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SPATIAL ANALYSIS, CONSERVATION PLANNING, GEOSPATIAL SOLUTIONS
2004/080851/23

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10 March 2011
My Ref SCB-974-01

Sir/Madam,

FARM 974/1, MISTY CLIFFS: FINAL SCOPING REPORT

As registered Interested and Affected Party you were previously informed of the intended development of a single residence on Portion 1 of Farm 974, Misty Cliffs and provide the opportunity to respond to the Basic Assessment Report. After considering responses from Interested and Affected parties and the various authorities, the following alternatives were finally considered as potentially viable:

Location Alternative L1	Access Alternative	Location Alternative L2	Access Alternative
Construction of house on lower section of Main Road	A: Driveway direct off Main Road with park lift/turn platform	Construction of house on section above Main Road	D: Driveway of 43m from Main Road to upper location
	B: Driveway via Farm 978		
	C: Driveway via 979/9 and 981		

The alternatives were assessed. Attached as Addendum A to this letter a summary of the potential impacts and proposed mitigation measures. This assessment indicates that the alternative comprising a house below the road with a car lift (turn table) has the least impacts after mitigation. The alternatives comprising the provision of driveways via adjacent properties result in higher impacts and may, due to negotiations with the respective land owners result in a fatal flaw situation. The alternative above the road present high impacts with regard to visual significance as well as a high fire risk.

Since the inception of this application, new regulations were promulgated and came into effect on 2 August 2010. The transitional arrangements regarding applications under consideration (as is the case with this application) is that it be proceeded with in terms of the previous regulations but that the implications of the new regulations be assessed and if necessary any additional requirements be complied with.

Addendum B provides a summary of the possible activities in terms of the new regulations which may require an environmental assessment and illustrate the corresponding regulations dealt with in the current application under the previous regulations

Addendum B indicates that a house on the lower section would definitely still be subject to an environmental authorization in terms of the NEMA 2010 regulations. The house above the road would not require an environmental authorization but the access road potentially trigger a Basic Assessment.

It is clear that no additional activities are listed in terms of the new regulations, which have not previously been considered and assessed.

All documentation is hereby made available for your comment.

A hard copy will be placed at the Camel Rock Restaurant, Main Road, Scarborough (previously I&AP's indicated that the Kommetjie library is not a suitable venue due to its limited operating hours).

If you have provided us with a postal address, you will receive a CD containing all the documentation.

All comments have to be submitted in writing to:

project2@geostratics.co.za

or

PO Box 1082
Strand
7139

and should reach us no later than 21 April 2011

Yours sincerely,

SC Lategan

Addendum:

- A Summary of alternatives and Impacts
- B Implications of 2010 regulations

SUMMARY OF ALTERNATIVES AND POTENTIAL IMPACTS DURING PLANNING AND CONSTRUCTION

Impact rating before mitigation

Impact	House below road with driveway to car lift	House below road with driveway via Farm 978	House below road with driveway via Farm 979/9 and 981	House above road with driveway directly off Main Road
Erosion	Significant earthworks can cause erosion. Little if any additional earthworks required to fit lift.	Significant earthworks can cause erosion. Driveway require significant earthworks.	Significant earthworks can cause erosion. Driveway require significant earthworks	Significant earthworks are required to build an access road and due to the slope a large area will have to be cut to build the house
Visual	Can block view from Main Road. Construction may be visible from across the bay			Construction next to Main Road may detract from scenic quality. Construction may be visible from across the bay.
Pollution	Possible pollution of groundwater with cement, building chemicals etc			
Vegetation	The potential exist that sensitive areas can be damaged			
Sea level rise	Increase in sea level due to climate change can impact on locality of house. Development should be above 5msl.			None
Road safety	Access for construction vehicles to the site may hamper traffic on Main Road.			

