



LORNAY
ENVIRONMENTAL CONSULTING

PROOF OF PUBLIC PARTICIPATION

Proposed Residential Development on the Remainder of the Farm 281, Struisbaai,
Bredasdorp RD

November 2025

Consultant:

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPASA
cell: 083 245 6556 | michelle@lornay.co.za | www.lornay.co.za
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

CONTENTS

1. INTRODUCTION	3
2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE	4
3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:	7
4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE	9
5. NEWSPAPER ADVERTISEMENT	18
6. NOTICEBOARDS	19
7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR ORGANS OF STATE	21
8. ORGANS OF STATE COMMENT RECEIVED DURING PRE-APPLICATION PUBLIC PARTICIPATION	138
9. SUMMARY OF PUBLIC COMMENTS RECEIVED DURING PPP 1	199

APPENDIX LIST

- Appendix F1 - Proof of PPP Report (This document)
- Appendix F2a - Public Comments report which includes all Comments Received from the I&APs
- Appendix F2b - Public Comments report which includes all Comments Received from the I&APs
- Appendix F2c - Public Comments report which includes all Comments Received from the I&APs
- Appendix F3 - Summary of Interested and Affected Parties (I&APs) Comments.
- Appendix F4 - Generic Public Objection comments
- Appendix F5 - Agulhas Heritage Society Comment
- Appendix F6 - Interested and Affected Parties Register for Public

1. INTRODUCTION

The Public Participation Process (PPP) was undertaken in accordance with the requirements of the Environmental Impact Assessment (EIA) Regulations, as promulgated under the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), as amended. The process was conducted in line with the 2014 NEMA EIA Regulations, published in Government Gazette No. 38282 under Government Notices R983, R984 and R985 of 4 December 2014 (as amended).

As part of the PPP 1, all potential Interested and Affected Parties (I&APs), as well as applicable Organs of State, were notified of the availability of the Draft (pre-application) Basic Assessment Report (BAR). The Draft BAR was made available for public comment during the first round of public participation, which extended over a 30-day period in **February and March 2025**. During this period, I&APs and organs of state were afforded the opportunity to register, submit comments, and participate in the process.

Public notification measures included the placement of an on-site notice board, as well as the publication of an advertisement in the local newspaper, ensuring that the broader public was informed of the proposed development and the opportunity to comment. A Comments and Response Report was compiled to document all input received, and an I&AP register was maintained throughout the process in compliance with the legislative requirements.

The second round of Public Participation (PPP2) was undertaken in **November and December 2025**. All registered I&APs were notified of their opportunity to submit comments. In addition to the required public participation measures, an additional newspaper advertisement was published in the Suidernuus on the 07 November 2025 to ensure that all interested parties are sufficiently informed of the second round of public participation. A hard copy was placed at the Struisbaai Cape Agulhas Municipal Office, and a noticeboard was also placed on site again. A 30-day commenting period is provided to allow all I&APs and stakeholders adequate time to review the updated documentation and submit their written comments.

2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE

In line with the requirements of NEMA, all potential Interested and Affected Parties (I&APS) were identified and notified of the project and provided with an opportunity to comment. This included applicable organs of state:

PRE-APPLICATION PUBLIC PARTICIPATION	
<p>WC Government Env Affairs & Dev Planning Development Management N. Mabasa Registry Office 1st Floor, Utilitas Building 1 Dorp Street 8001</p> <p>Cape Nature Rhett Smart rsmart@capenature.co.za</p> <p>Cape Agulhas Municipality Sunel Nel PO Box 20 Hermanus 7200 info@capeagulhas.gov.za</p> <p>Heritage Western Cape Protea Assurance Building Green Market Square Cape Town 8001 021 483 9689 Ayanda.Mdludlu@westerncape.gov.za</p>	<p>Overberg District Municipality F. Kotze / R. Volschenk Private Bag x 22 Bredasdorp 7280 F. Kotze</p> <p>Department of Agriculture Land Management Cor van Der Walt Private Bag x 1 Elsenburg 7607 CorvdW@elsenburg.com</p> <p>Ward 5 - Struisbaai Councillor Eksteen AndriesE@capeagulhas.gov.za ward5info@mail.com</p> <p>Mr. Pierre Massyn pfmassyn@gmail.com</p> <p>Paul Boshoff paulb@urbanconcept.co.za</p>
IAPS	
<p>Agulhas Heritage Society and Conservation Body Derick Burger derick.burger@outlook.com Emmerentia De Kock agulhas.heritage@gmail.com</p> <p>Whale Coast Conservation Pat Miller wcc.greenhouse@gmail.com</p>	<p>Suidpunt Ratepayers Association – Celia Lourens cmlourens@gmail.com</p>

FARM 22/281 Searl Derman maxleigh@iafrica.com	ERF 1004 Esaba Mining Solutions Pty Ltd esabaminings@gmail.com
ERF 1261 Cape Agulhas Municipality POSBUS 51 Bredasdorp 7280	Erf 1005 Marthinus Jacobus Du Toit libertas@lentic.net
ERF 2008 Cape Agulhas Municipality POSBUS 51 Bredasdorp 7280	ERF 1006 P B Eiendoms Trust napierywyn@gmail.com
ERF 1992 Cape Agulhas Municipality POSBUS 51 Bredasdorp 7280	ERF 1007 W B Pratt Trust info@villetdewet.co.za
ERF 1993 Jacobus Lodewicus Uys puys@wesbank.co.za	ERF 1008 Johan Vos Hugo johanvosshugo@gmail.com
ERF 1994 Johannes Willem Conradie ters.conradie@parmalat.co.za	ERF 1009 Nanette Nel karien.lambrechts@klinc.co.za
ERF 1995 Peter Bens & Maria Elizabeth Reynolds pbreynolds@cwnet.co.za	ERF 1010 Braam Groenewald langhoogte@whalemail.co.za
ERF 1990 Henry Urban Pratt hvboerdery@gmail.com	ERF 1991 Catharina Johanna Van Der Merwe jorinevdmerwe@gmail.com
ERF 1988 Dirk Johannes Louis Kamfer sandrakamfer@gmail.com Jenning Street 64, Strand 7140	ERF 1989 Plooiruggens Trust excelsior@swellendam.com
ERF 2004 Jacobus & Stephan & Catharina & Anna Barkhuizen koosbarkhuizen101@gmail.com	ERF 1987 Nicholas Paul Joubert nick@crossboy.co.za
ERF 2022 Van de Merwe Familietrust	ERF 4301 Cliffhaven 1957 Pty Ltd robert@waterbergtoyota.co.za
	ERF 2023

vandermerwe.jap@gmail.com

Axel Hans Dieter & Gerda Utikal

Axel.Urban@t-online.de

ERF 2024

Johann Hermann Hendrina Albe Mulder

johann.mulder52@gmail.com

IAP list provided by Ters conradie

Ters.Conradie@za.lactalis.com

_hesterrobinson@gmail.com

PBReynolds@cwnet.co.za

esabamining@gmail.com

puys@Wesbank.co.za

andrewolhuter@gmail.com

hercules@fabfresh.co.za

esmari@ruggens.co.za

dirkie@streichers.co.za

rachelviljoen1@gmail.com

libertas@lantic.net

vandermerwe.jap@gmail.com

robert@waterbergtoyota.co.za

info@cliffhaven.co.za

franco@werth.co.za

Lorraine.Uys@standardbank.co.za

smit.darel777@gmail.com

ldevries@simonsig.co.za

andreswart.personal@gmail.com

daniedewet@dewetshof.com

Yvonne.Conradie@wtwco.com

design@punch.co.za

tania@twk.co.za

mariaanjr@gmail.com

strepies@everitt.co.za

DirkvdM@bvi.co.za

phillipv@jwr.co.za

alizevandermerwe@gmail.com

johannesmerwe@gmail.com

Derickdevries5@gmail.com

dehandevries@gmail.com

janadevries1@gmail.com

3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:

The I&APs identified above were given written notice of the proposed development, via registered mail or registered mail, as appropriate. The written notice included details of the applicable legislation, the proposed development and means to provide comment or register as I&AP. See written notice below:



NOTICE OF PUBLIC PARTICIPATION FOR BASIC ENVIRONMENTAL IMPACT ASSESSMENT IN TERMS OF NEMA

Notice is hereby provided, in accordance with the Environmental Impact Assessment (EIA) regulations, as stipulated under the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the 2014 NEMA EIA Regulations (as amended) as published in Government Gazette No. 38282, Government Notice R983, R984, and R985, on 4 December 2014, to register as a Interested and Affected Party (I&AP) and provide comments on the Pre-application Basic Assessment Report for the *Proposed Spookdraai Residential Development on Remainder of the Farm No. 281, Struisbaai, Bredasdorp RD.*

LORNAY REF: REM-281

DEA&DP REFERENCE: 16/3/3/6/7/1/E1/13/1406/23

APPLICANT: Helemika Number 1 (Pty) Ltd

LOCATION: Remainder of the Farm No. 281, Struisbaai

PROJECT OVERVIEW: The proposed development involves the establishment of the Spookdraai Residential Development comprising of 6 single residential erven and associated infrastructure on the Remainder of the Farm No. 281, Struisbaai.

LISTED ACTIVITIES: The following Listed Activities are applied for in terms of the NEMA EIA Regulations:

- **Listing Notice 1 (GN R983):** Activity 17; 19A
- **Listing Notice 3 (GN R985):** Activity 12

A copy of the Pre-Application Basic Assessment Report is available for public review and download on our website, or upon request. Interested and Affected Parties (I&APs) are invited to register and/or provide comments on the application during the public participation period from **03 February 2025 to 05 March 2025**.

HOW TO PARTICIPATE: Please register or submit your comment via the following details:

Lornay Environmental Consulting
For Att: Michelle Naylor
Tel: 083 245 6556
Email: michelle@lornay.co.za
Website: www.lornay.co.za

IMPORTANT NOTICE: In accordance with the Protection of Personal Information Act (POPI Act, 2023), by registering and commenting as an I&AP your name and comments will be made public.



*Environmental Impact Assessments | Basic Assessments | 24G
Applications | Water Use License Applications | Environmental Audits*

*Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07
Unit 5/1F, Hemel & Aarde Wine Village, Hermanus*

4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE

Written notice was provided to I&APs and Organs of State via registered mail or courier, as indicated in the proofs below:

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Thursday, 30 January 2025 15:09
To: 'derick.burger@outlook.com'; 'agulhas.heritage@gmail.com'; 'wcc.greenhouse@gmail.com'; 'maxleigh@iafrica.com'; 'puys@wesbank.co.za'; 'ters.conradie@parmalat.co.za'; 'PBReynolds@cwnet.co.za'; 'hvboerdery@gmail.com'; 'sandrakamfer@gmail.com'; 'koosbarkhuizen101@gmail.com'; 'Jap van der Merwe'; 'esabaminings@gmail.com'; 'johann.mulder52@gmail.com'; 'libertas@lantic.net'; 'napierwyn@gmail.com'; 'info@villetdewet.co.za'; 'johanvoshugo@gmail.com'; 'karien.lambrechts@klinc.co.za'; 'langhoogte@whalemail.co.za'; 'jorinevdmerwe@gmail.com'; 'excelsior@swellendam.com'; 'nick@crossboy.co.za'; 'robert@waterbergtoyota.co.za'; 'Axel.Urban@t-online.de'
Cc: 'Ters.Conradie@za.lactalis.com'; 'hester robinson'; 'PBReynolds@cwnet.co.za'; 'esabaming@gmail.com'; 'puys@wesbank.co.za'; 'andrewolhuter@gmail.com'; 'hercules@fabfresh.co.za'; 'esmari@ruggens.co.za'; 'dirkie@streichers.co.za'; 'rachelviljoen1@gmail.com'; 'libertas@lantic.net'; 'Jap van der Merwe'; 'robert@waterbergtoyota.co.za'; 'info@cliffhaven.co.za'; 'franco@werth.co.za'; 'Lorraine.Uys@standardbank.co.za'; 'Darel Smit'; 'ldevries@simonsig.co.za'; 'andreswart.personal@gmail.com'; 'Danie De Wet'; 'Conradie, Yvonne'; 'Tiaan PUNCH'; 'tania@twk.co.za'; 'mariaanjvrb@gmail.com'; 'strepies@everitt.co.za'; 'DirkvdM@bvi.co.za'; 'phillipv@jwr.co.za'; 'alizevandermerwe@gmail.com'; 'johannesmerwe@gmail.com'; 'Derickdevries5@gmail.com'; 'dehandevries@gmail.com'; 'janadevries1@gmail.com'
Subject: Notice of Pre-Application Public Participation | RE281, Struisbaai
Attachments: Notice of Public Participation 1 RE281 Struisbaai.pdf

Dear Interested and Affected Party and / or Organ of State,

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23
LORNAY Ref: REM-281

Please see attached notice of the first round of Public Participation for the proposed residential development on RE281, Struisbaai. Public participation commences on the 31 January 2025 and runs until the 3 March 2025

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY
ENVIRONMENTAL CONSULTING

Michelle Naylor
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAA
Hemel & Aarde Wine Village – Unit 5/1F

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Thursday, 30 January 2025 15:21
To: 'cmlourens@gmail.com'
Subject: Notice of Pre-Application Public Participation | RE281, Struisbaai
Attachments: Notice of Public Participation 1 RE281 Struisbaai.pdf

Dear Interested and Affected Party and / or Organ of State,

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23
LORNAY Ref: REM-281

Please see attached notice of the first round of Public Participation for the proposed residential development on RE281, Struisbaai. Public participation commences on the 31 January 2025 and runs until the 3 March 2025

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY
ENVIRONMENTAL CONSULTING

Michelle Naylor
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAsa
Hemel & Aarde Wine Village – Unit 5/1F
PO Box 1990, Hermanus, 7200, South Africa
T +27 (0) 83 245 6556
E michelle@lornay.co.za | W www.lornay.co.za
Reg No. 2015/445417/07 | Vat. Reg. 429 031 9468

You are receiving communication from us for professional reasons or as an identified Interested and Affected Party only. The Protection of Personal Information Act (POPIA) requires that we protect your information and that we obtain your consent to communicate with you in the future.

If you wish to be removed from any data list, simply state so or we will remove your details.

Note that we will only use your personal information in a confidential and professional manner relating to this specific project.

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Thursday, 30 January 2025 15:24
To: 'Ntanqanedzeni Mabasa'; 'Andrea Thomas'; DEADP EIA Admin
Cc: Rulien Volschenk; Rhett Smart; Cor Van der Walt; 'Brandon Layman'; 'Sunel Nel'; 'info@capeagulhas.gov.za'; 'HWC HWC'
Subject: Notice of Pre-Application Public Participation | RE281, Struisbaai
Attachments: Notice of Public Participation 1 RE281 Struisbaai.pdf

Dear Interested and Affected Party and / or Organ of State,

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23
LORNAY Ref: REM-281

DEADP – N. Mabasa
ODM – R. Volshenk
CAPE NATURE – R. Smart
DEPT. OF AGRICULTURE – C. van Der Walt
CAPE AGULHAS MUNI – S. Nel
HERITAGE WESTERN CAPE – Heritage Admin

Please see attached notice of the first round of Public Participation for the proposed residential development on RE281, Struisbaai.

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor

M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIA

Hemel & Aarde Wine Village – Unit 5/1F

PO Box 1990, Hermanus, 7200, South Africa

T +27 (0) 83 245 6556

E michelle@lornay.co.za | W www.lornay.co.za

Reg No. 2015/445417/07 | Vat. Reg. 429 031 9468

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Thursday, 30 January 2025 15:26
To: 'paulb@urbanconcept.co.za'; 'Andries Eksteen'; 'ward5info@mail.com';
'pfmassyn@gmail.com'; 'cmlourens@gmail.com'
Subject: FW: Notice of Pre-Application Public Participation | RE281, Struisbaai
Attachments: Notice of Public Participation 1 RE281 Struisbaai.pdf

Dear Interested and Affected Party and / or Organ of State,

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23
LORNAY Ref: REM-281

Please see attached notice of the first round of Public Participation for the proposed residential development on RE281, Struisbaai.
Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor

M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAsa

Hemel & Aarde Wine Village – Unit 5/1F

PO Box 1990, Hermanus, 7200, South Africa

T +27 (0) 83 245 6556

E michelle@lornay.co.za | W www.lornay.co.za

Reg No. 2015/445417/07 | Vat. Reg. 429 031 9468

You are receiving communication from us for professional reasons or as an identified Interested and Affected Party only.
The Protection of Personal Information Act (POPIA) requires that we protect your information and that we obtain your consent to communicate with you in the future.

If you wish to be removed from any data list, simply state so or we will remove your details.

Note that we will only use your personal information in a confidential and professional manner relating to this specific project.

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Saturday, 01 February 2025 09:30
To: 'Ntanganedzeni Mabasa'; 'Andrea Thomas'; DEADP EIA Admin
Cc: Rulien Volschenk; Rhett Smart; Cor Van der Walt; 'Brandon Layman'; 'Sunel Nel'; 'info@capeagulhas.gov.za'; 'HWC HWC'
Subject: RE: Notice of Pre-Application Public Participation | RE281, Struisbaai - Closing 5 March
Attachments: Notice of Public Participation 1 RE281 Struisbaai Amended timeframe.pdf

Dear Interested and Affected Party and / or Organ of State,

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23
LORNAY Ref: REM-281

DEADP – N. Mabasa
ODM – R. Volschenk
CAPE NATURE – R. Smart
DEPT. OF AGRICULTURE – C. van Der Walt
CAPE AGULHAS MUNI – S. Nel
HERITAGE WESTERN CAPE – Heritage Admin

The matter below has reference. We have noticed a clerical error on our notice of public participation below. Please see attached amended notice of the first round of Public Participation for the proposed development – **the commenting period has been amended to close on the 5th March.**

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor

M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAs

Hemel & Aarde Wine Village – Unit 5/1F

PO Box 1990, Hermanus, 7200, South Africa

T +27 (0) 83 245 6556

E michelle@lornay.co.za | W www.lornay.co.za

Reg No. 2015/445417/07 | Vat. Reg. 429 031 9468

You are receiving communication from us for professional reasons or as an identified Interested and Affected Party only. The Protection of Personal Information Act (POPIA) requires that we protect your information and that we obtain your consent to communicate with you in the future.

If you wish to be removed from any data list, simply state so and we will remove your details.

Note that we will only use your personal information in a confidential and professional manner relating to this specific project.

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Saturday, 01 February 2025 09:33
To: 'cmlourens@gmail.com'; 'Andries Eksteen'; 'ward5info@mail.com';
'ward5info@gmail.com'; 'derick.burger@outlook.com'; 'wcc.greenhouse@gmail.com';
'Pat Miller'; 'pfmassyn@gmail.com'; 'paulb@urbanconcept.co.za'
Subject: FW: Notice of Pre-Application Public Participation | RE281, Struisbaai - Closing 5 March
Attachments: Notice of Public Participation 1 RE281 Struisbaai Amended timeframe.pdf

Dear Interested and Affected Party and / or Organ of State,

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23
LORNAY Ref: REM-281

The matter below has reference. We have noticed a clerical error on our notice of public participation below. Please see attached amended notice of the first round of Public Participation for the proposed development – **the commenting period has been amended to close on the 5th March.**

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIA
Hemel & Aarde Wine Village – Unit 5/1F
PO Box 1990, Hermanus, 7200, South Africa
T +27 (0) 83 245 6556
E michelle@lornay.co.za | W www.lornay.co.za
Reg No. 2015/445417/07 | Vat. Reg. 429 031 9468

You are receiving communication from us for professional reasons or as an identified Interested and Affected Party only. The Protection of Personal Information Act (POPIA) requires that we protect your information and that we obtain your consent to communicate with you in the future.

If you wish to be removed from any data list, simply state so and we will remove your details.

Note that we will only use your personal information in a confidential and professional manner relating to this specific project.

From: michelle@lornay.co.za <michelle@lornay.co.za>
Sent: Thursday, 30 January 2025 15:24
To: 'Ntanganedzeni Mabasa' <Ntanganedzeni.Mabasa@westerncape.gov.za>; 'Andrea Thomas' <Andrea.Thomas@westerncape.gov.za>; DEADP EIA Admin <DEADPEIAadmin@westerncape.gov.za>
Cc: Rulien Volschenk <rvolschenk@odm.org.za>; Rhett Smart <rsmart@capenature.co.za>; Cor Van der Walt <Cor.VanderWalt@westerncape.gov.za>; 'Brandon Layman' <Brandon.Layman@westerncape.gov.za>; 'Sunel Nel'

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Saturday, 01 February 2025 09:46
To: 'maxleigh@iafrica.com'; 'puys@wesbank.co.za'; 'Ters.Conradie@za.lactalis.com'; 'ters.conradie@parmalat.co.za'; 'PReynolds@cwnet.co.za'; 'hvboerdery@gmail.com'; 'Jap van der Merwe'; 'koosbarkhuizen101@gmail.com'; 'sandrakamfer@gmail.com'; 'johann.mulder52@gmail.com'; 'esabamining@gmail.com'; 'esabaminings@gmail.com'; 'libertas@lantic.net'; 'libertas@lantic.net'; 'napierwyn@gmail.com'; 'info@villetdewet.co.za'; 'johanvoshugo@gmail.com'; 'langhoogte@whalemail.co.za'; 'Karien Lambrechts'; 'jorinevdmerwe@gmail.com'; 'excelsior@swellendam.com'; 'nick@crossboy.co.za'; 'robert@waterbergtoyota.co.za'; 'Axel.Urban@t-online.de'; 'hester robinson'; 'PReynolds@cwnet.co.za'; 'esabamining@gmail.com'; 'puys@wesbank.co.za'; 'andrewolhuter@gmail.com'; 'hercules@fabfresh.co.za'; 'esmari@ruggens.co.za'; 'dirkie@streichers.co.za'; 'rachelviljoen1@gmail.com'; 'libertas@lantic.net'; 'Jap van der Merwe'; 'robert@waterbergtoyota.co.za'; 'info@cliffhaven.co.za'; 'franco@werth.co.za'; 'Lorraine.Uys@standardbank.co.za'; 'Darel Smit'; 'ldevries@simonsig.co.za'; 'andreswart.personal@gmail.com'; 'Danie De Wet'; 'Conradie, Yvonne'; 'Tiaan PUNCH'; 'tania@twk.co.za'
Cc: 'Ters.Conradie@za.lactalis.com'; 'mariaanjvrb@gmail.com'; 'strepies@everitt.co.za'; 'DirkvdM@bvi.co.za'; 'phillipv@jwr.co.za'; 'alizevandermerwe@gmail.com'; 'johannesmerwe@gmail.com'; 'Derickdevries5@gmail.com'; 'dehandevries@gmail.com'; 'janadevries1@gmail.com'
Subject: FW: Notice of Pre-Application Public Participation | RE281, Struisbaai - Closing 5 March
Attachments: Notice of Public Participation 1 RE281 Struisbaai Amended timeframe.pdf

Dear Interested and Affected Party and / or Organ of State,

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23
LORNAY Ref: REM-281

The matter below has reference. We have noticed a clerical error on our notice of public participation below. Please see attached amended notice of the first round of Public Participation for the proposed development – **the commenting period has been amended to close on the 5th March.**

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY
ENVIRONMENTAL CONSULTING

Michelle Naylor
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAs
Hemel & Aarde Wine Village – Unit 5/1F

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Saturday, 01 February 2025 09:58
To: 'Ters.Conradie@za.lactalis.com'; 'boegoebos@gmail.com'; 'chris@rfdigi.co.za'; 'Jenny Falck'; 'conrad@rfdigi.co.za'; 'karien@klinc.co.za'; 'johanliebenberg57@gmail.com'; 'mariusfuchs110@gmail.com'; 'fionahacks7@gmail.com'; 'jessica@ebikettrailblazers.co.za'; 'heneym2@gmail.com'; 'anibag@me.com'; 'agulhas.heritage@gmail.com'; 'Danica van Zyl'; 'alizevandermerwe@gmail.com'; 'william@eliots.co.za'; 'johanlourens2309@gmail.com'; 'Smurfie61@outlook.com'; 'wernymarais@gmail.com'; 'pj@pjleroux.co.za'; 'jeanette@springfieldestate.com'
Subject: FW: Notice of Pre-Application Public Participation | RE281, Struisbaai - Closing 5 March
Attachments: Notice of Public Participation 1 RE281 Struisbaai Amended timeframe.pdf

Dear Interested and Affected Party and / or Organ of State,

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23
LORNAY Ref: REM-281

The matter below has reference. We have noticed a clerical error on our notice of public participation below. Please see attached amended notice of the first round of Public Participation for the proposed development – **the commenting period has been amended to close on the 5th March.**

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor

M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAs

Hemel & Aarde Wine Village – Unit 5/1F

PO Box 1990, Hermanus, 7200, South Africa

T +27 (0) 83 245 6556

E michelle@lornay.co.za | W www.lornay.co.za

Reg No. 2015/445417/07 | Vat. Reg. 429 031 9468

You are receiving communication from us for professional reasons or as an identified Interested and Affected Party only. The Protection of Personal Information Act (POPIA) requires that we protect your information and that we obtain your consent to communicate with you in the future.

If you wish to be removed from any data list, simply state so and we will remove your details.

Note that we will only use your personal information in a confidential and professional manner relating to this specific project.

5. NEWSPAPER ADVERTISEMENT

An advertisement was placed in the local newspaper, the Overstrand Herald, regarding the proposed development:

<p>31 Januarie 2025</p> <p style="font-size: small;">SUIDERNUUS / SOUTHERN POST</p> <p style="text-align: right; font-size: small;">11</p>	<p style="background-color: #004a7c; color: white; padding: 5px;">KENNISGEWINGS NOTICES</p>	<p style="background-color: #004a7c; color: white; padding: 5px;">DAGBOEK</p> <p style="font-size: x-small; text-align: right;">Stuur dagboekinskrywings per e-pos na suidernuusads@isal.co.za</p>
<p style="text-align: center;">NOTICE OF PUBLIC PARTICIPATION BASIC ENVIRONMENTAL IMPACT ASSESSMENT</p> <p>Notice is hereby provided, in accordance with the Environmental Impact Assessment (EIA) regulations, as stipulated under the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the 2014 NEMA EIA Regulations (as amended) as published in Government Gazette No. 38282, Government Notice R983, R984, and R985, on 4 December 2014, to register as a Interested and Affected Party (I&AP) and provide comments on the Pre-application Basic Assessment Report for the Proposed Spookdraai Residential Development on Remainder of the Farm No. 281, Struisbaai, Bredasdorp RD.</p> <p>LORNAY REF: REM-281 DEADLINE REF: 16/3/3/6/7/1/EI/13/1406/23 APPLICANT: Helemika Number 1 (Pty) Ltd LOCATION: Remainder of the Farm No. 281, Struisbaai.</p> <p>PROJECT OVERVIEW: The proposed development involves the establishment of the Spookdraai Residential Development comprising of 6 single residential erven and associated infrastructure on the Remainder of the Farm No. 281, Struisbaai.</p> <p>LISTED ACTIVITIES: The following Listed Activities are applied for in terms of the NEMA EIA Regulations:</p> <ul style="list-style-type: none"> ◆ Listing Notice 1 (GN R983): Activities 17; 19A ◆ Listing Notice 3 (GN R985): Activities 12 <p>A copy of the Pre-Application Basic Assessment Report is available for public review and download on our website, or upon request. Interested and Affected Parties (I&APs) are invited to register and/or provide comments on the application during the public participation period from 31 January 2025 to 03 March 2025.</p> <div style="border: 1px solid black; padding: 5px; font-size: x-small;"> <p>Please register or submit your comment as follows: Lornay Environmental Consulting For Att: Michelle Naylor Tel: 083 245 6556 Email: michelle@lornay.co.za Website: www.lornay.co.za Address: Unit 5/1F, Hemel & Aarde Wine Village, Hermanus</p> </div> <div style="border: 1px solid black; padding: 5px; font-size: x-small; margin-top: 5px;"> <p>IMPORTANT NOTICE: In accordance with the Protection of Personal Information Act (POPIA, 2023), by registering and commenting as an I&AP your name and comments will be made public.</p> </div> <div style="text-align: right; font-size: x-small; margin-top: 5px;"> <p>LORNAY ENVIRONMENTAL CONSULTING Environmental Impact Assessments Basic Assessments 24G Applications Water Use License Applications Environmental Audits</p> </div>	<p>WEDSDAG, 31 JANUARIE</p> <ul style="list-style-type: none"> • A talk by Sue Weightman on metabolic health (17:30; Bokmakiri Books, 5 Swellengrebel Street, Swellendam; Enquiries: 083 651 5830) <p>WATERDAG, 1 FEBRUARIE</p> <ul style="list-style-type: none"> • Erfenisbasaar (9:00 - 13:00; NG Kerksaal, Cooperstraat, L'Agulhas; Navrae: 072 601 6168) <p>ONDERSDAG, 6 FEBRUARIE:</p> <ul style="list-style-type: none"> • Agulhas Erfenisvereniging-besprekingsgroep: Tesisskrywe by SA universiteit: erfenis, landskap, uitdagings, impakte, oppe en affe' deur prof. Braam Rust. (16:00; Agulhas Heemhuis, Van Druensingel, L'Agulhas; agulhas.heritage@gmail.com) <p>WEDSDAG, 7 FEBRUARIE:</p> <ul style="list-style-type: none"> • Miss Ruby presents: Liefde in die wingerd – 'n Valentynskonsert met Koo van der Merwe (19:30; R180 p.p.; Drosty Museum, Swellengrebelstraat, Swellendam; Bespreek by Moira – 082 448 8166) <p>WEDSDAG, 14 FEBRUARIE:</p> <ul style="list-style-type: none"> • Vriende van die Museum: Valentynsdag-langtafeldele (R330 p.p.; Ou Tronk, Hoopstraat, Bredasdorp; Bespreek by 076 712 9026) • Sip, Paint & Pasta night – guided painting session, wine tasting and a meal. Couples, friends, and singles welcome (18:00; R450 p.p.; Salt @ Earth Restaurant & Shop, Struisbaai; Book via whatsapp – 071 431 4742) 	
<p style="background-color: #004a7c; color: white; padding: 5px;">KENNISGEWINGS NOTICES</p>	<p style="background-color: #004a7c; color: white; padding: 5px;">KENNISGEWINGS NOTICES</p>	
<p style="text-align: center;">CAPE AGULHAS MUNICIPALITY OVERSIGHT REPORT ON THE 2023/24 ANNUAL REPORT OF CAPE AGULHAS MUNICIPALITY</p> <p>Notice is hereby given in terms of Section 129 (3) of the Local Government Municipal Finance Management Act, 56 of 2003 read together with Section 21 (A) of the Local Government Municipal Systems Act, 32 of 2000, that the Oversight Report on the 2023/24 Annual Report as well as the final 2023/24 Annual Report of the Cape Agulhas Municipality is available to the public during office hours at the following places.</p> <ul style="list-style-type: none"> • All Municipal Offices • All Libraries • Caravan Parks at Struisbaai, L'Agulhas and Waenhuiskrans/Arniston <p>It is also available on the Municipal Website https://capeagulhas.gov.za/documents/annual-and-oversight-reports/2023-2024/.</p> <p>Enquiries can be directed to Ms Lindy Gallant-Valentine, Cape Agulhas Municipality, P O Box 51, Bredasdorp 7280. Tel 028 4255500, e-mail Lindyv@capeagulhas.gov.za. Persons who cannot read or write, may also contact the aforementioned person during normal office hours for assistance.</p> <p style="text-align: center;">KAAP AGULHAS MUNISIPALITEIT OORSIGVERSLAG VAN DIE 2023/24 JAARVERSLAG VAN KAAP AGULHAS MUNISIPALITEIT</p> <p>Kennisgewing geskied hiermee ingevolge artikel 129 (3) van die Wet op Plaaslike Regering Munisipale Finansiële Bestuur, 56 van 2003, saamgelees met Artikel 21(A) van die Wet op Plaaslike Regering; Munisipale Stelsels, 32 van 2000 dat die Oorsigverslag ten opsigte van die 2023/24 Jaarverslag sowel as die finale 2023/24 Jaarverslag van Kaap Agulhas Munisipaliteit beskikbaar is vir die publiek tydens kantoorure by die onderstaande plekke:</p> <ul style="list-style-type: none"> • Alle Munisipale Kantore • Biblioteke • Karavaanparke te Struisbaai, L'Agulhas en Waenhuiskrans/Arniston. <p>Dit is ook beskikbaar op die Munisipale Webtuiste, https://capeagulhas.gov.za/documents/annual-and-oversight-reports/2023-2024/.</p> <p>Navrae kan gerig word aan Me Lindy Gallant-Valentine, Kaap Agulhas Munisipaliteit, Posbus 51, Bredasdorp 7280. Tel 028 4255500, e-pos Lindyv@capeagulhas.gov.za. Persone wat nie kan lees of skryf nie, kan ook vir bovermelde persoon kontak gedurende gewone kantoorure vir bystand.</p> <p>EO PHILLIPS MUNICIPAL MANAGER / MUNISIPALE BESTUURDER P O BOX / POSBUS 51 BREDASDORP 7280 28/01/2025</p> <div style="text-align: right; font-size: x-small;"> <p>KAAP AGULHAS MUNISIPALITEIT CAPE AGULHAS MUNICIPALITY U MANDIHLA WASEKAPU AGULHAS</p> </div>	<p style="text-align: center;"></p> <p style="text-align: center; background-color: black; color: white; padding: 10px;">NOTICE</p> <p style="text-align: center;">DRAFT ANNUAL REPORT 2023/2024</p> <p>Notice is hereby given in terms of Section 127(5) of the Local Government: Municipal Finance Management Act (MFMA), 2003 (Act 53 of 2003), read in conjunction with Section 21A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), that the Draft Annual Report for the 2023/2024 financial year has been tabled at the Municipal Council Meeting on 27 January 2025.</p> <p>The Draft Annual Report for the 2023/2024 financial year is open for comments and can be viewed on the municipal website at www.odm.org.za and at the Head Office of the Overberg District Municipal Office, 26 Long Street, Bredasdorp.</p> <p>The submission of comments and representation regarding the Draft Annual Report for the 2023/2024 financial year must be emailed to mm@odm.org.za by no later than 24 February 2025 at 16:30.</p> <p>Persons who are unable to read or write may visit Mr K Theunissen at the Head Office during ordinary office hours, for assistance in compiling their written comment, inputs or representations.</p> <p>R BOSMAN MUNICIPAL MANAGER OVERBERG DISTRICT MUNICIPALITY</p> <p style="text-align: right; font-size: x-small;">ARRIA WILSON</p>	
<p style="text-align: center;"></p> <p style="text-align: center;">082 898 0787</p>	<p style="text-align: center;">Donations: AAFL Bredasdorp, Nedbank</p> <p style="text-align: center;">Account number: 1470012383</p>	

6. NOTICEBOARDS

Noticeboards were placed on site, as required in terms of the legislation:





7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR ORGANS OF STATE

During the first round of Public Participation, the Register for Interested and Affected Parties (I&AP) was compiled. The register records the details of all I&APs who requested to be registered based on the information they provided.

In addition, a Comments and Response Report was also opened. One for the Organs of State and one for the general public. These reports document all comments received from I&APs and relevant authorities, together with the formal responses provided by the Environmental Assessment Practitioner (EAP). More than 1000 comments were received during the public participation process.

- Refer to **Appendix F2a, F2b and F2c** for Public Comments report which includes all Comments Received from the I&APs
- Refer to **Appendix F3** for Summary of Interested and Affected Parties (I&APs) Comments.
- Refer to **Appendix F4** for Generic Public Objection comments
- Refer to **Appendix F5** for Agulhas Heritage Society Comment
- Refer to **Appendix F6** for Interested and Affected Parties Register for general public



NOTE: The Comments and Response Report included in this Proof of PPP Report contains the comments received from Organs of State only. More than 1000 comments were received from Interested and Affected Parties (I&APs) during PPP1 and therefore these are included in the Appendix **F2a**, **F2b** and **F2c** of the BAR.

ORGANS OF STATE COMMENTS AND RESPONSE REPORT			
PROJECT: RE281 Struisbaai			
DRAFT BAR / PRE-APPLICATION			
NAME:	COMMENT:	RESPONSE:	DATE & REF:
1. Rhett Smart (Cape Nature)	<p>Email dated 03 March 2025</p> <p>Pre-Application Basic Assessment Report for the Proposed Subdivision and Rezoning for the Spookdraai Residential Development on the Remainder of the Farm Paapekuilsfontein 281, Struisbaai.</p> <p>CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.</p> <p>Desktop Information</p> <p>According to the latest version of the Western Cape Biodiversity Spatial Plan (BSP) which was adopted by the competent authority on 13 December 2024, the section of the property below the high-water mark of the sea is classified as Ecological Support Area 1 (ESA) with a narrow buffer of Critical Biodiversity Area 1 (CBA) in the central and eastern</p>		

	<p>sections. The remainder of the property is mapped as No Natural. In the previous version of the BSP, the ESA extended further inland in the west, there was no CBA and two sections of Other Natural. The scale of the mapping of the BSP must be taken into consideration for a small urban property surrounded by residential development such as this case.</p> <p>The vegetation on site according to the current official National Vegetation Map (2018) is Overberg Dune Strandveld listed as endangered. In the draft update to the National Vegetation Map (2024), the site is mapped as Southwestern Strandveld in the central and eastern sections and Agulhas Limestone Fynbos in the western section. As Southwestern Strandveld is a new vegetation type, it has not yet been assigned a threat status, and Agulhas Limestone Fynbos is listed as critically endangered. The section below the high-water mark is mapped as Agulhas Mixed Shore in the mapping of coastal and marine ecosystems for the National Biodiversity Assessment (2018). There are no freshwater features mapped for the site.</p> <p>Screening Tool and Site Sensitivity Verification</p> <p>The results from the National Web-based Screening Tool reveal a very high sensitivity for terrestrial biodiversity, medium sensitivity for animal species and plant species and low sensitivity for aquatic biodiversity. The Site Sensitivity Verification Report confirms that the terrestrial biodiversity, animal species and plant species themes are covered in the botanical impact assessment and no aquatic biodiversity studies were undertaken as there are no freshwater features on the site or immediate surroundings.</p> <p>Botanical Impact Assessment</p> <p>The botanical impact assessment verifies that the vegetation occurring on site consists of Southwestern Strandveld, however there is also Cape Seashore Vegetation occurring adjacent to the section of sandy shoreline and elements on Cape Seashore Vegetation further inland due to the proximity to the coastline and effects of sea spray. We wish to note that although Overberg Dune Strandveld has been replaced by Southwestern Strandveld on this site, Overberg Dune Strandveld has not been replaced in its entirety and still occurs to the north of Struisbaai amongst other locations.</p>		
--	--	--	--

	<p>The general description in 6.1. indicates that there is no limestone fynbos occurring on site, but it does occur further inland. However elsewhere in the report there is reference to Agulhas Limestone Fynbos on the site, therefore confirmation must be provided whether it does in fact occur. It is noted that the description of the waypoints does not indicate any localities which are typical of limestone fynbos.</p> <p>The botanical impact assessment references the previous 2017 BSP which was accurate when the report was compiled. The relevant version in terms of the legislation depends on the date of the application initiation, however both versions can be referred to for informing the application.</p> <p>The condition of the habitat is relatively degraded in sections due to impacts associated with coastal access and edge effects from the adjacent residential area, with a stormwater outlet where gully erosion has taken place. Clearing of alien invasive Rooikrans (<i>Acacia cyclops</i>) has taken place however, due to the exposed nature of the site, re-establishment of indigenous vegetation in these areas has been slow and the cleared vegetation has been stockpiled on site.</p> <p>No plant species of conservation concern (SCCs) were observed on site. The plant species sensitivity is therefore verified as low, with the exception of the small section in the west which is medium associated with the mapping as Agulhas Limestone Fynbos. With regards to the latter, we wish to refer to the above discussion regarding the presence of limestone fynbos on site.</p> <p>The impact assessment for the two non-preferred development layouts is high prior to mitigation and the residual impact and impact after mitigation is rated as high. The impact assessment for the preferred development layout which avoids the western section with the mapped Agulhas Limestone Fynbos is rated high prior to mitigation, the residual impact is medium and the impact after mitigation is low. We wish to note that the term residual impact relates to the mitigation hierarchy, which is enshrined in the National Environmental Management Act (Act 108 of 1998, NEMA) and accordingly in the National Biodiversity Offset Guidelines. It is the impact that remains after following the mitigation</p>	<p>Refer to the updated Terrestrial Biodiversity Impact Assessment.</p> <p>Refer to updated Terrestrial Biodiversity Impact Assessment refers to both 2017 and 2023 BSP.</p> <p>Refer to the updated Terrestrial Biodiversity Impact Assessment.</p> <p>The Terrestrial Biodiversity Impact assessment has been updated. The layout has revolved and the new alternative layout (Alternative 5) have the low residual impacts.</p>	
--	--	--	--

	<p>hierarchy of avoid, minimize and then mitigate/rehabilitate. The residual impact should therefore be the same as the impact after mitigation.</p> <p>Clarification is therefore required regarding the residual impact for the preferred development layout. It is noted that the section pertaining to mitigation (Section 9.4) states that it is not possible to mitigate the impacts. We therefore wish to query how the impact significance can be reduced after mitigation if there is no mitigation possible. In terms of the National Biodiversity Offset Guidelines, a biodiversity offset is required to remedy a residual impact of medium negative or higher. Therefore, clarification is required regarding the proposed mitigation and associated impact significance. If the residual impact is confirmed to be medium significance or higher, a biodiversity offset must be implemented in terms of the National Biodiversity Offset Guidelines.</p> <p>Animal Species Theme</p> <p>The botanical assessment indicates that the field sampling included observations of animals and birds and under terrestrial biodiversity sensitivity indicates that no bird species were observed using the habitat or feeding or breeding and no insect communities were evident. The observations are qualified that it was a snapshot and is not definitive. According to the Procedures for the Assessment and Minimum Criteria for Reporting on Environmental Themes for Animal Species (GG 43855, GN 1150, October 2020 – referred to as “the protocols”), a site inspection is required to confirm the presence of the SCCs flagged in the screening tool as medium sensitivity. If confirmed, a terrestrial animal species specialist assessment must be undertaken, otherwise a terrestrial animal species compliance statement is required. The two species listed are a reptile, Southern Adder (<i>Bitis armata</i>), and an insect (<i>Aneuryphymus montanus</i>).</p> <p>The botanical assessment does not provide sufficient evidence of compliance with the protocols with respect to the animal species theme. There is no reference to the two species flagged or the other faunal SCCs that could be present on site. The report does not indicate whether coastal species, including coastal bird species, were observed or if the observations were only within the terrestrial habitat. CapeNature has highlighted the gaps in the screening tool for the coastal and estuarine environment in applications where this is relevant. African Oystercatcher</p>	<p>Refer to the attached updated Terrestrial Impact Assessment Report.</p> <p>A Terrestrial Animal Species Report has been undertaken and is attached.</p>	
--	---	--	--

