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## PROPOSED L'AGULHAS ESTATE, CAPE AGULHAS

### Executive Summary

of the

Draft Scoping Report

Date:

02 November 2020

DEA&DP Reference:

16/3/3/6/7/1/E1/1/1293/17

Prepared for:

Lourens L'Agulhas (Pty) Ltd.

Prepared by:

Doug Jeffery Environmental Consultants (Pty) Ltd.

DJEC Ref. No: 2017/17

## EXECUTIVE SUMMARY

### INTRODUCTION

The intention is to develop an estate which consists of single residential erven, a retirement village, an hotel with some cluster housing lodges and private open spaces. The estate will have an Estate Centre which will be accessible to the public and will contain community gardens, a farmstall/restaurant facility and some storage areas.

The site consists of erven 678, 679 and 680, L'Agulhas. The site is situated in the southern extent of the Cape Agulhas Municipality within the Overberg District of the Western Cape and is located inside the urban edge of L'Agulhas. Suiderstrand is situated to the west of the site (1.8km), the coast to the south, the town of L'Agulhas to the south east and the site is bordered by the Agulhas National Park immediately to the north and west of the site.

Previously, the properties formed part of an Environmental Impact Assessment (EIA) for a proposed golf estate development. This development was approved, in terms of the Environmental Conservation Act, 1980 (Act No. 73 of 1980), in 2006. The Environmental Authorisation has since then lapsed. The property was then zoned to Subdivisional Area but the planning approval has also lapsed and the property is now zoned Agriculture. A new application to rezone the properties to Subdivisional Area is proposed.

Doug Jeffery Environmental Consultants has been appointed by Lourens L'Agulhas (Pty) Ltd, hereafter referred to as the Applicant, as the independent Environmental Assessment Practitioner (EAP), to facilitate the Scoping/Environmental Impact Assessment Process required in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended (NEMA) for this application.

### SITE DESCRIPTION

The site is situated between Suiderstrand and Cape Agulhas (see Figure A). The site falls within the Cape Agulhas Municipality jurisdiction and within the Agulhas Urban Edge.

