

<b>COMMENT &amp; RESPONSE TABLE</b>	
<b>HOUSE PHILIP ON PTN 257 OF FARM MELKHOUTE FONTEIN NO. 480, HESSEQUA</b>	
Comment	Response
Wessel van Brakel (Hessequa Municipality), 04/02/2026	
<p>Vanuit 'n stadsbeplanningsoogpunt het ons geen kommentaar t.o.v. die ligging nie.</p> <p>Ek neem aan dat 'n stadsbeplanner sal aansoek doen om van die 30m boulyn af te wyk?</p>	<p>Baie dankie vir jou terugvoer.</p> <p>Danette van NuPLAN Africa het reeds die aansoek vir die boulynverslapping ingedien. Hierdie aansoek, wat die verslapping van die 30m-boulyn behels, is saam met die Pre-App Draft BAR vir 'n tydperk van 30 dae aan die publiek beskikbaar gestel vir kommentaar.</p>
DEA&DP, 06/11/2025	
<p>The abovementioned document compiled by the appointed Environmental Assessment Practitioner, Ms. Louise-Mari van Zyl (EAPASA No: 2019/1444) and assisted by Candidate EAP Mariska Byleveld (EAPASA No: 2023/6593), of Cape Environmental Assessment Practitioners (Cape EAPrac), refers.</p>	<p>Noted.</p>
<p>Proponent's contact details: For the delivery of documents, as provided for in Section 47D(1)(bB) of the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) ("NEMA") and this Department's DEA&amp;DP Circular No.0027/2021 regarding Electronic Administration of EIA Applications, it is required that an e mail address of the person representing the proponent (Ellis Farming Enterprises CC) be provided.</p> <p>It is noted from the NOI Form that a website address for Ellis &amp; Partners Legal Practitioners(i.e.,www.ellisandpartners.com) has been provided as the e-mail contact, and the website only provides a general e-mail address for enquiries (which has been used to issue this letter). In this regard, please provide the power of attorney should all further correspondence need to be issued to Ellis &amp; Partners Legal Practitioners. Alternatively, provide an e-mail address for the person representing Ellis Farming Enterprises CC.</p> <p>Kindly ensure that the Departmental forms, specifically the application form, are completed correctly and the necessary information is provided.</p>	<p>Noted and corrected in the Application Form &amp; Draft BAR.</p> <p>Email address provided: <a href="mailto:philip@ellisandpartners.com">philip@ellisandpartners.com</a></p>
<p>This Directorate has reviewed the Pre-Application Draft Basic Assessment Report and provides the following comment:</p>	<p>Noted.</p>

<p><b>Access Road</b></p> <p>According to the information provided to this Directorate in the Pre-Application Draft Basic Assessment report, it is noted that access to the proposed development will be via an existing gravel road which continues south in general direction of the Goukou River where the access road transverses the neighbouring Portion 132/480 towards the preferred locality of the primary dwelling.</p> <p>This Directorate is concerned regarding this statement as currently the existing access road has been registered as a formal servitude access with consent use from the property owner of Portion 132/480. The concern is for future use in instances where the property can be sold to another owner and there will be a possibility that the new owner will not provide consent as the current owner.</p> <p>It is required that the applicant provides alternatives regarding proposed access roads to the proposed development.</p>	<p>Kindly note that the servitude is registered as a right-of-way, not just a permission to use.</p> <p>It ensures that access rights stay valid even if the property changes owners.</p> <p>No access alternative has been investigated because the proposal to use an existing access road is considered as the best environmental option, avoiding the clearance of intact thicket vegetation as well as steep slopes.</p>
<p><b>Site coordinates</b></p> <p>From the information provided it is noted that only centre point coordinates were provided for the proposed development of a residential dwelling. This Directorate requires in terms of Appendix 1 of the Environmental Impact Assessment Regulation 2014, as amended, that coordinates must be provided for each point of the proposed residential dwelling and associated infrastructure. Furthermore, please provide this Directorate with a KZM file for the proposal.</p>	<p>Noted and corrected in the Application Form &amp; Draft BAR.</p> <p>A KMZ file, together with a PDF, is provided in Appendix B2 ("Site Development Plan").</p>
<p><b>Planning</b></p> <p>The Competent Authority notes that an application is in process for the relaxation of the 30m building line and runs parallel with the application for Environmental Authorisation, however the decision on the relaxation of the building line must be obtained prior to the Draft Basic Assessment's public participation process. This is essential as the public must be provided to comment on all the relevant information according to Section 40 of the Environmental Impact Assessment Regulations 2014, as amended.</p>	<p>The land use planning application is currently in evaluation phase at the Hessequa Planning department and a decision will follow once the Application for Environmental Authorisation by the DEA&amp;DP has been completed. This is determined by Section 66(8) of the Hessequa Municipality: By-Law on Municipal Land Use Planning Act (PN 287/2015).</p>
<p><b>Legislation</b></p> <p>National Water Act, 1998 (Act No. 36 of 1998) ("NWA").</p>	<p>Noted, for inclusion in the Final BAR.</p>

<p>It is noted from the information that the National Water Act, 1998 (Act No. 36 of 1998) (“NWA”) is not applicable. This statement must be confirmed by Breede-Olifants Catchment Agency (“BOCMA”) and this statement must be included in the Basic Assessment Report.</p>	
<p>National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (“ICMA”).</p> <p>Please be reminded that the Competent Authority is required to consider the provision/requirements of Section 63 of the ICMA. Although it is noted that the Pre-App DBAR has responded to this aspect, it is recommended that far greater detail be provided on the respective aspects of Section 63. In this regard, the EAP is encouraged to consult this Department’s sub directorate Coastal Management on these aspects.</p> <p><u>Coastal Management Lines</u></p> <p>Based on the information provided in the Flood Line Study for Melkhoutfontein Farm 480/25 Report, July 2023, it is noted that the study presents 50-year flood line level is at 4.05m Above Mean Sea Level (“AMSL”) and this does not account for the kinematic energy of the water and therefore further run-up can be expected. It is also noted from the information that a large portion of the proposed primary dwelling falls below the 50-year flood line. These risks need to be considered.</p> <p>Furthermore, regarding the risk lines of the property it is important to note the following:</p> <ul style="list-style-type: none"> <li>• Garden Route Coastal Management Lines, 2018</li> </ul> <p>The project on the delineation of the Coastal Management Lines for the Eden District (Garden Route District), was commissioned in 2016 to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The principal purpose of the Coastal Management Line (“CML”) is to protect coastal public property (“CPP”), private property and public safety, to protect the coastal protection zone (“CPZ”), and to preserve the aesthetic value of the coastal zone. The use of CML’s is of importance in response to the</p>	<p>DEA&amp;DP’s Biodiversity &amp; Coastal Management sub-directorate was requested to provide input on the Pre-App DBAR. They submitted formal comments, which have been incorporated into this Comments &amp; Response Table.</p> <p><u>Coastal Management Lines</u></p> <p>The footprint of the proposed dwelling extends from the 5.25m MSL contour to the 3m MSL contour, placing it within the 1:100 year flood line and partially within the 1:50 year flood line. Recognizing these risks, the coastal engineers have advised that the structure be elevated on pillars, ensuring that the final floor level is set above 5.5 m AMSL. This design recommendation positions the dwelling safely above both the <b>present</b> and <b>future</b> 1:100 year flood line, thereby mitigating the identified flood risks. According to the engineers, their model predicted scour velocities in the order of 0.7 m/s which is considered mild. It is therefore not expected that the riverbank, at the dwelling footprint, will be scoured significantly.</p>