	<p><i>(Haematopus moquini)</i> is sensitive to disturbance during the breeding season and could be present along the adjacent coastline. Although this species is currently listed as least concern in both the international IUCN listing and the national SANBI listing, prior to 2017 it was IUCN listed as near threatened. There are other coastal bird species which could be affected by disturbance. Mitigation may be necessary during the construction phase.</p> <p>Coastal Setback and Access</p> <p>Three iterative alternative layouts have been developed, with the preferred layout avoiding the high-water mark and only one of the six residential erven encroaching slightly into the low-risk line (1 in 100-year storm surge). No hard infrastructure should be permitted in front of the 1 in 100-year storm surge line.</p> <p>We wish to note however that the coastal management line for the Overberg District Municipality is located relatively far inland from Struisbaai. Development islands have been delineated for existing development in front of the coastal management line; however the property is not located within a development island. The property is therefore in front of the coastal management line. Coastal management lines are intended to be implemented through municipal planning and therefore we recommend that input should be provided by the Department of Environmental Affairs and Development Planning (DEA&DP): Coastal Management and the Cape Agulhas Municipality in this regard.</p> <p>Apart from the six residential erven, there are three open space erven, consisting of one public open space erf for a public footpath along the western boundary, a small private open space erf at the entrance and a large private open space erf over the remainder of the current property. We wish to note that according to the National Environmental Management: Integrated Coastal Management Act (Act 24 of 2008, NEM:ICMA), areas below the high-water mark of the sea form part of the coastal public property. A large proportion of the large private (not public) open space erf falls below the high-water mark. We recommend that it must be ensured that Sections 7, 7A, 13, 14 and 18 of NEM:ICMA with regards to coastal public property and coastal access are taken into</p>	<p>DEADP:CMU and CAM comments are attached below.</p> <p>The new updated layout Alternative 5 now incorporates an Admiralty Zone below the High-Water Mark. The building footprint has been shifted inland and all the structures are above the High-Water Mark. Additionally, the Bar has been amended and it includes reference to Sections 7A, 13, 14 and 18 of NEM:ICMA. Also see Appendix K for ICMA legal opinion.</p>	
--	---	--	--

	<p>account in the application and DEA&DP: Coastal Management should provide inputs in this regard.</p> <p>Services</p> <p>With regards to services, the development is proposed to be connected to the municipal and Eskom reticulation for potable water and electricity. There is no piped municipal sewerage for this area therefore the proposal is for conservancy tanks linked to a central system that will be serviced by the municipality. The location of the conservancy tanks and the central servicing tank must be indicated on the layout and it must be ensured there is adequate mitigation to minimize the risk of pollution of the coastal environment through the sewage system.</p> <p>As noted above, there is an existing stormwater outlet which has resulted in gully erosion on the property. The gully occupies a large section of the easternmost proposed residential erf. The proposal is to redirect the stormwater drainage to the west of the current alignment along the boundary between the two erven as observed in Figure 3 of the Basic Assessment Report. It is assumed that infill of the gully will be required for the development of a house on the easternmost erf.</p> <p>Broad principles are stated with regards to stormwater management, however the Environmental Management Programme Report states that no stormwater management plan is required due to the small scale of the project. The existing stormwater entering the site however must be addressed before the proposed development can proceed and therefore, we recommend that a detailed stormwater management plan must be compiled in collaboration with the municipality who are responsible for the bulk stormwater flow on to the site resulting in erosion. The infill of the gully must also be addressed and included in the assessment of impacts.</p> <p>Conclusion</p> <p>In conclusion, recommends that the following must be addressed before the application can be considered further:</p> <ul style="list-style-type: none"> • A stormwater management plan must be compiled in collaboration with the Cape Agulhas Municipality to address the stormwater currently entering the site as well as the development itself. The current stormwater erosion gully must also be addressed. 	<p>Refer to Appendix G9b for clear illustration.</p> <p>Refer to Appendix G9a of the Civil Engineering Report.</p> <p>The BAR and the Specialist Reports have been updated:</p> <ul style="list-style-type: none"> • Stormwater management onsite is addressed in the Civil Engineering Report under Appendix G9a. • The BAR has been updated and incorporates reference to NEM:ICMA. 	
--	--	--	--

	<ul style="list-style-type: none"> • The requirements of NEM:ICMA must be addressed, including the coastal management line, coastal public property and coastal access. Comment must be obtained from DEA&DP: Coastal Management in this regard. • Clarification is required regarding the following in the botanical impact assessment: <ul style="list-style-type: none"> ○ The presence of Agulhas Limestone Fynbos on the property ○ Whether any mitigation measures are available to reduce the impact ○ The residual impact after following the mitigation hierarchy • If it is confirmed that the residual impact on terrestrial biodiversity is of medium significance or higher, a biodiversity offset must be implemented in accordance with the National Biodiversity Offset Guideline. • The animal species theme must be adequately addressed in accordance with the protocols. Confirmation must be provided regarding mitigation measures for disturbance to coastal birds. • Impacts associated with service provision must be adequately addressed. <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p> <p>Regards</p> <p>ATTACHMENTS TO AHS Comment</p> <p>Attachment 1 – Fisherman Objection Attachment 2 – Generic signed objections from residents of Struisbaai North – all the names have been added to the register Attachment 3 - The gentrification of Spookdraai – our portal to paradise – information document</p>	<ul style="list-style-type: none"> • The Terrestrial Biodiversity Impact Assessment was updated; the western portion will not be impacted by the proposed development. The development will result to low residual impact and therefore, no biodiversity offset is applicable. • Alternative 5 (preferred) development option will result to low residual impact, therefore, a biodiversity offset report is not required. • The animal species compliance statement has been undertaken and is attached as Appendix G8. • 	
<p>2. Rulien Volschenk (ODM)</p>	<p>Email dated 03 March 2025</p>		

	<p>PROPOSED SUBDIVISION AND REZONING FOR THE CONSTRUCTION OF RESIDENTIAL ERVEN ON REMAINDER OF THE FARM 281, STRUISBAAI, BREDASDORP RD</p> <p>REFERENCE NUMBER: Ref: 16/3/3/6/7/E1/13/1406/23</p> <p>Overberg District Municipality takes cognisance of the pre-application Basic Assessment Report for the proposed Spookdraai Residential Development on Remainder of the Farm No. 281, Struisbaai, Bredasdorp RD.</p> <p>With reference to the sensitivity mapping, it is noted that reference has been made to the 2017 Western Cape Biodiversity Spatial Plan. Please note that this plan has been reviewed and adopted in December 2024. It is advised that the project team consult with Cape Nature to obtain new data and amend the application if and where applicable.</p> <p>The proposed development is situated on an isolated piece of the RE of Farm 281. With reference to Cape Agulhas Municipality's Spatial Development Framework of 2022-2027, a large portion of the property is situated within the urban edge of Struisbaai. Why has no site alternative on the same property been presented or investigated as part of the BAR?</p> <p>The property falls within the Coastal Protection Zone (CPZ). The function of the coastal protection zone is defined in section 17 of the Environmental Management: Integrated Coastal Management Act of 2014 (Act 36 of 2014). The current proposal will most likely have a negative impact on the CPZ as it will intrude on the natural character, and economic, social and aesthetic value of the neighbouring coastal public property.</p> <p>Marine Drive has been defined as a Gateway area/ scenic route in the Cape Agulhas Municipality' Spatial Development Framework</p> <p>The management proposal set out in the SDF reads as follows; "Preserve the scenic quality of Marine Drive (R319) between Struisbaai and L'Agulhas". Although the visual impact could be minimised by architectural design the development will impact on this tourism asset.</p>	<p>Noted.</p> <p>The specialist assessments, specifically the botanical impact assessment was amended and made reference to the WCBSP 2024.</p> <p>No other site alternatives have been investigated besides the RE/281 based on the nature of the proposal. The proposal is in line with the applicant's vision for coastal residential development.</p> <p>The concern is noted and the proposed development is situated within the Coastal Protection Zone (CPZ). The development considered the location of the residential dwellings inland, this ensures that all the erven are setback further from the High Water Mark, the coastal risks zones. The preferred layout also acknowledges the Admiralty zone and the SDP is reflected as such. Furthermore, an open space has been incorporated into the layout alternative to ensure that communal activities</p> <p>Noted.</p> <p>Comment is noted. The proposed preferred layout alternative, in line with the architectural guidelines that have been adopted and will ensure that the development will be minimised as far as possible. Refer to the Architectural Guidelines attached as Appendix G6 as well as the Landscape Guidelines attached as Appendix G11a.</p>	
--	--	---	--

	<p>It is acknowledged that the application address objectives of the National Environmental Management Act: Integrated Coastal Management Act, 2008 (NEMA:ICMA) as it promotes public accessibility as well as improved access to the cat (such as the proposal for a private beach). Both ICMA and the Western Cape Coastal Access Strategy speaks about the reasonability of the Costal access. These principles are supported by the District and should inform development along our coastline.</p> <p>In the Civil Roads and Services Report a brief description is given of the stormwater works that will be required for the development. Mention is made that the current stormwater system drains onto the property and would need to redirected around the property. The impact on the proposed “redirection” of stormwater infrastructure has not been incorporated into the report. Please provide detail regarding the proposal and impacted area.</p> <p>The ODM reserves the right to revise it comments and request further information based on any additional information that may be received.</p>	<p>Noted. The preferred layout alternative ensures that the public access is retained around the property as well as via open space, Erf 7 ensuring the continued access.</p> <p>The stormwater system has been addressed in the amended report.</p>	
<p>3. Jeffrey Manuel (SAN Parks)</p>	<p>Email dated 03 March 2025</p> <p>RE: COMMENT ON THE DBAR FOR THE PROPOSED SPOOKDRAAI RESIDENTIAL DEVELOPMENT, REMAINDER PORTION 281, STRUISBAAI.</p> <p>1. Introduction</p> <p>The proposed Spookdraai Residential Development is located on the Remainder of Farm Paapekuilsfontein 281, Struisbaai. The site is less than 0.75 ha, and is located between Marine Drive and the high water mark.</p> <p>The proposed development involves the construction of six residential dwellings, as well as associated road, water and electrical infrastructure, and a stormwater management system. An open space system is included, as a means to reduce the ecological and visual impacts, whilst also providing recreational space to residents as well as the public.</p>		

	<p>2. SANParks comments:</p> <p>SANParks’ comments are focused on Alternative 4, being the preferred alternative.</p> <p>Although there is development between the road and the shoreline further along Marine Drive towards George Street, it must be noted that the area is wider; and also that a continuous stretch of undeveloped, shoreline is maintained. This provides for public access and mitigates the impact of that access, as well as the visual impact. Additionally, it functions as storm surge protection.</p> <p>The proposed site for this development, however, is a narrow section of rocky shore with a small beach, making it particularly sensitive to disturbance. This development would significantly impact the scenic and natural character of this coastal stretch. The site is also well-used by the public. Although the development is making provision for public access, the spatial restriction of such access would result in an increased impact.</p> <p>Although the DBAR recognises all of these impacts, typically as MEDIUM-HIGH, they are typically downrated to LOW-VERY LOW after mitigation, essentially through the combination of greening, limited development footprint and use of permeable fencing, and establishing a buffer zone between the development and the high-water-mark. The downrating of these impact significance ratings are not clear, based on the mitigation measures. In many instances, it is our view that the ratings would stay the same.</p> <p>With regards to the loss of Southwestern Strandveld, for example, the loss of vegetation due the development is listed as ‘probable’. From the specialist report, it appears that clearing of vegetation is required, i.e. this impact should be ‘definite’. It is then unclear how this impact would be downrated from Medium to Low, without further mitigation, simply on the basis of avoided development. The fact that the whole site is not being developed is why the pre-mitigation impact was rated as Medium, instead of High.</p>	<p>The new preferred layout, Alternative 5, now designates an area below the High Water Mark, including the Littoral Active Zone, as an Admiralty Zone. The layout also incorporates open space along the western boundary, allowing the community to continue using the area for recreation, fishing, and picnicking. This ensures that the shoreline is not privatized and public access to the coast is maintained.</p> <p>The significance ratings prior to mitigation represent the potential level of impact in the absence of any mitigation measures. Once the recommended mitigation measures are implemented in full — including the use of permeable fencing, the establishment of a coastal buffer between the development and the high-water mark, the limitation of the development footprint, and extensive greening and landscaping — the associated visual and environmental impacts are expected to be substantially reduced. These measures directly address the primary sources of impact, such as visual exposure, disturbance to coastal character, and vegetation clearance. Therefore, the post-mitigation ratings reflect the reduced residual impact following the effective application of these measures.</p> <p>The impact rating table clearly assessed the impact of the development through four alternatives being employed during the assessment. The previously preferred Alternative (Alternative 4), as highlighted in the Terrestrial Biodiversity Impact Assessment, excludes the development in the western portion of the site. Additionally, the New preferred Alternative layout (Alternative 5) also excludes development on the western portion of the site, however, and it only incorporates a walkway for public access. It is important to note, this will not</p>	
--	--	---	--

	<p>Furthermore, the loss of public access and amenity, although recognised, is not adequately assessed.</p> <p>We are also concerned that the traffic impact assessment only considers the localised disruption of traffic in peak hours. The R319/Marine drive is the most important linkage between L'Agulhas, Struisbaai and Bredasdorp.</p> <p>Given the location of the proposed site below the road and on a bend, we are concerned about potential impacts on the structural integrity and stability of the road. Deterioration of this road will severely impact tourism to L'Agulhas and Agulhas National Park.</p> <p>1. Summary and Recommendations</p> <p>SANParks is not satisfied with the impact significance ratings in the attached DBAR and we recommend that the application is peer reviewed by a suitably qualified EAP.</p> <p>This is particularly important in this case, given the location of this proposed development and 'fine margins' at play: The proposed development footprint is at the limits of demarcated risk zones, and does not adequately consider potential impacts of climate change or extreme weather events. We do not believe that this application adheres to the precautionary principle. Given the sensitivity of the site location, we are also concerned that if this were to be approved, subsequent engineering may be required to protect these properties from storm surges and other environmental risks. Any such activities would then compound the impact on the coastal environment as well as impacts on biodiversity, sense of place (visual) and public access.</p>	<p>have an impact on the vegetation present in this boundary and therefore, no vegetation clearance is expected as a result of placement of the timber, this is included as a condition of authorisation.</p> <p>TIA's are only required for developments expected to generate 50 or more peak hour trips. For this development only a Site Assessment is required, which means that only the access and site layout needs to be assessed. The local transport impact associated with the six peak hour trips will be insignificant and it will be even less on the larger road network as the traffic disperses along the road network.</p> <p>The project team acknowledged that impacts on the public road reserve are unavoidable due to the site's location. However, it was confirmed that the construction and development activities will be carefully managed to ensure that the structural integrity and stability of Marine Drive are not compromised. Appropriate engineering and mitigation measures will be implemented to safeguard the road while allowing the development to proceed.</p> <p>The BAR has been amended and altogether with the specialist reports. Additionally, a new site development plan has been provided and has addressed all concerns raised during the public participation process.</p> <p>The concern regarding the location of the proposed development and the associated "fine margins" is noted. In response, it must be emphasised that the residential footprints in the updated layout plan (Alternative 5) have been carefully positioned above the demarcated risk zones, thereby ensuring that no dwellings fall within areas identified as being directly vulnerable to sea-level rise, storm surges, or flooding. This approach was deliberately adopted to adhere to the precautionary principle and to reduce exposure to climate-related risks from the outset.</p> <p>Furthermore, the application has been assessed in line with the National Environmental Management: Integrated Coastal Management Act (NEM: ICMA) and other relevant legislation, which collectively emphasise responsible and sustainable use of the coastal zone. By ensuring that the development is situated beyond the risk zones, the need for future hard engineering interventions, such as sea walls or other forms of shoreline protection, is significantly reduced. This in turn helps to prevent potential knock-on impacts</p>	
--	---	--	--

		<p>to biodiversity, sense of place, visual character, and public access. The updated Alternative 5 layout represents a more precautionary and sustainable option that balances the applicant's development rights with the imperative of safeguarding the coastal environment. It achieves this by avoiding development within the most sensitive and vulnerable portions of the site, thereby reducing long-term environmental risks associated with climate change and extreme weather events.</p>	
<p>4. Celia Van Zyl-Lourens (Suidpunt Residents Association)</p>	<p>Email dated 04 March 2025</p> <p>DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23 LORNAY Ref: REM-281</p> <p>The above refers.</p> <p>Without repeating what you've no doubt heard from other parties, we will comment as follows:</p> <ol style="list-style-type: none"> 1. The application is based on the misconception that your client has only 7,000+ square meters to develop. It is based on the misconception that 450+ hectares are not enough to develop: 2. Erf 3495, Struisbaai, more than 12 hectares, was subdivided from RE/281 for development. 3. We believe that your client is attempting to develop what is supposed to be a public open space. (Helemika 1 already developed on the opposite side of Marine Drive, as well as the entirety of Oceanview Heights.) <p>Apart from various other reasons, this development will have a lasting, negative visual impact and change the landscape for humans, small animals, and flora forever. It should not be allowed, and the developer should be forced instead to disclose what their intentions are with the almost 450 hectares they still own in Struisbaai.</p>	<p>The remaining property is in land properties and not in line with the applicant's vision.</p> <p>The application site has always been a private land. Public access across this land has always been allowed. The applicant wants to develop his land now and will provide more than adequate public access across the private land (Erf 7) towards the beach, which will be accessible via a formal walkway.</p> <p>The concern regarding potential visual impacts and changes to the character of the landscape is acknowledged. The proposed development has been carefully designed to limit visual intrusion into the surrounding landscape by confining the built form to a modest footprint. Furthermore, the preferred layout (Alternative 5) incorporates an open space areas and provides a widened public access route via Erf 7. These measures collectively reduce the overall impact on sense of place and support a more balanced integration of the development within the coastal environment.</p> <p>It is important to note that the remaining land owned by the applicant does not form part of the current application. Any future proposals for development on the larger property would be subject to a separate environmental authorisation process under NEMA and associated legislation. Such processes would again require specialist input and public participation to ensure that potential impacts are thoroughly assessed and responsibly managed.</p>	

<p>4. Danie Schutte (Agulhas Heritage Society)</p>	<p>Email dated 04/03/2025</p> <p>Attention: Michelle Naylor Lornay Environmental Consulting Email: michelle@lornay.co.za 25 FEBRUARY 2025</p> <p>RE: COMMENTS ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED SPOOKDRAAI RESIDENTIAL DEVELOPMENT ON REMAINDER OF THE FARM NO. 281, STRUISBAAI</p> <p>The Agulhas Heritage Society (AHS) is an association not for gain registered as a conservation body in terms of Section 25(1)B of the National Heritage Resources Act (Act 25 of 1999) and has been allocated an area of responsibility which encompasses the area of the proposed Spookdraai residential development on Remainder of the Farm no. 281, Struisbaai.</p> <p>AHS is a registered I&AP with Lornay Environmental consulting, the appointed Environmental Assessment Practitioner (registered on 28 February 2025.)</p> <p>The National Heritage Resources Act (NHRA) of 1999 (Act 25 of 1999) prescribes a three-tier system for heritage resources management. This three-tier system ensures that heritage management is decentralized and handled at the most relevant level, allowing for effective conservation, legal protection, and sustainable management of South Africa’s cultural and historical resources.</p> <p>For the context of this development proposal:</p> <ul style="list-style-type: none"> • Tier 1 is the National Level – the South African Heritage Resources Agency (SAHRA) - responsible for Grade I heritage resources, which have national significance. • Tier 2 – the Provincial Level is Heritage Western Cape (HWC) - responsible to manage Grade II heritage resources, which have provincial significance. HWC oversees heritage sites, buildings, and landscapes that are important at the provincial level. • Tier 3 – the Local Level, is Cape Agulhas Municipality (CAM) - responsible for the formal protection, management, and enhancement of 		
---	---	--	--

	<p>Grade III heritage resources i.e. heritage resources, which are of local or regional significance.</p> <p>Also within this tier 3 are the registered conservation bodies (registered with HWC) who play a key role in grassroots heritage management, while also contributing to provincial and national efforts when relevant.</p> <ul style="list-style-type: none"> • Agulhas Heritage Society (AHS) is the registered conservation body in the area of the proposed development site on the Remainder of the Farm no. 281, Struisbaai. As the Registered Conservation body, AHS herewith submits its comment in two parts 1. Comments on to the HIA report 2. <p>2. Comments on the integration of the HIA into the Pre-application Basic Assessment Report (BAR)</p> <p>PART 1 : Comments on draft Heritage Impact Assessment. The “Notice of public participation for Basic Environmental Impact Assessment (BAR) in terms of NEMA” call for registered Interested and Affected Parties (I&AP) to “provide comments on the Pre-application Basic Assessment Report for the Proposed Spookdraai Residential Development on Remainder of the Farm No. 281, Struisbaai, Bredasdorp.” Point 13 of (page 5 of 186) the “Information to be read prior to completing this basic assessment report” states : “Where Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (“NHRA”) is triggered, a copy of Heritage Western Cape’s final comment must be attached to the BAR.”</p> <p>AHS Comment:</p> <p>The HWC response to Notification of Intent to Develop (Appendix E) required that a Heritage Impact Assessment (HIA) be conducted and submitted to them. HWC required that the following must be included in the HIA:</p> <ul style="list-style-type: none"> (a) The identification and mapping of all heritage resources in the area affected; (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7; (c) an assessment of the impact of the development on such heritage resources; (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development; 	<p>These are included in the HIA</p>	
--	--	--------------------------------------	--

	<p>(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources; (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.</p> <p>This HIA must in addition have specific reference to the following: - Archaeological Impact Assessment - Desktop Paleontological Impact Assessment - Visual Impact Assessment</p> <p>The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above. The required HIA must have an integrated set of recommendations.</p> <p>3. The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.</p> <p>Appendix G2 – the pre-application phase draft heritage impact assessment proposed development of Split Portion Farm 281-RE, Marine Drive, Struisbaai, does not include the following required elements:</p> <ul style="list-style-type: none"> • The results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources. • Comments requested of: <ul style="list-style-type: none"> • relevant registered conservation bodies; • all Interested and Affected parties; and • the relevant Municipality • Proof of the request for comments from the parties listed above. <p>These requirements have not been satisfied, and a final comment has not been issued by HWC. Comments on the Specialist report on the HIA have not been requested as required, nor the results of consultation with affected communities. Nor any proof of the request for comments.</p>	<p>The HIA includes Visual Impact Assessment, Archaeological Impact Assessment, Paleontologically Impact Assessment have been included in the Heritage Impact Assessment Process</p> <p>The relevant conservation bodies interested and affected parties and organs of state were all consulted during the public participation phase, their comments are included in the comments and response reports and have been attended to.</p> <p>The HIA along with the AIA, PIA and VIA were included in the draft BAR and first round of public participation to all applicable organs of state, conservation bodies and other I&As. A newspaper advertisement was placed in the Suidernuus, a noticeboard was placed on site, all adjacent landowners were notified via email and or post ad the documents were made available for download on the EAPS website or provided directly to I&AP on request. The public participation was conducted in line with the NEMA requirements. This was the first round of public participation only.</p> <p>Once all comments have been received, the comments and responses, along with the proof of Public Participation, will be submitted to Heritage Western Cape for their internal decision making procedures.</p>	
--	---	---	--

	<p>It is important to note that the comments requested by HWC, are with respect to the Heritage Specialist practitioners' HIA report, including its reference and integrated set of recommendations to the Archaeological Impact Assessment, the Desktop Paleontological Impact Assessment and Visual Impact Assessment.</p> <p>Context of AHS within the National Heritage Resources Management Landscape.</p> <p>AHS is one of the registered conservation bodies within the boundaries of Cape Agulhas Municipality(AM). Specifically, AHS is the registered conservation body with responsibility in the Ward 5 within CAM and has formal representation on the CAM Ward 5 ward committee. AHS also has formal representation on the Suidpunt Residents Association (SRA) and the Public Advisory Committee of the Cape Agulhas Lighthouse development.</p> <p>Registered conservation bodies are essential players in South Africa's heritage resource protection system. While SAHRA and Heritage Western Cape provide formal oversight, the registered conservation bodies contribute to safeguarding the nation's diverse cultural and natural heritage. Their strengthening public participation is crucial for ensuring effective heritage conservation in the country.</p> <p>Since its establishment on 27 April 2019, AHS has diligently:</p> <ul style="list-style-type: none"> • collected, preserved and exhibited information, photographs, films, books, documents and folklore which has been made available to members and the public in general; and <p>4</p> <ul style="list-style-type: none"> • provided an information- and professional research service to members, the public, the local government and Western Cape/National conservation entities; <p>and</p> <ul style="list-style-type: none"> • has established an extensive heritage resource repository, archive / database of available specific Heritage Impact reports conducted to date, significant reference books, research reports, available 		
--	--	--	--

	<p>documents, photo collections, and publications on many of the heritage resources within its registered area of responsibility.</p> <p>In addition AHS supports heritage conservation, preservation and protection through</p> <ul style="list-style-type: none"> • Advisory Roles: providing documented and expert input on heritage resource site protection to CAM and the community via its representation on the Ward committee and the SRA, and direct engagement with the HWC. • Heritage Impact Assessments (HIAs): Reviewing development projects • Education & Awareness: Conducting presentations, lectures, publications and monthly newsletters and exhibitions. <p>AHS comment:</p> <p>AHS strongly objects to the omission by the HIA practitioner and EAP of requesting comments from AHS with respect to the Heritage Specialist practitioners' HIA report, as required by HWC. It is the view of AHS that this is a deliberate omission by the by the EIA – the HIA in its recommendations clearly states:</p> <p>“In terms of Section 38(8) of the NHRA, the current proposal is not supported”</p> <p>AHS is of the opinion that the Heritage Specialist practitioners' HIA report, is independent, professional, factual and containing an integrated set of recommendations. The comments below are intended to complement the report with supplementary information available from our heritage information repository.</p> <p>Specific comments (in red) on excerpts (in black) of the HIA report</p> <p>☒ “The split portion of the property affected is 0.71 ha in extent but the overall landholding, from which it is proposed to be subdivided, in the first instance, is 474.8209 ha in extent, for the most part (excluding the subject portion) outside the urban edge and all zoned Agriculture.” (page 2)</p> <p>The proposed site is the coastal portion (0.71 Ha) , of the two portions of the Split Remainder of the Farm 281 and is located within the Coastal Protection Zone (CPZ). The second portion (448.71 Ha), the larger portion,</p>	<p>All registered Interested and Affected Parties (I&APs), including relevant Organs of State, were provided with an opportunity to review and submit comments on the Draft Basic Assessment Report (DBAR) during the formal Public Participation Process. The Heritage Impact Assessment (HIA) report formed part of the documentation circulated for public comment and was made available to all stakeholders. All comments received during this process are being considered and responded to as part of the environmental assessment process in accordance with the requirements of the National Environmental Management Act (NEMA) and its Regulations. The intent of the process is to ensure that all inputs including those from heritage authorities, specialists, and interested parties such as AHS are integrated into the decision-making process to inform the final Basic Assessment Report (FBAR) and the competent authority's decision.</p>	
--	--	---	--

	<p>partially falls within the new urban edge identified in the CAM SDF. The location of this portion is adjacent to the area where most of the recent “high end housing development” in Struisbaai has taken place and presents a large area in which a number of suitable alternative sites are available. (See figures 1 and 2 below).</p> <p>Figure 3 indicates (the yellow shaded rectangle) a portion of Remainder of Farm 281 that falls within the new Urban Edge, as presented in the Final CAM SDF 2022 – 2027 (Council approved on 31 May 2024 ; Resolution 87/2024). The applicant’s claim that the coastal portion of the Remainder of Farm 281 is the only site for the proposed development, is fallacious.</p> <p>☒ “However, it is to be noted that this coastline has historically been accessible to the public, the fishing community in particular (see remarks relating to the retention to public rights to fishing in the original Title Deed 495/1836, in this report).” (page 3)</p> <p>☒ “Struisbaai town is historically a traditional fishing community, confirmed in remarks relating to the retention to public rights to fishing in the original Title Deed 495/1836.” (page 18)</p> <p>The proposed development site is approximately 7113 m2. Of this</p> <ul style="list-style-type: none"> • 3132 m² will be zoned residential, • 3204 m² as Open Space (Private) i.e. private beach and shoreline! • 688 m² as Private Street and refuse. • Only 89 m² will be zoned as Open Space (public) ! <p>Thus Only 89 m² will be accessible to the public and to the fishing community (traditional community and visiting fisherman.) This not only contravenes the original title Deed, but more importantly the Integrated Coastal Management Act (ICM). The ICM Act ensures that the public has the right of physical access to coastal public property, as well as access to the benefits and opportunities provided by the coastal zone.</p> <p>7. Attachment 1 is an objection to the proposed development, supported by 44 local fishermen. Their objection is to the denial of access to their traditional fishing spots.</p> <p>Attachment 2 is an objection to the proposed development, supported by 74 local fishermen from Struisbaai North.</p>	<p>The comments raised during the public participation process were duly noted and have been addressed through a revision of the site layout. This process resulted in the evolution of a new layout alternative, namely Alternative 5, the preferred option. The revised layout provides for a designated open space erf (Erf 7), a communal space, thereby ensuring improved accessibility to the coastal environment for the broader public and local fishing community. This alternative is considered more consistent with the intent of the ICM Act and responds directly to the concerns raised by I&AP during the first round of public participation process.</p>	
--	---	--	--

	<p>☐ “b) Places in which oral traditions are attached: Not established, considered unlikely.” (page 30).</p> <p>AHS has documented many of these, as presented below. The coastal portion of the Remainder of Farm 281 (the proposed development site) is not a discrete land unit – it is a small portion of a contiguous landscape which has a high degree of integrity, particularly the portion below Marine Drive designating this a very good quality landscape. This landscape is itself a “place”, stretching from a distance before the development site (from the historical site of “The Man alone house”, and beyond until at least as far as the historical “water trough” and “Hangnes outspan” site. Many oral traditions are attached to this place’ including the Spookdraai gorge.</p> <p>AHS has documented many of the oral traditions attached to Spookdraai from sparse data from the National Archival Databases and very few peer reviewed articles. The research therefore relied on local books, media, unreferenced amateur historian accounts and folklore The recorded oral tradition includes accounts of :</p> <ul style="list-style-type: none"> • The very origin of the name “Spookdraai” • The “water trough” • The recreation and respite at “Hangnes outspan” • The “Man alone house” • Shipwrecks off Spookdraai • etc. <p>Attachment 3 is a journal article that will be published in the April 2025 quarterly AHS journal, recounting some of the oral traditions collected. Attachment 4 includes recent AHS newsletters to its membership that also recount some of the oral tradition.</p> <p>☐ d) Landscapes and Natural Features of Cultural Significance: (page 30) “The site currently forms part of a coastal cultural landscape which includes areas, views and component resources of high scenic, cultural or historical significance.” AHS endorses this assessment.</p> <p>☐ h) Graves and burial grounds (page 32)</p> <p>No burial sites are known to have been found on the site. The site is a small portion of a contiguous landscape which has a high degree of integrity, particularly the portion below Marine Drive designating this a very good quality landscape. The larger contiguous landscape is dotted</p>	<p>Noted.</p>	
--	---	---------------	--

	<p>with many sandstone or wooden constructed benches, many of them commemorative plaques, commemorating the memories of family members and their final wishes to be remembered at a spot on the pristine coastal landscape. While these benches are not graves or burial grounds per se, they are undisputedly of cultural and heritage significance and are an integral part on part of the “sense of place” – as such the whole piece of the coastal belt is worthy of heritage protection.</p> <p>☒ i) Sites of significance relating to the history of slavery.</p> <p>The Cape Agulhas Lighthouse was commissioned in 1847, with the light being lit for the first time on 1 March 1849. Oral tradition records that occasionally workers from Hotagterklip were also responsible for keeping the candle light aflame. The initial fuel was rendered fat made out of the tails of fat tailed sheep, and later the fuel was paraffin. The fuel was presumably transported along a coastal pathway, which, due to the topography of the “Spookdraai” area, would have undoubtedly traversed the development site.</p> <p>Although the date of construction of the Hotagterklip dwellings is unconfirmed, it is estimated to have been between 1820 and 1850. The original inhabitants of Hotagterklip were apprenticed (freed) slaves from the local farm Zoetendalsvlei, owned by Van Breda, the owner of the original farm Paapekuil Fontein 281. The site of Hotagterklip is on land donated by van Breda to his freed slaves and is located on the original Farm 281. These are the people who would have worked at the Lighthouse and transported the fuel. There is oral tradition surrounding “the paraffin route” and consequently, AHS suggests that the site may have significance to the history of slaves in the area.</p> <p>15 Heritage Impact Assessment (page 44)</p> <p>☒ Botanical (all alternatives) The specialist concludes that the proposed subdivision and development of the site would result in a High Negative direct impact that would be very difficult to mitigate.</p> <p>☒ In overall terms, the heritage (and related visual) impacts are expected to be High, negative. (page 45)</p>	<p>See updated HIA.</p> <p>See Updated HIA and VIA reports attached .</p>	
--	--	---	--

	<p>9 VISUAL SENSITIVITY OF AREA (LANDSCAPE SENSITIVITY)</p> <p>9 However the typical landscape quality and the intrusion into this unique setting creates a visual sensitivity that is deemed to have a Medium to High Visual Sensitivity.</p> <p>9 VISUAL SENSITIVITY OF RECEPTORS</p> <p>The Receptors of the anticipated visual impact include residential areas which are considered to have High Visual Sensitivity</p> <p>9 SIGNIFICANCE OF SENSITIVITY TO VISUAL CHANGE</p> <p>As a function of landscape sensitivity and anticipated magnitude of change as a result of the development, above, the sensitivity to visual change is deemed to be of High Significance</p> <p>9 VISUAL INTRUSION OF DEVELOPMENT (MAGNITUDE OF VISUAL CHANGE)</p> <p>The development is proposed to occupy a portion of the coastline which is pristine and with no adjacent development to form a continuous pattern. This urban intrusion will result in a High Visual Intrusion</p> <p>9 VISUAL ABSORPTION CAPACITY OF SITE (page 46)</p> <p>The particular landscape quality of the site and the fact that there are no adjacent development along this portion of the coast results in a Low Visual Absorption Capacity.</p> <p>9 SIGNIFICANCE OF ANTICIPATED VISUAL IMPACTS</p> <p>Determined through a synthesis of the aspects of the nature, duration, intensity, extent and probability, the Operational Phase Visual Impact is of High Negative Significance, having a significant influence on the environment, and requiring mitigation.</p> <p>As a function of receptor sensitivity and anticipated magnitude of change as a result of the development, above, the sensitivity to visual change is deemed to be of Major Significance, negative.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>The Visual Impact Assessment (VIA) has been updated to incorporate the revised layout and additional mitigation measures. The assessment now reflects a reduction in impact significance during the operational phase following the implementation of these measures. Furthermore, Landscape and Architectural Guideline documents have been developed and incorporated to inform the updated site layout and design parameters. These guidelines provide clear direction on building form, materials, colours, landscaping, and visual</p>	
--	---	--	--

	<p>Due to the lack of architectural and landscape parameters and the lack of a landscape plan and mitigation measures, the proposed development will have a Significantly High Negative Visual Impact and cannot be supported.</p> <p>AHS fully endorses the impact and sensitivities as reported by the HIA practitioner.</p> <p>15.3 Sustainable Socio-economic benefits</p> <p>There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal. AHS agrees that there are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal at this the only preferred site.</p> <p>10. A comparative assessment as required by the EIA guidelines between this site and other possible alternative sites may have identified an alternative site on the larger portion of the Remainder of Farm 281 that might have had socioeconomic benefits that outweigh the heritage impacts identified on those sites.</p> <p>17 Public Comment</p> <p>AHS has only been asked, as a registered I&AP to comment on the EAP's Preapplication Basic Assessment Report (BAR).</p>	<p>screening measures, ensuring that the proposed development integrates more effectively with the surrounding landscape and visual context. As a result, the potential visual impact during the operational phase has been significantly reduced from the initial assessment.</p> <p>The concern is acknowledged. It should be noted that the property is privately owned and the proposed development is consistent with the applicant's vision and rights to pursue residential development within the applicable planning and zoning framework. While the scale of the development is relatively small, it will nevertheless contribute to local socio-economic benefits through short-term employment opportunities during construction, the use of local contractors and suppliers, and long-term economic contributions through rates, taxes, and local spending by future residents. These benefits, though modest, are considered sustainable and aligned with the scale and nature of the proposed development.</p> <p>The comment is acknowledged. The proposed development is in line with the applicant's vision for the establishment of a coastal residential property on the Remainder of Farm 281. The site selection process took into account the property boundaries, existing environmental sensitivities, and the desired development objective within the context of the landowner's vision. No alternative sites were taken forward for detailed assessment, as the applicant's vision specifically relates to a coastal residential node within the coastal portion of the property. The comparative assessment of alternatives therefore focused on variations in layout design and configuration within the same cadastral boundary to avoid and minimise environmental and visual sensitivities, rather than relocation elsewhere on the farm, which would not achieve the applicant's intended development purpose.</p> <p>The HIA along with the AIA, PIA and VIA were included in the draft BAR and first round of public participation to all applicable organs of state, conservation bodies and other I&As. A newspaper advertisement was placed in the Suiderpos, a noticeboard was placed on site, all adjacent landowners were notified via email and or post ad the documents were made available for download on the EAPS website or provided directly to I&AP on request. The</p>	
--	--	---	--

	<p>AHS as the relevant local registered conservation body, not been asked to comment on the draft HIA report per se, as required by the initial HWC response.</p> <p>The HWC requirement is specific – it requires AHS to comment on the HIA report specifically, hence this separate comment by AHS on the HIA report specifically and separately from its comments on the BAR . This will be directed to HWC directly.</p> <p>Recommendations</p> <p>It is recommended that Heritage Western Cape provides interim Comment to the following effect:</p> <ul style="list-style-type: none"> • Endorses this report as having met the requirements of Section 38(3) of the NHRA; • In terms of Section 38(8) of the NHRA, the current proposal is not supported. <p>AHS endorses this recommendation, but with one significant difference. AHS will recommend that these recommendations should be endorsed as HWC’s final comment, at this site. The reason for the AHS recommendation will be set out in PART 2 of this submission.</p> <p>PART 2 : Comments on the integration of the HIA into the Pre-application Basic Assessment Report (BAR)</p> <p>The definition of “environmental authorisation” in terms of NEMA was amended and now reads “when used in Chapter 5 means the authorisation by a competent authority of a listed activity or specified activity in terms of this Act, and includes a similar authorisation contemplated in a specific environmental management Act (SEMA)”.</p> <p>The relevant SEMA in this case is the National Environment Management: Integrated Coastal Management Act (ICM Act) (Act no.24 of 2008). The assessment process to be followed in this case must be in accordance with the requirements of both the EIA Regulations, together with the specific requirements of the ICM Act.</p> <p>The application for authorisation under the ICM Act for the listed activities of this application, requires and EIA as per the EIA regulations of NEMA.</p>	<p>public participation was conducted in line with the NEMA requirements. This was the first round of public participation only.</p> <p>Once all comments have been received, the comments and responses, along with the proof of Public Participation, will be submitted to Heritage Western Cape for their internal decision making procedures.</p> <p>All comments have been received, the comments and responses, along with the proof of Public Participation, will be submitted to Heritage Western Cape for their internal decision making procedures.</p> <p>The BAR has been amended and is in accordance with the NEMA and ICMA requirements</p> <p>The HIA along with the AIA, PIA and VIA were included in the draft BAR and first round of public participation to all applicable organs of state, conservation</p>	
--	--	--	--

	<p>11. The HWC response to Notification to Develop (NID) was that a Heritage Impact Assessment in terms of Section 38(1) of the National Heritage Resources Act (NHRA) (Act 25 of 1999) is required. The response included specific requirements that needed to be included into the HIA report, prior to delivering a HMC final response.</p> <p>The HIA report is specifically required to include the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources i.e. the HIA report needs include:</p> <ul style="list-style-type: none"> • Comments requested of: <ul style="list-style-type: none"> • relevant registered conservation bodies; • all Interested and Affected parties; and • the relevant Municipality • Proof of the request for comments from the parties listed above. <p>These have not been included, hence the inclusion of the AHS comments on the HIA REPORT per se in PART 1 above.</p> <p>Herewith the AHS comments with respect to the integration of the findings and recommendation of the HIA into an integrated assessment of all heritage impacts and significance into the Pre-application BAR. (Section I of the BAR refers).</p> <p>7. Explain how the findings and recommendations of the different specialist studies have been integrated to inform the most appropriate mitigation measures that should be implemented to manage the potential impacts of the proposed activity or development (page 171)</p> <ul style="list-style-type: none"> • Heritage Impact Assessment <p>The Heritage Impact Assessment highlighted the site's location within a coastal cultural landscape of Grade IIIA significance, emphasizing its visual and contextual importance. In response to this, the development design has been carefully planned to preserve key landscape features and ensure that public access to culturally significant areas is maintained. To address the visual impact of the development, mitigation measures such as the inclusion of visual buffers have been incorporated. These buffers, along with the use of appropriate architectural styles and materials, will help reduce the visual intrusion of the development and ensure that it complements the surrounding environment. This approach</p>	<p>bodies and other I&As. A newspaper advertisement was placed in the Suiderpos, a noticeboard was placed on site, all adjacent landowners were notified via email and or post ad the documents were made available for download on the EAPS website or provided directly to I&AP on request. The public participation was conducted in line with the NEMA requirements. This was the first round of public participation only.</p> <p>Once all comments have been received, the comments and responses, along with the proof of Public Participation, will be submitted to Heritage Western Cape for their internal decision making procedures.</p>	
--	--	--	--

	<p>respects the heritage value of the area and aims to minimize any disruption to the sense of place for both residents and visitors. (page 72)</p> <p>The EAP fails to disclose the assessment and final recommendation of the HIA report:</p> <p>HIA report recommendation: “In terms of Section 38(8) of the NHRA, the current proposal is not supported.”</p> <p>12. The EAP only presents the case where the mitigation recommendations are fully implemented. With the non-disclosure of the EIA reports recommendations verbatim , the EIA implies that the HIA supports the application if the remediation recommendations are implemented. AHS believes this is disinformation and deliberately misleading.</p> <p>HIA report recommendation: “Should the development proceed, the mitigation recommendations of Section 16 of this HIA must be incorporated directly and in full into the Environmental Management Plan (EMP) for the proposed development.”</p> <p>In other words, only if the development receives an environmental authorisation, then all the full recommendations must be incorporated directly and in full into the Environmental Management Plan (EMP).</p> <p>The EIA report unequivocally states:</p> <p>“There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal.”</p> <p>AHS fully endorse this assessment for the following reasons:</p> <p>1. The pre-application bar does not meet the EIA regulations’ requirements to properly consider “need and desirability”:</p> <ul style="list-style-type: none"> • Cape Agulhas Municipality has strategically and democratically determined its strategic context for informing need and desirability. • The CAM SDF clearly sets out the broader community’s needs and interests. The “need and desirability” must be determined by considering the broader community’s needs and interests as reflected in the CAM IDP & SDF. 	<p>Refer to the updated HIA report.</p> <p>Refer to the updated HIA report.</p> <p>Noted.</p> <p>The Need and Desirability section has been amended.</p>	
--	--	--	--