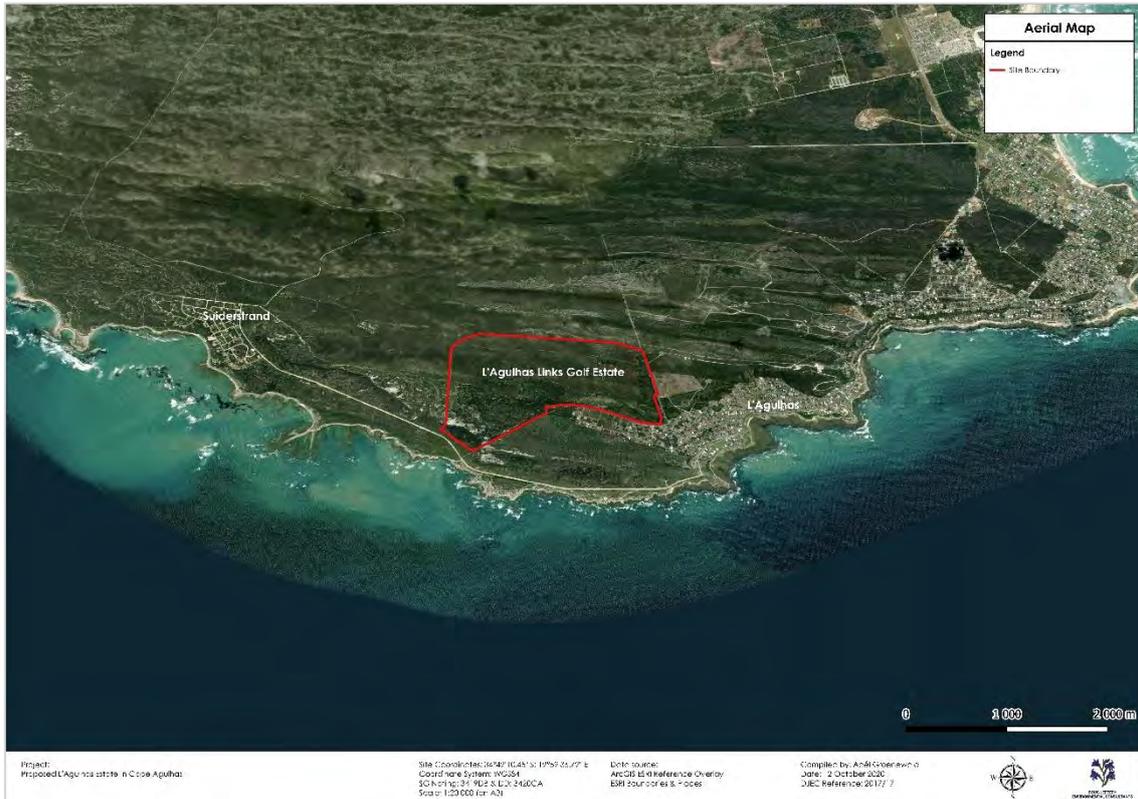


Figure A: Location of the Site.

The site is oriented in an east-west direction and lies predominantly in a valley behind the first series of ridges that run parallel to the coast. Abutting the site to the north, west and southwest is the Agulhas National Park and to the southeast is a residential portion of Cape Agulhas. Municipal land borders the site to the east. Approximately 5 km to the east of this residential portion is the town of Struisbaai. South of the site is the Atlantic Ocean and the Southernmost tip of Africa. The coastline is generally rugged with rocks of the Table Mountain Group outcropping at sea level.

The southwest corner of the site (Erf 678) spills over a mini escarpment down to the coastal level north of the Agulhas/Suiderstrand road. This area features a calcrete deposit. The section of the site along the northern boundary rises along a higher ridge, the apex of which is partly outside the site boundary.

The majority of the study area is currently undisturbed, apart from a 2ha quarry (subsequently a dumpsite) in the northeast and dense rooikrans (*Acacia cyclops*) invasions in the southwest and around the quarry. No natural wetlands are present on the property. Two main limestone ridges are present, with intervening broad sandy valleys and stabilized dunes.

Access to the site is proposed via the existing street system and specifically off School and Zoetendal Streets.

The study area is part of the Fynbos biome, located within what is now known as the Core Region of the Greater Cape Floristic Region. The vegetation on site is a mix of Overberg Dune Strandveld and Agulhas Limestone Fynbos.

Overberg Dune Strandveld is classified as a Least Threatened habitat on a national basis. Agulhas Limestone Fynbos is one of a number of species rich south coast Limestone Fynbos types. The vegetation unit is listed as Vulnerable on a national basis.

Woody alien invasive vegetation is present, but tends to be patchy, and is concentrated in areas where there has been previous soil disturbance (roads, quarries, etc) or where there were originally semi-mobile dune sands (southwestern sector). Large parts (about 60%) of the site do not have any woody alien invasive vegetation or have an alien cover of less than 5%.

At least 8 plant Species of Conservation Concern (SCC) have been confirmed from the study area, and there is a moderate likelihood that others may occur on site, especially as three further SCC were recorded less than 500m north of the study area.

## PROPOSAL

The applicable Zoning Scheme is the Cape Agulhas Integrated Zoning Scheme of 2014. The subject property previously had a Subdivisional Area zoning to allow for a golf estate development. This approval has since lapsed and the property is currently zoned as Agricultural Zone.

A new application will be submitted for a rezoning to Subdivisional Area to allow for an Eco Estate which will consist of Single Residential Erven (Lifestyle Erven and Executive Estate Erven), a Retirement Village, a Hotel Development with some Cluster Housing Lodges, Private Roads and Private Open Spaces. It will also have an Estate Centre, accessible to the public, which will include community gardens, a farmstall/restaurant facility and some storage areas to the back.

The different land uses and applicable zoning are indicated in the following table.

