<b>The activity is giving, has given or could give rise to localised biodiversity impacts</b>	X
	The activity is giving, has given or could give rise to significant biodiversity impacts	
	The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	

Motivation:
The activity – the clearing of approximately 400 square metres of indigenous vegetation – has resulted in the loss of critically endangered vegetation (Peninsula Sandstone Fynbos) from the site (Farm 974/1) as well as damage to the vegetation on the adjacent land (Farm 979/9) which falls part of the Table Mountain National Park. The impacts are localised, and the regrowth of the damaged vegetation on the adjacent land (Farm 979/9) will be monitored and alien species removed at the applicant's expense and as directed by TMNP.

Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
	Description of variable	
	<b>The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage</b>	X
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
Motivation:		
As confirmed by Heritage Western Cape, no significant negative impacts on heritage resources are anticipated.		

Index	Pollution Impact	Place an "x" in the appropriate box
	Description of variable	
	<b>The activity is not giving, has not given and will not give rise to any pollution</b>	X
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	
Motivation:		
The activity – the clearing of approximately 400 square metres of indigenous vegetation – has not resulted in any environmental pollution.		

**PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT**

Index	Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
	Description of variable	
	<b>Administrative action was previously taken against the applicant in respect of the abovementioned provisions.</b>	X
	No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken.	

Administrative action was <u>not</u> previously taken against the applicant in respect of the abovementioned provisions.	
Explanation of all previous administrative action taken in respect of the above:	
<b>Ref. No. 14/1/1/E1/6/6/3/0917/25 Pre-Compliance Notice dated 05 March 2025 and Compliance Notice 31 March 2024, but take note that the applicant's initiation of the Section 24G application process pre-dates both of these administrative actions.</b>	

Index	Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
Description of variable		
	The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
	No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity.	
	<b>The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.</b>	<b>X</b>
Explanation of all previous convictions in respect of the above:		
<b>The applicant has received no other previous convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Act.</b>		

Index	Number of section 24G applications previously submitted by the applicant	Place an "x" in the appropriate box
Description of variable		
	Previous applications in terms of section 24G of NEMA were submitted by the applicant.	
	No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.	
	No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	
	<b>None of the above</b>	<b>X</b>
Explanation in respect of all previous applications submitted in terms of section 24G:		
<b>No other section 24G applications in terms of NEMA have been submitted by the applicant.</b>		

**PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES**

Index	Applicant's legal persona	Place an "x" in the appropriate box
Description of variable		
	<b>The applicant is a natural person.</b>	<b>X</b>
	The applicant is a firm.	
Describe the firm:		

Index	Any other relevant information that the applicant would like to be considered.
	<p>Motivate and explain fully:            In the understanding of the applicant, only municipal approval for building plans and construction of an access road would be required, since the site is zoned for agricultural purposes. The applicant was not aware of the requirement to obtain prior environmental authorisation for activities listed in terms of the NEMA. Commencement of vegetation clearing was undertaken in response to instructions given by the then appointed architect on receipt of approval from CCT Roads Infrastructure and Management Department regarding the design of the carriageway and access road. The civil contractor cleared approximately 400 square metres of vegetation from the site under the instruction of the architect at the time, but also damaged an area of approximately 200 square metres on the adjacent land using an excavator which was not part of the instruction. This is likely due to the contractor looking for a more gradual access point to the site which is located on a steep slope, although no connection to the road was made.</p> <p>It should be noted that the applicant is not South African and therefore has less knowledge of the local legislation so is reliant on the appointed professionals for guidance and direction. On being made aware the applicant ceased all works immediately and approached an EAP to obtain advice on the authorisation requirements. The applicant was and is eager to rectify the damage done and rehabilitate areas at their own cost. The applicant approached DEA&amp;DP to rectify the unauthorised activity <u>before</u> a Precompliance Notice was issued. The aforementioned behaviours indicate that the applicant responded in good faith and that there was no malicious intent behind the unauthorised commencement of activities, but rather that the applicant was misinformed.</p>

**NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.**

#### SECTION D: PRELIMINARY ADVERTISEMENT

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. It must include the following:

- the date;
- the location;
- the applicable legislative provision contravened; and
- the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

**NOTE:** Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

## PART 3 -

**APPENDICES**

The following appendices must, where applicable, be attached to this form:

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	✓
Appendix B:	Site plan(s)	✓
Appendix C:	Building plans (if applicable)	Refer to Appendix B
Appendix D:	Colour photographs	✓
Appendix E:	Biodiversity overlay map	✓
Appendix F:	Permit(s) / license(s) from any other organ of state including service letters from the municipality	✓
Appendix F1:	Roads Infrastructure and Management Approval	✓
Appendix G:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information as required in Section J above.	✓
Appendix H:	Specialists Reports	✓
Appendix H1:	Aquatic Compliance Statement	✓
Appendix H2:	Botanical Impact Assessment	✓
Appendix H3:	Heritage NID, HWC comment and palaeontologist comment	✓
Appendix I:	Environmental Management Programme	✓
Appendix J:	Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.	✓
Appendix K:	Certified copy of Identity Document of Applicant	/
Appendix L:	Certified copy of the title deed (or title deeds in the case of linear activities)	✓
Appendix M:	Any Other (if applicable) (describe)	✓
Appendix M1:	Screening Tool Report	✓
Appendix M2:	Site Sensitivity Verification Report	✓
Appendix M3:	Civil Engineering Services Report	✓

Where an application has been made in terms of the waste management activities, please complete and annex Annexure 1 as in the following:

Annexures for waste listed activity/ies supporting information		Tick the box if Annexure is attached
<b>Annexure 1</b>	Waste listed activities supporting information (as in prescribed attached form)	
<b>Other</b>	(please list accordingly)	

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**DECLARATIONS**

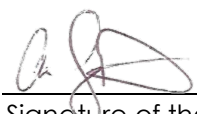
DECLARATION OF THE APPLICANT

**Note:** Duplicate this section where there is more than one Applicant.

I, Aaron Samuels....., ID number X00095456.....in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA;
- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I appointed the Environmental Assessment Practitioner ("EAP") (if not exempted from this requirement) which:
  - meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
  - meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;
- I will provide the EAP and any specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
  - costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
  - costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
  - Legitimate costs in respect of specialist(s) reviews; and
  - the provision of security to ensure compliance with applicable management and mitigation measures;
- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority, hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I or the EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

**Note:** If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.



**February 23, 2026**

Signature of the Applicant:

Date:

Name of Firm (close corporation/company/trust etc.) (if applicable):

DECLARATION OF THE APPLICANT

**Note:** Duplicate this section where there is more than one Applicant.

I, Rachael Joseph....., ID number X00095457.....in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA;
- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I appointed the Environmental Assessment Practitioner ("EAP") (if not exempted from this requirement) which:
  - meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
  - meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;
- I will provide the EAP and any specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
  - costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
  - costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
  - Legitimate costs in respect of specialist(s) reviews; and
  - the provision of security to ensure compliance with applicable management and mitigation measures;
- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority, hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I or the EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

**Note:** If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.



February 23, 2026

Signature of the Applicant:

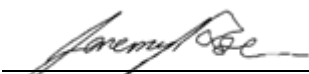
Date:

Name of Firm (close corporation/company/trust etc.) (if applicable):

**DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)**

I **Jeremy Rose** EAPASA Registration number **2019/1116** as the appointed EAP hereby declare/affirm the correctness of the information provided or to be provided as part of this application, and that:

- in terms of the general requirement to be independent:
  - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review EAP must be submitted);
- in terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- I have disclosed/will disclose, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;
- I have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded, responded to and submitted to the Competent Authority in respect of this application;
- I have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- I have kept/will keep a register of all interested and affected parties that participated in the public participation process;
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;

  
 Signature of the EAP:

**23 February 2026**

Date:

INFINITY ENVIRONMENTAL (PTY) LTD  
 Name of company (if applicable):

**PART 4 -**

**ANNEXURE B - SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)**

**1. WASTE QUANTITIES**

Indicate or specify types of waste and list the estimated quantities (expected to be) managed daily (should you need more columns; you are advised to add more)

**Note:** In this case of hazardous waste, the National Department of Environmental Affairs is the relevant competent authority to consider the 24G application.