	<ul style="list-style-type: none"> • The need and desirability in section E of the documents provided has not been quantified against the totality of the CAM SDF. It does not comprehensively consider the strategic context of the community’s needs and interests which are clearly identified in the SDF. • No mention is made of the fact that proposed activity on the development site is deviant from: <ul style="list-style-type: none"> - 2 of the 5 spatial development objectives • Protect and conserve the natural assets of the Municipality. • Preserve and protect heritage sites. - The spatial development vision A municipality that offers a good quality of life, rich life experience and diverse economic opportunities, ensures spatial justice and sustainability, and protects natural and heritage assets. - At least 3 of the 8 key strategies <ul style="list-style-type: none"> • Key strategy 3 <p>13. Protect and conserve protected areas, critical biodiversity areas and ecological support areas by keeping these areas in a natural or near natural state and only allowing low impact, biodiversity sensitive land uses as appropriate.</p> <ul style="list-style-type: none"> • Key strategy 4 <p>Create diverse economic opportunities by promoting agriculture and tourism.</p> <ul style="list-style-type: none"> • Key strategy 5 <p>Protect and enhance historic and culturally significant precincts and places.</p> <ul style="list-style-type: none"> • No proof has been provided that the deviations from the CAM SDF at the development site, selected as the “only preferred site” (without the consideration of alternative sites available on the inland portion of the Remainder of Farm 281) are <ul style="list-style-type: none"> - justifiable - meet the needs of the community, and - that the development is still desirable. 		
--	---	--	--

	<p>2. The pre-application BAR does not meet the requirements of EIA to comparatively assess alternative sites:</p> <ul style="list-style-type: none"> • No alternatives to the proposed development are identified, investigated or assessed i.e. No discrete alternative sites have been identified and comparatively assessed. • The so-called “alternatives” considered in this BAR are alternative layouts of the “only preferred option”. • A number of suitable alternative sites are available within the Split Remainder of Farm 281 • The claim that no alternative sites exist is fallacious and disingenuous. • No exemption has been applied for by the applicant or the EAP. • No detailed information on the consideration of alternative sites has been provided in the relevant reports. • Interested and affected parties have not been afforded an opportunity to provide inputs into the consideration of alternative sites. • The proposed development is located in coastal public property, within 100m of the high-water mark (HWM) line. It is the duty of the state as trustee to ensure that coastal public property is used, 14. managed, protected, conserved and enhanced in the interests of the whole community, as opposed to only a few individuals or groups. • The omission of the investigation of the discrete alternative sites available is a deliberate attempt to withhold significant information from the competent authority and equates to deliberate disinformation. <p>3. The pre-application BAR attempts to justify the activity of the “only preferred alternative” within 100 metres from the high-water line of a coastal public property in contravention of the ICM Act.</p> <ul style="list-style-type: none"> • The proposed development site presents circumstances under which the competent authority may NOT issue an environmental authority: <ul style="list-style-type: none"> - It is likely to cause irreversible or long-lasting adverse effects on the coastal environment that cannot be properly mitigated; - It is situated within coastal public property and is inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations. - It will not be in the interests of the community as a whole. - The applicant has alternative sites that have not been assessed as alternatives to the proposed development site. 	<p>There are no site alternative options available for this kind of development proposal.</p> <p>These concerns and indicated that they have been taken into consideration in the evolution of the new preferred layout (Alternative 5). This layout incorporates an open space erf on the western portion of the property, ensuring continued public access to the shoreline, preserving sensitive areas, and minimizing potential impacts on the coastal environment while accommodating the proposed development.</p>	
--	---	--	--

	<p>SUMMARY</p> <p>AHS endorses the recommendation of the HIA Report (with its subordinate specialist impact assessment findings) as a final HWC response to the NID: “In terms of Section 38(8) of the NHRA, the current proposal is not supported.”</p> <p>AHS agrees that there are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal. AHS will strongly object to the granting of an environmental authorisation and retains its right to appeal should an authorisation be granted.</p> <p>ATTACHMENT 1 – FISHERMAN’S OBJECTIONS – See comment included in the “Summary of Public IAP Comments”</p> <p>ATTACHMENT 2 – Handwritten forms of objection from Struisbaai North. This list of I&APS has been added to the I&AP register and comments addressed in the Summary of Public IAP Comments</p> <p>ATTACHMENT 3 – Spookdraai History information</p> <p>Due to the size of the Attachments above they are attached separately under the full AHS Comment (Appendix F 5)</p>		
<p>5. DEADP Landuse Bernadette Osborne</p>	<p>Email dated 05 March 2025</p> <p>COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (“BAR”) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF FARM NO. 281, STRUISBAAI.</p> <p>1. The electronic copy of the pre-application Draft BAR received by this Department’s Directorate: Development Management, Region 1 (“this Directorate”) on 1 February 2025 and this Directorate’s acknowledgement thereof issued on 7 February 2025, refer.</p> <p>2. Following the review of the information submitted to this Directorate, the following is noted:</p>		

	<p>➤ The proposed development entails the construction of the Spookdraai residential development on the Remainder of Farm No. 281, Struisbaai.</p> <p>➤ The housing complex will consist of the following 10 erven,</p> <ul style="list-style-type: none"> • 6 single residential dwellings, • 1 public open space, • 2 private open spaces, and • 1 private street and refuse. <p>➤ The site is 7100m² in extent.</p> <p>➤ No watercourses are present on the site or within 32m of the site.</p> <p>➤ The site is located within 100m of the high-water mark of the sea.</p> <p>➤ Indigenous vegetation is present on the site.</p> <p>➤ The site is zoned for agricultural purposes and is located outside the urban area of Struisbaai.</p> <p>This Directorate's comments are as follow:</p> <p>a. Listed Activities Since the proposed development will include a 375mm stormwater pipeline with an unspecified length, the applicability of Activity 9 of Listing Notice 1 should be confirmed. If applicable, it should also be included and addressed as part of the application.</p> <p>The motivation for the applicability of Activity 12 of Listing Notice 3 is inadequate. The motivation must clearly indicate whether 300m² or more of vegetation classified as a critically endangered or endangered ecosystem will be cleared.</p> <p>It was indicated that the maximum width of the road will 4m, however, in the Civil Engineering Report it was indicated that the road will have a maximum width of 5.5m. Please provide the correct width of the road and confirm the applicability of Activity 4 of Listing Notice 3.</p> <p>3.2 Activity description 3.3 Planning concern</p>	<p>Refer to Appendix G9b Civil layout plan for the stormwater pipeline. Activity 9 Listing Notice 1 is not triggered, as the length of the stormwater pipeline will only be approximately 132.41m in length and will not exceed 1000m.</p> <p>The BAR has been amended to address this issue. It now clearly indicates that Southwestern Strandveld, classified as an Endangered vegetation type, will be cleared as part of the proposed development.</p> <p>The road will be a maximum of 6m wide and 160m in length. This activity is not applicable to the proposal.</p>	
--	--	---	--

	<p>3.2.1. It is noted that the proposed development will include a public access pathway. However, the length and width of the pathway has not been included in the activity description.</p> <p>3.2.2. Furthermore, the length of the stormwater, water and sewage pipelines have not been specified in the activity description.</p> <p>3.2.3. The activity description must be updated to include details of the above. diameter stormwater pipeline.</p> <p>3.3.1. Page 32, section 4.3 of the BAR states, <i>“In terms of the 2024 approved Cape Agulhas Municipality Spatial Development Framework (CAM SDF), the proposed site is situated in an area identified as a gateway area. However, the SDF does not provide further clarification regarding the implications or strategic intent of this designation.”</i></p> <p>3.3.2. Clarification must be obtained from the planning component of the municipality regarding this designation and whether the proposed development is line with the municipal SDF.</p> <p>3.3.3. Should the development not be consistent with the municipal SDF, this may prejudice the outcome of the application.</p> <p>3.4 Consideration of Section 63 of the Integrated Coastal Management Act</p> <p>3.5 Service Confirmation</p> <p>3.5.1 Written confirmation from Cape Agulhas Municipality that they have sufficient capacity for potable water supply, effluent management and solid waste management.</p> <p>3.5.2 Written confirmation from Eskom should also be if they have sufficient capacity for electricity supply.</p> <p>3.6 Alternatives</p> <p>3.6.1 It is noted that four (4) Layout Alternative were considered of which Layout Alternative 1 is the “no-go” option.</p> <p>3.6.2 Please note that the “no-go” option is not a Layout Alternative. This must be corrected in the BAR.</p> <p>3.7 Since Heritage Western Cape (“HWC”) indicated that a Heritage Impact Assessment (“HIA”) is required, final comment from HWC must be obtained regarding the HIA.</p>	<p>The formal walkway proposed on Erf 7 will be 20 m in length and 12 m width. No additional vegetation clearance will be required. Refer to Appendix G11b of the Landscape Plan for illustration.</p> <p>The length of the stormwater, water and sewage pipelines will not exceed 1000 meters in length. Stormwater pipeline; ±132.41m length. Water Pipeline: ±160 m length Sewage pipeline: ±160m length.</p> <p>The property falls within the urban edge of the Cape Agulhas Municipality, refer to Appendix G12.</p> <p>A service confirmation letter is attached under Appendix J.</p> <p>This has been amended.</p> <p>A Final approval from HWC will be submitted with the Final BAR.</p>	
--	--	---	--

	<p>3.8 The proposed development will be located within 100m of the highwater of the sea, comment from this Directorate’s coastal management unit must be obtained.</p> <p>3.9 The proposed development will result in the clearance of indigenous vegetation classified as an endangered ecosystem. Comment from CapeNature is required regarding the loss of endangered vegetation. Department of Agriculture;</p> <ul style="list-style-type: none"> • Relevant road authority: and • Cape Agulhas Municipality. <p>3.11 The Public Participation Process must comply with the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR.</p> <p>3.4.1. It is noted that the development has been setback from the coastline and that provision has been made for public access to the coast.</p> <p>3.4.2. Please indicate what other measures were considered in the proposed development to address coastal processes.</p> <p>3.10 In addition to the above, comment from the following authorities must be obtained and included in the BAR:</p> <ul style="list-style-type: none"> • Department of Agriculture; • Relevant road authority: and • Cape Agulhas Municipality. <p>3.12 Please note that a comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the BAR. In addition, please ensure that copies of all the comments received are attached to the BAR.</p> <p>3.13 In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at</p>	<p>Comment is attached below.</p> <p>Comment from Cape Nature, DoA and Cape Agulhas Municipality are attached. Department of Infrastructure: Road Planning, have also been consulted regarding the proposed access of Provincial Road MR 261, over the road reserve to the development site.</p> <p>Noted.</p> <p>Noted.</p> <p>To be included in the Final BAR.</p> <p>Department of Agriculture and Cape Agulhas Municipality are attached. However, comment form Western Cape Road is still pending.</p>	
--	--	---	--

	<p>which the environmental audits must be conducted by an independent person.</p> <p>3.14 Please be advised that the signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>3.15 In addition to the above, please ensure that the signed and dated Environmental Assessment Practitioner (“EAP”) and Specialist declarations are also submitted with the final BAR for decision-making.</p> <p>Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>		
<p>6. DEADP CMU Mercia Liddle</p>	<p>Email dated 05 March 2025</p> <p>RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION BASIC</p>		

	<p>ASSESSMENT REPORT FOR THE PROPOSED SPOOKDRAAI DEVELOPMENT ON THE REMAINDER OF PORTION 281, STRUISBAAI.</p> <p>Good day Madam</p> <p>Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 03 February 2025, refers.</p> <p>1. CONTEXT</p> <p>1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (“NEM: ICMA”) is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”). The NEM: ICMA sets out to manage the nation’s coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning (“the Department”) is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the “Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) “Public Launch Site Regulations”.</p> <p>1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme (“PCMP”). The Western Cape Provincial Coastal Management Programme (“WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and available upon request.</p> <p>1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol (“NEMP”). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans.</p> <p>1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department</p>		
--	--	--	--

	<p>developed the Provincial Coastal Access Strategy and Plan, 2017 (“PCASP”) and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.</p> <p>1. COMMENT</p> <p>2.1 The sub-directorate: Coastal Management (“SD: CM”) has reviewed the information as specified above and have the following commentary:</p> <p>2.1.1. The development proposal entails the subdivision and rezoning of Farm RE/281 Struisbaai for the construction of six single residential dwellings. The development will feature associated infrastructure, including utilities such as water and electrical connections, roads and stormwater management systems. Furthermore, open spaces will also be incorporated into the design to provide residents with recreational areas and preserve the area’s ecological integrity. It is noted that the proposed development is located within the urban area and aligns with the Cape Agulhas Municipal Spatial Development Framework, IDP as well as the Provincial Spatial Development Framework for the Western Cape. The applicant also indicated that the development proposal has considered the provisions of the NEM: ICMA and other relevant legislation as the proposed development and its associated activities will occur above the 5m contour of the sea and behind the various coastal risk zones.</p> <p>2.1.2. Be advised that the 2023 Western Cape Biodiversity Spatial Plan (WC BSP) was formally adopted into law on 13 December 2024 (Gazette Extraordinary 9017) in alignment with the Western Cape Biodiversity Act (Act No 6 of 2021). This marks the replacement of the 2017 WC BSP with the 2023 WC BSP. The SD: CM notes that there are no Critical Biodiversity Areas along the subject area and the applicant accurately mapped the Ecological Support Areas for the subject area on page 33 of the DBAR.</p> <p>2.1.3. Farm RE/281 in its entirety is located within the Coastal Protection Zone (“CPZ”) as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	
--	--	---	--

	<p>in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 should be considered by local authorities for land use decision making. The applicant indicated that the proposed development aligns with the intentions and purpose of the CPZ, and the preferred development alternative ensures that the layout does not encroach upon identified coastal risk areas.</p> <p>2.1.4. Farm RE/281 is located seaward of the Overberg District Coastal Management Line ('CML') which the applicant acknowledged, and it is stated that the development proposal was reviewed against the risk zones including erosion, storm surge and sea-level rise projections. At a pre-application meeting, the SD: CM recommended that the applicant should ensure that the entire development should be located as far landward of the coastal risk zones as possible which the applicant adhered to, however it is concerning that from the proposed designs as illustrated in Figure 33 of page 83 of the DBAR, that the proposed dwellings are all located towards the seaward boundary of the proposed residential erven which are all in close proximity to the highwater mark. The applicant did not provide alternative positions for the proposed dwellings nor provided an explanation why these properties cannot be located towards the landward boundary of the proposed subdivided Erven.</p> <p>Regardless of whether the proposed developments would be located above the 5m contour and outside of the coastal risks zone, the subject property is not considered a development island and it is located seaward of the CML and in close proximity to the highwater mark. Any development on this site is at high risk from coastal processes including storm surges and impacts from climate change.</p> <p>2.1.5. Considering the abovementioned, the SD: CM noted that part of the development proposal is to incorporate a Public Open Space (Erf 7) and a Private Open Space (Erf 8). Be advised that much of the proposed 'private' Open Space is located below the highwater mark which and is therefore considered to be Coastal Public Property in terms of the NEM:</p>	<p>The new updated layout (Alternative 5) has taken into account the Medium Density Housing zoning provisions, which allow for 5-metre street building lines and 0-metre internal building lines. This zoning flexibility has enabled the dwellings to be set back further inland from their original proposed positions.</p> <p>The comment regarding the designation of land below the high-water mark as Coastal Public Property in terms of the NEM: ICMA is acknowledged. The applicant takes note of the risks associated with potential inland movement of</p>	
--	--	---	--

	<p>ICMA. The applicant must be informed of risk pertaining to the loss of property should the high-water mark of the sea move inland of the property boundary. In this regard, Section 14 of the NEM: ICMA and the Advisory Note from the Office of the Chief Surveyor-General, dated 15 October 2021, is applicable. The SD: CM appreciated the applicant's gesture to incorporate a public footpath leading to the coast via the proposed Erf 7 however the land below the highwater mark on the proposed Erf 8 cannot be privatised or used for the exclusive use of the residents of the subject property. The applicant is advised to consider Sections 7, 11, 13 and 14 of the NEM: ICMA in this regard.</p> <p>2.1.6. The SD: CM notes that the applicant did their due diligence to consider the impacts of the recent storm events and demonstrated how the subject property was unaffected by these events due to its rocky nature. No concerns were therefore raised in terms of flooding, sand movement and erosion. The applicant also indicated that the proposed built infrastructure was set back as far as possible within each proposed erf, however as stated in item 2.1.4. the SD: CM does not support the proposed locations of the dwellings there is insufficient buffer to absorb any possible effects of coastal processes given the proximity to the highwater mark.</p> <p>2.1.7. In terms of the Departmental Circular, DEA&DP 0004/2021, regarding 'The consideration of coastal risk in land use decisions as well as the way forward with respect to the establishment and implementation of Coastal Management Lines in terms of the NEM: ICMA', a precautionary approach must be adopted with respect to land use decisions within coastal risk areas. The Circular also suggests that development parameters be considered for development within general risk areas. This includes maintaining coastal quality; reducing public liability; reducing risk to human life; preventing intensification of development in general risk areas but allow the exercising of existing rights; prevention of encroachment that will impact the integrity of the shoreline ecology; and enables safe evacuation in an emergency. The Circular further states that any development that is proposed along the coast, be scrutinised and that caution is applied when considering such proposals.</p> <p>2.1.8. In terms of the Coastal Access Audit for the Overberg District, the subject coastline has been identified as a coastline with unrestricted</p>	<p>the high-water mark and the implications set out under Section 14 of the NEM: ICMA and the Advisory Note issued by the Office of the Chief Surveyor-General (15 October 2021). The area that was previously designated as Private Open Space (Erf 8) under Alternative 4, is now designated as an Admiralty Zone. Moreover, an open space is incorporated in the western portion of the property for use by public and will be accessed through a formalised walkway. The inclusion of a formal walkway reflects the applicant's commitment to ensuring coastal access in line with the requirements of the NEM: ICMA.</p> <p>Comment is noted. The built footprint of the residential dwellings in the new updated layout (Alternative 5) has been shifted further inland, away from the demarcated risk zones. This revised positioning reduces potential exposure to flood and coastal processes while maintaining functional site access and visual integration with the surrounding landscape. Please refer to the updated preferred layout (Alternative 5) for detailed illustration of the new dwelling positions and their relationship to the identified coastal risk zones.</p> <p>The precautionary approach advocated in Departmental Circular DEA&DP 0004/2021 is acknowledged. The updated layout plan (Alternative 5 – preferred) has been specifically designed to align with this principle by ensuring that the proposed residential erven are located outside of the demarcated coastal risk zones. No development is proposed within the identified high, medium and low risk zones. Public access is maintained through the dedicated footpath (Erf 7), ensuring that the development does not impede coastal access rights.</p>	
--	---	--	--

	<p>pedestrian access and the following recreational activities have been identified for the subject area: swimming; fishing (recreational, subsistence and commercial); walking, bird watching and dog walking. These accessibility of the coastline adds considerable value to coast from a tourism, sense of place and social perspective. The SD: CM is aware that there is great concern by some of the public regarding the impact of the proposed development on their historical access to the coast and if the development would be in the interest of the whole community (including fauna and flora) as defined in NEM: ICMA, especially given that it is located in the CPZ.</p> <p>2.1.9. The applicant must be reminded, due to the proximity of the development proposal to the highwater mark, that the erection of any protection measures against erosion or accretion is prohibited in terms of Section 15 of the NEM: ICMA, which states:</p> <p>(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person;</p> <p>(2) No person may construct, maintain or extent any structure, or take measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the NEMA or nay other specific environmental management Act.</p> <p>As such, any measures proposed to counter the processes of erosion or accretion may only occur within the boundaries of the subject property. The SD: CM is aware that the subject coastline is predominantly a rocky shore and erosion, and storm surges may not be a big concern for the subject area, however the applicant must note this for future reference as the development may be impacted by sea level rise as a result of climate change.</p>	<p>The importance of maintaining unrestricted pedestrian access to the coastline, as highlighted in the Coastal Access Audit for the Overberg District, is fully acknowledged. The proposed development has been carefully designed to retain and formalise public access through the inclusion of a widened public footpath via Erf 7, which will lead directly to the coast.</p> <p>The proposal recognises the significant social, tourism, and sense-of-place value of the coastline, and has therefore incorporated measures to safeguard public access while confining residential development to a limited footprint. The layout also takes into consideration the provisions of the NEM: ICMA by ensuring that development within the Coastal Protection Zone (CPZ) is planned in a manner that balances the applicant's rights with the broader interests of the community, as well as the need to protect coastal biodiversity.</p> <p>In this regard, the preferred layout (Alternative 5) is considered a more appropriate option as it provides a structured solution that both maintains community access to the coast and minimises environmental impacts, thereby aligning with the objectives of the ICMA.</p> <p>Noted.</p> <p>Noted.</p>	
--	--	---	--

	<p>2.1.10. Be advised that on page 42 of the DBAR the applicant incorrectly stated that Sections 14 and 15 of the NEM: ICMA were considered while referring to coastal access. The applicant is reminded that Section 14 relates to the position of the highwater mark and Section 15 explains measures affecting erosion and accretion. Sections 13 and 18 of the NEM: ICMA are the relevant sections for Public Access to Coastal Public Property.</p> <p>2.1.11. Given that the proposed subdivided Erven will be in close proximity to the highwater mark the applicant should be informed that they may not create individual pathways or walkways beyond their legal property boundary towards the coast and any activities on the subject property may in no way impede on the general public's ability to access coastal public property.</p> <p>2.1.12. Based on all the above-mentioned items, be advised that the SD: CM does not support the development proposal for subdivision and rezoning for the purpose of residential development. The site would be more suited for use that is in the interest of the whole community as defined in the NEM: ICMA. The proposed development will result in privatisation of a stretch of coast that is historically well utilised by the public and is also located on a scenic route.</p> <p>2.1.13. It is the opinion of the SD: CM that the proposed development is not aligned to the purpose of the CPZ as stated in Section 17 of the NEM: ICMA, as it does not protect the ecological integrity or natural character of the coastline and also does not protect the social and aesthetic value of coastal public property. The proposed development does not protect people, property or economic activities from risks arising from dynamic coastal processes including the risk of sea level rise. Furthermore, the proposed development does not maintain the natural functioning of the littoral active zone or the productive capacity of the coastal zone.</p>	<p>This section has been amended</p> <p>Noted.</p> <p>The concern is noted. The new updated layout (Alternative 5) has been specifically revised to address issues related to public access and coastal use. This layout now incorporates an Open Space zone and a formalised public walkway (Erf 7) that ensures continued and managed access along the western portion of the property. The coastal front, an area falling below the High-Water Mark has been designated as Admiralty zone, allowing public access and coastal processes to occur. These design changes directly respond to concerns regarding the potential privatisation of the coastline and safeguard the public's right of access, in line with the objectives of the National Environmental Management: Integrated Coastal Management Act (NEM: ICMA). The inclusion of an open space also provides opportunities for community use and enhances the visual and recreational experience along this scenic route, while the residential component has been positioned further inland to reduce conflict between private and public use areas.</p> <p>Comment is noted. The updated preferred layout (Alternative 5) has been specifically revised to improve alignment with the purpose of the Coastal Protection Zone (CPZ) as outlined in Section 17 of the National Environmental Management: Integrated Coastal Management Act (NEM: ICMA). The new layout significantly reduces impacts associated with coastal environment and climate change by shifting all residential dwellings further inland and outside of the identified risk zones, thereby enhancing protection of the ecological integrity, natural character, and visual quality of the coastline.</p>	
--	---	---	--

	<p>3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: “...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment...” together with Section 58 of the NEM: ICMA which refers to one’s duty to avoid causing adverse effects on the coastal environment.</p> <p>4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.</p>	<p>In addition, an Admiralty zone has been incorporated into the design to maintain and enhance the social and aesthetic value of the coastal public property while ensuring that public access via Erf 7 is safeguarded and appropriately managed. The revised layout avoids disturbance to the littoral active zone, retains natural drainage, and introduces mitigation measures to prevent erosion and maintain the productive capacity of the coastal zone.</p> <p>Noted.</p>	
<p>7. Councill or A Eksteen (Ward 5)</p>	<p>Email Ward dated 05 March 2025</p> <p>SUMMARY</p> <p>A. The pre-application bar does not meet the requirements of EIA to comparatively assess alternative sites:</p> <ul style="list-style-type: none"> • No alternatives to the proposed development are identified, investigated or assessed i.e. No discrete alternative sites have been identified and comparatively assessed. • The so-called “alternatives” considered in this BAR are alternative layouts of the “only preferred option”. • A number of suitable alternative sites are available within the Split Remainder of Farm 281, the claim that no alternative sites exist is fallacious and disingenuous. 	<p>Site alternatives are not available for consideration of the development proposal at hand.</p> <p>Noted.</p> <p>The remainder portion is not included in the current development proposal.</p>	

	<ul style="list-style-type: none"> • No exemption has been applied for by the applicant or the EAP. • No detailed information on the consideration of alternative sites has been provided in the relevant reports. • Interested and affected parties have not been afforded an opportunity to provide inputs into the consideration of alternative sites. • The proposed development is located in coastal public property, within 100m of the high-water mark (HWM) line. It is the duty of the state as trustee to ensure that coastal public property is used, managed, protected, conserved and enhanced in the interests of the whole community, as opposed to only a few individuals or groups. • The omission of the investigation of the discrete alternative sites available is a deliberate attempt to withhold significant information from the competent authority and equates to deliberate disinformation. <p>B. The pre-application bar does not meet the EIA regulations' requirements to properly consider "need and desirability":</p> <ul style="list-style-type: none"> • Cape Agulhas Municipality has strategically and democratically determined its strategic context for informing need and desirability. • The CAM SDF clearly sets out the broader community's needs and interests. The "need and desirability" must be determined by considering the broader community's needs and interests as reflected in the CAM IDP & SDF. • The need and desirability in section E of the documents provided has not been quantified against the totality of the CAM SDF. It does not comprehensively consider the strategic context of the community's needs and interests which are clearly identified in the SDF. • No mention is made of the fact that proposed activity on the "only preferred" site is deviant from: <ul style="list-style-type: none"> - 2 of the 5 spatial development objectives 	<p>The site is privately owned land and is situated within the demarcated urban edge.</p> <p>Site alternatives are not available for consideration of the development proposal at hand.</p> <p>The public was given an opportunity to comment on the Draft BAR wherein alternatives are assessed in line with the NEMA Requirements</p> <p>Noted.</p> <p>No alternative viable alternative site alternatives which align with the development proposal at hand.</p> <p>The Need and Desirability section in the BAR has been amended.</p>	
--	---	---	--

	<ul style="list-style-type: none"> - The spatial development vision - At least 3 of the 8 key strategies • Despite alternative sites being available on the Split Remainder of the Farm 281, no feasible and reasonable alternatives to the development have been identified nor comparatively assessed. • No proof has been provided (when compared to the alternative sites) that the deviations from the CAM SDF at the selected “only preferred site”, are <ul style="list-style-type: none"> - justifiable - meets the needs of the community, and - is still desirable. <p>C. The pre-application bar attempts to justify the activity of the “only preferred alternative” within 100 metres from the high- water line of a coastal public property without a comparative assessment of available alternate sites:</p> <ul style="list-style-type: none"> • The only assessed alternative “the only preferred option” presents circumstances under which the competent authority may NOT issue an environmental authority: <ul style="list-style-type: none"> - It is likely to cause irreversible or long-lasting adverse effects on the coastal environment that cannot be properly mitigated; - It is situated within coastal public property and is inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations. - It will not be in the interests of the community as a whole. • The applicant has alternative sites that have not been assessed as alternatives to the preferred option. <p>D. The assertion that this site is the “only preferred alternative” is disingenuous, deceptive and fallacious.</p> <ul style="list-style-type: none"> • NEMA and the EIA regulations call for a hierarchical approach to impact management. Firstly, alternatives must be investigated to avoid negative impacts altogether. Only after it has been found that the negative impacts cannot be avoided, must alternatives be investigated to reduce (mitigate and manage) unavoidable negative impacts. • The applicant owns numerous alternative vacant sites within the Split Remainder of Farm 281, within the defined urban edge of Struisbaai and 	<p>The comment regarding the consideration of alternatives is noted. In terms of the NEMA EIA Regulations, the Environmental Assessment Practitioner (EAP) has applied the mitigation hierarchy by investigating layout alternatives within the subject property to avoid and minimise potential negative impacts. The alternatives assessment considered four layout options, culminating in the revised and preferred Alternative 5, which significantly reduces potential environmental risks by avoiding sensitive areas and ensuring public access to the coastline.</p> <p>With respect to the applicant’s broader land ownership, it is important to clarify that this application relates specifically to the development of a portion of Farm 281, which is the subject of the current environmental authorisation process.</p>	
--	---	--	--

	<p>L'Agulhas - a significant fact that has not been disclosed in this pre-application bar.</p> <ul style="list-style-type: none"> • Not having to conduct a comparative analysis of alternative sites, enables a fallacious and misleading conclusion that the significant potential negative impacts identified by the specialist reports (as good as they may be) on heritage resources and places of cultural significance, archaeology, palaeontology, cultural landscape context and visual sensitivity are unavoidable. The applicant, by making this assertion, assumes that the NEMA requirement of comparative alternative analysis is thereby reduced to a comparison of layouts only, to optimise the mitigation against the potential impacts. This is obviously not allowed, since none of the other potential alternative sites have been comparatively analysed. <p>Apart from various other reasons, this development will have a lasting, negative visual impact and change the landscape for humans, small animals, and flora forever. It should not be allowed, and the developer should be forced instead to disclose what their intentions are with the almost 450 hectares they still own in Struisbaai.</p> <p>Yours sincerely Dr. A Eksteen</p>	<p>Other properties under the applicant's ownership within the urban edge of Struisbaai and L'Agulhas do not form part of this application</p>	
<p>8. Whale Coast Conservation Pat Miller</p>	<p>Email dated 05 March 2025</p> <p>COMMENT ON PRE-APPLICATION / DRAFT BASIC ASSESSMENT REPORT Proposed Spookdraai Residential Development Remainder Portion 281, Struisbaai LORNAY REF; REM-281: DEA&DP REFERENCE; 16/3/3/6/7/1/E1/13/1406/23</p> <p>Dear Michelle</p> <p>The proposal aims to construct a housing development on a small greenfield site in Struisbaai of just over .7Ha. The site has one owner and is a remnant of a larger farm. This is no doubt the reason for its current zoning as Agricultural as it is totally inappropriate for farming.</p>		

	<p>The site is located between Marine Drive and the sea in a curve on the road (“Spookdraai”) and currently comprises natural vegetation, rocky shore and sandy beach. The site is long and narrow, running parallel with the road, and sloping between the sea and the 11m contour of Marine Drive. It is within 100m of the high-water mark and thus within the Coastal Management Zone (CMZ).</p> <p>The envisaged development will contain six side-by-side residential units with associated roads and paths located mostly on the eastern side. The vegetation of the western side is classified as Critically Endangered, being Agulhas Limestone Fynbos and is thus a no-go area for development.</p> <p>Whale Coast Conservation (WCC) opposes the proposed development for reasons that include the following:</p> <p>1. Does not comply with relevant planning documents</p> <p>Development on the site does not comply with the Western Cape Provincial Spatial Development Framework (WCSDF), in that it will not protect natural resources, nor will it reduce pressure on natural landscapes, despite bland assertions in the Basic Assessment Report (BAR) (page 18) that it will do so.</p> <p>Developing the site will destroy natural resources and landscapes.</p> <p>The WCSDF also has a goal of “better protection of spatial assets (e.g. cultural and scenic landscapes) and strengthened resilience of natural and built environments”. Development on this site will weaken the resilience of the natural environment and the cultural and scenic landscape so characteristic of the area (see 8 below).</p> <p>The Provincial Spatial Development Framework (PSDF) envisages that “residents use land and finite resources prudently and safeguard their ecosystems”. Although the BAR asserts that the proposal aligns with this, the rationale is mere “spin” and developing the site will in fact do just the opposite.</p> <p>Development will also be counter to the 2010 Need and Desirability Guidelines, in that it will not respect local environmental integrity. Rather than respecting the integral wholeness of the local environment,</p>	<p>The development site is situated within the Cape Agulhas demarcated urban edge, refer to Appendix G12. The vegetation type that will be removed is situated on the Eastern boundary of the site, resulting to residual impacts of low for Alternative 4 and 5, based on the botanical specialist findings.</p> <p>Alternative 5 reflects a substantial reduction in the overall development footprint, with residential units repositioned further inland to avoid sensitive coastal areas and to maintain the visual integrity of the scenic coastal landscape. The revised layout incorporates an open space zone and a formal coastal access pathway via Erf 7, collectively enhancing the social and aesthetic value of the site while ensuring continued community use and appreciation of the coastline. Furthermore, an area previously designated as Private Open Space (Erf 8) that falls below the High Water Mark is now designated as an Admiralty Zone, ensuring public access and protection of coastal public property.</p> <p>The proposal, therefore, does not seek to substitute or degrade the local environment but rather to integrate with it through sensitive design, low-</p>	
--	---	--	--

	<p>development will replace this with substitutions for destroyed elements (see 6 below).</p> <p>2. Site is inherently unsuitable for development</p> <p>The shape, size and position of the site makes it vulnerable to elemental unpredictability. Any development on the site will be at high risk of these.</p> <p>As noted, it is within 100 metres of the high-water mark and Figure 2 on page 16 of the BAR indicates that the 1 in 10 high water mark will swamp a considerable portion of the site.</p> <p>The southern Cape coast is notorious for these events, as well as for episodic waves. These can be expected to increase in frequency and magnitude as the effects of climate change become increasingly apparent (see 12 below).</p> <p>On page 48 the BAR notes that “The impact of the proposed development relates to the transformation of the land that is currently covered with indigenous vegetation to the landscape which will be transformed and built. The desirability from a development perspective relates to the proximity of the erf to the coast...it incorporates all of the high-water mark, the 5m contour, and the low, medium and high risk coastal risk zone lines.” This is exactly what renders the site totally inappropriate for development from an environmental perspective - it is far too proximate to the coast.</p>	<p>intensity residential use, and public access enhancement, aligning with the principles of responsible development and prudent resource use as envisaged by the PSDF and the 2010 Need and Desirability Guidelines.</p> <p>These risks have been carefully considered in the BAR and the application of relevant coastal management legislation, including the NEM: ICMA and DEA&DP Circular 0004/2021 on coastal risk.</p> <p>The proposed development has been designed with a precautionary approach, taking into account sea-level rise, storm surge events, and the potential inland movement of the high-water mark. Infrastructure has been located outside of the highest-risk areas as far as practically possible</p> <p>The revised layout ensures that all proposed residential dwellings and associated infrastructure are positioned above the 5-metre contour line, thereby placing them outside of the identified coastal risk zone and reducing potential exposure to flood or storm surge impacts. Moreover, house positions have been moved further inland from their original positions. This approach directly responds to concerns raised about sea-level rise and climate change-related risks. An admiralty zone has been incorporated into the updated layout alternative to accommodate natural coastal processes, allowing for buffering of wave action and potential water level fluctuations without compromising infrastructure integrity or public safety.</p> <p>Furthermore, the coastal setback lines and development restrictions have been informed by current Coastal Management Line data ensuring that the development does not occur within areas of high dynamic risk.</p> <p>The development will be situated landward and above the demarcated risk zones. The previously preferred (alternative 4) layout showed that one of the erven slightly encroaches into the low risk zone, however, the new preferred (Alternative 5) includes the building footprint which are positioned further inland and away from the demarcated risk zones, see</p>	
--	---	--	--

	<p>3. Proposal is in conflict with the Coastal Protection Zone</p> <p>The Coastal Protection Zone (CPZ) as defined in Section 63(1) of the Integrated Coastal Management Act (ICMA) aims to manage, regulate, and restrict the use of land adjacent to coastal public property while preserving and enhancing the coastal ecosystem, as well as to safeguard natural coastal processes and biodiversity.</p> <p>The BAR states on page 33 that “The subject property lies within the CPZ, (but) the layout does not encroach upon identified coastal risk areas....(as) the development footprints are located above the high, medium and low risk lines...Development will...be located within 100 m of (the high water mark), (but) the coastline is predominantly a rocky shore therefore erosion and storm surges are less likely compared to a sandy shore.” This is not true. The presence of a rocky shore is a function of elemental geology and is no protection against storm surges.</p> <p>Page 41 of the BAR states that a coastal environment study was “not required, the development is located above the 5m contour and outside the low, medium and high-risk zones.” Given the position of the site, this is a major omission and a coastal environment study should have been done. (It should be noted that the arrow in Figure 4 on page 32 of the BAR indicating the proposed site is in the incorrect place. If it is adjacent to the exposed headland to the southeast, this underscores the site’s environmental vulnerability.)</p> <p>4. Development will prevent the site from performing its eco-system services The site in its undeveloped state performs many eco-system services. For example, the site acts as a buffer for the town against extreme events. Sea events such as storm surges can be dissipated and land events such as floods can be filtered by the site before entering the marine environment.</p> <p>The photographic image in the Terrestrial Impact Assessment of the stormwater culvert from Marine Drive that opens onto the site, together with one showing the depth of erosion this has caused, indicates that the site currently processes a considerable amount of external water as well as the importance of the vegetation on the site in binding the aeolian sand and preventing erosion.</p>	<p>Noted.</p> <p>The property is considered to be at a lower risk of coastal erosion due to the underlying rocky substrate, which provides natural protection and stability. Furthermore, the site is located within a relatively sheltered bay, where wave action and inundation are significantly reduced compared to more exposed coastal areas. Based on these site characteristics and available risk mapping, a dedicated coastal environment study was not deemed necessary. However, the positioning of the site will be verified and clarified in the final documentation to address concerns raised regarding the figure reference in the BAR.</p> <p>The concern regarding the stormwater culvert and associated erosion is acknowledged. The existing stormwater culvert from Marine Drive will be redirected eastward, away from the development footprint, so that it flows along the eastern boundary of the site directly to the sea. Within the proposed development, all erf and road levels will be designed and shaped to ensure adequate falls toward a formalised stormwater system. This system will discharge to the sea, but with safeguards in place to prevent environmental degradation. These include the installation of a stormwater dissipation</p>	
--	--	---	--

	<p>Development will mean that functions such as these will be adjusted to the protection of the infrastructure on site and will critically affect their efficiency.</p> <p>5. Terrestrial Impact Assessment is inadequate</p> <p>Although titled a Botanical Impact Assessment, the introduction to this specialist study states its main objective as being to determine botanical and/or terrestrial biodiversity constraints on development. A desktop assessment was done, as well as one site visit of some two hours on 20 December 2022.</p> <p>The specialist found a well-vegetated and diverse mixture of Southwestern Strandveld and Cape Seashore Vegetation on deep sand above a rocky shore of Table Mountain Group sandstone, as well as some alien species (which is usual in a site close to urbanised areas). The depth of the sand was exposed by erosion caused by a stormwater culvert from Marine Drive. Despite this erosion, natural revegetation is taking place, indicating a healthy ecosystem. The western portion of the site consists of Agulhas Limestone Fynbos, classified as Critically Endangered.</p> <p>No vegetation was found on the rocky shore due to the “highly energetic and abrasive shoreline” and the ecological function of the mixed shore on the site is not covered. Different biological communities are found in these habitats depending on the amount of shelter they offer, the impact of wave action and their stability. Life forms in these habitats are often microscopic, but nevertheless essential to the functioning of the ecosystem, which is highly dynamic.</p> <p>This dynamism means that the site has functions that also change as needed, sometimes rapidly. For example, it will have an important foraging function as well as a shelter and refuge function in times of extreme weather but the areas used for this are transient. Thus the absence of signs of fauna noted in the report does not necessarily mean that none is present as concluded – only that they were not evident during the two hours in high summer of the site visit.</p>	<p>structure, a silt and debris trap to prevent contamination at the coast, and the use of reno-mattresses at the overflow point to minimise erosion risks. Collectively, these measures will manage stormwater more effectively than the current situation and will ensure the protection of coastal processes and vegetation integrity.</p> <p>The Terrestrial Biodiversity Impact Assessment has been updated.</p> <p>An Animal Species Compliance Statement was undertaken.</p>	
--	--	---	--

	<p>The study also concluded that according to the field observations at the site there are no species of concern present and that the sensitivity of terrestrial biodiversity according to the screening tool as High to Very High is not warranted; it should be no higher than Medium. However, it goes on to say “The field visit was a snapshot in time so the observations made cannot be taken as definitive.”</p> <p>Despite this caveat, the BAR accepts the downgraded rating and takes it further by stating of the site (page 48) that “at least a third of which is exposed bedrock and beach, leaving less than 0.5 ha that is true Strandveld or Agulhas Limestone Fynbos. Therefore, although there would be total loss of the vegetation on the eastern part of the site, this loss would not be great over the extent of the vegetation type as a whole, so cumulative impacts would be Low Negative” and again that “The Botanical specialist highlights that no bird species were observed using the habitat for feeding or nesting. In addition, no insect communities were evident in the dune Strandveld habitat either.”</p> <p>This approach of “spinning” findings in order to put the proposal in the best possible light is misleading and disingenuous. There are many examples throughout the BAR.</p> <p>6. Need and desirability is neither proven nor convincing</p> <p>Both the need and the desirability of the proposed development are overstated, and a case cannot be made for either beyond the gains to be made by the developer. The usual buttons of job creation, economic growth and the like are pressed, but essentially the proposal will provide a few temporary employment opportunities during construction and residential/tourism opportunities in six small properties. (See also Point 1 above) In attempting to sell the need and desirability the BAR constantly attempts to downplay the negative impact on the environment, stating for example on page 37 that “The development includes plans to rehabilitate portions of the site that are currently degraded, enhancing the ecological integrity of the area.” This must be seen in the context of the total destruction of the vegetated dunes as well as damage to the rocky shore.</p> <p>7. Visual impact will be jarring</p>	<p>The concern regarding the interpretation of the botanical findings is noted. The Terrestrial Biodiversity Impact Assessment has since been updated to incorporate the most recent information. The specialist study acknowledges that the field assessment represents a point-in-time observation and that certain ecological processes may vary seasonally. However, the conclusions regarding the relative sensitivity of the site and the absence of species of conservation concern were informed by both fieldwork and a review of available background information, including the national screening tool and vegetation mapping. The determination that the sensitivity rating should not be higher than Medium reflects the specialist’s professional judgement following this integrated assessment. It is important to emphasise that the Basic Assessment Report (BAR) did not seek to misrepresent these findings, but rather to transparently incorporate them into the broader impact assessment. Accordingly, the BAR has been amended to align with the updated Terrestrial Biodiversity Impact Assessment, ensuring that the assessment reflects the most current botanical information available.</p> <p>The Need and Desirability section has been revisited and updated to provide a more balanced motivation for the proposed development. Importantly, the development layout has been refined (Alternative 5 – preferred) to avoid high-sensitivity areas, minimise environmental disturbance, and retain open space linkages, thereby integrating both ecological and social considerations into the planning process.</p>	
--	---	---	--