LAND USE	ZONING	NUMBER OF ERVEN	AREA	%
Executive Estates	Single Residential	14	2.7930 ha	1.37
Lifestyle Erven	Single Residential	157	15.0597 ha	7.41
Cluster Housing/Lodges	Single Residential	76	2.7360 ha	1.35
Retirement Village	Medium Density Residential	1 (300 units)	22.5623 ha	11.10
Hotel/Tourist Node	Special Zone	1 (90 rooms)	16.8011 ha	8.27
Estate Centre	Agriculture Zone	1	3.0427 ha	1.50
Engineering Services	Authority Use Zone	1	0.5000 ha	0.25
Open spaces	Open Space Zone		118.7100 ha	58.42
Streets/Roads	Street Zone		20.9919 ha	10.33
	<b>TOTAL</b>	<b>650</b>	<b>203.1967</b>	<b>100</b>

## ENVIRONMENTAL REQUIREMENTS

The National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, and the Environmental Impact Assessment Regulations (2014) as amended, govern the process of applying for environmental authorisation for certain developments. Lists of activities which require environmental authorisation are published in three listing notices (GNR 324, 325, and 327 of April 2017). Provision in the EIA Regulations, 2104 (as amended) is made for two forms of assessment: Basic Assessment and Scoping and EIA. The EIA regulations specify that:

- Activities identified in Listing Notice 1 (GNR 327 of 2017) requires Basic Assessment
- Activities identified in Listing Notice 2 (GNR 325 of 2017) are subject to a Scoping and EIA
- Activities identified in Listing Notice 3 (GNR 324 of 2017) requires Basic Assessment

Where activities have been identified in Listing Notice 2, Scoping and EIA must be undertaken. This application will follow a Scoping/EIA Process.

The listed activities associated with the proposed development are listed below.

### Listing Notice 1:

Activity 9: The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water –

- i. with an internal diameter of 0,36 metres or more; or
- ii. with a peak throughput of 120 litres per second or more;

excluding where-

- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or
- (b) where such development will occur within an urban area.

Activity 10: The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes -

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

excluding where –

- (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or
- (b) where such development will occur within an urban area.

The proposed stormwater pipes will be larger than 360mm in diameter and exceeding 1km in length and the site is not within an urban area.

Listing Notice 2:

Activity 15: The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

More than 20 ha of indigenous vegetation will be cleared for the proposed development.

Listing Notice 3:

Activity 4: The development of a road wider than 4 metres with a reserve less than 13,5 metres.

i. Western Cape

- i. Areas zoned for use as public open space or equivalent zoning;
- ii. Areas outside urban areas;
  - (aa) Areas containing indigenous vegetation;
  - (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
- iii. Inside urban areas:
  - (aa) Areas zoned for conservation use; or
  - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.

The new proposed roads will be wider than 4m and are located outside an urban area (within the urban edge) in an area containing natural vegetation.

Activity 6: The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.

i. Western Cape:

- i. Inside a protected area identified in terms of NEMPAA;
- ii. Outside urban areas;
  - (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or
  - (bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -

excluding the conversion of existing buildings where the development footprint will not be increased.

A component of the development is an hotel as well as other accommodation facilities (cluster housing/lodges). The site is located within 5km from the Agulhas National Park and other tourist landmarks (Lighthouse and Southernmost tip of Africa).

Since Activity 15 of Listing Notice 2 is triggered, a Scoping and EIA process will be followed.

## PUBLIC PARTICIPATION PROCESS

For this project, three public participation iterations are proposed. One iteration has already been completed (see item 1 below) prior to submission of the application for Environmental Authorisation. Two more public participation iterations are proposed after submission of the application to the Department.

Potential Interested and Affected Parties ("I&APs") and Organs of State were identified during the pre-application scoping PPP process and an I&AP register was opened. The register is being maintained and made available to any person requesting access to the register in writing. The PPP to be undertaken is described as follow.

