

PUBLIC PARTICIPATION

APPENDIX E TO BASIC ASSESSMENT REPORT

MISTY CLIFFS: FARM 974/1



2004/080851/23

Main Road, Somerset West ♦ Tel 021 851 0078 ♦ Fax 021 852 0966
e-mail project2@geostratics.co.za

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ABBREVIATIONS

BID – Background Information Document

BAR – Basic Assessment Report – BAR

FBAR – Final Basic Assessment Report

FSPCF – Far South Peninsula Community Forum

GCTCA – Greater Cape Town Civic Alliance

I&AP – Interested and/or Affected Party

LUPO – Land Use Planning Ordinance

SRRA – Scarborough Ratepayers & Residents Association

1 PROCESS

The Background Information Document (BID) was send to all stakeholders on 19 October 2007 (refer par. 2 and figure 6 and figure 7). There was a delay in process due to outstanding information from the involved collaborators, and all registered Interested and Affected Parties (I&APs) were notified on 3 July 2008 (refer figure 8).

The Draft Basic Assessment Report (DBAR) was made available to Authorities (refer par.2.4) as well as registered I&APs (refer par.2.5) for comments. They were notified on 01 October 2008 (refer Figure 9 and Figure 10). Extension for comments were requested, and I&APs were notified on 21 October 2008 (refer Figure 11).

After comments were received from I&APs and Authorities, the BAR was amended and all stakeholders are again invited to comment on the document. The last date on which stakeholders comment is 10 June 2009.

Due to requests form Traffic authorities and I&AP's a Traffic Impact Assessment was undertaken and this was referred for comment in August 2010. In January 2011 an addendum to the TIS was prepared.

The Basic Assessment report and all previous documentation is now circulating to I&AP's and authorities for response before the final Basic Assessment will be submitted to DEA&DP for consideration.

In summary:

Date	Task	status
October 2007	Register I&AP's, BID for comment	Completed
July 2008	Notify re delay due to outstanding design information	Completed
September 2008	DBAR referred to I&AP's and authorities for comment	Completed
October 2008	Extension allowed for comment	Completed
May 2009	BAR referred to I&AP's and authorities for comment	Completed
June 2009	Extension allowed for comment	Completed
September 2009	Inform I&AP's that FBAR submitted to DEA&DP	Completed
August 2010	Traffic Impact Assessment referred to I&AP's and authorities for comment	Completed
August 2010	Extension allowed for comments	Completed
January 2011	Addendum to TIS prepared	Completed
March 2011	FBAR refer to I&AP's and authorities for response	In process

2 RECORD OF ADVERTISING

The application was advertised on 19 October 2007 and registration for Interested and affected parties closed on 26 November 2007. Further communication was send to registered Interested and Affected Parties as indicate above.

2.1 Media advertisements

- Die Burger: 19 October 2007 (Figure 1)
- Cape Argus: 19 October 2007 (Figure 2)
- Echo: 19 October 2007 (Figure 3)
- Provincial Gazette: 19 October 2007 (Figure 4)

2.2 Advert/notice board on site

A notice board was fixed at the site on 19 October 2007 (refer Figure 5).

2.3 Letters to surrounding owners and stakeholders

Refer figure 6 for a copy of the letters.

Letters were sent to the following property owners of Misty Cliffs Village

1. Regional Services Council - Cape Metropole
2. Thiba Inv PTY LTD
3. Mrs. DS Harris
4. Mr. & MRS. Hunt AJC & Hofmeyr GE
5. Mr. Du Toit
6. Mrs. TL Megan
7. Marion & Brian Marsh Trust
8. Mr. J Van Jaarsveld
9. Partner Parsoson TJ & Mitchell JM & Amapour LT
10. Mr. & Mrs. Hendrikse JW & Hendrikse L
11. Partner Promotions Partnership
12. Loots Jakobus Hendrik
13. Mr. MT Sinaceur
14. Mr MA & Mrs D Da Silva
15. Mr. Andrew Eve
16. The Albert Edward Sidney Swift Family
17. Mr. Eastes
18. Ing Andrew James
19. Trustee Caltar Trust
20. Rossouw Jeanne Danielle
21. The Speeckaert Family Trust
22. Mr. Anderson
23. Mr. Payne
24. Mr. M Fita
25. Ms. PE Simpson
26. Mr. TL Maritz
27. Managing Director TWC Property Management (PTY)LTD
28. Mrs. BK Tunbridge
29. Hendrikse DR JW & ADV L

30. Scarborough Seaside Estates PTY LTD
31. Thiba Investments PTY LTD
32. Gypsy Prop Brokers C C
33. JP Kerr
34. Clive Kerr Family Trust
35. Combotrade Twenty (PTY) LTD
36. Court Richard Austin
37. Partner Mossop LM, Mossop MA & Mossop AD
38. Mr. Frew
39. Flatfish Property Investment PTY LTD
40. ZARIN Prop C C
41. Ms. AFV Leslie
42. Mr. F De Le Rey Blignaut
43. Misty Cliffs PTY LTD
44. Ms. Alexander
45. Joriechell Trust
46. Mrs. Anita Williams
47. Ms. AFV Leslie
48. Mr. PJ Osborn
49. Sneddon Andrew James
50. Mr. LM Visser
51. Mr. LP Venter
52. Cohen Stanley Andrew
53. Ficolizwe CC
54. Hazyckiffs (Pty) Ltd
55. Mr. RM Taylor
56. Mr SA & Mrs Jag Turner
57. Mr. GC Withers
58. Ms. LP Dobbs
59. Eggierth Peter Richard
60. Bracken House Prop Trust
61. Blersch Hans Christof-Trustees
62. Mr. Guy Anderson

Letters were send to the following Interest Groups (Stakeholders):

- Ward Councillor - Nicki Holderness
- Misty Cliffs Village Association - Mr DST Tunbridge
- Scarborough Rate Payers and Residence Association - Graham Nobel
- Far South Peninsula Community Forum - Simon Lyell-Cock
- Wildlife and Environmental Society of SA - Andy Gubb

2.4 Letter to authorities

Refer figure 7 for a copy of the letters.

Letters were sent to the following authorities:

- Cape Nature
- Western Cape Department of Agriculture
- Department of Water Affairs and Forestry
- Heritage Western Cape
- Plumstead Administration, City of Cape Town
- City of Cape Town Engineers (Water & Sanitation)
- City of Cape Town Engineers (Electricity)
- City of Cape Town Engineers (Transport & Stormwater)
- City of Cape Town Engineers (Roads)
- Provincial Roads Engineer
- City of Cape Town Environmental services: Mr Howard Gold
- SANParks: Mr Mike Slayen

2.5 Registered I&APs

Attached a list of Interested and affected parties.

2.6 Electronic communication

A dedicated e-mail address was created for the project namely project2@geostratics.co.za and I&aP's were requested to direct all correspondence to this address. All e-mail correspondence received and send from this address is provided in electronic format (CD accompanying BAR version 20110310.)

Figure 2. Advertisement in Cape Argus

Paris at a standstill
 Commuters roller-skated, drove and biked to work, or simply stayed home as the biggest strike in 12 years crippled France's public transport system. Yesterday's walkout - which came two days before the Rugby World Cup final - appeared set to continue for a second day. Only a third of the subway system was expected to run in Paris today. But the government remains unbowed in its determination to scrap special retirement privileges for some state workers. - Sapa-AP

The definitive 1-day Wine course!!!
 Cape Wine Academy presents the Introduction to SA Wine course at The Blue Pines Hotel, Bloubaerg on 27 October 2007. Sharpen up your tasting skills, meet people and have fun with 3 exciting lectures - all in 1 day.
 Contact 021 889 8844 or info@cwa.org.za

BASIC ASSESSMENT: PUBLIC PARTICIPATION PROCESS
 E187801-AS1431-0275607
 Notice 00707 is hereby given of a public participation process in terms of the NEMA Environmental Impact Assessment Regulations 2006 to commence upon authorization from DEABSP received on 10 October 2007.
Proposed Development: Development of a single residential unit
Location: Portion 1 of the Farm Parsonen no. 974, Cape Division
Applicant: Willem Rahnemans Assosiasie
Environmental Consultant: Geostratics
Application for Environmental Authorisation to Undertake the Following Activities: (Listed in terms of GN No. R.386 and GN No. R.387 of 21 April 2006)
 2 Construction or earth moving activities within 100 m inland of the high-water mark of the sea, in respect of structures, walls, buildings and infrastructure.
 5 The removal of indigenous vegetation of more than 10 square meters within a distance of 100 meters inland of the high-water mark of the sea.
 6 The excavation, moving, removal, depositing or composting of soil, rock or rubble covering an area exceeding 10 square meters within a distance of 100 meters inland of the high-water mark of the sea.
 10 The construction of a road wider than 4 meters and longer than 50 meters.
A Background Information Document is available at the library in Somerset-Priod, KOMMETJIE and Central District, FISH HOEK, as well as on www.geostratics.co.za
 To register as an interested and/or Affected Party and/or comment, please submit your name, address, contact details and interest in the application before 23 November 2007 to: Marnus van Nieuwen, preferably via e-mail: comment@geostratics.co.za or Tel: 021 881 0078 or Fax: 021 882 0906, or PO Box 1562, Strand, 7130.
Please note that ISAPs must disclose any direct business, financial, personal or other interests which they may have in the application.

GEOSTRATICS
 Town and Regional Planners
 Environmental Assessment, Research

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 100 off-peak minutes
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PLUS FREE NOKIA 2610

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 To pre-approve your credit card/ bank account details, ID and residence number 1800771CA-E ready
www.celldirect.co.za

ProVider
 Young family option
 Affordable option offering young families essential of hospital cover.

ProCedure
 Low cost option
 ProCedure is a low cost option utilising pre-selected service providers offering unlimited GP consultations and medication plus hospitalisation to a maximum of R150,000 per family per annum.

ProSano
 MEDICAL SCHEME
 HEALTHCARE FIRST
 0860 109 559 | www.prosano.co.za

Figure 3. Advertisement in *Echo*

Copy of this advertisement has not been received. It will however be submitted as soon as it is received.

