



# AD HOC SETBACK LINE CHECKLIST

for

## ACCESS DRIVEWAY TO ERF 222 BUFFALO BAY

On

Erf 210 & a portion of Erf 215 Main  
Road, Buffalo Bay

In terms of the

National Environmental Management Act (Act No. 107  
of 1998, as amended) & 2014 Environmental Impact  
Regulations

**Prepared for Applicant: Magdalena Roos**

**Date: 10 February 2022**

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**Report Reference: KNY474/15**

**Department Reference: 16/3/3/6/2/D4/4/0214/21**

**Case Officer: Shireen Pullen**

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**PURPOSE OF THIS REPORT:**

Stakeholder Review & Comment

**APPLICANT:**

Magdalena Roos

**CAPE EAPRAC REFERENCE NO:**

KNY474/15

**SUBMISSION DATE**

18 February 2022

**PUBLIC PARTICIPATION**

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# AD HOC SETBACK LINE APPLICATION

in terms of the  
National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended &  
Environmental Impact Regulations 2014

## Access Driveway Across Erf 210 to Erf 222 Buffalo Bay

### Erf 210 Buffalo Bay

Submitted for:

#### Stakeholder Review & Comment

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# ORDER OF REPORT

## Ad Hoc Setback Line Checklist

- Appendix A** : Screening Tool Report
- Appendix B** : Location, Biodiversity & Setback Line Maps
- Appendix C** : Existing Approvals:
- Existing Adhoc Development Setback Line for Erf 222
  - Previous OSCAE Permit for House on Erf 222.
  - Encroachment Agreement with Municipality for Access across Erf 210.
- Appendix D** : Existing Adhoc Development Setback Line for Erf 222
- Appendix E** : N/A
- Appendix F** : Zoning of properties



## TABLE OF CONTENTS

**SECTION A: ADMINISTRATIVE DETAILS .....8**

**SECTION B: DETAILS OF CURRENT ACTIVITIES/EXISTING DEVELOPMENT... 10**

**SECTION C: PROJECT DETAILS..... 17**

**SECTION D: POTENTIAL LISTED ACTIVITIES THAT YOU REGARD MAY BE APPLICABLE TO THE PROPOSED DEVELOPMENT .....22**

**SECTION E: PLANNING CONTEXT .....24**

**SECTION F: EXISTING BIOPHYSICAL CONTEXT .....26**

**SECTION G: ENVIRONMENTAL IMPACTS .....30**

**SECTION H: DECLARATIONS .....34**

**1. DECLARATION OF THE PROPONENT .....34**

**2. DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”) .....35**

## TABLE OF FIGURES

**FIGURE 1: FEBRUARY 2010 GOOGLE STREET VIEW – SHOWING MUNICIPAL BUILDINGS PREVIOUSLY ON REMAINDER OF ERF 65 (MIDDLE) & ERF 221 (RIGHT) BEFORE BUILDINGS WERE DEMOLISHED IN 2016 & PROPERTIES SOLD BY THE MUNICIPALITY..... 12**

**FIGURE 2: 2010 STREETVIEW SOUTHWEST FROM MAIN ROAD SHOWING EXISTING ACCESS ROAD & DISTURBED AREA NEXT TO BUILDING NOW UNDER THE ENCROACHMENT AGREEMENT. .... 12**

**FIGURE 3: AERIAL IMAGE INDICATING ERF 222 (RED POLYGON) & NEIGHBOURING PROPERTY CADASTRAL BOUNDARIES (COURTESY GOOGLE EARTH PRO, 2021). YELLOW POLYGON INDICATES APPROX. PORTION OF ERF 210 UNDER EXISTING ENCROACHMENT AGREEMENT. .... 13**

**FIGURE 4: 2010 STREET VIEWS OF ACCESS ONTO ERF 210 OFF MAIN ROAD, BUFFALO BAY (COURTESY GOOGLE EARTH PRO). .... 13**

**FIGURE 5: GAZANIA, GRASS & ARCTOTIS GROWING ON DISTURBED AREA OF ERF. .... 15**

**FIGURE 6: FALKIA & DEAD BRUSH GROWING ON THE COASTAL SIDE OF THE ERVEN. A SINGLE CAPE SAFFRON BUSH (CASSINE PERAGUA) NOTED IN 2M SETBACK INE OF ERF 222. VEHICLE PARKED ON ROAD LOOP ON ERF 210. .... 15**

**FIGURE 7: ISLAND OF THICKET VEGETATION ON ERF 210 TO THE SOUTH-EAST OF ERF 222. STRIPS OF WIND-SWEPT ROOIKRANS & COASTAL SCRUB WILL NEED TO BE REMOVED TO WIDEN, EXCAVATE & PAVE THE ACCESS DRIVEWAY ACROSS ERF 210 TO ERF 222. THE MILKWOOD TREE IS POSITIONED ON THE SEAWARD SIDE OF THE THICKET ‘ISLAND’ AND WILL THUS NOT TO IMPACTED BY THE ABOVEMENTIONED ACTIVITIES.. 16**

FIGURE 8: PUBLIC ACCESS TO BRAAI AREA ON ERF 210 TO THE EAST OF ACCESS DRIVEWAY / THICKET 'ISLAND' – WILL NOT BE IMPACTED BY ACTIVITIES.....	17
FIGURE 9: ACCESS DRIVEWAY & VEHICLE RAMP EXCAVATION LAYOUT OVERLAY ONTO AERIAL IMAGE.....	18
FIGURE 10: DRIVEWAY LAYOUT ACROSS ERF 210 TO ERF 222, INDICATING EXCAVATED SLOPES. BLUE DASHED LINE INDICATES EXISTING ENCROACHMENT AGREEMENT AREA.....	18
FIGURE 11: AERIAL IMAGE OF BUFFALO BAY COASTAL HEADLAND, INDICATING LOCATION & EXTENT OF THE MUNICIPAL ERF 210 (IMAGE COURTESY OF GOOGLE EARTH PRO, 2021).....	20
FIGURE 12: SOUTH ELEVATION PLAN OF NEW HOUSE ON ERF 222 INDICATING BASEMENT GARAGE & SLOPED EMBANKMENTS ON EITHER SIDE OF SUBSURFACE DRIVEWAY RAMP.....	21
FIGURE 13: ZONING OF PROPERTIES I.T.O. KNYSNA ZONING SCHEME MAP.....	24
FIGURE 14: VIEW SOUTH-EAST ALONG SEASHORE IN FRONT OF ERF 222. RED CAR IN PHOTO PARKED ON EXISTING ROAD LOOP OF ERF 210.....	27
FIGURE 15: AERIAL IMAGE OF BUFFALO BAY COASTAL HEADLAND, INDICATING LOCATION & EXTENT OF THE MUNICIPAL ERF 210 (IMAGE COURTESY OF GOOGLE EARTH PRO, 2021).....	28
FIGURE 16: ESA & CBA MAP. ERF 222 INDICATED BY RED POLYGON. ERF 210 AND TOP ROAD OF ACCESS LOOP TO SOUTH-EAST APPLICABLE.....	29
FIGURE 17: ERF 222 & ERF 210 (ROAD LOOP) IN RELATION TO THE COASTAL MANAGEMENT LINES.....	30
FIGURE 18: PROPOSED SETBACK LINE AMENDED FROM DASHED YELLOW LINE TO TEMPORARY (BLUE) & PERMANENT (YELLOW SOLID LINE).....	32
FIGURE 19: PROPOSED TEMPORARY (BLUE LINE) & PERMANENT (YELLOW LINE) SETBACK LINES.....	33



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

FORM NO. S10/2019

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**CHECKLIST FOR THE DEFINITION/ADOPTION OF AN AD HOC  
DEVELOPMENT SETBACK LINE**

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)  
ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS.**

**NOVEMBER 2019**

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(For official use only)	
Setback Line Reference Number:	
Date received by Department:	
Date received by Directorate:	
Date received by Case officer:	

**GENERAL PROJECT DESCRIPTION**

(This must include an overview of the project including the Farm name/Portion/Erf number).

Access driveway to Erf 222 along existing road on Erf 210 & portion of Erf 215 (road reserve of Main Street), Buffalo Bay, Knysna.

## IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THIS CHECKLIST

### 1. Purpose

The purpose of this checklist is to provide baseline information for the determination of an *ad hoc* development setback line.

### 2. General

- 2.1 The Environmental Impact Assessment Regulations ("EIA") is defined in Chapter 5 of the National Environmental Management Act ("NEMA"), hereinafter referred to as the "NEMA EIA Regulations".
- 2.2 The required information must be typed within the spaces provided in the checklist. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The tables may be expanded where necessary.
- 2.3 Unless protected by law, all information contained in, and attached to this checklist, will become public information. Upon request, the proponent must provide any interested and affected party with the information contained in or submitted with this checklist.
- 2.4 **No faxed or e-mailed checklists will be accepted.**
- 2.5 The quality, correctness and detail of information submitted by you is extremely important and it remains your responsibility to interrogate the specifics of your proposed development in order to report on the potential listed activities in this checklist.
- 2.6 This **checklist is a guide** to the information that must be submitted. Any additional information, pictorial evidence or explanations prompted by the checklist must be submitted along with this checklist in order to ensure that the Competent Authority does not need to request additional information from you. Incomplete checklists will result in a request for additional information.
- 2.7 It is an offence in terms of Section 24F of the NEMA to provide incorrect or misleading information to the Competent Authority.
- 2.8 Any proposed development must always be designed in a water wise and conscious manner. Climate change considerations must always be taken into account with respect to any development proposal.
- 2.9 Section 28(1) of the NEMA must always be taken into account which deals with the Duty of Care and the remediation of environmental damage.
- 2.10 This checklist is current as of **November 2019**. It is the responsibility of the Proponent / Environmental Assessment Practitioner ("EAP") to ascertain whether subsequent versions of this checklist have been released by the Competent Authority.
- 2.11 This checklist must be **duly dated and originally signed** by the Proponent and/or EAP (if applicable) and must be submitted to the Department at the details provided below.

### 3. Administrative requirements

This checklist must be used to request the Competent Authority to define/adopt an *ad hoc* development setback line in terms of the NEMA EIA Regulations.

### 4. Circulars, Guidelines and Tools

- 4.1 The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations and guidelines must be taken into account when completing this Checklist.
- 4.2 The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link <https://screening.environment.gov.za/screeningtool> to generate the Screening Tool Report. The Screening Tool Report must be attached to this checklist as Appendix A.