<p>effects of climate change, as it involves both a quantification of risks and pro-active planning for future for future development.</p>	
<p>An analysis of the data from this project indicates that the proposal is partially located seaward of the CML but entirely seaward of the CPZ. In this regard, please be informed of the purpose of the CPZ in accordance with Section 17 the National Environmental Management: Integrated Coastal Management Act, Act No. 24 of 2008, as amended ("NEM: ICMA"), being: The CPZ is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be managed, regulated or restricted in order to – (a) protect the ecological integrity, natural character and the economic, social and aesthetic value of coastal public property; (b) avoid increasing the effect or severity of natural hazards in the coastal zone; (c) protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise; (d) maintain the natural functioning of the littoral active zone; (e) maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment; and (f) make land near the seashore available to organs of state and other authorised persons for - (i) performing rescue operations; or</p>	<p>It is important to highlight that the Applicant has undertaken a thorough investigation to ensure that the preferred alternative is acceptable from both coastal engineering and aquatic perspectives, with the objective of identifying the best environmental option by minimising potential impacts to negligible and minor.</p> <p>It is the opinion of the EAP that the proposed activity is not opposed to the purpose of the CPZ. No part of the development will occur within the river and no aquatic estuarine biota are expected to be adversely impacted. It is therefore unlikely that this development will significantly affect the ecological or functional attributes of the broader estuarine system.</p> <p>According to the aquatic specialist, the proposed development will not result in any additional construction of infrastructure within the dynamic, tidal extent of the estuary and construction and operational phase activities will not impact on the base flows or hydrological regime (i.e. timing and magnitude of surface flows) of the estuary and are of such a scale that will in no way impact on the frequency of estuary mouth closure.</p> <p>Furthermore, the proposed dwelling does not increase the level of impact beyond the current status quo (no-go).</p>
<p>In addition to the above it is strongly advised to obtain final comment from the following organs of state: Department of Forestry, Fisheries and Environment ("DFFE"): Oceans and Coast Department of Environmental Affairs and Development Planning (Directorate Biodiversity and Coastal Management) – Sub-Directorate: Coastal Management</p>	<p>Both organs of states were approached for comment on the Pre-App Draft BAR. Their final comment will be included in the Final BAR.</p>
<p>Government Policies and Plans, Guidelines, Environmental Management Instruments.</p> <p>You are advised that when undertaking the EIA process, it is the responsibility of the EAP and Specialists to take into account all the government policies and plans, guidelines, environmental management instruments and other decision making</p>	<p>Noted.</p> <p>The EAP has taken the following into account:</p> <ul style="list-style-type: none"> <li>• Western Cape Province SDF (2014)</li> <li>• Western Cape Biodiversity Spatial Plan (2017)</li> </ul>

<p>instruments in respect of the application process or the kind of activity which will be the subject of the application, including the guidelines, information documents or circulars developed by this Department.</p>	<ul style="list-style-type: none"> <li>• Guideline on Need and Desirability, DEA (2017)</li> <li>• Guideline for the Review of Specialist input in the EIA process (June, 2005)</li> <li>• Guideline for Environmental Management Plans (June, 2005)</li> <li>• Guideline on generic terms of Reference for EAPs and Project Schedules (March, 2013)</li> <li>• Guideline for determining the scope of specialist involvement in the EIA process, June 2005</li> <li>• Goukou Estuary Management Plan (2011)</li> <li>• Western Cape Land Use Planning Guideline on Rural Areas (March 2019)</li> <li>• DEA&amp;DP Circular 0004/2021 “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”</li> <li>• Western Cape EMFIS Best Practise Activity Guidelines (2019)</li> </ul>
<p>It is noted from the information provided that the Western Cape Land Use Planning Guideline on Rural Areas: March 2019 was not taken into account. This Directorate strongly recommend that this guideline must be taken into account for the Development proposal and that the intended application demonstrate how it has been considered.</p>	<p>Noted and included in the Draft BAR.</p>
<p>All applications, reports and documents, which include all signatures and Annexures which are included as part of the application and subsequent reports, must be submitted via e-mail to the relevant official, with attached PDF versions of letters and reports. If the documents are too large to attach to an e-mail, the competent authority must be notified per e-mail and provided with an electronic link to such documents that is accessible by the relevant authority.</p> <p>Note: The Directorate: Development Management (Region 3), has created a generic e-mail address to centralise its administration within the component (i.e. notifying clients of decisions and receiving EIA applications, Notice of Intent form; request for fee reference numbers, etc.) Please make use of the</p>	<p>Noted.</p>

new e-mail address too when submitting such documents:  <a href="mailto:DEADPEIAAdmin.George@westerncape.gov.za">DEADPEIAAdmin.George@westerncape.gov.za</a>	
Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.	Noted.
This Department reserves the right to revise or withdraw initial comments or request further information from you based on any new or revised information received.	Noted.
<b>Department of Forestry, Fisheries &amp; the Environment, 12/09/2025</b>	
Forestry has a co-operative governance relationship with various Authorities as well as stakeholders, and thus will take their concerns into consideration if such should arise.	Noted.
Forestry has no objection to above development proposal, provided that:	Noted.
1. The development footprint remains within the grassy area.	Noted. The development footprint of the dwelling will remain within the existing lawn area.
2. The remaining protected Milkwood Forest on the steep slopes- at the back of the grassy area of the property- to remain intact and should be indicated as a no-go area.	Noted. The disturbance footprint will be demarcated. All areas outside the demarcated footprint are considered no-go areas during the construction phase.
Kindly note that this letter is not a NFA licence.	Noted.
Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.	Noted.  Should any protected tree species be trimmed, a Forestry License must be obtained.
The Department reserves the right to revise the initial comment based on any additional information that may be received	Noted.
<b>The Garden Route District Municipality, 29/07/2025</b>	
The Garden Route District Municipality (GRDM) acknowledge receipt of the Pre Application Draft Basic Assessment Report (BAR) prepared by Cape EAPrac on behalf of Ellis Farming Enterprises CC, dated 20 June 2025. We would like to thank you for providing the Municipality with the opportunity to comment on this application. After careful consideration of the report, we wish to provide the following comments and recommendations on the proposed development activities:	Noted.
1. Specific comments	