	<p>The Visual Impact Assessment (VIA) notes that the site is a pivotal point in the typical coastal landscape with a small inlet and beach opposite a green vegetated open space on the opposite side. The sense of place is rugged and exposed to the elements and although there is residential development, these are placed on the far side of Marine Drive from the ocean, leaving a green buffer between ocean and road. Any development on the site will be an intrusive interruption of this visual pattern.</p> <p>8. Natural landscape is a cultural heritage to be protected</p> <p>The Heritage Impact Assessment notes that the site is part of a coastal landscape of high significance and visual integrity, enhanced by the general lack of intrusions into its intactness, particularly below Marine Drive. Its low position along a curve in the road means that it is very visible from not only Marine Drive, but also from surrounding areas including the town of Agulhas.</p> <p>The cultural landscape of the site warrants a Grade IIIA rating. Any intrusion onto the site will result in significant and highly negative impacts. The specialist notes that the vagueness of the assurances given that development parameters will adequately address these impacts, together with the site’s “gateway” visual position, mean that the proposal cannot be approved. In addition the HIA states that “There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal.”</p> <p>9. Socio-economic benefits are minimal</p> <p>As noted, the proposal is for six small residential housing opportunities. Apart from financial benefit for the developer, the socio-economic stimulation opportunities for the broader community will be very few, and temporary during the construction phase. The BAR (pages 84 and 85ff) spins the positive and negative socio-economic impacts, overstating the former and minimising the latter. It should be noted that “will” can usefully be substituted for “may” in all four of the identified negative impacts.</p> <p>The spin continues in the exposition of the positive and negative impacts of the various alternatives/iterations of the development proposal. With</p>	<p>Noted. The overall visual impact of the proposed development under the updated layout (Alternative 5) has been reduced, provided that the Architectural Guidelines and Landscape Plan are fully implemented.</p> <p>Noted.</p> <p>The concern regarding the extent of socio-economic benefits is noted. It is acknowledged that the proposed development is relatively small in scale and that the majority of socio-economic benefits will be limited to temporary employment opportunities during the construction phase, along with some indirect stimulation of the local economy through the use of local contractors, suppliers, and service providers. The BAR has been updated to reflect this more proportionately and to avoid overstating the potential benefits.</p>	
--	---	---	--

	<p>regard to the No Go/Status Quo retention option, the positive impacts are blandly stated as:</p> <ul style="list-style-type: none"> • Preservation of the existing natural environment, including indigenous vegetation and fauna. • No disturbance to sensitive areas, such as ecological corridors, coastal zones, or cultural heritage sites. • No contribution to visual or noise pollution in the area <p>Whereas the negative impacts are given as:</p> <ul style="list-style-type: none"> • Without the development, no jobs will be created during either the construction or operational phases, limiting socio-economic benefits for the local community. • The lack of development means no new housing will be provided to address the needs of the growing population in the area, potentially exacerbating existing housing shortages. <p>This is an extreme over-statement of the benefits that could accrue through the construction of six residences.</p> <p>10. Climate change risks are ignored</p> <p>The BAR is required (page 170) to “Explain how the risk of climate change may influence the proposed activity or development and how has the potential impacts of climate change been considered and addressed.”. The BAR’s inexplicable response is to state that this is Not Applicable. Climate change is without question the most pressing problem of development planning. In 2024 the 1.5oC target average temperature increase reached under the Paris Agreement in 2015 was breached, and average temperatures are now on track for a 2.8-3oC increase. For various reasons, South Africa is facing even higher temperatures; the influences of these on large-scale weather drivers such as the ocean currents will be profound. Changing wind patterns and the warming of the Agulhas current will undoubtedly increase extreme weather events along the coast. Predictions are for extreme weather and an increased number of disasters, including fire and flood. A range of modelling confirms that climate change is supercharging risk and a long-term lens should be applied to all planning decisions.</p>	<p>This section has been amended in the BAR.</p>	
--	---	--	--

	<p>The position of the site makes it particularly vulnerable to the impacts of climate change, and no development of the site should be approved (see also section 4 above on Eco-system functioning).</p> <p>11. Conclusions and recommendations</p> <p>After careful consideration of the BAR for the proposed development on RE281 Struisbaai, including the various specialist reports, WCC is of the opinion that the proposal should be rejected and recommends the No Go option. This is for reasons that include:</p> <ul style="list-style-type: none"> • The proposed development does not comply with the relevant planning documents, particularly the provincial spatial development frameworks. It will neither protect natural resources, nor reduce pressure on natural landscapes, but will destroy them. • The site proposed for development is inherently unsuitable for such. Its shape, size and position makes it particularly vulnerable to elemental unpredictability, within a context notorious for this. • The proposal is in conflict with the Coastal Protection Zone; it will jeopardise natural coastal processes and biodiversity. A Coastal Environmental Study should have been done. • Development will prevent the site from continuing to fulfil its vital eco-system services, such as acting as a buffer for the town against extreme events. • The Terrestrial Impact Assessment is inadequate as it concentrates on vegetative botanical elements, ignoring the dynamic ecology of the rocky and sandy shore. In addition, it adjusts the screening tool results downwards on the basis of fieldwork findings, while stating that the two hours spent on this could not give definitive results. • Neither the need nor the desirability of the proposed development is proven. Financial benefit will accrue to the developer at the cost of an irreplaceable environment. 	<p>Comment is noted. The concern regarding the proposal's potential conflict with the Coastal Protection Zone (CPZ) and its implications for natural coastal processes and biodiversity has been carefully reviewed and addressed through both the specialist assessments and the updated layout design (Alternative 5). The revised preferred layout (Alternative 5) has significantly reduced the development footprint within the CPZ, with all residential dwellings and primary infrastructure repositioned further inland and outside of the identified sensitive coastal risk and ecological zones. This ensures that natural coastal dynamics, including sediment transport, and tidal influence, remain largely uninterrupted.</p> <p>Terrestrial Biodiversity Impact Assessment has been updated accordingly.</p> <p>This section has been amended in the BAR.</p> <p>Comment is noted. The Visual Impact Assessment (VIA) has been updated to reflect the revised site development layout (Alternative 5), which was specifically amended in response to public input and the findings of the initial visual assessment. The updated layout has repositioned the residential</p>	
--	--	---	--

	<ul style="list-style-type: none"> • The visual impact of the development on the currently “of a piece” seaward visuals will be marked, even if design mitigation measures are put in place. • The natural landscape is a cultural heritage that should be protected and retained wherever possible. • The socio-economic benefits of the proposed development are minimal, but are repeatedly overstated, whereas the environmental damage it will cause is understated and played down. Such “spin” is a recurrent feature of the BAR. • The growing risks posed by climate change and its inevitable effects on any development on the site are ignored. 	<p>dwellings further inland, reducing the overall visual exposure from key public viewpoints, particularly from the coastal access route and adjacent open spaces.</p> <p>In addition, design and landscaping measures have been incorporated to further mitigate potential visual intrusion. These include the use of natural materials and colours that blend with the surrounding coastal landscape, low-profile architectural forms, and strategic vegetation screening to soften the visual transition between built and natural elements.</p> <p>While some degree of visual change is inevitable due to any new development in a coastal setting, the updated design has minimised visual contrast and cumulative visual effects, ensuring that the proposal remains consistent with the rural coastal character and scenic quality of the area. The updated VIA concludes that, with the mitigation measures implemented, the visual impact ma be reduced to low negative impact.</p>	
<p>9. Department of Agriculture Cor Van Der Walt</p>	<p>Letter dated 19 June 2025</p> <p>PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE: DIVISION BREDASDORP REMAINDER OF THE FARM NO. 281</p> <p>Your application of 03 February 2025 has reference.</p> <p>Application is made for the subdivision and rezoning of the remaining portion of Farm Paapekuilsfontein No. 281, Struisbaai, where the proposed Spookdraai Residential Development is situated. The site spans approximately 0.71 hectares and lies adjacent to Marine Drive. The development proposal includes the construction of six single residential dwelling.</p> <p>From an agricultural perspective, the Western Cape Department of Agriculture: Land Use Management has no objection to the subdivision and rezoning of the property.</p> <p>Please note:</p> <ul style="list-style-type: none"> • That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970. • Kindly quote the above-mentioned reference number in any future correspondence in respect of the application. 	<p>Noted. No further action required.</p>	

	<ul style="list-style-type: none">• The Department reserves the right initial comments and requests further information based on the information received.		
--	--	--	--



NOTE: The table below includes only the Register of Organs of State, listing all relevant names and contact details. The I&AP Register is not incorporated within this Proof of Public Participation document due to its volume and is instead provided as a separate document in **Appendix F6**.

o ORGANS OF STATE REGISTER FOR INTERESTED AND AFFECTED PARTIES						
PROJECT: RE/281						
NAME:	ORGANISATION:	POSTAL ADDRESS:	TEL:	EMAIL:	COMMENT:	DATE & REF:
Rhett Smart	Cape nature			rsmart@capenature.co.za	<p>Email dated 03 March 2025</p> <p>Pre-Application Basic Assessment Report for the Proposed Subdivision and Rezoning for the Spookdraai Residential Development on the Remainder of the Farm Paapekuilsfontein 281, Struisbaai</p> <p>CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.</p> <p>Desktop Information</p> <p>According to the latest version of the Western Cape Biodiversity Spatial Plan (BSP) which was adopted by the competent authority on 13 December 2024, the section of</p>	Date: 03/03/25

					<p>the property below the high water mark of the sea is classified as Ecological Support Area 1 (ESA) with a narrow buffer of Critical Biodiversity Area 1 (CBA) in the central and eastern sections. The remainder of the property is mapped as No Natural. In the previous version of the BSP, the ESA extended further inland in the west, there was no CBA and two sections of Other Natural. The scale of the mapping of the BSP must be taken into consideration for a small urban property surrounded by residential development such as this case.</p> <p>The vegetation on site according to the current official National Vegetation Map (2018) is Overberg Dune Strandveld listed as endangered. In the draft update to the National Vegetation Map (2024), the site is mapped as Southwestern Strandveld in the central and eastern sections and Agulhas Limestone Fynbos in the western section. As Southwestern Strandveld is a new vegetation type, it has not yet been assigned a threat status, and Agulhas Limestone Fynbos is listed as critically endangered. The section below the high water mark is mapped as Agulhas Mixed Shore in the mapping of coastal and marine ecosystems for the National Biodiversity Assessment (2018). There are no freshwater features mapped for the site.</p> <p>Screening Tool and Site Sensitivity Verification</p> <p>The results from the National Web-based Screening Tool reveal a very high sensitivity for terrestrial biodiversity, medium sensitivity for animal species and plant species and low sensitivity for aquatic biodiversity. The Site Sensitivity Verification Report confirms that the terrestrial biodiversity, animal species and plant species themes are covered in the botanical impact assessment and no aquatic biodiversity studies were undertaken as there are no freshwater features on the site or immediate surroundings.</p> <p>Botanical Impact Assessment</p>	
--	--	--	--	--	--	--

					<p>The botanical impact assessment verifies that the vegetation occurring on site consists of Southwestern Strandveld, however there is also Cape Seashore Vegetation occurring adjacent to the section of sandy shoreline and elements on Cape Seashore Vegetation further inland due to the proximity to the coastline and effects of sea spray. We wish to note that although Overberg Dune Strandveld has been replaced by Southwestern Strandveld on this site, Overberg Dune Strandveld has not been replaced in its entirety and still occurs to the north of Struisbaai amongst other locations.</p> <p>The general description in 6.1. indicates that there is no limestone fynbos occurring on site, but it does occur further inland. However elsewhere in the report there is reference to Agulhas Limestone Fynbos on the site, therefore confirmation must be provided whether it does in fact occur. It is noted that the description of the waypoints does not indicate any localities which are typical of limestone fynbos.</p> <p>The botanical impact assessment references the previous 2017 BSP which was accurate when the report was compiled. The relevant version in terms of the legislation depends on the date of the application initiation, however both versions can be referred to for informing the application.</p> <p>The condition of the habitat is relatively degraded in sections due to impacts associated with coastal access and edge effects from the adjacent residential area, with a stormwater outlet where gully erosion has taken place. Clearing of alien invasive Rooikrans (<i>Acacia cyclops</i>) has taken place however, due to the exposed nature of the site, re-establishment of indigenous vegetation in these areas has been slow and the cleared vegetation has been stockpiled on site.</p> <p>No plant species of conservation concern (SCCs) were observed on site. The plant species sensitivity is therefore verified as low, with the exception of the small section in the</p>	
--	--	--	--	--	---	--

					<p>west which is medium associated with the mapping as Agulhas Limestone Fynbos. With regards to the latter, we wish to refer to the above discussion regarding the presence of limestone fynbos on site.</p> <p>The impact assessment for the two non-preferred development layouts is high prior to mitigation and the residual impact and impact after mitigation is rated as high. The impact assessment for the preferred development layout which avoids the western section with the mapped Agulhas Limestone Fynbos is rated high prior to mitigation, the residual impact is medium and the impact after mitigation is low. We wish to note that the term residual impact relates to the mitigation hierarchy, which is enshrined in the National Environmental Management Act (Act 108 of 1998, NEMA) and accordingly in the National Biodiversity Offset Guidelines. It is the impact that remains after following the mitigation hierarchy of avoid, minimize and then mitigate/rehabilitate. The residual impact should therefore be the same as the impact after mitigation.</p> <p>Clarification is therefore required regarding the residual impact for the preferred development layout. It is noted that the section pertaining to mitigation (Section 9.4) states that it is not possible to mitigate the impacts. We therefore wish to query how the impact significance can be reduced after mitigation if there is no mitigation possible. In terms of the National Biodiversity Offset Guidelines, a biodiversity offset is required to remedy a residual impact of medium negative or higher. Therefore, clarification is required regarding the proposed mitigation and associated impact significance. If the residual impact is confirmed to be medium significance or higher, a biodiversity offset must be implemented in terms of the National Biodiversity Offset Guidelines.</p> <p>Animal Species Theme</p> <p>The botanical assessment indicates that the field sampling included observations of animals and birds and under terrestrial biodiversity sensitivity indicates that no bird</p>	
--	--	--	--	--	---	--

					<p>species were observed using the habitat or feeding or breeding and no insect communities were evident. The observations are qualified that it was a snapshot and is not definitive. According to the Procedures for the Assessment and Minimum Criteria for Reporting on Environmental Themes for Animal Species (GG 43855, GN 1150, October 2020 – referred to as “the protocols”), a site inspection is required to confirm the presence of the SCCs flagged in the screening tool as medium sensitivity. If confirmed, a terrestrial animal species specialist assessment must be undertaken, otherwise a terrestrial animal species compliance statement is required. The two species listed are a reptile, Southern Adder (<i>Bitis armata</i>), and an insect (<i>Aneuryphymus montanus</i>).</p> <p>The botanical assessment does not provide sufficient evidence of compliance with the protocols with respect to the animal species theme. There is no reference to the two species flagged or the other faunal SCCs that could be present on site. The report does not indicate whether coastal species, including coastal bird species, were observed or if the observations were only within the terrestrial habitat. CapeNature has highlighted the gaps in the screening tool for the coastal and estuarine environment in applications where this is relevant. African Oystercatcher (<i>Haematopus moquini</i>) is sensitive to disturbance during the breeding season and could be present along the adjacent coastline. Although this species is currently listed as least concern in both the international IUCN listing and the national SANBI listing, prior to 2017 it was IUCN listed as near threatened. There are other coastal bird species which could be affected by disturbance. Mitigation may be necessary during the construction phase.</p> <p>Coastal Setback and Access</p> <p>Three iterative alternative layouts have been developed, with the preferred layout avoiding the high water mark and only one of the six residential erven encroaching slightly into the low risk line (1 in 100 year storm surge). No hard</p>	
--	--	--	--	--	---	--

					<p>infrastructure should be permitted in front of the 1 in 100 year storm surge line.</p> <p>We wish to note however that the coastal management line for the Overberg District Municipality is located relatively far inland from Struisbaai. Development islands have been delineated for existing development in front of the coastal management line, however the property is not located within a development island. The property is therefore in front of the coastal management line. Coastal management lines are intended to be implemented through municipal planning and therefore we recommend that input should be provided by the Department of Environmental Affairs and Development Planning (DEA&DP): Coastal Management and the Cape Agulhas Municipality in this regard.</p> <p>Apart from the six residential erven, there are three open space erven, consisting of one public open space erf for a public footpath along the western boundary, a small private open space erf at the entrance and a large private open space erf over the remainder of the current property. We wish to note that according to the National Environmental Management: Integrated Coastal Management Act (Act 24 of 2008, NEM:ICMA), areas below the high water mark of the sea form part of the coastal public property. A large proportion of the large private (not public) open space erf falls below the high water mark. We recommend that it must be ensured that Sections 7, 7A, 13, 14 and 18 of NEM:ICMA with regards to coastal public property and coastal access are taken into account in the application and DEA&DP: Coastal Management should provide inputs in this regard.</p> <p>Services</p> <p>With regards to services, the development is proposed to be connected to the municipal and Eskom reticulation for potable water and electricity. There is no piped municipal sewerage for this area therefore the proposal is for conservancy tanks linked to a central system that will be serviced by the municipality. The location of the</p>	
--	--	--	--	--	---	--

					<p>conservancy tanks and the central servicing tank must be indicated on the layout and it must be ensured there is adequate mitigation to minimize the risk of pollution of the coastal environment through the sewage system.</p> <p>As noted above, there is an existing stormwater outlet which has resulted in gully erosion on the property. The gully occupies a large section of the easternmost proposed residential erf. The proposal is to redirect the stormwater drainage to the west of the current alignment along the boundary between the two erven as observed in Figure 3 of the Basic Assessment Report. It is assumed that infill of the gully will be required for the development of a house on the easternmost erf.</p> <p>Broad principles are stated with regards to stormwater management, however the Environmental Management Programme Report states that no stormwater management plan is required due to the small scale of the project. The existing stormwater entering the site however must be addressed before the proposed development can proceed and therefore we recommend that a detailed stormwater management plan must be compiled in collaboration with the municipality who are responsible for the bulk stormwater flow on to the site resulting in erosion. The infill of the gully must also be addressed and included in the assessment of impacts.</p> <p>Conclusion</p> <p>In conclusion, recommends that the following must be addressed before the application can be considered further:</p> <ul style="list-style-type: none"> • A stormwater management plan must be compiled in collaboration with the Cape Agulhas Municipality to address the stormwater currently entering the site as well as the development itself. The current stormwater erosion gully must also be addressed. • The requirements of NEM:ICMA must be addressed, including the coastal management line, coastal public property and coastal access. 	
--	--	--	--	--	--	--

					<p>Comment must be obtained from DEA&DP: Coastal Management in this regard.</p> <ul style="list-style-type: none"> • Clarification is required regarding the following in the botanical impact assessment: <ul style="list-style-type: none"> ○ The presence of Agulhas Limestone Fynbos on the property ○ Whether any mitigation measures are available to reduce the impact ○ The residual impact after following the mitigation hierarchy • If it is confirmed that the residual impact on terrestrial biodiversity is of medium significance or higher, a biodiversity offset must be implemented in accordance with the National Biodiversity Offset Guideline. • The animal species theme must be adequately addressed in accordance with the protocols. Confirmation must be provided regarding mitigation measures for disturbance to coastal birds. • Impacts associated with service provision must be adequately addressed. <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p> <p>Regards</p>	
Rulien Volschenk	ODM			rvolschenk@odm.org.za	<p>Email dated 03 March 2025</p> <p>PROPOSED SUBDIVISION AND REZONING FOR THE CONSTRUCTION OF RESIDENTIAL ERVEN ON REMAINDER OF THE FARM 281, STRUISBAAL, BREDASDORP RD</p> <p>REFERENCE NUMBER: Ref: 16/3/3/6/7/E1/13/1406/23</p> <p>Overberg District Municipality takes cognisance of the pre-application Basic Assessment Report for the proposed</p>	03/03/25

					<p>Spookdraai Residential Development on Remainder of the Farm No. 281, Struisbaai, Bredasdorp RD.</p> <p>With reference to the sensitivity mapping, it is noted that reference has been made to the 2017 Western Cape Biodiversity Spatial Plan. Please note that this plan has been reviewed and adopted in December 2024. It is advised that the project team consult with Cape Nature to obtain new data and amend the application if wand where applicable.</p> <p>The proposed development is situated on an isolated piece of the RE of Farm 281. With reference to Cape Agulhas Municipality’s Spatial Development Framework of 2022-2027, a large portion of the property is situated within the urban edge of Struisbaai. Why has no site alternative on the same property been presented or investigated as part of the BAR?</p> <p>The property falls within the Coastal Protection Zone (CPZ). The function of the coastal protection zone is defined in section 17 of the Environmental Management: Integrated Coastal Management Act of 2014 (Act 36 of 2014). The current proposal will most likely have a negative impact on the CPZ as it will intrude on the natural character, and economic, social and aesthetic value of the neighbouring coastal public property.</p> <p>Marine Drive has been defined as a Gateway area/ scenic route in the Cape Agulhas Municipality’ Spatial Development Framework</p> <p>The management proposal set out in the SDF reads as follows; “Preserve the scenic quality of Marine Drive (R319) between Struisbaai and L’Agulhas”. Although the visual impact could be minimised by architectural design the development will impact on this tourism asset.</p> <p>It is acknowledged that the application address objectives of the National Environmental Management Act: Integrated Coastal Management Act, 2008 (NEMA:ICMA) as it</p>	
--	--	--	--	--	---	--

					<p>promotes public accessibility as well as improved access to the cat (such as the proposal for a private beach). Both ICMA and the Western Cape Coastal Access Strategy speaks about the reasonability of the Costal access. These principles are supported by the District and should inform development along our coastline.</p> <p>In the Civil Rods and Services Report a brief description is given of the stormwater works that will be required for the development. Mention is made that the current stormwater system drains onto the property and would need to be redirected around the property. The impact on the proposed “redirection” of stormwater infrastructure has not been incorporated into the report. Please provide detail regarding the proposal and impacted area.</p> <p>The ODM reserves the right to revise its comments and request further information based on any additional information that may be received.</p>	
Jeffrey Manuel	SAN Parks			<p>Jeffrey.Manuel@sanparks.org</p> <p>dhiraj.nariandas@sanparks.org</p> <p>Bongani.Mnisi@sanparks.org</p> <p>Kristal.Maze@sanparks.org</p>	<p>Email dated 03 March 2025</p> <p>RE: COMMENT ON THE DBAR FOR THE PROPOSED SPOOKDRAAI RESIDENTIAL DEVELOPMENT, REMAINDER PORTION 281, STRUISBAAI.</p> <p>1. Introduction</p> <p>The proposed Spookdraai Residential Development is located on the Remainder of Farm Paapekuilsfontein 281, Struisbaai. The site is less than 0.75 ha, and is located between Marine Drive and the high water mark.</p> <p>The proposed development involves the construction of six residential dwellings, as well as associated road, water and electrical infrastructure, and a stormwater management system. An open space system is included, as a means to</p>	03/03/25

				<p>reduce the ecological and visual impacts, whilst also providing recreational space to residents as well as the public.</p> <p>2. SANParks comments:</p> <p>SANParks' comments are focused on Alternative 4, being the preferred alternative.</p> <p>Although there is development between the road and the shoreline further along Marine Drive towards George Street, it must be noted that the area is wider; and also that a continuous stretch of undeveloped, shoreline is maintained. This provides for public access and mitigates the impact of that access, as well as the visual impact. Additionally, it functions as storm surge protection.</p> <p>The proposed site for this development, however, is a narrow section of rocky shore with a small beach, making it particularly sensitive to disturbance. This development would significantly impact the scenic and natural character of this coastal stretch. The site is also well-used by the public. Although the development is making provision for public access, the spatial restriction of such access would result in an increased impact.</p> <p>Although the DBAR recognises all of these impacts, typically as MEDIUM-HIGH, they are typically downrated to LOW-VERY LOW after mitigation, essentially through the combination of greening, limited development footprint and use of permeable fencing, and establishing a buffer zone between the development and the high-water-mark. The downrating of these impact significance ratings are not clear, based on the mitigation measures. In many instances, it is our view that the ratings would stay the same.</p> <p>With regards to the loss of Southwestern Strandveld, for example, the loss of vegetation due the development is listed as 'probable'. From the specialist report, it appears</p>	
--	--	--	--	---	--

				<p>that clearing of vegetation is required, i.e. this impact should be 'definite'. It is then unclear how this impact would be downrated from Medium to Low, without further mitigation, simply on the basis of avoided development. The fact that the whole site is not being developed is why the pre-mitigation impact was rated as Medium, instead of High.</p> <p>Furthermore, the loss of public access and amenity, although recognised, is not adequately assessed.</p> <p>We are also concerned that the traffic impact assessment only considers the localised disruption of traffic in peak hours. The R319/Marine drive is the most important linkage between L'Agulhas, Struisbaai and Bredasdorp.</p> <p>Given the location of the proposed site below the road and on a bend, we are concerned about potential impacts on the structural integrity and stability of the road. Deterioration of this road will severely impact tourism to L'Agulhas and Agulhas National Park.</p> <p style="text-align: center;">2. Summary and Recommendations</p> <p>SANParks is not satisfied with the impact significance ratings in the attached DBAR and we recommend that the application is peer reviewed by a suitably qualified EAP.</p> <p>This is particularly important in this case, given the location of this proposed development and 'fine margins' at play: The proposed development footprint is at the limits of demarcated risk zones, and does not adequately consider potential impacts of climate change or extreme weather events. We do not believe that this application adheres to the precautionary principle. Given the sensitivity of the site location, we are also concerned that if this were to be approved, subsequent engineering may be required to protect these properties from storm surges and other environmental risks. Any such activities would then compound the impact on the coastal environment as well as</p>	
--	--	--	--	---	--

					impacts on biodiversity, sense of place (visual) and public access.	
Celia Van Zyl-Lourens	Suidpunt Residents Association			cmlourens@gmail.com manonmcd1964@gmail.com neilhaiknetwork@gmail.com SwartC2@saps.gov.za alidavz50@gmail.com gieldekock1@gmail.com raymondennis1984@gmail.com Charl@charliestransportandmovers.co.za benbre001@gmail.com srossouwlaw@gmail.com cobus@meridianrealty.co.za alta.dutoit@regroup.co.za tschristinehall@icloud.com	<p>Email dated 04 March 2025</p> <p>DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23 LORNAY Ref: REM-281</p> <p>The above refers.</p> <p>Without repeating what you've no doubt heard from other parties, we will comment as follows:</p> <ol style="list-style-type: none"> 1. The application is based on the misconception that your client has only 7,000+ square meters to develop. It is based on the misconception that 450+ hectares are not enough to develop: 2. Erf 3495, Struisbaai, more than 12 hectares, was subdivided from RE/281 for development. 3. We believe that your client is attempting to develop what is supposed to be a public open space. (Helemika 1 already developed on the opposite side of Marine Drive, as well as the entirety of Oceanview Heights.) <p>Apart from various other reasons, this development will have a lasting, negative visual impact and change the landscape for humans, small animals, and flora forever. It should not be allowed, and the developer should be forced instead to disclose what their intentions are with the almost 450 hectares they still own in Struisbaai.</p>	Date: 04/03/25
Danie Schutte	Agulhas Heritage Society			dpaschutte1@gmail.com agulhas.heritage@gmail.com	<p>Email dated 04/03/2025</p> <p>Attention: Michelle Naylor Lornay Environmental Consulting Email: michelle@lornay.co.za 25 FEBRUARY 2025</p> <p>RE: COMMENTS ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED SPOOKDRAAI</p>	Date: 04/03/25 Time: 18:36

					<p>RESIDENTIAL DEVELOPMENT ON REMAINDER OF THE FARM NO. 281, STRUISBAAI</p> <p>The Agulhas Heritage Society (AHS) is an association not for gain registered as a conservation body in terms of Section 25(1)B of the National Heritage Resources Act (Act 25 of 1999) and has been allocated an area of responsibility which encompasses the area of the proposed Spookdraai residential development on Remainder of the Farm no. 281, Struisbaai.</p> <p>AHS is a registered I&AP with Lornay Environmental consulting, the appointed Environmental Assessment Practitioner (registered on 28 February 2025.)</p> <p>The National Heritage Resources Act (NHRA) of 1999 (Act 25 of 1999) prescribes a three-tier system for heritage resources management. This three-tier system ensures that heritage management is decentralized and handled at the most relevant level, allowing for effective conservation, legal protection, and sustainable management of South Africa’s cultural and historical resources.</p> <p>For the context of this development proposal:</p> <ul style="list-style-type: none"> • Tier 1 is the National Level – the South African Heritage Resources Agency (SAHRA) - responsible for Grade I heritage resources, which have national significance. • Tier 2 – the Provincial Level is Heritage Western Cape (HWC) - responsible to manage Grade II heritage resources, which have provincial significance. HWC oversees heritage sites, buildings, and landscapes that are important at the provincial level. • Tier 3 – the Local Level, is Cape Agulhas Municipality (CAM) - responsible for the formal protection, management, and enhancement of Grade III heritage resources i.e. heritage resources, which are of local or regional significance. <p>Also within this tier 3 are the registered conservation bodies (registered with HWC) who play a key role in grassroots</p>	
--	--	--	--	--	--	--

					<p>heritage management, while also contributing to provincial and national efforts when relevant.</p> <ul style="list-style-type: none"> • Agulhas Heritage Society (AHS) is the registered conservation body in the area of the proposed development site on the Remainder of the Farm no. 281, Struisbaai. As the Registered Conservation body , AHS herewith submits it's comment in two parts 1. Comments on to the HIA report 2. <p>2. Comments on the integration of the HIA into the Pre-application Basic Assessment Report (BAR)</p> <p>PART 1 : Comments on draft Heritage Impact Assessment. The "Notice of public participation for Basic Environmental Impact Assessment (BAR) in terms of NEMA" call for registered Interested and Affected Parties (I&AP) to "provide comments on the Pre-application Basic Assessment Report for the Proposed Spookdraai Residential Development on Remainder of the Farm No. 281, Struisbaai, Bredasdorp." Point 13 of (page 5 of 186) the "Information to be read prior to completing this basic assessment report" states: "Where Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA") is triggered, a copy of Heritage Western Cape's final comment must be attached to the BAR."</p> <p>AHS Comment:</p> <p>The HWC response to Notification of Intent to Develop (Appendix E) required that a Heritage Impact Assessment (HIA) be conducted and submitted to them. HWC required that that the following must be included in the HIA:</p> <ul style="list-style-type: none"> (a) The identification and mapping of all heritage resources in the area affected; (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7; (c) an assessment of the impact of the development on such heritage resources; 	
--	--	--	--	--	--	--

					<p>(d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;</p> <p>(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;</p> <p>(f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.</p> <p>This HIA must in addition have specific reference to the following:</p> <ul style="list-style-type: none"> - Archaeological Impact Assessment - Desktop Paleontological Impact Assessment - Visual Impact Assessment <p>The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above. The required HIA must have an integrated set of recommendations.</p> <p>3. The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.</p> <p>Appendix G2 – the pre-application phase draft heritage impact assessment proposed development of Split Portion Farm 281-RE, Marine Drive, Struisbaai, does not include the following required elements:</p> <ul style="list-style-type: none"> • The results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources. • Comments requested of: • relevant registered conservation bodies; 	
--	--	--	--	--	---	--

					<ul style="list-style-type: none"> • all Interested and Affected parties; and • the relevant Municipality • Proof of the request for comments from the parties listed above. <p>These requirements have not been satisfied, and a final comment has not been issued by HWC. Comments on the Specialist report on the HIA have not been requested as required, nor the results of consultation with affected communities. Nor any proof of the request for comments.</p> <p>It is important to note that the comments requested by HWC, are with respect to the Heritage Specialist practitioners' HIA report, including its reference and integrated set of recommendations to the Archaeological Impact Assessment, the Desktop Paleontological Impact Assessment and Visual Impact Assessment.</p> <p>Context of AHS within the National Heritage Resources Management Landscape.</p> <p>AHS is one of the registered conservation bodies within the boundaries of Cape Agulhas Municipality(AM). Specifically, AHS is the registered conservation body with responsibility in the Ward 5 within CAM and has formal representation on the CAM Ward 5 ward committee. AHS also has formal representation on the Suidpunt Residents Association (SRA) and the Public Advisory Committee of the Cape Agulhas Lighthouse development.</p> <p>Registered conservation bodies are essential players in South Africa's heritage resource protection system. While SAHRA and Heritage Western Cape provide formal oversight, the registered conservation bodies contribute to safeguarding the nation's diverse cultural and natural heritage. Their strengthening public participation is crucial for ensuring effective heritage conservation in the country.</p> <p>Since its establishment on 27 April 2019, AHS has diligently:</p>	
--	--	--	--	--	--	--

				<ul style="list-style-type: none"> collected, preserved and exhibited information, photographs, films, books, documents and folklore which has been made available to members and the public in general; and <p>4</p> <ul style="list-style-type: none"> provided an information- and professional research service to members, the public, the local government and Western Cape/National conservation entities; and has established an extensive heritage resource repository, archive / database of available specific Heritage Impact reports conducted to date, significant reference books, research reports, available documents, photo collections, and publications on many of the heritage resources within its registered area of responsibility. <p>In addition AHS supports heritage conservation, preservation and protection through</p> <ul style="list-style-type: none"> Advisory Roles: providing documented and expert input on heritage resource site protection to CAM and the community via its representation on the Ward committee and the SRA, and direct engagement with the HWC. Heritage Impact Assessments (HIAs): Reviewing development projects Education & Awareness: Conducting presentations, lectures, publications and monthly newsletters and exhibitions. <p>AHS comment:</p> <p>AHS strongly objects to the omission by the HIA practitioner and EAP of requesting comments from AHS with respect to the Heritage Specialist practitioners' HIA report, as required by HWC. It is the view of AHS that this is a deliberate omission by the by the EIA – the HIA in its recommendations clearly states:</p> <p>“In terms of Section 38(8) of the NHRA, the current proposal is not supported”</p>	
--	--	--	--	---	--

					<p>AHS is of the opinion that the Heritage Specialist practitioners' HIA report, is independent, professional, factual and containing an integrated set of recommendations. The comments below are intended to complement the report with supplementary information available from our heritage information repository.</p> <p>Specific comments (in red) on excerpts (in black) of the HIA report</p> <p>☒ “The split portion of the property affected is 0.71 ha in extent but the overall landholding, from which it is proposed to be subdivided, in the first instance, is 474.8209 ha in extent, for the most part (excluding the subject portion) outside the urban edge and all zoned Agriculture.” (page 2) The proposed site is the coastal portion (0.71 Ha), of the two portions of the Split Remainder of the Farm 281 and is located within the Coastal Protection Zone (CPZ). The second portion (448.71 Ha), the larger portion, partially falls within the new urban edge identified in the CAM SDF. The location of this portion is adjacent to the area where most of the recent “high end housing development” in Struisbaai has taken place and presents a large area in which a number of suitable alternative sites are available. (See figures 1 and 2 below).</p> <p>Figure 3 indicates (the yellow shaded rectangle) a portion of Remainder of Farm 281 that falls within the new Urban Edge, as presented in the Final CAM SDF 2022 – 2027 (Council approved on 31 May 2024 ; Resolution 87/2024). The applicant’s claim that the coastal portion of the Remainder of Farm 281 is the only site for the proposed development, is fallacious.</p> <p>☒ “However, it is to be noted that this coastline has historically been accessible to the public, the fishing community in particular (see remarks relating to the retention to public rights to fishing in the original Title Deed 495/1836, in this report).” (page 3)</p>	
--	--	--	--	--	--	--

					<p>☐ “Struisbaai town is historically a traditional fishing community, confirmed in remarks relating to the retention to public rights to fishing in the original Title Deed 495/1836.” (page 18)</p> <p>The proposed development site is approximately 7113 m2. Of this</p> <ul style="list-style-type: none"> • 3132 m² will be zoned residential, • 3204 m² as Open Space (Private) i.e. private beach and shoreline! • 688 m² as Private Street and refuse. • Only 89 m² will be zoned as Open Space (public) ! <p>Thus Only 89 m² will be accessible to the public and to the fishing community (traditional community and visiting fisherman.)</p> <p>This not only contravenes the original title Deed, but more importantly the Integrated Coastal Management Act (ICM). The ICM Act ensures that the public has the right of physical access to coastal public property, as well as access to the benefits and opportunities provided by the coastal zone.</p> <p>7. Attachment 1 is an objection to the proposed development, supported by 44 local fishermen. Their objection is to the denial of access to their traditional fishing spots.</p> <p>Attachment 2 is an objection to the proposed development, supported by 74 local fishermen from Struisbaai North.</p> <p>☐ “b) Places in which oral traditions are attached: Not established, considered unlikely.” (page 30).</p> <p>AHS has documented many of these, as presented below. The coastal portion of the Remainder of Farm 281 (the proposed development site) is not a discrete land unit – it is a small portion of a contiguous landscape which has a high degree of integrity, particularly the portion below Marine Drive designating this a very good quality landscape. This landscape is itself a “place”, stretching from a distance before the development site (from the historical site of “The Man alone house”, and beyond until at least as far as the</p>	
--	--	--	--	--	--	--

					<p>historical “water trough” and “Hangnes outspan” site. Many oral traditions are attached to this place’ including the Spookdraai gorge.</p> <p>AHS has documented many of the oral traditions attached to Spookdraai from sparse data from the National Archival Databases and very few peer reviewed articles. The research therefore relied on local books, media, unreferenced amateur historian accounts and folklore</p> <p>The recorded oral tradition includes accounts of :</p> <ul style="list-style-type: none"> • The very origin of the name “Spookdraai” • The “water trough” • The recreation and respite at “Hangnes outspan” • The “Man alone house” • Shipwrecks off Spookdraai • etc. <p>Attachment 3 is a journal article that will be published in the April 2025 quarterly AHS journal, recounting some of the oral traditions collected.</p> <p>Attachment 4 includes recent AHS newsletters to its membership that also recount some of the oral tradition.</p> <p>☒ d) Landscapes and Natural Features of Cultural Significance: (page 30) “The site currently forms part of a coastal cultural landscape which includes areas, views and component resources of high scenic, cultural or historical significance.” AHS endorses this assessment.</p> <p>☒ h) Graves and burial grounds (page 32)</p> <p>No burial sites are known to have been found on the site. The site is a small portion of a contiguous landscape which has a high degree of integrity, particularly the portion below Marine Drive designating this a very good quality landscape. The larger contiguous landscape is dotted with many sandstone or wooden constructed benches, many of them commemorative plaques, commemorating the memories of family members and their final wishes to be remembered at a spot on the pristine coastal landscape. While these benches are not graves or burial grounds per se, they are undisputedly of cultural and heritage significance and are an</p>	
--	--	--	--	--	---	--

				<p>integral part on part of the “sense of place” – as such the whole piece of the coastal belt is worthy of heritage protection.</p> <p>☒ i) Sites of significance relating to the history of slavery.</p> <p>The Cape Agulhas Lighthouse was commissioned in 1847, with the light being lit for the first time on 1 March 1849. Oral tradition records that occasionally workers from Hotagterklip were also responsible for keeping the candle light aflame. The initial fuel was rendered fat made out of the tails of fat tailed sheep, and later the fuel was paraffin. The fuel was presumably transported along a coastal pathway, which, due to the topography of the “Spookdraai” area, would have undoubtedly traversed the development site.</p> <p>Although the date of construction of the Hotagterklip dwellings is unconfirmed, it is estimated to have been between 1820 and 1850. The original inhabitants of Hotagterklip were apprenticed (freed) slaves from the local farm Zoetendalsvlei, owned by Van Breda, the owner of the original farm Paapekuil Fontein 281. The site of Hotagterklip is on land donated by van Breda to his freed slaves and is located on the original Farm 281. These are the people who would have worked at the Lighthouse and transported the fuel. There is oral tradition surrounding “the paraffin route” and consequently, AHS suggests that the site may have significance to the history of slaves in the area.</p> <p>15 Heritage Impact Assessment (page 44)</p> <p>☒ Botanical (all alternatives) The specialist concludes that the proposed subdivision and development of the site would result in a High Negative direct impact that would be very difficult to mitigate.</p> <p>☒ In overall terms, the heritage (and related visual) impacts are expected to be High, negative. (page 45)</p> <p>☒ VISUAL SENSITIVITY OF AREA (LANDSCAPE SENSITIVITY)</p>	
--	--	--	--	--	--

					<p>9 However the typical landscape quality and the intrusion into this unique setting creates a visual sensitivity that is deemed to have a Medium to High Visual Sensitivity.</p> <p>❑ VISUAL SENSITIVITY OF RECEPTORS</p> <p>The Receptors of the anticipated visual impact include residential areas which are considered to have High Visual Sensitivity</p> <p>❑ SIGNIFICANCE OF SENSITIVITY TO VISUAL CHANGE</p> <p>As a function of landscape sensitivity and anticipated magnitude of change as a result of the development, above, the sensitivity to visual change is deemed to be of High Significance</p> <p>❑ VISUAL INTRUSION OF DEVELOPMENT (MAGNITUDE OF VISUAL CHANGE)</p> <p>The development is proposed to occupy a portion of the coastline which is pristine and with no adjacent development to form a continuous pattern. This urban intrusion will result in a High Visual Intrusion</p> <p>❑ VISUAL ABSORPTION CAPACITY OF SITE (page 46)</p> <p>The particular landscape quality of the site and the fact that there are no adjacent development along this portion of the coast results in a Low Visual Absorption Capacity.</p> <p>❑ SIGNIFICANCE OF ANTICIPATED VISUAL IMPACTS</p> <p>Determined through a synthesis of the aspects of the nature, duration, intensity, extent and probability, the Operational Phase Visual Impact is of High Negative Significance, having a significant influence on the environment, and requiring mitigation.</p>	
--	--	--	--	--	--	--

