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reference LS14/2/6/1/6/5/480-257_dwelling_Stilbaai
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Cape EAPrac
P.O. Box 2070
George
6530

Attention: Louise-Mari van Zyl
By email: louise@cape-eaprac.co.za

Dear Ms van Zyl

Pre-Application Basic Assessment Report for a Proposed Dwelling on Portion 257 of Farm Melkhoutfontein 480, Stilbaai
(DEA&DP ref. no.: 16/3/3/6/7/1/D5/18/0398/24)

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments.

Desktop Information

The subject property, including the current preferred development footprint is mapped as Critical Biodiversity Area I (CBA), apart from the central sections which have been cultivated which is mapped as No Natural. The vegetation within the southern sections where the four alternative development footprints are located consists of Gouritz Valley Thicket listed as critically endangered with non-terrestrial estuarine vegetation encroaching on to the property with the remainder consisting of Hartenbos Dune Thicket listed as endangered. The Goukou River Estuary forms the southern boundary with the estuarine functional zone (EFZ) extending on to the property with non-perennial tributaries flowing into the estuary.

The results from the screening tool indicate a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species. A site sensitivity verification report is not provided, however specialist studies were undertaken to address each of the biodiversity-related themes.

Terrestrial and Plant Species Theme Compliance Statement

The terrestrial and plant species assessment only assessed the preferred development footprint. A thorough overview of the relevant desktop information is provided. The results from the fieldwork confirm that the proposed preferred footprint consists of lawn, however there is dense thicket adjacent upslope of the footprint. There were no species of conservation concern (SCCs) encountered along the edge of the thicket which could be accessed, however White Milkwood (*Sideroxylon inerme*) is dominant and is a protected species.

We wish to note however that the footprint is mapped as non-terrestrial estuarine habitat and not Gouritz Valley Thicket as described, albeit that the habitat has been transformed to lawn. We note that the aquatic biodiversity assessment identified the lawn grass as *Cenchrus clandestinus* (Kikuyu grass), which is listed as an alien and invasive species in the National Environmental Management: Biodiversity Act (NEM:BA) Alien and Invasive Species Regulations for protected areas and wetlands where it does not already occur.

The site sensitivity verification as is relevant to the transformed preferred proposed footprint is low sensitivity for terrestrial biodiversity and plant species. We wish to query if the correct compliance statement and recommendations are provided in Section 7 as it refers to a filling station and stormwater flow being compromised by litter and dense vegetation at this site and across the road.

Aquatic Biodiversity Assessment and Flood Level Study

The aquatic biodiversity assessment focuses on the Goukou River Estuary which is the primary aquatic feature relevant to the proposed preferred footprint. It is important to note that the Goukou River Estuary forms part of the Stilbaai Marine Protected Area managed by CapeNature and extends up to the high water mark. The preferred footprint is confirmed to be located within the estuarine functional zone (EFZ) as mapped in the National Biodiversity Assessment (NBA) which is defined by the 5 m contour.

Official floodlines for the Goukou River Estuary have not been determined, although we are aware of a study commissioned by an insurance company. It should be noted that the 5 m contour defining the EFZ is a proxy and the scientifically determined floodlines can more accurately define the extent of estuarine influence. A detailed project specific floodline study has been undertaken which delineates floodlines for return intervals of 5, 10, 20, 50 and 100 years. The study takes into account predicted climate change impacts on water levels and rainfall/flooding events. The proposed preferred footprint is located within the 1 in 50 year and 1 in 100 year floodlines,

More than half of the structure is located within the Coastal Management Line (CML) as indicated in Appendix A2 and is well within the Coastal Protection Zone. We therefore recommend it is essential that comment is obtained from DEA&DP Coastal Management in this regard, as well as the Hessequa Municipality, as it is intended that the CML will be implemented by municipalities.

The NBA is referred to for the present ecological state (PES) and ecological importance of the estuary, which is moderately modified (C) and high respectively. The habitat present on the footprint is confirmed as transformed with a narrow 2 m band of riparian vegetation occurring along the edge of the waterbody. Therefore, although development of a dwelling at the proposed location will not impact on estuarine habitat the location within the floodlines is highlighted. The sensitivity is therefore rated as very high. We wish to note that the protocols for aquatic biodiversity state “2.4. The assessment must identify alternative development footprints within the preferred site which would be of a "low" sensitivity as identified by the screening tool and verified through the site sensitivity verification and which were not considered appropriate”.

The recommendation from the floodline study is that the dwelling should be elevated on pillars above the floodlines. The proposed level is 5.5 m above sea level to be sufficiently elevated. The second alternative recommended is for cut and fill to elevate and level the foundations of the dwelling. Flooding scour is taken into consideration. The conservancy tank will be located outside of the 1 in 100 year floodline.