Figure 4. Advertisement in Government Gazette

19 October 2007	Province of Western Cape: Provincial Gazette 6473	1485
<p style="text-align: center;">BASIC ASSESSMENT: PUBLIC PARTICIPATION PROCESS</p> <p style="text-align: center;">E12/2/3/1-A/5/431-027007</p> <p>Notice 007/07 is hereby given of a public participation process in terms of the NEMA Environmental Impact Assessment Regulations 2006 to commence upon authorisation from DEA&DP received on 10 October 2007.</p> <p><i>Proposed Development:</i> Development of a single residential unit</p> <p><i>Location:</i> Portion 1 of the Farm Farafern no. 974, Cape Division</p> <p><i>Applicant:</i> Willem Buhmann Associates</p> <p><i>Environmental Consultant:</i> Geostratics</p> <p>Application for Environmental Authorisation to Undertake the Following Activities; (Listed in terms of GN No. R.386 and GN No. R.387 of 21 April 2006):</p> <ol style="list-style-type: none"> 2 Construction or earth moving activities within 100 m inland of the highwater mark of the sea, in respect of stabilising walls, buildings and infrastructure. 5 The removal of indigenous vegetation of more than 10 m² within a distance of 100 m inland of the high-water mark of the sea. 6 The excavation, moving, removal, depositing or compacting of soil, rock or rubble covering an area exceeding 10 m² within a distance of 100 m inland of the high-water mark of the sea. 15 The construction of a road wider than 4 m and longer than 30 m. <p>A Background Information Document is available at the library in Somerset Road, Kommetjie and Central Circle, Fish Hoek, as well as on www.geostratics.co.za.</p> <p>To register as an Interested and/or Affected Party and/or comment, please submit your name, address, contact details and interest in the application before 23 November 2007 to: Maresa van Niekerk, preferably via email: project2@geostratics.co.za or Tel: (021) 851 0078 or Fax: (021) 852 0966, or P.O. Box 1082, Strand, 7139.</p> <p>Please note that I&APs must disclose any direct business, financial, personal or other interests which they may have in the application.</p> <p>Geostratics, Town and Regional Planners, Environmental Assessment, Research</p> <p>19 October 2007 44692</p>	<p style="text-align: center;">BASIESE BEOORDELING OPENBARE DEELNAMEPROSES</p> <p style="text-align: center;">E12/2/3/1-A/5/431-027007</p> <p>Ingevolge die NEMA Omgewings Beoordeling Regulasies van 2006, word kennisgewing 007/07 van 'n publieke deelname proses hiermee gegee na aanleiding van goedkeuring deur DEA&DP op 10 Oktober 2007.</p> <p><i>V voorgestelde Ontwikkeling:</i> Ontwikkeling van 'n enkelresidensiële woonseenheid</p> <p><i>Ligging:</i> Gedeelte 1 van die plaas Farafern no. 974, Misty Cliffs, Divisie Kaap</p> <p><i>Applikant:</i> Willem Buhmann Associates</p> <p><i>Omgewingskonsultant:</i> Geostratics</p> <p>Aansoek vir Omgewingsgoedkeuring om die volgende aktiwiteite te onderneem; (soos geïdentifiseer in GN No. R.386 en GN No. R.387 van 21 April 2006):</p> <ol style="list-style-type: none"> 2 Bou- of grondverplasingbedrywighede in die see of binne 100 m van die hoogwatermerk van die see, betreffende stabiliseringsmuur; geboue en infrastruktuur. 5 Die verwydering van inheemse plantegroei van meer as 10 m² binne 'n afstand van 100 m vanaf die hoogwatermerk van die see. 6 Die uitgrawing, verskuiving, verwydering, afsetting of saamperying van grond, sand, rots of ru-klip van 'n gebied wat groter is as 10 m², en wat binne 'n afstand van 100 m vanaf die hoogwatermerk van die see is. 15 Konstruksie van 'n toegangspad wyer as 4 m en langer as 30 m. <p>'n Agtergrond Inligtingstuk is beskikbaar by die Biblioteek in Somersetstraat, Kommetjie en Central Circle, Vishoek asook by www.geostratics.co.za.</p> <p>Om te registreer as Geïnteresseerde en/of Geaffekteerde Persoon, rig asb. u naam, adres, kontakbesonderhede en belang in die aansoek voor 23 November 2007 aan Maresa van Niekerk, verkieslik per epos: project2@geostratics.co.za of Tel: (021) 851 0078, Faks: (021) 852 0966, of Posbus 1082, Strand, 7139.</p> <p>Let asb op dat I&AP's enige direkte besigheids-, finansiële-, persoonlike- of ander belang wat hul in die aansoek mag hê, moet aandui.</p> <p>Geostratics, Town and Regional Planners, Environmental Assessment, Research</p> <p>19 Oktober 2007 44692</p>	

Figure 5. Advert/notice board on site



Figure 6. Letter to stakeholders with regards to background information document.



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2004/080851/23

PO Box 1082 ♦ Strand, 7139 ♦ Tel 021-851 0078 ♦ Fax 021-852 0966

23 October 2007

Dear Stakeholder,

**OPENBARE DEELNAMEPROSES:
BASIESE BEOORDELING
E12/2/3/1-A5/431-0270/07**

In terme van die NEMA Omgewings Beoordeling Regulasies van 2006, word kennisgewing 007/07 van 'n publieke deelname proses hiermee gegee na aanleiding van goedkeuring deur DEA&DP op 10 Oktober 2007.

Voorgestelde Ontwikkeling: Ontwikkeling van 'n enkel residensiële wooneenheid
Ligging: Gedeelte 1 van die plaas Farufem no. 974, Misty Cliffs, Divisie Kaap
Applikant: Willem Buhmann Associates
Omgewingskonsultant: Geostratics

Aansoek vir Omgewings Goedkeuring om die volgende aktiwiteite te onderneem: (soos geïdentifiseer in GN No. R.388 en GN No. R.387 van 21 April 2008):

- 2 Bou- of grondverplasingbedrywighede in die see of binne 100 meter van die hoogwatermerk van die see, betreffende stabiliseringsmure; geboue en infrastruktuur
- 5 Die verwydering van inheemse plantegroei van meer as 10 vierkante meter binne 'n afstand van 100 meter vanaf die hoogwatermerk van die see.
- 6 Die uitgrawing, verskuiwing, verwydering, afsetting of saampersing van grond, sand, rots of ru-klip van 'n gebied wat groter is as 10 vierkante meter, en wat binne 'n afstand van 100 meter vanaf die hoogwatermerk van die see is.
- 15 Konstruksie van 'n toegangspad wyer as 4m en langer as 30m

'n **Agtergrond Inligtingstuk** is beskikbaar by die Biblioteek in Somerset Straat, KOMMETJIE en Central Circle, VISHOEK asook by www.geostratics.co.za.

Om te registreer as **Geïnteresseerde en/of Geaffekteerde Persoon**, rig asb. u naam, adres, kontakbesonderhede en belang in die aansoek voor **26 November 2007** aan Maresa van Niekerk, verkieslik per epos: project2@geostratics.co.za of Tel: 021-851-0078, Faks: 021-852-0966, of Posbus 1082, Strand, 7139.

Let asb op dat I&AP's enige direkte besigheids-, finansiële-, persoonlike- of ander belang wat hul in die aansoek mag hê, moet aandui.

**BASIC ASSESSMENT:
PUBLIC PARTICIPATION PROCESS
E12/2/3/1-A5/431-0270/07**

Notice 007/07 is hereby given of a public participation process in terms of the NEMA Environmental Impact Assessment Regulations 2006 to commence upon authorisation from DEA&DP received on 10 October 2007.

Proposed Development: Development of a single residential unit
Location: Portion 1 of the Farm Farufem no. 974, Cape Division
Applicant: Willem Buhmann Associates
Environmental Consultant: Geostratics

Application for Environmental Authorisation to Undertake the Following Activities (Listed in terms of GN No. R. 388 and GN No. R.387 of 21 April 2008):

- 2 Construction or earth moving activities within 100m inland of the high-water mark of the sea, in respect of stabilizing walls, buildings and infrastructure
- 5 The removal of indigenous vegetation of more than 10 square meters within a distance of 100 meters inland of the high-water mark of the sea.
- 6 The excavation, moving, removal, depositing or compacting of soil, rock or rubble covering an area exceeding 10 square metres within a distance of 100 meters inland of the high-water mark of the sea.
- 15 The construction of a road wider than 4 meters and longer than 30 meters.

A **Background Information Document** is available at the library in Somerset Road, KOMMETJIE and Central Circle, FISH HOEK, as well as on www.geostratics.co.za.

To register as an **Interested and/or Affected Party** and/or comment, please submit your name, address, contact details and interest in the application before **26 November 2007** to: Maresa van Niekerk, preferably via email: project2@geostratics.co.za, or Tel: 021-851-0078 or Fax: 021-852-0966, or P.O. Box 1082, Strand, 7139.

Please note that I&APs must disclose any direct business, financial, personal or other interests which they may have in the application.

Figure 7. Letters to authorities with regards to Background Information Document



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PO Box 1082 ♦ Strand, 7139 ♦ Tel 021-851 0078 ♦ Fax 021-852 0966
e-mail sarien@geostratics.co.za

My Ref. SCB-974-01-01
23 October 2007

Plumstead Administration, City of Cape Town
Private Bag X5
Plumstead
7800

Dear Ms Carry

BASIC ASSESMENT: FARM 974/1, MISTY CLIFFS

Notice 007/07 is hereby given of a public participation process in terms of the NEMA Environmental Impact Assessment Regulations 2006 to commence upon authorisation from DEA&DP received on 10 October 2007.