### 5. Setback Line Information



- 5.1 An *ad hoc* development setback line is defined/adopted in terms of the NEMA EIA Regulations and only relates to the relevant listed activities triggered by the proposed development where this Department is the competent authority.
- 5.2 An *ad hoc* development setback line is **not** defined/adopted in terms of the **National Environmental Management Act: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA") / National Water Act, 1998 (Act No. 36 of 1998)** or any other legislation, and notwithstanding the location of the *ad hoc* development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to. The requirements of all relevant legislation must be met.
- 5.3 An *ad hoc* development setback line that may be defined/adopted does not imply that the area inland of the line will not be exposed to risks arising from dynamic processes, including the risk of flooding or erosion.

## **6. Minimum Public Participation Process Requirements**

- 6.1. **A public participation process must be undertaken** as part of the setback line definition/adoption request. As a minimum you will be required to:
  - 6.2. inform the surrounding neighbours and your local authority of your intentions (these interested and affected parties will be regarded as registered interested and affected parties);
  - 6.3. allow a minimum of 30 days as a commenting period for these interested and affected parties;
  - 6.4. obtain written comment from all relevant Organs of State and the Local Authority; and
  - 6.5. respond to comments received and the proof of the public participation including all comments received and responses provided thereto must be submitted to the Competent Authority.

### DEPARTMENTAL DETAILS

<b>CAPE TOWN OFFICE: REGION 1 and REGION 2 (City of Cape Town, West Coast District, Cape Winelands District &amp; Overberg District)</b>	<b>GEORGE OFFICE: REGION 3 (Central Karoo District &amp; Garden Route District)</b>
The Application must be sent to the following details: Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000 Registry Office 1 <sup>st</sup> Floor Utilitas Building 1 Dorp Street, Cape Town Queries should be directed to the Directorate: Development Management (Region 1 and 2) at: Tel: (021) 483-5829 Fax (021) 483-4372	The Application must be sent to the following details: Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530 Registry Office 4 <sup>th</sup> Floor, York Park Building 93 York Street George Queries should be directed to the Directorate: Development Management (Region 3) at: Tel: (044) 805-8600 Fax (044) 805 8650

### GENERAL REQUIREMENTS

#### 1.1. Locality Map

A locality map must be attached to the Application Form, as Appendix B. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must include the following:

- an accurate indication of the project site position as well as the positions of the alternative sites, if any;
- road names or numbers of all the major roads as well as the roads that provide access to the site(s)
- a north arrow;
- a legend;
- the prevailing wind direction; and
- GPS co-ordinates (Indicate the position of the proposed activity with the latitude and longitude at the centre point for the site. The co-ordinates should be in degrees and decimal minutes. The minutes should be to at least three decimal places. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)

### APPENDICES

The following appendices must be attached to this Application Form:

APPENDIX	Confirm that Appendix is attached	
Appendix A:	Screening Tool Report	✓
Appendix B:	Maps	✓
Appendix C:	Existing Approvals	✓
Appendix D:	Existing <i>ad hoc</i> setback lines	✓
Appendix E:	Existing Directives	N/A
Appendix F:	Zoning of properties	✓

## SECTION A: ADMINISTRATIVE DETAILS

Highlight the Departmental Region in which the intended application will fall	CAPE TOWN OFFICE		GEORGE OFFICE
	REGION 1 (City of Cape Town, West Coast District)	REGION 2 (Cape Winelands District & Overberg District)	REGION 3 (Central Karoo District & Garden Route District)
1. <b>Duplicate this section where there is more than one Proponent.</b> Name of proponent: RSA Identity/ Passport Number: Name of contact person for proponent (if other): RSA Identity/ Passport Number: Company/ Trading name/State Department/Organ of State : Company Registration Number: Postal address: Telephone: E-mail:	<b>Magdalena Roos</b>		
	7212300068081		
	----		
	----		
	----		
	----		
	P.O. Box 66121		
	Highveld	Postal code:	0169
	-----	Cell:	082 601 9689
	E-mail:	mmsroos@me.com	Fax: ----
2. Company of EAP: EAP name: Postal address: Telephone: E-mail: Qualifications: EAPASA registration no:	Cape Environmental Assessment Practitioners ( <i>Cape EAPrac</i> )		
	Mrs Siân Holder		
	PO Box 2070		
	George	Postal code:	6530
	044 874 0365	Cell:	071 603 4132
	E-mail:	sian@cape-eaprac.co.za	Fax: 044 874 0432
	MEd Environmental Education, BTech & Nat.Diploma Nature Conservation		
	Director <b>Louise-Mari van Zyl</b> (MA Geography & Environmental Science [US]; Registered Environmental Assessment Practitioner with the Environmental Assessment Practitioners of South Africa, EAPSA, Registration Number <b>2019/1444</b> . Ms van Zyl has over sixteen years' experience as an environmental practitioner.		
	EAPASA registration no:		
	3. <b>Duplicate this section where there is more than one landowner</b> Name of landowner: Name of contact person for landowner (if other): Postal address: Telephone: E-mail:	<b>Knysna Local Municipality</b>	
Dawid Adonis (Acting Municipal Manager)			
P.O. Box 21			
Knysna		Postal code:	6570
(044) 302 6302		Cell:	----
E-mail:		dadonis@knysna.gov.za	Fax: ----
Name of Person in control of the land: Name of contact person for person in control of the land: Postal address: Telephone: E-mail:			
As above			
Melony Paulsen			
P.O. Box 21			
Knysna	Postal code:	6570	
(044) 302 6492	Cell:	----	
E-mail:	Mpaulsen@knysna.gov.za	Fax: ----	

5.	<p><b>Duplicate this section where there is more than one Municipal Jurisdiction</b></p> <p>Municipality in whose area of jurisdiction activity will fall:</p> <p>Contact person:</p> <p>Postal address:</p> <p>Telephone</p> <p>E-mail:</p>	<b>Knysna Local Municipality</b>		
		Kate Southey / Pam Booth		
		P.O. Box 21		
		Knysna	Postal code:	6570
		(044) 302 6375	Cell:	060 998 6940
		<a href="mailto:ksouthey@knysna.gov.za">ksouthey@knysna.gov.za</a>	Fax:	----
	<a href="mailto:pbooth@knysna.gov.za">pbooth@knysna.gov.za</a>			

## SECTION B: DETAILS OF CURRENT ACTIVITIES/EXISTING DEVELOPMENT

1.	Do you have any approvals for the new development? If yes, explain and attach a copy/ies as Appendix C.	<b>YES</b>	<b>NO</b>
<p>In July 2017, the Western Cape Department of Environmental Affairs &amp; Development Planning (DEA&amp;DP) approved an <b>Adhoc Development Setback Line for Erf 222</b> (private erf directly adjacent to the north-west) aligned along the 2m building line of the erf seaside property boundary. This environmental authorisation is applicable Activity 19A (NEMA Listing Notice 1) and associated with the relaxation of the building lines and coverage restrictions for the proposed new primary dwelling on the private Erf 222. This approval included the use of the existing access road on Erf 210 to Erf 222.</p>			
<p><b>3. DECISION</b></p> <p>The competent authority hereby <b>defines/adopts</b> the development setback in terms of the NEMA EIA Regulations, 2014 for the subject property (Erf 222, Buffalo Bay), as the <b><u>2 meter building line from the southern boundary of Erf 222</u></b>. The setback line is adopted only for the purposes to construct a two storey residential dwelling with a basement on erf 222. Access to the property will be via the existing access on the adjacent open space erf 210.</p>			
<p>In October 2017, an <b>OSCAE Permit was approved</b> by the Knysna Municipal permitting the clearance of vegetation and earthworks associated with the House Building Plans submitted for Erf 222 at that time. These house plans, as well as those submitted to DEA&amp;DP as part of the Adhoc Development Setback Line Application, indicated the access via the existing gravel track across the neighbouring municipal property (Erf 210) in terms of an <b>approved Encroachment Agreement</b> with the Knysna Municipality.</p>			
<p><b>12. After completion of dwelling, the adjacent area of ERF 210, approved under the Environment Agreement with Knysna Municipality, must be rehabilitated with locally occurring indigenous vegetation;</b></p>			
<p>In early 2021, the landowner of Erf 222 submitted a revised set of House Building Plans for Erf 222 to the Municipality. Although the basic proposal / design principles for the house remain the same as those submitted in 2017 i.e.: double-storey with basement, central courtyard and pool area; elevated pedestrian entrance ramp from Main Road etc., the house shape has changed from a 'horse-shoe' to a circular building and the basement now incorporates a subsurface garage, requiring an excavated driveway ramp.</p>			

As the 2017 OSCAE approval for Erf 222 had lapsed, a new OSCAE Application based on the abovementioned revised Building Plans was submitted to the Municipality in March 2021. As part of the review process, the Municipality indicated that a separate OSCAE Application would be required to approve the vegetation disturbance and earthworks for the proposed upgraded access driveway across the municipal public open space Erf 210, and that the existing Encroachment Agreement (*refer to Appendix D & Figure 3 below*) would need to be revised and replaced with a Registered Servitude / Right-of-Way.

It discussion with DEA&DP regarding the separate OSCAE Application for the driveway on Erf 210, it was confirmed that the existing approved Adhoc Development Setback Line is only applicable to the construction of the private dwelling on Erf 222, and although it makes reference to the use of the existing road on Erf 210 to access Erf 222, it does not include the proposed subsurface driveway ramp on Erf 210, the associated earthworks associated with this excavation.