<p>Building Line Deviation: The proposed relaxation of the 30m building line to 1m must be formally approved by the Municipality. Proof of neighbour consent (Portion 132/480) must be retained on file.</p>	<p>The land use planning application is currently in evaluation phase at the Hessequa Planning department and a decision will follow once the Application for Environmental Authorisation by the DEA&amp;DP has been completed. Landowner consent has been retained.</p>
<p><b>Construction Activities:</b></p> <ul style="list-style-type: none"> <li>• Construction must be confined to the 13m<sup>2</sup> physical footprint. No expansion into natural areas is permitted without further assessment;</li> <li>• No excavated material must be dumped or stockpiled in the No-Go area;</li> <li>• A comprehensive method statement must be drawn up which provides a clear step by step plan of the sequence of construction activities that will be undertaken. The method statement must aim to minimise the length of time that cleared areas remain exposed and vulnerable to erosion;</li> <li>• Access to the construction area through the No-Go area is not permitted;</li> <li>• Access must be restricted to the strip of transformed EFZ immediately south of the main residential dwelling on Portion 132 of Farm 480;</li> <li>• No construction materials may be stored or stockpiled outside of the area delineated by the rock revetment or in any part of the undeveloped areas of the EFZ;</li> <li>• Rubble and waste materials must be managed on site and must not be dumped or stockpiled within the No-Go area;</li> <li>• Working areas must be clearly demarcated;</li> <li>• Estuarine habitat outside of the working area must be designated as No-Go and no disturbance (i.e. trampling, smothering etc.) in this area is permitted;</li> <li>• A 10 m buffer (measured from the edge of the bankfull channel) must be implemented and be clearly demarcated as a No-Go area.</li> </ul>	<p>It is estimated that the preferred alternative will result in the clearance of approx. 19sqm of vegetation, mostly grassed lawn, inclusive of 23 pillars, the conservancy and rainwater tank. The pillar holes will be excavated by hand each 0.6m x 0.6m x 1m deep. The holes will be backfilled and hand compacted after the pillars are installed on pre-manufactured concrete foundation pads prepared off-site.</p> <p>The shadow footprint (<math>\pm 204\text{m}^2</math>) of the proposed dwelling will be demarcated and used as a <b>temporary disturbance footprint</b> to include laydown areas / stockpiling. In addition the 10m aquatic buffer will also be demarcated to ensure that no construction activities encroach into the aquatic buffer. All disturbed areas will be rehabilitated with indigenous vegetation in consultation with the aquatic specialist. It must be noted that excavation is limited to the pillar holes, conservancy tank and the concrete slab to create a level area for the rainwater tank.</p> <p>All areas outside the demarcated disturbance footprint will be considered as <b>no-go areas</b> during the construction phase.</p> <p>The ECO must request for a <b>method statement</b> from the contractor to be approved prior to construction (included in the EMPr).</p> <p>The construction area may only be <b>accessed</b> via the existing road leading to the construction area. As per the aquatic specialist recommendation, no vehicles will be allowed within the 10m aquatic buffer.</p>
<p><b>Conservancy Tank Design:</b> The conservancy tank air vent must be located above the 1:100 flood line to prevent flood-related effluent release. Regular emptying must be confirmed via municipal or licensed private services.</p>	<p>The air vent outlet of the conservancy tank and the tank itself, which will be situated behind the house, will be above the 1:100 year flood line to avoid 'popping' in the event of severe flooding and/or prevent spills. In addition, regular monitoring and scheduled emptying</p>

	will further guarantee that the system operates responsibly.
<b>Surface Water Runoff and Erosion Control:</b> Runoff management (e.g., silt traps, groundcover) must be implemented during and after construction to prevent erosion and sedimentation into the estuarine zone.	Noted and included in the EMPr. ECO to monitor and report on compliance with the EMPr.
<b>Sewage and Greywater Handling:</b> No greywater or effluent may be discharged to ground or into the estuary. All household wastewater must be directed to the sealed conservancy tank. Chemical toilets should be provided on-site at 1 toilet per 10 persons. Waste from chemical toilets must be disposed of regularly (at least once a week) in a responsible manner by a registered waste contractor.	<p>The calculated sewage and grey water generation from the new dwelling has been calculated as 500 - 750 litre/day. A masonry conservancy tank will be constructed according to SANS 10400-P:2010 Edition 3. The capacity of the tank will be 6 000 litres and will be constructed next to the parking area above the house at the 5,5m contour line in line with the registered servitude road to the new dwelling. The sewage will be collected by the Hessequa municipality on request. No household waste water will be directed into the ground or into the estuary.</p> <p>One chemical toilet per 10 persons on-site. The toilets must be emptied regularly by a registered waste contractor (included in the EMPr).</p>
<b>Access and Road Use:</b> The servitude access road through Portion 132/480 must remain limited to its existing width. Any upgrade requires additional authorisation.	The existing access road will not be upgraded or widened.
<b>Environmental Management Programme and ECO Oversight:</b> An independent Environmental Control Officer (ECO) should be appointed to monitor compliance during construction and submit regular reports. A contractor environmental induction must be conducted prior to site establishment.	Noted and included in the EMPr.
<b>Visual and Sense-of-Place Impacts:</b> Although visual intrusion is stated to be low, the site lies within a high-value visual landscape. We suggest that all buildings be required to adhere to a design palette with subdued colours and natural finishes to reduce visual intrusion and landscape contrast on the scenic estuarine environment.	The primary dwelling will not be constructed with face brick. Instead, the design makes use of natural finishes and materials that complement the surrounding environment, as illustrated in the picture below. The intention is to create a home that blends with the landscape and maintains a "sense-of-place" avoiding the visual impact.
<b>Estuarine Functional Zone and Biodiversity:</b> According to the Western Cape Biodiversity Spatial Plan 2017, the property is within a Critical Biodiversity Area (CBA 1: Aquatic; Estuary). Furthermore, the property is within the Goukou Estuarine Functional Zone, which is poorly protected. This is of grave concern for the GRDM. Development	It is necessary to clarify both the historical and current use of the existing lawned areas. These portions of the property have long been transformed and are presently maintained for grazing purposes, and therefore no longer function as natural estuarine vegetation or riparian habitat. The aquatic specialist has

<p>within the floodplain or estuary functional zone continues to pose threats and impact the estuarine ecosystems. Estuarine environments are physically altered through land-use changes such as the development. Please also note that the proposed development is also contrary to the management objectives aligned to the WCBSP and the Goukou EMP. Although it is mentioned in the report that the development footprint has been historically transformed and, assuming the implementation of recommended mitigation measures, its construction will not result in any modification to functional estuarine habitat, the GRDM feels that the development will inhibit the future ability of the transformed area to slowly return to its natural state, which is preferable. It is also mentioned in the report that “indigenous landscaping” will be done. The GRDM would however like to see that, if this development application is approved, the surrounding landscape / riparian area be returned to its natural estuarine functional zone state. The area should be rehabilitated by using plant species from the natural surrounding indigenous vegetation within the direct vicinity of the riparian habitat and estuarine functional zone. This should also include the removal of the artificial lawned areas, to make up for the impact of the development footprint. The rehabilitation should not be done in the form of an artificial “landscaped” garden setup, and the GRDM is concerned about the term “landscaping” as mentioned in the report.</p>	<p>delineated a 10-metre buffer zone adjacent to the Goukou River as a strict no-go area for any construction activities. This measure ensures that the remaining narrow fringe of estuarine vegetation, primarily comprising <i>Phragmites australis</i>, will remain intact and undisturbed.</p> <p>Since the proposed dwelling does not increase the level of impact beyond the current status quo, the aquatic specialist did not recommend active rehabilitation measures for the 10-metre aquatic buffer. Construction related disturbance will be limited to specific activities, namely the excavation of holes for the structural pillars, installation of the conservancy tank and the construction of a level concrete slab for the rainwater tank.</p> <p>All areas disturbed during construction will be rehabilitated with indigenous vegetation, under the guidance of an aquatic specialist. Importantly, this rehabilitation will not take the form of an artificial, landscaped garden, but will instead focus on ecological restoration using appropriate indigenous species.</p>
<p><b>Flood Risk Mitigation:</b> The dwelling is located in the 1:100-year floodline and there is a risk of flooding. For this reason, the authorization of this development should only be considered subject to the implementation of the recommendations made by the floodline assessment conducted by the WML Coast Engineers. WML Coast confirmed that the proposed dwelling will be within 32m from the edge/bank of the river and within 100m of the high-water mark of the Goukou Estuary, which is a tidal system, and recommended that the dwelling be elevated to 5.5m above natural ground level in accordance with the WML Coastal Engineer’s recommendations. The GRDM would like to see that this be made a condition of the environmental authorisation.</p>	<p>Noted.</p> <p>The Site Development Plan adheres to all the recommendations from WML Coast.</p>
<p><b>Conclusion and Recommendations:</b> The GRDM would generally discourage any development within the estuarine functional zone, particularly in areas like floodplains and areas with indigenous</p>	<p>It must be noted that the lawned areas have long been transformed and are presently used for grazing. They no longer function as natural estuarine or riparian habitat. The aquatic</p>