Proposed Development: Development of a single residential unit
Location: Portion 1 of the Farm Farufern no. 974, Cape Division
Applicant: Willem Buhmann Associates
Environmental Consultant: Geostratics

Application for Environmental Authorisation to Undertake the Following Activities:
(Listed in terms of GN No. R.386 and GN No. R.387 of 21 April 2006):

- 2 Construction or earth moving activities within 100m inland of the high-water mark of the sea, in respect of stabilizing walls, buildings and infrastructure
- 5 The removal of indigenous vegetation of more than 10 square meters within a distance of 100 meters inland of the high-water mark of the sea.
- 6 The excavation, moving, removal, depositing or compacting of soil, rock or rubble covering an area exceeding 10 square metres within a distance of 100 meters inland of the high-water mark of the sea.
- 15 The construction of a road wider than 4 meters and longer than 30 meters.

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To register as an **Interested and/or Affected Party** and/or comment, please submit your name, address, contact details and interest in the application before **23 November 2007** to: Maresa van Niekerk, preferably via email: project2@geostratics.co.za, or Tel: 021-851-0078 or Fax: 021-852-0966, or P.O. Box 1082, Strand, 7139.

Please note that I&APs must disclose any direct business, financial, personal or other interests which they may have in the application.

Yours faithfully,

Sarien Lategan

S C Lategan MTRP, MSAPI, TRP(SA), IAIA(SA) J Todd MTRP, MSAPI, TRS(SA)

Figure 8. Letter to I&APs with regards to delay in process.

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2004/080851/23

PO Box 1082 ♦ Strand, 7139 ♦ Tel 021-851 0078 ♦ Fax 021-852 0966

My Ref. SCB-47-01

03 July 2008

Dear I&AP,

**DELAY IN BASIC ASSESSMENT PROCESS: PROPOSED DEVELOPMENT ON
PORTION 1 OF THE FARM FARUFERN NO 974, MAIN ROAD, MISTY CLIFFS**

You are hereby informed of a delay in the above-mentioned process. The entire process will recommence once necessary information has been obtained from the involved collaborators.

Please note that you will remain to be registered as an Interested and Affected Party (I&AP) and therefore any new information regarding this development will be sent to you as soon as it is available.

Yours faithfully
Maresa van Niekerk

S C Lategan MTRP, MSAPI, TRP(SA), IAIA(SA) J Todd MTRP, MSAPI, TRS(SA)

Figure 9. Letter to I&APs with regards to availability of DBAR

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ASSESSMENT, RESEARCH
2004/080851/23

PO Box 1082 ♦ Strand, 7139 ♦ Tel 021-851 0078 ♦ Fax 021-852 0966
www.geostratics.co.za

My Ref. SCB-974-01
01 October 2008

Dear I&AP,

**DRAFT BASIC ASSESSMENT REPORT FOR PORTION 1 OF THE FARM FARUFERN
NO. 974, MAIN ROAD, MISTY CLIFFS**

You are hereby informed of the availability of the Draft Basic Assessment Report for the construction of a single residential house on Farm 974/1, Misty Cliffs, which is now available for public and authority input and comments.

The Draft Basic Assessment Report and relevant information are available on our website at www.geostratics.co.za, please follow the link to projects.

To comment on the proposed development, kindly send your details and any comments to the undersigned, by **31 October 2008**, preferably via email: project2@geostratics.co.za, or Fax: 021-852-0966, or P.O. Box 1082, Strand, 7139.

Yours faithfully

Maresa van Niekerk

** Geostratics has implemented a "clean office policy" inter alia minimizing use of paper, re-use and recycle paper, toner saving printing, etc.*

S C Lategan MTRP, MSAPI, TRP(SA), IAIA(SA) J Todd MTRP, MSAPI, TRS(SA)

Figure 10. Letter to Authorities with regards to availability of DBAR

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ASSESSMENT, RESEARCH
2004/080851/23

PO Box 1082 ♦ Strand, 7139 ♦ Tel 021-851 0078 ♦ Fax 021-852 0966
www.geostratics.co.za

My Ref. SCB-974-01
01 October 2008

Attention: Hester Lyons
Department of Water Affairs and Forestry

Dear Madam

**DRAFT BASIC ASSESSMENT REPORT FOR PORTION OF THE FARM FARUFERN
NO. 974, MAIN ROAD, MISTY CLIFFS**

The Draft Basic Assessment Report (attached) for the construction of a single residential house on farm 974/1, Misty Cliffs, is now available for public and authority input and comments.

You are kindly requested to comment on the application. Please direct your comment to the undersigned, by **31 October 2008**, preferably via email: project2@geostratics.co.za, or Fax: 021-852-0966, or P.O. Box 1082, Strand, 7139.

Please do not hesitate to contact me should you need to discuss the matter.

Yours faithfully

Maresa van Niekerk

** Geostratics has implemented a "clean office policy" inter alia minimizing use of paper, re-use and recycle paper, toner saving printing, etc.*

S C Lategan MTRP, MSAPI, TRP(SA), IAIA(SA) J Todd MTRP, MSAPI, TRS(SA)

Figure 11. Letter to I&APs with regards to extension period for comments

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2004/080851/23

PO Box 1082 ♦ Strand, 7139 ♦ Tel 021-851 0078 ♦ Fax 021-852 0966
e-mail sarlen@geostratics.co.za

My Ref. SCB-974-01
21 October 2008

Dear I&AP,

**PROPOSED DEVELOPMENT OF A SINGLE RESIDENTIAL UNIT ON PORTION 1 OF THE
FARM FARUFERN NO. 974, MAIN ROAD, MISTY CLIFFS**

Please note that the comment period for the Draft Basic Assessment Report and other relevant information for the proposed development on farm 974/1, Misty Cliffs has been extended.

Kindly submit your comments before **23 November 2008** to me preferably via email: project2@geostratics.co.za, Fax: 021-852-0966, or P.O. Box 1082, Strand, 7139.

Yours faithfully,
Maresa van Niekerk

S C Lategan MTRP, MSAPI, TRP(SA), IAIA(SA) J Todd MTRP, MSAPI, TRS(SA)

Figure 12. Letter to I&APs with regards to availability of BAR

Figure 13: Letter to I&AP's regards extension of time for comment on BAR

TOWN AND REGIONAL PLANNERS, ENVIRONMENTAL ASSESSMENT, PROPERTY DUE DILIGENCE, RESEARCH,
SPATIAL ANALYSIS, CONSERVATION PLANNING
2004/080851/23

PO Box 1082 ♦ Strand, 7139 ♦ Tel 021-851 0078 ♦ Fax 021-852 0966
www.geostratics.co.za

My Ref. SCB-974-01
05 June 2009

Dear Stakeholder,

**EXTENTION BASIC ASSESSMENT REPORT FOR PORTION 1 OF THE FARM FARUFERN NO. 974,
MAIN ROAD, MISTY CLIFFS**

On request of Interested and Affected parties the period for comments on the Basic Assessment Report for the proposed development on farm 974/1, Misty Cliffs, has been extended. Time to comment has been extended from 11 June 2009 to 26 June 2009.

Therefore, kindly send your details and any comments to the undersigned, by **26 June 2009**, preferably via email: project2@geostratics.co.za, or Fax: 021-852-0966, or P.O. Box 1082, Strand, 7139.

Yours faithfully

Maresa van Niekerk

Geostratics has implemented a "clean office policy" inter alia minimizing use of paper, re-use and recycle paper, toner saving printing, etc

S C Lategan MTRP, MSAPI, TRP(SA), IAIA(SA)

Figure 14: Letter to I&AP's with regard to the Final BAR submitted

Figure 15: Letter to I&AP's with regard to the availability of the TIA for comment

Figure 16: Letter to I&AP's with regard to extension of time for comment on TIA

3 COMMENTS RECEIVED

3.1 Comments on Background Information Document

3.1.1 Visual Impact

Respondent:	Comments:	Response:
Jonathan Blythe	We regularly walk along the coastline adjacent to the proposed development. Our concern is for the visual impact that the proposed house may have and its effect on access to the small carpark where the current "Misty Cliffs" stone sign appears and the fairly newly constructed stone steps accessing the area are located.	Please refer Appendix G2 to Basic Assessment Report. The path from the parking bay is via city land and thus not impacted on by the proposed dwelling.

3.1.2 Further Development along Scenic Road

Respondent:	Comments:	Response:
Howard Gold	I am in principle totally opposed to any further development below the scenic drive especially where there are options elsewhere. The City is in the process of developing a 'coastal edge' line below which no development will take place. The preferred site for the dwelling in question is definitely below that line.	Noted. The property owner has the right to construct a dwelling and such right cannot be taken away. The alternatives were thus considered and the lower section indicated as the preferred option. The visual impact on the scenic drive has been considered. Refer Appendix G2.

3.2 Comments from Authorities (Annexure E1)

Following a summary of comments received from authorities. Detail responses are included in section 3.4, unless noted.

3.2.1 Cape Nature

Cape Nature supports the findings and recommendations of the botanical specialist. Provided these are implemented, we are of the opinion that the impacts on biodiversity will be within acceptable limits.

We encourage the landowner to engage with the Table Mountain National Park regarding the management of the remainder of the property.

Response: Noted

3.2.2 City of Cape Town – Electricity

This Directorate has no objection to the proposed development and the electricity supply network in the area currently has sufficient capacity to cater for the electricity requirements (60A single phase) of the proposed development. However, in view of the current national electricity shortage, measures have been implemented to restrict growth in electricity demand and use of electrical energy. The following must be noted in this regard:

- It is not the intention of the City to stop development in its supply area;
- The developer is required to include in the development measures to improve energy efficiency to reduce the consumption of electricity in line with the green building concept;
- New and upgraded electricity supplies may be constrained to various degrees on an interim basis;
- The extent and nature of constraints to be applied will depend on energy saving achieved and the degree to which the Notified Maximum Demand of the City's intake point from Eskom supplying a particular area is utilised;
- Regardless of the Notified Maximum Demand or any other details forming part of the conditions applicable to a customer's electricity supply, he or she will not be exempt from complying with any general restrictions that might be imposed in future to limit maximum demand and the use of electrical energy. Both Eskom and National Government have indicated the intention to apply rationing measures to address the current electricity generation capacity shortage and the efficient use of electricity;
- These restrictions are likely to be in effect until constraints imposed by Eskom are lifted, and may be adapted as restrictions placed on the electricity supply to the City are modified. Applications for a connection to the City's electricity network will be subjected to the conditions applicable at the time;
- Alterations to the electricity distribution system may be necessary to accommodate the particular requirements of the proposed development. An electrical servitude will need to be registered over the portion of the roadway between the upper and lower portion of Farm 974/1. A substation site 5m along the roadway and 3.5m perpendicular to the roadway needs to be registered to the Electricity Department and established at road level on the upper side of the roadway of Farm

974/1. It must also be noted that should it be required to supply both portions above and below the road, subdivision would need to take place, as only one supply per erf/property is allowed;

- As soon as the owner of the property is ready for supply, he/she needs to appoint an electrical contractor to apply for supply on his/her behalf. This application will initiate the process of estimation, after which an account will be sent to the owner. The electrical contractor can liaise with Mr. Lawrence of the Distribution Systems Development section, situated at the Wynberg Electricity Depot.