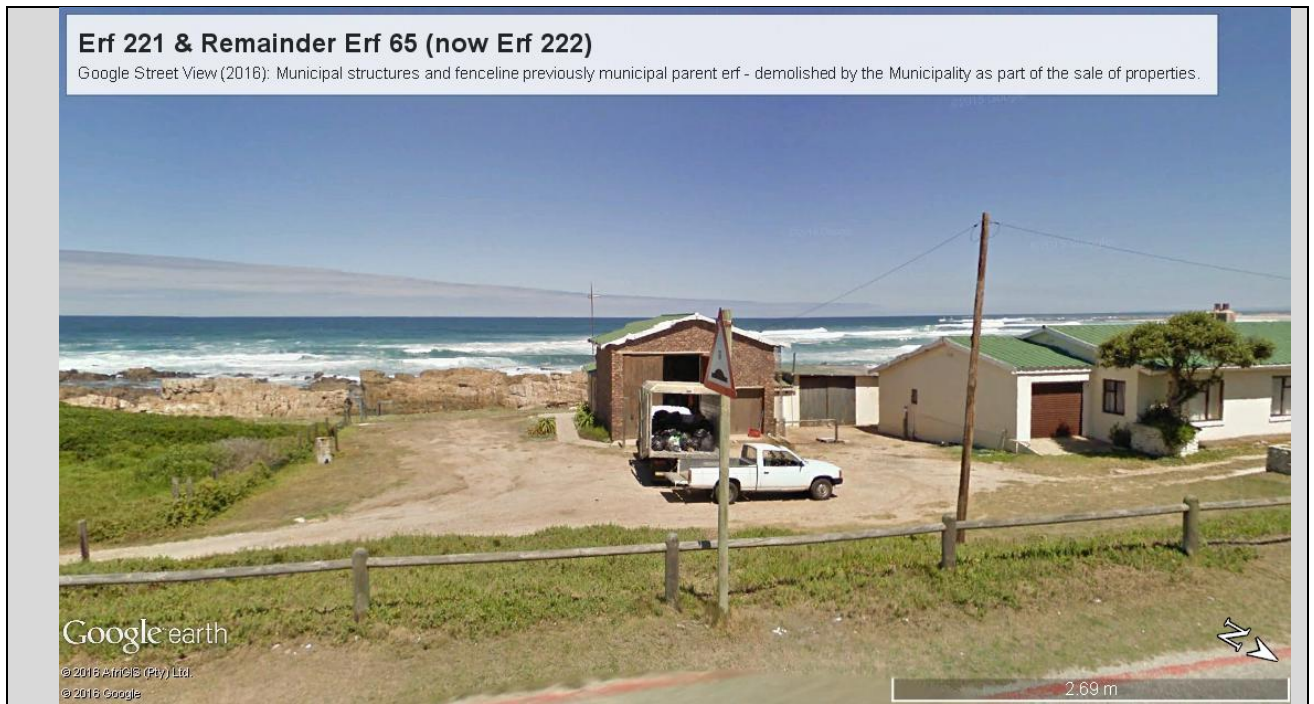
This Application thus serves to apply for the existing Adhoc Development Setback Line in front of Erf 222 to be extended to allow for the triggering of Activity 19A (NEMA Listing Notice 1) by the upgrade of the existing access road (widening & paving of gravel road off Main Road across Erf 210 up to Erf 222) and creation of a subsurface driveway ramp at the boundary between Erf 210 & Erf 222 to allow access to the basement garage of the new private dwelling.

This extension entails a **proposal for temporary and permanent adhoc setback lines**: a temporary setback line to be aligned along the extent of the existing Encroachment Agreement Area for the purposes of the establishment of the construction site camp and associated stockpiling of materials etc. required during the construction of the new house on Erf 222, as well as the access driveway. A permanent setback line is proposed to be aligned just outside the south-eastern boundary of Erf 222 and along the seaward edge of the access driveway allowing sufficient space for the development and maintenance of the sloped embankments of the subsurface driveway ramp into the future.

2.	Do you have any approvals for the existing development? If yes, provide details of all approvals and attach a copy/ies as Appendix C.	<b>YES</b>	<b>NO</b>
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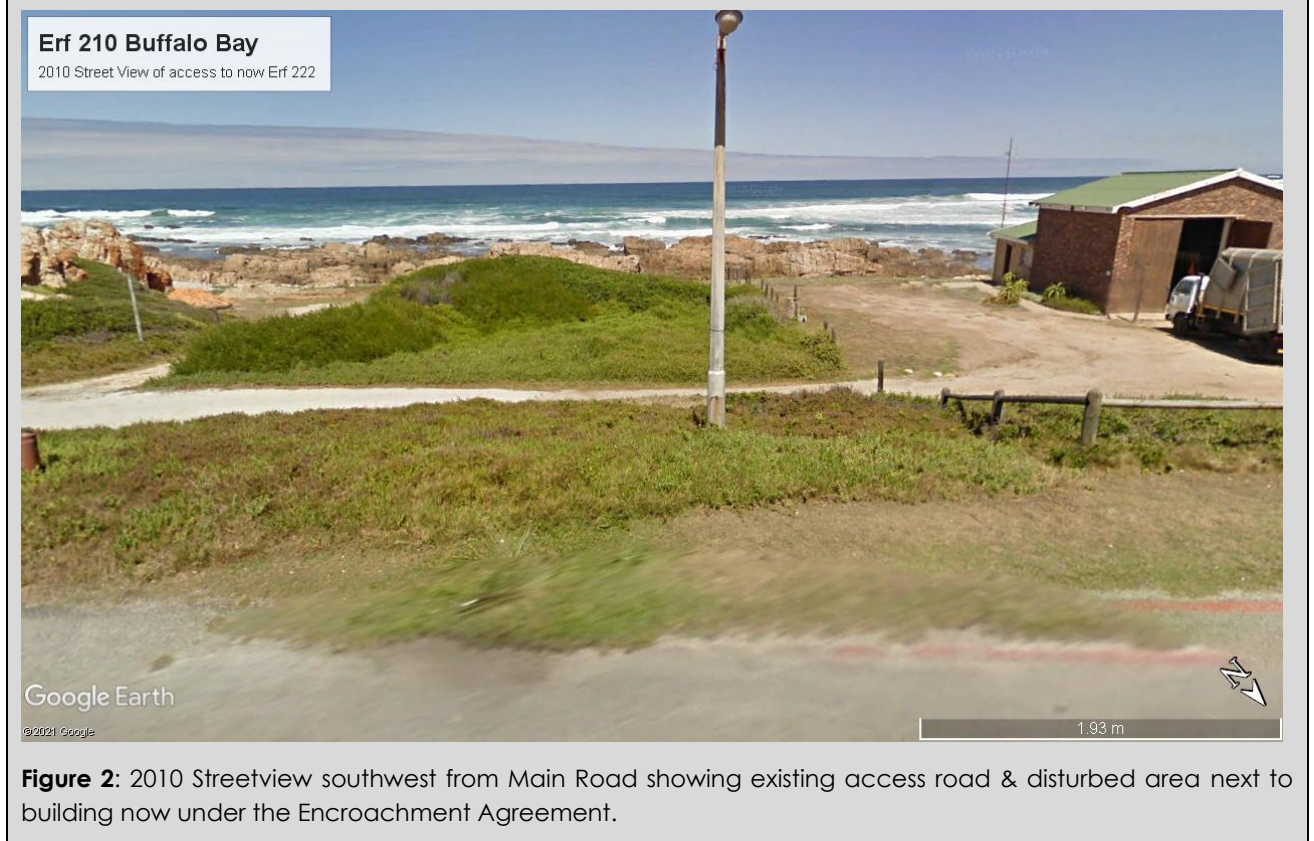
The **existing road** off Main Road across Erf 210 was historically associated with a Municipal Storage & Maintenance Depot, which were located on the previous municipal Erf 65. In Feb.2015, the Knysna Municipality subdivided the municipal Erf 65 into three residential erven (Erf 220, Erf 221 & Remainder Erf 65), which were then sold on public auction to private parties. Two of these erven (Erf 221 & Remainder of Erf 65) were bought by Magdalena Roos (the Applicant) and consolidated to form Erf 222 for the purpose of building a new modern home on the combined property. The Applicant has provisional municipal approval (Encroachment Agreement) to **make use of the existing access road** to gain access to her new house on Erf 222 Buffalo Bay. An Application has already been submitted to the Municipality to register a formal Access Servitude / Right-of-Way across Erf 210 to replace this Encroachment Agreement.

As mentioned above, approvals for Erf 222 include an Adhoc Development Setback Line (for Activity 19A of NEMA), OSCAE Permit (2017) and approved Building Plans. These approvals all included the proposed upgrade of the existing gravel road across Erf 210 to access Erf 222. The revised house proposal includes a subsurface garage and need for an excavated driveway ramp on Erf 210 at the boundary with Erf 222. A new OSCAE Application has been submitted for the proposed access driveway across Erf 210.



**Figure 1:** February 2010 Google Street View – showing municipal buildings previously on Remainder of Erf 65 (middle) & Erf 221 (right) before buildings were demolished in 2016 & properties sold by the Municipality.

The existing road / gravel driveway and disturbed area on the left of the garage building aligns with the Encroachment Agreement area on Erf 210 to allow access to Erf 222 (consolidated Erf RE/65 & 221) – See Figure 3 below. The driveway ramp to basement level will be created within this area, within the existing road footprint.



**Figure 2:** 2010 Streetview southwest from Main Road showing existing access road & disturbed area next to building now under the Encroachment Agreement.





**Figure 3:** Aerial image indicating Erf 222 (red polygon) & neighbouring property cadastral boundaries (courtesy Google Earth Pro, 2021). Yellow polygon indicates approx. portion of Erf 210 under existing Encroachment Agreement.



**Figure 4:** 2010 Street Views of access onto Erf 210 off Main Road, Buffalo Bay (Courtesy Google Earth Pro).

3.	Is the development part of a bigger lawfully approved and commenced with development? If yes, provide details of all approvals and attach a copy/ies as Appendix C.	<b>YES</b>	<b>NO</b>
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<p>Refer to Response to No.1 above. The proposed access driveway route is on an existing historical access route over Erf 210 i.e. the proposed upgrade / re-development of the access road across Erf 210 falls within the existing rights associated with Erf 210. Both Erf 210 and Erf 222 fall with the urban area of Buffalo Bay, with Erf 222 designated for residential development and the access to this erf across a portion of municipal open space (Erf 210) approved as part of an Encroachment Agreement with the Municipality.</p>			
4.	Have any activities physically commenced on the site/s?	YES	NO
5.	List the date of commencement of these activities (dd/mm/yy) below.		
<p>It is unknown when the <b>existing historical road across Erf 210</b> was constructed. The earliest visible aerial image indicates this road in 2003, providing access to the Municipal buildings on the property at that time. These Municipal building appear to have been demolished sometime between 2013 &amp; 2016.</p>			
6.	Clearly describe the commencement of these activities.		
<p>Refer to No.2 &amp; 5 above. Access road across Erf 210 is existing and was commenced with by the Municipality many years ago. The access road is gravel and is currently used by members of the public to access the disturbed area of Erf 210 and Erf 222 (previous footprint of municipal buildings), currently used as parking.</p>			
7.	Clearly describe the current state of the site/s/route (This must be supported by recent colour photographs).		
<p>The existing access road off Main Road (Erf 215 public street) across Erf 210 is currently gravel and approximately 3m wide, widening to approx.5m as it enters the disturbed area directly adjacent to Erf 222 (under the Encroachment Agreement).</p>			
8.	Describe the existing vegetation/ground cover.		
<p>According to the 2018 Veg.Map, the natural vegetation type mapped for the area is <b>Goukamma Dune Thicket</b>, which is classified as a Least Threatened ecosystem type. According to the Vlok Veg.Map, Erf 210 occurs on the southern edge of the 'Hartenbos Primary Dune', a marine type vegetation between Wilderness Forest Thicket to the north, and Herolds Bay Littoral Thicket on the southern coastal headland. See <i>Appendix B</i>.</p> <p>This portion of Erf 210 is highly transformed due to previous &amp; current landuse – Historical access to Municipal storage &amp; maintenance depot; followed by demolition of buildings and fenceline in early 2016; construction access to Erf 224 (other side of Erf 222) at the end of 2016; and most significantly, on-going pedestrian and vehicle movement by the public to access the coast. Therefore, very little Dune Fynbos or Thicket vegetation remains on the property. Ground creeper plants and grasses appear to be the dominant plant species noted within the road reserve of Main Road (Erf 215 Street Parcel) and of the verges of the existing gravel access route onto the property. Plant species noted include <i>Gazania sp.</i>, <i>Falkia sp.</i>, <i>Carpobrotus sp.</i>, <i>Arctotis sp.</i> and small succulent plants.</p> <p>Much of the road reserve of Main Road above Erf 222 &amp; Erf 210 has been subject to illegal dumping of garden refuse, resulting in the establishment of a stand of <i>Agave sp.</i> cactuses, among the ground covers and grasses above Erf 222.</p>			





Figure 5: Gazania, grass & Arctotis groundcovers growing on disturbed area of Erf.