Impact rating after Mitigation

Impact	House below road with driveway to car lift	House below road with driveway via Farm 978	House below road with driveway via Farm 979/9 and 981	House above road with driveway directly off Main Road
Erosion	Refer Construction EMP	Unavoidable	Unavoidable	Refer Construction EMP
Visual	Refer Construction EMP for screening of sites. Impact temporary.			
Pollution	Refer construction EMP			
Vegetation	Recommendations of Botanist be adhered to. Also refer EMP			
Sea level rise	All structures planned above the proposed development line namely 5msl			N/A
Road safety	Provide sufficient signs and warning signs; on-site signalling during peak hours			

Rating:

High
Medium
Low

SUMMARY OF ALTERNATIVES AND POTENTIAL IMPACTS DURING OPERATIONAL PHASE

Impact rating before mitigation

Impact	House below road with driveway to car lift	House below road with driveway via Farm 978	House below road with driveway via Farm 979/9 and 981	House above road with driveway directly off Main Road
Erosion	Uncontrolled storm water can cause damage to the coastal strip	Larger surface with potential to cause increased run-off		
Visual	The house was planned in such a way to retain view lines from the road.	The house was planned in such a way to retain view lines from the road. The driveway will create a significant impact due to its visibility from across the bay		Due to the isolated locality at such a high contour line as well as the significant earthworks required to create a safe access intersection the house and driveway will remain extremely visible from across the bay.
Fire risk	Isolated from main natural area by the road and bordered by the coast			Positioned in vegetation type prone to and dependant on fire
Ecological processes	Taken into account during planning and thus already mitigated.	The driveway will cross the moist, sensitive area	No significant ecological components present	Taken into account during planning and thus already mitigated
Risk to fauna	Migration or breeding of endangered or vulnerable species do not occur on site	Driveway position may restrict migration or breeding		Avoid footprint encroaching onto sensitive areas.
Road safety	The 60m available distance to the north-west is 75m less than the prescribed distance of 135m, as this section of the road operates at a 90km/h speed limit.	stopping sight distances of 80m and 135m are easily achieved to the north-west and south-east respectively, which complies fully with prescribed guidelines and is the major advantage of this alternative, in relation to the others	The required stopping sight distance from this access point to the north-west is 107m and over the required 80m to the south-east respectively. The 107m north-west sight distance is less than the prescribed distance	The above-road access has highly sub-standard sight-lines available along Main Road, especially to the north-west. Poor visibility from this point is mainly ascribed to the fact that the access is located on the less-favourable position on the 'inside' of the curve of Main Road.
legal viability	All construction is on the application's property and normal access to the road via an application to the local authority required	Access to be obtained via properties in different ownership and portions proclaimed national park. These options would require significant negotiations and currently does not appear feasible.		Significant construction need to be undertaken within the road reserve as to achieve the required sight distances.
Maintenance	N/A	various owners may be responsible for maintenance which can be problematic and result in problems		N/A

Impact rating after Mitigation

Impact	House below road with driveway to car lift	House below road with driveway via Farm 978	House below road with driveway via Farm 979/9 and 981	House above road with driveway directly off Main Road
Erosion	Retention areas must be created to reduce the speed of run-off. This can be done by providing a catchment tank underneath the house. run-off water will gather in the tank and be dispersed slowly (single point discharge must be avoided).			
Visual	All structure as situated below view line. Entrance and street boundary appropriately landscaped	Due to retaining walls for the driveway, it will remain visible from across the bay. Planting can reduce the visibility		Planting to screen driveway. Minimize glazing to reduce glare from across the bay. Mitigation measure to reduce fire risk increase visual impact.
Fire Risk	None			Use fire resistant materials. Create fire break around house.
Ecological processes	Avoid footprint to encroach – this include restriction of landscaping	Unavoidable	Avoid footprint to encroach – this include restriction of landscaping	Avoid footprint to encroach – this include restriction of landscaping
Risk to fauna		Unavoidable		
Road safety	Should the speed limit be reduced to 60km/h (as it is to the south-east of Erf 974/1), the available stopping sight distance will only fall short by 20m (as only 80m will be required). It is hence of key importance that the speed limit be reduced from 90km/h to 60km/h on the portion of Main Road to the north-west of Erf 974/1.	None	Reduce speed limit to 60km/h.	The stopping and shoulder sight distance at this access could be brought more in line with the prescribed standards by cutting back a portion of the embankment in the road reserve on the upper side of Main Road, so as to create a clear line of sight to and from the proposed access. This “daylighting”, in conjunction with the speed limit reduction would enable much improved sight lines.
legal viability	Normal application procedures	Potential fatal flaw situation		Lengthy negotiation and potentially not financially feasible.
Maintenance	N/A	legal agreements		N/A

Following an indication of the potential implications of the August 2010 regulations.