					<p>As a function of receptor sensitivity and anticipated magnitude of change as a result of the development, above, the sensitivity to visual change is deemed to be of Major Significance, negative.</p> <p>Due to the lack of architectural and landscape parameters and the lack of a landscape plan and mitigation measures, the proposed development will have a Significantly High Negative Visual Impact and cannot be supported.</p> <p>AHS fully endorses the impact and sensitivities as reported by the HIA practitioner.</p> <p>☒ 15.3 Sustainable Socio-economic benefits</p> <p>There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal. AHS agrees that there are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal at this the only preferred site.</p> <p>10. A comparative assessment as required by the EIA guidelines between this site and other possible alternative sites may have identified an alternative site on the larger portion of the Remainder of Farm 281 that might have had socioeconomic benefits that outweigh the heritage impacts identified on those sites.</p> <p>☒ 17 Public Comment</p> <p>AHS has only been asked, as a registered I&AP to comment on the EAP's Preapplication Basic Assessment Report (BAR).</p> <p>AHS as the relevant local registered conservation body, not been asked to comment on the draft HIA report per se, as required by the initial HWC response.</p> <p>The HWC requirement is specific – it requires AHS to comment on the HIA report specifically, hence this separate comment by AHS on the HIA report specifically and</p>	
--	--	--	--	--	--	--

					<p>separately from its comments on the BAR . This will be directed to HWC directly.</p> <p>☑ Recommendations It is recommended that Heritage Western Cape provides interim Comment to the following effect:</p> <ul style="list-style-type: none"> • Endorses this report as having met the requirements of Section 38(3) of the NHRA; • In terms of Section 38(8) of the NHRA, the current proposal is not supported. <p>AHS endorses this recommendation, but with one significant difference. AHS will recommend that these recommendations should be endorsed as HWC’s final comment, at this site. The reason for the AHS recommendation will be set out in PART 2 of this submission.</p> <p>PART 2 : Comments on the integration of the HIA into the Pre-application Basic Assessment Report (BAR)</p> <p>The definition of “environmental authorisation” in terms of NEMA was amended and now reads “when used in Chapter 5 means the authorisation by a competent authority of a listed activity or specified activity in terms of this Act, and includes a similar authorisation contemplated in a specific environmental management Act (SEMA)”.</p> <p>The relevant SEMA in this case is the National Environment Management: Integrated Coastal Management Act (ICM Act) (Act no.24 of 2008). The assessment process to be followed in this case must be in accordance with the requirements of both the EIA Regulations, together with the specific requirements of the ICM Act.</p> <p>The application for authorisation under the ICM Act for the listed activities of this application, requires and EIA as per the EIA regulations of NEMA.</p>	
--	--	--	--	--	--	--

					<p>11. The HWC response to Notification to Develop (NID) was that a Heritage Impact Assessment in terms of Section 38(1) of the National Heritage Resources Act (NHRA) (Act 25 of 1999) is required. The response included specific requirements that needed to be included into the HIA report, prior to delivering a HMC final response.</p> <p>The HIA report is specifically required to include the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources i.e. the HIA report needs include:</p> <ul style="list-style-type: none"> • Comments requested of: • relevant registered conservation bodies; • all Interested and Affected parties; and • the relevant Municipality • Proof of the request for comments from the parties listed above. <p>These have not been included, hence the inclusion of the AHS comments on the HIA REPORT per se in PART 1 above.</p> <p>Herewith the AHS comments with respect to the integration of the findings and recommendation of the HIA into an integrated assessment of all heritage impacts and significance into the Pre-application BAR. (Section I of the BAR refers).</p> <p>7. Explain how the findings and recommendations of the different specialist studies have been integrated to inform the most appropriate mitigation measures that should be implemented to manage the potential impacts of the proposed activity or development (page 171)</p> <ul style="list-style-type: none"> • Heritage Impact Assessment <p>The Heritage Impact Assessment highlighted the site's location within a coastal cultural landscape of Grade IIIA significance, emphasizing its visual and contextual importance. In response to this, the development design has been carefully planned to preserve key landscape features and ensure that public access to culturally</p>	
--	--	--	--	--	--	--

					<p>significant areas is maintained. To address the visual impact of the development, mitigation measures such as the inclusion of visual buffers have been incorporated. These buffers, along with the use of appropriate architectural styles and materials, will help reduce the visual intrusion of the development and ensure that it complements the surrounding environment. This approach respects the heritage value of the area and aims to minimize any disruption to the sense of place for both residents and visitors. (page 72)</p> <p>The EAP fails to disclose the assessment and final recommendation of the HIA report:</p> <p>HIA report recommendation: “In terms of Section 38(8) of the NHRA, the current proposal is not supported.”</p> <p>12. The EAP only presents the case where the mitigation recommendations are fully implemented. With the non-disclosure of the EIA reports recommendations verbatim , the EIA implies that the HIA supports the application if the remediation recommendations are implemented. AHS believes this is disinformation and deliberately misleading.</p> <p>HIA report recommendation: “Should the development proceed, the mitigation recommendations of Section 16 of this HIA must be incorporated directly and in full into the Environmental Management Plan (EMP) for the proposed development.”</p> <p>In other words, only if the development receives an environmental authorisation, then all the full recommendations must be incorporated directly and in full into the Environmental Management Plan (EMP).</p> <p>The EIA report unequivocally states:</p> <p>“There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal.”</p>	
--	--	--	--	--	---	--

					<p>AHS fully endorse this assessment for the following reasons:</p> <p>1. The pre-application bar does not meet the EIA regulations' requirements to properly consider "need and desirability":</p> <ul style="list-style-type: none"> • Cape Agulhas Municipality has strategically and democratically determined its strategic context for informing need and desirability. • The CAM SDF clearly sets out the broader community's needs and interests. The "need and desirability" must be determined by considering the broader community's needs and interests as reflected in the CAM IDP & SDF. • The need and desirability in section E of the documents provided has not been quantified against the totality of the CAM SDF. It does not comprehensively consider the strategic context of the community's needs and interests which are clearly identified in the SDF. • No mention is made of the fact that proposed activity on the development site is deviant from: <ul style="list-style-type: none"> - 2 of the 5 spatial development objectives <ul style="list-style-type: none"> • Protect and conserve the natural assets of the Municipality. • Preserve and protect heritage sites. - The spatial development vision <p>A municipality that offers a good quality of life, rich life experience and diverse economic opportunities, ensures spatial justice and sustainability, and protects natural and heritage assets.</p> - At least 3 of the 8 key strategies <ul style="list-style-type: none"> • Key strategy 3 <p>13. Protect and conserve protected areas, critical biodiversity areas and ecological support areas by keeping these areas in a natural or near natural state and only allowing low impact, biodiversity sensitive land uses as appropriate.</p> <ul style="list-style-type: none"> • Key strategy 4 	
--	--	--	--	--	---	--

					<p>Create diverse economic opportunities by promoting agriculture and tourism.</p> <ul style="list-style-type: none"> • Key strategy 5 <p>Protect and enhance historic and culturally significant precincts and places.</p> <ul style="list-style-type: none"> • No proof has been provided that the deviations from the CAM SDF at the development site, selected as the “only preferred site” (without the consideration of alternative sites available on the inland portion of the Remainder of Farm 281) are <ul style="list-style-type: none"> - justifiable - meet the needs of the community, and - that the development is still desirable. <p>2. The pre-application BAR does not meet the requirements of EIA to comparatively assess alternative sites:</p> <ul style="list-style-type: none"> • No alternatives to the proposed development are identified, investigated or assessed i.e. No discrete alternative sites have been identified and comparatively assessed. • The so-called “alternatives” considered in this BAR are alternative layouts of the “only preferred option”. • A number of suitable alternative sites are available within the Split Remainder of Farm 281 • The claim that no alternative sites exist is fallacious and disingenuous. • No exemption has been applied for by the applicant or the EAP. • No detailed information on the consideration of alternative sites has been provided in the relevant reports. 	
--	--	--	--	--	---	--

				<ul style="list-style-type: none"> Interested and affected parties have not been afforded an opportunity to provide inputs into the consideration of alternative sites. The proposed development is located in coastal public property, within 100m of the high-water mark (HWM) line. It is the duty of the state as trustee to ensure that coastal public property is used, <p>14. managed, protected, conserved and enhanced in the interests of the whole community, as opposed to only a few individuals or groups.</p> <ul style="list-style-type: none"> The omission of the investigation of the discrete alternative sites available is a deliberate attempt to withhold significant information from the competent authority and equates to deliberate disinformation. <p>3. The pre-application BAR attempts to justify the activity of the “only preferred alternative” within 100 metres from the high-water line of a coastal public property in contravention of the ICM Act.</p> <ul style="list-style-type: none"> The proposed development site presents circumstances under which the competent authority may NOT issue an environmental authority: <ul style="list-style-type: none"> - It is likely to cause irreversible or long-lasting adverse effects on the coastal environment that cannot be properly mitigated; - It is situated within coastal public property and is inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations. - It will not be in the interests of the community as a whole. - The applicant has alternative sites that have not been assessed as alternatives to the proposed development site. <p>SUMMARY</p> <p>AHS endorses the recommendation of the HIA Report (with its subordinate specialist impact assessment findings) as a</p>	
--	--	--	--	---	--

					<p>final HWC response to the NID: “In terms of Section 38(8) of the NHRA, the current proposal is not supported.”</p> <p>AHS agrees that there are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal. AHS will strongly object to the granting of an environmental authorisation and retains its right to appeal should an authorisation be granted.</p> <p>ATTACHMENT 1 – FISHERMAN’S OBJECTIONS – See comment included in the “Summary of Public IAP Comments”</p> <p>ATTACHMENT 2 – Handwritten forms of objection from Struisbaai North. This list of I&APS has been added to the I&AP register and comments addressed in the Summary of Public IAP Comments</p> <p>ATTACHMENT 3 – Spookdraai History information</p> <p>Due to the size of the Attachments above they are attached separately under the full AHS Comment (Appendix F5)</p>	
Bernadette Osborne	DEADP: Development Management			Bernadette.Osborne@westerncape.gov.za	<p>Email dated 05 March 2025</p> <p>COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (“BAR”) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF FARM NO. 281, STRUISBAAI.</p> <p>1.The electronic copy of the pre-application Draft BAR received by this Department’s Directorate: Development Management, Region 1 (“this Directorate”) on 1 February 2025 and this Directorate’s acknowledgement thereof issued on 7 February 2025, refer.</p>	Date: 05/03/25 Time: 12:09

					<p>2. Following the review of the information submitted to this Directorate, the following is noted:</p> <ul style="list-style-type: none"> ➤ The proposed development entails the construction of the Spookdraai residential development on the Remainder of Farm No. 281, Struisbaai. ➤ The housing complex will consist of the following 10 erven, <ul style="list-style-type: none"> • 6 single residential dwellings, • 1 public open space, • 2 private open spaces, and • 1 private street and refuse. ➤ The site is 7100m² in extent. ➤ No watercourses are present on the site or within 32m of the site. ➤ The site is located within 100m of the high-water mark of the sea. ➤ Indigenous vegetation is present on the site. ➤ The site is zoned for agricultural purposes and is located outside the urban area of Struisbaai. <p>This Directorate's comments are as follow:</p> <p>3.1 Listed Activities Since the proposed development will include a 375mm stormwater pipeline with an unspecified length, the applicability of Activity 9 of Listing Notice 1 should be confirmed. If applicable, it should also be included and addressed as part of the application.</p> <p>The motivation for the applicability of Activity 12 of Listing Notice 3 is inadequate. The motivation must clearly indicate whether 300m² or more of vegetation classified as a critically endangered or endangered ecosystem will be cleared.</p> <p>It was indicated that the maximum width of the road will 4m, however, in the Civil Engineering Report it was indicated that the road will have a maximum width of 5.5m. Please provide the correct width of the road and confirm the applicability of Activity 4 of Listing Notice 3.</p>	
--	--	--	--	--	---	--

					<p>3.2 Activity description 3.3 Planning concern</p> <p>3.2.1. It is noted that the proposed development will include a public access pathway. However, the length and width of the pathway has not been included in the activity description. 3.2.2. Furthermore, the length of the stormwater, water and sewage pipelines have not been specified in the activity description. 3.2.3. The activity description must be updated to include details of the above. diameter stormwater pipeline.</p> <p>3.3.1. Page 32, section 4.3 of the BAR states, <i>“In terms of the 2024 approved Cape Agulhas Municipality Spatial Development Framework (CAM SDF), the proposed site is situated in an area identified as a gateway area. However, the SDF does not provide further clarification regarding the implications or strategic intent of this designation.”</i> 3.3.2. Clarification must be obtained from the planning component of the municipality regarding this designation and whether the proposed development is line with the municipal SDF. 3.3.3. Should the development not be consistent with the municipal SDF, this may prejudice the outcome of the application.</p> <p>3.4 Consideration of Section 63 of the Integrated Coastal Management Act 3.5 Service Confirmation 3.5.1 Written confirmation from Cape Agulhas Municipality that they have sufficient capacity for potable water supply, effluent management and solid waste management. 3.5.2 Written confirmation from Eskom should also be if they have sufficient capacity for electricity supply.</p>	
--	--	--	--	--	---	--

					<p>3.6 Alternatives 3.6.1 It is noted that four (4) Layout Alternative were considered of which Layout Alternative 1 is the “no-go” option.</p> <p>3.6.2 Please note that the “no-go” option is not a Layout Alternative. This must be corrected in the BAR.</p> <p>3.7 Since Heritage Western Cape (“HWC”) indicated that a Heritage Impact Assessment (“HIA”) is required, final comment from HWC must be obtained regarding the HIA.</p> <p>3.8 The proposed development will be located within 100m of the highwater of the sea, comment from this Directorate’s coastal management unit must be obtained.</p> <p>3.9 The proposed development will result in the clearance of indigenous vegetation classified as an endangered ecosystem. Comment from CapeNature is required regarding the loss of endangered vegetation. Department of Agriculture;</p> <ul style="list-style-type: none"> • Relevant road authority; and • Cape Agulhas Municipality. <p>3.11 The Public Participation Process must comply with the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR.</p> <p>3.4.1. It is noted that the development has been setback from the coastline and that provision has been made for public access to the coast.</p> <p>3.4.2. Please indicate what other measures were considered in the proposed development to address coastal processes.</p> <p>3.10 In addition to the above, comment from the following authorities must be obtained and included in the BAR:</p> <p>3.12 Please note that a comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the BAR. In addition, please ensure that copies of all the comments received are attached to the BAR.</p>	
--	--	--	--	--	---	--

					<p>3.13 In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.</p> <p>3.14 Please be advised that the signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>3.15 In addition to the above, please ensure that the signed and dated Environmental Assessment Practitioner (“EAP”) and Specialist declarations are also submitted with the final BAR for decision-making.</p> <p>Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to</p>	
--	--	--	--	--	--	--

					<p>imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>	
Mercia Liddle	DEADP CMU			Mercia.Liddle@westerncape.gov.za	<p>Email dated 05 March 2025</p> <p>RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED SPOOKDRAAI DEVELOPMENT ON THE REMAINDER OF PORTION 281, STRUISBAAI.</p> <p>Good day Madam</p> <p>Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 03 February 2025, refers.</p> <p>1. CONTEXT</p> <p>1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (“NEM: ICMA”) is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”). The NEM: ICMA sets out to manage the nation’s coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning (‘the Department’) is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the “Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) “Public Launch Site Regulations”.</p>	

					<p>1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme (“PCMP”). The Western Cape Provincial Coastal Management Programme (“WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and available upon request.</p> <p>1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol (“NEMP”). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans.</p> <p>1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 (“PCASP”) and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.</p> <p>1. COMMENT</p> <p>2.1 The sub-directorate: Coastal Management (“SD: CM”) has reviewed the information as specified above and have the following commentary:</p> <p>2.1.1. The development proposal entails the subdivision and rezoning of Farm RE/281 Struisbaai for the construction of six single residential dwellings. The development will feature</p>	
--	--	--	--	--	---	--

					<p>associated infrastructure, including utilities such as water and electrical connections, roads and stormwater management systems. Furthermore, open spaces will also be incorporated into the design to provide residents with recreational areas and preserve the area's ecological integrity. It is noted that the proposed development is located within the urban area and aligns with the Cape Agulhas Municipal Spatial Development Framework, IDP as well as the Provincial Spatial Development Framework for the Western Cape. The applicant also indicated that the development proposal has considered the provisions of the NEM: ICMA and other relevant legislation as the proposed development and its associated activities will occur above the 5m contour of the sea and behind the various coastal risk zones.</p> <p>2.1.2. Be advised that the 2023 Western Cape Biodiversity Spatial Plan (WC BSP) was formally adopted into law on 13 December 2024 (Gazette Extraordinary 9017) in alignment with the Western Cape Biodiversity Act (Act No 6 of 2021). This marks the replacement of the 2017 WC BSP with the 2023 WC BSP. The SD: CM notes that there are no Critical Biodiversity Areas along the subject area and the applicant accurately mapped the Ecological Support Areas for the subject area on page 33 of the DBAR.</p> <p>2.1.3. Farm RE/281 in its entirety is located within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 should be considered by local authorities for land use decision</p>	
--	--	--	--	--	---	--

					<p>making. The applicant indicated that the proposed development aligns with the intentions and purpose of the CPZ, and the preferred development alternative ensures that the layout does not encroach upon identified coastal risk areas.</p> <p>2.1.4. Farm RE/281 is located seaward of the Overberg District Coastal Management Line (“CML”) which the applicant acknowledged, and it is stated that the development proposal was reviewed against the risk zones including erosion, storm surge and sea-level rise projections. At a pre-application meeting, the SD: CM recommended that the applicant should ensure that the entire development should be located as far landward of the coastal risk zones as possible which the applicant adhered to, however it is concerning that from the proposed designs as illustrated in Figure 33 of page 83 of the DBAR, that the proposed dwellings are all located towards the seaward boundary of the proposed residential erven which are all in close proximity to the highwater mark. The applicant did not provide alternative positions for the proposed dwellings nor provided an explanation why these properties cannot be located towards the landward boundary of the proposed subdivided Erven.</p> <p>Regardless of whether the proposed developments would be located above the 5m contour and outside of the coastal risks zone, the subject property is not considered a development island and it is located seaward of the CML and in close proximity to the highwater mark. Any development on this site is at high risk from coastal processes including storm surges and impacts from climate change.</p> <p>2.1.5. Considering the abovementioned, the SD: CM noted that part of the development proposal is to incorporate a Public Open Space (Erf 7) and a Private Open Space (Erf 8). Be advised that much of the proposed ‘private’ Open Space is located below the highwater mark which and is therefore considered to be Coastal Public Property in terms of the NEM: ICMA. The applicant must be informed of risk</p>	
--	--	--	--	--	--	--

					<p>pertaining to the loss of property should the high-water mark of the sea move inland of the property boundary. In this regard, Section 14 of the NEM: ICMA and the Advisory Note from the Office of the Chief Surveyor-General, dated 15 October 2021, is applicable. The SD: CM appreciated the applicant's gesture to incorporate a public footpath leading to the coast via the proposed Erf 7 however the land below the highwater mark on the proposed Erf 8 cannot be privatised or used for the exclusive use of the residents of the subject property. The applicant is advised to consider Sections 7, 11, 13 and 14 of the NEM: ICMA in this regard.</p> <p>2.1.6. The SD: CM notes that the applicant did their due diligence to consider the impacts of the recent storm events and demonstrated how the subject property was unaffected by these events due to its rocky nature. No concerns were therefore raised in terms of flooding, sand movement and erosion. The applicant also indicated that the proposed built infrastructure was set back as far as possible within each proposed erf, however as stated in item 2.1.4. the SD: CM does not support the proposed locations of the dwellings there is insufficient buffer to absorb any possible effects of coastal processes given the proximity to the highwater mark.</p> <p>2.1.7. In terms of the Departmental Circular, DEA&DP 0004/2021, regarding 'The consideration of coastal risk in land use decisions as well as the way forward with respect to the establishment and implementation of Coastal Management Lines in terms of the NEM: ICMA', a precautionary approach must be adopted with respect to land use decisions within coastal risk areas. The Circular also suggests that development parameters be considered for development within general risk areas. This includes maintaining coastal quality; reducing public liability; reducing risk to human life; preventing intensification of development in general risk areas but allow the exercising of existing rights; prevention of encroachment that will impact the integrity of the shoreline ecology; and enables safe evacuation in an emergency. The Circular further states that</p>	
--	--	--	--	--	---	--

					<p>any development that is proposed along the coast, be scrutinised and that caution is applied when considering such proposals.</p> <p>2.1.8. In terms of the Coastal Access Audit for the Overberg District, the subject coastline has been identified as a coastline with unrestricted pedestrian access and the following recreational activities have been identified for the subject area: swimming; fishing (recreational, subsistence and commercial); walking, bird watching and dog walking. These accessibility of the coastline adds considerable value to coast from a tourism, sense of place and social perspective. The SD: CM is aware that there is great concern by some of the public regarding the impact of the proposed development on their historical access to the coast and if the development would be in the interest of the whole community (including fauna and flora) as defined in NEM: ICMA, especially given that it is located in the CPZ.</p> <p>2.1.9. The applicant must be reminded, due to the proximity of the development proposal to the highwater mark, that the erection of any protection measures against erosion or accretion is prohibited in terms of Section 15 of the NEM: ICMA, which states:</p> <p>(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person;</p> <p>(2) No person may construct, maintain or extent any structure, or take measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the NEMA or nay other specific environmental management Act.</p>	
--	--	--	--	--	---	--

					<p>As such, any measures proposed to counter the processes of erosion or accretion may only occur within the boundaries of the subject property. The SD: CM is aware that the subject coastline is predominantly a rocky shore and erosion, and storm surges may not be a big concern for the subject area, however the applicant must note this for future reference as the development may be impacted by sea level rise as a result of climate change.</p> <p>2.1.10. Be advised that on page 42 of the DBAR the applicant incorrectly stated that Sections 14 and 15 of the NEM: ICMA were considered while referring to coastal access. The applicant is reminded that Section 14 relates to the position of the highwater mark and Section 15 explains measures affecting erosion and accretion. Sections 13 and 18 of the NEM: ICMA are the relevant sections for Public Access to Coastal Public Property.</p> <p>2.1.11. Given that the proposed subdivided Erven will be in close proximity to the highwater mark the applicant should be informed that they may not create individual pathways or walkways beyond their legal property boundary towards the coast and any activities on the subject property may in no way impede on the general public's ability to access coastal public property.</p> <p>2.1.12. Based on all the above-mentioned items, be advised that the SD: CM does not support the development proposal for subdivision and rezoning for the purpose of residential development. The site would be more suited for use that is in the interest of the whole community as defined in the NEM: ICMA. The proposed development will result in privatisation of a stretch of coast that is historically well utilised by the public and is also located on a scenic route.</p> <p>2.1.13. It is the opinion of the SD: CM that the proposed development is not aligned to the purpose of the CPZ as stated in Section 17 of the NEM: ICMA, as it does not protect the ecological integrity or natural character of the coastline and also does not protect the social and aesthetic value of</p>	
--	--	--	--	--	--	--

					<p>coastal public property. The proposed development does not protect people, property or economic activities from risks arising from dynamic coastal processes including the risk of sea level rise. Furthermore, the proposed development does not maintain the natural functioning of the littoral active zone or the productive capacity of the coastal zone.</p> <p>3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: "...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.</p> <p>4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.</p>	
Mercia Liddle	DEADP: Biodiversity and Coastal Management				<p>Email dated 05 March 2025</p> <p>RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED SPOOKDRAAI DEVELOPMENT ON THE REMAINDER OF PORTION 281, STRUISBAAI.</p> <p>Good day Madam</p> <p>Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-</p>	

					<p>application basic assessment report received on 03 February 2025, refers.</p> <p>1. CONTEXT</p> <p>1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (“NEM: ICMA”) is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”). The NEM: ICMA sets out to manage the nation’s coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning (‘the Department’) is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the “Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) “Public Launch Site Regulations”.</p> <p>1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme (“PCMP”). The Western Cape Provincial Coastal Management Programme (“WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and available upon request.</p> <p>1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol (“NEMP”). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the</p>	
--	--	--	--	--	---	--

					<p>Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans.</p> <p>1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 (“PCASP”) and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.</p> <p>1. COMMENT</p> <p>2.1 The sub-directorate: Coastal Management (“SD: CM”) has reviewed the information as specified above and have the following commentary:</p> <p>2.1.1. The development proposal entails the subdivision and rezoning of Farm RE/281 Struisbaai for the construction of six single residential dwellings. The development will feature associated infrastructure, including utilities such as water and electrical connections, roads and stormwater management systems. Furthermore, open spaces will also be incorporated into the design to provide residents with recreational areas and preserve the area’s ecological integrity. It is noted that the proposed development is located within the urban area and aligns with the Cape Agulhas Municipal Spatial Development Framework, IDP as well as the Provincial Spatial Development Framework for the Western Cape. The applicant also indicated that the development proposal has considered the provisions of the NEM: ICMA and other relevant legislation as the proposed development and its associated activities will occur above the 5m contour of the sea and behind the various coastal risk zones.</p>	
--	--	--	--	--	--	--

					<p>2.1.2. Be advised that the 2023 Western Cape Biodiversity Spatial Plan (WC BSP) was formally adopted into law on 13 December 2024 (Gazette Extraordinary 9017) in alignment with the Western Cape Biodiversity Act (Act No 6 of 2021). This marks the replacement of the 2017 WC BSP with the 2023 WC BSP. The SD: CM notes that there are no Critical Biodiversity Areas along the subject area and the applicant accurately mapped the Ecological Support Areas for the subject area on page 33 of the DBAR.</p> <p>2.1.3. Farm RE/281 in its entirety is located within the Coastal Protection Zone (“CPZ”) as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property’s location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 should be considered by local authorities for land use decision making. The applicant indicated that the proposed development aligns with the intentions and purpose of the CPZ, and the preferred development alternative ensures that the layout does not encroach upon identified coastal risk areas.</p> <p>2.1.4. Farm RE/281 is located seaward of the Overberg District Coastal Management Line (“CML”) which the applicant acknowledged, and it is stated that the development proposal was reviewed against the risk zones including erosion, storm surge and sea-level rise projections. At a pre-application meeting, the SD: CM recommended that the applicant should ensure that the entire development should be located as far landward of the coastal risk zones as possible which the applicant adhered to, however it is concerning that from the proposed designs</p>	
--	--	--	--	--	---	--

					<p>as illustrated in Figure 33 of page 83 of the DBAR, that the proposed dwellings are all located towards the seaward boundary of the proposed residential erven which are all in close proximity to the highwater mark. The applicant did not provide alternative positions for the proposed dwellings nor provided an explanation why these properties cannot be located towards the landward boundary of the proposed subdivided Erven. Regardless of whether the proposed developments would be located above the 5m contour and outside of the coastal risks zone, the subject property is not considered a development island and it is located seaward of the CML and in close proximity to the highwater mark. Any development on this site is at high risk from coastal processes including storm surges and impacts from climate change.</p> <p>2.1.5. Considering the abovementioned, the SD: CM noted that part of the development proposal is to incorporate a Public Open Space (Erf 7) and a Private Open Space (Erf 8). Be advised that much of the proposed 'private' Open Space is located below the highwater mark which and is therefore considered to be Coastal Public Property in terms of the NEM: ICMA. The applicant must be informed of risk pertaining to the loss of property should the high-water mark of the sea move inland of the property boundary. In this regard, Section 14 of the NEM: ICMA and the Advisory Note from the Office of the Chief Surveyor-General, dated 15 October 2021, is applicable. The SD: CM appreciated the applicant's gesture to incorporate a public footpath leading to the coast via the proposed Erf 7 however the land below the highwater mark on the proposed Erf 8 cannot be privatised or used for the exclusive use of the residents of the subject property. The applicant is advised to consider Sections 7, 11, 13 and 14 of the NEM: ICMA in this regard.</p> <p>2.1.6. The SD: CM notes that the applicant did their due diligence to consider the impacts of the recent storm events and demonstrated how the subject property was unaffected by these events due to its rocky nature. No concerns were therefore raised in terms of flooding, sand movement and</p>	
--	--	--	--	--	--	--

					<p>erosion. The applicant also indicated that the proposed built infrastructure was set back as far as possible within each proposed erf, however as stated in item 2.1.4. the SD: CM does not support the proposed locations of the dwellings there is insufficient buffer to absorb any possible effects of coastal processes given the proximity to the highwater mark.</p> <p>2.1.7. In terms of the Departmental Circular, DEA&DP 0004/2021, regarding 'The consideration of coastal risk in land use decisions as well as the way forward with respect to the establishment and implementation of Coastal Management Lines in terms of the NEM: ICMA', a precautionary approach must be adopted with respect to land use decisions within coastal risk areas. The Circular also suggests that development parameters be considered for development within general risk areas. This includes maintaining coastal quality; reducing public liability; reducing risk to human life; preventing intensification of development in general risk areas but allow the exercising of existing rights; prevention of encroachment that will impact the integrity of the shoreline ecology; and enables safe evacuation in an emergency. The Circular further states that any development that is proposed along the coast, be scrutinised and that caution is applied when considering such proposals.</p> <p>2.1.8. In terms of the Coastal Access Audit for the Overberg District, the subject coastline has been identified as a coastline with unrestricted pedestrian access and the following recreational activities have been identified for the subject area: swimming; fishing (recreational, subsistence and commercial); walking, bird watching and dog walking. These accessibility of the coastline adds considerable value to coast from a tourism, sense of place and social perspective. The SD: CM is aware that there is great concern by some of the public regarding the impact of the proposed development on their historical access to the coast and if the development would be in the interest of the whole</p>	
--	--	--	--	--	--	--

					<p>community (including fauna and flora) as defined in NEM: ICMA, especially given that it is located in the CPZ.</p> <p>2.1.9. The applicant must be reminded, due to the proximity of the development proposal to the highwater mark, that the erection of any protection measures against erosion or accretion is prohibited in terms of Section 15 of the NEM: ICMA, which states:</p> <p>(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person;</p> <p>(2) No person may construct, maintain or extent any structure, or take measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the NEMA or nay other specific environmental management Act.</p> <p>As such, any measures proposed to counter the processes of erosion or accretion may only occur within the boundaries of the subject property. The SD: CM is aware that the subject coastline is predominantly a rocky shore and erosion, and storm surges may not be a big concern for the subject area, however the applicant must note this for future reference as the development may be impacted by sea level rise as a result of climate change.</p> <p>2.1.10. Be advised that on page 42 of the DBAR the applicant incorrectly stated that Sections 14 and 15 of the NEM: ICMA were considered while referring to coastal access. The applicant is reminded that Section 14 relates to the position of the highwater mark and Section 15 explains measures affecting erosion and accretion. Sections 13 and 18 of the NEM: ICMA are the relevant sections for Public Access to Coastal Public Property.</p>	
--	--	--	--	--	---	--

					<p>2.1.11. Given that the proposed subdivided Erven will be in close proximity to the highwater mark the applicant should be informed that they may not create individual pathways or walkways beyond their legal property boundary towards the coast and any activities on the subject property may in no way impede on the general public's ability to access coastal public property.</p> <p>2.1.12. Based on all the above-mentioned items, be advised that the SD: CM does not support the development proposal for subdivision and rezoning for the purpose of residential development. The site would be more suited for use that is in the interest of the whole community as defined in the NEM: ICMA. The proposed development will result in privatisation of a stretch of coast that is historically well utilised by the public and is also located on a scenic route.</p> <p>2.1.13. It is the opinion of the SD: CM that the proposed development is not aligned to the purpose of the CPZ as stated in Section 17 of the NEM: ICMA, as it does not protect the ecological integrity or natural character of the coastline and also does not protect the social and aesthetic value of coastal public property. The proposed development does not protect people, property or economic activities from risks arising from dynamic coastal processes including the risk of sea level rise. Furthermore, the proposed development does not maintain the natural functioning of the littoral active zone or the productive capacity of the coastal zone.</p> <p>3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: "...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and</p>	
--	--	--	--	--	--	--

					<p>rectify such pollution or degradation of the environment...” together with Section 58 of the NEM: ICMA which refers to one’s duty to avoid causing adverse effects on the coastal environment.</p> <p>4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.</p>	
Councillor A Eksteen	Ward5 Struisbaai Committee			Ward5info@gmail.com	<p>Email dated 05 March 2025</p> <p>SUMMARY</p> <p>A. The pre-application bar does not meet the requirements of EIA to comparatively assess alternative sites:</p> <ul style="list-style-type: none"> • No alternatives to the proposed development are identified, investigated or assessed i.e. No discrete alternative sites have been identified and comparatively assessed. • The so-called “alternatives” considered in this BAR are alternative layouts of the “only preferred option”. • A number of suitable alternative sites are available within the Split Remainder of Farm 281, the claim that no alternative sites exist is fallacious and disingenuous. • No exemption has been applied for by the applicant or the EAP. • No detailed information on the consideration of alternative sites has been provided in the relevant reports. • Interested and affected parties have not been afforded an opportunity to provide inputs into the consideration of alternative sites. • The proposed development is located in coastal public property, within 100m of the high-water mark (HWM) line. It is the duty of the state as trustee to ensure that coastal public property is used, managed, protected, conserved and enhanced in the interests of the whole community, as opposed to only a few individuals or groups. • The omission of the investigation of the discrete alternative sites available is a deliberate attempt to withhold significant 	<p>Date: 05/03/25 Time: 13:03</p>

					<p>information from the competent authority and equates to deliberate disinformation.</p> <p>B. The pre-application bar does not meet the EIA regulations' requirements to properly consider "need and desirability":</p> <ul style="list-style-type: none"> • Cape Agulhas Municipality has strategically and democratically determined its strategic context for informing need and desirability. • The CAM SDF clearly sets out the broader community's needs and interests. The "need and desirability" must be determined by considering the broader community's needs and interests as reflected in the CAM IDP & SDF. • The need and desirability in section E of the documents provided has not been quantified against the totality of the CAM SDF. It does not comprehensively consider the strategic context of the community's needs and interests which are clearly identified in the SDF. • No mention is made of the fact that proposed activity on the "only preferred" site is deviant from: <ul style="list-style-type: none"> - 2 of the 5 spatial development objectives - The spatial development vision - At least 3 of the 8 key strategies • Despite alternative sites being available on the Split Remainder of the Farm 281, no feasible and reasonable alternatives to the development have been identified nor comparatively assessed. • No proof has been provided (when compared to the alternative sites) that the deviations from the CAM SDF at the selected "only preferred site", are <ul style="list-style-type: none"> - justifiable - meets the needs of the community, and - is still desirable. <p>C. The pre-application bar attempts to justify the activity of the "only preferred alternative" within 100 metres from the high- water line of a coastal public property without a comparative assessment of available alternate sites:</p>	
--	--	--	--	--	--	--

					<ul style="list-style-type: none"> • The only assessed alternative “the only preferred option” presents circumstances under which the competent authority may NOT issue an environmental authority: <ul style="list-style-type: none"> - It is likely to cause irreversible or long-lasting adverse effects on the coastal environment that cannot be properly mitigated; - It is situated within coastal public property and is inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations. - It will not be in the interests of the community as a whole. • The applicant has alternative sites that have not been assessed as alternatives to the preferred option. <p>D. The assertion that this site is the “only preferred alternative” is disingenuous, deceptive and fallacious.</p> <ul style="list-style-type: none"> • NEMA and the EIA regulations call for a hierarchical approach to impact management. Firstly, alternatives must be investigated to avoid negative impacts altogether. Only after it has been found that the negative impacts cannot be avoided, must alternatives be investigated to reduce (mitigate and manage) unavoidable negative impacts. • The applicant owns numerous alternative vacant sites within the Split Remainder of Farm 281, within the defined urban edge of Struisbaai and L’Agulhas - a significant fact that has not been disclosed in this pre-application bar. • Not having to conduct a comparative analysis of alternative sites, enables a fallacious and misleading conclusion that the significant potential negative impacts identified by the specialist reports (as good as they may be) on heritage resources and places of cultural significance, archaeology, palaeontology, cultural landscape context and visual sensitivity are unavoidable. The applicant, by making this assertion, assumes that the NEMA requirement of comparative alternative analysis is thereby reduced to a comparison of layouts only, to optimise the mitigation against the potential impacts. This is obviously not allowed, since none of the other potential alternative sites have been comparatively analysed. 	
--	--	--	--	--	---	--

					<p>Apart from various other reasons, this development will have a lasting, negative visual impact and change the landscape for humans, small animals, and flora forever. It should not be allowed, and the developer should be forced instead to disclose what their intentions are with the almost 450 hectares they still own in Struisbaai.</p> <p>Yours sincerely Dr. A Eksteen Chairperson: Ward 5</p>	
Pat Miller	Whale Conservation	Coast		<p>pat.miller7@outlook.com</p>	<p>Email dated 05 March 2025</p> <p>COMMENT ON PRE-APPLICATION / DRAFT BASIC ASSESSMENT REPORT Proposed Spookdraai Residential Development Remainder Portion 281, Struisbaai LORNAY REF; REM-281: DEA&DP REFERENCE; 16/3/3/6/7/1/E1/13/1406/23</p> <p>Dear Michelle</p> <p>The proposal aims to construct a housing development on a small greenfield site in Struisbaai of just over .7Ha. The site has one owner and is a remnant of a larger farm. This is no doubt the reason for its current zoning as Agricultural as it is totally inappropriate for farming.</p> <p>The site is located between Marine Drive and the sea in a curve on the road (“Spookdraai”) and currently comprises natural vegetation, rocky shore and sandy beach. The site is long and narrow, running parallel with the road, and sloping between the sea and the 11m contour of Marine Drive. It is within 100m of the high-water mark and thus within the Coastal Management Zone (CMZ).</p> <p>The envisaged development will contain six side-by-side residential units with associated roads and paths located mostly on the eastern side. The vegetation of the western side is classified as Critically Endangered, being Agulhas Limestone Fynbos and is thus a no-go area for development.</p>	<p>Date: 05/03/25 Time: 20:02</p>

					<p>Whale Coast Conservation (WCC) opposes the proposed development for reasons that include the following:</p> <p>1. Does not comply with relevant planning documents</p> <p>Development on the site does not comply with the Western Cape Provincial Spatial Development Framework (WCSDF), in that it will not protect natural resources, nor will it reduce pressure on natural landscapes, despite bland assertions in the Basic Assessment Report (BAR) (page 18) that it will do so.</p> <p>Developing the site will destroy natural resources and landscapes.</p> <p>The WCSDF also has a goal of “better protection of spatial assets (e.g. cultural and scenic landscapes) and strengthened resilience of natural and built environments”. Development on this site will weaken the resilience of the natural environment and the cultural and scenic landscape so characteristic of the area (see 8 below).</p> <p>The Provincial Spatial Development Framework (PSDF) envisages that “residents use land and finite resources prudently and safeguard their ecosystems”. Although the BAR asserts that the proposal aligns with this, the rationale is mere “spin” and developing the site will in fact do just the opposite.</p> <p>Development will also be counter to the 2010 Need and Desirability Guidelines, in that it will not respect local environmental integrity. Rather than respecting the integral wholeness of the local environment, development will replace this with substitutions for destroyed elements (see 6 below).</p> <p>2. Site is inherently unsuitable for development</p> <p>The shape, size and position of the site makes it vulnerable to elemental unpredictability. Any development on the site</p>	
--	--	--	--	--	---	--

					<p>will be at high risk of these. As noted, it is within 100 metres of the high water mark and Figure 2 on page 16 of the BAR indicates that the 1 in 10 high water mark will swamp a considerable portion of the site.</p> <p>The southern Cape coast is notorious for these events, as well as for episodic waves. These can be expected to increase in frequency and magnitude as the effects of climate change become increasingly apparent (see 12 below).</p> <p>On page 48 the BAR notes that “The impact of the proposed development relates to the transformation of the land that is currently covered with indigenous vegetation to the landscape which will be transformed and built. The desirability from a development perspective relates to the proximity of the erf to the coast...it incorporates all of the high-water mark, the 5m contour, and the low, medium and high risk coastal risk zone lines.” This is exactly what renders the site totally inappropriate for development from an environmental perspective - it is far too proximate to the coast.</p> <p>3. Proposal is in conflict with the Coastal Protection Zone</p> <p>The Coastal Protection Zone (CPZ) as defined in Section 63(1) of the Integrated Coastal Management Act (ICMA) aims to manage, regulate, and restrict the use of land adjacent to coastal public property while preserving and enhancing the coastal ecosystem, as well as to safeguard natural coastal processes and biodiversity.</p> <p>The BAR states on page 33 that “The subject property lies within the CPZ, (but) the layout does not encroach upon identified coastal risk areas...(as) the development footprints are located above the high, medium and low risk lines...Development will...be located within 100 m of (the high water mark), (but) the coastline is predominantly a rocky shore therefore erosion and storm surges are less likely compared to a sandy shore.” This is not true. The</p>	
--	--	--	--	--	--	--

					<p>presence of a rocky shore is a function of elemental geology and is no protection against storm surges.</p> <p>Page 41 of the BAR states that a coastal environment study was “not required, the development is located above the 5m contour and outside the low, medium and high-risk zones.” Given the position of the site, this is a major omission and a coastal environment study should have been done.</p> <p>(It should be noted that the arrow in Figure 4 on page 32 of the BAR indicating the proposed site is in the incorrect place. If it is adjacent to the exposed headland to the southeast, this underscores the site’s environmental vulnerability.)</p> <p>4. Development will prevent the site from performing its eco-system services</p> <p>The site in its undeveloped state performs many eco-system services. For example, the site acts as a buffer for the town against extreme events. Sea events such as storm surges can be dissipated and land events such as floods can be filtered by the site before entering the marine environment.</p> <p>The photographic image in the Terrestrial Impact Assessment of the stormwater culvert from Marine Drive that opens onto the site, together with one showing the depth of erosion this has caused, indicates that the site currently processes a considerable amount of external water as well as the importance of the vegetation on the site in binding the aeolian sand and preventing erosion.</p> <p>Development will mean that functions such as these will be adjusted to the protection of the infrastructure on site and will critically affect their efficiency.</p> <p>5. Terrestrial Impact Assessment is inadequate</p> <p>Although titled a Botanical Impact Assessment, the introduction to this specialist study states its main objective</p>	
--	--	--	--	--	---	--