Non-hazardous waste	Total waste handled (tonnes per day)

Source of information supplied in the table above Mark with an "X"

Determined from volumes	<input type="checkbox"/>
Determined with weighbridge/scale	<input type="checkbox"/>
Estimated	<input type="checkbox"/>

**1.1. Recovery, Reuse, Recycling, treatment and disposal quantities:**

Indicate the applicable waste types and quantities expected to be disposed of and salvaged annually:

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	QUANTITIES		ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE DISPOSAL
		Tons/ Month	M <sup>3</sup> / Month	Method & Location	Method & Location and Contractor details	

**2. GENERAL**

Prevailing wind direction (e.g. NWW)

November – April	<input type="checkbox"/>
May - October	<input type="checkbox"/>

The size of population to be served by the facility:

	Mark with "X"	Comment
0-499	<input type="checkbox"/>	
500-9,999	<input type="checkbox"/>	
10,000-199,999	<input type="checkbox"/>	
200,000 upwards	<input type="checkbox"/>	

**LANDFILL PARAMETERS (If applicable)**

The method of disposal of waste:

Land-building  Land-filling  Both

**The dimensions of the disposal site in metres**

	At commencement	After rehabilitation

**The total volume for the disposal of waste on the site:**

Volume Available	Mark with "X"	Source of information (Determined by surveyor/ Estimated)
Up to 99		
100-34 999		
35 000- 3,5 million		
>3,5 million		

**The total volume already used for waste disposal on the site:**

(a) Will the waste body be covered daily	Yes	No
(b) Is sufficient cover material available	Yes	No
(c) Will waste be compacted daily	No	No

If the answers (a) and/or (b) are No, what measures will be employed to prevent the problems of burning or smouldering of waste and the generation of nuisance?

**The Salvage method**

Mark with an "X" the method to be used.

At source	<input type="checkbox"/>
Recycling installation	<input type="checkbox"/>
Formal salvaging	<input type="checkbox"/>
Contractor	<input type="checkbox"/>
No salvaging planned	<input type="checkbox"/>

**Fatal flaws for the site:**

Indicate which of the following apply to the facility for a waste management activity:

Within a 3000m radius of the end of an airport landing strip	Yes	No
Within the 1 in 50-year flood line of any watercourse	Yes	No
Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes)	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within an area adjacent to or above an aquifer	Yes	No
Within an area with shallow bedrock and limited available cover material	Yes	No
Within 100 m of the source of surface water	Yes	No
Within 1km from the wetland	Yes	No

Indicate the distance to the boundary of the nearest residential area  
 Indicate the distance to the boundary of the industrial area

	metres	area
	metres	

Wettest six months of the year

November- April	
May -October	

For the wettest six-month period indicated above, indicate the following for the preceding 30 years

	Total rainfall for 6 months	Total rainfall for 6 months	Total rainfall for 6 months
For the 1st wettest year			
For the 2nd wettest year			
For the 3rd wettest year			
For the 4th wettest year			
For the 5th wettest year			
For the 6th wettest year			
For the 7th wettest year			
For the 8th wettest year			
For the 9th wettest year			
For the 10th wettest year			

Location and depth of ground water monitoring boreholes:

Codes of the boreholes	Borehole locality	Depth (m)	Latitude	Longitude
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "

Location and depth of landfill gas monitoring test pit:

Codes of the boreholes	Borehole locality	Latitude	Longitude
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "

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