<p>vegetation. The GRDM would like to recommend the following additional requirements: • Confirmation and inclusion of a detailed Biodiversity Management Plan for the rehabilitation of the remaining riparian area to its natural estuarine functional zone state; • Ecological infrastructure and natural areas must be left in a functional and natural state as they have an important role in landscape connectivity, as well as supporting the estuarine functional zone; • The BOCMA to be consulted on this application; • Clear visual mitigation conditions in the architectural design phase; • Confirmation of service agreements with the local municipality for blackwater removal and tank maintenance; • Any pruning or removal of Milkwood trees must be subject to a permit from the Department of Forestry, Fisheries and the Environment (DFFE – Forestry Branch). A pre-construction botanical walkdown is recommended to confirm no-go zones.</p>	<p>specialist has already delineated a <b>10-metre no-go buffer</b> adjacent to the Goukou River. This ensures that the remaining estuarine fringe, dominated by <i>Phragmites australis</i>, remains intact and undisturbed. The dwelling itself does not increase the significance of impact compared to the current status quo. Since the development footprint will not result in additional modification of functional estuarine habitat, the aquatic specialist did not recommend active rehabilitation of the buffer zone. Instead, all construction-related disturbances (e.g., pillar foundations, conservancy tank, rainwater tank slab) will be rehabilitated with indigenous vegetation under specialist guidance.</p> <p>BOCMA, DFFE, DEA&amp;DP: Biodiversity &amp; Coastal Management and the Hessequa Municipality have been consulted with.</p> <p>The ECO to conduct a site walkthrough prior to construction commencing to ensure that all no-go areas have been clearly demarcated.</p>
<p>DEA&amp;DP: Biodiversity &amp; Coastal Management, 25/07/2025</p>	
<p>The proposal entails the development of one primary dwelling and associated service infrastructure on a small portion of Farm 257/480.</p>	<p>Noted</p>
<p>The applicant accurately noted the subject property in relation to critical biodiversity and ecological support areas in accordance with the Western Cape Biodiversity Spatial Plan 2017.</p>	
<p>The SD: CM notes that on page 46 of the Draft BAR, the applicant indicated that the location of the proposed cottages is all landward of the coastal protection zone ('CPZ'). The SD: CM requests that the applicant confirms this by submitting a map overlaying the proposed cottage in relation to the relevant coastal risk zones in order to confirm that the cottages are indeed landward of the CPZ.</p>	<p>Please note that this comment pertains to a separate project. The proposal under consideration is for a single residential dwelling within the CPZ.</p>
<p>Be advised that the proposed dwelling is located within the estuarine functional zone ('EFZ') and although the applicant noted this and indicated that the preferred locality will not impact on the estuarine environment as the proposed dwelling's floor level will be at 5.5m above the highwater mark in accordance with the WML Coast Report – this area (5m contour) is used as a delineation boundary within estuaries as it encapsulates the most dynamic areas influenced by long-term estuarine sedimentary</p>	<p>Although the proposed dwelling is located within the mapped 5 m contour line, normally kept as a buffer to guard against flooding and natural estuarine processes; (a) the aquatic specialist has delineated a site specific buffer to guide where the dwelling can be positioned to minimise potential impacts on estuarine processes; (b) the coastal engineer has recommended that the structure itself be elevated on pillars so that its floor level is</p>

processes. It should provide a buffer zone that can allow an estuary to retreat in the event of sea-level rise due to climate change. It allows for the inclusion of some terrestrial fringe vegetation that contribute detritus to the system and refuge areas for many animal species during floods.

above the 5m contour creating a buffer against sea-level rise:

- By using pillars, the physical disturbance at ground level is minimised to the smallest possible footprint, allowing natural vegetation and ecological functions to persist beneath and around the dwelling.
- Any disturbed, exposed areas during the construction phase will be rehabilitated as per the aquatic specialist recommendations.
- The aquatic specialist has assessed the potential impacts and risks expected from the proposed development, and provided impact management actions for inclusion in the Environmental Management Programme. The aquatic assessment concluded that the proposed development will not impact on the base flows or hydrological regime of the estuary and are of such a scale that will in no way impact on the frequency of estuary mouth closure. All potential impacts and risks will be mitigated to a Negligible and Minor Significance, which is acceptable from an aquatic biodiversity perspective.

The SD: CM in accordance with the DEA&DP Circular 0004/2021 titled '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', does not support any developments within the EFZ, especially where their location within the EFZ is not a necessity.

It is noted that the DEA&DP circular discourage new development in general risk coastal areas. However, the circular allows the exercising of existing rights in respect of single residential dwellings on agricultural land.

- The proposed dwelling is a single residential dwelling on agricultural land. The proposed development is not intensification, urbanisation or commercial expansion; it is the exercise of primary right.

The proposed design of the primary dwelling supports the additional considerations outlined in the circular:

*"Structures must preferably be elevated on pilings, posts, piers-and-joists, column or similar foundations – with the lowest floor of*

*the structure to be above a pre-determined risk level”*

*“Building design must demonstrate reasonable risk reduction measures”*

The design of the proposed dwelling was informed by a Coastal Engineer from WML Coast who provided the following development parameters:

- The dwelling must be built on piled supports (pillars) to raise the structure above the stipulated flood risk lines, to be a sustainable location that is not at risk of flooding events and in doing so avoid impacts associated with potential flooding.
- The floor level of the dwelling must be elevated above the 1 in 100-year flood level to address potential flood risk and damage to the structure and in doing so avoid impacts associated with potential flood damage.
- The design of the house must be setback to account for potential (future) scour of the riverbank due to potential future flood events / tidal sea level rise to ensure sufficient buffering and in doing so mitigate against potential coastal erosion impacts.
- The Site Development Plan (SDP) takes into account the above recommendations made by the coastal engineers.

*“Key mechanical and electrical services/structures (e.g., sewer (and water) infrastructure like pump stations, substations, transformers, generators, geysers and distribution boards) must be located above a pre-determined risk level”*

- The air vent outlet of the conservancy tank and the tank itself, which will be situated behind the house, will be above the 1:100 year flood line to

	<p>avoid 'popping' in the event of severe flooding and/or prevent spills.</p> <p><i>"After construction, any exposed ground area must be stabilised by the use of ground cover plants or mulches to minimise the risk of erosion"</i></p> <ul style="list-style-type: none"> <li>• As per the mitigation measure provided by the appointed aquatic specialist, areas temporarily disturbed during the construction phase of the project will be rehabilitated.</li> </ul> <p><i>"Hardened surfaces must be minimised and suitable permeable alternative utilised to maximise natural infiltration and reduce overland flow and associated velocities with risk of erosion and damage"</i></p> <ul style="list-style-type: none"> <li>• The total physical footprint of the dwelling amounts to ±12m<sup>2</sup> (pillars, conservancy tank and concrete slab for rainwater harvesting tank). The ±36m<sup>2</sup> area, where vehicles will generally be parked on the grass, remains undisturbed.</li> </ul> <p><i>"Development should be sited to minimise the removal of trees or shrubs within an indigenous setting"</i></p> <p>The proposed development is sited within an area historically disturbed by agricultural activities and will not result in the removal of trees or indigenous vegetation.</p>
<p>In terms of the Departmental Circular, DEA&amp;DP 0004/2021, titled '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 risk areas. The Circular also suggests development parameters to be considered for general estuarine risk areas. This includes maintaining coastal quality; reducing public liability; reducing risk to human life; preventing intensification of development in general risk area but allow exercising of existing rights; prevention of encroachment that will impact on the integrity of the</p>	<p>It is the opinion of the EAP that the Applicant's proposal is consistent with the precautionary approach outlined in the DEA&amp;DP circular. The proposed development is in line with the suggested development parameters to be considered for general estuarine risk areas:</p> <ul style="list-style-type: none"> <li>• The siting of the dwelling was determined in consultation with a Coastal Engineer from WML Coast. In line with their recommendations, the structure will be raised on pillars to ensure that it does not obstruct the natural lateral flow of water. This</li> </ul>

shoreline ecology; and enables safe evacuation in an emergency. The Circular further advises that any new development be set as far back from the EFZ as possible and that existing coastal processes and indigenous vegetation within the EFZ must be maintained.

design also minimizes the potential for flood-related debris to accumulate. The finished floor level will be set above the identified flood risk threshold (above the 1:100 flood line). According to the Aquatic Specialist, the Significance of Impact with respect to the impedance and diversion of flood flows is assessed as Minor for the preferred alternative as it will allow flood water to pass beneath the building and will minimise the risk of flood damage, scouring and erosion.