Response: Noted

3.2.3 City of Cape Town – Roads (Arthur Fotiu)

- Discussions with Environmental Management indicate a preference for residence above Main Road (preferably none at all).
- RAG: Access spacing standards – Main Road (PMR 103) – Class 3 Secondary Arterial.
- Development Environment – Semi Rural 270m, Suburban 180m.
- Sight Distance (Speed limit – 70) required 95m
- Closest safe point of access would be virtually where the boundary between Cape Farm 979-9 and 980-0 crosses Main Road.
- This access would have to be used for the benefit of all 4 properties, by means of servitude right-of-way.
- As Main Road is PMR 103, Provincial Government: Western Cape - Transport Branch's approval will be required. There may also be road widening of about 5m which would have to be taken into account.
- This application must be referred to the Director: Roads & Stormwater for comment. Should Land-Use approval be granted, detailed engineering drawings must be submitted to that office for final approval together with the approved Site Development Plan (SDP), relevant conditions of approval and any additional engineering information required by the Director: Roads & Stormwater to assess the detailed drawings, prior to the commencement of any civil works

Response: Refer par.3.4.13

3.2.4 City of Cape Town – Transport and Stormwater (Ronald Williams)

No objection in principle to the Draft Basic Assessment Report for the proposed development of Farm 974/1 Misty Cliffs, subject to the following conditions:

- Approval of the Director:Transport (Mr Arthur Fotiu)
- Approval of the Director: Water & Sanitation (Messrs Ian Isaacs & Yusuf Ebrahim)
- Approval of the Regional Catchment Manager (Mr Martin Thompson)

- Submission of full Civil Engineering plans and Stormwater Management plans to the Director: Roads & Stormwater for approval.

3.2.5 City of Cape Town – Waterworks

Water Services

According to tests done by the Water services Directorate, there is at a static pressure of 2 bar and a constant flow of 16 litres per second on the 225mm diameter water main in the Main Road. It will be the responsibility of the owner/applicant to upgrade the water supply system at their own cost if higher pressures are required. There is therefore no objection to the proposal.

Water and Sanitation (Sewerage)

Water services, Sanitation Branch has no objection to the proposed construction of a single residential house subject to:

- an on-site sewer disposal is required for the above mentioned erf and the details of it must be submitted for approval by The Director: Water services,
- a storm-water management plan, which include a soil permeability investigation must be submitted for approval by The Director: Water Services and comments on the possibility of storm-water infiltration.

Bulk Sanitation

The anticipated wastewater flow from the proposed development is estimated to be a maximum of 0.6 kl/d. it is further anticipated that the wastewater from this property will be taken to an approved discharge point in Kommetjie, in a tanker with a capacity of 6 kl. The wastewater from the Kommetjie area is treated at the Wildevoelplei Wastewater Treatment Works. This treatment works has sufficient unallocated capacity to handle the anticipated 66kl discharge per load of wastewater from this development.

Accordingly, the Wastewater Branch has no objection to the proposed development of one dwelling unit on farm 974 ptn 1 at Misty Cliffs.

No comment is made on the ability of the sewer system between the proposed discharge point and the wastewater treatment works to handle the anticipated wastewater flow from this development, as this falls under the jurisdiction of the Reticulation Branch.

Environmental Services – Mr Howard Gold

The following issues were raised. Please refer par. 3.4 for responses.

- Evaluation of Alternative 2 (L2)
- Botanical Assessment
- Climate Change and Sea level rise
- Natural Vegetation
- Visual impact

Response: Noted and refer par. 3.4

3.2.6 Department of Agriculture

In principle the Department of Agriculture: Western Cape has no objection in terms of land use for agriculture to the proposed construction of a single dwelling on the proposed property.

Due to locality the following is advised:

- Connection to the Municipal Bulk Water Services
- Sustainable and safe sewerage system
- Water runoff control management to prevent erosion

Response: Noted

3.2.7 Department of Transport and Public Works – Roads Infrastructure

This Branch's only concern with the proposed development is the access to Main Road 103. There is insufficient detail given in the Basic Assessment Report for any comment to be given. A separate application for access should be submitted via the local authority.

Response: Refer par.3.4.13

3.2.8 Department of Water Affairs and Forestry

The Department of Water Affairs and Forestry has no objection to the proposed development and has the following conditions:

- Stormwater must be handled according to the Environmental Management Plan.
- The department does not support the use of septic tanks and soakaways for the disposal of domestic effluent, and recommended conservancy tanks.

- No surface, ground or storm water may be polluted as a result of any activities on the site
- All the requirements of the National Water Act, 1998 (Act 3 of 1998) must be adhered to at all times.
- Solid waste must be managed in accordance with the requirements of Section 20 of the Environmental Conservation Act, 1989 (Act 73 of 1989)

Response: Noted

3.2.9 Heritage Western Cape

The committee resolved to approve the less visually intrusive development below the road. No further heritage studies would be required as no heritage resources were affected.

The following conditions apply:

- If there are human remains discovered in the process of earth removal inform HWC immediately.

Response: Noted

3.2.10 Ward councilor

Please note that since I may be part of the decision making committee which will deal with this item, I shall not comment.

3.3 Comments and Responses on DBAR

Please note that Dr Graham Noble wrote on behalf of himself, the Scarborough Ratepayers & Residents Association (SRRA), the Far South Peninsula Community Forum (FSPCF) and the Greater Cape Town Civic Alliance (GCTCA) and the comments were exact copies.

3.3.1 Evaluation of Alternative 2 (L2)

Respondent:	Comments:	Response:
SANParks	Throughout the BAR alternative 2 does not enjoy the same level of investigation applied to Alternative 1. Further to this alternative 2 shows no study or alternate locations of the dwelling, i.e. on lower slopes, and driveways in the assessment and limited building platforms are not identified. In light of this it is felt that an incomplete study of	Alternative 2 was eliminated due to the potential visual impact, mainly because of the construction of an access road. Therefore, initially, it was not developed in more detail. However, after comments received from I&APs, Alternative

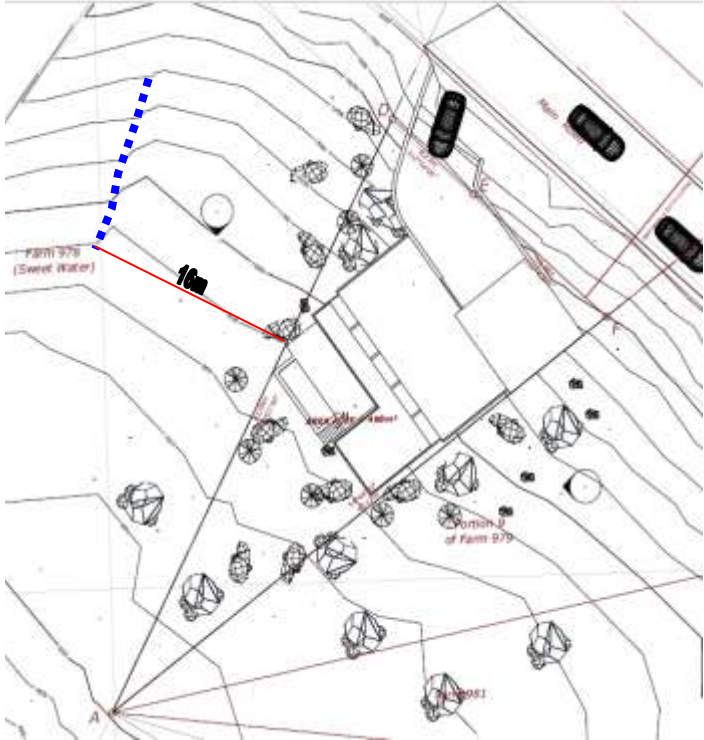
	development alternatives and associated architectural parameters (both design and use), ecological/ botanical and visual assessments is presented. These should be addressed on equal terms so as to ensure a balanced investigation of both sites and their various alternatives.	2 was investigated in more detail, please refer to the FBAR and relevant Appendixes for details.
Howard Gold	Insufficient attention is given to alternative 2 throughout the Report but particularly in Section B 'Description of receiving Environment' where it is not evaluated at all. This is not acceptable.	
Howard Gold	The brief for the botanical assessment should have included alternative 2 as well as the preferred alternative.	
Howard Gold	Considerably more work is needed to properly evaluate alternative 2. A building platform needs to be defined and architectural parameters for both design and use of materials must be established to ensure the building blends into the surroundings. Cut and fill should not be allowed and garaging and vehicular access kept to the lower slopes.	
Duncan Bates	The Basic Assessment considers two location alternatives (L1 & L2), i.e. development above or below the Road. However, this Specialist report only assesses the preferred alternative from a visual impact point of view. Again, as stated in paragraph 3.1.1 above, our clients' object to the lack of any detailed assessment of development above the road. The "preferred" should not be favoured above an alternative if no environmental assessment has revealed it to be the better option.	
Duncan Bates	The alternative above the Road has not been assessed adequately. The underlying reasoning for choosing a preferred alternative has not been guided by these environmental issues but rather by the cost of constructing an access Road to the portion above the Road, which defeats the whole aim of a scoping process and the input	