Figure 6: Falkia & dead brush growing on the coastal side of the erven. A single Cape Saffron bush (*Cassine peragua*) noted in 2m setback line of Erf 222. Vehicle parked on road loop on Erf 210.

Of significance, is a **small island of remnant coastal thicket vegetation** on the municipal Erf 210, below the gravel access road, to the south-east of the Erf 222. The existing gravel road forms a loop around this 'island', which is subject to vehicle and pedestrian trampling to gain access coastline and braai area to the south-east.

This small island of Thicket contains wind-swept Rooikrans (*Acacia cyclops*), Milkwood (*Sideroxylon inerme*), Baboon Grape (*Rhoicissus digitata*), Cape Saffron (*Cassine peragua*), Cape Coastal Cabbage Tree (*Cussonia thursiflora*); Bitou (*Chrysanthemoides monilifera*) etc.

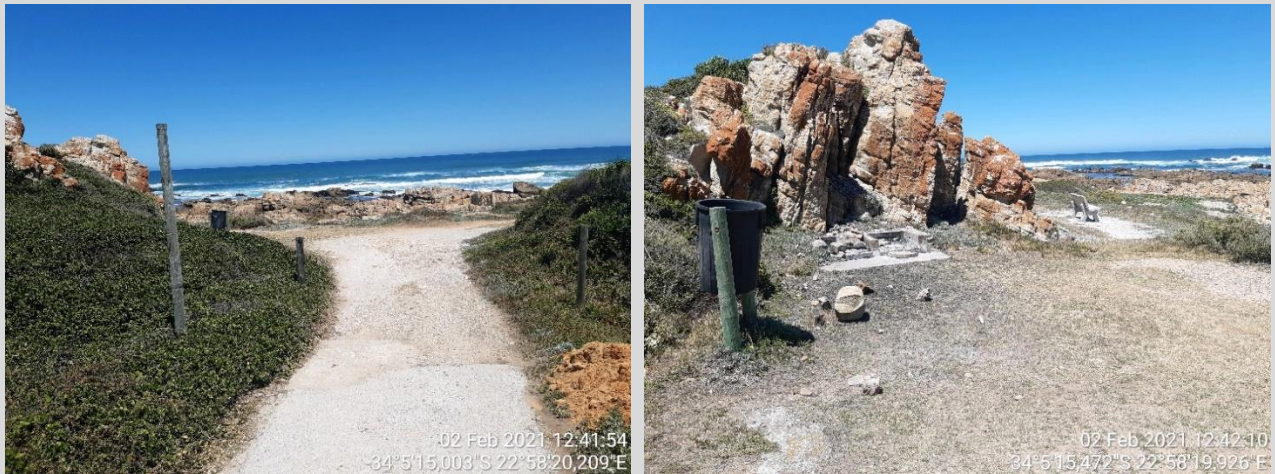




**Figure 7:** Island of Thicket vegetation on Erf 210 to the south-east of Erf 222. Strips of wind-swept Rooikrans & coastal scrub will need to be removed to widen, excavate & pave the access driveway across Erf 210 to Erf 222. The Milkwood tree is positioned on the seaward side of the Thicket 'island' and will thus not to impacted by the abovementioned activities.

9.	Have any <i>ad hoc</i> setback lines in terms of the NEMA EIA Regulations, been adopted by the Competent Authority for the subject site/s/route? (If yes, copies MUST be attached to this checklist as Appendix D – See Appendix C).	<b>YES</b>	<b>NO</b>
<p>An Adhoc Development Setback Line has been adopted by DEA&amp;DP for the residential Erf 222 directly adjacent to Erf 210 (see Appendix C). This approval included mention of the use of the existing road to access Erf 222.</p> <p>This Application serves to motivate for the extension of this adopted setback line to include the portion of Erf 210 across which the existing access road is to be upgraded.</p>			
<p><b>3. DECISION</b></p> <p>The competent authority hereby <b>defines/adopts</b> the development setback in terms of the NEMA EIA Regulations, 2014 for the subject property (Erf 222, Buffalo Bay), as the <b><u>2 meter building line from the southern boundary of Erf 222</u></b>. The setback line is adopted only for the purposes to construct a two storey residential dwelling with a basement on erf 222. Access to the property will be via the existing access on the adjacent open space erf 210.</p>			
10.	Have any Directives under Section 28 of the NEMA (as amended) been issued by the Competent Authority for the subject site/s/route? (If yes, copies MUST be attached to this checklist as Appendix E).	<del>YES</del>	<b>NO</b>
11.	Have any Directives under Section 30A of the NEMA (as amended) been issued by the Competent Authority for the subject site/s/route? (If yes, copies MUST be attached to this checklist as Appendix E).	<del>YES</del>	<b>NO</b>
----			
12.	Have any Directives under Section 24G of the NEMA (as amended) been issued by the Competent Authority for the subject site/s/route? (If yes, copies MUST be attached to this checklist as Appendix E).	<del>YES</del>	<b>NO</b>
----			
13.	Describe the current land <b>use</b> of the proposed site(s) for the proposed development.		
Please explain:			
This portion of Erf 210 is highly transformed due to previous & current landuse – Historical access to Municipal storage & maintenance depot; followed by demolition of buildings and fenceline in early 2016; construction access to Erf 224 (other side of Erf 222) at the end of 2016; and most significantly, on-going pedestrian and vehicle movement by the public to access the coast.			
14.	Describe all the surrounding and abutting land <b>uses</b> .		
Please explain:			
The Main Road of Buffalo Bay as the northern boundary, with established residential erven to the north. Designated residential Erf 222 directly to the north-west, with established / developed erven further to the west. Remainder of Erf 210 public open space to the south-east, providing public access to the coastline to the south.			

The eastern edge of the abovementioned road loop provides access to a small public braai area below a rock outcrop to the south-east of the subject site. Public access to this braai facility will not be impacted by the proposed driveway and open access will be maintained.



**Figure 8:** Public access to braai area on Erf 210 to the east of access driveway / Thicket 'island' – will not be impacted by activities.

15.	Is the current land use lawful?	<b>YES</b>	<del>NO</del>
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If no, explain:

Existing public access to the coastline.

### SECTION C: PROJECT DETAILS

1.	Does the proposed development <b>entail the expansion or changes</b> to an existing lawful facility or the development of a new facility?		
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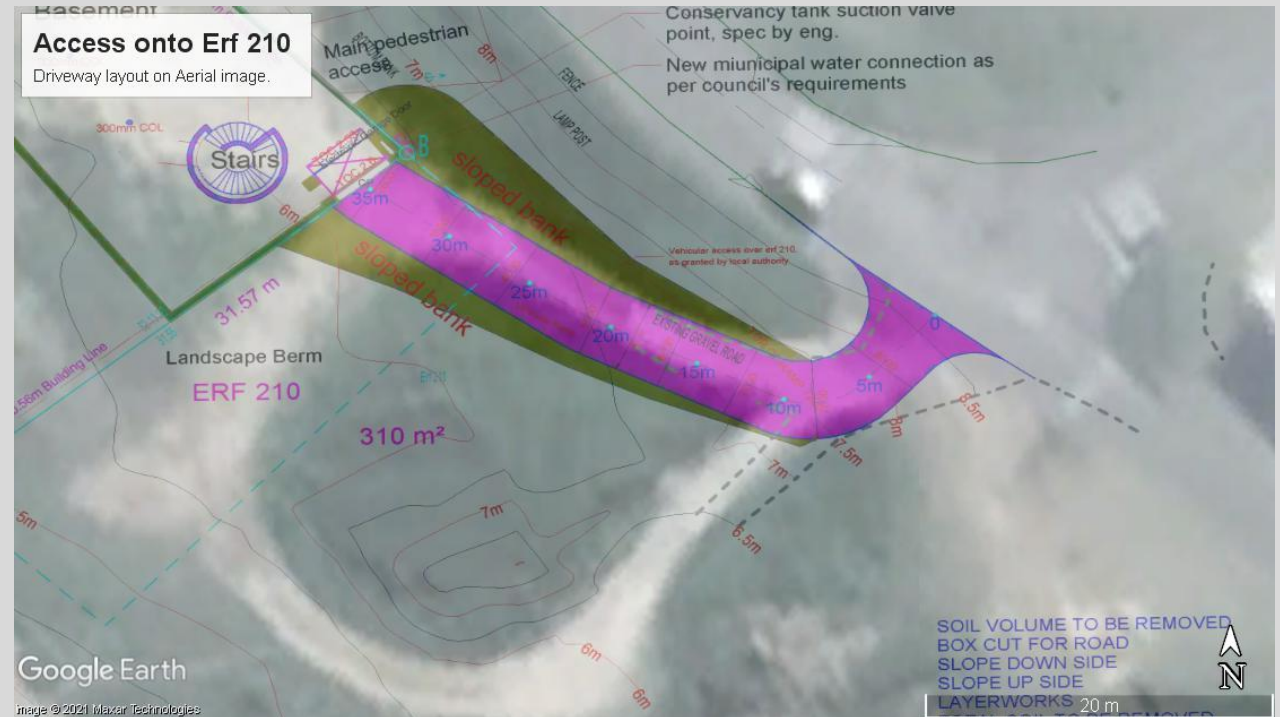
If yes, please explain:

Upgrade (paving) & formalisation of an existing gravel access road.  
 Temporary use of area directly adjacent to Erf 222, under the existing Encroachment Agreement, as construction site camp during construction of house on Erf 222 and upgraded access road.