### 1. Pre-Application PPP

The pre-application scoping phase has been completed. The pre-application Scoping Report was made available for a 30-day commenting period to potential I&APs, state departments and authorities from 18 June to 18 July 2019. The following was undertaken as part of the pre-application scoping phase:

- I&APs were identified throughout the process. Initial identification of I&APs included immediate landowners, ward councillor, Agulhas and Overberg Municipalities and relevant State Departments and Organs of State. Refer to the PPP Register included under Appendix R1 for the list of I&APs.
- Notification letters were posted to identified I&APs informing them of the proposal, the opportunity to comment and the availability of the pre-application Scoping Report. A copy of this letter and proof of postage/email is included as Appendix R2.
- Two large site notices were set up at along the Agulhas/Suiderstrand Road in the vicinity of the site as well as near the entrance to the site off Zoetendal Road. Appendix R3 includes a copy of the site notice, proof of the notice on site and a map showing the approximate locations of the notices.
- English and Afrikaans advertisements were placed in the Cape Times on 13 June 2019, Die Burger on 13 June 2019 and the Suidernuus on 14 June 2019 (Appendix R4).
- A copy of the Scoping Report was lodged at the Struisbaai Public Library and on our company website [www.dougjeff.co.za](http://www.dougjeff.co.za) (Appendix R2).
- Copies of the report were delivered to relevant State Departments and Organs of State. Their comment was requested in terms of 24O of NEMA. Refer to Appendix R2 for proof of report deliveries to the State Departments and Organs of State.

All comments received during this commenting period are included as Appendix R5 of this Report which will be circulated to registered I&APs, Organs of State and State Departments for a further 30-day commenting period in the statutory process.

A Comments and Response Report is included as Appendix R6 – this report summarises the comments received and each comment is responded to by the relevant team member.

### STATUTORY PPP

A public participation plan for the proposed development of the L'Agulhas Estate was submitted to the Department of Environmental Affairs and Development Planning ("DEA&DP") in terms of the DEA&DP Circular 0024-2020 and approved on 28 October 2020 (see Appendix R7). The public participation plan describes the methods followed and to be followed in terms of Section 41(2) of the EIA Regulations, 2014 (as amended) during the PPP.

## 1. Scoping Phase

After submission of the application for EA, the Draft Scoping Report (this report) will be circulated to identified potential and registered I&APs, Organs of State and State Departments for a 30-day commenting period.

To ensure that reasonable opportunity is provided for public participation during the current COVID-19 pandemic the following methods to give notice to potential and registered I&APs are proposed as part of this process:

- All identified potential and registered I&APs will be informed of the availability of the Draft Scoping Report for their comment by sending them notifications via email or post to those with email or postal addresses.
- Site notices will be placed along the Agulhas/Suiderstrand Road in the vicinity of the site as well as near the entrance to the site off Zoetendal Road.
- English and Afrikaans advertisements will be placed in the local newspaper, Suidernuus.
- A copy of the Draft Scoping Report will be made available on the Doug Jeffery Environmental Consultants company website, [www.dougjeff.co.za](http://www.dougjeff.co.za). The executive summary of the Draft Scoping Report will be made available as a separate downloadable option on the website.
- Copies of the report will be provided to relevant State Departments and Organs of State by sending them electronic copies via email. Due to COVID-19 pandemic protocols hard copies will only be provided on request.
- An open house meeting will be held to provide I&APs with an opportunity to engage with the project team. Due to COVID-19 pandemic protocols a limited number of people will be allowed into the venue at any given time. I&APs will be requested to book a timeslot to attend the open house meeting.

Any disadvantaged persons who wishes to comment and/or register as an I&AP who cannot use the methods provided will be assisted by the EAP. Reasonable alternative methods will be provided for, if required, **appropriate to the persons' disadvantage.**

All comments received during this commenting period will be included in the Final Scoping Report which will be submitted to DEA&DP for their consideration and decision-making process.

## 2. EIA Phase

- Registered I&APs will be informed of the availability of the Draft EIA Report for their comment by sending them notifications via email or post to those with email or postal addresses.
- A copy of the Draft EIA Report will be made available on the Doug Jeffery Environmental Consultants company website, [www.dougjeff.co.za](http://www.dougjeff.co.za). The executive summary of the Draft EIA Report will be made available as a separate downloadable option on the website.
- Copies of the report will be provided to relevant State Departments and Organs of State by sending them electronic copies via email. Due to COVID-19 pandemic protocols hard copies will only be provided on request.
- A 30-day commenting period will be allowed.