					<p>as being to determine botanical and/or terrestrial biodiversity constraints on development.</p> <p>A desktop assessment was done, as well as one site visit of some two hours on 20 December 2022.</p> <p>The specialist found a well-vegetated and diverse mixture of Southwestern Strandveld and Cape Seashore Vegetation on deep sand above a rocky shore of Table Mountain Group sandstone, as well as some alien species (which is usual in a site close to urbanised areas). The depth of the sand was exposed by erosion caused by a stormwater culvert from Marine Drive. Despite this erosion, natural revegetation is taking place, indicating a healthy ecosystem. The western portion of the site consists of Agulhas Limestone Fynbos, classified as Critically Endangered.</p> <p>No vegetation was found on the rocky shore due to the “highly energetic and abrasive shoreline” and the ecological function of the mixed shore on the site is not covered. Different biological communities are found in these habitats depending on the amount of shelter they offer, the impact of wave action and their stability. Life forms in these habitats are often microscopic, but nevertheless essential to the functioning of the ecosystem, which is highly dynamic. This dynamism means that the site has functions that also change as needed, sometimes rapidly. For example, it will have an important foraging function as well as a shelter and refuge function in times of extreme weather but the areas used for this are transient. Thus the absence of signs of fauna noted in the report does not necessarily mean that none is present as concluded – only that they were not evident during the two hours in high summer of the site visit.</p> <p>The study also concluded that according to the field observations at the site there are no species of concern present and that the sensitivity of terrestrial biodiversity according to the screening tool as High to Very High is not warranted; it should be no higher than Medium. However, it</p>	
--	--	--	--	--	--	--

					<p>goes on to say “The field visit was a snapshot in time so the observations made cannot be taken as definitive.”</p> <p>Despite this caveat, the BAR accepts the downgraded rating and takes it further by stating of the site (page 48) that “at least a third of which is exposed bedrock and beach, leaving less than 0.5 ha that is true Strandveld or Agulhas Limestone Fynbos. Therefore, although there would be total loss of the vegetation on the eastern part of the site, this loss would not be great over the extent of the vegetation type as a whole, so cumulative impacts would be Low Negative” and again that “The Botanical specialist highlights that no bird species were observed using the habitat for feeding or nesting. In addition, no insect communities were evident in the dune Strandveld habitat either.”</p> <p>This approach of “spinning” findings in order to put the proposal in the best possible light is misleading and disingenuous. There are many examples throughout the BAR.</p> <p>6. Need and desirability is neither proven nor convincing Both the need and the desirability of the proposed development are overstated, and a case cannot be made for either beyond the gains to be made by the developer. The usual buttons of job creation, economic growth and the like are pressed, but essentially the proposal will provide a few temporary employment opportunities during construction and residential/tourism opportunities in six small properties. (See also Point 1 above)</p> <p>In attempting to sell the need and desirability the BAR constantly attempts to downplay the negative impact on the environment, stating for example on page 37 that “The development includes plans to rehabilitate portions of the site that are currently degraded, enhancing the ecological integrity of the area.”</p> <p>7. Visual impact will be jarring</p>	
--	--	--	--	--	--	--

					<p>The Visual Impact Assessment (VIA) notes that the site is a pivotal point in the typical coastal landscape with a small inlet and beach opposite a green vegetated open space on the opposite side. The sense of place is rugged and exposed to the elements and although there is residential development, these are placed on the far side of Marine Drive from the ocean, leaving a green buffer between ocean and road. Any development on the site will be an intrusive interruption of this visual pattern.</p> <p>8. Natural landscape is a cultural heritage to be protected</p> <p>The Heritage Impact Assessment notes that the site is part of a coastal landscape of high significance and visual integrity, enhanced by the general lack of intrusions into its intactness, particularly below Marine Drive. Its low position along a curve in the road means that it is very visible from not only Marine Drive, but also from surrounding areas including the town of Agulhas.</p> <p>The cultural landscape of the site warrants a Grade IIIA rating. Any intrusion onto the site will result in significant and highly negative impacts. The specialist notes that the vagueness of the assurances given that development parameters will adequately address these impacts, together with the site's "gateway" visual position, mean that the proposal cannot be approved. In addition the HIA states that "There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal."</p> <p>9. Socio-economic benefits are minimal</p> <p>As noted, the proposal is for six small residential housing opportunities. Apart from financial benefit for the developer, the socio-economic stimulation opportunities for the broader community will be very few, and temporary during the construction phase.</p>	
--	--	--	--	--	--	--

					<p>The BAR (pages 84 and 85ff) spins the positive and negative socio-economic impacts, overstating the former and minimising the latter. It should be noted that “will” can usefully be substituted for “may” in all four of the identified negative impacts.</p> <p>The spin continues in the exposition of the positive and negative impacts of the various alternatives/iterations of the development proposal. With regard to the No Go/Status Quo retention option, the positive impacts are blandly stated as:</p> <ul style="list-style-type: none"> • Preservation of the existing natural environment, including indigenous vegetation and fauna. • No disturbance to sensitive areas, such as ecological corridors, coastal zones, or cultural heritage sites. • No contribution to visual or noise pollution in the area <p>Whereas the negative impacts are given as:</p> <ul style="list-style-type: none"> • Without the development, no jobs will be created during either the construction or operational phases, limiting socio-economic benefits for the local community. • The lack of development means no new housing will be provided to address the needs of the growing population in the area, potentially exacerbating existing housing shortages. <p>This is an extreme over-statement of the benefits that could accrue through the construction of six residences.</p> <p>10. Climate change risks are ignored</p> <p>The BAR is required (page 170) to “Explain how the risk of climate change may influence the proposed activity or development and how has the potential impacts of climate change been considered and addressed.”. The BAR’s inexplicable response is to state that this is Not Applicable. Climate change is without question the most pressing problem of development planning.</p> <p>In 2024 the 1.5oC target average temperature increase reached under the Paris Agreement in 2015 was breached,</p>	
--	--	--	--	--	---	--

					<p>and average temperatures are now on track for a 2.8-3oC increase. For various reasons, South Africa is facing even higher temperatures; the influences of these on large-scale weather drivers such as the ocean currents will be profound. Changing wind patterns and the warming of the Agulhas current will undoubtedly increase extreme weather events along the coast. Predictions are for extreme weather and an increased number of disasters, including fire and flood. A range of modelling confirms that climate change is supercharging risk and a long-term lens should be applied to all planning decisions.</p> <p>The position of the site makes it particularly vulnerable to the impacts of climate change, and no development of the site should be approved (see also section 4 above on Eco-system functioning).</p> <p>11. Conclusions and recommendations</p> <p>After careful consideration of the BAR for the proposed development on RE281 Struisbaai, including the various specialist reports, WCC is of the opinion that the proposal should be rejected and recommends the No Go option. This is for reasons that include:</p> <ul style="list-style-type: none"> • The proposed development does not comply with the relevant planning documents, particularly the provincial spatial development frameworks. It will neither protect natural resources, nor reduce pressure on natural landscapes, but will destroy them. • The site proposed for development is inherently unsuitable for such. Its shape, size and position makes it particularly vulnerable to elemental unpredictability, within a context notorious for this. • The proposal is in conflict with the Coastal Protection Zone; it will jeopardise natural coastal processes and biodiversity. A Coastal Environmental Study should have been done. 	
--	--	--	--	--	---	--

					<ul style="list-style-type: none"> • Development will prevent the site from continuing to fulfil its vital eco-system services, such as acting as a buffer for the town against extreme events. • The Terrestrial Impact Assessment is inadequate as it concentrates on vegetative botanical elements, ignoring the dynamic ecology of the rocky and sandy shore. In addition, it adjusts the screening tool results downwards on the basis of fieldwork findings, while stating that the two hours spent on this could not give definitive results. • Neither the need nor the desirability of the proposed development is proven. Financial benefit will accrue to the developer at the cost of an irreplaceable environment. • The visual impact of the development on the currently “of a piece” seaward visuals will be marked, even if design mitigation measures are put in place. • The natural landscape is a cultural heritage that should be protected and retained wherever possible. • The socio-economic benefits of the proposed development are minimal, but are repeatedly overstated, whereas the environmental damage it will cause is understated and played down. Such “spin” is a recurrent feature of the BAR. • The growing risks posed by climate change and its inevitable effects on any development on the site are ignored. 	
Cor van der Walt	DoA			Cor.VanderWalt@westerncape.gov.za	<p>Letter dated 19 June 2025</p> <p>PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE: DIVISION BREDASDORP REMAINDER OF THE FARM NO. 281</p> <p>Your application of 03 February 2025 has reference.</p> <p>Application is made for the subdivision and rezoning of the remaining portion of Farm Paapekuilsfontein No. 281, Struisbaai, where the proposed Spookdraai Residential Development is situated. The site spans approximately 0.71</p>	

					<p>hectares and lies adjacent to Marine Drive. The development proposal includes the construction of six single residential dwelling.</p> <p>From an agricultural perspective, the Western Cape Department of Agriculture: Land Use Management has no objection to the subdivision and rezoning of the property.</p> <p>Please note:</p> <ul style="list-style-type: none"> • That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970. • Kindly quote the above-mentioned reference number in any future correspondence in respect of the application. • The Department reserves the right initial comments and requests further information based on the information received. 	
--	--	--	--	--	--	--

8. ORGANS OF STATE COMMENT RECEIVED DURING PRE-APPLICATION PUBLIC PARTICIPATION



CONSERVATION INTELLIGENCE: SOUTH

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
physical 16 17th Avenue, Voëlklip, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/7/1/281_residential_Struisbaai
date 3 March 2025

Lornay Environmental Consulting
P.O. Box 1990
Hermanus
7200

Attention: Michelle Naylor
By email: michelle@lornay.co.za

Dear Ms Naylor

Pre-Application Basic Assessment Report for the Proposed Subdivision and Rezoning for the Spookdraai Residential Development on the Remainder of the Farm Paapekuilsfontein 281, Struisbaai

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

Desktop Information

According to the latest version of the Western Cape Biodiversity Spatial Plan (BSP) which was adopted by the competent authority on 13 December 2024, the section of the property below the high water mark of the sea is classified as Ecological Support Area I (ESA) with a narrow buffer of Critical Biodiversity Area I (CBA) in the central and eastern sections. The remainder of the property is mapped as No Natural. In the previous version of the BSP, the ESA extended further inland in the west, there was no CBA and two sections of Other Natural. The scale of the mapping of the BSP must be taken into consideration for a small urban property surrounded by residential development such as this case.

The vegetation on site according to the current official National Vegetation Map (2018) is Overberg Dune Strandveld listed as endangered. In the draft update to the National Vegetation Map (2024), the site is mapped as Southwestern Strandveld in the central and eastern sections and Agulhas Limestone Fynbos in the western section. As Southwestern Strandveld is a new vegetation type, it has not yet been assigned a threat status, and Agulhas Limestone Fynbos is listed as critically endangered. The section below the high water mark is mapped as Agulhas Mixed Shore in the mapping of coastal and marine ecosystems for the

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Mr Mervyn Burton, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Mr Paul Slack

National Biodiversity Assessment (2018). There are no freshwater features mapped for the site.

Screening Tool and Site Sensitivity Verification

The results from the National Web-based Screening Tool reveal a very high sensitivity for terrestrial biodiversity, medium sensitivity for animal species and plant species and low sensitivity for aquatic biodiversity. The Site Sensitivity Verification Report confirms that the terrestrial biodiversity, animal species and plant species themes are covered in the botanical impact assessment and no aquatic biodiversity studies were undertaken as there are no freshwater features on the site or immediate surroundings.

Botanical Impact Assessment

The botanical impact assessment verifies that the vegetation occurring on site consists of Southwestern Strandveld, however there is also Cape Seashore Vegetation occurring adjacent to the section of sandy shoreline and elements on Cape Seashore Vegetation further inland due to the proximity to the coastline and effects of sea spray. We wish to note that although Overberg Dune Strandveld has been replaced by Southwestern Strandveld on this site, Overberg Dune Strandveld has not been replaced in its entirety and still occurs to the north of Struisbaai amongst other locations.

The general description in 6.1. indicates that there is no limestone fynbos occurring on site, but it does occur further inland. However elsewhere in the report there is reference to Agulhas Limestone Fynbos on the site, therefore confirmation must be provided whether it does in fact occur. It is noted that the description of the waypoints does not indicate any localities which are typical of limestone fynbos.

The botanical impact assessment references the previous 2017 BSP which was accurate when the report was compiled. The relevant version in terms of the legislation depends on the date of the application initiation, however both versions can be referred to for informing the application.

The condition of the habitat is relatively degraded in sections due to impacts associated with coastal access and edge effects from the adjacent residential area, with a stormwater outlet where gully erosion has taken place. Clearing of alien invasive Rooikrans (*Acacia cyclops*) has taken place however, due to the exposed nature of the site, re-establishment of indigenous vegetation in these areas has been slow and the cleared vegetation has been stockpiled on site.

No plant species of conservation concern (SCCs) were observed on site. The plant species sensitivity is therefore verified as low, with the exception of the small section in the west which is medium associated with the mapping as Agulhas Limestone Fynbos. With regards to

the latter, we wish to refer to the above discussion regarding the presence of limestone fynbos on site.

The impact assessment for the two non-preferred development layouts is high prior to mitigation and the residual impact and impact after mitigation is rated as high. The impact assessment for the preferred development layout which avoids the western section with the mapped Agulhas Limestone Fynbos is rated high prior to mitigation, the residual impact is medium and the impact after mitigation is low. We wish to note that the term residual impact relates to the mitigation hierarchy, which is enshrined in the National Environmental Management Act (Act 108 of 1998, NEMA) and accordingly in the National Biodiversity Offset Guidelines. It is the impact that remains after following the mitigation hierarchy of avoid, minimize and then mitigate/rehabilitate. The residual impact should therefore be the same as the impact after mitigation.

Clarification is therefore required regarding the residual impact for the preferred development layout. It is noted that the section pertaining to mitigation (Section 9.4) states that it is not possible to mitigate the impacts. We therefore wish to query how the impact significance can be reduced after mitigation if there is no mitigation possible. In terms of the National Biodiversity Offset Guidelines, a biodiversity offset is required to remedy a residual impact of medium negative or higher. Therefore, clarification is required regarding the proposed mitigation and associated impact significance. If the residual impact is confirmed to be medium significance or higher, a biodiversity offset must be implemented in terms of the National Biodiversity Offset Guidelines.

Animal Species Theme

The botanical assessment indicates that the field sampling included observations of animals and birds and under terrestrial biodiversity sensitivity indicates that no bird species were observed using the habitat or feeding or breeding and no insect communities were evident. The observations are qualified that it was a snapshot and is not definitive. According to the Procedures for the Assessment and Minimum Criteria for Reporting on Environmental Themes for Animal Species (GG 43855, GN 1150, October 2020 – referred to as “the protocols”), a site inspection is required to confirm the presence of the SCCs flagged in the screening tool as medium sensitivity. If confirmed, a terrestrial animal species specialist assessment must be undertaken, otherwise a terrestrial animal species compliance statement is required. The two species listed are a reptile, Southern Adder (*Bitis armata*), and an insect (*Aneuryphymus montanus*).

The botanical assessment does not provide sufficient evidence of compliance with the protocols with respect to the animal species theme. There is no reference to the two species flagged or the other faunal SCCs that could be present on site. The report does not indicate whether coastal species, including coastal bird species, were observed or if the observations

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Mr Mervyn Burton, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Mr Paul Slack

were only within the terrestrial habitat. CapeNature has highlighted the gaps in the screening tool for the coastal and estuarine environment in applications where this is relevant. African Oystercatcher (*Haematopus moquini*) is sensitive to disturbance during the breeding season and could be present along the adjacent coastline. Although this species is currently listed as least concern in both the international IUCN listing and the national SANBI listing, prior to 2017 it was IUCN listed as near threatened. There are other coastal bird species which could be affected by disturbance. Mitigation may be necessary during the construction phase.

Coastal Setback and Access

Three iterative alternative layouts have been developed, with the preferred layout avoiding the high water mark and only one of the six residential erven encroaching slightly into the low risk line (1 in 100 year storm surge). No hard infrastructure should be permitted in front of the 1 in 100 year storm surge line.

We wish to note however that the coastal management line for the Overberg District Municipality is located relatively far inland from Struisbaai. Development islands have been delineated for existing development in front of the coastal management line, however the property is not located within a development island. The property is therefore in front of the coastal management line. Coastal management lines are intended to be implemented through municipal planning and therefore we recommend that input should be provided by the Department of Environmental Affairs and Development Planning (DEA&DP): Coastal Management and the Cape Agulhas Municipality in this regard.

Apart from the six residential erven, there are three open space erven, consisting of one public open space erf for a public footpath along the western boundary, a small private open space erf at the entrance and a large private open space erf over the remainder of the current property. We wish to note that according to the National Environmental Management: Integrated Coastal Management Act (Act 24 of 2008, NEM:ICMA), areas below the high water mark of the sea form part of the coastal public property. A large proportion of the large private (not public) open space erf falls below the high water mark. We recommend that it must be ensured that Sections 7, 7A, 13, 14 and 18 of NEM:ICMA with regards to coastal public property and coastal access are taken into account in the application and DEA&DP: Coastal Management should provide inputs in this regard.

Services

With regards to services, the development is proposed to be connected to the municipal and Eskom reticulation for potable water and electricity. There is no piped municipal sewerage for this area therefore the proposal is for conservancy tanks linked to a central system that will be serviced by the municipality. The location of the conservancy tanks and the central servicing tank must be indicated on the layout and it must be ensured there is adequate

mitigation to minimize the risk of pollution of the coastal environment through the sewage system.

As noted above, there is an existing stormwater outlet which has resulted in gully erosion on the property. The gully occupies a large section of the easternmost proposed residential erf. The proposal is to redirect the stormwater drainage to the west of the current alignment along the boundary between the two erven as observed in Figure 3 of the Basic Assessment Report. It is assumed that infill of the gully will be required for the development of a house on the easternmost erf.

Broad principles are stated with regards to stormwater management, however the Environmental Management Programme Report states that no stormwater management plan is required due to the small scale of the project. The existing stormwater entering the site however must be addressed before the proposed development can proceed and therefore we recommend that a detailed stormwater management plan must be compiled in collaboration with the municipality who are responsible for the bulk stormwater flow on to the site resulting in erosion. The infill of the gully must also be addressed and included in the assessment of impacts.

Conclusion

In conclusion, recommends that the following must be addressed before the application can be considered further:

- A stormwater management plan must be compiled in collaboration with the Cape Agulhas Municipality to address the stormwater currently entering the site as well as the development itself. The current stormwater erosion gully must also be addressed.
- The requirements of NEM:ICMA must be addressed, including the coastal management line, coastal public property and coastal access. Comment must be obtained from DEA&DP: Coastal Management in this regard.
- Clarification is required regarding the following in the botanical impact assessment:
 - The presence of Agulhas Limestone Fynbos on the property
 - Whether any mitigation measures are available to reduce the impact
 - The residual impact after following the mitigation hierarchy
- If it is confirmed that the residual impact on terrestrial biodiversity is of medium significance or higher, a biodiversity offset must be implemented in accordance with the National Biodiversity Offset Guideline.
- The animal species theme must be adequately addressed in accordance with the protocols. Confirmation must be provided regarding mitigation measures for disturbance to coastal birds.
- Impacts associated with service provision must be adequately addressed.

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Mr Mervyn Burton, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Mr Paul Slack

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Regards

RSmart

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

cc. Keith Spencer, CapeNature

leptieshaam Bekko, DEA&DP: Coastal Management

Sunel Nel, Cape Agulhas Municipality

OVERBERG DISTRIKSMUNISIPALITEIT DISTRICT MUNICIPALITY UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.:

Navrae/Enquiries:

Bylyn/Ext.:

Francois Kotze

Privaatsak:

Private Bag:

BREDASDORP

7280

Tel.:

(028) 4251157

Faks/Fax:

(028) 4251014

E-mail/E-pos:

fkotze@odm.org.za

X22

03 March 2025

LORNAY ENVIRONMENTAL CONSULTING

**P.O Box 1990
HERMANUS
7200**

For attention: Michelle Naylor

**RE: PROPOSED SUBDIVISION AND REZONING FOR THE CONSTRUCTION OF
RESIDENTIAL ERVEN ON REMAINDER OF FARM 281, STRUISBAAI, BREDASDORP RD**

REFERENCE NUMBER: Ref:16/3/3/6/7/1/E1/13/1406/23

The Environmental Management Services Department of the Overberg District Municipality takes cognisance of the pre-application Basic Assessment Report for the proposed Spookdraai Residential Development on Remainder of the Farm No. 281, Struisbaai, Bredasdorp RD.

With reference to the sensitivity mapping, it is noted that reference has been made to the 2017 Western Cape Biodiversity Spatial Plan. Please note that this plan has been reviewed and adopted in December 2024. It is advised that the project team consult with Cape Nature to obtain the new data and amend the application if and where applicable.

The proposed development is situation on an isolated piece of the RE of Farm 281. With reference to Cape Agulhas Municipality's Spatial Development Framework of 2022-2027, a large portion of the property is situated within the urban edge of Struisbaai. Why has no site alternative on the same property been presented or investigated as part of the BAR?

The property falls within the Coastal Protection Zone (CPZ). The function of the coastal protection zone is defined in section 17 of the Environmental Management: Integrated Coastal Management Act of 2014 (Act 36 of 2014). The current proposal will most likely have a negative impact on the CPZ as it will intrude on the natural character, and the economic, social and aesthetic value of the neighbouring coastal public property.

Marine Drive has been defined as a Gateway area / scenic route in the Cape Agulhas Municipality's Spatial Development Framework. The management proposal set out in the SDF reads as follows: "Preserve the scenic quality of Marine Drive (R319) between Struisbaai and L'Agulhas". Although the visual impact could be minimize by architectural design the development will impact on this tourism asset.

It is acknowledged that the application address objectives of the National Environmental Management Act: Integrated Coastal Management Act, 2008 (NEMA:ICMA) as it promotes public accessibility as well as improved access to the coast. The proposed development must not lead to obstruction or hinderance of the general public to access the coast (such as the proposal for a private beach). Both ICMA and the Western Cape Coastal Access Strategy speaks about the reasonability of coastal access. These principles are supported by the District and should inform development along our coastline.

In the Civil Roads and Services Report a brief description is given of the stormwater works that will be required for the development. Mention is made that the current stormwater system drains onto the property and would need to be redirected around the property. The impact on the proposed "redirection" of stormwater infrastructure has not been incorporated into the report. Please provide detail regarding the proposal and impacted area.

The ODM reserves the right to revise its comments and request further information based on any additional information that may be received.

Yours sincerely



R. BOSMAN
MUNICIPAL MANAGER

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word.
All correspondence must be addressed to the Municipal Manager

To develop, expand, manage and promote a system of sustainable national parks that represent biodiversity and heritage assets, through innovation and best practice for the just and equitable benefit of current and future generations.



03 March 2025

For attention:
Michelle Naylor
Lornay Environmental Consulting Pty Ltd
michelle@lornay.co.za; 083 245 6556

RE: COMMENT ON THE DBAR FOR THE PROPOSED SPOOKDRAAI RESIDENTIAL DEVELOPMENT, REMAINDER PORTION 281, STRUISBAAI.

1. Introduction

The proposed Spookdraai Residential Development is located on the Remainder of Farm Paapekuilsfontein 281, Struisbaai. The site is less than 0.75 ha, and is located between Marine Drive and the high water mark.



Figure 1: Location of the proposed development site (light blue outline)

The proposed development involves the construction of six residential dwellings, as

- addo elephant
- agulhas
- IAI-IAis / richtersveld
- augrabies
- bontebok
- camdeboo
- garden route
- golden gate highlands
- groenkloof
- karoo
- kgalagadi transfrontier
- kruger
- mapungubwe
- marakele
- mokala
- mountain zebra
- namaqua
- table mountain
- tankwa karoo
- west coast

643 Lays Street
Muckleneuk
Pretoria

PO Box 787
Pretoria
0001

Tel: 012 426 5000
Fax: 012 343 0905

Central reservations: 012 428 9111
reservations@sanparks.org
www.sanparks.org

well as associated road, water and electrical infrastructure, and a stormwater management system. An open space system is included, as a means to reduce the ecological and visual impacts, whilst also providing recreational space to residents as well as the public.



Figure 2: Proposed layout of the development (alternative 4) as per the DBAR

2. SANParks comments:

SANParks' comments are focused on Alternative 4, being the preferred alternative.

Although there is development between the road and the shoreline further along Marine Drive towards George Street, it must be noted that the area is wider; and also that a continuous stretch of undeveloped, shoreline is maintained. This provides for public access and mitigates the impact of that access, as well as the visual impact. Additionally, it functions as storm surge protection.

The proposed site for this development, however, is a narrow section of rocky shore with a small beach, making it particularly sensitive to disturbance. This development would significantly impact the scenic and natural character of this coastal stretch. The site is also well-used by the public. Although the development is making provision for public access, the spatial restriction of such access would result in an increased impact.

Although the DBAR recognises all of these impacts, typically as MEDIUM-HIGH, they are typically downrated to LOW-VERY LOW after mitigation, essentially through the combination of greening, limited development footprint and use of permeable fencing, and establishing a buffer zone between the development and the high-water-mark. The downrating of these impact significance ratings are not clear, based on the mitigation measures. In many instances, it is our view that the ratings would stay the same.

With regards to the loss of Southwestern Strandveld, for example, the loss of vegetation due the development is listed as 'probable'. From the specialist report, it appears that clearing of vegetation is required, i.e. this impact should be 'definite'. It is then unclear how this impact would be downrated from Medium to Low, without further mitigation, simply on the basis of avoided development. The fact that the whole site is not being developed is why the pre-mitigation impact was rated as Medium, instead of High.

9. Botanical	
Potential impact and risk:	Impact on botanical and biodiversity aspects of the site.
Nature of impact:	Negative: Loss of natural vegetation i.e. Southwestern Strandveld
Extent and duration of impact:	Local; Long-term
Consequence of impact or risk:	Loss of Southwestern Strandveld
Probability of occurrence:	Probable
Degree to which the impact may cause irreplaceable loss of resources:	Low
Degree to which the impact can be reversed:	Irreversible
Indirect impacts:	None
Cumulative impact prior to mitigation:	Contribution to loss of Southwestern Strandveld
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium negative
Degree to which the impact can be avoided:	Very Low
Degree to which the impact can be managed:	Low
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	Since the western end of the site supporting Agulhas Limestone Fynbos would remain intact, Alternative 4 mitigates the effect of both Alternative 2 and Alternative 3 since the western end of the site would not be developed.
Residual impacts:	Medium negative
Cumulative impact post mitigation:	Low negative
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low (-)

Figure 3: Biodiversity Impact ratings table from the BAR (alternative 4)

Furthermore, the loss of public access and amenity, although recognised, is not adequately assessed.

We are also concerned that the traffic impact assessment only considers the localised disruption of traffic in peak hours. The R319/Marine drive is the most important linkage between L'Agulhas, Struisbaai and Bredasdorp. Given the location of the proposed site below the road and on a bend, we are concerned about potential impacts on the structural integrity and stability of the road. Deterioration of this road will severely impact tourism to L'Agulhas and Agulhas National Park.

3. Summary and Recommendations

SANParks is not satisfied with the impact BAR significance ratings in the attached DBAR and we recommend that the application is peer reviewed by a suitably qualified EAP.

This is particularly important in this case, given the location of this proposed development and 'fine margins' at play: The proposed development footprint is at the limits of demarcated risk zones, and does not adequately consider potential impacts of

climate change or extreme weather events. We do not believe that this application adheres to the precautionary principle. Given the sensitivity of the site location, we are also concerned that if this were to be approved, subsequent engineering may be required to protect these properties from storm surges and other environmental risks. Any such activities would then compound the impact on the coastal environment as well as impacts on biodiversity, sense of place (visual) and public access.

Sincerely,



Dhiraj Nariandas, Park Manager: Agulhas National Park

cc: Bongani Mnisi, General Manager: Cape Region
Kristal Maze, General Manager: Park Planning and Development
Jeffrey Manuel, Manager, Park Planning and Development
Alison Kock, Marine Biologist



If not you in 2025, then who?

suidpuntinwoners@gmail.com

4 March 2025

Dear Sirs/Madams

DEA&DP Ref:16/3/3/6/7/1/E1/13/1406/23 LORNAY Ref: REM-281

The above refers.

Without repeating what you've no doubt heard from other parties, we will comment as follows:

1. The application is based on the misconception that your client has only 7,000+ square meters to develop. It is based on the misconception that 450+ hectares are not enough to develop:

Provide a motivation for the preferred property and site alternative including the outcome of the site selectin matrix.

→ The subject property is the sole asset available to the developer, making it the only viable option for the proposed development.

Excerpt from your application P 84.

2. Erf 3495, Struisbaai, more than 12 hectares, was subdivided from RE/281 for development.
3. We believe that your client is attempting to develop what is supposed to be a public open space. (Helemika 1 already developed on the opposite side of Marine Drive, as well as the entirety of Oceanview Heights.)

Apart from various other reasons, this development will have a lasting, negative visual impact and change the landscape for humans, small animals, and flora forever. It should not be allowed, and the developer should be forced instead to disclose what their intentions are with the almost 450 hectares they still own in Struisbaai.

Yours sincerely



CM Lourens
Chairperson83 461 4311

Agulhas Erfenis-vereniging (AEV)

Agulhas Heemhuis
Jim van Drutensingel
L'Agulhas
7287
e-pos: agulhas.heritage@gmail.com



04 March 2025

Attention: Michelle Naylor
Lornay Environmental Consulting

Email: michelle@lornay.co.za

RE: COMMENTS ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED SPOOKDRAAI RESIDENTIAL DEVELOPMENT ON REMAINDER OF THE FARM NO. 281, STRUISBAAI

As a registered conservation body with the Heritage Western Cape and recognised by the Cape Agulhas Municipality as such, the Agulhas Heritage Society herewith submits its comment in two parts:

1. Comments on to the HIA report,
2. Comments on the integration of the HIA into the Pre-application Basic Assessment Report (BAR).

Attached to the commentary document is comments from Heritage members and stakeholders from the Southern Tip community.

Thank you.

Regards



pp
Danie Schutte
Chairperson

HWC reg nr: HM/CB/28-02-2020/06

Attention: Michelle Naylor
Lornay Environmental Consulting
Email: michelle@lornay.co.za
25 FEBRUARY 2025

RE: COMMENTS ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED SPOOKDRAAI RESIDENTIAL DEVELOPMENT ON REMAINDER OF THE FARM NO. 281, STRUISBAAI

The Agulhas Heritage Society (AHS) is an association not for gain registered as a conservation body in terms of Section 25(1)B of the National Heritage Resources Act (Act 25 of 1999) and has been allocated an area of responsibility which encompasses the area of the proposed Spookdraai residential development on Remainder of the Farm no. 281, Struisbaai.

AHS is a registered I&AP with Lornay Environmental consulting, the appointed Environmental Assessment Practitioner (registered on 28 February 2025.)

The National Heritage Resources Act (NHRA) of 1999 (Act 25 of 1999) prescribes a three-tier system for heritage resources management.

This three-tier system ensures that heritage management is decentralized and handled at the most relevant level, allowing for effective conservation, legal protection, and sustainable management of South Africa's cultural and historical resources.

For the context of this development proposal:

- **Tier 1** is the National Level – the **South African Heritage Resources Agency (SAHRA)** - responsible for Grade I heritage resources, which have national significance.
- **Tier 2** – the Provincial Level is **Heritage Western Cape (HWC)** - responsible to manage Grade II heritage resources, which have provincial significance. HWC oversees heritage sites, buildings, and landscapes that are important at the provincial level.
- **Tier 3** – the Local Level, is **Cape Agulhas Municipality (CAM)** - responsible for the formal protection, management, and enhancement of Grade III heritage resources i.e. heritage resources, which are of local or regional significance. Also within this tier 3 are the registered conservation bodies (registered with HWC) who play a key role in grassroots heritage management, while also contributing to provincial and national efforts when relevant.
- **Agulhas Heritage Society (AHS)** is the registered conservation body in the area of the proposed development site on the Remainder of the Farm no. 281, Struisbaai.

As the Registered Conservation body, AHS herewith submits it's comment in two parts

1. Comments on to the HIA report

2. Comments on the integration of the HIA into the Pre-application Basic Assessment Report (BAR)

PART 1 : Comments on draft Heritage Impact Assessment.

The “Notice of public participation for Basic Environmental Impact Assessment (BAR) in terms of NEMA” call for registered Interested and Affected Parties (I&AP) to “provide comments on the Pre-application Basic Assessment Report for the Proposed Spookdraai Residential Development on Remainder of the Farm No. 281, Struisbaai, Bredasdorp.”

Point 13 of (page 5 of 186) the “Information to be read prior to completing this basic assessment report” states :

“Where Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (“NHRA”) is triggered, **a copy of Heritage Western Cape’s final comment** must be attached to the BAR.”

AHS Comment:

The HWC response to Notification of Intent to Develop (Appendix E) **required that a Heritage Impact Assessment (HIA) be conducted and submitted to them.** HWC required that that the following must be included in the HIA:

- (a) The identification and mapping of all heritage resources in the area affected;
- (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;
- (c) an assessment of the impact of the development on such heritage resources;
- (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- (e) **the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;**
- (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

This HIA must in addition have specific reference to the following:

- Archaeological Impact Assessment
- Desktop Paleontological Impact Assessment
- Visual Impact Assessment

The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Appendix G2 – the pre-application phase **draft heritage impact assessment** proposed development of Split Portion Farm 281-RE, Marine Drive, Struisbaai, **does not include the following required elements:**

- **The results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources.**
- **Comments requested of:**
 - **relevant registered conservation bodies;**
 - **all Interested and Affected parties; and**
 - **the relevant Municipality**
- **Proof of the request for comments from the parties listed above.**

These requirements have not been satisfied, and a final comment has not been issued by HWC. Comments on the Specialist report on the HIA have not been requested as required, nor the results of consultation with affected communities. Nor any proof of the request for comments.

It is important to note that the comments requested by HWC, **are with respect to the Heritage Specialist practitioners' HIA report**, including its reference and integrated set of recommendations to the Archaeological Impact Assessment, the Desktop Paleontological Impact Assessment and Visual Impact Assessment.

Context of AHS within the National Heritage Resources Management Landscape.

AHS is one of the registered conservation bodies within the boundaries of Cape Agulhas Municipality(AM). Specifically, AHS is the registered conservation body with responsibility in the Ward 5 within CAM and has formal representation on the CAM Ward 5 ward committee. AHS also has formal representation on the Suidpunt Residents Association (SRA) and the Public Advisory Committee of the Cape Agulhas Lighthouse development.

Registered conservation bodies are essential players in South Africa's heritage resource protection system. While SAHRA and Heritage Western Cape provide formal oversight, the registered conservation bodies contribute to safeguarding the nation's diverse cultural and natural heritage. Their strengthening public participation is crucial for ensuring effective heritage conservation in the country.

Since its establishment on 27 April 2019, AHS has diligently:

- collected, preserved and exhibited information, photographs, films, books, documents and folklore which has been made available to members and the public in general; and

- provided an information- and professional research service to members, the public, the local government and Western Cape/National conservation entities; and
- has established an extensive heritage resource repository, archive / database of available specific Heritage Impact reports conducted to date, significant reference books, research reports, available documents, photo collections, and publications on many of the heritage resources within its registered area of responsibility.

In addition AHS supports heritage conservation, preservation and protection through

- Advisory Roles: providing documented and expert input on heritage resource site protection to CAM and the community via its representation on the Ward committee and the SRA, and direct engagement with the HWC.
- Heritage Impact Assessments (HIAs): Reviewing development projects
- Education & Awareness: Conducting presentations, lectures, publications and monthly newsletters and exhibitions.

AHS comment:

AHS strongly objects to the omission by the HIA practitioner and EAP of requesting comments from AHS **with respect to the Heritage Specialist practitioners' HIA report**, as required by HWC.

It is the view of AHS that this is a deliberate omission by the by the EIA – the HIA in its recommendations clearly states:

“In terms of Section 38(8) of the NHRA, the current proposal is not supported”

AHS is of the opinion that the Heritage Specialist practitioners' HIA report, is independent, professional, factual and containing an integrated set of recommendations. The comments below are intended to complement the report with supplementary information available from our heritage information repository.

Specific comments (in red) on excerpts (in black) of the HIA report

- *“The split portion of the property affected is 0.71 ha in extent but the overall landholding, from which it is proposed to be subdivided, in the first instance, is 474.8209 ha in extent, for the most part (excluding the subject portion) outside the urban edge and all zoned Agriculture.” (page 2)*

The proposed site is the coastal portion (0.71 Ha) , of the two portions of the Split Remainder of the Farm 281 and is located within the Coastal Protection Zone (CPZ). The second portion (448.71 Ha), the larger portion, partially falls within the new urban edge identified in the CAM SDF. The location of this portion is adjacent to the area where most of the recent “high end housing development” in Struisbaai has taken place and presents a large area in which a number of suitable alternative sites are available. (See figures 1 and 2 below).

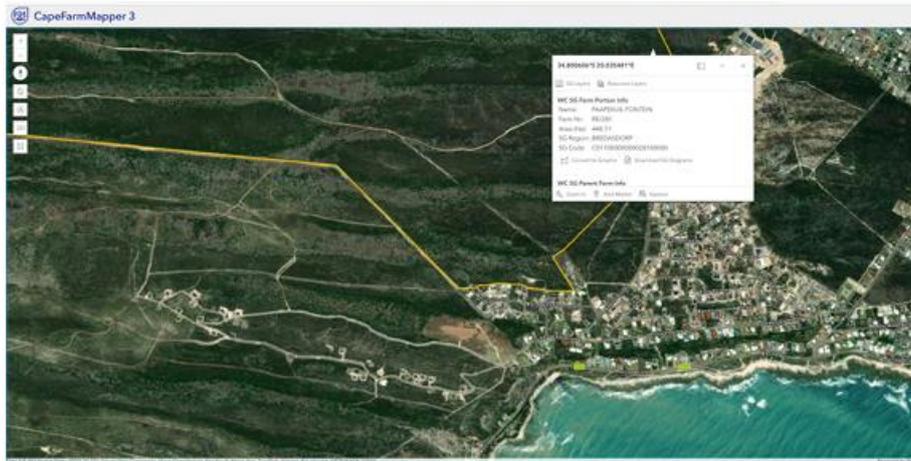


Figure 1 – the inland portion of the Remainder of Farm 281 (Reference: CapeFarmMapper 3)

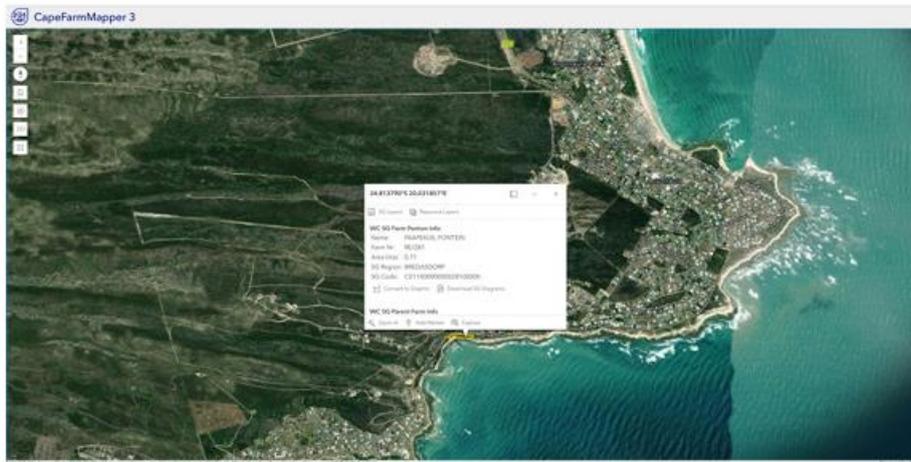
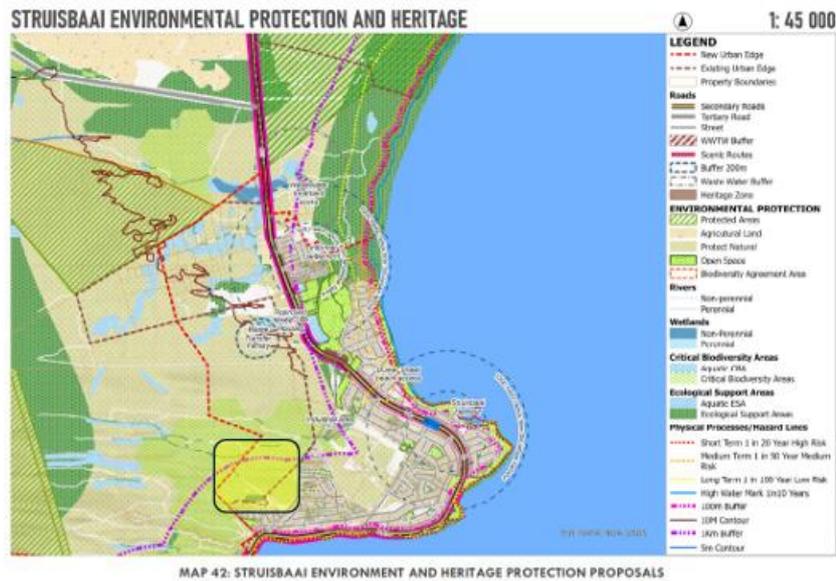


Figure 2 - the coastal portion of the Remainder of Farm 281, located within the CPZ. (Reference: CapeFarmMapper 3).

Figure 3 indicates (the yellow shaded rectangle) a portion of Remainder of Farm 281 that falls within the new Urban Edge, as presented in the Final CAM SDF 2022 – 2027 (Council approved on 31 May 2024 ; Resolution 87/2024). The applicant's claim that the coastal portion of the Remainder of Farm 281 is the only site for the proposed development, is fallacious.



CAPE AGULHAS MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2022-2027

167

Figure 3 - A portion of the Split Remainder of Farm 281 falling within the New Urban Edge.

- “However, it is to be noted that this coastline has historically been accessible to the public, the fishing community in particular (see remarks relating to the retention to public rights to fishing in the original Title Deed 495/1836, in this report).” (page 3)
- “Struisbaai town is historically a traditional fishing community, confirmed in remarks relating to the retention to public rights to fishing in the original Title Deed 495/1836.” (page 18)

The proposed development site is approximately 7113 m². Of this

- 3132 m² will be zoned residential,
- 3204 m² as Open Space (Private) i.e. private beach and shoreline!
- 688 m² as Private Street and refuse.
- Only 89 m² will be zoned as Open Space (public) !

Thus Only 89 m² will be accessible to the public and to the fishing community (traditional community and visiting fisherman.)

This not only contravenes the original title Deed, but more importantly the Integrated Coastal Management Act (ICM).

The ICM Act ensures that the public has the right of physical access to coastal public property, as well as access to the benefits and opportunities provided by the coastal zone.

Attachment 1 is an objection to the proposed development, supported by 44 local fishermen. Their objection is to the denial of access to their traditional fishing spots.

Attachment 2 is an objection to the proposed development, supported by 74 local fishermen from Struisbaai North.

- “b) Places in which oral traditions are attached: Not established, considered unlikely.” (page 30)

AHS has documented many of these, as presented below.

The coastal portion of the Remainder of Farm 281 (the proposed development site) is not a discrete land unit – it is a small portion of a contiguous landscape which has a high degree of integrity, particularly the portion below Marine Drive designating this a very good quality landscape. This landscape is itself a “place”, stretching from a distance before the development site (from the historical site of “The Man alone house”, and beyond until at least as far as the historical “water trough” and “Hangnes outspan” site. Many oral traditions are attached to this place’ including the Spookdraai gorge.