	from Specialists. If the cost of such a Road would hamper the desirability of this option, why not reduce the size of the activity from a staggering 650m ² to something more in line with the surrounding area.	
Duncan Bates	The Botanical Specialist's terms of reference only extended as far as the portion below the Road as his brief did not include an assessment of the area above the Road. This undermines the credibility of the process of assessing alternatives, as only the "preferred" alternative was assessed. It is thus unclear how the environmental consultant arrived at an environmentally sensitive/appropriate location of a dwelling above the Road if no botanical study was conducted. It is thus imperative that this study be extended to the portion above the Road in order for the public and the decision making Authority to truly apply their minds towards an informed decision; The Botanical Report emphasises the regional, national and even international significance of loss of natural vegetation on the Peninsula, due to the existing plant diversity. It further states that the site falls within City of Cape Town's Biodiversity Network.	
SANParks	The report itself, whilst very detailed, mainly focuses on the preferred site with very little attention given to alternative 2, i.e. above the road. Alternative 2 must be assessed at the same level of detail granted to alternative 1. Overall the botanical sensitivity of the site is seemingly ignored in alternative 2.	
R Frew	The Botanical specialist did not do an assessment of the area above the road as he was not briefed to do this. We feel this is imperative. The assessment was done prior to the plans for the two locations. We feel this study should be redone taking the new location into account.	The vegetation specialist conducted an assessment of the area above the Main Road on the 22 nd of April 2009, please refer to Appendix G2 of the BAR.
R Frew	No visual impact assessment has been undertaken for	On a broader scale the development above the road has

	option 2 of the development. We believe a level 4 assessment should be done on both alternatives. We believe both alternatives have a high visual impact.	a potentially larger impact than the development below the road. The Visual Impact Assessment was amended to include the potential impact of the development above the Main Road, please refer to Appendix G1 of the BAR.
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3.3.2 Botanical Assessment

Respondent:	Comments:	Response:
Duncan Bates	This assessment was undertaken in June 2007 and assumingly preceded the proposed layouts pertaining to the two location alternatives (L1 and L2), as no mention is made of any plans being assessed. Since the recommendation is that the biodiversity specialists approve all development plans, it is unknown why the plans have not been circulated to Nick Helme for additional assessment, prior to this public participation period.	Note that the aerial photo provided in the Botanical survey is not to scale and the line indicating the sensitive area not exact i.e. approximate. It merely indicates that the lower section of the property is of high sensitivity. However, the vegetation specialist was asked to comment on the proposed house, his letter is attached as Appendix L to the BAR.
Howard Gold	The botanical assessment for the site below the road defines a very limited area where a building could be erected yet the building proposal does not respond to this and is far more extensive than the maximum area defined. It is unlikely that the desired building can be erected within the botanical constraints. Scenic Drive restrictions will further limit development potential	In response to the specialist's comments please note the following: 1. If the sensitive area is demarcated properly during construction, the contractor would be prevented from moving into the sensitive area and this is feasible. An additional safeguard would be to move the foundation about one meter back and merely let the balcony cantilever, thus reducing the actual footprint.
R Frew	The botanical study suggested a maximum extent of disturbance footprint. The proposal envisages an activity double the size.	
SANParks	The report confirms the botanical sensitivity of the property and specifically so the portion below the road. A very limited area was identified below the road where development can be permitted and even said area is defines as being of "moderated conservation value" the	

	<p>size of the proposed dwelling exceeds that identified by the botanical findings which clearly did not inform the design.</p>	
<p>Duncan Bates</p>	<p>With reference to Figure 1 of the report, it is clear that the study identified certain areas of high and moderate conservation value, special features (i.e. the coastal wavecut platform, perennial streams, Milkwood trees, etc) and a suggested maximum extent of disturbance footprint. This maximum extent comprises approximately a third of the extent of this portion (Alternative L1), which translates to ±200m². The DBAR is, however, applying for an activity with an extent of 400m² for this portion. The question is thus why propose an activity double the size than what the Botanical Specialist recommends.</p>	
<p>R Frew</p>	<p>The recommendation of a buffer strip of at least 10m around the perennials streams is recommended but seemingly ignored in the proposal. We feel an assessment by a freshwater ecologist should be considered.</p>	
<p>Duncan Bates</p>	<p>The need for a no development buffer strip of at least 10m around the perennial streams is furthermore recommended. Again, it seems that this recommendation has been ignored as the proposed dwelling is located on the lateral boundaries clearly not adhering to this buffer zone. In fact, the DBAR, define the said streams as non-perennial. Not only should this discrepancy be rectified and the DBAR amended, but the positioning of the dwelling should be reconsidered to take cognisance hereof. The impact of development within these buffers is clearly measured to be High locally, and Moderate to High regionally. An assessment by a Freshwater Ecologist of these streams, is thus considered to be essential, should this alternative (L1) be pursued;</p>	<p>2. With regard to the setback from the streams the following: It is not possible to reduce the size of the house as this will result in a very narrow and undesirable building. The footprint is approximately 16m from the drainage line. It is important to note that the "stream" is in fact a drainage line which originates below the road and run to just above the rocks. The house does not intrude onto the required buffer. The scale of the aerial photo used by the specialist is indicated in his report as unknown and therefore the position of the stream is approximate. When the stream is</p>

		<p>indicated on the contour plan it is clear that the closest section of the house to the "stream" is 16m away and the rest of the house in fact set back further. The proposal thus comply with the requirement by the botanist. Also refer to the recommended conditions regarding a detail survey in Section D par.13 in the FBAR.</p> <p>The buildings are also set 10m back from the streams. The Vlooiberg stream transect the upper portion to the north and then flow north and flow into the sea well north of the lower section of the property. The property is thus not influenced by this more prominent stream.</p> <p>The streams are geomorphologically classified as non-perennial as it does not flow in summer, although the sub-soil may occasionally stay moist during summer.</p> <p>The development is set outside the freshwater systems and the ecological statement indicates that the ecological drivers are not impacted on. For this reason it is not deemed necessary to appoint a freshwater ecologist to assess the development proposed (single dwelling). Refer Ecological impact par. 5.2 in the FBAR.</p>
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3.3.3 Climate Change and Sea level rise

Respondent:	Comments:	Response:
Duncan Bates	The City is furthermore undertaking an in-dept study into the predicted impact of rising sea levels on the coastal line development. The following is an extract of a Media Release on 9 May 2008 on the City's website: "The aim of the Sea-Level Rise Risk Assessment is to predict the ramifications of sea-level changes as a result of climate	Refer section B par. 7 of FBAR

	<p>change on existing coastal systems. This will help guide coastal development and enable the City to develop long-term adaptation measures for high risk areas," says Cllr Brian Watkyns. "The predicted implications of climate change were modelled based on existing information and internationally accepted predictions of future scenarios. The model portrays what could be expected as current day worst case storm events, increased storm intensity and frequency as a result of climate change within 10 years and finally the long term inundation implications if the Antarctic and Greenland Ice-sheets melt." "What the sea-level rise risk assessment shows is that the implications of climate change for our coastline are significant. Impacts will be experienced across key service infrastructure such as wastewater treatment works, stormwater pipelines, electricity grids and substations as well as roads and rail routes. In addition, residential property and recreational amenities located in the coastal areas are particularly vulnerable", says Gregg Oelofse (City's Strategic and Planning Department).</p>	
Duncan Bates	<p>The City of Cape Town has initiated a process of compiling a Coastal Zone Management Strategy, as they are the administrative authority for the portion of the Coastal Zone above the High Water Mark. Location alternative (L1), the portion below the Road, is within 50m of the High Water Mark (the guide line minimum is 100m), as indicated in the DBAR, and would be guided by this Strategy, once approved. Mr. Howard Gold, a City Environmental Official, referred to this document in his comment contained in the Basic Assessment's Comments and Response Report. Although this policy document has yet to be approved, the following factors should be considered in assessing the appropriateness of development in this zone:</p>	<p>The proposal comprise of only one single dwelling which is the primary right of the landowner. The remaining properties are in ownership of either the City of Cape Town or managed by SANParks, therefore the approval of a house on the property will not lead to any further development of the coastline and thus not create a "developed landscape".</p> <p>Also refer section B par 7 (sea level rise) in FBAR.</p>

	<ul style="list-style-type: none"> • The following is stated in paragraph 1.3 of this document: "the coastline of Cape Town is arguably one of its greatest economic assets and has the potential, if protected and harnessed, to play a significant role in the economic development and prosperity of the City. However, this Coastal Resource is currently faced with many pressing issues." Such issues include; "fragmentation and loss of natural areas, degradation of terrestrial ecosystems due to recreational activities and inappropriate development, interference of physical coastal processes caused by development, inappropriate development and loss of recreational opportunities and scenic beauty due to sprawling urban development." • One of the strategic objectives of the Coastal Zone Management Strategy concerns Development in the Coastal Zone. It is stated that the "goal of this Coastal Management Strategic Objective is to ensure that only appropriate and sustainable development that is in the best interest of the common good is approved in the coastal zone". 	
Howard Gold	The transformation of this stretch of coast from natural and unbuilt to a developed landscape cannot be supported.	
Wally Petersen	The last remaining undeveloped coastal shelves along the Atlantic seaboard are to be found in the Soetwater Recreation Area and also in the area from Witsands Beach to Misty Cliffs. It is our opinion that all of these remaining shelves need to be protected and that further developments on these shelves should not be allowed.	
Duncan Bates	Section 25 authorizes MEC's to establish coastal set-back lines. Once such a line has been established in a zoning scheme, any person who wishes to erect or alter a structure	