Three impacts are identified for the construction phase and one for the operational phase, and the impact significance for both alternatives both before and after mitigation is rated as negligible, except for a minor impact for the infill alternative during the operational phase for flooding related impacts. Mitigation measures include a 10 m no-go buffer from the channel, silt fences below the construction area and construction during the dry season.

CapeNature wishes to query whether the impacts associated with flooding in the operational phase have been underestimated, particularly the severity of the impact, which would align with intensity in the impact tables. The property is located on a bend in the estuary and the profile of the estuary bed as indicated in Figure 15 of the flood level study indicates that the bed is deep upstream of the site and then rapidly becomes shallower at the site location. This could result in backflooding in the case of a flooding event which could increase the flood levels and result in increased swirl and wash actions of the floodwaters and deposition of debris. CapeNature therefore wishes to recommend that the preferred alternative is for the building to be location outside of the 1 in 100 year floodline and 5 m contour.

Terrestrial Animal Species Compliance Statement

The terrestrial animal species compliance statement includes an evaluation of the likelihood of the species flagged in the screening tool occurring on site, which consists of two bird species of high sensitivity and six bird species and two invertebrate species of medium sensitivity. We wish to note that the protocols were amended to includes aquatic animal and plant species which may be relevant to this case adjacent to the estuary (July 2023).

A field survey was undertaken of the transformed footprint area with only a few bird and mammal species observed which is expected. The evaluation of the likelihood of the screening tool SCCs

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

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Ms Chwayita Shude-Mareka, Dr Razeena Omar

occurring on site recommends a low likelihood for each of the species, considering that the affected transformed habitat was evaluated and not the adjacent intact thicket. The recommendation is that the sensitivity is low and generic mitigation measures are provided.

Services and Alternatives

The Basic Assessment Report evaluates four alternative locations, however only the preferred alternative is assessed in the specialist studies. The other alternatives include another location within the estuary floodplain (Alternative B) and two locations on the plateau above the valley slopes (Alternatives C & D).

The motivation provided for the selection of the preferred alternative (Alternative A) is that it is in close proximity to the family dwelling on the adjacent property and to the estuary for recreational purposes and that there are existing services to the current dwelling. The transformed habitat is also provided as motivation, however the location within the 1 in 100 year floodline is noted.

Alternative B is similar to Alternative A in that the habitat is also transformed and it is located within the 1 in 100 year floodline, however it is further from the shared recreational facilities for the estuary. Alternatives C and D are deemed to not be reasonable or feasible alternatives by the applicant due to the distance from the estuary and lack of a view. Both sites are located within areas previously used for cultivation and therefore don't support natural habitat and are well outside of the estuary floodlines and the impacts on biodiversity are likely to be low.

The motivation provided for the alternatives is based primarily on the recreational and amenity value to the applicant and not on the environmental impacts, including the impacts on biodiversity. We wish to note that Section 3(h)(v) of Appendix I of the Environmental Impact Assessment Regulations state that "... must include a full description of the process followed to reach the proposed preferred alternative within the site, including the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts..." The alternatives should therefore be included in the assessment of impacts in the BAR and the specialist studies. The primary impact of concern for CapeNature is the location of the current preferred alternative in front of the 1 in 100 year floodline, 5 m contour and CML.

The services report indicates that the water for the existing adjacent dwelling is obtained from a borehole located in the north of the property with adjacent water tanks and a pipeline leading to water tanks on the plateau above and a pipeline leading down the slope to the existing dwelling. The proposal for the new dwelling is for additional tanks above the plateau and a new pipeline down the valley slopes to the new dwelling. The pipeline is proposed to be above ground and therefore excavation is not required. Clarification must however be provided regarding any vegetation clearing which may be required and assessed in the specialist studies and mitigation recommended in the Environmental Management Programme Report. No new access roads will be required, and the proposed conservancy tank will be serviced by the municipality.

We have noted the determination from DFFE regarding the footprint of a structure on stilts and we request that DEA&DP also provide a response in this regard. This has relevance in terms of precedents for other cases.

Departure Application

The public participation for the NEMA process is being undertaken jointly with the departure application in terms of the municipal planning by-law. In this regard we do not have any additional comments relevant to the departure application for the reduction in the building lines from the property boundary. However, we recommend that the application be put on hold until the final location of the proposed dwelling is determined within the NEMA process. The assessment for each alternative must include the services.

Conclusion

CapeNature recommends that a detailed assessment of alternative locations for the dwelling must be undertaken before the application can be considered further. The dwelling should be located outside of the 1 in 100 year floodline taking into consideration that there is a significant proportion of the property where the habitat has been transformed and located outside of the floodlines which can be utilised as a development footprint.

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

Regards

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

cc. Jean du Plessis, CapeNature
Keith Spencer, CapeNature
Danette Jone, NuPlan Africa