AHS has documented many of the oral traditions attached to Spookdraai from sparse data from the National Archival Databases and very few peer reviewed articles. The research therefore relied on local books, media, unreferenced amateur historian accounts and folklore

The recorded oral tradition includes accounts of :

- The very origin of the name “Spookdraai”
- The “water trough”
- The recreation and respite at “Hangnes outspan”
- The “Man alone house”
- Shipwrecks off Spookdraai
- etc.

Attachment 3 is a journal article that will be published in the April 2025 quarterly AHS journal, recounting some of the oral traditions collected.

Attachment 4 includes recent AHS newsletters to its membership that also recount some of the oral tradition.

➤ d) *Landscapes and Natural Features of Cultural Significance:* (page 30)

*“The site currently forms part of a **coastal cultural landscape which includes areas, views and component resources of high scenic, cultural or historical significance.**” AHS endorses this assessment.*

➤ h) *Graves and burial grounds* (page 32)

*No burial sites are known to have been found on the site. The site is a small portion of a contiguous landscape which has a high degree of integrity, particularly the portion below Marine Drive designating this a very good quality landscape. The larger contiguous landscape is dotted with many sandstone or wooden constructed benches, many of them commemorative plaques, commemorating the memories of family members and their final wishes to be remembered at a spot on the pristine coastal landscape. While these benches are not graves or burial grounds *per se*, they are undisputedly of cultural and heritage significance and are an integral part on part of the “sense of place” – as such the whole piece of the coastal belt is worthy of heritage protection.*

➤ i) *Sites of significance relating to the history of slavery.*

The Cape Agulhas Lighthouse was commissioned in 1847, with the light being lit for the first time on 1 March 1849. Oral tradition records that occasionally workers from Hotagterklip were also responsible for keeping the candle light aflame. The initial fuel was rendered fat made out of the tails of fat tailed sheep, and later the fuel was paraffin. The fuel was presumably transported along a coastal pathway, which, due to the topography of the “Spookdraai” area, would have undoubtedly traversed the development site.

Although the date of construction of the Hotagterklip dwellings is unconfirmed, it is estimated to have been between 1820 and 1850. The original inhabitants of Hotagterklip were apprenticed (freed) slaves from the local farm Zoetendalsvlei, owned by Van Breda, the owner of the original farm Paapekuil Fontein 281. The site of Hotagterklip is on land donated by van Breda to his freed slaves and is located on the original Farm 281. These are the people who would have worked at the Lighthouse and transported the fuel. There is oral tradition surrounding “the paraffin route” and consequently, AHS suggests that the site may have significance to the history of slaves in the area.

15 Heritage Impact Assessment (page 44)

➤ *Botanical* (all alternatives)

*The specialist concludes that the proposed subdivision and development of the site would result in a **High Negative direct** impact that would be very difficult to mitigate.*

➤ *In overall terms, the heritage (and related visual) impacts are expected to be **High, negative.*** (page 45)

➤ *VISUAL SENSITIVITY OF AREA (LANDSCAPE SENSITIVITY)*

However the typical landscape quality and the intrusion into this unique setting creates a visual sensitivity that is deemed to have a **Medium to High Visual Sensitivity**.

➤ VISUAL SENSITIVITY OF RECEPTORS

The Receptors of the anticipated visual impact include residential areas which are considered to have **High Visual Sensitivity**

➤ SIGNIFICANCE OF SENSITIVITY TO VISUAL CHANGE

As a function of landscape sensitivity and anticipated magnitude of change as a result of the development, above, the sensitivity to visual change is deemed to be of **High Significance**

➤ VISUAL INTRUSION OF DEVELOPMENT (MAGNITUDE OF VISUAL CHANGE)

The development is proposed to occupy a portion of the coastline which is pristine and with no adjacent development to form a continuous pattern. **This urban intrusion will result in a High Visual Intrusion**

➤ VISUAL ABSORPTION CAPACITY OF SITE (page 46)

The particular landscape quality of the site and the fact that there are no adjacent development along this portion of the coast results in a **Low Visual Absorption Capacity**.

➤ SIGNIFICANCE OF ANTICIPATED VISUAL IMPACTS

Determined through a synthesis of the aspects of the nature, duration, intensity, extent and probability, **the Operational Phase Visual Impact is of High Negative Significance**, having a significant influence on the environment, and requiring mitigation.

As a function of receptor sensitivity and anticipated magnitude of change as a result of the development, above, **the sensitivity to visual change is deemed to be of Major Significance, negative**.

Due to the lack of architectural and landscape parameters and the lack of a landscape plan and mitigation measures, **the proposed development will have a Significantly High Negative Visual Impact and cannot be supported**.

AHS fully endorses the impact and sensitivities as reported by the HIA practitioner.

➤ 15.3 Sustainable Socio-economic benefits

There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal.

AHS agrees that there are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal at this the only preferred site.

A comparative assessment as required by the EIA guidelines between this site and other possible alternative sites may have identified an alternative site on the larger portion of the Remainder of Farm 281 that might have had socio-economic benefits that outweigh the heritage impacts identified on those sites.

➤ 17 Public Comment

AHS has only been asked, as a registered I&AP to comment on the EAP's Pre-application Basic Assessment Report (BAR).

AHS as the relevant local registered conservation body, **not been** asked to comment on the draft HIA report *per se*, as required by the initial HWC response.

The HWC requirement is specific – it requires AHS to comment on the HIA report specifically, hence this separate comment by AHS on the HIA report specifically and separately from its comments on the BAR. This will be directed to HWC directly.

➤ Recommendations

It is recommended that Heritage Western Cape provides interim Comment to the following effect:

- Endorses this report as having met the requirements of Section 38(3) of the NHRA;
- In terms of Section 38(8) of the NHRA, the current proposal is not supported.

AHS endorses this recommendation, but with one significant difference. AHS will recommend that these recommendations should be endorsed as HWC's final comment, at this site. The reason for the AHS recommendation will be set out in PART 2 of this submission.

PART 2 : Comments on the integration of the HIA into the Pre-application Basic Assessment Report (BAR)

The definition of "environmental authorisation" in terms of NEMA was amended and now reads "when used in Chapter 5 means the authorisation by a competent authority of a listed activity or specified activity in terms of this Act, and includes a similar authorisation contemplated in a specific environmental management Act (SEMA)".

The relevant SEMA in this case is the National Environment Management: Integrated Coastal Management Act (ICM Act) (Act no.24 of 2008). The assessment process to be followed in this case must be in accordance with the requirements of both the EIA Regulations, together with the specific requirements of the ICM Act.

The application for authorisation under the ICM Act for the listed activities of this application, requires and EIA as per the EIA regulations of NEMA.

The HWC response to Notification to Develop (NID) was that a Heritage Impact Assessment in terms of Section 38(1) of the National Heritage Resources Act (NHRA) (Act 25 of 1999) is required. The response included specific requirements that needed to be included into the HIA report, prior to delivering a HMC final response.

The HIA report is specifically required to include the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources i.e. the HIA report needs include:

- Comments requested of:
 - relevant registered conservation bodies;
 - all Interested and Affected parties; and
 - the relevant Municipality
- Proof of the request for comments from the parties listed above.

These have not been included, hence the inclusion of the AHS comments on the HIA REPORT per se in PART 1 above.

Herewith the AHS comments with respect to the integration of the findings and recommendation of the HIA into an integrated assessment of all heritage impacts and significance into the Pre-application BAR. (Section I of the BAR refers).

- 7. Explain how the findings and recommendations of the different specialist studies have been integrated to inform the most appropriate mitigation measures that should be implemented to manage the potential impacts of the proposed activity or development (page 171)

- *Heritage Impact Assessment*

The Heritage Impact Assessment highlighted the site's location within a coastal cultural landscape of Grade IIIA significance, emphasizing its visual and contextual importance. In response to this, the development design has been carefully planned to preserve key landscape features and ensure that public access to culturally significant areas is maintained. To address the visual impact of the development, mitigation measures such as the inclusion of visual buffers have been incorporated. These buffers, along with the use of appropriate architectural styles and materials, will help reduce the visual intrusion of the development and ensure that it complements the surrounding environment. This approach respects the heritage value of the area and aims to minimize any disruption to the sense of place for both residents and visitors. (page 72)

The EAP fails to disclose the assessment and final recommendation of the HIA report:

HIA report recommendation: "In terms of Section 38(8) of the NHRA, the current proposal is not supported."

The EAP only presents the case where the mitigation recommendations are fully implemented. With the non-disclosure of the EIA reports recommendations *verbatim*, the EIA implies that the HIA supports the application if the remediation recommendations are implemented. AHS believes this is disinformation and deliberately misleading.

HIA report recommendation: "Should the development proceed, the mitigation recommendations of Section 16 of this HIA must be incorporated directly and in full into the Environmental Management Plan (EMP) for the proposed development."

In other words, **only if** the development receives an environmental authorisation, then all the full recommendations must be incorporated directly and in full into the Environmental Management Plan (EMP).

The EIA report unequivocally states:

"There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal."

AHS fully endorse this assessment for the following reasons:

1. The pre-application bar does not meet the EIA regulations' requirements to properly consider "need and desirability":
 - Cape Agulhas Municipality has strategically and democratically determined its strategic context for informing need and desirability.
 - The CAM SDF clearly sets out the broader community's needs and interests. The "need and desirability" must be determined by considering the broader community's needs and interests as reflected in the CAM IDP & SDF.
 - The need and desirability in section E of the documents provided has not been quantified against the totality of the CAM SDF. It does not comprehensively consider the strategic context of the community's needs and interests which are clearly identified in the SDF.
 - No mention is made of the fact that proposed activity on the development site is deviant from:
 - 2 of the 5 spatial development objectives
 - Protect and conserve the natural assets of the Municipality.
 - Preserve and protect heritage sites.
 - The spatial development vision

A municipality that offers a good quality of life, rich life experience and diverse economic opportunities, ensures spatial justice and sustainability, and protects natural and heritage assets.
 - At least 3 of the 8 key strategies
 - Key strategy 3

Protect and conserve protected areas, critical biodiversity areas and ecological support areas by keeping these areas in a natural or near natural state and only allowing low impact, biodiversity sensitive land uses as appropriate.

- Key strategy 4
Create diverse economic opportunities by promoting agriculture and tourism.
- Key strategy 5
Protect and enhance historic and culturally significant precincts and places.

- No proof has been provided that the deviations from the CAM SDF at the development site, selected as the “only preferred site” (without the consideration of alternative sites available on the inland portion of the Remainder of Farm 281) are
 - justifiable
 - meet the needs of the community, and
 - that the development is still desirable.

2. The pre-application BAR does not meet the requirements of EIA to comparatively assess alternative sites:

- No alternatives to the proposed development are identified, investigated or assessed i.e. No discrete alternative sites have been identified and comparatively assessed.
- The so-called “alternatives” considered in this BAR are alternative layouts of the “only preferred option”.
- A number of suitable alternative sites are available within the Split Remainder of Farm 281
- The claim that no alternative sites exist is fallacious and disingenuous.
- No exemption has been applied for by the applicant or the EAP.
- No detailed information on the consideration of alternative sites has been provided in the relevant reports.
- Interested and affected parties have not been afforded an opportunity to provide inputs into the consideration of alternative sites.
- The proposed development is located in coastal public property, within 100m of the high-water mark (HWM) line. It is the duty of the state as trustee to ensure that coastal public property is used,

managed, protected, conserved and enhanced in the interests of the whole community, as opposed to only a few individuals or groups.

- The omission of the investigation of the discrete alternative sites available is a deliberate attempt to withhold significant information from the competent authority and equates to deliberate disinformation.
3. The pre-application BAR attempts to justify the activity of the “only preferred alternative” within 100 metres from the high-water line of a coastal public property in contravention of the ICM Act.
- The proposed development site presents circumstances under which the competent authority may NOT issue an environmental authority:
 - It is likely to cause irreversible or long-lasting adverse effects on the coastal environment that cannot be properly mitigated;
 - It is situated within coastal public property and is inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations.
 - It will not be in the interests of the community as a whole.
 - The applicant has alternative sites that have not been assessed as alternatives to the proposed development site.

SUMMARY

AHS endorses the recommendation of the HIA Report (with its subordinate specialist impact assessment findings) as a **final** HWC response to the NID:

“In terms of Section 38(8) of the NHRA, the current proposal is not supported.”

AHS agrees that there are **no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts** of the proposal.

AHS will strongly object to the granting of an environmental authorisation and retains its right to appeal should an authorisation be granted.

Attachment 1
Local fishermen objection

Beswaar teen Spookdraai-ontwikkeling vanuit 'n hengelaarsoogpunt

Vir: Die Erfenis-vereniging van Struisbaai/L'Agulhas

Van: AA (Braam) Rust

Inleiding

Die gemeenskap van Struisbaai en L'Agulhas is binne een jaar twee keer geruk met skoknuus om woonstrukture op die rand van die kuslyn te bou. Eers die onooglike 5-verdieping woonstelblok, en nou die beplande 6 woonstrukture in Spookdraai. Laasgenoemde ontwikkeling is op die mooiste deel van die Struisbaai-kus, op die grens tussen Struisbaai en L'Agulhas. Hierdie deel is vir besoekers, wat per voertuig in die rigting van L'Agulhas ry, iets besonder, aangesien vir ongeveer 200m is die padoppervlakte heelwat hoër as die seevlak en skeep dit die idee dat jy op die water beweeg. Sodra jy in die draai van Spookdraai ingaan, lê 'n pragtige sandstrandjie van ongeveer 70m in lengte en 20m in breedte, tussen die teerpad en die see. Nou word daar beplan om hierdie natuurerfstuk te omskep in 6 erwe en woonstrukture – vir die eienaars gaan dit 'n juweel wees om te benut, maar vir die miljoene verbygangers gaan dit 'n onooglikheid wees. En vir die volgende eeu of wat gaan die vraag gevra word waarom die owerhede so 'n gebeurtenis kon toelaat!

Hengel rondom Struisbaai

In die Struisbaai-area is hengel van die kant af alom bekend en baie gewild. Die sandstrand van Waenhuiskrans tot by Struisbaai en veral die rotskus vanaf die hawe tot by L'Agulhas en verder tot by Suiderstrand en Brandfontein, word daaglik deur 'n beduidende hoeveelheid hengelaars gebruik. As jy Mariene Rylaan gebruik, is dit opvallend om daaglik talle hengelaars op die rotse te sien. Oor naweke raak hierdie getalle net soveel meer en tydens vakansies word groot getalle van vroeg tot laat op die rotse opgemerk. Elkeen probeer om op sy manier te ontspan en die opwinding wat hengel bied, te geniet.

Hengel en ontspanning

Hengel in die algemeen is 'n belangrike wyse van ontspanning. Die studie deur Lamberth & Griffiths (1996) toon aan dat 93% van alle hengelaars hengel vir die doel

om te ontspan, 19% om kos te versamel, 7% vir kompetisiedoeleindes en 3% om 'n lewe daaruit te maak. Verskeie faktore dra by dat ontspanning (en meer spesifiek hengel) al meer gewild en deel van die moderne mens se bestaanslewe sal word. Voorbeelde hiervan is byvoorbeeld die sogenaamde groot trek van binnelanders na die kus (Kaapstad se inwonertal het byvoorbeeld die afgelope 15 jaar verdubbel). Hierdie demografieverandering dui gedeeltelik op 'n lewenstylverandering aan (van 'n gejaagde na 'n meer ontspanne een). 'n Ander faktor is die geweldige druk wat op die werker is om bo die tegnologie uit te styg. Dit dui op 'n werker wat moet swoeg om die wedloop teen meganisering en outomatisering te wen. Hierdie verskynsel in die werkplek plaas verdere druk op die individu om sy lewensinstelling van 'n meer geïndustrialiseerde tipe na een met groter balans in sy lewensuitkyk. Sulke omgewingsveranderinge dui op 'n stygende vraag na gesonde ontspanning.

Hengel as 'n ontspanningsmetode se invloed en gevolge is omvangryk. Die moderne mens is vasgevang in 'n wêreld wat hoë eise in en rondom die werkplek stel. Die gesinslewe kom ook al meer onder druk van ongewenste invloede wat inbreuk maak op die waardes wat gesagstrukture soos bv. die gesin, skool en kerk moet stel. Gevolglik is enige vorm van genotvolle belang in iets of fisiese oefening, wat nie met die daaglikse werkroetine te doen het nie, 'n gewilde opsie vir ontvlugting. Buitemuurse- en buitelugontspanning word bv. al meer belangrik in die lewens van stadsmense in hul soeke na ontspanning. Diegene buite die stede is nie gevrywaar van al die spanninge en onderstrominge van die samelewing nie en het dieselfde behoeftes t.o.v. 'n breuk met die normale roetines. Hengel kan nie alle probleme van die mens oplos nie, maar ten minste 'n rusperiode vir liggaam en gees gee om dinge weer in perspektief of vanuit 'n ander hoek te sien.

Hengel is kortom 'n ontspanningsmetode wat goeie en gesonde vermaak verskaf. Dit bied vir die moderne mens in 'n groot mate ontvlugting van die gejaagde lewe. As batterylaaier vernuwe dit die liggaam en gees. Om hierdie redes moet die hengelaar se optredes en besluite gerespekteer word.

Hengelplekke in Spookdraai

Die gedeelte rondom Spookdraai, spesifiek waar die ontwikkeling beoog word, is uiters gewild by hengelaars. Daar word nog gereeld vis uitgetrek; die area is betreklik veilig en bereikbaar deur veral persone wat nie meer so gemaklik op die klippe beweeg nie;

die area is van so 'n aard dat daar 'n verskeidenheid visse aangetref word; en die sandstrandjie bied ook vir die res van die gesin 'n area om veilig te ontspan.

Daar is basies drie ingange na die Spookdraai hengellekke. Indien met Mariene Rylaan, in die rigting van L'Agulhas, gery word, is die 1e ingang 'n grondpaadjie regoor Erf 1005. Hierdie grondpaadjie bied toegang na Die Brood - seker dié gewildste hengellek in Struisbaai, (dit lê regoor Erf 1007). Die parkeerarea van Die Brood lê in die beplande ontwikkeling. Die 2e ingang is 'n voetpaadjie wat vir jare deur hengelaars gebruik word en dit lê regoor Erf 1993. Dié voetpaadjie loop deur Erf 4 van die ontwikkeling na die hengellek "Elf Banke" (reg onder Erf 4) en net regs hiervan (ongeveer 15m) is die gewilde Rooibank (reg onder Erf 5 en Erf 6 van die ontwikkeling). Die 3e ingang is ook 'n voetpaadjie (wat oor beide Erf 7 en Erf 8 van die ontwikkeling loop) – dit bied toegang tot die Brandewynbankies wat aan L'Agulhas se kant van die sandstrandjie geleë is. Al die genoemde hengellekke is uiters gewild by hengelaars. En boonop is die sandstrandjie (wat Erf 8 van die ontwikkeling uitmaak) 'n gewilde piekniek-, sonbrand- en ontspanningsplek – kleurvolle sambrele word veral in vakansietye hier gesien.

Behalwe vir die besonderheid en skoonheid van die spesifieke area wat deur die ontwikkeling weggevat gaan word, word die plek vermoedelik afgebaken en word toegang geweier vir hengelaars wat daar vir geslagte lank vrylik kon kom en gaan. Die eienaars (ontwikkelaar) en hulle nageslag gaan vir jare gebrandmerk word as gierig, nalatig, kortsigtig, en onsensitief vir die natuur se skoonheid. Enige ontwikkeling naby 'n kusstrook moet aan wetlike voorskrifte voldoen. Die Spookdraai-ontwikkeling slaag beslis nie die toets nie, en spesifiek vir hengelaars gaan dit onaanvaarbaar wees.

Bron:

Lamberth SJ & Griffiths CL 1996, **Zoology Dept and Marine Biology Research Institute**, University of Cape Town, Unpublished paper.

Hierdie is 'n lys van hengelaars van Struisbaai/L'Agulhas wat bogenoemde beswaar ondersteun:

Jacobus Gerhardus Basson
0307135234085
Ocean View 28
Struisbaai

Marius de Villiers
6901135070087
18 Heidelaan
Struisbaai

Nicolaas Vermeulen
6709305054082
Hoofweg 62
L'Agulhas

Shane Oberholzer
6303185007087
Nr 2 Fisherman's Place (Langezandt)
Struisbaai

Chris van Schalkwyk
8809155176080
Minnetokka Straat 7
Struisbaai
7285

Daniël La Grange
6407145064086
Hawe weg 1
Struisbaai
7285

Marius Thom Basson (nms Le Seur Familietrust)
6208135021080
Hoofweg 118
Struisbaai

John William Roelofse
6712295007086
Myburgh str 3
Struisbaai

Jan Hendrik Basson (nms JMB Familietrust)
6603035014088
Oceanview no 28,
Struisbaai

Johan Gerber
6404125916087
26 Oceanview Drive
Struisbaai

Tia Bruwer
0303200218087
De Waalstraat 46
Struisbaai

Albert Gerber
6706125013082
11 Oliverstraat
Struisbaai

Marietjie Basson
7002040003088
Oceanview Rylaan 2
Struisbaai

Paul de Villiers
7207115112082
Freezia Str 4
Struisbaai

Jakob Daniël de Wet
5509055014083
Van Bredastraat 30
L'Agulhas

Marthinus Christoffel Bamard
6309125057082
26 Oceanview Drive
Struisbaai

John Laurence Lamacraft Merry
8010225107086
555 Poole Street
L'Agulhas

Niel Fabricius
7110075028084
Adellestraat 3
Struisbaai

Abraham Petrus Marais
6108165112082
Poolstraat 5,
L'Agulhas

Richard Desmond Strydom
8407215005082
16 Edward Straat
L'Agulhas

Jacobus Johannes Marthinus Van Wyk
8309305071083
17 Marginela Str
Struisbaai

Roger Marais
6602195204083
8 Heuning Straat
Struisbaai

Nicholas Frederick Hodgson
8707315210080
13 Winston Straat
L'Agulhas

Stephen James Keanly.
5409055128084
7 Marginella Street,
Argonauta Park
Struisbaai

Sharne Niemand
8109220319082
8 Marginella Straat
Struisbaai

Sonja Marais
6809020093082
8 Heuning Straat
Struisbaai

Bertie Ham
7409215084084
5 Myburgh Straat
L'Agulhas

Christiaan Ludolf Neethling
5701035024080
3 Stephanie Straat
Struisbaai

Rudolph Francois van Vuuren
5911135082082
Moir Str 20
Ocean View
Struisbaai

R Pace
6508225116081
5 Cooper Str
L'Agulhas

Dirk Gysbert Hanekom
6410315028089
Van Breda Straat 14
L'Agulhas

Jan de Villiers
5704195038080
Stephanie Str 20
Struisbaai

S Pace
6610030008080
5 Cooper Straat
L'Agulhas

Lambertus Charl Johannes Smith
9108305019087
Heidelaain 28
Struisbaai

Christiaan Lukas Smith
9608065142086
Heidelaan 28
Struisbaai

Martin van Jaarsveld
5804075047084
32 Oceanview Rylaan
Struisbaai

JD Kleynhans
6512315174084
Tornyn Str 7
Struisbaai

Marius Fuchs
5610035112086
Eloise Straat
Stuisbaai

Arno de Jager
7012145283089
1085 Agulhas Nature Reserve
Oceanview Drive
Struisbaai

Sophia Wilhelmina Van Jaarsveld
6205220004088
32 Oceanview Rylaan
Struisbaai

Michael Andries Labuschagne
7208135022087
12 Edward Street
L'Agulhas

Arno Dames
7205115006080
7 Clionella Straat
Struisbaai

Johan Theunissen
5812185055087
Marine Drive 65
Struisbaai

Tertius Scholtz Bruwer
7611255114081
De Waal Straat 46
Struisbaai

ooOOoo

Attachment 2
Registered IAP objections
from residents of
Struisbaai Norh

The above attachment (Attachment 2) in the Agulhas Heritage Society document is too large to attach herein and consist of a list of I&APs which have been added into the I&AP Register, refer to **Appendix F5**. Please note that all the names and contact details (where available) have been included in the Register in order to notify them of further PPP Opportunity.

Note that some of the handwritten and signed objection forms did not include sufficient contact details to allow the EAP to make further contact. We are committed to contacting as many of these people as possible.

Attachment 3

The gentrification of Spookdraai – our portal to paradise

NM Walters

Refer to the full Agulhas Heritage Society comment attached under **Appendix F5**.



Department of Environmental Affairs and Development Planning

Bernadette Osborne

Directorate: Development Management, Region 1

Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/6/7/1/E1/13/1406/23

DATE: 5 March 2025

The Director
Helemika Number 1 (Pty) Ltd.
PO Box 1990
HERMANUS
7200

Attention: Mr. M. Wurbach

Cell: 082 413 2874

E-mail: michaelw@opes.co.za

Dear Sir

COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF FARM NO. 281, STRUISBAAI.

1. The electronic copy of the pre-application Draft BAR received by this Department's Directorate: Development Management, Region 1 ("this Directorate") on 1 February 2025 and this Directorate's acknowledgement thereof issued on 7 February 2025, refer.
2. Following the review of the information submitted to this Directorate, the following is noted:
 - The proposed development entails the construction of the Spookdraai residential development on the Remainder of Farm No. 281, Struisbaai.
 - The housing complex will consist of the following 10 erven,
 - 6 single residential dwellings,
 - 1 public open space,
 - 2 private open spaces, and
 - 1 private street and refuse.
 - The site is 7100m² in extent.
 - No watercourses are present on the site or within 32m of the site.
 - The site is located within 100m of the high-water mark of the sea.
 - Indigenous vegetation is present on the site.
 - The site is zoned for agricultural purposes and is located outside the urban area of Struisbaai.

3. This Directorate's comments are as follow:

3.1 Listed Activities

- 3.1.1. Since the proposed development will include a 375mm stormwater pipeline with an unspecified length, the applicability of Activity 9 of Listing Notice 1 should be confirmed. If applicable, it should also be included and addressed as part of the application.
- 3.1.2. The motivation for the applicability of Activity 12 of Listing Notice 3 is inadequate. The motivation must clearly indicate whether 300m² or more of vegetation classified as a critically endangered or endangered ecosystem will be cleared.
- 3.1.3. It was indicated that the maximum width of the road will 4m, however, in the Civil Engineering Report it was indicated that the road will have a maximum width of 5.5m. Please provide the correct width of the road and confirm the applicability of Activity 4 of Listing Notice 3.

3.2 Activity description

- 3.2.1. It is noted that the proposed development will include a public access pathway. However, the length and width of the pathway has not been included in the activity description.
- 3.2.2. Furthermore, the length of the stormwater, water and sewage pipelines have not been specified in the activity description.
- 3.2.3. The activity description must be updated to include details of the above. diameter stormwater pipeline.

3.3 Planning concern

- 3.3.1. Page 32, section 4.3 of the BAR states, *"In terms of the 2024 approved Cape Agulhas Municipality Spatial Development Framework (CAM SDF), the proposed site is situated in an area identified as a gateway area. However, the SDF does not provide further clarification regarding the implications or strategic intent of this designation."*
- 3.3.2. Clarification must be obtained from the planning component of the municipality regarding this designation and whether the proposed development is line with the municipal SDF.
- 3.3.3. Should the development not be consistent with the municipal SDF, this may prejudice the outcome of the application.

3.4 Consideration of Section 63 of the Integrated Coastal Management Act

3.4.1. It is noted that the development has been setback from the coastline and that provision has been made for public access to the coast.

3.4.2. Please indicate what other measures were considered in the proposed development to address coastal processes.

3.5 Service Confirmation

3.5.1 Written confirmation from Cape Agulhas Municipality that they have sufficient capacity for potable water supply, effluent management and solid waste management.

3.5.2 Written confirmation from Eskom should also be if they have sufficient capacity for electricity supply.

3.6 Alternatives

3.6.1 It is noted that four (4) Layout Alternative were considered of which Layout Alternative 1 is the "no-go" option.

3.6.2 Please note that the "no-go" option is not a Layout Alternative. This must be corrected in the BAR.

3.7 Since Heritage Western Cape ("HWC") indicated that a Heritage Impact Assessment ("HIA") is required, final comment from HWC must be obtained regarding the HIA.

3.8 The proposed development will be located within 100m of the highwater of the sea, comment from this Directorate's coastal management unit must be obtained.

3.9 The proposed development will result in the clearance of indigenous vegetation classified as an endangered ecosystem. Comment from CapeNature is required regarding the loss of endangered vegetation.

3.10 In addition to the above, comment from the following authorities must be obtained and included in the BAR:

- Department of Agriculture;
- Relevant road authority; and
- Cape Agulhas Municipality.

3.11 The Public Participation Process must comply with the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR.

- 3.12 Please note that a comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the BAR. In addition, please ensure that copies of all the comments received are attached to the BAR.
- 3.13 In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.
- 3.14 Please be advised that the signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.
- 3.15 In addition to the above, please ensure that the signed and dated Environmental Assessment Practitioner ("EAP") and Specialist declarations are also submitted with the final BAR for decision-making.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
6. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

Melanese Schippers
Digitally signed by
Melanese Schippers
Date: 2025.03.05
11:48:37 +02'00'

**pp HEAD OF COMPONENT
DIRECTORATE DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms. Michelle Naylor (Lornay Environmental Consulting)
(2) Mr. Abraham Theron (Cape Agulhas Municipality)

E-mail: michelle@lornay.co.za
E-mail: abrahamt@capeagulhas.gov.za



Department of Environmental Affairs and Development Planning

Mercia Liddle

Biodiversity and Coastal Management

Mercia.Liddle@westerncape.gov.za | Tel: 021 483 4627

DEA&DP Reference: 16/3/3/6/7/1/E1/13/1406/23

CMU Reference: 17/1/8(CMU 006/2025)

The EAP
Lornay Environmental Consulting
P.O. Box 1990
HERMANUS
7200

Attention: Michelle Naylor

Tel: 083 245 6556

Email: michelle@lornay.co.za

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED SPOOKDRAAI DEVELOPMENT ON THE REMAINDER OF PORTION 281, STRUISBAAI.

Good day Madam

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 03 February 2025, refers.

1. CONTEXT

1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".

- 1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The Western Cape Provincial Coastal Management Programme ("WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and available upon request.
- 1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans.
- 1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.

1. COMMENT

- 2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:
 - 2.1.1. The development proposal entails the subdivision and rezoning of Farm RE/281 Struisbaai for the construction of six single residential dwellings. The development will feature associated infrastructure, including utilities such as water and electrical connections, roads and stormwater management systems. Furthermore, open spaces will also be incorporated into the design to provide residents with recreational areas and preserve the area's ecological integrity. It is noted that the proposed development is located within the urban area and aligns with the Cape Agulhas Municipal Spatial Development Framework, IDP as well as the Provincial Spatial Development Framework for the Western Cape. The applicant also indicated that the development proposal has considered the provisions of the NEM: ICMA and other relevant legislation as the proposed development and its associated activities will occur above the 5m contour of the sea and behind the various coastal risk zones.

- 2.1.2. Be advised that the 2023 Western Cape Biodiversity Spatial Plan (WC BSP) was formally adopted into law on 13 December 2024 (Gazette Extraordinary 9017) in alignment with the Western Cape Biodiversity Act (Act No 6 of 2021). This marks the replacement of the 2017 WC BSP with the 2023 WC BSP. The SD: CM notes that there are no Critical Biodiversity Areas along the subject area and the applicant accurately mapped the Ecological Support Areas for the subject area on page 33 of the DBAR.
- 2.1.3. Farm RE/281 in its entirety is located within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 should be considered by local authorities for land use decision making. The applicant indicated that the proposed development aligns with the intentions and purpose of the CPZ, and the preferred development alternative ensures that the layout does not encroach upon identified coastal risk areas.
- 2.1.4. Farm RE/281 is located seaward of the Overberg District Coastal Management Line ("CML") which the applicant acknowledged, and it is stated that the development proposal was reviewed against the risk zones including erosion, storm surge and sea-level rise projections. At a pre-application meeting, the SD: CM recommended that the applicant should ensure that the entire development should be located as far landward of the coastal risk zones as possible which the applicant adhered to, however it is concerning that from the proposed designs as illustrated in Figure 33 of page 83 of the DBAR, that the proposed dwellings are all located towards the seaward boundary of the proposed residential erven which are all in close proximity to the highwater mark. The applicant did not provide alternative positions for the proposed dwellings nor provided an explanation why these properties cannot be located towards the landward boundary of the proposed subdivided Erven. Regardless of whether the proposed developments would be located above the 5m contour and outside of the coastal risks zone, the subject property is not considered a development island and it is located seaward of the CML and in close proximity to the highwater mark. Any development on this site is at high risk from coastal processes including storm surges and impacts from climate change.
- 2.1.5. Considering the abovementioned, the SD: CM noted that part of the development proposal is to incorporate a Public Open Space (Erf 7) and a Private Open Space (Erf 8). Be advised that much of the proposed 'private' Open Space is located below the highwater mark which and is therefore considered to be Coastal Public Property in terms of the NEM: ICMA. The applicant must be informed of risk pertaining to the loss of property should the high-water mark of the sea move inland of the property boundary. In this

regard, Section 14 of the NEM: ICMA and the [Advisory Note from the Office of the Chief Surveyor-General](#), dated 15 October 2021, is applicable. The SD: CM appreciated the applicant's gesture to incorporate a public footpath leading to the coast via the proposed Erf 7 however the land below the highwater mark on the proposed Erf 8 cannot be privatised or used for the exclusive use of the residents of the subject property. The applicant is advised to consider Sections 7, 11, 13 and 14 of the NEM: ICMA in this regard.

- 2.1.6. The SD: CM notes that the applicant did their due diligence to consider the impacts of the recent storm events and demonstrated how the subject property was unaffected by these events due to its rocky nature. No concerns were therefore raised in terms of flooding, sand movement and erosion. The applicant also indicated that the proposed built infrastructure was set back as far as possible within each proposed erf, however as stated in item 2.1.4. the SD: CM does not support the proposed locations of the dwellings there is insufficient buffer to absorb any possible effects of coastal processes given the proximity to the highwater mark.
- 2.1.7. In terms of the Departmental Circular, [DEA&DP 0004/2021](#), regarding 'The consideration of coastal risk in land use decisions as well as the way forward with respect to the establishment and implementation of Coastal Management Lines in terms of the NEM: ICMA', a precautionary approach must be adopted with respect to land use decisions within coastal risk areas. The Circular also suggests that development parameters be considered for development within general risk areas. This includes maintaining coastal quality; reducing public liability; reducing risk to human life; preventing intensification of development in general risk areas but allow the exercising of existing rights; prevention of encroachment that will impact the integrity of the shoreline ecology; and enables safe evacuation in an emergency. The Circular further states that any development that is proposed along the coast, be scrutinised and that caution is applied when considering such proposals.
- 2.1.8. In terms of the Coastal Access Audit for the Overberg District, the subject coastline has been identified as a coastline with unrestricted pedestrian access and the following recreational activities have been identified for the subject area: swimming; fishing (recreational, subsistence and commercial); walking, bird watching and dog walking. These accessibility of the coastline adds considerable value to coast from a tourism, sense of place and social perspective. The SD: CM is aware that there is great concern by some of the public regarding the impact of the proposed development on their historical access to the coast and if the development would be in the interest of the whole community (including fauna and flora) as defined in NEM: ICMA, especially given that it is located in the CPZ.
- 2.1.9. The applicant must be reminded, due to the proximity of the development proposal to the highwater mark, that the erection of any protection measures against erosion or accretion is prohibited in terms of Section 15 of the NEM: ICMA, which states:

(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person;

(2) No person may construct, maintain or extend any structure, or take measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the NEMA or any other specific environmental management Act.

As such, any measures proposed to counter the processes of erosion or accretion may only occur within the boundaries of the subject property. The SD: CM is aware that the subject coastline is predominantly a rocky shore and erosion, and storm surges may not be a big concern for the subject area, however the applicant must note this for future reference as the development may be impacted by sea level rise as a result of climate change.

2.1.10. Be advised that on page 42 of the DBAR the applicant incorrectly stated that Sections 14 and 15 of the NEM: ICMA were considered while referring to coastal access. The applicant is reminded that Section 14 relates to the position of the highwater mark and Section 15 explains measures affecting erosion and accretion. Sections 13 and 18 of the NEM: ICMA are the relevant sections for Public Access to Coastal Public Property.

2.1.11. Given that the proposed subdivided Erven will be in close proximity to the highwater mark the applicant should be informed that they may not create individual pathways or walkways beyond their legal property boundary towards the coast and any activities on the subject property may in no way impede on the general public's ability to access coastal public property.

2.1.12. Based on all the above-mentioned items, be advised that the SD: CM does not support the development proposal for subdivision and rezoning for the purpose of residential development. The site would be more suited for use that is in the interest of the whole community as defined in the NEM: ICMA. The proposed development will result in privatisation of a stretch of coast that is historically well utilised by the public and is also located on a scenic route.

2.1.13. It is the opinion of the SD: CM that the proposed development is not aligned to the purpose of the CPZ as stated in Section 17 of the NEM: ICMA, as it does not protect the ecological integrity or natural character of the coastline and also does not protect the social and aesthetic value of coastal public property. The proposed development does not protect people, property or economic activities from risks arising from dynamic coastal processes including the risk of sea level rise. Furthermore, the proposed development does not maintain the natural functioning of the littoral active zone or the productive capacity of the coastal zone.

3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."* together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.
4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.

Yours faithfully

**leptieshaam
Bekko**

 Digitally signed by
leptieshaam Bekko
Date: 2025.03.05 14:13:05
+02'00'

leptieshaam Bekko
CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT
DATE: 05 March 2025



Ward 5 / Wyk 5

Attention: Michelle Naylor
Lornay Environmental Consulting
Email: michelle@lornay.co.za

05 March 2025

SUMMARY

A. The pre-application bar does not meet the requirements of EIA to comparatively assess alternative sites:

- No alternatives to the proposed development are identified, investigated or assessed i.e. No discrete alternative sites have been identified and comparatively assessed.
- The so-called "alternatives" considered in this BAR are alternative layouts of the "only preferred option".
- A number of suitable alternative sites are available within the Split Remainder of Farm 281, the claim that no alternative sites exist is fallacious and disingenuous.
- No exemption has been applied for by the applicant or the EAP.
- No detailed information on the consideration of alternative sites has been provided in the relevant reports.
- Interested and affected parties have not been afforded an opportunity to provide inputs into the consideration of alternative sites.
- The proposed development is located in coastal public property, within 100m of the high-water mark (HWM) line. It is the duty of the state as trustee to ensure that coastal public property is used, managed, protected, conserved and enhanced in the interests of the whole community, as opposed to only a few individuals or groups.
- The omission of the investigation of the discrete alternative sites available is a deliberate attempt to withhold significant information from the competent authority and equates to deliberate disinformation.

B. The pre-application bar does not meet the EIA regulations' requirements to properly consider "need and desirability":

- Cape Agulhas Municipality has strategically and democratically determined its strategic context for informing need and desirability.
- The CAM SDF clearly sets out the broader community's needs and interests. The "need and desirability" must be determined by considering the broader community's needs and interests as reflected in the CAM IDP & SDF.
- The need and desirability in section E of the documents provided has not been quantified against the totality of the CAM SDF. It does not comprehensively consider the strategic context of the community's needs and interests which are clearly identified in the SDF.
- No mention is made of the fact that proposed activity on the "only preferred" site is deviant from:
 - 2 of the 5 spatial development objectives
 - The spatial development vision
 - At least 3 of the 8 key strategies
- Despite alternative sites being available on the Split Remainder of the Farm 281, no feasible and reasonable alternatives to the development have been identified nor comparatively assessed.
- No proof has been provided (when compared to the alternative sites) that the deviations from the CAM SDF at the selected "only preferred site", are
 - justifiable
 - meets the needs of the community, and
 - is still desirable.

EMAIL: ward5info@mail.com

C. The pre-application bar attempts to justify the activity of the “only preferred alternative” within 100 metres from the high- water line of a coastal public property without a comparative assessment of available alternate sites:

- The only assessed alternative “the only preferred option” presents circumstances under which the competent authority may NOT issue an environmental authority:

- It is likely to cause irreversible or long-lasting adverse effects on the coastal environment that cannot be properly mitigated;

- It is situated within coastal public property and is inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations.

- It will not be in the interests of the community as a whole.

- The applicant has alternative sites that have not been assessed as alternatives to the preferred option.

D. The assertion that this site is the “only preferred alternative” is disingenuous, deceptive and fallacious.

- NEMA and the EIA regulations call for a hierarchical approach to impact management. Firstly, alternatives must be investigated to avoid negative impacts altogether. Only after it has been found that the negative impacts cannot be avoided, must alternatives be investigated to reduce (mitigate and manage) unavoidable negative impacts.

- The applicant owns numerous alternative vacant sites within the Split Remainder of Farm 281, within the defined urban edge of Struisbaai and L'Agulhas - a significant fact that has not been disclosed in this pre-application bar.

- Not having to conduct a comparative analysis of alternative sites, enables a fallacious and misleading conclusion that the significant potential negative impacts identified by the specialist

reports (as good as they may be) on heritage resources and places of cultural significance, archaeology, palaeontology, cultural landscape context and visual sensitivity are unavoidable. The applicant, by making this assertion, assumes that the NEMA requirement of comparative alternative analysis is thereby reduced to a comparison of layouts only, to optimise the mitigation against the potential impacts. This is obviously not allowed, since none of the other potential alternative sites have been comparatively analysed.

Apart from various other reasons, this development will have a lasting, negative visual impact and change the landscape for humans, small animals, and flora forever. It should not be allowed, and the developer should be forced instead to disclose what their intentions are with the almost 450 hectares they still own in Struisbaai.

Yours sincerely

Dr. A Eksteen
Chairperson: Ward 5

EMAIL: ward5info@mail.com



overstrand conservation foundation, trading as
whale coast
CONSERVATION

Caring for your environment

5 March 2025

Lornay Environmental Consulting
Attention: Michelle Naylor michelle@lornay.co.za

COMMENT ON PRE-APPLICATION / DRAFT BASIC ASSESSMENT REPORT

Proposed Spookdraai Residential Development Remainder Portion 281, Struisbaai
LORNAY REF; REM-281: DEA&DP REFERENCE; 16/3/3/6/7/1/E1/13/1406/23

Dear Michelle

The proposal aims to construct a housing development on a small greenfield site in Struisbaai of just over .7Ha. The site has one owner and is a remnant of a larger farm. This is no doubt the reason for its current zoning as Agricultural as it is totally inappropriate for farming.