- The location of the proposed dwelling was further guided by a Aquatic Specialist, who delineated a site-specific aquatic no-go construction buffer. The proposed dwelling is outside the no-go buffer. The assessed Significance of Impact on habitat transformation within the Estuarine Functional Zone is rated as -8 (Negligible) for the preferred alternative with mitigation, which is consistent with the status quo (No-Go Alternative). The Aquatic Specialist confirmed that no portion of the development will extend into the river and that no adverse effects on aquatic estuarine biota are anticipated. Accordingly, the development is not expected to compromise the ecological integrity or functional attributes of the estuarine system.
- The proposed dwelling does not introduce new, intensified land use within the general estuarine risk area. Instead, it seeks to exercise primary rights responsibly by making sure the proposed dwelling is informed by a Coastal Engineer and Aquatic Specialist. The development footprint is delineated to avoid encroachment into sensitive areas.

Furthermore, it should be noted that the Western Cape EMFIS Best Practise Activity Guidelines (2019) recommends that no development should be approved to take place in the EFZ or highly dynamic

The Western Cape EMFIS Best Practice Activity Guidelines (2019) stipulate that no new development should be permitted within the Estuarine Functional Zone (EFZ).

littoral active zone. These guidelines further recommends that developments must take into consideration any adopted coastal management lines and applicable controls, and/or risk lines where high risk areas are identified. Avoiding development in at-risk or sensitive areas will help to maintain the ecological integrity of the estuarine environment, prevent disruption of the natural coastal processes, maintain aesthetic quality, and ultimately protect coastal development and people.

Nonetheless, the Guidelines recognise that where no location alternatives exist, a comprehensive Environmental Impact Assessment (EIA) must be undertaken to identify and mitigate potential impacts, and an Environmental Authorisation (EA) secured where applicable. In accordance with these provisions:

- An application for Environmental Authorisation is currently in progress.
- A Coastal Engineer and an Aquatic Specialist have been appointed to assess and address risks linked to the proposed development. The positioning and design of the dwelling have been informed by their recommendations.
- The Aquatic Specialist has confirmed that all potential impacts can be mitigated to negligible or minor levels, which are deemed acceptable from an aquatic biodiversity perspective.
- All recommended mitigation measures are included in the Environmental Management Plan.

The proposed location for the proposed dwelling is also located seaward of the coastal management line ('CML'). The technical delineation of the CML was to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk flooding, wave run-up modelling, inter alia and was delineated in conjunction with and supported by other organs of state including Local and District municipalities as well as CapeNature and all other organs of state represented on the steering committee for the Garden Route District CML project. The principal purpose of the CML is to protect coastal public property, private property, and public safety; to protect the coastal protection zone; and to preserve the aesthetic value of the coastal zone. The use of

While the SD: CM notes its general position against new developments seaward of the Coastal Management Line (CML), it is important to highlight that the Applicant has undertaken a thorough investigation to ensure that the preferred alternative is acceptable from both coastal engineering and aquatic perspectives, with the objective of identifying the best environmental option by minimising potential impacts to either negligible or minor.

The Applicant explored two (2) locality alternative sites landward of both the CPZ, CML and EFZ (below figure – Sites C & D).

These were eliminated as they are located too far from the river with limited views and

CMLs is of particular importance in response to the effects of climate change, as it involves both the quantification of risks and pro-active planning for future development. The SD: CM does not support new developments seaward of the CML.

accessibility. It is located some distance from the extended family home and its locations would make it challenging for the Applicant to easily access the existing river access point with their boat/canoes given that the existing road leading down from the hillside down to the river is steep and frequent trips with a boat-in-tow up and down the steep road is not deemed safe by the Applicant. To achieve a river view, the position must be in close proximity to the existing labourer cottage and shed. The Applicant does not wish to live in such close proximity to non-related employees when visiting, when the preferred alternative (Site A) can satisfy his preference without compromising environmental features and implementing practical design parameters to reduce flood risk.

Both alternatives fall within actively cultivated fields used for ploughing and pasture. The house within the pastures will result in the house being surrounded with an otherwise sterile environment that will require them to implement considerable landscaping/gardening which they cannot maintain because of their seasonal presence only.

The Applicant also investigated the alternative to position the dwelling at Site B in the above figure. Site B is also eliminated since the site will require extended services in the form of new water lines to be installed, as well as an extension of the overhead electrical lines along the river front. Similar to Site A, this site falls below the 1:100 flood line and will require similar specific design parameters to ensure that the structure is elevated above the flood/risk lines. Similar to Site A, the site is largely void of remaining natural vegetation and biophysical impacts will therefore be similar. However the riparian vegetation in front of Site B consist of high reeds which obscures a portion of the river. It is a well-known reality that river front properties maintain or remove riparian vegetation to optimise their view. Site A does not have any natural riparian vegetation (it was removed over time by the previous land owner and maintained as such by the current land owner).

	<p>An indirect impact associated with Site B (and not Site A) is therefore the likelihood of long-term removal/maintenance of riparian vegetation which is not supported in terms of the Estuarine Management Plan.</p> <ul style="list-style-type: none"> <li>• The Site B alternative does not negate the potential risks associated with flooding/climate change impacts and is therefore deemed similar to Site A.</li> <li>• Because the site is also transformed, the biophysical impacts are similar to that of Site A.</li> <li>• Additional infrastructure to water and electrical cabling with associated excavation as well as installation cost.</li> <li>• Potential for long-term impact on riparian vegetation to optimise views of the river and to access the river.</li> </ul>
<p>Based on the abovementioned items, the SD: CM does not support the development of the proposed primary dwelling and associated service infrastructure on a small portion of Farm 257/480, and recommends that the applicant locate the development landward of the CML and the EFZ in accordance with the DEA&amp;DP Circular 0004/2021 and the intentions of the NEM: ICMA.</p>	<p>Noted.</p>
<p>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>Noted and included in the EMPr.</p>
<p>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>Noted.</p>

What is the distance from the HWM?  
 Has the 1:100-year floodline been taken into consideration?

Die 1 in 100 jaar vloedlyn is in ag geneem. Die aansoeker het *WML Coastal Engineers* aangestel om 'n vloedlynstudie van die Goukou rivier uit te voer om die plasing van die primêre woning, op die voorkeurligging, die beste te bepaal.

WML Coast het bevestig dat die voorgestelde woning binne 32m van die rand/oewer van die rivier en binne 100m van die hoogwatermerk van die Goukou rivier is. Na 'n ondersoek van die vloedlyne sowel as die getyvlakke het WML Coast die volgende aanbevelings verskaf:

- Die woning moet op paalstutte (pilare) gebou word om die struktuur bo die gestipuleerde vloedlyne te verhoog om 'n volhoubare ligging te wees wat nie die risiko van oorstroming loop nie.
- Die vloervlak van die woning moet bo die 1 in 100-jaar vloedvlak verhef word om die potensiële vloedrisiko aan te spreek.