Any disadvantaged persons who wishes to comment as an I&AP who cannot use the methods provided will be assisted by the EAP. Reasonable alternative methods will be provided for, if required, **appropriate to the persons' disadvantage.**

All comments received during this commenting period will be included in the Final EIA Report which will be submitted to DEA&DP for their consideration and decision-making process.

## PLAN OF STUDY FOR EIA

### 1. Description of the Alternatives to be Considered and Assessed

The following alternatives have been considered in this Scoping Report and where relevant will be assessed during this Environmental Process:

- Preferred Layout Alternative (Alternative 4)
- No Go Alternative

Please refer to Section 8.4 and 8.5 of this report, where alternatives are discussed in detail.

### 2. Aspects to be Assessed

Potential impacts have been identified in this Scoping Report and have and will be assessed in the Impact Assessment Phase of this Environmental Process.

Please refer to Section 14 - 22 of this report where potential environmental impacts have been preliminary assessed.

The National Screening Tool was used to identify any environmental sensitive aspects on site. The Screening Report identified the following studies for the proposed site:

- Landscape/Visual Impact Assessment: A VIA is being conducted.
- Archaeological and Heritage Impact Assessment: An Archaeologist and Heritage Specialist were appointed. An Archaeological Baseline Assessment was done as well as a Heritage NID.
- Palaeontology Impact Assessment: A Palaeontology Study is being undertaken.
- Terrestrial Biodiversity Impact Assessment: A Botanical Impact Assessment and Faunal Impact Assessment is being done.
- Aquatic Biodiversity Impact Assessment: A Freshwater Screening Report was done.
- Avian Impact Assessment: The Faunal Impact Assessment investigated the avifauna on site.
- Socio- Economic impact Assessment: A Socio-Economic Impact Assessment is being undertaken.

#### 2.1. Aspects to be Assessed by Specialists

The following specialists will finalise their Assessment of Impacts in their respective disciplines:

- Vegetation – Nick Helme of Nick Helme Botanical Surveys
- Fauna – Simon Todd of 3Foxes Biodiversity Solutions
- Freshwater – James Dabrowski of Confluent Environmental
- Archaeology – Peter Nilssen
- Heritage – Cindy Postlethwayt
- Visual – Megan Anderson of Megan Anderson Landscape Architects (MALA)
- Fire – Riaan Fourie of Cape Peninsula Fire Protection Association
- Socio-Economic – Marcel Theron of Urban-Econ Development Economists
- Traffic – Johan Brink of ITS

Refer to Sections 14 - 22 of this report where the impact assessments are discussed in more detail.

## SPECIALIST STUDIES

The following specialist studies will be undertaken:

- Botanical Impact Assessment
- Faunal Impact Assessment
- Visual Impact Assessment
- Palaeontology Assessment

- Archaeological Constrains Study
- Socio-Economic Impact Assessment
- Fire Management Plan

In addition to the study above, the following study have been completed:

- Traffic Study
- Heritage NID

## CONCLUSION

This scoping exercise is currently being undertaken to present concept proposals to the public and potential I&APs and to identify environmental issues and concerns raised as a result of the proposed layout alternatives to date. This will allow I&APs, authorities, the project team, as well as specialists to provide input and raise issues and concerns, based on specialist studies undertaken. In addition, this Scoping Report summarises the process to date, reports on the findings of relevant studies.

The EAP is of the opinion that the information contained in this Scoping Report and the documentation attached hereto is sufficient to allow the general public and key stakeholders to apply their minds to the potential negative and/or positive impacts associated with the development, in respect of the activities applied for.

It should be noted that the appointed specialists have considered the environmental opportunities and constraints within their respective specialised fields of expertise. Based on these initial opportunities and constraints, the design team amended the site layout plan. In addition, visual exercises on site were undertaken to determine the visibility of certain plots from certain landmarks and roads has further led to the revision of the site layout plan. As such, the potential environmental impacts have to a large degree already been mitigated by planning the layout of the proposed development in terms of the constraints and opportunities of the property.