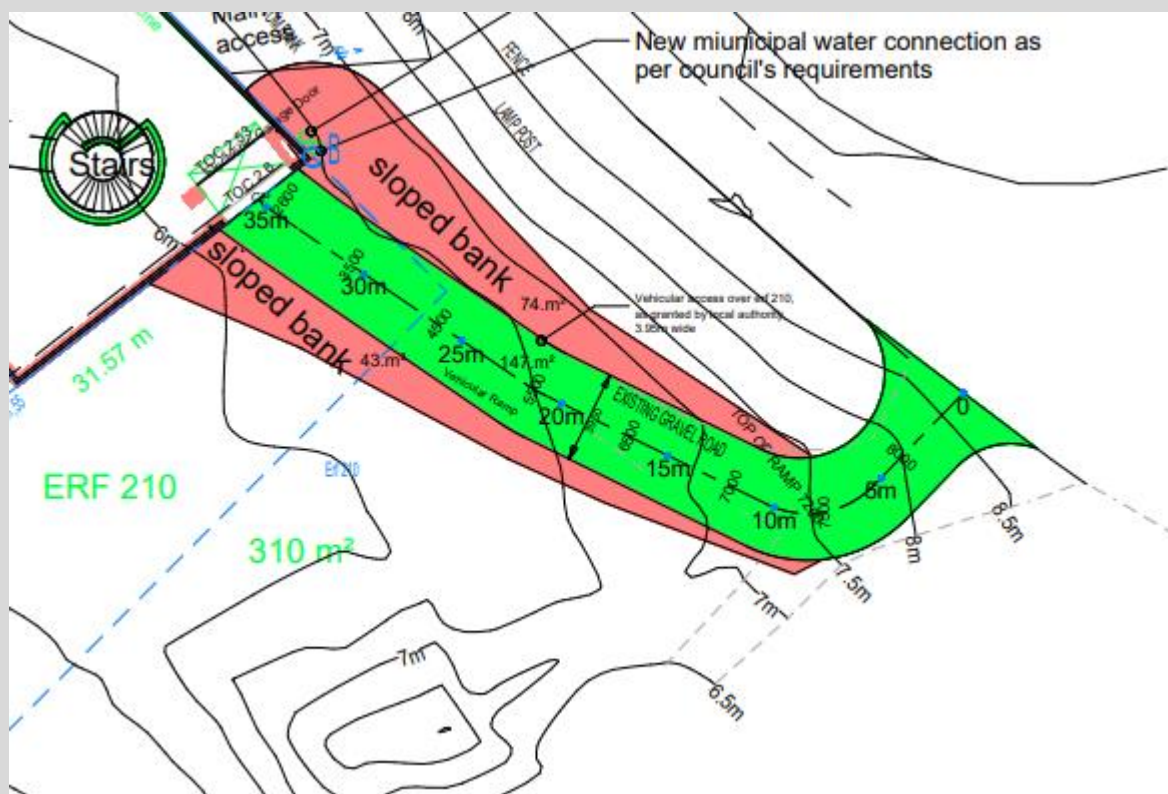
2.	Does the proposed development entail the expansion of an existing lawful development footprint or the "like for like replacement" of anything existing?	<b>YES</b>	<del>NO</del>
----	---	------------	---------------

Upgrade & formalisation of an existing gravel access road.  
 The existing road gravel surface of the access road from Main Road to Erf 222 is currently approx. 3-5m wide, with an existing surface area of approx. 123m<sup>2</sup> (pers comm with Serett Maree of Tuiniqua Consulting Engineers). The proposed paved surface will be **3.95m wide (area ±147m<sup>2</sup>)**, with widening of approx. 0.95m towards the sea, into the abovementioned Thicket 'island'. In addition to this, due to the fact that a section of the proposed driveway is to be excavated below ground level (to provide access to the basement garage), additional strips of vegetation & earth will need to be removed to allow for the physical earthworks: approx. 0.5m tapering to 4.7m wide on up side (Main Road reserve) and approx. 0.2m tapering to 3m wide on the down side of the driveway (on Erf 210). The widening is to be directly adjacent to Erf 222 boundary for the sub-surface ramp excavation, and to create earth embankments of either side of the driveway ramp at a 44.1° slope). I.e. an approximate **± 43m<sup>2</sup> strip** of the abovementioned 'island' and disturbed area on Erf 210 will be removed, and an **± 74m<sup>2</sup> strip** within the road reserve of the Main Road (above Erf 210) will be

removed to allow for subsurface ramp. An additional area of  $\pm 0.5m$  temporary area of remnant vegetation will need to be removed to allow for work space / movement area along the length of the access during construction of the driveway i.e.  $\pm 14m^2$  on up side &  $\pm 11.5m^2$  of 'island' on down slope. This temporary additional work areas will be re-instated with locally occurring indigenous vegetation once construction is complete.



**Figure 9:** Access driveway & vehicle ramp excavation layout overlay onto Aerial image.



**Figure 10:** Driveway layout across Erf 210 to Erf 222, indicating excavated slopes. Blue dashed line indicates existing Encroachment Agreement area.



<p>Given the limited space available on Erf 222 and the no-go area / setback line in front of it, it is likely that the vacant / disturbed area directly adjacent to / to the east of Erf 222, on Erf 210, will need to be used as the <i>temporary</i> Construction Site Camp, with a temporary stockpile / material laydown area (between the south-eastern boundary of Erf 222 &amp; the 'Thicket island' mentioned above), during the construction of house on Erf 222 and formalisation of its driveway across Erf 210. It is the intention of the landowner of Erf 222 to re-instate the vegetation in this already transformed portion of the municipal Erf with locally occurring indigenous plants, as part of the Encroachment Agreement and previous OSCAE Permit issued by the Municipality (see Appendix C for Plan of area considered under the Encroachment Agreement between landowner of Erf 222 &amp; the Municipality).</p> <p>Considering the inherent sensitivity and dynamics of the coastal zone in which Erf 222 &amp; 210 occur, the management of development activities within and surrounding these erven is paramount i.e. risk adverse approach and general Duty of Care principles are applicable.</p> <p>It is further recommended that a low earth berm be created on the top edge of the seaside excavated driveway slope, to limit ingress of future sea surges. This berm should be planted with locally occurring indigenous plants as part of the Applicant's vegetation re-instatement / rehabilitation plans for this area, and the driveway slopes. The proposed permanent setback line is aligned approx. 3m seaward of the excavated driveway slope to allow for future maintenance of this vegetated earth berm. See Figure 18 below.</p>			
3.	<p>Provide a detailed description of the proposed development and its associated infrastructure. A clear, accurate and comprehensive description will obviate any requests for additional information by the Competent Authority.</p>		
<p>As above.</p>			
4.	<p>Is the proposed development:</p>		
4.1	a linear activity?	<b>YES</b>	<del>NO</del>
4.2	an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource?	<del>YES</del>	<b>NO</b>
4.3	a strategic integrated project (SIP) as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014)?	<del>YES</del>	<b>NO</b>
5.	Property location of all proposed sites:	<p>Coastal property along southern edge of the Buffalo Bay coastal headland. Site includes disturbed area &amp; portion of existing road directly adjacent &amp; south-east of Erf 222, as well as portion of existing road off Main Road (road reserve): Street parcel 215 – indicated as yellow circle in image below.</p>	



**Figure 11:** Aerial image of Buffalo Bay coastal headland, indicating location & extent of the municipal Erf 210 (image courtesy of Google Earth Pro, 2021).

6.	Farm/Erf name(s) & number(s) (including portion) of all proposed sites:	<ul style="list-style-type: none"> <li>• Erf 210 Buffalo Bay</li> <li>• Street Parcel 215 (Main Road &amp; reserve)</li> </ul>
7.	Property size(s) (m <sup>2</sup> ) of all proposed sites:	<p>Erf 210 is ± 23429.8m<sup>2</sup> in total.</p> <p>Only north-western portion of Erf 210, adjacent to Erf 222, under consideration (± 280m<sup>2</sup>).</p> <p>Approx. 80m<sup>2</sup> of Street parcel 215 (Main road reserve).</p>
8.	What is the existing lawfully development footprint size in m <sup>2</sup> ?	<p>The existing road gravel surface of the access road from Main Road to Erf 222 is currently approx. 3-5m wide, with an existing surface area of approx. 123m<sup>2</sup>.</p>
9.	Development footprint size(s) in m <sup>2</sup> (i.e. the total area of land to be physically cleared for the proposed development (including associated infrastructure). Provide clear details	<p><b>Temporary</b> (during construction phase) = ± <b>85.5m<sup>2</sup></b> temporary work space adjacent to driveway alignment (±25.5m<sup>2</sup>) plus ±60m<sup>2</sup> laydown area &amp; construction site camp on disturbed area adjacent to Erf 222 – to be rehabilitated with indigenous vegetation.</p> <p><b>Permanent</b> = ± <b>147m<sup>2</sup></b> paved driveway + ± <b>117m<sup>2</sup></b> rehabilitated excavation slopes on either side of driveway ramp = <b>264m<sup>2</sup></b>.</p>

of the required footprint).

**Disturbance of vegetation** =  $(72 + 14) + (20 + 12) = \pm 118 \text{ m}^2$  on Erf 210 & Main Road reserve:

- Strips of disturbed area, remnant grass & Thicket vegetation to be cleared for widening & excavation of existing access road to sub-surface Vehicular Ramp / basement garage on Erf 222 =  $\pm 117\text{m}^2$ .
- Temporary Site Camp area on Erf 210 directly adjacent & east of Erf 222 for storage of topsoil, building material & waste, aggregate / containers / site office etc. =  $\pm 60\text{m}^2$  of highly disturbed / trampled vegetation.