Die uitlegplan neem die bogenoemde aanbevelings van die spesialis-kusingenieurs in ag. As gevolg van die ligging naby die rivier, is die ontwerp van die opgaartenk spesifiek sodat die luguitlaat van die opgaartenk, wat agter die huis geleë is, bo die 1:100-jaar-vloedlyn om ernstige oorstromings te vermy en/of stortings in die geval van ernstige oorstromings te voorkom.

**Desktop Information**  
 The subject property, including the current preferred development footprint is mapped as Critical Biodiversity Area 1 (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

Noted.  
 Please refer to below info regarding the Environmental Sensitivities:

- According to SoilZa, the proposed dwelling will lead to negligible loss of future agricultural production potential.

The agricultural specialist **disputes** the **high** sensitivity rating and **confirms** a **low** agricultural sensitivity because of the development site's lack of cropping potential.

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.

- The faunal specialist disputes the high sensitivity rating and confirms that it should be low for the reasons stipulated below:
  - The entire development footprint is already transformed with very little to no natural habitat left on-site.
  - No fauna SCC were found on-site during the site inspection and the presence is confirmed to be unlikely.
  - The proposed activity is not expected to have an impact on species of conservation concern (SCC) beyond the boundary of the preferred site.
  
- A SACNASP registered aquatic specialist conducted a Site Sensitivity Verification in which it is confirmed that the Aquatic Sensitivity of the proposed site is very high. However, all potential impacts can be mitigated to either negligible or minor.
  
- Despite the screening tool sensitivity theme, the EAP submits that no heritage /archaeology features will be impacted. No further studies are required.
  
- The botanical/biodiversity specialist disputes the very high sensitivity and confirms that it should be low for the reasons stipulated below:
  - No plant SCC were found on site during the site inspection and the presence are confirmed to be unlikely due to the transformed nature of the proposed development site.
  - The proposed development site is not representative of Gouritz Valley Thicket.
  - The proposed activity will not impact on CBA1 or ESA2.

	<ul style="list-style-type: none"> <li>○ The proposed development footprint avoids the densely vegetated area containing milkwood trees to the north and east.</li> </ul>
<p><b>Terrestrial and Plant Species Theme Compliance Statement</b></p> <p>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 (<i>Sideroxylon inerme</i>) is dominant and is a protected species.</p> <p>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.</p> <p>We note that the aquatic biodiversity assessment identified the lawn grass as <i>Cenchrus clandestinus</i> (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.</p> <p>The site sensitivity verification as is relevant to the transformed preferred proposed footprint is low sensitivity for terrestrial biodiversity and plant species.</p> <p>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.</p>	<p>Noted.</p> <p>Noted and corrected by the specialist.</p> <p>It is necessary to clarify both the historical and current use of the existing lawned areas. These portions of the property have long been transformed and are presently maintained for grazing purposes, and therefore no longer function as natural estuarine vegetation or riparian habitat. The aquatic specialist has delineated a 10-metre buffer zone adjacent to the Goukou River as a strict no-go area for any construction activities. This measure ensures that the remaining narrow fringe of estuarine vegetation, primarily comprising <i>Phragmites australis</i>, will remain intact and undisturbed.</p> <p>Noted.</p> <p>Noted and corrected by the specialist.</p>

### **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.

Noted.

Noted. The Stilbaai Marine Protected Area (MPA) is situated along the coastline to the South, with the aim of protecting the Goukou Estuary and its role as a fish nursery, to preserve historical marine artefacts and cultural assets on the beach/coast and allow for the recovery of overexploited fish species (nursery for fish species). The development of a single primary dwelling along the Goukou Estuary will not impact negatively on the outcomes of the MPA.

Noted. Although the proposed dwelling is located within the **mapped** 5 m contour line, normally kept as a buffer to guard against flooding and natural estuarine processes; (a) the aquatic specialist has delineated a site specific 10m buffer to guide where the dwelling can be positioned to minimise potential impacts on estuarine processes; (b) the coastal engineer has recommended that the structure itself be elevated on pillars so that its floor level is above the 5m contour creating a buffer against sea-level rise.

This design recommendation positions the dwelling safely above both the **present** and **future** 1:100 year flood line, thereby **mitigating** the identified flood risks. According to the engineers, their model predicted scour velocities in the order of 0.7 m/s which is considered mild. It is therefore not expected that the riverbank, at the dwelling footprint, will be scoured significantly.

Noted. Comment from DEA&DP Coastal Management has been obtained and included in the Draft BAR for review. The Hessequa Municipality was also consulted with, but no comment with regards to the CML was received. Should the Hessequa Municipality comment on the CML during the 2<sup>nd</sup> Public

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.

Participation Period, their comments will be incorporated into the Final BAR.

It must be noted that although the sensitivity is confirmed as very high, all potential impacts can be mitigated to negligible which is acceptable from an aquatic biodiversity perspective:

- According to the specialist, the dwelling will occur within a transformed section of the Goukou EFZ which offers limited habitat options for estuarine biota. No part of the development will occur within the river and no aquatic biota are expected to be adversely impacted. It is therefore unlikely that this development will significantly affect the ecological or functional attributes of the broader estuarine system. Significance after mitigation: **Negligible**.
- Clearing of vegetation will expose soil which may be vulnerable to erosion resulting in sediment input into the estuary and smothering and die-back of estuarine vegetation. The specialist provided a list of silt & erosion control measures to reduce the significance of impact to **Negligible**. These mitigation measures are included in the Environmental Management Plan (EMP).
- The proposed location of the dwelling is located immediately adjacent to sensitive estuarine and habitat. The specialist provided a list of mitigation measures to reduce the significance of impact to **Negligible**. These mitigation measures are included in the Environmental Management Plan (EMP).

Elevating the proposed dwelling (on silts / pillars) will allow flood water to pass beneath the building and will minimise the risk of flood

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”.

damage, scouring and erosion (i.e., Negligible SEI).

Alternative footprints were considered but eliminated by the Applicant.

The Applicant explored two (2) locality alternative sites landward of both the CPZ, CML and EFZ. These were eliminated as they are located too far from the river with limited views and accessibility compared to their current use of the same location. These alternatives also fall within actively cultivated fields used for ploughing and pasture. The house within the pastures will result in the house being surrounded with an otherwise sterile environment that will require them to implement considerable landscaping/gardening which they cannot maintain because of their seasonal presence only.

The Applicant also investigated another alternative location next to the Goukou Estuary. This alternative is outside the CML, however, it remains within the EFZ and below the 1:100 year floodline. Similar to the preferred locality, this locality is largely void of natural vegetation. This alternative is also eliminated as it is not considered the best environmental option as compared to the preferred alternative locality:

- Riparian vegetation: This alternative has dense reeds that obscure river views. This creates pressure for trimming/removal, which undermines riverbank stability and conflicts with the Estuarine Management Plan. The preferred alternative has no natural riparian vegetation, so this impact is absent.
- Infrastructure needs: This alternative requires additional water and electrical cabling, excavation, and higher installation costs, making it less favorable.