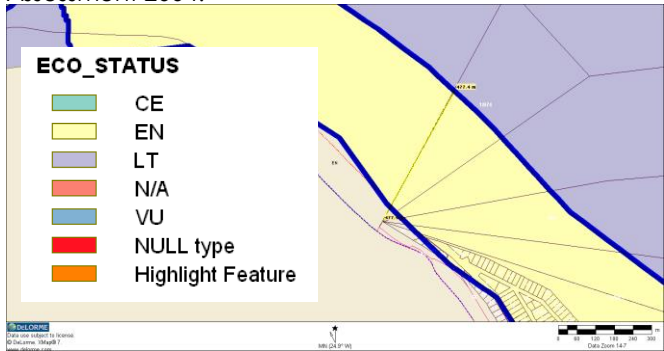
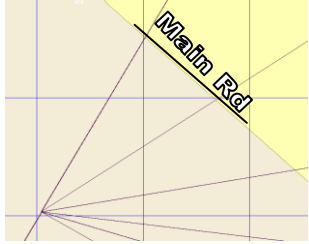
Regulation 544: Listing Notice 1 (Activities for which a Basic Assessment is required)

No	Activity	House below the Road	House above the road (plus access road)	NEMA 2006 Regulations R386
16	Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100m inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of – (ii) embankments; (iv) rock revetments or stabilising structures including stabilising walls; (v) buildings of 50 m ²	Yes	No. The section of the property above the road is more than 100m from the HWM.	Activity 2 Construction or earth moving activities in the sea or within 100m inland of the high-water mark of the sea, in respect of – (e) stabilizing walls (f) buildings (g) infrastructure As per current application
18	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from (iv) ...a distance of 100m inland of the high water mark of the sea...	Yes	No	Activity 6 The excavation, moving, removal, depositing or compacting of soil, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 meters inland of the high-water mark of the sea.
22	The construction of a road, outside urban areas, (i) With a reserve wider than 13,5m or, (ii) Where no reserve exists where the road is wider than 8 metres, <i>(Note that the previous regulations specified a road of more than 4m and longer than 30m)</i>	No	Potentially if an access road is defined as a road and is more than 8m. In terms of the previous regulations the intended access road is defined as a road. The proposals indicates that the access road will be less than 8m <i>(Also refer to Listing 3 section 4 below)</i>	Activity 15 The construction of a road that is wider than 4 meters or that has a reserve wider than 6 meters, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 meters long

Regulation 545: Listing Notice 2 (for which a scoping and Environmental Impact Report is required):

None applicable

Regulation 546: Listing Notice 3 (for which a Basic Assessment is required)

No	Activity	House below the road	House above the road (plus access road)	
4	The construction of a road wider than 4m with a reserve less than 13,5m Western Cape: (ii) all areas outside urban areas	No	Yes (if access road is defined as a road) and is wider than 4m	Activity 15 The construction of a road that is wider than 4 meters or that has a reserve wider than 6 meters, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 meters long
12	The clearance of an area of 300m ² or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation (a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004 ; (b) Within critical biodiversity areas identified in bioregional plans; (c) Within the littoral active zone or 100m inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas.	The upper section of the site (above the road) is indicated as Endangered and the top section Least Threatened in terms of the National Spatial Biodiversity Assessment 2004.  The section below the road is not included in the BGIS dataset. This can however only be a scale issue.  Section 12(a) not applicable No bioregional plans The house below the road would be subject to section (c) if more than 300m ² is going to be cleared.		Activity 5 The removal or damaging of indigenous vegetation of more than 10 square meters within a distance of 100 meters inland of the high-water mark of the sea.