The site is located between Marine Drive and the sea in a curve on the road ("Spookdraai") and currently comprises natural vegetation, rocky shore and sandy beach. The site is long and narrow, running parallel with the road, and sloping between the sea and the 11m contour of Marine Drive. It is within 100m of the high-water mark and thus within the Coastal Management Zone (CMZ).

The envisaged development will contain six side-by-side residential units with associated roads and paths located mostly on the eastern side. The vegetation of the western side is classified as Critically Endangered, being Agulhas Limestone Fynbos and is thus a no-go area for development.

Whale Coast Conservation (WCC) opposes the proposed development for reasons that include the following:

1. Does not comply with relevant planning documents

Development on the site does not comply with the Western Cape Provincial Spatial Development Framework (WCSDF), in that it will not protect natural resources, nor will it reduce pressure on natural landscapes, despite bland assertions in the Basic Assessment Report (BAR) (page 18) that it will do so. Developing the site will destroy natural resources and landscapes.

The WCSDF also has a goal of "better protection of spatial assets (e.g. cultural and scenic landscapes) and strengthened resilience of natural and built environments". Development on this site will weaken the resilience of the natural environment and the cultural and scenic landscape so characteristic of the area (see 8 below).

TEL +27 28 316 2527 FAX 086 695 0046 CELL +27 72 185 5726

E-MAIL wcc.greenhouse@gmail.com WEBSITE www.whalecoastconservation.org.za

Green House, R43 Vermont, Hermanus PO Box 1949 Hermanus South Africa 7200

PBO 130004541 NPO 020-771



The Provincial Spatial Development Framework (PSDF) envisages that “residents use land and finite resources prudently and safeguard their ecosystems”. Although the BAR asserts that the proposal aligns with this, the rationale is mere “spin” and developing the site will in fact do just the opposite. Development will also be counter to the 2010 Need and Desirability Guidelines, in that it will not respect local environmental integrity. Rather than respecting the integral wholeness of the local environment, development will replace this with substitutions for destroyed elements (see 6 below).

2. Site is inherently unsuitable for development

The shape, size and position of the site makes it vulnerable to elemental unpredictability. Any development on the site will be at high risk of these. As noted, it is within 100 metres of the high water mark and Figure 2 on page 16 of the BAR indicates that the 1 in 10 high water mark will swamp a considerable portion of the site.

The southern Cape coast is notorious for these events, as well as for episodic waves. These can be expected to increase in frequency and magnitude as the effects of climate change become increasingly apparent (see 12 below).

On page 48 the BAR notes that “The impact of the proposed development relates to the transformation of the land that is currently covered with indigenous vegetation to the landscape which will be transformed and built. The desirability from a development perspective relates to the proximity of the erf to the coast...it incorporates all of the high-water mark, the 5m contour, and the low, medium and high risk coastal risk zone lines.” This is exactly what renders the site totally inappropriate for development from an environmental perspective - it is far too proximate to the coast.

3. Proposal is in conflict with the Coastal Protection Zone

The Coastal Protection Zone (CPZ) as defined in Section 63(1) of the Integrated Coastal Management Act (ICMA) aims to manage, regulate, and restrict the use of land adjacent to coastal public property while preserving and enhancing the coastal ecosystem, as well as to safeguard natural coastal processes and biodiversity.

The BAR states on page 33 that “The subject property lies within the CPZ, (but) the layout does not encroach upon identified coastal risk areas....(as) the development footprints are located above the high, medium and low risk lines...Development will...be located within 100 m of (the high water mark), (but) the coastline is predominantly a rocky shore therefore erosion and storm surges are less likely compared to a sandy shore.” This is not true. The presence of a rocky shore is a function of elemental geology and is no protection against storm surges.

Page 41 of the BAR states that a coastal environment study was “not required, the development is located above the 5m contour and outside the low, medium and high-risk zones.” Given the position of the site, this is a major omission and a coastal environment study should have been done.

(It should be noted that the arrow in Figure 4 on page 32 of the BAR indicating the proposed site is in the incorrect place. If it is adjacent to the exposed headland to the southeast, this underscores the site’s environmental vulnerability.)

4. Development will prevent the site from performing its eco-system services

The site in its undeveloped state performs many eco-system services. For example, the site acts as a buffer for the town against extreme events. Sea events such as storm surges can be dissipated and land events such as floods can be filtered by the site before entering the marine environment.



The photographic image in the Terrestrial Impact Assessment of the stormwater culvert from Marine Drive that opens onto the site, together with one showing the depth of erosion this has caused, indicates that the site currently processes a considerable amount of external water as well as the importance of the vegetation on the site in binding the aeolian sand and preventing erosion.

Development will mean that functions such as these will be adjusted to the protection of the infrastructure on site and will critically affect their efficiency.

5. Terrestrial Impact Assessment is inadequate

Although titled a Botanical Impact Assessment, the introduction to this specialist study states its main objective as being to determine botanical and/or terrestrial biodiversity constraints on development. A desktop assessment was done, as well as one site visit of some two hours on 20 December 2022.

The specialist found a well-vegetated and diverse mixture of Southwestern Strandveld and Cape Seashore Vegetation on deep sand above a rocky shore of Table Mountain Group sandstone, as well as some alien species (which is usual in a site close to urbanised areas). The depth of the sand was exposed by erosion caused by a stormwater culvert from Marine Drive. Despite this erosion, natural revegetation is taking place, indicating a healthy ecosystem. The western portion of the site consists of Agulhas Limestone Fynbos, classified as Critically Endangered.

No vegetation was found on the rocky shore due to the "highly energetic and abrasive shoreline" and the ecological function of the mixed shore on the site is not covered. Different biological communities are found in these habitats depending on the amount of shelter they offer, the impact of wave action and their stability. Life forms in these habitats are often microscopic, but nevertheless essential to the functioning of the ecosystem, which is highly dynamic.

This dynamism means that the site has functions that also change as needed, sometimes rapidly. For example, it will have an important foraging function as well as a shelter and refuge function in times of extreme weather but the areas used for this are transient. Thus the absence of signs of fauna noted in the report does not necessarily mean that none is present as concluded – only that they were not evident during the two hours in high summer of the site visit.

The study also concluded that according to the field observations at the site there are no species of concern present and that the sensitivity of terrestrial biodiversity according to the screening tool as High to Very High is not warranted; it should be no higher than Medium. However, it goes on to say "The field visit was a snapshot in time so the observations made cannot be taken as definitive."

Despite this caveat, the BAR accepts the downgraded rating and takes it further by stating of the site (page 48) that "at least a third of which is exposed bedrock and beach, leaving less than 0.5 ha that is true Strandveld or Agulhas Limestone Fynbos. Therefore, although there would be total loss of the vegetation on the eastern part of the site, this loss would not be great over the extent of the vegetation type as a whole, so cumulative impacts would be Low Negative" and again that "The Botanical specialist highlights that no bird species were observed using the habitat for feeding or nesting. In addition, no insect communities were evident in the dune Strandveld habitat either."

This approach of "spinning" findings in order to put the proposal in the best possible light is misleading and disingenuous. There are many examples throughout the BAR.

6. Need and desirability is neither proven nor convincing

Both the need and the desirability of the proposed development are overstated, and a case cannot be made for either beyond the gains to be made by the developer. The usual buttons of job creation, economic growth and the like are pressed, but essentially the proposal will provide a few temporary



employment opportunities during construction and residential/tourism opportunities in six small properties. (See also Point 1 above)

In attempting to sell the need and desirability the BAR constantly attempts to downplay the negative impact on the environment, stating for example on page 37 that "The development includes plans to rehabilitate portions of the site that are currently degraded, enhancing the ecological integrity of the area." This must be seen in the context of the total destruction of the vegetated dunes as well as damage to the rocky shore.

7. Visual impact will be jarring

The Visual Impact Assessment (VIA) notes that the site is a pivotal point in the typical coastal landscape with a small inlet and beach opposite a green vegetated open space on the opposite side. The sense of place is rugged and exposed to the elements and although there is residential development, these are placed on the far side of Marine Drive from the ocean, leaving a green buffer between ocean and road. Any development on the site will be an intrusive interruption of this visual pattern.

8. Natural landscape is a cultural heritage to be protected

The Heritage Impact Assessment notes that the site is part of a coastal landscape of high significance and visual integrity, enhanced by the general lack of intrusions into its intactness, particularly below Marine Drive. Its low position along a curve in the road means that it is very visible from not only Marine Drive, but also from surrounding areas including the town of Agulhas.

The cultural landscape of the site warrants a Grade IIIA rating. Any intrusion onto the site will result in significant and highly negative impacts. The specialist notes that the vagueness of the assurances given that development parameters will adequately address these impacts, together with the site's "gateway" visual position, mean that the proposal cannot be approved. In addition the HIA states that "There are no identifiable sustainable socio-economic benefits that outweigh the high, negative impacts of the proposal."

9. Socio-economic benefits are minimal

As noted, the proposal is for six small residential housing opportunities. Apart from financial benefit for the developer, the socio-economic stimulation opportunities for the broader community will be very few, and temporary during the construction phase.

The BAR (pages 84 and 85ff) spins the positive and negative socio-economic impacts, overstating the former and minimising the latter. It should be noted that "will" can usefully be substituted for "may" in all four of the identified negative impacts.

The spin continues in the exposition of the positive and negative impacts of the various alternatives/iterations of the development proposal. With regard to the No Go/Status Quo retention option, the positive impacts are blandly stated as:

- Preservation of the existing natural environment, including indigenous vegetation and fauna.
- No disturbance to sensitive areas, such as ecological corridors, coastal zones, or cultural heritage sites.
- No contribution to visual or noise pollution in the area

Whereas the negative impacts are given as:

- Without the development, no jobs will be created during either the construction or operational phases, limiting socio-economic benefits for the local community.



- The lack of development means no new housing will be provided to address the needs of the growing population in the area, potentially exacerbating existing housing shortages.

This is an extreme over-statement of the benefits that could accrue through the construction of six residences.

10. Climate change risks are ignored

The BAR is required (page 170) to "Explain how the risk of climate change may influence the proposed activity or development and how has the potential impacts of climate change been considered and addressed.". The BAR's inexplicable response is to state that this is Not Applicable.

Climate change is without question the most pressing problem of development planning.

In 2024 the 1.5°C target average temperature increase reached under the Paris Agreement in 2015 was breached, and average temperatures are now on track for a 2.8-3°C increase. For various reasons, South Africa is facing even higher temperatures; the influences of these on large-scale weather drivers such as the ocean currents will be profound. Changing wind patterns and the warming of the Agulhas current will undoubtedly increase extreme weather events along the coast. Predictions are for extreme weather and an increased number of disasters, including fire and flood. A range of modelling confirms that climate change is supercharging risk and a long-term lens should be applied to all planning decisions.

The position of the site makes it particularly vulnerable to the impacts of climate change, and no development of the site should be approved (see also section 4 above on Eco-system functioning).

11. Conclusions and recommendations

After careful consideration of the BAR for the proposed development on RE281 Struisbaai, including the various specialist reports, WCC is of the opinion that the proposal should be rejected and recommends the No Go option. This is for reasons that include:

- The proposed development does not comply with the relevant planning documents, particularly the provincial spatial development frameworks. It will neither protect natural resources, nor reduce pressure on natural landscapes, but will destroy them.
- The site proposed for development is inherently unsuitable for such. Its shape, size and position makes it particularly vulnerable to elemental unpredictability, within a context notorious for this.
- The proposal is in conflict with the Coastal Protection Zone; it will jeopardise natural coastal processes and biodiversity. A Coastal Environmental Study should have been done.
- Development will prevent the site from continuing to fulfil its vital eco-system services, such as acting as a buffer for the town against extreme events.
- The Terrestrial Impact Assessment is inadequate as it concentrates on vegetative botanical elements, ignoring the dynamic ecology of the rocky and sandy shore. In addition, it adjusts the screening tool results downwards on the basis of fieldwork findings, while stating that the two hours spent on this could not give definitive results.
- Neither the need nor the desirability of the proposed development is proven. Financial benefit will accrue to the developer at the cost of an irreplaceable environment.
- The visual impact of the development on the currently "of a piece" seaward visuals will be marked, even if design mitigation measures are put in place.
- The natural landscape is a cultural heritage that should be protected and retained wherever possible.



-
- The socio-economic benefits of the proposed development are minimal, but are repeatedly overstated, whereas the environmental damage it will cause is understated and played down. Such "spin" is a recurrent feature of the BAR.
 - The growing risks posed by climate change and its inevitable effects on any development on the site are ignored.

Yours sincerely

A handwritten signature in black ink, appearing to read "PK Miller", with a horizontal line underneath.

Dr PK Miller

Chair: Whale Coast Conservation

Tel: (028) 313-0093

Cell: 082 374-9729

pat.miller7@outlook.com



Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/1/005
YOUR REFERENCE : REM-281
DEA&DP REFERENCE : 16/3/3/6/7/1/E1/13/1406/23
ENQUIRIES : Cor van der Walt/Fadwa Mohammed

Lornay Environmental Consulting
Email: michelle@lornay.co.za

Att: Michelle Naylor

**PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE:
DIVISION BREDASDORP
REMAINDER OF THE FARM NO 281**

Your application of 03 February 2025 has reference.

Application is made for the subdivision and rezoning of the remaining portion of Farm Paapekuilfontein No. 281, Struisbaai, where the proposed Spookdraai Residential Development is situated. The site spans approximately 0.71 hectares and lies adjacent to Marine Drive. The development proposal includes the construction of six single residential dwellings.

From an agricultural perspective, the Western Cape Department of Agriculture: Land Use Management has no objection to the subdivision and rezoning of the property.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.



- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2025-06-19

Copies:

Department of Agriculture, Land Reform and Rural Development
National Department of Agriculture
Private Bag X120
PRETORIA
0001

Department of Environmental Affairs & Development Planning
1 Dorp Street
CAPE TOWN
8001

Cape Agulhas Municipality
PO Box 21
BREDASDORP
7280

9. SUMMARY OF PUBLIC COMMENTS RECEIVED DURING PPP 1

Summary of General Public Participation Comments received for Proposed Spookdraai Residential Development, RE281, Struisbaai

Registration of Interested and Affected Parties (I&APs)

Over 1,000 requests for registration as Interested and Affected Parties (I&APs) and/or objections were received during the public participation process. These have been consolidated and summarised in the relevant summary section provided below.

Environmental and Ecological Concerns

The majority of submissions objected to the proposed development on environmental grounds. Many individuals pointed out that the proposed site lies within the 100-m buffer zone from the high-water mark, and Coastal Protection Zone (CPZ), as stipulated by the Integrated Coastal Management Act (2008).

Construction within this sensitive coastal area would pose a severe risk to indigenous vegetation, fauna, and the delicate littoral active zone. Specific reference was made to destruction of dune flora, the displacement of small mammals such as steenbok and porcupines, and the disruption of avian species including francolins. Further objections highlighted the presence of frogs and wetland species in the area, indicating a high ecological sensitivity that had not been adequately assessed.

Additionally, comments questioned whether appropriate biodiversity and faunal studies had been undertaken. It was stated that the botanical assessment classified the impact of development as negative, and that proper conservation offset measures had not been provided. Residents further observed that the current assessments were inadequate due to the brief fieldwork periods and lack of seasonal surveys.

Requests for independent environmental impact assessment to be conducted that considers cumulative and long-term ecological consequences.

Response:

The Terrestrial Biodiversity Impact Assessment report and the botanical specialist confirmed that the eastern portion of the site which encompasses the development has relatively lower botanical sensitivity compared to the western portion of the site, and therefore, the development footprint presented in Alternative 4 and new preferred Alternative 5, represent the most acceptable and viable development option which will result in low residual impact compared to earlier Alternatives assessed, which would have included development in the western portion of the site (refer to **Appendix G1**).

An animal Species Compliance Statement has been undertaken, the faunal specialist confirmed that no Species of Conservation Concern have been identified during site survey and therefore suggested that with the desktop and evidence from the site visit the site sensitivity should be considered low, refer to the **Appendix G8** for the full report.

Legal Non-Compliance and Procedural Objections

Comments stated that the development proposal contravenes legal and regulatory frameworks. Many respondents stated that building within 100 metres of the high-water mark is explicitly prohibited under the Coastal Management Act, and the proposal thus constitutes an unlawful attempt to privatize public coastal land. Additional concerns were raised regarding the apparent lack of compliance with municipal coastal management lines, environmental overlay zones, and broader national environmental planning legislation.

Concerns have been raised regarding whether a municipality without an environmental overlay zone has sufficient regulatory basis to authorise this type of development.

There was also strong criticism of the public consultation process and calls for public meetings.

Based on these issues, along with concerns about the substantial negative impacts on biodiversity, cultural heritage, palaeontological resources, and the architectural and landscape character of the area, several comments argue that the application should be rejected on the grounds of legal non-compliance and misalignment with heritage and spatial planning policies.

In terms of specialist assessments, concerns were raised about the adequacy and completeness of the terrestrial biodiversity report. It was noted that the report fails to meet the minimum reporting requirements and lacks the necessary compliance statement for areas identified as having low to medium environmental sensitivity. Commenters emphasized that this compliance is the responsibility of the specialist and should not be deferred to the Basic Assessment Report (BAR).

Response:

It is acknowledged that the proposed development site falls within the coastal zone as defined by the ICMA. However, the property itself is situated above the 5 m contour and outside of the mapped low, medium, and high coastal risk zones. The ICMA and municipal coastal management lines have been taken into account during the design phase, and the development layout has been set back from coastal risk areas in order to safeguard both the property and the coastal environment.

The final preferred layout (Alternative 5) was updated to designate Erf 7 as open space, including a communal area and a formalised public walkway to the sea. This ensures that the public can continue to access and undertake lawful coastal activities in line with the objectives of the ICMA, while balancing development needs with the protection of environmental and public interests.

The municipalities have the authority to make land use planning decisions, irrespective of whether an environmental overlay zone is in place. Environmental authorisation processes in terms of NEMA (Act 107 of 1998) operate in parallel to municipal planning processes. Therefore, while the municipality may exercise its planning mandate, the proposed development remains subject to the environmental authorisation process undertaken by the competent authority, which includes the consideration of environmental sensitivities and legislative requirements.

The public participation process was undertaken in line with the requirements of the 2014 EIA Regulations (as amended), including notification of I&APs, circulation of the draft BAR, and opportunities to submit comments. All comments received have been recorded and responded to in the Comments and Response Report.

All specialist studies, including the terrestrial biodiversity assessment, have been undertaken by suitably qualified professionals in accordance with the requirements of NEMA and the 2014 EIA Regulations (as amended). Additionally, Animal Species Compliance Statement was undertaken. Where relevant, specialists have provided compliance statements and their findings have been incorporated into the BAR. All these specialist assessment have been undertaken in line with the Protocol for Specialists Assessments.

Visual Impact and Degradation of Scenic Character

A considerable number of comments expressed concern regarding the anticipated visual impact of the proposed Spookdraai Residential Development. The site, located between Marine Drive and the coastline, is said to be currently characterized by expansive, uninterrupted natural vistas. It was noted that this scenic route is widely appreciated by residents, visitors, and commuters traveling between Struisbaai and L'Agulhas. The interested and affected parties pointed that the area is viewed not only as a visually appealing stretch of coastline but also as a cultural and environmental landmark that significantly contributes to the broader aesthetic and identity of the region. Additionally, it was noted that the development will affect the visual environment and form a barrier between people and the coastal view as well as prevent access to the coastline which all South Africans have a right to.

Respondents highlighted that the development of six residential erven, particularly if double-storey structures are permitted, would obstruct sea views for properties on the inland side of Marine Drive. This was seen as a major concern for existing property owners, many of whom invested in the area specifically for its tranquil, unspoiled views.

Several commenters cited the visual precedence set by another apartment block in the vicinity frequently described as obtrusive or incompatible with the surrounding landscape as a cautionary example of inappropriate development. The fear was that the Spookdraai development might mirror this outcome, undermining the visual coherence and sense of place valued by the community.

Additionally, it was noted that the proposed development site forms part of a high-sensitivity visual and cultural landscape. Heritage Impact Assessment was cited in the comments, highlighting that the location holds a Grade IIIA heritage classification,

indicating that it possesses local significance with a high degree of aesthetic, cultural, and environmental value. Public comments also emphasized that development in this area would not only alter the visual experience of a key tourism route but could also result in long-term degradation of the landscape's unique character.

Several objections challenged the assumptions made in the Visual Impact Assessment included in the application, arguing that it inadequately accounted for the cumulative effect of built form on the coastal experience. Respondents questioned the effectiveness of proposed mitigation measures such as low-profile building designs and landscaping buffers, asserting that these would not be sufficient to preserve the uninterrupted visual corridor between Marine Drive and the ocean. Concerns were raised that visual screening could not realistically compensate for the loss of open, natural views currently enjoyed from the public realm.

In conclusion, members of the public stated that the development would result in a substantial and irreversible visual intrusion, affecting not only nearby property owners but also the broader community and visitors who value the coastal drive and its scenic quality. The proposed development was therefore considered by many to be incompatible with the established natural and cultural identity of the area and likely to undermine both its visual heritage and tourism value.

Response:

Comment is noted. The site's location along Marine Drive and its proximity to the coastline is recognised as a visually sensitive and valued landscape. The updated layout (Alternative 5) and accompanying Visual Impact Assessment (VIA) have specifically taken this into account. The revised design introduces relaxation of the rear building line for residential erven, further introduced open space and a formalised coastal walkway via Erf 7, which preserves public access to the coastline and retains visual connectivity between the inland areas and the ocean. The area which was previously designated as Private open space under the previously preferred alternative (Alternative 4) is now designated as Admiralty zone. The layout also ensures that built form is set back from the most visually exposed portions of the site, thereby limiting potential obstruction of the natural seaward views from the scenic route.

Comment is noted. The updated VIA assessed the potential obstruction of sea views from inland properties along Marine Drive. The proposed dwellings have been designed in accordance with the architectural guidelines, which limit building height, promote low-profile rooflines, and encourage the use of natural tones and materials that blend into the surrounding landscape. These measures will substantially reduce the visual prominence of the structures and minimise the degree to which sea views are affected from existing residential areas inland of the site.

The design team has introduced stringent architectural and landscape guidelines to ensure that the Spookdraai development is contextually sensitive, visually recessive, and aligned with the natural coastal character. The development's scale and layout were intentionally reduced under Alternative 5 to avoid the appearance of dense or urbanised form along this scenic route.

Comment is noted. The Heritage Impact Assessment (HIA), which includes visual and landscape heritage considerations, confirms that the site forms part of a Grade IIIA heritage landscape of local significance. The updated layout has therefore been informed by both the HIA and VIA findings. The placement of the dwellings and open space areas has been revised to retain key view corridors, respect the natural topography, and maintain the visual character associated with this stretch of the coast. The proposed development, when subject to the prescribed mitigation and design controls, is not expected to result in unacceptable alteration to the area's heritage or scenic identity.

Comment is noted. The Visual Impact Assessment has been updated to include the revised layout (Alternative 5), incorporating public feedback and addressing the cumulative visual effects of built form along the coastal corridor. The VIA concludes that, with the implementation of the Architectural Guidelines, Landscape Plan, and Landscape Maintenance Plan, the operational phase visual impact will reduce from high negative to low negative significance over time. The landscaping strategy focuses on indigenous planting to visually soften built edges and enhance long-term integration into the natural landscape.

Comment is noted. It is acknowledged that any new development in a highly visible coastal area will introduce some degree of visual change. However, the proposed Alternative 5 layout and associated mitigation measures have substantially reduced the potential for irreversible scenic degradation. The proposal introduces a balanced development footprint, maintains public

access and open space, and applies design principles that reinforce the rural coastal character of Struisbaai. As vegetation matures and the landscape treatment takes effect, the overall visual integration is expected to improve further.

Heritage and Cultural Landscape Concerns

Numerous comments emphasized the significance of the Spookdraai area as a heritage site, citing deep ancestral connections to the land. Individuals described longstanding family histories rooted in generations of farming and fishing in the region. One comment highlighted the archaeological importance of the site, noting the presence of caves containing indigenous hunting tools and evidence of early human activity.

Members of the Chainouqua community specifically identified the area as part of their indigenous heritage and called for its protection. They requested a meeting with Lornay Environmental Consulting to discuss these concerns, emphasizing that the presence of indigenous tools in nearby coastal caves affirms the area's heritage value.

It was noted that the cultural landscape qualities of the proposed development area merit a Grade IIIA heritage significance. However, the development is seen as likely to irreversibly alter the landscape and commodify it for private benefit.

The broader cultural landscape characterized by open coastal areas, traditional footpaths, and informal fishing access was described as a unique and irreplaceable community asset. Many commenters stressed that the site is not only a recreational space but also central to the community's identity and shared memory. The proposed development was seen as a move to privatize land historically accessible to the public, thereby threatening cultural traditions and undermining historical rights.

Response:

All of these issues are generally acknowledged in the HIA and accompanying reports (AIA; PIA & VIA). The land is however privately owned. Additional historical information provided by I&APs has been incorporated into the HIA and assessed for significance.

Regarding the concerns of the Chainouqua First Nations community, the ephemeral nature of the archaeological deposits, and the near absence of any cultural remains, indicates that, by applying the Grading System developed and adopted by SAHRA (South African Heritage Resources Agency) and HWC (Heritage Western Cape), the archaeological deposits in Erf RE281 Struisbaai have been graded as having LOW local archaeological significance. As a precaution, Archaeological Monitoring of bulk earthworks during the Construction Phase of the development has been recommended in case important sub surface deposits, and importantly, unmarked Khoisan human remains are uncovered.

An access to the coastline is provided through erf 7 which will form part of the communal open space. Moreover, the development proposal aims to retain access to the beach front by designating this area as an Admiralty zone.

Public Access and Land Use Rights

A recurring concern across many objectors relates to the potential restriction of public access to the coastline. Objectors highlighted that the proposed development site currently includes footpaths, fishing areas, and informal recreational spaces such as picnic spots and swimming areas that are regularly used by local residents, holidaymakers, and subsistence fishers. It is highlighted that the development proposal involves fencing off the area and removing existing footpaths, which would effectively block public access to these valued spaces.

The development would amount to the privatization of land long perceived and used as part of the public domain. Specific reference was made to the map on Page 34, where the "existing footpath to be removed". Notably, the adjacent beach is designated "Private: Erf 8." The footpath in question has existed for generations, and its removal along with the positioning of the six erven directly against the rocky shoreline would eliminate all practical access for fishermen and hikers.

One submission cited legal precedent (the Grootklaar case), which established that uninterrupted community use of land over time may give rise to acquisition of access rights through prescription. Based on this principle, several residents asserted that the public has an established right to continued access, and that the proposed development would violate those rights.

A common recommendation was that the land in question be transferred to the Cape Agulhas Municipality to preserve its use as public land.

Furthermore, concerns were raised regarding non-compliance with the Integrated Coastal Management Act (ICM Act). The objectors pointed that the only justification offered by the developer, Helemika, for this apparent legal transgression is that certain areas in Struisbaai already lie within 100 metres of the high-water mark. However, objectors point out that these areas were developed long before the ICM Act came into effect in 2008. Since its enactment, no new erven or developments have been approved within the 100m Coastal Protection Zone (CPZ) in Struisbaai. For example, the high-rise development in Skulpiesbaai often cited in support was approved as far back as 1975 and would not meet current legal standards.

Response:

Public access to the coastline has been a central consideration throughout the design process. The revised preferred layout (Alternative 5) specifically incorporates measures to safeguard and formalize coastal access. Erf 7 has been designated as an open space and formalised walkway, which will take the form of a raised boardwalk. This will ensure that residents, holidaymakers, and subsistence fishers continue to have direct access to the beach and coastal environment for recreational and communal purposes.

Furthermore, the proposed development does not seek to restrict public access to the coast. Instead, it introduces a formalized and managed access point that will improve long-term accessibility, environmental protection, and safety compared to the current informal and ad hoc footpaths. The approach has been acknowledged by the Department of Environmental Affairs and Development Planning (DEADP) – Coastal Management Unit, who confirmed that the inclusion of a designated public access route addresses their requirements in terms of the ICMA. In this way, the development provides a balance between enabling sustainable development and ensuring the continuation of public rights to access and enjoy the coastline.

The subject property is situated within the urban edge of the Cape Agulhas Municipality and is privately owned. While it is acknowledged that some objectors recommend the transfer of the land to the Municipality for preservation as public land, such a transfer cannot be compelled through the Basic Assessment process. The development proposal has been designed to balance private land rights with broader public interest. Importantly, the revised layout (Alternative 5) designates Erf 7 as an open space, which will provide a formalized and accessible public formal walkway to the coast. This ensures that the community retains access to the coastal environment in accordance with the principles of the ICMA, while enabling appropriate and lawful development within the urban edge.

It is acknowledged that the Integrated Coastal Management Act (ICMA) prohibits new development within the 100 m Coastal Protection Zone (CPZ) unless authorised in terms of the Act. The proposed development site, however, is situated above the 5 m contour and outside the mapped low, medium, and high coastal risk zones, and has been carefully set back from the shoreline to minimise exposure to coastal hazards.

While historical developments within Struisbaai are referenced, these precede the ICMA and are not directly comparable to the current proposal, which has been assessed in accordance with current legislation and risk mapping. The development layout (Alternative 5) further incorporates public access via Erf 7, and building footprints have been positioned to ensure compliance with ICMA objectives, including the protection of coastal public space, minimisation of environmental impact, and consideration of long-term coastal processes. Moreover, the area below the high water mark has been designed as Admiralty Zone.

All relevant aspects of the ICMA, including coastal risk, access, and environmental protection, have been considered in the design and assessment of the proposed development. The competent authority will review these measures as part of the environmental authorisation process.

Considerations of the Alternates

The parties raised strong objections to the development based on what they considered a misleading portrayal of alternative options in the application. Specifically, they referenced Page 84 of the Basic Assessment Report, where it is stated that "the subject property is the sole asset available to the developer." The commenter contested this claim, citing evidence that Helemika (Pty) Ltd, the developer, also owns Farm Paapekuilsfontein, as indicated on Page 79 of the report.

It was emphasized that substantial portions of this alternative property specifically areas within the dotted red boundary fall inside the Overstrand CAM Urban Edge, suggesting that it could offer a more appropriate location for development. Criticism of the assessment of four "alternatives" citing as superficial.

The conclusion drawn the comment was that viable, less sensitive alternatives do exist

Responses:

It is acknowledged that Helemika (Pty) Ltd owns other properties, including portions of Farm Paapekuilsfontein. However, these properties are not part of the current application and do not serve the applicant's vision. Therefore, no site alternatives have been considered.

The alternatives assessment included a review of layout and design options within the subject property, as no other sites under the control of the applicant were available for development. The four alternatives presented in the BAR reflect different

configurations, densities, and footprints within the site itself, which are the feasible options for achieving the project objectives while addressing environmental and public access considerations.

While the objector suggests that other sites may be less environmentally sensitive, the application is constrained by ownership and land availability, and therefore only the subject property could be assessed. The revised layout (Alternative 5) incorporates design improvements, mitigation measures, and open space provisions to ensure the development is acceptable from environmental, heritage, and public access perspectives.

Infrastructure and Resource Strain

Respondents expressed significant concern regarding the capacity of existing municipal infrastructure to support additional residential development in Struisbaai. A key issue raised was water scarcity, with residents noting that the town frequently experiences shortages, particularly during the peak summer season. Many emphasized that any further development, in the absence of substantial upgrades to the water supply and sewage systems, would place unsustainable pressure on municipal resources and potentially degrade the quality of service currently available to residents.

Beyond water supply concerns, stakeholders highlighted issues related to stormwater and sewage management at the proposed development site. It was noted that existing stormwater outlets drain directly across the site, leading to ongoing erosion problems. There were questions about how these systems would be redirected and whether the financial burden of such interventions would fall on taxpayers. Additional concerns were raised regarding the presence of conservancy tanks near environmentally sensitive coastal vegetation and wildlife, with the potential for leaks or overflows posing a contamination risk.

One respondent strongly objected to the application, stating that the local sewerage system is already operating beyond its capacity. During peak tourist seasons, Cape Agulhas Municipality reportedly deploys two to three sewage trucks on intensive 12-hour shifts, seven days a week, transporting waste from Agulhas to prevent tanks from overflowing. Residents noted that these operations are highly visible and unpleasant, with the trucks often observed (and smelled) near public spaces such as the Agulhas campsite and local restaurants on Sundays.

Response:

The Bulk services investigations have been undertaken with the Cape Agulhas Municipality. The municipality has confirmed that there is sufficient capacity to accommodate the proposed development, refer to the Civil engineering Report (Appendix G9a) as well as the confirmation form from the municipality attached under Appendix J.

Concerns regarding stormwater and sewage management systems have been noted. The existing stormwater management system will be redirected around the proposed development and will exit to the sea, refer to the Civil Layout Plan under Appendix G9b for illustration.

The development will operate on a gravity sewer system, which will discharge into a conservancy tank. The conservancy tank will be serviced by the Cape Agulhas Municipality using a tanker extraction system. The tank is proposed to be located on Erf 9, near the entrance of the access road and opposite the refuse room (see Figure 2). This location has been strategically chosen to facilitate easy access for municipal service vehicles, thereby ensuring efficient maintenance and regular emptying of the tank.

Traffic and Road Safety Issues

Multiple objections were raised concerning the potential impact of the proposed development on local traffic conditions and pedestrian safety. Marine Drive, which borders the development site, is identified as a narrow, high-traffic road with limited visibility particularly around the bend known as Spookdraai. Concerns were expressed that vehicular access to and from the six proposed erven would necessitate dangerous turning or reversing manoeuvres onto this busy route, thereby posing significant risks to motorists, cyclists, and pedestrians alike.

Objectors emphasized that Marine Drive functions as the sole access road between Struisbaai and L'Agulhas, serving both local and tourist traffic. They argued that any development that could intensify traffic flow or introduce new safety hazards may result in serious consequences for the community. The site's physical constraints and limited accessibility were cited as making it unsuitable for residential development.

Furthermore, it was noted that this is a particularly sensitive and hazardous area where several accidents have occurred in recent years.

The development's proximity to the rocky shoreline and its location within the 100-meter coastal setback line raises additional concerns. It was noted that the site is also currently home to bird and wildlife populations that roam freely and could be disrupted by construction and habitation.

Residents also pointed out that the Municipality recently invested a significant amount reportedly hundreds of thousands of rands into constructing a pedestrian walkway in this exact area. It was pointed out that the investment was made in response to longstanding community requests to improve safety for walkers, cyclists, and wheelchair users, given the narrowness of the road. The proposed development, they argue, threatens to undermine this effort and could permanently alter a valued public space that allows residents and visitors to enjoy safe access to one of South Africa's most popular tourist destinations, Cape Agulhas.

Response:

These concerns raised have been addressed in the updated Traffic Impact Assessment Report attached under **Appendix G7**.

Socio-Economic Impact and Value Derogation

A number of residents expressed concern that the proposed development would devalue existing properties, especially those directly across from the site. The loss of ocean views, increased traffic, and general degradation of the scenic environment were all cited as factors that could reduce property prices. It was argued that owners of these properties, many of whom invested in the area specifically for its unspoiled natural surroundings, would suffer real financial harm.

In addition, objections were raised about the lack of meaningful benefit to the broader community. It was noted that the development would serve the interests of a small number of private stakeholders, with no significant economic or employment advantages to local residents. The project was seen as driven by financial gain rather than public good, undermining tourism and the town's character in the process.

Response:

It is important to note that the proposed development is small-scale, comprising only six residential erven, and is therefore not expected to have a substantial effect on property values in the broader area. While individual viewpoints may experience some visual change, the overall scale and design of the development including setbacks, low-density layout, and adherence to architectural and landscape guidelines are intended to minimise visual intrusion and maintain the character of the area.

Regarding socio-economic benefits, although the development will provide only limited employment and economic opportunities, these are primarily during the construction phase. The project may also contribute modestly to the local economy through rates, taxes, and incidental expenditure associated with new residents. It is acknowledged that the direct benefits to the broader community are limited.

Coastal Erosion and Climate Resilience

Several comments raised significant concerns regarding the vulnerability of the proposed development site to coastal erosion, sea-level rise, and climate-related risks. The site, located within close proximity to the high-water mark and within the legally defined 100-metre Coastal Protection Zone (CPZ), is considered by objectors to be particularly susceptible to coastal hazards. Respondents pointed to their long-term observations of the site, including storm events in recent years (notably in 2023), where seawater reportedly reached as far inland as Marine Drive. These experiences underscore a collective concern that future climatic events could pose an increasing threat to infrastructure and human safety, especially given the global trend of rising sea levels and more intense coastal storms.

One objector highlighted that, upon purchasing property, the buyer conducted thorough inquiries with municipal representatives, real estate agents, and neighbours. At that time, all parties confirmed that construction within this coastal zone would not be legally permissible. It was noted that the legal framework specifically the Integrated Coastal Management Act (ICMA), Act 24 of 2008 had not been amended to allow development in this high-risk area, and therefore, the current proposal was seen as contrary to both prior commitments and existing regulations.

In addition to legal concerns, practical risks were also emphasized. Respondents warned that introducing residential development in such a geologically sensitive area could necessitate the construction of artificial coastal defences such as seawalls or retaining structures. These interventions, while intended to protect infrastructure, often disrupt natural sediment movement and accelerate erosion in adjacent coastal zones. The installation of impermeable surfaces and artificial barriers could undermine the natural resilience of the coast, leading to unintended environmental consequences that affect not only the development site but also neighbouring stretches of shoreline.

Moreover, the potential for infrastructure damage and associated pollution was raised. Concern that storm surges could inundate properties, leading to contamination from sewage infrastructure or conservancy tanks located near the ocean. This

could pose a significant risk to marine biodiversity and public health. The risk of sewage spills and greywater discharge, exacerbated by flooding or inadequate drainage, was cited as a particular threat in the context of increasingly unpredictable weather patterns.

Overall, the comments reflected a strong consensus that the site is not appropriate for residential development in light of escalating climate pressures, known storm behaviour, and the need to preserve the ecological integrity and safety of coastal environments. There was a recurring call for authorities to prioritise climate adaptation and coastal resilience, and to safeguard such areas from new developments that could compromise long-term environmental stability and community wellbeing.

Response:

It is acknowledged that the proposed development site falls within 100 metres of the High-Water Mark and is located within the Coastal Protection Zone (CPZ) and below the Coastal Management Line. The design of the development has been guided by up-to-date coastal risk information, including municipal coastal management lines, demarcated risk zones, and elevation contours. The site is situated above the 5 m contour and is characterised by a rocky shoreline, which naturally reduces vulnerability to wave action and coastal erosion.

The developer is applying for Environmental Authorisation in terms of NEMA, and the proposed development has been planned in alignment with the Spatial Development Framework for Struisbaai, ensuring that land use, environmental protection, and public access are balanced. The placement of infrastructure and building footprints has been carefully considered to reduce exposure to coastal hazards, safeguard human safety, and protect ecological and public interests, while allowing for sustainable residential development.

The proposed layout (Alternative 5) incorporates appropriate setbacks from the shoreline and positions infrastructure away from areas identified risk zones. The design avoids the need for artificial coastal defences, such as seawalls or retaining structures, thereby maintaining natural sediment movement and preserving coastal resilience. Stormwater and sewage management systems will be designed to minimise the risk of flooding and pollution during extreme weather events, refer to the updated Civil Engineering Report attached as **Appendix G9a** .

General Opposition and Requests for Rejection

In conclusion, the general tone of public commentary was overwhelmingly opposed to the Spookdraai Residential Development. Residents, tourists, conservationists, heritage advocates, and community organizations collectively called for the protection of Spookdraai as an ecological, cultural, and scenic asset. There were strong appeals to the authorities to reject the proposal outright, halt all development processes, and consider alternative uses for the land that would preserve its public value such as a coastal nature park or heritage site. Many emphasized the importance of maintaining the area's unspoiled state for future generations.

Response:

All concerns raised by the public have been duly noted. The proposed development has been designed and assessed in accordance with the findings of all relevant specialist studies, including assessments of terrestrial biodiversity, visual and heritage impacts, and coastal and climate-related risks.

While the project has elicited strong opposition, it has been carefully planned to balance private land use rights with public interest.

The development has been aligned with the Spatial Development Framework for Struisbaai, relevant municipal and national planning policies, and the requirements of NEMA and ICMA. While recognising the public desire to preserve the area, the project represents a legally compliant and environmentally considered proposal that seeks to provide small-scale residential development while maintaining public access and safeguarding ecological, heritage, and scenic values.

Fisherman Objection

(As submitted as ATTACHMENT 1 in the Agulhas Heritage Society comment)

Fishermen from Struisbaai and L'Agulhas strongly object to the proposed Spookdraai development, as the area is a historically important and highly popular fishing destination. Several well-known fishing spots, including Die Brood, Elf Banke, Rooibank, and Brandewynbankies, fall within or adjacent to the proposed development footprint. Existing footpaths and parking areas that provide access to these sites are likely to be lost, restricting access for fishermen who have freely used the area for generations.

Fishing in this region is not only a livelihood for some but also a widely practised recreational and relaxation activity. Studies confirm that the majority of fishermen engage in the activity primarily to relax and escape the pressures of modern life. The small

beach at Spookdraai is also a valued family space for safe swimming, picnics, and leisure, especially during holiday periods. The loss of this communal space to private development would negatively affect both locals and tourists.

Objectors further emphasise the scenic and cultural value of Spookdraai, describing it as one of the most beautiful and unique parts of the Struisbaai coastline. They argue that the development would permanently damage this natural heritage asset and transform a treasured “jewel” into an eyesore. Fishermen view such a development as insensitive, short-sighted, and motivated by greed, with the potential to brand the developers as negligent toward both community traditions and the environment.

Lastly, concerns were raised about the legal compliance of the proposal, with fishermen arguing that any development so close to the shoreline is inconsistent with the Integrated Coastal Management Act and broader conservation objectives. In their view, the project fails the test of sustainability and is therefore unacceptable.

Response:

The concerns raised by the fishermen are noted. The proposed development will not result in the loss of access to the coast, as public access points to fishing areas and the shoreline will be maintained. The development footprint is limited to six erven and has been designed to avoid blocking traditional pathways to the identified fishing spots. Furthermore, no infrastructure is planned on the sandy beach itself, ensuring continued public use of this area for recreation.

It is further noted that the Struisbaai coastline, including Spookdraai, falls under the public trust, and access rights to the coastal zone cannot legally be denied. The development will therefore not restrict the ability of the broader community, visitors, or fishermen to continue enjoying the area. All requirements of the Integrated Coastal Management Act and relevant municipal coastal management provisions will be adhered to, ensuring compliance with applicable environmental legislation.

Specialist assessments undertaken as part of the Basic Assessment Report have concluded that the proposed development, being small-scale and residential in nature, will not undermine the long-term sustainability of the coastal zone. Appropriate mitigation and design measures, including setbacks from the high-water mark, will be implemented to safeguard the ecological, scenic, and recreational value of the area.