	<p>situated seaward of the line must obtain permission before doing so. A coastal set-back line may, for example, be established to ensure that the shadows from high buildings do not fall on the beach or in order to take into account possible effects of sea level rise. It is argued that the proposed development's scale, positioning and design are insensitive to the coastal environment situated on its "doorstep", which could result in permanent negative implications. It is unclear how an activity of 400m², situated within 50m of the High Water Mark could be in the "interest of the common good" and not be affected by the rising sea levels.</p>	
Howard Gold	<p>Undeveloped sites like this one on the coast are extremely limited and unique and constantly under threat whereas the mountainside is less sensitive and not as limited. This is one of the reasons that the City is preparing a Coastal Urban Edge (CUE) to protect and conserve limited coastal resources from development. The site falls below the CUE in a zone proposed to be a Coastal Conservancy. This document is in draft and precludes any development below the road.</p>	
R Frew	<p>We fully endorse the National Coastal Management bill which provides for the coastal buffer zone to extend 100m inland from the boundary of coastal public property. Any development below the road would fall into this category so should not be allowed.</p>	<p>The objective of the coastal management bill is (1) to ensure access to the coast and (2) to protect the coastline against erosion. The proposed development does not (1) restrict access to the coast and (2) is set well above the coastal erosion zone due to the geology of the area.</p>
Duncan Bates	<p>It is anticipated that the National Coastal Management Bill (2006) is to be enacted soon and this White Paper also emphasizes the importance of facilitating coastal development which is sustainable. This requires development to be ecologically, socially and economically sustainable. This Bill provides that initially the coastal buffer zone would extend 100m inland from the boundary of</p>	

	coastal public property (usually the High Water Mark) in areas that have already been zoned for residential, commercial, industrial or multiple-use purposes, and 1km inland in other areas. This in effect implies that the portion below the road is entirely within this Coastal Zone and any development would require permission in terms of this Act.	
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3.3.4 National Building Regulations

Respondent:	Comments:	Response:
Duncan Bates	It will be a requirement that any building proposed to be erected on any portion of the property will require building plan approval in terms of these regulations. If an Environmental Authorisation had already been granted for the erection of such a dwelling WITHOUT taking the zoning restrictions into account, that would effectively lend tacit support to the approval of such a building plan	Without any doubt the building plan for the proposed development will be approved prior to developing. However, legislation requires that an Environmental Authorisation be obtained prior to the approval of any building plans.
R Frew	The proposed building will require building plan approval. We submit this should be done before environmental authorisation.	As described in par.3.4.7 application for the amendment of zoning conditions is a separate application to the City of Cape Town and will involve a separate public participation process where stakeholders will have the chance to comment.

3.3.5 Zoning scheme regulations

Respondent:	Comments:	Response:
Duncan Bates	Paragraph 8 of the DBAR confirms the requirement for an application, in terms of the Land Use Planning Ordinance, for a Departure from the zoning parameters. The DBAR is, however, silent on the extent of these amendments sought. We are aware that any Departure sought in this instance would require consent of Interested and Affected Parties, thus assuring some degree of Public Participation. However, we object to the omission of the details of this application	As indicated in Section B par.7 of the BAR application for amendment of zoning conditions will be submitted if Environmental Authorisation is received. Details of the extent of these amendments are not covered in the BAR as these amendments are made in terms of LUPO and not in terms of NEMA. Application for the amendment of zoning conditions is a separate application

	during the Environmental process, as they have a material bearing on the assessment of the proposed activity.	to the City of Cape Town and will involve a separate public participation process where stakeholders will have the chance to comment.
Duncan Bates	Part III Section 1 (b) and Part IV, Section 1 (a) and (b) of the Zoning Scheme state that no building or portion thereof may be erected nearer than 30 metres from any boundary of the site. It is clear from the proposed Site Layout that the dwelling below the Road (L1) is contravening the required 30m building line restrictions extensively as 0m building lines are being proposed along the lateral boundaries. The restriction posed by the geometry of the portion below the Road in this regard is acknowledged, as the widest part of this portion is less than 30m. Thus, technically, when complying with the applicable building line setbacks, no development can be allowed on this portion. A waiver of these building lines would thus prove to be essential for any development to take place. The Applicant has, however, proposed a reduction of these building line restrictions to zero, and this has not been disclosed in the DBAR for Interested and Affected Parties to comment on. The Site Plans for the portion above the Road (L2) indicate lateral building lines of 20m. Again, a relaxation of the Zoning Scheme regulations would be required in this instance.	<p>However, in order to contextualize this it has been mentioned in more detail in the FBAR.</p> <p>It need to be noted that the house on Farm 4/983 similarly encroach on the side building lines and as such does not pose any negative impact to adjoining owners.</p>
R Frew	In terms of the CMC Zonings scheme regulations no building may be erected on rural property nearer than 30 metres from any boundaries of the site. Both alternatives transgress this regulation.	
SANParks	It is clear in Alternative 1 that applicable building lines of 20m on each site boundary are ignored in design of the dwelling's size as the dwelling covers virtually the full extent of site below the road, 0m from the lateral boundaries, despite this restriction.	
Graham Noble, SRRA,	Both LUPO and the existing zoning regulations require that any building be at least 30m from each boundary. I would	

FSPCF, GCTCA	object to the relaxation of this requirement.	
R Frew	The Zoning scheme states where the area of a site is less than 21.5 ha the maximum coverage of a dwelling in this zone is 300 square metres. The proposed footprint for the alternatives is 400 sq.m and 650 square metres respectively.	Footprint areas include driveways, parking bays and access roads. The floor space (balconies and garages included) of the two alternatives are: L1: approx. 200m ² L2: approx 350m ²
Duncan Bates	The permissible total area of dwellings on a property with this zoning is 500m ² (including labourers' accommodation). It is stated in Part III Section 1 (d), of the Zoning Scheme, where the area of a site is less than the minimum required (21.5 hectares), the maximum coverage shall be restricted to that applicable to the "Agricultural zone". The maximum extent of a dwelling (including labourers' accommodation) in this zone is 300m ² (refer to Part IV Section 2 (d) of the Zoning Scheme). The latter is applicable to the subject property as it measures 15.2861 hectares in extent. Any residential dwelling, whether above or below the Road, is hence restricted to less than 300m ² , as no labourers' accommodation is proposed. The proposed footprint of the activity for the alternatives is 400m ² (L1) and 650m ² (L2) respectively. The relaxation from the Zoning Scheme required in terms of coverage, is overly extensive. These details have once again been omitted from the DBAR and the honest and actual intent of the Applicant is therefore questionable.	

3.3.6 City of Cape Town Urban Edge

Respondent:	Comments:	Response:
Graham Noble, SRRRA, FSPCF, GCTCA	If the development you proposed should take place, it would effectively shift the existing Urban Edge a considerable distance along the coast. This would be highly undesirable and against the principles described in the City	The urban edge does not relate to the primary right to construct a single dwelling on a property.

	of Cape Town's Draft Urban Edge Policy.	
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3.3.7 The guide plan (Peninsula Urban Structure Plan)

Respondent:	Comments:	Response:
R Frew	There is a right to build on properties in the Primary Nature Area, which this property does, but his must be subject to other overarching legislation which could and in our opinion should result in the adoption of the no-go option as the only alternative.	The structure plan does not give rights and does not take rights away.
SANParks	It should be noted that the subject property is earmarked as "primary Nature Area" in terms of the Peninsula Urban Structure Plan. As such erection of any structure in a nature area must mar the natural environment as little possible, despite the right to erect a dwelling on site. The preferred option contradicts this insofar as the botanical and ecological sensitivity of alternative 1 and the context of the site in its conservation capacity is concerned.	Refer section B par 5.2 (assessment conclusion) of FBAR The construction of a house does not necessarily deviate from the objective of The Guide Plan.
Duncan Bates	This approved Guide Plan (1988) designates Portion 1 of Farm 974 as Primary Nature Area. The following extracts from this policy document is of relevance: Section 4.3 (a) – <i>"The utilisation of the areas as shown approximately on Map A1 as nature areas must be aimed basically at the conservation and maintenance of the natural environment."</i> Section 4.3 (c) – <i>"Any structure or facility in a nature area must be located in such a way that the natural environment is marred as little as possible. The controlling authority concerned may lay down requirements regarding the design and positioning of such structures or facilities."</i> Section 4.3 (d) – <i>"The owner of each subdivision in a nature area that is privately owned, shall have the right to build one house with outbuildings and to provide an access road to that house, but this must be done in accordance with</i>	

	<p><i>the requirements in paragraph 4.3 (c)."</i> The importance of minimising the impact on the receiving natural environment must be reiterated, as outlined in this approved Structure Plan. Any approval of a dwelling must be subject to overarching legislation (i.e. NEMA). The no-go option is perceived to be the only option in this instance. Our comments on the envisaged impact on the environment are elaborated on in paragraph 3 below.</p>	
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3.3.8 Natural Vegetation

Respondent:	Comments:	Response:
Howard Gold	The site is deemed to be botanically sensitive. Cape Flats Dune Strandveld is highly threatened and all remaining examples need to be conserved to meet conservation targets. This is not the case for the Peninsula Sandstone Fynbos on the mountain above the road. See botanical report for more detail.	The specialist report indicates a potential development footprint due to the fact that it does not have the same level of sensitivity than the lower sections, this was taken into account in the design of the building.
SANParks	SANParks is opposed to development below the road due to the threatened Cape Flats Dune Strandveld occurring on the site, which should be conserved. A location on the lower slopes of the property above the road should be investigated in detail.	It is important to note that the specialist report indicates that the vegetation on site is not typical Cape Flats Dune Fynbos.