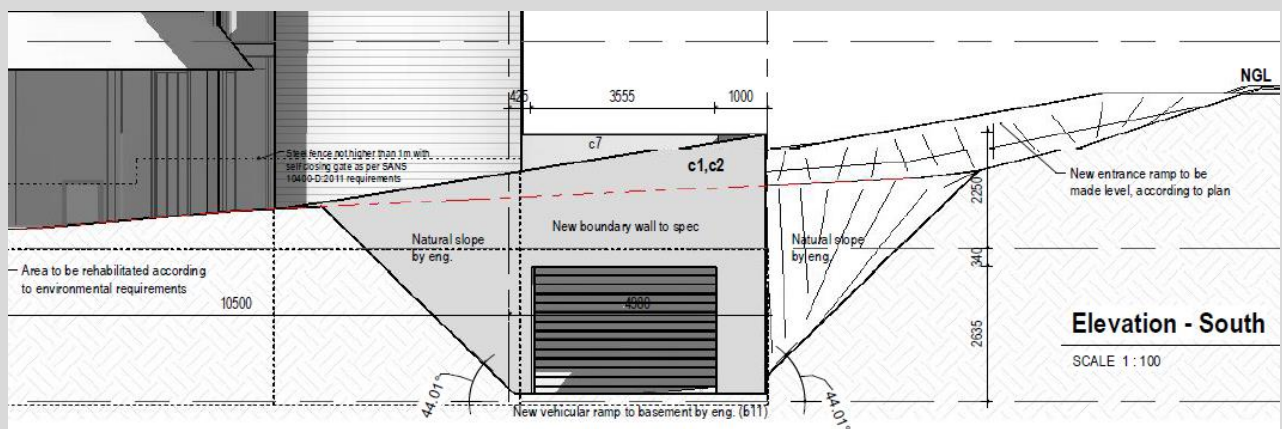
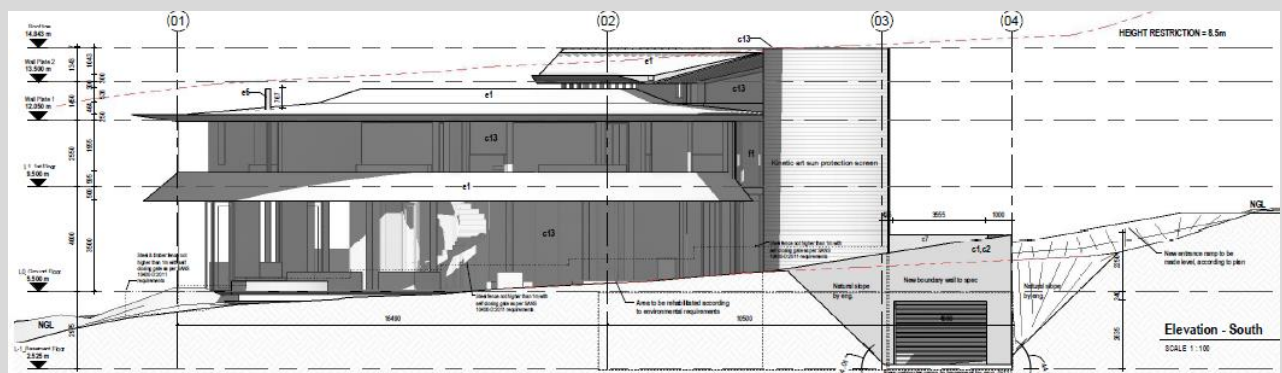
**Earthworks** =  $\pm 381\text{m}^3$  volume of material to a excavated depth level of 3m below NGL to basement garage.

As provided by Tuiniqua Consulting Engineers.

<b>SOIL VOLUME TO BE REMOVED</b>	
BOX CUT FOR ROAD	145m <sup>3</sup>
SLOPE DOWN SIDE	82m <sup>3</sup>
SLOPE UP SIDE	133m <sup>3</sup>
LAYERWORKS	21m <sup>3</sup>
<b>TOTAL SOIL TO BE REMOVED</b>	<b>381m<sup>3</sup></b>

Area of road 147m<sup>2</sup>  
 Area of existing road 123m<sup>2</sup>  
 Area of slopes next to entrance road 117m<sup>2</sup>



**Figure 12:** South Elevation Plan of new house on Erf 222 indicating basement garage & sloped embankments on either side of subsurface driveway ramp.

10.	SG 21 Digit code(s) of all proposed property(ies):	C	0	3	9	0	0	1	5	0	0	0	0	0	2	1	0	0	0	0	0	0
11.	Coordinates of all proposed sites: Latitude (S)	34°							05'							14.69"						
	Longitude (E)	22°							58'							19.86"						

**Note:** Coordinates must be provided in degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-ordinate system. Where numerous properties/sites are involved (e.g. linear activities), you may attach a list of property descriptions and street addresses to this form.

## SECTION D: POTENTIAL LISTED ACTIVITIES THAT YOU REGARD MAY BE APPLICABLE TO THE PROPOSED DEVELOPMENT

All activities listed in terms of the NEMA EIA Regulations that may be associated with the proposed project must be provided below.

Activity No(s):	Provide the relevant <b>Basic Assessment Activity(ies)</b> as set out in <b>Listing Notice 1</b>	Describe the portion of the proposed project to which the applicable listed activity relates.
19A	<p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, <b>excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</b></i></p> <p><i>(i) the seashore;</i></p> <p><b><i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</i></b></p> <p><i>(iii) the sea;</i></p> <p><b><i>— but excluding where such infilling, depositing , dredging, excavation, removal or moving—</i></b></p> <p><b><i>(f) will occur behind a development setback;</i></b></p> <p><i>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan; (h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (Publisher's note – Numbering as published in Gazette No. 40772) where such development is related to the</i></p>	<p>Excavation of more than 5 cubic metres within 100m of highwater mark of the sea, required for the box-cut (for paving) and creation of subsurface driveway ramp to basement garage on Erf 222, Buffalo Bay.</p> <p>Paved access driveway and ramp to be created along existing road alignment across Erf 215 (road reserve of Main Road) and Erf 210 (municipal public open space) to Erf 222 (private erf), as per Encroachment Agreement with Municipality.</p> <p>This Application serves to apply for the adoption / extension of an adhoc development setback line on Erf 210: a <b>temporary setback line</b> during construction of house on Erf 222 and driveway, and a <b>permanent setback line</b> post-construction to allow for maintenance of access driveway &amp; earth berm into the future.</p>

	development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.	
Activity No(s):	Provide the relevant <b>Basic Assessment Activity(ies)</b> as set out in <b>Listing Notice 3</b>	Describe the portion of the proposed project to which the applicable listed activity relates.
4	<p>The development of a <b>road wider than 4m</b> with a reserve less than 13m.</p> <p>(i) <b>Areas zoned for use as public open space</b> or equivalent zoning.</p> <p>(ii) Areas outside urban areas:</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined ; or</p> <p>(iii) Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p><b>NO TRIGGERED</b> – formalised driveway will be less than 4m in width.</p>
12	<p>The <b>clearance of an area of 300m<sup>2</sup> or more of indigenous vegetation</b> except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEM:BA 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;</p> <p>(ii) Within critical biodiversity areas identified in bioregional plans;</p> <p>(iii) <b>Within the littoral active zone or 100m inland from the high water mark of the sea</b> or an estuarine functional zone, whichever distance is the greater, <b>excluding where such removal will occur behind the development setback line or erven in urban areas;</b></p> <p>(iv) On land, where, at the time of the coming into effect of this Notice or thereafter such <b>land was zoned open space</b>, conservation or hand an equivalent zoning;</p> <p>(v) On land designated for protection or conservation purposes in an</p>	<p><b>NOT TRIGGERED</b> as clearance of vegetation will be less than 300m<sup>2</sup>.</p>



	<i>Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i>	
Activity No(s):	Provide the relevant <b>Scoping and EIA Activity(ies)</b> as set out in <b>Listing Notice 2</b>	Describe the portion of the proposed project to which the applicable listed activity relates.
None		

## SECTION E: PLANNING CONTEXT

Note: In instances where more than one zoning is applicable, attach a list or map of the properties that indicates their respective zoning as Appendix F.

1.	What is the current zoning of the property?		
<p>Erf 210 Buffalo Bay is currently zoned <b>Open Space I</b> (Public Open Space), located along the south-western coastline of the Buffalo Bay rocky peninsula, extending south from the seaside boundaries of Erf 224 and Erf 222, to include the large open space area to the south-east of Erf 222. The Main Road above Erf 222 &amp; Erf 210 (Erf 215) is zoned as <b>Transport II</b> (Public Street). (see <i>Figure 1</i> below).</p>			
<p><b>Figure 13:</b> Zoning of properties i.t.o. Knysna Zoning Scheme Map.</p>			
2.	Is a rezoning application required?	YES	NO
3.	Is any other land use approval(s) (e.g. consent) required?	YES	NO
<p>If yes, provide details:</p> <p>Landowner Consent is already in place as per the existing Encroachment Agreement between the Municipality and the landowner of Erf 222.</p> <p>This Encroachment Agreement will be replaced with the registering of an access servitude / right of way across Erf 215 and 210 to Erf 222. The registration process for this servitude / right of way has already been initiated with the Municipality and includes revision of the provisions contained in the original Agreement i.e. proposed fencing, gate and garden adjacent to Erf 222 will be removed. Instead of an exclusive garden on the portion of Erf 210 directly adjacent to Erf 222 (permitted as part of original Encroachment Agreement), the landowner has requested permission to simply re-</p>			



<p>instate vegetation in the temporary construction site camp area (Encroachment Agreement Area), as well as to: rehabilitate / landscape the driveway embankment slope; the proposed earth berm directly seaward of access and the strip directly adjacent to the boundary of Erf 222 with indigenous vegetation (to serve as a screen).</p>			
4.	Is the property in an urban area?	YES	NO
5.	Is the activity permitted in terms of the property's existing land use rights?	YES	NO
<p>Please explain</p> <p>The majority of the existing road off Main Road onto Erf 210 falls with Erf 215 (Street Parcel) which is as a transport zone.</p> <p>The access to Erf 222 onto (via Erf 215) and across Erf 210 is an existing road (previously associated with the municipal depot) and approved as part of the existing Encroachment Agreement.</p> <p>The current encroachment agreement is still in force, but the intention to replace this agreement with a permanent registered servitude / right -of-way that will be attached to the property and not to a person, as is currently the case.</p>			
6.	Are there any building restrictions in terms of the applicable Municipal By-laws?	YES	NO
<p>Please explain:</p> <p>Existing access road.</p>			
7.	Will the activity be aligned with the following:		
7.1	The Provincial Spatial Development Framework (PSDF)	YES	NO
<p>Please explain:</p> <p>The proposed new house on Erf 222 is to be built on a designated residential erf. The proposed house and upgraded existing access across a portion of public open space fall with the urban area of Buffalo Bay. The formalised driveway / servitude will not obstruct continued public access to coast. The formalised access driveway will not impact on the integrity of the coastal ecological environmental or resources, nor the tourism activities associated with them.</p> <p>The proposed activity is in line with <i>Policy R2: Safeguard Coastal Resources, Point 11: Delineate coastal development setback lines that mitigate against impacts and reduce risks...</i> Should the recommendations mentioned in this Report &amp; the OSCA Application (demarcation, pollution control &amp; rehabilitation etc.) be implementation and 'Duty of Care' principles adhered to, then the coastal resources on and adjacent to the site should be safe-guarded.</p>			
7.2	The Spatial Development Framework of the Local Municipality	YES	NO
<p>Please explain:</p> <p>Buffalo Bay is considered to be a '<i>Specialised Coastal Centre</i>' – a small urban centre with a special function (primarily tourism, recreation &amp; retirement), as well as a role in terms of servicing the surrounding areas and containing a mix of economic activities and services.</p> <p>Buffalo Bay is considered to be a special public coastal access point and recreational destination, where the open space and accessibility system should come together to support public access at special public coastal access points. Public access points, especially existing access roads, boardwalks and ramps, must be preserved into perpetuity, but for this to be possible investment in infrastructure and maintenance is important.</p> <p>The proposed driveway access to Erf 222 across Erf 210 will not obstruct open public access to the coast along the existing eastern road loop.</p>			