	<ul style="list-style-type: none"> <li>• Long-term impacts: This alternative carries the added risk of ongoing riparian vegetation removal to optimize views and access, a concern not applicable to the preferred alternative.</li> </ul> <p>Having considered the above alternatives, the preferred alternative is considered as the best environmental option.</p>
<p>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.</p>	<p>Noted. The Site Development Plan is as per the recommendations from WML Coast.</p>
<p>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.</p>	<p>Noted. All mitigation measures recommended by the aquatic specialist has been included in the EMPr.</p>
<p>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.</p> <p>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.</p>	<p>The preferred locality has been thoroughly assessed by coastal engineers, and the flood level study has taken into account the estuarine dynamics at this site. According to the engineers, their model predicted scour velocities in the order of 0.7 m/s which is considered mild. It is therefore not expected that the riverbank, at the dwelling footprint, will be scoured significantly. The proposed design and location of the dwelling was informed in consultation with a coastal engineer to ensure it is raised on pillars above the flood risk threshold, allowing natural lateral water flow and reducing debris accumulation, thereby minimising flood damage, scouring, and erosion.</p> <p>The footprint of the proposed dwelling extends from the 5.25m MSL contour to the 3m MSL contour, placing it within the 1:100 year flood line and partially within the 1:50 year flood line. Recognizing these risks, the coastal engineers</p>

	<p>have advised that the structure be elevated on pillars, ensuring that the final floor level is set above 5.5 m AMSL.</p> <p>This design recommendation positions the dwelling safely above both the present and future 1:100 year flood line, thereby mitigating the identified flood risks.</p>
<p><b>Terrestrial Animal Species Compliance Statement</b></p> <p>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.</p> <p>We wish to note that the protocols were amended to include aquatic animal and plant species which may be relevant to this case adjacent to the estuary (July 2023).</p> <p>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 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.</p>	<p>Noted.</p> <p>Noted. The aquatic specialist has confirmed that the assessment of aquatic animal and plant species is not required for this project. They provided a Compliance Statement confirming low sensitivity for these themes.</p> <p>Noted. All recommended mitigation measures have been included in the EMP.</p>
<p><b>Services and Alternatives</b></p> <p>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 &amp; D).</p>	<p>Noted.</p>
<p>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.</p>	<p>Noted.</p>

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.

Site C & D were eliminated as they are located too far from the river with limited views and accessibility compared to their current use of the same location. It is located some distance from the extended family home and its locations would make it challenging for the Applicant to easily access the existing river access point with their boat/canoes given that the existing road leading down from the hillside down to the river is steep and frequent trips with a boat-in-tow up and down the steep road is not deemed safe by the Applicant. The Applicant submits that for a primary dwelling, they do wish to have river view, but acknowledge that it must not be at detrimental cost to the receiving environment, or risk to their property/livelihood. For the alternative locations on the plateau/ridgeline, the Applicant does not wish to live in such close proximity to non-related employees i.e. labourer cottage, when visiting, when the preferred alternative (Site A) can satisfy his preference without compromising environmental features and implementing practical design parameters to reduce flood risk.

Both plateau/ridgeline alternatives fall within actively cultivated fields used for ploughing and pasture. The house within the pastures will result in the house being surrounded with an otherwise sterile environment that will require them to implement considerable landscaping/gardening which they cannot maintain because of their seasonal presence only.

The Applicant also investigated the alternative to position the dwelling at Site B in the above figure. Site B is also eliminated since the site will require extended services in the form of new water lines to be installed, as well as an extension of the overhead electrical lines along the river front. Similar to Site A, this site falls below the 1:100 flood line and will require similar specific design parameters to ensure that the structure is elevated above the flood/risk lines. Similar to Site A, the site is largely void of remaining natural vegetation

	<p>and biophysical impacts will therefore be similar.</p> <p>The riparian vegetation in front of Site B consist of high reeds which obscures a portion of the river view which will ultimately result in trimming/removal of the reeds (that otherwise stabilise the riverbank). It is a well-known reality that river front properties maintain or remove riparian vegetation to optimise their view. Site A does not have any natural riparian vegetation (it was removed over time by the previous landowner and maintained as such by the current land owner). An indirect impact associated with Site B (and not Site A) is therefore the likelihood of long-term removal/maintenance of riparian vegetation which is not supported in terms of the Estuarine Management Plan.</p> <ul style="list-style-type: none"> <li>• The Site B alternative does not negate the potential risks associated with flooding/climate change impacts and is therefore deemed similar to Site A its flood risk.</li> <li>• Because the site is also transformed, the biophysical impacts are similar to that of Site A.</li> <li>• Additional infrastructure its water and electrical cabling with associated excavation as well as installation cost which makes this site location less favourable with a higher impact.</li> <li>• Potential for long-term impact on riparian vegetation to optimise views of the river and to access the river which is absent as an impact for Site A.</li> </ul>
<p>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 1 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</p>	<p>Alternatives B, C and D were considered but not assessed as they were deemed not reasonable by the Applicant for the motivations provided above.</p> <p>It is important to highlight that the Applicant has undertaken a thorough investigation to ensure that the preferred alternative is acceptable from both coastal engineering and aquatic perspectives, with the objective of identifying the best environmental option by minimising potential impacts to either</p>

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.

negligible or minor which negates the requirement for total avoidance of impacts since the mitigation measures are reasonable and easily implemented.

CapeNature's concern is noted. Kindly note that although within the 1:100 year flood line, and mapped 5m contour (CML), the preferred site was informed by expert input from a coastal engineer and aquatic specialist who deemed this locality as acceptable.

The preferred alternative is also in line with the suggested parameters to be considered for general estuarine risk areas:

- The siting of the dwelling was determined in consultation with a Coastal Engineer from WML Coast. In line with their recommendations, the structure will be raised on pillars to ensure that it does not obstruct the natural lateral flow of water. This design also minimizes the potential for flood-related debris to accumulate. The finished floor level will be set above the identified flood risk threshold (above the 1:100 flood line). According to the Aquatic Specialist, the Significance of Impact with respect to the impedance and diversion of flood flows is assessed as Minor for the preferred alternative as it will allow flood water to pass beneath the building and will minimise the risk of flood damage, scouring and erosion.
- The location of the proposed dwelling was further guided by a Aquatic Specialist, who delineated a site-specific aquatic no-go construction buffer. The proposed dwelling is outside the no-go buffer. The assessed Significance of Impact on habitat transformation within the Estuarine Functional Zone is rated as -8 (Negligible) for the preferred alternative with mitigation, which is consistent with the status quo (No-Go Alternative). The Aquatic Specialist

	<p>confirmed that no portion of the development will extend into the river and that no adverse effects on aquatic estuarine biota are anticipated. Accordingly, the development is not expected to compromise the ecological integrity or functional attributes of the estuarine system.</p> <ul style="list-style-type: none"> <li>• The proposed dwelling does not introduce new, intensified land use within the general estuarine risk area. Instead, it seeks to exercise primary rights responsibly by making sure the proposed dwelling is informed by a Coastal Engineer and Aquatic Specialist. The development footprint is delineated to avoid encroachment into sensitive areas.</li> </ul>
<p>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.</p> <p>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.</p>	<p>Noted.</p> <p>Specialists have carefully reviewed and accounted for all vegetation clearing that might be needed. Vegetation clearing will be limited to the installation of pillars, the conservancy tank, and the concrete slab required for the water tank. No vegetation will be cleared for the installation of above ground water pipelines.</p>
<p>We have noted the determination from DFFE regarding the footprint of a structure on stilts and we request that DEA&amp;DP also provide a response in this regard. This has relevance in terms of precedents for other cases.</p>	<p>Noted.</p>
<p><b>Departure Application</b> 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</p>	<p>The land use planning application is currently in evaluation phase at the Hessequa Planning department and a decision will follow once the Application for Environmental Authorisation by the DEA&amp;DP has been completed.</p>

<p>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.</p>	
<p><b>Conclusion</b></p> <p>CapeNature recommends that a detailed assessment of alternative locations for the dwelling must be undertaken before the application can be considered further.</p> <p>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.</p>	<p>Kindly note that only the preferred alternative has been assessed. The three (3) other alternatives considered are neither reasonable nor feasible for the Applicant, given that the preferred alternative meets his requirements without compromising environmental features and while incorporating practical design parameters to reduce flood risk. Furthermore, the three (3) alternative locations do not achieve the Applicant's intended outcome of being situated close to the river for recreational use during holidays, nor do they provide proximity to his extended family when visiting.</p> <p>An alternative location situated outside the 1:100 year flood line would fall within active agricultural fields currently used for sheep grazing. Such a location is distant from both the river and the family-owned primary dwelling on Portion 132/480, and therefore does not serve the intended purpose of the proposed dwelling, which is to be used on an ad hoc basis during holiday seasons.</p> <p>The preferred site location was guided not only by the fact that the area is transformed, but also by the expert input from a coastal engineer and an aquatic specialist, given its proximity to the Goukou River, as well as its location inside the Coastal Protection Zone and partly the Coastal Management Line.</p>
<p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>Noted.</p>
<p>Neighbouring Landowner, 22/07/2025</p>	
<p>We are the owners of [REDACTED]</p> <p>Thanks for the documents and my comments are as follows:</p>	<p>Noted.</p>