3.3.9 Mountain, Hills and Ridges Guidelines

Respondent:	Comments:	Response:
R Frew	The intent of the Mountains, Hills and Ridges will be violated if either option is accepted.	Section B par. 2 of the BAR indicates that the site is located on a side slope of a hill/mountain.
Duncan Bates	The DBAR states that this policy document was consulted and that no structures are located on ridgelines and that care has been taken to respect the mountain topography. The proponent states that the preferred option (L1) thus	It is stated in par.3.2.1 of Appendix G2 to the Basic Assessment Report: <i>The Guideline for the Management of Development on Mountains, Hills and ridges of the Western</i>

<p>complies with this guideline. However, the definition below is extracted from these Guidelines and it is argued that the whole property can be classified as a mountain, hill or ridge: "A mountain, hill or ridge is described as a physical landscape feature, elevated above the surrounding landscape. This includes the foot/base, slopes and crest of the mountain, hill or ridge."¹ It can be derived from the description of the categories listed in this document, that the property can be classified as a Rural/Agricultural Area ("includes fallow land and land zoned for rural/agricultural use, but not actively utilised as such"²). However, some of the criteria listed in the Natural/Wilderness Area category can be relevant to the property; "Predominantly natural and unmodified, often pristine area", and "Contains intact ecosystems". Its location adjacent to properties that can definitely be included in the latter category due to its pristine state and conservation status, i.e. Farm 978 to the North West (City of Cape Town) and Portion 9 of Farm 979 and Farm 981 to the South East (SANParks), is an important indicator to the classification of this property in terms of these Guidelines. This Guideline document states that residential development within a Rural/Agricultural Area must fit in with the character of the area and sensitive features, physical and other environmental constraints must be identified and taken into account.² A residential development in the Natural/Wilderness Areas must be evaluated in the context of the existing natural areas. The appropriateness of the proposed development is thus contested, given its sensitive location and the recommendations of these Guidelines should be adhered to. The slope of the portion of the site below the Road intended to be built upon is 1:2 (figure 7), which is very steep, and much steeper than that as indicated in the</p>	<p><i>Cape (DEA&DP, 2002) indicates that where the urban edge has been defined no urban development will be permitted beyond the designated urban edge. Applications involving small or limited development may however be considered. These decisions will be based on the information provided to the department through the EIA (in this case Basic Assessment) process.</i></p> <p>Refer more detail in the FBAR (par. 7)</p>
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	<p>DBAR, i.e. 1:10 – 1:5. These Guidelines strongly discourage development on slopes steeper than 1:4, as such areas are subject to erosion and instability. Development on this portion of the site should thus not be allowed at all, due to its steep slope. This strengthens the adoption of the area below the road as a no-go option. 1 Directorate: Environmental Management - Guideline for the Management of Development on Mountains, hills and ridges in the Western Cape, pg 3</p> <p>2 Directorate: Environmental Management - Guideline for the Management of Development on Mountains, hills and ridges in the Western Cape, Appendix A</p>	
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3.3.10 Fauna Assessment

Respondent:	Comments:	Response:
R Frew	No fauna assessment has been done which give the sensitive ecological character of the area should definitely be undertaken.	The streams are not located on the Farm 974/1. A desktop review on fauna has been included in the FBAR (refer Appendix G3). Also refer assessment of spatial components of ecological drivers (Section B par.5.2 in FBAR).
SANParks	SANParks is opposed to development below the road due to the effect on the fauna which may frequent this site and have not been sufficiently analysed (eg. Cape Clawless Otter). A location on the lower slopes of the property above the road should be investigated in detail.	
Wally Petersen	One of the most special mammals found along the Cape Peninsula coastline is the Cape Clawless Otter (<i>Aonyx capensis</i>). These animals have found it harder and harder to find suitable holt (den) areas along the Atlantic seaboard due to extensive developments taking place on these coastal shelves. The area on which this development is planned is currently home to one of these holts, and up to seven otters have been seen here at one time.	
Duncan	It must be noted that NO faunal assessment has been	

Bates	undertaken. Attention is drawn to the sensitive ecological character of the area, amongst which the Cape Clawless Otter is to be found. This species is locally threatened, and cognisance must be taken of its presence on this site and in the surrounding areas. Further, many other sea and fresh water mammals and amphibians are to be found in the vicinity, and their movements should be studied. This specialist report will then need to be incorporated into the overall assessment.	
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3.3.11 Visual Impact

Respondent:	Comments:	Response:
Howard Gold	The preferred site is almost pristine and any development on it will intrude significantly into views across the coastline from both approaching angles. There is only a very limited amount of natural coastline left on the Peninsula.	The visual impact assessment indicates that all structures are below road level, and would thus not obscure views from any approaching angles.
Howard Gold	Alternative 2 is not visually intrusive and its impact will be far less as it will not be visible from the immediate area. For motorists, who will be impacted on most, the predominant view is out to sea and not 'up the mountain.' It is important to differentiate between visual impact and visual intrusion. Development on the preferred alternative will be a visual intrusive on views across the ocean while above the road it will only have a visual impact.	Refer Appendix G1.
SANParks	Insufficient analysis of the visual impact is set out in the document. Photomontages of the proposed dwelling superimposed over the two sites (above and below the road) to show the extent and massing of the building to scale, and elevations thereof must be included for all alternatives (incl. access alternatives). The visual	

	assessment annexure also claims that the proposed use is not in conflict with an adopted plan or vision of the area. This is incorrect as Structure Plan does earmark this site as "primary Nature area" and should be managed as such in line with the use of the abutting properties as per the Structure Plan.	
Duncan Bates	The report contains contradictory statements pertaining to the potential visual impact of a dwelling below the Road. Paragraph 3.1 refers to a "moderate visual impact" requiring a level 3 assessment. Whereas it is stated in paragraph 3.2.1 that the site is categorized as a Category 2 development with a "high visual impact" expected, due to it being in a conservation area and being a scenic site of regional significance. It is then stated that a level 4 assessment may be required, which would include 3D modelling and simulations and the review by an independent, experienced visual specialist, if required. If the impact is perceived to be "high", why not conduct a level 4 assessment to accurately ascertain the true impact of both alternatives?	
Duncan Bates	An attempt is made to use the photographs included in the report to indicate the position of a dwelling (only for L1). Photograph 6 and 7 illustrates the proposed impact of the dwelling, without actually superimposing the structure on the photo. The 3D sketches, figure 1 and 2, prepared by the Architect, clearly indicate that the structure will be visible from the Road. In paragraph 5.2 it is stated that the structure below the Road would "disappear" below the view of the traveller from Scarborough. This motivation needs to be substantiated visually. It is therefore essential to supply the Interested and Affected Parties and Province with photomontages of the proposed structures (for both location	

	Alternatives)	
Duncan Bates	The assessment concluded that the "mountain precinct" (L2) would have a higher visual impact from a distance, i.e. when viewed from Witsandbay. Whereas, development on the "coastal precinct" would have a lesser impact from a distance, but a higher visual impact on site level. It is further stated that "care should be taken not to impact on the view of the passing traveller". It is our professional opinion that development on either "precinct" would have a medium to high visual impact. However, it should be noted that the volume of people travelling along this Scenic Drive far outweigh the volume of people visiting the beach at Witsandbay, or viewing the site from a distance (i.e. boat traffic). From this point of view, development below the road will be detrimental to more people enjoying the scenic qualities of the Road, and should be discouraged.	Kindly note that the potential visual impact may be medium-high but with mitigation e.g. positioning structures below road level, the visual impact is reduced to an acceptable level (low).
SANParks	The limited size of the portion below the scenic route in line with the limitation stipulated by the policy, renders this area unsuitable to development of the scale proposed.	Refer Appendix B and G2
SANParks	The layout maps provided in Annexure B lack necessary details such as dimensions which are mentioned in the report but not visually displayed per proposed layout.	Please refer Appendix B
Duncan Bates	The Visual Specialist recommended that the Scarborough and Misty Cliffs Development Guidelines be adopted in this instance. It is also stated in the DBAR that the Architectural Advisory Committee (AAC) has been consulted and are supportive of the proposal. However, it is not sure if they have assessed the latest layout sketches as contained in the DBAR. These guidelines are informed by the following principles: 1) Responsibility to the natural environment, 2) Response to climatic	The property falls outside the jurisdiction of the Misty Cliffs Village Association, but it was deemed appropriate to communicate with the MCVA on the architectural aspect due to the close proximity of the property to the Misty Cliffs Village. A meeting was held with the advisor and members of the MCVA on 31 January 2008, and the draft was referred to the Misty Cliffs Village Association as well as the architectural advisor (refer Annexure E2 for details).

	<p>conditions, 3) Positive relationship between building and street, 4) Maintaining the “fynbos green” characteristic and 5) Responsibility to the neighbourhood as a whole and to neighbouring buildings. It is felt that little cognisance has been given to the above principles as the proposed building does, in fact, resemble a monolithic block instead of groupings of smaller elements and does not promote the “rural” character of the surrounding setting.</p>	
Duncan Bates	<p>The Specialist recommends that the Misty Cliffs Village Association (MCVA) Architectural Guidelines be adopted in this regard as the property “forms an integral part of the village”. It is further stated that the Misty Cliffs Village Association has been consulted and has supported the plans, at this stage, and it is then assumed that the proposal complies with these guidelines. This statement is very dubious as the MCVA has not confirmed that they support the plans as submitted with the DBAR. Please refer to our additional comments below with regard to the Architectural design</p>	
R Frew	<p>The Scenic Drive Management Plan describes this route as of 'outstanding scenic quality and requires the highest level of protection'.</p>	Refer Appendix G2
Duncan Bates	<p>Section 10(i) of the Amendment of the Scheme Regulations (February 1990) states that “no building or structure shall be erected on a site abutting the lower side of a scenic drive as to project above the road or street.”</p>	The building does not project above the road.
Dunvan Bates	<p>The Scenic Drive Management Plan (Volume 3) has been approved by the City of Cape Town as policy in 2004. Main Road, M65, is referred to as “Witsand Main Road or Route 4” in this document. The assessment of the intrinsic qualities of this Route has led to the following</p>	Refer Visual impact assessment (Appendix G1)