7.3	The urban edge as delineated in the Municipality's Spatial Development Framework	YES	NO
Please explain:			
Both the residential Erf 222 and Erf 210 fall within the urban area and edge of Buffalo Bay.			
7.4	An Environmental Management Framework (EMF)	YES	NO
Please explain:			
---- No approved EMF available.			
7.5	Any other Policies, Plans, Guidelines, Spatial Tools, Development Planning Frameworks and instruments applicable to the development.	YES	NO
Please explain:			
No other Plan or Policies applicable.			
7.6	Are any Amendments of the above-mentioned required?	YES	NO
Please explain:			
----			

## SECTION F: EXISTING BIOPHYSICAL CONTEXT

1.	What is the distance in metres from the closest property boundary to the high-water mark/watercourse and estuary?	(m)	
2.	Is there evidence of existing erosion?	YES	NO
If yes, explain (include pictorial evidence):			
----			
3.	Has there been any previously implemented erosion protection measures?	YES	NO
If yes, please explain:			
----			
4.	What is the existing height above sea level, or above the watercourse?	6 to 8.5(m)	
5.	What is the distance in metres of the closest point of the proposed development to the known storm surge high-water mark or flood-lines?	33(m)	
6.	Will the proposed development block public access to the coast?	YES	NO
If yes, explain:			
Vehicular use of the road will be temporarily closed during the development of the paved surface within the road reserve of Main Road. Once this section is complete, vehicle access can continue along the eastern loop of the road to the public braai area outside the site area. Pedestrian access to and across Erf 210 will not be obstructed at any time.			
7.	Are there any servitudes registered on the property?	YES	NO
Please explain:			
The existing access road / paved access driveway to Erf 222 will be registered as private right-of-way servitude in the future, but will not be fenced or gated.			
8.	Is the site prone to flooding or inundation from the sea/watercourse? Explain including dates of most recent events?	YES	NO
Please explain:			

The author could not ascertain whether there have been any historic inundation events in the past, when the site was used as an Municipal depot, or thereafter. However this is not to say that the risk of inundation does not exist.

The majority of Erf 222, including the proposed sub-surface garage, falls within the 20-year erosion risk line of the coast, which is considered to be a high-risk zone of the littoral active zone of the sea, as well as the Coastal Management Line, as specified by the Integrated Coastal Management Amendment Act & the Coastal Management Setback Line for the Eden District (see Figure 13 below). The proposed access to Erf 222 across Erf 215 and Erf 210 falls with the medium-risk (within the 50-year erosion risk line).

Development within this highly dynamic and sensitive area, must thus be suitably designed with coastal risks in mind (sea level rise, extreme storms, waves, wind, erosion etc.), as well as be controlled to ensure minimal damage to the coastal environment. To this end the Municipality has recommended **stormwater management and erosion control measures** as part of the design of the access driveway, as well as provide recommendations as part of the original OSCA Permit (2017). Both **temporary and permanent stormwater and erosion control measures** must be installed to manage run-off from site and stockpile areas during construction, and thereafter during operation, in order to prevent erosion.

It is recommended that a low earth berm be created along the top edge of the seaside excavated slope / edge of the subsurface driveway, in order to limit inundation of sea surge / high wave events. This earth berm should form part of the Applicant's intended rehabilitation / landscaping of this area, with indigenous vegetation. The proposed permanent setback line will be position behind this earth berm ( $\pm 3m$  seaward of the driveway embankment) to allow for future maintenance of this planted berm. See Figure 18 below.

9. Describe the type of sea shore (sandy, rocky, mixed etc.) or watercourse. (Attach photographs)

Please explain:

Buffalo Bay is located on a rocky headland (refer to Figure 11 above & 15 below). The seashore is predominantly rocky, with rock pebbles, directly in front and to the south and east of Erf 222 and Erf 210 Buffalo Bay. A section of sandy beach starts approx. 70m away to the north-west.



**Figure 14:** View south-east along seashore in front of Erf 222. Red car in photo parked on existing road loop of Erf 210.

10. Describe the shape of the seashore or watercourse (concave, convex, meandering etc.) (Attach photographs)

Please explain:

Erf 222, Buffalo Bay is located on a convex portion of rocky coastline, on the western side of a headland which protrudes south-east into the sea. Approx. 70m to the north-west a concave beach extends west.



**Figure 15:** Aerial image of Buffalo Bay coastal headland, indicating location & extent of the municipal Erf 210 (Image courtesy of Google Earth Pro, 2021).

11. Describe the type of substrate of the sea shore or watercourse (eg, very fine sand, coarse sand, very coarse, pebbles) (Attach photographs).

Please explain:

The seashore in front of Erf 222 & Erf 210, Buffalo Bay is made up of rocks, interspersed with small pebble beaches. See Figure 14 above.

12. Provide a description of the coastal zone / riparian zone and the existing vegetation. Provide pictorial evidence.

The proposed driveway is to align and be developed along the footprint of the existing gravel road off Main Road (Erf 215 Street Parcel), across Erf 210 up to boundary of Erf 222.

Erf 222, the existing road across Erf 215 & 210 and the area directly adjacent to Erf 222 (portion under Encroachment Agreement), are highly transformed due to previous & current landuse – Municipal storage & maintenance depot, followed by demolition of buildings and fenceline in early 2016; use of area as a temporary construction camp and stockpile site during construction of house on Erf 224 during late 2016; and being traversed by the public (pedestrian & vehicles) to access the coast.

Remnant indigenous vegetation within the target site occurs in the following areas: on an 'island' created by the existing road access loop on Erf 210 (which provides access to the coast the public braai area to the east); between the access road the Main Road (road reserve) and trampled coastal scrub along the coastline. Refer to Figures 3,5, 6, 7 & 14 above.



It is the intention of the Applicant to re-instate the transformed portion of the municipal Erf 210 directly adjacent to and east of Erf 222 with locally occurring indigenous plants, while providing continued public access to the coast.

Considering the inherent sensitivity and dynamics of the coastal zone in which Erf 222 & 210 occur, the management of development activities within and surrounding this designated residential erf is paramount i.e. risk adverse approach and general Duty of Care principles are applicable.

13.	Does the site form part of a Critical Biodiversity Area?	YES	NO
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Please explain:

Erf 222 & the target road on Erf 210 do not fall with any ESA or CBA.

ESA2 – Restore form other landuse – have be mapped along the sandy beaches to NE and NW. Terrestrial CBAs have been mapped over the dune area to the further to north and NW (see Figure 15 below).



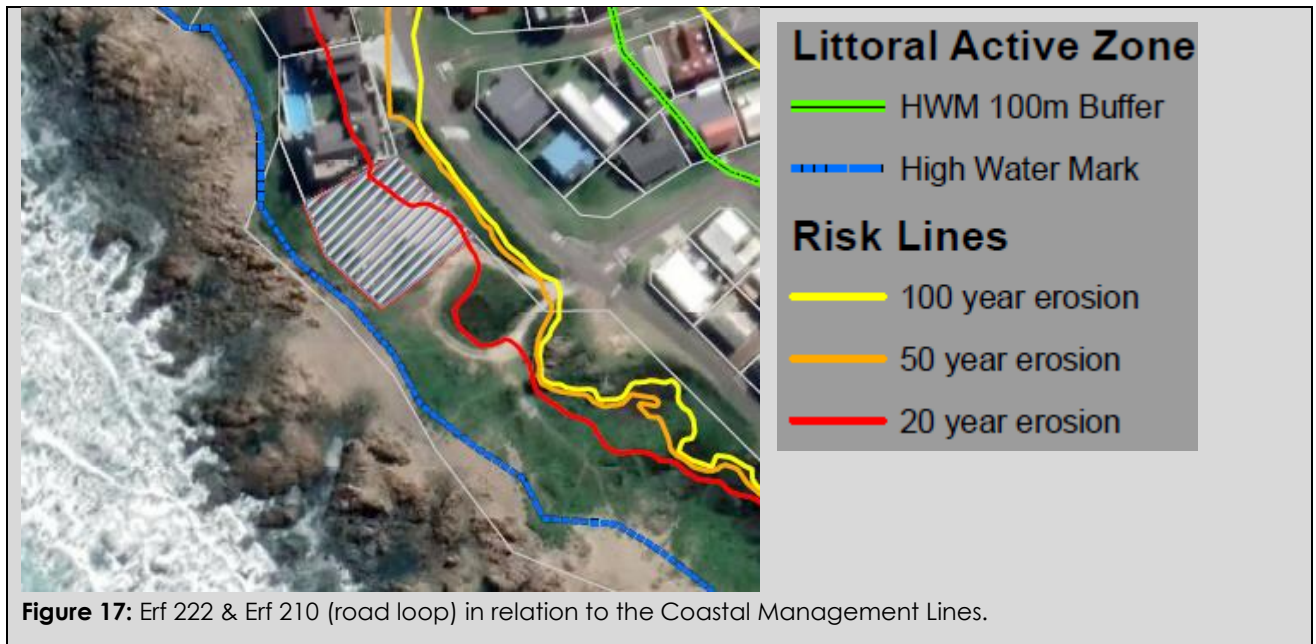
**Figure 16:** ESA & CBA Map. Erf 222 indicated by red polygon. Erf 210 and top road of access loop to south-east applicable.

14.	Does the proposed development lie within coastal public property, the coastal protection zone or coastal access land.	YES	NO
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Please explain:

The proposed access driveway falls with the coastal protection zone and is on coastal access land.  
The proposed activity will not obstruct public access to the coast on Erf 210.