<p>I have no problem in principal with a new dwelling opposite us providing all laws, bylaws, EIA's etc have been met and approved by the relevant authorities.</p>	
<p>Having said that I have two concerns, one being the sewerage setup, which as I understand is a conservancy tank that gets emptied from time to time. Is there some sort of fail safe mechanism that ensures that it doesn't overflow thereby ending up in the river?</p>	<p>The air vent outlet of the conservancy tank and the tank itself, which will be situated behind the house, will be above the 1:100 year flood line to avoid 'popping' in the event of severe flooding and/or prevent spills. In addition, regular monitoring and scheduled emptying will further guarantee that the system operates responsibly.</p>
<p>My second concern is the material to be used for the construction. On the adjacent property they built a very ugly (in my and our guests opinions) face brick garage opposite our property and although the plans are included in your documents, the print is too small to ascertain what material is being used. It looks like it may be wood but could you please confirm, as two ugly face brick buildings would be a bit much. I do believe one needs to use a "sense of place" when building and so would like clarity on that please.</p>	<p>The primary dwelling will not be constructed with face brick. Instead, the design makes use of natural finishes and materials that complement the surrounding environment, as illustrated in the picture below. The intention is to create a home that blends with the landscape and maintains a "sense-of-place" avoiding the visual impact.</p>
<p>Once I have clarity on the above I will respond further, but until then please consider the above to be objections.</p>	<p>Noted.</p>
<p>Neighbouring Landowner, 22/10/2026</p>	
<p>As owners of [REDACTED], we would like to state our objection to the proposed construction of "House Philip".</p> <p>In a rural farm environment, the proposed position of the new build is a complete invasion of our privacy.</p> <p>From the plans that have been shared, we note that the house has been set out with a South East aspect and a stoep that runs along the entire front of the house. This looks directly on to our boat house and jetty which is our main entertainment area for family and friends. The proposed lack of privacy is not something that we anticipated in a low density farming environment. It is noted that the motivation for this positioning is that it "provides the best view". Using this as the motivation for something that completely spoils our view is partly the grounds for our serious objection!</p>	<p>Kindly note that the preferred site was selected because it is already historically transformed, lies adjacent to family property, and avoids disturbance of intact thicket and steep slopes elsewhere. Services are also readily available for connection and does not require any further excavations or disturbance within the Estuarine Functional Zone.</p> <p>In a low-density farming area, complete privacy cannot be guaranteed. The Applicant's design is consistent with this rural character. The primary dwelling is also in line with the zoning of the property.</p>
<p>The proposed dwelling is to be built within the 100 meter flood line. If the application has passed all the impact assessments, in mitigation of this fact and in order to be compliant, it is understood that the house is required to be built on columns of at least 5.5 meters in height.</p>	<p>Elevating the dwelling is a safety measure to mitigate flood risk and is not intended to negatively impact on the rural character of the area. At 158sqm, the proposed dwelling is relatively small and designed with natural finishes and materials that complement the</p>

	surrounding environment, as illustrated in the picture above. The intention is to create a holiday home that blends with the landscape and maintains a “sense-of-place” avoiding the visual impact.
This will further significantly impact our privacy and view as well as create a precedent for oversized, unsightly dwellings to be built directly at the water’s edge, within the flood plain.	The Applicant is committed to maintaining the rural character of the area. The dwelling will use natural finishes and materials that respect the “sense of place,” avoiding the visual impact of face brick or unsympathetic designs. The modest size and careful design are intended to complement, not detract from, the surrounding landscape.
In addition, our opinion is that this will negatively impact the value of our property as it will diminish the rural outlook.	
We are further concerned about the positioning of the conservancy tanks and the subsequent impact should there be flooding.	The air vent outlet of the conservancy tank and the tank itself, which will be situated behind the house, will be above the 1:100 year flood line to avoid ‘popping’ in the event of severe flooding and/or prevent spills. In addition, regular monitoring and scheduled emptying will further guarantee that the system operates responsibly.
<p>In light of our concerns we would like to request further information on the alternative site for the dwelling that was alluded to in the documentation provided.</p> <p>We would also like to request that an alternative aspect and re-orientation of the dwelling be considered should an alternative site not be considered viable.</p> <p>In the spirit of good neighbourliness, we sincerely hope that thought be given to those directly impacted by the proposed new build, and the alternatives be considered before proceeding.</p> <p>We would appreciate our views being shared with the owners.</p>	The preferred site was selected because it is already historically transformed, lies adjacent to family property, and avoids disturbance of intact thicket and steep slopes elsewhere. Relocation is not considered viable nor is it the best environmental option considering that the services are readily available for connection and does not require any further excavations or disturbance within the Estuarine Functional Zone.
DEA&DP: Development Management, 17/07/2025	
The request for comment, in terms of section 45 of the Western Cape Land Use Planning Act, 2014 (LUPA) Act 3 of 2014, on the application for proposed departure from building line requirements (30m to 1m) on Portion 257 of Farm Melkhoutefontein No 480, Hessequa in terms of Section 15(2)(b) of the Hessequa Municipality: By Law on Municipal Land Use Planning (2015), refers.	Noted.

It is understood that the subject property is approximately 50 ha in size and zoned Agriculture Zone I and that there are some existing buildings on the property (labourer's dwelling of 101m <sup>2</sup> and a dilapidated storage building).	Noted. As per the Draft BAR.
It is noted that an application for Environmental Authorisation which includes all necessary studies in support of such application, has been submitted and is being reviewed.	Noted.
In principle there is no objection to the departure from the building line requirements as proposed.	Noted.
Based on the available information, this Department has no further comment on the proposal in terms of a Provincial Regulatory Land Use Planning point of view.	Noted.
<b>Breede-Olifants Catchment Agency (BOCMA), 24/06/2025</b>	
No operation is allowed within 100m of a water resource or 1:100 year flood line, whichever is the greatest. If the proposed activity falls within this area, authorisation needs to be put in place in terms of the National Water Act (NWA), 1998 (Act No. 36 of 1998). This is to ensure that the riparian ecological status of the water resource will not be negatively impacted.	The aquatic specialist has confirmed that the Goukou River next to the property is an estuary, and the proposed dwelling will be located within the Estuarine Functional Zone.  Because estuaries are not legally defined as watercourses, the development does not trigger Section 21(c) or (i) water use requirements, and therefore no water use authorisation is needed.
Please note that any development within 500m from the boundary of any wetland requires authorisation in terms of the National Water Act (NWA), 1998 (Act No. 36 of 1998).	
No water maybe abstracted from any surface water body and groundwater unless authorized by this Agency.	Noted and included in the EMPr
Please note that all requirements stipulated in the National Water Act (NWA), 1998 (Act No. 36 of 1998) must be adhered to.	Noted.
Please note that this Agency reserves the right to amend and/or add to the comments made above in light of subsequent information received.	Noted.
<b>Heritage Western Cape, 20/06/2025</b>	
If there was no NID trigger, please not that HWC cannot comment on matters that do not form part of our mandate.	Noted. No NID was triggered.