	<p>description thereof: "This route provides dramatic views of a relatively undeveloped coast with its small-scale settlements of Scarborough and Misty Cliffs and transverse an area of natural resource value. The dramatic views this route offers justify categorising this route as of outstanding scenic quality and requires the highest level of protection". The economic function of the Route is assessed as being medium as it connects Kommetjie and Scarborough areas with Plateau Road, which is an important tourism route. It is stated in this Scenic Drive Management Network that the market value of land along this route can be considered to be low. This is, however, only the case for rural properties. The value of properties in Misty Cliffs, enjoying residential zonings, are incredibly high due to its uniqueness and position. The reason for the low value of the rural properties in the area is the very real option that the no-go option is the one most likely to be adopted. This Report recommends that the scenic character of the area be conserved and the tourist potential of this area must be protected and enhanced.⁷ The guidelines of development along scenic routes as outlined in this policy should be taken into account when assessing the desirability of development on the property.</p>	
<p>SANParks</p>	<p>Despite stating that the City's Scenic Drive Policy was considered, the assessment fails the intent of the policy with regards to parking along a scenic route ie that parking should be located at least 2m below back of footway level on the downward side of the route and if permitted, screening landscape must be provided.</p>	<p>The entire building is below the road level, which implies that the parking is more than 2m below road level.</p> <p>In par.5.3 of Appendix G2 to the BAR it is recommended that the site entrance and driveway be softened and landscaped to fit in with the natural environment.</p> <p>Additionally, in par.5.1.1 of the Draft Operational Management Plan it is stated that the visual objective for</p>

		management of the site is to reduce visual impact and maintain scenic quality and sense of place of area, through landscaping and appropriate layout, building and infrastructure design.
Graham Noble, SRRA, FSPCF, GCTCA	There is no indication in the Draft Basic Assessment Report that the proposed development would comply with the City of Cape Town's Scenic Drive Policy, for example that the roof would not project above the level of the road.	It is stated in par.5.1 of Appendix G1 to the BAR that the proposed house comprises a driveway from Main road leading to a garage of which the top of the roof is at road level. It is stated in par.5.1 of Appendix G1 to the BAR that although the traveler will be aware of the house, it would not protrude above the landscape and should not detract from the visual experience.
Graham Noble, SRRA, FSPCF, GCTCA	One of the key planning principle stated in the Draft City of Cape Town Coastal Development Policy, as in most such planning documents, is that 'ribbon development' should not take place along scenic coastlines. Development should be redirected to take place within existing nodes of development. This particular site is on one of the few remaining undeveloped stretches of coastline on the Cape Peninsula and should be provided with every possible protection.	The construction of a single dwelling within primary land use rights does not present ribbon development. As mentioned above the adjoining properties are earmarked for conservation and no further houses would thus be constructed along this section of the coastline.

3.3.12 Conservation and Heritage Context

Respondent:	Comments:	Response:
R Frew	In context of Conservation and Heritage and the fact that the surrounding environment is pristine as well as it abuts the Table Mountain National Park suggests that the no go option should be followed.	Heritage Western Cape has indicated that they have no objection to the proposed development, and prefer the development below the road.
Duncan Bates	The property does not abutt Misty Cliffs (other than where it touches Erf 31 at it's southernmost tip) and is separated from it by three other properties: (a) Portion 9 of Farm 979,	It is important to note that although natural areas exist, the landscape reflect significant human presence and cannot be regarded as totally pristine. This does not mean that

	<p>(b) Farm 981 (part of the TMNP owned by SAN Parks), and (c) Portion 4 of 983 (privately owned and registered as a PNR) to the South East. Farm 978, abutting the property to the North West, is owned by the City of Cape Town and included within the TMNP. The pristine natural state of the surrounding environment, and the fact that it abutts the Table Mountain National Park (one of the eight separate areas of the Cape Floristic Region - a World Heritage Site since 2004) emphasizes its high conservation value. The fact that a Scenic Drive also divides the property is significant in re-enforcing the no-go option as the only realistic alternative that should be adopted. The heritage significance of conserving pristine areas like these for future generations should be assessed. It is our clients' view that cognisance has not been taken of these sensitive surroundings during the designing and positioning of the proposed structures.</p>	<p>uncontrolled development should be allowed, but the human presence should be acknowledged.</p>
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3.3.13 Access and Traffic Considerations

Respondent:	Comments:	Response:
R Frew	<p>No Traffic Statement has been obtained and we believe this should be the case due to the scenic qualities of the road.</p>	<p>Refer par. 3.3.3, 3.3.4 and 3.3.7 above for authorities' comments.</p> <p>The request by the traffic department for a separate application can only be submitted once the building plan and building line departures are submitted to the municipality as the traffic department only accept official applications referred via the municipal process. It is thus currently not possible to obtain a formal approval and this need to be included as a condition in the environmental authorization if approved.</p>

SANParks	The layout maps provided in Annexure B lack necessary details such as study of access alternatives which are mentioned in the report but not visually displayed per proposed layout.	Access alternatives indicated the preferred access, and this preferred access is displayed in the layout maps.
Graham Noble, SRRA, FSPCF, GCTCA	Any driveway to the development envisaged in your proposal would add a further potentially dangerous traffic hazard to this already dangerous road.	Access point not in a dangerous position and only one residence traffic, thus low volume.
Duncan Bates	The DBAR lists 3 possible access alternatives (B1 – B3) to the portion below the Road (L1), with the preferred access being directly off Main Road. Due to the scenic qualities of this Road, as mentioned above, it is essential that a Traffic Statement be obtained to ascertain if this preferred access is, in fact, the best solution from a traffic and road safety point-of-view. This Traffic Statement will assist the City's Traffic Branch and the Provincial Roads Engineer (as it is a Proclaimed Main Road No. 103) in assessing the impact of the different access alternatives to a dwelling above or below the Road. It was, however, indicated by Council that the Traffic Branch is unlikely to support development below the Road as their Environmental Resources Branch is opposed to it (Howard Gold's comment)	The other alternatives have not been further assessed as it would involve permission from the land owner i.e. SANPark and the State which proved to be a cumbersome process and was abandoned by the owner when it became clear that this is not viable.

3.3.14 Need and Desirability

Respondent:	Comments:	Response:
Graham Noble, SRRA, FSPCF, GCTCA	There are many undeveloped erven in both Scarborough and Misty Cliffs and no lack of places to build an up market dwelling. Neither the broader Cape Town community nor the local community has any need for further houses in this area. From every imaginable point of view, this development would be undesirable.	As stated in section A par.2 of the BAR, the owner merely wants to utilise his right of constructing a single dwelling on the site as his personal residence for when he retires. The low use level intended is consistent with the character of the Misty Cliffs village.

3.3.15 National Environmental Management Act

Respondent:	Comments:	Response:
Graham Noble, SRRA, FSPCF, GCTCA	As the proposed development is within 100m of the sea in the Peninsula's Primary Nature Area, it should require an Environmental Impact Assessment.	The Regulations only require a Basic Assessment.

3.3.16 General

Respondent:	Comments:	Response:
SANParks	SANParks has an interest in the remaining portion of the Cape Farm 974/1 Farufem once the development footprint has been resolved. To this effect and although taking cognisance of the fact that the owner is permitted per the applicable zoning scheme regulations to erect a dwelling on this property, our view is that the scale and impact of the proposed dwelling on the preferred location below the road is not suitable to the surrounding area. The site above the road has not been adequately investigated and is required to allow a fully informed comment. Further detailed assessment of various lower impact locations and mitigations of restricted development above the road in keeping with the natural context of the site, should be investigated.	Refer FBAR
Duncan Bates	This property has been for sale for a long time prior to Mr. Driessel acquiring it. The reason for this is believed to be the fact that the status quo of the land prohibits development and that the process involved would prove to be too intricate. In other words, the no-go option has always been considered as the solution for the land, given its location, topography, etc. It must be noted that many prospective purchasers (including Thiba Investments) have undertaken feasibility and due diligence investigations in the past, which has resulted in the perception that any development	This is a personal opinion. The proposal is furthermore not for an increase in development rights but merely to construct a single residence.

	rights would be extremely to achieve, given the many restrictive aspects as outlined in this report.	
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3.4 Comments on TIA

Herewith a summary of the issues raised with regards to the TIA.

1. Concerned about additional traffic on Main Road and impacts not sufficiently investigated. The application is for a single residential dwelling which generate normal household traffic for one house. The Addendum to the TIS provide more detail.
2. Access to the upper portion has not been adequately assessed. The Addendum to the TIS deals in more detail with this alternative.
3. Alternatives for access below road not safe. This has been assessed in more detail in the Addendum to the TIS and mitigation measures proposed to improve safety.

4 SUMMARY OF ISSUES

4.1 Vegetation sensitivity

Concerns were raised that the house will cause damage to sensitive vegetation. The botanical survey indicated the sensitive areas and the building footprint has taken this into account. Potential damage during construction will be prevented through strict rules set in the Construction EMP.

4.2 Climate Change and Sea level rise

Concerns were raised that the house may be impacted by sea level rise due to climate change. The City of Cape Town has determined a development line below which development should not occur. This line was determine on the 5m contour. The property is in its totality above this line.

4.3 Zoning scheme regulations

The issue was raised that the preferred option depart from the building lines in terms of the zoning scheme regulations. It should be noted that a process exist by which application can be made to deviate from these regulations, and such application can only be considered once the environmental approval has be granted. Should an environmental authorization be issued, a separate application in terms of the Land Use Planning Ordinance, 15 of 1985 will be submitted to the City of Cape Town.

4.4 City of Cape Town Urban Edge

The issue was raised that the development is outside the urban edge. it should be noted the application is for a single residence within the existing land use rights and the proposal does not contravene the urban edge requirements.

4.5 The guide plan (Peninsula Urban Structure Plan)

The land use rights of the property is not changed by this application. The zoning will remain the same and it is merely the construction of a single residence within the land use rights. This means that no guide plan amendment is required.

4.6 Visual Impact

The various impacts were assessed. any building will have an impact, but the building below the road will have the least impact and given the design principles of keeping all structures below the road, be of low significance.

4.7 Access and Traffic Considerations

Detailed TIA and addendum was prepared which indicated that a driveway to a house below the road with a car lift/turn platform is the preferred option.

5 CONCLUSION

It is my professional opinion that the issues raised were dealt with sufficiently in the Basic Assessment report to allow the DEA&DP to take an informed decision. Following is summary of the key issues:

1. Visual impact

The VIA deals with this issue in sufficient detail and comes to the conclusion that neither of the proposed alternatives present an unacceptable level of change with regard to visual quality of the area if development is implemented as proposed and the recommendations imposed. The house below the road however has less impact as the upper house access road contribute to the visual impact.

2. Sea level rise and Climate change

The BAR illustrates that the development is set above the indicated levels and would not be impacted on by the modeled sea level rise scenarios that the City of Cape Town use in setting development parameters.

3. Biodiversity and ecological sensitivity

The Botanical survey and the ecological assessment indicates that both alternatives are set outside the high sensitive areas and will not have an impact on the sustainability of ecological processes.

Annexure E1

Comments from Authorities

Annexure E2

Comments from I&APs