## SECTION G: ENVIRONMENTAL IMPACTS

1.	Describe any <b>negative</b> environmental impacts that may occur if the request is granted. Information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment such as pollution must be included.
Please explain:	
<p>Potential impacts associated with the surfacing of the existing road and creation of the driveway ramp into Erf 222, include:</p> <p>Movement of <b>silt laden stormwater</b>, from excavation / earthmoving activities, into the adjacent coastal environment. The establishment of <b>silt fences</b> as part of the site hoarding, as well as the implementation of <b>anti-erosion and pollution avoidance measures</b>, will adequately avoid and mitigate these potential impacts.</p> <p><b>Trampling</b> of the adjacent coastal vegetation seaward of the hoarded construction site of Erf 222 &amp; temporary site camp area on Erf 210 (directly adjacent to Erf 222) – to be avoided by the <b>demarcation of the temporary setback line, as well as remnant vegetation in road reserve &amp; road loop island as NO-GO areas.</b></p>	
2.	Describe any <b>negative</b> environmental impacts that may occur if the request is <b>not</b> granted (e.g. Continued erosion).
Please explain:	
<p>No negative environmental impacts. Loss of a positive impact: The intended re-instatement of the transformed area of Erf 210 directly adjacent to Erf 222 (approved under the Encroachment Agreement) be <b>re-instated with locally occurring indigenous vegetation</b>. Species recommended include: <i>Gazania sp.</i>; <i>Myrica cordifolia</i>; <i>Metalasia muricata</i>; <i>Seepampoen (Arctotheca popillifolia)</i>; <i>Aloe arborescens</i> (behind the driveway).</p> <p>The multiple house building plan submissions, as well as the Encroachment Agreement and recently submitted Application to register a servitude, would be for nought.</p>	
3.	Describe any <b>positive</b> environmental impacts that may occur if the request is granted. Information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water, rehabilitation or coastal erosion protection measures must be included.

Please explain:			
<p>Upgrade of the existing road to a paved access – for use by the landowner of Erf 222.</p> <p>The Applicant’s intention to rehabilitate the portion of public open space adjacent to Erf 222.</p> <p>The designated public vehicle access and parking to the braai area further to south-east, will not obstructed by the proposed activities.</p>			
4.	Describe what investigations or assessments have been undertaken (if any) to inform this request.		
Please explain:			
<ul style="list-style-type: none"> <li>• <b>Desktop biodiversity assessment</b> (SANBI BGIS data &amp; CapeFarmMapper);</li> <li>• <b>Screen Tool;</b></li> <li>• <b>Site visit</b> to determine context, site condition/status/sensitivity, degree of disturbance/transformation etc.</li> <li>• <b>Consultation</b> with project planner, architect and engineer regarding scope and extent of works etc.</li> <li>• <b>Multiple consultations / Public Participation Processes</b> with surrounding landowners and relevant Stakeholders (CapeNature, Knysna Mun., Dept.Coastal Management etc.) as part of multiple public participation processes for Erf 222 – all of which included the proposal to formalise the existing access road as a driveway:             <ul style="list-style-type: none"> <li>- February 2016 – correspondence with neighbours as part of planning application for house plans and departures;</li> <li>- June 2017 Adhoc Setback Line Application;</li> <li>- July 2017 notification of adopted setback line;</li> <li>- Sept.2017 OSCAE Application;</li> <li>- February 2021 OSCAE Application.</li> </ul> </li> </ul>			
5.	Are there any existing local authority building setbacks lines, or other in place?	<b>Yes</b>	<b>No</b>
If yes, explain:			
<p>2m seaside building line on adjacent Erf 222 – adopted as a development setback line for the construction of the house on Erf 222.</p> <p>It is requested that the adhoc development setback lines on Erf 222 be extended across the target portion of Erf 210 (under the Encroachment Agreement) to contain the proposed temporary (construction site camp &amp; stockpile site) and permanent (maintenance of driveway &amp; rehabilitated area directly adjacent to Erf 222) activities in this area.</p>			
6.	<p>Clearly describe what line you propose for the Competent Authority to adopt as a setback line (This <b>MUST</b> be supported by a map, in both hard and soft copy (preferably 1:10 000 or larger) clearly showing the proposed line and proximity to the high-water mark of the sea/ watercourses as well as any lines in terms of the above. If a clear representation of this proposed line on a map is not provided, it will be requested as additional information.</p> <p>The initial adhoc setback line, as proposed in the Draft Application submitted to DEA&amp;DP in 2021 &amp; indicated as the dashed yellow line in <i>Figure 18</i> below, simply served as an extension of the existing setback line approved for Erf 222 (private erf).</p> <p>To avoid any undue damage to the remnant vegetation within the road loop above this line, it is recommended that the initial proposed adhoc setback line be better defined and allow for both temporary (during construction) and future maintenance activities (of the completed access driveway).</p> <p>It is therefore recommended that <b>a temporary setback line</b> (blue line) be defined to align along the extent of the existing Encroachment Agreement Area for the purposes of the establishment of the</p>		

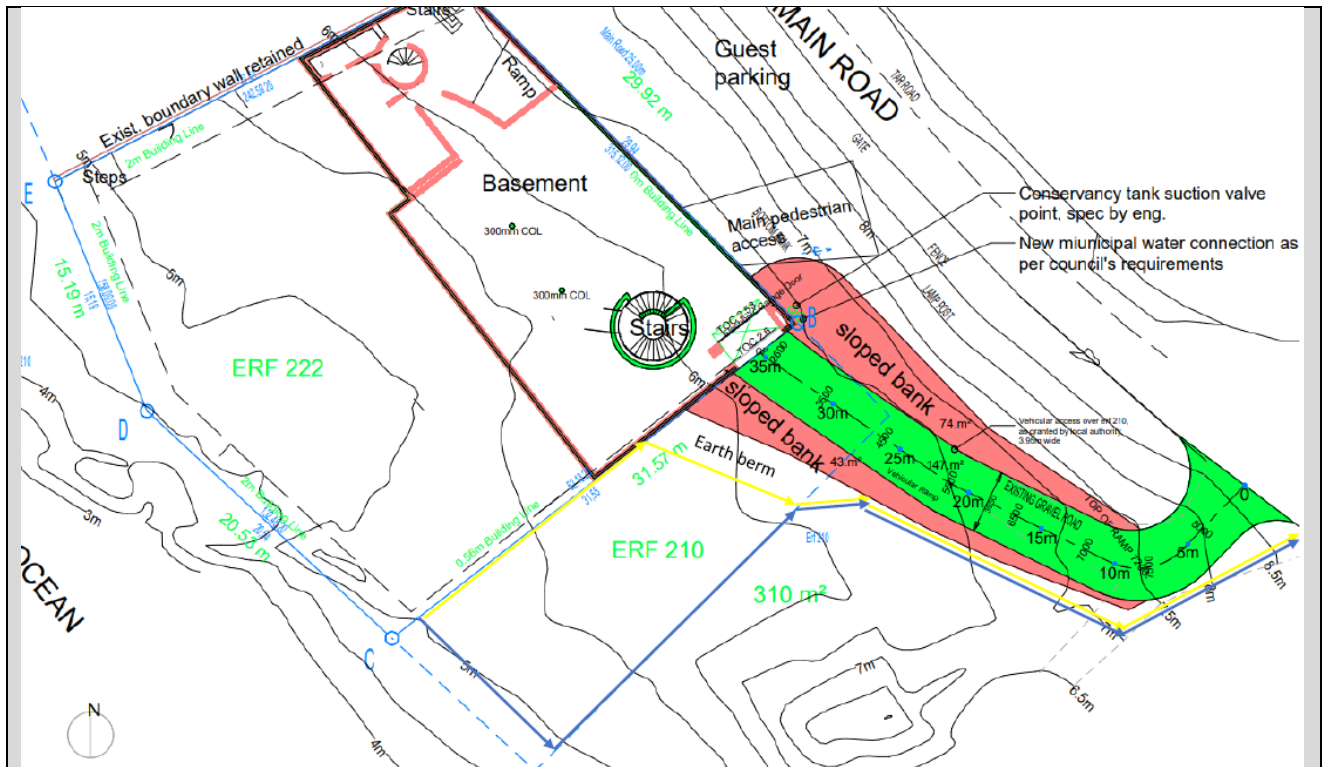
construction site camp and the associated stockpiling of materials etc. required during the construction of the house on Erf 222 and the access driveway).



**Figure 18:** Proposed setback line amended from dashed yellow line to temporary (blue) & permanent (yellow solid line).

A **permanent adhoc setback line** could then be aligned outside of the south-eastern boundary of Erf 222 and along the seaward side of the access driveway (yellow line) allowing sufficient space for the development and maintenance of the sloped embankments of the subsurface driveway ramp, as well as approx. 3m for the creation and maintenance of a vegetated earth berm along the top of the seaward embankment (to mitigate potential flooding risks associated with future sea surges).

The dashed blue line in *Figure 19* below indicates the extent of the existing Encroachment Agreement area. It is proposed that this line to used as a temporary adhoc setback line (solid blue line) for the purposes of establishing a construction site camp for the duration of the construction of the house on Erf 222 and the access driveway along the existing road on Erf 210. A permanent adhoc setback line (yellow line) could then be set for the operation and maintenance of the access driveway, and earth berm adjacent to it, into the future.



**Figure 19:** Proposed temporary (blue line) & permanent (yellow line) setback lines.

7. Explain how climate change concerns have been considered in the development of the property/ies.

Please explain:

It is recommended that a low earth berm be created along the top edge of the seaside excavated slope to the subsurface driveway, in order to limit inundation of sea surge / high wave events. This earth berm should form part of the Applicant's intended re-instatement / rehabilitation of this area with indigenous vegetation.

8. Explain what water-saving measures will be included in the development of the property/ies.

Please explain:

Road with no use water once completed. Efficient use / water saving measures must be in place for construction of the paving driveway (layer works) and initial watering of planted rehabilitation of excavation slopes and eastern boundary of Erf 222.



## SECTION H: DECLARATIONS

### 1. DECLARATION OF THE PROPONENT

**Note:** Duplicate this section where there is more than one proponent.

I **...Magdalena Roos...** ID number **...7212300068081...**, in my personal capacity ~~or duly authorised~~ ~~hereto~~ hereby declare/affirm that:

- the information provided or to be provided as part of this checklist, is true and correct;
- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, as defined in Chapter 5 of NEMA (as amended) and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA; and
- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
  - costs incurred for the appointment of the EAP or any person legitimately contracted by the EAP; and
  - costs in respect of specialists if any.

\_\_\_\_\_ 2022/02/10

Signature of the Proponent:

Date:

\_\_\_\_\_

Name of company (if applicable):

**2. DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

I **Mrs Siân Holder** EAPASA registration no...t.b.c..., as the appointed EAP hereby declare/affirm that:

- the information provided or to be provided as part of this checklist, is true and correct;
- I have disclosed/will disclose, to the Proponent, the specialist (if any) and the Competent Authority, all material information that have or may have the potential to influence the with respect to the proposed development;
- I have ensured/will ensure the inclusion of inputs and recommendations from any specialists in respect of the checklist, where relevant;
- I am aware that it is an offence in terms of Section 24F of the NEMA should the Proponent commence with a listed activity prior to obtaining confirmation of the definition/adoption of an *ad hoc* development setback line in terms of the NEMA EIA Regulations; and
- I am aware of my general duty of care in terms of Section 28 of the NEMA.



2022/02/10

Signature of the EAP:

Date:

Cape Environmental Assessment Practitioners (Cape EAPrac)

Name of company (if applicable):